

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

308010

ENTERED
Office of Proceedings
February 26, 2024
Part of
Public Record

EX PARTE No. 770 (Sub. No. 1)

URGENT ISSUES IN FREIGHT RAIL SERVICE

**UNIONS' COMMENT REGARDING UNION PACIFIC'S
JANUARY EMPLOYMENT DATA REPORT**

After Union Pacific Railroad (“UP”) filed its motion for a protective order regarding the employment data reporting required by the Board’s January 31, 2024 Order, UP then submitted its publicly filed January employment report which contained no data, but assumed that the Board would grant UP’s separately filed motion for a protective order; the filing also contained argument and included a verified statement in support of UP’s refusal to publicly report the employment data. The Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association Of Boilermakers; International Association Of Machinists And Aerospace Workers District #19; International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU (“Unions”) responded to UP’s actual motion by urging the Board to deny the motion. The argument and verified statement submitted with the January employment report should be ignored.

The Unions believe that UP’s argument lacks merit- that UP has mischaracterized the Supreme Court precedent on which it relies, and that the instant situation is readily distinguishable from the situation in that case; and that UP’s verified statement is woefully inadequate to support the motion. But, regardless, it was improper for UP to attempt to provide

support for its motion in the employment report. UP was obligated to support its motion with facts and argument; it did not do so. The argument and asserted facts appended to UP's employment data report, a wholly different filing that gave no notice as to its inclusion of anything other than employment data (not actually provided), should therefore not be considered by the Board in ruling on UP's motion.

Respectfully submitted,

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February 26, 2024

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