

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:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>1/18/2013</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	

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:

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

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

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

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

30 In the event of any planned change of operator or operations that will adversely affect
31 railroad workers, there will be advance notice of the change, negotiations, and, if necessary,
32 arbitration of protective arrangements for employees consistent with what is required by the
33 1974 13(c) Agreement between the MBTA and the Railway Labor Executive's Association as
34 amended and Supplemented.