



The Highball

Official Publication of
Railroad Workers United

RWU Launches Nationwide Campaign for Rail Labor Unity in Bargaining

In mid-September, RWU launched a *Petition for Rail Union Unity*, designed to help raise awareness of the issue, build solidarity among all rail workers, and to demand that our rail union officials do the right thing and stick together as one in bargaining in the upcoming round of contract negotiations. According to RWU Co-Chair Ross Grooters, "With the bargaining process at the national level set to get underway on November 1st, RWU believes that a single coalition of all rail labor is imperative if we hope to win a good contract."

The introduction to the online petition states that, "For too long, rail labor has been fragmented and divided. Today, in the face of 'Precision Scheduled Railroading', mass layoffs and furloughs, carrier threats to run trains with a single crew member, attacks on health care and vital work rules, it is imperative that *all* rail crafts and *all* rail unions stand together in bargaining. Let your voice be heard and sign the petition!" The Petition has been emailed out to thousands of railroad workers, is being circulated on Facebook, and is available on the RWU website. Rails who have not seen it yet are urged to read it over and to add your name to the list.

The Petition itself states: "We, the undersigned, rank & file railroaders - working, furloughed, and retired - urge the



In a defiant show of strength and solidarity, engineers and trainmen strike and picket together on the Wheeling & Lake Erie property in 2013. To stop the carriers' drive for single person train crews and to win a good contract for all, rails from every craft must stick together in bargaining.

elect officials of our respective rail unions to stand together in contract bargaining, and to unite as one universal bargaining coalition of all rail crafts, based on the premise that no union settles until all settle." While the Petition is geared towards obtaining individual signatures from rank & file union railroad workers, locals and lodges and even General Committees are encouraged to sign the petition as well. According to RWU General Secretary Ron Kaminkow, "This petition is for all union rail workers in the U.S. We believe this simple demand encapsulates the wishes of the overwhelming majority of us. It is time we came together and closed ranks, both operating crafts and the non-

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PSR Update: Shipper Complaints Up, Freight Traffic and Employment Down

No doubt about it, the majority of shippers by rail are unhappy with the new level of service they are receiving since the major carriers went full speed ahead in their rollout of Precision Scheduled Railroading (PSR). And rail employment has fallen nationwide by nearly 5% since winter 2017 when PSR was instituted at CSX. No craft or union was spared from furloughs and layoffs, with certain crafts and specific terminals decimated. Simultaneously, freight traffic has declined in practically all commodities across the board. Even intermodal, once considered a guaranteed growth sector for rail, is down on all U.S. carriers. And all of this comes at a time of low unemployment, economic expansion, and a general increase in the movement of freight.

The numbers are disturbing to say the least. At a time when the looming environmental crisis has the potential to elevate rail to a

position of prominence, traffic is tanking. With the nation's overcrowded and crumbling highways crying out for relief - relief that a modern, efficient rail system could provide, workers are being dismissed, locomotives sidetracked, and shippers fleeing the industry, preferring trucks and highways to rail.

Shipper Complaints. From forest products to agriculture, shippers across the board are unhappy with the new service offered by PSR. Lack of rail cars available when needed, failure to deliver on promised transit times, a massive increase in demurrage charges, fines for holding rail cars longer than a day or two at their facilities have all combined to earn Class One railroads the ire of their customers. With freight traffic well below 2006 peak year levels, and most commodity groups in a state of decline af-

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RWU News and Happenings

RWU Prepares for the Fight to Save the Two Person Crew

As this issue of *The Highball* goes to press (early October), the major rail carriers have filed suit in a U.S. district court in North Texas, claiming that their proposal to reduce train crew size is a negotiable issue, and that previous moratoriums should not stand in the way of their right to negotiate crew size reduction at the national level. Claiming that the conflict over the issue is a "minor dispute" under the Railway Labor Act, the carriers seek to have it subject to arbitration.

The carriers have fired the first shot in their renewed war on the two-person train crew. It is apparent that they have every intention of proceeding with their attempts to reduce train crew size to a single employee with this round of national handling. Look for the "Section 6" notices November 1st for the official notice.

Most railroaders no doubt recall the last open conflict around this issue in 2014, when a renegade union General Committee (SMART GO-001) and the carrier (BNSF) sprung a backroom deal on us, allowing just 30 days to organize and achieve a re-sounding NO vote on the Tentative Agreement (TA). RWU had been organized for just six years at that point, but had built up a cadre of activists, basic infrastructure and experience. We acted quickly and within 48 hours had a flyer ("12 reasons to vote NO"), cartoons, stickers, buttons, posters and other materials in circulation. We were able to play an important role in assisting the BNSF trainmen to reject the TA and achieve an important victory for not just themselves, but for all rail labor.

More than five years have passed and we are more prepared than ever, with more members and contacts, more infrastructure and prestige, more wisdom and experience. RWU has been stocking up on buttons and stickers, T-shirts and other paraphernalia all designed to build solidarity, confidence and opposition to reduced crew size. We continue to alert the public and build our relationships and alliances with environmental, community and rail advocacy groups coast-to-coast, all in an effort to

bolster public awareness of and opposition to reduced train crew size. These efforts will pay off in spades if and when we take to the picket lines sometime in the coming months. Activists across the country stand ready to assist us!

Railroaders can win this fight. In fact, we are winning it. The carriers first made their intentions known 15 years ago by their Section 6 Notice of November 1, 2004. Apart from a few small properties, we have largely held them off! We have won great victories on the BNSF and the W&LE. The ranks of trainmen and engineers are more united than in the past. We have a lot going for us. Meanwhile, all the rail carriers have to show for their efforts is the horrible legacy of a short-lived single crew member operation known as Lac-Mégantic. See the *Editorial on Page 7*.

www.no1persontraincrews.com

No Single Employee Train Crews

Protect Your Family Protect Your Community

We encourage all railroad workers - particularly engineers and trainmen - to get involved today. The carriers have played their hand. They are coming after us. This is no secret. We can no longer keep our heads in the sand and hope this showdown does not take place. Brothers and Sisters, the time is upon us!

To get involved in the fight to preserve the two-person crew, please contact Railroad Workers United with your ideas and energy at: info@railroadworkersunited.org or call 202-798-3327.

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
- Adam Haslag, IBEW # 1832, UP, Kansas City, MO
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Ryan McEldowney, SMART #867, UP, Des Moines, IA
- Mark Moylan, BRC #6030, CN, Twin Harbors, MN
- Joe Mulligan, BLET #57, Keolis, Boston, MA
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- James Wallace, BLET #621, BNSF, Lincoln, NE
- Andrew Weir, TCRC-LE #240, CN, Sarnia, ON

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 Safety

Federal Railroad Administration Openly Hostile to Worker Concerns

After assuming office in 2017, the Trump Administration appointed three acting Administrators to head the Federal Railroad Administration (FRA) within a year. Then in February 2018, lifelong rail industry executive Ron Batory was appointed. Throughout this time, FRA has taken positions that veer away from the agency's previous stance on a number of key issues of importance to rail workers. While neither of the previous FRA Administrators – Sarah Fienberg or Joe Szabo – were champions of rail labor, Batory and company are cut from a different cloth altogether, clearly hostile to workers, firmly in the pocket of Wall Street, the American Association of Railroads (AAR) and the rail industry powers-that-be. A quick glance at what the FRA has been up to these last few years shows the Agency's bias against rail labor, one clearly in favor of rail management.

ECP Brakes: One of the most promising safety technologies developed this past generation is Electronically Controlled Pneumatic (ECP) Braking. According to SMART-TD National Legislative Chair John Risch, "...They are the greatest safety advancement I have seen in my 40 years in the railroad industry." There is no doubt that ECP brakes would advance rail safety, save lives and reduce property damage. It has been successfully implemented in numerous countries. ECP has numerous advantages over traditional air brakes including: initiation of simultaneous braking on every car in the train; elimination of in-train forces while braking; continuous monitoring of every car in the consist for brake performance and potentially other functions including journal temperature; reduction of stopping distance by up to 70%; allowance for partial (graduated) release of the brakes; and a reduction in property damage when derailments are incurred. The previous FRA administration had ordered the equipping of hazardous materials trains with ECP braking. The new FRA rescinded the order and found that "there is no evidence that ECP braking is superior to conventional braking."

