

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32858

ILLINOIS CENTRAL CORPORATION AND ILLINOIS CENTRAL RAILROAD
COMPANY--CONTROL--CCP HOLDINGS, INC., CHICAGO, CENTRAL & PACIFIC
RAILROAD COMPANY AND CEDAR RIVER RAILROAD COMPANY

Decided: October 31, 1996

In a decision in this proceeding served on May 14, 1996 (the May 14 decision), we approved, under 49 U.S.C. 11324-25, the acquisition of control by Illinois Central Corporation of Chicago, Central and Pacific Railroad Company and the Cedar River Railroad Company through ownership of the stock of CCP Holdings, Inc. Pursuant to 49 U.S.C. 11326(a), we imposed the mandatory labor protective conditions on the transaction. The level of labor protection prescribed for a control transaction involving a Class I carrier, in the absence of a showing of a need for greater protection, is set forth in New York Dock Ry.--Control--Brooklyn Eastern Dist., 360 I.C.C. 60 (1979) (New York Dock). We imposed the New York Dock conditions on the transaction, but we inadvertently added language not appropriate for control transactions.¹ We are reopening this proceeding solely for the purpose of issuing this decision to correct the May 14 decision to reflect the appropriate level of labor protection imposed on this transaction.

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 reopened.
2. The decision in this proceeding served on May 14, 1996, is modified as follows:

At page 4, the second sentence of the first paragraph under the heading "Labor Protection" is changed to read:

¹ The United Transportation Union, the Brotherhood of Maintenance of Way Employes, and the United Transportation Union-Illinois Legislative Board filed petitions for judicial review of our decision limited to our imposition of labor conditions. Because we agree with petitioners that the language stating that we were imposing the New York Dock conditions "as clarified" in Wilmington Term. RR, Inc.--Pur. & Lease--CSX Transp., Inc., 6 I.C.C.2d 799 (1990) and 7 I.C.C.2d 60 (1990) (Wilmington Terminal), is inappropriate in this control proceeding, we joined with petitioners in moving that the court remand this matter to the Board to delete the references to Wilmington Terminal, which is typically imposed only in line sale transactions. The court granted the motion, United Transportation Union v. Surface Transp. Bd. & United States, No. 96-1241, et al. (D.C. Cir. Aug. 21, 1996), and we are now issuing this decision correcting the May 14 decision.

We have determined that in the absence of a need for greater protection, the conditions in New York Dock Ry.--Control--Brooklyn Eastern Dist., 360 I.C.C. 60 (1979) (New York Dock), are appropriate for this type of transaction.

At page 5, ordering paragraph number 1 is changed to read:

1. The proposed acquisition of control by Illinois Central Corporation of Chicago, Central and Pacific Railroad Company and the Cedar River Railroad Company through ownership of the stock of CCP Holdings, Inc., is approved subject to the conditions for the protection of railroad employees described in New York Dock Ry.--Control--Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

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

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams
Secretary