

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

April 28, 2004

LOUIS E. GITOMER
OF COUNSEL
(202) 466-6532

lgitomer@dc.bjllp.com



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20423

RE: Docket No. AB-55 (Sub-No. 643X), *CSX Transportation, Inc.—Abandonment Exemption—in LaPorte, Porter, and Starke Counties, IN*

Dear Secretary Williams:

Enclosed are the original and 10 copies of the Motion to Strike CSX Transportation, Inc. Also enclosed are three 3.5-inch IBM-compatible floppy diskettes with the file Motion.

Please time and date stamp the additional copies of this letter and the Motion and return them with our messenger. Thank you for your assistance.

If you have any questions, call or email me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'L. Gitomer', written over the typed name.

Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosures

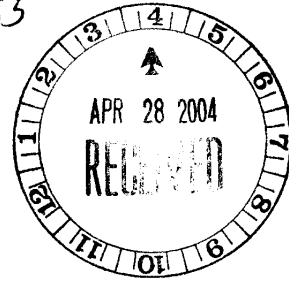
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Part of
Public Record

210705
BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 643X)



CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN LAPORTE,
PORTER AND STARKE COUNTIES, IN

CSX TRANSPORTATION, INC. MOTION TO STRIKE

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

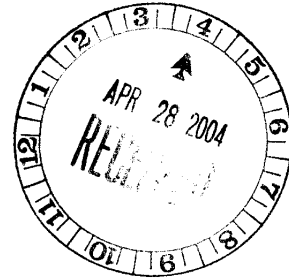
Attorneys for: CSX TRANSPORTATION, INC.

Dated: April 28, 2004

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BEFORE THE
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DOCKET NO. AB-55 (SUB-NO. 643X)



CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN LAPORTE,
PORTER AND STARKE COUNTIES, IN

CSX TRANSPORTATION, INC. MOTION TO STRIKE

CSX Transportation, Inc. (“CSXT”), pursuant to 49 C.F.R. § 1104.8 respectfully moves to strike the letter of Mr. Mark J. Belfiore, and all references thereto, from the Response of the Town of North Judson (“TNJ”) filed on April 21, 2004.

As can be seen from the attached verified statement of Mr. James Okroy, Vice President of A&K Railroad Materials, Inc., Mr. Belfiore’s estimate of values was not based on fair market value, but on Mr. Belfiore’s attempt to make a low-ball offer below fair market value to acquire very valuable railroad track, ties, and other track materials (the “Track Components”). Mr. Belfiore was not told when the Track Components would be available for sale, the use to be made of his estimate, or that it would become part of an official pleading before the Board.

Mr. Belfiore’s unit value estimate was not intended to be a fair market estimate, but a low-ball estimate below fair market value. Under 49 U.S.C. § 10904(f)(1)(B) the Board must not “set a price which is below the fair market value of the line.” Since Mr. Okroy has stated that Mr. Belfiore’s unit cost valuation is a low-ball offer below fair market value, CSXT argues that it is irrelevant and immaterial in this proceeding and should be stricken from the record.

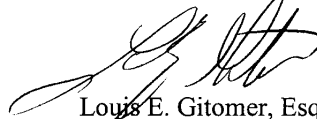
In the typical offer of financial proceeding, the owning railroad has an opportunity to

rebut the evidence offered by the offeror. 49 C.F.R. § 1152.27(h)(4). The additional procedure the Board adopted in the April 19, 2004 decision denied CSXT this opportunity and led to TNJ attempting to introduce an unverified, irrelevant and immaterial letter into this proceeding as evidence. As is clear from the face of Mr. Belfiore's letter and Mr. Okroy's verified statement, TNJ's April 21st filing contained no evidence of unit costs, merely an irrelevant and immaterial letter that the Board should strike from the record.

CSXT respectfully requests the Board pursuant to 49 C.F.R. 1104.8 to strike the letter of Mr. Belfiore filed by TNJ and any reference to the letter in TNJ's pleading.

Jonathan C. Gold, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 366-4228

Respectfully submitted,



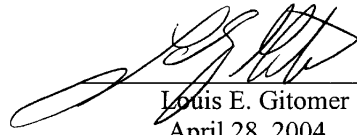
Louis E. Gitomer, Esq.
Ball Janik, LLP
1455 F Street, NW, Suite 225
Washington, DC 20005
(202) 638-3307

Attorneys for: CSX TRANSPORTATION, INC.

Dated: April 28, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have caused the Motion to Strike of CSX Transportation, Inc. to be served upon counsel for the Town of North Judson by express mail.



Louis E. Gitomer
April 28, 2004

VERIFIED STATEMENT OF JAMES OKROY

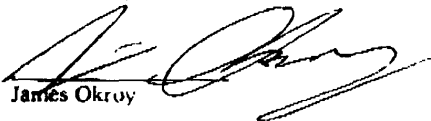
My name is James Okroy, Vice President of A&K Railroad Materials, Inc. ("A&K"). I am writing this letter to advise the Board that the letter from Mr. Mark J. Belfiore, an employee of A&K, should not be considered a valid valuation of the track, ties and other track materials in the CSX Transportation, Inc. 32.97-mile rail line between LaCrosse and Wellsboro and between North Judson and Malden.

I have discussed the valuation with Mr. Belfiore. He advises me that he was contacted by Mr. Harvey Stone of Stone Consulting & Design, Inc. and asked what A&K would pay for rail material. Mr. Belfiore was not told when the track material would be on the market or the purpose for the estimate, much less that it would be used in a proceeding before the Surface Transportation Board. With such limited information, Mr. Belfiore decided to make a low-ball offer far below fair market value for the line. The Board should give no weight to Mr. Belfiore's unit price estimate.

VERIFICATION

I, James Okroy, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed April 26, 2004.


James Okroy