



The Highball

Official Publication of
Railroad Workers United

Operating Craft Unions Win this Round in the Courts ... But What's Next?

The unions of the operating craft – and all rail labor – won a victory on August 28th when the U.S. Court of Appeals for the Fifth Circuit ruled that crew consist was not an appropriate subject of bargaining at the national level. In Winter 2020, the rail carriers received a ruling from the lower court that mandated the unions negotiate with the rail carriers on the question of train crew size.

While this latest ruling represents a victory for the unions, rank and file railroaders may want to refrain from popping any champagne corks just yet. In fact, this victory amounts to no more than a tactical win for our side, one which buys us a little time, and keeps the wolf from the door for another few months or so.

The rail carriers are of course, still free to insist on bargaining crew size, but in response to the judge's ruling, must proceed carrier-by-carrier with an "on-property" strategy. And proceed no doubt they will. We need all be on the lookout for a surprise attack – similar to the one launched in July of 2014 by BNSF and a renegade GCA of SMART-TD – which could come at any time. Rumor has it that negotiations are proceeding apace on CN, a carrier not party to the national agreement in any case. Were we to lose here, the dominoes would no doubt begin to fall, as any single crew agreement would set the pattern and set in motion crew reductions on properties across the country, ultimately spreading to Canada and Mexico as well.

Rail workers need to be vigilant and on guard. Please report news of backroom deals, sleazy negotiations, and other signs that single person crews are being negotiated behind the scenes on your property. To the extent possible, we must not allow another surprise attack to be launched against us. But whatever the case, we will be ready – just as we were in 2014 – to stage a mass revolt, and to overwhelmingly reject any Tentative Agreement (TA) that makes allowance for less than two employees –

a certified conductor and a certified engineer – aboard every train. We must show the carriers and the union officials alike that we refuse to be blackmailed, we refuse to be bribed, we will not be threatened by PEBs, nor coaxed and cajoled into acceptance. This is a principled issue upon which we stand. To lose here would be devastating to the operating crafts, to safe and efficient train operations, and to railroading in North America. RWU is committed – and has been since the founding of our organization in 2008 – to a unified fight of the operating crafts to defeat the scourge of single employee train operations.

We ask all railroad workers to likewise take the pledge, "Unite & Fight for Two Person Train Crews!" **See Pages 4-5 for more info.**



CSX train crews swap out in West Virginia. Workers won a reprieve in August due to a court ruling in the unions' favor. But the battle continues. RWU is committed now more than ever to preserving and protecting the standard two person train crew.

Senate Fails to Act on Funding; Amtrak to Commence 3X/Week Operations

As this issue of *The Highball* goes to press (October 1st), Amtrak is poised to reduce the frequency of practically all of its "long distance trains" that crisscross the U.S. to tri-weekly operation. In the process, the carrier will furlough more than 2,000 workers, with further reductions expected. For the national rail workforce – already decimated in freight service by Precision Scheduled Railroading (PSR), the pandemic, and the economic downturn – this comes as more bitter news.

Hopes had been raised over the summer when the Democratic controlled House voted to approve legislation that would mandate two-person train crews, delineate limits to train length, expand the hours-of-service law coverage to the Yardmaster craft, take a critical look at PSR, institute progressive reforms and dramatically increase funding for Amtrak, among other things. But as the weeks

wore on, and Summer gave way to Fall, the Senate failed to act on this and other pending legislation, dashing the hopes of railroad workers in both freight and passenger service around the country.

While the cuts are ostensibly designed to cut costs in the face of reduced ridership due to the pandemic, workers at Amtrak, together with passengers and online communities, are doubtful that the measures proscribed will save the company money. Rather, they argue that the cuts will dramatically reduce ticket revenue, drive customers off the trains, and be expensive to implement. Amtrak previously attempted tri-weekly operations in the 1990s with disastrous results, including a dramatic drop in revenue, disgruntled passengers,

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Book Review

“They Call Me George: The Untold Story of Black Train Porters and the Birth of Modern Canada”

by Cecil Foster

Review by Eric Basir, Train Operator, ATU Local 308

At first glance, a reader could easily misjudge this book as a biography about a train porter named George. When in fact, it is a uniquely composed history book about many men with different names and their place in the Black Canadian struggle for equality.

