



The Highball

Official Publication of

Railroad Workers United

Canadian Railroad Worker Defense Efforts Grow and Develop

Fritz Edler, BLET #482, Retired

Let's be honest, it's hard to tell people to keep focusing on an event that happened *three years ago* in a small town in another country. People want to get on with their lives, and there's a new rail safety issue that needs attention almost every day. That's the reality of our RWU efforts around the defense of Canadian railroad workers Tom Harding and Richard Labrie. They are still facing long prison terms for the runaway train crash and fire in Lac-Mégantic, Quebec that killed 47 people and destroyed half the town, even after the government's own investigations showed their actions were not the proximate cause of the disaster.

So why do we keep telling the Canadian government to Drop The Charges – We Need Real Rail Safety? First of all, it was and is the right thing to do. We in RWU saw early on that the criminal prosecution of those two railroaders was way bigger than just solidarity with two fellow railroaders. It encompasses just about our entire RWU safety agenda: issues of single

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Supporters turned out in Sherbrooke, Quebec for the hearing for Tom Harding and Richard Labrie, the Canadian rail workers wrongly accused for the 2013 Lac-Mégantic train wreck. Left to right: Robert Bellefleur of the Citizens Coalition of Lac-Mégantic and Fritz Edler, chair of the Harding - Labrie Defense Committee.

RWU Testifies for Two-Person Crews at FRA Hearing in Washington, DC

Fritz Edler, BLET #482, Retired

It's like the old "I have good news and I have bad news" joke, but single crew operations is no joke. It's a life and death issue that is a core principle of RWU; *Single Crew Member Operation Is NOT Safe!* No technical change is going to change that. It should not be necessary for more people to die for that to become clear.

The good news is that thanks in no small part to the work of RWU members, just about everybody opposes single crew trains. The bad news is that at least 14 shortline railroads in the US are currently running risky single crew trains today, not counting hostling and some excluded "terminal" or yard moves.

The good news is that the FRA has felt the public pressure, and is finally going to implement a rule governing what they call "Train Crew Staffing." The FRA published a Notice of Proposed Rulemaking (NPRM) on Train Crew Staffing on March 15, 2016, which opened up the period of public comment. The bad news is the FRA's NPRM on Train Crew Staffing, as it is currently written, is in actuality, simply a *roadmap on how to get to single crew operated trains.*

RWU rightly called out this attempt to open the door to even

more single crew trains and encouraged safety minded people to write in during the written comment period. And did people ever respond! Over 1400 comments came in, more than three times the usual amount, and they were overwhelmingly against Single Crew Operations. The carriers' front group - the American Association of Railroads (AAR) - has always objected to any kind of government regulation of crew staffing. When the AAR saw which way the comment winds were blowing they petitioned the FRA for a public hearing on the proposed rule. That hearing took place on July 15, 2016.

The good news was that people who believe in rail safety were out in force again. North Dakota Senator Heidi Heitkamp led off calling for a rule banning all Single Crew Operation. She was backed up by speakers representing towns and communities put at risk by dangerous rail company procedures.

The bad news is that the industry keeps opposing any rule mandating a minimum crew of two. The AAR, CSX, the American Short Line & Regional Railroad Association and reps of select regionals who practice single crew operations already have said the same thing in different ways: "Don't tell us how to run the railroad. You can trust us. We will keep you safe."

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RWU Conducts Rail Safety Workshop for Community Activists in Chicago

On July 6, RWU hosted a forum titled: “No More Lac Megantics! - Citizens, Railroad Workers & the Fight for Rail Safety.” This was one of 60 events across North America to mark the third anniversary of the Lac Megantic oil train disaster, when a runaway oil train derailed and exploded, leveling several buildings, killing 47 people. Among the approximately 35 attendees at the United Electrical workers union hall were environmental and community activists who have been organizing around a range of issues, together with a few railroad workers. The program was broken into four different segments: 1) The Need for a Labor–Community Alliance - 2) Factors Leading to Lac Megantic Tragedy; Drop the charges against Tom Harding and Richard Labrie. - 3) Existing and Potential Hazards on the Railroads; What communities need to know. - 4) The Struggle on the Wheeling & Lake Erie –workers on the front line in the fight against single-employee crews. Former RWU Co-Chair Mark Burrows gave each presentation with a Q + A discussion following each segment.

