

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
August 27, 2021
Part of
Public Record

STB FINANCE DOCKET NO. 36472 (and all Sub-Dockets)

CSX CORPORATION 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, PROTLAND TERMINAL COMPANY, SPRINGFIELD
TERMINAL RAILWAY COMPANY, STONY BROOK RAILROAD COMPANY, AND
VERMONT & MASSACHUSETTS RAILROAD COMPANY

**SMART-TD’S COMMENTS ON APPLICATION
AND RELATED TRANSACTION FILINGS**

In accordance with Decision No. 4 issued in the above-captioned matter, the Transportation Division of the Sheet Metal, Air, Rail, and Transportation Workers (“SMART-TD”) hereby submits the following as its Comments to the Applicants’ Revised Application dated July 1, 2021, and to the Related Transactions.¹

As an initial matter, SMART-TD takes no position with regard to the proposed acquisition transaction. Nevertheless, if the Board approves the transactions, certain employee protective conditions must be imposed as a matter of law. The Applicant Carriers acknowledge

¹ SMART-TD’s Comments relate to the primary CSX/Pan Am control docket (Finance Docket No. 36472) along with the five sub-dockets, all of which are “Related Transactions” as set forth in Decision No. 4 herein: Norfolk Southern Ry. – Trackage Rights Exemption – CSX Transportation, Inc., Finance Docket No. 36472 (Sub-No. 1); Norfolk Southern Ry.– Trackage Rights Exemption – Providence & Worcester R.R., Finance Docket No. 36472 (Sub-No. 2); Norfolk Southern Ry. – Trackage Rights Exemption – Boston & Maine Corp., Finance Docket No. 36472 (Sub-No. 3); Norfolk Southern Ry. – Trackage Rights Exemption – Pan Am Southern LLC, Finance Docket No. 36472 (Sub-No. 4); and Pittsburg & Shawmut R.R., LLC d/b/a Berkshire & Eastern R.R. – Operation Exemption – Pan Am Southern LLC & Springfield Terminal Ry., Finance Docket No. 36472 (Sub-No. 5).

that CSXT and Springfield Terminal employees affected by the transaction are entitled to the standard labor protective conditions imposed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). Amended and Supplemented Application at 25–27. Pittsburgh & Shawmut/Berkshire & Eastern (“P&S/B&E”) has also acknowledged that the *New York Dock* conditions should apply to any approval of the Petition in Sub-docket No. 5 to operate the lines of Pan Am Southern (“PAS”). With respect to the trackage rights sought by Norfolk Southern Railway Company (“NSR”), NSR has likewise “agree[d] to the imposition of the employee protective conditions established in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).” SMART-TD agrees that the above-referenced employee protective conditions are the appropriate conditions mandated by law. Accordingly, SMART-TD respectfully requests the Board impose such protections as conditions for approval of the transactions.

Dated: August 27, 2021

Respectfully submitted,

s/Erika A. Diehl-Gibbons
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CERTIFICATE OF SERVICE

This is to certify that a copy SMART-TD's Comments in the above-captioned Dockets has been filed with the Board on August 27, 2021, and served on all parties of record.

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