

207981

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388



ENTERED
Office of the Secretary

APR 13 2001

Part of
Public Record

CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corp. and Norfolk
Southern Ry. Co.--Control and Operating
Leases/Agreements--Conrail Inc.
and Consolidated Rail Corporation
Transfer of Railroad Line by Norfolk
Southern Railway Company to CSX Transportation, Inc.

**RESPONSE OF TRANSPORTATION-COMMUNICATIONS
INTERNATIONAL UNION IN SUPPORT OF
JOINT PETITION OF VARIOUS UNIONS
AND THE COMMONWEALTH OF PENNSYLVANIA
FOR ENFORCEMENT OF ORDER, OR ALTERNATIVELY TO REOPEN FOR
ORDER DIRECTING COMPLIANCE WITH COMMITMENTS,
OR ALTERNATIVELY FOR RELIEF NOT OTHERWISE PROVIDED-FOR**

The Transportation-Communications International Union ("TCU") which was and is a party to the above-captioned proceeding hereby responds to the joint petition filed by several other unions and the Commonwealth of Pennsylvania for enforcement and/or reopening of the Board's Decision No. 89 which authorized Norfolk Southern Corp. and CSX Corp. to acquire control of Conrail Inc. Like the other unions, TCU represents employees who work in the Hollidaysburg car shops in Altoona, Pennsylvania that NSR plans to close, despite prior commitments that the railroad would consolidate its heavy repair and program work at the Hollidaysburg shops. TCU supports and hereby joins the Joint Petition.

As is set forth in the Declaration of Anthony P. Santoro, Jr., TCU represents clerical employees at the Hollidaysburg shops. On February 20, 2001, NSR gave TCU notice that it would abolish 27 jobs at Hollidaysburg and create only 14 new jobs at other shops in Ohio,

North Carolina and Virginia. Santoro Declaration that is appended hereto and the Attachment to that Declaration. This notice by NSR was a separate notice from the one provided to the "Shopcraft" unions that was appended to the Joint Petition.

As is explained in the Santoro Declaration, and as is set forth in great detail in the Joint Petition, NSR's plans constitute a clear repudiation of commitments NSR made in the application and supporting documents that Norfolk Southern filed with the Board (including the Verified Statements of NS CEO David Goode and Operating Plan witness Michael Mohan) that clearly stated that the railroad would retain the Hollidaysburg shops, consolidate work there, and absorb most car "program work" from shops in other states. NSR's plans also contradict sworn statements of Mr. Goode before the Senate Transportation Appropriations Subcommittee on the joint Norfolk Southern/CSX acquisition of Conrail. Additionally, closing of the shops and transfer of many of the jobs to other shops is completely inconsistent with commitments NSR made to Conrail employees, Pennsylvania officials and Pennsylvania communities in seeking support for its application. NSR has also failed to follow-through on its express commitment to invest \$4 million in the Hollidaysburg shops. NSR now seeks to move forward with closing of the Hollidaysburg shops in the face of the representations that it made and contrary to the Board's Order in Decision No. 89 that "Applicants must adhere to all of the representations they made during the course of this proceeding, whether or not such representations are specifically referenced in this decision." *Id.* at 176.

TCU therefore supports and joins the joint petition filed by the other unions and the Commonwealth of Pennsylvania for enforcement and/or reopening of its Decision No. 89 and TCU urges the Board to order Norfolk Southern to comply with its commitments regarding the

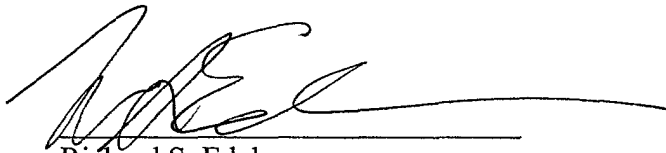
shops.

In responding to and joining the Joint Petition, TCU notes that it is not submitting any new material other than documentation of the effect of NSR's plans on employees represented by TCU, that TCU is otherwise relying on the same evidence and arguments as the other unions and that it will be represented in this case by the same counsel: Richard S. Edelman.

CONCLUSION

For the foregoing reasons, TCU respectfully submits that the Board should direct NSR to adhere to the representations it made regarding the Hollidaysburg shops; specifically that NSR must make the \$4 million in capital improvements that it promised, and that NSR must retain and continue to operate the shops as it repeatedly represented it would.

Respectfully submitted,

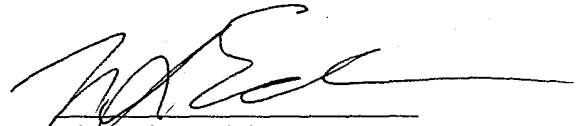
A handwritten signature in black ink, appearing to be 'RSE', written over a horizontal line.

Richard S. Edelman
O'DONNELL, SCHWARTZ & ANDERSON, P.C.
1900 L Street, N.W., Suite 707
Washington, D.C. 20036
(202) 898-1824

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be mailed copies of the foregoing Response of Transportation-communications International Union in Support of Petition for Enforcement of Order, or Alternatively to Reopen for Order Directing Compliance with Commitments, Or Alternatively for Relief Not Otherwise Provided-for by First Class Mail upon the persons listed on the current official service list in Finance Docket No. 33388. Because of the length of the service list in this proceeding representatives of the Applicants and as many other parties as possible were served by mail on April 13, 2001, other parties will be served on April 16, 2001.

4/13/01
Date


Richard S. Edelman

SANTORO DECLARATION

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388

CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corp. and Norfolk
Southern Ry. Co.--Control and Operating
Leases/Agreements--Conrail Inc.
and Consolidated Rail Corporation
Transfer of Railroad Line by Norfolk
Southern Railway Company to CSX Transportation, Inc.

DECLARATION OF ANTHONY P. SANTORO, JR.

I, ANTHONY P. SANTORO, JR., declare under penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the following is true, correct, and based upon personal knowledge.

1. I am the General Chairman of System Board of Adjustment No. 86 of the Transportation Communications International Union ("TCU"). The TCU represents employees of Norfolk Southern Ry. ("NSR") at its Hollidaysburg car shops who work in the clerical craft and class. The TCU actively participated in the STB proceedings on the CSX Corp. and Norfolk Southern Corp. acquisition of control and division of the Consolidated Rail Corp. ("Conrail") ("CSX/NS-Conrail Transaction").

2. Prior to the CSX/NS-Conrail Transaction, the Hollidaysburg shops were owned by Conrail. As a result of the CSX/NS-Conrail Transaction, those shops were allocated to NSR which now operates the shops.

3. Pursuant to this agency's approval of the CSX/NS-Conrail Transaction, the carriers

and TCU entered an implementing agreement under the *New York Dock* conditions. That agreement was consistent with the carriers' plan to divide Conrail's employees represented by TCU among CSXT, NSR and residual Conrail and place all acquired Conrail facilities and lines to be operated by NSR under an NSR collective bargaining agreement. Among other things, it was planned that NSR would consolidate program car repair work for the integrated NSR car fleet at Hollidaysburg . Under the agreement TCU-represented employees at the Hollidaysburg shops became employees of NSR, covered by a collective bargaining agreement based on an NSR-TCU agreement (subject to certain modifications and supplemental terms). NSR began to operate the Hollidaysburg shops on June 1, 1999.

4. NSR's operation of Hollidaysburg shops was initially consistent with the implementing agreement and the representations NSR made to the STB in seeking approval of the CSX/NS-Conrail Transaction, that NSR retained the shops, and program rail car work was consolidated at that facility.

5. However, as time passed, NSR did not follow-through on its representations that it would invest \$4 million in the shops.

6. In November of 2000, despite the commitments made by NSR to the STB and others, NSR announced that it was planning to close the Hollidaysburg shops and transfer the work to other NSR facilities.

7. Because Congressman Bud Shuster had been given personal assurances by NSR that the Hollidaysburg shops would be retained, Congressman Shuster scheduled a hearing by the House Transportation Committee to investigate the matter. Shortly after the hearing was scheduled, NSR CEO David Goode wrote to Congressman Shuster advising that NSR would not

proceed with the planned closure of the Hollidaysburg shops, while asserting that "the future of the shops is heavily dependent on finding partners to provide a consistent source of work for the Hollidaysburg Car Shop, as well as the overall health of the economy and the state of the railroad industry".

8. Congressman Shuster resigned from the House of Representatives in January of 2001.

9. On February 20, 2001, NSR announced that it would close the Hollidaysburg Shops, stating that "Changing economic conditions and excess capacity throughout the freight car repair industry have reduced our workload to the extent that we cannot support continued operations at the shop", and that "Consolidating our work at fewer locations is part of making Norfolk Southern a more efficient company as we go forward". NSR February 21, 2001 Press release.

10. In a letter dated February 20, 2001, NSR again gave notice that it would be transferring work from Hollidaysburg to other shops. In doing so, NSR gave notice of its intent to abolish twenty-seven (27) clerical positions at Hollidaysburg, and to create a total of only fourteen (14) new positions at the shops to which the work was being transferred. Attached as Exhibit 1 to this declaration is a true and accurate copy of NSR's February 20, 2001 notice.

11. It is clear to the TCU, and should be clear to any objective observer, that NSR is planning to renege on commitments it made in the proceedings before this agency in which NSR and CSX sought approval for their joint acquisition of control and division of Conrail. TCU therefore urges the Board to Order NSR to comply with the commitments it made to the Board, parties to the Board's proceedings, Conrail's employees and communities in Pennsylvania.

