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SEC

SERVICE DATE – OCTOBER 11, 2007

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: October 10, 2007

On July 23, 2007, United Transportation Union (UTU) filed a petition to revoke the six exemptions noticed in these proceedings on June 29, 2007, contending that their sole purpose 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 a joint motion filed by Wisconsin Central Ltd., Duluth, Winnipeg and Pacific Railway Company, and Duluth, Missabe and Iron Range Railway Company (collectively, CN) to hold these proceedings in abeyance for 60 days, until October 15, 2007, to give the parties time to negotiate a resolution of the issues raised in UTU's petition.

On October 9, 2007, CN filed another joint motion requesting that the Board continue to hold consideration of UTU's petition to revoke in abeyance for an additional 60 days. CN states that it has reached a tentative agreement with UTU, but that additional time is required for UTU to solicit ratification of the agreement. 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. Therefore, the motion 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 joint 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 is extended to December 14, 2007.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary