HOUSE DOCKET, NO. 2955 FILED ON: 1/18/2013

HOUSE . . . . . No. 3025

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
Thomas J. Calter	*12th Plymouth*

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HOUSE . . . . . No. 3025

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 3025) of Garrett J. Bradley and Thomas J. Calter for legislation to maintain the classification of commuter rail workers. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1807* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

SECTION 1. When a rail line is acquired by the [Department of Transportation][Executive Office of Transportation] and/or Massachusetts Bay Transportation Authority for commuter rail operations, the [Department][EOT] and/or MBTA will require that any person engaged to provide transportation by railroad on that property, shall be considered a rail carrier as defined in section 10102(5) of title 49, United States Code, for purposes of this title and any other statute that adopts that definition or in which that definition applies, including the Railway Labor Act (45 U.S.C. 151 et seq.), the Railroad Retirement Act (45 U.S.C. 231 et seq.) and the Federal Employers Liability Act (45 U.S.C. 51 et seq.), and directly provide all train operations; inspection, maintenance, renewal and rehabilitation of the line, right of way, signal system, communication system, and train dispatching system: inspection, maintenance, renewal and rehabilitation of the locomotives and rolling stock; clerical; and train dispatching functions. However, nothing in this provision will alter existing collective bargaining agreements concerning contracting-out of work.

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

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

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

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

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