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SERVICE DATE - DECEMBER 15, 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: December 14, 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 Rail Corporation (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, the Board 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 date of service of that decision (until December 28, 1999).

In support of a motion requesting a 7-day extension of the deadline for filing a reply to TCU's petition, UP represented 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. By decision served on

November 17, 1999, the extension requested by UP was granted.

In its reply filed on November 22, 1999, UP maintains that it has not violated the O'Brien Award, that, in view of its cancellation of the notice announcing its intention to abolish the positions of the 12 former SP clerks working out of the Armourdale Yard, there is no outstanding notice to which the O'Brien Award would have any application, and that there is thus no basis for the Board to issue an order directing UP to comply with the O'Brien Award. In view of the important issues raised and UP's cancellation of the aforementioned notice, it is appropriate to extend our order maintaining the status quo for 60 additional days to allow the Board sufficient time to assess the parties' arguments on these issues. More importantly, rail labor and rail management have been engaged in negotiations that, as we understand it, if concluded could impact the resolution of the issues presented here. Therefore, the stay imposed by the decision served on October 29, 1999, will be extended for an additional 60 days, until February 26, 2000.

It is ordered:

1. UP will take no action (1) to abolish the positions of 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 until February 26, 2000.

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

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams  
Secretary