

TOWN OF POSEYVILLE

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November 17, 2010

By overnight mail

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

William A. Mullins, Esq.
Robert A. Wimbish, Esq.
Baker & Miller PLLC
2401 Pennsylvania Avenue, N.W.
Suite 300
Washington, DC 20037

Re: STB Docket No. AB-1065X, *Indiana Southwestern Railway Co. -- Abandonment Exemption -- in Posey and Vanderburgh Counties, IN*

Dear Ms. Brown and Messrs. Mullins and Wimbish:

Pursuant to 49 C.F.R. 1152.27(c)(2)(i) and the Board's Notice in this proceeding served on November 12, 2010, the TOWN OF POSEYVILLE, INDIANA (the Town) hereby provides a FORMAL EXPRESSION OF ITS INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE to purchase the entire 17.2-mile rail line proposed for abandonment.

By virtue of filing this Formal Expression of Intent, the Town is a party considering an offer of financial assistance to continue existing rail service within the meaning of 49 C.F.R. 1152.27(a). Accordingly, INDIANA SOUTHWESTERN RAILWAY CO. (ISW) is hereby requested to provide to the Town and to the Board, in compliance with 49 C.F.R. 1152.27(a)(1)(ii), (2), and (3), the following:

- (1) ISW's estimate of the minimum purchase price of the rail line; and
- (2) ISW's most recent reports on the physical condition of the rail line; and
- (3) ISW's estimate of the net liquidation value of the rail line, with supporting data reflecting available real estate appraisals, assessments of the quality and quantity of track materials in the rail line, and removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use).

To the extent that ISW's estimate of net liquidation value includes real estate in the rail line right-of-way, ISW is requested to provide evidence of its marketable fee title to any such real estate.

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By virtue of 49 C.F.R. 1152.27(c)(2)(i), the filing of this Formal Expression of Intent has the effect of staying the effective date of the notice of exemption under the class exemption for 40 days (until December 24, 2010). ISW is hereby requested to estimate the date on which it will furnish the information and documentation required by 49 C.F.R. 1152.27(a)(1)(ii), (2), and (3). If that date is less than 10 days before the extended effective date of the notice of exemption, the Town will seek a further extension of that effective date, such that upon receipt of all of such information and documentation the Town will have at least 10 days prior to the effective date of the notice of exemption within which to file its Offer of Financial Assistance.

Very truly yours,



William H. Bender
TOWN OF POSEYVILLE ATTORNEY