

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. FD 36420

**COMMUTER RAIL DIVISION OF THE REGIONAL
TRANSPORTATION AUTHORITY D/B/A METRA—PETITION
FOR DECLARATORY ORDER**

**COMMENTS IN SUPPORT OF COMMUTER RAIL DIVISION OF
THE REGIONAL TRANSPORTATION AUTHORITY'S D/B/A
METRA**

Signatures

/s/

Arthur Maratea
National President
Transportation Communications Union (TCU)

/s/

Rich Johnson
General President
Brotherhood of Railway Carmen Division - Transportation Communications Union (BRC-TCU)

/s/

J. Michael Perry
President, Directing General Chairman, Railroad Coordinator
Int. Assoc. of Machinists, District Lodge 19 (IAM, District 19)

/s/

Jim Mathews
President
Rail Passengers Association (RPA)

/s/

John Robert Smith
Chairman
Transportation For America (T4A)

Filed by:

David Arouca
Asst. National Legislative Director
Transportation Communications Union
3 Research Place
Rockville, MD 20850
aroucad@tcunion.org | (847) 710-2316

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. FD 36420

**COMMUTER RAIL DIVISION OF THE REGIONAL
TRANSPORTATION AUTHORITYD/B/A METRA—PETITION FOR
DECLARATORY ORDER**

**COMMENTS IN SUPPORT OF METRA’S PETITION FOR
PRELIMINARY INJUNCTION**

Recognizing this proceeding is being held in abeyance pursuant to the Board’s order served August 6, 2020, but expecting that the issues raised by Metra will be before the Board for further consideration, the Transportation Communications Union (TCU/IAM), the Brotherhood of Railway Carmen (BRC, TCU/IAM), the International Association of Machinists & Aerospace Workers (IAMAW), the Rail Passengers Association (RPA) and the Transportation for America (T4A) (the “Coalition”) support Metra’s Petition for Preliminary Injunction filed July 21, 2020.

Immediate Need for a Preliminary Injunction.

Assuming an injunction is not granted promptly by the U. S. District Court, a possibility recognized by the Surface Transportation Board in its abeyance order (“STB” or “Board”), the Coalition requests that the Board grant Metra’s petition for a preliminary injunction enjoining Union Pacific Railroad Company (“UP”) from ceasing commuter rail passenger service on its service lines known as UP North, UP Northwest, and UP West (“UP lines”). The Coalition believes it is in the public interest to ensure that Chicagoland commuters have continued, uninterrupted access to the public transportation services provided by UP on the UP lines. The Board should especially consider the unique current circumstances of the ongoing COVID-19

pandemic's impact on employees, the public, and state agencies with regards to economic concerns, financial constraints, and health impacts.

UP's Aggressive Action

UP has decided to unilaterally terminate essential transportation services despite no agreement with Metra, nor any implementing agreements with employee representatives. UP has abolished at least forty ticket agent positions, effectively ending in-person ticket sales at many commuter line waypoints [Exhibit A]. We view this as an aggressive, unlawful tactic by UP to further pressure Metra in negotiations, while needlessly harming the public and employees.

Interests of the Coalition

Our Coalition includes organizations representing the interests of employees affected by the potential termination of service on the UP lines (and/or the transfer of operations to Metra), as well as organizations that advocate in support of passenger rail transportation. These comments do not address the ultimate resolution of the issues raised by Metra's Petition for Declaratory Order filed July 21, 2020.

Rather, our Coalition represents various parties with an aligned interest in the success of passenger rail, rail transit, and the respectful treatment of employees caught in middle of a dispute between UP and Metra.

We believe that the general public as well as employees (currently employed by UP) should be held harmless while UP and Metra continue to negotiate over the renewal or termination of the Purchase of Service Agreement (PSA) and/or the transfer of operations of the UP lines to Metra.

To be clear: our comments in support of a preliminary injunction do not opine on the underlying question of UP's common carrier obligation, nor are they meant to suggest the Board's insertion into the collective bargaining or implementing agreement process. We only seek to make the Board aware of the harm being exacted on the ridership and employees by UP's unreasonable practices, and to support granting the injunction to preserve service as an immediate and necessary act to protect the public interest.

UP's abrupt, piece-by-piece dismemberment of commuter service has a grave impact on the riding public and employees at a time when our economy is most-fragile due to the ongoing pandemic. Doctors and nurses ride Metra; as do teachers, first responders, and other essential personnel. Stopping or diminishing UP's Metra service does not just prevent bankers from getting to work, it would have real-world impacts on everyone's lives and livelihoods in the Chicago region – both commuters and those dependent on their services.

It's worth noting that despite dramatic ridership and revenue losses, Metra has provided free transportation to healthcare personnel during the pandemic.¹ Metra is doing their part to help people weather the pandemic. Meanwhile, Union Pacific - a Class 1 railroad with a market capitalization of \$130 billion² - is applying bullying tactics on Metra, a financially fragile commuter rail agency, merely to gain leverage in a negotiation.

The Coalition believes the STB should take all of this into account when considering granting a preliminary injunction, and should choose to spare the public and employees of the hurt and cost associated with any cessation or degradation of service on the UP lines.

¹ *Medical Personnel Ride Free during Coronavirus Pandemic*, Metra, 23 Mar. 2020, metrarail.com/about-metra/newsroom/medical-personnel-ride-free-during-coronavirus-pandemic.

² "Union Pacific Corporation (UNP) Stock Price, Quote, History & News." Yahoo! Finance, Yahoo!, 11 Aug. 2020, finance.yahoo.com/quote/UNP/.