

Opinion & Commentary

Yes, We are Winning Battles - But How to Win the War?

Our prospects of defeating the rail carriers' drive for single employee operations of trains appears to have improved over the last couple years. The most recent advance of the movement was California's recent adoption of a two-person crew bill that outlaws single employee operations within that state (see Article on Page 1). No fewer than 11 other states now have bills in the works. The BLET and SMART-TD (at least at the national level of their respective legislative departments) have taken to working hand-in-hand in support of both state and federal legislation that would ban the practice. Hell, even *Trains Magazine* recently opined that – for now at least – the rail carriers should stay with a two-person train crew!

Looking back a few years ago, the landscape did not appear nearly as bright. The BLET General Committee on the former BN properties had penned an agreement with BNSF to allow RCO to be used on mainline through freight. And not to be out-manuevered, the UTU cut a deal with CSX Southern Lines to provide for road “utility conductors.” RWU was screaming for solidarity and unity among the crafts and their unions, but the leadership failed to take any notice. Angry words between the heads of the operating craft unions were the norm, as each union retreated to its corner and worked to out-manuever the other to win what would remain of the steadily shrinking operating crafts.

Then Lac Megantic changed everything. Once a big oil train – which had been under the operation of a lone employee – rolled away and exploded, destroying half of a small town, killing 47 residents, the tables began to turn. While it certainly can be argued that numerous factors came into play that day (an unsafe, cash-poor railroad, led by an arrogant anti-union CEO; the dangerous practice of leaving heavy trains on steep mainline grades unattended; inappropriate tank cars; the ignorance of the dangers of explosive Bakken crude, etc.), the fact that a single employee had been in charge of this train certainly raised the question in everyone's mind: Is this the best way to run a railroad? Numerous oil train derailments, spills, and explosions over the following two years would shock and alarm railroad workers and the general public alike, fueling concerns about the safety of the industry.

Not long afterwards, the head of the FRA – who would shortly thereafter be forced out of the agency when the rail industry called for his head – postulated that “*safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure.*” This statement was an amazing development for Joe Szabo, who just a few years earlier had ruled against the BLET-UTU joint appeal for an emergency order to halt the practice of single employee RCO operations. In 2009, he had flatly denied that request and stated that “there was no evidence to show” that RCO is safer when operated by a two person crew!

Then we witnessed the spectacle of the BLET (of all unions!) standing up for the road conductor on the regional railroad Wheeling & Lake Erie (W&LE). The management there has

Wanted to run single employee crewed trains for nearly a decade. With *both* the W&LE conductor *and* engineer represented by the BLET, and with both crafts adamantly expressing their desire to stick with two employee crews, the BLET had to (rhetorically at least) step up to the plate. At the National Convention last September, the BLET - to the thunderous applause of the delegates assembled - adopted a resolution of support for these besieged brothers and sisters in their fight to preserve the two-person crew.

And last summer, when BNSF overplayed its hand (letting the cat out of the bag and for the first time making it crystal clear to all that the Class I rail carriers were in fact intent on single employee crews), RWU would charge into battle and assist the trainmen on the former BN properties to defeat the proposal 5-to-1, sending the industry reeling and giving confidence to trainmen and engineers everywhere that this scourge can be defeated, and that we *can* win this fight.

Nevertheless, while the winds might appear to be blowing in our favor in these last couple of years, it is vital that we do not get lured into the naïve belief that shallow rhetoric and legislative efforts can carry the day. While RWU does not oppose efforts to change the law at the state or national level, we understand and appreciate the law's limitations. Three examples are in order: 1 – State laws that interfere with interstate commerce have historically been found to be unconstitutional by the Supreme Court. (Remember the BLET's effort to get municipalities and counties to outlaw RCO? It failed miserably). 2 - The National Labor Relations Act (NLRA), considered by organized labor of the 1930s to be its savior, was amended and crippled a few short years later by the Taft-Hartley Law. 3 - Laws enabling unions to organize have been rolled back or outright abolished in recent years (e.g. look at Wisconsin and other Midwest states). So how do we best ensure that the scourge of single employee crews never takes hold in North America?

RWU holds that railroad workers must not rely on politicians, lawyers, or our union leaders to save us. We must remain vigilant and conscious of what swirls around us on a daily basis. Demand that your union *never* reach *any* kind of tentative agreement (TA) that would open the door to single employee crews. Join the next “Vote No!” Campaign on whatever property where such a TA might rear its ugly head, and vow to vote down any sell-out back-room scabby deal. Be ready to strike and/or take other industrial action as necessary to preserve the two-person train crew. We must put the rail carriers on notice that when they next make a push for single employee train crews, that they are in for a knock-down, drag-out, all-out fight! Working railroaders have the power to stop single crew operations. And together with our allies – in the rest of the labor movement, the community, and among environmental activists – we can win!

