

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

304019

Finance Docket No. 36500

CANADIAN PACIFIC RAILWAY LIMITED, ET AL.

– CONTROL -

KANSAS CITY SOUTHERN, ET AL.

ENTERED
Office of Proceedings
February 28, 2022
Part of
Public Record

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

The International Brotherhood of Electrical Workers, AFL-CIO (“IBEW”) submits these Comments in response to the Application (“Application”) of Canadian Pacific Railway Ltd. and its subsidiaries/affiliates (collectively “CP”) and Kansas City Southern and its rail carrier subsidiaries/affiliates (collectively “KCS”) for Board approval of CP’s acquisition of control of KCS (“Transaction”).

The IBEW takes no position on whether the Board should approve the Transaction. 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 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 and will apply to the Transaction, and application of the *New York Dock* conditions is required for this transaction by 49 U.S.C. § 11326.
2. The Board should impose, as a condition of any approval of the Transaction, compliance with the “Revised Standards for Preemption of Collective Bargaining Agreements for Transactions Initiated Pursuant to Section 11323 of the Interstate Commerce Act,” or the

“Cramdown Agreement.” Applicants have explicitly committed to abide by their commitments under the Cramdown Agreement. Application Vol. 1 at 18/27; Verified Statement of Myron Becker Application Vol. 2 at 13-14/253-254.

3. The Board should, consistent with its practice, impose any and all additional commitments made by the Applicants, in seeking Board approval of the Transaction, as conditions on any approval of the Transaction.

Respectfully submitted,



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Dated: February 28, 2022

Counsel for the IBEW

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been e-filed this 28th day of February, 2022, 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: February 28, 2022