

35506
SEC

SERVICE DATE – JANUARY 13, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32760 (Sub-No. 42)

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: January 12, 2005

On January 3, 2005, John E. Grother requested an extension, until March 14, 2005, to file an appeal of an arbitration committee decision in this proceeding. On January 6, 2005, Mr. Grother submitted a copy of the committee's Opinion and Award that shows a date of December 21, 2004, but also shows the date of signing by the carrier member to be January 4, 2005, and by Mr. Grother to be January 6, 2005.¹ On January 10, 2005, Mr. Grother filed a petition to review the committee's Opinion and Award and requested an extension of time until on or before March 14, 2005, to submit a supplemental filing containing the reasons in support of his petition. Mr. Grother claims that he needs the extra time due to the complexity and nature of the issues. The carrier has not responded to Mr. Grother's request.

Good cause exists to grant Mr. Grother an extension, until February 22, 2005, to submit a supplemental filing to his appeal of the arbitration committee's decision in this proceeding. This additional time should be sufficient for Mr. Grother to fully supplement his appeal.

¹ Mr. Grother has questioned when an appeal from the arbitration decision would be due in this proceeding under the Board's procedures in 49 CFR 1115.8. Under that provision, appeals are due within 20 days after a final arbitration decision. Given the confusion as to the effective date here, the Board will construe the arbitration decision to have become final on January 6, 2005, unless otherwise shown by the parties.

It is ordered:

1. Mr. Grother may submit a supplemental filing to his appeal of the arbitration committee's decision on or before February 22, 2005.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary