

BEFORE THE
SURFACE TRANSPORTATION BOARD
STB Finance Docket No. 36472 (and all
Sub-Dockets)

302950

ENTERED
Office of Proceedings
August 30, 2021
Part of
Public Record

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

**REQUEST FOR LEAVE TO FILE LATE SUBMISSION; NOTICE OF INTENT TO
PARTICIPATE WITH COMMENT**

The International Federation of Professional and Technical Engineers ("IFPTE"), Local 202 (Flaggers and Inspectors) hereby requests the leave of the Surface Transportation Board to file this Notice of Intent to Participate With Comment past the August 20, 2021 deadline set forth in Decision No. 4 in STB Finance Docket No. 36472; Notice of Acceptance of Application and Related Filings; Issuance of Procedural Schedule.

IFPTE Local 202 represents a unit of approximately 20 Flaggers and Inspectors working for PanAm Railway and had previously not believed it necessary to formally participate in this matter. However, given the statement by Pittsburg & Shawmut/Berkshire & Eastern Railroad (P&S/B&E) that “it intends to recognize 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,” and its subsequent corresponding refusal to explain to the Allied Rail Unions (“ARU”) what departures it intends to take from existing collective bargaining agreements (*see* Comments of the Allied Rail Unions, STB Filing ID No. 302914, August 27, 2021), IFPTE Local 202 now

has serious concerns regarding the possible effects of the proposed merger and associated transactions upon its own existing collective bargaining agreements and the workers it represents and wishes to formally participate in this matter. IFPTE Local 202 therefore requests that the Board accept this Notice of Intent to Participate With Comment.

As stated above, IFPTE Local 202 represents Flaggers and Inspectors employed by PanAm Railway and has an interest in the proposed transactions. In the event that the STB approves the Application, Merger Transaction, or Related Transactions, IFPTE Local 202 urges the Board to condition such approval upon both recognition of existing unions representing affected employees and the standard labor protective conditions imposed in *New York Dock Ry. —Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Respectfully submitted,

/s/ Teresa J. Ellis

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August 30, 2021

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2021, I caused copies of the foregoing Request for Leave to File Late Submission and Notice of Intent to Participate with Comment to be served electronically or by first class mail upon the parties of record in this docket.

/s/ Teresa J. Ellis

Teresa Ellis

General Counsel

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