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SERVICE DATE – LATE RELEASE AUGUST 10, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1075X

MANUFACTURERS RAILWAY COMPANY—DISCONTINUANCE EXEMPTION—IN ST.
LOUIS, MO.

Decided: August 10, 2011

By decision served on July 12, 2011, the Board exempted from the prior approval requirements of 49 U.S.C. § 10903 the discontinuance of service by Manufacturers Railway Company (MRS) over its entire system in St. Louis, Mo. As a condition of the exemption, the Board imposed the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). The exemption is scheduled to take effect August 11, 2011.

By petition filed on July 27, 2011, MRS requests that the Board stay, pending judicial review,¹ the portion of its decision requiring the payment of labor protection.²

Pursuant to 49 C.F.R. § 1011.4(a)(3), a housekeeping stay of the effective date of the Board's July 12, 2011 decision will be imposed for 45 days from the service date of this decision (until September 24, 2011).³ A housekeeping stay will provide the Board sufficient time to fully consider the issues presented by MRS's petition for stay.

¹ MRS filed a petition for judicial review of the Board's July 12, 2011 decision in Manufacturers Railway Co. v. STB, No. 11-1269 (D.C. Cir. filed July 28, 2011).

² On August 5, 2011, the Brotherhood of Maintenance of Way Employees Division/International Brotherhood of Teamsters (BMWED), the International Association of Machinists and Aerospace Workers (IAM), and United Transportation Union (UTU) filed replies to MRS's petition for stay. Included in IAM's and UTU's replies were motions to permit their filing after the 5-day period set forth in 49 C.F.R. § 1152.25(e)(7)(iii), while BMWED accompanied its reply with a separate "alternative" motion for leave to file it. On the same day, MRS filed a motion to strike the replies of BMWED, IAM, and UTU. On August 8, 2011, UTU filed an opposition to MRS's motion to strike. These pleadings will be addressed in a subsequent decision.

³ Chairman Elliott is not participating in this decision. Therefore, the housekeeping stay is being issued by the Vice Chairman. See 49 C.F.R. § 1011.3(a)(3).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the decision served July 12, 2011, in this proceeding is stayed until September 24, 2011.

2. This decision is effective on its date of service.

By the Board, Ann D. Begeman, Vice Chairman.