Two-Person Crews: In March of 2016, the FRA announced Proposed Rulemaking to require a minimum of two crew members for most all railroad operations. Until this past May, the new administration did nothing to advance the rule. Meantime, states were taking the initiative, with Colorado (March 2019) and Nevada (May 2019) joining four previous states in mandating a minimum of two persons on a train crew. With a multitude of other states poised to adopt similar legislation, FRA chief Batory finally withdrew the proposed rule-making altogether, simultaneously declaring that all state laws were null and void, claiming they are pre-empted by the FRA, which sets no standard for train crew staffing. In one fell swoop, the Agency had erased a decade of debate, discussion and insight into the question, dismissing the efforts of RWU, the unions, and the public, and rubberstamping the whims of the rail industry.

Precision Scheduled Railroading: This operating plan has been implemented by Class One railroads across the country, resulting in lowered levels of rail employment, disgruntled employees, angered shippers, and a general decline in freight traffic across the board. While railroad workers and shippers coast-to-coast wring their hands, Batory apparently has nothing to say on this important question. His hands-off approach is best exemplified by his blithe statement before the Railroads sub-committee of the House Transportation Committee this past summer, in response to questioning about the negative ramifications of PSR. He stated that people "should not get distracted by PSR" and that this new operating plan was simply, "railroading 101", and

concluded that there were "a lot of smart people doing a lot of good work" on the railroads, "let's rely on the people to figure it out" (see Legislative Report on Page 6).

Long and Heavy Trains: One of the hallmarks of Precision Scheduled Railroading is to run longer and heavier trains and push the limits of what can be done safely. In recent years, a series of very long and heavy trains have run away down steep grades, causing millions in property damage, resulting in fires and evacuations, injuring and killing a number of train crew members. When grilled by Congressmen recently at the same sub-Committee hearing referenced above, Batory seemed unconcerned about increased prospects for train break-intos, derailments, runaways, blocked crossings, impediments to emergency services, track capacity issues, or train delays as a result of this practice.



Liquified Natural Gas by Rail: In spring of 2019, the Trump Administration announced plans for a hurry-up approval process to ship unit trains of highly explosive Liquified Natural Gas (LNG) by rail. To date, Batory has not objected to the rushed-up timeframe, nor issued any declarations that would ensure worker and community safety. RWU submitted a statement this summer to the Pipelines and Hazardous Materials Safety Administration suggesting limits on train length, beefed up track inspections, and mandatory two-person crew minimums, among other actions, to ensure safe movement (see article on Page 4). Given his stance on other issues (see above), it is unlikely Batory will take a hands-on approach to this issue either.

Mexican Train & Engine Crews: In July 2018, over the objections of the unions of the operating crafts, Kansas City Southern began the practice of allowing Mexican train crews to operate trains across the border and into the United States. The FRA has apparently given its blessing to this unsafe practice. This past summer, the FRA told a federal court that the unions should simply withdraw their lawsuit which demands that the FRA intervene and declare the practice illegal under engineer and conductor certification laws of the U.S.

Conclusion: While many railroaders for decades have been cynical about the role of the FRA, seeing it as long ago being "captured" by the very rail industry it is supposed to regulate, the FRA of the last few years appears worse than ever, elevated to an even higher level of pro-business, pro-carrier outlook, while simultaneously becoming more anti-union and anti-worker in its rulings and dealings. Given its recent positions on issues of importance to rail workers and rail safety as outlined above, the FRA is certainly not the place for us to seek assistance.



Railroad Industry News

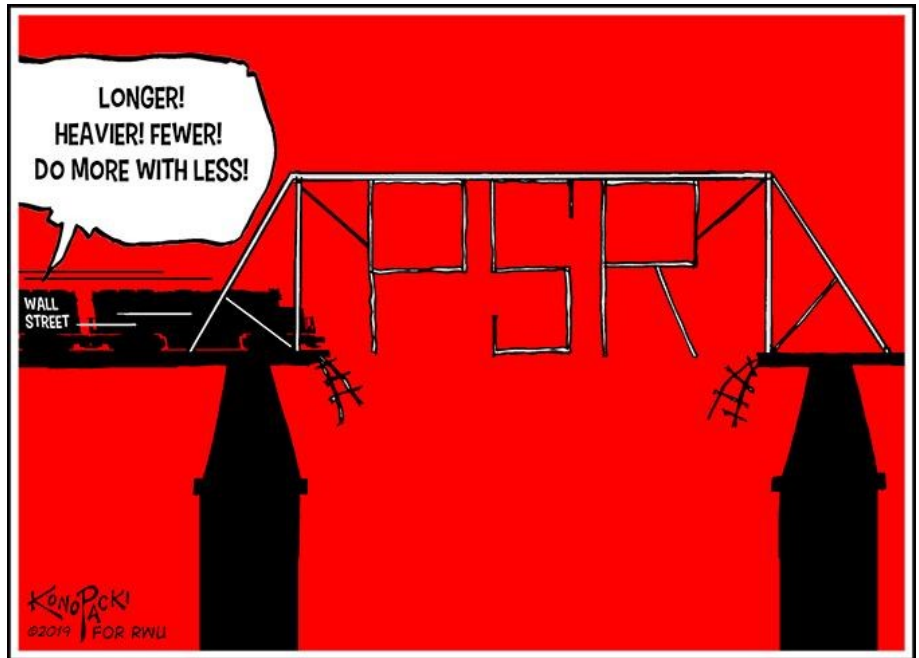
PSR: Shipper Complaints Up; Freight Traffic and Rail Employment Down

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ter a decade of investment in track, signals and other infrastructure, these complaints can only be explained by the failures of PSR.

Rail Employment. In a growth economy, one that has seen rail employment expand since the end of the last recession, one would expect to see its continued growth. But that is not the case, as railroad jobs have been on the decline in recent years, accelerating in 2019 as UP, KCS, and NS, join CSX and CP and CN in the rollout of PSR.

Freight Traffic. While freight traffic has rebounded since the Great Recession, it has been a mixed bag, and never has the freight industry moved as much traffic as it had in the peak year of 2006. With increased fuel prices, a chronic truck driver shortage, new laws governing the trucking industry, billions invested in new rail technology, track, signals and locomotives, one might expect freight traffic to be booming in recent years. It has not. And now in 2019, it has tanked altogether. While other factors quite likely come into play, PSR no doubt deserves at least partial blame for this sad state of affairs. There is speculation that the trade war with China, combined with a general cooling of the economy and looming recession, may all be contributing factors to this decline in traffic. But PSR definitely shares a chunk of the blame. The operating plan itself makes no bones about the fact that "less is more", and has the numbers to prove it. PSR does not tout more



freight traffic, employment, customer satisfaction, capital investment, or train speed among its metrics to measure success by. All of the Class One railroads that have gone the way of PSR measure success solely by short-term economic performance. As such, they are doing what they have set out to do, achieving record low operating ratios, record stock prices and record profits. Wall Street is very happy with PSR, even if nobody else is.

Trump Administration Fast Tracks LNG by Rail Despite Safety Concerns

In June, the Trump administration unveiled a plan to move unit trains of Liquefied Natural Gas (LNG) by rail through densely populated communities for export overseas. The proposal was forwarded to the Pipelines & Hazardous Materials Safety Administration (PHMSA), allowing just a few weeks for public comment. Due to public outcry - which included Congressmen, citizens groups and Railroad Workers United (RWU) - PHMSA was forced to extend the comment period until early August.

For years the rail industry has wished to ship LNG, but historically, the Federal Railroad Administration (FRA) has not allowed its shipment by rail due to its highly volatile nature and the fact that a derailment and tank car rupture could result in cataclysmic explosions. There is no way to effectively fight an LNG fire.

Thousands of comments were received, most vehemently opposing LNG by rail. In its official comment RWU insisted that a number of safety recommendations be put in place before LNG is allowed on trains including:

- Electrically Controlled Pneumatic (ECP) braking should be employed on all unit trains of LNG as a means of possibly preventing a disaster and/or mitigating the extent of the disaster in the event of a derailment/crash.
- Only tank cars that have been crash tested to withstand puncture be employed in LNG service.
- Like oil trains, the maximum speed of unit trains of LNG should not exceed 40 mph.

- All such trains must be staffed by a minimum of two persons
- Prior to movement onto the mainline, trains should have an advance "high-rail" escort service to ensure that the track ahead is clear of obstruction and in proper condition.
- Unit trains of LNG should be limited to no more than 50 cars.
- Each train must receive a thorough and proper inspection by host railroad employees who are properly trained/certified.

Transportation and Infrastructure Committee Chairman Peter DeFazio (D-Oregon) and Congressman Tom Malinowski (D-New Jersey) introduced a bill on September 12th that would require extensive reviews on the safety of using tank cars carrying LNG before any approval is granted from the DOT and FRA. "The administration's absurd plan to allow trains of up to 100 cars filled with LNG to move by rail is extremely reckless," DeFazio said in a statement. "Putting LNG into rail cars and moving it through highly populated communities presents a significant risk to the safety of the public and the environment, with the possibility of catastrophic consequences."

Published in mid-September, the bill - H.R. 4306 - calls for PHMSA and the FRA to conduct safety tests to see if tank cars are suitable for transporting LNG, while also factoring in the operating conditions and what public and environmental benefits would result. The goal is to ensure that if such a hazardous commodity is shipped by rail, that the safety of workers and trackside communities is a priority.



Rail Rank & File Solidarity

Petition for Rail Union Unity Demands Rail Union Leaders Stick Together

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operating crafts as well, and stand shoulder - to - shoulder in contract bargaining with the carriers. RWU encourages rails and locals to sign on and make a strong statement to every rail union official. It's time for unity!"

Since rail labor first began organizing into unions 150 years ago, we have been divided by craft into a myriad of different unions. As long ago as the 1890s, forward thinking rail union leaders and rank & filers alike have understood that the "craft union" system was more often serving the interests of the rail carriers as opposed to the workers themselves. One union would launch a strike, only to be undercut or even scabbed on by another. This led to the formation of the American Railway Union (ARU) in 1893, the nation's first "industrial union", a labor organization that welcomed all workers in the same industry into its ranks. While extremely popular among the rank & file and very effective at winning demands, the ARU experiment was short lived, broken the following year by a combination of rail carriers, government, and craft unions, who all joined forces to destroy it.

Nevertheless, the desire for unity among railroad workers has continued since that time. Numerous caucuses and coalitions - including Railroad Workers United - have emerged in the hopes of unifying some or all of rail labor over the decades. In 2017, the All Rail Crafts Coalition attempted to unite railroad workers in an attempt to win a good contract in the last round of national bargaining. And since that time, no fewer than three national unions - BLET, BMWED and IAM - have adopted Convention Resolutions that endorse and support the idea of a single bargaining coalition of all rail labor.

Organizers of *The Petition for Rail Union Unity* hope to garner thousands of signatures from union railroad workers across the



United States, from all carriers, all crafts and all unions. Local unions are invited to sign on as well, and all signatories are encouraged to bring the Petition to their local union meeting for endorsement. Rails may also wish to circulate a paper copy to garner the signatures of union members who are not oriented to the internet. You can gain their signatures, and then enter the data into the online petition yourself. Just make sure you explain and have their permission.

"This is simply basic trade unionism that we are advocating," states RWU Treasurer Hugh Sawyer. "Railroad workers - whether in freight or passenger service, in the shop, on the track, or on the train, Class One or short line service, yard or road - share a common interest in terms of wages, benefits and working conditions. They need to be united into a common umbrella when we go into contract bargaining. The big rail carriers have the National Carriers Conference Committee (NCCC). We need to have a united presence at the table as well."

Check the RWU website or Facebookj Page. See the Petition at: <https://actionnetwork.org/petitions/petition-for-rail-union-unity/>

Auto Workers Strike General Motors

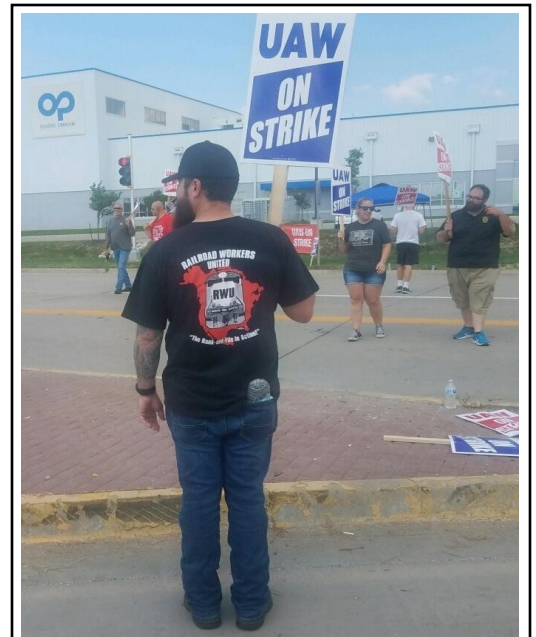
In mid-September, nearly 50,000 autoworkers went on strike at General Motors (GM), in the largest private sector strike since the last time the union and company clashed, in 2007. The strike has inspired workers across the United States. A decade ago, the GM workforce granted massive concessions to the automaker during the Great Recession. Now they hope to stop further give-backs demanded by GM and are out to win back some of what was lost over the last decade.

