

# BMWED

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION  
Of The International Brotherhood Of Teamsters

## JOURNAL



Volume 114 ■ Number 2

www.bmwe.org

Mar./Apr. 2005

## Zero Roadway Worker Fatalities Achieved in 2004 *Brotherhood members realize historic, life-saving goal*

**F**or the first time in the history of railroading in the United States, the long elusive goal of zero roadway worker fatalities had been achieved in 2004. This is an unprecedented achievement in the history of our Brotherhood and proves that zero roadway worker fatalities is an achievable goal when the union and its members work together and remain focused on the safety and collective good of the Brothers and Sisters in the maintenance of way craft.

Under Federal Railroad Administration (FRA) regulations, a Roadway Worker is generally defined as any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communications systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling the track. Virtually every

BMWED member meets this regulatory definition of roadway worker.

Roadway worker accidents and incidents are those injuries and fatalities which result when roadway workers are struck by moving trains, maintenance of way equipment, or other rolling stock while performing roadway worker duties along the railroad right-of-way.

It has taken literally 117 years to achieve this singular goal of assuring every roadway worker makes it home alive at the end of their shift. As every BMWED member can attest, working along the railroad right-of-way is a dangerous and unforgiving environment which provides few, if any, second chances. BMWED President Freddie Simpson said, "The Brotherhood and its members and officers have worked tirelessly to improve the safety of roadway workers since our founding as a benevolent society back in 1887. In fact, our Brotherhood was initially formed by John Wilson for the specific purpose

of providing subsistence and financial aid to widows, widowers, and the families of members struck down in the line of duty. I am sure that our founder, Brother Wilson, smiles down upon the members of the BMWED for achieving this long-sought goal of preserving lives and families. My heartfelt congratulations go out to every single member of the BMWED. Without the members' dedication, skill, professionalism, and perseverance, this historic achievement could not have been realized."

This landmark achievement is the result of many years of effort by the BMWED and its members. Over the years, literally thousands of BMWED members and officers from across the nation fought to improve roadway worker safety. They confronted their employer, sought protection from the Occupational Safety and Health Administration (OSHA), petitioned their state and federal lawmakers, and sought an exercise of regulatory jurisdiction by the Federal Railroad

Administration (FRA) for rules governing roadway worker protection.

In 1989 the BMWED established a committee of Brotherhood officers and members to review the history of roadway worker accidents and develop a strategy to halt the carnage. Upon recommendations of the committee, the BMWED in 1990 petitioned the FRA to promulgate regulations to protect roadway workers from being struck by trains and other on-track equipment. After much cajoling and legislative lobbying by BMWED members nationwide, the Brotherhood and the carriers agreed in 1993 to establish a Roadway Worker Task Force to jointly review roadway worker accident data and develop recommendations for improving roadway worker protection. The task force issued a report of its findings and recommendations. In 1994 the FRA acted upon the BMWED petition for rulemaking and established the Roadway Worker Advisory Committee, the first negoti-

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## Safe Rails Secure America

### *BMWED members get on-board Rail Conference security campaign*

**T**he BMWED has recently initiated a nationwide campaign, called Safe Rails Secure America, to obtain from the membership firsthand information regarding the actual state of security and preparedness along our nation's rail transportation network. This campaign represents a coordinated effort of the Teamster Rail Conference and is fully endorsed by our Union, the International Brotherhood of Teamsters.

As part of this campaign, we have developed a BMWED-specific rail security "survey packet" which is available to BMWED members through the local officers of each lodge. Each packet contains a supply of easy to use "security survey" forms, a return postage-paid envelope, and a cover letter explaining the purpose of the "Safe Rails Secure America" cam-

aign. Copies of the survey form and membership letter are also available for viewing and downloading on our website at [www.bmwe.org](http://www.bmwe.org). Because this security initiative has not been sanctioned by the carriers, the survey form should only be filled out *while off railroad property and not on company time*.

The data collected will provide important insights to the BMWED and the IBT Rail Conference regarding the actual state of security and preparedness of our nation's rail transportation network. The officers and members of the Brotherhood of Locomotive Engineers and Trainmen (BLE&T) are also actively participating in this campaign utilizing a BLE&T-specific survey form. The information gathered through this joint initiative will be utilized by the Rail Conference and its

member rail crafts - BMWED and BLE&T- to support Labor's call for improved railroad security and preparedness, including the protection of rail employees and the public from deliberate acts of terrorism.

Because of our craft's geographical dispersion across virtually every mile of railroad track and every rail yard in America, BMWED members are uniquely positioned to identify many of the security vulnerabilities of our industry. BMWED members have intimate knowledge of the railroad infrastructure, including access to, and the vulnerabilities of, bridges, tunnels, tracks, yards and storage facilities. We intend to use such firsthand knowledge to identify security risks for the purpose of protecting rail workers, the public, and the rail industry.

Every member is encouraged to participate in this important campaign. Please obtain a survey packet from your local lodge or system officer, complete the enclosed survey forms, and return the completed set to the IBT Rail Conference office in the postage-paid envelope provided. Additional survey packets can be obtained by contacting our Safety Department at 202-638-2135, X12 or via email at [ricki@bmwewash.org](mailto:ricki@bmwewash.org).

Please join with fellow Teamster Rail Conference members from throughout the United States in helping to secure America's railroads. United together as one, we can make a difference and help protect our industry, our lives, our livelihoods, and the economic well being of our nation.



# Rail Conference Holds Memorial Service at Site of NS Derailment

## *Town of Graniteville, SC devastated by chlorine release*

On Sunday, February 27, 2005 members of the Teamster's Rail Conference joined with other rail union members and the community of Graniteville, South Carolina for a prayer vigil and town hall meeting in the aftermath of a Norfolk Southern collision and derailment that took the life of the locomotive engineer, BLET member Brother Chris Seeling, and eight citizens from the town of Graniteville.

On a cold and stormy night, members and officers of the BMWED, the Brotherhood of Locomotive Engineers and Trainmen (BLET), the Brotherhood of Railroad Signalmen (BRS), and the International Brotherhood of Teamsters joined with members of the faith community and area residents to pray for healing and discuss ways to protect the safety of those who work on or live near the railroad. The fatal accident occurred in the early morning hours of January 6, 2005 when a Norfolk Southern freight train traveling in "dark territory" struck a train parked on an industrial siding

in the heart of town. The preliminary investigation indicates that a main line switch was in the reverse position and lined for the siding as the freight train approached. Because there was no signal system to protect the integrity of the route, the train crew had no advance warning and were unable to stop their 42-car freight train from crashing into the train parked in the siding.

The accident sent a cloud of poisonous chlorine gas into the surrounding area, which resulted in nine fatalities and required the mass evacuation of Graniteville residents. The January 6, 2005 collision and chlorine release was the second railroad tragedy to hit Graniteville in less than 3 months. In November 2004, five employees of a nearby mill were killed when their car was struck by a Norfolk Southern freight train at a grade crossing within site of the January 6<sup>th</sup> train collision location.

The prayer vigil and town hall meeting was held at a middle school located across the street from the siding



Norfolk Southern derailment in Graniteville, SC, 1/6/05.

where the collision and release occurred. The prayer service began with opening prayers lead by several pastors from the local faith community. Nine candles were lit during the service in honor and memory of the victims who lost their lives in the chlorine release. The service, which was coordinated by the Rail Conference and its affiliated rail unions with assistance from a number of local clergy, focused on healing within the community and compassion for those affected by the tragedy. After concluding the vigil with a closing prayer lead by members of the local faith community, representatives from the BMWED, BLET, and BRS conducted a town hall meeting with local citizens, community responders, and the press to discuss rail safety issues.

BMWED Director of Safety and Education, Rick Inclima, was the Brotherhood's spokesman during the town hall meeting. Brother Inclima expressed condolences on behalf of the officers and members of BMWED to all the families who lost loved ones

or were otherwise affected by this tragedy. Thereafter, he spoke on issues related to community and rail worker preparedness, training, and accident prevention. When the BMWED Journal interviewed Brother Inclima, he said, "I was deeply moved by the terrible tragedy that befell these good people and their tight-knit community. The vigil and town hall meeting was our small way of reaching out to the community with compassion and understanding. This service was not about the union. It was about people, human beings whose lives were turned upside down by this tragic accident. They suffered tremendously, and I hope our presence demonstrated our members' compassion and caring for the community and its citizens in their time of despair and sorrow."

The National Transportation Safety Board (NTSB) is conducting an investigation of the accident and will issue its findings and recommendations upon completion of its fact finding mission.



BMWED Director of Safety Rick Inclima addresses Graniteville, SC residents.

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MARCH/APRIL 2005 ■ BMWED DIVISION JOURNAL ■ VOLUME 114 ■ NUMBER 2

The BMWED Journal is the official news publication of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

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The BMWED Journal (ISSN 1049-3921/USPS 067640) is published bi-monthly-6 times annually at 20300 Civic Center Drive, Suite 320, Southfield, Michigan 48076-4169. Periodicals postage paid at Southfield, Michigan and additional mailing offices.

### ATTENTION POSTMASTER:

Send address changes to BMWED, 20300 Civic Center Drive, Suite 320, Southfield, Michigan 48076-4169.

Subscription Price: U.S. and Canada—\$20.00 (U.S.) per year, in advance.

[www.bmwed.org](http://www.bmwed.org)

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# Around the Brotherhood

## Bring us your Tired, your Weak, your Unorganized Workers; ORGANIZING BUILDS POWER!

The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters is focused on building power through organizing the unorganized. The BMWED and IBT Organizing Departments, which work in close cooperation, request that members and officers from BMWED System Divisions/Federations and Local Lodges submit any and all organizing leads to BMWED Director of Organizing Timothy McCall. Please contact Brother McCall in the BMWED Organizing Department at (225) 752-3346, or by fax (225) 752-3347 or email at [timmc1656@aol.com](mailto:timmc1656@aol.com), and provide any information regarding organizing targets and potential organizing leads in any industry.

BMWED seeks to organize railroad and non-railroad unorganized workers employed under the Railway Labor Act or the National Labor Relations Act. Organizing the unorganized has always been the driving spirit and life blood of the labor movement, and organizing is the job of every union member. Every member has a responsibility to educate friends, neighbors, and co-workers about what a union is, and what unionization offers. Remember, union starts with U.

## Rail Carriers reject "ground rules" for National Negotiations

At a negotiating session held on March 9, 2005 the rail carriers, represented by the National Carriers' Conference Committee (NCCC), rejected outright the Rail Labor Bargaining Coalition's (RLBC) proposed ground rules for the conduct of National Negotiations. The carriers' chief spokesman, Robert Allen, refused to discuss any ground rules and also refused to point out what specific objections the NCCC had to the proposed ground rules. Apparently the carriers feel that the RLBC should only expect to bargain when it is convenient for the NCCC, the RLBC should only discuss what the carriers want to discuss, and that the carriers should share only the information that the carriers believe is relevant to bargaining. In summary, the carriers and the NCCC are up to their old tricks, trying to frustrate and prolong bargaining, and trying to divide the rail unions and break the RLBC. The RLBC is not interested in playing the carriers' game. We want what our members deserve: A fair and equitable contract.

## Carriers' File Request for Mediation

On March 14, 2005, the Rail Labor Bargaining Coalition (RLBC) sent a letter to the National Mediation Board requesting the Board's assistance in facilitating a resolution to the parties' dispute over ground rules to govern national negotiations.

On March 16, 2005, the carriers, represented in national bargaining by the NCCC, sent a letter to the Board requesting mediation concerning not only the Section 6 Notices served by BMWED as part of the Coalition, "but also all notices served individually by the BMWED on and after November 1, 2004 on such railroads..." The carriers also requested mediation regarding Section 6 Notices served by all members of the Coalition in separate letters from the NCCC to the Board. These recent developments are further proof that this round of national bargaining will be contentious and, at times, downright nasty. It is apparent that the carriers want desperately to break up the RLBC and pick off its constituent unions one-by-one, just like they did in the last round of national bargaining. Again, the RLBC is not interested in playing the carriers' game. We want what our members deserve: A fair and equitable contract.

## Join the Fight to Save Amtrak

The Brotherhood needs every member of BMWED, and indeed every member of Rail Labor, to join the fight to save Amtrak. Write, call, email, and visit your Congressmen and Senators and ask them for their commitment to provide full funding for Amtrak. Let them know that you and your family will be watching their vote on Amtrak and will hold them accountable at election time. To assist you in this effort, we have posted a link called "Amtrak Grassroots Lobbying Tools" on the BMWED website ([www.bmwe.org](http://www.bmwe.org)) to help members in mobilizing around this critical issue. This link will provide access to TTD's user-friendly "Fight to Save Amtrak" materials which can be used in mobilization, lobbying, and educational efforts to preserve Amtrak. The "lobbying tools" can also be accessed directly through the Transportation Trades Department, AFL-CIO (TTD) webpage at [www.ttd.org](http://www.ttd.org). Other "Save Amtrak" activities designed both to get an appropriate level of funding and to achieve an equitable resolution to the long-delayed contract dispute are being planned, and every member is encouraged to participate. Get angry, get mobilized, and get involved in the fight to save Amtrak and the jobs of 2,200 hard working and dedicated BMWED members on Amtrak.

## Amendment to Save Amtrak Funding Defeated in Senate

An effort spearheaded by Senate Democrats to save Amtrak's federal subsidy was defeated on Wednesday, March 16, when the Senate rejected an amendment to the budget resolution offered by Senator Robert Byrd (D-WV) to restore \$1.4 billion for Amtrak in fiscal 2006. President Bush's budget, submitted in February, provides no funding for Amtrak. The Byrd amendment failed in the Senate 46-52. Four

Northeastern Republican Senators - Lincoln Chaffee (RI), Arlen Specter (PA), Olympia Snowe (ME) and Susan Collins (ME) - joined Democrats in supporting the failed amendment. Senator Bill Nelson (D-FL) voted wrong, and Senators Jack Reed (D-RI) and Mark Pryor (D-AR) did not vote.

Prior to the vote, Several US Senators, including Senators Carper (D-DE), Clinton (D-NY), Corzine (D-NJ), Baucus (D-MT), and Chaffee (R-RI) held a press conference and rally in Washington DC's Union Station to pledge their support for Amtrak funding. The Senators talked about the need to preserve and expand Amtrak, and to provide Amtrak with long-term funding. Transportation Trades Department (AFL-CIO) President Ed Wytkind joined the Senators at the podium and praised the contribution and sacrifice that Amtrak employees have made to keep the railroad running despite continued underfunding and partisan political attacks from those who profess they must kill Amtrak in order to save Amtrak. The press conference and rally was attended by members of the IBT Rail Conference, including BMWED and BLET, as well as other rail union members from among the various crafts at Amtrak.

## James R. Hoffa Memorial Scholarship Fund

Next year, commencing January 1, 2006, the children and grandchildren of BMWED members will be eligible to apply for the IBT James R. Hoffa Memorial Scholarship. General eligibility requirements include a provision that the member must be an active, retired, deceased or disabled member who has at least twelve (12) consecutive months of Teamster Union membership. The student must be a senior in high school who will be graduating during the academic year in which the scholarship application is made. Additional information and complete eligibility requirements can be found on the Teamsters web site at [www.teamster.org](http://www.teamster.org). The James R Hoffa Memorial Scholarship will be available to

BMWED members beginning January 1, 2006 and is an added benefit of your membership in the International Brotherhood of Teamsters.

## BMWED Membership and Military Service

The BMWED has members who are serving in the U.S. Military, particularly as a result of conflicts in Afghanistan and Iraq. We are extremely proud of our Brothers and Sisters who have sacrificed so much to serve this country, and to each of you we extend our heartfelt thanks for your service on our behalf. The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters believes that members on active military service should be able to maintain their Union membership. As a result, we have adopted policies with respect to members who are presently serving full-time in the military and therefore are not employed directly in the BMWED craft on a U.S. railroad.

Ordinarily, membership requires both the regular payment of required dues and fees and that the individual hold "seniority rights" to a position under the jurisdiction of the BMWED. The BMWED customarily forgives the payment of dues when a member is laid off. The BMWED has determined that compulsory military service will qualify as an exception to the Brotherhood's payment of dues and fees requirement. As a result, any member holding seniority but not working at the craft due to compulsory military service will still maintain their membership status in the Union and will not be required to pay dues and/or assessments.

As a result of the Merger Agreement between the BMWED and the International Brotherhood of Teamsters a different requirement applies on and after January 1, 2006, for members who wish to maintain their eligibility to run for Union office. Under the Merger Agreement, the "continuous standing" requirement set forth in Article II, Section 4, of the IBT International Constitution will begin to apply with

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## U.S. Department of Labor Election Notice

**P**er a U.S. Federal Court Agreement, the BMWED continues preparations for the conduct for the nomination and election for Grand Lodge President and Secretary-Treasurer under the supervision of the U.S. Department of Labor's, Office of Labor-Management Standards. The process, which will be conducted by mail, is expected to be completed within the next several months. Specific dates will be finalized and forthcoming in the near future. Delegates or Alternate Delegates to the 2002 convention, or their replacements, will take part in the nomination and

election process to be conducted by mail. Questions related to the upcoming election should be directed to Bill Hildenbrand, 248-948-1010, extension 602 at the Grand Lodge or the U.S. Department of Labor Election Supervisor, Michael Purcell at 313-226-6200. Interested candidates can receive a copy of the election rules from either of the aforementioned individuals. The rules include details with regard to candidate campaign literature distribution, and publication of a candidate biography in an upcoming issue of the BMWED Journal.



**Freddie N. Simpson**

# PRESIDENT'S PERSPECTIVE

**A**s I stated in a previous column, the carriers have declared war on its workforce. They have made outrageous and insulting contract demands by virtue of their Section 6 notices served on BMWED and the rest of Rail Labor.

The first skirmish of this war commencing the 2005 round of collective bargaining occurred on March 9, 2005, when the National Carriers Conference Committee (NCCC), representing the Class I Railroads, refused to entertain or even discuss ground rules for negotiations proposed by the Rail Labor Bargaining Coalition (RLBC). The RLBC represents 85,000 members from seven rail unions, including BMWED, Brotherhood of Locomotive Engineers

& Trainmen (BLET), Brotherhood of Railroad Signalmen (BRS), National Conference of Firemen and Oilers (SEIU), Sheet Metal Workers International Association (SMWIA), International Brotherhood of Boilermakers (IBB), and the American Train Dispatchers Association (ATDA). The signatories to the RLBC agreement have pledged to stand together and present a unified voice for Rail Labor in this round of national negotiations.

The RLBC proposed the ground rules after questions regarding the bargaining process were raised by the carriers at the first negotiating session held on January 24, 2005. The general purpose of the Coalition's proposed ground rules is simply to establish regular meeting dates, provide for the agreement on meeting agendas in advance of each meeting, and to provide for the sharing of information relevant to the issues under discussion.

The March 9, 2005 negotiations began with Roland Wilder, counsel for the RLBC, presenting a copy of the proposed "National Bargaining Ground Rules" to Bob Allen, the NCCC's chief spokesperson. Mr. Wilder explained the purpose of

each of the paragraphs within the proposal and the parties then recessed while the NCCC considered the Bargaining Coalition's proposal.

After a short recess, the NCCC responded by rejecting categorically all of Rail Labor's proposed ground rules. According to Mr. Allen, the proposed ground rules were "silly" and the carriers were not interested in establishing any ground rules for the conduct of bargaining. In essence, the carriers' position was that unless the RLBC was willing to meet at the carriers' convenience, discuss only matters the carriers wanted to discuss and be provided only information the carriers thought was necessary for bargaining, there was no point in meeting. The carriers' chief negotiator, Robert Allen, basically said, "There will be no ground rules for these negotiations." When pressed, however, Allen refused carte blanc to point out what objections the NCCC had to the proposed ground rules.

We will remember March 9, 2005 as the day on which the carriers launched their hostile war of aggression against the BMWED and the Bargaining Coalition.

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## Message from Teamsters General President Jim Hoffa

### AMTRAK Funding Priority

We are once again facing a crisis with AMTRAK funding. As you know, President Bush has recommended that Congress not fund AMTRAK. I want to assure you that we are fighting this effort and we are taking our fight to the hometowns of members of Congress. We represent nearly 2,200 BMWED members who maintain AMTRAK lines and we are committed to preserving these jobs and securing a new contract for our AMTRAK members.

We are also participating in a coalition group for AMTRAK funding that is being coordinated by the AFL-CIO's Transportation Trades Department. Nearly a dozen rail unions have members which work on AMTRAK and it is critical that this mainstay of our nation's transportation system survives and flourishes. In some small towns, it is the only form of mass transit to the larger cities; therefore, AMTRAK remains an important component of the economy on both a national and community level. Rest assured we will continue our efforts to preserve AMTRAK as part of our nation's overall transportation network.

### Rail Signal Safety

Since the tragic accident in Graniteville, South Carolina, the issue of dark territory has become a central topic. We need to pressure the rail carriers to install signal and train control systems. Compared to flying a plane without the use of radar, it is unconscionable that there are vast areas of our nation's rails that remain dark, including those that carry hazardous materials.

The carriers' reluctance to install signal systems, however, is systemic of their overall desire to cut costs. Over the years we have seen a steady decrease in jobs for railroad employees and the consolidation of rail lines. The installation of signal and train control systems by the carriers must remain a union priority so that this deadly risk to our members and communities can be eliminated.

### Challenges Ahead

Rail corporations are growing bolder and spinning off territory to non-union short line operators on a monthly basis. Technology and global forces still threaten American jobs and our standard of living. Therefore, we must

elect lawmakers who understand core trade union principles, who appreciate the need to guarantee retirement security, and who understand that working men and women are the foundation of our country.

Our rail conference unites two of the largest rail unions under the Teamster banner – this provides a new, strong voice for workers. We have already seen our new power in action with the formation of the Rail

Labor Bargaining Coalition. The Coalition's opening conversations with the National Carrier's Conference Committee asserted our strength and unity. The carriers are on notice that we will work together to negotiate improved wages and benefits for our members.

In Solidarity,  
James P. Hoffa  
Teamsters General President



# SECRETARY - TREASURER'S REPORT

**A**s I read the newspaper and watch the daily news, I find myself wondering "where have all the socially responsible corporate citizens gone?" While it is no secret that workers (labor) and corporations (manage



**Perry K. Geller, Sr.**

ment) have some competing needs and differing views of the economy, there had historically been a basic code of conduct that governed how labor and management co-existed and prospered in the U.S. economy. Of course, workers seek to earn the most for their labor, and management seeks to earn the most for their stockholders. This is the essence of the inherent conflict between labor and management which has existed since the very beginning of industrialization.

However, labor and management also share some common interests. Labor needs to assure that employers can generate business and make a reasonable profit. And management needs to assure that its employees are properly paid and cared for in exchange for the corporate wealth that the workers' labor produces for the company. So, while labor and management often have conflicting needs and desires, they each bring something to the table that has historically been recognized as a "social compact." This social compact recognizes the ultimate benefit of reaching common ground between labor and management to assure the viability of the corporation and the economic security of the workforce and the nation.

Unfortunately, in the age of global-

ization, the social compact has been replaced by unabashed corporate greed and a mentality that seeks higher profit at any cost. Gone are the days where workers could expect their fair share for a hard day's work. Gone are the days where corporations would fulfill their promises to fund workers' retirement and health care plans in recognition of a lifetime of service and sacrifice to the company. And gone are the days where corporate executives would consider the long-term ramifications of their actions on the nation's overall economy.

Today, more than perhaps any other time in U.S. history, American corporations are scrambling to increase shareholder dividends by squeezing its remaining U.S. workforce and moving American jobs overseas to exploit workers in foreign countries. Corporations have declared all-out war on U.S. workers, and the U.S. government has provided them the armaments by promoting and adopting so-called free trade agreements, increasing tax cuts for the rich and corporate welfare, and by weakening U.S. labor law to make it easier for powerful corporations to exploit American workers and break their unions.

Walmart is one good example of what is wrong with corporate America today. The "Walmartization" of America has pervaded every facet of the American economy and culture. Clothing, textiles, toys, steel, manufactured goods, and virtually every other product or service once produced in the U.S. are now outsourced to low wage countries where there are few, if any, labor laws. This is the Walmart economic model. American workers whose jobs have not yet been outsourced face continual pressure to produce more with a skeleton workforce, with less pay and less job security. Nationwide, promised retirement benefits are being drastically cut or outright eliminated by corporate America, and plant closures and concessions are now the American norm. Attempts at unionization by workers desperate for a voice and fairness in the workplace are met with untempered reprisal, blackmail, and plant closings. This too is the Walmart economic model.

The Walmart model is followed by far too many American corporations. This model of greed has resulted in the largest trade deficits in U.S. history and the loss of millions of American jobs. The trade deficit, if not soon addressed, will devastate the economic prosperity of all working Americans and cripple our nation's economy. In January 2005, our trade imbalance with foreign countries increased to minus \$58.27 billion, the second highest monthly level in U.S. history.

Corporate greed is at an all time high and the assault against workers, both union and non-union, continues with the aid and assistance of government policies. Corporate America is leading the American worker down the path of economic ruin while the CEO's of America's largest corporations are reaping unimaginable personal wealth off the backs of workers around the globe.

Five members of the Walmart family, Robert, Jim, John, Alice, and Helen Walton, rank among the 15 wealthiest people in the world; each with an amassed personal wealth of over \$18 billion. But yet, these Walmart executives continue to press the assault on its workers by providing poverty level wages, requiring

employees to pay for health insurance, and running vicious anti-union campaigns across North America. As one of the largest and most profitable corporation in the entire world, it is not that Walmart can't afford to pay their workers a living wage, they simply choose not to.

The CEO's of America's railroads are not quite living in poverty either, yet they are pushing relentlessly to reduce your wages and benefits to "save the company." For example, the CEO of BNSF raked in \$5,366,574 in 2003, and has accumulated unexercised stock options worth \$6,396,095. The CEO of CSX received \$4,563,065 in 2003, and has unexercised stock options worth \$2,075,368. The CEO of Norfolk Southern raked in over \$10,666,417 in 2003 and has unexercised stock options worth \$10,358,993. And Union Pacific's CEO amassed an amazing \$18,704,956 in total compensation in 2003, with unexercised stock options worth \$34,410,472.

All Labor wants is our fair share, nothing more and nothing less. So the next time the carrier asks you to make additional sacrifices to "save the company," just tell them to call the CEO. We have given all we can, and were not giving any more.

## BMWED Job Openings

The Brotherhood is seeking applicants to fill two staff positions:

### (2) Staff Assistant - Washington, D.C.

Staff Assistant duties will include assisting in the daily operations of the National Division's Washington, D.C. office. These positions will work under the direction of the President and will be supervised by the Department Directors in the Washington, DC office. The ideal candidates must have strong organizational, administrative, and writing skills, including computer and keyboarding skills, strong oral and written communications skills, and the ability to articulate BMWED positions on a number of issues as directed by the President and his Department Directors. Candidates must be self-starters with the ability to handle multiple tasks in a fast paced and high intensity work environment. Candidates must have excellent interpersonal skills and the ability to represent BMWED before the membership, the public, and the various agencies/entities with which the BMWED interacts. Experience in employee protective issues, publications and public relations, legislation, railroad safety, and adult education is desirable. Starting salary commensurate with skills and includes a full benefits package. Positions will be headquartered in the Washington, DC office.

If you are a BMWED member and desire to be considered for these positions, please provide a detailed resume that includes the following information:

- Railroad employment history.
- BMWED offices and positions held.
- A brief description of your experience in any of the following areas: employee protection, publications and public relations, legislation, railroad safety, and adult education.
- Writing samples.
- Level of computer skills (Word/Word Perfect/Landscape are a plus).

Interested applicants should send their resumes to:

Freddie Simpson, President  
C/O Job Openings  
BMWED  
20300 Civic Center Drive, Suite 320  
Southfield, MI 48076-4169



While the NCCC's demand to control all aspects of these negotiations reflects their typical arrogance and gall, their calculated rebuff of the RLBC's proposal for bargaining rules removed any hope that the carriers would enter this round of negotiations for the purpose of seeking a prompt and equitable resolution which is fair to both parties.

By presenting a unified front at the bargaining table, the Rail Labor Bargaining Coalition has taken an important step in combating rail management's divide and conquer bargaining strategy. The RLBC's coordinated negotiation strategy includes an agreement that each individual union in the coalition will not to sign off on any tentative agreement with the rail carriers until all coalition members concur. The very existence of the Coalition has already served to frustrate the carrier's chief bargainer and the NCCC's divide and conquer strategy. No longer can the carriers whipsaw the unions against one another because the Bargaining Coalition now stands united as one against their assault.

Unity is our strength, and it is our unity that will carry us through this difficult round of negotiations. We will put into practice the old labor slogan, "An injury to one, is an injury to all,"

and we will do so by standing by our commitment and the commitment of the member organizations of the RLBC. The RLBC has pledged to remain united and stand together against the carriers' full frontal assault on our collective membership and their standard of living.

I can't help but to see the similarities between this confrontation and the historic confrontation that marked the birth of our nation in 1776. The history of the birth of America tells us how our forefathers, tired of being treated unjustly and as second class citizens, decided it was time to rise up, change tactics, and defend themselves against an oppressive King and his powerful army. The brave and noble Colonials, in the face of an indomitable and tyrannical superpower, decided that they would no longer tolerate the oppression of the status quo. Unwilling to accept the dictates of their oppressor and bow to outrageous demands, the Colonial States devised a new strategic plan and moved to unify, mobilize, and take control of their own destiny.

On July 4, 1776, the representatives of the Colonial States signed the ultimate coalition agreement: The Declaration of Independence. Some wondered whether the Colonial States were flirting with disaster and questioned how this coalition would fare against the strong and mighty army of the King. But the individual Colonial States, knowing that they were out-gunned and out-maned by the King and his empire, understood that their best hope was to stay united in the face of such overwhelming odds. So important was unity during the American Revolution that, upon signing the Declaration of Independence, Benjamin Franklin remarked to John Hancock, "We must all hang together, or, most assuredly we shall all hang separately."

And indeed, in Rail Labor's present struggle against our strong and powerful adversary, we must all hang together. Unity carried the Colonial States through their struggle against tyranny and oppression and marked the birth of our great nation. And unity will carry our Coalition through this struggle and will mark the resurgence of Rail Labor. Every member must take up arms in this struggle and hang together for the tough battles ahead. The Rail Labor Bargaining Coalition wants a prompt and equitable resolution to this round of negotiations, however, the carriers have decided to declare war upon us.

AFL-CIO President Kirkland said it best in 1981 when he stated, "**We have come too far, struggled too long, sacrificed too much, and have too much left to do, to allow that which we have achieved for the good of all to be swept away without a fight. And we have not forgotten how to fight.**"

Standing and fighting together, the union makes us strong!

## Zero Roadway Worker Fatalities Achieved in 2004

Continued from Page 1

ated rulemaking committee in the history of FRA. The Advisory Committee, which was made up of representatives of Rail Labor, rail management, and the FRA, engaged in almost three years of difficult negotiation. In 1996, the Advisory Committee reached general consensus on recommendations to be forwarded to the FRA Administrator. These consensus-based recommendations served as a basis for the Roadway Worker Regulations, 49 CFR Part 214C, which became law on January 1, 1997.

In the eight years immediately preceding enactment of the Roadway Worker Regulation, an average of 5.3 members were killed annually in roadway worker accidents. In the eight years since the rule's enactment, the annual fatality average has been cut by more than 50%, to 2.5 roadway worker fatalities per year. And in 2004 there were zero roadway worker fatalities, a milestone that has never before been achieved in the history of railroading in the United States.

BMWED Secretary-Treasurer Perry Geller stated, "We have reached the long-sought milestone of zero roadway worker fatalities in 2004. Zero is the only acceptable number, and anything less than zero is unacceptable to our

members and their families. I join with all BMWED members in honoring those Brothers and Sisters who have perished in the line of duty, and pledge our continuing efforts to assure all BMWED members make it home from work safely. The results achieved in 2004 just proves what we can do when we stay united, watch each others back, and work together for a common goal and the common good of our membership."

"This regulation has been remarkably effective," said BMWED President Freddie Simpson. "We have seen a substantial reduction in roadway worker injuries and deaths. Reaching zero fatalities in 2004 is a testament to the professionalism and compassion of our members. They truly have acted as their Brothers' keeper, and I could not be more proud of their historic achievement. My heartfelt congratulations go out to and each and every member and their family, as well as to the BMWED Department of Safety, on this historic safety achievement.

Safety is just too important to leave solely to management, and every member should be proud of this life-saving achievement. Zero roadway worker fatalities remains our goal and focus in the years ahead."

## Around the Brotherhood Continued from Page 3

respect to candidates for office within the BMWED on and after January 1, 2006. The precise period during which "continuous good standing" must be maintained prior to election is set forth in paragraph 4.9 of the Merger Agreement. Under the IBT Constitution, "continuous good standing" has two requirements: (a) the member must be "working at the craft" during the applicable period and (b) the member must make timely payment of his or her dues for each month during the period. In applying this requirement, the IBT recognizes an exception

to the "working at the craft" requirement, namely that compulsory military service is an exception and, in effect, satisfies the "working at the craft" requirement under the IBT Constitution. However, the IBT does not recognize any exception to the mandatory timely payment of dues and fees in order to satisfy the "continuous good standing" eligibility requirement to run for Union office. As a result, members serving in the military must still pay dues after January 1, 2006, if they wish to maintain eligibility to run for office.

## Centenarians

Belated happy birthday wishes to the following BMWED Brothers who recently celebrated their 100<sup>th</sup> birthday:

### Juencio F. Zavala

A Fontana, California resident, celebrated his 100<sup>th</sup> birthday on January 3, 2005. Brother Zavala was employed by the Southern Pacific Railroad as a track laborer.

### Baltazar Cervantes

A Elko, Nevada resident, celebrated his 100<sup>th</sup> birthday on January 6, 2005. Brother Cervantes was employed by the Southern Pacific Railroad as an extra-gang laborer.

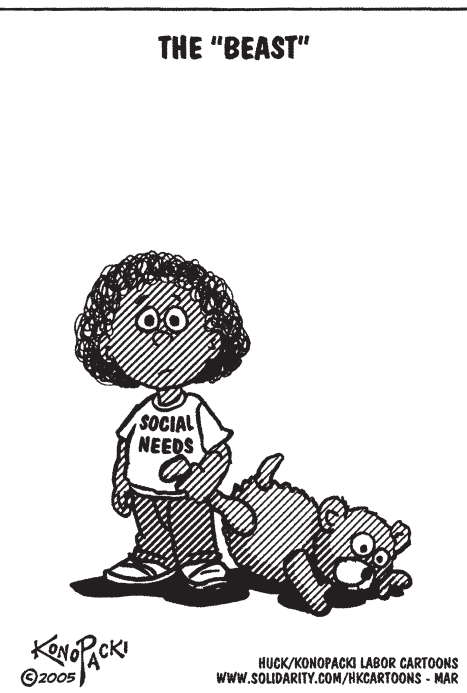
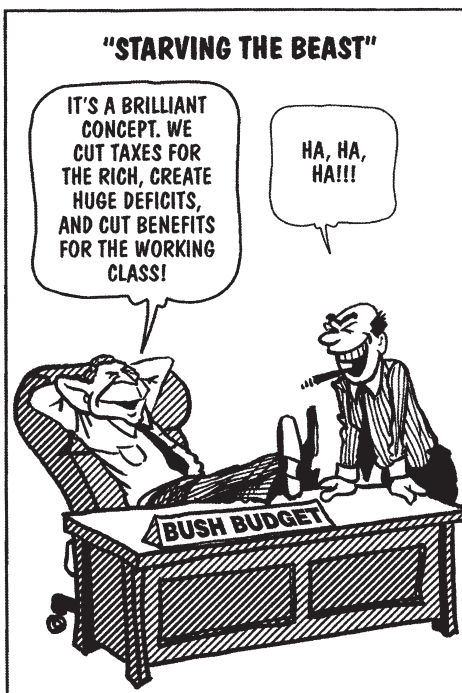
### Lee George

A Wallis, Texas resident, celebrated his 100<sup>th</sup> birthday on January 22, 2005. Brother George was employed by the Atchison, Topeka & Santa Fe Railway as an extra-gang laborer.

### William F. Dyba

A Miles City, Montana resident, celebrated his 100<sup>th</sup> birthday on January 27, 2005. Brother Dyba was employed by the Chicago, Milwaukee, St. Paul and Pacific Railroad as a trackman.

The BMWED extends sincere best wishes to our retired centenarians. Happy Birthday!





# BMWED Legislative Issues – 109th Congress

## Amtrak FY 2006 Appropriations

In his fiscal 2006 budget request, President Bush proposed ending federal subsidies for Amtrak's operating expenses, and would provide only enough money to keep trains in the Northeast Corridor running, leaving much of the rest of Amtrak's routes to close. Instead, \$360 million would be allocated to the Surface Transportation Board to continue commuter rail contracts, mostly in the Northeast Corridor connecting Washington, New York and Boston.

Bush has proposed cutting Amtrak subsidies in each of his last two budget proposals to \$900 million – half of Amtrak's request. Congress split the difference each year by providing about \$1.2 billion.

During a news conference at Chicago's Union Station on Feb. 14, Transportation Secretary Norman Mineta said the administration will again propose privatizing most Amtrak operations – reprising an idea that went nowhere last year. Critics in Congress are voicing opposition again this year for the same reasons.

Details of the administration's new proposal were sketchy, however, insiders say the measure is likely to be similar, if not identical to last year's proposal that would have split Amtrak into three companies. States would have assumed the cost and responsibility of running and maintaining rail lines, with the option of privatizing the routes. Federal subsidies that have funded Amtrak since its creation in 1970 would have ended.

A recent Senate letter with 35 signatures, including 8 Republican, went to Senate Budget Committee Chairman Judd Gregg (R-NH), and Ranking Member Kent Conrad (D-ND) expressing grave concern regarding the President's proposed elimination of funding Amtrak, and requesting that

they provide adequate funding for Amtrak in preparing the FY 2006 budget resolution. Other interest groups in support of Amtrak are doing likewise.

BMWED is mobilizing to fight Bush's radical and irresponsible plan that threatens rail service for 24 million passengers and the jobs and railroad retirement benefits of 20,000 Amtrak workers.

## TEA Reauthorization

Transportation & Infrastructure Committee Chairman Don Young (R-AK) introduced a six-year highway and transit funding bill (H.R. 3) that would guarantee \$283.9 billion through 2009. This is the same as the administration's budget request sent to Congress. The Bush Administration agreed to spend \$43 billion more on a surface transportation bill than it originally proposed last year. The number used in the House bill and White House budget embraces a compromise that Republican conferees were close to reaching before the 108<sup>th</sup> Congress adjourned.

Differences remain, however, between the chambers over the funding level. Senator Inhofe, the chairman of the Senate Environment and Public Works Committee, has suggested he will introduce a bill closer to the \$318.9 billion the Senate passed in February 2004.

The House bill is currently under review to ensure that policy issues affecting BMWED have not been altered from last year's T&I committee passed bill.

## Asbestos (FELA)

Senate Judiciary Chairman Arlen Specter (R-PA) has encountered major problems with his top legislative priority to create an asbestos trust fund. One of the stumbling blocks is that industry groups fear that silica could replace

asbestos as the basis for a new tidal wave of lawsuits. That led them to seek a provision in draft legislation creating an asbestos trust fund that would require claimants suing over injuries caused by exposure to silica and other airborne particles to prove in court that asbestos was not the cause of their illness.

That issue and the FELA issue prompted Chairman Specter to hold a hearing entitled "Asbestos: Mixed Dust and FELA Issues" on February 2, 2005. Don Griffin, BMWED Director of Strategic Coordination & Research testified on the FELA issue on behalf of all the Railroad Labor Union members of the AFL-CIO.

Brother Griffin outlined for the committee Rail Labor's proposal that puts railroad workers' compensation claims for asbestos under FELA into an administrative system that does not involve the courts. The proposal is simple – Rail Labor and Rail Management will sit down and agree upon a matrix of benefits and eligibility standards for asbestos injuries that would otherwise be covered by FELA, and administration of those standards and benefits are handled the same as others created under the proposed bill. If labor and management cannot agree promptly on the values for the matrix or the eligibility standards, a neutral third party will do so. The simple standard is to make the benefit equal to the amount that the injured rail worker would have received under FELA.

Negotiations on a "FELA adjustment" continue between Senator Specter, the Association of American Railroads, and Rail Labor.

## Rail Security/Safety

After a string of derailments and grade-crossing accidents last year Congressional concern about railroad safety and security is mounting. Several

legislative efforts are being pursued questioning how well the federal government is regulating safety.

Senator Barbara Boxer (D-CA) introduced The Rail Crossing Safety Act (S. 197) on Jan. 26, 2005. This legislation would direct the Secretary of Transportation, in consultation with State and local government officials to conduct a study of the impact of grade crossings both on accidents and on the ability of emergency responders to perform public safety and security duties.

The second part of the legislation would authorize funds for the Secretary of Transportation to provide grants to State and local governments to build bridges and tunnels.

A bipartisan bill was introduced by Senators Charles Schumer (D-NY) and Lindsey Graham (R-SC) on Feb. 1, 2005. The Railroad Crossing and Hazardous Materials Transport Safety Act of 2005 (S. 230) for the first time requires the Federal Railroad Administration to investigate each fatal grade crossing accident. Federal officials now fully investigate only a handful of the hundreds of fatal accidents that occur at rail crossings each year. The bill also requires that railroads file accident reports more quickly, increases the number of inspectors focusing specifically on grade crossings and hazardous materials, and raises fines for railroads that violate safety rules.

BMWED is monitoring this legislation and working with staff to ensure that comprehensive rail safety/security legislation is passed that grants whistleblower protections to workers, limits use of remote control technologies, addresses long-standing fatigue and training issues, ends "dark territories" in which there are no track signal systems, and expands security for freight trains and facilities, particularly those that are involved with hazardous chemicals.



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