

# *Aiken Railway Company, LLC*

4840 Forest Drive, Suite 6B, PMB-295, Columbia, South Carolina 29206 - 4810

December 19, 2012

**VIA ELECTRONIC FILING**

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

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ENTERED  
Office of Proceedings  
December 18, 2012  
Part of  
Public Record

Re: Finance Docket No. 35665, Aiken Railway Company, LLC – Lease and Operation Exemption – Rail Line of Norfolk Southern Corporation in Aiken County, South Carolina

Dear Ms. Brown:

I am writing on behalf of Aiken Railway Company, LLC (“AIKR”) to provide additional comment regarding the lease agreement between Aiken and Norfolk Southern Railway Company (“NSR”), for which AIKR filed a Notice of Exemption on October 31, 2012. The Notice of Exemption became effective on November 30, 2012, and AIKR began operations on the line on December 5, 2012. AIKR previously filed a copy of the lease, under seal, at the time it filed the notice of exemption, but NSR brought it to our attention that we had inadvertently omitted a discussion of the lease credit arrangement, described in the lease, in response to 49 CFR 1150.33(h).

Although we do not view our lease credit arrangement as an interchange commitment because we are not prohibited from interchanging cars with any other carrier and NSR is the only carrier with which AIKR connects, we understand that this disclosure has been provided by other Shortlines in similar situations. Pursuant thereto, please be advised that the lease agreement between NSR and AIKR contains a provision in subsection 12(a)ii that will enable AIKR to reduce its lease payments by receiving credit for each car interchanged to or from NSR. The credit will afford AIKR the opportunity to invest in improvements on the Line in order to increase traffic levels.

If you have any questions, please contact the undersigned counsel.

Sincerely,



J. Marshall Lawson  
Counsel for  
Aiken Railway Company, LLC

Cc: Maqui Parkerson, Esq., Norfolk Southern Corporation