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SEC

SERVICE DATE – MAY 11, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32549 (Sub-No. 25)

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN–ENFORCEMENT
OF LABOR ARBITRATION AWARD–BNSF RAILWAY COMPANY

Decided: May 10, 2006

On November 2, 2005, the Brotherhood of Locomotive Engineers and Trainmen (BLET) filed a pleading asking the Board to order BNSF Railway Company (BNSF) to fully comply with a labor arbitration award. On November 21, 2005, BNSF filed a reply. By decision served on December 9, 2005, the Board adopted the procedural schedule proposed by the parties and on February 28, 2006, the Board issued a decision modifying the procedural schedule. Pursuant to the modified schedule, BNSF filed a motion for summary judgment on March 9, 2006.

On March 24, 2006, the Board issued a decision granting BLET a two-week extension of time for filing its reply to BNSF's motion, from the March 24, 2006 due date under the modified procedural schedule, to April 7, 2006, to provide time for the parties to pursue settlement negotiations. By decision served on April 6, 2006, the Board granted BLET a further extension of time for filing its reply, from April 7, 2006, to May 8, 2006, to give the parties additional time to determine whether they would be able to conclude a settlement.

By pleading (styled "Stipulation of Dismissal") jointly filed by BLET and BNSF on May 5, 2006, BLET and BNSF have advised the Board that they have settled their differences. BLET and BNSF stipulate to the dismissal of BLET's pleading with prejudice.

In view of the settlement of the underlying dispute, this proceeding will be discontinued, and BLET's pleading filed on November 5, 2005, will be dismissed with prejudice.

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

It is ordered:

1. This proceeding is discontinued, and BLET's November 5, 2005 pleading is dismissed with prejudice.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary