

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32760 (Sub-No. 45)

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY AND MISSOURI PACIFIC RAILROAD COMPANY—CONTROL AND MERGER—SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP., AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

(Arbitration Review)

Decided: February 29, 2008

On January 11, 2008, Union Pacific Railroad Company (UP) filed a motion seeking an additional 30 days, to February 15, 2008, to file an appeal of the arbitration award issued in this proceeding on December 27, 2007. UP's motion was granted in a decision served on January 15, 2008.

UP filed another motion on February 13, 2008, seeking an additional 7 days, to February 22, 2008, to file an appeal of the award. UP's motion was granted in a decision served on February 14, 2008. On February 22, 2008, UP filed its appeal (including two large volumes of appendices and exhibits) along with a motion for leave to exceed the 30-page limit for appeals and replies. See 49 CFR 1115.2.

UP argues that it is necessary for it to exceed the 30-page limit because its appeal: (1) concerns three substantial and discrete issues, each turning on different legal principles; (2) requires a discussion of numerous agreements, including implementing and collective bargaining agreements, and arbitration awards; and (3) requires an explanation of the factual background as to both the establishment of interdivisional ("hub") service and the merger of the Union Pacific Railroad Corporation and Southern Pacific Transportation Company and their affiliated carriers through hub implementing agreements. See Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996) aff'd sub nom. Western Coal Traffic League v. STB, 169 F.3d 775 (D.C. Cir. 1999).

On February 27, 2008, the Brotherhood of Locomotive Engineers & Trainmen (BLET) filed a motion seeking an additional 28 days, to April 11, 2008, to file a reply to UP's appeal of the arbitration award. BLET contends that the extension is necessary and justified because UP had a total of 57 days (instead of the usual 20) to file its appeal and because its appeal was 38 pages long and accompanied by hundreds of pages of appendices and exhibits. Additionally,

BLET states that its counsel has a number of commitments on and around the current due date, March 13, 2008, and that much research is required to respond to UP's appeal.

UP's request for relief from the page limit requirements and BLET's extension request are reasonable in the circumstances. Consequently, they will be granted.

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

It is ordered:

1. UP's motion for leave to exceed the 30-page limit for appeals and replies is granted.
2. BLET's motion for an extension of time to file a reply to UP's appeal of the arbitration award issued in this proceeding is granted.
3. BLET's reply to UP's appeal is due on or before April 11, 2008.
4. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary