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October 25, 2007

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

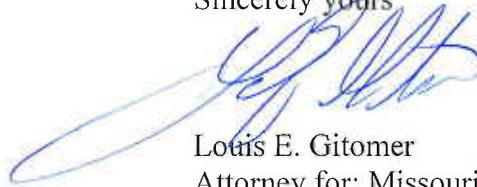
RE: Docket No. 42102, *Railroad Salvage & Restoration, Inc.—Petition for
Declaratory Order—Reasonableness of Demurrage Charges*

Dear Secretary Williams:

Enclosed for e-filing is the response of the Missouri & Northern Arkansas Railroad Company, Inc. to the Petition for Declaratory Order filed by Railroad Salvage & Restoration, Inc.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: Missouri & Northern Arkansas
Railroad Company, Inc.

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42102

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

REPLY OF MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

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Attorneys for MISSOURI & NORTHERN
ARKANSAS RAILROAD
COMPANY, INC.

Dated: October 25, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42102

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

REPLY OF MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

The Missouri & Northern Arkansas Railroad Company, Inc. (“MNA”), pursuant to 49 C.F.R. § 1104.13(a), responds to the Petition for Declaratory Order (the “Petition”) filed by Railroad Salvage & Restoration, Inc. (“Railroad Salvage”) on October 5, 2007.

MNA agrees with the request of Railroad Salvage for the Surface Transportation Board (the “Board”) to commence a declaratory order proceeding as a matter of primary jurisdiction pursuant to the order entered on September 27, 2007 in *Missouri & Northern Arkansas Railroad Company, Inc. v. Railroad Salvage & Restoration, Inc.*, USDC, WD, Mo., SW Div., No. 07-5017-CV-DW, by United States District Court Judge Dean Whipple, as attached to the Petition as Appendix 1 (the “*Referral Order*”).

Contrary to the relief sought by Railroad Salvage, MNA requests the Board to declare that the collection of demurrage charges **would not** be an unreasonable practice. MNA agrees to the procedural schedule proposed by Railroad Salvage, except as to the time period for discovery. Pursuant to discussions with counsel for Railroad Salvage, MNA contends that the period for discovery should be 90 days from the date that the Board institutes a proceeding instead of the date on which the Petition was filed.

In conclusion, MNA agrees to the institution of a Declaratory Order proceeding by the Board to address the issues presented by the Court and agrees with the procedural schedule proposed by Railroad Salvage, except for the period for discovery, which should terminate 90 days from the date the Board institutes a proceeding.

Respectfully submitted,



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Attorneys for MISSOURI & NORTHERN
ARKANSAS RAILROAD
COMPANY, INC.

Dated: October 25, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by first class mail postage pre-paid on

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October 25, 2007