For railroad workers fighting for a safer, dignified work environment, building and forging alliances with the general public is critical. The degeneration of our working conditions since the 1980’s indisputably prove that our unions’ “fightback” strategy of lobbying and “getting-out-the-vote-for-our-”friends” is worse than useless. Only when we successfully galvanize the potentially massive support from the general public, who have a vested interest in safe railroading operations, will we be able to decisively resist the carriers’ relentless assault on us. There are numerous fronts in the fight for social, economic, political, and environmental justice. We all face the same enemy - corporations, their investors and local, state and federal governments that enable and run interference for them.

The second segment focused on the facts, circumstances and



policies that were responsible for this horrific tragedy in Lac Megantic. In essence, we turned the tables, and the now defunct Montreal, Maine & Atlantic (MM&A) Railway was put on trial, “charged” with the ultimate responsibility and culpability. In addition, Transport Canada and the FRA, the applicable government regulatory agencies, were “charged” as accomplices for their rubber stamping of the dangerous policies, practices and culture at M&MA. See www.hardingdefense.org and the article on Page 1 for more analysis of this important case.

The third segment explained the most critical safety issues railroad workers are confronted with: ridiculously longer and heavier trains; the threat of engineer-only trains; the existing hazards of chronically fatigued workers due to barbaric work schedules and deferred/neglected maintenance of rolling stock and infrastructure. The final segment explained the stakes involved at the W&LE and made a preemptive appeal for support and solidarity, should the workers there get forced out on another strike. The entire forum was later broadcast on the local cable access network and can be found on You Tube under “Railroad Workers and the Fight for Rail Safety.”

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 & 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

- Ross Grooters**, BLET #778, UP, Des Moines, IA
- Ron Kaminkow**, BLET #51, Amtrak, Reno, NV
- Paul Matchett**, WSOR, Janesville, WI
- Hugh Sawyer**, BLET #316, NS, Atlanta, GA
- Cameron Slick**, UTU #911, CP, St Paul, MN
- Jim Thomason**, UTU #1292, CN, Two Harbors, MN
- John Vitaska**, NCFD #395, CP, Chicago, IL
- James Wallace**, UTU #305, BNSF, Lincoln, NE
- Jen Wallis**, BLET #238, BNSF, Seattle, WA
- Andrew Weir**, TCRC-CTY #240, CN, Sarnia, ON
- John Wright**, BLET #78, CSX, Louisville, KY

Alternates

- Brian Clark**, TCU/BRC #3060, CN, Champaign, IL
- Robert Hill**, UTU #556, BNSF, Tacoma, WA
- Alan Thompson**, UTU #316, UP, Clinton, IA

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Canadian Railroad Worker Defense Efforts Expand and Develop

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crew member train operations; longer/heavier trains hauling more dangerous cargoes; lack of infrastructure maintenance; and corporate disregard for the safety and welfare of employees and people in surrounding communities.

So when the government justice system and some management friendly media started to roll out it's propaganda, RWU didn't cut and run like some. RWU understood from the start what abandoning those brothers would actually mean for the rest of us. We said we were in it for the long haul three years ago. We still are.

There's another important reason to keep plugging away at Lac-Mégantic defense efforts - they make a difference. We showed it again this month in Quebec. Here's a quick update. In July, working with allies we've made in our rail safety campaigns, we promoted the call to action from the *Citizen's Coalition in Lac-Mégantic for Remembrance and Rail Safety* at the time of the 3rd anniversary of the wreck. RWU members in Chicago and elsewhere were able to steer the concern sparked by the anniversary towards events that actually spoke to the Harding/Labrie case. Former RWU Co-Chair Mark Burrows, for instance, organized a public meeting in Chicago that week that broke through the government and industry hype about the wreck, bringing critical information to activists about the actual situation today. (See Page 2)

That's when we started the *Drop The Charges Petition* on line, to call attention to the criminal case in order to draw attention to safety issues and to corporate policies that make the rails unsafe for workers and the communities they run through.

This was the first RWU attempt at an on-line petition. We set a goal of 1000 signatures to see if we could do it. They say success makes you want more. We hit 1000 a few weeks before September 13th and decided to double down. When I brought the petitions to the Palais de Justice in Sherbrook, Quebec we

had over 2700! Some door-to-door petitioning is still going on in the Quebec town where Harding lives. The fact that so many, including those in communities that were actually devastated by the Mégantic wreck, have shown willingness to sign such a petition cannot be overemphasized. The RWU efforts gave them the opportunity to step up. Because of our actions, the government and industry campaign to pin the blame solely on Harding and Labrie has fallen short of its mark.

One more benefit from staying true to this fight, it made RWU welcome and respected in Mégantic itself, where the victims lived. We're not like the media and politicians who showed up right after the tragedy and then have not been seen since.

So where are we? The September 13th procedural hearing, held in the Palais de Justice in Sherbrooke, QC, resulted in new information and decisions about the course of the prosecution going forward. There was lots of technical discussion on how to hold the trials, and whether or not to do some in French, some in English. One particular technical issue shows how tilted the legal playing field is. The MM&A railroad only exists on paper, but the same people are still running the same trains under another name. The most important result of the Court hearing was that the Canadian government remains dead set on continuing this unjust prosecution, with the criminal trial phase set to begin in September of 2017.

So we have made real progress, but the danger going forward is still great. The real culprits who designed and enforced reckless policies and procedures still have not been held responsible. The industry continues to push these unsafe practices. *The truth is the number of reported runaway trains has increased every year since the Lac-Mégantic tragedy.* Railroaders have a stake in seeing to it that the truth behind the real causes of the Mégantic wreck comes out. It fell to us to make sure co-workers and the public understand this. That's our job. Union minded railroaders know we need to get this done as a top priority, for ourselves, our families and our communities.

RWU Provides Testimony in Support of Two Person Crews

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The good news is that the unions representing the operating crafts, SMART-TD and BLET, presented detailed refutation of the AAR and railroad management arguments as well as examples where multiple crew members could and did save the day.

RWU member Fritz Edler ended the hearing with a call to the FRA to resist the temptation to come up with a long list of technical conditions the railroads would have to meet before implementing more single crew operation. He called for a specific, strong and simple rule prohibiting single crew operations, without the originally proposed exceptions, exclusions and loopholes, all currently big enough to drive a train through.

A final FRA rule is expected in November. The good news is not that good. The new rule might provide a little breathing space at this or that carrier. The bad news, the new rule is not going to simply prohibit single crew operation. It won't be enough to prevent the profiteers from pushing for smaller and smaller crews everywhere. The carriers will publicly scream bloody murder about government over-regulation, while scheming of ways

to get around it. That's what they do.

Railroaders have to decide whether this story ends with good news or bad news. The railroad management and industry associations cannot be trusted with railroad safety. They spend huge amounts of money on lobbying and political contributions. They have way too much influence on the government agencies that are supposed to regulate them in the public interest. Railroaders can't rely on the FRA to keep us safe. Paraphrasing Thomas Jefferson, for all safety conscious railroaders, the price of *safety* is eternal vigilance by aware, stand-up railroaders, like those of us in RWU.

Fighting against single crew operation is a major part of what RWU is all about. The bad news is that we must keep at it, *eternally*. This is going to come up again and again. The carriers will set the time and place. The good news is that we will have the motivation, the experience and the network to be ready, willing and able to respond when that happens.

The entire testimony before the FRA that day is available online at: <http://tinyurl.com/hvywhpw>.



Don't Mourn the Loss of Coal – We Need to Organize!

'Coal is the backbone of this company, during the slowdown in 2008 it was what kept us going when intermodal went downhill...' Powder River coal has been a huge source of revenue for UP and BNSF for a long time and it seemed a given that it would continue to be forever. The slowdown in 2015-2016 is worse than in 2008-2009. About 60% of the traffic that has been lost on Class 1 railroads in the last year was coal (Railway Age, May 2016). Furloughs have been especially severe in Wyoming, Nebraska, Iowa, Missouri and Illinois while railroaders are furloughed across the entire country. The downturn has affected many communities and has caused hardships for many railroad families. The current slowdown in coal traffic came as a surprise to many railroad workers even though the carriers knew at least two years in advance that new legislation was going to impact coal volumes. While most people's immediate reaction is to blame President Obama and environmentalists, the fact remains that an abundance of cheap natural gas from fracking is the primary cause for the slowdown. Even if the so-called Clean Power Plan is overturned, most within the coal industry believe that cheap natural gas will prevent coal from ever returning to previous volumes. Although traffic in some terminals has picked up slightly, and some employees are being recalled from furlough, the carriers' 'solutions' to the crisis - run-throughs, terminal closures, relocation, and more furloughs - weigh on many railroaders' minds. It's important for us to understand what is really going on in order to figure out how we can be better prepared to protect ourselves in the case of future downturns. Our unions and the labor movement as a whole must begin strategizing for how to better fight for members in the face of automation, job loss due to changing environmental policy, and unforeseen changes in the industry.

