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BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36347

BESSEMER AND LAKE ERIE RAILROAD CO.

–Acquisition and Operation –

CERTAIN LINES OF CSX TRANSPORTATION, INC. IN ONANDAGA,
OSEWEGO, JEFFERSON, ST. LAWRENCE AND FRANKLIN COUNTIES, NEW YORK

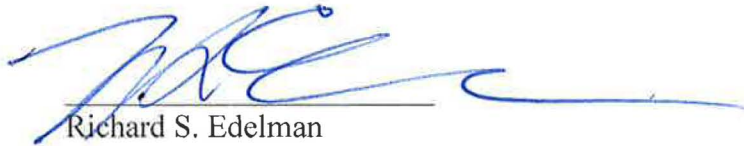
COMMENTS OF THE ALLIED RAIL UNIONS

The Brotherhood of Maintenance of Way Employees Division/IBT, Brotherhood of Railroad Signalmen and International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division (collectively the “Allied Rail Unions” or “ARU”) submit these comments in response to the application of the Bessemer and Lake Erie Railroad Co. (“B&LE”) to acquire certain rail lines of CSX Transportation (“CSXT”) in New York. At this time, the ARU neither support nor oppose the proposed transaction. The unions have sought additional information from the B&LE and CSXT regarding the impact of the proposed transaction on CSXT employees, and implementation of the employee protective conditions to be imposed as a condition of an approval of the application; that additional information may influence the views of the ARU regarding the transaction.

With regard to the employee protective conditions, the ARU note that the application states that approval of the transaction should be subject to the “*New York Dock* conditions”, as modified by the *Wilmington Terminal* decision (*New York Dock– Control– Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979); *Wilmington Terminal Railroad– Purchase and Lease–*

CSX Transportation, Inc., 6 I.C.C. 2d 799 (1990)). The ARU dispute the *Wilmington Terminal* modification of the *New York Dock* conditions; the ARU contend that the modification is not permitted by the Act. However, the ARU acknowledge that, under ICC/STB precedent, the modified conditions are the ones imposed in a transaction like the one proposed by B&LE, so those modified conditions should be imposed by the Board if it approves the proposed transaction.

Respectfully submitted,



December 9, 2019

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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served one copy of the foregoing Comments, by first-class mail, postage prepaid, to the following:

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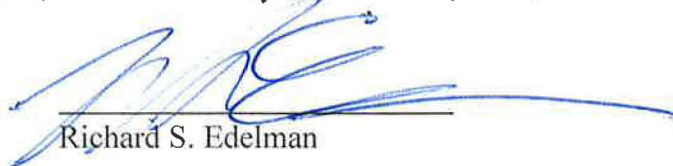
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Dated at Washington, D.C. this 9th day of December, 2019.



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