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BEFORE THE SURFACE TRANSPORTATION BOARD

BLET - 3

In the Matter of:

STB Finance Docket No. AB-1043 (Sub No. 1)

MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.

**PROTEST OF
BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN
IN OPPOSITION TO APPLICATION**

The Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters, ("BLET") opposes the proposed abandonment for the reasons set forth below. Its Protest is supported by the Declaration of its Vice-President Michael D. Twombly, which has been filed simultaneously.

BLET is a national labor organization representing operating craft employees on most of the nation's railroads. On April 19, 2006, the National Mediation Board certified BLET as the representative for Montreal, Maine & Atlantic Railway's Train & Engine Service Employees. The Union has been trying without success to negotiate a collective bargaining agreement with the Carrier since then.

At that time BLET was certified, there were 57 employees working for the Carrier in that craft or class. Since then, the Carrier has laid off approximately 25 of those employees. The Union believes that 10 or 12 more workers will lose their jobs if the proposed abandonment occurs. This is in addition to hundreds, if not thousands, of employees of the shippers and manufacturers along the line who also will be laid off or terminated as a result.

The standard for approving an abandonment is set forth in this Board's decision in *Abandonment and Discontinuance of Rail Lines and Rail Transportation under 49 USC 10903, 1 STB 894 (1996)*. In that decision, the Board issued Final Rules regarding the evidence that a Carrier proposing to abandon a line(s) and the burden such carrier must satisfy in order to obtain

Board approval. Specifically, the Board reiterated the longstanding proposition that “the burden is on the applicant to show that the proposed abandonment or discontinuance is in the public interest.” *Id.* at 907.

Other parties have set forth detailed arguments showing why the evidence that the Carrier has presented to the Board does not satisfy that standard. BLET agrees. From its perspective, the effect of the abandonment on workers alone will be devastating. Even though Section 10903(b)(2) requires that the railroad employees’ interests be protected and that the *Oregon Short Line* conditions (*Oregon Short Line Co. – Abandonment – Goshen*, 360 ICC 91 (1979)) will apply, the long-term impact on the employment situation in the State must be considered. There necessarily will be fewer work opportunities throughout the area served by the lines as shippers and manufacturers who rely on the line will be unable to get their goods to market at a fair price, if they are able to continue shipping them at all. The Board can take notice of the obvious direct correlation between fewer jobs and increased reliance on the State and federal governments for economic assistance.

The Board has suggested that the parties engage in mediation in order to arrive at agreement under which the lines would not be abandoned and service would continue. BLET agrees. The importance of these lines to the economy of the State, the business of the shippers and the economic well-being of the employees cannot be denied. If no solution can be mediated, the Board should not allow the abandonment to proceed.

It has been reported that on April 12, 2010, the Maine State Legislature approved a \$57.8 million bond package that includes funds sufficient for the State to acquire the lines the Carrier proposes to abandon. At the very least, the Board should require that the Carrier maintain the lines in their current condition and continue existing service over the lines, at least until such time as the State takes them over.

For these reasons, the BLET opposes that the Carrier’s Application and requests that it be denied.

Respectfully submitted,

/s/ Michael S. Wolly
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CERTIFICATE OF SERVICE

This is to certify that a copy of the attached Comments was served upon all known parties of record by email or first class mail, postage prepaid, this 21st day of April 2010.

/s/ Michael S. Wolly
Michael S. Wolly