



The Highball

Official Publication of
Railroad Workers United

Inward Facing Locomotive Cameras: The Fight Ain't Over Yet

The fight against inward facing cameras has been dealt a severe one-two punch this past six months. First, the KCS began camera installation in the spring of 2013, and activated them in July once a federal judge ruled the dispute to be "minor". Then on January 13th, the Federal Railroad Administration (FRA) announced that it will begin the rule-making process to lead to their wholesale implementation.

So while we are down, we are not out. We believe there are alternatives. And the issue is not simply one of cameras vs. no cameras. *If* (and we feel that is still *if*) cameras are fully implemented by the rail carriers, then countless questions remain. And these specifics must be mandatory subjects of bargaining; e.g. How long will the data be retained?

What is the purpose of the data? What actions of a crew caught on camera can be used against them for disciplinary purposes. Can audio be used? Under what circumstances can the data be examined and to what ends? These and countless other questions should have to be worked out with the unions. And while we believe that inward facing cameras can still be barred from locomotives, if/when they are installed, we must still insist on the right to bargain over exactly how they are to be used.

Railroad Workers United believes that the whole camera issue is bogus. There are alternatives. And cameras don't necessarily fix hazards, they simply blame workers after the fact. ***See Page 6 for the complete commentary***

RWU Ramps Up Fight Against Single Employee Train Crews

While RWU has been opposed to single employee operations of trains since our founding in 2008, last fall the organization unveiled a campaign complete with flyers, buttons and sticker designed to throw a spotlight on the issue. We hope to raise awareness of the concept, to mobilize railroad workers and our allies, and to resist any and all attempts by the rail carriers to engage in this dangerous, ill-conceived practice.

Last July's tragic wreck in Quebec, together with the strike of engineers and trainmen on the Wheeling & Lake Erie have helped to shine the spotlight on single employee crews. Both unions of the operating crafts are pushing for the passage of The Safe Freight Act (HB 3040) in Congress. The recent wreck of a Metro North passenger

train with a lone operator in the cab has raised questions of the practice of using a single employee alone in the cab of a locomotive. The momentum to outlaw single employee crews is building.

This struggle is the concern of each and every railroader in North America. We urge you to support the Safe Freight Act and to write your representatives in Congress. But we cannot rely on legislation to carry the day. We must always have a "Plan B". Read the information in this issue of The Highball, hand out flyers, wear a button, stick up stickers and help spread the word. Let RWU know if we can be of assistance in any way. And be ready to take action in defense of our jobs, our livelihoods and our crafts.

See Pages 4 & 5 for the full story

The Highball: Winter 2013

- | | |
|---|-----------|
| -- Head End Reports: Metro North Wreck; Korean Rails Strike | Page 2 |
| -- RWU to Host 4th Biennial Convention in Chicago April 3 & 4 | Page 3 |
| -- What's Wrong with Single Employee Trains Crews | Pages 4&5 |
| -- Inward Facing Cameras: Coming to a Locomotive Near You? | Page 6 |
| -- Do as You Are Told! Now!! | Page 7 |
| -- Join RWU and Come to the Convention this April! | Page 8 |

The Metro North Wreck: What Could Have Been Done

Within a few days of the terrible wreck of a Metro North commuter train in New York, details began to emerge about the physical infrastructure - or lack thereof to be more precise - that directly led to the tragedy. As with a number of other dramatic train calamities in recent years, this one can be directly traced to the carriers' corporate culture, one that has emphasized changing worker behavior rather than identifying and eliminating hazards.

The answer -- according to this perspective -- as to why the 5:54 AM train out of Poughkeepsie, NY wrecked -- is

simply to say, "well the engineer fell asleep, it's his fault". And the solution: 1 - issue bulletin after bulletin imploring workers to stay awake, alert, and maintain "situational awareness"; 2 - the railroad will step up its surveillance of train crews to ensure they are not sleeping; and 3 - the state demands that cameras must be installed on locomotives. However, this reactionary type of "action plan" will do little or nothing to stop future train wrecks of this kind.

A real safety program, one that emphasizes hazard identification and elimination, would have caught the problem

Continued on Page 3

Korean Railway Workers Strike

In December, Korean railroad workers went out on strike against what they feel are plans by the government to privatize the national railway and destroy the union. The Korean Railway Workers Union (KRWU) has called on its international allies for support. RWU has endorsed their efforts, and has been publicizing the actions of these brave and determined workers. On December 17th, the Teamsters officially endorsed the action and have called on the Korean government to bargain in good faith with the union and for the government repression of the union to cease.

Thousands of workers were out on strike just before Christmas, holding massive spirited rallies of tens of thousands throughout the country. Railway workers around the world came to their aid and assistance. The union called off the strike in early January, claiming at least a partial victory. The action by Korean rail workers is an important fight that is the concern of railroad workers everywhere, especially those facing privatization in their own countries.



Korean railroad workers strike and demonstrate in defense of their jobs and their union. Plans are afoot by the government to privatize the railway and devastate the workforce. Countless national railway systems around the world have been sold off to private interest in recent years, resulting in huge job losses, abandoned rail lines, a decline in wages, benefits and working conditions, and busted unions.

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

RWU International Steering Committee

- Mark Burrows**, UTU #1433 CP, Chicago, IL
- Robert Hill**, BLET #104/UTU-E #855 BNSF, Spokane, WA
- Robert Hull**, UTU #199BNSF, Creston, IA
- Paul Jenvey**, IBEW #899UP, San Luis Obispo, CA
- Ron Kaminkow**, BLET #51Amtrak, Reno, NV
- Shaun Kelley**, BLET #642BNSF, Creston, IA
- Ed Michael**, BLET #724/UTU #979 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

RWU to host 4th Biennial Convention in Chicago, April 3 & 4

Railroad Workers United will host our 4th Biennial Convention on Thursday & Friday, April 3rd and 4th in Chicago, Illinois. The RWU Steering Committee has agreed to a two-day convention to allow more time for workshops, discussions, strategizing, guest speakers and time to get to know one another. In addition, we hope that more time will mean less rush and more ability to take part in not just the RWU proceeding, but the big Labor Notes conference that convenes on Friday afternoon.

The Convention has seen slow but steady growth the last three sessions, so it makes sense to go with a two-day rather than a single-day affair. Members are asked to register as soon as possible. Registration is just \$50.00 for the entire Convention and includes all materials, lunch and coffee for both days, as well as hospitality drinks, snacks and entertainment in the evenings.

Thursday will focus on planning and strategizing sessions as well as workshops on a wide array of subjects. Friday will be a day oriented more towards business: bylaws amendments, resolutions and election of a new Steering Committee for 2014-2016. The Convention will host a number of guest speakers throughout both days. See the RWU website for more information, registration, etc.



RWU members come to order for the third Biennial Convention in Chicago back in 2012. This spring, RWU will expand the gathering to a two-day Convention on April 3 & 4th, 2014. The additional day will allow more time for workshops, discussions, strategizing, planning sessions, and socializing.

Metro North Wreck: What Could Have Been Done to Prevent It

Continued from Page 2

years ago. In fact, it appears that workers had petitioned the company to provide for a "cab medium" on the cab signals on the approach to the 30 mph curve many years before the December 1st wreck. And the old-fashioned antiquated "dead-man pedal" -- still employed on the Metro North cab cars like the one engineer William Rockefeller was operating -- certainly was no help either. Had a modern alerter been installed on these cabs cars (just like the one that was on the locomotive pushing the train from seven cars away) the engineer might just have been roused before the curve and been able to slow the train in time. In combination, these two simple applications could have easily prevented the train wreck.

Let's take a quick look at two other disastrous train wrecks in recent years that could easily have been avoided had a safety program been in effect on these properties that emphasized hazard elimination rather than targeting worker behavior. On March 23rd, 2011, Tommy "Two Notch" Kenny and conductor Chris Loehr were killed when the crew van they were riding in was hit by a BNSF freight train (see [The Highball](#), Spring 2011). The van driver was also killed and another trainman was in critical condition. Yet, with a simple application of available technology (whistle boards; and/or flashing lights; and/or bells; and/or crossing gates) all of which the workers had petitioned for prior

to the accident, these fellow workers would no doubt be alive today. But what was the official response? That's right -- issue safety bulletins, explain what rules were violated and blame the workers.

And on July 6th, 2013, 47 townspeople were killed when a train ran away and destroyed the downtown of Lac Megantic, Quebec. The railroad's CEO Ed Burkhardt publicly blamed the train's engineer for the devastation. But upon further inspection of the corporate culture of the Maine, Montreal & Atlantic (MM&A), the company's dismal safety record, the insane practice of leaving heavy trains of toxic combustible material on a steep grade, and the use of single employee crews, we find these underlying practices and procedures in combination, that were in fact the powder keg that was waiting to explode.

So before we are so quick to make judgment and lay blame, it is vital to look behind the scenes. What are the company's practices and procedures? What could have and should have been done that would have prevented the wreck? Real safety programs that focus on hazard elimination are the key. It's time we get rid of these "behavior based safety" programs that are more concerned with corporate liability than with making a safe rail industry. Once again, we say loud and clear: ***"Fix the Hazards, Don't Blame the Victims!"***

What's Wrong with

There are many complex and unanswered questions about just how single employee train operations could be accomplished efficiently and safely for the train crew, the railroad and the general public. Nevertheless, in recent years, the Class I rail carriers have been slowly but surely inserting language into contracts with both unions of the operating crafts that will facilitate their schemes to run over-the-road trains with a lone employee. With RCO on one hand and "utility conductors" on the other, the rail carriers apparently believe they can safely and efficiently operate road trains with just one employee. We disagree.

Remote Control and "Utility Conductors"

Both RCO and utility conductors have serious drawbacks and limitations. RCO is limited on the mainline because of the lack of "point protection" when pulling. And should an operator that had dismounted encounter a problem (slip, trip, fall, broken bone, heat stroke, etc.) and have difficulty contacting the dispatcher for assistance, we now have an extremely unsafe situation. Handheld radios do not have the reach that a locomotive radio has, and in many outlying areas, they are ineffective. And the dispatcher may not respond unless toned up, something not often possible on a hand set. And cell phones are not permitted to be carried by crew members. Besides, in many locations, there is no cell signal anyway.

RCO operations are more suited to the yard, where tonnage, distances, horsepower and obstructions are limited. Switching a short cut of cars is completely different than using RCO to run a long, heavy road train. And yards are generally made up of relatively straight tracks, laid out flat and/or "bowled" towards the center of the yard, while the mainline is often curved and on a grade. It is far more difficult to control a heavy train with multiple units on a curved grade than it is to control a short cut of cars in a yard tied to a low horsepower locomotive. RCO is prone to losing a signal in the yard; on the road it would be a nightmare. Curves, tunnels, bridges, overpasses, canyons and other obstructions can render RCO unworkable at many mainline locations. In the yard, RCO is assisted by a series of "repeaters". These do not exist on the mainline.

And there are a number of problems with "utility conductors". Whereas most locations in the yard are quickly and easily accessible, that is hardly the case with the mainline. Even if the utility conductor was able to reach the train in need of assistance, s/he must know the roadways to get there, an often daunting task, especially for those not versant with the territory. In inclement weather, many of these roads are difficult to navigate and can at times be completely impassable. And if the utility conductor is miles and miles away from the train s/he is called upon to assist,

the delay to the train (and other trains) could be considerable. And what about when two or more trains are in need of assistance simultaneously? And during periods of harsh weather when switch, signal, locomotive and train failures become commonplace? Or when the railroad suffers a meltdown like we have seen in recent years following acquisitions and mergers? Long waits, clogged mainlines, delayed trains and crews expiring on the hours-of-service law would become far more common. Just imagine the damage that could have been done if single employee crews were the rule during the UP meltdowns of 1996 and 2004, or the NS crack-up in 1999!

Problems with Single Employee Train Crew Operation

Regardless of whether or not RCO and/or a utility conductor is available, there remains a plethora of hazards and inefficiencies related to single employee train operations. Many railroaders reading this will no doubt have additional points to add. RWU welcomes your input. For now, we will list a number of these issues below.

- The single crew member would get no reminders from a second crew member for "slow orders", track "work orders", road crossing mechanical failure or other restrictions to movement.
- When mandatory directives ("unforeseen instructions") are received by a single crew member, trains would be required to stop, tempting the railroad to pressure employees to copy "on the fly". Or would the railroad simply throw out this rule, to reduce the delays and fuel consumption that this practice would result in?
- Trains must be brought to a stop for all restroom breaks.
- Making a back-up move would be impossible. Without a long walk with a good RCO belt-pack or an on-the-spot utility conductor handy, the train could simply not back up.
- While operating the locomotive, the lone crew member would perform all radio communications; give the "roll by" to other trains encountered; be responsible for all paperwork; update the position of all hazardous materials in the train; and more.
- With a single employee crew, valuable mentoring time would be lost. Many conductors work for years in the left hand seat, gaining valuable understanding of the signal system, operating rules, air brake system, etc., before becoming an engineer.
- The lack of two employees in the cab means a lack of informal conversation, reflection, storytelling, discussions of rules and signals, etc. Much of the learning that takes place is in the cab of the locomotive, as the two employees share their collective knowledge, experience and wisdom that each has acquired over the years. With single crews, this day-to-day classroom is lost.
- Without a second crew member, there is no one there to acknowledge and confirm the current block signal aspect.
- To properly secure a train on an ascending grade, the single crew member would have their work cut out for them!
- A lone worker, in the "middle of nowhere", or in a "tough" neighborhood late at night, is extremely vulnerable to crime.

Single Employee Crews

Outside of the cab, if trouble is encountered, there might be no one for hours who is aware that s/he is in dire straits.

- Without the second crew member in the cab of the locomotive, we are reducing by half the number of workers in the field, workers who know the territory and know when something does not look right and can report "suspicious activity."
- Currently, crews do a complete and thorough "job briefing" at both the beginning of each tour-of-duty and when conditions change at points during the course of the trip. With a single employee crew, there would be no job briefing.
- With no one there to assist, especially at night, when fatigued, mentally distracted, or sick, a lone worker can easily lose focus, fail to maintain situational awareness, and/or nod off.
- Getting lunch from the fridge, retrieving a dropped pen from the floor, grabbing a coat, looking up a specific rule - are just a few examples of the endless distractions the crew member would deal with while running the train.
- Many crew members currently make use of "power" naps to maintain their situational awareness and revive them when they are fatigued. With single employee operations, this valuable napping time would be lost per the "team napping" rule.
- The lone operator would be required to leave the locomotive to line switches and derails; to thaw, sweep and clear track switches; to change a broken knuckle; and countless other times where physical labor outside in the elements is required. With a second crew member, the operator is ready and rested to continue to move the train forward once the physical work is done. Without, a physically exhausted operator would now run the train.
- When an operating employee returns "rusty" from a vacation or other extended period away from work, the lone crew member will no longer have a partner to update him/her on changes to operating rules, special instructions, general practices, physical characteristics, etc. that may have occurred while absent.
- Extinguishing a tie fire, assisting with a train wreck, dealing with a road crossing collision, and in countless other scenarios, a crew member needs to exit the locomotive quickly. With a lone employee, no one would be available to attend to the train while the other deals with the emergency, resulting in a waste of precious time while the train is secured. And while off the locomotive, the crew member may not readily receive/transmit valuable information to the dispatcher. Without that second crew member, additional harm to property and human life would no doubt result.
- It can often be inconvenient, labor intensive, or unsafe for a crew member to dismount and/or inspect a train (e.g. intervening trestle, tunnel, embankment, etc.). With single crew operations, another train's crew member could not assist another without first securing his/her own train. (Long trains and steep grades would present a physically exerting and time consuming exercise).
- The lone operator would not be able to leave the train and get lunch, a coffee - anytime - without first securing the train.
- With just one set of eyes on a single employee crew, defects on a passing train would be harder to notice and often go undetected, especially in multiple track territory.

- With a single employee crew, there is a lack of companionship and comradery. The isolated nature of a prolonged, regularized lone worker situation can cause loneliness and depression.
- While truck drivers often work alone, running a train is very different. Truckers can pull over and rest when they need to, eat or drink anytime. "Truck stops" are available 24/7. Truckers are on a highway with other motorists. If emergency services are required, they are close at hand. And truckers have a CB radio and a cell phone readily available.
- Without a partner with whom to discuss ideas, concerns, problems, issues, and the job itself, a worker may easily develop any number of mental issues. Without someone to talk to for hours on end, the mind can stray and easily wander off into a land of distraction. Without co-workers, an employee can lose a sense of belonging and comradery, leading to low morale.
- In addition, there is no one to talk about wages, benefits, working conditions, safety issues and all the rest to make for a better working environment. There is no way to gauge the mood of one's co-workers and have a discussion of how to address problems and issues. As a result, solidarity will suffer. General job dissatisfaction among train crew workers will increase.
- And as a result, employees will lack the longevity that they do now. Many will opt to not work in an isolated environment day in and day out, year after year. Turnover will increase, bringing additional problems. As a result of the turnover, union strength will be diminished. Workers do not make good union members when they are isolated and looking to get out of the industry.

Summary

Single employee train crews are unsafe and dangerous for the crews that operate them, other railroaders, those living along the tracks, motorists and pedestrians, for the community in general and society at large. Combining both of the current jobs (conductor and engineer) into one will mean more crew fatigue, less focus, more distraction and a decline in situational awareness. The loss of that second pair of eyes and ears would result in a decline in railroad safety and in addition, would pose a danger to public security and safety. Many, if not most trips would present complex challenges for the train's lone operator. Single crew operations would result in a loss of valuable informal education of crews both new and old, and lead to less capable and knowledgeable crew members. Loneliness, isolation and a loss of comradery would be inevitable, bringing with it mental problems, job dissatisfaction, and staff turnover.

Railroad Workers United sees the single employee crew issue as a critical one for railroaders in North America in the 21st century. We must fight to preserve a minimum of two employees on every train crew - both road and yard. We ask all railroad workers, the rest of organized labor, the working class in general, environmental and community groups to stand with us. We can win this crucial battle.

Opinion & Commentary

Inward Facing Cameras: Coming to a Locomotive Near You?

In the wake of the terrible head on collision at Chatsworth, CA more than five years ago now, the National Transportation Safety Board (NTSB) made the unfortunate recommendation that inward facing cameras be installed on locomotives to observe crew behavior. Ostensibly, the idea behind this would be to ensure that railroad workers do not use electronic devices (phone and texting) while performing job related duties of train operation. The unions of the operating crafts as well as Railroad Workers United all issued statements opposed to such cameras when the NTSB issued their recommendation in 2011.

Unfortunately, the unions chose to focus their energy on a simple lawsuit that such cameras are a breach of their members' right to privacy. Given that cameras are common practice now in a myriad of workplace settings, and given the public outcry over cell phoning and texting endangering the lives of passengers and citizens, this was probably not the best strategy to win with. And in fact, when Kansas City Southern, earlier this year, unveiled their intention to install inward facing cameras, a federal judge predictably ruled against the *right to privacy* issue. Ruling it not a "major dispute", the floodgates were opened to camera installation, the unions lacking any kind of a "Plan B."

The pretext for installation of inward facing cameras in locomotives is that the rail industry needs to ensure that cell phone usage and texting is eliminated in the name of safety. We remain skeptical of this claim. Make no mistake: Railroad Workers United is 100% opposed to the usage of cell phones when work is being performed. However, we do not see inward facing cameras as necessarily achieving this goal. Some workers will continue to use their cell phones regardless -- especially in cases of personal crisis, illness and/or emergency situations back at home. And there are ways to avoid the view of the camera as well (e.g. the restroom).

The clamor for camera installation is a bogey man, distracting our attention from hazard elimination while shifting the blame for train wrecks onto workers. As can plainly be seen in the article on pages 2 & 3 of this issue of *The Highball*, had Metro North simply alleviated the hazard years ago with the implementation of simple, affordable and very commonplace technology, the terrible wreck of December 1, 2013 would not have happened, period.

RWU advocated in a 2010 resolution that rather than installing inward facing cameras, the industry install signal jammers that make it impossible to call/text while in the cab of a locomotive. This technology appears to be readily available and at least as cheap as cameras. But there is one major difference - this technology actually prevents cell phone usage whereas cameras do not. RWU's idea is proactive, fail safe and it works. Cameras are a reactive,

after-the-fact implementation of technology that will not necessarily eliminate cell phone usage. (Note: If and when a worker *must* use a cell phone in an emergency situation, an override switch could be employed for this purpose and the train crew held accountable when making use of such switch).

And not only do the cameras fail to do what other technology can achieve, inward facing cameras can be intrusive, irritating, distractive and possibly downright dangerous. Train crews must be free to have candid conversations with one another, about the rules, their interpretation and meaning. In a difficult and/or confusing situation, a train crew needs to speak freely and reach agreement on how best to proceed. Fear of reprisal, taken later by the carrier after review of the films if/when a trip "goes bad" may cause workers to not confidently and candidly interact with one another. A train crew member may make a mistake, saying or do something that contradicts the rules and now, aware that s/he has been caught on camera,, may focus on it the rest of the tour of duty, causing distraction from the job at hand.

Finally, all railroad workers should oppose the use of cameras because they are just one more incursion of the employer, one more form of control and intimidation. If we are not free to be ourselves, to express ourselves, to discuss matters of importance to us; If we feel that the boss is always present, looking over our shoulder, we will not make very good union men and women. A worker who is afraid and paranoid is a worker who is constantly worried about protecting her/his own ass, not a worker who finds solidarity to come naturally. *No Inward Facing Cameras!*



Train wrecks, like the Metro North spectacle in December, fuel the cry for inward facing cameras. But as recent reports conclude, had existing technology been applied years ago, the MN wreck would never have happened. Cameras seek to blame workers, they fail to fix hazards.

Opinion & Commentary

Do As You Are Told! Now!!

"File your grievances later. If not, you will be pulled out of service *immediately* for insubordination." Those of you who have ever heard something to that effect, please raise your hands. Hmmm. That's pretty much what I figured. I'm going to describe an admittedly bizarre hypothetical scenario, but please stay with me, as I assure you I'm going somewhere with this.

Imagine that you are about to step into some kind of chain link fence type cage for one of those anything-goes *Ultimate Fighting* contests. Before the two of you commence to "dukin' it out", your opponent puts a straightjacket on you. As your trainer tightens and buckles the straps, your opponent proceeds to handcuff your arms behind your back, shackle your ankles and blindfold you, but to ensure you do have some means to defend yourself, he/she will offer you your choice of a pea shooter or dart blowgun that you will have to clench with your teeth. Once the bell rings and the match begins, your opponent is free to pummel you mercilessly with chains, clubs, truncheons, brass knuckles, blackjacks, ninja sticks, etc.

