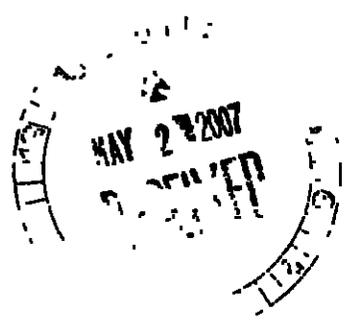


219227

LAW OFFICES  
FRITZ R. KAHN, P.C.  
EIGHTH FLOOR  
1920 N STREET NW  
WASHINGTON DC 20036-1801

(202) 204-1152  
FAX (202) 331-8330  
e-mail: [rickg@worldnet.att.net](mailto:rickg@worldnet.att.net)

ORIGINAL



May 2, 2007

VIA HAND DELIVERY - RETURN COPY

Hon Vernon A Williams  
Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings  
MAY 02 2007  
Part of  
Public Record

Dear Secretary Williams:

Enclosed for filing in STB Docket No. AB 1001X, Chillicothe-Brunswick Maintenance Authority - Discontinuance Exemption In Livingston, Linn and Chariton Counties, MO, are the original and ten copies of the Reply of John Rupp, Jr., et al

An additional copy of this letter and of the Reply are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

Sincerely yours,

  
Fritz R. Kahn

enc.  
cc: Charles H. Montange, Esq  
Daniel A. LaKemper, Esq.

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

ORIGINAL

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STB Docket No. AB-1001X

CHILLCOTHE-BRUNSWICK RAIL MAINTENANCE AUTHORITY  
DISCONTINUANCE EXEMPTION-  
IN LIVINGSTON, LINN AND CHARITON COUNTIES, MO



ENTERED  
Office of Proceedings

MAY 02 2007

Part of  
Public Record

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REPLY  
OF

JOHN RUPP, JR., STEVE WAITS, JIM DAUGHERTY,  
JOHN FOSTER, KEVIN FOSTER, WAYNE FOSTER,  
R & H SANDERS FARMS, INC., LEONARD T. STEPHENS,  
STEVE WINKEY, JIM WAITS, MARY KENNEDY AND GERALD SOWERS

Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8<sup>th</sup> fl.)  
Washington, DC 20036-1601  
Tel.: (202) 263-4152

Attorney for

JOHN RUPP, JR., et al.

Dated: May 2, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.



STB Docket No AB-1001X

CHILICOTHE-BRUNSWICK RAIL MAINTENANCE AUTHORITY  
-DISCONTINUANCE EXEMPTION-  
IN LIVINGSTON, LINN AND CHARITON COUNTIES, MO

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STEVE WINKEY, JIM WAITS, MARY KENNEY AND GERALD SOWERS

John Rupp, Jr., and Steve Waits of Chillicothe, MO, Jim Daugherty, John Foster, Kevin Foster and Wayne Foster of Sumner, MO, R & H Sanders Farms, Inc., and Leonard Stephens of Triplett, MO, Steve Winkey of Arlington, IA, Jim Waits of Maxville, MO, Mary Kenney of Roland Park, KS, and Gerald Sowers of Brunswick, MO,<sup>1</sup> pursuant to 1104.13(a), reply to the Motion to Compel of Vandalia Railroad Company ("VRRRC"), filed April 30, 2007, as follows:

At page 4 of its Motion to Compel, VRRRC seeks "leave to respond to arguments made by John Rupp, Jr., et al." in their Reply, filed March 29, 2007. VRRRC's request should be denied. The Board's rule, 49 C.F.R. 1104.13(c), explicitly states, "A reply to a reply is not permitted"

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<sup>1</sup> The Petition of John Rupp, Jr., et al., for leave to intervene in this proceeding, filed March 20, 2007, is pending.

See, STB Finance Docket No 34319, Consolidated Rail Corporation–Declaratory Order Proceeding, served October 10, 2003; STB Finance Docket No. 33905, Lackawanna County Railroad Authority–Acquisition Exemption–F&L Realty, Inc., served October 22, 2001, STB Docket No WCC-102, Ocean Logistics Management, Inc v. NPR, Inc , and Hold Cargo Systems, Inc., served January 14, 2000.

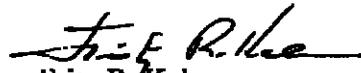
To be sure, the Board at times has permitted the filing of a reply to a reply where it is necessary to develop an adequate record, and no prejudice is shown. See, STB Finance Docket No. 34425, City of Lincoln–Petition for Declaratory Order, served December 8, 2003; STB Finance Docket No 34048, Reading Blue Mountain and Northern Railroad Company–Lease and Operation Exemption –Norfolk Southern Railway Company and Pennsylvania Lines, LLC, served August 1, 2001, Finance Docket No 32158, Gateway Western Ry Co. Construction Exemption St. Claire County, Ill., served May 4, 1993 Here, however, VRRRC offers no reason why the Board should entertain its reply to the Reply of John Rupp, Jr., et al. It most assuredly does not indicate that, if granted leave, it will submit anything that is necessary to develop an adequate record or that will not be prejudicial

WHEREFORE, John Rupp, Jr. et al. ask that the request of Vandalia Railroad Company to file a reply to their Reply be denied.

Respectfully submitted,

JOHN RUPP, JR., et al.

By their attorney,



Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8<sup>th</sup> fl )  
Washington, DC 20036-1601  
Tel (202) 263-4152

Dated: May 2, 2007

#### CERTIFICATE OF SERVICE.

I certify that I this day have served copies of the foregoing Reply upon the parties by faxing and mailing, by first-class prepaid mail, copies to their lawyers, Charles H. Montange, Esq., and Daniel A. LaKemper, Esq.

Dated at Washington, DC, this 2<sup>nd</sup> day of May 2007.



Fritz R. Kahn