

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34342

KANSAS CITY SOUTHERN—CONTROL—THE KANSAS CITY  
SOUTHERN RAILWAY COMPANY, GATEWAY EASTERN RAILWAY COMPANY,  
AND THE TEXAS MEXICAN RAILWAY COMPANY

Decided: May 1, 2026

On April 21, 2026, Daniel T. White (White) filed an “Emergency Motion for Stay and Interim Relief” (Motion for Stay), and on April 24, 2026, he filed a “Petition for Review and/or Declaratory Order” (Petition) (collectively, the April Filings). White states that the April Filings relate to an arbitration award that is dated April 1, 2026, and was issued by Neutral Michael D. Phillips. (Mot. for Stay 1; Pet. 1.)

According to White, the arbitration award authorizes the elimination of the Texas-Mexican Railway (Tex-Mex) collective bargaining agreement and imposes a materially different agreement. White seeks a stay of the arbitration award and other relief from what he contends are impermissible or unauthorized actions embodied in the arbitration award. (See, e.g., Mot. for Stay 1 (asserting that the arbitration award “exceeds the lawful scope of New York Dock authority and directly conflicts with the conditions upon which the Board approved the underlying transaction in . . . Docket No. [FD] 34342”).) White states that he is “a locomotive engineer on the former Tex-Mex property and is directly and adversely affected by the arbitration award.” (*Id.*) The April Filings, however, do not include a copy of the arbitration award at issue. The Board therefore lacks foundational information to move forward with consideration of the April Filings.

Accordingly, White will be directed to file a copy of the arbitration award with the Board by May 8, 2026. If the arbitration award contains confidential information, White must file both a complete, unredacted version of the document under seal and a public version that contains redactions of any confidential information, as required by 49 C.F.R. § 1104.14(a). Should White need to file the arbitration award under seal due to confidential information, he must also file, by May 8, 2026, a motion for a protective order as required by § 1104.14(b).<sup>1</sup>

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<sup>1</sup> Questions concerning the Board’s procedural requirements may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance, which can be reached by telephone at (202) 245-0238 or email at [rcpa@stb.gov](mailto:rcpa@stb.gov).

White will also be directed to (1) serve copies of the arbitration award, this decision, any motion for protective order filed with the Board, and his April Filings on all parties to the arbitration referenced in his April Filings, and (2) certify to the Board that he has done so, by May 8, 2026.<sup>2</sup>

Replies to White's Motion for Stay will be due May 14, 2026. Replies to the Petition will be due May 28, 2026.

It is ordered:

1. White is directed to file and serve the documents specified above by May 8, 2026.
2. Replies to the Motion for Stay are due by May 14, 2026.
3. Replies to the Petition are due by May 28, 2026.
4. This decision is effective on its date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

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<sup>2</sup> The Board will address additional service requirements, if any, in a subsequent decision.