

Voting Conference, January 19, 2005

Statement of Maynard Dixon
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UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND
MISSOURI PACIFIC RAILROAD COMPANY
– CONTROL AND MERGER –
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION
COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP., AND
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY
STB Finance Docket No. 32760 (Sub-No. 43)

Good morning Chairman Nober, Vice Chairman Buttrey, and Commissioner Mulvey.

In this proceeding, the Union Pacific Railroad is seeking to late-file an appeal of an arbitration award. Our regulations require that an appeal of an arbitration decision be filed within 20 days of its issuance. Requests for extension must be filed within 10 days before the appeal is due and must be justified by good cause. Here, the carrier's appeal of the arbitrator's decision was due by May 17, 2004, and its extension request was due by May 7, 2004. On August 2, 2004, nearly 3 months late, the carrier filed a motion for an extension, until August 31, 2004, to file an appeal. The carrier argues that its late-filed request for an extension is justified by the illness of an outside counsel that was discovered after the deadline expired and by precedent. The Brotherhood of Locomotive Engineers and Trainmen has filed in opposition to the carrier's request.

The draft decision before you would find that the carrier has not shown good cause for waiver of the deadline and an extension. As discussed in the draft, the purpose of the time limits is the efficient conduct of agency business so as to minimize the cost of delay on the parties and to bring finality to arbitration awards. The Board's goal is to administer the deadline requirements impartially so as to provide certainty and predictability to all parties. Given this

purpose and goal, the draft reviews the sequence of events and precedents and concludes that UP's request to late file an appeal should be denied. In cases where the Board has granted an extension, the requesting party has been unsophisticated and/or a timely request for extension was filed.

This concludes our presentation. We would be happy to answer any of your questions.