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August 10, 2010

Ms. Cynthia Brown  
Surface Transportation Board  
202-245-0464

Re: FD 35398  
FD 35399  
FD 35400

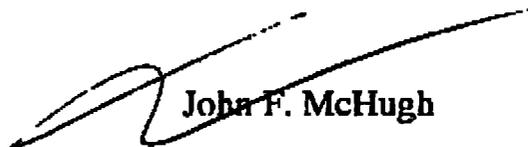
ENTERED  
Office of Proceedings  
AUG 10 2010  
Part of  
Public Record

Dear Ms. Brown:

Following please find the three documents Ms. Frankic McNair requested for these three matters.

Thank you for your assistance.

Very truly yours,

  
John F. McHugh

227614

BEFORE THE  
SURFACE TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

FINANCE DOCKET NO. 35399

AUG 10 2010

Part of  
Public Record

SWANSON RAIL TRANSFER, L.P.  
NOTICE OF EXEMPTION  
LONG TERM LEASE OF ACTIVE RAILROAD PROPERTY FROM BDB  
COMPANY

**Certification**

Swanson Rail Transfer, L.P. certifies that the projected annual revenues as the result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

Dated, New York, N.Y.  
August 10, 2010



John F. McHugh  
6 Water Street  
New York, N.Y. 10004  
212-483-0875

**VERIFICATION**

John F. McHugh declares pursuant to 28 U.S.C. §1746 that he is the attorney for Swanson Rail Transfer, L.P. and is authorized to make this declaration, and knows the representations hereinabove made in this Notice of Exemption are correct from his own knowledge and/or that he believes the information provided to be correct based upon the information known.

The undersigned declares under penalty of perjury that the forgoing is true.

Dated, New York, N.Y.  
August 10, 2010.

