



# The Highball

Official Publication of  
**Railroad Workers United**

## ***Rail Carrier Files Suit Against Employees in Kentucky Train Wreck***

In early April, Norfolk Southern filed suit against two crew members of a train that wrecked a few weeks prior. The rail carrier claims that the crew was negligent and failed to prevent a March 18th train crash and derailment in Georgetown, KY in which two locomotives and thirteen cars derailed. The suit - filed in U.S. District Court in Lexington - states that locomotive engineer Kevin Tobergte and conductor Andrew Hall had failed to reduce the speed of the moving southbound train and prevent the resultant collision with the stopped northbound train.

The suit states that the two ignored a signal that required them "to be prepared to stop," further stating that the two were negligent, that they failed to maintain a reasonable lookout, failed "to pay attention to their duties," failed to properly control the movement and speed reduction, and failed to announce to the dispatcher that they were in emergency so that "other trains in the vicinity could be notified of the event."

The suit goes on to claim that the two men are liable for damages to the railway's property, including, but not limited to, damages to the locomotives, rail cars, tracks, right of way, communications and signal equipment, expenses related to getting the rail cars back on the track, transporting the locomotives for repair, and



**Norfolk Southern points the finger at two of its employees who it claims are solely responsible for the train wreck in Georgetown, KY on March 18th. Those who work on the railroad know that behind every train wreck there is a whole series of underlying factors, often hidden from view, and usually the result of failed corporate policies, practices and procedures.**

damages for loss of use of the locomotives and rail cars in addition to other clean-up related expenses.

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## ***FRA Makes Curious Request for Input, Comment on Autonomous Trains***

In March, the Federal Railroad Administration (FRA) sent out a shocker: a request for comment and information on trains that can run all by themselves. The rail industry - which has pushed for single employee operations of trains since November 1, 2004 - has not even come close to making that goal a reality. So it comes as a surprise that the FRA would chose this moment to solicit input on the subject of zero employee crews.

In an ominous sounding press release, the agency stated: "FRA requests information and comment on the future of automation in the railroad industry. FRA is interested in hearing from industry stakeholders, the public, local and state governments, and any other interested parties on the potential benefits, costs, risks, and challenges to implementing automated railroad operations. FRA also seeks comment on how the agency can best support the railroad industry's development and implementation of new and emerging technologies in automation that could lead to safety improvements or increased efficiencies in railroad operations."

By early May as this issue of *The Highball* goes to press, nearly 800 comments were received, the vast majority of these from

railroad workers and family members, overwhelmingly opposed to the concept. Their concerns are endless and include: operations at restricted speed; the aftermath of crossing accidents and derailments; accessing trains that are disabled in remote areas; failure of the autonomous trains to recognize track abnormalities in advance; passenger apprehension; inherent inefficiencies and railroad traffic fluidity; recognition of human vs. animal strikes, vehicle from debris strikes, etc.

In 2015, the FRA was condemning the practice of single employee operations. A few short years later it is soliciting input on zero employee train operations? As PTC nears completion and the rail industry prepares for an all-out assault on the operating crafts to achieve single employee crews, is the timing here simply a ploy, one to get railroad conductors and engineers and their unions to breath a sigh of relief and "settle" for single employee train crews when the alternative could be NO employee train crews? Whatever the case, Railroad Workers United is adamantly opposed to either concept. Zero employee train operations would have all of the inherent flaws of single crew operations but be exponentially worse. We say absolutely NOT to both as inefficient, dangerous and unsafe!



# RWU News & Happenings

## Railroad Workers United Celebrates 10th Anniversary with 6th Convention

On April 5th and 6th, 2018, railroad workers and our allies from across North America gathered in Chicago for the 6th Biennial Convention of Railroad Workers United. The gathering marked the 10th anniversary of RWU. Those present took part in more than a dozen workshops, presentations, and topics of discussion. Titles included: *Forging a Cross-Craft Coalition of All Railroad Workers*; *Building Solidarity with the Railroad Contract Sector*; *Building the Rail Worker - Passenger - Advocates Alliance*; and *Lessons of the Lac-Mégantic Rail Workers Defense*. A few minor changes to the RWU Bylaws were approved, and six Resolutions were adopted by the body, including a Resolution in support of a mass RWU Sustainers Drive; a Resolution in Support of a Rail Safety Coalition; a Resolution in Opposition to the Criminalization of Workers; a Resolution in Support of Electronically Controlled Pneumatic Brakes; a Resolution in Support of All Craft Unity in Bargaining; and a Resolution in Support of PTC Implementation. One resolution - in Support of Converting the Railroad Industry to Public Utilities was hotly debated and ultimately referred to the Steering Committee to be taken up at a later date.

A broad array of guests were in attendance, including a number of those who made presentations, such as Jordan Barab, for-

mer OSHA Deputy Assistant Secretary of Labor for Occupational Safety & Health; Nancy Lessin of the United Steelworkers Union, Maurice Amzallag, retired French railway worker and union activist, and others from the UK, Italy, and Poland.

Near the close of the Convention, the new RWU International Steering Committee (ISC) was seated, which includes five new members. The new ISC and Trustees are composed of RWU members from 11 different states and six different unions. For a full listing of all ISC members, Executive Committee members and Trustees, see the RWU website.



Railroad workers from across North America take part in the 6th biennial Convention of Railroad Workers United (RWU) in Chicago, IL on April 5th and 6th. Originally founded in Dearborn, MI in 2008, the organization celebrated its 10th anniversary this past April.

### 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

- Aaron Dixon, IAM #27, UP, Kansas City, MO
- Ross Grooters, BLET #778, UP, Des Moines, IA
- Adam Haslag, IBEW # 1832, UP, Kansas City, MO
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Bernie Mahoney, BRS #16, CSX, Port St. Lucie, FL
- Joe Mulligan, BLET #57, KEOLIS, Kingston, MA
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- Daniel Stroup, BLET #188, CN, Superior, WI
- James Wallace, UTU #305, BNSF, Lincoln, NE
- Andrew Weir, TCRC-LE #240, CN, Sarnia, ON
- Will Young, IAM #27, UP, Kansas City, MO

#### 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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## Worker Defense

### ***NS Sues Conductor and Engineer for Damages in Train Wreck***

*Continued from Front Page*

This lawsuit comes a few months after the long-awaited acquittal of Canadian railroad workers who had likewise been charged after a train had wrecked in Canada in 2013. In that case, the jury found the defendants “not guilty” January 19<sup>th</sup>, 2018. There, the workers faced criminal charges that could have resulted in life imprisonment. In this recent lawsuit filed by NS, the workers stand to lose everything they own.

Criminalization of workers for accidents, injuries and wrecks has become an alarming trend in recent years as corporations attempt to shift blame and focus away from their own reckless and irresponsible policies, procedure and practices that lead to such mishaps at work. The law is very clear – the employer must provide a safe workplace, and as such, has a responsibility when things go wrong, when property is damaged and people get hurt. But the large and powerful rail carriers have a vested interest in convincing judges, juries and the public at large that when something goes wrong – such as the train crash at Georgetown, KY on March 18<sup>th</sup> – it is not their fault.

**“Criminalization of workers ... has become an alarming trend in recent years.”**

Just as Railroad Workers United (RWU) took up the case of Tom Harding and Richard Labrie – the train engineer and dispatcher who were unfairly scapegoated for the tragic wreck at Lac-Mégantic, Quebec – the organization is now considering a strategic defense of these two fellow workers – Andrew Hall and Kevin Tobergte. According to RWU member Fritz Edler, “If the Norfolk Southern proceeds with its lawsuit against these two railroaders, we should all come to their defense. It is in the interest of all railroad workers to stand up for these brothers. If they are found guilty and forced into bankruptcy, their lives destroyed, then none of us who work on the railroad are safe from this kind of retribution.”

Lawsuits of this nature – while relatively rare – do occur and appear to be happening more frequently. The practice known as “behavior based safety”, a favorite ideology of the railroad industry, claims that “all accidents and injuries are avoidable” and that “individual behaviors” are responsible for accidents and injuries. As such, when a worker is injured or killed on the job, the carrier focuses (and wants us to focus as well) on specific worker behaviors that can be held responsible. When

workers, unions and the general public buy into this world view, and simply “blame the worker”, we fail to see the underlying policies, practices and procedures that accompany practically every single incident. Short-staffing, inadequate training, draconian attendance policies that force workers in to work when sick, poor train lineups, lack of reasonable work schedules and time off, poorly maintained equipment, and more all go unrecognized as the root causes of these debacles. Unfortunately, this “blame-the-worker” ideology has taken on an even uglier guise now, as workers are not only blamed when they get hurt, they are now being criminalized.

Union officials from the operating crafts have both weighed in on the question. According to John Risch, National Legislative Director for the SMART Transportation Division, “It’s outrageous behavior by Norfolk Southern.” Dennis Pierce, the President of the Brotherhood of Locomotive Engineers & Trainmen (BLET) wrote, “There has been a trend to criminalize railroad workers and prosecute them as the sole cause of these tragedies.” It remains to be seen what if any actual aid, assistance, and resources the unions will lend to mounting a campaign of support for the workers facing prosecution.

Just as with the recent trial of scapegoated rail workers in Canada, rank and file railroad workers need to mount a “political” defense. We need to dig into what happened on March 18<sup>th</sup>. Why did this train get past a red signal? What were the precursors? What underlying factors contributed? What actions (or inactions) by the company contributed to this wreck? What unsafe policies, procedures and practices – formal and informal – played a role? In the case of Lac-Mégantic, it all came out at the trial: the failure of the carrier to provide a safe workplace, to maintain its equipment in good working order, to promote proper training and safety practices, and to set clear rules and guidelines. And as we know now, the carrier irresponsibly and recklessly ordered its engineers to leave trains with upwards of 10,000 tons on a 1.2% grade with no derail or other protection and *not to set the automatic air brakes on the train’s cars!*

So what will be discovered from investigating the March 18<sup>th</sup> NS wreck? It is up to us to find out and publicize the failure of the corporation in the weeks and months leading up to, and at, the trial. Let’s make the Norfolk Southern – and any other rail carrier who takes a similar notion – regret the day they decided to legally prosecute their hard-working employees.

### ***Amtrak Engineer indicted Once Again in Pennsylvania***

In February, a Philadelphia judge decided to uphold charges once again against Brandon Bostian, the Amtrak engineer of Train #188, which crashed nearly three years ago May 12th in Frankford, PA. Common Pleas Court Judge Kathryn Lewis reversed a municipal court’s decision from Fall of 2017, thereby reinstating 246 counts of reckless endangerment, eight counts of involuntary manslaughter and one count of risking a catastrophe against the 34-year-old engineer.

A year ago, the Philadelphia District Attorney had originally declined to press charges, stating, “We cannot conclude that the evidence rises to the high level necessary to charge the

engineer or anyone else with a criminal offense.” Nevertheless, the Pennsylvania DA served an indictment against the engineer at the 11th hour on May 12th, just hours before the statute of limitations expired, two years to the day of the accident (see *The Highball*, Summer and Fall issues, 2017).

But on 9/12/17, Judge Thomas Gheret dismissed all counts against Bostian for lack of evidence, in a ruling that would not stand. The PA Attorney General filed an appeal soon after, which paved the way for Judge Lewis’ decision which stated that Gheret had erred. She ruled instead there is enough evidence, even if it is circumstantial, to proceed to trial.



# International Rail Worker News

## All Rail Crafts and Unions Across France Unite and Take Strike Action

In a powerful display of unity, all of France's rail unions – and others – have come together to oppose the proposed reforms of France's President Emmanuel Macron, a 40-year-old former investment banker. In a series of executive orders last August, Macron laid out his pro-business and anti-labor agenda: to give companies more flexibility in hiring and firing workers plus more power to negotiate working conditions directly with employees, to assume less financial risk in cases of wrongful dismissals, to hire more contract workers, and to slash budgets across the board, including cuts of 120,000 public-sector jobs.

In late March, railroad workers took the lead by declaring strike action at the national railway SNCF, announcing a series of intermittent rolling strikes throughout the spring, in the hopes of inspiring other workers to fight back. They have been joined by airline and other workers who share their concerns. To date, the strikes have been largely successful and effective at shutting down operations across the country.

Unions have called for the "strongest possible" strikes in order to protest the proposals which they believe would erode workers wages, benefits and working conditions, and would ultimately lead to the privatization of the railways. "We're striking for several reasons, but at the top of the list is the government wanting to open up the service to competition," stated Eric Santinelli, spokesman for the relatively new union SUD Rail.

At the RWU Convention April 6<sup>th</sup> in Chicago, members present heard an account of the action from Maurice Amzallag, a retired French railway worker and union activist. Brother Maurice explained that while the majority of railway workers are not union members, most are involved in the strikes and demonstrations. Every day there are rank & file assemblies of workers – union and otherwise – who collectively decide action. Members of all four rail unions are present at all assemblies, and cooperation and mutual respect is the order of the day.

But the workers and their unions have their work cut out for them. Not only are they diametrically opposed to the French President's vision of a "new" France, they are squaring off against the basic thrust of the European Union to open up the European rail system to private and international competition. If the French railroad workers lose this fight, there is every reason to believe that outright privatization - such as has taken place in the UK - could be the endgame. The result: longer



**French railway workers of the union SUD - Rail march in Paris. The initials stand for Solidarity - Unity - Democracy. Coincidentally, this is the very same slogan used by Railroad Workers United.**

hours, job cuts, contracting out of work, "flexible" work rules, downgraded retirement benefits, and increased stress for workers; higher fares and service reductions for passengers; and a loss of trains altogether in rural ("unprofitable") regions of the country.

Both the government and the workers have made it clear that they will not concede, with each viewing the strikes as a test of resolve and credibility. Students and others have joined the strikes and demonstrations to create scenes that are reminiscent of the mass uprising in Paris 1968. Other sectors are expected to join the action in protest of the broader changes to labor laws proposed by Macron. Unions fear that if he triumphs in the rail dispute, Macron could soon push through controversial reforms areas like education and pensions.

The French government has been attempting labor law "reform" for decades, including a restructuring of SNCF. But they have backed down when railroad workers and their allies mobilized mass opposition. By summer, it should be apparent whether or not rails can defeat the government once again.



## UK Rails Fight Driver Only Trains

Meanwhile in Great Britain, railroad workers keep up the fight against "Driver Only Operations." The struggle - which has been waged for two years now - has garnered support from transport unions around the world including RWU. While there are a number of differences, the struggle is similar in nature to that in North America against single employee train crews. But just as solidarity between the two unions of the operating crafts is crucial to our fight on this side of the Atlantic, so it is as well between the unions there in the UK - the RMT that represents the Guards (conductors) and ASLEF that represents the train drivers (engineers).



## **Rail Labor Unity**

### ***It is up to the Rank & File to Push the All Craft Movement Forward!***

On April 11th, 2008, the Founding Convention of Railroad Workers United adopted a resolution in support of Coordinated Bargaining. The *RWU Resolution on Building Real Bargaining Power* resolved that RWU pledge to do all in its power to convince all rail unions to create a *United Bargaining Coalition* and to cooperate with one other to strengthen bargaining power and end substandard pattern contracts. In addition, the resolution states that "RWU will commit to a cross-craft inter-union education of the membership of all unions to support such a United Bargaining Coalition."

RWU support for this concept has been ongoing from our Founding Convention until the current day. Unfortunately, throughout most of that decade, RWU was the *only* organization of railroad workers to voice support for this idea. But, finally, in 2017, the Brotherhood of Maintenance of Way Employees Division (BMWED) put out the call for all rail crafts to stick together. The union put organizers in the field to assist in building rallies, demonstrations and support for the emerging *All Rail Crafts Coalition* (ARCC) at terminals across the U.S.

RWU sees this as one of the more promising developments in recent rail labor history. We urge all railroad workers to get behind the ARCC movement and do what you can to assist in building such a Coalition in your terminal and your city.

There are a lot of ways you can do this, including:

- 1 – Attend meetings of the local ARCC group in your area.
- 2 – If there is not yet a local/regional ARCC group, start one.
- 3 – Present a resolution in support of the concept to your

local union for consideration by the membership.

4 – Forward the resolution to your international officers and the national Convention for consideration by the delegates.

5 – Post literature in support of ARCC and Coordinated Bargaining on bulletin boards, in shanties and lunch rooms

6 – Attend rallies, pickets, and other actions designed to build cross-craft unity and power.

7 – Raise the issue with co-workers when you go to work.

8 – Bring the question before GCA meetings, Regional meetings, education conferences and other gatherings of railroad rank & file union members and officers.

The idea of cross-craft unity and a universal bargaining coalition is extremely popular among rank & file rails. Unfortunately, some union officials are out of touch with the wishes of their memberships and do not share the enthusiasm for such a unified and universal coalition. Perhaps they are afraid of change. Maybe they fear there will not be a place of prominence for them in such a world. Whatever the case, these reasons are illegitimate. They are self-serving, reactionary attitudes that are counterproductive and hold the workers' movement back. It is time for the union officials of the dozen or more rail unions in the U.S. to take the lead on this issue, to follow the trail being blazed by the rank & file, or to get the out of the way! The movement for universal cross-craft unity and solidarity and a universal coalition of all rail labor is too crucial a development to allow it to be stonewalled or torpedoed by a bunch of old men who are stuck in another era and another time.

### ***Kansas City All Rail Crafts Coalition Meets on Workers Memorial Day***

**Will Young, IAM #27, Kansas City, MO**

The Kansas City All Rail Crafts Coalition (ARCC) conducted a public forum on April 28<sup>th</sup> – Workers Memorial Day – at the local Teamsters union hall that drew 29 union activists from five different unions - track workers (BMWED), machinists (IAM), electricians (IBEW), firemen & oilers (NCFO) and truckers (IBT), to discuss both rail and highway safety, and how we build an effective alliance to promote both. Brother Aaron Dixon, local rail machinist and member of both RWU and ARCC, introduced the event by linking the single employee crew issue to the Lac-Mégantic disaster, and the absolute necessity for rail workers - and all workers - to build solidarity between crafts and industries, and to overcome any false divisions that hold back working people from achieving both safe workplaces and our rightful prosperity.

Brother Dan Bonowitz, SMART-TD #1409 Legislative Rep. gave a thorough report on the FRA's current request for comment on autonomous processes in the rail industry, and the public opposition to its implementation (see article on Page 1). The rail carriers want to expand the use of automation to the ends of enhancing profits, reducing workers on the payroll, and increasing harassment of employees, such as employing drones to ensure rules compliance, and using PTC as a justification for the downsizing of train crews.

He was followed by Jerry Woods, President of Teamsters #955. Brother Woods spoke to the issue of the recent influx of autonomous highway vehicles and the many challenges

this presents to Teamster drivers today, including the concept of "platooning" in which a lead tractor/trailer is followed by one or more within 20-30 feet behind, all controlled by blue-tooth. Legislation in favor of "platooning" has been introduced in the Missouri legislature. Meanwhile, the state of Kansas has introduced legislation to increase gross vehicle weight from 80 to 90,000 lbs. All in all, Woods painted a dim picture of highway safety as a result of politicians being firmly in the pocket of corporations.

Judy Ancel, retired Director of Labor History at University of Missouri Kansas City, concluded with a brief history of the local labor movement, including the actions of the Knights of Labor in the 1880's and the "Great Southwest Strike" of 1885. She pointed out that rail unions' isolation from the mainstream organized labor movements must be overcome if we are to succeed. Ms. Ancel hosts a weekly radio show "Heartland Labor Forum" on the local community radio station KKFI, and is an active organizer in "Jobs with Justice" which recently collected over 180,000 petition signatures calling for political finance reform in Missouri.

I left this forum with a feeling of growth, of building networks, and gaining vital new allies. What we hope to build with ARCC is not a new idea by any means. Jilting the apathetic is not easy, but brothers and sisters, getting involved in "the greater good" *really is* easy. And with every friend and ally we make "the greater good" becomes more and more achievable.





# Opinion & Commentary

## ***You Railroad Workers! Don't Waste Time Mourning - Organize!***

RWU conventions are always a great opportunity to step back and collectively assess where we are at in organizing resistance to the bosses' relentless attacks on our dignity, quality of life, safety and by logical extension, their threats to our very lives. Interacting with rails from around the country, as well as international guests, sharing our respective horror stories fuels my anger and class hatred, while the camaraderie shared amongst so many dedicated fighters fuels my inspiration. Meeting several new RWU members attending their first convention and celebrating our ten year anniversary as an organization validates that we must be doing something right. How we can improve on that is an obvious question posed.

It's fair to say our jobs on the railroad are unique compared to the average industrial jobs. With the division of labor, compounded by extreme manpower cuts, we are virtually isolated from each other. This exacerbates our challenge to organize the unity and solidarity we need within our respective crafts, much less amongst the other various crafts. The barbaric schedules many of us work can add to our isolation from the rest of the working class. As the attacks on rail labor intensified in the early 1980's, a virtual no-brainer consensus began to develop that we would be in a much stronger position to defend ourselves if we were united into one industrial rail union, or at least function as one united entity vs. being fragmented into a dozen plus different unions. Unfortunately that widespread sentiment has not been able to generate much traction.

That's why the formation of All Rail Craft Coalitions (ARCC) in several major rail terminals around the country is an important development. This is a direct response to the grotesque, pathetic debacle this most recent round of so-called "national" bargaining degenerated into. As always, one union, or in this case, one of the three bargaining coalitions settles, thereby automatically setting the bar and precedent for the other unions. Usually it's been one of the operating craft unions, the UTU or the BLET, taking turns to see who can settle first. In my personal opinion, for this reason alone, the leaders of the operating craft unions, past and present, merit nomination into the "Rail Labor Hall of Shame". This time though, the UTU and BLET outdid themselves, actually negotiating and settling together in unison.

While this tissue-thin veneer of "unity" might have pleasant optics to the operating crafts, it was a vicious knife-in-the-back to the non-operating crafts who opposed the tentative agreement. Scandalously indifferent to these sentiments, the UTU and BLET leadership sold this to their members with, "There's no major work rule changes here so hurry up and ratify this before the bosses change their minds." This thought process is seriously flawed. Why would the bosses confront a major component of the work force in "national" bargaining when they're still licking their wounds from the hurt BNSF workers put on them with their attempted engineer-only agreement in 2014, and with the exception of the Wheeling & Lake Erie RR workers, they've had little to no opposition getting their coveted rule changes one terminal, property and/or carrier at a time (i.e. CN & CP)? Rather than risk another humiliating defeat, much less a possible uprising, they seem to be content with their piece-meal, path-of-less-resistance strategy for now.



*The railroad union Organizer and founder of the American Railway Union, the father of industrial unionism in the USA, Eugene V. Debs urges a crowd of workers to organize along industry lines more than a 100 years ago.*

The end result of "pattern bargaining" amongst a dozen plus different unions boils down to this: Heads = the carriers win; tails = the workers lose. If we're lucky we at least get to call it in the air so we can pick our poison. In the past, after this meticulously choreographed scenario plays out to its predetermined conclusion, the inevitable knee-jerk discontent gradually dissipates and fades away back to business-as-usual. This time feels different. In the 40 plus years since I started railroading, I have never witnessed or experienced anything resembling this phenomenon of these ARCC's. Is it possible that a significant number of railroad workers are getting close to the proverbial "breaking point"? If so, Glory Hallelujah, misery loves company, let's get this party started. I wholeheartedly encourage any and all disgruntled rail workers (you know who you are) to get involved in a local ARCC. The BMWED leadership merits credit for this initiative.

In 1893 Eugene Debs founded the American Railway Union (ARU) to organize all rail workers into one industrial union. At its peak the ARU had more members than all of the other rail "brotherhoods" combined. Though the 1894 Pullman strike was being won on the ground, the ARU was ultimately defeated by the federal militia, at the behest of the bosses, aided by the shameless treachery of the "brotherhoods" leadership. From a speech Debs gave in Chicago Nov. 24, 1905, motivating for the Industrial Workers of the World: "As long as this great army of workers is scattered among so many craft unions, it will be impossible for them to unite and act in harmony together. Craft unionism is the negation of class solidarity. The more unions you have, the less unity; and here, in fact, you have no unity at all. In this state you can do nothing to improve your working condition. You are substantially at the mercy of the corporations".

As this issue goes to press, school teachers and their allies are in the streets all over the country it seems. It is in our interests as workers to support them, and rails can learn something from their and the French rails' determined defiance.

*Mark Burrows has served as Organizer and Co-Chair for Railroad Workers United. He recently retired after hiring out in 1974, working as an engineer for a combined total of 37 years for Chicago North Western and the Soo Line/Canadian Pacific in Chicago, Illinois. He continues to be an active member of RWU .*





# Editorial

## The Carriers' Resistance to Basic Safety Applications Runs Deep

The dust had yet to settle following the wreck of Amtrak train #501 in DuPont, WA on December 18<sup>th</sup>, 2017, when another tragic – and easily avoidable – passenger train would wreck in Pine Ridge, SC, resulting in the deaths of two Amtrak crew members and injuries to scores of passengers. Once again, RWU maintains that this was a needless tragedy. For those who read the editorial in the pages of this newsletter in the Winter 2018 issue, you know that train wrecks – like those of Amtrak #501 and #91 – are usually the result of a highly complex web of contributing factors, some of which can be years in the making, a result of unsafe and irresponsible corporate practices, policies and procedures.

While this includes the case of Amtrak #91, a specific issue stands out; i.e., the failure of the rail carriers – CSX included – to implement a simple practice that was recommended a decade earlier by the National Transportation Safety Board (NTSB). Coming on the heels of a catastrophic wreck in Granite, SC., just 50 miles from the site of the Amtrak #91 disaster, the Board's recommendation urged that switch point indicators be placed in advance of all mainline facing point switches in Non-Signaled "dark" territory to warn approaching train crews if and when a switch was not lined properly for their movement. In typical fashion, because such a signal system would cost money, the rail industry balked and the Federal Railroad Administration (FRA) stood silent. In lieu of such technological fix, the NTSB offered a far cheaper option, one readily available. This simple, immediate and low cost new rule would require that anytime a train crew or other employee handles a mainline track switch in Non-Signaled territory, then the movement that immediately follows must approach that switch prepared to stop until the crew has verified that the switch is lined for their movement. Unfortunately, to this inexpensive and readily avoidable common-sense fix, the rail carriers balked once again, while the FRA remained mute. Had this modest approach been heeded by the industry and/or mandated by the FRA, then this rule would no doubt have applied to the "signal suspension" that was in place on the night of February 3<sup>rd</sup>, 2018 when Amtrak #91 ran head-on into a parked CSX train on a siding. As such, the Amtrak crew would have been required to approach the switch prepared to stop. As a result, there would have been no train wreck. But the rail carriers saw such a simple rule as too burdensome to their operations.

This reactionary attitude and disregard for the safety of rail workers and trackside communities is nothing new of course. Not only did the rail industry oppose universal application of notable safety appliances such as the Janney coupler and the automatic air brake in the 19<sup>th</sup> century, but as recently as the 1990s the industry was dead-set in opposition to safety devices and procedures such as universal application of the two-way EOT device! Hard to believe but the common EOT used on most every mainline freight train in the U.S. today was largely unavailable for the decade after the caboose was removed from service. It would take numerous wrecks, millions of dollars in damage, and dozens of lives of rail workers and trackside residents, before the outcry would force the FRA to mandate that every freight train must not depart its originating terminal without an armed 2-way EOT bringing up the rear, so if necessary, the brakes could be applied from the rear of the train.

From the time the caboose came off in the 1980s until 1996, the carriers resisted the call for such a simple common-sense safety device, citing the burden of such an expense.

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**"... as recently as the 1990s, the industry was dead-set in opposition to ... universal application of the two-way EOT device!"**

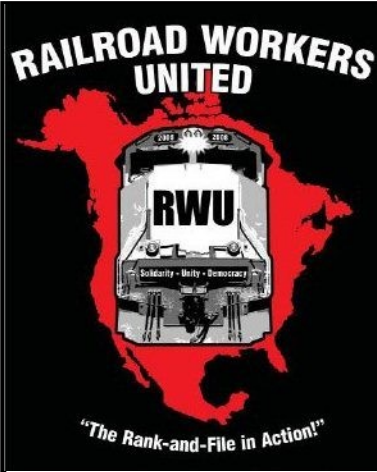
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Ironically, the rail carriers intransigence and unwillingness to implement reasonable and affordable policies, procedures and technologies – all known to save lives – contributed greatly to the outrage following the Chatsworth, CA wreck in 2008 that would result in the Positive Train Control (PTC) mandate. It is quite likely that had the carriers and the FRA taken limited actions and adhered to the NTSB recommendations issued following train wrecks over the course of the preceding decades, that the Chatsworth wreck and the PTC mandate may have never even happened! So, when you hear the carriers complain about the exorbitant cost of PTC, they have only themselves to blame, given their unwillingness to implement even the most modest changes and expenditures to achieve safer train operations, ignoring any and all proposals.

In conclusion, it is worthy to note that despite the billions spent on PTC over the last decade, the rail carriers have continued to rake in uninterrupted record profits and reduce their operating ratios to all-time lows. So, the next time you hear a railroad executive balk at NTSB recommendations as "too expensive" or "unnecessary" or a "hindrance to train operations" while the FRA turns a blind eye, don't believe a word they say. Rather, recall this past decade – the PTC mandate, the spate of catastrophic train wrecks and the record profits – as a reminder that, when it comes to making for safer train operations, the rail carriers have forfeited all moral authority to speak on the question.



**Lead locomotive in the aftermath of the NS wreck at Granite, SC in 2006 that killed nine. The NTSB recommendations for switch point indicators in dark territory went unheeded by the rail carriers and the FRA, as did a more modest proposal for restricted speed to avoid such collisions. In both cases, the railroads complained of the exorbitant expense of such installations or operations.**



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*"It is far wiser ... to devote our time, means and energy to advocating the principles of industrial unionism, building up our organization and vitalizing our propaganda by an appeal to the intelligence and integrity of the workers ... while at the same time aiding and encouraging them in all their struggles for better conditions, than to waste time in denouncing, or seeking to destroy, these reactionary old unions and their leaders."*

Eugene V. Debs, Founder of the American Railway Union, from a letter to Tom Mann in 1910

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