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SERVICE DATE - JUNE 16, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 31700 (Sub-No. 13)

CANADIAN PACIFIC LIMITED, ET AL.--PURCHASE AND
TRACKAGE RIGHTS--DELAWARE & HUDSON RAILWAY COMPANY

(ARBITRATION REVIEW)

Decided: June 15, 1998

In an arbitral award and order entered October 13, 1997, an arbitrator approved the transfer by Canadian Pacific Railway Company (CPR) of five Delaware & Hudson Railway Company, Inc., (D&H) train dispatch positions from Milwaukee, WI, to Montreal, Quebec, Canada. By petition filed October 23, 1997, The American Train Dispatchers Department of the International Brotherhood of Locomotive Engineers (Train Dispatchers) sought Board review of the award and stay of its effectiveness pending a ruling on the request for review.

On June 4, 1998, the Train Dispatchers filed a supplement to their petition for review and an emergency request for expedited consideration of their motion for stay. In support of their request, the Train Dispatchers indicate that the arbitrator, on May 20, 1998, issued a second award and order imposing an implementing agreement in connection with the proposed transfer of dispatch positions. The Train Dispatchers assert that the transfer of dispatching functions is now imminent, that important jurisdictional and safety matters are at issue, and that union employees and the public will be irreparably harmed if the carriers proceed before the Board acts. As such, the Train Dispatchers ask that the Board stay the effectiveness of the arbitral awards and orders.

CPR and D&H replied in opposition to the stay. The railroads state that employees will not be affected by the implementing agreement imposed by the arbitrator until August 1, 1998, at the earliest. In addition, the railroads argue that the stay petition is without merit and should be denied.

The effectiveness of the challenged arbitral awards will be stayed while the Board considers the appeals of the arbitrator's awards. Because CPR and D&H do not plan to commence coordinated operations until August 1, 1998, they will not be affected by the stay until then. Until the Board considers the Train Dispatchers' requests for reconsideration of the arbitral awards, the awards will be stayed.

It is ordered:

1. The Train Dispatchers' stay request is granted, and the effectiveness of the arbitral

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awards and orders of October 13, 1997, and May 20, 1998, is stayed pending further Board action.

2. This decision is effective on its service date.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary