

ARU-2

BEFORE THE
SURFACE TRANSPORTATION BOARD

308247

Finance Docket No. 36744

ENTERED
Office of Proceedings
April 26, 2024
Part of
Public Record

CANADIAN NATIONAL RAILWAY COMPANY
– CONTROL –
IOWA NORTHERN RAILWAY COMPANY

Finance Docket No. 36744
Sub-Dockets Nos. 1 & 2

COMMENTS ON APPLICATION AND REQUESTS FOR CONDITIONS

The Brotherhood of Maintenance of Way Employees Division/IBT (“BMWED”); Brotherhood of Railroad Signalmen (“BRS”); International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division (“SMART-MD”); National Conference of Firemen and Oilers, 32BJ/SEIU (“NCFO”); Brotherhood of Locomotive Engineers and Trainmen (“BLET”); International Brotherhood of Boilermakers (“IBB”); and the International Association of Machinists and Aerospace Workers District #19 (“IAM #19”) (collectively the “Allied Rail Unions” or “ARU”)¹ submit these Comments and requests for conditions in response to the Application (“Application”) submitted to the Surface Transportation Board (“Board” or “STB”) by Canadian National Railway Company (“CNR”) and Grand Trunk Corporation (“GTC”), and the Iowa Northern Railway Company (“Iowa Northern”) (collectively

¹ 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.

the “Applicants”) seeking Board approval of CN’s acquisition of control of Iowa Northern (“Transaction”).

1. BLET supports the proposed Transaction and has submitted a separate letter of support. The other unions in the ARU coalition do not support or oppose the proposed Transaction at this time. However, the ARU are pleased to see that the Applicants state (in Exhibit E-3) that: (1) no traditional rail craft jobs currently at CNR or Iowa Northern will be abolished post-merger; (2) CNR expects to hire an additional 12 conductors and 4 engineers following the Transaction²; “that Iowa Northern mechanical employees will be trained to perform car repair, which is currently being performed by contractors, as well as to perform car inspections”³; and (3) CNR production gangs will be used “to either replace or supplement contractors for major capital track, bridge, and structures projects”⁴ where Iowa Northern is currently only using contractors for such projects. CNR’s projection of an increase in employment and an emphasis on in-sourcing work that had been contracted out by Iowa Northern is a welcome contrast to the transactions in the 1980s and 1990s in which applicants projected and effected reductions in employment. Since the Application has been filed, the ARU has spoken with CN; CNR has been responsive; and ARU and CNR are having productive conversations. Notwithstanding that, the ARU urge the Board to impose certain conditions on any approval of the Application.

2. The Applicants have acknowledged that the employee protective conditions set forth in *New York Dock Railway—Control—Brooklyn Eastern District (Terminal)*, 360 I.C.C. 60 (1979)

² Application, Exhibit 15 (Operating Plan – Minor), p. 38.

³ Application, Exhibit 15 (Operating Plan – Minor), p. 33.

⁴ Application, Exhibit 15 (Operating Plan – Minor), p. 33-34.

(“*New York Dock*”), will apply to any approval of their Application.⁵ The Applicants also propose the imposition of the employee protective conditions established in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980) (“*Norfolk & Western/Mendocino Coast*”) for the related trackage rights applications in the sub-dockets associated with the Transaction.⁶ If the Board approves the Application, such approval must be conditioned on the *New York Dock* and *Norfolk & Western/Mendocino Coast* employee protections as proposed in the Application.

3. In accordance with practice, especially recent practice, the ARU also urge the Board to incorporate as conditions on any approval of the Transaction, any and all commitments made by the Applicants in seeking Board approval of the Transaction.

Respectfully submitted,

/s/ Aaron S. Edelman

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Date: April 26, 2024

⁵ Application, Exhibit 15 (Operating Plan – Minor), p. 31.

⁶ Application, Exhibit 15 (Operating Plan – Minor), p. 32.

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served one copy of the foregoing Comments on Application and Requests for Conditions, to the offices all Parties of Record as of the date of this filing by email and First Class Mail.

Date: April 26, 2024

/s/Aaron S. Edelman
Aaron S. Edelman