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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

September 14, 2012

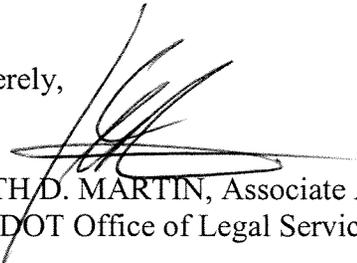
The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW, Room #100
Washington, DC 20423-0001

Re: Genesee & Wyoming, Inc. – Control – RailAmerica, Inc., et al.
STB Finance Docket No. 35654

Dear Ms. Brown:

Enclosed for filing in the above matter are the original and 10 copies of the NYS Department of Transportation's (NYSDOT) "Notice of Intent to Participate," including a certificate of service showing that NYSDOT is serving copies of this filing upon all persons specified in the Board's September 5, 2012 decision.

Sincerely,


KEITH D. MARTIN, Associate Attorney
NYSDOT Office of Legal Services

KDM/jm
Enclosure

cc: Service List
R. Hessinger, Director of Freight and Passenger Rail Bureau, NYSDOT

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

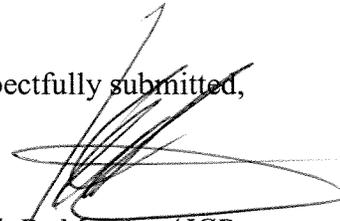
FINANCE DOCKET NO. 35654

**GENESEE & WYOMING, INC.
-CONTROL-
RAIL AMERICA, INC., ET AL.**

NOTICE OF INTENT TO PARTICIPATE

In accordance with the Board's decision served on September 5, 2012 in the above-captioned matter, the NYS Department of Transportation's (NYSDOT) hereby provides notice of its intention to participate in this proceeding. Please add my name and address to the service list as the party of record representing NYSDOT.

Respectfully submitted,



Keith D. Martin, AICP

Associate Attorney

NYSDOT Office of Counsel, 6th Floor

50 Wolf Road, Albany, NY 12232

Receptionist/Secretary Phone: 518.457.2411

Facsimile: 518.457.4021

E-mail: keith.martin@dot.ny.gov

Dated: September 14, 2012

CERTIFICATE OF SERVICE

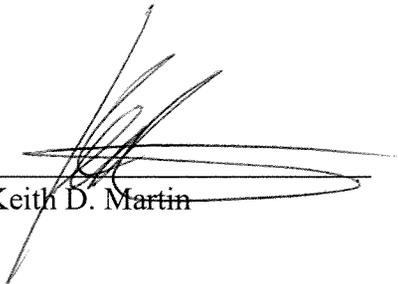
I hereby certify that on September 14, 2012 I served the foregoing Notice of Intent to Participate by first-class mail, postage prepaid, on the following:

Secretary of Transportation
1200 New Jersey Avenue, S. E.
Washington, DC 20590

Attorney General of the United States
c/o Assistant Attorney General
Antitrust Division
Room 3109
Department of Justice
Washington, DC 20530

Terence M. Hynes, Esq.
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Keith D. Martin