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October 27, 2004

JOHN H. BROADLEY

Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street NW, Suite 700
Washington, D.C. 20423

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Office of Proceedings

OCT 27 2004

Part of
Public Record



RE: Finance Docket No. 34531, The Indiana Rail Road Company --
Acquisition Exemption -- Line of Monon Rail Preservation Corporation in
Monroe County, IN

Dear Mr. Williams:

On October 21, 2004 on behalf of The Indiana Rail Road Company ("INRD") we filed a PETITION OF THE INDIANA RAIL ROAD COMPANY FOR WAIVER OF THE EMPLOYEE NOTICE REQUIREMENTS OF 49 CFR 1150.45(a). Information has come to our attention that requires that we supplement that petition.

As we pointed out in the petition, INRD is seeking exemption for acquisition of a line of railroad owned by Monon Rail Preservation Corporation in Monroe County, IN. INRD presently is the operator of the Monon line. In the petition for waiver we stated that "there has been no request for service on the Line during the past 24 months, and no service has been provided." It has come to our attention that this statement is not entirely accurate.

At a point on the Monon line close to where it connects with INRD's own line, INRD engineering personnel have loaded INRD ballast cars using ballast stone trucked from the nearby Rogers Quarry which is dumped on the ground and then loaded onto the ballast cars by a front-end loader. Over the course of 2003 and 2004 some 13,159 tons of ballast have been loaded onto INRD ballast cars for INRD's own use -- 132 cars. In addition, in the same manner, INRD has loaded 22 ballast cars for Hoosier Energy to use in connection with a Hoosier rail construction project, approximately 2200 tons.

In all cases, the ballast stone was trucked from the Rogers Quarry by a contractor and the ballast was dumped on the ground adjacent to the Monon line. The ballast cars were placed on the Monon line by INRD crews, and were then loaded by a contractor with a front-end loader. The cars were then moved off the Monon line by INRD crews onto the INRD lines.

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We do not believe that this use of a small portion of the Monon line to load ballast cars affects the merits of INRD's petition for waiver of the employee notice requirements. The employees who moved the ballast cars for INRD and Hoosier were INRD employees, not Monon employees (there are none as we stated in the petition.) Any future business which INRD develops on the Monon line will be handled by INRD employees as were the ballast movements discussed above, thus transfer of ownership of the Monon line to INRD will have no effect on any INRD employees.

Please make this letter part of the file to ensure that the facts before the Board are correct. We regret the inadvertently erroneous statement contained in the petition for waiver.

Yours very truly,

A handwritten signature in cursive script that reads "John Broadley".

John Broadley