



The Highball

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Railroad Workers United

Congressional Committee Chairs Call for an Investigation into PSR

On May 12th, Chair of the House Committee on Transportation and Infrastructure, Peter DeFazio, joined with the Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials Donald M. Payne, Jr. to request the U.S. Government Accountability Office (GAO) examine the impacts that the implementation of so-called Precision Scheduled Railroading (PSR) by Class I railroads is having on workers, safety, freight shippers, passenger railroads, and long-term management of the nation's railroads. Whether or not we see any relief from this farcical operating plan remains to be seen, but at least something is being done. It is a start.

In the face of endless complaints by shippers and their associations, rail workers and their unions, passengers and their advocacy groups, trackside communities and local elected officials, Congress is finally taking notice. There is mounting evidence in recent years that the railroads have failed to perform adequately under this new operating scheme. Specifically, complaints include:

- A failure to deliver shipments on time.
- A lack of railcar equipment when needed.
- Clogged ports and rail terminals.
- A shortage of containers and intermodal equipment.
- Trains being held for lack of crews to move them.
- Fatigue and exhaustion of train and engine crews.
- An increase in derailments and other accidents.
- An increase in fatalities (Canada).
- An increase in switching injuries (as a percentage of hours worked).
- Passenger train delays on Amtrak and commuter services.
- Manpower shortages while thousands remain in furlough



The carnage wrought by PSR has been too much for some politicians to ignore. Railroad workers, through our unions, need to seize this opening to intensify our fight against the barbaric working conditions.

status.

- Problems with long and heavy trains which are a danger to rail workers, and have a greater propensity to derail, break in two, block crossings, jam up the railroad and inconvenience the public.
- Failure to pursue and even reject new carload traffic.
- Locomotive and rail car shortages and failures enroute.
- Low employee morale; workers exiting the industry resulting in a "brain drain".
- A lax safety environment, and a failure to provide for a safe workplace.
- Continued loss of market share to other transportation modes.

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Rail Carriers' Fight Over KCS Raises Deeper Questions

The rail news throughout this spring has been dominated by the question of rail mergers. Specifically, what railroad – if any – should be granted the right to acquire the Kansas City Southern (KCS), the smallest of the Class One railroads. Starting back on March 21st, Canadian Pacific (CP) announced its intention to acquire the KCS in what amounted to an "end-to-end" merger of the two smallest Class One railroads, joined at Kansas City. The new railroad would provide seamless service between the three nations of North America. Predictably, the larger and wealthier railroad – Canadian National – stepped in and offered the stock holders more money for the KCS, and the war was in full swing.

As we go to press, the Surface Transportation Board (STB), successor to the Interstate Commerce Commission (ICC) – must rule on the terms of what – if any – the merger terms look like. From the stockholder's point of view, the CN offer is far superior,

and therefore CN should naturally be awarded the prize. However, the CP-KCS combination would appear to be a far more logical choice. For their part, the rail unions generally have sided with the CP, expecting that such an end-to-end merger might result in fewer redundancies and pink slips.

The inherent efficiencies to be gained by mergers are many. Interchange between railroads is time consuming and costly. Billing is streamlined when there is single line service. Carloads move faster from origin to destination, resulting in better asset utilization of locomotives, rail cars, train crews, etc. But just as with Precision Scheduled Railroading (PSR) (see article Page 1), railroad workers and their unions must always ask the question: Efficiencies for what purpose? Efficiencies for who?

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RWU News

RWU Supports the Movement for a People's Party

RWU is proud to support the efforts of the Movement for a People's Party (MPP) to build a major new political party in the United States. For more info, including their platform, history, endorsers etc., please go to www.peoplesparty.org.

Shortly after the Democratic and Republican National conventions, in August 2020, people from all walks of life came together online to discuss forming a major new party in America. More than a million people watched students, labor leaders, scientists, journalists, academics, comedians, activists, nonprofit leaders and a former Democratic presidential candidate address the nation at The People's Convention. At the conclusion of the Convention, attendees overwhelmingly voted in favor of, "...forming a major new political party free of corporate money and influence in 2021."

Their Advisory Council includes prominent labor/social justice fighters, including **Omar Fernandez**, President of the American Postal Workers Union of Vermont, which has endorsed MPP, Executive Council Member of the Vermont AFL-CIO; **Chris Smalls**, who led a nationally reported walk out from a Staten Island Amazon warehouse after management forced employees to work during a coronavirus outbreak at the warehouse. He founded The Congress of Essential Workers; **Dr. Cornel West**, Professor of the Practice of Public Philosophy at Harvard University and Professor Emeritus at Princeton University, author of 20 books, commentator on CNN, Bernie 2020 surrogate and co-host of the Tight Rope Podcast, to name but a few.

RWU has long proclaimed its discontent with the two established parties, seeing them both as hopelessly under the influence of big corporations, Wall Street, and the rich - including the nation's big Class One rail carriers. In October 2020 RWU revised our original resolution from 2012 that advocated for an independent working class, political party. For more info, please go to our website: www.railroadworkersunited.org. Hit the "RWU Resolu-

tions" link in the left column, scroll down to "Resolutions Adopted between 2020 & 2022 Convention", where you'll find the "RWU Resolution on the US Elections."

Working people in the United States need a political party of our own that is not beholden to big money. We need a party that is of, by, and for the working people, one that is led by the unions and other popular organizations, free of corporate influence and special interests. We urge all railroad unions to join in our efforts to build a People's Party in the United States. RWU believes that the working people in this country are the vast majority. On issue after issue - whether it be single-payer health care, a rise in the minimum wage, free or reduced college tuition, funding for public transportation and education, environmental protection, preservation and expansion of union rights, and more - the majority of the people are in support. Yet our two political parties are incapable of putting forward an agenda that serves the needs and desires of the majority. Therefore, RWU supports the efforts to build a new political party that can do just that!

The People's Party Statement in Support of Railroad Workers United:

The People's Party supports Railroad Workers United (RWU) and their work of amplifying the voices of railroad workers in North America. People of all professions must organize and fight against the corporate power structure that suppresses the freedom, well-being and dignity of workers. RWU has led that fight on our railroads. The People's Party is of, by, and for working people. We reject all corporate money and influence and are free to stand genuinely and unequivocally with labor. In our struggle to shift power in our government and workplaces back to the people, we are proud to join with RWU and support their mission of uniting railroad workers of different crafts and unions for the benefit of not just all railroad workers, but of workers everywhere.

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
- Mathew Groix**, BLET #217, NS, Shenandoah, VA.

Trustees

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

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Railroad Industry

Congressional Committee Chairs Call for an Investigation into PSR

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Meantime, the railroads have continued to rake in record profits. CEO pay has increased dramatically, while the "Operating Ratio" (a statistic fetishized by hedge funds, Wall Street, and shareholders) continues to drop to record lows. Stock prices are at an all-time high. And rather than seek new traffic, two of the Class One railroads are now engaged in a battle to purchase the smallest one (see Article, Page 1).

"For years, freight rail workers and their unions have been sounding the alarm about the dangers of PSR..."

Greg Regan, president of the Transportation Trades Department, AFL-CIO (TTD), issued a statement applauding the Congressmen for calling on the GAO to study the impacts of PSR on workers, safety, and shippers: "For years, freight rail workers and their unions have been sounding the alarm about the dangers of PSR, a destructive business model dominating the freight rail industry. Today, we applaud Chairs DeFazio and Payne for taking seriously the concerns of our freight rail workforce and the customers they serve, and requesting that the GAO examine the alarming practices and conditions rail employees experience on a daily basis. TTD calls on the GAO to complete the requested study expeditiously and in consultation with the freight rail workforce."

"The ramifications of PSR are almost too many to count, and the implementation of this business model has made the freight rail industry nearly unrecognizable. The goal of PSR is to line the

pockets of wealthy shareholders by prioritizing cost cutting and profits over safety and service. As a result, freight rail workers across all crafts and classes have been systematically laid off as employment at Class I railroads has been slashed by approximately 25% in just a few years. Those left are forced to take on more responsibilities, and report being pressured to meet unattainable standards and arbitrary deadlines while combating debilitating fatigue. Railroads are also evading federally mandated inspections, neglecting maintenance, and operating fewer but significantly longer trains – a move that impacts the safety not only of rail workers, but of the communities through which these trains travel."

"Freight rail workers and their unions fear that the combination of a less-than-bare bones workforce, endemic fatigue, dangerous equipment, longer trains, and an overall disregard for safety threatens both rail workers and the long-term viability of the industry. A study by the GAO elevating these concerns is a good first step in reining in this out-of-control business model and returning safety to the freight rail industry."

In this context it is easy to see why Congress may want to investigate this fraud known as PSR. The nation's railroads – together with her waterways, lakes and rivers, highways, electrical grid, roads and bridges, airports and air traffic control system and more are indispensable to the health and vitality of the nation and its people. None of these – least of all the railroads – can be squandered for the sake of the short-term profits of a handful of super wealthy investors.

RWU urges all rail workers to engage in this fight. It is time to step up the opposition to PSR. Demand your union fight back! We need to confront the carriers and their Wall Street masters, and their farcical operating plan known as PSR. The job – and the life – you save just might be your own!

Rail Carriers' Fight Over KCS Raises Deeper Questions

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With PSR we have seen where those efficiencies go. They go to lowering the operating ratio, beefing up stock prices, paying out big dividends to investors, and buying back billions in stock. Meantime, car and locomotive shops are shuttered, maintenance is deferred, workers are furloughed, safety is compromised, union contracts are torn up, and railroad mainlines and terminals are jammed up.

So even if CP is selected (obviously the lesser of the two evils), there is no guarantee at all that the newfound efficiencies to be gained will result in boosted rail traffic. The evidence in recent years has shown that the "trickle down" to workers that is always promised never seems to develop. The last decade of PSR has seen a decline in market share, and in absolute terms, the railroads are carrying less freight than they did in 2006!

Merger and its resulting inherent efficiencies are a great idea, but not in an unregulated environment where all the benefits accrue to stockholders and Wall Street. We need mergers - including a fully transcontinental railroad - to achieve these efficiencies that rail merger can provide. BUT only if that means that railroad industry then capitalizes on these efficiencies, moving trucks/automobiles off the highways and planes out of the skies, returning freight and passengers to the railroad where



As CN and CP compete for the right to acquire the KCS, who stands to benefit from this mega-transcontinental merger? Who will ultimately pay the price?

it belongs. If this is not the result – and there is plenty of reason to believe that neither a CP-KCS or a CN-KCS merger will do this - then the merger is a failure, for shippers, workers, the environment, and the nation. Could it be time to confront the question: Is it in the best interests of society for the nation's railroads to operate solely on the basis of maximum profits for their investors?



Political Action

RWU Members Testify at OSHA Whistleblower “Listening Session”

In May, the Occupational Safety & Health Administration (OSHA) conducted a “Listening Session” to ostensibly learn how the whistleblower laws were working in the field. A handful of railroad workers and RWU members were present to testify. While we feel this is nothing more than a “dog and pony show”, that it was worth the effort for the record. Below is an edited version of the testimony of RWU General Secretary Ron Kaminkow:

My name is Ron Kaminkow. Since 1996 when I hired out in Chicago, I have been a railroad worker, first as a brakeman and conductor, and since 1999 as a locomotive engineer. I have worked for three different Class One railroads. I have operated trains over the rails of all the Class One railroads in this country, in both passenger and freight service, in eight states. I have witnessed retaliation and threats of retaliation by the rail carriers on a regular basis throughout this time. I currently serve as the General Secretary of the cross-craft group Railroad Workers United (RWU), an organization made up of railroad workers of all crafts from all unions and rail carriers in North America.

My statement to this year’s “listening session” varies little from my statement of 2020. For rail workers, the law itself appears so fatally flawed, that it is questionable if OSHA can do much unless and until the law is modified.

Five or six years ago, our members were delighted when railroad workers began to win whistleblower cases under the new law. Sadly, we quickly became disillusioned with the inability of railroad worker whistleblowers to ultimately prevail. And for the handful that did, the long, arduous process they were subjected to made it a deterrent for others wishing to assert their whistleblower rights.

On April 26, 2016 we arranged a meeting in Washington, DC with OSHA field managers and four rail worker whistleblowers headed by Jeff Kurtz, a former locomotive engineer, former Chairman of the Iowa State Legislative Board for the BLET, who has also served as a representative in the Iowa state legislature. The four expressed their collective frustrations as rank & file railroad workers with the whistleblower law and its application. Jeff would stay on and address the full Whistleblower Advisory Committee the following day.

Meantime, at RWU’s 5th biennial Convention in early April of 2016, we adopted a resolution calling for substantial changes to the law and its application in order for it to be effective. It had become painfully obvious that serious changes were needed. Sadly - to the best of my knowledge - none of these changes have been implemented, and a bad situation seems to have become worse in recent years. Our organization – once so optimistic about the prospects – has generally moved on to other issues and struggles where we feel we might be of some service.

“The rail carriers have appealed each and every time that a worker has won a whistleblower case, denying the worker the OSHA award and job reinstatement...”

The Resolution from five years ago is as relevant – if not more so – today as it was in 2016. It stated that relying on the govern-

ment to police the railroad corporations and defend those disciplined and fired for reporting on-the-job injuries and workplace hazards had been a failure.

Six years ago, 7 of the top 10 companies in terms of the number of whistleblower complaints filed in the U.S. were large rail carriers. The Federal Rail Safety Act (FRSA) whistleblower law is only available to a worker after the Department of Labor decides a case has merit, representing only a tiny percentage of the actual violations by the rail carriers.

The rail carriers have appealed each and every time that a worker has won a whistleblower case, denying the worker the OSHA award and job reinstatement, prolonging the process for years to come. And the rail carriers - at any time during the appeals process - are allowed the option to effectively buy off whistleblowers with cash settlements and thereby eliminate any reference to the original OSHA finding of carrier guilt as part of the settlement.

The OSHA whistleblower punitive damage cap that can be levied against a rail carrier is set by law at \$250,000, not nearly enough to dissuade the financially well-endowed Class One railroads from violating the law.

The law has no provision to mandate a change in corporate policy and has no provision that the carriers educate and inform their employees about the whistleblower law.

No individual managers or corporate boards have ever been disciplined – and apparently will not be – under the whistleblower law.

Therefore, in order to make the law effective, we propose the following:

- 1 – Workers who have an active whistleblower case should have the right to remain on the job pending the final outcome of the case.
- 2 – The maximum fine of \$250,000 be raised to a more substantial level to deter violations of the law.
- 3 – The OSHA ruling be enforced with no ability for the carrier to appeal to the courts. And if the ruling is appealed to the courts, then the OSHA ruling be admitted as evidence at trial.
- 4 – Whistleblower rights be clearly outlined and presented to every worker covered by a whistleblower law.
- 5 – Managers who violate workers’ rights to a safe and healthy workplace be disciplined.

Finally, we would like to see the former Whistleblower Protection Advisory Committee restored, as it offers some means by which whistleblowers can be assisted. And given the number of whistleblower complaints filed by rail workers, it would be wise to include a rail worker on the Committee.

The current law as structured has provided the illusion that a worker has whistleblower rights. But in fact, as currently constructed, it simply leads the naïve down the garden path, under the guise of providing protection while offering none.

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.





Political Action

Citizens' Groups Join with Labor to Form Nevada Rail Coalition

On June 21st, Railroad Workers United (RWU) participated in the Founding of the Nevada Rail Coalition. Two dozen participants representing a dozen organizations were present to discuss how to move rail – both passenger and freight – forward in the Silver State.

Given global, national and state developments in recent years, the organizers felt that the current moment is an opportune one for citizens to push for rail expansion all across the U.S., particularly in Nevada. Like elsewhere, Nevadans are increasingly subject to crowded and crumbling highways, increasing motorist fatalities, traffic jams and delays, skyrocketing gas and insurance prices, poor air quality and a lack of transportation options. Young people here, as elsewhere, are less interested in automobiles than were previous generations, and are increasingly looking to bicycles, busses, trolleys and trains in order to connect.

In addition, given its geographic location adjacent to the world's 8th biggest economy – California – a vast amount of freight traverses the state going to and coming from the Golden State, the vast majority of which simply crosses the state in transit. Much of this through freight goes by truck, and there is reason to believe that a chunk of that could be routed via rail. In addition, very few carloads that originate/arrive in Nevada now go by rail, but currently travel in trucks, polluting the air, crowding both highways and city streets, and pummeling the state's infrastructure. Add to this the concerns of climate change amidst massive wildfires, heatwaves, and ongoing drought, and the state is ready for a change in transportation policy. Enter the Nevada State Rail Plan.

NV State Rail Plan

Every four years, each state is required by federal law to submit a quadrennial "state rail plan." Often this process is a bureaucratic formality, with subsequent "plans" being re-hashed over again, to sit on the shelf for the next four years. This time around, Nevada took a different approach. Against the backdrop of recent adoption of green legislation, whereby the state has set ambitious goals for reduction of fossil fuel usage and emissions reductions, the State Department of Transportation

(NDOT) commissioned a full-fledged study complete with citizen input from all quarters – the railroads, shippers, passengers, trackside citizens, environmental groups, neighborhood associations and more. The result was the 2020 Nevada State Rail Plan totalling more than 300 pages, a progressive plan that envisions a dramatically beefed-up rail system in the state, one that better meets the needs of the people of Nevada in the 21st century.

In addition to advocating for better freight service, the plan calls for additional Amtrak service, as well as local/regional rail transit. The Plan is a model of what various states can do with their own plans, a comprehensive study of the state's existing rail infrastructure, potential expansion and development. With this as an immediate catalyst, Nevada citizens see a very real potential to organize around the Plan and move rail forward in the state.

The Nevada Rail Coalition

Labor was well represented at the founding meeting. RWU was represented by General Secretary Ron Kaminkow, joined by union officials from the Brotherhood of Locomotive Engineers & Trainmen (BLET) and the International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division (SMART-TD), the two unions of the operating crafts, out of both Las Vegas and Reno/Sparks. In addition, the local Teamsters President and the President of the Northern Nevada Central Labor Council were on hand. Passenger rail advocates from both Rail Passengers Association (RPA) and RailPAC of California/Nevada were present as well. Other groups represented included: the Sierra Club, Progressive Leadership Alliance of Nevada (PLAN); Mogul Neighborhood Association, Regional Transit Commission (RTC) of Southern Nevada; Strategic Rail Finance (SRF); Brightline West; and Solutionary Rail.

“...this Coalition could serve as a model for other states to put rail on the agenda and begin the process of moving both people and freight off the highways and out of the air and back on the rails where it should be.”



A significant amount of freight in and out of Nevada moves via trucks. The Nevada Rail Coalition advocates for investment in the railroad infrastructure in order to transport more of that freight via rail, as well as to improve passenger and commuter rail service. The active participation of labor, environmentalists, and the general public can serve as a model for other states and ultimately on a national level.

The participants brainstormed priorities and discussed ways to build the coalition. The group hopes to expand to include shippers' associations, neighborhood groups, local Chambers-of-Commerce, state and local agencies, tribal representatives, and others, in addition to the groups outlined above. According to RWU General Secretary Ron Kaminkow, "We are off to a fine start, with the prospects of building a powerful coalition to bring rail development to the state. In combination with the state's progressive Rail Plan, this Coalition could serve as a model for other states to put rail on the agenda and begin the process of moving both people and freight off the highways and out of the air and back on the rails where it should be."



Editorial

Railroaders and High Speed Rail: What Do We Need?

As the debate (gridlock) intensifies in Washington over President Biden's infrastructure proposals, the voices and concerns of workers and the public are being drowned out by the partisan posturing. In response, the "RWU Resolution on Rail Improvement/Development in North America" was approved at our June Steering Committee meeting. This resolution, which is posted on our website: www.railroadworkersunited.org, and the following editorial is intended to initiate and/or advance a discussion amongst railroad workers, environmental activists, passenger rail advocates, as well as the general public.

Today, the dominant narrative in the US is that any 21st century country worth anything must have special high speed rail (HSR) corridors dedicated to moving people quickly from city to city, because countries like Japan, France and even China have these systems. Secretary of the Dept of Transportation, Peter Buttigieg, has been clear about the Biden Administration's endorsement of new HSR corridors across the country. Their current support is for previously shelved projects building new corridors focusing on high-speed passenger trains.

The knee jerk reaction of most supporters of rail, including our rail unions, is to view these projects positively. But they need scrutiny. If these plans are successful, what will the state of our rail system be?

Up until now, there has only been one real public debate about HSR. One layer of politicians and bureaucrats argue that there is no money and no political will to build new HSR projects like those in other countries, so we should fix things gradually, including incremental increases in top speed. A counter-narrative is that only a big new HSR fix can get us 21st century competitive rail operations with the latest technologies. But neither of these approaches gets us what we need, and they both pose real obstacles. A robust functioning passenger/commuter system and a clean efficient freight distribution is necessary before HSR could be a significant asset to society as a whole.

How do we get to a robust sustainable rail network that serves the interests of the public, the workforce and the environment? How can we best ensure that rail will be the transportation future that successfully confronts the reality of Climate Change? We have not had a national policy discussion BY railroaders about HSR. In general, this is normal almost 100 years after the triumph of Contract Unionism where the mantra is, "the Corporations make the decisions, and the unions negotiate wages and benefits." But just like issues of unaddressed dangers of fatigue, crew consist, remote control and volatile oil or LNG-by-rail, deferring to those who literally do not care about us is a bad, sometimes deadly idea.

We know exactly what the Carriers want. It is common knowledge that it is the explicit plan of the Carriers to run automated unit trains of literally any profitable commodity while abandoning as many subsidiary lines as possible. As soon as they can get away with it, they want to do so without crews at all. They say this repeatedly, on the record, usually in their industry publications. The extended logic will not just be loss and deskilling of our work, but it also means a real harm to the economic viability of huge areas of the country. At its least destructive, it defunds the Railroad Retirement system.

So, what is wrong with the idea that the solution now is High or Higher Speed Rail? Most importantly, HSR, as it is proposed



High Speed Rail is undeniably the wave of the future, but workers and the public must have decisive input in its development and implementation if it is to be successful.

today, disregards freight rail altogether. New dedicated passenger HSR corridors that serve only urban centers will be counterposed to any substantive upgrades to our vital freight corridors, and challenge them for funding. Transportation inequity that exists today will be made worse yet.

One thing that railroaders who work high speed rail in the US (Amtrak in the Northeast Corridor (NEC)) know in practice is that top speed is not what makes important differences in timetables. In fact, what makes the difference is how many stops, and how much time is spent at slow speed. Today, in most city centers, that is the case for miles.

In the absence of truly brand-new straight corridors and few stops for exclusively passenger trains, the only gain for railroaders, the economy and communities is in fixing our existing corridors by eliminating slow bottom speeds and crossings at grade. Every improvement of this kind advances both freight and passenger rail service efficiency and sustainability.

This is also the way to address the issue of the monumental economic and environmental costs of acquiring brand new corridors. Raising top speed and not addressing the slowest speeds has limited impact because only short distances can attain the vaunted top speeds without major new technologies and changes to corridors.

