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THOMAS F. MCFARLAND

October 10, 2007

By e-filing

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

Re: Ex Parte No. 673, *Information Required in Certain Notices of Exemption*

Dear Mr. Williams:

The Board's decision in the above proceeding served October 4, 2007, failed to include Chicago Port Railroad Company in the listing of parties in footnote 2 on page 1. Attached is a copy of Chicago Port Railroad Company's notice of intent to participate, filed with the Board on August 16, 2007.

As information, Chicago Port Railroad Company and Bulktronic Railroad Corporation which is also represented by my office, oppose Petitioners' request that the Board overrule the principle established in *Effingham RR Co. - Pet. for Declaratory Order*, 2 S.T.B. 606 (1997), *aff'd sub nom. United Transportation Union v. STB*, 183 F.3d 606, 613 (7th Cir. 1999), that track acquired by a new-entrant rail carrier becomes a jurisdictional line of railroad notwithstanding its physical characteristics. That well-reasoned and judicially-approved statutory interpretation should not be vacated to further the narrow political objective sought by Petitioners in this rulemaking.

Very truly yours,

Tom McFarland

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Mr. Vernon Williams

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**cc: John M. Scheib
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Consolidated Rail Corporation
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**Keith T. Borman
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August 16, 2007

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

Re: Ex Parte No. 673, *BNSF Railway Co., et al. -- Petition to Institute a Rulemaking*

Dear Mr. Williams:

This is to advise the Board that Chicago Port Railroad Company, a Class III rail carrier, intends to participate actively in the above proceeding. Chicago Port Railroad Company will be represented by.

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Very truly yours,

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August 16, 2007

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