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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
July 3, 2018
Part of
Public Record

CITY OF FISHERS, CITY OF	)	
NOBLESVILLE, AND HAMILTON	)	FINANCE DOCKET
COUNTY, INDIANA – PETITION FOR	)	NO. 36137
PARTIAL REVOCATION OF	)	
EXEMPTION	)	
	)	
NORFOLK AND WESTERN RAILWAY	)	
COMPANY – ABANDONMENT	)	DOCKET NO. AB-290 (Sub-No. 117X)
EXEMPTION – BETWEEN INDIANAPOLIS	)	
AND TIPTON IN MARION, HAMILTON,	)	
AND TIPTON COUNTIES, IND.	)	

MOTION FOR LEAVE TO FILE REBUTTAL

US RAIL HOLDINGS, LLC
7846 West Central Avenue
Toledo, OH 43617

Movant

Submitted By:

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Attorney for Movant

Date: July 3, 2018

Petitioners allege that the relevant public policy considerations lean in their favor, but in fact all public policy at issue favors turning the rail line into an active freight line. Second, Petitioners do not acknowledge the inevitable outcome if they are successful in invoking the Trails Act; that is, the line would be railbanked and could be reactivated at any time, which would be right away in this instance because USR would stand ready to do so. Last, Petitioners argue against permitting a feeder line application or an offer of financial assistance to reactivate this rail line, and USR believes these arguments can easily be overcome due to the Board's broad discretion under the Interstate Commerce Act and the overarching policy to maintain the nation's rail system.

Wherefore, USR asks the Board to grant its motion for leave to file its rebuttal, filed simultaneously herewith.

Respectfully submitted



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Dated: July 3, 2018

CERTIFICATE OF SERVICE

I, Priscilla Leonard, hereby certify that a copy of the foregoing **MOTION FOR LEAVE TO FILE REBUTTAL** dated July 3, 2018, was served by overnight mail to Petitioners, and U.S. Mail, first class postage prepaid, upon all other parties of record.


Priscilla Leonard