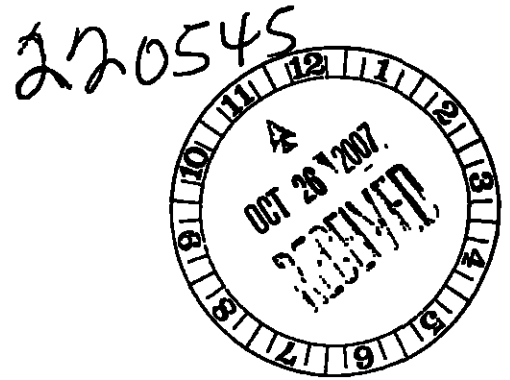


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October 24, 2007

The Honorable Charles Nottingham
The Honorable W. Douglas Buttrey
The Honorable Francis Mulvey
Surface Transportation Board
395 E Street SW
Washington, DC. 20423-0001

Re: Finance Docket No. 34824_0, Tri-State Brick and
Stone of New York, Inc and Tri-State Transportation,
Inc. Petition for Declaratory Order

Honorable Sirs:

This letter responds to that from Michael Bloomberg, Mayor of the City of New York, which was apparently filed without copying the parties to this action. The City's outside counsel, Charles Spitulnik, belatedly provided a copy. While a letter urging that the Board expeditiously decide a pending matter is unobjectionable, a letter such as the Mayor's, advocating a party's position, is improper and requires a reply. This is especially so here, where the record is closed pending a ruling on a Petition for Reconsideration.

Tri-State is receiving common carrier railroad services utilizing facilities the City granted to the designated common carrier operator, now the New York & Atlantic Railway, for that use. It is on the land due to an agreement with the carrier solely for that purpose and has no exclusive right to occupy this land or to obstruct any other customer's access to service or

use of the same land and facilities. While Mayor Bloomberg's letter states a desire to encourage greater use of rail service, the City's attempt to bar Tri-State, the sole rail customer, from this facility, suggests otherwise. Indeed, the 65th Street facility is large enough to accommodate the rail freight needs associated with rebuilding the World Trade Center over the next few years while continuing to serve Tri-State's more modest but longer term rail transportation needs.

Tri-State joins Mayor Bloomberg in urging resolution of this long-standing dispute in any way that is consistent with the applicable law.

Very truly yours,

John F. McHugh

cc: Charles Spitulnik Esq.