

209741
ORIGINAL

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com
December 24, 2003

THOMAS F. McFARLAND

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001



Re: STB Docket No. 42076, *Albany & Eastern Railroad Company v. The Burlington Northern and Santa Fe Railway Company*

Dear Mr. Williams:

Hereby transmitted to the Board for filing in the above proceeding are the original and 10 copies of the Order of Arbitrator James L. Howe, III, effective December 18, 2003, granting the request of Albany and Eastern Railroad Company (AERC) for withdrawal of the request for arbitration, with prejudice. In light of the Arbitrator's Order, AERC requests that the Board dismiss the proceedings in the above-captioned docket, with prejudice. AERC is authorized to state that BNSF concurs in this request.

ENTERED
Office of Proceedings

Very truly yours,

DEC 29 2003

Tom McFarland

Part of
Public Record

Thomas F. McFarland
*Attorney for Albany & Eastern
Railroad Company*

TMcF:kl:enc:wp11\909\ltrstb4

cc: Robert Jenkins, Esq.
Mike Root

ORDER OF THE ARBITRATOR

STB DOCKET No. 42076 ALBANY & EASTERN RAILROAD CO.
v. THE BURLINGTON NORTHERN AND SANTA FE RAILROAD CO.

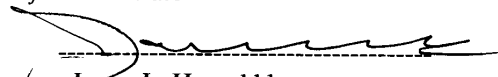
By letter dated December 17, 2003, Complainant Albany and Eastern Railroad (AERC) advised the undersigned arbitrator of its desire to withdraw, with prejudice, its request for arbitration in this proceeding and asked for leave to so withdraw. AERC further advised that defendant Burlington Northern and Santa Fe Railroad has no objection to the request so long as (1) the withdrawal is with prejudice, (2) the Arbitrator issue an order granting leave to withdraw with prejudice and, (3) that AERC provide a copy of such order to the Surface Transportation Board.

Accordingly, the AERC request is granted..

It as ordered :

1. The request for withdrawal of request for arbitration with prejudice is granted.
2. A copy of this order shall be provided by AERC to the Surface Transportation Board.
3. This order is effective on December 18, 2003.

By the Arbitrator


James L. Howell