

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35031

**FORTRESS INVESTMENT GROUP LLC, ET AL. - CONTROL -
FLORIDA EAST COAST RAILWAY, LLC**

**COMMENTS OF
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

The International Brotherhood of Electrical Workers ("IBEW") represents seven different groups of employees of the Florida East Coast Railway ("FECR"), each of which works under a separate collective bargaining agreement between IBEW and the FECR. The IBEW submits the following comments in response to the Application.¹

The IBEW takes no position as to whether the Board should grant the Application. It notes, however, that the Applicants' filings, confirmed by the acquiring Applicant's labor counsel, reveal that what the Board is being asked to approve is a stock transaction which the Applicants intend will not affect FECR's continuing rail operations or the collective bargaining agreements in existence between IBEW and FECR. The Applicants state that they "do not anticipate that any employees of FECR...will be adversely affected by the proposed transaction" App p 18. They state further they "have no plans to abandon any of FECR's lines, or to eliminate any existing rail facilities, in connection with the proposed transaction." Id p 24 Finally, they understand that should any action not now contemplated be undertaken in the future

¹ These Comments are filed contingent upon the Board's approval of IBEW's unopposed request for leave to participate in this proceeding.

in connection with the transaction, that FECR employees who would be adversely affected will be covered by the conditions set forth in New York Dock Ry - Control - Brooklyn Eastern District Terminal, 360 I.C.C. 60, aff'd sub nom New York Dock Ry. v. United States, 609 F 2d 83 (2d Cir. 1979). Id. at 18-19. Those requirements include advance notice and consummation of an implementing agreement(s) covering every affected employee in advance of the change. New York Dock conditions Article I, Section 4

Should the Application be granted, the Board should hold the Applicants to the representations they make in their filings and reserve the right to take whatever further action is necessary should they renege on those representations.

Respectfully submitted,

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Date July 24, 2007

CERTIFICATE OF SERVICE

I certify that I have this 24th day of July 2007 served a copy of the foregoing Comments

by first class mail, postage prepaid upon:

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