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EXPEDITED CONSIDERATION REQUESTED

January 29, 2025

Via E-Filing

309146

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

ENTERED
Office of Proceedings
January 29, 2025
Part of
Public Record

Re: Docket No. FD 36744, *Canadian National Railway Company and Grand Trunk Corporation—Control—Iowa Northern Railway Company*

Dear Ms. Brown,

On January 14, 2025, in Decision No. 3 of the above-referenced docket, the Board approved the Proposed Transaction subject to certain conditions. During Applicants' ongoing review of Decision No. 3, Applicants realized that the employee protective conditions imposed by Decision No. 3 do not match the standard *New York Dock* conditions that apply to control transactions like this one. Applicants therefore respectfully request that the Board correct the employee protective conditions imposed in Decision No. 3 expeditiously, so as to provide assurance to affected employees that the standard employee protective conditions will apply to this transaction.

Page 25 of Decision No. 3 accurately observes that Applicants proposed and rail labor commenters requested standard labor protective conditions in accordance with *New York Dock Railway—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979), *aff'd sub nom. New York Dock Railway v. United States*, 609 F.2d 83 (2d Cir. 1979). However, page 26 of Decision No. 3 incorrectly states that "this transaction is a line sale" and provides that the Board will impose the employee protective conditions set out in *New York Dock* as modified by *Wilmington Terminal Railroad—Purchase & Lease—CSX Transportation, Inc.*, 6 I.C.C.2d 799, 814–26 (1990). Ordering paragraph 2 of the decision repeats this conditioning error.

Applicants ask that the Board correct Decision No. 3 and provide that approval of the transaction is subject to the employee protective conditions set out in *New York Dock Railway—Control—Brooklyn Eastern District Terminal*, 360 I.C.C. 60 (1979), *aff'd sub nom. New York*

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Dock Railway v. United States, 609 F.2d 83 (2d Cir. 1979). Applicants further request that the Board expedite consideration of this request to avoid any uncertainty for employees that Decision No. 3 may have generated. Applicants consulted with counsel for the Allied Rail Unions consisting of the following labor organizations: Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers District #19; International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division; International Brotherhood of Boilermakers; and the National Conference of Firemen and Oilers, 32BJ/SEIU, and counsel has advised us that these labor organizations support this request. Applicants also consulted with counsel for the American Train Dispatchers Association and The Transportation Division of the International Association of the Sheet Metal, Air, Rail and Transportation Workers, and counsel has advised us that these labor organizations also support this request.

Respectfully submitted,

Kevin M. Sheys

*Counsel for Iowa Northern
Railway Company*

/s/ Matthew J. Warren

Matthew J. Warren

Allison C. Davis

*Counsel for Canadian National Railway
Company and Grand Trunk Corporation*

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January, 2025, the foregoing letter in Docket No. FD 36744 was served by first-class mail or more expeditious means on all parties of record in this proceeding, the U.S. Department of Transportation, and the U.S. Department of Justice.

/s/ Stephen S. Laudone
Stephen S. Laudone