

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32549 (Sub-No. 25)

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN–ENFORCEMENT
OF LABOR ARBITRATION AWARD–BNSF RAILWAY COMPANY

Decided: December 9, 2005

On November 2, 2005, the Brotherhood of Locomotive Engineers and Trainmen (BLET) filed a pleading asking the Board to order BNSF Railway Company (BNSF) to fully comply with a labor arbitration award. BLET alleges that BNSF has refused to implement certain provisions of an agreement imposed by an arbitration committee in an award dated June 11, 2004. BLET further alleges that BNSF's conduct violates its obligations under a decision of the Interstate Commerce Commission,¹ the Board's predecessor agency, approving the merger of Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, subject to the New York Dock² labor protective conditions. On November 21, 2005, BNSF filed a reply.

On November 29, 2005, the parties jointly filed a pleading to establish a procedural schedule for this proceeding. The parties' proposal is reasonable and will be adopted. Upon completion of discovery, the parties are directed to report back to the Board with a proposed schedule for closing the record.

It is ordered:

1. The following procedural schedule is set for this proceeding:

December 16, 2005	Initial document production completed.
January 3, 2006	Depositions to be held on or after this date.
January 31, 2006	Discovery completed.
March 2, 2006	Dispositive motions due.
March 17, 2006	Responses to dispositive motions due.
March 31, 2006	Hearing to be held after this date if necessary.

¹ Burlington Northern et al.–Merger–Santa Fe Pacific et al., 10 I.C.C.2d 661 (1995), aff'd sub nom. Western Resources Inc. v. STB, 109 F.3d 782 (D.C. Cir. 1997).

² New York Dock Ry.–Control–Brooklyn Eastern Dist., 360 I.C.C. 60, 84-90 (1979) (New York Dock), aff'd sub nom. New York Dock Ry. v. United States, 609 F.2d 83 (2d Cir. 1979).

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary