Brotherhood of Maintenance of Way Employes Division
of the International Brotherhood of Teamsters

NEWS CLIPS

February 12, 2010

Randall Brassell, Director of Communications
Telephone: 615-521-4097 (Fax) 615-824-2164
email: rbrassell1@aol.com

CNSNews.com

Republicans Oppose Nomination of Pro-Labor Union Activist to Join National Labor Relations Board

Friday, February 05, 2010

By Penny Starr, Senior Staff Writer

(CNSNews.com) – In a 13-10 vote along party lines, the Health, Education, Labor and Pensions Committee approved the nomination Thursday of Craig Becker to join the National Labor Relations Board (NLRB), paving the way for a full Senate vote on the controversial nominee in the coming weeks.

But two Republicans on the committee – ranking member Mike Enzi (R-Wyo.) and Lisa Murkowski (R-Ark.) – reversed an earlier vote in October in favor of Becker when his nomination passed out of committee on a 15 to 8 vote.

Before the vote, Enzi announced that he could no longer support Becker and urged his Republican colleagues to follow suit.

Enzi cited concern about pushing through a controversial nominee before the swearing in of Scott Brown, the Republican who was elected last month to take the seat of the late Democratic Sen. Ted Kennedy.

In a last minute change of plans, Brown was sworn in Thursday – a week earlier than originally planned after Brown learned his election would be certified in time for a ceremony that he said would allow him to take part in a number of upcoming "important votes" facing the Senate.

"I also want to register my concern with hastily moving controversial nominees before the seating of Senator-elect Scott Brown," Enzi said. "Earlier this week, the Senate invoked cloture on Patricia Smith by a vote of 60-32 – on a nominee that was voted out of committee on a straight party line."

Enzi added that Becker's ethics disclosure paperwork had not been updated with the Office of Government Ethics Office since July 2009, which he said was necessary ahead of any vote on his nomination.

Enzi said that the independent NLRB wields considerable power and that the board's decisions and regulations "control a significant portion of our economy."

Becker's critics claim his ideas are out of the mainstream, including his outspoken support for the so-called Employee Free Choice Act, legislation that would allow unions to be formed with only 50 percent of workers signing union cards, bypassing the current requirement for a secret ballot vote. It would also require mandatory binding arbitration if a union local and an employer fail to agree on a first contract within 90 days.

The U.S. Chamber of Commerce delivered a letter to the HELP committee on Thursday, expressing their opposition to Becker's nomination.

"While the Chamber applauds you for holding a hearing on Mr. Becker's controversial nomination, the Chamber opposes his confirmation," R. Bruce Josten, executive vice president of government affairs with the Chamber, wrote in the letter. "The Chamber does not take this step lightly. This is only the third time in more than 30 years that this organization has opposed a nominee to the Board, most recently the 1993 nomination of William B. Gould.

"Mr. Becker has written prolifically about the National Labor Relations Act, the law he would be charged with interpreting and enforcing should he be confirmed," the letter said. "Many of the positions taken in his writings are well outside the mainstream and would disrupt years of established precedent and the delicate balance in current labor law. These positions have raised significant concerns in the employer community.

"While this week's hearing began to examine some of these important questions, too many concerns remain for employers to be comfortable with this nomination," the letter said. "Among those concerns are the extent to which Mr. Becker would restrictively interpret employers' free speech rights and the extent to which he would seek to expand the use of intermittent strikes and other forms of work stoppages that disrupt the right of employers to maintain operations during labor disputes."
But Becker's supporters on the HELP committee, including Chairman Tom Harkin (D-Iowa), said Republicans are "using extraordinary tactics to block the nomination of qualified people."

"We owe it to hardworking Americans to act quickly on this nomination," Harkin said. "There is no cause for further delay. I hope that all of my colleagues will join me in supporting Mr. Becker's nomination so that we can complete this process and let him start his important work."

Harkin called Becker "one of the preeminent labor lawyers in the country with decades of experience."

Enzi said he did not have objections to the other three nominees President Barack Obama submitted to Congress, all of which were quickly voted out of committee on voice vote: Cynthia Atwood, to be a member of the Occupational Safety and Health Review Commission; Kathleen Tighe, to be inspector general for the Department of Education; and jazz trumpeter Irvin Mayfield, to be a member of the National Council on the Arts.

"I support reporting these nominees favorably from the committee and urge my colleagues to do the same," Enzi said.

The committee could not say when the Senate will vote on Becker's nomination.

Meyersdale , PA , 2/6/10

CSX Derailment

The 22-24 inches of snow which fell in Pittsburgh on February 5-6 has obscured news of a colossal 113-car runaway derailment on CSX in Meyersdale , PA.

30-40 cars on the ground is a big derailment; 113 is just about a record.

The eastbound 130-car loaded coal train was descending Sandpatch Hill when dynamic and automatic braking became ineffective. The speed at the point of derailment was estimated to be 65 mph. The two locomotives and first eleven cars remained on the track. There were no injuries.

Build-up of snow between the wheel treads and brake shoes is one possible explanation; ice blockage in the brakepipe is another possibility.

Speed control is a matter of balancing forces: A 130-car train composed of 130 ton cars produces an accelerating force of 169 tons on a 1% descending grade. To prevent rising speed, an equal, opposing retarding force must be applied (stopping the train requires additional force). The maximum dynamic braking effort of just two six-axle locomotives, maybe 60-75 tons at best (10-12.5Klbs/axle), was clearly inadequate to control this train's speed on a steep grade.

The kinematic model also helps explain the situation: Ignoring deductions for rolling resistance and windage effects, a train of any length or mass will accelerate at 0.219 miles-per-hour-per-second on a 1% descending grade.

The multi-billion dollar Positive Train Control program will do nothing to prevent overspeed derailments resulting from loss of braking capacity in mountainous territory. Despite introduction of two-way EOTM's and tighter control over operating practices, there are still an average of a half-dozen or so runaways in mountainous territory each year.

FEBRUARY 9, 2010, 1:46 PM

Senate's Vote on Labor Nominee

By KATE PHILLIPS

With the Senate still expected to take a vote later today on President Obama's nomination of Craig Becker, a labor lawyer, to a seat on the National Labor Relations Board, it's time to take stock of the chatter online about Mr. Becker and the growing opposition to his nomination.

On Monday, Senator Ben Nelson, Democrat of Nebraska, weighed in against Mr. Becker, joining the opposition by Republican senators that could result in blocking approval for the lawyer's confirmation.

Mr. Nelson said in a statement: "Mr. Becker's previous statements strongly indicate that he would take an aggressive personal agenda to the NLRB, and that he would pursue a personal agenda there, rather than that of the administration.

"This is of great concern, considering that the board's main responsibility is to resolve labor disputes with an even and impartial hand. In addition, the nominee's statements fly in the face of Nebraska's Right to Work laws, which have been credited in part with our excellent business climate that has attracted employers and many good jobs to Nebraska."

Much of the opposition to Mr. Becker's appointment is wrapped around the broader G.O.P. opposition to proposed legislation known as the Employees Freedom of Choice Act, which would make it easier for employees to organize into unions. The Chamber of Commerce, the business-friendly lobbying group and others, have also warned that Mr. Becker would seem inclined to use the labor relations board to make changes favorable to labor unions rather than through the legislation.

The Republican National Committee has issued a list of writings and statements by Mr. Becker, who served on the president's transition team, that it contends signal his leanings against business and employers.

At a confirmation hearing early this month, Mr. Becker tried to allay the concerns of business and Republican senators, adding that some of his writings were intended to be provocative only. Under questioning by Senator John McCain, Mr. Becker also said he would recuse himself from matters related to the Service Employees International Union, which he has represented.

Eddie Vale, a spokesman for the A.F.L.-C.I.O., one of the unions for which Mr. Becker was counsel, said Mr. Nelson's decision was unfortunate. "It's very disappointing, and hypocritical, that Nelson has joined them," Mr. Vale said. "It defies logic for Nelson to claim Becker wouldn't represent the Administration's agenda, when he was in fact nominated by the administration, twice. It is also a complete flip-flop from the days of George Bush when Nelson opined that Bush deserved an up or down vote on his nominees even if Nelson didn't agree with their positions."

He added: "As Senator Franken showed in his questioning of Becker during the hearing, the way you get experience in labor law, and therefore are qualified to be on the NLRB, is you need to represent workers or management in this field. Becker's experience is right in line with what past nominees have done, it's just that big business and Republicans are continuing to say no to everything in a desperate attempt to keep the status quo."

The labor relations board oversees issues pertaining to union elections and some labor disputes. While it is supposed to have five members, it's been staffed by only two people recently.

In Congress, it's decision time on long-term unemployment benefits

By Perry Bacon Jr.
Tuesday, February 9, 2010; A15

As the Senate this week considers a "jobs bill" to reduce unemployment, lawmakers will have to decide whether to continue an unprecedented change in how the country treats people who are out of work, which was quietly approved last year.

Through a series of laws, including the $787 billion economic stimulus, people in states with high rates of unemployment are eligible to get jobless benefits for up to 99 weeks, an all-time high. But Congress did this in a piecemeal fashion, and it must pass legislation to keep benefits going for an estimated 1 million people who would otherwise become ineligible at the end of the month.

The Senate approved a measure that extended benefits from 79 to 99 weeks in a unanimous vote last year, but GOP lawmakers have not yet said whether they will continue to support the benefits, particularly if they are included in a larger jobs package. And some Democrats favor extending the benefits only temporarily, while another bloc wants an extension that would last the rest of the year.

Unemployment benefits usually last just 26 weeks and have been extended to about 70 weeks in previous economic slowdowns. But this time, Congress not only has extended them but also is spending more than $13 billion each month to fund them, because the federal government is taking on all the cost after the 26 weeks, which states pay for. About 12 million Americans are receiving benefits.

The benefits pay on average 36 percent of a person's salary from the job that was lost, and the average weekly amount of benefits is about $325. Some economists have said that unemployment benefits can lead people to wait longer to find full-time work. But given how long it is taking for the economy to turn around and for employers to start hiring again, few lawmakers in either party have expressed much reluctance to extend the benefits.

"We have unprecedented long-term unemployment," said Maurice Emsellem, a policy co-director of the National Employment Law Project, which is advocating expanded benefits. "Record unemployment is not the right term; it far surpasses any previous period of unemployment, which is why we need these extra weeks of benefits."

The squeaky wheel . . .

Is being controversial the best way to keep your seat in Congress?

In 2008, Rep. Alan Grayson (D-Fla.) barely won his seat over a longtime GOP incumbent, pulled into office by President Obama's strong showing in the Sunshine State. It also helped that Grayson, who made millions as a plaintiffs' lawyer before entering politics, pumped more than $2 million of his own money into his campaign.

Unlike most freshman Democrats, Grayson has not shied away from calling attention to himself. He is perhaps the most prolific liberal bomb-thrower in the House. He has decried the Republicans as offering a health-care proposal akin to "Don't get sick, and if you do get sick, die quickly," referred to one of Federal Reserve Chairman Ben S. Bernanke's advisers as a "K Street whore," and described conservative talk show host Rush Limbaugh as a "hypocrite loser." And when it comes to votes, Grayson has supported health-care reform and climate-change legislation -- bills many Democrats in close districts opposed.

Not surprisingly, Republicans are aggressively looking to defeat him and take his Orlando-based seat. But they will again be facing a very well-financed candidate: Grayson has raised more than all but five House candidates over the past year -- $2.4 million -- and that is without opening his own checkbook.

Liberal activists across the country have rallied behind the Florida Democrat and flooded him with donations. Grayson's staff sent out a memo last week touting the fundraising, declaring it "clean money, from people who appreciate a congressman with guts."

But Grayson's high-profile actions have risks. Unlike former Vermont governor Howard Dean, who rose to prominence and online fundraising success in the 2004 Democratic presidential primary campaign by casting himself as a liberal truth teller, or Rep. Joe Wilson (R-S.C.), who raised the most campaign money of any House candidate after shouting "You lie!" as Obama spoke to Congress in September, Grayson needs moderate voters to win. And Republicans are confident that his comments are chasing them away.

"He seems to feed off negative attention, rather than be chastened by it," said Andy Seré, a spokesman for the National Republican Congressional Committee. "For the sake of central Floridians, he should stop, but for the sake of us taking back the seat in November, we encourage him to continue."

American Rail Link February 10, 2010

BUFFETT TAKES ON CHECKPOINT IN CHICAGO WITH BNSF: Warren Buffett and Bill Gates face a roadblock on the route toward payoff on their investment in U.S. freight transportation.

Chicago, whose railroads made it hog butcher for the world a century ago, is a tangle of bottlenecks where a quarter of the nation’s rail freight stalls while trying to navigate the city.

“We can’t keep running trains from Los Angeles to Chicago in 55 hours and then take 36 hours to get a rail car from one side of Chicago to the next,” said Matt Rose, chief executive officer of Burlington Northern Santa Fe Corp. “We either need to fix Chicago or avoid it.”

For Buffett, 79, a solution could help overcome skepticism about his $26 billion bid for Burlington, which shareholders are to vote on tomorrow. For the Chicago area, speedier passage could head off a loss of rail traffic, jobs and tax revenue when the city is coping with a drop in trade-show business.

Part of the answer may come from Calpers. The California Public Employees' Retirement System is backing two and possibly three rail yards outside Chicago to handle intermodal freight -- containers that switch between ships, trains and trucks. The yards would help reduce the typical day-and-a-half slog across the city's intersecting Amtrak, commuter train and freight tracks, helping railroads in their quest to take more shipping from the trucking industry.

The first is a $1 billion Burlington yard that opened in 2002. Calpers's real estate unit, CenterPoint Properties Trust, is scheduled to open a $2 billion Union Pacific Corp. facility nearby in September. Negotiations are under way with Canadian National Railway Co. for a third yard, said Michael Mullen, CenterPoint's chief executive.

The Bill & Melinda Gates Foundation is one of Montreal- based Canadian National's 10 biggest shareholders, with 1.8 percent of the stock, according to data compiled by Bloomberg. Michael Larson of Cascade Investment LLC in Kirkland, Washington, investment manager for Gates, 54, didn't return calls seeking comment. Amy Enright, a spokeswoman for the foundation, referred calls to Larson.

A train ride through Burlington's new yard caught Buffett's attention, Rose said. He briefed the Berkshire Hathaway Inc. chairman on the rail connections to the West Coast and on a surrounding network of distribution centers in April 2008, a year after Buffett first invested in Burlington.

"He loved it," said Rose, 50. Nineteen months later, Buffett offered to buy the rest of the Fort Worth, Texas-based company. Buffett didn't respond to a request for comment e- mailed to his assistant Carrie Kizer.

Buffett was impressed by how the facility works with big retailers such as Wal-Mart Stores Inc., Rose said. Bentonville, Arkansas-based Wal-Mart owns a distribution center half a mile away to receive goods arriving from Asia.

Being so close to the yard slashes shipping costs: Retailers spend about $2,000 to send each container from Shanghai to Joliet, Illinois, then $25 more to reach nearby distribution facilities, Mullen said. The additional cost would shoot to $200 a container for a facility 5 miles away, he said.

What Buffett called his "all-in wager" on the U.S. economy's future prompted Standard & Poor's to strip Berkshire of its last AAA credit rating. Oil prices in the $70 to $80 range favor railroads over long-haul trucking as an investment, said Eric Marshall, research director of Dallas-based Hodges Capital Management. Berkshire's Class A shares have gained 15 percent to $111,700 since Nov. 2, the day before the Burlington deal was announced.

"All the railroads will do well because they're the low- cost provider of transportation," said Marshall, whose firm sold 500,000 Burlington shares after Buffett's offer and used the proceeds to acquire 556,000 shares in Kansas City Southern. "When oil was at $20 a barrel, that was not the case."

Kansas City Southern, based in Kansas City, Missouri, is installing new intermodal technology to connect Chicago and other U.S. cities with Mexico, Marshall said. Its shares have risen 26 percent to $30.33 since Nov. 2.

Burlington is the largest purchase ever for Berkshire Hathaway, which agreed to pay 60 percent of the $100-a-share price in cash and the rest in stock. The market capitalization of Burlington, Union Pacific and Canadian National more than tripled in the past decade as the Standard & Poor's 500-stock index dropped 21.4 percent.

Their shares rose as railroads rediscovered customer service, said Dan Ortwerth, an Edward Jones analyst in St. Louis. For a century, government told railroads where to lay track and what to charge. Customers accepted lousy service or paid more to move their freight on trucks, he said. After mergers spawned by President Jimmy Carter's deregulation of the industry in 1980, railroads began thinking about customers in the past decade, Ortwerth said.

Success in railroads now hinges on which companies best take advantage of intermodal shipments, which produce more revenue per carload than other freight. Donald Broughton, a St. Louis-based analyst for Avondale Partners LLC, has a "buy" rating on Union Pacific because it's winning intermodal freight from Burlington.

By the end of 2009, Burlington's weekly lead over Union Pacific in intermodal container shipments had dwindled to 11,355 from 32,500 in late 2008, Broughton said in a report. Omaha, Nebraska-based Union Pacific is the biggest U.S. railroad by sales. It had revenue of $14.1 billion last year, compared with $14 billion for Burlington.

Union Pacific is likely to capture even more business from Burlington, Broughton said, when its intermodal yard opens in September about 40 miles (60 kilometers) southwest of Chicago in Joliet. Union Pacific shares have gained 12 percent in the wake of the Burlington agreement, while Canadian National's have gained 2.4 percent.

Buffett's investment in Burlington opens doors for the entire railroad industry on Wall Street and in Washington, Rose said.

"It's a vote of confidence that railroads can provide significant value to the capital markets and great social value," he said. One gallon of diesel fuel moves a ton of freight 415 miles by rail, compared with 155 miles by truck, and generates a quarter as much greenhouse gases, Mullen said.

After the recession ends, population growth and economic expansion will spur U.S. freight shipments to rise at a compounded annual rate of 2.2 percent for the next decade, and intermodal traffic to increase 3.6 percent per year, estimated Charles Clowdis, an IHS Global Insight analyst in Lexington, Massachusetts.

The new intermodal freight yards near Chicago will digest some of this growth, said Hani Mahmassani, director of Northwestern University's Transportation Center, in Evanston, Illinois, which studies global transportation systems. But they're not big enough to shift large volumes of traffic out of the central city, so they won't solve all its rail traffic problems, he said.

"As we see an uptick in the economy, congestion is going to be totally unbearable," Mahmassani said. "If we don't solve it, freight will go elsewhere."

Losing its role as the nation's premier rail hub would harm the regional economy for generations, said Jeffery Sriver, director of rail infrastructure at the Chicago Department of Transportation. Chicago faces growing competition from new intermodal switching yards planned or built by Burlington near Kansas City and by Canadian National in Memphis, Tennessee.

Unemployment in the Chicago metropolitan area rose to 10.6 percent in December from 6.9 percent a year earlier. The Society of the Plastics Industry Inc. and the Healthcare Information and Management Systems Society both informed Chicago last year that they're moving their trade shows to cities in the South.

Chicago's first railroad was built in 1848 by a former mayor, William B. Ogden, said Dominic Pacyga, author of "Chicago: A Biography" (University of Chicago Press, 462 pages, $35).

Unable to find investors in New York, Ogden sold stock subscriptions to farmers along the proposed route to Galena in northwestern Illinois. The line was so successful that by 1855, 17 railroads converged on Chicago from all directions.

The railroads helped Chicago become a center for slaughterhouses, mail-order retail and steelmaking. In the process, Chicago developed expertise that allows it to compete as a global city today, said Saskia Sassen, a Columbia University sociologist.

"New York does finance," Sassen said. "Chicago has legal, financial and transportation skills that are rooted in the material practice of making things."

Calpers bought CenterPoint, an Oak Brook, Illinois-based real estate investment trust, for $3.4 billion in 2006. Starting in 2001, CenterPoint purchased 6,000 acres of land on an abandoned U.S. Army arsenal in Joliet. The core of the Burlington yard is a set of parallel tracks where four trains, each 1.5 miles long, are loaded and unloaded simultaneously.

Workers need 10 hours to unload trains onto tractor- trailers -- half as much time as a decade ago -- for companies such as Wal-Mart, which uses global positioning satellites to track each container, dispatching truck drivers via e-mail as trains approach.

Such improvements grew out of a crisis. After winter storms snarled traffic in 1999, Chicago Mayor Richard Daley formed a coalition of six freight railroads, plus city and state officials and Amtrak. The group wants to fix 78 local bottlenecks at a cost of $2.5 billion, according to its Web site. The coalition has secured $761 million so far, about a quarter from railroads and the rest from government.

It has applied for $300 million of the $1.5 billion in rail infrastructure grants President Barack Obama's administration will award later this month. The group also is seeking $700 million from a transportation bill pending in Congress.

When Obama announced $8 billion in high-speed rail grants Jan. 28, he included $133 million for a new overpass near 63rd Street and Interstate Highway 94 on Chicago's south side. Each day, the overpass will allow 82 passenger trains and 46 freight trains to pass by at different levels, instead of having to take turns for a clear track.

Federal Railroad Administrator Joseph Szabo called Chicago infrastructure the most significant freight bottleneck in the U.S.

"You don't achieve much traveling 110 miles an hour in a cornfield if you can't get into the city," Szabo told reporters last month. "Chicago has to get fixed." (Blumberg News)

2/11/2010 Traffic

AAR: U.S. carloads down, intermodal volume up in January

Last month, U.S. railroads handled 1.05 million carloads, down 0.7 percent compared with January 2009's traffic volume, according to the Association of American Railroads' (AAR) latest "Rail Time Indicators" report.

However, 13 of 19 commodity categories tracked by the AAR registered year-over-year gains, with non-metallic mineral shipments posting the largest increase at 65.9 percent. Motor vehicle and parts volume came in a close second with a 65.7 percent gain.

In January, U.S. rail intermodal traffic totaled 803,275 units, up 2.5 percent compared with January 2009 volume.

For the first time, the AAR's report offers seasonally-adjusted U.S. rail traffic, using January 1988 to December 2009 as the seasonal basis. In January, seasonally-adjusted carloads rose 2.6 percent from December 2009's level — the highest gain in 11 months, according to the AAR.

"Seasonal adjustment is designed to improve month-to-month comparisons and eliminate seasonal components that can mask underlying trends," said AAR Senior Vice President John Gray in a prepared statement.

Why the NLRB Matters: Becker Filibuster a Slap to the Middle Class

Amy Traub

When the Senate filibustered the nomination of Craig Becker to the National Labor Relations Board on Tuesday, it wasn't just a setback for President Obama or for what the Wall Street Journal editorial page likes to call "Big Labor." It was a slap in the face to the American middle class.

True, most Americans have no idea what the National Labor Relations Board is or what it does. But if we don't know we've been slapped, we feel the sting nonetheless.

We feel the sting when we realize that typical working families gained very little benefit from the boom years of the 2000s, even though corporate profits and incomes at the top soared. We feel it when we realize that the real wage for the typical American man was barely higher in 2007 than it was in 1973, despite big gains in workplace productivity that mean these workers were creating more value. We feel it when, as economists at the Economic Policy Institute observe "The American workforce is working harder, smarter, and more efficiently, yet failing to share fairly in the benefits of the growth they themselves are creating."

What does the National Labor Relations Board have to do with all this? Not everything: factors like increased international trade, technological change, and the shift to a service economy certainly played a role in the stagnating fortunes of working Americans. But by hindering employees' ability to organize unions - the very activity it was established to promote - and by failing to adapt workplace regulations to deal with a changing economy, the NLRB undermined the ability of working Americans to negotiate for their fair share of economic gains. In doing so, it undermined the nation's middle class. Craig Becker's nomination to the Board was supposed to be a step toward reversing the decline.

A little background: the NLRB was established in 1935 as part of the National Labor Relations Act. The Board was empowered to "make, amend, and rescind... rules and regulations" necessary to carry out the Act and its aim of protecting the right of employees to organize and bargain collectively.

It worked reasonably well for awhile. In the 1950s, more than a third of American workers held a union card. By negotiating for higher wages and better working conditions, unions transformed "bad" jobs on manufacturing assembly lines into today's "good" jobs, providing the economic mobility that enabled many working people to enjoy a middle-class standard of living. (There's no question that this broad prosperity continued to marginalize important segments of the workforce, and that any revitalization of the labor movement must be far more inclusive.)

But over the decades, and especially during the Bush years, the NLRB strayed from its mission of protecting workers' rights. The Board increasingly sided with employers, turning a blind eye to employers' anti-union threats and coercion, allowing employers to enact workplace policies that inhibit employees' established rights to freedom of association, and restricting the rights to nurses, temp workers, college instructors, and other broad groups of employees to even make a choice about union representation.

Illegal anti-union tactics by employers grew more pervasive as a result. Research by Cornell University professor Kate Bronfenbrenner reveals that today more than half of employers faced with a union organizing drive illegally threaten to close down their facility if the union wins, while one in three companies illegally fire workers for union activity. Employers regularly engage in surveillance, intimidation and harassment of employees trying to unionize. The NLRB's dereliction of duty means that supporting a union at work now poses workers with a significant risk of getting fired.

Today, unions still manage to bargain for the kind of wages and benefits that once characterized the American middle class, but the decades of anti-union policy by employers abetted by the NLRB mean they represent a shrinking proportion of the American workforce, now disproportionately in the public sector. That isn't enough to sustain the middle class, and as Harold Meyerson pointed out in the Washington Post, it soon won't be enough to fight for the broad public good on issues like universal health care and financial regulation.

Revitalizing the NLRB, and returning it to its original mission is a key step toward rebuilding the American middle class. Just because the Senate has slapped us across the face doesn't mean

President Obama needs to follow suit. A recess appointment for Craig Becker would begin to heal the wound.

Critics Say Little Progress Made In Labor After Obama's First Year

Washington, D.C., United States (AHN) - With the Democrat's supermajority in the Senate gone observers say there isn't much chance of making much progress on labor, although advancing the agenda of labor would be difficult with the continued high unemployment rate.

Some labor proponents are grumbling that more progress should have been made during President Barack Obama's first year in office. But Obama had asked pro-labor to wait to push for legislation until after Congress had a chance to work on health care, under the assumption that health care reform legislation would pass.

