

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36910

ENTERED
Office of Chief Counsel
March 10, 2026
Part of
Public Record

DENVER TRANSIT OPERATORS, LLC
—PETITION FOR DECLARATORY ORDER—
DENVER TRANSIT DISPATCH DEPARTMENT

MOTION FOR LEAVE TO INTERVENE

The Brotherhood of Railroad Signalmen (“BRS”), the collective bargaining representative of Train Dispatchers employed by of petitioner Denver Transit Operators, LLC (“Denver Transit”), hereby requests leave to intervene in the above-captioned matter in the event that the Board initiates a proceeding as requested by Denver Transit.

Denver Transit has petitioned the Board to institute a proceeding in which Denver Transit seeks a determination as to whether its Dispatch Department is rail carrier under the Interstate Commerce Act. As described by Denver Transit, its request stems from a decision by the United States Railroad Retirement Board (an initial decision and a denial of reconsideration) that Denver Transit’s Dispatch Department is an employer under the Railroad Retirement Act (“RRRA”), and Railroad Unemployment Insurance Act (“RUIA”). Under that decision, Denver Transit’s Train Dispatchers are covered by those two Acts administered by the RRRB. Denver Transit sought review of that decision by the United States Court of Appeals for the D.C. Circuit, and then asked the Court to hold the petition for review in abeyance to allow Denver Transit to seek a determination by this Board as to whether Denver Transit’s Dispatch Department “is a ‘rail carrier’ under 49 U.S.C. §10102(5). The petition to institute a proceeding ensued.

Denver Transit has described its petition as one under the Board's modified procedures under 49 C.F.R. §1112. BRS requests leave to intervene in the event that the Board institutes a proceeding as requested by Denver Transit. BRS submits that it has an interest in this proceeding and that its intervention is appropriate under the standards of 49 C.F.R. §1112.4 because BRS is the collective bargaining representative of the Denver Transit Train Dispatchers; those employees of Denver Transit obviously have a significant interest in the determination of whether they are covered by the RRRRA and RUIA.¹ As an intervenor, BRS would support RRRB's determination that its members are covered by the RRRRA and RUIA. BRS's intervention would not disrupt a schedule for this proceeding, as no schedule has been established to date. And BRS's intervention would not "unduly broaden" such a proceeding since BRS will address the issue raised by Denver Transit.² BRS would be represented in such a proceeding by its counsel: Richard S. Edelman and Aaron S. Edelman.

For the foregoing reasons, BRS respectfully submits that if the Board institutes a proceeding as requested by Denver Transit, BRS should be granted leave to intervene.

Respectfully submitted,

/s/ Richard S. Edelman

Richard S. Edelman

Aaron S. Edelman

Mooney, Green, Saindon, Murphy & Welch, P.C.

1620 Eye Street NW, Suite 700

Washington, DC 20006

(202) 783-0010

Redelman@MooneyGreen.com

AEdelman@MooneyGreen.com

Date: March 10, 2026

CERTIFICATE OF SERVICE

¹ BRS did not participate in the RRRB proceedings because it had no notice of those proceedings; either the original proceedings or the proceedings on Denver Transit's request for reconsideration.

² BRS recognizes that Denver Transit's proposed schedule for briefing the issues contemplates filings by *amici*. BRS submits that its status should be as an intervenor and a party as the Union is not just an entity with an interest, but is the collective bargaining representative of the workers who may be affected by the Board's decision.

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served copies of the foregoing Motion For
Leave To Intervene by email and First Class Mail on the following:

Bradon J. Smith
Stefa D. Wallach
300 West Madison St.
Suite 1100
Chicago, IL 60606
bsmith@mmr-law.com
swallach@mmr-law.com

Date: March 10, 2026

/s/Richard S. Edelman
Richard S. Edelman