

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36472

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

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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

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**COMMENTS IN RESPONSE TO PROPOSED SCHEDULE**

The American Train Dispatchers Association (“ATDA”) submits this response to the scheduled proposed by Applicants for the handling of this Finance Docket, as well as the related Sub-dockets.

In the Application filed on February 25, 2021, the Applicants here proposed 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, with a short discovery period beginning 30 days after acceptance of the Application. The Applicants further proposed 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.

As proposed, this intentionally short schedule does not permit adequate time for other interested parties to review and submit proper comments. Having the timeline begin with the filing of the Application unduly shortens the comment period, as we are already 19 days into that period. Further, in the original filing, a key part of the Labor Impact statement was redacted and was not made publicly available until March 2, 2021. That document revealed plans for significant reductions in forces for the proposed operating railroads of the Pan Am Southern

property, the Pittsburgh and Shawmut/Berkshire and Eastern. No explanation was presented as to the basis for these reductions in either the Application or the Sub-application. It will be necessary for SMART-TD to obtain discovery to understand and evaluate the potential impact of the transaction, and discuss such with its officers who provide representation to Pan Am Railways/Springfield Terminal employees.

Additionally, with regard to discovery, under the proposed schedule, the period for such would not begin until the Board accepts the Application. This bars interested parties from serving necessary discovery requests at the present time. Indeed, even if discovery requests were served prior to the Application's acceptance, Applicants would not be obligated to respond to any such premature requests. Moreover, the idea that discovery requests would be answered in a narrow 30-day window before comments were due strains under the actual and practical practice regarding the turn-around time of discovery, where there may well be numerous requests, especially if any objections are interposed or other issues arise.

Accordingly, with only 41 days remaining of the proposed 60-day comment period, the time period for filing of comments, as well as discovery, is simply insufficient. ATDA therefore respectfully requests that the time period for the filing of comments be 90 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/ Kevin C. Brodar

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been e-filed this 16<sup>th</sup> day of March, 2021, via the STB's e-filing system, and served via email or regular postage prepaid mail upon the parties of record.

Date: March 16, 2021

/s/ Erika A. Diehl-Gibbons  
Erika A. Diehl-Gibbons