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SOUTH BEND, INDIANA 46601-1830



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CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

## DEPARTMENT OF LAW

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June 21, 2006

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CHIEF ASSISTANT CITY ATTORNEY

Surface Transportation Board  
Office of the Secretary  
Case Control Branch  
1925 K Street N.W.  
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34893

Dear Sirs/Madams:

Please allow this letter to serve as an official Petition on behalf of the City of South Bend, Indiana to revoke the Exemption filed by The Chicago, Lake Shore and South Bend Railway Company on June 14, 2006.

The substance of this particular Petition pursuant to 49 U.S.C. 10502 (d) is the false and misleading information provided by the Chicago, Lake Shore and South Bend Railway Company. Specifically, on Page 3 of the Notice and on Exhibit C attached to the Notice, The railroad refers to "Notre Dame University." No such University exists. Further, it makes reference to "Notre Dame University in the City of South Bend." While "Notre Dame University" does not exist, The University of Notre Dame does not lie within the territorial boundaries of The City of South Bend as alleged in the Railway's Filings.

The Railway further terms the subject spur line as an "active" line although the same has been inactive for at least ten (10) years. Track has been ripped out across intersecting roads with rails and ties missing. Fences have been built and constructed across the line in various places including the railroad bridge over the St. Joseph River. The line has become overgrown and buried by vegetation throughout the spur. The line has been paved over at numerous locations within South Bend. It is in no way "active". A train could not go from the Norfolk Southern Tracks to the end of this spur. This line is not "active" in the true sense of the word and any use of the same is misleading.

Because of these false and misleading statements contained in The Exemption Application as Filed by The Chicago, Lake Shore and South Bend Railway Company on June 14, 2006 and amended on June 19, 2006 should be denied.

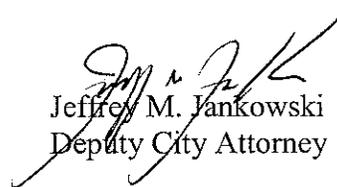
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JEFFREY M. JANKOWSKI      SHAWN E. PETERSON      JEFFREY L. SANFORD      JOHN E. BRODEN

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Should you have any questions, please do not hesitate to contact me.

Sincerely,



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Deputy City Attorney

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