Canada was envisioned to be a country for white people. The erasure of Indigenous people and the strict quota permitting immigration of non-white workers was blatant through most of its history. This book is about how that began to change - and the struggle of Pullman porters is the lens through which it is projected.

Who is “George”? Simply put, is an epithet for the n-word or slave. Named after the industrialist George Pullman - who created the Pullman Company in the United States - a “George” was a Pullman Sleeping Car porter. These well-dressed and hard-working men were found on Canadian Pacific and Canadian National passenger trains.

This book ties the struggle of Black Canadian railroad workers with Indigenous, immigration and civil rights struggles throughout North America as well. It chronicles the tenuous relationships of Pullman porters with their employers for dignified working conditions and to join the Brotherhood of Sleeping Car Porter Union.

One criticism of the book is that it spends a great deal of time on background history and not enough on the day-to-day struggles of the porters. However, since the audience are those interested in civil rights and Black Canadian history, it does an excellent job.

The stories of how porters struggled to earn a living - albeit a better standard of living than many non-white Canadians at the time - are fascinating. So many of the porters had to work longer hours just to earn tips. They really struggled. However, they also estab-

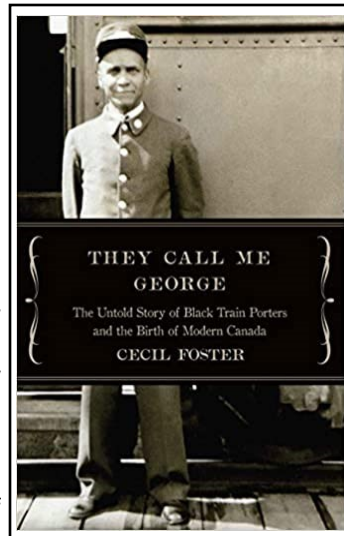
lished a foundation for Black and other non-white Canadians today.

After finishing the book I could not help but wonder if there had been more energy focused on strikes and public action, would they have made faster progress? However, considering that Blacks in North America, in general, were fighting for more than just better working conditions and pay, focusing on political solutions may have seemed their best option.

There were mentions of strikes, but not by porters, as they were shunned by the racist unions of the day. Even during the historical Pullman workers strike of 1894, porters and sleeping car conductors did not strike. That strike was viciously put down by the Illinois National Guard, and it resulted in the dissolution of George Pullman’s oppressive company town.

By the time the Canadian Pullman porters won working condition and wage improvements, together with the right to apply for and be hired as conductors, the passenger rail industry was in decline. The conclusion of the book was bittersweet in that regard. Yet, the real story was how citizenship, civil rights and better opportunities for non-white Canadians was won thanks to those porters. One of them, Stanley Grizzle, ended up becoming a judge who ruled in favor of equality for minorities.

Canada was forever changed thanks to the struggles of the Pullman porters.



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
- Joe Mulligan, BLET #57, Keolis, Boston, MA
- 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

Trustees

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

www.railroadworkersunited.org ● info@railroadworkersunited.org ● 202-798-3327 or 202-RWU-DEBS
RWU P.O. Box 2131 Reno, NV 89505



Legislative Report

“The Great Society” of Workers vs. “The Soulless Wealth” of Corporations

Corporate profits continue to reach record highs, year after year, yet workers have not received a considerable raise in half a century. CEOs are making more than three hundred times the average worker, and despite living in the richest country in the world at its richest point in history, our overall standard of living is going down. This is a moral and an economic crisis.

The disparity in our economy causes pain. People are forced to choose between buying food, or paying rent. Consumers are being cheated out of hard-earned money. Seniors are working well past retirement age, just to make ends meet. These are the realities for working people while corporations cart more and more riches to the bank.

Republicans, and too many Democrats, have rigged our economy to enrich a select few at the expense of everyday, hard-working Americans. It has been a direct assault on our deeply held national values of unity, justice and broad opportunity. It's been done under the guise of creating jobs, and is justified by a fanatical economic theory that seeks to remove or destroy anything - especially unions - seen as a barrier to the free market.

Today, instead of quality of life, politicians speak of “growth” as if it is the answer to all problems, an economic good without negative externalities. In May of 1964, President Lyndon Johnson shared his vision of a “Great Society.” It was a vision of health, education and American community. But more than anything else, it was a vision built on the idea that we have the agency to make our future.

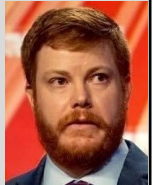
He suggested that we already had enough wealth; greater labors of Sisyphus were no longer necessary. It was time to elevate

quality above quantity. LBJ said, “For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life and to advance the quality of our American civilization.”

The demands of commerce reign supreme when it comes to railroading. Quality of life for many has fallen with the introduction of Precision Scheduled Railroading - except for wealthy investors who have little concern for anything other than their bottom lines. These investors are fickle, and when they have extracted every last cent out of the railroad industry, they will move on to the next sector. Meanwhile, we will be left with a hollowed-out system that does not serve its customers, has abandoned safety, and has pushed out thousands of skilled workers who may never return.

More than a half century ago, LBJ chose not to believe that Americans were condemned to “soulless wealth.” He elucidated a new dream valuing quality of life above quantity of stuff. Looking back on his words, we see how far we have not come and how far we still must travel.

Jason Doering hired on with Union Pacific Railroad in Las Vegas, Nevada (SMART-TD #1117) in 2005. He has worked as a locomotive engineer and conductor, and also as a brakeman for the Alaska RR while furloughed from UP in 2009. Jason has served as the union's Nevada State Legislative Director since 2011. He currently serves as Co-Chair of RWU.



Senate Fails to Act on Funding; Amtrak to Commence 3X/Week Operations

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a precipitous drop in ridership, and numerous hidden expenses.

For years, the Class One rail carriers along with their allies in both the White House and in Congress have attempted to kill off these trains. Threats to Amtrak service have come during both Democratic and Republican administrations alike. And in recent years, even Amtrak's own CEO - a former airline executive - attempted to kill the trains! While Republican Presidents like George W Bush and Donald Trump have clearly stated their desire to see them eliminated, it has been a cabal of rural Republican Senators and Congressmen that have traditionally stepped in and demanded that the long distance trains be included in the national network, aiding greatly in their salvation.

While the downgrading of Amtrak service will of be harmful to big cities served, it is the smaller more rural communities that will suffer the greatest hardship from the lack of train service. Many of these communities have very few transportation alternatives, as bus service continues to disappear and smaller regional airports are abandoned by the airlines. According to the Rail Passengers Association - a national organization that is working to preserve daily service - the cost to these communities in terms of economic activity will exceed \$2 billion.

While no train is actually slated for elimination, concerns abound over whether this might be the beginning of the end if the 3X/week plan is executed. Bringing them back to daily service might be a struggle. Amtrak's own metrics to determine

If - and when - to return to daily service seem to suggest the company is less than excited about the prospects. And the Class One “host” railroads, more than happy to see the end of these trains, can be expected to squawk and make outrageous demands when the times comes for a return to daily service.

The fight is not over. Who knows what October and then November may hold. All rail workers are advised to keep their ear to the rail and continue to take action in defense of our trains.



In the absence of Congressional action, trains like this one - The Empire Builder, Trains #7 and 8, will switch from daily service to tri-weekly in October, resulting in staffing chaos, mass layoffs, and threats to the viability of Amtrak's long distance trains.



Crew Consist Report

Single Person Train Crews: Irresponsible, Inefficient, and Unsafe - Part 2

In Part 2 of this 2-part series, RWU explores and analyzes the dangers and pitfalls of the Class One rail carrier proposal to run trains with a single crew member. Part 1 was featured in the Summer 2020 issue of The Highball.

Degraded Knowledge, Wisdom, Railroad Culture, Mental Health, and Solidarity

The locomotive cab today – as it has been for more than 150 years – is a rolling classroom, where the older more seasoned worker of the crew mentors the younger, where the more knowledgeable teaches the neophyte, and where both crew members discuss the railroad in all of its facets. Invaluable lessons are taught to one another, as the two crew members share tales, vignettes, and “war stories” about an endless array of scenarios and circumstances, and what they did to find a solution. The two may discuss ways to improve railroad operations, criticize inept dispatching, analyze the history of this or that operating rule, or compare notes on ways and means of dealing with certain scenarios that come along in the course of any given tour of duty. They may discuss the union contract, pay, benefits, union rules and procedures and more. They are involved, interested, and “in the game.”

With single person crews, this classroom comes to an end. The carrier and the union lose this invaluable training ground, this sharing of vital information and ideas about rules, operations and yes, safe practices. The workers lose a valuable source of wisdom and knowledge, literally forfeiting information that could, at minimum, make for a better quality of work life and at most, in fact save a life. The worker would spend future shifts all alone, with no one to ask questions of, bounce ideas off, and share her/his own valuable knowledge with. The loneliness, boredom and stress of constantly working all alone in isolation has the potential to be unfulfilling and boring, leading to a decline in job satisfaction, an increase in turnover rates, and a decline in professionalism and longevity. As a result, the collective wisdom of railroad workers would decline, along with their collective mental health and solidarity. With no one to connect with nor share ideas and knowledge with, no one to stand up for and be stood up for, solidarity and the collective identity would inevitably decline. Railroadng might come to be no longer a life career choice, but a way to spend a few years to make some money, again, diminishing collective knowledge and wisdom.

A Decline in Efficiency

The rail carriers emphasize how efficient single crew trains will be. They understand of course, that when a train needs to be “worked” on the mainline, it will be a much smoother, quicker and safer operation with two crew members present in the cab of the locomotive. But when they say “efficient”, they mean less labor costs. And the savings that would accrue under single crew member train operations would be substantial. Hence, their drive since 2004 to implement such operations.

But the economic gains that might be achieved by the elimination of the second crew member will be offset to one degree or another by the inherent inefficiencies of single person operations. Ironically, it was none other than Hunter Harrison, the godfather of Precision Scheduled Railroadng (PSR) which has degenerated into a Wall Street driven scheme to deliver short-term profits by “streamlining railroad operations” and a major force behind the drive for single person crews, declared his opposition

to single person crews shortly before he died in 2017 while at the helm of CSX. “I’m not a one-man crew advocate,” he stated in the Spring of that year, although he did note that there could be possible limited applications for such crews, e.g. switching at mines. “But today, to take a 20,000-ton train on line-of-road, with one person, I don’t think it’s good business,” Harrison added, citing safety concerns and the value of an extra set of eyes and ears in the cab. Plus, he claimed, it would pose unacceptable delays when a lone crew member had to contend with a broken air hose or a knuckle failure (see below).



Trains on the Mainline

There are a few circumstances when the lack of another crew member in the lead locomotive stands to impede the forward progress of a train under routine conditions. Some examples include:

- When cars are set out/picked up enroute, the conductor must make note of the train’s changed makeup, noting particularly the location of hazardous loads in the consist. Without a conductor aboard, able to do this while the train is in motion, the remaining crew member would be responsible for this task, delaying the train’s forward progress until the task is complete.
- Anytime the lone employee must use the restroom while the train is in motion, the operator must bring the train to a complete stop.
- When the lone operator is in doubt of a specific rule, s/he must bring the train to a stop and check.
- Anytime the lone employee in the cab wishes to make adjustments to the cab interior (e.g. duct taping drafty cracks, adjusting the left-side mirror, retrieving materials from the nose of the engine, or otherwise having to leave the control stand, s/he must bring the train to a stop. OR perform these activities while the train is in motion, compromising safety.

But the major inefficiencies that will be incurred by the railroad is when the train has an issue that requires it to be “worked.” While not routine, these circumstances are not rare. Trains stop – or must be brought to a stop – under a wide variety of circumstances. Broken knuckles or drawbars, shifted loads, dragging equipment, hot journal bearings, flat wheels, a front-to-rear “No Com” failure of an End-of-Train (EOT) device, failed wayside detectors, busted or separated air hoses, excessive



Crew Consist Report

Single Person Train Crews: Irresponsible, Inefficient, and Unsafe - Part 2

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brake pipe leakage, and stuck vent valves are some of the many reasons a train may be brought to a stop.

Once stopped, a train with a two-person crew works together to rectify the problem, make the necessary inspections, set-outs, repairs, air tests, etc. and then proceed onward. Without that second crew member, a disabled train would be required to wait for the "Utility Conductor" to arrive before the train can be worked. In fortunate circumstances, this might take a matter of minutes. However, in less fortunate circumstances, this could take a lot longer, depending upon a host of factors:

- The location of the utility worker. S/he could be many miles away.
- The location of the train and its isolation from major highways and arteries.
- The potential that the train is at a location void of any type of access road.
- Time of day and the weather conditions.
- The availability of the utility worker, who might currently be otherwise engaged in another task with another train somewhere on the subdivision.
- How long the utility worker might be engaged with that other train before being freed up to service the second train.

In addition to mechanical issues with a specific train, track and signal malfunctions and irregularities also cause trains to come to a stop, requiring assistance prior to resuming forward progress. Some of these include:

- Automatic track switches that are improperly lined for the desired route, that must be taken "off power" and be operated by hand in order to proceed.
- A road crossing with an "activation failure" of the warning devices, which must be "flagged" with the assistance of a second worker.

The delay would be minimal if a "utility worker" was close at hand. However, just as with the train mechanical failures outlined above, the delay could be quite lengthy.

Trains in the Yard

When a mainline train enters a yard, the crew often must line a series of switches to bring the train along the desired route into the intended track. This can amount at times to as many as a dozen switches being thrown. For the operator to dismount and line the switch or switches, walk back to the engine, pull forward to the next set, dismount and do the same, is a time consuming and cumbersome operation. (NOTE: because the operator would be leaving the train unattended, it is debatable whether this is even within the rules to take such an action without applying sufficient handbrakes). The alternative would be to wait for the utility worker – if one was in fact on duty and available – to handle the switches. Though automatic switches do exist in some yards, their implementation throughout the entire industry is still far down the road.

Summary

Train operation with a lone employee on the locomotive is time consuming and inherently inefficient. Train operations will necessarily be slowed down without the second crew member at hand for a multiplicity of tasks throughout any given tour-of-duty. The lack of the conductor will increase the time it takes for the average train to get from point A to point B. Track capacity on any given mainline will be reduced accordingly.



A routine crew change at Dunsmuir, CA on Union Pacific. Now that the carriers may not bargain nationally for single person train crews (see Page 1), we must prepare for an attack on a specific property.

Long delays will be common, including delays to Amtrak and other passenger operations. Where these long delays take place on single track territory, the Subdivision or the entire Division stands to be backed up for days. If the disabled train is in a remote location, the ripple effect would be even worse. Add inclement weather into the mix, and the need to re-crew the train as the operator has now exceeded the hours-of-service law, and the delay becomes even more significant. As coal continues to decline and railroads look to other sources of revenue – such as high priority high value freight – the nation's railroads need to be fluid and unencumbered. As a nation, we should ensure that trains are expedited across the territory as quickly as possible, and able to take millions of carloads of goods off the nations overcrowded and crumbling highways. Single employee crews on freight trains will not facilitate the rail transportation system we so vitally need going forward.

Conclusion

Running trains in much of North America with a single crew member is a terrible idea which will lead to a decline in safe and efficient railroad operations. The two-person crew has been standard practice for three decades now. During those 30 years, the railroad has rebuilt and prospered, recaptured lost freight traffic, and improved the physical plant. The railroad stands poised to enter a new phase, one of robust growth and development, where millions of tons of freight and millions of passengers leave the highways and ride the rails instead. Any move to single person train crews stands to cripple the railroad infrastructure, rendering it incapable of handling such an increase in traffic. Railroads are more vital than ever to our nation's health and well-being, and must be ready, willing and able to get the job done safely and efficiently in the coming years and decades. Trains crewed with a lone employee would be a devastating blow to workers, shippers, passengers, communities along the right-of-way, and the national interest.

Ron Kaminkow hired out in Chicago as a brakeman with Conrail in 1996, promoted to conductor and then engineer. He went on to work for Norfolk Southern (1999) and then Amtrak (2004). He currently works as a locomotive engineer in Reno, Nevada where he is the VP and Delegate of BLET #51. He serves as the General Secretary of RWU.





Opinion & Commentary

Workers Need to Look Beyond Trump vs. Biden for Our Salvation

Should the RR industry be compelled to operate with maximum safety - whatever forms that takes - or should the industry simply continue to operate driven by the fundamental criteria of maximum profit rates for CEO's, investors, and stockholders? Any injuries and/or deaths to workers and/or the public, along with any environmental and/or infrastructure damage are all necessary sacrifices/collateral damage for the "common good", for the salvation of an economic and political system that enriches a minuscule few with obscene, unfathomable wealth, luxury, privilege and power, while the vast majority of the working class struggles for dignity and quality of life, on and off the job, for those fortunate enough to even have a job today.

The question of profits vs. safety, that those of us in the RR industry are all too familiar with, is the same issue posed for workers and the public in relation to all other major industries - from chemical extraction/processing/transportation/distribution to manufacturing/shipping/trucking/airlines/agricultural production/healthcare, etc. This economic question poses the fundamental political question: Is it in society's best interests that all domestic/legislative/regulatory/economic/foreign policies etc. - that directly impact our collective quality of life - be implemented by a tiny minority (AKA Wall Street/the ruling class/plutocracy/oligarchy etc.) via their virtual control of BOTH main political parties? Is it too idealistic to visualize a society governed with a REAL democracy, where the vast majority of us, who create the wealth and/or perform essential services (nurses, teachers, sanitation engineers etc.) have the definitive say on how the bazillions we create with our labor is prioritized and allocated? These questions have been debated and discussed within sectors of the working class for at least 150 years. Spoiler alert: As usual, since none of this is up for discussion in this election season, the status quo will once again score a decisive victory. Heads they win - tails we lose. AGAIN!

So WTH does all this idealistic mumbo-jumbo have to do with rails? I'm glad you asked. It's more important than ever to place the relentless attacks on our safety, dignity and quality of life in the broader context/bigger picture of the attacks on the working class and our allies as a whole - in all their many forms and manifestations. This includes, but is not limited to, the criminally negligent handling of the pandemic, relentless, unjustified state violence against unarmed Blacks, ordering meatpackers to work in unsafe conditions while shielding the bosses from any liability, putting kids in cages at the border etc. Contrary to the fairy tale, mainstream narrative, we were not exactly singing and dancing to, "Happy Days are Here Again," before COVID-19 caused unprecedented economic carnage and needless deaths.

Over the years I've been impressed by how shrewd many of my coworkers are with their hard earned money. I think it's fair to project that across the working class in general. Workers who are able to save a few bucks after monthly overhead usually invest that money wisely. Most workers can detect a scam from a mile away and will get profoundly indignant if they sense any attempt to rip them off and/or insult their intelligence. That's why I've always been mystified that while the salesperson, realtor, repair/service technician etc. who tries to scam the average worker will have hell to pay, so many of these same sharp, astute workers willingly accept the ultimate con game of them all - the basic economic and political foundation and structure of our society.

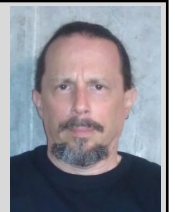
In 1893 Eugene Debs founded the American Railway Union (ARU) to organize all railroad workers, from all crafts, into one industrial union. 1894, while still developing, the ARU accepted the challenge of the Pullman strike. They were winning on the picket line, in the streets and the court of working class public opinion before they were crushed by the military intervention of the federal government. His six month prison sentence gave him time to process the fact that having a strong, organized, unified, determined, militant union and the solidarity of the working class - a monumental achievement rails today can only dream of - was still no match against the bosses when backed up by the government. He concluded that our labor struggles are ultimately a political struggle. Our ability to effectively confront the bosses would be limited until we organized ourselves to assert our economic power and numerical majority upon the actual levers of government. He dedicated the rest of his life attempting to educate, challenge and inspire the working class to accept that challenge as essential to the fight for a more just and humane society.

Though passionate and adamant in his convictions, he insisted that his audiences not simply take his word for the hard earned lessons and conclusions he attempted to impart. Instead he challenged them to study the facts on their own and expressed confidence that if they did, they would inevitably arrive at the same conclusions he had. So to paraphrase my main man Eugene, don't take my word for jack s###. I only ask that you take into account my 40 years in the industry, and as an activist for social justice, who has studied and been convinced of the same economic and political concepts as Debs, in theory as well as reality, in order to consider this alternative narrative for your own further exploration. www.railroadworkersunited.com is a good start.

I endured several years of anger and disillusionment, trying in vain to square up what I was seeing with my own eyes vs. what I had been taught, before I was fortunate enough to encounter several veteran social justice activists on the job 40+ years ago. My initial reaction was, "Wait a minute. Your narrative runs 180 degrees counter to all that I've been taught in school and absorbed from mainstream media. What about this? What about that?" Their responses and answers were intriguing and thought provoking. Even though I'm not from Missouri, I still had to research it all on my own before I was convinced that I had been deceived and conned by every institution I was raised to trust. For brevity and simplicity I'll start with a few basic pillars of what, in my opinion, lay the foundation for this ultimate con game: 1) Our government is guided by the highest moral principles as it looks out for our best interests. 2) What's good for the boss is good for the worker - what's good for Wall Street is good for society. 3) ALL men and women are equal in the eyes of the law and the criminal justice system is fair. 4) The educational system and corporate controlled media tell the truth with unbiased, objective facts that enable us to form our own opinions and conclusions.

I'll elaborate on these themes and more in future commentaries.

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

A Rebuttal to Frank Wilner and Railway Age on the Crew Size Issue

Frank Wilner gets it wrong in his piece entitled “*Rail Union Ordered to Bargain on Crew Consist.*” His use of smoke and mirrors is misleading. He opines the carriers’ drive for single employee freight crews is propelled by: 1 - the implementation of Positive Train Control (PTC); 2 - the decline in coal; and 3 - competition from the trucking industry. He fails to reveal that the carriers have been on a decades long drive to cut labor costs and have pushed for single crews since 2004.

PTC In November 2004, the railroads served notice to the operating craft unions stating intentions to run trains with a single employee. While hostility between the two unions was at its zenith, the conductor’s union agreed to a Remote-Control Operations (RCO) agreement. It was in this fratricidal environment that the rail carriers believed they could continue to divide and conquer and emerge with single person train crews out on the road.

It wasn’t until four years later that the Railroad Safety Improvement Act (RSIA) of 2008 finally mandated, as a direct result of the fallout from the horrendous Chatsworth, CA crash, the implementation of Positive Train Control (PTC). PTC was mandated as a fail-safe, last-ditch safety device and was never intended to replace human eyes and ears.

The Section 6 Notice of 2004 makes it crystal clear that the railroads were planning on single employee operations long before the technological panacea of PTC was even on the agenda.

Coal. In 2004, when the Section 6 Notice was served, US coal use was on the rise. Coal’s peak came in 2006, two years after the carriers first proposed the elimination of the freight conductor. Since then, coal use has declined. How can the push for single person crew trains now be about the decline of coal revenues? Wilner says nothing about managements’ failure to use this newfound track capacity in other ways. It could now be used to market and run new expedited services of higher value freight.

Non-Union Trucking. The trucking industry was deregulated about the same time as the rail industry. The unionized trucking sector has declined dramatically. But this is nothing new. Union membership in most US industries has been in a steady decline for decades. It declined while there was a dramatic rise in rail freight revenues. Much of this new traffic came when trucking companies began intermodal shipping by rail. While union trucking was on the decline, rail freight loads were on the increase, peaking in 2006. The bogeyman of the non-union trucking competition simply does not hold water.