Would you *knowingly, willingly and/or voluntarily* accept these terms of engagement before you stepped into the ring?! I didn't think so. This may qualify as a *slight* exaggeration, but I respectfully submit those are the terms of engagement that we are forced to "accept" every day we report for "duty", regardless of whether it is knowingly, willingly and/or voluntarily. Decades ago the carriers, through *their* government, set the "rules" defining how we can and *cannot* defend ourselves, with this virtual stranglehold unconditionally accepted by the leadership of *our* unions

I know that things are pretty rough all over. If the contract-busting and union housebreaking we are enduring at CP Rail is not playing for you yet, I'm certain it will be coming to a terminal near you sooner rather than later, if allowed to fester unchecked. Space limits me from sharing this sordid saga in all its gory graphic detail, but suffice it to say that the carrier treats our Agreements as if they were written on toilet paper. Actually, that's not fair, as even toilet paper at least serves a useful purpose.

What is the response of our unions? "We'll hit them right where it hurts with bazillions of penalty claims". I feel that our experience should clearly expose as a myth and fairy tale that penalty claims pose even *one iota* of deterrent when the carrier is hell-bent on busting the contract, and by extension, the union.

Depending on the grievance process to enforce our contracts is the equivalent of charging into "battle" (figuratively speaking) in the face of "heavy weaponry and artillery" with a "pistol" that when you pull the trigger, a big flag comes out that says "BANG!". Most of the time when large vol-

umes of penalty claims are submitted, they end up being negotiated or arbitrated down to a few cents on the dollar, or bartered to bring someone back who was probably unjustly fired in the first place. Even when they do end up paying a full basic day, the carrier still comes out ahead, saving on the benefits of the extra employees, whose work we or management performed. When you factor in the productivity gains from effortlessly imposing a virtual reign of terror on a demoralized workforce, flagrantly violating our agreements is a cost-effective way of doing business for the rail carrier.

These lopsided terms of engagement would not exist without the Railway Labor Act (RLA). The carriers shamelessly hide behind the "skirt" of the RLA, using it as a virtually impenetrable Star Wars like "force field". The RLA is and will be the question of questions for railworkers in the face of the carriers' intensifying assault on our safety and dignity, as well as our quality of life on and off the job.

In a previous Commentary (see [The Highball](#), Spring 2013 "The Concessionary Landscape: How Did We Get Here?") I highlighted the direct and/or indirect impact of past Presidential Emergency Boards on our deteriorating conditions over the last 30-plus years to the present. Going back to the BLE-T's "threatened" national strike in the Fall of 2011, any seasoned rail veteran knew exactly how that was going to play out. We've seen this "play" a few times before. In the December 1st, 2011 statement from BLE-T National President Dennis Pierce, entitled "The Decision is Yours", he concludes stating, "I promised you as recently as September that we would put every ounce of our energy into the fight, and I can assure you that my promise has been kept. We have left no stone unturned, we have played out every scenario and we have tried to overcome every obstacle the carriers - and the system - placed before us."

We need to organize a long overdue structured democratic discussion amongst rail workers around the country to assess the history as well as the moral and ethical legitimacy of the restrictions imposed upon us by the RLA. Only then can it be declared that we have left NO stone unturned, played out every scenario and tried to overcome every obstacle.

To be continued.....

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





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 help reform Railroad Retirement; 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 _____

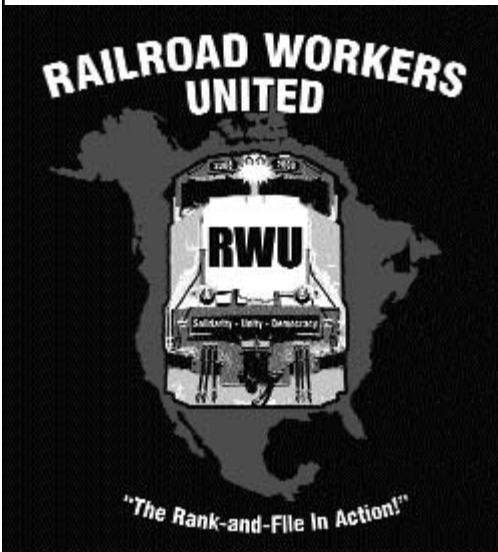
I am a (check one): Railroad Employee Railroad Retiree Railroad Family Member

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 RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Gray or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (15.00 for RWU members)

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 or credit card via our website at www.railroadworkersunited.org