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November 6, 2013

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Ms. Cynthia T. Brown, Chief  
Section of Administration  
Surface Transportation Board  
395 E Street S.W.  
Washington, D.C. 20423-0001

Re: *STB Docket No. AB-1110; Lackawaxen-Honesdale Shipper Association; Stourbridge Railroad Company and Delaware Lackawaxen & Stourbridge Railroad Company- Adverse Discontinuance of Operating Authority. Morristown & Erie Railway Inc. d/b/a Stourbridge Railway for MP 0.0 at Lackawaxen PA to MP 24.80 at Honesdale, PA- Request for Mediation*

Our File No. 6453-13357

Dear Ms. Brown:

This firm represents Morristown and Erie Railway, Inc. as General Counsel and in the above-captioned matter which was recently filed on behalf of the Lackawaxen-Honesdale Shipper Association ("LHSA"), Stourbridge Railroad Company and Delaware Lackawaxen and Stourbridge Railroad Company.

In reviewing the reply to M&E's Request for Arbitration or Dismissal filed by the petitioners, it should be noted that they do not deny that there has been no traffic on the line for more than two years nor have they ever asked the Morristown & Erie to provide service for any particular movement or proposed movement of freight. They have described this as a "service failing" though in order to fail to provide service, there must at least be a request for service formally made to the carrier.

In response to the filings of the petitioners, M&E has made it clear to the petitioners that it is ready, willing and able to provide service on the line when contacted by a shipper or connecting carrier. In fact, in the last two weeks, a connecting carrier indicated that it had an inquiry to move a high and wide load to Hawley on the

Stourbridge Line and that carrier indicated that it would interchange the movement to M&E at Lackawaxen. M&E told the connecting carrier it would handle the move. M&E has a locomotive stored on the Stourbridge line and has indicated that it would insure that the line was safe and ready to be operated as soon as it received further information regarding the billing of the move.

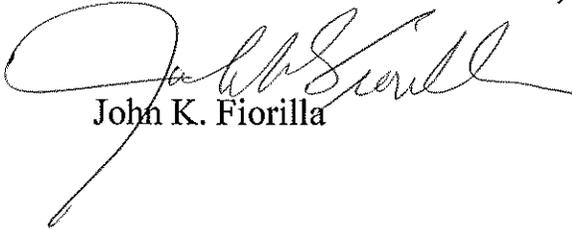
The petitioners have refused to discuss M&E's availability to serve the line though M&E would gladly discuss these issues with them. Instead, it has invoked the Board's authority to discontinue M&E's operating authority without such discussions.

The Board has made it clear that parties with disputes should at least talk to each other before adding to the Board's already crowded calendar. The Board has formally done this at 49 CFR 1109.4 in regards to rate cases.

M&E requests that before the Board sets formal dates for this proceeding that it have the parties come to the Board for discussions between themselves as to how these issues can be resolved. They should include representatives of all three petitioners as well as M&E.

Sincerely,

CAPEHART & SCATCHARD, P.A.



John K. Fiorilla

JKF:cae

cc: Mr. Wesley Weis  
Richard R. Wilson, Esq.

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