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SERVICE DATE – FEBRUARY 23, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35346

NEBRASKA NORTHWESTERN RAILROAD, INC.  
– ACQUISITION AND OPERATION EXEMPTION –  
DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION

Decided: February 23, 2010

By petition filed on February 5, 2010, the Nebkota Railway, Inc. (Nebkota) and its owner West Plains Company (jointly, petitioners) asked the Board to reject a notice of exemption filed under the Board's class exemption at 49 CFR 1150.31 by the Nebraska Northwestern Railroad, Inc. (NNW) or to stay the effectiveness of the exemption pursuant to which NNW may commence rail service.

By motion filed on February 22, 2010, petitioners seek leave to withdraw their petition in light of an amendment to Nebkota's trackage rights agreement with the Dakota, Minnesota & Eastern Railroad Corporation (DM&E). The amendment addresses certain concerns expressed by petitioners in their petition by allowing Nebkota to interchange traffic with DM&E at Dakota Junction, NE. Accordingly, petitioners' motion to withdraw their petition will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Petitioners' request to withdraw their petition is granted.
2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.