

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34178¹

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
AND CEDAR AMERICAN RAIL HOLDINGS, INC.

— CONTROL —

IOWA, CHICAGO & EASTERN RAILROAD CORPORATION

Decision No. 8

Decided: February 21, 2003

By decision served February 3, 2003 (Decision No. 7), the Board: (1) approved, subject to the standard New York Dock labor protective conditions,² the acquisition, by Dakota, Minnesota & Eastern Railroad Corporation (DM&E), of control of Iowa, Chicago & Eastern Railroad Corporation (IC&E); (2) denied DM&E's request for an order under 49 U.S.C. 11102 that would permit DM&E to operate, without restriction, over approximately 3,700 feet of Union Pacific Railroad Company (UP) "terminal trackage" in Owatonna, MN; and (3) authorized, subject to the standard Norfolk and Western labor protective conditions,³ operation by DM&E, pursuant to overhead trackage rights, on the IC&E line between Owatonna, MN, and Mason City, IA, and on the Iowa Northern Railway Company (IANR) line between Plymouth Junction, IA, and Nora Springs, IA.

By motion dated February 21, 2003, DM&E seeks an extension, to March 17, 2003, of the deadline for filing a petition for reconsideration of Decision No. 7. DM&E explains that, since the service of Decision No. 7, it has been engaged in negotiations with UP regarding a

¹ This decision embraces: STB Finance Docket No. 34178 (Sub-No. 1), Dakota, Minnesota & Eastern Railroad Corporation — Terminal Trackage Rights — Union Pacific Railroad Company; and STB Finance Docket No. 34178 (Sub-No. 2), Dakota, Minnesota & Eastern Railroad Corporation — Trackage Rights Exemption — Iowa, Chicago & Eastern Railroad Corporation and Iowa Northern Railway Company.

² New York Dock Ry. — Control — Brooklyn Eastern Dist., 360 I.C.C. 60, 84-90 (1979) (New York Dock).

³ Norfolk and Western Ry. Co. — Trackage Rights — BN, 354 I.C.C. 605, 610-15 (1978) (Norfolk and Western), as modified in Mendocino Coast Ry., Inc. — Lease and Operate, 360 I.C.C. 653, 664 (1980).

DM&E/IC&E connection at Owatonna. DM&E further explains that the requested extension would allow DM&E to devote its resources to the negotiations with UP and to avoid the expense of preparing and filing a petition for reconsideration that may not be necessary.

The request for an extension of the deadline by which petitions for reconsideration of Decision No. 7 must be filed is reasonable, and will, therefore, 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 deadline by which petitions for reconsideration of Decision No. 7 must be filed is extended to March 17, 2003.
2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary