

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



**NEWS CLIPS**

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

## Wisconsin law regulates railroad pesticide spraying



Monday, May 24, 2010

A bill regulating pesticide spraying by railroads has been signed into law by the governor of Wisconsin, local media report. The new law requires railroads operating in Wisconsin to inform railroad employees of their use of pesticides, and prohibits a railroad from requiring an employee to work in an area to which a pesticide has been applied within 24 hours of the application of the pesticide.

Railroads must also furnish equipment to protect the health of an employee from the adverse effects on pesticides applied.

Additionally, the legislation instructs the Wisconsin Department of Agriculture to establish rules limiting the times and weather conditions in which pesticides may be applied by railroads.

Rail employees are to be provided a list of the pesticides that will be used, including ingredient statements and the known long-term and short-term effects on humans of such pesticides. To be made public is the name, training and contact information for each commercial applicator railroads hire to apply pesticides.

(The following story by Kevin Bogardus appeared at TheHill.com on May 24, 2010.)

WASHINGTON, D.C. — The U.S. Chamber of Commerce joined a federal lawsuit Monday against a new union-organizing rule.

The Chamber filed a motion to intervene as a third-party plaintiff in the Air Transport Association's (ATA) suit against the National Mediation Board (NMB). The business lobbying group opposes a rule change finalized by the board earlier this month that makes it easier for workers at companies covered by the Railway Labor Act to unionize.

Under the rule, workers who don't vote in a union election are not counted as votes either for or against forming a union. Such non-votes previously were counted as votes against forming a union, and labor organizers needed to win a majority of a company's employees' votes to form a union.

The new rule is expected to trigger more unionization at railway and airline companies that are covered by the law.

Since the rule change was finalized, it has come under increasing attack from Republicans and business associations.

"Not only has the Board been so bold as to throw out 75 years of precedent to tip

the scales in favor of organized labor," Randel Johnson, the Chamber's senior vice president of labor, immigration, and employee benefits, said in a statement. "It has done so in a manner that was inherently defective and makes a mockery out of the administrative process."

Sen. Johnny Isakson (R-Ga.) is gathering support among senators for using the Congressional Review Act to overturn the new rule. The act, rarely used, allows lawmakers to oversee and overturn regulations issued by any executive branch agency. Overturning a rule requires a resolution of disapproval approved by both the Congress and the president soon after the rule is issued. The resolution cannot be filibustered in the Senate.

Unions have defended the new rule and originally petitioned the board for its change.

"For far too long, the NMB rules have provided an upper hand to corporations encouraging voter suppression, while undermining those participating in the union representation election process," AFL-CIO President Richard Trumka said in a statement when the rule was finalized earlier this month. "The new rule issued by the NMB allows for a more fair and consistent democratic process in which a majority of workers participating can have a free and clear choice to join together in a union and gain a voice at work."

## CSX reopens flood-damaged Tennessee line

Tuesday, May 25, 2010

Calling it "a terrific accomplishment," CSX Transportation said Tuesday that its maintenance and repair teams worked ahead of schedule to reopen the railroad's 200-mile Memphis-Nashville line in Tennessee, which was heavily damaged by severe flooding earlier this month.

"Despite the fact that many of our employees were directly affected by this tragic flooding, they brought an extraordinary focus to re-opening the line and resuming service to our customers and the communities in that stricken area," said David Brown, executive vice president and chief operating officer.

Operations were scheduled to resume at 6 p.m. EDT over the entire length of the line in western Tennessee, including two bridges spanning the Harpeth River that were heavily damaged. Additional work is planned each day from 7 a.m. to 5 p.m. EDT. Trains will operate over the line from 5 p.m. to 7 a.m.

Some train re-routes over other rail carriers will continue for several days until all work is complete.

CSX also announced that it intends to pre-pay property taxes for tax year 2010 due in early 2011 to affected Tennessee counties to assist recovery efforts. Almost \$2.7 million will be paid early to 23 counties, including \$1 million to Davidson County in which the City of Nashville lies.

5/27/2010 Employment

## **U.S. Class Is add to workforce in April, STB data shows**

U.S. Class Is' workforce edged a bit closer to 150,000 last month. As of mid-April, the large roads employed 149,749 people, up 1.2 percent from March's level, according to [Surface Transportation Board \(STB\)](#) data. However, the workforce shrank 2.9 percent on a year-over-year basis.

The maintenance-of-way and structures workforce of 34,202 registered the largest month-over-month gain at 2.2 percent, but decreased 3.3 percent compared with April 2009's count. Transportation (train and engine) ranks totaling 58,814 increased 1.7 percent on a month-over-month basis and remained flat on a year-over-year basis.

The other workforce segments that registered month-over-month gains were transportation (other than T&E), which rose 0.9 percent to 6,473, and maintenance-of-equipment and stores, which increased 0.5 percent to 28,170. However, the segments shrank 7.4 percent and 4.9 percent, respectively, compared with April 2009 levels.

The number of executives, officials and staff assistants as of mid-April fell to 8,935, down 0.7 percent vs. March's count and a whopping 11 percent vs. April 2009's level. Meanwhile, professional and administrative staff numbered 13,155, down 0.7 percent on a month-over-month basis and 2.1 percent on a year-over-year basis.

5/27/2010 Labor

## **TCU-represented carmen, clerks ratify Amtrak agreement**

[Amtrak](#) carmen and clerical workers represented by the [Transportation Communications Union \(TCU\)](#) recently ratified a new five-year agreement. Carmen voted 493-431 and clerks voted 983-407 in favor of the contract.

The agreement calls for a 15 percent general wage increase, beginning with a 1.5 percent raise on July 1. The contract also caps future health-care contributions, and freezes co-pays and deductibles.

"Unlike past rounds on Amtrak, which were marked by bitter, protracted bargaining, we are happy that our carmen and clerical members will begin receiving wage increases immediately," said TCU International President Robert Scardelletti in a prepared statement.

Meanwhile, Amtrak workers who are represented by the [Transport Workers Union \(TWU\)](#) must submit their ratification ballots by June 18.

"This is an excellent agreement that provides our members what they deserve: solid wage increases, without delay," said TWU Railroad Division Director Gary Maslanka.

## **Nearly \$80 Million in High-Speed Rail Funds Delivered to States**

*Vice President Biden Praises First Round of Grants*

May 27, 2010

The U.S. Department of Transportation today announced that nearly \$80 million in grants have been delivered to states as part of President Obama's historic high-speed and intercity passenger rail program. These grants will go toward the development of a brand new Recovery Act funded high-speed rail system in Florida as well as critical upgrades to existing passenger rail service throughout the country.

"Delivering these funds is an important step forward in our efforts to upgrade and transform America's transportation system, while spurring economic activity and creating jobs here at home," said Vice President Joe Biden. "Our unprecedented investment in high-speed and intercity passenger rail is not only going to provide real environmental benefits and greater convenience for travelers, but also long-term economic development for communities across the country."

"The President's vision for high-speed rail will forever change the way Americans travel by offering new transportation options," said Transportation Secretary Ray LaHood. "The grants released today are merely the very beginning of many more to follow."

The \$80 million in funding will benefit projects in many regions of the country, including:

\$66,600,000 for program management and preliminary engineering on the planned 168mph high-speed rail service between Tampa and Orlando, Florida. This project will create jobs and generate economic activity as 84 miles of track are constructed, stations are built or enhanced, and equipment is purchased. Along with California, Florida was the only state to submit plans to the Department of Transportation to create a brand new, high-speed rail line.

\$6,200,000 for track relocation work in California on the Capitol Corridor which will help bring about fewer delays and faster travel times along a route that connects San Francisco and Sacramento, the state capital.

\$5,700,000 for environmental assessments of planned new stations on the route between Milwaukee and Madison, Wisconsin that will host passenger rail service operating at speeds up to 110mph.

\$1,000,000 for planning projects to improve service on the Empire Corridor in New York state. The 468-mile Empire Corridor connects all of New York's largest cities. The near-term vision for the corridor is to increase passenger train speeds to 110mph.

\$100,000 for the creation of the first-ever rail plan for the state of New Mexico. This plan will help the state create a blueprint for passenger rail development that will eventually link major cities in the Southwest.

The President's \$8 billion down payment for high-speed rail, which was set in motion through a long-term plan announced in April 2009, is expected to create or save tens of thousands of jobs over time in areas like track-laying, manufacturing, planning, engineering, and rail maintenance and operations. The majority of the President's Recovery Act passenger rail funding will go toward developing new, large-scale high-speed rail programs.

In addition to the \$8 billion in Recovery Act funding, the Administration proposes a minimum \$1 billion a year for five years in the federal budget to jump-start this multi-decade effort. Congress funded this program above and beyond the President's initial request and allocated \$2.5 billion for Fiscal Year 2010.

May 27, 2010

## Airlines win 20-day delay in rule easing union organizing

*Bloomberg News*

**WASHINGTON** - U.S. airlines won a 20-day delay in the start date of a federal rule that makes it easier for employees to organize into a labor union.

"This gives the courts a more reasonable time frame to hear arguments and render a decision" on the carriers' motion to halt the rule, the Washington-based Air Transport Association trade group said Wednesday in an e-mail. The regulation was scheduled to take effect on June 10.

The association filed a lawsuit May 10 against a National Mediation Board rule that lets airline employees form a union with majority approval of those who vote, rather than requiring support from most workers in a class. The new rule would no longer count unreturned ballots as "no" votes.

The delay will give the court time to decide the carriers' request to halt implementation of the rule while the lawsuit is argued, the association said. The lawsuit was filed in the U.S. District Court for the District of Columbia in Washington.

The mediation board, which referees relations between labor and management at railroad and airline companies under the 1926 Railway Labor Act, adopted the change after a request by the AFL-CIO, the largest U.S. federation of labor unions.

The trade association's members include Delta Air Lines Inc., JetBlue Airways Corp. and FedEx Corp.

5/28/2010 Traffic

## **U.S. railroads' traffic volume has leveled off, AAR says**

Although U.S. railroads registered traffic gains the past 12 weeks, it appears their volumes have leveled off, according to the [Association of American Railroads \(AAR\)](#). During the week ending May 22, U.S. roads originated 288,114 carloads, up 10.6 percent, and 215,118 intermodal loads, up 12.7 percent compared with totals from the same week last year.

Fifteen of 19 carload commodity groups posted year-over-year gains. Chemical volume continued a recent slide, which primarily can be chalked up to a seasonal decline, according to Robert W. Baird & Co. Inc.'s weekly "Rail Flash" report.

"We will continue to monitor chemicals as a good leading indicator of the industrial economy," Baird analysts said in the report.

For the week ending May 22, Canadian railroads reported 71,077 carloads, up 32.1 percent, and 49,261 containers and trailers, up 33.2 percent year over year. Mexican railroads increased carloads 13.4 percent to 14,713 units and boosted intermodal volume 35.5 percent to 7,020 units.

Through 2010's first 20 weeks, 13 reporting U.S., Canadian and Mexican railroads originated 7.3 million carloads, up 9.6 percent, and 5.1 million containers and trailers, up 10.9 percent compared with volume from the same period last year.