

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36472

ENTERED
Office of Proceedings
March 16, 2021
Part of
Public Record

CSX CORP. AND CSX TRANSPORTATION, INC. ET AL
- CONTROL AND MERGER-
PAN AM SYSTEMS, INC., MAINE CENTRAL RAILROAD COMPANY,
NORTHERN RAILROAD, PAN AM SOUTHERN, LLC, PORTLAND TERMINAL
COMPANY, SPRINGFIELD TERMINAL RAILWAY COMPANY, STONEY BROOK
RAILROAD COMPANY, AND VERMONT & MASSACHUSETTS RAILROAD COMPANY

COMMENTS IN RESPONSE TO PROPOSED SCHEDULE

The Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU (Allied Rail Unions) submit this response to the scheduled proposed by Applicants for the handling of the Application in this Finance Docket, as well as the related Sub-dockets.

Applicants propose that Comments be submitted within 60 days of the filing of the Application, and within 30 days of the Board's acceptance of the Application (assuming it is accepted), with a discovery period beginning 30 days after acceptance of the Application. Applicants further propose that the record be closed 135 days after filing of the Application, with a decision to be rendered 180 days after filing of the Application.

However, the Application was filed on February 25, 2021 and 19 days have already passed since then. A key part of the Labor Impact statement was initially redacted, and it was only made publicly available 5 days later. That document revealed plans for significant reductions in forces for the Pittsburgh and Shawmut/Berkshire and Eastern operation of the Pan

Am Southern (“PAS”) property; and there was no explanation of the basis for the reductions in the Application or the Sub-application. Frankly, the Allied Rail Unions are at a loss to understand how P&S/B&E plans to operate the same lines with the same, or hopefully more, traffic with only 75% of the current work force; in particular they cannot comprehend the plan to operate over the same infrastructure with more or greater traffic but with only 48% of the maintenance of way work force. Additionally, the impacts of the proposed transactions for PAS shop workers were reported on the Labor Impact Statement under the general heading of “Shop Crafts”, rather than by individual craft, the usual manner in which anticipated employee impacts have been reported; so the actual impacts of the proposed transactions and planned staffing changes are not at all clear to the Unions, since Applicants have not identified which crafts they anticipate to be affected by reductions in forces, and what the impact on each craft will be. Counsel for the Allied Rail Unions sought to communicate with the GWI/Pittsburgh and Shawmut regarding its plans regarding the workforce on the Pan Am Southern (request made March 8), but there has not yet been an arrangement to discuss the matter. The Allied Rail Unions also need to discuss the potential impact of the transaction with their officers who provide representation to Pan Am Railways/ Springfield Terminal employees.

Additionally, under the proposed schedule, the period for discovery would not begin until the Board accepts the Application, so interested parties cannot serve discovery at the present time (and Applicants would not be obligated to respond to discovery served before the Application was accepted). Under the proposed schedule, there would be only 30 days from initiation of the discovery period to the due date for comments; and the proposed period for discovery seems to optimistically assume that discovery requests would be rapidly answered and there would be no issues concerning discovery; the Allied Rail Unions hope that such optimism

is warranted, but are not comfortable relying on that assumption.

Given the foregoing, the Allied Rail Unions believe that, with only 41 days remaining of the 60 day comment period proposed by Applicants, the time period for filing of comments is too short. The Allied Rail Unions therefore respectfully submit that the time period for the filing of comments should be 60 days from the Board's acceptance of the Application; and that the time for Applicants to respond to comments be 30 days after the filing of comments.

Respectfully submitted,

/s/ Richard S. Edelman

Richard S. Edelman

Aaron S. Edelman

Mooney, Green, Saindon, Murphy & Welch, P.C.

1920 L Street NW, Suite 400

Washington, DC 20036

(202) 783-0010

Redelman@MooneyGreen.com

Aedelman@MooneyGreen.com

March 16, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served one copy of the foregoing Notice of Intent To Participate and Appearance of Counsel, to the offices of the following by First Class Mail, and by email when known:

Anthony J LaRocca
Peter W. Denton
Sally Mordi
Steptoe & Johnson, LLP
1330 Connecticut Ave., NW
Washington, DC 20036
alrocca@steptoe.com

Louis E. Gitomer
Law offices of Louis E. Gitomer LLC
600 Baltimore Ave, Suite 301
Towson, MD 21204
lou@lgrailaw.com

John P. Patelli
Steven Ambrust
CSX Transportation, Inc.
500 Water St.
Jacksonville, FL 32202

Robert Culliford
Pan Am Systems, Inc.
1700 Iron Horse Park
North Billerica, MA 01862

Erika A. Diehl-Gibbons
Assistant General Counsel
SMART — Transportation Division
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070-5333
ediehl@smart-union.org

Jeffery Bartos
Antonia Bird
Guerrieri, Bartos, & Roma PC
1900 M. Street, NW
Suite 700
Washington, DC 20036
jbartos@geclaw.com
abird@geclaw.com

Jenny Ronis
219 North Main Street
Suite 201
Barre, VT 05641
gordon.landrigan@Vermont.gov

Joshua D. McInerney
Barkan Meizlish, LLP
4200 Regent Street, Suite 210
Columbus, OH 43219
jmcinerney@barkanmeizlish.com

Date: March 16, 2021

/s/Richard S. Edelman
Richard S. Edelman