

38966
SEC

SERVICE DATE – APRIL 17, 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: April 16, 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. UTU contends that the sole purpose of the exemptions was to circumvent existing collective bargaining agreements. 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, and February 14, 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, and then to April 14, 2008.

On April 14, 2008, CN filed a further motion requesting that these proceedings remain in abeyance for an additional 60 days. CN states that the parties have not yet reached, but have agreed to continue over the next 60 days 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 and will therefore 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 for an additional 60 days is granted.
2. The due date for CN to reply to UTU's petition to revoke in these proceedings is extended to June 13, 2008.
3. This decision is effective on the date of service.

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

Anne K. Quinlan
Acting Secretary