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SEC

SERVICE DATE - LATE RELEASE NOVEMBER 17, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32760 (Sub-No. 36)

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

(Petition for Enforcement of Arbitration Award)

Decided: November 17, 1999

By petition filed on October 26, 1999, the Transportation • Communications International Union (TCU) requested that the Board issue an order compelling the Union Pacific Railroad Company (UP) to comply with an arbitration award, issued on October 22, 1999, by Robert O'Brien (the O'Brien Award), pertaining to UP's consolidation of crew hauling work as a result of the Board's 1996 decision approving UP's acquisition and control of the Southern Pacific Transportation Company (SP). According to TCU, the O'Brien Award allowed UP to transfer crew hauling work performed from, and crew hauling employees working out of, what was, prior to the control and merger transaction, SP's Armourdale Yard in Kansas City, KS, to UP's Neff Yard facility 10 miles away in Kansas City, MO, subject to the condition that all of the crew hauling work to be performed out of UP's Neff Yard facility would be performed under SP's collective bargaining agreement, rather than the UP collective bargaining agreement under which work at that location was performed prior to the consolidation of the work. TCU alleged that UP is contravening the O'Brien Award by its plans to abolish the positions of 12 clerks performing crew hauling work out of the Armourdale facility, to transfer their work to UP's Neff Yard without allowing them to follow their work, and to require work to be performed under the allegedly less favorable UP collective bargaining agreement.

By decision served on October 29, 1999, Chairman Morgan ordered UP to take no action (1) to abolish the positions of the 12 former SP clerks working out of the Armourdale Yard, (2) to transfer their work to UP's Neff Yard facility, or (3) to remove them from the SP collective bargaining agreement, for a period of 60 days from the service date of that decision.

By motion filed on November 15, 1999, UP requests a 7-day extension, until November 22, 1999, of the deadline for filing a reply to TCU's petition. In support of its request for an extension, UP represents, in a letter and attachment sent to the Board by facsimile on November 16, 1999, that it has canceled the notice announcing its intention to abolish the positions of the 12 former SP clerks working out of the Armourdale Yard. In a letter sent to the Board by facsimile on November 16, 1999, TCU states that it does not oppose the 7-day extension requested by UP.

The extension requested by UP will be granted.

It is ordered:

1. The deadline for UP to file its reply to TCU's petition is extended until November 22, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary