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093868-0101

October 16, 2008

Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

Subject: Finance Docket No. 35133 – Milwaukee Industrial Trade Center, LLC, d.b.a.  
Milwaukee Terminal Railway-Acquisition and Operation Exemption-Private  
Trackage at Milwaukee, WI

Dear Acting Secretary Quinlan:

Enclosed for filing in the above identified application are the Petition of The  
Redevelopment Authority of The City of Milwaukee for Leave to File a Reply to a Reply and  
Reply of The Redevelopment Authority of The City of Milwaukee to Reply by MITC in  
Opposition to Petition to Revoke.

Sincerely yours,



Robert P. vom Eigen

RVE:dmo

Encls:

cc: Thomas F. McFarland (w/Reply - electronic)  
Thomas O. Gartner (w/Reply - electronic)  
Gregg C. Hagopian (w/Reply - electronic)

**Before the  
SURFACE TRANSPORTATION BOARD  
Washington, D.C.**

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**Finance Docket No. 35133**

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**Milwaukee Industrial Trade Center, LLC, d.b.a. Milwaukee Terminal Railway—  
Acquisition and Operation Exemption—Private Trackage at Milwaukee, WI**

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**PETITION OF  
THE REDEVELOPMENT AUTHORITY OF THE CITY OF MILWAUKEE  
FOR LEAVE TO REPLY TO MITC REPLY IN OPPOSITION TO PETITION TO  
REVOKE**

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The Redevelopment Authority of the City of Milwaukee (“RACM”) files this petition for leave to file a Reply in response to the Reply by the Milwaukee Industrial Trade Center (“MITC”) in Opposition to RACM’s Petition to Revoke MITC’s Exemption.

While RACM is aware of the STB’s regulation prohibiting the submission of a reply to a reply at 49 C.F.R. § 1104.13(c), RACM understands that the Board has discretion to accept such a pleading where it contains material that adds to the Board’s understanding of the issues.<sup>1</sup> The attached Reply of RACM to MITC’s Reply in Opposition to RACM’s Petition to Revoke responds to issues raised by MITC’s Reply that are not addressed in RACM’s Petition to Revoke such as MITC’s assertion that its filing promotes the rail transportation policy of 49 U.S.C. § 10101. In addition, RACM’s Reply provides further detail into the false and misleading nature of MITC’s exemption. RACM’s attached Reply also rebuts inaccuracies contained in MITC’s

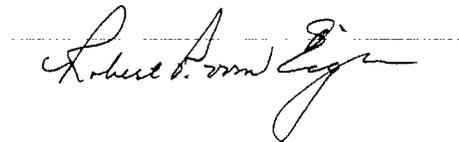
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<sup>1</sup> See, e.g., *Jefferson Terminal Railroad Company—Acquisition and Operation Exemption—Crown Enterprises, Inc.*, STB Finance Docket No. 33950, Mar. 15, 2001, at p. 3.

Reply in Opposition to RACM's Petition to Revoke. Accordingly, the Board's acceptance of RACM's Reply is appropriate.

For the foregoing reasons, RACM respectfully requests that its Petition for Leave to File a Reply in response to the Reply by MITC in Opposition to RACM's Petition to Revoke MITC's Exemption be granted, and that RACM's Reply be considered by the Board in this proceeding.

Respectfully submitted,



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Robert P. vom Eigen

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Dated and filed this 16th day of October, 2008