

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

William A. Mullins

Direct Dial: (202) 663-7823
E-Mail: wmullins@bakerandmiller.com

August 2, 2006

VIA ELECTRONIC FILING

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

IMMEDIATE HANDLING REQUESTED

Re: STB Docket No. F.D. No. 34916
*Central Illinois Railroad Holdings, LLC – Acquisition of Control Exemption –
Central Illinois Railroad Co.*

Dear Secretary Williams:

Enclosed on behalf of Pioneer Industrial Railway Co., is a Petition To Reject Or Stay The Exemption Notice. As can be seen from the certificate of service attached, copies of this petition are being served today on all parties of record.

Please acknowledge filing of this petition by return electronic receipt. If there are any questions concerning this filing, please contact me by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins

Enclosures

cc: Daniel A. LaKemper, Esq.
All Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB FINANCE DOCKET NO. 34916

**CENTRAL ILLINOIS RAILROAD HOLDINGS, LLC – ACQUISITION OF CONTROL
EXEMPTION – CENTRAL ILLINOIS RAILROAD CO.**

PETITION TO REJECT OR STAY THE EXEMPTION NOTICE

**Daniel A. LaKemper
General Counsel
Pioneer Industrial Railway Co.
1318 S. Johanson Road
Peoria, IL 61607
Phone: (309) 697-1400**

**William A. Mullins
David C. Reeves
Baker & Miller PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20037
Phone: (202) 663-7820
Fax: (202) 663-7849**

August 2, 2006

**Attorneys for Pioneer Industrial
Railway Co.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB FINANCE DOCKET NO. 34916

**CENTRAL ILLINOIS RAILROAD HOLDINGS, LLC – ACQUISITION OF CONTROL
EXEMPTION – CENTRAL ILLINOIS RAILROAD CO.**

PETITION TO REJECT OR STAY THE EXEMPTION NOTICE

SUMMARY OF ARGUMENT AND REQUESTED RELIEF

Pioneer Industrial Railway Co. (“PIRY”), hereby moves the Surface Transportation Board (“Board” or “STB”) to reject the Notice of Exemption (“Notice”) filed by Central Illinois Railroad Holdings, LLC (“Holdings”) on July 28, 2006, or in the alternative, to stay the effective date of the Notice. Through the Notice, Holdings seeks to acquire control of the Central Illinois Railroad Co. (“CIRY”) and to purchase the assets of four other entities that appear to be railroads or involved in the rail business. The Notice was filed pursuant to the control procedures at 49 C.F.R. § 1180.2(d)(2) and did not include a corresponding notice for the authority to purchase the rail assets, including rail lines, of the other entities. Absent a rejection of the Notice or a stay of the effective date, the Notice will be effective on August 4th, at which time Holdings would be free to consummate its “control” of CIRY.

Rejection of the Notice is warranted because a close review of the transaction and the purchase agreement, attached as Exhibit 2 to the Notice, indicates that the transaction involves both the purchase of assets and stock and thus may not qualify as an acquisition of control of CIRY itself. Indeed, due to the lack of sufficient information in the Notice and the lack of full disclosure as to the identity of Holdings, the status of the other involved entities and the

relationship between Holdings and CIRY, the Notice should be rejected for failure to comply with the applicable statutory and regulatory requirements.

If the Board does not reject the Notice, at a minimum, the Board should issue a housekeeping stay until further information can be obtained and the true nature of the transaction disclosed. The transaction involves, in part, the same line, the Kellar Branch in Peoria, IL, and the same parties, CIRY and PIRY, that are currently involved in numerous pending Board proceedings and a pending appeal at the U.S. Court of Appeals for the D.C. Circuit. As such, the Board should not allow the transaction proposed by Holdings - whatever its true nature - to go forward until it and the public can determine what, if any, impact the proposed transaction would have on those proceedings. Altering both the ownership and operating structure of the Kellar Branch would likely significantly impact those proceedings.

ARGUMENT

As the Board is aware, the Kellar Branch is owned by the City of Peoria and the Village of Peoria Heights, and is operated by CIRY. The Kellar Branch, CIRY, and PIRY are currently involved in numerous pending Board proceedings, a pending appeal at the U.S. Court of Appeals for the D.C. Circuit regarding the Kellar Branch and a state court action concerning PIRY's contractual rights to operate the Kellar Branch. See Pioneer Industrial Railway Co. v. D.O.T. Rail Services, Inc., et al., Tazewell County, Illinois Circuit Court No. 06-L-27 (involving whether or not PIRY's contract rights to operate over the Kellar Branch were lawfully terminated under the contract); See AB-878, City Of Peoria and The Village of Peoria Heights, IL — Adverse Discontinuance—Pioneer Industrial Railway (“PIRY Adverse Discontinuance”) (petition to reopen pending); .See Central Illinois Railroad Company – Discontinuance Of Service Exemption – In Peoria County, IL, STB Docket No. AB-1066X)(“CIRY

Discontinuance”)(decision on whether or not CIRY can discontinue its operations over the Kellar Branch currently pending); Pioneer Industrial Railway Company v. S.T.B., No. 06-1019 (D.C. Circuit)(appeal held in abeyance pending further Board action). Rather than repeat the history of those proceedings, PIRY requests pursuant to 49 CFR §§ 1114.4 and 1114.5 that the Board take judicial notice of the filings and decisions in AB-878 and AB-1066X and other related proceedings and as necessary incorporate those filings into the record of this proceeding.

In the midst of this litigation and the pending Board decision on whether or not CIRY can discontinue its operations over the Kellar Branch, Holdings has filed its Notice to acquire control of CIRY and purchase the assets of CIRY’s sister companies. There are several problems and concerns related to that Notice that should give this agency great pause in allowing it to become effective in its current form. These problems and concerns more than justify the Notice’s rejection, or at a very minimum, the issuance of a housekeeping stay in order to provide the Board with time to gather and review additional information.

A. The Notice Should Be Rejected

1. The Notice Fails To Contain Or Disclose All Of The Information Required By the Regulations

Assuming *arguendo* that the Notice was properly filed as a 49 CFR Part 1180 control transaction rather than as a Part 1150 transaction (which, as will be discussed below, is not necessarily the case), the Notice does not adequately conform to the requirements of Section 1180.4(g)(1)(i) and should be rejected. The Notice contains inadequate information about the identity of the applicant, the applicant’s relationships with other parties whose assets are also being acquired, and the environmental impacts of the transaction.

As an initial matter, there is very little information about who Holdings is or whether or not it is affiliated with CIRY or its parent, D.O.T. Rail Service, Inc. Interestingly enough, the

Notice itself was filed on CIRY letterhead not on Holdings letterhead. The attorney who filed on behalf of Holdings is not an independent third party, but rather is one Melinda Sammons. Ms. Sammons is currently the CFO of CIRY. This places Ms. Sammons in the position of being both the attorney for the buyer and as also having a fiduciary duty to the seller. She is also the same party who provides a verification as to the facts as stated in the Notice. Thus, you have one person being an attorney, a CFO, and a witness, and all for different sides.¹ Likewise, Holdings has no listed phone number and does not appear in commonly available public documents. There is simply no information, other than an incomplete address, as to who is the true applicant in the proceeding. The lack of information about the “identity of the applicant” certainly raises questions about whether or not there has been full disclosure as required by the regulations and justifies rejection of the Notice. Nevada Central Railroad – Exemption For Acquisition And Operation Of Rail Service – In Elko and White Pine Counties, NV, STB Finance Docket No. 34773 (STB served Nov. 22, 2005)(notice rejected because it was unclear and failed to comport with the Board’s filing requirements).

There are other procedural deficiencies as well. Holdings claims that it will own CIRY and “other non-carrier businesses” but no other carriers. Yet, a review of the purchase agreement shows that the “other non-carrier businesses” consist of D.O.T. Rail Service, Inc., D.O.T. Rail Service of Indiana, Inc., Chicago Heights Switching Company, and Heartland Track Works, Inc. These names alone indicate that these entities may in fact be “carriers” subject to the Board’s jurisdiction, even if such carriers are solely Section 10906 carriers, they would still nonetheless be “carriers” subject to the Board’s jurisdiction. A review of public information on the internet shows that D.O.T. Rail Service of Indiana, Inc., is listed as a railroad with the FRA

¹ If the transaction is intended to be a transaction within the same corporate family pursuant to 49 CFR 1180.2(d)(3), then it was also improperly filed and likewise should be rejected.

and is required to make safety and operating reports to that agency. It apparently owns rail lines, rail assets, and appears to conduct interchange with STB-regulated carriers, including having AAR reporting marks. Chicago Heights Switching has at one time acquired operating authority from the STB in order to operate as a common carrier. Chicago Heights Switching Company--Operation Exemption--Bulkmatic Railroad Corporation, Finance Docket No. 34146 (STB served Dec. 27, 2001). As carriers, their acquisition should have been included and disclosed in the Notice. This is so even if Holdings was merely acquiring substantially all of the assets and not the corporations themselves. Fox Valley & Western Ltd.--Exempt., Acq., and Oper., 9 I.C.C.2d 209 (1992), aff'd sub nom. Fox Valley & Western v. ICC, 15 F.3d 641 (7th Cir. 1994)(“Fox Valley”). Failure to do so should result in the rejection of the Notice. Progressive Rail, Incorporated – Continuance In Control Exemption – Wisconsin Northern Railroad Company, LLC, STB Finance Docket No. 34598 (STB served Oct. 8, 2004)(notice of exemption rejected because of failure to disclose existence of other rail lines that connected with line of the carrier for which control authority was being sought)(“Progressive Rail”).²

In addition, Holdings certifies that the properties of CIRY do not connect with each other nor is the transaction part of a series of transactions that would connect the “various parts of the CIRY with each other.” But these disclosures are not what the rules require. The rules do not only require a disclosure as to whether or not CIRY’s properties connect with each other or whether or not there are plans to connect CIRY’s properties. Instead, the rules also require a certification as to whether or not the transaction would connect CIRY’s lines with each other or with any other “railroad” in the corporate family. As noted, there is reason to believe that the

² Indeed, filing a notice under Part 1180 itself shows the involvement of multiple rail carriers, yet the Notice labels only CIRY as a rail carrier. Perhaps the Notice is implying that Holdings will become a carrier on acquisition of the non-CIRY properties, though that is not stated either.

other entities being acquired as part of the transaction are in fact “railroads” in the same corporate family. The certification is thus deficient.³ See e.g. Progressive Rail.

Finally, the Notice lacks sufficient information for the Board to ascertain the environmental effects of the proposed transaction. The Board is obligated under NEPA to take a “hard look” at the environmental consequences associated with major actions and to consider those effects in its decision making process. See Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21 (1976); Mid States Coalition for Progress v. Surface Transportation Board, 345 F.3d 520, 533-534 (8th Cir. 2003)(agency must prepare a detailed statement to establish that it has taken the requisite 'hard look' at the environmental consequences of its action). While the Board has established certain categorical exclusions from the requirement to undertake a full environmental analysis, it is Holdings’ burden to present evidence that the action qualifies for a categorical exclusion under Section 1105.6(c)(2). Implementation Of Environmental Laws, Ex Parte No. 55 (Sub-No. 22A), 1990 ICC LEXIS 104 (Mar. 20, 1990) at *13 (“Under our current rules, an applicant must submit an Environmental Report to the Commission, which serves as the starting point for the preparation of the EA or EIS.”), and *16, n. 22 (“The stringent time frames for many Commission proceedings make the filing of accurate and complete environmental reports (and early communication with appropriate agencies) critical to our ability to prepare timely and thorough environmental documents.”).

³ It is important to note that the regulation uses the term “railroad” and not “carrier” or “rail carrier”, both of which indicate a common carrier. The term “railroad” includes private, switching, and common carriers. See Hanson Natural Resources Company — Non-Common Carrier Status — Petition for Declaratory Order, ICC Finance Docket No. 32248 (ICC served Dec. 5, 1994). Thus to the extent Holdings claims that the other entities are not carriers, they may still nonetheless be railroads for which disclosure and discussion of their relationship to CIRY is required.

In this case, the Board has no evidence to make the required finding because Holdings has not presented any. CIRY did not provide an environmental report at all. It provided nothing more than a certification from its attorney (who is also the witness) that the transaction was exempt from the environmental rules and the requirement to provide an historic report.⁴ Absent independent verification or further information regarding the environmental impacts of the proposed transaction, the Board should reject the notice. Indeed, the Board and the ICC many times have rejected notices which were filed without the required environmental reports. See, e.g., Fredonia Valley Railroad, Inc.-Abandonment Exemption-In Caldwell County, KY, STB Docket No. AB-592X, 2001 STB LEXIS 661 (served Aug. 9, 2001); Longhorn Railway Company-Discontinuance Exemption-In Burnet County, TX, STB Docket No. AB-501X, 1997 STB LEXIS 2958 (served April 1, 1997). See generally Consolidated Rail Corporation-Abandonment Exemption-in Middlesex County, NJ, STB Docket No. AB-167 (Sub-No. 1184X) (served Jan 5, 2004) at *1, n. 1; Iowa Northern Railway Company-Abandonment Exemption-In Tama and Benton Counties, IA, Docket No. AB-284 (Sub-No. 4X), 1994 ICC LEXIS 109 (served July 7, 1994) at *1, n. 2, and Consolidated Rail Corporation-Exemption-Abandonment in Middlesex County, NJ, Docket No. AB-167 (Sub-No. 1085X), 1987 ICC LEXIS 205 (July 28, 1987) at *1, n. 1.

In short, the failure of full disclosure raises significant questions as to the adequacy of the Notice. Without further information on the identity of the applicant and CIRY's relationship to the other entities involved in the transaction, the Board simply does not have enough information to make a reasoned judgment that the transaction should move forward under the notice of

⁴ The regulation cited by Holdings to justify its failure to file an historic report does not pertain to historic reports and, assuming arguendo that Holdings intended to cite Section 1105.8(b)(1) rather than 1105.7(b)(1), the former references the sale, lease or transfer of a rail line, which is not the transaction for which Holdings appears to be seeking authority.

exemption proceedings. In fact, based upon what appears to be a close relationship between Holdings and CIRY, one wonders whether the transaction is simply a sham transaction involving the same parties who are simply “moving boxes around” while at the same time invoking the Board’s jurisdiction for who knows what purpose. Although the Notice states that the purpose of the transaction is to improve the efficiency, economy and financial viability of the “applicants,” the only applicant identified in the notice is Holdings which, from all appearances, is simply a corporate shell which has no operations to “improve.” Given the broad preemptive effect that the Board’s approval has with respect to a transaction, and particularly in this context where CIRY is involved in multiple cases pending before the Board and the courts, the Board and the public need to be assured that the transaction is being undertaken for legitimate reasons rather than for some other purpose.

2. The Transaction May Also Involve A Section 10901 Transaction Not Solely A Section 11323 Transaction

Another concern with the Notice is the fact that the transaction may not solely involve the “acquisition of control” of CIRY so as to qualify under Section 11323 and 49 CFR 1180.2(d)(2), which was the regulation and authority under which Holdings filed. Rather, the transaction appears to involve both the purchase of CIRY’s stock and the purchase of substantially all of the assets of existing railroads and other entities and presumably, the creation of a new carrier or railroad via the purchase of those assets. It is not entirely clear whether the part of the transaction that involves the purchase of substantially all of the assets of the other entities requires a filing under Section 10901 and the corresponding regulations at 49 CFR 1150, Subpart D or whether or not those carriers should have been included in the Section 11323 and 49 CFR 1180.2(d)(2) filing pursuant to the Fox Valley precedent. Regardless, this lack of clarity also

justifies rejection of the Notice. The potential failure to invoke the proper statutory authority and potential failure to follow the appropriate regulation requires this Board to reject the Notice.

In its transmittal letter and the title of the proceeding, Holdings claims that the transaction involves the acquisition of control of CIRY, as well as other non-carrier businesses. This continued characterization of the transaction as involving the acquisition of control is continued throughout the Notice. The problem with this characterization is that the legal form of regulatory approval may not fit with the facts. It is not until one reviews the actual purchase agreement, attached as Exhibit 2 to the Notice, that one discovers that the transaction appears to involve both a non-carrier holding company taking control of an existing carrier through the purchase of stock, a transaction that standing alone might qualify for treatment under Section 11323(a)(5) and 49 CFR 1180.2(d)(2), but also involves the purchase of what appears to be other railroad assets.

The purchase agreement makes it clear that Holdings is purchasing substantially all of the assets of four other entities that appear to be in the railroad business. As noted, it is unclear whether these entities are private railroads, switching carriers subject to the Board's jurisdiction pursuant to 49 U.S.C. § 10906, or common carriers. If these entities are indeed in the railroad business subject to the Board's jurisdiction and Holdings will be conducting similar operations, then the Notice is deficient for failure to disclose and include information regarding these entities in the Notice and for failure to seek authority under Section 10901 and 49 CFR 1150, Subpart D.

Likewise, even if such entities are not currently carriers subject to the Board's jurisdiction, Holdings' intended future use of the assets may involve the creation of new carriers or railroads that will bring those assets within the Board's jurisdiction. Indeed, it does appear that Holdings is acquiring rail lines as part of its asset purchase. As such, the purchase of those

rail lines may require authority pursuant to Section 10901 and the regulations at 49 CFR Part 1150, Subpart D. There is simply not enough information in the record for either the Board or PIRY to make a conclusion on whether or not the transaction should also involve a Section 10901 filing. Given the inadequate nature of the information provided, the Notice should be rejected until it can be properly refiled. See e.g. Riverview Trenton Railroad Company – Acquisition and Operation Exemption – Crown Enterprises, Inc., STB Finance Docket No. 33980 (STB served Feb. 15, 2002)(exemption process should only be used for routine transactions); Burlington Northern And Santa Fe Railway Company – Acquisition And Operation Exemption – State Of South Dakota, STB Finance Docket No. 34645 (STB served Jan. 14, 2005)(notice rejected because transaction was not routine and involved other issues that were not appropriate for the class exemption process).

B. At A Minimum, The Board Should Issue A Housekeeping Stay

Normally, when a petitioner seeks to stay an agency decision, a petitioner must establish (1) that there is a strong likelihood of prevailing on the merits; (2) that the petitioners will suffer irreparable harm in the absence of a stay; (3) that other interested parties will not be substantially harmed; and (4) that the public interest supports granting the stay. Hilton v. Braunskill, 481 U.S. 770, 776 (1987); Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977)(“Holiday Tours”). However, as the notice of exemption process does not involve the issuance of a Board decision and the notices automatically take effect unless stayed, the Board’s practice in certain cases where further information is required has been not to require compliance with the Holiday Tours test before issuing a stay of the effective date of a notice of exemption. Instead, if the Chairman or the Board believes that further development of the record is necessary in order to ensure that the transaction does in fact properly invoke the

Board's notice of exemption procedures, the Chairman or the Board issues a "housekeeping stay" by which the effective date of a transaction is postponed until such time as the Board and the public are provided with additional information.

It is now fairly common to issue such housekeeping stays when the notice is unclear, when the scope of the transaction appears to be outside of the purview of an exemption proceeding, when further information is required, when the environmental impacts are unknown, or when there is significant opposition to a transaction. ISG Cleveland Works Railway Company – Acquisition And Operation Exemption – Rail Lines Of The Cuyahoga Valley Railway Company And River Terminal Railway Company, STB Finance Docket No. 34182 (Chairman's Order served May 6, 2002)(housekeeping stay issued to consider issues raised); CSX Transportation, Inc. Discontinuance – At Memphis, In Shelby County, TN, STB Docket No. AB-55 (Sub-No. 618)(Chairman's Order served Nov. 21, 2002)(housekeeping stay issued to provide further time to consider issues raised); Buffalo Southern Railroad, Inc. – Acquisition And Operation Exemption – Line In Croton-On-Hudson, NY, STB Finance Docket No. 34903 (Chairman's Order served July 3, 2006)(in lieu of rejecting notice, a housekeeping stay was issued to provide the Board with sufficient time to consider the issues). Sometimes the housekeeping stays are eventually lifted and the transactions are allowed to take effect. Other times, the notice is denied or rejected and parties are required to file either a petition for exemption or an application. The proposed Holdings/CIRY transaction involves precisely the type of transaction for which the Board, if it determines not to reject the notice outright, should, at a very minimum, issue a housekeeping stay in order to seek further information.

