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SEC

SERVICE DATE – LATE RELEASE OCTOBER 27, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35045

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY—AMENDED TRACKAGE RIGHTS EXEMPTION—DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

STB Finance Docket No. 35046

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY—AMENDED TRACKAGE RIGHTS EXEMPTION—DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

STB Finance Docket No. 35047

WISCONSIN CENTRAL LTD.—TRACKAGE RIGHTS EXEMPTION—DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

STB Finance Docket No. 35048

WISCONSIN CENTRAL LTD.—TRACKAGE RIGHTS EXEMPTION—DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

STB Finance Docket No. 35049

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY—TRACKAGE RIGHTS EXEMPTION—WISCONSIN CENTRAL LTD.

STB Finance Docket No. 35050

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY—TRACKAGE RIGHTS EXEMPTION—WISCONSIN CENTRAL LTD.

Decided: October 27, 2008

On July 23, 2007, United Transportation Union (UTU) filed a petition to revoke the six exemptions noticed in these proceedings on June 29, 2007. The exemptions became effective on July 14, 2007.

In a decision served on August 15, 2007, the Board granted the joint motion of Wisconsin Central Ltd., Duluth, Winnipeg and Pacific Railway Company, and Duluth, Missabe and Iron

Range Railway Company (collectively, CN) requesting that UTU's petition to revoke in these proceedings be held in abeyance for 60 days to October 15, 2007, to give the parties time to negotiate a resolution of the issues raised in the petition to revoke. At CN's request, the Board, in decisions served on October 11, 2007, December 7, 2007, February 14, 2008, April 17, 2008, July 3, 2008, and August 15, 2008, respectively, granted additional motions to hold the petition to revoke in these proceedings in abeyance for additional 60-day periods, to December 14, 2007, February 12, 2008, April 14, 2008, June 13, 2008, August 12, 2008, and October 14, 2008. These decisions had the effect of extending the due date for CN's reply to the petition for revocation until negotiations have been completed.

On October 16, 2008, CN filed a further motion requesting that these proceedings remain in abeyance until October 28, 2008, and that the due date for CN's reply to the petition for revocation be extended until October 28, 2008. CN states that the parties have not yet reached, but have agreed to continue to work toward reaching, an agreement on the matters raised in UTU's petition to revoke. CN states that UTU concurs in the request.

The request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Consequently, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The motion to continue to hold consideration of the petition to revoke in these proceedings in abeyance until October 28, 2008, is granted.
2. The due date for CN to reply to UTU's petition to revoke in these proceedings is extended to October 28, 2008.
3. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary