

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36910

DENVER TRANSIT OPERATORS, LLC

– PETITION FOR DECLARATORY ORDER –

DENVER TRANSIT DISPATCH DEPARTMENT

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

**ATDA’S MOTION FOR LEAVE TO INTERVENE, OR IN THE
ALTERNATIVE, FOR LEAVE TO FILE COMMENTS AS *AMICUS CURIAE***

American Train Dispatchers Association (“ATDA”) respectfully submits that the Surface Transportation Board should decline to initiate a proceeding as requested by Denver Transit Operators, LLC (“Denver Transit”) in the above-captioned matter because the *Rail Term* precedent is well settled. However, in the event a proceeding is instituted, ATDA respectfully moves to intervene pursuant to 49 C.F.R §1112.4, or in the alternative, for leave to file comments as *amicus curiae* in support of the Railroad Retirement Board (“RRB”) and Brotherhood of Railway Signalmen (“BRS”).

ATDA represents employees in the nation’s railroad industry who safely and efficiently operate, and dispatch trains the United States. ATDA represents employees in the craft or class of dispatchers employed by the vast majority of railroads in this country, including nearly all Class I railroads and many regional and short line carriers. The outcome of this proceeding, if initiated, could potentially impact ATDA and its membership. Accordingly, ATDA has a significant interest in this matter.

As an intervenor or *amicus curiae*, ATDA would urge the Board to decline to disturb *Rail Term* and its progeny, and would support the RRB’s determination that the BRS members at

issue here, whose work falls within a craft often and predominantly represented by ATDA, are covered by the Railroad Retirement Act (“RRA”) and Railroad Unemployment Insurance Act (“RUIA”). ATDA’s participation would assist the Board by providing additional perspective regarding the nature of the work performed by these employees and the longstanding treatment of similar positions under the relevant statutes and longstanding precedent. ATDA’s intervention or amicus participation would not disrupt the schedule of this proceeding, as no procedural schedule has been established to date. Nor would ATDA’s participation unduly broaden the scope of the proceeding, as its submission would address the issues raised in Denver Transit’s request. ATDA would be represented in this matter by its counsel: Erika A. Diehl-Gibbons and Shawn M. McKinley.

For the foregoing reasons, ATDA respectfully submits that the Board should decline to institute a proceeding in this matter. In the event the Board nevertheless institutes a proceeding as requested by Denver Transit, ATDA respectfully requests the Board grant ATDA leave to intervene, or alternatively, leave to file comments as *amicus curiae*.

Dated: April 10, 2026

Respectfully submitted,

s/Erika A. Diehl-Gibbons
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CERTIFICATE OF SERVICE

This is to certify that a copy ATDA's Motion for Leave to Intervene, or In the Alternative, For Leave to File Comments as *Amicus Curiae* in the above-captioned docket has been filed with the STB on April 10, 2026, and served on all parties of record via email or U.S. mail.

s/Erika A. Diehl-Gibbons
Erika A. Diehl-Gibbons