

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



NEWS CLIPS

March 5, 2010

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

Labor unions frustrated as top goals hit roadblocks despite union-friendly Obama White House

By **SAM HANANEL** , Associated Press

Last update: February 27, 2010 - 6:35 PM

WASHINGTON - Labor's high hopes for major gains under President Barack Obama and a Democratic Congress have dimmed, raising fresh doubts about union leverage even in the best of political times. Prospects for a health overhaul have faded. Even slimmer are the chances of achieving labor's chief goal, passage of a bill making it easier for unions to organize workers. A bipartisan jobs bill passed this week by the Senate drew tepid praise from the AFL-CIO president, Richard Trumka, who called it a "Band-Aid on an amputated limb" — far short of what unions wanted. This wasn't what unions expected a year ago after spending more than \$400 million to help elect Obama and increase the size of Democratic majorities in the Senate and House. Leaders of labor's largest federation will try to figure out how to refocus their political agenda when they begin their annual meeting in Orlando, Fla., on Monday. Another setback came in January when two Senate Democrats joined Republicans in blocking the appointment of

labor lawyer Craig Becker to the National Labor Relations Board. Becker has worked for the AFL-CIO and Service Employees International Union (SEIU). Republicans have said they fear Becker would push the board to require companies to recognize unions if they can get a simple majority of employees to sign union cards — the same "card check" measure that's stalled in Congress. Labor leaders were counting on Obama put Becker in the post when Congress was out of session. They were disappointed when Obama said he wouldn't do it anytime soon. "Enough is enough," Trumka said in an e-mail to labor activists. He urged union members

to call the White House and "demand that President Obama fight Republican obstructionism" on Becker's nomination. Some labor experts say unions have come up flat in mounting an effective liberal response to "tea party" activists who helped Republican Scott Brown win the special Senate election in Washington to succeed Democrat Edward M. Kennedy, who died last year. An AFL-CIO poll showed that 49 percent of union households supported Brown. "There's been no indication that there's muscle behind their money," said Leon Fink, a labor historian at the University of Illinois at Chicago. "There was no equivalent mobilization for public works or for a progressive health care measure." Even more troubling for unions, their membership in the private sector fell 10 percent during Obama's first year in office to a historic low of 7.2 percent. A poll this past week from the Pew Research Center for the People & the Press found that 41 percent of those surveyed have a favorable view of unions, compared with 58 percent in a similar survey in 2007. "I think that everyone is frustrated literally, but it's important to understand who we have to be frustrated with," said United Steelworkers president Leo Gerard. Gerard said unions are angry about Republican tactics they view as obstructionist and a few conservative Senate Democrats who are making it tough for Obama to push through his agenda. Gerard said that Democrats may not count on the usual support they expect from union members in this fall's elections. "If we don't have clear progress and clear attempts at progress, we're going to have a hard time motivating our folks," he said. AFL-CIO spokesman Eddie Vale said union members have been more hopeful in recent days about Congress pushing some version of health care reform in the process known as reconciliation. They also believe Obama will direct more bailout money to community banks, infrastructure repair and development of green jobs. "One of the

things we want to talk about is how we can build upon our existing grass roots structure

to make it bigger, more effective and get more results moving forward," Vale said. Unions have fared much better with Obama than under Republican President George W. Bush. Obama helped save thousands of union jobs through federal bailouts of General Motors and Chrysler and by propping up state governments through the stimulus bill. Also, SEIU's president, Andy Stern, is one of the most frequent White House guests. But the window seems to have shut on labor's top goal — a vote on the card check bill before Democrats lost their 60-vote majority in the Senate that could help keep GOP stalling tactics at bay. Unions

believe changing the law is the only way for them to "level the playing field" with companies that have had an easier time stifling union organizing drives." Obama said health care had to go first (before card check) and stuck to that," said Gerald McEntee, president of the American Federation of State, County and Municipal Employees. "We thought we were going to go bang right off the bat and it didn't happen that way." Amy Dean, a former AFL-CIO organizer who has written a book about the future of the labor movement, said unions made the mistake of waiting for an agenda "and as a result, got rolled." "The lesson from the Clinton years is you can't wait for the White House, you have to have your own political strategy," Dean said.

