

Mac A. Fleming  
President



209721  
Freddie N. Simpson  
Secretary-Treasurer

**Brotherhood of Maintenance of Way Employees**  
Affiliated with the A.F.L.-C.I.O. and C.L.C.

DEC 23 2003

December 23, 2003

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



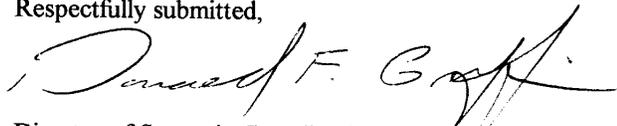
Re: Finance Docket No. 34424

Dear Secretary Williams:

Please find enclosed for filing with the Board an original and 20 copies of the Brotherhood of Maintenance of Way Employees' Notice of Intent to Participate and Motion for Leave to File Notice *Instante*. Also enclosed is a 3.5" diskette containing an electronic copy of the notice and motion in WordPerfect 10 format.

Please stamp the extra copy of the notice and motion as received so that the messenger may return it to the undersigned. Thank you.

Respectfully submitted,

  
Donald F. Goff  
Director of Strategic Coordination & Research

BEFORE THE SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34424

CANADIAN NATIONAL RAILWAY COMPANY AND  
GRAND TRUNK CORPORATION – CONTROL –  
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY,  
BESSEMER AND LAKE ERIE RAILROAD COMPANY AND  
THE PITTSBURGH & CONNEAUT DOCK COMPANY

DEC 19 2003

NOTICE OF INTENT TO PARTICIPATE AND MOTION  
FOR LEAVE TO FILE NOTICE *INSTANTER*

The Brotherhood of Maintenance of Way Employees (“BMWE”) hereby provides notice of its intent to participate as a party of record in this proceeding. The BMWE represents the maintenance of way employees working for all Applicant carriers save The Pittsburgh & Conneaut Dock Company. BMWE will use the four letter acronym “BMWE” in this proceeding.

BMWE also respectfully moves the Board for leave to file this notice *instanter*. The Board’s Decision No. 2, served December 1, 2003 set December 19, 2003 as the deadline for filing this notice. The undersigned, through the press of business, which included engaging in collective bargaining with the Applicants where issues in this proceeding were discussed, failed to file this notice in a timely manner. The BMWE regrets this oversight and apologizes to any parties who may be inconvenienced by this late filing. However, BMWE also submits that the filing of this notice is procedural and raises no substantive issues and should not create a serious hardship to any other potential party of record.

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Wherefore, based upon the foregoing, BMW respectfully moves this Board to accept this notice of intent to participate and permit BMW to file the notice *instanter*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald F. Griffin". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald F. Griffin  
Director of Strategic Coordination and Research  
Brotherhood of Maintenance of Way Employees  
10 G Street, N.E., Suite 460  
Washington, D.C. 20002  
(202) 638-2135

Dated: December 23, 2003

Certificate of Service

I hereby certify that today I served a copy of the foregoing by overnight mail delivery upon the following:

Paul A. Cunningham, Esq.  
HARKINS CUNNINGHAM LLP  
801 Pennsylvania Avenue, N.W.  
Suite 600  
Washington, D.C. 20004-2664

Secretary of the United States Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Attorney General of the United States  
c/o Assistant Attorney General Antitrust Division  
Room 3645  
Department of Justice  
Washington, D.C. 20530

  
Donald F. Griffin

Dated: December 23, 2003