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SEC

SERVICE DATE – FEBRUARY 29, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42102

RAILROAD SALVAGE & RESTORATION, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

STB Docket No. 42103

G.F. WIEDEMAN INTERNATIONAL, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

Decided: February 28, 2008

On October 5, 2007, Railroad Salvage & Restoration, Inc. (RSR), filed a petition seeking a declaratory order to resolve a dispute over demurrage charges assessed by Missouri & Northern Arkansas Railroad Company, Inc. (MNA). On October 29, 2007, G.F. Wiedeman International, Inc. (Wiedeman), also filed a petition seeking a declaratory order to resolve a similar dispute over demurrage charges assessed by MNA. Additionally, Wiedeman requested that these proceedings be consolidated.

In a decision served on December 20, 2007, the Board instituted and consolidated the two proceedings. The Board also adopted a procedural schedule providing that discovery be completed by March 19, 2008, and that the record close on August 1, 2008, with the filing of rebuttal statements by RSR and Wiedeman.

In a letter filed on February 25, 2008, MNA, RSR, and Wiedeman (collectively, the parties) report that they are engaged in negotiations to resolve these disputes. Asserting that “additional time to negotiate would be beneficial before they are required to begin making filings under the schedule adopted by the . . . Board,” they request that the procedural schedule be postponed for 30 days. The parties state that they will advise the Board of their progress by the end of that period.

The Board has a longstanding preference for private-sector negotiation and resolution of disputes. Therefore, the request for postponement 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 request for a 30-day postponement of the procedural schedule in these consolidated proceedings is granted.
2. The parties are directed to advise the Board of the progress made in negotiations by March 31, 2008.
3. This decision is effective on its service date.
4. Copies of this decision will be mailed to:

The Honorable Dean Whipple
United States District Court for the Western District of Missouri Southwestern
Division
222 N. John Q. Hammons Parkway
Springfield, MO 65808

RE: No. 07-5017-CV-SE-DW

and

The Honorable David C. Dally
Circuit Court of Jasper County
Jasper County Courthouse
Carthage, MO 64836

RE: No. 07AO-CC00112

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

Anne K. Quinlan
Acting Secretary