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SERVICE DATE - LATE RELEASE MAY 5, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33388 (Sub-No. 88)

CSX CORPORATION AND CSX TRANSPORTATION, INC., NORFOLK SOUTHERN
CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY
— CONTROL AND OPERATING LEASES/AGREEMENTS—
CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION

(ARBITRATION REVIEW)

Decided: May 5, 1999

In an arbitration award issued on January 14, 1999 (the Award), an implementing arrangement was established to carry out certain changes affecting employees in this proceeding. The Award would affect employees in crafts performing maintenance-of-way functions in the field and in shops. The Award was appealed by the Brotherhood of Maintenance of Way Employees (BMWE) and the International Association of Machinists and Aerospace Workers (IAM). Both unions requested stays while their appeals were heard. BMWE subsequently reached a settlement with the carriers, subject to ratification by its members, as to the issues raised by that union on appeal. On April 29, 1999, IAM filed a request for expedited action on its request for stay. The carriers filed a reply to this request on April 30, 1999.

In its appeal and request for stay filed on February 12, 1999, IAM asserts that it was afforded the opportunity to conduct only limited negotiations with the carriers prior to the carriers' invocation of the arbitration process. The arbitrator, in his Award, at 19, attributes the limited negotiations to the time constraints associated with the implementing agreement process, and, at least in part, to the union's position that, before it should negotiate with the carriers for an implementing agreement, the carriers should reach a master implementing agreement with BMWE.

The Board has just been advised that BMWE membership has ratified the agreements reached by BMWE and the carriers. With the BMWE agreements in place, IAM is the only organization with which the carriers have not arrived at a resolution of issues raised by the implementing process. In the hope that a settlement of all issues with BMWE might facilitate an agreement with IAM, the Board will provide IAM and the carriers a 2-week period to conduct further negotiations to reach a settlement regarding an implementing agreement for the affected IAM employees. During this 2-week period, implementation of the Award will be stayed to the extent the Award covers the rights of IAM employees that are the subject of IAM's appeal.

The stay to permit these negotiations reflects the Board's strong preference for resolution of differences by negotiation. The Board expects the parties to negotiate accordingly.

It is ordered:

STB Finance Docket No. 33388 (Sub-No. 88)

1. The effect of the arbitration decision is stayed to the extent described above until May 20, 1999.

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

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary