

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33556 (Sub-No. 5)

CANADIAN NATIONAL RAILWAY COMPANY, GRANT TRUNK CORPORATION, AND
GRAND TRUNK WESTERN RAILROAD INCORPORATED

--CONTROL--

ILLINOIS CENTRAL CORPORATION, ILLINOIS CENTRAL RAILROAD
COMPANY, CHICAGO, CENTRAL AND PACIFIC RAILROAD COMPANY,
AND CEDAR RIVER RAILROAD COMPANY
(Arbitration Review)

Decided: March 8, 2010

This decision grants a request to exceed the 30-page limit for appeals of arbitration awards.

By decision served on February 18, 2010, the Board granted a 14-day extension of time, to March 8, 2010, to file an appeal of the arbitration award issued in this proceeding on February 1, 2010.

On March 4, 2010, Canadian National Railway Company, Grand Truck Corporation, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company (collectively, the Railroad) filed a motion for leave to exceed the page limit of 49 CFR 1115.2(d) for appeals of arbitration awards. The Railroad argues that the waiver is necessary to provide the Board with materials essential to a full understanding of the issues raised by the Railroad's petition. According to the Railroad, the appeal raises questions of: (1) whether the proper standard was applied to the Railroad's proposed consolidation; (2) whether the Railroad satisfied that standard; (3) whether the Arbitrator exceeded his authority by imposing an implementing agreement upon the relocation of dispatchers; and, if so, (4) whether the protective conditions set forth in the implementing agreement exceed those permissible under New York Dock.¹ The Railroad states that these questions present significant issues of general transportation importance and that it is essential to provide the Board with the arbitration award and its attachments, totaling about 35 pages, as well as portions of the arbitration record relative to these issues.

The Railroad's request for relief from the page limitation is reasonable in the circumstances and will be granted. We will also permit the American Train Dispatchers Association and the Illinois Central Train Dispatchers Association (collectively, the Unions) to exceed the 30-page limit for replies to appeals.

¹ Reference is to New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979), aff'd, New York Dock Ry. v. United States, 609 F.2d 83 (2d Cir. 1979).

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Railroad's request to exceed the 30-page limit for appeals is granted.
2. The Unions may exceed the 30-page limit for replies.
3. This decision is effective on the date of service.

By the Board, Joseph H. Dettmar, Acting Director of Office of Proceedings.