“Fake News”. Wilner states: *Notwithstanding that new technology has never been blocked by adversely affected workers, and that this tentative agreement (BNSF – SMART-TD 2014) was termed by all involved as “the most lucrative ever in exchange for work rules reform,” it was rejected by the rank-and-file at the urging of the union’s national leadership, which prefers not to negotiate crew size in hopes of preserving the status quo.*

First, both unions of the operating crafts had long publicly advocated for PTC, while the carriers had lobbied against it for decades. Suggesting that the workers or their unions attempted to “block” the technology is absurd.

Second, Wilner suggests that the rank & file simply followed the will of their national leadership. Not true. In fact, the national leadership maintained that the union General Committee had autonomy, and that the national union had no right to intervene.

He conveniently ignores the fact that it was rank & file members who instead took the bull by the horns and launched a massive campaign to win a NO vote. They conducted informational pickets and rallies, created havoc at the ratification meetings and produced and distributed “Vote No” stickers, buttons and other materials. The overwhelming NO vote of 5-to-1 clearly shows the rank & file was responsible for the rejection of this deal.

Finally, he claims that the TA was “*termed by all involved as “the most lucrative ever...”* This simply omits the fact that the BNSF workers, who were the ones most “involved” of all, recognized it for the farce that it was: unsafe, and hardly “lucrative.”

“Alternative Facts”. Wilner pontificates, *“This was promised, even though data shows no demonstrated safety benefit to two-person crews vs. single-person crews; that the National Transportation Safety Board (NTSB) does not object to elimination of the on-board conductor when PTC is installed; that passenger railroads and many smaller freight railroads long have operated safely with single-person crews; and that the Federal Railroad Administration has ruled that ‘no regulation of train crew staffing is necessary or appropriate for railroad operations to be conducted safely at this time.’”*

First, where is this “data that shows no safety benefit” when 99% of all rail freight in North America is moved by two-person train crews. His “data” of course, simply does not exist. Just as the data does not exist to demonstrate that single pilot jet airliners are safe. This data does not exist for a reason – we simply cannot afford the risk to our lives, communities, and families.

It is interesting to see Wilner cite the NTSB as an authority on what is safe. The agency has issued many recommendations, including one for PTC itself, on rail safety. Most of these have been lobbied against by the carriers and their mouthpieces.

We challenge Wilner to show us a passenger railroad operating with a single person crew. Some may employ a single person in the locomotive, but the crew still has a conductor and in some cases one or more assistant conductors. Freight crews work on-call 24-7 up to 12 hours at a time. But passenger engineers generally work regularly scheduled shifts and often for a short duration of time. Some Amtrak trains do operate through the night, but these jobs are staffed by two engineers in the cab.

As for his claim that “*many smaller freight railroads long have operated safely with single-person crews,*” only a tiny percentage of the more than 500 short lines operating in the U.S. today operate with single person crews. And of that fraction, most operate remote control engines confined to very limited area.

Wilner cites the Federal Railroad Administration (FRA) as an authority in this matter, but just a few short years ago, he ridiculed it for its *original* stance. Prior to the current appointment of a lifelong rail carrier CEO to head the agency, the FRA previously had this to say about train crew size: “We believe that safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure ... Ensuring that trains are adequately staffed for the type of service operated is a critically important to ensure safety redundancy.”

Conclusion. The question of train crew size, efficiencies, and safety is an extremely complex and contentious one. *Railway Age* and Frank Wilner should be working to shed real light on these important questions, rather than clouding the issues and peddling deceit on behalf of the Class One carriers.

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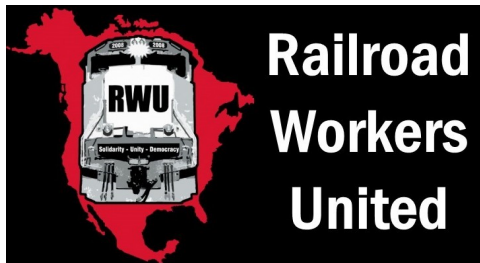
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Eugene V Debs, Founder of the American Railway Union



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