



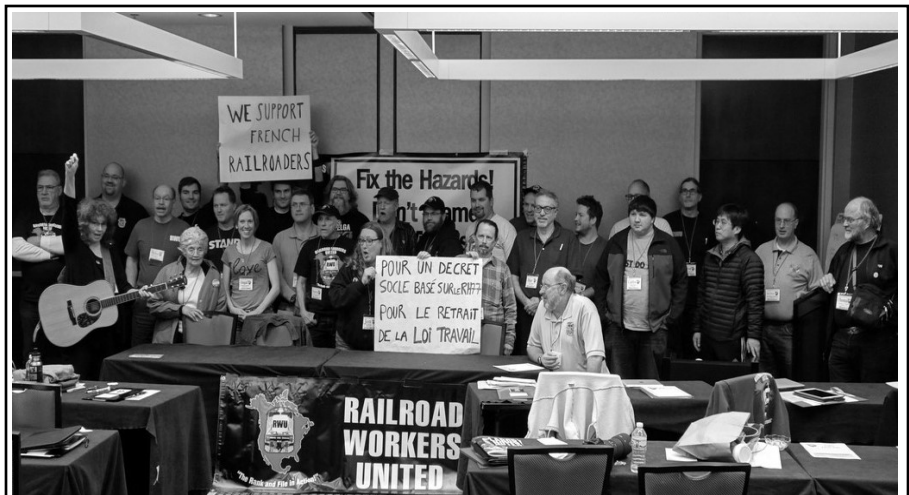
The Highball

Official Publication of
Railroad Workers United

Railroad Workers United Conducts 5th Biennial Convention

On March 31st and April 1st, Railroad Workers United conducted the organization's 5th Biennial Convention in Chicago, IL. Nine new resolutions were adopted on a wide array of subjects of concern to the organization and to railroad workers in general. A dozen minor Bylaws Amendments recommended by the Steering Committee were approved. And there was ample time for socializing and networking among members and friends following each day's floor session.

The general theme that ran through the Convention was one of building solidarity in ever larger and wider circles: (a) between railroad workers of all crafts and all unions, regardless of carrier or contractor; (b) between railroad workers of the U.S., Canada, Mexico and other nations; and (c) between railroad workers, passengers, other worker and social movements, concerned communities, environmentalists and others. As RWU grows and develops, we have come to a deeper understanding that all of this solidarity and alliance build-



Some of the members of the RWU Steering Committee, members, guest speakers and international guests join labor troubadour Anne Feeney in singing "Solidarity Forever!" upon the conclusion of the RWU 5th Biennial Convention in Chicago, IL.

ing is necessary in order for railroaders to achieve our goals and objectives.

See the RWU Fifth Biennial Convention Special Report on Pages 5 - 8.

FRA Publishes Proposed Rule on Two-Person Train Crews Promising Rule That Appears to Outlaw Single Employee Train Crews May be Fatally Flawed

Railroad workers and our allies were excited to learn the news that the Federal Railroad Administration (FRA), the agency that regulates rail transportation in the U.S. had finally promulgated and published a *Notice of Proposed Rule Making* (NPRM) on the question of single employee train crew operations on March 15th. The Proposed Rule immediately won the support of the unions of the operating crafts - the Brotherhood of Locomotive Engineers & Trainmen (BLET) and the SMART-TD, former United Transportation Union.

The second sentence of the Proposed Rule Summary appears so promising to those train and engine crews and others who had worked so long and so hard for such a Rule: "A *minimum requirement of two crew members is proposed for all railroad operations with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews.*"

Upon further reading and consideration of the Proposed Rule, one can only conclude that the FRA wants to please all the people all the time. It is quite disingenuous for an agency to declare right up front that a "minimum requirement of two crew members is proposed for all railroad operations..." to then simply contradict itself and make it clear that any and all railroad operations *could* however be exempt from this stipulation if and when the railroad in question simply meets some yet undisclosed guidelines that the FRA has apparently yet to determine which would then allow the operation to be performed "safely" with fewer than two members on the crew.

See the RWU Commentary on the FRA 's Proposed Rule on Page 10.



Upcoming Events

Railroad Workers Memorial Day is Friday, June 17th, 2016

From 2010 to 2015, 92 rail workers were killed on duty, according to data from the Federal Railroad Administration (FRA). This amounts to an average of nearly 20 each year. And we would point out that this figure does not necessarily take into account the large number of contract workers who — while they work solely in the interest of the railroad and are often, if not always, on railroad property while at work — are considered contract employees, NOT railroad employees, and as such, are not included in the FRA statistics.

While the carriers would no doubt claim that the vast majority of those killed died as a result of their own bad behavior, RWU takes the position that the vast majority were killed on account of the failure of the corporation to eliminate hazards (e.g. chronic fatigue, inadequate training, task overload, lack of time off, contracting out, slip/trip/fall conditions, etc.) that are the root cause of accidents, injuries, and yes, fatalities.


These figures pale in comparison to the hundreds killed each year in bygone days; however, it is worth remembering that there were once nearly two million railroad workers in the US, whereas now there are less than two hundred thousand, just 10% of railroad employment at its peak.

This past late March — early April, over a period of just 10 days, four railroaders (an engineer, a car inspector and two track workers) were killed in three separate incidents. Railroad remains a very dangerous and unforgiving working environment, even for the experienced and the well seasoned. In fact, any one of us could be killed on the job at any time.

Once again, Railroad Workers United asks all railroad workers to “mourn for the dead and fight like hell for the living” on this year’s Railroad Workers Memorial Day, June 17th. Please wear black to work and take part in other activities designed to honor and remember our fallen comrades. To order stickers or posters like the one depicted here to post in your workplace, contact RWU at info@railroadworkersunited.org or by calling 202-798-3327.

RAILROAD WORKERS MEMORIAL DAY

“Black Shirt Friday”



Friday, June 17th, 2016

**A time for all railroad workers
to mourn for the dead
and fight like hell for the living.**

For more information, call 206-984-3051; see the website: www.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

- Ross Grooters, BLET #778, UP, Des Moines, IA
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Paul Matchett, WSOR, Janesville, WI
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- Cameron Slick, UTU #911, CP, St Paul, MN
- Jim Thomason, UTU #1292, CN, Two Harbors, MN
- John Vitaska, NCF0 #395, CP, Chicago, IL
- James Wallace, UTU #305, BNSF, Lincoln, NE
- Jen Wallis, BLET #238, BNSF, Seattle, WA
- Andrew Weir, TCRC-CTY #240, CN, Sarnia, ON
- John Wright, BLET #78, CSX, Louisville, KY

Alternates

- Brian Clark, TCU/BRC #3060, CN, Champaign, IL
- Robert Hill, UTU #556, BNSF, Tacoma, WA
- Alan Thompson, UTU #316, UP, Clinton, IA

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



RWU Special Report: Lac Megantic

RWU Special Envoy On Fact Finding and Solidarity Mission in Quebec

Fritz Edler, RWU Member, BLET #482, Retired

RWU member Fritz Edler spent a week in Quebec in April to express our solidarity, gain insight into the developing situation, and advance RWU's efforts to defend the railroaded workers.

RWU members have been in the forefront of understanding the importance to the railroad industry of the disastrous wreck in Lac-Mégantic on July 6, 2013. That incident where 47 died has become a kind of referendum on rail safety and the purpose of the rail industry. It's been a flashpoint for opposition to rail shipments of volatile oil shipments. It has also been a critical test of who gets to decide about dangerous railroad policies and of the unions' response or lack thereof. At stake is whether railroad managers are free to implement dangerous policies and then scapegoat workers when the inevitable consequences come home to roost.

In the aftermath of that tragedy, Tom Harding (the single crew Engineer) and Richard Labrie (the Train Dispatcher) were both charged with 47 counts of *Criminal Negligence resulting in Death* and various lesser charges. If convicted, they could be imprisoned for life. In previous issues of *The Highball*, we have documented how they are being scapegoated for the policies over which they had no control and which were in fact the decisive factors in causing the wreck.

Tom Harding and Richard Labrie - members United Steelworkers Local #1976 - were scheduled for an important procedural hearing on April 4th in Lac-Mégantic, QC. Tom Walsh, attorney for Tom Harding, was speaking at the RWU Convention in Chicago immediately beforehand. I made arrangements to coordinate with him and others involved in the defense effort based on contacts made when I attended the Citizen's Coalition demonstration in Lac-Mégantic on October 11, 2015. (see *The Highball*, Winter 2016). The objective was to attend and give public support at the hearing, as well as to meet with activists and community members.

As our Convention was concluding in Chicago. Labrie had assumed a new lawyer, and as a result, the judge canceled the hearing. Since travel plans had already been made, I took advantage of the opportunity to meet with various concerned groups and individuals in Quebec. It was especially important in light of recent revelations about the rail carrier's policy against using air brakes to secure the train. Published in the *Toronto Globe & Mail* in early March, this critical information had been little known of in French speaking Quebec.

I was picked up by a key Harding/Labrie supporter in Montreal along with two students from the University of Quebec at Montreal (UQAM), organizers of a defense effort meeting at the university for later in the week. Together we drove to Lac-Mégantic and met with Jacques Breton, the Mayor of the nearby town of Nantes (where the runaway oil train had been secured) who had ushered through the town council a resolution condemning the MMA, which was subsequently taken up and approved by 300 other town councils in Quebec. Breton is also president of his local union of UNIFOR, a big union that includes most of the non-operating craft Canadian rail employees. He agreed to take a sample resolution in defense of Harding/Labrie that had been distributed at the RWU Convention and usher it through his local and up the union hierarchy.

The next morning, we met with the Citizen's Coalition leaders who had organized the demonstration in October, 2015. The citizens of Lac-Mégantic have endured many problems since the wreck. Fully two-thirds of the them are considered to have PTSD and other difficulties. Coalition members are disheartened and town survivors are often pitted against each other regarding everything from settlement payments to rail safety and operations. Their biggest concern is the resumption of rail operations without safety guarantees. They are in dire need of support and allies.



Engineer Tom Harding (Left) with Fritz Edler in Farnham, Quebec.

I explained the significance of the air brake revelations (which at that time had had no publication in French). We visited the local paper in town, *L'echo de Frontenac* and left a packet of RWU and *Globe & Mail* articles. The editor would later call. Powerfully taken by the materials, he arranged an interview with Tom Walsh (who is well known in Quebec) and published (as far as we know) the first French language articles exposing the air brake question in Lac-Mégantic.

The next day, we went to a big convention of the Steelworkers union and met with Mike Piché, staff officer for all the rail Steelworkers in Canada. He would take our RWU articles, translate them into French, and distribute them to local affiliates. Then on Thursday morning early, I visited with Tom Harding at his home in Farnham. After touring the local area and rail facilities there, I presented Harding with an RWU pin and a jersey from BLET #316 in Atlanta, plus a copy of the song "Casey Jones' in Lac-Mégantic", by RWU Organizer JP Wright.

That afternoon Tom Walsh and I spoke to the students at UQAM. The event was videoed by a student group as well as a filmmaker from Lac-Mégantic. Walsh explained that from a legal standpoint, at this point the issue isn't even a question of Harding's guilt or innocence, but rather a question of civil liberties, since the Crown has violated or abused almost every normal procedural protection under Canadian criminal law to date. The next morning, before flying back to Washington DC, we visited a huge CP rail yard in Montreal and leafleted the workers driving in and out with RWU commentaries on the Harding/Labrie defense. This info was very well received.

This latest trip deepened RWU's connections with those in Canada and opened up new opportunities - not only for the defense efforts - but for RWU's Canadian efforts in general.



Canadian Rail Industry Boss Defends Not Using Air Brakes to Secure Trains

On April 8, 2016, in a letter to the editor, the CEO of the Railway Association of Canada (RAC), Michael Bourque challenged the *Toronto Globe & Mail* regarding the air brake revelations that were published by that paper on March 7.

This development is significant, since it means the public discussion of rail safety no longer takes place within the context of the reckless and irresponsible policies of a single railroad renegade (Ed Burkhardt), but is now apparently the position of the Canadian rail industry as a whole, that use of the Automatic Brake to secure unattended equipment is not supported. Specifically, Bourque raises the straw man of whether automatic brakes alone can be relied upon. No one of course, has made that argument, but he attempts to belittle the use of the Automatic Brake as if someone had.

There are only two possible scenarios. In one, no train air brakes are used to assist in securing unattended equipment. In that scenario, the train rolls, people die and a town is destroyed. In the other scenario - apparently rejected by the industry in Canada - the train air brakes are set to assist securement, and is one that every qualified railroad engineer and trainman believes could have prevented the disaster.

It's important to remember that the railroad's policymakers decided to run single employee trains (with no qualified back up crew available for call no matter what happened). It was these same policymakers who made the decision to run the

long and heavy volatile oil train and chose not to secure it on an available derail protected siding. It was these policymakers who decided to dispatch the known defective and fire prone locomotive as a leader in the consist. It was their instruction to leave only that locomotive running to charge the train's brake pipe. It was their decision to not dispatch the only qualified person (Harding) to attend to the securing of the equipment after the locomotive fire. It was their decision alone to order crews not to use automatic brake to help secure the train. Tom Harding had no say in any of this.

Bourque now takes up defense of those decisions. He references the Transportation Safety Board (TSB) report on the wreck to say that none of the "18 factors" drawn as conclusions include use of Automatic Brake. But he carefully leaves out the fact that the TSB report itself underscores that train air brakes could have helped secure the equipment AND that compliance with the MMA handbrake requirements would still have fallen far short of the necessary number of brakes required to make up for their other reckless decisions.

The *Toronto Globe & Mail* has contacted Mr. Bourque and called upon him to retract his letter. Of course, he won't. RWU former Co-Chair Ed Michael has responded in a *Letter to the Editor* as has the RWU Steering Committee (see below). This controversy provides an excellent opportunity for us to deepen the public discussion about who can and should be trusted to make the decisions about rail safety.

April 15, 2016
Editor
Toronto Globe & Mail
444 Front St. W.,
Toronto, ON Canada M5V 2S9

RWU Letter to the Editor Toronto Globe & Mail

To the Editor:

Railroad Workers United, whose members actually run trains across North America, is deeply disturbed by the Letter to the Editor from Michael Bourque, President and CEO of the Railway Association of Canada (RAC) and his response to *The Toronto Globe & Mail's* front page story "Ten second procedure may have averted Lac-Mégantic disaster," published on March 7, 2016. While we agree that railroad workers must never rely solely upon air brakes to secure a train by themselves, no one but he has suggested that course of action.

Mr. Bourque's assertion that the use (or lack thereof) of the automatic brake is irrelevant to the disaster at Lac-Mégantic is preposterous. Had the automatic air brake been applied to full service position (which is an essential component in securing unattended trains in the US for decades) it is extremely unlikely that the brakes would have "bled off" sufficiently on 72 cars to allow the train to roll as it did. What we know with absolute certainty is that NOT using air brakes on that train resulted in death and destruction. We cannot understand how someone could put themselves forward as an authority on railroad safety and defend that indefensible practice.

Hand brakes are always necessary when securing equipment. When equipment is left unattended, with or without the locomotives attached, railroad workers are required by rule to set handbrakes. But just because crews must not rely on the air brakes to hold the train by themselves, this should not be taken to imply that we dispense with the air brakes altogether and leave them in the released position! To rely solely on handbrakes alone is absurd when the option exists to quickly and easily apply air brakes on each and every car in the train. If just one handbrake were to fail on a cut of cars with no air brakes applied, the train could easily begin to roll. Yes, handbrakes too have been known to fail but that doesn't lead us to the conclusion under Mr. Bourque's logic, that handbrakes should not be applied.

To leave a train secured as a matter of corporate policy, without air brakes and without derail protection of any kind on a very steep grade, relying ONLY upon hand brakes is irresponsible, reckless, and ridiculous. This actually was MM&A's policy at the time of the tragedy. Transport Canada had nothing to say about the matter and that's why lack of supervision and training by both MM&A and Transport Canada were listed in the 18 factors that Mr. Bourque would like to hide behind. He avoids noting that use of air brakes IS in fact covered in the Transportation Safety Board's report as a consideration in the wreck.

The fact that in the wake of the wreck on July 6th, 2013, the CROR rule was dramatically amended to mandate that all unattended trains on the main be secured with either air brakes and/or at least "one other additional means of physical securement" in addition to the hand brakes pretty much says it all.

Mr. Bourque tries to impugn the *Globe & Mail* for protecting its sources, who rightly know that railroad managers can be vindictive. That's why "being railroaded" is a phrase in the English language. But if he wants to roll out "experts", there are certainly many thousands of certified and licensed operating crew members in Canada and the U.S, who can publicly refute them.

We believe that every engineer and train crew member in North America would agree with us that the use of air brakes as part of securing unattended trains is imperative. To do otherwise is foolhardy and can only court disasters like the one at Lac-Mégantic.

Sincerely yours,

Ron Kaminkow, Locomotive Engineer
General Secretary, Railroad Workers United
608-358-5771 secretary@railroadworkersunited.org



Special Report - RWU Fifth Biennial Convention

While the RWU Convention did what most conventions do: adopt bylaws changes and resolutions, hear reports, take care of business, party and socialize, the focus of this Convention was a lot more than that. More than a dozen diverse workshops and presentations were offered up throughout the course of the two-day event. They are all summarized below. To learn more, see the RWU website.

Alternatives to Behavior Based Safety

RWU Organizer and former Co-Chair John "J.P." Wright got the Convention rolling with his presentation on alternatives to "Behavior Based Safety" (otherwise known as BS). Since the founding Convention, RWU has pledged to fight BS programs that the rail carriers promote, because they focus on worker behavior, not on hazard elimination. This presentation explored the prospects for a model safety program that workers and their unions can work towards that would be authentically under our control, not the carriers, what it might look like, and why it is so essential if we are to achieve a workplace based upon solidarity, justice and safe working conditions.

French Railway Workers Fight Privatization

Former railroad machinist turned station agent Kaourant Lampriere spoke briefly on the nature of the struggle of French Railway workers against the parceling out and privatization of the French National Railway Company (SNCF). Brother "Kaou" then described the efforts of his union - SUD Rail - and others to build the organization "Rails without Borders". This loose network of railroad workers' organizations is comprised of railroad workers groups mostly in Europe and Africa. RWU joined following Kaou's presentation at our 2014 Convention. Hopefully, RWU will be able to send a representative to the international gathering of railroad workers, hosted by the Metro workers union in Sao Paulo, Brazil in July 2016.

Just Hours and Safe, Sustainable Work Schedules

RWU member Fritz Edler led a discussion on the need for railroad workers - like other workers - to have a work schedule that accommodates the need for sleep, rest and recreation, time for family/friends and other aspects of life. Unfortunately, many railroad workers - especially in the T&E crafts - have work schedules that result in chronic fatigue and wreak havoc on our health and personal life in general. Many railroaders working extra boards and freight pools have no schedule at all. This is a central issue for railroad workers, one that simply must be dealt with in the coming years.



RWU Co-Chair Jen Wallis, Treasurer Hugh Sawyer, and General Secretary Ron Kaminkow look on as Renzenberger railroad crew transport drivers give a spirited presentation at the RWU Convention, 3/31/16.

W&LE Workers Resist Single Employee Train Crews

Engineers and trainmen on regional railroad Wheeling & Lake Erie (W&LE) have been waging a heroic battle against single employee train operations for more than a decade now. Lonnie Swigert, Local Chairman of BLET #292 presented a summary of the events leading up to the 2013 strike and succeeding actions, and outlined the prospects for victory going forward. Because of the solidarity and assistance offered by RWU to the W&LE brothers the last few years, the membership authorized Brother Swigert to attend and present at the Convention. Following the Convention, Lonnie was interviewed on film which is now available on U-Tube. RWU has pledged to continue to do whatever we can to support this vital struggle.

Advancing the Fight for the Two-Person Crew

Following Brother Swigert's presentation, RWU member and recently retired Amtrak engineer Fritz Edler lead this important discussion. Opposition to single employee train crews has been a centerpiece of RWU since the founding convention 8 years ago, and dates back to forerunner organization ROCU to 2005. Fritz outlined the history of the struggle and led a lively discussion of various tactics at our disposal to fight and ultimately win the battle against single employee crews. All this came within a week of the FRA announcing its Proposed Rule on two person train crews.

Building Solidarity with Railroad Crew Van Drivers

Three crew transport drivers - NAMES - members and stewards of the United Electrical workers (UE), two from Chicago, and one from California, discussed the working condition and issues they face and their efforts to build a union at Renzenberger, the largest of the contractors providing rail transport services to train crews. Van drivers and railroad workers alike agreed that we share mutual concerns and that by working together in solidarity and struggle, we both can more easily achieve our goals and objectives.

Continued on Page 6



Special Report - RWU 5th Biennial Convention

Convention Hosts Over a Dozen Workshops and Presentations

Continued from Page 5

Supply Chain Research: International Solidarity

Gifford Hartman, an adult education teacher in San Francisco and an RWU solidarity member, discussed the essential task for workers and their organizations to work in solidarity along the distribution supply chains in order to achieve power across craft, industry, locality and nations that is needed to win against huge multinational corporations of the modern era. Gifford gave a similar workshop at the 2014 Convention.

Building the Labor - Community Alliance

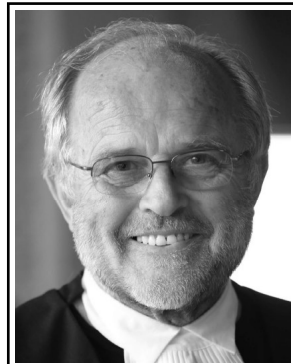


Activist Abby Brockway

The final word for Thursday came from environmental/community activist Abby Brockway and RWU Co-Chair Jen Wallis for a workshop on coalition building between "non-traditional" allies. While there may always be issues that railroad workers and enviros may not be in agreement with one another, there is common ground and ample opportunity to forge an alliance around a number of issues and struggles such as railroad safety.

If you Care About Railroad Safety, Support Tom Harding

The terrible train wreck at Lac Megantic is being blamed on the railroad workers rather than the railroad company, scapegoated for the reckless and irresponsible policies and procedures of renegade Ed Burkhardt and the MM&A, together with the failure of the Canadian government to properly regulate the rail industry. (See Pages 3-4 for a report, Page 11 for the RWU editorial). Thomas P. Walsh, attorney for the locomotive engineer Tom Harding recounted the events to date and outlined the argument for the defense. Coming



Defense Attorney Tomas P. Walsh

just weeks after new revelations of carrier irresponsibility (see Page 11), Walsh's presentation and the case to defend these brothers against persecution were particularly poignant.

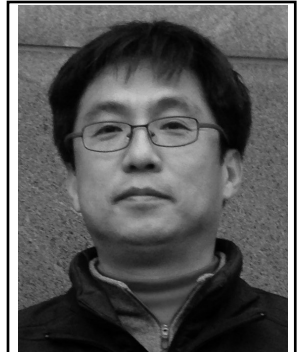
Building Solidarity with Railroad Workers Around the World

Just before lunch, in what would be a highlight of the Convention for many, railroad workers from three Asian nations - Japan, Korea and China - explained the nature of railroad workers struggle in each of their respective countries, and discussed efforts at building international solidarity with one another together with workers in the U.S. and elsewhere. In fact, their appearance at the RWU Convention was just one of many stops enroute to building that solidarity. The discussion

would build upon Thursday's presentation by French railroad workers Kaourantin Lampriere and "Rails Without Borders".

Reviving the Strike

Joe Burns - author of a number of books on unions and the labor movement - made the case that labor's most important and essential tactic - the strike - must be revived if workers, and railroad workers in particular, are to make progress and stop the downward slide. He noted that until the 1990s



Korean Engineer Ho-Joon Song

strikes were common in the rail industry, but gradually began to drop off in the 1980s until today they are almost unheard of, despite the fact that technically, we still have the right to strike. Flight attendants, like railroaders, work under the Railway Labor Act (RLA), and have engaged in partial and "quickie" strikes in the recent years with much success, using an innovative campaign called CHAOS (Create Havoc Around Our System).

Railroad Workers and a "Just Transition"

Joe Uehlein - Founder of the Labor Network for Sustainability - discussed the concept of "just transition" and how workers involved in the extraction, production and transportation of unsustainable fossil fuels can be part of the global solution while not putting our livelihoods at risk. Building on the theme of Thursday's presentation by Wallis & Brockway on alliance building, Uehlein urged a new political alignment, a so-called "blue-green alliance" to not only preserve and protect our natural resources, air, water, etc., but also our wages, benefits and conditions of employment.



Joe Uehlein

Railroads Hold the Key to the Green Future

Brother Fritz Edler led the final discussion of the Convention. He started by describing the efforts that he and his co-workers undertook to develop and implement a "green diesel project" that placed clean switch engines into service, benefiting workers, passengers and the general public in the vicinity of Washington Union Station. Using this as an example, he opened the floor to discussion on ways that workers can take the lead in transforming the railroad into a "greener" healthier industry, one that better serves its customers, workers, passengers, the community in general and the public at large.

Conclusion

The tone has been set for RWU in these convention presentations. Now the task at hand is to mobilize to make it all happen. Solidarity, Unity, Democracy ... and Action!!



Special Report - RWU 5th Biennial Convention

Convention Adopts Nine Resolutions on a Wide Array of Topics

The Convention adopted nine resolutions on a wide variety of topics. While proclamations and resolutions do not change the world, it is nevertheless important to make it clear to our own membership, railroad workers in general and the working class and society as a whole just where we stand on major issues of the day.

Below is a brief summary of the rationale for each resolution. To read them in their entirety, see them (along with all other RWU Resolutions adopted by RWU since 2008) on the website www.railroadworkersunited.org.

1 – Opposition to CP Takeover of NS

RWU joined the crowd of other unions including the BLET and the TCU in condemning the CP attempted takeover of NS. In addition to potentially initiating another “final” round of rail mergers, the CP’s anti-labor antics of the last three years or so has not endeared itself to railroad workers. Mergers as a general rule are bad for workers and unions, and result in job losses, contract abridgements, displacements, and division among railroaders. They are of course not designed to help workers, but the profits of the big rail carriers.

2 – Support for \$15/hour minimum wage

While most railroad workers make more than \$15 an hour, this is an issue of deep importance to all working people, and that includes rails. As long as there is a vast army of workers making low wages, this puts a downward tug on the wages of all workers. In addition, low paid workers have traditionally been recruited to break strikes and scab on union workers. Finally, low paid workers rely on various supports for health care, nutrition, etc., all necessities that should be affordable with a “living wage”. The labor movement can only be as successful as its lowest paid workers. We cannot go forward while a huge sector of the working class is left behind.

3 – Support for a "Just Transition"

Railroads have historically hauled lots of fossil fuels, but that is rapidly changing. Coal is not longer king as a result of cheap natural gas, environmental concerns, etc. And oil has grave environmental problems as well. How do we shift from a fossil fuel based economy to one based on clean environmentally sound renewables and not devastate workers’ jobs? RWU believes that we can have good union jobs and a safe and healthy environment if we can muster the political will for a “just transition” to a renewal energy economy.

4 – Insistence upon RWU Autonomy & Independent

This resolution was previously adopted by the RWU Steering Committee in Fall of 2015. But we wanted to run it past the delegates to the Convention to make it crystal clear to our members, rails in general, and any and all of our allies in the environmental, labor and social justice movements that RWU is adamant on our insistence to remain autonomous and independent of any union, political party or organization.

5 – Opposition to the Trans-Pacific Partnership

So called “free trade” agreements like NAFTA have been a boon to corporations but have not been so kind to workers.

The Trans-Pacific Partnership (TPP), if approved, would decimate workers rights and working conditions in the countries that are party to it. RWU joins with the rest of organized labor and says a resounding NO to the TPP.

6 – Support for Railroad Worker Whistleblowers

Railroads are 7 of the 10 worst corporations that violate the rights of workers when it comes to reporting workplace injuries, accidents and unsafe conditions. Thousands of rails have suffered harassment, discrimination and termination as a result of this illegal behavior. RWU points out the weakness of the law and suggests ways for us to rectify the problem.

7 – Support for a Worker - Passenger Alliance

Railroad workers and passengers have a lot in common. We both want safe, efficient, well run transportation. To get it requires a political alliance between us. It is high time that workers and passengers understand their common goals and their common adversaries and unite for our common good. This resolution addresses this question.

8 – Solidarity with Other Worker & Social Movements

This resolution is tied to Resolution #4 above on RWU autonomy and independence. To win our goals and objectives, RWU must align ourselves with various worker and social formations, groupings, and movements. That said, we must remain autonomous and independent of them.

9 – Position on the U.S. 2016 Elections

In face of corporate control of the two-party system in the United States, RWU calls for a break with both of the major parties that have a stranglehold on political life in the country. It is time for us to explore other avenues - including but not limited to, the founding of a new political party in order to achieve our goals.



New RWU Co-Chair Ross Grooters speaks to the Resolution on the Floor at the RWU 5th Biennial Convention in Chicago.



Special Report - RWU 5th Biennial Convention

New RWU Steering Committee and Alternates for 2016 - 2018

The Railroad Workers United Steering Committee is the body that meets regularly throughout the year and makes the day-to-day decisions of the organization. The size has traditionally been set at eleven (11) members and three (3) alternates.



Ross Grooters - Co-Chair

Engineer, UP, BLET #778, Des Moines, IA

Ross has worked for Union Pacific for 10 years, first as a conductor, now engineer. Last year he served as an Alternate to the ISC and this is his first term as Co-Chair.



Jen Wallis - Co-Chair

Hostler, BNSF, BLET #238, Seattle, WA

Jen hired out with BNSF in 2004 and has worked as a brakeman, conductor and hostler. This is her second term as Co-Chair after serving on the ISC previously.

Jim Thomason - Co-Chair
Conductor, CN, SMART #1262, Two Harbors, MN
From a Carpenters' union background, Jim worked in the iron mines for a short line railroad before coming to CN 6 years ago. This is his first term as Co-Chair.



Ron Kaminkow - General Secretary
Engineer, Amtrak, BLET #51, Reno, NV
Former Conrail, former NS, Ron has been working as an engineer for Amtrak since 2004 in Milwaukee, Chicago and Reno. This is his 5th term as General Secretary.



Hugh Sawyer - Treasurer
Engineer, NS, BLET #316, Atlanta, GA
Hiring out as a brakeman in 1991, Hugh has been a conductor and engineer has served RWU in various capacities. This is his second term as Treasurer.



James Wallace - Recording Secretary
Conductor, BNSF, SMART # 305, Lincoln, NE
James has worked as a conductor for five years now both the Midwest and on the west coast. This is his third term as Recording Secretary



John "J.P." Wright - Organizer
Engineer, CSX, BLET #78, Louisville, KY
After serving as the RWU Organizer 2012 to 2014, J.P. served as Co-Chair 2014 to 2016, and now returns to the Organizer position once again.



Paul Matchett - Steering Committee
Conductor, WSOR, Janesville, WI
Working for non-union regional railroad Wisconsin & Southern, Paul brings a valuable perspective to the Steering Committee. This is his second term.



Cameron Slick - ISC/Trustee
Conductor, CN, SMART #911, St. Paul, MN
After a short stint with CN in Wisconsin, Cameron came to CP two years ago. He is currently furloughed. This is his first term on the Steering Committee.



John Vitaska - Steering Committee
Hostler/Laborer, CP, NCFO #395 Chicago, IL
John hired out 20 years ago and has worked in Chicago ever since, first for Soo Line and now CP. This is his second term on the Steering Committee.



Andrew Weir - ISC/Trustee
Engineer, CN, TCRC-CTY #240, Sarnia, ON
Andy has worked for CN since 1988 and serves as a conductor and a n on-the-job training coordinator. This is his second term on the Steering Committee, first as Trustee.



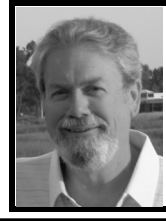
Brian Clark - Trustee/Alternate
Car Inspector, CN, BRC #3060, Champaign, IL
Former bridge worker and BMWED member on the CSX, Brian came to CN about 2 years ago. This is his first term on the Steering Committee.



Robert Hill - Alternate
Engineer, BNSF, SMART #556, Tacoma, WA
Robert has served on the Steering Committee since 2010 in some capacity or another including Co-Chair from 2010 to 2012.



Alan Thompson - Alternate
Conductor, UP, SMART #316, Clinton, IA
With 43 years on the railroad (C&NW and UP), Alan has served his union in a wide variety of roles. This is his first term on the Steering Committee.





RWU Organizes Whistleblowers to Fight Back Against Railroads' Abuse

Under the multitude of federal "whistleblower" laws administered by the Occupational Safety and Health Administration (OSHA), workers in the U.S. who disclose hazards or engage in other "protected activity" are legally shielded against retaliation by their employers. The protected activities vary by industry, but include reporting injuries, disclosing the misuse of public funds and refusing to perform dangerous tasks that would violate safety rules. Since 2007, this OSHA protection includes railroad workers, and since that time, complaints of illegal retaliation abound in the rail industry.

From October 2007 through June 2015, figures of OSHA show railroad workers filing more than 2,000 retaliation complaints. Among the top 10 targets of whistleblower complaints of retaliation over this period, seven were railroads, led by the two largest U.S. railroads, BNSF (409 complaints) and Union Pacific (360). OSHA investigators and Labor Department administrative law judges repeatedly have upheld complaints against the railroads, more than half of which involve illegal retaliation against workers who report personal injuries.

Just why are railroads so hostile to their employees? Speculation abounds, but perhaps at the root is the fact that railroad workers may sue the employer under the Federal Employers' Liability Act (FELA) when they are injured on the job, making for a costly proposition for the rail carriers.

So, if the railroads take reprisal against workers for reporting workplace injuries, then the workers might just report less of them.

And railroaders who witness the reprisals taken against their co-workers may then elect to not report one, and so it goes. This would save the railroad lots of money in claims. Another factor that may lay behind the carriers' hostility towards their employees is that the big Class One railroads all avidly employ "behavior based" safety programs which shift the blame for accidents and injuries from workplace hazards to worker behaviors. As such, railroads discipline a worker as a matter of course (completely illegally) when s/he reports a workplace injury; however, the railroad simply claims that the worker is being disciplined not for reporting an injury, but for his/her improper behavior, not for not following the railroad's rules.

Whatever the case, no other industry is plagued with anywhere near the number of whistleblower complaints of retaliation as is the rail industry. And the law seems to lack any ability to deter these Fortune 500 rail corporations from ongoing and persistent violation of the law. Why? For starters, the law sets a cap at \$250,000 penalty for violators. For a corporation making billions in profit in recent decades, this is hardly a deterrent. In addition, the law allows for endless appeals by the rail carriers, who have in fact appealed every single case where OSHA has found in favor of the worker! And if this wasn't bad enough, the appeal goes to federal court where any and all reference to the OSHA case and its verdict is barred as admissible evidence! Finally, upon winning an OSHA case, the worker - rather than being reinstated to his/her former position by the rail carrier as ordered by OSHA - is left on the street unless and until s/he prevails at the final trial once all carrier appeals are exhausted, possibly two, three, five or ten years later! It is no wonder that the railroads continue to ignore the law, run roughshod over their employees and continue to take reprisal against railroad workers against the wishes of OSHA.

RWU has had enough, as have thousands of railroad employees. We are tired of reading the glowing reports in union newsletters about this or that OSHA whistleblower victory, when we know full well that the case will be endlessly appealed by the carrier, delaying, and therefore denying justice to our fellow workers for years to come if ever. In addition, we know that the number of actual whistleblower complaints hardly even begins to tell the story. For every worker who files, how many silently accept their fate in face of what they now know will be an endless series of appeals, headache, letdown, and heart rendering trials and tribulations?

We hope to build a Railroaders' Whistleblower Network (RWN) for whistleblowers to share information and strategies to assist one another to win cases and collectively confront an unjust system that is broken. RWU adopted a resolution in Support of Railroad Workers Whistleblowers at our 5th Biennial Convention this spring. See page 7 for more details. For a full copy of the Resolution, see the RWU website and click on the link RWU Resolutions.

As one of the first actions of the RWN, on April 21st, RWU member Jeff Kurtz spoke to the OSHA Field Managers meeting in Washington, D.C. to explain a little of what is wrong with the system in the hopes of educating them to the nature of the problem. On April 24th, as The Highball goes to press, Jeff will be joined by railroader whistleblowers at the spring meeting of the Whistleblower Protection Advisory Committee (WPAC) to further explain the problem and explore ways to rectify the situation. Look for a full report of this mission in The Highball Summer 2016 issue in July/August.

If you are a railroad workers whistleblower and are fed up, pissed off and ready to fight back, please contact the Railroaders' Whistleblower Network at rottenlr391@mchsi.com or 202-798-3327.

Top Targets of Retaliation Complaints

Federal laws bar employers from retaliating against workers who reveal safety hazards or engage in other "protected activity," such as reporting injuries or disclosing the misuse of public funds. Workers can file retaliation complaints with the Occupational Safety and Health Administration. Below are the 10 leading targets of retaliation complaints in recent years. Railroad companies, shaded in green, are seven of the top 10. The figures cover the nearly eight-year period from Oct. 1, 2007 through June 30 of this year.

Company	Total
United States Postal Service	578
BNSF	409
Union Pacific	360
CSX	267
Norfolk Southern	247
Canadian National	151
United Parcel Service	139
Amtrak	119
AT&T	103
Metro-North	102

Source: Occupational Safety and Health Administration
Credit: Michelle Ziomek & Stuart Silverstein / FairWarning



Editorial

FRA Proposed Rule Would Enable Trains to Run with Single Member Crews

On March 15th, The Federal Railroad Administration (FRA) published a *Notice of Proposed Rule Making* (NPRM) on the whole question of single employee train crews. This crucial safety question had first been raised at the FRA by former chief Joe Szabo, when he stated in 2014 that, “*safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure.*” The railroad industry immediately pounced upon this statement and within weeks, Mr. Szabo had announced his resignation as the agency’s head.

So when the FRA, under new head Sarah Feinberg, finally issued its Proposed Rule, nearly two years after Szabo had the unmitigated audacity to suggest that trains should have a minimum of two crew members, railroad workers and their unions – along with Railroad Workers United – were guardedly optimistic. But upon further inspection, the FRA’s Proposed Rule as written appears to RWU as fatally flawed. It outlaws *not one instance of single employee train operations!*

Rather than a rule that actually outlaws single employee operations of trains, the FRA’s Proposed Rule outlines the process by which: a) railroads that are already operating with a single crew member can achieve authorization to continue the process; and b) railroads interested in implementing single crew operations can obtain a road map for doing just that! It is a classic case of Orwellian double-speak, whereby the FRA is attempting to placate unions, community groups and the general public on the one hand with a “Two Person Train Crew Rule”, while on the other hand signaling a green light to the industry to run trains with a single crew member.

So let’s take a closer look at some of the offensive language in the Proposed Rule which reads: “*The FRA believes a railroad can expect to receive FRA’s special approval for a one-person train crew operation when the railroad has established that it is in compliance with all rail safety laws, regulations, and orders related to the proposed one-person operation; has set forth plans to address foreseeable safety hazards created when a train has less than two crew members by making changes to the railroad’s operating rules, procedures, or practices as necessary; and has an established strong safety culture and favorable compliance/accident history.*” And then there is this: “*Section 218.121 Purpose and scope. This section states that the purpose of this proposed subpart is to ensure that each train is adequately staffed and has appropriate safeguards in place when using fewer than two-person crews for safe train operations.*”

While ostensibly the FRA is saying it wants two employee train crews out of one side of its mouth, it is saying simultaneously that single employee train crews are fine ... as long as they are done safely (“*A minimum requirement of two crew members is proposed for all railroad operations, with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroads employees ...*”). Crucially, this is where we disagree with FRA. There is no “safe” way to run a train with a single crew member, period. And while there may be the rare occasion where a limited single crew application might be feasible, the wording of the Proposed Rule seems to suggest that even Class I railroads, moving long and

trains (including hazardous materials), may apply to the FRA under to run these trains with a single crew member! This has that the failed BNSF – SMART Tentative Agreement of 2014, with its proposal for “master conductors” to assist trains operated with a lone crew member could perhaps one day soon be dusted off, dolled-up, meet the new FRA “safety” standards, and rear its ugly head once again. Only next time the carrier could claim it has the support and blessing of the FRA! Under this vague and contradictory language, it sounds in fact like any and all single employee train operations could be acceptable to the FRA if done “right”. We find this completely unacceptable.



On the surface, the FRA’s Proposed Rule appears to suggest that “A minimum requirement of two crew members is proposed for all railroad operations.” A closer reading of the Proposed Rule shows that rail carriers are free to initiate single employee crew operations if the FRA deems they can do it “safely”, rendering the rule fatally flawed in the eyes of Railroad Workers United.

Railroad Workers United encourages all railroad workers to protest this failure to ban single employee crews and to comment to the FRA before the deadline, May 15th, 2016. You may submit comments identified by the docket number FRA-2014-0033 by any of the following methods:

- **Online:** <http://www.regulations.gov>. Type in FRA-2014-0033; click on Comment Now; then follow the directions.
- **Fax:** 202-493-2251
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.

Instructions: All submissions must include the agency name (FRA), docket name and docket number or Regulatory Identification Number (RIN) for this rulemaking (RIN 2130-AC48).

We agree with former Director Joe Szabo: “*safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure.*” As such, unless and until the FRA Proposed Rule is amended and finalized to *outlaw* the operation of the vast majority of single employee train crews, the Proposed Rule will not get the support of this organization. ***No Single Employee Train Crews!***



Editorial

The Role of the Automatic Brake in the Train Wreck at Lac Mégantic

On March 6th, the *Toronto Globe & Mail* dropped a bombshell when it broke the news to all of Canada and the world that the runaway oil train that exploded in the small town of Lac - Mégantic on July 6th, 2013 had, in fact been left unattended *without* air brakes set on any of the 72 tank cars by the (single man) crew. To readers of *The Highball*, mostly railroad workers, this news must come as incomprehensible, unfathomable. It simply cannot be true. But in a bizarre twist of railroad-ing run amuck, it is true.

For engineers and trainmen, the folks who actually have been schooled in the airbrake system and who interface with it every day at work. the idea of leaving such a heavy train unattended with the automatic brake in release position under such circumstances (on the mainline, no derail protection, on a very long and steep grade) is simply unfathomable! Why on earth would a train crew leave a train of this nature – any train for that matter – unattended without the automatic air brakes applied on the train? Why? You want to know why? Because it was the *policy* of the company - the now bankrupt Montreal, Maine & Atlantic (MM&A) headed by renegade CEO Ed Burkhardt - to do just that, that's why! The Canadian government and its Transport Canada regulatory agency which apparently turned a blind eye to this absurdity, are complicit in this act of negligence, irresponsibility, and outright stupidity.

“For engineers and trainmen, the idea of leaving such a train unattended with the automatic brake in release position under such circumstances is simply unfathomable.”

Every rulebook in use today in North America speaks to the issue of securing unattended equipment. In the United States it is the law that the train's air brakes must be set when leaving rolling equipment on a mainline. Whether you work for the Norfolk Southern, the CSX or the CN (each with their own operating rules), the KCS, UP, CP, BNSF and a host of smaller outfits (roads that make use of the General Code of Operating Rules – GCOR), or former Conrail and associated properties in the Northeast (which operate under the NORAC rulebook), all U.S. railroad workers are intimately aware of how to secure a train to be left unattended. We know that an intrinsic and central part of this securement entails *setting the automatic brakes on the train*.

In Canada, the Canadian Rail Operating Rules (CROR) applies to all railroads. By Emergency Order soon after the MM&A wreck, the CROR was amended and *now* contains language on the procedure to use when leaving equipment unattended, *including the use of the automatic brake*. But three years ago, the MM&A had issued a Special Instruction that trains were to be left unattended *without the automatic brake applied*. And Transport Canada was silent, stating it is not the prerogative of the government to tell a railroad what it can or cannot do!

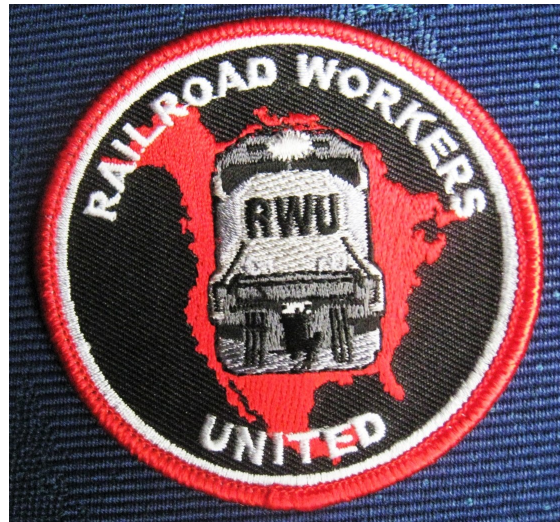
So why on earth would a railroad order its employees to secure a train in such a slipshod, unsafe manner? According to

sources, the MM&A was concerned about the train's brake system possibly freezing up while it sat awaiting a single rested crew member to take it further on down the line, and did not wish to deal with delays and hindrances should any of the cars' brake valves become iced up. So as a matter of convenience, the company opted for a policy that contradicted the protocol of a century of routine safe operating practices, and adopted a procedure unheard of in modern railroad operations. In addition, the fact that the trains in question were long and very heavy ones, to be parked on a steep grade, by a lone crew member, on a remote mainline, with no derail protection, made up of carloads of a highly toxic and explosive material made no difference at all to the company. The ultimate irony: the runaway train that had been secured in this manner? It took place in the middle of the summer.

As baffling as this whole scenario appears, what is just as curious is how this crucial information has been kept largely under wraps for nearly three years. Since the wreck took place, there has been endless speculation about how the air had managed so quickly to bleed off of the cars allowing the train to run away, when in fact there had been no air on the cars to bleed off, as only the engine (independent) air brakes had been set. How this all important fact remained obscured from public view is baffling. It comes as shocking news to the people of both the U.S. and Canada, the citizens of Lac - Mégantic, and railroaders the world over. It has certainly left Railroad Workers United in a state of shock, dismay and outrage!

So why did it take so long for such crucial info to come to light? Is it possible that Transport Canada and the MM&A have effectively conspired to hide the truth of this nasty little affair? On top of the MM&A's dismal safety record, its insistence on running trains with a single crew member, its poor “safety culture” and deferred maintenance, its irresponsible handling of these oil trains, now we have this. If there was ever any doubt in anyone's mind that the blame for this wreck should be laid at the doorstep of the MM&A and the government, this revelation surely dispels any such notion. It's time to throw out the case against Tom Harding and Richard Labrie, the workers who have been scapegoated for this crime, and have the real criminals – the carrier, it's policy makers, and the state – be put on trial!





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Eugene V. Debs, Founder of the American Railway Union

Railroad Workers United

Membership Application

Railroad Workers United needs you! Please keep your membership dues current. If your membership is about to expire or has already expired, please renew today and remain in good standing. And if you are not already a member of RWU, please consider joining; then fill out the application below and mail it in with your dues. Thanks!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

Union Position (if any) _____

I'd like to join for (check one): 1 year \$50.00 2 Years \$90.00 3 Years \$120.00

Clip and mail together with your dues to: **Railroad Workers United P.O. Box 2131 Reno, NV. 89505**

OR join on-line at www.railroadworkersunited.org