Labor had two major items it wanted. It wanted to pass compromise legislation that would have allowed employees to more easily organize into unions in the workplace. And labor interests also wanted to get a fully functioning National Labor Relations Board by pushing through confirmation of three nominees to the board. The board mediates labor disputes between employees and employers. But Obama and Senate Majority Leader Harry Reid asked them to wait until after health care reform legislation passed before pushing for votes on those two items.

However, Obama's focus on passing a bipartisan bill with Republican support meant stripping out many reforms that were critical for gaining not just the support of Democratic lawmakers, but beleaguered taxpayers as well because Americans would face paying a penalty for not buying health insurance. And some taxpayers complained that private health insurance premiums are so high that they couldn't pay for health insurance and also make their rent or mortgage payment and buy groceries.

In any case, with the Democratic supermajority in the Senate gone, it is unlikely that labor will get the things it wants now.

Critics say that's more bad news for American workers who saw median household income drop even as the gross domestic product rose during President George W. Bush's time in office.

In the meantime, nothing much has been done to advance the cause of labor in a country where high unemployment rates from two years of a nationwide recession are disproportionally affecting the middle and lower classes.

Historically, although the House of Representatives has passed some pro-labor legislation over the years, the Senate has killed those bills, making the 1930s the last time that substantial progressive change was made to the nation's labor laws.

And although the official unemployment rate just dropped from 10 percent in December to 9.7 percent in January, those figures are misleading. New York Times Columnist Bob Herbert noted that unemployment rates vary by income group according to a study by the Center for Labor Market Studies at Northeastern University in Boston.

Herbert wrote that real unemployment figures for the fourth quarter of 2009 ranged from a low of 4 percent, or less, for households with an annual income of $100,000 or higher to an unemployment rate of 30.8 percent for households with annual incomes of $12,499 or less. Also above the national average for unemployment was the next lowest income group. Those with incomes of $12,500 to $20,000 had a 19.1 percent unemployment rate, which was close to double the national average unemployment rate.

Obama Will Not Appoint Becker to the NLRB Over Recess

By: Michael Whitney Thursday February 11, 2010 9:30 pm

Obama tonight said he would not make any recess appointments over the coming recess. Marc Ambinder confirms this includes Craig Becker.

Barack Obama, elected by working families and supported by labor unions who spent almost half a billion dollars, is deciding to leave the National Labor Relations Board with only 2 of its 5 members. Because Mitch McConnell let a couple nominees through.

I have nothing to add besides this is just ridiculous, and I hope labor unions revolt.

FLASHBACK: Bush Recess Appointed 7 of 9 NLRB Members

According to records kept by NLRB, the list of Bush's NLRB appointees--including both recess appointments and confirmations--is as follows.

- Peter J. Hurtgen (R) served under recess appointment by President Bush from 8/31/01 - 8/1/02.

- Michael J. Bartlett (R) served entire term under recess appointment by President Bush. 01/22/02 - 11/22/02
- William B. Cowen (R) served entire term under recess appointment by President Bush. 01/22/02 - 11/22/02
- R. Alexander Acosta (R) was confirmed 11/22/02 and served from 12/17/02 - 08/21/03
- Robert J. Battista (R) was confirmed by the Senate on 11/22/02 and served from 12/17/02 - 12/16/07
- Peter C. Schaumber (R) served under recess appointment by President Bush from 9/1/05 - 8/3/06
- Ronald E. Meisburg (R) served under recess appointment by President Bush from 01/12/04 - 12/08/04.
- Peter N. Kirsanow (R) served under recess appointment by President Bush from 01/04/06 - 12/31/07
- Dennis P. Walsh (D) serving under recess appointment by President Bush from 01/17/06 - present.

BNSF shareholders approve Berkshire Hathaway takeover

February 12, 2010

BNSF Thursday said its shareholders had voted overwhelmingly in favor of the company's acquisition by Berkshire Hathaway Inc. Preliminary results show that approximately 70% of BNSF issued and outstanding shares not owned by Berkshire or its affiliates were voted in favor of the transaction, solidly above the 66-2/3% required.

Additionally, holders of at least a majority of the issued and outstanding shares of BNSF voted in favor, BNSF said. Both of these votes were required under Delaware law to adopt the merger agreement and were reported at a shareholder meeting held today at BNSF headquarters in Fort Worth., Tex. Representatives of Innisfree M&A Incorporated tabulated the votes and acted as independent inspectors.

“Tomorrow begins the first century of ownership of BNSF by Berkshire Hathaway. I’m looking forward to every day of it as our railroad does its part to ensure the future prosperity of the country,” said Warren E. Buffett, Berkshire Hathaway chairman and chief executive officer, in a statement.

