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SERVICE DATE - LATE RELEASE MAY 30, 1997

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: May 30, 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 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.¹ On May 27, 1997, UP filed a reply in opposition to UTU's appeal and its request for stay.

DISCUSSION AND CONCLUSIONS

The scheduled implementation will be stayed for ten days (until June 11, 1997) to provide time for the Board to consider the merits of the stay request. Because pleadings in response to the stay request have been filed as recently as this week, this short delay is warranted so that the positions of the parties can be assessed on whether a further stay should be imposed prior to implementation.

It is ordered:

1. Implementation of the arbitration award is stayed until June 11, 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. Accordingly, implementation evidently could occur on June 1, 1997.