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BEFORE THE SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35359

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SURFACE
TRANSPORTATION BOARD

PACIFIC RIM RAILWAY COMPANY, INC.
ACQUISITION AND OPERATION EXEMPTION-
CITY OF KEOKUK

FILED
APR - 6 2010
SURFACE
TRANSPORTATION BOARD

MOTION TO REJECT OR REVOKE

Daniel A. LaKemper
General Counsel
Keokuk Junction Railway Co.
1318 S. Johanson Road
Peoria, Illinois 61607
Tel.: (309) 697-1400

Dated: April 6, 2010.

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BEFORE THE SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35359

PACIFIC RIM RAILWAY COMPANY, INC.
-ACQUISITION AND OPERATION EXEMPTION-
CITY OF KEOKUK

MOTION TO REJECT OR REVOKE

NOW COMES the KEOKUK JUNCTION RAILWAY CO. ("KJRY") and hereby respectfully moves that the Board reject or revoke the exemption sought by Pacific Rim Railway Company, Inc. ("PRIM") in the above-referenced docket, and in support, states as follows:

The Petition contains false and/or misleading statements in that it asserts that:

"An agreement in principle has been reached between the City of Keokuk, Iowa and PRIM for sale of the Bridge by the City to PRIM. A signed purchase and sale agreement is expected shortly following compliance with certain municipal requirements of the City."

KJRY is informed and believes, based upon conversations with the Mayor, Mr. Tom Marion, and the letter sent to the Board by the City of Keokuk, Iowa, which appears in the record of this proceeding, and a copy of which is attached hereto, that PRIM does not have any agreement with the City of Keokuk, and that an agreement is not only not imminent, but is not likely to be reached.

The statements made by PRIM in the Petition in response to the requirements of 49 CFR

1150.33(c) and (e) are false and/or misleading, and, therefore, the exemption is void *ab initio* (See 49 CFR 1150.32 (c)).

KJRY notes, in passing that PRIM's Petition was verified only by Mr. Thomas McFarland, counsel for PRIM, and not by any PRIM officer.

WHEREFORE, KJRY respectfully requests that the Board either reject or revoke the Petition for Exemption filed by Pacific Rim Railway Company, Inc. on or about March 8, 2010.

Respectfully submitted,



Daniel A. LaKemper, Esq.
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Keokuk Junction Railway Co.
1318 S. Johanson Road
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CITY OF

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FD-35359

March 30, 2010

Surface Transportation Board
395 E Street SW
Washington, D.C. 20423

Gentlemen:

I am the Mayor of Keokuk, Iowa, and it is my understanding that Mr. Craig Burroughs and his company, Pacific Rim Railway Company, Inc., has submitted a filing with the Board concerning a purchase of the Keokuk Bridge, also known as Keokuk Hamilton Bridge.

The City of Keokuk is the sole owner of this bridge and Mr. Burroughs has indicated in his filing that he has an agreement in principle to purchase the Keokuk Bridge.

This letter is to inform you that the City of Keokuk has had discussions with Mr. Burroughs and Pacific Rim Railway Company, Inc. regarding the sale of the bridge, but there is no agreement in principle or otherwise at the current time.

I hope this information will be helpful in ruling on Mr. Burroughs filing.

Respectfully,

Thomas D. Marion, Mayor
City of Keokuk, Iowa

DAG:bb

CERTIFICATE OF SERVICE

I certify that on April 6, 2010, I served the foregoing by electronic transmission, or if e-mail was unavailable, by United States Mail, postage fully prepaid, on each of the parties of record, at their address as disclosed by the filings of record in the above-referenced proceedings.



Daniel A. LaKemper, Esq.
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VERIFICATION

I, J. Michael Carr, verify under penalty of perjury, that I have read the above and foregoing Motion and that it is true and correct to the best of my knowledge and belief. Further, I certify that I am qualified and authorized to file this Verification.



J. Michael Carr, President
Keokuk Junction Railway Co.