

SERVICE DATE – APRIL 10, 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 9, 2008

On October 5, 2007, Railroad Salvage & Restoration, Inc. (RSR), 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), also filed a petition seeking a declaratory order to resolve a similar dispute over demurrage charges assessed by MNA. Additionally, Wiedeman requested that these 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 providing that discovery be completed by March 19, 2008, and that the record close on August 1, 2008, with the filing of rebuttal statements by RSR and Wiedeman. At the request of parties, the Board, in a decision served on February 29, 2008, postponed the procedural schedule for 30 days to give them additional time to negotiate a settlement.

In a letter filed on March 28, 2008, MNA advises that the settlement negotiations have not been successful and requests that the procedural schedule be reinstated and revised to account for the 30-day delay for negotiations. 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 modified procedure schedule is reinstated and revised to account for the 30-day delay that allowed for negotiations.
2. Discovery will be completed by April 18, 2008.

3. Petitioners' opening statements are due by May 19, 2008.
4. MNA's reply statements are due by August 18, 2008.
5. Petitioners' rebuttal statements are due by September 2, 2008.
6. This decision is effective on its service date.
7. 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