

BEFORE THE SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
July 10, 2014
Part of
Public Record

In the Matter of:

STB Finance Docket No. 35821

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

COMMENTS OF AMERICAN TRAIN DISPATCHERS ASSOCIATION

In this proceeding, Watco Holdings Inc. (“Watco”) has filed a Verified Notice of Exemption Pursuant to 49 C.F.R. § 1180.2(d)(2) in connection with the acquisition by its subsidiary Blue Ridge Southern Railroad, L.L.C., (“BLU”) of 98.1 miles of trackage from Norfolk Southern Railway Company (“NS”), after which acquisition BLU will become a Class III rail carrier. Watco affirms that “Because the transaction involves the control of one or more Class III rail carriers and one Class II rail carrier, the transaction is subject to the labor protective requirements of 49 U.S.C. § 11326(b) and *Wisconsin Central LTD. - Acquisition Exem. - Union Pac. RR*, 2 S.T.B. 218 (1997).” Notice, p. 10. BLU concurrently filed with the Board a Verified Notice of Exemption Pursuant to 49 C.F.R. § 1150.31 *et seq.* to enable the acquisition. See, Finance Docket No. 35820 BLUE RIDGE SOUTHERN RAILROAD, L.L.C. - ACQUISITION EXEMPTION - NORFOLK SOUTHERN RAILWAY COMPANY.

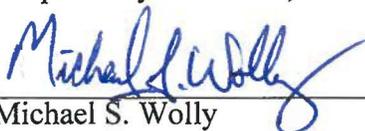
The American Train Dispatchers Association (“ATDA”) is the exclusive collective bargaining representative of the employees of NS in the craft or class of train dispatchers. These train dispatchers currently dispatch trains and otherwise control rail traffic over the lines to be acquired by BLU and over which BLU will operate following the acquisition. NS has notified ATDA that the acquisition could result in the abolishment of the train dispatching desk at which these train dispatchers presently work on a round-the-clock basis. The positions held by four NS train dispatchers would be abolished if that happened.

The Verified Notice of Exemption filed by BLU in F.D. No. 35820 and the Notice that was provided to ATDA each indicate that BLU does not intend to employ train dispatchers

among the 32 positions it intends to create. See Exhibit B to Verified Notice of Exemption.¹

ATDA takes no position – either in favor of or in opposition to – the Petitions for Exemption or the Proposed Acquisition. However, ATDA files these Comments to underscore its view that, if the transaction proceeds as proposed, the STB should issue an Order imposing the same labor protective conditions as set forth in *Wisconsin Central LTD. - Acquisition Exem. - Union Pac. RR*, 2 S.T.B. 218 (1997) and should expressly state that those conditions are to be applied to NS train dispatchers impacted by the acquisition.

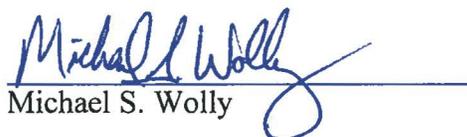
Respectfully submitted,



Michael S. Wolly
ZWERDLING, PAUL, KAHN & WOLLY, P.C.
1025 Connecticut Avenue, NW Suite 712
Washington, D.C. 20036
PHONE: (202) 857-5000
FAX: (202) 223-8417
mwolly@zwerdling.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Comments of American Train Dispatchers Association was served upon all known parties of record by first class mail, postage prepaid, this 9th day of July, 2014.



Michael S. Wolly

¹ For some reason, neither BLU nor Watco have revealed how BLU intends to operate without train dispatchers. As the Board is well-aware, a competent train dispatching workforce is essential to safe rail operations and the uninterrupted flow of interstate rail traffic. *See, e.g., Rail-Term Corp.—Petition for a Declaratory Order* (FD 35582; November 19, 2013).