Lincoln's Contempt for Working Families

by [Jake McIntyre](#)

Mon Mar 01, 2010 at 02:02:58 PM PST

One of the many, many reasons that it's so important to [support Bill Halter's populist primary](#) against Blanche Lincoln is the sheer contempt with which Lincoln has treated working families and their labor unions.

After all, it was Lincoln's decision to [join the Republican filibuster of the Employee Free Choice Act](#) -- at a time when there were 60 Democrats in the Senate, and even Nelson and Pryor had refused to obstruct the bill -- which essentially spelled the end of the hope for meaningful labor law reform. As we wrote at the time,

It's hard to interpret the statement that she "cannot support and will not support moving it forward" as anything other than a pledge to not just oppose the bill, but to throw her lot in with the obstructionist Republican effort to prevent Employee Free Choice from ever getting a fair vote on the Senate floor. It's one thing to vote "no" on Free Choice, a bill supported by the President, and a reform sorely needed to even the playing field for working Americans after 20 years of Reagan and the

Bushes -- it's another entirely to join the Republicans in thwarting a democratic vote on the measure. That's inexcusable.

But given the fanatical opposition of the corporate overclass to empowering workers, and given Wal-Mart's particular hatred on unions, it should be little surprise that Lincoln -- a co-sponsor of last week's estate tax giveaway designed to pamper Walton family heirs -- would betray her party and American workers when the chips were down.

But merely killing labor law reform wasn't enough for Lincoln. Last summer, Lincoln's chief of staff -- and campaign manager! -- [spoke to an Arkansas Democratic club](#) as the "counterpoint" in a discussion about the Employee Free Choice Act. Not only was Lincoln's team spiking reform by joining the McConnell/DeMint filibuster -- they were actively lobbying against the bill, like an arm of the Chamber of Commerce.

...which isn't really surprising, given that most of Lincoln's subsequent maneuverings concerning labor rights have come straight out of the Chamber's lobbying handbook. [Lincoln opposed Senator Jeff Merkley's important amendment](#) to HCR which would have required construction contractors with five or more employees to carry their fair share of the nation's health care burden. Given another chance to stand up for decent working conditions for everyday Americans, Lincoln fell in behind the non-union construction lobbyists, who represent some of the most exploitative employers in the nation. And Lincoln recently went so far as to [join the Republican filibuster of Craig Becker](#), a brilliant and well-respected labor lawyer who was one of President Obama's nominees to the National Labor Relations Board. What kind of Democrat filibusters a nominee put forward by a Democratic President?

It's no wonder that [the Chamber is running ads](#) in Arkansas papers thanking Blanche Lincoln for all the water she's carried on the behalf of the worst employers in America. She's their favorite Democrat -- a Democrat who truly has contempt for the right to organize and win a fair deal on the job. And that's just one of the reasons -- but for me, at least, the biggest reason -- why it's so important that [we back Bill Halter](#), a populist Democrat who has pledged to stand with working Arkansas families against the 21st Century robber barons. We've got to show any "Democrat" in the Lincoln vein that spitting in the

Crosstie production headed for strong recovery



March 2, 2010

Railroad purchases of new wood crossties dropped 5.6% in 2009 to 19.60 million and are expected to decline a further 1.3% this year to 19,37 million, according to the Railway Tie Association's latest forecast.

Class I purchases will account for a projected 15.234 million wooden ties this year, and "small market" purchases for 4.03 million ties.

"Recent purchases peaked in the period 2006 [20.78 million] to 2008 [20.76 million]," said the RTA. "By 2012, purchases are expected to exceed records of the recent past."

Focusing on "growth path after recovery," RTA said its econometric forecast model predicts a strong market emerging in the next two years, adding: "This may be somewhat surprising, and it must be admitted that timing is far from certain. However, it is also the conclusion reached by the 'Freight-Rail Bottom Line Report' from the American Association of State Highway and Transportation Officials."

3/2/2010 Labor

Rail workers win 'genuine' whistleblower protection from feds, BMWED says

After months of discussions with the U.S. Occupational Safety and Health Administration (OSHA), the [Brotherhood of Maintenance of Way Employes Division \(BMWED\)](#) has helped obtain "strong" whistleblower protection for its members and "all railroad workers nationwide," according to the union.

In 2007, a Federal Rail Safety Act amendment transferred authority for rail carrier whistleblower protections to OSHA. The law provides rail workers with rights and remedies against "unlawful carrier retaliation for reporting injuries, and violations of federal laws and regulations related to railroad safety and security," according to BMWED. The law also protects rail workers from retaliation for reporting "hazardous" safety or security conditions, refusing to work under certain conditions, or refusing to authorize the use of any safety- or security-related equipment, track or structure.

"Since the whistleblower law went into effect, rail carriers have routinely raised a facile defense to ... whistleblower complaints, falsely claiming that a rail employee's grievance filed under the terms of the collective bargaining agreement became an 'election of remedies' barring the filing of a complaint under [the law]," BMWED officials said in a prepared statement.

OSHA initially adopted a policy that "forced rail workers to forfeit their contractual rights" to

pursue a whistleblower complaint, they said. Now, OSHA has reversed its policy, “effectively opening the door to genuine whistleblower protection for railroad workers as Congress intended,” according to BMWED.

Whistleblower complaints must be filed within 180 days after an employee reports retaliatory action. Railroads found to have violated a rail worker’s rights under the law might be ordered by OSHA to reinstate a dismissed employee, provide back pay, restore seniority and benefits, or provide other relief. In addition, violators might pay punitive damages of \$250,000 or less.

“Railroads will no longer be able to retaliate against railroad employees who report injuries and safety violations with impunity,” said BMWED President Freddie Simpson.

MARCH 3, 2010, 7:13 PM ET

Officials Confident Union Lawyer Will Take NLRB Seat

Labor officials said they are confident that union-lawyer **Craig Becker** will take a seat on the National Labor Relations Board within the next few months, signaling that President **Barack Obama** could make a recess appointment as early as April.

That confidence appeared to be backed up by both Vice President **Joe Biden** and Labor Secretary **Hilda Solis** when they met with AFL-CIO leaders at the federation’s winter meeting this week in Orlando, Fla.

“I feel very confident,” Solis said Wednesday when asked by reporters about Becker’s chances of making it onto the board. She then referred to the recent Senate vote where Republicans blocked his nomination. “The vote was already taken. How do you change the ... numbers that came down when they took the vote? I’m just saying that I think people will be very pleased.”

A day earlier while addressing a room full of AFL-CIO officials, Biden referred to Becker’s nomination and said, “We’ll get it done.”

Several union officials appeared to indicate that an April recess appointment is in the works.

“Just as Easter is about resurrection, we will resurrect a labor board that fights for workers. That will lead to renewal of workers rights,” said **Larry Cohen**, president of the Communications Workers of America. He called the current labor board “a total failure” and “a sham.”

Union officials complain that the labor board has been ineffective in part because three of five board seats have been vacant for more than a year. The Supreme Court will rule this year on whether several hundred decisions made by the two current members are valid. Union leaders also want a board with a Democratic majority to reverse board decisions made during the Bush

administration. Cohen and others argue that those decisions have excluded hundreds of thousands of workers from being eligible to join a union.

"We're mobilizing with the Senate and the White House and (saying) that this has got to get fixed immediately," Cohen said.

