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VIA ELECTRONIC FILING

Hon Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

January 7, 2009

Re Winamac Southern Railway Company –
Trackage Rights Exemption – AR Line, Inc (now TPW)
STB Finance Docket No 35208

Dear Secretary Quinlan

This proceeding involves trackage rights that were granted to Winamac Southern Railway Company (“WSRY”) by written agreement in 1995. The trackage rights were granted at the same time that WSRy sold a line of railroad and the Logansport Yard to AR Line, Inc (now Toledo, Peoria and Western Railway Corporation (“TPW”)). WSRy retained the trackage rights in order to connect the Bringhurst-Logansport Line and the Kokomo-Logansport Line, both of which WSRy continued to own, across the line that was being sold to AR Line, Inc. See WSRy Verified Notice of Exemption, STB Finance Docket No 35208 (filed December 11, 2008). The trackage rights are necessary for the efficient operation of the WSRy lines, and efficient service to WSRy’s customers.

In recent years, the WSRy lines were operated by TPW affiliate Central Railroad Company of Indianapolis (“CERA”), and CERA handled traffic between the WSRy lines across Logansport Yard. Now that CERA’s agency agreement to operate the WSRy lines has been terminated, TPW has filed a petition to stay the effectiveness of the trackage rights filing in an apparent attempt to frustrate future operations of the WSRy lines, or to obtain more beneficial terms.¹

U S RAIL Corporation (“US Rail”) is an interested party in this proceeding because it has filed to lease the WSRy lines and to be assigned the trackage rights that are at issue. See *US RAIL Corporation – Lease and Operation Exemption - Winamac Southern Railway Company and Kokomo Grain Co , Inc* , STB Finance Docket No 35025 (served December 31, 2008).

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¹ Logansport & Eel River Short Line-Co , Inc also filed a petition for a stay, although the grounds for its petition are not clear.

Hon Anne K. Quinlan
Page 2

January 7, 2009

US Rail joins in and adopts the arguments set forth in the WSRV Reply in Opposition to Petitions for Stay, and requests that the Board deny the petitions for stay, and allow the trackage rights exemption to become effective as scheduled

Respectfully,



Eric M Hocky
Attorney for
U S RAIL Corporation

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cc (by email)

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cc (by U S first class mail)

Logansport & Ecl River Short-Line Co , Inc