

38923
SEC

SERVICE DATE – LATE RELEASE APRIL 11, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42102

RAILROAD SALVAGE & RESTORATION, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

STB Docket No. 42103

G.F. WIEDEMAN INTERNATIONAL, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

Decided: April 11, 2008

On October 5, 2007, Railroad Salvage & Restoration, Inc. filed a petition seeking a declaratory order to resolve a dispute over demurrage charges assessed by Missouri & Northern Arkansas Railroad Company, Inc. (MNA). On October 29, 2007, G.F. Wiedeman International, Inc. (Wiedeman), filed a petition seeking a declaratory order to resolve a similar dispute over demurrage charges assessed by MNA. Wiedeman also requested that the proceedings be consolidated.

In a decision served on December 20, 2007, the Board instituted and consolidated the requested declaratory order proceedings and adopted a procedural schedule. That procedural schedule was postponed at the request of the parties in a decision served on February 29, 2008, to give them additional time to negotiate a settlement. In a decision served on April 10, 2008, the Board, at MNA's request, reinstated the procedural schedule, directing that discovery be completed by April 18, 2008; that petitioners' opening statements be filed by May 19, 2008; that MNA's reply statements be filed by August 18, 2008; and that petitioners' rebuttal statements be filed by September 2, 2008.

On April 10, 2008, MNA filed a letter with the Board advising that flooding of MNA's lines in Missouri over the past weeks will prevent MNA from devoting staff resources to retrieving all of the documents needed to respond to petitioners' discovery requests by April 18, 2008. MNA reports that the parties have conferred and have agreed to a modification of the schedule established by the Board in the April 10 decision. The parties therefore request that the date for completing discovery be extended to April 30, 2008, and that the date for petitioners to file their opening statements be extended to June 3, 2008. They propose no changes to the remainder of the procedural schedule as set in the Board's April 10 decision. The request 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 parties' request to revise the procedural schedule adopted in the decision served on April 10, 2008, is granted.
2. Discovery will be completed by April 30, 2008, and petitioners' opening statements will be due by June 3, 2008.
3. The due dates for MNA's reply statements and petitioners' rebuttal statements will remain as before, August 18, and September 2, 2008, respectively.
4. This decision is effective on its service date.
5. Copies of this decision will be mailed to:

The Honorable Dean Whipple
United States District Court for the Western District of Missouri
Southwestern Division
222 N. John Q. Hammons Parkway
Springfield, MO 65808

RE: No. 07-5017-CV-SE-DW

and

The Honorable David C. Dally
Circuit Court of Jasper County
Jasper County Courthouse
Carthage, MO 64836

RE: No. 07AO-CC00112

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary