

January 9, 2023

Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
May 30, 2023  
Part of  
Public Record

RE: STB Docket No. FD 36472

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., Portland Terminal Company, Springfield Terminal Railway  
Company, Stony Brook Railroad Company and Vermont & Massachusetts Railroad Company

Dear Ms. Brown:

By way of introduction, I am writing this letter in collaboration with the membership of the International Federation of Professional and Technical Engineers, Local 202, Springfield Terminal Railway Company a.k.a. Pan Am Railways Systems.

I have been a member of the IFPTE Local 202 member since 1980. My years of service has transitioned me through two major labor disturbances and two operational changeovers of rail operating carriers ( Boston and Maine Corp to Guilford Rail, then Guilford Rail to Springfield Terminal Railway Company) Another impactful transaction was the sale of Boston and Maine Corporation tracks, assets and facilities used for commuter rail -- to the Commonwealth of Massachusetts ( Massachusetts Bay Transportation Authority ). Eleven years ( 11 yrs. ) later the Commonwealth of Massachusetts transferred the commuter operations and maintenance contract from the Boston and Maine Corporation to Amtrak. This transaction reduced the Boston and Maine Corp. total labor force by greater than half. Boston and Maine Corp. ( a.k.a. Guilford Rail System ) employees were again impacted by the eminent domain taking (1989 - 1992) by Amtrak of the Boston and Maine Corp. Connecticut River Maine Line (then Amtrak immediately transferred the C.R.M.L. to the C.V. Railroad)

All of these actions directly impacted railroad labor and all have involved STB (or predecessor ICC) jurisdiction / proceedings. Although these tribunals considered other national proceedings to include Mendocino Coast protection in discussions, it appeared that ICC/STB were satisfied railroad labor was protected by the provisions contained in New York Dock.

I attended three mediation sessions/conference calls with IFPTE managers, CSX, G&W and unknown carrier's hired private legal offices, in my opinion, it appears that labor protection in not the carrier's objective concerning STB Docket No. FD 36472. From my direct witnessing of a few mediation sessions, representative participation was an assemblage of the parties without a clear concept and no logical guidance. On these calls there were multiple representatives from the Pittsburg and Shawmut Railroad, LLC and Berkshire and Eastern Railroad - CSX - and these multiple third parties consultants and attorneys only compounded the confusion. The primary focus from these discussions focused on one particular job function 'Construction/Inspector' which functionally represents only one of twelve Job titles and job descriptions, established through negotiations in the current IFPTE / STRC collective bargaining agreement. The job of Construction/Inspector is also well-established and greater defined in the railroads practice, procedures and construction manuals.

This observation appeared to be a surprise for the G&W Corporate Counsel and G&W VP Labor Relations as well as G&W Vice President of Operations and G&W Senior Vice President - Who each basically declined to offer any jobs to IFPTE members stating:

"The (IFPTE Local 202) Job titles and job descriptions does not fit into the G&W, short line business plan." Also affirmed that CSX, with their TEAM is in the process coming up with a new proposal - BUT - they have reassured IFPTE that it's members will have a "JOB" - CSX stated position. That "a job meets or exceeds the provisions of New York Dock protection"?

Therefore, according to CSX, no one will be eligible for New York Dock protection.

Concurrently, CSX wants to independently move forward with IFPTE even though CSX will plans to only retain 48% of operating railroad in the IFPTE Local 202 CBA. The remainder 48% CSX will operate and the 52% will be for G&W to operate. This will remove 52% ( Pan Am Southern) that the IFPTE, deriving location of work, income and quality of life as part of the operating railroad. The Springfield Terminal Railway Company with IFPTE Local 202 currently covers the whole system as per the collective bargaining agreement between IFPTE and STRC. The IFPTE Local 202 members will lose better than one half of our current collective bargaining agreement area of responsibility. This G&W proposal was followed by CSX proposal to eliminate 96% - of the jobs covered in the most recent collective bargaining agreement.

Based on my past experience with New York Dock labor protection over these past noted rail operations /transfers, this carrier's position does not seem right or fair, it certainly doesn't reflect the reassurance provided to the IFPTE by STB (reference page 49, of STB Decision). In closing IFPTE members just want to be made whole, we have families with medical conditions, spiritual ties to community, children's baptisms, first communion, family /community commitments, educational, sports, etc.

CSX has been recently caught multiple times in multiple locations performing work that is covered in the IFPTE Local 202 collective bargaining agreement.

In addition, CSX recently abolished all IFPTE Local 202 members headquarters on the 52% (Pan Am Southern) and put bids with headquarters on the 48% (Pan Am Railway) according "for legal reasons".

In conclusion, IFPTE Local 202 members want to know where are we in this STB authorized process - our collective anxieties are at an all time high - rumors, misinformation further amplifies this perception and disorientation?

I have a number of significant related letters, emails, etc. written to the IFPTE managers that were not responded to, that reflect our members frustration etc. that I will provide to you upon your request.

Please review and reply.

Sincerely;

Robert Bergeron



International Federation of Professional and Technical Engineers (IFPTE ), Local 202 member since 1980

May 29, 2023

Mr. Jeff Herzig  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

RE: STB Docket No. FD 36472

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Railroad, Pan Am Southern LLC., Portland Terminal Company, Springfield Terminal Railway  
Company, Stony Brook Railroad Company and Vermont & Massachusetts Railroad Company

Dear Mr. Jeff Herzig:

I certify that I have E-Filed the STB on April 29, 2023, my letter to STB dated January 9, 2023 and emailed  
on April 30, 2023 this letter to 40 emails as per the STB instructions with the website. As per  
instructions, in addition, I certify that on May 21, 2023, I have emailed my letter to STB dated January 9,  
2023 to the three additional contacts:

1. allison.b.greenstein@doj.nh.gov
2. david.j.dicenso.civ@mail.mil
3. SecretaryScheduler@dot.gov

Sincerely,



Robert Bergeron

International Federation of Professional and Technical Engineers (IFPTE ), Local 202 member since 1980

cc: Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board Office of Proceedings