April 10, 2001
Date


Anthony P. Santoro, Jr.

SANTORO ATTACHMENT



Norfolk Southern Corporation
223 East City Hall Avenue
Norfolk, Virginia 23510-1728

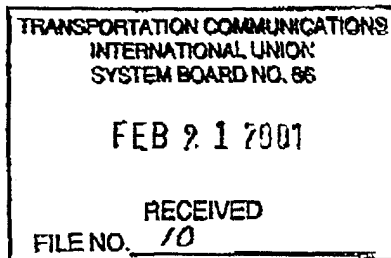
Harold R. Mobley
Assistant Vice President
Labor Relations
(757) 629-2425

February 20, 2001

CRA-TCU

Mr. A. P. Santoro, Jr.
General Chairman, TCU
309 A Street
Wilmington, Delaware 19801

Mr. D. L. Steele
General Chairman, TCU
P. O. Box 280
Suffolk, Virginia 23439



Dear Sirs:

This will serve as notice pursuant to Chapter II, Article III of the November 2, 1998 Implementing Agreement between the Transportation Communications International Union and; Norfolk Southern Railway Company and its railroad subsidiaries and Norfolk Southern Corporation (collectively "NS"); and CSX Transportation, Inc. and its railroad subsidiaries ("CSXT"); and Conrail, Inc. ("CRR") and Consolidated Rail Corporation ("CRC") of NS's intent to transfer the work of the positions identified on attachment "A" presently located at Hollidaysburg Car Shop, Hollidaysburg, Pennsylvania to the following four (4) locations on or about September 1, 2001:

- Bellevue, Ohio
- Columbus, Ohio (Buckeye)
- Linwood, North Carolina
- Roanoke, Virginia (GOB)

The attachments to this notice contain the information described in Section 1, Article IV of Chapter II including the effective date of the transfer. It is NSR's desire to afford employees who are willing to transfer an opportunity to do so. Therefore, NSR may elect to establish additional positions at one or more of the involved locations (Bellevue, Columbus, Linwood and Roanoke).

Copies of this notice and the attachments will be displayed at the NS locations from which work is being transferred from and to.

Very truly yours,

A handwritten signature in cursive script that reads "Harold R. Mobley".

Attachments

Attachment A						
Norfolk Southern Railway Company - NS/CSX/CR/TCU November 2, 1998 Implementing Agreement						
Mechanical Department - Hollidaysburg Car Shop						
Hollidaysburg, PA (NW Agreement) - September 1, 2001						
Position	JP#/Title	Name of Incumbent	SSN#	Seniority Date	Rate of Pay	Disposition of Position
1	T6470-Material Foreman	G. J. Baudoux	189-38-6226	06/28/1973	WG11	Abolished
Supervise Material Handlers and coordinate materials for projects						
2	T6578-Shipper/Receiver	T. J. Bradford	195-30-4131	07/24/1963	WG5	Abolished
Handle material and related documents as directed.						
3	T6591-Shipper/Receiver	C. W. Brown Jr.	211-36-2858	08/06/1973	WG5	Abolished
Handle material and related documents as directed.						
4	T6469-Material Foreman	M. A. Byrne	192-46-4912	12/06/1973	WG11	Abolished
Supervise Material Handlers and coordinate materials for projects						
5	T6089-Clk Data Processing	A. L. Cerully	176-44-3764	08/03/1976	WG7	Abolished
Input data into databases. Operate office equipment.						
6	T6586-Shipper/Receiver	R. E. Clear	207-46-4335	04/16/1973	WG5	Abolished
Handle material and related documents as directed.						
7	T6626-Shipper/Receiver	S. K. Conrad	179-48-3430	09/18/1975	WG5	Abolished
Handle material and related documents as directed.						
8	T6618-Shipper/Receiver	T. Culley	211-40-0662	06/30/1976	WG5	Abolished
Handle material and related documents as directed.						
9	T6581-Shipper Receiver	M. R. Finocchio	176-44-2837	02/27/1974	WG5	Abolished
Handle material and related documents as directed.						
10	T6492-Janitor/Messenger	I. M. Kiel	163-46-9847	05/06/1974	WG2	Abolished
Operate industrial equipment. Perform janitorial duties as required.						
11	T6590-Shipper/Receiver	K. L. Kinkead	184-34-7790	04/06/1965	WG5	Abolished
Handle material and related documents as directed.						
12	T6635-Chauff/ship receiver	M. M. Krucina	064-44-4667	03/07/1974	WG8	Abolished
Load and unload material and perform shipper/receiver duties.						
13	T5538-Clerk Typist	B. J. Manges	205-44-5921	08/16/1976	WG7	Abolished
Prepare/handle reports. Input of material and purchasing documentation as required.						
14	T6488-Janitor/Messenger	J. P. Miller II	192-46-1160	07/11/1973	WG2	Abolished
Operate industrial equipment. Perform janitorial duties as required.						
15	T6619-Shipper/Receiver	G. L. Parsons	164-44-4548	12/23/1969	WG5	Abolished
Handle material and related documents as directed.						
16	T6583-Shipper/Receiver	J. G. Peterman	172-36-6549	11/10/1970	WG5	Abolished
Handle material and related documents as directed.						