Like railroad workers, auto workers have seen a steady decline in employment levels, spinoffs of sections of the industry to non-union low-wage labor, and the use of contractors and temps to do work formerly performed by union workers. In addition, the industry is pushing to consolidate and close more and more facilities in the U.S. and wants workers to pay more for their health care. Meantime, the auto industry and GM in particular are making record profits. Sound familiar?

Railroad Workers United adopted a *Resolution of Support for Striking GM Workers* a few days after the strike began. Some rail unions have likewise stepped up as well. Railroaders are encouraged to not only honor UAW picket lines, but to join the strikers on the line, make financial contributions, and to otherwise lend support to these fellow workers in struggle. A victory here will be a shot in the arm, a boost of support for all industrial workers nationwide.

On November 1, the rail unions and the major rail carriers will exchange proposals to be the subject of the upcoming round of national contract bargaining. Will the carriers demand more of the same, more give-backs, more contracting out, more co-pays and deductibles, fewer employees, longer hours? Will railroad workers go on strike? We cannot predict the future but we all need to prepare now.

As we go to press, the autoworkers remain on strike, the longest at GM in 50 years!



RWU member Adam Haslag and others join autoworkers on the picket line in Kansas City. Rails are encouraged to support striking workers such as these and to take the opportunity to share our news with them. With strike activity on the increase nationwide, we may be next!



Legislative Report

U.S. House Convenes Sub-committee on “All Things Railroad”

Over this past Summer, the House Congressional Committee on “All Things Railroad” held investigative and fact-finding hearings into the State of the Rail Workforce in America. As a subordinate of the House Transportation Committee, the Sub-Committee on Railroads, Pipelines & Hazardous Materials has jurisdiction over the Federal Railroad Administration (FRA), Surface Transportation Board (STB), Federal Employers Liability Act (FELA), Railroad Retirement Administration (RRA), the National Passenger Rail Corporation (Amtrak), Railroad Unemployment, and our coveted National Railroad Retirement Investment Trust (NRRIT). When this sub-committee meets, we pay attention.

Recent complaints from all sides over the spread and implementation of Hunter Harrison’s Precision Scheduled Railroading, (PSR), sparked these investigative hearings. In addition to two panels in June, another panel of witnesses testified in July on behalf of disgruntled shippers.

As of January 2019, the ‘all-things railroad’ sub-committee is chaired by Chicago’s Dan Lipinski (D - IL). There are other congressional notables on this committee of thirty-two members including Elijah Cummings, (D-MD), Eleanor Holmes Norton (D-DC); Stephen Lynch (D-MA), and Congressman Peter DeFazio (D-OR). Lipinski is also the chairman of the entire House Transportation Committee and according to the AFL-CIO, DeFazio gets a 93% approval rating on its scorecard.

The hearings lasted hours and are available on YouTube, but let me summarize. The first witness in Panel #1 was Trump’s pick and newly-confirmed FRA Administrator, Ronald Batory. On May 23rd, Batory had abandoned the FRA’s rule-making procedures for minimum crew size. Congressman Stephen Lynch asked Batory, “You had a rule. I thought you had a good idea. Why withdraw the rule?” Batory fumbled for an answer claiming that there was “nothing out there to support a rule” and later, “time doesn’t allow me to answer the question,” and finally admitting, “you’ll have to ask my predecessor.” Watching this unfold during questioning, one could readily conclude that Batory was selected for this position by President Trump for the sole purpose of opening the door to engineer-only and sustaining PSR operations.

Congresswoman Eleanor Holmes criticized Batory for not only abandoning crew size rule-making, but working to pre-empt all State laws regulating crew size. Batory’s response was, “Well, don’t we want to create a level playing field?” Congressman DeFazio equated the adoption of PSR with the recent practice of lengthening train consists, stating that in his home district trains were approaching 15 thousand feet in length. DeFazio asked if the FRA was not concerned about the inconveniences this might cause the American public? Batory responded that the FRA does not regulate train size. He later stated that the sub-committee, “should not get distracted by PSR,” and that it was just, “railroading 101,” concluding that there were “a lot of smart people doing a lot of good work” on the railroads, “let’s rely on the people to figure it out”. DeFazio reminded Batory that was exactly what the regulatory agencies did with Boing and the 737 Max.

Panel #2 of the hearings included the heads of our brotherhoods and unions including Pierce (BLET), Previsich (SMARTD), Boles (BRS) and Sandberg (IAM). Although limited in length, all of the representatives gave excellent testimony in the time

they were allotted, covering the many safety compromises created by PSR, from telemetry failures to inadequate line-ups and fatigue issues. Previsich pointed out that the FRA has even failed to implement Pilot Fatigue Projects that were mandated in the Rail Safety Improvement Act of 2008 stating, “The FRA has abandoned railroad workers and the public”.

The sub-committee on railroads wasn’t finished with Panels #1 and #2, and on July 25th convened a further fact-finding ‘Roundtable’ of railroad shippers that included the Freight Rail Customer Alliance, Kinder Morgan, the National Grain & Feed Association, along with a host of others. Many of the complaints would sound very familiar to railroaders nationwide. PSR has severely impacted middle management and the interface between shippers and the railroads, including billing irregularities, lack of reciprocity on demurrage, requiring shippers to block their consists at the point of origin and a 23% reduction of industries being serviced on their original service plans.

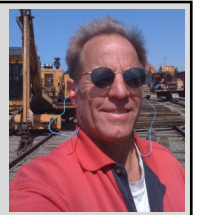
One industry spokesperson complained that at UPRR, it was difficult to reach anyone to resolve inaccurate invoices worth hundreds of thousands of dollars. In one case, such a bill was finally resolved, only to receive the same overcharge on the same billing months later. Emily Regis, spokeswoman for the Freight Rail Customer Alliance, stated that the UPRR failed to deliver a contracted number of railcars to a shipper on a regular schedule, only to show up with a hundred railcars a week later. With no on-site storage for the railcars, the majority were returned to a remote yard. Even though it was UPRR that caused the delay, it began charging demurrage on the stored railcars. This is lack of reciprocity on demurrage and the UPRR takes no responsibility for their own failures.

PSR has only compounded these problems. Shippers complained that the STB, which should be in the business of investigating ‘rate challenge’ problems, is a ‘black hole’ where shippers’ challenges take years to resolve and a ‘challenged’ rate is ‘locked-in’ in the interim.

The shippers’ testimonies were a tad bit too polite, so when a number of committee members suggested that re-regulation might be on the table to quell the railroads’ ‘robber baron’ behavior of old, the shippers were quick to deny they wanted any type of bold action of that nature.

In combatting the PSR scourge of diminished rail service, increasingly dangerous operations, and the loss of rail jobs, the shippers complaints about PSR lends credence to our struggle to put an end to Hunter Harrison’s legacy. It is clear by virtue of Batory’s testimony that we cannot rely on Trump’s regulatory agencies and we need to push Congress for the changes we need to re-establish good rail service. As DeFazio points out in the Shippers Roundtable, when it comes to our nation’s railroads, “We should not let a bunch of jerks on Wall Street who are trying to increase short-term profits, ruin it.”

B.P. Lewis, retired Union Pacific Conductor, first hired out with Western Pacific in 1978. Former Local Chairman for UTU #239 in Oakland, CA, he is a Founding Memner of RWU and serves as the Legislative Rep for the National Association of Retired & Veteran Railroad Employees (NARVRE) Unit #61 in the San Francisco Bay Area, for which he writes a monthly on-line Legislative Report.





Editorial

The Crew Size Fight: In this Corner, the Rail Carriers; In this Corner, the Workers!

In recent years, it has become crystal clear that the Class One rail carrier wish to operate trains with a single crew member. Likewise, it has become quite clear that the trainmen, engineers and their unions are as equally determined to maintain the standard two-person crew. The two sides are certainly at loggerheads on the issue, and it is doubtful that a compromise, one satisfactory to both sides, can be amicably reached.

In 2004, when the rail industry group - National Carriers Conference Committee (NCCC) - first proposed the idea of single employee train crews, a small group of dedicated union members - Railroad Operating Crafts United (ROCU) - worked diligently to sound the alarm, working to unite the unions of the operating crafts to oppose this idea. Believe it or not, most rails were completely ignorant of the carriers' intentions. One of the biggest obstacles to building opposition was simply convincing rails that the carriers had this up their sleeve and were dead serious about running trains with one employee!

