

236328

BEFORE THE  
SURFACE TRANSPORTATION BOARD

ENTERED  
Office of Proceedings  
July 16, 2014  
Part of  
Public Record

---

FINANCE DOCKET NO. 35821

---

WATCO HOLDINGS, INC.  
-- CONTINUANCE IN CONTROL EXEMPTION --  
BLUE RIDGE SOUTHERN RAILROAD, L.L.C.

---

REPLY TO COMMENTS OF AMERICAN TRAIN DISPATCHERS ASSOCIATION

---

KARL MORELL  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

Attorney for:  
WATCO HOLDINGS, INC.

Dated: July 16, 2014

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO. 35821

---

WATCO HOLDINGS, INC.  
-- CONTINUANCE IN CONTROL EXEMPTION --  
BLUE RIDGE SOUTHERN RAILROAD, L.L.C.

---

REPLY TO COMMENTS OF AMERICAN TRAIN DISPATCHERS ASSOCIATION

---

Watco Holdings, Inc. ("Watco"), hereby replies to the Comments filed by the American Train Dispatchers Association ("ATDA") in this proceeding on July 10, 2014. ATDA takes no position (either in favor or in opposition) to Watco's control of Blue Ridge Southern Railroad, L.L.C. ("BLU").

ATDA alleges that the positions held by four NS train dispatchers will be abolished as a result of BLU's proposed acquisition of 98.1 miles of rail lines from Norfolk Southern Railway Company ("NS"). ATDA requests that the Surface Transportation Board ("Board") impose the labor protective conditions set forth in *Wisconsin Central LTD. --- Acquisition Exem. - Union Pac. RR*, 2 S.T.B. 218 (1997) ("*Wisconsin Central*") and "state that those condition are to be applied to NS train dispatchers impacted by the acquisition." Comments at 2.

Watco has been informed by NS that NS plans to reorganize certain territories following BLU's acquisition of 98.1 miles of rail lines from NS. NS will eliminate one desk in this reorganization; however, the lone dispatcher on that job is retiring in September. NS' reorganization will not result in any dispatcher being furloughed.

In the decision served July 11, 2014, in this proceeding, the Board imposed the labor protection requirements of 49 U.S.C. § 11326(b) and *Wisconsin Central*. Those labor protection requirements, however, do not apply to any employees of NS. ATDA seems to be confusing the two separate proceedings. Even if there were to be an effect on NS dispatchers, which there is not, there is no labor protection associated with the acquisition proceeding in FD No. 35820. *Wisconsin Central* labor protection would only apply to the continuance in control proceeding in FD No. 35821, which does not affect NS or its employees at all. See ICC Finance Docket No. 32432, *New England Central Railroad, Inc. – Acquisition and Operation Exemption – Lines between East Alburgh, VT and New London, CT* (not printed), served December 9, 1994, *aff'd sub nom. Brotherhood of R. Signalmen v. ICC*, 63 F.3d 638 (7<sup>th</sup> Cir. 1995).

Respectfully submitted,



KARL MORELL  
Of Counsel  
BALL JANIK LLP  
655 Fifteenth Street, N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 638-3307

Attorney for:  
WATCO HOLDINGS, INC.

Dated: July 16, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of July, 2014, I caused a copy of the foregoing Reply to be served by first class mail, postage prepaid on all parties of record in this proceeding.



---

Karl Morell