



The Highball

Official Publication of
Railroad Workers United

Arbitrator Rules for the Rail Carriers: Union Must Bargain on Crew Size

This past summer, a ruling was handed down by a “Neutral”, an appointee of the National Mediation Board (NMB), that states that the union **MUST** engage in collective bargaining on the question of “crew consist” with the carriers on certain committees of adjustment where all “protected” employees have now retired. This currently includes General Committees of Adjustment (GCAs) on NS, CN, UP and BNSF. As older employees retire on other GCAs – including at CSX, CP and KCS – the moratorium on bargaining over crew size will expire, and the union will be obliged to bargain the issue there as well in the coming years.

While this news is disheartening for railroad workers, it comes as no surprise. The issue has been a contentious one, especially over the last few years, where the union – SMART-TD – has been battling the carriers’ group – the National Railway Labor Conference (NRLC) to prevent the question of crew size from coming to the bargaining table. With this ruling, the carriers have won this round in the war, and that – at least on certain properties and in certain GCAs, the question will be bargained this round.

However, just because a subject is ruled to be a “mandatory subject of bargaining” does not mean that either side - company or union – invariably gets its way. As a news release from the union makes clear, *“The ruling does not eliminate any current crew consist provision or requirement. The only thing it does is to open the door for bargaining to occur ... the Railway Labor Act (RLA) requires both parties to engage in mandatory bargaining. The Act, however, does not mandate any particular outcome in such negotiations, it merely provides a process.”*

So, what would this process look like? It might take a similar form to what happened on the BNSF several years ago. In that case, the carrier and the GCA on the former BN reached a tenta-



If the carriers get their way, the number of railworkers in this scenario will be cut in half. Though SMART-TD is now legally prohibited from drawing a line-in-the-sand, railworkers must maintain that line in our minds and resolve to hold it by any means necessary.

tive agreement (TA) to run trains with a single crew member, making provisions for a handful of jobs to remain as ground-based “utility conductors.” In that case, the rank and file overwhelmingly voted down that TA to such a degree, that one might expect the carriers to “sweeten the pot” a little this time around. Perhaps a TA might be reached that allows for a second crew member be placed aboard when trains are over a certain length, tonnage, or hazardous consist. Or perhaps on certain remote runs. Or on trains that engage in switching enroute. Or during inclement weather. Or “as the carrier deems necessary.”

The point here is that the union must now “bargain in good faith” - a position somewhere between their initial stance and the company’s proposal.

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Surface Transportation Board Chief Blasts Class One Carrier Profiteering

Martin Oberman, the recently appointed Chair of the Surface Transportation Board (STB), has charged the U.S. Class One railroads with reducing service, raising freight rates, shifting more truckloads onto the nation’s highways, and contributing to global warming, meantime syphoning off \$191 billion in dividends and stock buybacks in the last decade alone. He made these statements while addressing the North American Rail Shippers Association (NARS) convention in Chicago in early September.

According to STB data, Oberman pointed out that, “Since 2010, the five U.S.-based Class 1 railroads have paid out \$114 billion in stock buybacks. On top of that, the U.S. railroads have paid out \$77 billion in dividends during the same period. Thus, the railroad owners have taken back an astonishing \$191 billion in stock buybacks and dividends ... far more than the \$138 billion spent on the railroads’ infrastructure. Where would rail customers, rail workers and the public be if a meaningful portion of that

\$191 billion had been re-invested in expanding service and making service more predictable and reliable. Clearly, we would have more freight moved and at a lower rate. We would have more employment with better working conditions and the public would benefit with lower consumer prices, less highway congestion and less polluted air. And all of this could be achieved with the railroad owners continuing to receive a healthy return on their investments.

“He argued that forty years of rail deregulation, following enactment of the Staggers Act, did not absolve U.S. railroads of legal responsibilities, and he added that the current state of the railroads may result in an investigation by the STB as to whether the railroads have violated the ‘common carrier mandate.’ This is a historical legal obligation of the railroads to provide “transportation or service on reasonable request.”

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RWU News

RWU Contracts with Wisconsin Activist to be Administrative Staff

It is with much excitement and enthusiasm, Railroad Workers United would like to introduce Sigrid Peterson, our new administrative staff support. Not only does Sigrid's exuberant personality come across clearly in her demeanor on conference calls, but she also comes with the highest of regard from former working relationships and campaigns. RWU is grateful to bring her aboard to assist with the day-to-day computer tasks, phone calls, membership drives, and fundraising. She has a rich history working with the working-class and their labor struggles.

The International Steering Committee (ISC) voted unanimously to accept the nomination of Sigrid to fill our first administrative staff position. She has worked in the capacity of organizing and building membership to oppose the right-to-work laws and assault on collective bargaining of the in Wisconsin. She was in the thick of the labor "uprising" in Madison, WI, in 2011.

She has experience with media and creating newsletters, as well as organizing volunteers. Sigrid built broad base coalitions with unions, technical colleges, and workforce development boards to train workers into high wage, high quality jobs.

She also has the advantage of being very technologically literate on many platforms and programs, which is a welcome asset in the organization of many who would rather unplug it all.

We look forward to growing RWU with Sigrid's help and talents. Please welcome Sigrid to Railroad Workers United.



The Hiring Committee (HC) - Gail Francis, Ron Kaminkow, Ed Michael, Hugh Sawyer, Tabitha Tripp, Andy Weir - toiled over the job description, enlisted professional support and advice, created a list of desirable skills, crafted an independent consultant contract for the new hire and advertised the job opening.

Over the summer, RWU received eight resumes and cover letters. The HC painstakingly narrowed the best applicants down to three prospective candidates for an interview.

The HC crafted a list of 25 excellent interview questions, available members conducted

the interviews and then shared recordings with the entire HC. They came to the unanimous conclusion that Sigrid Peterson would be a fine addition to RWU.

After many months of planning, consulting, and conference calls, RWU feels confident that the HC achieved the goal of finding a candidate that fills the role of administrative support staff for RWU, and was fully supported by the ISC at the September 1, 2021 Steering Committee meeting. Sigrid began work on Sept 14.

RWU Convention Set for Chicago 2022

After being postponed for the last two years, due to Covid 19, the next RWU Convention is scheduled for Thu-Fri, Mar 24-25, leading into the Labor Notes Conference that weekend. It will be at the Hyatt Regency O'Hare Chicago. More details to follow but please start making plans now to attend.

Special Single-Employee Crew Swag Sale

All single-employee crew related merchandise is on sale for cost till the end of the year. Don't wait to get blindsided. Let the bosses, your union leaders and co-workers know where you stand, perhaps inspiring them to join the struggle. Go to the RWU store on our website: railroadworkersunited.org

Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank & file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call, or email. See the contact information below.

Statement of Principles

- Unity of All Rail Crafts**
- An End to Inter-Union Conflict**
- Rank-and-File Democracy**
- Membership Participation & Action**
- Solidarity Among All Railroaders**
- No to Concessionary Bargaining**

International Steering Committee

- Chuck Corsini, SMART #587, UP, Chicago, IL
- Jason Doering, SMART #1117, UP, Las Vegas, NV
- Ross Grooters, BLET #778, UP, Des Moines, IA
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Fritz Edler, BLET #482, AMTK, Washington, DC
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- Phil Stevenson, SMART #376, CSX, Ashland, KY
- James Wallace, BLET #621, BNSF, Lincoln, NE
- Andrew Weir, TCRC-LE #240, CN, Sarnia, ON

Alternates

- Chuck Abbate, SMART-TD #898b, KEOLIS, Boston, MA
- Tabitha Tripp, (family) BMWED #17, CN, Anna, IL
- Mathew Groix, BLET #217, NS, Shenandoah, VA.

Trustees

- Jon Flanders, IAM #1145, CSX, Selkirk, NY
- Ed Michael, BLET #724/UTU #979, UP, Salem, IL
- Chet Whyers, UTU #979, UP, Salem, IL

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RWU P.O. Box 2131 Reno, NV 89505



Railroad Industry

Arbitrator Rules for the Rail Carriers: Union Must Bargain on Crew Size

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However, this process – as we know – can be protracted for many years. The rail carriers have a long and sordid history of stonewalling union Section 6 notices, engaging in protracted bargaining years after the conclusion of the previous contract, since under the RLA, these contracts are, in effect, into perpetuity unless or until amended by the parties. So, the unions can certainly give the carriers a taste of their own medicine. If and when a TA is reached, it does not become effective unless and until approved by the rank & file. In the two examples we have where the carrier and the union negotiated a TA that made provisions for single crew member operations (BNSF and W&LE), the rank and file trounced the TA so decisively that the effort was scrapped by the carrier.

Now that the carriers have made clear their intent for a full-frontal assault, simply voting down a TA may once again send them packing, but they may up the ante and likely will. Ultimately, the union and carrier may come to “impasse” on the issue, in

which case either party may take what is known as “self-help” under the RLA - a strike, lock-out, etc. This process could ultimately end with a back-to-work order issued by the U.S. Congress, and a “Presidential Emergency Board” (PEB) appointed by the President to intervene and propose a “compromise” solution.

The point here is that this process has a potentially long and winding road before any conclusion is reached. Meantime, all rail workers would be wise to study the Railway Labor Act and the torturous process by which bargaining occurs and can reach conclusion. We should also study tactics and strategies of previous rail (and other) workers’ strikes and actions to learn from the past mistakes, failures, and successes. This is an issue that is near and dear to the heart of every rail worker. It has the potential to unite us across craft, carrier, union, and seniority. In the words of Jamaican Reggae singer Jimmy Cliff, “*You can get it if you really want but you must try, try and try ... you’ll succeed at last!*” (See our Editorial on Page 7)

Surface Transportation Board Chief Blasts Class One Carrier Profiteering

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Per #49 U.S.C. 11101(a), a railroad may not refuse to provide service merely because to do so would be inconvenient or unprofitable. “The strategies pursued by the railroad industries as a whole, and it is not the same among all the Class 1s, have serious implications as to whether the ‘common carrier mandate’ is being carried out as intended and as required by statute. This is a subject that may warrant further exploration by the STB.”

The trends of the past six years, which have coincided with accelerated cost cutting applied to rail operations through Precision Scheduled Railroading (PSR) practices, have raised concerns among shippers and railroad workers about whether railroads had cutback operations so drastically that rail operations have suffered. These practices of course, may have benefitted railroad owners but “have not boded well ... for the customers, the railroad workers and the public.”

“The railroads like to broadcast that freight rates have diminished by 44% since 1980...However, the STB’s calculation have found that railroad rates have fallen only by 27% between 1985 and 2004... the improvements in productivity and inflation adjusted terms largely flowed to shippers in enhanced service and lower rates. But that happy combination came largely to an end in 2004... Our studies since 2004 have shown that railroad rates have risen by 30% in inflation adjusted terms and traffic peaked on the railroad network in terms of cargo and tonnages in 2006.” Oberman noted that since then, our economy has grown by 50%, nearly \$8 trillion dollars of enhanced economic activity... and yet railroads are carrying less freight today than they were carrying in 2006 while rates have gone up. There just might be a connection ... Not counting coal, the railroads’ market share “compared to trucks peaked in 2002 and total volumes peaked in 2006. Think about that? For the past fifteen years ... railroads have lost market share both in absolute and relative terms.”

Oberman said the railroads actions have resulted in more freight going by truck, which increases traffic, congestion and has also increased the generation of carbon emissions when freight is moved from more fuel-efficient trains, pulled by a few

locomotives, to trucks, which are less fuel efficient and more polluting:

“We know that for every one percent of freight lost by the railroads to trucks it amounts to an extra 5 million tons of CO2 dumped into the atmosphere. Yet since 2002, railroads have lost nearly 2% of freight market share to trucks. Again, this is not counting coal ... If railroads had just kept the same share of market, they had in 2002 there would be one million fewer trucks on the highways each year.”

“Much of what I have learned about railroad strategy has come from railroad executives, many of whom would prefer the railroads focus on growth and on time performance. It is apparent that over the last 6-7 years through ever increasing pressure from Wall Street - the owners of the railroads - (that) the railroads’ emphasis has not been on growth. Rather the emphasis has been on cutting in pursuit of the almighty OR (Operating Ratio) down to below 60%. In order to meet these startlingly low OR’s the railroads have cut their workforce by about 25%, depending on how one counts. Between 40,000 and 50,000 people who worked on railroads have lost their jobs in recent years.”

The STB Chairman went on to talk about the discontentment of shippers – particularly those at west coast ports – that he believes the STB data shows is due to a railroad focus on a limited number of profitable routes, forcing shippers off rail and onto trucks. “The statistics show the dramatic impact of this kind of business strategy, leaving aside intermodal and coal, nearly 85% of all tons and carloads are carried between the top 20% of origins and destinations. Smaller but profitable destinations are being ignored or actively demarketed. As a result, that freight is on the highways contributing to global warming and highway deterioration.”

Oberman concluded his talk by stating, “It’s time for the railroads, shippers, workers and the public to realize that we’re all in this together. I hope the railroads and the shippers will figure out how to move more freight on the railroads and less on the highways. The railroads need to work with the shippers, the unions, and the STB to provide the level of service they are capable of providing and paying less attention to the OR’s.”

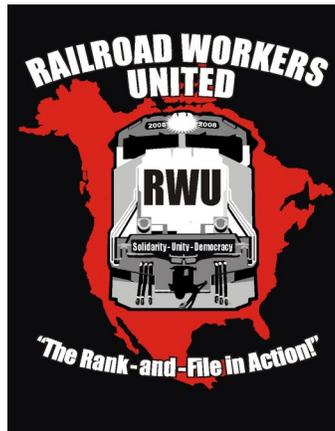


RWU Fundraising & Membership Drive

Solidarity + Unity + Democracy

For the last several years, RWU has led a **Fall Fundraiser** to help build up our resources for rank & file labor battles in the year ahead. If you are an **RWU Member** who would like to go the extra mile, or a **Supporter** who wants to show their appreciation for the work we do, please **consider a donation**. No amount is too small.

If you have yet to become an RWU member, our Fundraising Drive is a great time to consider doing so. Learn more below!



JOIN RWU

<https://conta.cc/3ilGptb>

By becoming an RWU member, you are joining a network of rank & file railroad workers across North America to build power, solidarity, unity, and democracy not only in your own craft union but in all unions across the railroad industry. RWU members **WANT**:

1. Stronger unions that can stand up to carrier abuses.
2. To form a united front among various craft unions, putting an end to the rail carriers' divide-and-conquer tactics.
3. Genuine union-based safety programs.

RWU members **BELIEVE**:

1. All rank & file railroaders should be active and involved in the workings of their union, at all levels.
2. Railroad unions are stronger when we negotiate contracts as a united coalition of all.
3. We have the power to stop their drive for single crew operations, PSR, and all the rest.

DONATE TODAY!

<https://bit.ly/2Y6Sg6X>

THERE ARE MULTIPLE WAYS YOU CAN DONATE:

Make a one-time donation to RWU by:

- Using your PayPal account or credit or debit card at the above link; OR Writing a check or or money order payable to RWU.
- Mail to: Railroad Workers United P.O. Box 32 Roopville, GA 30170-0032

Become a **Sustainer** by making a recurring donation to RWU. For those who donate \$10/month or greater, you never have to renew your membership again! To learn more and to sign up, go to: <https://bit.ly/3A0Ylz8>

Need a tax-deduction? You can make any contribution tax-deductible by donating to our sister organization, the Railroad Workers Education & Legal Defense Foundation, a registered tax-exempt 501(c)(3) organization. Go to the RWU website Donate Page at <https://bit.ly/2Y6Sg6X> and scroll down. If you are mailing a check or money order, just make sure to make it out to RWF, and mail it to the above address.

A TOKEN OF OUR APPRECIATION



For those who donate **\$50.00** or more, OR join RWU for one year, we will mail you a **nickel** plated date nail!

For those who donate **\$75.00** or more, OR join RWU for two years, we will mail you a **silver** plated date nail!

For those who donate **\$100.00** or more, OR join for three years, we will mail you a **gold** plated date nail!

For those who donate **\$250** OR join as a lifetime member (you'll never have to pay dues again), **we'll send you all three!** Email us to let us know your wishes at admin@railroadworkersunited.org

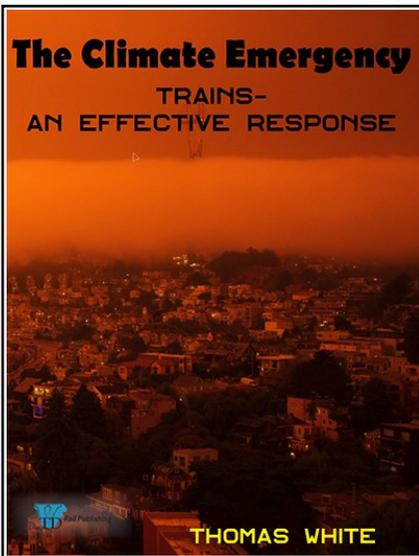
Contact RWU at and let us know your wishes.

Each nail head comes with a certificate of authenticity and has the last two digits of the year that it was hammered into a railroad tie. These stout fasteners were used as tagging devices to visually identify the age of a wooden railroad tie. They were commonly used until the 1970s. Most dates are available, but are limited in supply. Get them while they last! We will do our best to send you the date(s) of your choice! Each date nail comes in its own felt-lined box, complete with a certificate of authenticity.



Book Review

The Climate Emergency: Trains - An Effective Response by Thomas White (2020)



By Fritz Edler

Railroaders should take note of an important and valuable new contribution to the North American policy debates on the future of our industry.

Thomas White is a 50+ year railroad veteran with experience across the industry and around the world. He has authored and contributed to several books on operations, policy and other aspects of railroading. His new (2020) book is a timely analysis of Climate Change and the role of

North American railroads' response to that crisis. He is also a key leader of the Climate Rail Alliance. climaterailalliance.org

It is the universally accepted view of world climate experts that global climate change, primarily from human generated greenhouse gas emissions, will require cutting those emissions by 50% before 2030. Not doing so could precipitate a cascade of consequences that may be unstoppable. So far, those emissions are increasing. Powerful forces actively work to prevent any climate fixes. But besides this power fight, there are proposals for action that simply won't work.

Unprecedented droughts and wildfires, back-to-back "storms of the century", and deadly flash flooding are only some of the effects of climate change that we already experience. All of these effects have a huge impact on railroads. Sea levels are already rising around the world, and they will impact our many low elevation roads.

From the independently verifiable data point of view, we do have a *Climate Emergency*. As noted in this book, "Nuclear war can make the planet uninhabitable in a matter of minutes. Climate Change will make the planet uninhabitable in a few decades. The result is the same. One just takes longer."

No matter what you think about Climate Change personally, you should already be clear that it is one of the big gorillas in the room for railroad policy. You know that each rail corporation and entity acknowledge they must have policy positions if only for governmental compliance. Like it or not, Railroad Climate Change measures are a part of the regulatory process going forward.

White offers us a valuable tool. His book organizes the most important information needed to understand the problem and proposes a solution that we already have the resources and know-how to implement. In simple terms, White underscores the immediate and expandable benefits in greenhouse gas reduction, which cannot be achieved without a major transportation mode shift to railroads. He details the false promise of some of the most promoted Climate fixes such as Electric Vehicles (EVs) and supposedly "clean fuels".

White argues, as RWU has (see our **Resolution on Rail Improvement/Development in North America**), that most so-called High Speed Rail projects are NOT Climate Change solutions. Railroad-

ers need to understand the multiple reasons why these speculative passenger-only projects are dangerous sidetracks to our future. The successful sustainable future of railroads will be tied to using the world's largest existing network for both passenger and freight, building it up and modernizing it. It will require using best practice infrastructure and technology. The fact that our major union organizations (BLET, SMART-TD, etc.) have been co-opted into blind, unquestioning support for HSR funding is emblematic of their failure to recognize that the current rail network has huge potential for infrastructure and employment expansion.

An important section of the book deals with White's detailed breakdown of why and how the current US Rail Business model cannot serve us going forward. His focus is on why this current business model can't address Climate Change. But most of his evidence also illustrates why the current model is incapable of taking us to a sustainable industry future in any set of circumstances, on any front.

The US Rail business model today is ineffective, puts us all at unnecessary risk and it doesn't have to be that way. We know how to do better and it has been demonstrated around the world. Railroad Corporations and railroad transportation are not the same thing. Rail can be an effective and immediate solution. White details how the specific ways US railroads are organized - with their focus on profits - prevents real efficiency and productivity from taking place. That unnecessary model costs us all in many ways.

Railroaders are at a crossroads. We rail workers can play a key role in whether our industry will go the way of coal mines or be a part of the transportation future. History is full of examples where the wrong decisions led to the demise and irrelevance of technologies and whole industries. Our job is to fearlessly look at the interlocking of the economic best interests for our people and whether there will be a habitable place for us all to live without unprecedented strife.

Thomas White lays out a solid argument based on decades of real information. Railroads have always been vital. We can ensure they continue to serve our own families and society in general, as well as preventing Climate disaster. But this will require a completely different approach than that of the current industry owners and managers. It will require leadership that isn't distorted by short term profiteering, and groveling servitude to Wall Street Hedge Fund managers. It will also require our own organizations to take an active leadership role. This book helps us track towards that necessary goal.

Fritz Edler started in the rail industry in 1978, working several different crafts, before becoming a passenger locomotive engineer for Amtrak in 1990. Fritz was a long time officer of BLET Division 482 in Washington DC, and an officer of the BLET DC State Legislative Board. He is an RWU Delegate to the Labor Network for Sustainability (LNS) and the Trade Unions for Energy Democracy (TUED). Beginning in 2015, he was Chair of the Harding/LaBrie Defense Committee, that organized international support for the railroaders scapegoated for the tragic Lac-Mégantic oil train wreck. He organized and led the BLET directed project that continues to repower antiquated and unhealthy switcher locomotives in the Washington Terminal. That project is producing the most advanced and worker friendly switcher fleet in North America.





Commentary

Railworkers Need Our Own Playbook

Those who've known me over the years will be the first to agree that my working class hatred for the bosses, CEOs, as well as the politicians that enable and support them, runs at a fever pitch, approaching the proverbial "edge" on a good day. One former coworker (Hi Drew!) would regularly tell me, "Burrows, you've got more issues than a magazine rack." Hey, I resemble that remark! Fortunately, being active in RWU for the last 10 years, as well as other outlets for social justice over the last 40 years, has sort of worked as a "poor man's" therapy. So as I try to make constructive contributions to our collective struggle for social justice, simultaneously I'm able to halfway manage any potential anger-management flare-ups without professional help. Is this a great country or what?

That's said my equilibrium has been seriously challenged over the last several years. As I look back, I clearly see that the needle began to move closer to the red when Hunter Harrison took over at the Canadian Pacific (CP) in 2012, implementing Precision Scheduled Railroading (PSR) - a new and improved methodology from what he'd established at the Canadian National a couple decades prior. Over the years in previous commentaries, I've described in horrifying detail the reign of terror unleashed, which was exacerbated by the unions' impotence at best, and overt collaboration at worst - compounded by a layer of co-workers buying into the latter.

Though my dear mother, who had a tad of rabble-rouser in her, taught me well too "pick my battles", there were times in those last few years where I had no choice but to stand up for coworkers and/or myself, as well as safety issues, in the moment, in response to the bosses' relentless whip-cracking and ramrodding. On a few occasions I know I flirted with the potential death-sentence charge of "insubordination", and I consider myself lucky to have crawled and limped to the finish line 6 years ago.

I didn't even have a full year to savor my hard-earned liberation from "CP Hell" (a common term-of-endeavour) and begin to decompress, then Trump got elected. The rest, as they say is history. In my previous commentary in the Spring 2021 Highball, "Rails Need to Crank Up the Pressure and the Heat on Biden and Co.", I expressed my personal relief, empathizing with what millions of others were feeling, being able to tell the vile, grotesque, repugnant, anti-union, anti-worker monster that he was fired - while simultaneously cautioning against unrealistic expectations from "Uncle Joe" Biden's administration.

Case in point, as I read the two front page articles in this issue, I just shook my head. The top article describes how SMART-TD is now legally prohibited from even attempting to draw a line in the sand to assert that engineer-only/single-employee-crew operation is simply not up for discussion. While this ruling doesn't instantly guarantee the dreaded end result, the article clearly lays out plausible scenarios of how this latest development can - and most likely will - ultimately be utilized against us.

This latest insult doesn't really surprise me. What does continue to mystify me is that railroad workers continue to accept - without any hesitation - an established union structure and leadership that willingly accepts - without any hesitation - the enemy's (ie: the carriers') terms of engagement (ToE). Who benefits from the negotiating protocols mandated by the Railway Labor Act (RLA)? How has that worked for us over the years?

Now's a good a time to plagiarize myself, from my commentary



In July 2019, Blackjewel went bankrupt, shutting down overnight. They not only withheld one week's pay but bounced the previous checks for two weeks pay. In response the coalminers improvised their own playbook, blockading an outbound coal train for two months until they got some resolution. Their motto was, "No Pay - We Stay!"

in the Winter 2014 Highball, "Do As You Are Told! Now!":

"Imagine that you are about to step into some kind of chain link fence type cage for one of those anything-goes Ultimate Fighting contests. Before the two of you commence to "dukin' it out", your opponent puts a straightjacket on you. As your trainer tightens and buckles the straps, your opponent proceeds to handcuff your arms behind your back, shackle your ankles and blindfold you, but to ensure you do have some means to defend yourself, he/she will offer you your choice of a pea shooter or dart blow-gun that you will have to clench with your teeth. Once the bell rings and the match begins, your opponent is free to pummel you mercilessly with chains, clubs, truncheons, brass knuckles, blackjacks, ninja sticks, etc. Would you knowingly, willingly and/or voluntarily accept these terms of engagement before you stepped into the ring?! I didn't think so."

This slightly, melodramatic embellishment of the "Do as you're told! - file your grievance later." ToE, also captures the essence of what we're up against at the negotiating table, per the RLA.

I have mixed feelings about the other Page 1 article, "Surface Transportation Board Chief Blasts Class One Carrier Profiteering." It's great that a government official is saying this for the public record. It's credible validation - not that we needed any - of what we've been railing about for the last several years. This intriguing development will help to legitimize our long-held contentions, in order to more effectively push back on the carriers.

But let's not get lulled into any sense of complacency that we can depend on a "kinder, gentler" administration to defend us from the carriers' relentless assaults. As this issue goes to press, the Congress and Senate are engaged in their latest urinating contest/chicken stare-down etc. as a prelude to the mid-term elections next year. While they're all auditioning for various roles and awards in their dysfunctional theater-of-the-absurd, let's redouble our efforts to educate, organize and mobilize ourselves to prepare for the inevitable battles ahead.

Mark Burrows has served as Organizer and Co-Chair for RWU. He recently retired after hiring out in 1974, working as an engineer for a combined total of 37 years for the C&NW and the Soo Line/CP Rail in Chicago, Illinois. He was SMART-TD 1433's Delegate for the 2011 & 2014 International Conventions and continues to be an active member of RWU.





Editorial

The Two Person Crew Fight - The Showdown is Close at Hand

We knew this day was coming. We have known it for 17 years now, ever since the Class One rail carriers made it clear on November 1, 2004, that they intended to run trains in North America with a single crew member. On July 28th, a "Neutral" appointed by the National Mediation Board (NMB) ruled that SMART-TD, successor union to the UTU, must bargain the question of crew size with the Class One rail carriers, on certain - and eventually all - General Committees of Adjustment (GCAs) - across the U.S. (see front page article).

Railroad Workers United (RWU) - and our predecessor group, Rail Operating Crafts United (ROCU) - has warned since our early days that the carriers will be relentless in their drive for single person crews. And we have warned that - while state/federal legislation, legal maneuvers, and political posturing may serve us as delay tactics - ultimately, the rank and file must prepare for a showdown with the carriers at contract time (Please see our most recent article to this effect in the Spring 2021 issue of *The Highball*, "To Win the Fight for Two Person Crews, Rail Workers Need a "Plan B. "

We were proven correct in 2014 when BNSF reached a tentative agreement (TA) with SMART-TD GO 001 to run trains with a single crew member. RWU moved into action providing logistical support (open-to-all conference calls, brochures, fact sheets, buttons, stickers etc.), encouragement, and optimism to an already outraged rank & file. RWU members working on the BN, in alliance with their co-workers, aided by RWU members on other lines and supporters across North America, mounted an aggressive, determined "Vote NO!" campaign on that property.

The result:

Every craft in every terminal systemwide cast a majority ballot in opposition to the sell-out TA. Overall, the TA failed by a 5-to-1 margin, shocking both the rail carriers and union officials alike, while encouraging and invigorating the rank & file. The victory was so lopsided, so decisive, that no Class One carrier since has been able to approach the subject of crew size. And in the last round of national handling, the carriers did not even attempt to bargain the issue.

But that was the past, and we now face a more aggressive, even more determined opponent. The carriers are leaner and meaner. They are richer and more powerful than ever. Their Wall Street masters' quest for an even lower "Operating Ratio" and short-term mega-profits propels them to cut labor costs even further. PTC is now fully implemented and operational on all Class One-carriers. Many of the "old heads" who fought valiantly in 2014 to preserve their jobs and their craft are now retired and will not be around for this battle. The carriers have been granted the gift that they have been anticipating for 7 years: a ruling that the

union MUST bargain the question. And after the recent years of PSR and super profits, they are licking their chops at the prospect of more of the same through crew reductions and further savings on labor costs.

"It 'aint over 'till it's over."

But in the immortal words of Yankee's catcher Yogi Berra, "It 'aint over 'till it's over." And fellow workers, it 'aint over until WE say it is. Remember, we have held them off since 11/1/04! And we sent the BNSF and the Class One's away with their tails between their legs in 2014, in the one and only showdown that they dared to have with us. And on the Wheeling and Lake Erie (W&LE) - the regional railroad that clashed for years with the union on this issue - the rank & file stood 100% solid and unwavering, rejecting time and time again any and all proposals that allowed for single crew operations, ultimately winning a decent wage increase while forcing the crew size issue from the table in 2018. Workers 2; Carriers 0. We are winning this fight brothers and sisters!

And despite the universal dejection and demoralization, the cynicism and despair that so many of us have felt over the course of these last few challenging years, we can - and we must - rise to the occasion. In the words of RWU co-founder Ed Michael, "The first step in solving any problem is optimism." Well, fellow workers, there certainly is reason for optimism. We have a winning track record. We have unity of the operating crafts, and we have the strength in knowing that every engineer and conductor in this great land are all unequivocally supportive of the two-person crew. When RWU has the opportunity to state our case in various public arenas, the vast majority are convinced, share our concerns and express a willingness to assist if/when posed.

So let all of this serve as a warning to any potentially rogue General Committee out there, one that might be considering cutting a single person crew agreement, like the SMART GO 001 did on the BNSF back in 2014. In the face of universal opposition to the idea from engineers and trainmen across North America, and with a court ruling that allows the states' crew consist laws to now stand, combined with a new FRA administration that once again stands poised to commence a new rulemaking on the question of crew size, to reach such an agreement at this juncture would be an unconscionable sell-out of - not only your own members - but all rail workers across the continent!

All railroad workers owe a tremendous debt to the rank&file on the old BN property, who decisively defeated a single-employee crew TA by 5-1, and the workers on the W&LE (at right) who held out for several years without any raise, while already underpaid compared to standard Class One wages. Their resolve is an example for all of us to emulate. Resistance may not always guarantee victory, but failure to resist does guarantee defeat.



We agree that the carriers' irresponsible greed-driven proposal is a grave threat to safety and efficient rail operations. The future of our industry, our jobs, and our unions is on the line. Stand strong, stand united, don't fall for the lies and deceit of the carriers, and we can and will win this fight! Failure is not an option.

All Single-Employee Crew Merchandise on Sale!

Join the Fight To Save the Two-Person Train Crew!

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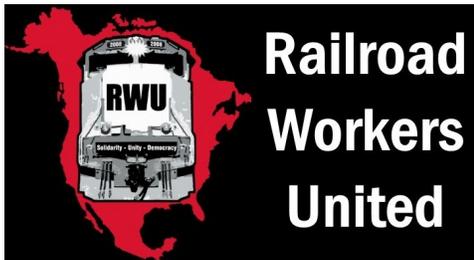
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SUPPORT

TWO PERSON TRAIN CREWS

“The ‘pure and simple’ trade unionism of the past does not answer the requirements of today, and they who insist that it does are blind to the changes that are going on about them, and out of harmony with the progressive forces of the age.”

Eugene V Debs, Founder of the American Railway Union from 1904 speech



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