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March 13, 2025

Via Electronic Filing

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
U.S. Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
March 13, 2025
Part of
Public Record

Re: Docket No. FD 36770
Township of Pilesgrove *In Re* SMS Rail Service, Inc.

Dear Ms. Brown:

This law firm serves as the Solicitor for the Township of Pilesgrove, Petitioner in the above matter. I am in receipt of a Motion for Leave to File a *Sur* Reply, submitted by SMS Rail Service, Inc. in this matter. While it appears under 49 CFR §1104.13 that a “reply to a reply” (i.e., the *sur* reply sought to be filed by SMS Rail Service) is not permitted, the Township will submit a response to the Motion within the 20-day response time, reserving all rights to object to the relief sought by SMS Rail Service in the Motion and to respond substantively to the arguments raised therein. However, we urge the Surface Transportation Board to deny SMS Rail Service’s Motion *unless* all Township(s) are granted a fair opportunity to review respond to the proposed *Sur* Reply Brief.

The Board’s kind attention to this request is appreciated, and we look forward to a fair resolution that considers the interests of all parties involved.

Respectfully submitted,
THE VIGILANTE LAW FIRM, P.C.

By: Jacqueline M. Vigilante

JMV:nlm
cc: All Counsel of Record
Client

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SERVICE LIST
Docket No. FD 36770

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CERTIFICATION OF SERVICE

I certify that I have on the date reflected herein served copies of this document upon all parties reflected on the above Service List of record by e-mail which is consistent with 49 CFR 1104.12(a).



By: Jacqueline M. Vigilante