

STB FD 33388 (Sub88) 5-18-99 C 30043

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SERVICE DATE - LATE RELEASE MAY 18, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

(ARBITRATION REVIEW)

Decided: May 18, 1999

By letter-motion filed on May 14, 1999, the International Association of Machinists and Aerospace Workers (IAM) advised this agency that "the Board's May 5 decision granting a stay in the above-referenced proceeding enabled the parties to reach agreement on the issues presented by the IAM's pending Petition to Review" and that IAM was withdrawing its appeal and request for stay in this proceeding. On May 17, 1999, the Brotherhood of Maintenance of Way Employees (BMWE) filed a notice withdrawing its appeal and request for stay, stating that BMWE and the applicants have reached final settlement agreements. Because both appellants have withdrawn their appeals and all disputes have been settled, we will discontinue this proceeding and dismiss the appeals.

It is ordered:

1. The appeals of BMWE and IAM are dismissed and this proceeding is discontinued.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

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Records: 9

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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.

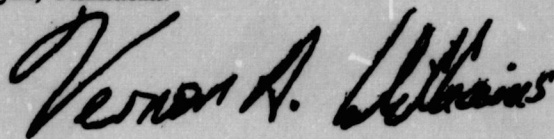
It is ordered:

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.

A handwritten signature in dark ink, appearing to read "Vernon A. Williams". The signature is stylized with a large, sweeping initial 'V' and a cursive 'Williams'.

Vernon A. Williams
Secretary

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(Sub 88)

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SERVICE DATE - LATE RELEASE MARCH 11, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

(ARBITRATION REVIEW)

Decided: March 11, 1999

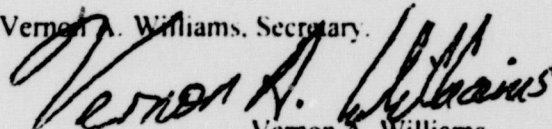
By motion filed on March 10, 1999, Norfolk Southern Railway Company, CSX Transportation, Inc., and Consolidated Rail Corporation (the Carriers) jointly request further extension of the deadlines for replying to (a) the petition for review filed by the Brotherhood of Maintenance of Way Employees (BMWE) on February 12, 1999, and (b) the petition for stay filed by BMWE on February 22, 1999.¹ The Carriers request that we adopt March 24, 1999, as the extended deadline for replying to both the petition for review and the petition for stay. The carriers argue that an extension is necessary to facilitate settlement negotiations and to allow additional time for counsel to deal with the issues presented in BMWE's petitions.

Because there are valid reasons for the requested extensions, they will be granted.

It is ordered:

1. The deadlines for reply to BMWE's petition for review and BMWE's petition for stay are extended to and including March 24, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.


Vernon A. Williams
Secretary

¹ Under 49 CFR 1104.13(a), a reply to a petition for review is due no later than 20 days after the petition is filed. Under 49 CFR 1115.5, a reply to a petition for stay is due no later than 5 days after the petition is filed. A prior extension was granted by decision served on February 24, 1999.

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(Sub 88)

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SERVICE DATE - FEBRUARY 24, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

(ARBITRATION REVIEW)

Decided: February 23, 1999

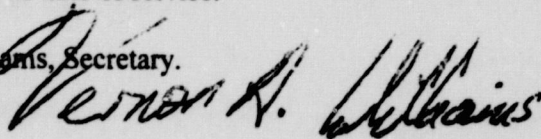
By motion filed on February 22, 1999, Norfolk Southern Railway Company, CSX Transportation, Inc., and Consolidated Rail Corporation (the Carriers) jointly request extensions of the deadlines for replying to (a) the petition for review filed by the Brotherhood of Maintenance of Way Employees (BMWE) on February 12, 1999, and (b) the petition for stay filed by BMWE on February 22, 1999.¹ The Carriers request that we adopt March 12, 1999, as the extended deadline for replying to both the petition for review and the petition for stay. The carriers argue that an extension is necessary due to "various competing demands on their counsel's time" and note that the Board previously enlarged the briefing schedule at the request of BMWE. The carriers also represent that BMWE does not oppose the requested extensions.

Because there are valid reasons for the requested extensions and they are unopposed, they will be granted.

It is ordered:

1. The deadlines for filing replies to BMWE's petition for review and BMWE's petition for stay are extended to March 12, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.



Vernon A. Williams
Secretary

¹ Under 49 CFR 1104.13(a), a reply to a petition for review is due no later than 20 days after the petition is filed. Under 49 CFR 1115.5, a reply to a petition for stay is due no later than 5 days after the petition is filed.

SERVICE LIST FOR: 24-feb-1999 STB FD 33388 88 CSX CORPORATION AND CSX TRANSPORTATI

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SERVICE DATE - FEBRUARY 19, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

(ARBITRATION REVIEW)

Decided: February 18, 1999

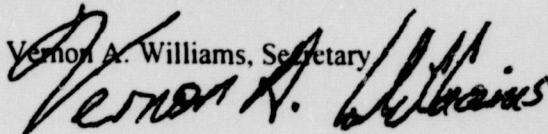
By motion filed on February 17, 1999, Norfolk Southern Railway Company, CSX Transportation, Inc., and Consolidated Rail Corporation (the Carriers) request a 5-day extension of the deadline for filing a reply to a motion for stay included in the appeal filed on February 12, 1999, by the International Association of Machinists and Aerospace Workers (IAM). The requested extension would result in the reply being due on February 22, 1999.¹ The carriers argue that: (1) an extension is necessary for preparation of a reply; and (2) because the labor changes at issue will not begin until June 1, 1999, IAM members will not be prejudiced by an extension. The carriers also represent that IAM does not oppose the requested extension.

Because there are valid reasons for the requested extension and it is unopposed, it will be granted.

It is ordered:

1. The deadline for a reply to IAM's petition for stay is extended to February 22, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary



Vernon A. Williams
Secretary

¹ Under 49 CFR 1115.5, the reply was due no later than 5 days after the petition is filed, i.e., on February 17, 1999. Thus, with a 5-day extension, the new due date would be February 22, 1999.

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(Sub 88)

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SERVICE DATE - JANUARY 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

(ARBITRATION REVIEW)

Decided: January 28, 1999

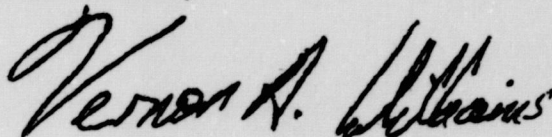
By petition filed on January 26, 1999, the Brotherhood of Maintenance of Way Employees (BMWE) requests an extension, to and including February 12, 1999, of the deadline for filing an appeal under 49 CFR 1115.8 of the arbitration decision served on January 14, 1999, by William E. Fredenberger, Jr. As grounds for an extension, BMWE cites other demands on its counsel's time due to scheduling conflicts and family illness. BMWE reports that it has been advised that the other parties to the arbitration proceeding do not object to its request for an extension.

Because there are valid reasons for the requested extension and it is unopposed, it will be granted.

It is ordered:

1. The deadline for appeals is extended to February 12, 1999.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.



Vernon A. Williams
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SERVICE LIST FOR: 04-feb-1999 STB FD 33388 88 CSX CORPORATION AND CSX TRANSPORTATI

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