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Office of Proceedings
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December 10, 2020

Ms. Cynthia T. Brown, Chief
Office of Administration-Section of Proceedings
Surface Transportation Board
Washington DC 20423

Re: F.D 36347, Bessemer & Lake Erie Railroad Company-Acquisition and Operation-
Certain Rail Lines of CSX Transportation, Inc.-in Onondaga, Oswego,
Jefferson, Saint Lawrence, and Franklin Counties, N.Y.

Dear Ms. Brown:

This is in reference to the November 30, 2020 letter from counsel for applicant (B&LE), subsidiary of Canadian National Railway Company (CNR), concerning pending petitions for reconsideration by B&LE and CSX Transportation, Inc.(CSXT), filed June 5,2020, with respect to STB's Decision No. 4, served April 6, 2020, and particular attention by BL&E to ordering paragraph No. 3, thereof. B&LE also makes reference to CSXT's labor implementing agreement obligation. This objecting commenter, on behalf of SMART/TD-NY, submitted reply to the petitions for reconsideration. The rail employee organization submits the following response to the latest B&LE(CNR) letter:

1. B&LE and CSXT have revised their Purchase & Sale Agreement(PSA) "Drop Dead Date" from 11/30/20 to 2/28/21. We urge any further changes (or proposed changes) to the PSA be served on the parties and submitted for STB review; likewise any agreements or understandings with NYS&W or FGLK. Cf. §5.14. Decision 4, p. 14.

2. B&LE supplemented its June 5, 2020 petition for reconsid., during the period June 17-24, 2020, by soliciting and by itself sponsoring (without mentioning any CSXT concurrence) some 9 maritime ocean liners and terminal operators, serving Port of NY&NJ, to submit statements in this proceeding. This support evinces a proposed ocean-rail movement entirely different, and inconsistent, with the proposed transportation transaction of record herein, and would seem a candidate for further comprehensive environmental inquiry. For media comment on establishment of an inland port at Syracuse,NY (DeWitt) , see: Journ.of Commerce, "An Inland Alternative,"at 39-40. (July 20, 2020). See also: SMART/TD-NY Reply to Pet., at 3n.2 (6/25,7/1/20).

3. Any labor implementing agreement, if necessary, would require both B&LE and CSXT participation.

Sincerely,
/s/ Gordon P. MacDougall
Attorney for Samuel J. Nasca

cc: All parties of record