

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 30000 (Sub-No. 48)

UNION PACIFIC CORPORATION, PACIFIC RAIL SYSTEM, INC., AND
UNION PACIFIC RAILROAD COMPANY--CONTROL--MISSOURI PACIFIC
CORPORATION AND MISSOURI PACIFIC RAILROAD COMPANY

(Arbitration Review)

Decided: February 21, 1997

By decision served July 31, 1996, the Board granted the appeal of Union Pacific Railroad Company (UP) and vacated the award of Arbitrator Dana Edward Eischen on the grounds that the arbitrator failed independently to determine whether UP's proposed consolidation of signalmen seniority districts was causally connected to the approved consolidation of UP and Missouri Pacific Railroad Company in 1982. Upon vacating the award, the Board remanded the matter to the parties for negotiations and/or further arbitration.

The Brotherhood of Railroad Signalmen (BRS) filed a petition for review before the United States Court of Appeals for the D.C. Circuit. However, because the litigated matter had become moot, the parties agreed that BRS' appeal should be withdrawn, so long as the Board agreed to vacate its decision and the arbitrator's award as well. With this understanding, the parties joined in requesting voluntary dismissal, and the Court dismissed the case.¹ In accordance with the parties' agreement, the Board's July 31, 1996 decision and Arbitrator Eischen's award in this proceeding, entered December 9, 1994, will be vacated.

It is ordered:

1. The Board's July 31, 1996 decision in this proceeding and Arbitrator Eischen's award entered December 9, 1994, are vacated.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ Brotherhood of Railroad Signalmen, et al. v. Surface Transportation Board, et al., No. 96-1365 (D.C. Cir. Dec. 6, 1996).