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March 22, 2010

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

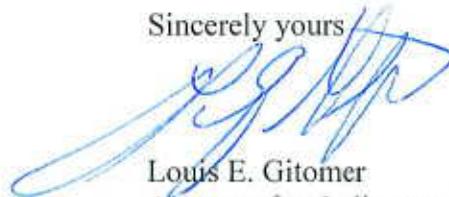
RE: Docket No. 42117, *Cargill, Inc., et al. v. Aberdeen and Rockfish Railroad Company, et al.*

Dear Ms. Brown:

Enclosed for e-filing is the Response of the Indiana and Ohio Railway Company to the Motion to Stay Proceedings Against Class II and III Rail Carriers filed by Cargill, Inc., et al. in the above-entitled proceeding.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: Indiana and Ohio Railway
Company

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42117

CARGILL, INC., et al.
v.
ABERDEEN AND ROCKFISH RAILROAD COMPANY, et al.

RESPONSE OF INDIANA AND OHIO RAILWAY COMPANY TO MOTION TO STAY
PROCEEDINGS AGAINST CLASS II AND III RAIL CARRIERS BY CARGILL, INC., ET
AL.

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Attorneys for: INDIANA AND OHIO RAILWAY
COMPANY

Dated: March 22, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42117

CARGILL, INC., et al.
v.
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PROCEEDINGS AGAINST CLASS II AND III RAIL CARRIERS BY CARGILL, INC., ET
AL.

Indiana and Ohio Railway Company (“IORY”), a Class III railroad, responds to the Motion to Stay Proceedings Against Class II and III Rail Carriers filed on March 16, 2010 (the “Motion”) by Cargill, Inc., E.I. du Pont de Nemours and Company, Exxon Mobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., Reagent Chemical and Research, Inc., and Taminco Methylamines, Inc. (“Complainants”). IORY has also reviewed the AAR Defendants’ Reply filed on March 17, 2010.¹

IORY agrees with the concept of limiting the burden and cost of the above-entitled proceeding on itself and on similarly situated Class II and III rail carriers. At the same time, if the Motion were to be granted, it only relieves IORY from participating in the proceeding and from being subject to monetary reparations that might result from a settlement. Under the provisions proposed by the Motion, IORY would not be relieved from any costs imposed by a decision of the Surface Transportation Board (the “Board”), including the payment of monetary reparations.

¹ IORY adopts the definition of “AAR Defendants” used in the March 17 Reply.

IORY has not violated Freight Tariff RIC 6007, Item 187 and Item 190. Nor has IORY violated the provisions of *Investigation of Tank Car Systems*, 3 I.C.C.2d 196 (1986). IORY has contacted Railinc, Inc. (“Railinc”) and been advised that the empty return mileage for tank cars moving on IORY has not exceeded the loaded tank car movement by 106%. Therefore, IORY will not be liable for any monetary reparations based on its operations.

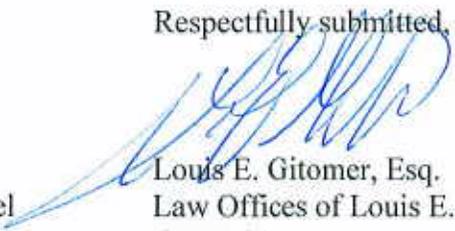
IORY understands that Complainants may need information concerning IORY’s handling of loaded and empty tank cars as part of proceeding with the complaint against the AAR Defendants and that the AAR Defendants may require certain information from IORY in order to prepare their defense. IORY believes that all of the information needed by either the Complainants or the AAR Defendants is available from Railinc. IORY is willing to direct Railinc to provide the required information, if any, to Complainants and the AAR Defendants for use in this proceeding. In addition, IORY is willing to consider requests for information from Complainants and the AAR Defendants on an individual basis.

IORY intends to execute the Undertaking proposed by Complainants. IORY believes that any settlement that would change the provisions adopted in *Investigation of Tank Car Systems* will require approval from the Board, and IORY reserves the right to participate in that process as its interests may appear. Moreover, IORY will consider revoking the Undertaking to the extent there is not a settlement and Complainants seek an order from the Board ordering monetary reparations from IORY.

IORY respectfully requests the Motion, subject to the reservations stated by IORY.

Respectfully submitted,

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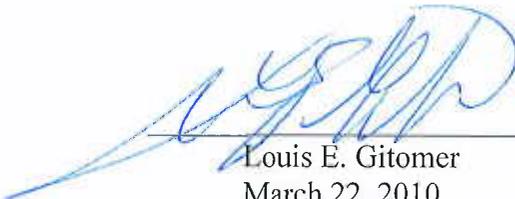
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Attorneys for: INDIANA AND OHIO RAILWAY
COMPANY

Dated: March 22, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served upon counsel for parties of record in this proceeding by first class mail postage pre-paid, or electronic service.



Louis E. Gitomer
March 22, 2010