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June 14, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW, Suite 101
Washington, DC 20423-0001

Re: Finance Docket No. 35110 -*Florida DOT-Acquisition Exemption-Line of CSX Transportation*

Dear Ms. Brown:

This letter is the response of the Brotherhood of Railroad Signalmen ("BRS") to a letter dated June 11, 2010 submitted by the Florida Department of Transportation ("FDOT") in the above-referenced case.

Having submitted three substantive filings in this proceeding, FDOT opposes the second filing by the BRS which was a Second Declaration of BRS General Chairman R.G. Demott that only responded to certain factual assertions made by FDOT in FDOT's third filing. There is no valid basis for FDOT's objection, and BRS should be granted leave to file the Second Demott Declaration.

FDOT argues that a reply to a reply is normally prohibited by the Board's rules. But FDOT filed a reply to BRS' reply and BRS is merely responding to factual assertions put forth by FDOT for the first time in its reply to the BRS reply. Not only is there no "rules" basis for FDOT to object to BRS' filing since FDOT filed a reply to BRS' reply, the Second Demott declaration is not even a reply. BRS did not respond to legal arguments advanced by FDOT, it only submitted a declaration to answer allegations of fact that it could not have responded to previously because they were first asserted in the FDOT reply. While FDOT may call BRS's filing a surreply, it is not; and calling it that does not make it one. In any event, having made three substantive filings in this case, it is unseemly for FDOT to oppose BRS's filing; more importantly, there certainly is no "rules" basis for the objection.

BRS also notes that FDOT could have supplemented the record regarding matters set forth in FDOT's reply (such as agreements signed by other organizations and issues before the State legislature in the December 2009 Special Session) when FDOT filed its March 31, 2010 request for reactivation of the Board's proceedings which included revised agreements between FDOT and CSXT. But FDOT did not do so; instead it addressed those matters in its reply. BRS had no opportunity to respond to FDOT's allegations in the Union's opposition to the motion to dismiss; the only way for BRS to respond was to file the Second Demott declaration after the allegations were asserted in FDOT's reply. FDOT seeks to toss disputed facts into the record and then foreclose BRS from responding to those factual allegations; such a result would be unreasonable, inequitable and prejudicial to BRS.

FDOT also contends that the facts set forth in the Second Demott Declaration are irrelevant to the issues in this case. But BRS was only responding to allegations made by FDOT in its reply. If FDOT had not put those allegations before the Board, then BRS would not have responded. FDOT cannot present allegations of fact to the Board and then claim that a declaration responding to those allegations involves irrelevant information. Since FDOT entered certain allegations of fact into the record, BRS should have the right to a complete record by being allowed to respond to those allegations. In particular, BRS certainly should have the right to respond to FDOT's assertion of facts that FDOT contends cast doubt on the legitimacy of BRS' interests in this proceeding and that are relied-on by FDOT in suggesting that BRS' opposition to the motion to dismiss is somehow improper.

FDOT has also claimed that there is something inherently inappropriate about the Second Demott Declaration because it is longer than the text in the reply to which the declaration responds (FDOT conveniently ignores the attachments to the reply). However, it is often the case that it takes more time to refute misinformation or supplement incomplete information than it does to assert misinformation or incomplete information.

BRS therefore submits that FDOT's objection to BRS' motion to supplement the record with the Second Demott Declaration is without merit, and that BRS' motion to supplement the record should be granted.

FDOT's June 11 letter also asked the Board to proceed quickly to a decision on FDOT's motion to dismiss. BRS does not object to that request.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Edelman', with a long horizontal flourish extending to the right.

Richard S. Edelman

cc: Thomas J/ Litwiler
George W. Mayo
Jared I. Roberts

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served copies of the foregoing letter by First Class Mail, to the offices of the following:

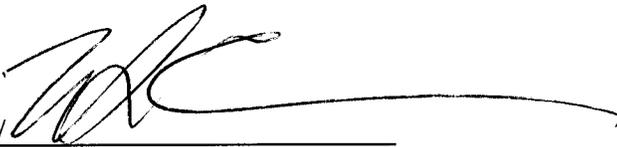
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June 14, 2010


/s/

Richard S. Edelman