Added BNSFChairman, President, and CEO Matt Rose, “We are at an important milestone in our 160-year history. . . . This is a vote of confidence in BNSF and the future of freight rail, and it demonstrates how well our business model is aligned with our new parent company. By providing cost-effective and energy-efficient transportation that also benefits the environment, we are moving the goods that are crucial to consumers and our economy as our nation powers its way out of the recession.”

The merger is expected to close on Feb. 12.

2/12/2010

AAR report: U.S. railroads boost carloads for third-straight week

The year's fifth week was a good one for U.S. railroads despite severe winter weather in the East. During the week ending Feb. 6, they originated 268,033 carloads, up 1.4 percent, and 201,188 intermodal loads, up 5.1 percent compared with totals from the same week last year, according to the Association of American Railroads (AAR). Total volume increased 2.5 percent to an estimated 29.2 billion ton-miles.

Carloads rose 2 percent in the West and 0.2 percent in the East. Although snowstorms and heavy rains hammered the eastern railroads near the end of last week, "we expect an even larger impact on eastern rails this week" because of East Coast blizzards, said Robert W. Baird & Co. Inc. analysts in their weekly "Rail Flash" report.

During the week ending Feb. 6, Canadian railroads reported 69,559 carloads, up 9.3 percent, and 43,688 containers and trailers, up 2.4 percent year over year. Mexican railroads reported 11,089 carloads, up 11.4 percent, and 5,152 intermodal loads, up 19.5 percent.

Continental Workers Join Teamsters

L.M. SIXEL HOUSTON CHRONICLE
Feb. 12, 2010, 1:50PM

Continental Airlines' 7,600 baggage handlers, cargo workers and other ramp agents — including 2,800 in the Houston area — are now represented by the Teamsters Union, they learned early this afternoon.

The vote tally originally was planned for Monday but was delayed because of the massive snowstorm that shut down the federal government.

An explosive cheer went up from about 50 workers and union officials gathered for a lunch at the headquarters of Teamsters Local 19 when they received word of the results moments after the the National Mediation Board completed the electronic vote tally at 1 p.m..

The vote to join the union was 4,129 of the 7,600 workers, about 55 percent.

"We are Teamsters, baby, tell 'em," shouted customer service agent Ralph Haynes as she reached an Atlanta colleague by cell phone. "Where's my jacket? Where's my T-shirt?"

It was a big victory for organized labor which has tried — and failed —five times during the past 13 years to organize the Continental Airlines ramp workers. They join the mechanics at Continental Airlines who are already represented by the Teamsters.

"We respect the choice our co-workers have made," said Mike Bonds, Continental's senior vice president of human resources and labor relations in a statement this afternoon. "Regardless of whether co-workers are union or non-union, we're focused on achieving and maintaining profitability and preserving our long-standing culture of working together."

Continental asked for employee concessions in 2004 and some of the ramp workers believe they ended up giving more than their share.

They asked the Teamsters to step in after the union successfully signed up 9,000 United Airlines mechanics in 2008. The union agreed, and made a massive investment in time and resources to win the Continental campaign.

The union launched a get-out-the-vote blitz last month, sending out hundreds of members to 24 cities to talk to the ramp workers.

Most of the new Teamsters work at Continental's hubs in Houston, Cleveland and Newark, N.J. . But previous organizing efforts had focused more on those cities and not so much on the outlying areas. But this time, the Teamsters sought out as many workers as it could find in the smaller locations.

Wages for the ramp workers start at about $10 an hour, said Chris Moore, chairman of the Teamsters Aviation Mechanics Coalition, which represents 18,500 mechanics at 10 airlines. After 10 years, lead agents earn a little more than $21 an hour, he said.

About half work full-time, said Moore, who is on union leave from his aircraft mechanic job with Continental. The part-timers include many firefighters and police officers who take on extra work specifically for the flight benefits, he said.

The vote is a big gain for labor in Houston, said Richard Shaw, secretary-treasurer for the Harris County AFL-CIO.

It means all the major worker groups at Continental are represented by unions — pilots, flight attendants, mechanics and now the ramp workers.

"When one segment of the company isn't represented, it tends to weaken the other unions," Shaw said. "You've got everybody at the contract bargaining table and the company has a harder time playing one side against the other."

The organizing effort was made more difficult by federal labor rules.

The Railway Labor Act, the 1926 legislation that governs transportation workers, requires a union to obtain a majority of votes of all the eligible voters in the bargaining unit. If someone doesn't vote, it's a no vote.