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February 21, 2012

**ENTERED**  
**Office of Proceedings**

FEB 22 2012

**Part of**  
**Public Record**

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

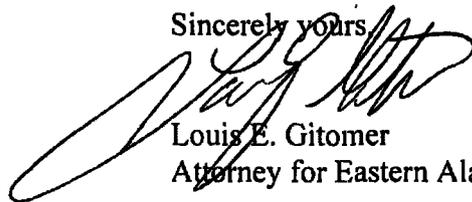
**RE: Finance Docket No. 35583, Eastern Alabama Railway LLC v. Utilities  
Board of the City of Sylacauga**

Dear Ms. Brown:

Earlier today, the Eastern Alabama Railway LLC ("EARLY") filed Rebuttal in the above-entitled proceeding. EARLY has discovered that it inadvertently omitted the last page of the Verified Statement of Larry Norquist. In addition, the verification of Mr. Larry Romaine was not included in the filing, but Mr. Romaine faxed his verification to the Board today because he was traveling today. EARLY has attached the last page of Mr. Norquist's verified statement and Mr. Raomaine's verification to ensure that the Board has a complete record. EARLY requests the Board accept the two attached pages.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer  
Attorney for Eastern Alabama Railway LLC

Enclosures

Cc: Parties of Record

LAST PAGE OF LARRY NORQUIST'S VERIFIED STATEMENT

Unlike the fiber optics line where the urgency of the situation was not brought to my attention until the issue was in court, with the pipe leak the urgency of the situation was clear.

Because of the safety concerns associated with the leaking pipe, I suspended all operations on the line until the road bed could be inspected and it could be determined that the track was safe. I had no intention of running anything over the track until I was assured by our maintenance of way contractor that the track was safe. Fortunately, we were able to determine the safety of the track before the next train service. Although EARY decided to take the line out of service, this decision was caused by the leak in the Utilities Board's pipe.

Each of these incidents has impeded rail service or made operations on the line less safe. While none of these events have taken place at the Hill Road crossing, I believe they are indicative of the Utilities Board's lack of concern for railroad operations and more importantly safety on the line.

After the initial construction, the pipe will need to be maintained. The Utilities Board's safety standards are lower than those of the EARY's and the Utilities Board has refused to comply with EARY's safety standards when they enter EARY property. I am afraid that the Utilities Board's lack of concern for safety will lead to a major incident on the line.

**VERIFICATION OF LARRY ROMAINE**

It has been my experience that most Utility applications are rejected the first time for failing to comply with the General Specifications. When an application is rejected, Engineering Services sends a letter to the Utility explaining why the application was rejected and explaining which General Specifications the Utility did not comply with. In every case, once the Utility has complied with the General Specifications, the application has been approved.

### VERIFICATION

I, Larry Romaine, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on February 21, 2012.



Larry Romaine