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General Committee of Adjustment
Brotherhood of Locomotive Engineers & Trainmen
Division of Teamsters
Grand Trunk Western Railroad



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May 11, 2018

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

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ELECTRONICALLY FILED

BEFORE THE SURFACE TRANSPORTATION BOARD

In the Matter of:

STB Finance Docket No. 36179

PROTEST, OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND
TRAINMEN, IN OPPOSITION TO APPLICATION

PETITION TO STAY

The Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail
Conference of the International, Brotherhood of Teamsters ("BLET"), specifically, this

Grand Trunk Western General Committee of Adjustment (“GTW / GCA”), opposes, for reasons as set forth below, the proposed lease to, and the proposed operation of, by Lake State Railway Company (“LSRC”), that part of the trackage, as specifically identified in the above referenced Finance Docket, currently owned and operated by Grand Trunk Western Railroad Company.

BLET is a national labor organization, representing operating craft employees, mostly Locomotive Engineers, on the nation’s railroads.

BLET on GTW, represents operating craft employees, mostly Locomotive Engineers, at the railroad terminal involving the affected area of trackage, i.e., Port Huron, Michigan.

At the time of the above referenced application, there are currently active at Port Huron, thirty (30) certified Locomotive Engineers, eight (8) demoted Engineers and two (2) Apprentice Engineers, both of whom are currently involved in Locomotive Engineer Training, for a total of forty (40) employees, all working in their particular craft for class, most under the BLET representational umbrella, at Port Huron, Michigan, on GTW.

The proposed transaction/lease will directly, and negatively, affect the Port Huron terminal on GTW. The section of rail in question, is locally referred as the “HR” line, and involves regular work, which is locally referred as Port Huron’s “HR” work, which is work, the regular Port Huron L-524 “HR” assignment, performs every day, on the trackage in question. Per the BLET/GTW Collective Bargaining Agreement (CBA), the L-524 is defined and advertised as a “Customer Service Assignment” (CSA), which is contractual vernacular, similar in meaning to that, of a “yard” type assignment. The L-524 services the following industries: Domtar, Blue Water Fiber and Dunn Paper.

We’re certain, the proposed transaction will solely cause, the direct, immediate and complete

elimination of the L-524 “HR” assignment. We know this to be true, because we wish to point out, to the Surface Transportation Board (STB), that on April 18, 2018, this Organization was informed, via an email forwarded to this office, which contained a series of questions posed from another Organization, all concerning this transaction and all being directly addressed, to the GTW General Manager, for his return reply. In this regard, the General Manager responded on April 18, 2018, via his return email, that the current assignment, L-524, will be eliminated, wherein he states as follows, in no uncertain terms:

“L-524 will be abolished.” We find this advance operational decision, of April 18, 2018, concerning the announced abolishment of L-524: **(a)** as presumptuous, to say the least, on the part of Carrier, to make such a transactional decision, several weeks before the exemption is actually filed with STB, and **(b)** possible indication of a flawed/tainted set of federal regulations and STB process, if this Carrier, or any of the nation’s Carriers, believe it can confidently announce a transactional decision concerning abolishment, several weeks before the finance docket is actually filed with STB, and also, **(c)** we hope the above is not indicative, concerning talk we’ve heard, that transactions involving 10901, 10902 & 10903, such as in this case (10902), are nothing more than predominantly, a foregone conclusion, a mere formality, “rubber-stamped” as an automatic “done-deal” by STB, against the Union, and in favor of Carrier.

Abolishing L-524, will negatively create a trickle down of seniority moves, i.e., “bumps.” For example, the Engineer currently on the HR L-524 assignment, will have no other place to go, other than back to the “road.” Once this happens, the engineers extra board will most certainly, be reduced, since local management is high on cutting from it, anytime they can. This will demote more engineers, back into the conductor ranks, and so on and so on.

Also, one of our biggest objections with the proposed transaction/lease, is the Carrier is farming out, Union Jobs to a Non-Union short line, on property which GTW will still own, as further evidenced by the fact, GTW reportedly poured an enormous amount of money into re-doing the Black Water Bridge, in order to facilitate the customers on the "HR" line, and GTW will still be responsible for maintaining the bridge.

As we understand, the standard for approving this proposed transaction, is set forth in this Board's Decision of 1996, in "*Abandonment and Discontinuance of Rail Lines and Rail Transportation under 49 USC 10902.*" As we understand, under section 10902, the acquiring entity, LSRC, must show proof of annual revenues in excess of five (5) million dollars (1 STB 894 / 1996). In this regard, as of yet, we have not seen any mention/evidence/proof of such required LSRC revenue, and such evidence/proof, must be shown, in line with the Boards decision.

Also, as we understand, in the very same decision, the Board issued Final Rules, regarding the evidence required from a Carrier proposing to abandon/lease a line(s), such as GTW, and the burden such Carrier, such as GTW, must satisfy in order to obtain Board approval.

specifically, the Board reiterated the longstanding proposition that: "**the burden is on the applicant to show that the proposed abandonment or discontinuance is in the public interest.**" In this regard, we (BLET/GTW/GCA), believe the transaction will have a negative impact upon the public interest, as well as having a negative impact upon the customers, by virtue of using less qualified LSRC employees to protect the service, instead of highly qualified GTW Engineers, due to LSRC employees being non-union,

short-line employees, who are less skilled, than professionally well-trained, highly skilled and highly qualified/safe, BLET/GTW Locomotive Engineers.

For these reasons, BLET/GTW/GCA, opposes the Application and requests it be Stayed, in its entirety.

Respectfully submitted,

Sincerely,

J. M. Karakian



General Chairman, BLET / GTW / GCA

C. c: "All Parties of Record" via UPS Delivery

Also, C. c. via email: Mr. Steve Napierkowski / Manager, Labor Relations, GTW
Mr. Dennis Pierce / National President, BLET
Mr. Gil Gore / Assigned Vice President, BLET
Mr. John Tolman / Vice President & National Legislative Representative, BLET
Mr. Brant Trumble / Legislative Director, State of Michigan, BLET
All BLET/GTW Local Chairmen