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FD-32760 (SUB 42)

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April 23, 2004

Vernon A. Williams
Secretary
Surface Transportation Board
Washington DC 20423

Re: Finance Docket No. 32760 (Sub-No. 42), Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (Arbitration Review)

Dear Mr. Williams:

This is to request that the decision in the entitled proceeding, served April 21, 2004, be corrected in the following respects, at page 1, final paragraph, 2nd sentence, and 3rd sentence, with text to be stricken indicated by dash, and to be added by underline, as follows:

Petitioner, who was employed at SP's yard at Tucson, AZ, claims that he is entitled to a displacement allowance, among other benefits, under those conditions because he was adversely affected by problems that arose when UP attempted to consolidate switching between its Phoenix and Tucson yards in May of 1997. Petitioner ~~filed his claim with UP~~ invoked arbitration under Article IV of the New York Dock conditions, which accords employees who are not represented by a labor organization substantially the same level of protection as accorded to represented employees.

Although the decision correctly states petitioner seeks a displacement allowance, such is not the entire basis for his benefits. Moreover, petitioner did not file a "claim" with UP under New York Dock's Article IV, but invoked arbitration under that provision. Perhaps the use of "claim" as both a noun and verb may have caused the misleading sentences. The NYD conditions embrace more than displacement allowances, and also include matters such as fringe benefits, moving expenses, etc. 360 I.C.C. at 87-90. Finally, the word substantially should be added to the second sentence, so as to track the exact wording of Article IV, 360 I.C.C. at 90.

The paragraph as it presently stands does not correctly reflect the record filed with the Board, and does not correctly reflect the language of the NYD conditions.

Very truly yours,

Gordon MacDougal

Attorney for John E. Grother

cc: W.E. Loomis
L.A. Ross