Fast forward to today, 15 years later, and you would be hard pressed to find a railroad worker who is not aware of the carriers' designs. So, the battle lines are drawn. They want it, we don't. They are determined. So are we. They have some powerful weapons in their arsenal. So do we. They may win this fight. And so might we. No one can predict the future, but it is worth studying the balance of forces in this fight to better understand how we might prevail. As in any contest, we must analyze the strengths and weaknesses of both our adversary and ourselves.

The Rail Carriers. Compared to 2004, the carriers now are an animal of a different stripe. They are more arrogant, more cocksure, more anti-worker and more united through the near universal adoption of Precision Scheduled Railroading. In addition, they have been raking in record profits during that 15-year period and have emerged wealthier and more powerful than ever. On the propaganda front, they have long maintained that Positive Train Control (PTC) - now nearing full implementation nationwide - would render the two-person crew unnecessary and obsolete. And hardly a week goes by that we do not see yet another news clip extolling the virtues of autonomous vehicles. So the carriers have gained some impressive leverage with PTC on the one hand and the specter of autonomous trains/trucks on the other, to make the case for a "compromise" of a single crew member.

The Railroad Workers. Like the carriers, rail workers have achieved some important tactical advantages in recent years that we lacked when this fight first began.

1 - At the bargaining table, the workers and their unions have won decisive victories on two important properties, the BNSF and the WLE. On the former, the workers overwhelmingly defeated a Tentative Agreement that would have allowed for single crew member operations, despite the best efforts of the rail carrier, the General Committee (SMART GO-001), a former UTU President, the rail industry and its pundits. The majority of members from every terminal voted against the agreement systemwide. The carrier did even attempt to prolong the fight but simply slinked off. And the sell-out union officials were completely discredited. At the WLE, the unwavering decade-long solidarity of both engineers and trainmen defeated the attempt by the carrier to implement single employee crews, and won a contract with provisions for two-person crew minimums through 2026. Both fights resulted in decisive victories in the crew consist struggle, and both have been an inspiration and a confidence

booster to trainmen and engineers on all properties nationwide.

2 - Legislatively, the unions of the operating crafts have won two-person crew bills now in seven states. Even though the FRA dealt us a setback in May 2019 (see details on Pages 3 and 6), these wins displayed the popularity of our cause, educating numerous citizens and politicians about the issue. Meantime, with those state laws now in limbo, the unions have stepped up the case for the Safe Freight Act at the national level, garnering more than 100 co-sponsors in the House. Public awareness of and support for the two-person crew has legitimized the cause, inspiring and building confidence among railroad workers.

3 - The Lac-Mégantic disaster continues to haunt the rail industry, as evidence continues to pile up, pointing the finger of blame at the rail carrier and its use of single employee train crews. This devastating wreck, one of the worst in decades, has become synonymous with single crew trains in the public mind.

4 - The operating craft unions, who were not long ago at each others' throats, are now - and have been for six years or so - cooperating, legislatively and in bargaining. The BLET publicly condemned the BNSF deal of 2014, and a few weeks later adopted a Resolution of Support for the WLE workers' struggle against single person crews. They and the trainmen's union (SMART-TD) have stood together for the first time ever this last round of national handling. And as mentioned, both have been working together legislatively at the state and federal level.



5 - Compared to 15 years ago, most engineers and trainmen are dual crafted, and have been a member of each union in turn. The ranks see little difference, and often flow back and forth between the two crafts and the two unions, creating fertile ground for cross-craft and inter-union solidarity.

6 - Finally, PSR, the operating scheme that is listed as an advantage for the carriers, might also well be its Achilles heel. Based upon doing "more with less", the Class One railroads - as we have seen in the last few years - cannot efficiently absorb any external disruption of service, whether this be weather events, unexpected upticks in traffic, or a labor disturbance.

Taken together, all of the above factors combine to greatly increase rail labor's capacity to defeat the carriers' efforts to run trains with a single employee.

Conclusion

Just as in any war, there can be no foredrawn conclusions in the class war. The rail carriers have improved their tactical position for the fight, and so have the workers and their unions. And while no one can predict the outcome, we know this - the struggle awaits us and the showdown is coming. Our task now is to continually analyze our strengths and weaknesses, nurture the former and mitigate the latter, and to build up our confidence and preparedness for the contest.

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“Why should the railroad employees be parceled out among a score of different organizations? They are all employed in the same service. Their interests are mutual. They ought to be able to act together as one.”

Eugene V. Debs: “Craft Unionism”, speech in Chicago. November 23, 1905



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