

30965
SEC

SERVICE DATE - APRIL 14, 2000

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 30965 (Sub-No. 3)

DELAWARE AND HUDSON RAILWAY COMPANY—LEASE AND TRACKAGE
RIGHTS—SPRINGFIELD TERMINAL RAILWAY COMPANY

Decided: April 13, 2000

Springfield Terminal Railway Company (ST), Boston and Maine Corporation, Portland Terminal Railway Company, and Maine Central Railroad Company (Petitioners) filed a petition on October 20, 1992, asking the Board's predecessor, the Interstate Commerce Commission, to issue a declaratory order finding that: (1) the level of health and welfare benefits for employees and retirees developed in Travelers Insurance Company (Travelers) Group Policy Contracts GA 23000 and GA 46000 and the new level of supplemental sickness benefits developed in national supplemental sickness insurance policies, taken as a whole, were substantially equivalent to, or better than, the old level of benefits provided in those plans; and (2) Petitioners would meet their obligations, see D&H Ry—Lease & Trackage Rights Exempt. Springfield Term., 8 I.C.C.2d 839 (1992), by converting to the new level of benefits. Petitioners requested expedited action stating that the old level of benefits would terminate on January 1, 1993, and that it was urgent that ST notify Travelers before that date if it wished to convert to the new level of benefits.

In response to statements in opposition,¹ Petitioners stated in a reply filed December 7, 1992, that the January 1, 1993 termination date had been rescinded on November 24, 1992, that the old level benefits would remain available for an unspecified period, and, as a consequence, that the declaratory order petition "may have lost some urgency." Petitioners claimed that the original reasons for seeking the declaratory order nevertheless remained valid and noted that ST had reached an agreement with the Metropolitan Life Insurance Company (Met Life) to provide old level employee benefits. As an alternative to a ruling on the new level of benefits, Petitioners requested that ST be authorized and directed to provide old level employee benefits using the Met Life, or another insurance, arrangement if it were not permitted to convert to the new level of benefits provided in GA 23000 and GA 46000. CLO responded by filing a motion to strike or for leave to reply in opposition. Petitioners filed a reply.

No pleadings have been filed in this proceeding since 1992, but in a letter filed in another proceeding on January 24, 1995, ST and UTU stated that a new collective bargaining agreement

¹ Joint opposition statements were filed by the Brotherhood of Locomotive Engineers, Brotherhood of Maintenance of Way Employes, Brotherhood of Railroad Signalmen, and International Brotherhood of Boilermakers and Blacksmiths (herein, the cooperating Labor Organizations or CLO) and by the United Transportation Union (UTU), Transportation Communications Union, and International Association of Machinists and Aerospace Workers.

had been negotiated, and that it would be presented to UTU represented employees for ratification within 2 weeks. Based on the information contained in the January 24 letter and the fact that no further filings have been made in the present proceeding, it appears that there is no longer a live issue to be resolved in connection with Petitioners' request for a declaratory order and thus that there is no reason to continue this proceeding.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary