

ORIGINAL

Before the
SURFACE TRANSPORTATION BOARD



Finance Docket No. 35658

GENESEE & WYOMING INC.--CONTROL-RAIL AMERICA INC., ET AL

ENTERED
Office of Proceedings
OCT 9 2012
Part of
Public Record

233140

COMMENTS

Samuel J. Nasca,^{1/} for and on behalf of United Transportation Union-New York State Legislative Board (UTU-NY), submits these limited comments in response to the Board's decision served September 5, 2012. 77 Fed. Reg. 54655-59. (Sept. 5, 2012).^{2/}

The application, filed August 6, 2012, lists eight regions embracing the 59 Genesee & Wyoming, Inc. (GWI) carriers, each region enumerating the rail carriers controlled by (GWI) within the region, along with maps of the associated rail lines. (Appl., 4-6, Ex.1-B). Several of these carriers operate outside the United States in Canada. The listed eight regions, in the order presented are: Canada, 6; Illinois, 3; Mountain West, 3; NewYork/Pennsylvania, 2; Ohio, 9; Oregon, 2; Rail Link, 17; and Southern, 17. A number of these carriers operate in New York and neighboring states, with employees participating in matters handled by UTU-NY.

^{1/} New York State Legislative Director for United Transportation Union, with offices at 35 Fuller Road, Albany NY 19925

^{2/}UTU-NY filed Notice of Intent on Sept. 17, 2012, and earlier, on Aug. 16, 2012, a response to the proposed schedule.

However, GWI financial reports list 10 regions. GWI operates carriers in two additional regions. As shown in the GWI Annual reports, these are Australia and Europe.^{3/} Moreover, the Genesee & Wyoming Australia (GWA) operating revenue in 2011 accounts for about one-third of GWI's total revenue.^{4/}

The economic benefits which would accrue to the GWI-Rail America consolidation might best be applied to the U.S. rail network. In the event the instant transaction is approved, with the customary oversight conditions during a post-consummation period, the Board should include accounting for any flow of funds to overseas operations and facilities.

Respectfully submitted,


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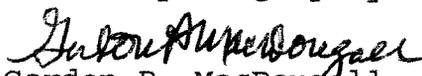
October 5, 2012

Attorney for Samuel J. Nasca

Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties of record by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall

^{3/}The Canada region includes a contiguous railroad located in the United States; the Europe region embraces railroads in The Netherlands and Belgium. See: GWI 10-K, at 7 (2011).

^{4/} See: Carter, Mark: Despite Rail America takeover, Australia is still key for Genesee & Wyoming. (International Railway Journal, Sept. 25, 2012).