



The Highball

Official Publication of

Railroad Workers United

The Quebec Train Disaster: Who & What are Really to Blame?

In the wake of the terrible tragedy that beset the small town of Lac Megantic, Quebec on July 6th, the temptation is to look for a single factor, a single policy, or a single individual upon which to place the blame. Many in the town will be tempted to blame the notorious anti-union and lax-on-safety railroad CEO Ed Burkhardt. Meanwhile Burkhardt first blamed the town's fire department and is now pointing fingers at the train's engineer.

However, those who study the root causes of disasters like this one generally agree that these incidents are months, if not years in the making, and are the combined result of a host of factors. And while any single factor may have been the major catalyst or trigger, a whole host of precursors more than likely led up to the disaster. These might well include the actions of Ed Burkhardt as well as the engineer, but also include numerous other factors, such as single employee train operations, the advent of short lines and spinoffs, the poor safety record on the Montreal, Maine & Atlantic Railroad, inspection exemptions for unit trains like the one involved; general maintenance and staffing issues on the MM&A, the deregulatory environment in Canada in recent years, and more.

And while the ongoing investigation may take months or even years before the investigation team reaches a final conclusion, it is safe to speculate that some or all of the factors listed here all contributed in some fashion to creating a powder keg that finally exploded in Lac Megantic the night of July 6th, 2013.

Ed Burkhardt – MM&A CEO

MM&A CEO Ed Burkhardt is a renegade in the rail industry. Vehemently anti-union and dictatorial, Burkhardt gained notoriety with his first railroad, The Wisconsin Central where he was CEO from 1987 to 1999. During his reign there, he attempted single employee train crew operations, fought numerous union organizing drives, and had a poor safety record. In 1996, a similar spectacular train wreck involving hazardous materials occurred in Weyauwega, Wisconsin, complete with blazing fire balls and the town's complete evacuation. After being removed by the WC Board in 1999, "Fast Eddie" went on to purchase the

recently privatized railway in New Zealand, and did the same hatchet job on safety and staffing there. It would appear that his reckless, irresponsible behavior has continued at the MM&A. According to one source, "The modus operandi for all of Burkhardt's adventures in railroading is to fire as many employees as possible, grind down the wages of the ones who remain, and maximize the profits for himself and his fellow investors."

The MM&A Engineer

The engineer who was in charge of the train, Tom Harding, has more than 30 years experience on the rail

Continued on Page 6

In this Issue of The Highball:

- The Need to Transform Our Unions Page 2
- Task Overload Survey Results Page 2
- Engineers & Trainmen Strike W&LE Page 3
- International Rail Labor Solidarity Page 4
- Locomotive Service Workers Strike Page 5
- Quebec Train Wreck Disaster Page 6
- UP Dispatchers Close to Victory Page 7
- Support RR Contract Workers Page 8
- Rail Union Leadership Crisis - Pt 2 Page 9
- Response to Quebec Page 10
- Join Railroad Workers United! Page 12

The RWU Head-End

RWU and the Challenge to Transform Our Unions

The horrific tragedy in Lac Megantic has dramatically affected the general public's perception of the railroad industry, especially for those who live, and/or work close to the tracks. Because it hit so "close to home", many rail workers across the continent were actively discussing this incident in the immediate aftermath. As the mainstream news media quickly moved on to "more important" news, (such as the royal baby and the Obama family's new dog), RWU continued to discuss this from a range of perspectives, reflected in the front page article and in our Commentary on pages 10-11.

The impact that this incident has had on us, in the context of day- to-day discussions amongst ourselves, with co-workers and our supporters, posed even sharper some fundamental questions regarding the very essence of RWU. What role, what impact, do we aspire to in the short term? In the long term? How can we most effectively advocate and fight for our perspectives, summed up in the box

below here on Page 2. For the complete text of our Statement of Principles, as well as position statements, resolutions and past issues of The Highball, we encourage you to go to our website, [www. railroadworkersunited.org](http://www.railroadworkersunited.org).

We've heard the criticisms from union officials that RWU is too negative. We get asked occasionally, "Why don't you try to change our unions from within?" Though this is precisely what we are going for, there is no blueprint or step-by-step instructional manual to guide us through this historically necessary challenge.

So we attempt to make our case to you, our fellow workers, that the status quo is not working and has not been for decades. We, the rank and file, need to question and think for ourselves, confront reality, accurately analyze and assess it, democratically discuss and debate it, then decisively act upon our conclusions, wherever this may take us.

Continued on Page 3

RWU Publishes Task Overload Survey Results

Over the summer, nearly 300 railroaders took the RWU Survey on Task Overload. In general, those surveyed believe that task overload is a big issue and that it is not adequately addressed. While it is becoming more and more apparent that task overload is a very real and grave problem, existing safety programs on the railroad today do not appear capable of addressing the issue. Because most safety programs simply focus on workers' behavior as opposed to focusing on the behind-the-scenes hazards that lead to worker failure, things like fatigue, short staffing, excessive hours, availability policies, and yes

task overload, simply go ignored by them.

The survey results affirm what railroaders already know: that the rules are often used as a way to shift blame for accidents and injuries onto workers. And that the rail carriers' motivations in designing safety programs has far more to do with liability than actual safety.

To view the results of the survey and all of the interesting comments left by those who took the survey, please see the link: <http://railroadworkersunited.blogspot.com> or look for the results on the RWU website.

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-and-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*

Railroad Workers United P.O. Box 1053 Salem, IL. 62881

International Steering Committee

Mark Burrows	UTU #1433	CP	Chicago, IL
Jon Flanders	IAM #1145	CSX	Selkirk, NY
Robert Hill	BLET #75	BNSF	Vancouver, WA
Robert Hull	UTU #199	BNSF	Creston, IA
Ron Kaminkow	BLET #51	Amtrak	Reno, NV
Shaun Kelley	BLET # 642	BNSF	Creston, IA
Ed Michael	UTU #979	BLET #724	UP Salem, IL
Hugh Sawyer	BLET #316	NS	Atlanta, GA
James Wallace	UTU #305	BNSF	Lincoln, NE
Chet Whyers	UTU #979	UP	Salem, IL
John Wright	BLET #78	CSX	Louisville, KY

www.railroadworkersunited.org
 206-984-3051
 info@railroadworkersunited.org

Engineers and Trainmen Strike the Wheeling & Lake Erie

Major Issue: Single Employee Operation of Trains

On Friday, September 20th, more than 100 members of the Brotherhood of Locomotive Engineers & Trainmen (BLET) struck the Wheeling & Lake Erie Railway (W&LE) to protest the rail carrier's repudiation of the contract that covers both operating crafts. According to General Chairman Bob Linsey, "Specifically, the Carrier has used management officials to perform the work of bargaining unit employees, namely locomotive engineers and conductors. In defiance of the union's warnings, the Carrier has also recently ignored longstanding crew consist agreements and *operated single-person operations in an effort to eliminate trainmen.*" Pickets were set up at W&LE terminals across Ohio and Pennsylvania. The strike completely and effectively shut down the railroad.

By evening, the strikers were back on the job as a result of a federal judge's interference and issuance of a temporary restraining order (TRO) which mandated them back to work. Meantime bargaining continues in an effort to reach agreement.

The next day, the Railroad Workers United Executive Committee held a special meeting to discuss support for the W&LE workers and ways that we can assist in winning this important battle. RWU has been waging an all out fight against single employee crews for many years now, and sees the W&LE workers as being on the front lines of the struggle.

We urge all railroad workers to pay particular attention and support this effort. RWU has adopted a resolution of support and has pledged to do all it can to win this fight. To see the resolution and learn more about our efforts, please see the website: www.railroadworkersunited.org.



W&LE engineers & trainmen picket together in Ohio. RWU sees this strike as a major development in the struggle against single employee train crews, and urges all of rail labor to stand behind these brothers and sisters. Their fight is our fight!

The Challenge to Transform Our Unions

Continued from Page 2

We are not Monday morning armchair quarterbacks, but in order to effectively make our case, we are sometimes left with no choice but to draw a crystal clear distinction between the words and deeds of our present leadership vs. what we feel needs to be done. From our inception RWU has advocated for rail labor, through the institutions of our unions, to reach out to other unions as well as the general public for support and solidarity.

Imagine the possibilities of rail labor actively reaching out to all of our potential natural allies with such a campaign described in the Commentary on pages 10-11. We could gain a hearing regarding the hazardous working conditions that are imposed on us and that by extension put the public and the environment at risk.

The general public would be outraged if they thoroughly understood what is potentially at stake with inadequate inspection of and deferred maintenance of infrastructure and rolling stock due in part to manpower cutbacks and speed up as well as fatigued, exhausted,

overworked train crews hauling potentially deadly cargo through town and countryside. (A future issue of The Highball will have an article that goes into all of the above in more frightening detail).

The tragedy of Lac Megantic confirms and validates what many union activists have been advocating for decades, that the public has a vested interest in safe railroad operations. The flip side of that reality is that rail labor has a vested interest in winning the public to our side on the issue of safety. Since the Railway Labor Act mandates that the President, Senate and Congress have the final say in any unresolved dispute between our unions and the carriers, the task of building this necessary alliance is decades overdue.

We call upon and challenge the existing leadership of our unions to use their bully pulpit to loudly and aggressively make our case for a safe work environment to the public, but we steadfastly refuse to wait patiently for that day to come. RWU will intensify our efforts to educate, organize and mobilize ourselves as well as the public on these life and death issues for us as workers and for the public in general.

Railroad Workers International Solidarity

Japanese Rail Unions Call for Global Support

Doro Chiba (the National Railway Motive Power Union of Japan) has achieved a historic breakthrough in the fight against the division and privatization of Japan National Railways (JNR) in 1987. The decades long struggle of railroad workers succeeded in forcing the courts to admit that the "fire all at once and re-hire after screening" method of the JNR privatization scheme constituted an unfair labor practice by the government, exposing the lies and frauds of the privatization of JNR to the public.

On November 3rd, 2013, the Japanese labor movement will conduct its annual mass rally. The following day they will host another rally with working class attendees invited from all over the world.

Three labor unions, Doro-Chiba, Kan-Nama and Minato-Godo, together with the Nationwide Movement of National Railway Struggle have jointly invited organizations from around the world -- including RWU -- to participate. The RWU Steering Committee has officially endorsed the action and hopes to send an official representative. Any RWU member who is interested should contact RWU asap. Your expenses while in Japan will be covered by the rail unions listed above.

The Japanese working class as a whole is fighting proposals for mass austerity, that include turning 90% of the existing workforce into casual labor, together with complete dismantlement of healthcare, education, pension and the social security system.



Railway workers and their supporters rally at the national action on June 9th, 2013. Doro Chiba, the Motive Power Union of Japan has been waging a protracted struggle since 1992 after the Japan Railways was privatized and thousands lost their jobs.

Rails Without Borders Network

The Rails Without Borders Network is an international grouping that brings together unions and associations in both Europe and Africa struggling to preserve and protect public railroads and to support workers who are hurt as the result of privatization and attacks on unions. This Network is a place of convergence, discussion and also initiatives to defeat global neo-liberal policies that attack public services.

The operation of the network is flexible and open. It includes unions that are part of the International Trade Union Confederation, World Federation of Trade Unions of International Railway Transportation, and independent unions and associations as well.

In 2010, in Casablanca, the Network adopted a charter to facilitate expansion to other unions and associations on other continents. A brochure presenting the network in several languages is in progress. Each year, the Network sponsors an annual meeting. The most recent one was held in Tunisia in March 2013 at the World Social Forum. Next year's conference will be held in Burkina or somewhere in Europe sometime in January.

The network publishes a newsletter ("Together"), which

reports on the various struggles in various countries that rail labor is engaged in. There are plans to translate the newsletter into various languages in the near future. Finally the Rails Without Borders Network has a list serve in order for railroad workers to quickly and easily share news and information globally.

Railroad Workers United is exploring the prospects of joining the organization and participating in their efforts to build a network of railroad workers around the world.



Locomotive Maintenance Workers Strike, Form Union

After months of internal organizing, workers at Mobile Rail Solutions (MRS) in Chicago went public and filed for a union election in July. In the following days, three workers who were actively engaged in the unionization effort were fired by the company. The firings were an apparent retaliation for recent filings of unsafe working conditions with the Occupational Safety & Health Administration (OSHA). Management then threatened to continue firing workers showing no respect for their employees or the law.

MRS workers service locomotives in the Chicago area, performing work that was once done by union railroad workers covered by a contract, the RLA, Railroad Retirement, etc. But more and more, rail carriers are outsourcing these jobs to avoid the union and contract to outfits like MRS with poor safety records that pay low wages with few benefits.

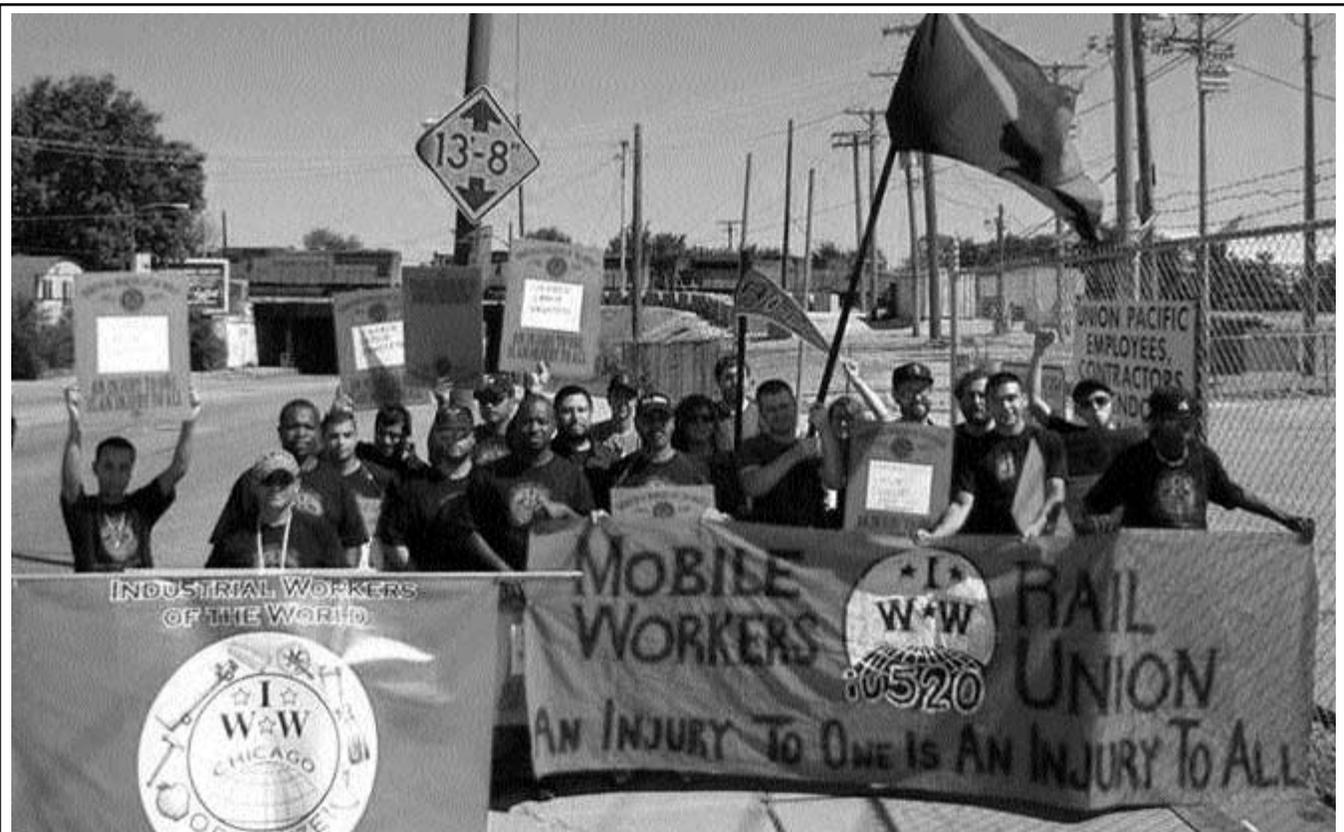
In response to these attacks, the workers organized a strike and picketed at Union Pacific's Global I and other locations in the Chicago area. They demanded a meeting with Mobile Rail's general manager to discuss the recent wave of Unfair Labor Practices and for reinstatement of their fired co-workers. Locomotive servicing came to a halt.

The workers at Mobile Rail solutions had originally contacted various rail craft union but found none interested in their

their plight. They then approached Industrial Workers of the World (IWW), a militant independent union that traditionally has organized all workers from all industries. The IWW has taken up their cause, advocating direct action of the members themselves with mass pickets, demonstrations and other worker driven activities (see photo below).

Railroad Workers United invited lead organizer Ahern Owen to our monthly Steering Committee conference call in August. We adopted a *Resolution of Support*, mobilized our members in the Chicago area to assist, made a solidarity donations to the group's Strike Fund (a fund that quickly netted the workers \$10,000), and have assisted in other ways. RWU believes that it is vital for our unions to organize these contract outfits that are siphoning off union railroad jobs and putting downward pressure on the wages, benefits and working conditions of those that remain (see the Commentary *Support the Unionization of Contracted Rail Labor* on Page 8).

The workers won their union election on August 14th by a vote of 17-to-5 despite the firings, harassment and fear tactics by MRS. They now work to negotiate a first contract. For more info and to lend a hand, call 847-571-6357 or visit <https://www.facebook.com/MobileRailWorkersUnion>.



Locomotive service workers strike against Mobile Rail Solutions, a non-union contractor that services diesel locomotives in the Chicago area. Union Pacific and other railroads are using contract labor more and more to perform a myriad of tasks -- including service and maintenance -- that once were done in-house by union railroad workers.

An Analysis of the Quebec Train Disaster

Continued from Page 1

road. Tom tied his train down for the night before departing for the hotel. What complicity he has in the events that would unfold that fateful night will be better known after the event recorder is analyzed and the full investigation completed. But we may never know if he set the appropriate number of handbrakes, as there is no software record of this activity and the cars that would have been handbraked were at the head of the train, and these cars may have been severely mangled in the inferno.

Unit Train Maintenance

Through special waivers, some unit trains that stay together as a "unit" and circulate from mine to mill or in this case from oil fill-up to oil load-out and back again in a cycle, are exempt from the scrutiny that other trains receive. It is possible that the brake shoes on the cars of the train were worn beyond a safe level, and/or the brake seals and gaskets were worn and subject to above average leakage of compressed air. A few carmen we've discussed this incident with raised questions about the train's air brakes bleeding off in such a short time period after the engine was shut down. Potentially some of this may come out in the future investigation.

The MM&A Safety Record and Safety Culture

The accident has shined a spotlight on MM&A's safety record. Over the past decade, the company has consistently recorded a much higher accident rate than the national average in the U.S., according to data from the Federal Railroad Administration (FRA). Last year, for instance, the railroad had 36.1 accidents per million miles traveled by its trains. The national average for 2012 was 14.6.

These statistics point to a railroad that is lax on safety as a matter of policy. So this outlook could easily have contributed to any failure on the part of the engineer to strictly follow the rules, knowing perhaps that the company tolerated or even encouraged "short cuts" to save time and/or money. It potentially contributed to a failure to: 1-- properly inspect the train at its initial terminal as well; and/or 2 -- properly inspect/repair the locomotive that was badly leaking oil upon arrival at the end of its run (which resulted in the locomotive fire); and/or 3 -- take action when informed by the engineer that the locomotive had a serious oil leak which could have prevented the fire and eventual locomotive shut down around midnight.

Canadian Government Lack of Oversight & Regulation

According to the United Steelworkers of America (USW), the union that represents 75 employees at MM&A in Canada, in recent times, the government of Canada has taken a "laissez-fair" approach to transport operations.

"Over the years, the federal government has deregulated rail transport as well as the aviation industry" said Daniel Roy, United Steelworkers' Quebec Director.

In fact, by the time the Mulroney government was finished with its reforms, the rail industry was deregulated, and companies had rewritten the safety rules. That launched an era of cost-cutting, massive lay-offs, and speed-ups on the job, and eventually, the full privatization of companies and rail-lines. The subsequent Liberal government completed the job by turning over what regulation remained to rail companies themselves. A report issued in 2007 by a safety group spelled out the result: Canada's rail system was a disaster in the waiting.

The rail carriers have been using old rail cars to ship the new Bakken oil, despite the fact that regulators warned the federal government they were unsafe, as far back as 20 years ago. A more recent report by a federal agency reminded the government that the cars could be "subject to damage and catastrophic loss of hazardous materials." All of these warnings have been ignored.

Short Lines and Spinoffs

The rail line in question operated by the MM&A was previously owned by the Canadian Pacific in the late 1990s. The sale by the CP was part of the arrival of the so-called "short lines" in Canada, some of which consist of rail operations that were abandoned by large rail corporations. These "spin-offs" greatly benefitted the large railroads who were now able to shed the responsibility of operating less profitable lines while in many cases continuing to receive the more lucrative "long haul", since the short line delivers its loaded rail cars to the big railroad for forwarding.

These short lines do not have the resources and are not subject to scrutiny the way larger railroads like CP and CN are. Because short lines are often lightly used, the track, locomotives and other equipment are often not maintained to the level of the larger, more prosperous railroads.

Single Employee Train Crews

The MM&A had convinced the federal government in 2012 that it could safely handle trains with a single employee. Transport Canada gave the railroad the green light in late 2012 to reduce staffing aboard road trains. (Apparently the carrier had previously been running trains with a single employee south of the border). Common sense dictates that two heads are better than one, that two sets of eyes and ears see and hear more, and that two fatigued employees at the end of a long day are no doubt better than just one. It is debatable to just what extent the single employee crew role played in the wreck, but it is safe to say that in all likelihood, a traditional crew of both conduc-

Continued on Page 7

UP Dispatchers Poised for Union Election Victory

The Union Pacific dispatchers have officially petitioned the National Mediation Board (NMB) to conduct an election to join the American Train Dispatchers Association (ATDA). Unsurprisingly, the Carrier is pulling out all the stops to deny these workers their democratic rights to decide whether to remain a member of "management" or to join with all the other train dispatchers on Class 1 railroads and be where they rightfully belong, in organized labor.

UP Dispatchers believe they have more than enough authorization (A) cards to meet the requirements for the NMB to conduct an election. The UP must believe they do as well, and that their chances of warding off the union are not good. The UP is claiming that the "A" cards are not legitimate and that the internal organizers have confused and lied to other dispatchers about what sending an "A" card means. This is a new low by UP management; they are basically claiming that those who sent in "A" cards are not smart enough to know what signing a card means.

The ATDA has challenged this assertion by UP management and is currently waiting on the NMB to make a ruling on the "A" cards authenticity. Unfortunately, due to the Republican shutdown of the government, the NMB is on furlough and any decision on the "A" cards will have to wait until the Republican shutdown is resolved. This plays into the hands of UP management, buying them time to put out lies and half-truths about the union, internal organizers, the negotiation process, and other aspects of what being a union member entails.

According to the UP Dispatchers blog, the Carrier is currently trying to bully them into believing that if they vote for the union that their pay, benefits, and working conditions could end up worse, claiming that if the union is certified

they will "start with a clean slate" and that any pay, benefits, and working conditions will be negotiated and they could end up worse than current.

Railroad Workers United stands in solidarity with our fellow workers and encourage you all to stand strong in your attempts to win this election. Joining organized labor not only benefits each and every UP dispatcher, it benefits dispatchers for other Carriers and other crafts on UP.

Get all the news about the struggle to win union certification at their facebook and twitter pages (UP Dispatchers - Club 151) and their blog Trainsheet.blogspot.com.



A train dispatcher from a previous era works a CTC panel. Today, the train dispatcher's job is more complex and demanding than ever. Unionization is the best hope these workers have to secure better wages, benefits and working conditions. Those at UP have been fighting to do just that this Fall, and hope to join with the other Class 1 dispatchers in the union as soon as they get the chance.

The Quebec Train Wreck

Continued from Page 6

tor and engineer would have performed the securing of the train in a more efficient and safe manner.

Securing Trains on A Steep Grade

Just west of where the train was left standing is apparently relatively level terrain. Had the train broke free and ran away here, it would have almost certainly have caused no damage whatsoever and rolled to a stop at a slow speed. Why then was it routine practice to leave an extremely heavy and dangerous loaded oil train at the top of a steep grade when it was not necessary to do so? Did the company stand to save money on cab ride or other fees? What-ever the case, there is no excuse for regularly leaving a train unattended on such a grade. Railroad property is almost universally accessible to pedestrians, and on a Saturday night, it is feasible that revelers could knock off

the train's hand and/or air brakes, setting it free to roll.

Conclusion

While it can be endlessly debated which of the above factors played a "key role" or a "major" or "minor" role in the train wreck, what we can plainly see is a disturbing pattern by which rail corporations, oil companies, big business and their political allies have all combined to create an irresponsible and unsafe situation where corporate profits are placed well ahead of public and worker safety. Deregulation, lax oversight, short staffing, inadequate legally mandated rest, reductions in train crew size, poor maintenance, corner cutting and more are the root causes that ultimately result in train wrecks. Unless and until this trend is halted and reversed, we are bound to see more cataclysmic train wrecks. We simply cannot trust the safety of the public and the safety of railroad workers to the rail corporations, big or small, in Canada or the U.S.

Opinion & Commentary

Support the Unionization of Contracted Rail Labor

Throughout our history, railroad workers have organized to improve our wages, benefits and working conditions. All the while, the rail carriers have seen fit to eliminate many jobs through the implementation of new technology that renders workers superfluous. In addition, the carriers have devised another means by which they can circumvent the largely unionized workforce known as "contracting out." Rather than keep the work in-house, they have opted to farm out all types of jobs to smaller, fly-by-night, mostly non-union outfits that offer their employees low pay, few benefits, and miserable working conditions.

Class I railroads have contracted out everything from locomotive servicing to track construction, weed spraying and brush trimming to car repair, rail inspection and train crew transport. It is hard to say just how many jobs have been contracted in this manner, in the tens of thousands perhaps. This is bad news for all railroad workers and it is an issue of grave concern to the future of our industry, our unions and our jobs.

When Railroad X wants to contract out work to a non-union entity, paying just a fraction of what we unionized rails enjoy, this puts enormous downward pressure on the remaining jobs at Railroad X. If successfully contracted out, Railroad X sees cost savings and has great incentive to contract out even more work. This does not bode well for our hopes for good wage increases at bargaining time.

