

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Tolman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to maintain the classification of commuter-rail workers.

PETITION OF:

NAME:

Mr. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO MAINTAIN THE CLASSIFICATION OF COMMUTER-RAIL WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 A. When a rail line is acquired by the [Department of Transportation][Executive Office of
2 Transportation] and/or Massachusetts Bay Transportation Authority for commuter rail
3 operations, the [Department][EOT] and/or MBTA will require that any person engaged to
4 provide transportation by railroad on that property, shall
5
6 1. be considered a rail carrier as defined in section 10102(5) of title 49, United States
7 Code, for purposes of this title and any other statute that adopts that definition or
8 in which that definition applies, including the Railway Labor Act (45 U.S.C. §151 et
9 seq.), the Railroad Retirement Act (45 U.S.C. §231 et seq.) and the Federal
10 Employers Liability Act (45 U.S.C. §51 et seq.), and
11
12 2. directly provide all train operations; inspection, maintenance, renewal and
13 rehabilitation of the line, right of way, signal system, communication system, and
14 train dispatching system: inspection, maintenance, renewal and rehabilitation of the

15 locomotives and rolling stock; clerical; and train dispatching functions. However,
16 nothing in this provision will alter existing collective bargaining agreements
17 concerning contracting-out of work.

18

19 3. enter into agreements with the unions that represent employees performing work
20 involved with rail operations on the line and/or for operations on the line prior to
21 acquisition of the line.

22

23 a. At a minimum, the agreements will provide for continued employment of
24 those workers as railroad workers in their respective classes and crafts in
25 accordance with their existing seniority; and their continued performance of
26 work on and for the line, under their existing collective bargaining
27 agreements with continued representations by their unions.

28

29 b. The agreements will be entered before the commencement of work for
30 commuter/passenger rail operations; deadlocks in negotiations will be
31 resolved by arbitration. Such agreements will remain in effect until changed
32 in accordance with the procedures of the Railway Labor Act, 45 U.S.C. §151
33 et seq.

34

35 c. When the person engaged to provide transportation by railroad already has
36 an existing collective bargaining agreement with a union that represents
37 employees working on and/or for operations of the line prior to the
38 acquisition, an agreement between that person and the union to extend

39 that collective bargaining agreement to work on and/or for operations on
40 the acquired line will satisfy this provision.

41

42 B. In the event of any planned change of operator or operations that will adversely affect railroad
43 workers, there will be advance notice of the change, negotiations, and, if necessary, arbitration
44 of protective arrangements for employees consistent with what is required by the 1974 13(c)
45 Agreement between the MBTA and the Railway Labor Executive's Association as amended and
46 Supplemented.