

HOUSE No. 3174

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to workers on certain commuter rail operations..

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. Chapter 161 B of the General Laws is hereby amended by adding the
2 following section:-

3 Section 28. When a rail line is acquired by the department of transportation or the
4 Massachusetts Bay Transportation Authority for commuter rail purposes the department or
5 authority shall require that any person engaged to provide transportation by railroad on that
6 property shall:

7 Be considered a rail carrier as defined in section 10102(5) of title 49, United States Code,
8 for purposes of this title and any other statute that adopts that definition or in which that
9 definition applies including the Railway Labor Act (45 U.S.C. §151 et se.), the Railroad
10 Retirement Act (45 U.S.C. §231 et se.) and the Federal Employers Liability Act (45 U.S.C. §51
11 et seq.), and

12 Directly provide all train operations; inspection, maintenance, renewal and rehabilitation
13 of the line, right of way, signal system, communication system, and train dispatching system:

14 inspection, maintenance, renewal and rehabilitation of the locomotives and rolling stock; clerical,
15 and train dispatching functions. However, nothing in this provision will alter existing collective
16 bargaining agreement concerning contracting-out of work.

17 Enter into agreements with the unions that represent employees performing work
18 involved with rail operations on the line and/or for operations on the line prior to acquisition of
19 the line.

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

24 The agreements will be entered before the commencement of work for
25 commuter/passenger rail operations; deadlocks in negotiations will be resolved by arbitration.
26 Such agreements will remain in effect until changes in accordance with the procedures of the
27 Railway Labor Act, 45 U.S.C. §151 et seq.

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

33 4. In the event of any planned change of operator or operations that will adversely affect
34 railroad workers. There will be advance notice of the change, negotiations, and, if necessary,
35 arbitration of protective arrangements for employees consistent with what is required by the

36 1974 13(c) agreement between MBTA and the Railway Labor Executives' Association as
37 amended and supplemented.