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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings  
May 10, 2019  
Part of  
Public Record

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|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| 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.        | ) |                                  |

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**MOTION FOR LEAVE TO FILE REBUTTAL**

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US Rail Holdings, LLC  
7846 West Central Avenue  
Toledo, OH 43617

*Movant*

Submitted By:

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*Attorney for Movant*

Date: May 10, 2019

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US Rail Holdings, Inc. (“USR”) respectfully moves the Surface Transportation Board (“Board”) for leave to file a Rebuttal to the Reply of the City of Fishers, Indiana, City of Noblesville, Indiana, and Hamilton County, Indiana (collectively “Owners”) in Opposition to USR’s Motion to Vacate NITUs and Reactivate Rail Service and Motion for Preliminary Injunction. USR is aware that Board regulations generally do not permit a reply to a reply. 49 C.F.R. 1104.13(c). USR respectfully asks for an exception to this rule given the complexity of the matters at issue.

USR believes additional briefing on three issues addressed in Owners’ Reply will aid the Board in its disposition of this matter. First, USR would clarify why its Motion was timely filed. Owners claim the right to reactivate rail service under the Trails Act has not been triggered; however, USR will demonstrate that it was triggered once Owners filed their requests for Notices of Interim Trail Use. Second, USR would submit financial documents that further demonstrate

its ability to purchase and/or operate the rail line at issue, which Owners dispute. Last, Owners argue USR's Motion runs counter to STB precedent when in fact USR can show it directly follows that precedent.

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

Respectfully submitted,



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Counsel for Movant

**CERTIFICATE OF SERVICE**

I, Priscilla Leonard, hereby certify that a copy of the foregoing MOTION FOR LEAVE TO FILE REBUTTAL dated May 10, 2019, was sent by email to Owners, and U.S. Mail to the all other parties in this proceeding.

  
Priscilla Leonard