

210183

James D. Fenske
1702 Weber Road
Billings, Missouri 65610
February 7, 2004

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

FEB 27 2004

Part of
Public Record



Dear Secretary Williams:

Finance Docket No. 34438, Huron & Eastern Railway Company, Inc -Acquisition and Operation Exemption-
Central Michigan Railway Company.

This Merger will effect the Missouri Northern Railroad Dispatchers at Carthage, Missouri.

Missouri Northern Arkansas Railroad (MNA) as of December 31, 2003 should be a Class II Railroad. Your Statistics should verify this Revenue data. The Missouri Northern Arkansas Railroad Dispatchers at Carthage, Missouri had been dispatching the Huron & Eastern Railroad.(HESR) until purchase of Central Michigan Railway Co.

Mr Tom Murphy, Manager of the Dispatching Center in Vermont and Mr. Satunas, General Manager (MNA) have notified the MNA dispatchers, that since the HESR railroad is purchasing the Central Michigan Railway Company, the dispatching will be moved to Vermont. Dispatching was moved to St Abanys, Vt on February 1, 2004. Dispatchers at Carthage received notice January 27, 2004 (5 days notice) there jobs would be abolished on January 31, 2004. Dispatchers received 10 days severance pay if they did not mark off for any reason. HESR did not post any notice of a merger at Carthage, Mo. were dispatching duties have been performed for past 4 years.

See STB Finance Docket No 34130. "Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interest of its employees. Because Rail America controls more than one Class II rail carrier, the transaction will be made subject to the labor protective conditions described in New York Dock Ry-Control-Brooklyn Eastern Dist., 360 I.C.C. 60 (1979)."

The Missouri Northern Arkansas Railroad Dispatchers request protection under New York Dock Ry. Control-Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

I thank you for you assistance.

I have served first Class Mail to: Louis E Gitomer, Attorney for Huron Eastern Railway Co, 1455 F ST. Suite 225, Washington D. C. And TO: Honorable Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street, N.W. Washington, D. C.

Sincerely,

James D. Fenske