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SERVICE DATE – SEPTEMBER 23, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1075X

MANUFACTURERS RAILWAY COMPANY—DISCONTINUANCE EXEMPTION—IN ST.
LOUIS, MO.

Decided: September 23, 2011

By a decision served on July 12, 2011, the Board exempted from the prior approval requirements of 49 U.S.C. § 10903 Manufacturers Railway Company's (MRS) proposed discontinuance of service over all tracks and yards located within the area bordered by Cedar Street on the north, to Zepp Street on the south, and Mississippi River flood wall on the east, to U.S. Interstate 55 on the west, in St. Louis, Mo., which lines constitute the entirety of MRS's rail system. As a condition of the exemption, the Board imposed the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

In a petition filed on July 27, 2011, MRS requested that the Board stay the portion of its decision requiring the payment of labor protection pending judicial review.¹ On August 10, 2011, the Board imposed a 45-day housekeeping stay of the effective date of its July 12, 2011 decision (until September 24, 2011) to provide the Board sufficient time to consider fully the issues presented in MRS's petition for stay.

On September 21, 2011, MRS filed a notice seeking to withdraw its petition for stay, stating that it has entered into agreements with the affected employees, thereby obviating the need for the requested relief. Accordingly, MRS's petition for stay will be withdrawn.² As a result, the Board's July 12, 2011 decision will become effective on September 24, 2011, upon expiration of the Board's housekeeping stay.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ A petition for judicial review of the Board's July 12, 2011 decision was filed by MRS on July 28, 2011, in Manufacturers Railway Co. v. STB, D.C. Cir. No. 11-1269.

² On September 20, 21, and 22, 2011, the Brotherhood of Maintenance of Way Employees Division/International Brotherhood of Teamsters (BMWED), United Transportation Union (UTU), and the International Association of Machinists and Aerospace Workers (IAM) sought to withdraw, pursuant to their settlements with MRS, their previously submitted replies objecting to the stay. Accordingly, those replies and motions for leave to file will be withdrawn.

It is ordered:

1. MRS's petition for stay pending judicial review is withdrawn.
2. The replies and motions for leave to file replies of BMWED, UTU, and IAM are withdrawn.
3. The decision served July 12, 2011, in this docket is effective September 24, 2011.
4. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.