

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35045

224002

**DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY
- TRACKAGE RIGHTS EXEMPTION -
DULUTH, WINNIPEG, AND PACIFIC
RAILWAY COMPANY**

FINANCE DOCKET NO. 35046

224003

**DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY
- TRACKAGE RIGHTS EXEMPTION -
DULUTH, WINNIPEG, AND PACIFIC
RAILWAY COMPANY**

FINANCE DOCKET NO. 35047

224004

**WISCONSIN CENTRAL LTD
- TRACKAGE RIGHTS EXEMPTION -
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY**

FINANCE DOCKET NO. 35048

224005

**WISCONSIN CENTRAL LTD
- TRACKAGE RIGHTS EXEMPTION -
DULUTH, WINNIPEG AND PACIFIC
RAILWAY COMPANY**

FINANCE DOCKET NO. 35049

224006

**DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
- TRACKAGE RIGHTS -
WISCONSIN CENTRAL**

FINANCE DOCKET NO. 35050

224007

**DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY
- TRACKAGE RIGHTS EXEMPTION -
WISCONSIN CENTRAL, LTD**

**UNITED TRANSPORTATION UNION'S
MOTION FOR LEAVE TO FILE
A REPLY TO A REPLY**

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United Transportation Union ("UTU") respectfully moves the Board for leave to file a reply to a reply to UTU's petition to revoke in the above-captioned proceedings. While UTU is aware that 49 C.F.R. § 1104.13(c) prohibits a reply to a reply, UTU believes one is necessary here to bring to the Board's attention various facts that have occurred between the date UTU filed its petition to revoke on July 23, 2007 and the date Duluth, Missabe and Iron Range Railway Company (DMIR), Duluth, Winnipeg and Pacific Railway Company ("DWP"), and Wisconsin Central Ltd. ("WCL") filed their reply on October 28, 2008.

Generally, during that time period, DWP, DMIR and WCL have sought to eliminate the DWP and DMIR collective bargaining agreements and bring all three of these railroads under a version of the WCL collective bargaining agreement as UTU forewarned in its petition to revoke. These carriers brought their plans to UTU's attention by serving a New York Dock Section 4 notice on UTU on September 24, 2007. This intention by the carriers to bring these three carriers under one agreement directly conflicts with these carriers' statements in their reply herein that they have no plans to change any collective bargaining agreements on these three rail properties. UTU now feels it must set the record straight by filing a reply to a reply in order to inform the Board of these contradictory statements and the actual facts at hand. As a result, UTU seeks leave to file its reply to a reply which is submitted herewith.

Respectfully submitted,

/s/ Daniel R. Elliott
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CERTIFICATE OF SERVICE

_____ This is to certify that a copy of the foregoing United Transportation Union's Motion for Leave to File a Reply to a Reply has been served this 18th day of November, 2008, via first-class, postage pre-paid mail, upon the following

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/s/ Daniel R. Elliott_____

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