



The Highball

Official Publication of
Railroad Workers United

Shop Workers Overwhelmingly Vote Down Contract at CSX

Jon Flanders, IAM #1145, Retired

It's an old labor story. Workers under threat of shop closings and layoffs are asked to vote and accept a proposal to reopen their contract and make concessions to save jobs. The CSX rail corporation made such an offer to their machinists and pipefitters, backed by their unions. This concessionary tentative agreement was painted in glowing terms by CSX management.

"This new agreement is the result of tireless work between representatives from IAM, SMART and CSX, and demonstrates our collective commitment to finding innovative ways to support our employees while driving long-term efficiency," said Lisa Mancini, CSX senior vice president and chief administrative officer. "I applaud our union partners for working so closely with us through the lengthy discussions that began in 2013 at our Huntington Locomotive Shop.

"Under the tentative agreement, which is being submitted for ratification, members of the IAM and SMART unions will be able to perform a variety of assigned work beyond the tradi-

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The CSX diesel shop in Cumberland, MD where the two crafts - machinists and sheet metal workers - voted down the offensive TA by a margin of 131 to 6. Other shops around the system voted similarly, with six shops voting unanimously against the contract.

If You Care About Railroad Safety You Must Defend Tom Harding

Practically every North American railroader now knows about the tragic train wreck in the town of Lac-Megantic, Quebec in July, 2013. With its tremendous loss of life and destruction, the disaster made headlines around the world. In the aftermath of that accident, as we discussed it amongst ourselves, details became known. One of those details was that within days of the wreck the locomotive engineer of the runaway train, Tom Harding, was arrested and ultimately charged. He and his Dispatcher face the possibility of life in prison if found guilty as charged. No company official of the Montreal, Maine

and Atlantic (MM&A) - the railroad upon which the wreck took place - nor the company itself have faced criminal charges.

decisions and simply blame-the-worker every and any time there is an accident or injury, fatality or disaster. Some railroaders - even a few known as safety conscious can get this issue wrong. Because conscientious trainmen and engineers take safety on the job so seriously, taking personal responsibility comes as second nature to us. No one wants to be seen as making excuses for a co-worker who doesn't take his/her job or their co-workers' safety seriously. As a result, some raise arguments that perhaps Tom Harding is guilty of something, that maybe he deserves to be charged. Therefore, it is crucial that we examine the facts.

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Commentary

& Atlantic (MM&A) - the railroad upon which the wreck took place - nor the company itself have faced criminal charges.

To this day, there is confusion and disinformation circulated about that matter. For those of us in the fight for rail safety, it is imperative that we know the facts. This is key not just to prevent a grave injustice, but to prevent future repetitions of that incident *and* to stop the dangerous push by the rail carriers to deflect all liability for the consequences of their policy

**Come to the Railroad Workers United
5th Biennial Convention!**

**March 31 & April 1
Chicago, Illinois**

(See Page 2)



Upcoming Events

RWU Convention is Just Around the Corner - March 31 & April 1

RWU's 5th Biennial Convention will be held in Chicago, Illinois at the Hyatt Regency O'Hare Hotel and Convention Center. All RWU members in good standing are invited and encourage to do register and take part in this important and historic event.

Those members assembled at the Convention will nominate and elect a new Steering Committee, discuss and debate resolutions and bylaws amendments, hear from a broad array of guests speakers, and will take part in numerous educational workshops and presentations.

For more information and/or to Register for the conference, see the website or email info@railroadworkersunited.org or call 608-358-5771. Hope to see you in Chicago!



RWU Steering Committee and others at the 4th Convention in 2014

Innovative Safety Conference in Fort Madison, Iowa is January 22nd

The BLET Iowa State Legislative Board and the Lee County Labor Council will sponsor a day-long program in Fort Madison, IA that explores and debunks the world of "behavior based safety". Special guest: labor educator and union activist Nancy Lessin (see photo and caption at Right).

The conference will be held Friday, January 22nd all-day at the Comfort Inn, 6169 Reve Court in Fort Madison, Iowa. There is no registration fee. For more information and/or to register, please call Jeff Kurtz at 319-470-9990.

Nancy Lessin is a leading authority on how to counteract the harmful effects of "behavior based safety" and assist union members to regain power and control over safety in their workplaces. Since 2012 she has served on the Department of Labor's Whistleblower Protection Advisory Committee. Nancy has spoken at numerous railroad worker gatherings including a number of RWU Conventions.



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 the address 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

- Mark Burrows, UTU #1433, CP, Chicago, IL
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Paul Matchett, WSOR, Janesville, WI
- Dreadsen Owen IWW #520, MRS, Chicago, IL
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RWU Special Report: Lac Megantic Citizens' Rally Against Unsafe Trains

Fritz Edler, RWU Member, BLET #482, Retired

On October 11, 2015, RWU member Fritz Edler was dispatched to the small town of Lac Megantic, Quebec where a mass rally was planned to protest the return of what many see as unsafe train operations through the ill-fated Canadian town. Brother Edler was able to address the crowd briefly, brought greetings of solidarity from RWU, made contacts with citizens' groups, and investigated prospects there for a future rail safety conference. His report follows ...



More than 1,000 people marched through the downtown streets of Lac Mégantic, Quebec on October 11, in protest against the threatened renewal of oil-by-rail transport through their town.

Nearly all North American rail workers and others who are affected by rail operations know the names of the towns ... Grantsville AL, Chatsworth CA, Spuyten Duyval NY, Frankfort Junction, PA to name a few. But one town stands out by the sheer magnitude of the death and devastation ... Lac Megantic, Quebec, Canada.

On July 6, 2013, 72 tank cars of highly volatile Bakken crude oil ran away and rolled away down a 1.2% grade into the town of Lac Megantic and the train derailed in the historic town center, destroying 100 homes and businesses and killing 47. It was the worst rail accident in Canada since 1864. Behind this accident was a series of business decisions by the U.S. based rail carrier — Montreal Maine & Atlantic (MM&A) — so egregious that it is astounding that something terrible hadn't happened sooner. In the aftermath of the devastation, the Canadian Transportation Safety Board (TSB) found 18 distinct causes and contributing factors leading to the wreck. The vast majority of these were readily preventable failures by the MM&A and Transport Canada. And most of them had been the usual method of operation on the MM&A for years.

It was at the RWU rail safety conference held in Chicago September 19th that RWU members first learned about the Lac Megantic citizens' plan to hold a protest rally on October 11, 2015 in an attempt to block renewed shipments of volatile oil through the town. When that action was announced, activists present immediately wanted to participate. It was out of that moment that the Lac Megantic solidarity rally in Chicago on October 12 at the Canadian Consulate was organized. In addition, RWU members present discussed the solidarity value of having RWU railroad workers present at the Lac Megantic event. Being present would afford us the opportunity to build links and to play a role in shaping the way that the role of railroad workers is portrayed.

As a result, I volunteered to represent RWU at Lac Megantic on October 11th. Lac Megantic is not easily accessible from the US. It is about 40 miles from the border of Maine but it is in rural and mountainous country and is a two and a half hour drive from Montreal. The first impression one gets upon arrival is one of an outdoor sports paradise. But that impression is soon dispelled upon arrival at the town center, devastated two years earlier in the dramatic explosion of the derailed train.

About one thousand turned out on a cold and rainy Sunday afternoon. I marched with Tom Walsh, who is Tom Harding's attorney. Harding is the scapegoated engineer of the wrecked oil train, who, together with his dispatcher, faces 47 counts of criminal negligence resulting in death. No corporate top officer is facing charges despite the findings of the Transportation Safety Board. Everyone I spoke to expressed support for Har-

ding and called for prosecution of those who had created the policies that led to the wreck. In addition, they were amazed and delighted that railroaders from the U.S. knew about their issues and would come north to support them. With the citizens' organizing committee, I raised the idea of jointly sponsoring a rail safety conference with RWU in Quebec. This was well received, and the idea has since been debated, discussed and looked upon favorably.

The defense of Tom Harding is probably the most important question facing militant railroad workers today. It stands at the crux of all of the biggest issues in front of us. Our solidarity with the town of Lac Megantic and furthered relations with his local defense puts RWU in a better position going forward. If we want to prevent our brothers and sisters from being caught between the pinchers of community hostility to rail as a whole and our own shortsighted leaders and co-workers looking only for short-term work at any social cost, Tom Harding is who we need to talk about and defend. (See *commentary on Page 1 and Page 10*).



Former Montreal Maine & Atlantic Railway Ltd. employees Thomas Harding, right, Jean Demaitre, centre, and Richard Labrie are escorted by police to appear in court in Lac-Megantic.



Conference Report

“Crude Awakening” Holds Founding Conference in Pittsburgh, PA

On November 13-15, 2015, community activists from across North America convened a conference in Pittsburgh, PA. Its goal was to build a continent-wide network to more effectively fight unsafe oil train shipments. RWU was invited to attend, and our Steering Committee dispatched Fritz Edler (also see his report from Lac Megantic on Page 3) to take part and represent RWU at the conference. His report follows here.

I attended the Oil Train Response Conference in Pittsburgh, sponsored by ForestEthics and Frac Tracker, as a representative of RWU under assignment from the RWU Steering Committee. I was the only railroader present. The goal was to create the first cross-continent network coordinating opposition to the shipment of volatile oil shipments by rail. There were about 250 attendees - including a number of Canadians - and a broad representation of various organizations.

RWU had many friends in attendance at this conference. It was solely due to the hard work of RWU members in working with these folks and others in presenting the three 2015 regional safety conferences that the job of winning them over to understanding the importance of an alliance with railroad workers now has a chance. I would like to think that this important background work has now been continued at this conference. One result of the conference is now a continent wide network of activists that will coordinate and cooperate and probably meet again regularly on the oil train issue. They have hit the ground running by coordinating continent-wide phone conferences that began on December 4, 2015.

While on the balance, the conference on the whole was positive and presented an opportunity to move forward, for railroad workers, the conference did hold both pros and cons. It is clear that across the continent, there are people actively working to prevent unsafe shipments of oil by rail. Many of them are doing very good work. It is equally clear that there are many things most of them do not understand about railroads and the role that we play as railroad workers.

The Pros: Railroaders probably don't fully appreciate the danger to which the industry is currently exposing us. We're used to doing tough and dangerous things and most probably lump Bakken/Shale/Tar Sands Oil in with all that. That needs to change, and so drawing the attention to the matter is good. As was pointed out at the Conference, railroad unions spear-headed the "Right to Know" laws that are now on the books and are some of the few protections we have. Volatile oil shipments are fundamentally dangerous. Frankly, no matter how safe and professional our brothers and sisters are in operations, true safety for "bomb trains" is out of our control by railroad policy. So the nationwide *Crude Awakening Network* helps us.

Many of the activists there have either attended RWU safety conferences or have favorable impressions based on what they've heard. While our world is still very alien to them, many have already made an effort at including rail workers and including consideration of us even when they are unable to find railroader partners for their actions. ForestEthics and its partners did a model job of organizing the conference which

ran smoothly and encompassed a truly huge amount of material. ForestEthics was an endorser of and participant in the three RWU Rail Safety Conferences in 2015.

The Cons: There was never one mention from the podium of workers or rail workers during the entire conference leading up to the panel I was on, a breakout on the *last day*. Every other possible stakeholder, including the carriers, were either on panels or had their concerns discussed. The overwhelming sentiment of the attendees was that oil shipments are *bad*. No distinction made. The T-shirt for the conference says only "Stop Oil Trains". I made the point to ForestEthics organizers that railroaders have been hauling regular oil by rail for probably 150 years with a safety record that is the envy of transportation. I also pointed out that it is unreasonable to demand of railroaders that they alone be singled out to subsidize a social goal (ending reliance on, and the dangers of, petroleum products). If it is the greater good for society, then the whole society needs to bear the cost both economically and socially and not expect *only* railroaders (not truckers, not pipelines, not maritime) bear that cost for everyone. My impression was that they were somewhat embarrassed by this, but since they still fundamentally believe they aren't really engaging railroaders with their slogans, it isn't a big deal to them. We have a lot of work to do here.

There were participants, a minority, who are solely focused on "direct action" (acts of civil disobedience). It wasn't a big debate but it did come up in conversations and workshops. This has already presented a dangerous situation for RWU in the past, where some activists have proposed *direct actions* that endanger both themselves and railroaders. Many of the participants believe this issue is so important that they need to up the ante in some way. That will continue to be a problem for us until we can convince them that actions *on* railroad property, unless they are very carefully examined and executed, are bad ideas both in terms of safety and in terms of building the broadest possible coalition around safety.

Keynote Presentation: Marilaine Sevard from Lac Megantic gave a keynote presentation. She gave powerful presentation and in most regards it was in line with everything we knew about the organized folks in Lac Megantic, including rejection of the scapegoating of engineer Tom Harding.

RWU Info: I was able to distribute the RWU position papers on *Long & Heavy Trains, Track & Infrastructure, Single Person Crews, and Union Based vs Behavior Based Safety Programs*. I also made copies and put out an English language translation of the Nantes, Quebec town council resolution that condemned the railroad and rejected the blame-the-worker approach. I participated with the Canadians in their regional breakout with a special focus on building a conference there if possible. The Canadians were impressed by RWU's participation in the Lac Megantic October 11th event.

I presented a slide show that focused on a combination of what RWU is and does, why it is a mistake for activists to discount railroad workers, and what we can do to change that.

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Locomotive Shop Crafts at CSX Reject Concessionary Contract

Continued from Page 1

tional boundaries of craft or union affiliation. Covered employees will see increased pay through an hourly skill differential, enhanced ability to retain employment, benefits and connection to railroad retirement and an ability to perform additional locomotive rebuild work in-house with CSX employees. This new agreement builds on the success of a similar work-sharing structure implemented at the company's Huntington Locomotive Shop in 2013."

Needless to say, the affected workers saw things a little differently. It looked to them like more work for the same pay, while giving up not just traditional job jurisdictions, but seniority and employee protection agreements related to seniority. When the initial proposal met resistance in meetings, CSX closed the 100 year old Corbin locomotive shop in Kentucky and the Erwin rail yard in Tennessee. The decline in coal shipments was cited. Layoffs of other crafts followed. Obviously management hoped this would bring pressure to bear.

When both union leaders and CSX alike saw the unhappiness grow with their proposal to merge the work of machinists and pipefitters into a "Master Mechanic" job, they organized a full court press to convince the workers of the need for this change. A meeting at the IAM William Winpisinger Center with company officials and the unions was organized at the beginning of December for leaders of the local unions involved, from both the IAM and the SMART represented pipefitters. Items were "added" to the tentative agreement to try to make it seem sweeter, like a proposal to change overtime rules, something that actually was already in the works. When the votes started coming in it became clear that the NO vote was overwhelming. The members of the two crafts/unions combined voted roughly 8-to-1 against the TA. At a number of terminals, the machinists voted *unanimously* against the contract. These included Waycross, GA (0 to 141); Nashville, TN (0 to 41), Cincinnati, OH (0 to 28); Russell, KY (0 to 54); and Selkirk, NY (0 to 93).

Turnout was close to 100 percent in most cases. Only one local of the IAM voted narrowly to support the TA. Particularly notable was the NO vote by the Corbin IAM, even though the

shop there had been closed. The Huntington shop IAM vote was also a big rejection, especially since this shop had previously been selected for the trial job consolidation between machinists and pipefitters. All told, SMART members voted No by 148-to-38, a 75% rejection, while the IAM members voted No 732-to-71, a 91% rejection.

As was noted earlier, union members have become used to a certain pattern, threats of plant closings and layoffs, followed by a vote for concessions to "save jobs." In this case of the CSX shops, the pattern has been broken.

Railroad shop workers were some of the first to organize unions after the Civil War. Will they also be some of the first to say a big NO to both company and union "agreements" to exchange concessions for job security?



IAM and SMART members work on a locomotive at a CSX repair shop. The Class I carriers have been combining and consolidating railroad jobs for decades, sometimes with complicity of the unions but not without resistance from the rank and file. Locomotive maintenance and repair workers at CSX represent the latest effort by the workforce to push back against this trend. Can they stop CSX and the other big roads from decimating what remains of the in-house shop crafts?

Pittsburgh Conference Takes on the Question of Oil Train Safety

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Twenty slides, including several on the action at Lac Megantic, focused on how *that* community understands better the role of railroaders. In particular, there was interest in the slide where I outlined what groups could do to promote the alliance between environmental activists and railroaders. Despite my unhappiness with the general lack of recognition of the place of railroad workers, the reaction to my part of the railroad industry break-out session was very well received and generated a lot of discussion.

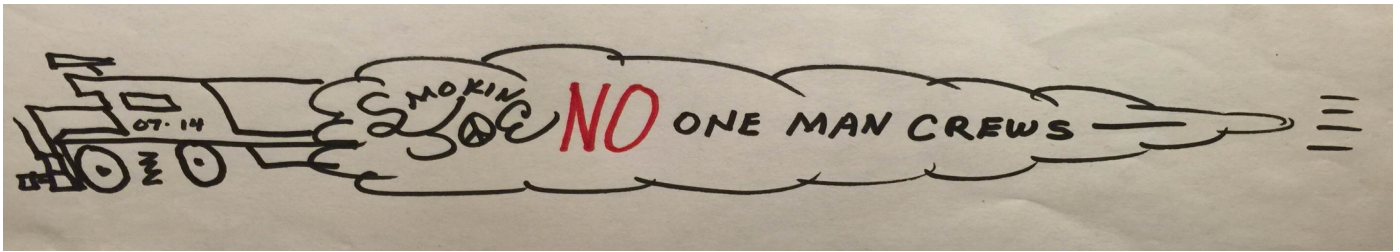
In conclusion, it was good that RWU was represented there, good that we made a presentation, and good that a continent-wide network is coming together. Unfortunately we have a long way to go in building the broadest possible movement

against unsafe train operations. After the conference, there is some evidence that our participation made some difference in the way at least some of the activists have changed their outlook and their public work. Time will tell, but we will soon see whether our proactive work bears fruit in building the strongest possible coalition against dangerous oil shipments by rail and for rail safety in general.





Railroad Art and Culture Page



The Grip - Cary Depew

The grip I use at the railroad,
 the one my father used to own.
 Never gave it much thought as a child,
 and even less once I was grown.
 Carrying his things back and forth,
 Dad would unconsciously rely.
 It was safe to say that in my short life,
 that old grip has seen more than I.
 It's place at home was a closet,
 never given much credit at all -
 But there it sat, quiet and full,
 ready each time for the call.
 When my father retired, so did his grip,
 until the next generation had come -
 and like so many bits of wisdom,
 He passed it along to his son.
 The passing of years can be seen,
 those tired zippers, ragged not new.
 A strong sturdy bag that traveled so well,
 now old weathered and blue.
 Most would not give it a glance
 just as I wouldn't when I was nine -
 but now I look and I see a life,
 that once was my Dad's, now mine.



These poems reflect the paradox that we as railroaders feel. A pride of employment in a very historical industry and a hardship that comes with always being on the move, in-between two points, home and work, trying to raise a family from the rails. Railroading gets in your blood, for some it is a family tradition.



Nashville Bound

S. Fentress & J. Wright

I got a 2-hour call for a train at 3
 Nashville bound is where I'll be,
 walk in the bedroom that's where they lay
 5, 3, and 1 on the way.
 Ready to go and grips are packed -
 12 hours down and 12 hours back.
 Laid up in a hotel till the next day -
 to waste another 12 hours away.
 Sun, sleet, snow, or rain
 You bet you find me on a train -
 workin' my days away
 carrying a picture to ease the pain.
 Days go by and holidays pass
 watchin' my kids and they grow up fast -
 livin' a hard life on the road,
 never knowing when I have to go.
 Daddy will you be here when i wake up
 as i open the door his head pops up -
 no, the railroad called and i have to go -
 I love you see you when i get home.

Send Submissions To:
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Letters from Our Readers

Furloughed Thanksgiving: A Thank You to UTU #1374 and Railroaders Everywhere

The following letter was penned by a new-hire trainman in 2015 who was furloughed together with hundreds of others coast-to-coast last year. It is reprinted here as a fine example of solidarity and brotherhood, and a reminder that the new hire is the future of the union. We must all remember to always take care of each other, both new and old alike.

Being furloughed is no fun. None at all. I think most everyone here has been cutoff at some point in their career; some for longer and some for shorter. I for one have been furloughed for about 6 months and counting. I have about 1/8 a teaspoon of seniority so I can't hold anywhere in my two-hour call radius and no money to move myself, let alone my expecting wife and our son. The best guess I can get from my union brothers and management for a call back is sometime this spring unless the bulk of the other 18 guys in front of me in line have since quit. This isn't why I'm writing all this, but do allow me to pontificate and lament for a moment so that the impetus of my true message may be understood.

I joined up at CSX as a conductor trainee in January. The family business owned by my parents had been doing poorly and was about to be sold. With the new owner making it clear he would be replacing my management position with himself, I needed a new career. So I decided I'd give the career that three generations of my mother's side had: railroading with the B&O. I loved it! I had never had a job that was so unique in its challenges to mind and body. On top of that, trainee pay was a bit of a raise for me! I couldn't wait to mark up and start making that big money. Even with a family, I didn't mind the time away that much. I'd eat and pass out when we got to the away terminal, and wake up when I got called to take the return trip, usually with the same crew I had been training with on my way out. The guys and girls I worked with were great by and large, the conversations lively, and the trips usually went quick even when we were racing the clock's law. As my mark-up date loomed, the hammer dropped. "We'll finish your training and mark you up, but you'll be going straight to furlough status." At least they let me get certified first. Many out there haven't been so lucky.

Right now I'm working as a rail loader for a company in Ohio, as a temp, where we load the newly produced Chevy Cruze into auto racks for shipping. The plant is set to shut down for a couple months early in December while they retool to produce a new body style, so I'll be laid off *AGAIN!* Minimum wage in Ohio is \$8.10 an hour, and I make \$8.90. Some weeks I work 55 hours a week, some I work 12. We're on food stamps, heat and electric assistance, and we almost got our only car repossessed when our final payment went to 90 days past due. If it wasn't for family helping us, we would be truly done. Perhaps homeless. I am the only one working as we can't afford child-care if my wife worked as well. Family isn't available to help watch him.

True, I have precisely zero intention of not returning to the railroad but in the meantime people won't even look at my resume. Most people out there know what we get paid and know they can't pay that. They also know I won't hang around long because of that. I have applied to Class II's and III's, applied

for more non-railroad jobs than I can count; come nothing. I either hear back from places saying I am over qualified (I DO have a college degree with management experience) or I hear nothing at all. Needless to say, I wasn't feeling very thankful this past Thanksgiving. When I left for work yesterday I watched the moon set and was climbing all over tri-deck auto racks by the time dawn approached. Dusk came and went while I was finishing my last few tracks and the moon had risen for my commute home. All for around \$90 gross.

Today I woke to a text message from a number I knew was associated with the UTU, asking if my house was the red one. I said, why yes it is. The reply said to check my back porch as he didn't want to wake anyone by knocking on the front door. I went downstairs to find two crew pack boxes of food and a small box of treats for my 3 year-old son. Tons of food! It wasn't just a pallet of green beans; it was name brand sauce, stuffing mix, canned pumpkin, mac and cheese, pasta, hot chocolate; all the basics and then some. I have enough name brand canned tuna for a week's worth of lunches at work and enough food to eat for a week, especially when you figure in the gift card to a local grocery store to get fresh meat. I'm the lowest I have been ever in my life at a time when we are supposed to be celebrating a plentiful harvest, yet my black Thanksgiving had been turned into a mini Christmas. This is what unions are in their spirit.

During my famine, the local has checked up on me multiple times to see if I'm holding up and to keep me up to date on things, even if the news isn't good. When they call and ask for me they ask for Brother Maynard. Today they brought me food for my family's table. I have been furloughed longer than I was in service, yet I have not been forgotten.

So gripe as we may about our national leadership, management getting their way, or any number of other things, today I give thanks. I give thanks for and to my local, and I give my thanks for you, my fellow railroaders. For all who watch each other's backs to keep our brothers and sisters safe; to be a helping hand even when that brother or sister brings it upon themselves, or when they have been barely admitted to the club when the uppers hand us our hats and tell us to wait by the phone. Happy Thanksgiving to all of you out there whether you're working or with your family. You are in my thoughts and prayers; and this will surely be a holiday that I will never forget for the rest of my life.

Thank you.

Your Brother
in service,
Ian Maynard





Our Members Speak Out

Fuel Conservation Tech – like PTC – Can Lead to Dangerous Distractions

While we rails quietly repose following the heroic vote by our Brothers and Sisters of SMART GO-001 in overwhelmingly defeating the dangerous single crew proposal, the railroads continue to work diligently to undermine our efforts; gambling with the lives and safety of those who live, work, or commute on or near our nation's railroads. We remain vulnerable and threatened. The railroads only have to win once while we must prevail at every challenge. We have the tools to be successful, but we must be eternally vigilant and *proactive* rather than reactive. It is with this thought in mind that we offer the following:

We have expressed our deep concern about the loss of a safe working environment while engineers are required to utilize the "Leader" and "Trip Optimizer" fuel conservation operating systems. (Smart Consist is another technology that presents a wholly different set of dangers that will not be discussed here). We believe these systems are at least as intrusive and distracting as requiring the engineer to respond to prompts and interact with planned PTC systems which the FRA Final Rule for PTC Implementation specifically prohibits. *Unchallenged*, we believe these systems represent a direct threat to the safety of our members and our communities, rail employment and the stability of our railroad retirement system. The railroads will surely point to them as precedent setting technologies, claiming them to be no more distracting than planned PTC systems and cite that no one has taken exception with the additional work load and distraction. The railroads would then petition the FRA to relieve them from the language in their final rule that prohibits the engineer from interacting with the PTC system while safety sensitive operations are being conducted. This is possibly *the single biggest threat to rail employment and public safety facing us today*.

The FRA's Final Rule on PTC Implementation provides that, "The onboard PTC apparatus shall be so arranged that each member of the crew assigned to perform duties in the locomotive can receive the same PTC information displayed in the same manner and execute any functions necessary to that crew member's duties. The locomotive engineer shall not be required to perform functions related to the PTC system while the train is moving that have the potential to distract the locomotive engineer from performance of other safety-critical duties." While this is certainly a step in the right direction, it fails to address *all* distracting technologies and is subject to politically influenced interpretations, appeals for relief, and Congressional remediation. Therefore, we insist that without proper crew staffing, task saturation and distractions placed upon a solitary operator would present a threat to safety.

As practiced today, these fuel conservation programs are flat-out dangerous. There are no current standards or requirements (CFR's) for the utilization of these programs. Some of the fuel management screens are in the engineer's line of sight, some are immediately to the left. So with some systems, the engineer is actually facing the conductor when following the prompts required, rather than looking out the windshield to observe proper whistling of crossings, watching for track defects, trespassers, unannounced track flags, diverging route signals, and maintaining all around situational awareness of

train handling. Whether the screens are viewed facing forward or at ninety degrees, the system requires attention be focused on the screens in a 'eyes in the cab' posture, one not conducive to the safe operation of the train. Those using a cell phone could face forward while operating a train, but doing so is a felony violation account of the distraction these devices cause. But these fuel conservation systems are just as distracting – if not more so - with the added peril of not being able to focus one's attention on what lies ahead. Distracted by the prompts and interaction with such fuel saver programs, the faster the train operates, the more dangerous the situation becomes.

In addition, upon tie-up, engineers are required to record and report all exceptions to the operation of these systems encountered. If system prompts are suspended, they must record when, for how long, and when re-enabled. To do this, one must keep a log of all exceptions encountered en route. So now we have the train running down the track, while the engineer is facing the conductor, watching the fuel conservation screen, temporarily oblivious to what is happening outside the cab ... while writing notes to comply with carrier requirements to make a full report upon tie-up, under threat of discipline! Who can remember the particulars of each incident that must be reported without taking notes? Ironically, engineers are prohibited from copying track warrants or bulletins when operating the train. Requiring them to keep track of all these circumstances is no less hazardous.

These systems fail and/or must be suspended with regularity. When trains get an automatic train stop (ATC) restriction or are sorted and sent on diverging routes or are issued special speed restrictions by the foreman in charge of a Form B, the fuel conservations system must be suspended, which is an event that must be reported upon tie-up. Furthermore, these systems often prompt the engineer to slow a train many miles before a slow order is encountered and may require braking that is not consistent with safe train handling. When these systems issue train handling instructions that are contradictory to how the engineer feels the train should be safely handled, s/he must now decide whether to follow the prompt or suspend the system and run the train in a proper manner. This is very dangerous, especially on short fast trains. All of these exceptions have to be noted and reported upon tie-up by the one person who is supposed to keep his/her situational awareness keenly focused on the task at hand; i.e. running the train safely.

Fuel conservation is a good thing, but not at the expense of distracting the engineer from running the train. Without the same strict governmental oversight that aircraft receive, these new technologies threaten a safe rail transportation system. At the very least we must demand that the task saturation and operator distraction of these new technologies receive FRA review prior to their actual utilization. The risks are too great to allow unregulated experiments to continue unabated. Railroad workers and their unions need to protest loud and clear.

Alan Thompson is an RWU member and a UP conductor who works out of Clinton, IA with 42 years' experience on the railroad. He is a member of former UTU Local #316.



Opinion & Commentary

Operating Craft Unions Are Helpless as HH Divides and Conquers at CP

To get started, I'll update some developments that were left hanging as the Fall 2015 issue of *The Highball* went to press. (see "Unity - Solidarity - Democracy: Needed Now More Than Ever") Despite the SMART-TD conductors on the Soo Line portion of the Canadian Pacific (CP) "mothership" decisively rejecting CEO Hunter Harrison's offer of "blood money for anything goes" twice in the past year, in a stunning setback for unity and solidarity, the BLET engineers ratified the agreement 152-130 with 25 not voting.

So as the Soo Line conductors emphatically, defiantly told the CP's CEO in no uncertain terms, "HELL NO!!", Hunter Harrison (H.H.) apparently consulted his "Divide & Conquer Manual for Dummies" for some step-by-step guidance on how to overcome this obstinacy on the part of the unappreciative, ungrateful conductors. This manual is only available exclusively to CEO's, their chain of command, politicians, and government run institutions, such as prisons. (Any perceived connection between the railroad and prison is purely coincidental). I can only offer my personal opinion/educated speculation as to some of the "enlightenment" that H.H. may have gotten from this manual and his subsequent thought process. Perhaps in Hunter's head, it went something like this:

"Back in the day, my heroes (the railroad robber barons of yesterday), aided and abetted by the violent, lethal repression of the federal militia, crushed the Pullman strike and the American Railway Union (ARU) in 1894. The rail bosses were no doubt concerned as that commie rat bastard Eugene Debs was attempting to organize ALL rail workers into ONE big industrial union through the ARU. To this day, all of us rail bosses remain the beneficiaries of the compliant workforce that continues to this day to be divided into over a dozen different craft unions. It's a bit unnerving to fathom that before we smashed the ARU, half of rail labor had been quickly won over to this concept. Then I calm myself down by getting back to the present, where all the leaders of the established rail unions have this "divide & conquer" thing firmly under control. It is impressive how these union officials all maintain an iron grip over their respective "fiefdoms", while having to fend off the growing chorus of, 'Boo hoo hoo, the company's so mean to us, boo hoo hoo, the union's not doing anything', by these low life scum crybaby workers. Then there is this ragtag bunch of misfits called Railroad Workers United, who aspire to emulate Debs' efforts to build cross-craft unity, solidarity and militancy amongst rail workers. That's OK since enough rail workers are content to just "piss and moan", then remain comfortably numb. That's one of the extra benefits of this CN model hourly rate agreement. When I get my way, almost everyone will be working 12 hour shifts with most of them on-call. They won't have the physical and/or mental energy, much less the time to organize resistance to the status quo. That's RIGHT! The beatings will continue until morale improves! HA HA HA...etc (sounding here like an over-served hyena with an evil sinister tone). Life is good except for those SMART-TD conductors who refuse to sell their souls, dignity, safety, co-workers, structural and physical integrity of their bodies as well as their quality of life. Not to worry, I'll just turn to the engineers. Over the years, management - together with the union leadership - have cleverly nurtured an elitist, aristocracy of labor mindset even though most of them have no clue as to what that even means. Since they attend separate union meetings, even though they still work side by side in many situations, most engineers don't get to hear the conductors

eloquently explain how working 12 hour shifts on these labor intensive, undermanned flat switching jobs day-in-and-day-out will simply grind their respective bodies to a pulp. May the next underpaid or unemployed 20 year-old, come on down! Most engineers could care less that their big money raise will come from a small percentage of the benefits I will not have to pay for the laid off conductors. HA HA HA, am I good or WHAT?! Once the engineers sign on the dotted line, I'll be able to force this on the conductors by hook or crook if they don't surrender in disgust. This is like taking candy from a baby, HA HA HA!"

At a special BLET contract meeting with an International VP and Soo Line/DM&E General Chairman (GC) there to sell this agreement, at least one engineer attempted to raise the concept of solidarity with the conductors. It was reported that the GC's response was, "You don't need to concern yourself with what the conductors are doing." Hunter Harrison would have been proud. As long as we continue to settle for and accept union "leadership" like this, one that brazenly instructs the membership to "F&@# your fellow workers", H.H. and his ilk can rest assured they have nothing to fear.

But we at RWU stand and advocate for the 180 degree opposite; UNITY, SOLIDARITY & DEMOCRACY. We strive for the day when the rail bosses tremble in fear at the prospect of an educated, organized, mobilized, and militant rank & file that stands up and refuses to be divided and conquered!

I hope you have enjoyed my streams of consciousness, rantings and "ragings" in these last 14 issues of *The Highball*. If sharing my 40 plus years of perspective in the rail industry has helped to inspire feelings of entitlement and empowerment amongst you, my brothers and sisters, then I must have been doing something right. The rant you just read will be the last and final in this series. By the time this issue of the newsletter goes to press in January, I will be free from industrial wage slavery (i.e., retired). While I look forward to taking back some of the life that's been robbed from me by the rail carrier, I plan to stay active in RWU in various capacities, and continue to pay homage to the legacy, vision and ideals of Eugene V. Debs.

I'm going to close with a few of shout-outs: 1) Ike, thanks for mentoring me when I was just a hot-headed rebel 36 years ago. 2) DJ, I'm counting on you to rock the house in 19. And 3) Thanks to all you rails for reading my column the last few years, and I look forward to continuing the discussion this spring at the RWU convention in Chicago! Solidarity Forever!!

Mark Burrows currently serves as the Organizer for Railroad Workers United. He has been a longtime member of UTU Local #1433. Until January 1st when he retired, Brother Mark worked as an engineer for CP Rail in Chicago. He first hired out in 1974 with the C&NW. This is the 14th and final installment in this series. Mark will continue his activism with RWU into his retirement and will continue to contribute articles and commentaries to The Highball .



For those wishing to see the entire series of all 14 of Mark's commentaries dating back to 2012, they are archived online at the RWU website on the Newsletter Page.



Opinion & Commentary

If You Care About Railroad Safety You Must Defend Tom Harding

Continued from Front Page

What We Know: On July 6th, 2013, at 0110 EDT the MM&A railway freight train identified as OIL-L, consisting of 5 locomotives, 1 belt pack remote control caboose and 73 cars, including 1 boxcar loaded with inert material used as buffer car directly behind the locomotives and 72 loaded tank cars of Bakken crude oil, 4748 feet long weighing 10,287 tons, ran away at Nantes station, Mile 7.4 on the Sherbrooke Subdivision. Sixty-four cars derailed at Mile 0.25 in the center of the town of Lac-Megantic, Quebec. The derailment resulted in the spill of product and a fire that in its scope and rapid spread destroyed a large part of the town center. Forty-seven people died in the event. We know that MM&A was one of the pioneers in forcing single crew operations resulting in the loss of crucial layers of safety backups. The policy of running long heavy trains with a single crew member meant that the ability to split the train and "cut" crossings was ruled out as a means of keeping these trains off the worst of the grade at Lac-Megantic. "Securing" OIL-L (also called MMA-002) on the mainline (instead of on the derail-protected siding at Nantes), without cutting crossings, meant that the train had to be tied down on the grade when that *would not have otherwise been necessary*. The decision to operate this way was not made by the engineer. Rather it was a matter of enforced MM&A *policy*.

Securing trains on the MM&A was governed by that road's *General Special Instructions* dated March 1st, 2012, in paragraphs 112-1 and 112-2. It was also found in Section 14, *General Operating Instructions* of the Canadian Pacific Railway, considered valid by MM&A. Paragraph 112-1 requires a minimum of 9 handbrakes for trains of 70 to 79 cars. This was the *only* MM&A rule applicable to the situation.

Some have argued that Harding may have only applied 7 handbrakes (as the police expert surmised, based on long distance visual inspection after the derailment) thereby setting the stage for the runaway. But the determination of the Canadian Transportation Safety Board (TSB) investigation was clear that 9 handbrakes would not have prevented the incident. The TSB investigation states that no less than 15 (and possibly as many as 26) handbrakes would have been required to prevent the incident. Prevention of the accident is the only question that needs to be asked regarding criminal charges.

There are NO credible authorities that believe that if Harding had been found to have applied the required 9 handbrakes, the wreck would have been prevented. Those who want rail safety must refuse to be fooled by rail management claims that the employee - and his actions or lack thereof - are solely responsible for safe rail operations.

The investigation shows that MMA-002 ran away because it was left on a grade without: 1 - sufficient handbrakes; 2 - derail protection, either on the siding or the Main; and 3 - a working air compressor to charge the brake system. Each of those factors were beyond Harding's control. According to the TSB investigation, each of the above were significant contributors, all the result of MM&A and Transport Canada policy decisions and deficient safety culture, setting the stage for disaster.

The fact is that if Harding had applied *no car brakes at all* and



the MM&A's policies of placement, securement, and equipment maintenance had not been what they were, MMA-002 would *never have run away*. Those matters were of course, beyond his control. The principal catalyst of the incident was the shutdown of the locomotive by the local fire department after the stack fire, shutting down the only running compressor, together with the failure of the MM&A to have a qualified person establish whether the equipment was properly secured or not after the fire was put out.

An esoteric discussion of whether Tom Harding is a great engineer or not is irrelevant. If he, in fact, had applied less than the required 9 brakes or improperly tested those inadequate brakes, his actions do not support criminal charges. At worst, he might be guilty of MM&A rule violations, although the TSB makes clear that both the MM&A and Transport Canada bear major responsibility for the failures of training and understanding that are highlighted in this incident. It has been established that even if everything would have been done *according to rule*, the equipment would still have run away and derailed. It deflects from where the criminal liability must rightly fall. Anyone who wants railroad policies, procedures, and practices that protect workers and communities need to get this right. *Next time it could very easily be you.*

Nearly every railroader has been in - or has seen - someone in the situation that Tom Harding was in that night back in the summer of 2013. By rule and based on his training and the culture of the MM&A workforce, he was rendered incapable of taking actions that could have prevented the wreck. It takes "smoke and mirrors" and a huge PR operation to turn this into criminal charges against Harding and his Dispatcher. Progressive railroaders must not participate in this scapegoating. Actual rail safety requires that the carriers assume responsibility and accountability for the demands and operating conditions that they impose on us.

The scapegoating of Tom Harding must be seen in the context of the entire industry's policy move away from all corporate responsibility. Across the continent, we have seen more and more incidents where the operating crew is held civilly or criminally liable for the results of unsafe conditions imposed upon them as a matter of railroad policy. If Tom Harding is found criminally liable in Quebec, it would deal a deadly blow to railroad safety across the continent. And the fact is that deadly consequences would inevitably be the result.



Editorial

When Railroad Carriers Threaten to Strike, the State Cowers

Back in the fall of 2008, in the face of yet another horrendous and preventable catastrophic train wreck, the US Congress passed the Railroad Safety Improvement Act (RSIA). Among its many provisions, it mandated that the railroad carriers implement Positive Train Control (PTC), a technology that ensures train separation and can enforce safety despite possible mistakes and/or oversights by the train's operating crew. The deadline for its installation was set for December 31, 2015, allowing the carriers more than seven years within which to comply. With that deadline looming, and most carriers not even close to implementation, on October 27th, 2015, Congress passed legislation that allows the railroads another three years (and now it looks more like five) to meet the *new* deadline.

Whether this is the fault of the federal government, the railroad corporations, the FCC, or whoever, we will not argue the point here. What we do want to take issue with is this: Once the U.S. rail carriers claimed that they could not possibly meet the deadline, they basically stated their collective intentions to severely restrict the movement of both freight and passengers, in effect, holding the country hostage. Their actions – had they been effected on January 1st – certainly would have induced a major recession if not outright collapse of the U.S. economy, possibly leading to a worldwide depression. Without any debate whatsoever, the U.S. Congress swiftly moved into action. Without a whimper of dissent, they did their corporate masters' bidding and granted the *carte blanche* PTC extension.

Just as Congress bailed out the big banks and major corporations back in 2008 who were "too big to fail", they were quick to view the unfolding scenario as one that could be catastrophic to the economy and the American people. And they were right. Had the major rail carriers made good on their threat, and embargoed freight and passengers as promised (all in the name of safety, of course), the consequences for all of us would have been dire. But these two choices – extension and relief on one hand, or no extension and ensuing chaos on the other – were not necessarily the only two options available.

The fact that the government rolled over without a whimper in the face of law-defying corporations who literally threatened *blackmail* of the entire economy comes as no surprise to those of us who have said for years that the state is simply a tool and a puppet of the rich and powerful. (Note: A government that was accountable to *the people* rather than capital would have been insulted at such treasonous brinkmanship by the rail carriers. It would have reminded them who runs this country (or is supposed to). And it would have *instructed* the rail carriers how to proceed with operations, with the caveat that if they chose not to follow the directives of the government and operate in the interest of the nation as a whole, then the railroads would be nationalized and run in the interest of the workers, the community and the nation. But we digress).

Let's assume for a moment that in the upcoming round of national handling, or in some future on-property contract negotiations over crew consist, workers and their unions were to go out on strike over safety issues. What would happen? Within hours, state and local police, National Guard, federal judges and even the US Congress would conspire against them to ensure that the movement of passengers and freight would con-

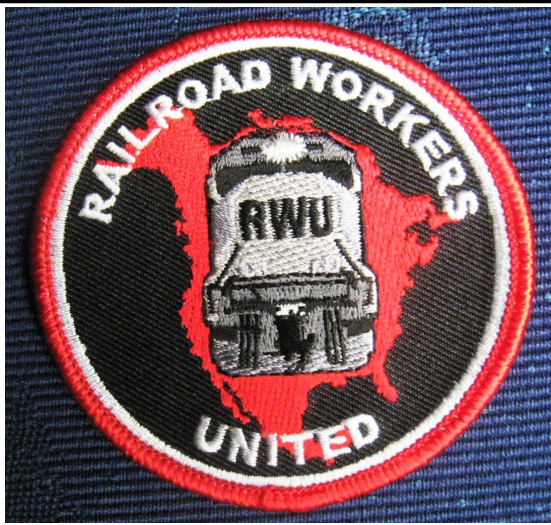
tinue unimpeded. Witness the Wheeling & Lake Erie (W&LE) strike of a few years ago. It did not take 24 hours for a corporate friendly federal judge to order these workers back to work. And this on a small regional railroad. Imagine the response to a strike on a major Class I, or a national strike. Likewise, imagine a scenario where frightened, outraged citizens – concerned about oil trains moving through their community and the threats they pose – decided to block the tracks and deny movement of such trains through their community. You can bet the state's response to this action would be quick and decisive, one similar in nature when responding to a railroad workers' strike; i.e. all out merciless repression.

Yet here we have just witnessed the major rail carriers boldly state that they would, in effect shut down the U.S., rather than risk lawsuits and liability for accidents that might have been prevented by the unimplemented PTC. The rail carriers basically threatened to strike ... and the state did not even wait to call their bluff. Not only did the state not threaten to unleash the National Guard or the army, nor even adopt legislation that would mandate the carriers continue to operate as normal, nor take them over as it once during World War I, it did absolutely nothing in response to this outrageous defiance of the law and the integrity of the nation. It did not attempt to compromise. It did not attempt arbitration, mediation, or mitigation. The state rolled over and gave the rail carriers what they wanted immediately and without question.

For what it is worth, fellow railroad workers, if and when the time comes when we must engage in strike action, and the state orders us back to work with all the power of the armed forces, the courts and the cops at their disposal, recognize the blatant hypocrisy of the cry for the "national interest" which you are sure to hear. Remember this day - October 27th, 2015 - when that same Congress that would order you back to work upon threat of termination, blacklisting, a billy club across your head, and/or imprisonment is the exact same institution that cowered before its corporate masters when they had threatened to shut down the nation's railroads and wreck the national economy. Don't ever let anyone tell you that the state is a neutral between labor and capital. The example at hand of corporate power, influence and control should convince even the most skeptical railroad worker.



In the wake of Chatworth, the Railroad Safety Improvement Act (RSIA) of 2008 mandated that Positive Train Control (PTC) be installed on tens of thousands of miles of mainline track by January 1, 2016. It now may have to wait another 5 years ... or more.



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"In our propoganda, in the discussion of our tactical and other differences, and in all our other activities, the larger faith that true comradeship inspires should prevail between us. We need to be more patient, more kindly, more tolerant, more sympathetic, helpful, and encouraging to one another, and less suspicious, less envious, and less contentious, if we are to educate and impress the people by our example, and by the effect of our teachings upon ourselves win them to our movement, and realize our dream of universal freedom and social righteousness."

Eugene V. Debs, Founder of the American Railway Union

Railroad Workers United

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