The unions of the operating craft – and all rail labor – won a victory on August 28th when the U.S. Court of Appeals for the Fifth Circuit ruled that crew consist was not an appropriate subject of bargaining at the national level. In Winter 2020, the rail carriers received a ruling from the lower court that mandated the unions negotiate with the rail carriers on the question of train crew size. While this latest ruling represents a victory for the unions, rank and file railroaders may want to refrain from popping any champagne corks just yet. In fact, this victory amounts to no more than a tactical win for our side, one which buys us a little time, and keeps the wolf from the door for another few months or so.

The rail carriers are of course, still free to insist on bargaining crew size, but in response to the judge’s ruling, must proceed carrier-by-carrier with an “on-property” strategy. And proceed no doubt they will. We need all be on the lookout for a surprise attack – similar to the one launched in July of 2014 by BNSF and a renegade GCA of SMART-TD – which could come at any time. Rumor has it that negotiations are proceeding apace on CN, a carrier not party to the national agreement in any case. Were we to lose here, the dominoes would no doubt begin to fall, as any single crew agreement would set the pattern and set in motion crew reductions on properties across the country, ultimately spreading to Canada and Mexico as well.

Rail workers need to be vigilant and on guard. Please report news of backroom deals, sleazy negotiations, and other signs that single person crews are being negotiated behind the scenes on your property. To the extent possible, we must not allow another surprise attack to be launched against us. But whatever the case, we will be ready – just as we were in 2014 – to stage a mass revolt, and to overwhelmingly reject any Tentative Agreement (TA) that makes allowance for less than two employees – a certified conductor and a certified engineer – aboard every train. We must show the carriers and the union officials alike that we refuse to be blackmailed, we refuse to be bribed, we will not be threatened by PEBs, nor coaxed and cajoled into acceptance. This is a principled issue upon which we stand. To lose here would be devastating to the operating crafts, to safe and efficient train operations, and to railroading in North America. RWU is committed – and has been since the founding of our organization in 2008 – to a unified fight of the operating crafts to defeat the scourge of single employee train operations.

We ask all railroad workers to likewise take the pledge, “Unite & Fight for Two Person Train Crews!” See Pages 4-5 for more info.