

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36472 (and embraced sub-dockets)

ENTERED  
Office of Proceedings  
September 1, 2022  
Part of  
Public Record

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CSX CORP. AND CSX TRANSPORTATION, INC. ET AL  
– CONTROL AND MERGER–  
PAN AM SYSTEMS, INC., MAINE CENTRAL RAILROAD COMPANY,  
NORTHERN RAILROAD, PAN AM SOUTHERN, LLC, PORTLAND TERMINAL  
COMPANY, SPRINGFIELD TERMINAL RAILWAY COMPANY, STONEY BROOK  
RAILROAD COMPANY, AND VERMONT & MASSACHUSETTS RAILROAD COMPANY

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**ALLIED RAIL UNIONS RESPONSE TO CSX  
PROGRESS REPORT ON B&E TRANSACTION**

The Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU (“Allied Rail Unions” or “ARU”)<sup>1</sup> submit this response to the August 12, 2022 Progress Report on B&E Transaction filed by CSX and CSXT.

In their filing, CSX and CSXT described efforts at negotiations for implementing agreements with various rail unions under the *New York Dock (New York Dock Railway—Control—Brooklyn Eastern District (Terminal), 360 I.C.C. 60 (1979))* employee protective conditions. CSX and CSXT noted that that Springfield Terminal, now under CSX control, is currently operating the Pan Am Ry. System, but that CSXT would ultimately become the operator of the Pan Am Ry. lines not operated by Berkshire and Eastern RR. They reported that

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<sup>1</sup> There is no formal organization known as the “Allied Rail Unions”, rather that name has been adopted by these organizations for convenient collective reference in this proceeding; each organization is a separate participant in this proceeding

notices for negotiations in accordance *New York Dock* Section 4 were served on May 16, 2022; and that since then negotiations have been held with all of the unions that represent Springfield Terminal Ry. employees. CSX and CSXT said that there are many “moving parts” involved in negotiating the Section 4 implementing agreements, and that negotiation of a fair and equitable process for dividing the current Springfield Terminal workforce and adapting current agreements to reflect future operations has presented a “difficult challenge”, “made more difficult by the current labor market”. CSX and CSXT further stated that they prefer to reach voluntary implementing agreements with the unions, but if voluntary agreements are not entered within a few weeks, arbitration under *New York Dock* Section 4 will be invoked.

The ARU agree that *New York Dock* notices were served and that negotiations have been held. However, the principal challenge to completion of implementing agreements with the ARU is not the many moving parts, the need to divide the current ST work force, or the current labor market. Rather, principal challenge has been the refusal of CSX and CSXT to agree to application of CSXT collective bargaining agreements to the part of the Pan Am Ry. system that is wholly owned by CSX, an currently operated by ST for CSX, that will ultimately be operated by CSXT. CSX and CSXT will not even commit to application of CSXT collective bargaining agreements by a specified date; rather they simply suggest this will occur at some future date. Since that part of the Pan AM system is now owned outright by CSX and will be operated by CSXT, the refusal to agree to application CSXT collective bargaining agreements has been an obstacle to completion of implementing agreements. It has also hindered decision-making by current ST employees with regard to employment with B&E since the employees do not know what the ultimate rates of pay, rules and working conditions will be on the part of the Pan Am

Ry. system that will not be operated by B&E. If CSX and CSXT truly want to move expeditiously to effect the Transaction and B&E operation of the PAS lines, they will commit to application of CSXT agreements to the Pan Am Ry. lines not operated by B&E.

Respectfully submitted,

/s/ Richard S. Edelman

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September 1, 2022

## **CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served copies of the foregoing Allied Rail Unions' Response To CSX Progress Report On B&E Transaction to all Parties of Record in this Finance Docket.

Date: September 1, 2022

/s/Richard S. Edelman

Richard S. Edelman