There was a slowdown in coal volumes in 2012-13 and since that time both the mining and railroad industries have done very little to prepare for the coming changes in regulation under the Clean Power Plan. *Railway Age* stated two years ago in June 2014 that, "How the regulations, if implemented, will affect the U.S. railroad industry is unclear at this point. US Class I coal loadings and revenues have declined in the past few years, largely due to low natural gas prices." An article in *Coal Age* from 12/22/15 stated, "Chief among the reasons for the coal market's decline in 2012 has been cheap natural gas." Natural gas is the primary reason there aren't as many coal trains. It is true that it is easier for power plants to comply with new regulations by switching over from coal, but price is still the determining factor. While some refuse to believe this, analysts inside the energy and railroad industries know that it is the case. A July 2015 article on railroads and coal from the American Association of Railroads states: "Recently, U.S. natural gas production has surged due to 'fracking,' resulting in lower natural gas prices to electricity generators and increasing the competitiveness of electricity generated from natural gas vis-à-vis electricity generated from coal. In addition, increasingly stringent environmental regulations have targeted coal-fueled generation. Consequently, electricity generated from coal – and associated rail coal volumes – have fallen." Some believe that simply getting the Clean Power Plan overturned will 'make everything great again.' Those within the coal industry know that it will not be this simple. In a *Casper Star Tribune* article 2/13/16 ("Why a Supreme Court victory

may not be enough to save coal") states: "To be sure, there is little doubt a reversal of the Clean Power Plan would benefit coal. The plan calls for curbing carbon emissions by a third in 14 years, largely by imposing more stringent pollution standards on coal plants...But even a reversal of the carbon regulations will not save the industry from the low natural gas prices that have battered coal in recent years." The railroads knew this legislation was coming but they did not expect the downturn in coal to be so severe. They also have made little attempt to replace coal traffic with new business in other areas.

All the Class 1 carriers have responded to the downturn by looking for ways to cut costs. Additional throttle restrictions, 40 mph coal trains, increasing dispatchers' workload and signs saying coffee is 'only for on-duty employees' are one side of the cost cutting; furloughs, terminal closures and run-throughs are the other. The carriers are more interested in saving money, cutting employees, and closing subdivisions than they are in doing what is necessary for the survival of every business - to expand their customer base, and for railroads, to haul freight. It is the same in the coal industry. The fight the mining and railroad industries are pursuing to overturn new coal regulations are about protecting *their* profits, not about protecting *our* jobs. In another article from Casper ("As coal company profits fell, mining firms rewarded executives handsomely" 4/11/16) points out that miners are the ones actually suffering from the downturn. "Peabody and Arch laid off a total of 460 miners at their North Antelope Rochelle and Black Thunder mines on the same day last month. The companies have not said how much the cuts will save. But based on the average annual coal miner's wage of \$82,000, the layoffs would save the pair around \$37 million in annual wages, or 84% of the \$44 million Peabody and Arch paid their executives teams in 2014. Alpha is seeking to cut retiree benefits for some 4,580 nonunion miners and spouses. That move is expected to save \$3 million annually, or about 14% of the \$20.8 million Alpha paid its management in 2014."

While it is true that more coal trains would mean more railroaders called back to work, from the view of the carriers it is

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Coal has long been the backbone of the rail industry. But alternative energy forms are now on the rise. With coal's demise, how do we as railroad workers best defend and secure our futures?



Train Drivers and Guards in the UK Unite Against Single Employee Crews

Towards the end of summer, operating crews at rail carrier Southern Rail in the south of England went out on strike over the question of train crew size. Their fight to preserve both the driver (engineer) and the guard (conductor) on each train – while different in a number of ways from the struggle being waged in the U.S. to preserve the two person operating crew – has many similarities as well. On both sides of the Atlantic, each craft has specific duties assigned to it, and each is essential for the safe and secure operation of the train. And each craft is represented largely by a separate and distinct union – the driver by the Associated Society of Engineers & Fireman (ASLEF) and the guard by the Rail, Marine & Transport Workers Union (RMT). In both the US and the UK, private for-profit corporations are demanding across the board staffing reductions, claiming that modern technology has rendered workers superfluous and unnecessary.

The two unions have balloted their members for strike action in defense of the two-person crew, and in the case of the RMT, have actually engaged in dramatic strike action. This battle is seen as crucial and will impact the path of the UK's railways for the foreseeable future. The rail unions (all unions in fact) are facing probably the biggest challenges that they've faced since the Thatcher era in the 1980s. With a very anti-union government in power and a Labour Party that currently seems more interested in fighting within itself than taking ground from the Tory (conservative) Party, the cards are undoubtedly stacked against the unions.

The guard (sometimes known as the Conductor, Senior Conductor or Train Manager, depending on which company employs them, but basically the same job where safety is concerned) is responsible for a wide range of duties. They are often seen as simply a customer service representative who opens and closes doors. In addition to the revenue protection and customer service duties however, the guard is in fact responsible for what we call the platform train interface (PTI); i.e. watching the passengers boarding and alighting the train to identify and deal with any incident such as a person falling down the gap, looking for and assisting passengers who have disabilities and ensuring that when the doors are closed and the train is departing there is nobody trapped in the doors that could be dragged along the platform - all things that are

better done by a person first standing on the platform and then watching out of the window from the train as it departs than by the driver in the cab using mirrors or monitors. The guard is trained and responsible for everything that the driver is responsible for in the event of an emergency where the driver becomes incapacitated. This could be stopping approaching trains after a derailment, dealing with a fire on board or a range of other emergency scenarios.

Southern Rail plans to abolish guards and introduce Driver Only Operated trains on nearly all their services through Surrey and Sussex. This is a threat to safety and security. If they get their way, up to 400 guards could lose jobs. Driver Only Operation means the driver will be the train's only guaranteed crewmember. Under this plan, the driver would be expected to drive the train *and* be responsible for passenger safety.

Currently, both the driver and the guard protect the safety of the train. Guards must be fully trained in operational safety and route knowledge, including being able to secure the doors safely, protecting the train and acting in emergencies such as derailments or fires. Independent inquiries after train crashes and fatalities have consistently said that on-board staff, trained in protection and evacuation procedure, are essential. If there is an accident, antisocial behavior, or even a terrorist attack, the guard can call for assistance and inform and reassure passengers.

The rail carrier states that advances in technology mean Driver Only Operated (DOO) trains are safe and have worked elsewhere. This is not dissimilar from what the major US rail corporations say now about Positive Train Control (PTC). GTR Southern is the largest private franchise in the UK raking in millions each year for its joint owners, Go-Ahead and Keolis. It is easy to see the analogy between the situation in the UK and the US.

Railroad Workers United has adopted a resolution of support for our brothers and sisters in the UK, members of ASLEF and the RMT, and pledge to support their struggle. We encourage the BLET and SMART-TD (UTU) leadership to take an interest in this fight and to likewise pledge solidarity with these fellow workers across the ocean. We have a lot to learn from their efforts AND their fight is our fight!

Don't Mourn the Loss of Coal – Organize!

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only a side effect, and the long term outlook for coal is not good. Railroaders and all workers in this country need to start thinking about what we must do to protect our interests long term as the economy and technology are rapidly changing. Unlike Powder River miners, most railroaders have unions and we need to make use of them to start preparing to fight for our jobs in the face of automation and other changes. Miners in Wyoming and Appalachia have been hit much harder by the coal slowdown than railroad workers, facing additional issues of automation and changes in the economy due to environmental regulations. Some think the answer lies in trying to fight regulation, but the plain reality is there will be more to come as concern over climate change increases rapidly. In the

railroad industry we are fortunate that our fate is not tied only to coal or any other single commodity. There is a lot of freight that needs to be moved and rail is the most cost effective and energy efficient way to move freight and people. Increases in environmental regulation and fuel prices will push more freight from trucks to trains. Many miners know that much of the work will not come back; in the May 2016 issue of *Railway Age*, the editor-in-chief proclaimed, "Powder River Basin coal may be gone in 10 years."

Because so many TY&E at BNSF are furloughed, some will argue that the 2014 Master Conductor tentative agreement on the former BN properties would have protected trainmen who are now furloughed. In the short term this might have

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Opinion & Commentary

Crew Fatigue – The Elephant in the Room

Random drug and alcohol testing, prohibition of cell phone use, and inward facing cameras have all been clung to by politicians under intense pressure to resolve the continuing carnage from horrific railroad industry accidents. While some of these “fixes” may have some merit, it is clear that ‘blame the worker’ is at the core of this thought process. It is imperative that we take that narrative and turn it on its head by inserting our day-to-day experiences and struggles into it. It is high time for the rail carriers and the government to confront the elephant in the room: crew fatigue. National Transportation Safety Board (NTSB) investigations continue to validate our contention that fatigue is a major contributing factor in far too many incidents and accidents.

Fatigue comes in many forms on the railroad. The most prevalent cause is probably the carriers’ determination to run the most number of trains with the smallest number of people. We call this pool service. Pool service is made even more dangerous when it is impossible to accurately determine in advance when the service requirements of the railroad will demand employees report for duty. Some terminal operations require crews to run four different directions out of their terminals. Even if you had good marks it would be difficult to cipher when you’re going to work in that situation.

The carriers’ often conduct operations in a manner that creates fatigue on the job. Even when you’re supposedly well rested, these practices can create fatigue and must be considered as well if we’re going to thoroughly address this issue. Calling train crews hours before their train actually arrives at a crew change point is an operational practice that the carrier may or may not have been able to control. If crews are on held-away-from-home penalty time, it is often done to reduce the crews held away pay. Sitting for hours waiting for your train to arrive causes fatigue. Ordering crews when it is known that the crew will only go a few miles and will be held for hours, or long, deliberate delays enroute as the train isn’t wanted at it’s receiving terminal. Delays and the associated stress caused by being in long lines of trains, back to back, right on each others blocks, constantly on high alert. Hour after hour of operating under restricted speed conditions is very stressful and fatiguing. Stress caused by being on high alert on account of a large number of Form B’s (work orders) exacerbates fatigue. Interdivisional runs or extremely long runs are unpredictable and the potential is there for many stress-inducing factors that produce fatigue. Extremely loud whistles, and warning horns/alarms produce stress/fatigue. Any long or prolonged delays before, after, or en route produce fatigue and loss of focus. Given some thought, we could continue in this vein.

The solution may cost the railroads more money. The railroads are betting that with the installation of PTC they may have an extremely high entry fee, but they will eliminate the costs of labor, which they are betting will offset and exceed these initial ‘entry’ fees. Because these systems are so complicated, I’m not sure that is a good bet ... but they are well on their way down this avenue. Railroads have traditionally done all they can to eliminate costs while ignoring the issues that create those costs. For example, crews once got ITD (initial terminal delay) and FTD (final terminal delay). When



Train wrecks, both minor and cataclysmic, like the one depicted above on June 28th in Texas which killed three crew members are the result of numerous and complex factors. While the rail carriers deny the existence of crew fatigue, railroad workers know the truth. Unless and until remedies are implemented to solve the problem, we can expect further death and destruction.

conditions or operating practices caused large delays at a crew’s initial or final terminal, the crew received additional pay. The carriers *could* have used this information to make the railroad more efficient by identifying problem areas and issues and acting to correct them though insightful operating practices. Instead they worked with their labor relations department to eliminate the agreements that provided operating crews with payments for these delays. Problem solved? NOT. In moving to PTC rather than addressing the central issue that causes human failures and fixing it, they are doing the same thing.

Behavior based safety programs aimed at blaming the worker rather than addressing the unsafe practices or conditions that end up hurting or killing our members is another effort by rail management to ignore the problem but eliminate the costs (or shift the blame). Our wages and benefits are also a way railroads hope to reduce their costs and increase corporate management bonuses. Under existing realities, our livelihoods are dependent on the railroads’ success. That said, when that “success” comes at the cost of our lives and endangers the public, then it’s time for us to go on the offensive against this “elephant.” As rank & file workers, WE need to confront this issue of fatigue, and demand that our unions hold the carriers and the FRA accountable. Here are a few examples of demands that our unions could put forth in the current round of national negotiations. We could start with requiring continuous held away pay for operating crews at their away-from-home-terminals. Long lay-overs at a crews away-from-home terminals contributes to the disruption in employees circadian rhythms and further reduces their ability to ‘absorb’ stress on a subsequent tour of duty. This would be a good start. Real reform would require the establishment of regularly scheduled jobs on every set of trains that could be established. One idea for those jobs that remain in pool service or extra boards, is to set

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Opinion & Commentary

Railroad Workers Charged and on Trial: It Could be Any One of Us

Longtime readers of *The Highball* will already know the story of Tom Harding and Richard Labrie, two railroad workers who are being charged in connection to the Lac Megantic tragedy. Most of us recognize the importance in defending these two workers against the trumped up charges. If you are not yet convinced these workers should be exonerated ask yourself this: "Could I be next?" You don't think so?



Picture this not-too-distant future scenario as I tie the defense of Harding and Labrie into three of the biggest issues Railroad Workers United has fought: crew-size, fatigue and inward-facing cameras on locomotives. It's late one night and the phone rings, just as you lay down for bed. You're caught short on rest and fatigued due to poor lineups and company policy of running a skeleton crew on the boards. It's your 6th start in as many days, but it feels like more because a dead-head reset your rest the week before so you've worked 11 of the last 12 days on a grueling 12 hour run. You can't layoff for fear of company reprisal so you grab your grip and head in to work. Once you get to work, you run your paperwork and complete a job briefing by yourself. It's been hard, but since they cut the crew size down to one, you've had to adjust to life on the road as a solo engineer. It all started with the shortline railroads a few years earlier.

After powering through your first 8 hours, fatigue sets in. It

starts with micro-sleep, a condition of very short nod-offs. Because of conditioning, you still manage to press the alerter, but you aren't even aware you're doing so. Eventually you miss whistling a crossing. Unfortunately it wasn't well marked and didn't have gates and your engine strikes a car ... or maybe you run a series of signals and collide with another train.

Following the incident, the railroad and the FRA begin to scrutinize the footage from the inward facing camera, now a standard fixture on all locomotives. Do you think they will come to your defense for succumbing to fatigue?

If criminally charging workers becomes the norm, every one of us is at risk of civil or even criminal penalties, including incarceration. While the billionaire businessmen who kill thousands of workers annually through negligent practices shield themselves with Limited Liability Corporations or hide behind front-line workers, we as railroad workers do not have that luxury.

Does the above scenario sound farfetched to you? It should not. In fact, It's already happening. Not only have Labrie and Harding been charged criminally in Canada, but meanwhile in the U.S., the Norfolk Southern is currently suing a locomotive engineer for damages to trains, track and right-of-way for alleged failure to comply with signal indications in what is known as the *Sewickley collision*.

So what can you do? Spread the word and add to the defense of Tom Harding and Richard Labrie. You can do so by signing this petition: <http://hardingdefense.org/sign-the-petition/>

The railroad wants to put all the blame on us for accidents and injuries. It may be another guy today, but it could be any of us tomorrow. We are all in this together and must stand up for one another.

Ross Grooters is one of three RWU Co-Chairs. He works as an engineer for Union Pacific out of Des Moines, IA and is a member of BLET #778. Ross serves on the Iowa State Legislative Board of the BLET and has worked for the railroad the last 12 years.



Fatigue – The Elephant in the Room

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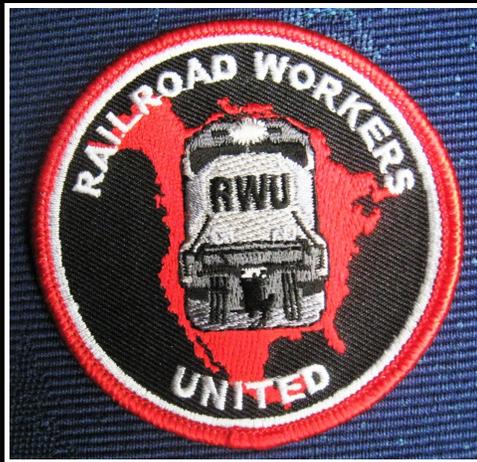
up 'windows of availability' where four six-hour windows are established that crews bid on by seniority. When your window 'closes' you no longer have to make yourself available for call, although you could exercise the option of answering the phone after your window closes if you want additional work. The carriers would have to reduce your available hours of service by the number of hours your call exceeded your window. For example, if you were called two hours after your window closed, your hours of service would be reduced to 10 hours. The 'windows' for crews at their away-from-home terminals would open immediately after they become rested, and would require them to remain available for 6 hours. Crews not used within their windows at their home terminals would receive a guarantee day; crews not used within their windows at their away-from-home terminals would be transported back

to their home terminals.

There are obviously countless ways to improve on the current random and arbitrary labor supply system that would do a much better job of addressing fatigue in the railroad industry than current practices. Our jobs are to find them, or be prepared for the railroads' end-run around problems with 'solutions' that reduce costs, at least in the short term, while ignoring the real problems.

Alan Thompson is an Alternate Member of the RWU Steering Committee. He is a Union Pacific conductor who works out of Clinton, IA with 44 years experience on the railroad, and is a member of former UTU Local #316.





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The workers can be emancipated only by their own collective will, the power inherent in themselves as a class, and this collective will and conquering power can only be the result of education, enlightenment and self-imposed discipline.

Eugene V. Debs, Founder of the American Railway Union, February 1912

Don't Mourn the Loss of Coal - Organize!

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been true. We cannot be sure that the company would have actually honored the agreement so that those currently furloughed would be sitting at home earning full pay on a retention board. What we do know is what *did* happen. Trainmen on the former BN properties *did not want* the Master Conductor agreement and voted it down five to one. Conductors on other railroads did not want this agreement either and there was an outpouring of 'Vote No!' support from across the country, as the tentative agreement would have immediately endangered railroaders' jobs at other carriers. Neither railroad workers nor BNSF thought the slowdown in coal would be this sudden, but it is a fact that with the Master Conductor agreement we would have definitely lost most road conductor jobs forever. Some furloughed TY&E are already being called back to work in the terminals most affected by the coal slowdown. Saying that 'we should've just taken the agreement' basically amounts to saying that we 'should've allowed the carrier to cut off our arms because they were going to provide very high quality bandaging for the stumps.' At least we still have our arms! We still have conductors in the cab. Hopefully soon we will have most furloughed railroaders back to work. With two-person crews, there are more jobs for furloughed TY&E to come back to than under the Master Conductor agreement.

As mining companies in states such as Kentucky and Wyoming discuss whether they will 'Stop Work' and refuse to begin implementing measures of the 'illegal' Clean Power Plan, it is important for workers in affected industries to think about what we are going to do to protect ourselves. The mining and railroad industries are pursuing a strategy that centers around protecting their profits, not our jobs, communities, air or water. If you don't believe this, then consider their recent actions to eliminate jobs, including closing terminals to save a few dollars in wages while dislocating families. The proposed run-throughs will be exhausting, unsafe, and ultimately mean that we spend more time on the train for the same pay. Instead of labor siding with the company and see-

ing their fight as our fight, we need to look to examples of other industrial workers protecting their interests. We can work through our unions to let the company know that we are not going to sacrifice our safety to improve their numbers in shareholder meetings. We can look to examples of the railroaders who came before us to secure the protections that we benefit from. We can follow the example of Pennsylvania miners who knew that the closed mines were never going to open again formed a group called C.O.A.L. - Career Opportunities After Layoffs - to help each other find new jobs, extend their unemployment benefits, and get retraining for a new job (Allegheny Front 6/3/16).

Most importantly we *cannot* simply adopt the attitude that 'it's their railroad, they can do what they want ... it is what it is ...' While we may get frustrated at times with our unions and see only their shortcomings, it is essential to remember that the railroads did not found our unions - our unions were created by railroad workers themselves who knew that their safety, quality of life, and paycheck were more important than maximizing the company's profits. There is no easy solution but we will only find it through working together as union members. Asking for protections from the government has not been the best solution for labor in this country dating all the way back to Taft-Hartley. The government is neither the solution nor the source of all our problems. The upcoming election - or any election - will neither save, nor break the coal industry. We *do* need to start thinking ahead for how we will meet the looming challenges of automation, job changes and unemployment, and how we can overcome them ourselves. Don't mourn the loss of coal traffic - organize!

James Wallace is the RWU Recording Secretary, serving his third term. He works as a conductor with BNSF out of Lincoln, NE. and is a member of SMART Local #305.

