

“Vote No!”

On the Tentative Agreement Between SMART –TD GO 001 and the BNSF Railway

Talking Points

It is up to each and every one of us to talk to our brothers and sisters on the BNSF about the tentative agreement made with the SMART TD General Committee representing trainmen on roughly 60% of the BNSF system. We must carefully and patiently explain why this tentative contract is not in their best interest, nor is it in the interest of trainmen, engineers, and rail labor across North America. In fact, if implemented, it would have devastating consequences. Here are sixteen talking points that you may find helpful:

1) The Wholesale Elimination of the Road Conductor from North America.

If approved, this contract would pave the way for the wholesaled elimination of all road conductors from every railroad property in North American in the coming years. Single employee run trains are a bad idea. Trains with just one crew member (“engineer-only”) are dangerous, inefficient and unsafe for not just railroad workers, but for motorists, pedestrians, trackside communities, the environment and the public at large. While some commuter and Amtrak operations currently utilize a single engineer in the cab, such trains have a full crew on board, and these operating conditions are vastly different from those of freight train operations. **See the attached articles for the truth about single employee trains ... and Vote NO!**

2) Many, if Not Most SMART Members on BNSF Will Never Work Under the Terms of this Contract.

If approved, many currently existing trainmen would never work under the agreement. Young trainmen would be surplus. The carrier has no intention of placing them in furlough status and allowing them to collect the promised full guarantee. These surplus trainmen will simply be sent off to engine school ASAP, trained to be engineers and be paid a low “training” wage. Once certified, they would then assume positions as low senior engineers (under a BLET contract, not *this* one), to work all alone in the cab of locomotives in through freight service. For more than a year now, BNSF has been forcing trainmen to the engineer program immediately after training. **Don’t be tricked ... Vote No!**

3) The “Master Conductor” Provision Will Come Into Play Only When and Where PTC Is In Effect.

Currently PTC is not operative on most territories. The rail carriers have until the end of 2015 to install PTC and they are currently seeking an extension that could delay its implementation for a number of years into the future. It could be years before PTC is actually functional on your territory. Therefore, the promise of “buyouts” for some and full pay for others in “reserve status” may well be just window dressing, an illusion created to “sweeten” the pot and get trainmen to vote for the contract.

Don’t fall for smoke and mirrors ... Vote No!

4) The “Master Conductor” Position Holds Major Negative Consequences for Railroad Workers.

Massive Job elimination: The number of “master conductors” for each territory would be at the sole discretion of the rail carrier. On primary mainlines, the job loss would be devastating. Where through freight train density is high, the ratio of new “master conductors” to the current road conductors could

approach 1-to-25! That is, for every new “master conductor” position created, up to 25 road conductor positions could be eliminated! And the BNSF has previously reached agreement with the BLET that the engineer has the sole rights to the use of RCO outside of the yard. What effect might this have upon limiting the number of master conductor positions actually placed in the field? **Save the road conductor ... Vote No!**

Most young trainmen will never work as a “master conductor”: Before many younger trainmen ever gain the “whiskers” to do work as a “master conductor”, they will have long since been shipped off to engine school, to more than likely work in through freight service, under a BLET agreement, all alone in the cab of the locomotive. They will never reap any benefit from this contract. **Don’t be fooled ... Vote No!**

Need for CDL: Master conductors are required to obtain a Commercial Drivers License (CDL) as a condition of continuing employment under the agreement. Under a federal law, convictions of minor traffic violations in the private auto of a CDL holder can work towards completely disqualifying said individual from driving any vehicle. Additionally, the point count for various traffic violations in a commercial and/or private auto are also increased significantly for a CDL holder. These points could also move to disqualifying the holder of a CDL from operating any vehicle. **And the rails are safe, the highway fraught with danger. Vote No!**

Effect on the Railroad Retirement System: It is impossible to know exactly how many and how fast the road conductor positions will be eliminated. But if and when single employee train crews are introduced wholesale across the U.S., thousands upon thousands of jobs will be slated for elimination in the long run, drastically reducing the number of railroad employees paying into the railroad retirement system. **Support for Railroad Retirement ... Vote No!**

5) Crew Consist Issues – The Company Wins, We Lose.

