

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 36472 (and all Sub-Dockets)

CSX CORP. AND CSX TRANSPORTATION, INC. ET AL

– CONTROL AND MERGER–

PAN AM SYSTEMS, INC., PAN AM RAILWAYS, INC., BOSTON AND MAINE CORPORATION, MAINE CENTRAL RAILROAD COMPANY, NORTHERN RAILROAD, PAN AM SOUTHERN LLC, PORTLAND TERMINAL COMPANY, SPRINGFIELD TERMINAL RAILWAY COMPANY, STONY BROOK RAILROAD COMPANY, AND VERMONT & MASSACHUSETTS RAILROAD COMPANY

**COMMENTS OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS**

The International Brotherhood of Electrical Workers, AFL-CIO (“IBEW”) submits these Comments in response to the Revised Application filed on July 1, 2021 by the Applicants for Board approval, under 49 U.S.C. §§ 11321-26, of the Merger Transaction and in response to the related filings for Board approval of the Related Transactions.¹

The IBEW takes no position on whether the Board should approve the Application, Merger Transaction, or Related Transactions. If the Board grants its approval, the IBEW urges the Board to impose the following conditions.

1. The Board should condition its approval of the Application and Merger Transaction on the application of the *New York Dock Railway—Control—Brooklyn Eastern District (Terminal)*, 360 I.C.C. 60 (1979) (“*New York Dock*”) employee protections. The Applicants have acknowledged that the *New York Dock* conditions must apply to the

¹ The IBEW uses the terms Revised Application, Merger Transaction, and Related Transactions as the Board defines them in Decision No. 4 in STB Finance Docket No. 36472.

transaction, and application of the *New York Dock* conditions is required for this transaction by 49 U.S.C. § 11326.

2. Pittsburgh & Shawmut/Berkshire & Eastern (“P&S/B&E”) have petitioned, in sub-docket No. 5, to operate the lines of Pan Am Southern (“PAS”). P&S/B&E acknowledge that the *New York Dock* conditions should apply to the Board’s approval of its petition, and the IBEW urges the Board to condition its approval on the application of the *New York Dock* conditions.
3. P&S/B&E has stated that it intends to recognize the unions currently representing Springfield Terminal’s employees that would be hired by B&E, and to enter into agreements providing “substantially similar terms and conditions to those contained in existing agreements.” *See* P&S/B&E Amended Petition for Exemption, Filing ID 302172. Given this stated commitment, the Board should condition approval of P&S/B&E’s petition on P&S/B&E’s recognition of the unions that currently represent Pan Am/Springfield Terminal employees.

Respectfully submitted,



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Dated: August 27, 2021

Counsel for the IBEW

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been e-filed this 27th day of August, 2021, via the STB's e-filing system, and served via email or regular postage prepaid mail upon the parties of record.

A handwritten signature in black ink, appearing to read 'L. Aubrey', positioned above a horizontal line.

Lucas R. Aubrey
Sherman Dunn, P.C.

Dated: August 27, 2021