So what is the solution? First, rank and file workers and their unions need to stand fast against contract language that permits contracting out. And we need to aggressively

defend against company abuse of existing language. And when work is in fact contracted out, then we must "follow the work." Just because the guys servicing the locomotives, cutting the brush or driving the train crews are no longer directly employed by the railroad does not mean we turn our backs on them. Not only are they our fellow workers who work right alongside us, but our very ability to thrive and prosper is intrinsically linked to theirs!

Therefore, RWU supports any and all efforts of railroad workers to organize into a union -- crew van drivers, intermodal container loaders, freight car and locomotive service and maintenance workers to name a few. The workers at Mobile Rail Solutions (MRS) in Chicago (see article on Page 5) are waging a heroic fight for decent pay and benefits, safe working conditions and dignity on the job. There was a time when the vital jobs that they perform were under the direct employment of the carrier. These jobs paid good wages and benefits and were union. No more. Why? Because now these jobs are contracted out.

It is in the interest of every railroad worker to stand should to shoulder with the MRS diesel servicing workers, the Renzenberger crew van drivers, and others who are standing up and fighting back. And if you don't think that is your concern, you need to think again. Go on down and join them on the picket line, at rallies and demonstrations. Contribute to their strike fund. Honk your horn, give 'em the thumbs up, let 'em know you support their efforts. And please, honor their picket lines and DO NOT CROSS. The next job that your employer may decide to contract out may be yours!



Locomotive service workers employed by MRS picket a rail yard in Chicago, IL. Their fight is our fight!

Opinion & Commentary

The Crisis of Leadership in Our Rail Unions - Part 2

Do the perspectives of the leadership of our unions, and the strategies and tactics that flow from those perspectives, advance our interests in the struggle for a safe work environment, respect, dignity and quality of life on and off the job?

One of the fundamental reasons RWU came into existence was that a layer of rank and file rail workers understood the urgent necessity of posing this and other basic questions to our brothers and sisters across the continent, hoping to ignite a broader discussion. What's wrong with the present picture? How have we ended up here? Why is it that our leadership talks about fighting for our interests while we know that the reality for us on the ground is deteriorating rapidly by the day? How can the widening disconnect between us and our present union leadership be explained and challenged?

In the first article in this series (see the Fall 2012 issue of *The Highball*: "Beware the Carriers' Section 6 Notices"). I explained the significance of these Section 6 notices as a preview of our not too distant future.

The November 2009 Section 6 notice opened up with the carriers singing the usual financial blues. In addition to making reference to the economic turmoil in full swing at that time, they expressed their customary concerns about the "legal and economic regulatory environment" as well as future expenditures. "Recent legislative mandates like Positive Train Control and new locomotive emissions controls will require massive additional investments in the coming years." They went on to say, "To meet increased demands for rail freight service, the industry will need to invest tens of billions of dollars in new track, signals, bridges, tunnels, and service facilities. The funds needed for those massive capital investments will not flow into the industry, however, unless railroads consistently deliver excellent financial results. Investors demand competitive returns, and will take their money elsewhere if we cannot meet their expectations." In other words, the carriers need US to work harder, run faster and jump higher for the least compensation they can get away with, in order to maximize THEIR rate of profit, so they can entice more money from investors to play with.

Truth be told, that is essentially how capitalism, the profit system functions. This will be the subject of a future commentary. When the UTU reached a tentative agreement with the carriers in 2011, there was the usual "righteous indignation" from other rail union leaders, rightfully so, that this tentative agreement would set the bar for the rest of rail labor. Many UTU members were not impressed with this tentative agreement either.

With the UTU on the defensive from other unions as well

as from within, they had a former UTU Associate General Counsel Dan Elliot, then chairman of the US Surface Transportation Board, address more than 500 officers and members at their eastern Regional Conference in New York City on July 4, 2011.

From the UTU website, posted July 5, 2011, came this headline: "STB chairman: T & E workers 'unsung heroes'": The article noted that, "Elliot cautioned that while railroads are posting record profits, major railroads remain revenue inadequate – earning less on their invested capital than is required by the marketplace to attract new investment for long-term renewal of track, signals, and equipment. The STB's most recent determination for calendar year 2009, found not a single railroad to be revenue adequate. His point, recognized by contract negotiators in the room, is that while rail profitability is impressive and improving, it is unlikely a presidential emergency board or Congress would conclude that railroads can afford more than the voluntary national contract settlement pending UTU rank-and-file ratification".

So here we have the UTU, the biggest rail union in the U.S., inviting a government official to address its membership, to plead the carriers' case for "revenue adequacy", in order to motivate for ratification of the tentative agreement on the table at that time. With apologies to the Joker, Riddle me this Batman: How can our union leadership effectively defend us from the carriers' assault on our safety, dignity, respect, quality of life on and off the job, when they are essentially re-stating the carriers' justification for this assault? *To be continued ...*

For further reading on the issues raised here, please see the following: 1) The UTU website posted October 5, 2011, '*Rail revenue adequacy faces challenge, stocks down*' is a very instructive primer on this subject that we will no doubt be hearing more of; and 2) The RWU website, under RWU Campaigns, the *Coordinated Bargaining* link takes you to articles, our resolution and leaflet advocating for "One Big Labor Coalition" of rail unions to implement a national strategy of coordinated bargaining.

In the next issue of *The Highball* I'll expand on these issues, including the BLET's posturing leading up to the 2011 "strike" (that was never going to happen).

Mark Burrows is a Co-Chair of Railroad Workers United, a member of UTU Local #1433 and an engineer for the CP Rail in Chicago, IL. This is the fifth installment in this series.



Opinion & Commentary

The Rail Unions' Response to the Quebec Disaster, Single

On July 6th, an unmanned oil tanker train, that had been operated engineer-only and secured by him, ran away from its securement, hurtled into the town of Lac Megantic, Quebec, derailing, exploding, reducing a significant portion of the town to rubble, killing approximately 50 people and injuring countless more. Within a few days, the engineer was being publicly scapegoated by the railroad's CEO and now faces criminal charges. Two weeks later, on July 19th, Brotherhood of Locomotive Engineers & Trainmen (BLET) President Dennis Pierce issued an official statement on the subject of the Lac Megantic tragedy and the pressing issue of single-employee train crews. Perhaps in response to this statement, United Transportation Union (UTU) President Mike Futhey issued a statement on August 8th, addressing the same issue. RWU wholeheartedly supports Pierce's position that the BLET spearhead "a nationwide effort to end single-person operations" and Futhey's stand that we honor the victims "by fighting for change". However, we do take some issue with their delayed response, the contradictions between past deeds and present words, and their vision of the forms this fight may take. Given the stakes involved for us as rail workers, as well as the public, validated by the horrifying magnitude of this tragedy, we feel that a few constructively critical observations are in order.

Pierce cites "respect for the grieving" as the reasoning behind not commenting on this tragedy for almost two weeks before stating, "I can no longer remain silent". RWU believes rail labor should quickly make its voice heard whenever such an important issue makes national news and the public's attention is focused on the question. It is not often that the public notices the railroad. When it does, it offers us an invaluable opportunity to get our point of view across. Ed Burkhart (President of the MM&A Railroad) certainly got his view out there in real time. Likewise we need to get our perspective in front of the news media and before the public. To their credit, the Steelworkers union in Canada quickly spoke out in defense of the engineer and condemned MM&A's actions.

Futhey takes credit for "submitting petitions to governmental agencies and by talking directly to the carriers", only to lament that, "Unfortunately our demands for safety regulations, either arbitrarily or voluntarily have fallen on deaf ears". We wholeheartedly applaud both Pierce and Futhey when they take the Federal Railroad Administration (FRA) to task for their non-regulation of railroad safety when it comes to single-employee crew operations. The FRA has the power to enact regulations to make railroad operations safer and is quick to do so when employee mistakes make the news. However, prior to this tragedy the FRA had been virtually silent on the

subject of single-employee crews. Every railroader (whether they be rank-and-file or elected union leaders), the public and our congressional representatives should be constantly asking the FRA why they are opposed to making railroad operations safer by regulating crew size.

Pierce Invites SMART (UTU) to Join the Effort

RWU agrees with Pierce when he invites the UTU to join the BLET to fight single employee train crews. However, we cannot ignore the past struggles for unity between the two unions on this issue. It was January 31st, 2006 when the UTU and BLET presidents last linked arms and declared "we will never tolerate single employee crews!"

Unfortunately this rare unified defiant stand would have a limited shelf life. The next year the BNSF and the BLET reached an on-property agreement to allow RCO outside of the confines of the yard and expand its use to the road (a key component the carriers seek to be able to employ conductor-less trains on the road). And who would be the proud operator of the RCO box on a single employee train? The BLET represented engineer would. A few days later UTU President Paul Thompson wrote a scathing letter to BLET President Paul Sorrow accusing the BLET of back stabbing treachery and a failure to live up to the agreement to oppose single employee train operations. That was the end of the short-lived agreement between the two unions on the question of single-employee trains. It's worth noting that the general chairman at this time of the BLET's BNSF General Committee that negotiated this language and sold it to his members as great "job security" was Dennis Pierce. Meanwhile, the UTU proceeded to allow single-employee RCO yard operations. RWU will continue to publicly demand that the two unions unite once and for all behind this life-and-death issue, and put the interests of engineers and trainmen ahead of suicidal, self-interest driven jurisdictional squabbles.

Burkhart Runs Single-Crew Trains "because he can"

Brother Pierce tells us that Ed Burkhart, CEO of the MM&A, runs trains with a single-employee "because he can". Doesn't this beg the question, "Why can he?" He "can" because the unions and the carriers have negotiated the language that opens the door to allow for this practice. For much of the last decade the only voice in the wilderness that has been actively opposing single employee crews has been RWU. He "can" because the unions have done next to nothing to educate the public about the dangers that communities, like Lac Megantic, face with the single-employee operation of trains. He "can" because the unions unconditionally accept the terms of engagement that keep us in a virtual straight-

Opinion & Commentary

Employee Train Crews, and What We Must Do Now

jacket for any meaningful fight for safety. He “can” because the regulatory agencies are more concerned with the carriers’ needs and interests. The fact that the MM&A has been running single-employee trains south of the border for some time no doubt pressured the Canadian government to allow a waiver for the MM&A to do the same thing on the other side of the border in 2012, thus setting the stage for the tragedy in Lac Megantic. Burkhart, like any other railroad carrier CEO, can run trains with a single-employee train crew – if the public, the government, society and the workforce let them. Our job as a union is to stop this from happening!

It’s worth noting here one more explanation. He “can” because for decades the unions have done virtually nothing to challenge the attacks on our wages and working conditions that escalated with the proliferation of “short line” railroads, most of them spun off from the major carriers. At worst the unions and contractual agreements were eliminated with the stroke of a pen and the shuffling of a few papers. At best the unions remained to sanction and legitimize these attacks or managed to recoup what was left of their lost dues base once the dirty deeds were done. The “short lines” have proven to be useful as the testing grounds for the future attacks on the major carriers’ workforce. Without a national standard of wages and working conditions, we will continue on this spiraling death race to the bottom.

Why Did It Take So Long?

Brother Pierce has been the BLET president for four years, while Brother Futhey has been the UTU president for six. Over that time they both have remained virtually silent on the whole question of single-employee train operations. RWU sent certified letters regarding this issue to both the BLET & UTU presidents in the spring of 2011. We received no response from either. We tried again in the fall, asking the two union heads to make a public statement against single employee crews. It is very telling that neither union president saw fit to take a position that 90% or more of their members would say is a very important issue. We believe it is sad that valuable time has been lost when we could have been educating the public across the continent to enlist their support in actively fighting the scourge of single-employee train crews.

Their Strategy to Fight Single Employee Crews

Pierce and Futhey are now taking a long overdue, defiant stand against single-employee train crews, but they want to limit us to just two ways to do it: legislatively or at the bargaining table. Although a campaign to convince Congress to act against single-employee crews could

possibly succeed (especially in the aftermath of Lac Megantic) it must be pursued vigorously, immediately and with the active participation of rank-&-file railroaders and public organizations. And while we might possibly be able to bargain language insisting on two person crews (very unlikely), there is so much more we can and must do.

What Else Can Be Done?

First, we need to educate rank and file railroad workers that the carriers have in fact desired and have proposed operating trains with a single employee. We should alert all rails that single crew operations in the yard with RCO take place all the time now. We need to build upon the anger and resentment that railroad workers feel towards this deadly practice and tap that energy for action.

It is past time we brought this issue to our central labor councils to alert the entire labor movement to the prospects of single-employee crews. Countless environmental and community groups can be enlisted as our allies in this struggle, as none would want to see single employee crews putting their neighborhoods, land, air and water at risk. We can force the carriers to back down from the single-employee crew idea through pickets and rallies, petitions and letter writing, phone call and emails blitzes. And we must show the carriers that if they attempt to implement single-employee train crews, it ain’t gonna work!

We applaud Brother Pierce and Brother Futhey for speaking out publicly against single-employee train crews. It is up to all of us to get behind the campaign to stop single-employee crews, to hold all of our union leaders accountable, and demand that they commit the resources to mount a creative and militant campaign to stop the carriers’ plan for single-employee train crews in its tracks. But it has been over two months now since the union presidents issued their statements of outrage at single employee crews. Other than President Pierce’s bold statement about a national campaign, neither union has taken action. Where is the campaign, the leaflets, the bumper stickers, posters and flyers? What have the members been asked to do to get involved in this campaign? How do we plan to impress the rail carriers of our determination and dedication to preventing single employee train crews? Our union leaders should be walking the picket line with the W&LE workers, calling a press conference from Brewster, Ohio, and activating their mobilization networks to support their brave actions (See article Page 3).

While we wait for Pierce and Futhey to back up their tough rhetoric with real action, RWU will continue to advocate against this dangerous practice anywhere, any time, in any way that we can.



Railroad Workers United

Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers' "Behavior Based Safety" Programs do more harm to us than good, and if you want real union-based safety committees built upon cross-craft solidarity and rank-and-file control, then RWU is for you. If you want to stop the carriers' push for single employee crews; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____ Union Position (if any) _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

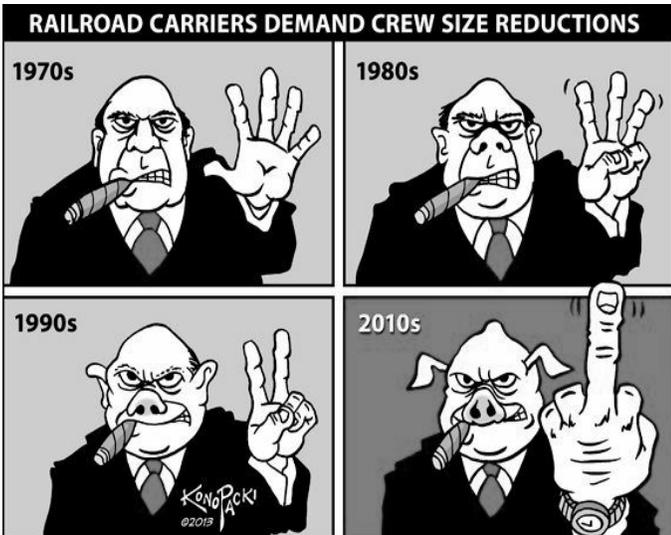
I am a (check one): Railroad Employee Railroad Retiree Railroad Family Member

Please check to affirm this statement: --- I am not a manager or officer of a rail company.

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

Clip and mail together with your dues to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505
 OR join on-line at www.railroadworkersunited.org

Get Your "No Single Employee Crews" T-shirt Today!



This limited edition T-shirt is now available in black only in S, M, L, XL, 2XL, 3XL. Supply is limited. "RWU" on the front left breast and the full color cartoon across the back.

T-shirts are union made in the USA, 100% cotton and cost \$20.00 each. Postage Paid By RWU if mailed to addresses in the U.S.

Make your check to RWU and mail with your order to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

OR

Order and pay with your paypal, credit card or savings/checking account via our website at www.railroadworkersunited.org