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**Before the
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET No. 35031

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

**COMMENTS OF
UNITED TRANSPORTATION UNION**

_____The United Transportation Union ("UTU") represents the train service employees on the Florida East Coast Railway ("FECR"), who work under a collective bargaining agreements between UTU and the FECR. The UTU submits the following comments in response to the Application

The UTU takes no position as to whether the Board should grant the Application. It notes, however, that the Applicant's 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 agreement in existence between UTU 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. The 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.* at p. 24. Finally, they understand that should any action not now contemplated be undertaken in the future 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 – Control – Brooklyn Eastern District Terminal, 360 I.C.C. 60, *aff'd sub nom. New York Dock Ry v United States*, 600 F.2d 83 (2d Cir. 1979) *Id* at p.p 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,

Daniel R. Elliott, III
Associate General Counsel
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107
Tel. (216) 228-9400
Fax. (216) 228-0937

CERTIFICATE OF SERVICE

_____ This is to certify that a copy of the foregoing Comments of United Transportation Union's has been served this 26th day of July, 2007 via first-class, postage pre-paid mail upon the following:

Secretary of Transportation
1200 New Jersey Avenue, S E.
Washington, DC 20590

Attorney General of the United States
c/o Assistant Attorney General
Antitrust Division, Room 3109
Department of Justice
Washington, DC 20530

Terence M Hynes
Sidley Austin LLP
1501 K Street, N W
Washington, DC 20005

Heidi J. Eddins
Bldg. 100, Ste. 360
10151 Deerwood Park Blvd.
Jacksonville, FL 32256

Counsel for Iron Horse, NEWCO &
RailAmerica

Counsel for FECI and FPCR

David N Brooks, General Counsel
Fortress Investment Group, LLC
1345 Avenue of the Americas, 46th Fl.
New York, NY 10105

John M Scheib, General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Scott G Williams
Sr Vice President & General Counsel
RailAmerica, Inc.
5300 Broken Sound Blvd., N W., 2nd Fl
Boca Raton, FL 33487

Michael S Wolly
Zwerdling, Paul, Leibig, Kahn & Wolly
1025 Connecticut, N.W., Ste. 712
Washington, DC 20036

Jeffrey S Berlin
Sidley Austin LLP
1501 K Street, N W.
Washington, DC 20005

Richard E. Young
Sidley Austin LLP
1501 K Street, N W
Washington, DC 20005

Daniel R. Elliott, III