3/3/2010 Coal Traffic

February marks UP's first monthly coal loading gains in nearly a year

In February, [Union Pacific Railroad](#) loaded 943 trains in the southern Powder River Basin (SPRB) compared with 914 trains in February 2009.

The Class I registered 84 missed SPRB train-loading opportunities, 48 of which were attributable to utility plants, 23 to mines and 13 to UP. Missed loadings were partially offset with 78 extra loadings, according to the railroad.

"From the SPRB, we loaded 33.7 trains per day, which was the highest since January 2009," UP officials said in their weekly coal loading performance report.

In the Colorado/Utah region, the Class I last month loaded 239 trains vs. 233 trains in February 2009. UP averaged 8.5 trains per day, the highest mark since March 2009.

News Alert: In health-care remarks, Obama embraces legislative tactic known as reconciliation

02:03 PM EST Wednesday, March 3, 2010

President Obama on Wednesday endorsed the controversial legislative tactic known as reconciliation, saying his health-care overhaul deserves the same treatment as other significant legislation that has passed Congress with "nothing more than a simple majority."

"Reform has already passed the House with a majority," Obama said. "It has already passed the Senate with a supermajority of sixty votes. And now it deserves the same kind of up-or-down vote that was cast on welfare reform, the Children's Health Insurance Program, COBRA health coverage for the unemployed, and both Bush tax cuts - all of which had to pass Congress with nothing more than a simple majority."

Under such an approach, the House would pass the health bill passed by the Senate in December. The House and the Senate would then use reconciliation to pass a set of fixes to the bill, to satisfy the demands of lawmakers in the House.

Using reconciliation rules, the fixes could not be filibustered and Senate Democrats could approve them with a simple majority vote -- a move intended to bypass a Republican caucus that remains united in its opposition to the legislation.

U.S. carload freight (except coal) shows vigor

March 5, 2010

U.S. carload freight traffic reached its highest level in more than a year during the week ended February 27, the Association of American Railroads reported Thursday, though coal lagged behind. U.S. carloads for the week were up 2.6% from the comparable 2009 period, notching the "highest level reported since the week ended Dec. 6, 2008," AAR noted; they still fell below the 2008 week's total by 13.5%.

Breaking News Alert
The New York Times
Fri, March 05, 2010 -- 8:34 AM ET

Jobless Rate Holds Steady at 9.7%; 36,000 Jobs Lost in February

The American economy shed 36,000 nonfarm jobs in February as the unemployment rate held at 9.7 percent, the Labor Department said Friday, a more positive report than expected given the series of winter storms that shut down much of the East Coast.

The report interrupted a trend of easing in the recession-bleakened job market in recent months. But economists, whose forecasts for Friday's report had varied more widely than usual, said the February data may be substantially revised in the next few months' reports.

3/5/2010 Traffic

AAR weekly report: U.S. carloads climb to highest level since late 2008

U.S. railroads ended February with their highest weekly carload volume in more than a year. During the week ending Feb. 27, they originated 290,261 carloads, up 2.6 percent, and 205,817 intermodal loads, up 17.5 percent compared with totals from the same week last year, according to the [Association of American Railroads \(AAR\)](#). Total volume rose 3.9 percent to an estimated 31.6 billion ton-miles.

Several U.S. Class I's so far are exceeding projected annual volume growth of between 4

percent and 5 percent, according to Robert W. Baird & Co. Inc.'s latest "Rail Flash" report. Norfolk Southern Railway and Union Pacific Corp. are "positioned" to increase 2010 volumes more than 10 percent, while CSX Transportation is tracking at volume growth of 7 percent, Baird analysts said in the report. BNSF Railway Co.'s volume growth is being hampered by weak coal demand, they said.

Meanwhile, Canadian railroads reported weekly volume of 71,378 carloads, up 12.2 percent, and 43,445 containers and trailers, up 11 percent year over year. Mexican railroads reported volume of 14,057 carloads, up 17 percent, and intermodal volume of 6,909 units, up 59.2 percent.