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Office of Proceedings
December 9, 2019
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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

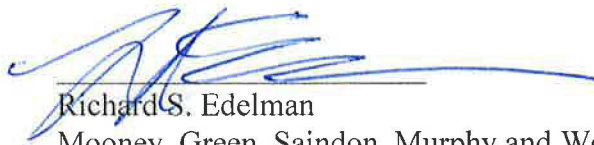
COMMENTS OF THE TRANSPORT WORKERS UNION OF AMERICA

The Transport Workers Union of America (“TWU”) submits 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, TWU neither supports nor opposes the proposed transaction. TWU has 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 TWU regarding the transaction.

With regard to the employee protective conditions, the TWU notes 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)). TWU disputes the *Wilmington Terminal* modification of the *New York Dock* conditions; TWU contends that the modification is not

permitted by the Act. However, TWU acknowledges 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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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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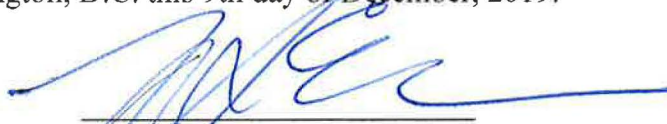
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