

29689
CO

SERVICE DATE - LATE RELEASE OCTOBER 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: October 16, 1998

This proceeding involves appeals by the American Train Dispatchers Department of the International Brotherhood of Locomotive Engineers (Train Dispatchers) of an arbitrator's decisions: (1) approving the transfer by Canadian Pacific Railway Company (Canadian Pacific) of five Delaware & Hudson Railway Company (Delaware & Hudson)¹ dispatch positions from Milwaukee, WI, to Montreal, Quebec, Canada; and (2) imposing an implementing agreement to effectuate the transfer.² The Train Dispatchers asked that we review and set aside the arbitrator's decisions. By decision served September 18, 1998, we declined to review the decisions.³

By motion filed yesterday, the Train Dispatchers are asking the Board to stay its decision served September 18, 1998, in this proceeding. To permit consideration of this motion, along with any reply from the carriers, the effectiveness of the Board's decision will be stayed for 20 days, until November 7, 1998. The carriers are directed to reply to the motion for stay on or before October 21, 1998.

It is ordered:

1. The effectiveness of the Board's decision served September 18, 1998, in this proceeding is

¹ Canadian Pacific and Delaware & Hudson are collectively referred to as "the carriers."

² The awards resulted from arbitration between the parties conducted pursuant to Article 1, section 4, of the protective conditions set out in New York Dock Ry.-Control-Brooklyn East, Dist., 360 I.C.C. 60 (1979), aff'd sub nom. New York Dock Ry. v. U.S., 609 F.2d 83 (2d Cir. 1979) (New York Dock).

³ In a decision served June 16, 1998, the effectiveness of the arbitral awards and orders were stayed pending Board action on the Train Dispatchers' appeals. The stay is scheduled to expire on October 18, 1998, the effective date of the Board's decision served on September 18, 1998.

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

stayed until November 7, 1998.

2. This decision is effective on its service date.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary