



**Brotherhood of Maintenance of Way Employees Division  
of the International Brotherhood of Teamsters  
311156**

Tony D. Cardwell  
*President*

Dale E. Bogart, Jr.  
*Secretary-Treasurer*

**ENTERED**

**Office of Chief Counsel**

April 21, 2026 **April 21, 2026**

**Part of**

**Public Record**

RE: Docket FD 36909, TransloadX Railroad Company, Inc.-Acquisition and Operation Exemption-CSX Transportation, Inc.

**Comments of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters**

The Brotherhood of Maintenance of Way Employees Division (BMWED) submits these comments concerning the above-referenced docket that was printed in the April 2, 2026, Federal Register (Page No. 16807). BMWED is the duly recognized collective bargaining representative for employees responsible for the inspection, construction, maintenance, and repair of track, roadbed, bridges, drainage systems, and related railroad infrastructure across the United States. Our membership has a direct interest in this proceeding, which affects the work performed by Maintenance of Way employees and the protections established by the Surface Transportation Board.

“TransloadX Railroad Company, Inc. (TransloadX–RR), a noncarrier, has filed a verified notice of exemption...to lease and operate two lines of railroad from CSX Transportation, Inc. (CSXT), totaling approximately 37.1 miles (the Lines). The Lines consist of (1) approximately 18.3 miles of CSXT’s Augusta Branch, which extends from Waterville, Me. (MP WVT 0.7), to Augusta, Me. (MP WVT 19.0) in Kennebec County, Me., and (2) approximately 18.8 miles of CSXT’s Bucksport Branch, which extends from Bangor, Me. (MP WVB 0.2), to Bucksport, Me. (MP WVB 19.0), in Penobscot and Hancock Counties, Me.”

BMWED submits these comments in opposition to the Verified Notice of Exemption filed by TransloadX–RR. This transaction does not fit the profile of a routine short line lease. Rather, it represents a post-acquisition divestiture of Pan Am infrastructure by CSX, undertaken while employees remain under active New York Dock protections, and advanced through an exemption proceeding that limits meaningful review. CSX justified the Pan Am acquisition to this Board based on investment, integration, and improved service. Within a short period following that approval, CSX now seeks to transfer portions of that same system to a third-party operator. Taken together, this transaction does not align with the representations CSX made to the Board in the Pan Am proceeding. The Board should reject the notice of exemption and require the filing of an application so the CSXT and TransloadX-RR can provide more information, and explain the rationale behind the transaction; and interested parties can respond to that rationale and address the inconsistency between CSXT’s representations in the CSXT-Pan Am merger proceeding (where CSXT acknowledged that many Pan Am lines were in poor condition and little used but represented that CSXT would improve the lines and increase traffic as part of its public interest justification for the merger) and this lease of one of those lines. By requiring filing of an

41475 Gardenbrook Road

Novi, MI 48375-1328

Telephone 248.662.2660 Facsimile 248.662.2659

[www.bmwe.org](http://www.bmwe.org)

application, the Board can consider whether this proposed lease should be allowed to go forward in light of the representations made by CSXT in the merger proceeding.

The lines at issue were part of the Pan Am system acquired by CSX in 2022, subject to New York Dock labor protections. This transaction would transfer Maintenance of Way work, including track inspection, surfacing, tie replacement, drainage, and bridge maintenance, away from employees who remain within the protected period. That consequence is not incidental; it is the displacement of work protected by conditions imposed in the Pan Am proceeding.

CSX has taken the position that this proceeding falls under 49 U.S.C. § 10901 and that no additional labor protections may be imposed. BMWED recognizes the statutory framework cited by CSX but does not concede that it applies in the manner asserted in this proceeding. However, that position does not resolve the issue before the Board. The question is not whether new protections may be imposed. Instead, the question remains whether existing protections, imposed by this Board in the CSX/Pan Am proceeding, continue to apply to work and assets that are now being transferred to a third party. Absent clarification, the effect of this transaction is to reduce or eliminate protected work through a subsequent transaction structured to avoid review.

CSX's justification under 49 U.S.C. § 10901 raises a fundamental concern. If carriers may obtain approval of a major transaction subject to labor protections, and then later transfer portions of that system through exemption proceedings without addressing those protections, the conditions imposed by the Board lose their meaning. BMWED is not asserting that this transaction constitutes a "major transaction" under 49 CFR, Part 1180. However, the existence of active labor protections and the direct transfer of covered Maintenance of Way work present a material issue requiring Board clarification.

Specifically, the Board should determine: (1) whether New York Dock protections continue to apply to Maintenance of Way work associated with these lines notwithstanding their proposed transfer; (2) whether this transaction affects the scope of protected work in a manner that requires further labor-protective consideration; and (3) whether this transaction may proceed under an exemption without addressing the status of employees and work that were subject to protections imposed in the CSX/Pan Am acquisition. Absent such clarification, approval of this exemption risks undermining the protections imposed by the Board and relied upon by affected employees.

For the foregoing reasons, BMWED respectfully requests that the Board clarify the applicability and continuing effect of New York Dock labor protections as they relate to this transaction and determine whether those protections continue to apply to the work and employees affected by the proposed transfer. Absent such clarification, allowing this exemption to take effect risks undermining the protections imposed by the Board in the CSX/Pan Am proceeding and the work those protections were intended to preserve. In the alternative, the Board should stay or defer the effectiveness of the exemption until these issues are resolved.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Condit", written in a cursive style.

BMWED President

CC: National Division Officers  
General Chairman Jason Grahm  
Zachary Wood  
Kevin Evanski

Rich Edelman  
Aaron Edelman