

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 21989 (Sub-No. 4)<sup>1</sup>

PENNSYLVANIA RAILROAD COMPANY  
– MERGER –  
NEW YORK CENTRAL RAILROAD COMPANY  
(Arbitration Review)

Decided: September 3, 2009

On August 19, 2009, the Penn Central Transportation Company (Penn Central) filed a petition for review under 49 CFR 1115.8 of an arbitration decision rendered on July 30, 2009, and a petition for waiver of the 30-page limit in 49 CFR 1115.8 and 1115.2(d) and the requirement to submit an original and 10 copies in 49 CFR 1104.3. Penn Central has also filed a request for oral argument.

On September 1, 2009, the claimant employees in the arbitration proceeding (Claimants) filed a motion to stay the proceedings pending disposition of their motion before a United States District Court “to confirm” the arbitration decision and a motion requesting an extension of the September 8, 2009 deadline for filing a reply to Penn Central’s petition for review until 30 days after the Board rules on the motion for stay. On September 3, 2009, Penn Central replied in opposition to the motion for stay and the extension of time to file a reply.

Penn Central’s motions to waive the 30-page limit and the requirement to submit an original and 10 copies will be granted. Claimants also will be provided with the same relief.

The deadline for filing Claimants’ reply to Penn Central’s petition for review will be held in abeyance pending the Board’s ruling on Claimants’ motion to stay the proceedings. When the Board rules on the motion for stay, the Board will address the need and the timing for Claimants’ reply. The Board also will rule on Penn Central’s request for oral argument once Claimants have had the opportunity to respond to that request.

It is ordered:

1. The parties may exceed the 30-page limit at 49 CFR 1115.8 and 1115.2(d).

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<sup>1</sup> This proceeding initially was mistakenly docketed as STB Finance Docket No. 35289.

2. The requirement to submit an original and 10 copies at 49 CFR 1104.3 is waived to the extent necessary to allow Penn Central and Claimants to submit an original and four bound paper copies and five disks containing copies in pdf format for the appeal and the reply, respectively.

3. The deadline for filing Claimants' reply is held in abeyance pending the Board's ruling on the motion to stay the proceedings.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary