

34343
SEC

SERVICE DATE - JANUARY 12, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42076

ALBANY & EASTERN RAILROAD COMPANY
v.
THE BURLINGTON NORTHERN AND SANTA FE RAILROAD COMPANY

Decided: January 9, 2004

The Albany & Eastern Railroad Company (AERC) filed a complaint against The Burlington Northern and Santa Fe Railway Company (BNSF) under the Board's procedures in 49 CFR part 1108,¹ seeking arbitration of a dispute under the Railroad Industry Agreement (RIA).² On February 13, 2003, the Board, by the Director of the Office of Proceedings, issued a notice providing that AERC and BNSF may proceed to arbitration.

On December 29, 2003, AERC submitted a copy of an Order of Arbitrator James L. Howe, III, granting the request of AERC to withdraw the request for arbitration, with prejudice, effective December 18, 2003. In light of the Arbitrator's Order, AERC requests that the Board dismiss the subject proceeding, with prejudice. AERC indicates that BNSF concurs with the dismissal request. The request will be granted and this proceeding will be dismissed with prejudice.

It is ordered:

1. This proceeding is dismissed with prejudice.

¹ The procedures were adopted in Arbitration of Disputes Subject to Stat. Juris. of the STB, 2 S.T.B. 564 (1997).

² The RIA is an agreement between the Association of American Railroads and the American Short Line and Regional Railroad Association that is intended to provide a framework for improving the ability of smaller (Class II and Class III) railroads and Class I railroads to work together to serve the public in the most efficient manner possible. See Assn. of American Railroads et al.—Agreement—49 U.S.C. 10706, 3 S.T.B. 910 (1998).

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary