Twelve Reasons to Vote NO! Build Solidarity for Future Battles

As this issue goes to press in mid-October, the situation is fluid. Railroad workers across craft and union demanded their entitlement to a reasonable settlement and contract in this round of bargaining. Many felt betrayed by the PEB set of recommendations, when it came out on August 16th. Nevertheless, officials from the non-ops unions reached Tentative Agreements (TA) and submitted them to their respective memberships for ratification. The IAM and the BMWED rejected the first TA, while the TCU, BRC, IBEW, ATDA, SMART-MD and NCFO have ratified them. The others have pending ratification votes in October and November.

Meanwhile, hours before the strike deadline, President Biden convinced the carriers to throw a few symbolic trinkets to the leaders of the operating craft unions, BLET and SMART-TD, to proclaim TA’s had been reached. This averted a strike, pending ratification votes, which are not expected until mid-late November.

RWU released the following statement soon after the first TAs went out for ratification votes. Nonetheless these positions stand the test of time for ALL railroad workers 1) to strongly encourage those still with pending TA’s to exercise their right to decisively reject them; 2) to motivate for support and solidarity from ALL rails for ANY workers who choose to continue to resist and most importantly 3) as a code of principles that ALL railroad workers must adhere to moving forward. If we EVER hope to successfully resist the carriers’ relentless assaults on our dignity, safety and quality of life on and off the job:

1 – We must maintain our solidarity and unity across craft and union. The union officials proposing these TA’s have broken ranks and turned their backs on the United Rail Unions. What good is it having a united coalition in bargaining if we cannot have a united coalition when voting for a contract? Vote NO!

2 – Work rules and working conditions are not addressed. Practically all of the changes that the unions proposed for their respective memberships were dismissed out of hand by the PEB. Specifically, no shift differential is granted to the shop crafts. Vote NO!

3 – Wage increases will mostly be offset by a rise in the consumer price index. While this might be the most significant proposed wage increase in 40 years, it comes when inflation is at its highest in 40 years. Vote NO!

4 – Ratification will set a “pattern.” If any or all of these unions ratify these proposed contracts with the carriers, this will initiate a “pattern,” making it much harder for the unions who wish to fight to win a good contract. Vote NO!

5 – Unethical “Me Too” clause is unfair and divisive. The TA’s contain a “me too” clause, which would allow these unions to claim for their members any benefits which any other rail union might ultimately win going forward. In effect, this amounts to some unions taking advantage of the others’ efforts while doing nothing to assist. If a union is unwilling to stand in solidarity and fight, it should not expect to reap the benefits other unions gain through struggle and sacrifice. There is a vital union principle at play here. Vote NO!

6 – Current conditions provide an excellent opportunity for victory. Given the objective conditions: record profits of the carriers; a severe shortage of workers; supply chains in crisis; the rail industry and PSR discredited; the achievement of a universal bargaining coalition of all rail labor; a general upsurge in labor and union organizing; unions viewed more favorably by the public than at any time in the last 50 years, now is the best chance we have had in decades to win something, not to give in. Vote NO!

7 – Underlying issues and problems not addressed. The rail industry is in a state of crisis. This tentative agreement does nothing to address or rectify the underlying causes of worker disillusionment and dissatisfaction with their working conditions. Short staffing, long hours, harsh attendance policies, poor scheduling practices, a lack of time off work, and a generally inferior quality of work life would continue under this contract if ratified. Vote NO!

8 – Future solidarity and unity in bargaining will be compromised. If unions that are party to a coalition break away at the drop of a hat and make their own deals without consultation with the rest of the coalition, we can expect the next bargaining round to be a return of the bad old days of “every union for itself.” The carriers’ divide-and-conquer will hold sway. Vote NO!

Continued on Page 3
RWU Conducts Survey of Railroad Workers’ Thoughts on PEB #250

In an effort to better understand railroad workers’ thoughts and insights into the Report of Presidential Emergency Board #250, RWU invited all railroad workers who are party to the national freight agreement to take part in a brief 2-minute survey. The survey was up for four days. By midnight Monday 8/29/22, 3,162 workers had responded to this “Survey on Rail Workers and the PEB Recommendations”.

The results were overwhelmingly hostile to the PEB recommendations, with well over 90% of the respondents stating they expected to vote NO on a Tentative Agreement that was based on the PEB. An even higher percentage stated their desire to see railroad workers exercise their right to strike. These results were similar across all unions/crafts, age group, and seniority.

Have you had the opportunity to read and understand the Recommendations of PEB #250?  YES = 3058  NO = 76

On a scale of 1 to 10, with 1 being worst and 10 being best, did the PEB meet your hopes and expectations for a good contract?  
1 = 923  2 = 735  3 = 592  4 = 353  5 = 241  6 = 120  7 = 90  8 = 59  9 = 12  10 = 14

If the PEB recommendations were offered to you by your union "as is" in the form of a Tentative Agreement, would you vote Yes or No?  Yes = 218  No = 2917

Do you think that railroaders should exercise their right to strike on or after September 16th, as allowed under the Railway Labor Act?  Yes = 3001  No = 132

What Union are you a member of?  

What is your age group?  
18 - 29 = 115  30 - 39 = 902  40 - 49 = 1290  50 - 59 = 705  60 and above = 127

How many years of seniority do you have?  
1 - 5 = 114  5 - 10 = 608  10 - 20 = 1601  20 - 30 = 622  30 or more = 90

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 & 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. See the contact information 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

International Steering Committee
Chuck Abbate  SMART-TD #898b, KEOLIS, Boston, MA
Gabe Christenson  SMART-TD #1043, UP, Sparks, NV
Bill Connell  SMART-TD #1473, CSX, Framingham, MA
Jason Doering  SMART-TD #1117, UP, Las Vegas, NV
Ross Grooters  BLET #778, UP, Des Moines, IA
Ron Kaminikow  BLET #51, AMTK, Reno, NV
Paul Lindsey  BLET #226, UP, Pocatello, ID
Frank Parell  BMIWE #2906, NJT, Red Bank, NJ
Hugh Sawyer  BLET #316, NS, Atlanta, GA
Philip Stevenson  SMART-TD #376, CSX, Russel, KY
Andrew Weir  TCRC-LE #240, CN, Sarnia, ON

Alternates
Eric Basir  ATU #208, CTA, Chicago, IL
Matthew Grouix  SMART-TD #432, CN, Champaign, IL
J.P. Johnson  SMART-TD #137, Amtrak, Milwaukee, WI
Ian Kaminikow  SMART-TD #898, Keolis, Boston, MA
Tim Miller  NCFI #1218, NS, Conway, PA

Trustees
Ed Michael  BLET #724/SKRM-TD #979, UP – Retired, Salem, IL
Jeff Kurtz  BLET #391, BNSF – Retired, Fort Madison, IA

www.railroadworkersunited.org  info@railroadworkersunited.org  202-798-3327 or 202-RWU-DEBS
RWU P.O. Box 2131 Reno, NV 89505
RWU Members Bring Rail Workers Perspective to the Public

If there is a silver lining to the rail carriers' intransigence in this current bargaining round, it has facilitated railroad workers to find their voices. In the vacuum created by the union “leaders”, who are apparently unable, unwilling, and/or incapable of organizing this important work, numerous working railroaders have grabbed the bull by the horns and taken their story to the American people.

For more than 10 years now Railroad Workers United has patiently built up a rapport with various media outlets. This effort went into overdrive in 2022 when a number of excellent pro-labor media outlets came knocking. Max Alvarez of the Real News and Paula Pecorella from More Perfect Union helped us get the ball rolling with investigative reporting, delving into the conditions of employment in the freight rail industry. Soon after, RWU members were being invited to all sorts of venues, which inspired us to create an official RWU Media Committee of ten members, all of whom did their best to speak to as many sources as possible in the weeks leading up to the strike deadline back in September.

Invaluable relationships have been forged with countless media sources, both large and small. In addition to the ones mentioned above, RWU members have been interviewed by such media outlets, as the Washington Post, the Guardian, The Hill, Democracy Now!, Mother Jones Magazine, Vice, The Lever, In These Times, Jacobin, The Intercept, American Prospect, and Labor Notes, together with countless local newspapers, TV and radio stations. Without these noble efforts, the American people - and in particular, the American working class, would have had limited exposure to our perspective on the conditions of employment in the rail industry throughout this ongoing conflict with the Class One freight carriers. Our efforts have gone a long way to counter the propaganda of the American Association of Railroads (AAR) and the hegemonic pro-company perspective of the corporate owned media.

Railroad Workers United will continue to play an important role in getting the working railroad’s experience, perspective, and struggle before the general public. We hope these efforts win sympathy, support and solidarity for our cause. In addition, we should inspire YOU, the working railroader to get involved in the struggle, stand up and fight back. Do you know how to write an article? Speak publicly? Willing to learn? Contact the RWU Media Committee. And we will hook you up and help to get you rolling! Email RWU at info@railroadworkersunited.org.

Twelve Reasons to Vote NO! Build Solidarity for Future Battles

Continued from Page 1

9 – United we bargain – divided we beg. Giving in to bullies encourages more bullying. We have been bullied by the Class One carriers for years, and this TA provides no relief. In fact, capitulation in such a manner will encourage more of the same, even an increase. We refuse to be on our knees. We do not beg. Vote NO!

10 – We refuse to be the victims of exploitation and condescension. The Class One carriers claim their record profits have nothing to do with us and that they alone take all the risk and bear the burden of shifting economic conditions. We disagree. We sacrifice our health, well-being, and lives for the company. We deserve a share of the enormous wealth we have created for them. We are worth more. Vote NO!

11 – We are essential workers. We labored long and hard through the pandemic – many of us without any sick leave, often under draconian attendance policies. Vote NO!

12 – The ranks of all unions and all crafts are determined to win this time. Rarely do we see such anger and frustration channeled into determination to win a good contract. In a survey of 3,250 rail workers at the end of August, railroaders from all crafts, age groups, and seniority responded with overwhelming (93%) opposition to the PEB recommendations, stating they would vote NO to any TA – such as the ones in question - based upon the PEB. Vote NO!

For more analysis on this subject, go to Page 9, 10 and 11.

RWU Participates in Panel and Hosts Table at Socialism Conference 2022

“Change Everything” was the theme for the annual Socialism 2022 Conference, sponsored by Haymarket Books, over Labor Day weekend, Sep. 2-5, at the Hyatt Regency McCormick Place in Chicago, attended by 1500 fighters and activists. Haymarket Books is a radical, independent, nonprofit book publisher and distributor based in Chicago. They aim to contribute to the struggles for social and economic justice - against oppression, exploitation, environmental devastation, and war. This was reflected in the broad range of panels and sessions.

RWU had a table where we were able to distribute hundreds of leaflets, some Highball copies, sell a little schwag and engage in numerous discussions about the issues rails are ready to strike over. Former Co-Chair Mark Burrows participated on a panel sponsored by the Democratic Socialists of America, titled “Rank & File Power: Socialists and Labor Resurgence.” Other panelists included representatives from the Essential Workers Organizing Committee, the Chicago Teachers Union (CTU) and a UPS Teamster. It was moderated by Jesse Sharkey, former president of the CTU, and a leader of the 2012 Chicago teachers’ strike.
On August 16th, Presidential Emergency Board (PEB) #250 released its official Report and Recommendation for a negotiated settlement to the ongoing dispute between the United Rail Unions and the National Carriers Conference Committee. The next day, the rail carriers wasted no time in proclaiming it a “fair and equitable” basis for an Agreement with the various unions. Within a few days, the rail unions responded by announcing their discontent, yet began the arduous process of packaging a TA that the members would vote for, extolling the “positive side” of the PEB #250 to the membership.

Meanwhile, as the news filtered out and rank & file workers began to process the contents of the PEB Report, emotions ran the gamut from feelings of betrayal and sadness, to letdown and frustration, anger, and resentment. One thing that unites all rail workers is the feeling of deflation after hopes had been flying high for a favorable PEB that might right some of the wrongs that rail workers have endured for decades.

What most railroaders are so upset about regarding the PEB is not so much what the PEB is recommending in terms of wage increases (although most workers appear to be not too jubilant about that), but rather, what the PEB simply chose to ignore. This year was supposed to be our time when rank & file rail workers could hold their heads high, value their jobs, be proud once again to be part of the rail industry, look forward to the coming years, and ultimately, to their retirement from the industry. Unfortunately, the PEB Report has cast a long shadow upon those hopes and expectations.

The PEB’s failure to address much of the rank & file’s concerns about conditions of employment has left the membership feeling vacant, unappreciated, and led down the garden path. The unions – optimistic about the outcome of a PEB – had pushed this course of action as the solution to the carriers’ intransigence in bargaining.

Not only is the PEB’s failure to address work rules and conditions a slap on the face to working railroaders, but that failure also betrays shippers, passengers, and the nation as a whole who have been hoping to see an end to the ongoing rail service crisis. By not addressing these issues and this discontent among the workforce, the PEB has acted irresponsibly, their recommendations doing little to nothing to stem the tide of discontent nor address the ongoing mass exodus of workers from the industry.

In the last few years, a scenario unfolded like no other that any working railroad had ever seen. What makes the PEB such a bitter pill to swallow for so many working rail workers is that we were poised to win this time. This time we had the carriers on the ropes. It increasingly appeared that history was on our side, that objective conditions and forces were at play that mitigated in our favor, right up until this summer and when the PEB issued its Report. Let’s consider these conditions:

A sizable coalition of unions (10) emerged early in the bargaining process. This phenomenon had been building the previous few bargaining rounds. This time the Coordinated Bargaining Coalition (CBC) included both unions of the operating crafts as well as the dispatchers, signal maintainers, and most of the shop crafts. Then in the spring of 2022, the smaller coalition of two unions found itself in the same boat and opted to merge with the larger coalition. All rail unions – for the first time in U.S. history – now stood united and proclaimed themselves the “United Rail Unions.”

While our forces were becoming increasingly united and determined, the rail carriers were floundering. Shippers, passengers, communities, and regulatory agencies became more disillusioned and hostile to the Class One carriers throughout the months of bargaining. All these potential allies now had their axe to grind with the rail carriers concerning delayed trains, unfair pricing and demurrage practices, equipment shortages, first/last mile delays, misrouted carloads, clogged terminals, and an overall deterioration of service. The operating model of favor among most U.S. carriers – “Precision Scheduled Railroading” – was increasingly becoming the subject of ridicule. Not only were rail workers naming it as the culprit, but shippers, rail passenger advocates, communities, and the government itself were all raising objections to how the Class One railroads were failing us. The carriers are on the ropes, their favored operating model discredited.

Supply chains during this period have become congested and backed up, threatening the ability to expedite the movement of raw materials and finished products, driving inflation and injuring the economic recovery. Railroads have made front page headlines for their role in bungling up these essential supply chains, with a general recognition that a lack of workers – due mainly to the industry’s actions – has been the root cause of this crisis.

Throughout this time – including the pandemic, the Class One rail carrier continued to rake in hefty profits, often breaking records in many of their quarterly reports to shareholders. They cannot plead poverty or the inability to afford our basic requests for improving the quality of our work lives.

The world has changed since the last strike. Both conductors and engineers are federally certified, subject to drug testing and arduous hiring processes. The railroad is not in a position to hire replacement workers to break a strike. The ranks of managers have thinned to the point where using managers to do the work is not an option. The carriers have made front page headlines for their role in bungling up these essential supply chains, with a general recognition that a lack of workers – due mainly to the industry’s actions – has been the root cause of this crisis.
The labor movement is enjoying a resurgence, which has not been seen in decades. Workers in previously unionized industries have been striking and winning, and workers in traditionally non-union sectors have been organizing. These workers are in support of railroad workers and our struggle.

In the meantime, opinion polls show that organized labor commands a higher level of support and respect than it has in decades. Support for unions and the concept of unionization is looked upon favorably by most Americans, whether Republicans, Democrats, or Independents. Once again, this bodes well for rail workers and our fight.

President Joe Biden vowed to be the “most pro-labor President you ever had.” He has pledged support for workers’ rights to strike and organize. He has proclaimed support for railroad workers, specifically in the form of support for a minimum of two workers on every train crew.

The development of communications has allowed rail workers to compare notes, listen to one another’s accounts and opinions, and more easily conclude what they want, what they believe, and what course of action to take. Also, communication development has allowed rank & file workers to get their stories and opinions out there to the general public, gaining sympathy and solidarity from the greater labor movement, society in general, and from among our ranks across crafts and union jurisdiction.

Due to this myriad of factors outlined above, railroad workers objectively have more power than we have had in a long time. Rail workers have said enough is enough and, like many U.S. workers, are voting with their feet, leaving the industry in unprecedented numbers, resulting in a crisis of staffing shortages - particularly among conductors and engineers - causing delayed trains, constipated mainlines, lost freight traffic, clogged ports, and terminals, etc.

Railroad workers have correctly concluded that this historical moment should be our time. The PEB comes along and suggests otherwise. Suppose the PEB recommendations for a settlement are the best we can do. Can any rail worker realistically have hopes that conditions will be more favorable in the next bargaining round?

RWU believes that our time is now, for all the reasons outlined above. We have our best chance to win better working conditions in this round of bargaining. We have the motivation, the justification, the allies, and public support; we have the moral high ground. We should continue building solidarity and unity, our commitment to win, and pushing to the limit. RWU saw any contract simply based on the PEB recommendation as concessionary, especially considering the favorable conditions we have found ourselves in this round of bargaining. When RWU adopted its Statement of Principles at our Founding Convention in 2008, we proclaimed that:

"After decades of concessionary bargaining, rail workers have practically expected lousy contracts. If the union cannot at least maintain the current standard of living and working conditions for its members, it will become increasingly irrelevant in their lives. We say NO! to further give-backs at the bargaining table. We are committed to a coordinated bargaining strategy for all rail unions. We pledge ourselves to oppose any concessions at the bargaining table and pledge to build a fighting movement of rank-and-filers that includes all railroad crafts to take the necessary action to defend our jobs, our livelihoods, our rights, and our union!"

Therefore, RWU must support this fundamental principle and state our unequivocal opposition to any Tentative Agreement (TA) that refuses to transcend the narrow recommendations of PEB #250. If any proposal is simply a re-packaging of the PEB without any substantial add-ons - especially regarding work rules - then RWU is compelled to oppose such a TA. In the coming weeks/months, the unions and the carriers will at some point reach a TA, at which time RWU will carefully consider the proposed contract and state our position accordingly.

“We pledge ourselves to oppose any concessions at the bargaining table and pledge to build a fighting movement of rank-and-filers that includes all railroad crafts to take the necessary action to defend our jobs, our livelihoods, our rights, and our union!”
The result has been that railroads have become increasingly incapable of expansion in the last generation, while they have become more and more fixated on the operating ratio to the detriment of all other metrics of success, in more recent years, so-called “Precision Scheduled Railroading” (PSR) has escalated this irresponsible trajectory to the detriment of shippers, passengers, commuters, trackside communities, and workers. On-time performance is in the toilet, shipper complaints are at all-time highs. Passenger trains are chronically late, commuter services are negatively affected, and the rail industry is hostile to practically any passenger train expansion. The workforce has been decimated, as jobs have been eliminated, consolidated, and contracted out, ushering in a new previously unheard-of era where workers can neither be recruited nor retained. Locomotive, rail car, and infrastructure maintenance have all been cut back. Safety is put at risk. Morale is at an all-time low. The ongoing debacle in national contract bargaining sees the carriers – after decades of record profits and record low ORs – refusing to make even the slightest concessions to the workers who – contrary to what the Class Ones may state – have made them their riches.

Since the North American private rail industry has shown itself incapable of doing the job, it is time for this invaluable transportation infrastructure – like the other transport modes – to be brought under public ownership. During WWI, the railroads in the U.S. were temporarily placed under public ownership and control. All rail workers of all crafts and unions overwhelmingly supported this idea, and voted by plebiscite to keep them that way when the war ended. Perhaps it is time once again to put an end to the profiteering, pillaging, and irresponsibility of the Class One carriers. And railroad workers are in a position to take the lead and push for a new fresh beginning for a vibrant and growing, innovative and creative national rail industry to properly handle the nation’s freight and passengers.

Not only has RWU arrived at this conclusion, but other significant voices are putting the issue on the table for discussion. The following are excerpts from an article, written by Timothy Noah, that ran in the Sep. 16, 2022 issue of The New Republic, titled, “Strike Settled. Now Let’s Nationalize the Railroads.” With the subheading, “Did you know that railroads are the most profitable industry sector in America? No, that’s not a good thing.”:

“Before this week, most Americans probably had little idea that they remain so utterly dependent on rail freight; about one-third of all freight in the United States travels by rail. As much as that is, it isn’t enough. To the extent rail freight could be made to displace trucks, that would greatly reduce America’s carbon footprint. Trucks belch out nearly 10 times as many greenhouse emissions per ton-mile as trains.

But rail freight’s market share isn’t expanding; it’s shrinking, and rail service is getting crappier, because the financiers who control the industry expect an obscenely high return on investment. At its heart, that’s what this week’s labor dispute was about. It’s time to think about nationalizing rail freight.”

Perhaps you’re wondering - and if you aren’t, you certainly should be - why an industry that’s supposed to pride itself on predictable schedules for train departures and arrivals can’t produce predictable schedules for its workers.” “Freight schedules are pure chaos, and the railroads aren’t willing to employ enough workers to make that chaos even minimally functional. Instead, the railroads cut the Class I workforce by 29 percent over the past six years, a net loss of about 45,000 employees.

The culprit is something called Precision Scheduled Railroading (PSR). “PSR isn’t about predictable schedules. It’s about moving freight cars on a just-in-time basis.” In practice, according to the Presidential Emergency Board, since the advent of PSR, trains have gotten longer, averaging 9,500 feet as opposed to 7,000 feet, and nearly one-third less frequent. Shippers are paying more, and labor costs are falling as employment dips. Consequently, profits are up. Way up.

PSR, wrote House Transportation Committee Chair Pete DeFazio last year in Fortune, ‘is not some fancy optimization strategy to increase freight volume or improve operations and reduce emissions; rather, it is a business strategy promoted by Wall Street to boost short-term profits.’ The result has been that railroads - railroads! - were, as of 2019, the most profitable industry sector in America, according to the American Journal of Transportation, with a profit margin of 51 percent. By comparison, real estate (the selling of the world’s most finite resource, land) ranked number two at 41 percent, and tobacco (an addictive substance) was number three at 31 percent.

Railroads are more profitable than the banks that control them. But to be clear, it’s the banks that are in charge, not the railroads. The trains are an afterthought.

Since 2004, railroad profits have increased 676 percent and railroad stock prices have increased 1,250 percent. This is the sort of return more commonly associated with criminal enterprises. “Profit margins can’t rise further,” wrote Bloomberg Opinion columnist Thomas Black last month, “without inflicting even more damage on customers and workers.” That was Bloomberg Opinion talking, not the Daily Worker.

Writing last year in The Washington Monthly, Longman suggested that the railroads might be ripe for nationalization. There’s a precedent for doing so in times of national emergency, which is a fair description of our current climate crisis; President Woodrow Wilson nationalized the railroads during World War One. Alternatively, Longman suggests, we could nationalize only the tracks. That would not, he noted, be “all that different from how the Interstate Highway System works,” America’s train tracks are in terrible shape. If the federal government acquired them and then brought them up to the level of U.S. highways, maybe high-speed passenger rail, a technology widely available in Europe and Japan for four decades, could finally arrive on these shores.

“Clearly, we’ve got to do something. This week’s rail crisis provided a window on how dysfunctional the American railroad industry is. By the time Wall Street’s done picking over the bones, there’ll be nothing left. Labor’s threat to shut down rail freight was a cry for help. Let’s save our railroads while they’re still there.”

Well said! Thanks to The New Republic for this story. Please read the full text of RWU’s Resolution on the following page. To get more active in the movement to bring the railroads under public control, please contact RWU at info@railroadworkersunited.org.
RWU Resolution in Support of Public Ownership of the Railroads

Whereas rail infrastructure the world over is held publicly, as are the roads, bridges, canals, harbors, airports, and other transportation infrastructure; and

Whereas numerous examples of rail infrastructure held publicly have operated successfully across North America for decades, usually in the form of local/regional commuter operations and state-owned freight trackage; and

Whereas, due to their inability to effectively move the nation’s freight and passengers during WWI, the U.S. government effectively nationalized the private rail infrastructure in the U.S. for 26 months; and

Whereas, at that time it was agreed by shippers, passengers, and rail workers that the railroads were operated far more effectively and efficiently during that time span; and

Whereas every rail union at that time supported continued public ownership (the “Plumb Plan”) once the war had ended; and

Whereas, specifically, when the rank & file rail workers were polled by their unions in December 1918, the combined totals were 306,720 in favor of continued nationalization with just 1,466 in favor of a return to private ownership; and

Whereas the entire labor movement at that time was in favor of basic industry being removed from private hands, with the delegates to the 1920 AFL Convention voting 29,159 to 8,349 on favor, overruling the officialdom of the AFL and its conservative position; and

Whereas, in the face of today’s crumbling infrastructure, crowded and clogged highways and city streets, poor air quality, lack of transportation alternatives and deepening climate crisis, expanded rail transportation – for both freight and passenger - presents a solution to these social ills and problems; and

Whereas the rail industry today however is contracting – rather than expanding – at a time when we need more trains, trackage, rail workers, and carloads, not fewer; and

Whereas the private rail industry is moving 5 to 10% less freight than it did 16 years ago, and in recent years has shuttered diesel shops and classification yards, and has drastically reduced the number of employees; and

Whereas the private rail freight industry is generally hostile to proposals to run any additional passenger trains on their tracks – despite having legal common carrier obligations to do so - making it difficult if not impossible to expand the nations’ passenger rail network; and

Whereas the rail industry has come to focus solely on the “Operating Ratio” as a measure of their success, and in doing so have engaged in massive stock buybacks and other measures that deliver short-term gains for stockholders but at the expense of the long-term health and vitality of the industry; and

Whereas the Class One carriers’ failures to move freight effectively have contributed greatly to the ongoing supply chain crisis, resulting in some of the highest inflation rates in years; and

Whereas, these “Fortune 500” corporations have raked in record profits, in both “good” years and “bad”, right through the “Great Recession,” the pandemic, and otherwise, right up to the most recent Quarterly financial announcements; and

Whereas, during these years of record profits, these same Class One carriers have:
  ● Failed to solicit nor accept new but “less profitable” freight traffic.
  ● Forwarded less freight than 16 years ago.
  ● Stonewalled practically every attempt by Amtrak and other agencies to add passenger service.
  ● Failed to run Amtrak passenger trains on time, despite regulation and law to do so.
  ● Downsized the infrastructure, physical plant, and capacity.
  ● Eliminated nearly a third of the workforce.
  ● Outraged shippers and their associations by jacking up prices, providing poor service, and assessing new demurrage charges.
  ● Thumbed their nose at state and federal governments.
  ● Blocked road crossing and increased derailments by the implementation of extremely long trains.
  ● Threatened and attempted at every turn to run trains with a single crew member.
  ● Opposed proposed safety measures, from Positive Train Control to switch point indicators, the End-Of-Train device to Electronically Controlled Pneumatic brakes.
  ● Taken a hostile stance towards the myriad unions, refused to bargain in good faith, consistently demanding concessions, all the while expecting these “essential workers” to labor through the pandemic without a wage increase.

Therefore, be it Resolved that RWU supports the public ownership of the rail infrastructure of the U.S., Canada, and Mexico, to be operated henceforth in the public interest, placed at the service of the people of all three nations; and

Be it Further resolved that RWU urge all rail workers to voice their support for this proposal; and

Be it Further Resolved that RWU urges the rail union leadership of North America to take a similar stand, thereby providing the leadership necessary to see such a proposal through to fruition; and

Be it finally Resolved that RWU urges all labor unions, environmental and community groups, social justice organizations, rail advocacy groups and others to push for a modern publicly owned rail system, one that serves the nation’s passengers, shippers, communities, and citizens.

Adopted by the RWU Steering Committee 10/5/2022
RWU Submits Official Comments to the Federal Railroad Administration on Proposed Rulemaking on Train Crew Staffing Minimums

To its credit, the Federal Railroad Administration (FRA), on July 28, 2022, finally published a Notice of Proposed Rule Making (NPRM) on the issue of train crew staffing. This crucial safety question was first raised at the FRA by former Director Joe Szabo when he stated in 2014 that “safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure.” (Note Szabo’s use of the word NEVER.) Railroad Workers United (RWU) agrees with this statement and cannot support the FRA Proposed Rule in its current form because it would allow virtually any railroad to potentially run almost any train with fewer than two employees. As currently written, the Proposed Rule could allow for numerous instances of single crew operations in the coming years.

Rather than a Rule that would prohibit single-employee operations of trains, the FRA’s Proposed Rule outlines the process by which: a) railroads that are already operating with a single crew member can achieve authorization to continue the process; and, more importantly, b) railroads interested in implementing single crew operations can obtain a road map for doing just that. The FRA is attempting to placate unions, community groups, and the general public on the one hand with a “Two Person Train Crew Rule” while, on the other hand, signaling a green light to the industry to run trains with a single crew member.

While the Proposed Rule, at first glance, seems to suggest a minimum of two crew members is mandatory, it contradicts itself. It states that single employee crews are acceptable … as long as they are done “safely” (As proposed, FRA will approve a petition only if it finds doing so would be consistent with railroad safety. FRA expects to support a petition if the Associate Administrator for Railroad Safety independently determines that a railroad’s safety case establishes that the proposed operation will not result in an unacceptable level of risk.)

Crucially, this is where we disagree with FRA. There is no “safe” way in the U.S. to run a train with a single crew member, period. And while there may be the rare occasion where a limited single crew application might be feasible, the wording of the Proposed Rule seems to suggest that any current rail operations may apply to the FRA to run these trains with a single crew member, and that application could be accepted, depending upon the current political slant at the Administration (Note that the previous FRA chief Ron Batory - a former rail CEO - stated his belief that practically any and all train operations were considered “safe” with just one crew member.

The Proposed Rule reads: “As proposed, FRA will approve a petition only if it finds doing so would be consistent with railroad safety. FRA expects to approve a petition if the Associate Administrator for Railroad Safety independently determines that a railroad’s safety case establishes that the proposed operation will not result in an unacceptable level of risk. In terms of the proposed risk assessment methodology, FRA will approve a petition if the Associate Administrator independently determines that a railroad’s safety case establishes an acceptable level of risk generally or an acceptable level of risk under specific conditions identified. An unacceptable level of risk would be a level of risk that would make the particular operation inconsistent with railroad safety.”

As a result of the shortcomings in FRA’s Proposed Rule back in 2016, the unions of the operating crafts — the Brotherhood of Locomotive Engineers & Trainmen (BLET) and the International Association of Sheet Metal, Air, Rail, and Transportation Workers - Transportation Division (SMART-TD) - issued at that time a joint statement of opposition to the Proposed Rule in its current form. More than one thousand rail & file railroad workers — primarily engineers and conductors — made public comments to the FRA regarding the issue from March 16 to June 15, 2016, during the written comment period. Practically 100% of these comments insisted on the importance of a minimum of two employees on every train crew. Many gave real-life examples of experiences in the field where a two-person crew had proven indispensable.

Finally, we are deeply concerned that the Proposed Rule would pre-empt state laws that outlaw single person train crews. “This proposal would also enhance safety nationwide by replacing the existing patchwork of State laws regarding crew size with a uniform national standard. Without consistent guidelines, railroads may be subjected to disparate requirements in every state in which they operate, resulting in potential safety risks, operational inefficiencies, and significant costs.” Unlike this FRA Proposed Rule, these existing state laws do not allow for rail carriers to submit waivers and petitions to run trains with a lone crew member. The rail unions and hundreds of conductors and engineers worked long and hard to achieve these state laws. We do not wish to see them pre-empted by a federal agency rule that would allow for single crew operations.

The rail carriers’ insistence should not sway the public and the FRA that this is a subject best left to the bargaining table with the labor organizations. The general public has a considerable stake in this issue. Throughout our nation’s history, railroad safety has been federally mandated in one form or another in order to protect the safety of workers, passengers, and communities. Hundreds of examples of such regulation exist - from the application of air brakes to trains starting in the 19th century, to the requirement of a “working two-way end-of-device” in the 1990s, to the recent update of the hours-of-service law implemented in the last decade. Just like these significant safety advances, the all-important question of train crew staffing should not simply be left up to the rail industry to decide what is best for all of us.

The FRA must amend the Proposed Rule to prohibit the widespread application of single-employee train crews to the U.S. rail industry. To do otherwise would be an abrogation of its responsibility to railroad workers, trackside communities, shippers, passengers, and the citizenry at large.
My name is Michael Paul Lindsey II. I am a 17-year employee of Union Pacific in Pocatello, Idaho. I would like to humbly contribute my opinion on the recommendations of Presidential Emergency Board #250, and to also thank you for clarifying a few critical industry stances that employees and regulators will use when they inevitably bring your industry to heel in the upcoming months and years.

Your organizations seem to completely miss several much larger points that I intend to expose. This dispute has never been an issue of simply dollars and cents, or one that can be resolved by a financial bribe to labor in the correct percentage amount.

A quote from page 32 of the PEB report states that, “investment and risk are the reasons for their profits, not any contributions by labor.”

In an attempt to justify this blatant insult, your organizations stated further that we are adequately paid and “do not share in the downside risks if the operations are less profitable, and have no claim to share in the upside either.” In an attempt to verify this claim, I have to ask what in the world I was doing when I left my home in California at the request of the railroad. Traffic was slow in 2007 and my seniority was not good. However, the railroad was hurting for employees in Pocatello and enticed me to permanently give up my seniority in Roseville and move to Idaho. When I took this risk, I had never even been to the state of Idaho, let alone the city. When I arrived at the beautiful red brick depot to serve the company, it was also my first view of the place that would become my permanent home. However, making such a leap of faith is not considered adequate risk, according to your statements to the PEB.

If I have no downside risk during less profitable times, what exactly was I doing when I was then furloughed for the better part of two years after the financial crisis of 2008? Apparently, making $7,000 during the entire year of 2009 at the Union Pacific wasn’t sharing in the downside risk enough.

What was I doing when I slept in my truck in railroad terminals in Nevada, Idaho and Utah, or rented a one-bedroom apartment in Grand Junction to work a local while my young wife stayed back at home? These were my downside risks during the most recent financial crisis, and the stories are repeated over and over again across all crafts and all of the railroads in countless states and terminals across the country. Your organizations are “too big to fail,” and we are not? So, I must ask, how much downside risk do you truly think you have? I would say that it is not really as big as you think. Labor has been the one group to make continuous and faithful sacrifices to support your downside risk, and by callously ignoring us, you have lost the loyalty of an entire generation of skilled, experienced workers.

Your organizations think that the PEB results are “fair and appropriate.” Money is all that matters to you. Humanity, families and community mean nothing. A fair and appropriate contract would address what matters to us: quality of life. At the end of the day, quality of life was the goal of this contract, not a 24% taxable pay increase that actually lowers our pay by 2% when adjusted for inflation.

“Your employees are leaving because you don’t own us, and we are the largest stakeholders making a profit for your companies. We don’t invest bailout money and preferential loans given to your companies by the Federal Reserve. We invest our lives, our health and our only life on this world. We invest the childhood of our sons and daughters. We invest the youthful years of our spouses. We invest our years of good health...”

Your employees are leaving because you don’t own us, and we are the largest stakeholders making a profit for your companies. We don’t invest bailout money and preferential loans given to your companies by the Federal Reserve. We invest our lives, our health and our only life on this world. We invest the childhood of our sons and daughters. We invest the youthful years of our spouses. We invest our years of good health to ensure that your trains move, that customers receive their cars, that your tracks are maintained, that the signal systems function, that locomotives, and rolling stock are safe and operational and that yards and territories are fluid and profitable. If that doesn’t represent a people worthy of reward for their investment, then you truly are lost.

We wanted a resolution to the oppressive attendance policies that force employees to show up to work sick and fatigued. The PEB remained silent and your organizations believe this is fair and appropriate. We wanted some sort of predictability to work/rest cycles. Yet this has not even been attempted. Instead, most railroaders’ work schedules are less predictable than ever as turns are dropped and employee shortages force us to sacrifice even more of our limited time. The PEB remained silent, and your organizations believe this is fair and appropriate.

The pay increase of 24% over 5 years is entirely taxable, and after adjusted for inflation represents a 2% loss in actual purchasing power. This also assumes that the inflation numbers are accurate.

But there is good news. If Congress goes ahead and imposes the results of the PEB upon us with zero quality of life improvements, rest assured that many thousands of our ranks will accept your back pay and then leave you to focus on your risk and investment profits. There seems to be nothing more quintessentially American than involuntary servitude, and therefore Congress thinks that it can impose it by legislative decree. But let me warn them that we are not indentured servants. We are not tied to the land or your railroad or your neo-feudal lords. The industry and regulators still seem to be tone-deaf to the fact that the game has changed. We can and will walk away permanently if our upcoming strike is not respected as the free market solution that it is.

Just think of it as an Embargo. Union Pacific should know all about embargoes, considering how often they embargo poor shippers for violating arbitrary standards. We are exercising our free market, capitalist right to embargo you. If you don’t like it, fire us, and go make your risk and investment profits.
WTH is it Going to Take?! Calling All Disgruntled Rails!

What is it going to take for the vast majority of railroad workers to arrive at the indisputable conclusion that our unions - as currently constituted - are utterly incapable of effectively fighting for our collective interests? In the context of this intelligence insulting, dog-and-pony show, masquerading as serious negotiations to fight for railroad workers’ interests, as the editorial on the adjacent page states, “The bankruptcy and ineffectiveness of the old antiquated craft union system is on full display for every rail worker to see.”

RWU hailed the formation of the United Rail Unions (URU) bargaining coalition as a promising development, since we have tirelessly advocated for such a united bargaining coalition from our inception in 2008. In hindsight, we did not sufficiently assert that unless all 12 union leaders of this URU signed a “blood brother pact” that, “Nobody settles until we all settle”, this so-called coalition would ultimately render itself useless - as it has.

Over the years I’ve tried to make the case that a major contributing factor to the shameful degeneration and degradation of railroad workers’ conditions, has been the fact that railroad workers are divided into a myriad of different craft unions and thus, effortlessly conquered. I didn’t read that in a flyer, newsletter or book. I’ve lived and endured it (more on that later).

In the early 1890s, my main man Eugene Debs had seen enough of the double-dealing, backstabbing and outright treachery that this scenario invites. That’s why he set out to organize the American Railway Union (ARU) - one, single industrial union for all railroad workers to be able to bargain as one united entity; to settle as one united entity; and as a last resort, when all else fails, to withhold their collective labor as one united entity.

At its peak, before the ARU was crushed by the federal government, cheered on by the leaderships of the so-called brotherhoods at the time, in the context of the 1894 Pullman Strike, the total membership of the ARU surpassed that of all the established rail brotherhoods combined.

So here we are 128 years later. Contrary to a common theme on social media, I’m not calling into question any particular union leader’s character and/or integrity. Debs was very clear on this. From “You Railroad Men”, an essay he wrote in 1905:

“It is not that Mr. Stone (BLE leader) is personally dishonest or corrupt; he may be, and I think he is, perfectly conscientious in what he says and does, and the same is doubtless true of the grand officers of the other railway unions, but that is not the question. If workingmen are betrayed and defeated and made to suffer, it makes little difference if their misfortunes are due to dishonesty, or ignorant and incompetent, leadership. The question is not, Are these leaders honest? Let that be conceded. The question is, Are they true to the working class. If their official attitude does not square with the working class as a whole, then they are not in line with the true interests of their own union and are not in fact the friends, but the enemies of labor; not serving, but betraying those who trust and follow them.”

In other words it doesn’t matter if Pierce, Ferguson, Cardwell and the rest of their ilk are the most morally, ethically righteous human beings walking the earth. Nor does it matter if they’re selling us out, as the tired, worn out complaints go. All that matters is that this isn’t working! They’re not like us! They begin & end with, “What will the bosses give us?” vs. our starting point of, “What are we entitled to as workers and human beings?”

“When someone shows you who they are believe them the first time.”

The late, great, poet, author, civil rights activist and humanitarian Maya Angelo once said, “When someone shows you who they are believe them the first time.”

Just from my own experience at the Soo Line/CP Rail, the institutions that today’s union leaders all came from showed me all I needed to know decades ago. A few of my nominations for Labor’s Hall of Shame include, but are not limited to:

1) During the 1994, 47-day UTU strike vs. the Soo Line, the diesel house machinists, members of the IAM, all crossed the picket line. 2) The catalyst for the strike in the first place was that the UTU rejected the agreement the BLE had already settled for. If we’d all been in one union that would never have been posed. 3) Just as the UTU was winning on the ground, the BLE began to organize it’s members to cross the picket line due to a jurisdictional urinating match. In all fairness, they had a legit beef, but again, if we’d all been in one union.... 4) Even though the SMART-TD conductors twice decisively rejected Hunter Harrison’s “Blood-money-for-your-dignity” TA, in 2015 the BLE sent an International VP to sell it to the membership, aided by the GC. Once ratified, SMART-TD surrendered, choosing arbitration vs. striking. How’d you think that was going to end? 5) On the national level, instead of uniting to draw a line in the sand against the implementation of the RCO’s, the UTU and BLE outdid each other in shameless pursuit of the coveted “Last Man Standing” agreement. How many rails have been killed or maimed in RCO incidents? 6) Any list of treachery has to include the SMART-TD’s attempt to sell a single-employee crew TA at the BNSF in 2014.

None of this is new - except the higher stakes. Not only is quality of life - what little is left - at stake, but literally workers’ very lives & limbs, as well as those of the community. If you haven’t already, please read Brother Paul Lindsey’s eloquent statement on Page 9. I urge you to make a bazillion copies - preferably on the carrier’s printer, but only if out of camera range - and distribute them far & wide to help motivate others to “Vote No!”

The strike authorization votes were near unanimous. That implies tens of thousands of disgruntled rails, but only a micro-fraction are in RWU. News flash: “Boo hoo the union’s not doing anything” ain’t gonna cut it. Failure to act, to challenge the status quo only emboldens the bosses. When you’re ready to fight and to help build an educated, inspired, mobilized, militant battalion of rails to take back OUR unions so that we can organize resistance to the bosses’ brutality, RWU is looking for thousands of defiant women & men.

A shout-out to Eleanor Goldfield, a fave, creative fighter. To explore the range of her artistic & thought provoking, perhaps controversial social justice endeavors: www.artkillingapathy.com

Mark Burrows has served as Organizer and Co-Chair for RWU. He retired at the end of 2015, after hiring out in 1974, working as an engineer for a combined total of 37 years for the C&NW and the Soo Line/CP Rail in Chicago, Illinois. He was SMART-TD 1433’s Delegate for the 2011 & 2014 International Conventions and continues to be an active member of RWU.
As this issue of The Highball goes to press, the “United Rail Unions” coalition lies in tatters, as the myriad craft unions each went their own way at the crucial moment, with some union officials tripping over themselves to approve a TA based upon the PEB, others hemming and hawing, and still others pushing the limits of a strike deadline. The current situation is chaotic, confusing and confounding. The bankruptcy and ineffectiveness of the old antiquated craft union system is on full display for every rail worker to see.

As RWU outlined in our Statement on the PEB in late Summer (see Pages 4-5), the objective conditions appeared so ripe for rail workers to win a decent TA, one we could be proud of, one that would meet our needs, one that would keep us working in the rail industry for many years to come. How in the world then – with the conditions seemingly so favorable for victory – did we end up with such a demoralizing situation?

While “it ain’t over till it’s over,” already there are numerous lessons to be learned, lessons that can help guide us to potential victory the next time around.

1 – Build and nurture real coalitions. The grand “coalitions” that were touted by the rail union officials were so much window dressing and in fact were baseless, frivolous alliances that collapsed without a whimper when they were needed the most. Next time – in the absence of outright amalgamation or outright replacement by a new industrial union of all railroad workers – the Coalition must be bound together fully, based upon the bonding agreement that “no union/no craft settles until all are ready to settle.” Absent this, any future “coalition” is a waste of time.

2 – Know who your opponent is. The rail carriers have come to realize the moment in history within which they are operating. The PSR mindset has propelled them into hyper cost-cutting mode. They were not interested in giving the unions anything, and were prepared to stonewall indefinitely and run roughshod over them. This is what they did for 2 ½ years, with no vacillation. The conservative craft union officialdom was unprepared to face such an adversary, and went into bargaining with the same naïve approach, one that assumed the carriers would engage in the traditional give and take. Next time, we must understand and appreciate the nature of the Class One carriers. You are not going to win any deals behind closed doors. Bargaining must be brought out into the open where pressure is brought to bear by working railroaders throughout the bargaining round.

3 – Do not put faith in politicians. Whether naively assuming that a PEB would render a good contract through favorable recommendations, or relying on the President or Congress to save us, we do not build the union this way, we do not empower the members, and it is a recipe for confusion and disarray.

4 – Mobilize the rank and file throughout the bargaining process. Any union bargaining team is only as strong as the support it receives and the backing it gets from the membership. Bargaining must be brought out into the light of day. Members must be involved at every step of the process, kept informed and invited to participate in bringing pressure to bear upon the employer.

5 – Publicize our struggle and our perspective. The rail carriers spend a fortune on PR, and are not shy about sharing their views to the media. Likewise, rail unions simply must use the press to get OUR perspective across. We simply must take part in the theatre of public opinion, and win the hearts and minds of our fellow citizens, and the support and solidarity of potential allies.

6 – Build Broad Alliances with Labor, other sectors. Our struggle is part of a generalized struggle of working class people vs. their employers. Rails have countless allies among labor unions – especially transportation unions – and the working class as a whole. In addition, relationships and alliances need to be built with rail advocacy groups, environmental organizations, and social justice formations, to be nurtured and built before, during and after bargaining rounds to aid and assist us in the struggle.

7 – Use the power of the membership. The rail carriers have no reason to “give” us anything unless they are forced to. By unleashing the power of the rank & file though rallies, demonstrations, pickets, “practice strikes” and various creative tactics, we can bring pressure to bear on recalcitrant arrogant corporations who resist our will.

8 – Start the effort early in the process. We must not wait until an impasse is reached, or a PEB report is released, and only at that point try to mobilize. We must have an action plan in place from Day One of bargaining (even prior to the Section 6 Notices being exchanged).

This is hardly a comprehensive list but rather lays out an alternative strategy to confront the employers head on – prepared, determined and united in solidarity. Like in any conflict, we must utilize the resources we have at our disposal, and build them up to the best of our ability. The rail carriers are intent on playing hardball with the workforce. The recent years’ experience with “Precision Scheduled Railroading” should have made that clear to every rail worker and union official alike. We must learn from the mistakes of this round and move forward. We must be better organized next time. The membership must be involved from Day One. We must plan for the worst case scenario. Preparation for the next round starts today!
**STRIKE** stickers & buttons make a great conversation starter with your coworkers. Let the bosses & union leaders know how you REAL-LY feel! Sheets of 12 stickers in 4 different colors and red buttons (pictured at right) are available.

Join the Fight To Save the Two-Person Train Crew!

All Single-Employee Crew Merchandise on Sale!

RWU has lots of stuff to assist you in the fight to save the two-person train crew. T-shirts, buttons, stickers, bumper stickers, flyers, yard signs and more. Get yours today!

RWU Online Store
www.railworkersunited.storenvy.com

*Why should the railroad employees be parceled out among a score of different organizations? They are all employed in the same service. Their interests are mutual. They ought to be able to act together as one. But they divide according to craft and calling, and if you were to propose today to unite them that they might actually do something to advance their*

Eugene V Debs, Founder of the American Railway Union

---

Join Railroad Workers United Today!

Visit our website: railroadworkersunited.org and click the link to JOIN RWU

When you join RWU, you unite with a growing network of railroaders who strive to build unity, democracy and solidarity among the railroad workers of North America. Specifically, when you join here’s some of what you get:

- Your personal RWU membership card.
- Various lapel and bumper stickers (see below).
- The RWU newsletter mailed to you each issue.
- Discounts up to 25% on most RWU merchandise.
- Free (or discounted) bundles of the newsletter to distribute.
- Meeting Minutes from each Steering Committee meeting.
- The right to attend the RWU Biennial Convention.
- Most importantly, you will become part of a network of like-minded railroaders who are working to make a difference. For advice, encouragement, ideas, and support to assist you in your day-to-day struggles on the railroad, there is no finer network today to be a part of than Railroad Workers United!