Railroad workers know all too well that just because the technology exists, doesn't automatically guarantee that its implementation is a good idea. Remote control engines that make 2 mile+ long, 20,000+ ton trains possible, and remote control belt-paks that have eliminated many engineers are two examples that come to mind. An important lesson is that the workforce was never consulted.

New HSR projects without input from workers and the general public as to the most efficient, rational utilization of resources that is beneficial to all, could easily turn into a debacle. How many homes would be razed? How much private property would be claimed for the "common good"? Rural communities could be cut off, access mostly only targeted to the urban centers, with little or no way to benefit others. Such new projects will not take a significant number of cars or trucks off the roads and end the hegemony of the paving lobbies that usually win the government funding competition with rail.

But by raising the lowest speeds as much as possible, wherever possible, we can attain massive economic gains for passenger



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and freight operations. If we combine this strategy with electrification, integration of the grid, elimination of crossings at grade, and other key and shovel ready improvements, the result will be a huge advance for every sector and ALL stakeholders.

Voices little heard up until now in the policy debates, that exclude railroaders, have made the obvious point that raising the lowest speeds as much as possible for our existing corridors would mean not only no major new corridors with their costs and environmental impacts, but also would guarantee continued access to the communities served in their cores. It protects and sustains forward the network and the possibilities it creates for the future. None of that is possible with new corridors, which can be compared to exclusive, and now no longer operative, ventures like the Concorde SST. We need and can have a robust and economically vital network that serves us in more places and in more ways, while creating and maintaining good railroad jobs. In fact, we can have the advantages of this type of approach in less time, with less money and with less impact on vulnerable areas. The good news is that we don't need speculative and experimental technology to do this.

Important concerns about the future of "conventional" rail regarding threats from Climate Change and other urgent considerations have not, thus far, merged into the debate over how we might get 21st century rail. The Green New Deal (GND), understandably popular among millions, as currently outlined, side-steps questions of existing rail operations, except to the extent that it would work to eliminate fossil fuel locomotion and emphasize ending subsidies and support for fossil fuel extraction and transport. Seen solely through that lens, GND proposals that do not see a more sustainable future for railroads are naturally viewed by many railroaders with hostility. It's in our interest to push to make a sustainable railroad network, expanded and upgraded rail corridors - the Green Transportation Future - a key part of the GND. HSR, as proposed, is just as much an obstacle to that as "more of the same" Corporate railroading is.

From our inception, RWU has fiercely advocated that rank & file rail workers, through revitalized, UNIFIED unions, must assert OUR narrative, just demands and entitlements for safety and dignity on & off the job. For far too long we have allowed our union leaders to accept whatever the bosses will give us, with the "gun-to-the-head" threat that the politicians will make it

worse, should we have the audacity to attempt any serious resistance. We must educate ourselves and each other on the myriad, complex issues and factors that impact us, so that we can have civilized debate/discussion amongst ourselves, in order to arrive at informed positions, as well as the necessary tactics/strategies that flow from there. Then we need to make our case to the public for their support.

That concept applies to this emerging debate/discussion as well. If we, as railroaders, do not take the lead and work for rational freight and passenger rail service, that serves the interests of the public, as a key part of the sustainable transportation future, many of our jobs, much of our industry, significant parts of our economy and our environment could be lost.

“...it’s up to us to advocate and fight for policies that will be in society’s best interests...”

The industry is driven by fast money hedge fund billionaires and their cut deals. There are no stakeholders at the policy table representing those who will be most adversely affected by the current direction of the industry. That must change if we want a sustainable future.

This country already has a couple of major good examples of the long-term benefits of fixing and funding our existing corridors. One was the decision to electrify the routes begun 100 years ago in what is today the Northeast Corridor (NEC). That decision, originally made to reduce coal and oil smoke in urban centers, has paid dividends many times over in that time, and still pays. It has paid dividends in health for communities and workers, as well as on things like making residential and commercial electricity available in towns and cities. It has also meant less noise for neighborhoods and less maintenance for railroads regarding both track and locomotives. Many good jobs were created while also future proofing the energy supply needs by using electrical generation that could be done in many ways.

The second big example was the early 1980s removal of crossings at grade in the NEC. These were major projects, but their benefit to railroaders and communities alike in speed, cost, lives etc. have paid off ever since. It took place quickly. It has also prevented one of the major problems that plagues the rest of the industry - crossing blocking. There are many places in the US where removal of grade crossings would also promote the feasibility and development of more commuter rail services.

All these measures and others prevent communities that now have rail corridor connections from losing them. But keeping the current conditions is slow death for the industry. The Corporations have already abandoned rail service that benefits society in general in favor of Hedge Fund-like short term operating ratio manipulation aimed at Wall Street.

In conclusion, it's up to us to advocate and fight for policies that will be in society's best interests, defend our workforce, expand our health and safety, protect our communities, grow the economy and take us to the future.



Rail workers legit grievances aside, rail is the most efficient, environmentally-friendly mode of freight transportation. We must fight to see its enormous potential realized.

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"The important thing to impress upon the mind of the trade unionist is that it is his duty to cultivate the habit of doing his own thinking. The moment he realizes this he is beyond the power of the scheming politician, the emissary of the exploiter..."

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

Viewpoint: When Elected Officials Fail to Govern

Train crew size legislation should be a safety measure, not a partisan issue.

By Matt Parker and Jason Doering

In March 2016, the Federal Railroad Administration (FRA) issued a Notice of Proposed Rulemaking (NPRM) to adopt a regulation requiring crews of at least two persons on freight trains. Fueling this NPRM were safety concerns regarding several high-profile train accidents, including the disastrous crude oil train derailments in Lac Magantic, Quebec, and Casselton, North Dakota.

The proposed rulemaking was sent to the Office of Management and Budget (OMB) in December 2016. With a change of administrations the following month, OMB sent the proposal back to the FRA, where no further action on the matter was expected.

On May 29, 2019, as state-level legislation regarding train crew size was moving forward in several states, then-Administrator of the FRA, Ron Batory, issued an agency order withdrawing the NPRM regarding train crew size.

The order went steps further by declaring that the agency's action represented a determination that no action was warranted on the issue of train crew size, and state laws regarding the matter were therefore unenforceable, an assertion known as "negative preemption."

On July 16, 2019, labor organizations supporting train crew size legislation petitioned the 9th Circuit Court of Appeals for review of the FRA's action, asserting that the agency's action in the matter was arbitrary, capricious and violated the Administrative Procedures Act. Joining in this action as aggrieved parties were the states of Nevada, California and Washington, all of which have passed laws establishing minimum train crew size.

On Feb. 23 of this year, the 9th Circuit Court rendered its decision on the matter. While dismissing the labor organizations as petitioners due to lack of appropriate jurisdiction, the court concurred with the remaining petitioners, determining that the

FRA's order was, in fact, arbitrary and capricious, while also in violation of the Administrative Procedures Act. The court subsequently determined that state laws regarding train crew size are not preempted and vacated the FRA's May 2019 order.

Looking further into the court's decision, there are two opinions offered regarding the FRA's 2019 action attempting to block laws regulating train crew size that should not be overlooked:

1) That the FRA placed the pecuniary concerns of certain parties ahead of its responsibility to protect public safety; and 2) That the FRA ignored its own data on the subject in taking this action.

While these opinions of the court may be disconcerting, what should not be overlooked is that legislators at the state and federal level, who are opposing safety mandates regarding train crew size, are following the same erroneous rationale that the former FRA administrator did in withdrawing the NPRM.

By opposing two-person crew legislation, they are putting rail carriers' economic interests ahead of operational measures that have long protected the safety of the public and railroad workers, while at the same time ignoring research that demonstrates that multi-person train crews enhance safety.

Hopefully, by calling this to the attention of those officials, as well as the public that will bear a risk as the result of the transportation of freight by rail, it will move those in elected office who are making this misstep to avoid such errors in judgment in the future - because when some in our government treat safety as a partisan issue, the people who elect them potentially become the losers.

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