

**WEINER  
BRODSKY  
SIDMAN  
KIDER PC**

226653



March 18, 2010

**BY HAND**

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

**ENTERED  
Office of Proceedings**

**MAR 18 2010**

**Part of  
Public Record**

RE: STB Finance Docket NOR 42117, Cargill, Inc. et al. v. Aberdeen & Rockfish Railroad Co., et al.

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and ten copies of Central Washington Railroad Company's Reply to Petition for Mediation.

Please acknowledge receipt of this filing by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

Rose-Michele Nardi

Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
CARGILL, INC., *et al.*,

Complainants

v.

ABERDEEN & ROCKFISH RAILROAD  
COMPANY, *et al.*,

Defendants  
\_\_\_\_\_

Docket No. NOR 42117

ENTERED  
Office of Proceedings

MAR 18 2010

Part of  
Public Record

**CENTRAL WASHINGTON RAILROAD COMPANY'S  
REPLY TO PETITION FOR MEDIATION**

Central Washington Railroad Company ("CWA") hereby replies to Complainants' Petition for Mediation filed in the above-referenced proceeding on January 29, 2010 (the "Petition"). The Complainants' Petition is related to the Complaint filed by Complainants in this proceeding on January 29, 2010, as amended on February 17, 2010 (the "Complaint"). CWA does not oppose Complainants' request for mediation, as described in its Petition, subject to the conditions set forth by the AAR Defendants<sup>1</sup> in their Reply, filed in this proceeding on February 24, 2010. These conditions are: (1) the mediation is non-binding; (2) the mediation is private, confidential and subject to an appropriate protective order; (3) during the mediation, the complaint proceeding is held in abeyance; and (4) when requested by the mediator, persons with authority to bind parties should be present. However, with respect to the fourth condition, CWA requests that the mediator not require a defendant to be present when that defendant received de

<sup>1</sup> The AAR Defendants are: Association of American Railroads; Railinc, Corp.; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

minimis mileage equalization payments for the years at issue in the Complaint, and such a requirement would pose an undue burden on the defendant.

Respectfully submitted,



Mark H. Sidman  
Rose-Michele Nardi  
Weiner Brodsky Sidman Kider PC  
1300 19<sup>th</sup> Street, NW  
Fifth Floor  
Washington, DC 20036  
(202) 628-2000

Attorneys for  
Central Washington Railroad Company

Date: March 18, 2010

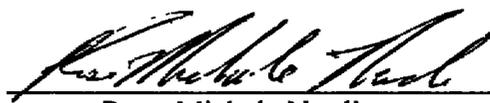
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing filing by Central Washington Railroad Company in STB Docket No. NOR 42117, is being served on March 18, 2010, by first-class mail, postage pre-paid, on the following:

<p>Garland Horton President Aberdeen and Rockfish Railroad Co. P.O. Box 917 Aberdeen, NC 28315</p>	<p>R.B. Culliford Senior Vice President and General Counsel 1700 Iron Horse Park No. Billerica, MA 01862-1692 <i>Boston and Maine Corporation</i> <i>Maine Central Railroad Co.</i> <i>Pan Am Railways</i> <i>Portland Terminal Co.</i> <i>Springfield Terminal Railway Co.</i></p>
<p>David Collins 1200-C Scottsville Road Suite 200 Rochester, NY 14624 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i></p>	<p>Allison M. Fergus General Counsel and Secretary Buffalo and Pittsburgh Railroad Inc. c/o Genesee &amp; Wyoming Inc. 66 Field Point Road Greenwich, CT 06830</p>
<p>Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9</p>	<p>Joe McGovern Chief Operating Officer Cedar Rapids and Iowa City Railway Company 2330 12<sup>th</sup> Street SW Cedar Rapids, IA 52404</p>
<p>Kevin Burke Vice President and General Manager Cedar Rapids and Iowa City Railway Company 2330 12<sup>th</sup> Street SW Cedar Rapids, IA 52404</p>	<p>Thomas Walsh President Montana Rail Link, Inc. P.O. Box 16390 101 International Way Missoula, MT 59808-6390</p>

<p>Elgin, Joliet and Eastern Railway Company c/o Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9</p>	<p>Gary Railway Company c/o Thomas Kelly President Transtar Inc. 1200 Pennsylvania Avenue Suite 300 Pittsburgh, PA 15222</p>
<p>James H. Danzl General Manager Marketing Gary Railway Company One North Buchanan Street Gary, Indiana 46402</p>	<p>Indiana &amp; Ohio Railway Company c/o Scott Williams, Senior Vice President and General Counsel Rail America Inc. 7411 Fullerton St. Suite 300 Jacksonville, FL 32256</p>
<p>Ryan Ratledge General Manager Indiana Ohio &amp; Railway Company 2856 Cypress Way Cincinnati, OH 45212</p>	<p>Iowa, Chicago &amp; Eastern Railroad Corporation c/o Vern G. Graham President Dakota, Minnesota, and Eastern Railroad Corporation 140 N. Philips Ave. Sioux Falls, SD 57104</p>
<p>Daniel R. Sabin President Iowa Northern Railway 122 North 2<sup>nd</sup> Street P.O. Box 640 Greene, IA 50636</p>	<p>William Wochner Senior Vice President and Chief Legal Officer Kansas City Southern Railway Company 427 West 12<sup>th</sup> Street Kansas City, MO 64121-9335</p>
<p>Mike Hemmer Senior Vice President- Law and General Counsel Union Pacific Railroad Company Stop 1580 1400 Douglas Street Omaha, NE 68179</p>	<p>Nathan Fenno President New York, Susquehanna and Western Railway Corp. One Railroad Avenue Cooperstown, NY 13326</p>
<p>Hugh M. Tarbutton President Sandersville Railroad Company P.O. Box 269 Sandersville, GA 31082</p>	<p>Louis P. Warchot Senior Vice President Law &amp; General Counsel Association of American Railroads 50 F Street, NW Washington, DC 20001</p>

<p>E. Allen West  President and Chief Executive Officer  Railinc  Highwoods Centre at Weston  7001 Weston Parkway, Suite 200  Cary, NC 27513</p>	<p>James A. Hixon  Executive Vice President – Law and Corporate  Relations  Norfolk Southern Railway Company  Three Commercial Place  Norfolk, VA 23510-2191</p>
<p>Cindy Sanborn  President  Baltimore and Ohio Chicago Terminal  Railroad Company  c/o CSX Transportation Inc.  500 Water Street  Jacksonville, FL 32202</p>	<p>Roger Nober  Executive Vice President Law &amp; Secretary  BNSF Railway Company  2650 Lou Menk Drive  P.O. Box 961057  Fort Worth, TX 76161-0057</p>
<p>James H. Gallegos  Vice President and General Counsel  BNSF Railway Company  2650 Lou Menk Drive  P.O. Box 961057  Fort Worth, TX 76161-0057</p>	<p>Paul Guthrie  Vice President Law  Canadian Pacific Railway  Suite 500 Gulf Canada Square  401 9<sup>th</sup> Avenue SW  Calgary, AB T2P 4Z4</p>
<p>E.M. Fitzsimmons, Sr.  Vice President Law, General Counsel &amp;  Corporate Secretary  CSX Transportation Inc.  500 Water Street  Jacksonville, FL 32202  <i>CSX Transportation and Baltimore and Ohio  Chicago Terminal Railroad Company</i></p>	<p>Jeffrey O. Moreno  Nicholas J. DiMichael  Thompson Hine LLP  1920 N Street, NW, Suite 800  Washington, DC 20036-1600  <i>Cargill Inc., E.I. du Pont de Nemours and  Company, ExxonMobile Corporation, Jones-  Hamilton Co., PPG Industries Inc., Reagent  Chemical and Research, Inc., and Taminco  Methylamines, Inc.</i></p>
<p>Michael L. Rosenthal  Covington &amp; Burling LLP  1201 Pennsylvania Avenue, NW  Washington, DC 20004-2401  <i>Association of American Railroad and Railinc,  Corp.</i></p>	<p>Robert Von Eigen  Foley &amp; Lardner LLP  3000 K Street, NW  Sixth Floor  Washington, DC 20007-5709  <i>Cedar Rapids and Iowa City Railway Co.</i></p>


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Rose-Michele Nardi