Position	JP#/Title	Name of Incumbent	SSN#	Seniority Date	Rate of Pay	Job Status	Disposition of Position
17	T5502-Yard Clerk	B. J. Petucci	201-38-9828	08/29/1966	WG7	B&B	Abolished
Maintain car files. Make yard checks. Prepare and issue production reports.							
18	T5539-Assignment Clk	L. A. Phillips	174-38-1236	05/06/1968	WG11	B&B	Abolished
Typing, filing, advertising and abolishing positions and other duties as assigned.							
19	T6587-Shipper/Receiver	G. J. Povich	153-38-0142	08/12/1969	WG5	B&B	Abolished
Handle material and related documents as directed.							
20	T6589-Shipper/Receiver	P. M. Rufflev	194-40-8334	11/14/1973	WG5	B&B	Abolished
Handle material and related documents as directed.							
21	T6584-Shipper/Receiver	R. J. Showalter	163-40-5494	12/12/1973	WG5	B&B	Abolished
Handle material and related documents as directed.							
22	T6461-Material Foreman	C. E. Simington	211-40-1700	12/17/1973	WG11	Sect 5	Abolished
Supervise Material Handlers and coordinate materials for projects							
23	T6458-Ordering Analyst	J. K. Snyder Jr.	164-44-4639	11/13/1973	WG9	Sect 5	Abolished
Tracks, coordinates and orders material							
24	T6588-Shipper/Receiver	A. M. Steinbugl	190-44-8932	11/10/1970	WG5	B&B	Abolished
Handle material and related documents as directed.							
25	T6608-Shipper/Receiver	R. A. Tate	190-48-8241	03/14/1974	WG5	B&B	Abolished
Handle material and related documents as directed.							
26	T632-Extra Board Clerk	D. M. Vanallman	192-46-4851	10/08/1975	WG5	B&B	Abolished
Fill vacancies and perform extra work as directed.							
27	T6491-Motor Vehicle Oper	R. L. Werlz	190-44-9855	11/12/1975	WG3	B&B	Abolished
Operate industrial equipment and all other duties assigned.							

Attachment B					
Norfolk Southern Railway Company - NS/CSX/CR/TCU November 2, 1998 Implementing Agreement					
Mechanical Department - Bellevue					
Bellevue, OH (NW Agreement) - September 1, 2001					
Position	Title	Rate of Pay	Job Status	Disposition of Position	
1	Stockman	WG5	B&B	New Position	
2	Stockman	WG5	B&B	New Position	
3	Stockman	WG5	B&B	New Position	
4	Stockman	WG5	B&B	New Position	
5	Stockman	WG5	B&B	New Position	
6	Stockman	WG5	B&B	New Position	

Attachment C					
Norfolk Southern Railway Company - NS/CSX/CR/TCU November 2, 1998 Implementing Agreement					
Mechanical Department - Buckeye Yard					
Columbus, OH (NW Agreement) - September 1, 2001					
Position	Title	Rate of Pay	Job Status	Disposition of Position	
1	Clerk/Shipper/Receiver	WG6	B&B	New Position	
2	Clerk/Shipper/Receiver	WG6	B&B	New Position	
3	Clerk/Shipper/Receiver	WG6	B&B	New Position	
4	Clerk/Shipper/Receiver	WG6	B&B	New Position	
5	Clerk/Shipper/Receiver	WG6	B&B	New Position	

Attachment D

Norfolk Southern Railway Company - NS/CSX/CR/TCU November 2, 1998 Implementing Agreement

Mechanical Department - Spencer Yard

Linwood, NC (SR Agreement) - September 1, 2001

Position 1	Title Stockman	Rate of Pay		Job Status B&B	Disposition of Position	
		WG5			New Position	

Attachment E

Norfolk Southern Railway Company - NS/CSX/CR/TCU November 2, 1998 Implementing Agreement

Mechanical Department - Roanoke

Roanoke, VA (NSC Agreement) - September 1, 2001

Position	Title	Rate of Pay	Job Status	Disposition of Position	
1	Clerk Typist	WG6	B&B	New Position	
2	Clerk Typist	WG6	B&B	New Position	