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SEC

SERVICE DATE - JUNE 30, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32760 (Sub-No. 25)

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

Decided: June 29, 1998

By decision served on February 11, 1998, the Board ordered Union Pacific Railroad Company (UP), the respondent in this proceeding, and the Brotherhood of Maintenance of Way Employes (BMWE) to submit supplemental statements addressing certain concerns arising from BMWE's appeal of the October 15, 1997 Arbitration Award. A procedural schedule was established for the simultaneous filing of supplemental statements and of replies. By decisions served on March 2, March 26, April 7, and May 15, 1998, the parties' previous requests for extensions of time in which to file supplemental statements and responses were granted. As a result of the most recent extension of time, supplemental statements were due on June 25, 1998, and replies were due on July 7, 1998.

On June 24, 1998, UP and BMWE filed a joint motion for a fifth extension of time to file opening supplemental statements. The parties state that they have reached a tentative agreement that would dispose of the issues in this case and that also would implement the consolidation of maintenance of way forces in UP's Eastern Territory, which is not subject to BMWE's appeal of the October 15, 1997 Arbitration Award. The tentative agreement has been submitted to BMWE's ratification process. The count of the ratification vote is scheduled for July 6, 1998, and the results will be known shortly thereafter. If the agreement is ratified, the consolidation of maintenance of way forces throughout the merged system will have been accomplished voluntarily by the parties, without the need for further arbitration or review by the Board. If, however, the agreement is not ratified, the parties state that they will need an additional 30 days to prepare their opening statements. Accordingly, they request an extension of time for filing their opening statements until August 5, 1998.

The motion will be granted, and the procedural schedule established in the May 15 decision will be modified as set forth below.

It is ordered:

1. The parties' supplemental statements are due August 5, 1998.
2. The parties' responses are due August 17, 1998.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary