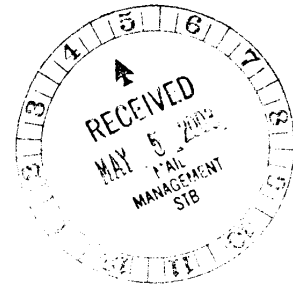


ORIGINAL

Before the
SURFACE TRANSPORTATION BOARD



Finance Docket No. 34335

KEOKUK JUNCTION RAILWAY COMPANY--FEEDER RAILROAD
DEVELOPMENT APPLICATION--LINE OF TOLEDO, PEORIA &
WESTERN RAILWAY CORPORATION BETWEEN LA HARPE AND HOLLIS, IL

PRELIMINARY COMMENTS

ENTERED
Office of Proceedings

MAY 06 2003

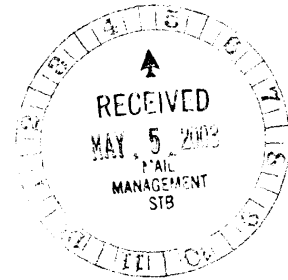
Part of
Public Record

GORDON P. MacDOUGALL
1025 Connecticut Ave., N.W.
Washington DC 20036

Attorney for Joseph C. Szabo

May 5, 2003

Before the
SURFACE TRANSPORTATION BOARD



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PRELIMINARY COMMENTS

Background

These preliminary comments are submitted by Joseph C. Szabo,^{1/} for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL).

This feeder line application was filed by Keokuk Junction Railway Company (KJRY), on April 9, 2003, to acquire the line of Toledo, Peoria & Western Railway Corporation (TP&W) between La Harpe and Hollis, IL,^{2/} a distance of approximately 76 miles, including the so-called Mapleton Industrial Spur, pursuant to the provisions of 49 U.S.C. 10907 and 49 CFR 1151. The KJRY application followed decisions by the Surface Transportation Board (Board) revoking the class exemption filed by SF&L Railway, Inc. (SF&L), for the acquisition and operation of the TP&W line

^{1/} Illinois Legislative Director for United Transportation Union, with offices at 8 So. Michigan Avenue, Chicago, IL 60603.

^{2/} Between milepost 194.5 and milepost 118.5.

between La Harpe and Peoria, IL,^{3/} a distance of approximately 71.5 miles, served October 17, 2002, as modified January 31, 2003. Finance Docket No. 33995, SF&L Railway, Inc.--Acquisition and Operation Exemption--Toledo, Peoria and Western Railway Corporation Between La Harpe and Peoria, IL; Finance Docket No. 33996, Kern W. Schumacher and Morris H. Kulmer--Continuance in Control Exemption--SF&L Railway, Inc.

These preliminary comments are addressed to the sufficiency of the application. 49 CFR 1151.2(b). If the application is not rejected, but found complete, or is subsequently found complete after revision, UTU-IL intends to submit further comments.

Application Deficiencies

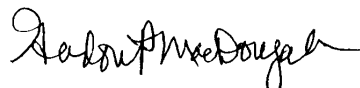
1. Employee Organizations. The KJRY application states, "TP&W's employees are not unionized; therefore, copies of this application have not been served on offices of national railway unions." (KJRY Application, 4/9/03, 30). The regulations require service on "the national offices of rail unions with employees on the line." 49 CFR 1151.2(a)(6).

Contrary to the KJRY application, there are a several unions which represent TP&W employees. In addition to UTU and BMWE, it is believed at least one other organization is represented on TP&W.

2. TP&W Petition to Reject. UTU-IL considers the petition to reject, filed April 24, 2003 by TP&W, to have merit. UTU-IL endorses the request that the KJRY application be rejected.

Respectfully submitted,

^{3/} From milepost 194.5 and milepost 123.0.



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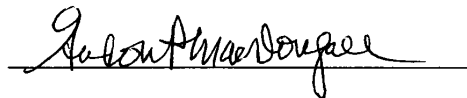
Certificate of Service

i hereby certify I have served a copy of the foregoing upon
counsel for KJRY and TP&W, by first class mail postage-prepaid, as
follows:

Williams A. Mullins
401-9th St., N.W.-#1000
Washington DC 20004-2134

Louis E. Gitomer
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