

July 12, 2007

Via Electronic Filing

Honorable Vernon A. Williams
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Edward J. Fishman
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Re: STB Finance Docket No. 35055
Dakota Missouri Valley & Western Railroad, Inc. -
Lease and Operation Exemption -
Soo Line Railroad Company d/b/a Canadian Pacific Railway Company
Labor Notice Certification

Dear Secretary Williams:

The Dakota Missouri Valley & Western Railroad, Inc ("DMVW") hereby certifies in accordance with 49 C.F.R. § 1150.42(e) that a copy of the enclosed notice was posted (i) at the workplace of BNSF Railway Company employees in Minot, North Dakota on June 28, 2007, and (ii) at the workplace of DMVW employees in Crosby, Flaxton, and Westby, North Dakota on July 3, 2007. DMVW further certifies that it is hereby serving by overnight delivery a copy of this letter and the enclosed notice on the national offices of the labor unions shown below.

Respectfully submitted,



Edward J. Fishman
Counsel for Dakota, Missouri
Valley and Western Railroad, Inc.

Enclosures

cc: via Federal Express w/ enclosure:

Mr. Don M. Hahs, International President
Brotherhood of Locomotive Engineers and Trainmen
Standard Building
1370 Ontario Street
Cleveland, OH 44113-1702

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Mr. Freddie N. Simpson, President
Brotherhood of Maintenance of Way Employees Division
20300 Civic Center Drive, Suite 320
Southfield, MI 48706-4169

Mr. Robert A. Scardelletti, International President
Transportation Communications International Union
3 Research Place
Rockville, MD 20850

Mr. Paul C. Thompson, International President
United Transportation Union
14600 Detroit Avenue
Cleveland, OH 44107

Before the
Surface Transportation Board

STB Finance Docket No. 35055

**DAKOTA MISSOURI VALLEY & WESTERN RAILROAD, INC.
- LEASE AND OPERATION EXEMPTION -
SOO LINE RAILROAD COMPANY d/b/a
CANADIAN PACIFIC RAILWAY COMPANY**

**NOTICE OF INTENT DIRECTED TO EMPLOYEES
ON AFFECTED RAIL LINES DESCRIBED BELOW**

Pursuant to Surface Transportation Board regulations at 49 C.F.R. § 1150.42(e), Dakota Missouri Valley & Western Railroad, Inc. (“DMVW”) hereby provides notice that it plans to lease and operate the following lines of railroad that Soo Line Railroad Company, d/b/a Canadian Pacific Railway (“CPR”) plans to acquire from BNSF Railway Company (“BNSF”):

- (A) the line of railroad jointly owned by BNSF and CPR that CPR will acquire in full from BNSF (by acquiring BNSF’s one-half interest therein) and DMVW will continue to operate (pursuant to a lease with CPR instead of via trackage rights) between approximately CPR Mile Post 550.80 in Lignite Junction, North Dakota and approximately CPR Mile Post 582.35 in Crosby, North Dakota together with (i) the connecting track between approximately CPR Mile Post 549.64 at Rival, North Dakota and approximately CPR Mile Post 550.8 at Lignite Junction, North Dakota, (ii) the short connecting track between approximately BNSF Mile Post 64.5 at Kincaid, North Dakota and approximately CPR Mile Post 558.28 at Columbus, North Dakota,¹ and (iii) the short connection at Crosby, North Dakota to the original CPR main line extending west to Whitetail, Montana, all of which are situated between Flaxton, North Dakota and Whitetail, Montana, a total distance of approximately 33 miles.
- (B) the line of railroad that CPR will acquire from BNSF and DMVW will lease and operate between approximately BNSF Mile Post 47.0 east of Lignite, North Dakota and approximately BNSF Mile Post 56.96 at Lignite Junction,² North Dakota, a total distance of approximately 10 miles.

DMVW plans to lease and operate the foregoing lines of railroad (the “Subject Lines”) upon CPR’s acquisition of the same from BNSF. DMVW already operates over the lines of railroad listed in paragraph (A) above pursuant to trackage rights. Upon CPR’s acquisition of

¹ CPR does not have its own milepost designation at Kincaid and BNSF does not have its own milepost designation at Columbus.

² The approximate milepost designation for Lignite Junction is 56.96 on the BNSF system and 550.80 on the CPR system.

those lines of railroad, DMVW will operate that territory pursuant to a lease with CPR. DMVW does not currently operate over the line of railroad described in paragraph (B) above between Lignite and Lignite Junction. Applying conservative traffic assumptions, DMVW expects to have employment opportunities in the areas shown on the attached list. The number of employment positions shown on the attached list is preliminary and represents DMVW's current good faith estimate of the positions DMVW expects to have available. The number of positions shown on the attached list may be less than the actual number of positions that DMVW will have available and will be dependent largely on the rail traffic levels in and around the area served by the Subject Lines that is not already served by DMVW (i.e., between Lignite and Lignite Junction).

With respect to benefits, DMVW will offer its employees:

- Medical and dental insurance
- Life insurance
- Holidays
- Vacation
- 401(k) plan
- Employee assistance program

DMVW will select employees on the basis of some or all of the following criteria and other considerations: (1) demonstrated work ethic that is customer-driven and customer-oriented; (2) commitment and ability to work within a team environment; (3) demonstrated stable work history and commitment to safety; (4) commitment to being accountable for work product; (5) ability to communicate effectively, both orally and in writing; (6) relevant work experience and ability to perform duties, with or without reasonable accommodation, required for particular job; (7) results of personal interview(s); and (8) demonstration of relevant work skills through non-discriminatory testing. No one factor listed above will be determinative in the employee selection process.

The most qualified candidates will be selected from the available pool of applicants without regard to race, creed, color, religion, national origin, sex, age, marital status, disability, veteran, National Guard or military reserve status, and any other protected characteristic. Successful applicants who have been conditionally offered positions will be required to pass a pre-employment drug and alcohol screen, complete a medical questionnaire, and pass a physical exam.

Any person interested in obtaining an application for employment or further information concerning positions that will be available with DMVW should contact Roger Wood by mail only c/o Dakota, Missouri Valley & Western Railroad, 3501 E. Rosser Avenue, Bismarck, North Dakota 58501.

This notice is being posted in accordance with the requirements of 49 C.F.R. § 1150.42(e), which requires the posting of a notice of intent to undertake a proposed transaction under 49 U.S.C. § 10902 and 49 C.F.R. § 1150.42(e) involving a Class III rail carrier with projected annual revenues in excess of \$5 million at the workplace of the employees on the

affected railroad lines at least 60 days before the notice of exemption relating to the proposed transaction becomes effective. A copy of this notice is being served by overnight delivery on the national offices of the labor unions with employees on the affected railroad lines.

<u>Job Description</u>	<u>Approximate Number To Be Hired</u>	<u>Approximate Pay Range</u>
Track Maintainer	2	Commensurate with Experience and Wage Levels of Existing DMVW Employees