As previously noted, the Board is fully aware of the ongoing litigation surrounding CIRY, PIRY, and the Kellar Branch. Would Holdings' acquisition of CIRY change that

litigation? Does Holdings plan to continue pursuit of CIRY's discontinuance once it acquires control? Would Holdings use its newfound control and ownership to actually operate the Kellar Branch? What about the Western Connection and the interchange with UP, will those continue to operate as they do today? There is absolutely no information contained in the record of this proceeding to help the Board and the public understand the answers to these questions. Yet, Holdings' control of CIRY could completely impact or subvert the Board's decision making process in those other proceedings. Issuance of a housekeeping stay would provide for an opportunity by which answers could be ascertained.

Furthermore, Holdings' acquisition of the assets could likewise impact PIRY's rights. For example, D.O.T. Rail Services, Inc., one of the other entities that is selling substantially all of its assets to Holdings, is also involved in the state court litigation involving the termination of PIRY's contract rights to operate over the Kellar Branch. In that litigation, PIRY seeks a determination of its contract rights and an award of damages. The proposed transaction may be a means by which D.O.T. is selling all of its assets so that in the event of a judgment in favor of PIRY, there would be no assets available to pay that judgment. Likewise, there could be other proceedings in which the other entities are also similarly involved and for which rights and obligations may be altered due to the STB's approval of the transaction. Again, there is simply not enough information in the record of this proceeding to determine what, if any, impacts the transaction will have with respect to the PIRY/D.O.T. proceeding or any other proceeding. A housekeeping stay will provide an opportunity to get answers.

In these circumstances, the issuance of housekeeping stay is more than justified and the issuance of a stay would not significantly harm Holdings or CIRY or any of the other companies involved in the transaction. Indeed, it is unclear, given that the purchase agreement is unsigned,

that there is even a signed deal. Furthermore, as detailed in the purchase agreement, there appear to be numerous pre-closing conditions that have not yet been met and even then, closing cannot occur until five days following the satisfaction or waiver of these pre-closing conditions. Exhibit 2, ¶2(d). As a result, the transaction could not close even if the notice became fully effective on Friday. As a result, there would be little harm in granting a housekeeping stay in order to gather additional information.

CONCLUSION

Due to the lack of sufficient information in the Notice, the lack of full disclosure as to the identity of Holdings, the failure to fully disclose the status of the other involved entities, and the failure to provide sufficient environmental information, the Notice should be rejected for failure to comply with the applicable statutory and regulatory requirements. If the Board does not reject the Notice, at a minimum, the Board should issue a housekeeping stay until further information can be obtained and the true nature of the transaction disclosed because the transaction involves the same line and the same parties that are currently involved in numerous pending Board proceedings and a pending appeal at the U.S. Court of Appeals for the D.C. Circuit. As such, the Board should not allow the transaction to go forward until it and the public can determine what, if any, impact the proposed transaction would have on those proceedings.

Respectfully submitted,

Daniel A. LaKemper
General Counsel
Pioneer Industrial Railway Co.
1318 S. Johanson Road
Peoria, IL 61607
Phone: (309) 697-1400


William A. Mullins
David C. Reeves
Baker & Miller PLLC
2401 Pennsylvania Ave., N.W., Suite 300
Washington, DC 20037
Phone: (202) 663-7820
Fax: (202) 663-7849
Attorneys for Pioneer Industrial Railway Co.

CERTIFICATE OF SERVICE

This is to certify that on August 2, 2006, I caused the foregoing Pioneer Industrial Railway Co. Petition To Reject Or Stay The Exemption Notice to be served upon Melinda G. Sammons, Esq., as counsel for Central Illinois Railroad Holdings, LLC, by overnight delivery and via facsimile pursuant to the Board's regulations at 49 CFR Section 1146.1.

A handwritten signature in black ink, appearing to read 'William A. Mullins', is written over a horizontal line.

William A. Mullins
Attorney for Pioneer Industrial Railway Co.