

ENTERED
Office of Proceedings
May 23, 2014
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 35799

RAPID CITY, PIERRE & EASTERN RAILROAD, INC.
– ACQUISITION AND OPERATION EXEMPTION
INCLUDING INTERCHANGE COMMITMENT –
DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION

**INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE
WORKERS DISTRICT LODGE 19
JOINDER IN THE UNIONS’ REPLY IN SUPPORT OF PETITION
TO REVOKE EXEMPTION**

The International Association of Machinists and Aerospace Workers, AFL-CIO (“IAM”) District Lodge 19 hereby joins in the reply in support of the petition to revoke exemption filed by the Brotherhood of Maintenance of Way Employees Division/IBT, Brotherhood of Railroad Signalmen, and the International Association of Sheet Metal, Air, Rail and Transportation Workers/Mechanical Division (“Unions”) in the above-captioned proceeding.¹ The IAM incorporates by reference the Unions’ reply in its entirety. As established in the IAM’s petition to revoke in this matter and in the Unions’ reply, the STB should acknowledge the reality of the transaction before it, instead of permitting Genesee & Wyoming Industries (“GWI”) to elevate form over substance in order to accomplish in two steps what it could not do in a single step other than under Section 11323.

¹ In conjunction with their reply, the Unions filed a motion for leave to file. The IAM’s joinder is predicated upon the Board’s grant of the Unions’ motion for leave.

The IAM also joins the Unions' request that the Board hold oral argument. The petitions to revoke raise substantial and important policy issues which have not been substantively addressed by the STB in over ten years and deserve the Board's full consideration now in light of the current facts and circumstances surrounding this transaction and in the railroad industry more generally. The IAM submits that oral argument will assist the Board in its decision-making, and respectfully requests to appear at argument.

Respectfully submitted,

/s/ Carmen Parcelli

Joseph Guerrieri, Jr.
Carmen R. Parcelli
GUERRIERI, CLAYMAN, BARTOS &
PARCELLI, P.C.
1900 M Street, N.W., Suite 700
Washington, DC 20036
(202) 624-7400
Fax: (202) 624-7420
jguerrieri@geclaw.com
cparcelli@geclaw.com

Dated: May 23, 2014

Counsel for IAM District Lodge 19

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Joinder in the Unions' Reply in Support of Petition to Revoke by first-class mail, this 23rd day of May 2014, on the following:

Eric M. Hocky
Clark Hill PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103

Honorable Corey W. Brown
500 E. Capitol Avenue
Pierre, SD 57501

Steve Conzet
Greater Rapid City Area Economic
Development Corporation
525 University Loop, Suite 101
Rapid City, SD 57701

Honorable Dennis Daugaar
State Of South Dakota
500 East Capitol
Pierre, SD 57501-5070

Erika A. Diehl-Gibbons
SMART - Transportation Division
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070

Richard S. Edelman
O'Donnell, Schwartz and Anderson,
P.C.
1300 L Street, N.W., Suite 1200
Washington, DC 20005

Honorable David E. Lust
P.O. Box 8014
Rapid City, SD 57709

Honorable Mark Mickelson
2901 S. Fifth Avenue
Sioux Falls, SD 57105

Honorable Kristi Noem
1323 Longworth House Office
Building
Washington, DC 20515

James W. Olson
Wilson Olson Nash Becker
P O BOX 1552
Rapid City, SD 57709

Linda Rabe
Rapid City Area Chamber of
Commerce
PO Box 747
Rapid City, SD 57709-0747

Honorable Timothy Rave
South Dakota Senate
Legislative Post Office 500 E.
Capitol
Pierre, SD 57501

Honorable Brian Gosch
500 East Capitol Avenue
Pierre, SD 57501-5070

Mayor Gary Hendrickson
511 6Th Avenue
Belle Fourche, SD 57717

Honorable Tim Johnson
United States Senate
Washington, DC 20510

Richard Jones
Bentonite Performance Minerals
3000 N. Sam Houston Pkwy E
Houston, TX 77032

Sam Kooiker
City Of Rapid City
300 Sixth Street
Rapid City, SD 57701-2727

Fred W. Romkema
State Capitol
500 East Capitol
Spearfish, SD 57783

Benjamin L. Snow
Greater Rapid City Area
Economic Development Corp.
525 University Loop, Suite 101
Rapid City, SD 57701

Honorable Billie H. Sutton
South Dakota Legislature
State Capitol, 500 East Capitol
Pierre, SD 57501-5070

Honorable John Thune
United States Senate
Washington, DC 20510

Honorable Michael Vehle
132 North Harmon Drive
Mitchell, SD 57301

/s/ Carmen Parcelli

Carmen R. Parcelli