

STB Finance Docket No. 32760 (Sub-No. 44), 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 (Arbitration Review).

Commissioner Mulvey, Commenting:

This case highlights the fact that the Board is greatly concerned with safeguarding railroad employees and their families, and that we take seriously our responsibilities to ensure that they are treated fairly. As such, we explicitly caution the Union Pacific to refrain from taking any actions that will affect their employees until the arbitration in this matter has concluded.

Though a formal stay was sought by labor here, their filings in support of this request were both untimely and thin. I would have preferred more evidence as to the actual consequences of the carrier's actions, and I would have preferred that evidence to be filed on time. Such a scenario would have afforded the Board a real opportunity to issue an injunction if we had found that the evidence supporting the argument that economic and psychological harm to the employees and their families was particularly strong, even if the arguments in other areas had been rather weak. But, without strong evidence to support this argument, we are left to merely caution the carrier that they proceed with their employees' welfare in mind.