

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-103 (Sub- No. 21X)**

220383

**KANSAS CITY SOUTHERN RAILWAY COMPANY  
ABANDONMENT EXEMPTION  
LINE IN WARREN COUNTY, MS**

ENTERED  
Office of Proceedings

OCT - 2 2007

**STB DOCKET NO. AB-1016 (Sub- No. 0 X)**

220389

Part of  
Public Record

**VICKSBURG SOUTHERN RAILROAD, INC  
DISCONTINUANCE OF SERVICE PETITION FOR EXEMPTION  
LINE IN WARREN COUNTY, MS**

**NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE**

1. Raymond B. English ("English"), a non-carrier, pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith requests leave from the Board to (late-) file his formal Notice of Intent to File an Offer of Financial Assistance ("Notice of Intent"), to purchase from the Kansas City Southern Railway Company ("KCSR") that portion of a line of railroad between Mileposts 225.6 and 229.85 in Warren County, Mississippi ("Line"), which line of railroad is the subject of the above entitled proceeding, and to acquire the operating rights Vicksburg Southern Railroad, Inc. ("VSOR") has with regard to the Line, which operating rights are the subject of the above entitled proceeding.

2. In the event the Board's rule at 49 CFR 1152.27 (c)(2)(i) is applicable [For class exemption proceedings, a notice of intent to file an OFA must be filed within 10 days after the applicant's petition has been published in the Federal Register] English requests leave from the Board to late-file this Notice of Intent, for the following reasons:

A. KCSR and VSOR filed their Petitions with the Board on August 24, 2007. Notice of their intent to abandon service on the Line was published in the Federal Register on **September 13, 2007**.

B. English received a copy of the Petitions on August 28, 2007. Since English is not familiar with the Board's regulations, he consulted with his local attorney. English's local attorney also is not familiar with the Board's regulations. An attempt was made to contact several Washington, D.C. railroad attorneys, all of whom declined to accept his case due to scheduling conflicts. English did some research on his own, in order to ascertain what he should do. He has learned the rudiments of what he needs to do, and herewith files this Notice of Intent. While this Notice is filed in his personal name, English reserves the right to transfer his rights to a corporate affiliate, such as Foam Packaging, Inc., a shipper on the Line, of which he is the President.

3. English and / or his corporate affiliate, is a financially responsible person. English has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

4. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), English requests KCSR and VSOR provide English and the Board with the information specified in 49 CFR 1152.27 (a), and the following additional information:

A. KCSR and VSOR's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment;

B. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements KCSR and VSOR, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements KCSR and VSOR have, or contemplates having, involving the State of Mississippi, any other Mississippi State or Local agency or entity, hereinafter "State of

Mississippi," or any other individual or legal entity.

b. A copy of all papers, documents or agreements KCSR and VSOR have received, have in their possession, or have knowledge of, which pertain in any way to any agreements any legal entity has made, or has indicated a willingness to make, which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s), including any contemplated sale of the Line, licensing or lease agreements, whether executed or contemplated, any legal entity has made with KCSR, VSOR, the State of Mississippi, the City of Vicksburg, Mississippi, or any other legal entity, and in particular, any agreement, or contemplated agreement, with Lakes Entertainment, Inc., or any of its subsidiaries or affiliates.

C. Any other information which relates to KCSR and VSOR's present, prior or future use of the Line, including but not limited to:

a. The number of times the Line was used in the past five years, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

b. The number of times the Line was unavailable for KCSR and VSOR's use in the past five years, and the reason(s) why the Line was unavailable;

c. The date the Line was taken out-of-service, if the Line was taken out of service;

d. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

e. Which switches on the Line KCSR and VSOR train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

f. A summary of all disagreements, misunderstandings, or points of contention between KCSR and VSOR and the State of Mississippi or any other party or entity, concerning KCSR and VSOR's use of the Line during the past five years;

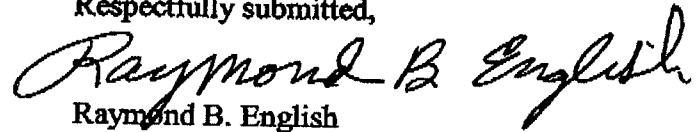
g. An indication of where English would interchange rail traffic with KCSR and VSOR;

h. A copy of a proposed interchange agreement;

D. A copy of all valuation maps for the Line, and if not depicted on the Valuation Map(s), a listing of all deed references showing KCSR and VSOR's legal interests in the Line.

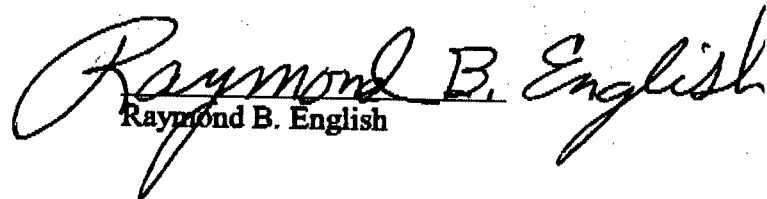
E. A copy of the records, accounts, appraisals, working papers, and other documents that would have been used in preparing a §1152.36 Exhibit 1, or other records, reports, and data in the possession of the Petitioners, that provide comparable data.

Respectfully submitted,

  
Raymond B. English

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of October, 2007, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon William A. Mullins, Baker & Miller PLLC, Ste 300, 2401 Pennsylvania Ave, N.W., Washington, DC 20037, attorney for Kansas City Southern Railway Company, and upon Craig Richey, 315 W. 3<sup>rd</sup> Street, Pittsburg, KS 66762, attorney for Vicksburg Southern Railroad, Inc.

  
Raymond B. English