

SENATE No. 01807

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. 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:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 01807

By Mr. Tolman, petition (accompanied by bill, Senate, No. 1807) of Tolman for legislation to maintain the classification of commuter rail workers [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 1986 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

11 and rehabilitation of the locomotives and rolling stock; clerical; and train dispatching functions.
12 However, nothing in this provision will alter existing collective bargaining agreements
13 concerning contracting-out of work.

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

16 At a minimum, the agreements will provide for continued employment of those workers
17 as railroad workers in their respective classes and crafts in accordance with their existing
18 seniority: and their continued performance of work on and for the line, under their existing
19 collective bargaining agreements with continued representations by their unions.

20 The agreements will be entered before the commencement of work for
21 commuter/passenger rail operations; deadlocks in negotiations will be resolved by arbitration.
22 Such agreements will remain in effect until changed in accordance with the procedures of the
23 Railway Labor Act, 45 U.S.C. 151 et seq.

24 When the person engaged to provide transportation by railroad already has an existing
25 collective bargaining agreement with a union that represents employees working on and/or for
26 operations of the line prior to the acquisition, an agreement between that person and the union to
27 extend that collective bargaining agreement to work on and/or for operations on the acquired line
28 will satisfy this provision.

29 In the event of any planned change of operator or operations that will adversely affect
30 railroad workers, there will be advance notice of the change, negotiations, and, if necessary,
31 arbitration of protective arrangements for employees consistent with what is required by the

32 1974 13(c) Agreement between the MBTA and the Railway Labor Executive's Association as
33 amended and Supplemented.