



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Office of Proceedings

April 14, 2023

Part of

Public Record

Meeting under Section 5, STB Reauthorization Act

October 28, 2021

Present: Members Begeman, Fuchs, Oberman, Primus, and Schultz
Staff Nathaniel Bawcombe, Stephanie Borges, Anika Cooper, Ellen Erichsen,
Amanda Gorski, Craig Keats, Adam Kress, Elizabeth McGrath, Lisa Novins,
Valerie Quinn, John Rackson, Janie Sheng, Michael Small, Candace White

Topic: Docket No. FD 33388 (Sub-No. 102), CSX Transportation, Inc.—Petition for
Declaratory Order and Cease and Desist Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on a Petition for Declaratory Order and Cease and Desist Order filed by CSX Transportation, Inc. (CSX) concerning a labor dispute with the International Association of Sheet Metal, Rail and Transportation Workers (SMART-TD). CSX asks the Board to declare that the dispute must be resolved in the first instance under the dispute resolution procedures in Article I, Section 11 of the so-called *New York Dock* conditions, rather than those of the Railway Labor Act. CSX also seeks an order requiring SMART-TD to participate in the Section 11 procedures and an order directing SMART-TD to cease and desist progression of its claim before the National Railroad Adjustment Board. Staff and Board Members discussed the background of the case, the parties' arguments, relevant agency and court precedent, and options for resolution of the matter.