

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

January 9, 2009

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

RE: Finance Docket No. 35212, *Kyle Railroad Company—Acquisition
and Operation Exemption—Mid-States Port Authority*

Dear Acting Secretary Quinlan:

Kyle Railroad Company (“Kyle”) hereby certifies that on January 9, 2009, Kyle posted the attached Notice at the workplace of the employees on the rail line that is the subject of this transaction and on January 9, 2009 Kyle served a copy of the Notice on the national offices of all labor unions with employees on the affected line.

This certification is being efiled. If you have any questions, please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

January 9, 2009

United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107-4250

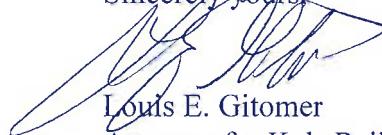
RE: Finance Docket No. 35212, *Kyle Railroad Company—Acquisition
and Operation Exemption—Mid-States Port Authority*

Gentlemen:

Pursuant to 49 C.F.R. §1150.42(e), Kyle Railroad Company is serving on you a notice of its intent to undertake the proposed transaction.

If you have any questions, please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure

NOTICE

Pursuant to Surface Transportation Board (the “Board”) regulations at 49 C.F.R. § 1150.42(e), Kyle Railroad Company (“Kyle”) hereby provides notice to the employees of Kyle that Kyle will acquire and operate from Mid-States Port Authority (“MSPA”) about 351.50 miles of railroad between Limon, CO, milepost 531.00, and Belleville, KS, milepost 189.40, between Belleville, milepost 189.40, and Munden, milepost 182.00, and between Belleville, milepost 226.25, and east of Belleville, milepost 223.75 (the “Line”). Kyle intends to file a notice of exemption with the Board on January 12, 2009 in Finance Docket No. 35212, *Kyle Railroad Company—Acquisition and Operation Exemption—Mid-States Port Authority Company*, which will become effective on March 10, 2009. However, Kyle does not intend to close the transaction until June 1, 2009.

As a result of the acquisition of the Line, Kyle will not make any changes in the number of employees working on the Line, compensation of employees, or fringe benefits of its employees after it acquires the Line. Kyle has operated the Line for almost 24 years and is acquiring the Line as a result of exercising its option to acquire the Line.

This notice is being posted in accordance with the requirements of 49 C.F.R. § 1150.42(e) which requires the posting of a notice of intent to undertake a proposed transaction under 49 U.S.C. § 10902 that will result in projected annual revenues in excess of \$5 million at the workplace of the employees of the affected railroad line(s) at least 60 days before the notice of exemption relating to the proposed transaction becomes effective. A copy of this notice is being served by overnight delivery on the national offices of the labor unions with employees on the affected railroad line(s). Kyle is concurrently certifying to the Board that it has served and posted this notice.