Yard Service - Once again, it would be enshrined in the agreement that the carrier has the sole prerogative to set crew size minimums. Some, most, or all of the RCO jobs could quickly become single operator at the sole discretion of the carrier ... **No single crew RCO jobs. Vote No!**

Through Freight - PTC “operative” is not defined. Does “operative” mean when PTC is fully implemented? Does this mean when PTC is working correctly, when all of the bugs have been worked out? Just when is PTC “operative”? None of this is addressed in the contract language. **Demand definition ... and Vote No!**

“Hybrid” Service - The contract states that at least one of the two crew members must be qualified to operate the locomotive conventionally, and that s/he will not be required to establish engine service seniority. This is an outright attack on the craft of engineer and would certainly undercut existing yard engineers with years of seniority at the throttle, handing the jobs to much younger workers. While previous agreement appears to allow for such “hybrid” service, its actual implementation under this agreement would no doubt create hostilities between the members of the respective labor organizations of the operating crafts, resulting in a loss of solidarity and union power.

Build unity between the operating crafts ... and Vote No!

6) Dauh – Do the Math!

The cost savings to the rail carrier from the implementation of this agreement are staggering. Currently, most trainmen on the BNSF – like on most Class One carriers – work in through freight service. Those jobs would stand to be completely eliminated. The handful of “master conductor” positions that would replace them would probably not equal even 10% of the formerly existing through freight positions, resulting in huge savings in labor costs. (And remember, overtime pay is not generated until after 10 hours on duty). In addition to labor cost savings here, the carrier stands to save millions in other ways. For example, the “master conductor” will replace the need to contract with crew van services such as Renzenberger, saving the carrier millions in crew hauler subcontracts. And while there are costs to the carrier associated with the TA – including relatively higher wages for the “master conductors”, the onetime signing bonus of \$5,000, and any supposed \$100,00 buyouts that may occur – together these costs amount to peanuts. As for the

immediate elimination of the pay progression, it is largely irrelevant. BNSF trainmen working as conductors are already paid at 100%. Additionally, this would only apply to the currently employed trainmen on December 31st, 2014. The cost to the company on this score is practically nothing. All in all, we would be selling our jobs for a pittance, and the corporation will laugh all the way to the bank.

Don't sell yourself short ... Vote No!

7) Déjà Vu All Over Again! The Two-Tier System and the Dual Basis of Pay.

If implemented, this contract would establish a two-tier system and a dual basis of pay, dividing old and new trainmen from one another. No new hires under this agreement would be “protected.” As new trainmen are hired in future years, they will find themselves working for the same railroad, belonging to the same union, working the same job and paying the same union dues, yet they would be “second class citizens.” This contract would create huge divisions in our ranks - resulting in hostilities, paranoia, envy, strife and fratricide. Two-tier agreements *always* do. Protected employees would see the newer employees as a threat, while newer employees would see the union as an instrument that only benefits the old heads. This division will erode solidarity, create disharmony and reduce our power and effectiveness as a union. In the end this will reduce our ability to negotiate good union contracts and hurt all of us as union workers.

It was just in the last decade that the UTU promoted a crusade to eliminate entry level rates and the basis of pay, and yet here is the union just a few years later actually endorsing the whole sordid concept in the form of the tentative agreement. Strike a blow for solidarity. **Don't sell-out the future generation ... Vote No!**

8) The Signing “Bonus” is Peanuts.

The \$5,000 signing bonus offer is simply a bribe. It is being dangled in front of you as the one tangible perk you can be sure of, one strictly designed to “buy” you – the member who is too ignorant, oblivious, busy, preoccupied, overworked, cynical and pessimistic – to approve a contract that offers very little else to most members. Once again, do the math. That little lump some may cost the company \$10 million or so, but they will make that money back in lost wages within weeks of eliminating hundreds of through freight positions. And remember, that signing bonus is not wage base building, it is one-time only. After tax, you might see \$3000. In actuality, this silly bonus only amounts to a few weeks pay for a road conductor. Oh, and if the law does end up mandating a two person crew, looks like you will have to be paying the carrier back that money. **Don't accept bribery. Do not sell yourself so cheap ... Vote No!**

9) This Tentative Agreement Appeared Out of the Blue!

Without any input or feedback from the rank and file, without any consultation with the local unions, without issuing one single update or bulletin, the general committee goes and offers us up – completely out of the blue – a tentative agreement. And not just any old TA, this one aims to *change the course* of railroad history. For 175 years, the position of conductor was stationed aboard the train. This contract would completely alter the historic craft of conductor. S/he would now become a “groundsperson” riding in a van, not on a train. As significant as this would be, the union did not see fit to discuss this critically important event with the members in advance or at any time during the bargaining process. Why is that? Additionally, when it is released for a vote (mandated by constitution) it happens to be released smack dab in the middle of summer, when railroaders are on vacation, at the beach or otherwise distracted and preoccupied. Do you smell a rat here? Is this democratic? Would you like to send a message to your union leadership that this is *not* OK? **Then strike a blow for democracy, and ... Vote No!**

10) Other SMART General Committees, Even the SMART-TD President Support Two-Person Crews!

The President of the SMART-TD supports two person crews, and vehemently opposes trains without a Road conductor. As recently as July 18th – just hours after the TA was announced – President John Previsich issued an official communiqué to the general membership, stating the following: “... *Simply stated, the only*

safe and secure operation of any train includes a minimum of two people on each and every crew. Issues of predictability, fatigue, task saturation, operating requirements, crossing separation for emergency reasons, security and other issues remain at the forefront of any discussion regarding crew size, and to date, all such concerns remain unresolved ... It is imprudent for anyone to assert that technology can replace the safety and security of a two-person train crew ... No one would permit an airliner to fly with just one pilot, even though they can fly themselves. Trains, which cannot operate themselves, should be no different. The check, double check, extra set of eyes and ears watching both sides of the train and division of tasks are safety measures that cannot be duplicated by written rule or technology. Every safety professional knows this and to remove the second person is to compromise safety.” In addition to the SMART President, the Officers of General Committee 009 that represents the other 40% of trainmen (Santa Fe Property) on the BNSF penned a letter on July 18th. GC Rex Pence, VLC Don Dutton and ST Joe Lopez wrote: *“This office believes the safest train operation is at least one engineer and one conductor on every train... To agree to otherwise is to endanger ... employees ... and the general public ... To do so now is ... destructive to our union.”* State Legislative Boards including California have also come out in opposition to the TA. **If implemented, the TA would sabotage the union strategy to preserve the two-person train crew ... Vote No!**

11) Just Who is this John Babler Anyway?

At the UTU National Convention in Florida in 2011, the delegates present spoke with one voice – in opposition to the SMART “merger” ... except for a few. John Babler was one of them. Relieved of his post as a result, Babler has once again re-emerged to haunt the union. “VP” Babler wrote the cover letter/introduction to the tentative agreement, explaining why “change” is inevitable, that you must embrace the new, reject the old, and vote for this contract. Babler is NOT an elected union official. He was appointed as an "International Representative" by the SMWIA leadership after being soundly rejected by the UTU delegates at the 2011 convention for his SMART merger activism. As a result, his UTU Vice-Presidency ended on December 31, 2011. He is a traitor to the union cause and should be ignored. **Stand tall ... Vote No!**

12) This TA Undermines the National Strategy of the Union to Combat Single Employee Trains.

In the wake of the tragic wreck at Lac-Megantic, the unions of the operating crafts – UTU (SMART-TD) and the BLET – have stood shoulder to shoulder in a rare display of unity. Both unions have now publicly stated their opposition to single employee train crews. Both unions have backed legislation at the state and federal level (HR #3040) to outlaw the practice. Both unions have pledged to use all means at their disposal to preserve two employees in the cab of the locomotive of every train. The recent action by what appears more and more to be a rogue general committee on the BNSF threatens to undermine these efforts. **Don't stab your union in the back ... Vote No!**

13) The General Chairman who Negotiated this Contract will Never Work Under it nor Administer it.

That's right folks, SMART GO-001 General Chairman Randy Knutson is going to be of retirement age anytime now. Brother Randy has not worked in the craft for many years after assuming his current position with the union. As such, maybe he is just a little out of touch with his brother and sister trainmen and engineers who are working on the property every day. If he had to ever work under this contract, would he be so happy to sell it to us? And if he had to stick around to preside over his demoralized and divided general committee in the coming years, perhaps he would not be backing such a controversial and divisive agreement. Why is he pushing this contract so forcefully, when he is on the threshold of retirement? Why did he not consult with the membership at all before negotiating this agreement? Why has this “backroom deal” been sprung on the membership in such an undemocratic fashion? Why is an old head deciding the fate of all these young trainmen? What can possibly be in it for Randy? **Ever hear the expression, there is something rotten in the state of Denmark? ... Vote No!**

14) So What is the Big Rush Anyway?

Those who are attempting to sell us on this Agreement point out that the “crew consist” agreement will expire when the last “protected” trainmen retires. While this may be true, just when will that last worker retire? At that time, which could be five, six, seven years from now, the operating crafts could go into national bargaining with a united and powerful strategy. There might be two-person crew bills in various states by then, or even a national legislation that outlaws single employee operations. In addition, there might be regulatory action banning single employee operations. Perhaps the unions of the operating crafts may have finally reached a lasting accord and agree to stand united against single employee train crews. And given the public outcry currently about the need for safe train operations, we could potentially have a motivated and aroused public on our side in the contract fight to preserve two employees on every train. So just what is the mad rush to reach an accord with the rail industry prematurely, when there is no need at this moment in history to conclude such a bad deal for our members? There is absolutely no justification for jumping the gun and cutting such a contract as this, years in advance of any crew consist agreement expiration. **Don't buy into the “crew consist expiration” bogey man ... Vote No!**

15) And Just Who Actually Does Get to Vote on this Contract Proposal?

Ironically, this contract – one that could gravely impact all engineers and conductors in North America – is only to be voted on by BNSF employees. But even then, if you are a trainman/engineer on the BNSF, and you have always paid dues and been a member of the UTU, and even if you generally work as a conductor, if your last shift worked on August 8th was in the engineer craft, you do not get a vote! **This absurd arrangement is unfair to trainmen and engineers who would have to work under this agreement ... Vote No!**

16) The Rail Industry has Been Raking in Record Profits for Years. This is Expected to Continue *Indefinitely*.

Since the 1990s, the rail carriers have made super profits. In recent years, these profits have set new records on a regular basis. There is talk that the rail companies of today are even more profitable than they were in the day of the robber barons of old. In recent years, numerous unions have handed back concessions to their employers who plead poverty due to “foreign competition”, government regulation, excessive labor costs, etc. But the rail carriers can make no such claim. Domestic transportation is not generally subject to foreign competition. The railroad was largely deregulated by the Staggers Act. And U.S. railroad workers are the most efficient and productive (measured in terms of ton miles per man) anywhere in the world. All of which begs the question, why do the rail carriers need to cut off the road conductor? They don't! **Stand up for your dignity and your job ... Vote No!**

These “Talking Points” were prepared by Railroad Workers United, with the input and feedback of many rank & file railroaders like you. If you would like further assistance in this fight, please contact us at:

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