

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32760 (Sub-No. 22)

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

(Arbitration Review)

Decided: June 6, 1997

BACKGROUND

By decision served August 12, 1996, in Finance Docket No. 32760, the Board approved the common control and merger of the rail carriers controlled by the Union Pacific Corporation and the rail carriers controlled by the Southern Pacific Rail Corporation. The controlling operating railroad is now the Union Pacific Railroad Company (UP), the respondent in this proceeding. In its decision, the Board imposed the employee protection conditions established in *New York Dock Ry.--Control--Brooklyn Eastern Dist.*, 360 I.C.C. 60, 84-90 (1979) (*New York Dock*).

The United Transportation Union (UTU) and UP were unable to reach an implementing agreement on labor changes covering two geographical areas, referred to by UP as the "Salt Lake Hub" and the "Denver Hub." The dispute was taken to arbitration under *New York Dock*. On April 14, 1997, arbitrator James E. Yost issued his decision. On May 5, 1997, UTU filed an appeal of the arbitrator's decision and in the same document requested a stay of the decision pending review by the Board. By decision served May 30, 1997, the Board stayed implementation of the arbitrator's decision for 10 days (until June 11, 1997) to provide time to consider the merits of the request of UTU for a stay pending Board review.¹

DISCUSSION AND CONCLUSIONS

Some additional time is needed for the Board's consideration of the issues raised in this proceeding. To provide that time and to avoid the disruption associated with implementation while the Board considers these issues, implementation of the arbitrator's decision will be stayed for an additional 20 days (until July 1, 1997).

It is ordered:

1. Implementation of the arbitration award is stayed until July 1, 1997.
2. This decision is effective on its date of service.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary

¹ While the arbitrator's decision provided that it would go into effect on the date that it was issued, the approved implementing arrangements required the carrier to give 30 days' notice prior to implementation. The carrier gave notice and implementation was scheduled to occur on June 1, 1997.