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

NEWS CLIPS

March 13, 2009

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Progressive Railroading

3/13/2009 Traffic

AAR traffic report: Tough sledding continues for North American railroads in March's first week

March came in like a lamb as far as U.S railroads are concerned. During the month's first week ending March 8, their carloads totaling 275,105 units dropped 15 percent and intermodal volume totaling 180,047 units tumbled 12.7 percent compared with totals from the same week last year, according to the Association of American Railroads (AAR).

Canadian railroads' weekly carloads plunged 18.3 percent to 61,186 units and intermodal traffic fell 12.1 percent to 37,332 units, while Mexican railroads' weekly carloads declined 4.8 percent to 11,430 units and intermodal volume plummeted 27.5 percent to 4,209 units.

Workers' Health Benefits Eyed for Taxation

Revenue Would Fund Expansion of Coverage

By Lori Montgomery
Washington Post Staff Writer
Thursday, March 12, 2009; D01

With President Obama's plan to tax the rich to pay for health care facing deep skepticism on Capitol Hill, key lawmakers are pressing a different way to raise money: taxing the health benefits workers receive from their employers.

Since companies began offering group health insurance on a large scale during World War II, the value of that benefit has never been counted as income, reducing workers' taxable earnings by an average of $9,000 a year for family coverage.

In recent weeks, however, Sen. Max Baucus (D-Mont.), chairman of the tax-writing Finance Committee, has repeatedly advocated changing tax laws to include employer benefits, arguing that it makes sense to fund the health-care changes by sucking cash out of the existing system. Meanwhile, 13 other senators -- from both sides of the aisle -- have signed on to a plan for universal coverage that includes a tax on employer-provided benefits.

"I think it's extremely important from a credibility standpoint to show the American people that you're making savings in the enormous sums now being spent on health care before you go out and ask them for billions of dollars more," said Sen. Ron Wyden (D-Ore.), one of the sponsors of that proposal. "And I don't think I'm the only senator who feels that way."

So far, administration officials have been careful not to endorse the idea, which Obama blasted as a major tax increase last year after Sen. John McCain (R-Ariz.) made it the centerpiece of his presidential campaign's health plan. But the president hasn't slammed the door on it, either.

This week, White House budget director Peter Orszag said taxing employer benefits was among several ideas that "most firmly should remain on the table." White House economic adviser Jason Furman called for an end to the so-called "employer exclusion" before he joined the administration. Meanwhile, some congressional Democrats say the White House has signaled that Obama would accept a tax on employer benefits as long as he didn't have to propose it himself.

"Everybody's got to share together in the solution. And this might be one component to sharing," Baucus said in an interview. But "it's early," he said. All the tax proposals will be analyzed before his committee tackles the funding question in May.

The debate on how to pay for Obama's plan to expand coverage to some of the 46 million Americans who lack health insurance is nearly as hot as the debate on the details of remaking the health system itself. By raising taxes and cutting spending on federal health programs, Obama has proposed creating a $634 billion reserve fund that would serve as a "down payment" on changes expected to cost well over $1 trillion over the next decade.

Some of Obama's ideas to generate that revenue have been well received, but others have run into serious opposition. For example, Obama wants to raise $8 billion by making wealthy seniors pay more for Medicare prescription-drug coverage, an idea lawmakers roundly rejected two years ago.

And lawmakers in both parties have panned his proposal to raise nearly half the money by limiting the value of itemized deductions for families who earn more than $250,000 a year. Those deductions can include mortgage interest, gifts to charity and state and local taxes; detractors say a tax increase could hurt charities, further depress the housing market and unfairly target residents of high-tax states.

Taxing employer-provided health benefits has not proven politically popular, either. The Democratic Congress summarily dismissed the idea two years ago when President George W. Bush included it in his budget request. Many senior House Democrats continue to oppose the idea, arguing that it could be catastrophic at a time when companies are scaling back coverage for their workers and dropping it completely for retirees.

"I would caution against doing anything that would undermine existing coverage for the individuals who receive their health coverage from their employer," Rep. Pete Stark (D-Calif.), who chairs an important health subcommittee, said yesterday.

Many economists and tax analysts have long argued for changing current tax law on health coverage, which disproportionately benefits wealthier workers. The law encourages people to enroll in the most comprehensive health plans on offer, the so-called Cadillac plans that provide vast coverage, mask the true cost of health care and contribute to skyrocketing costs.

Many lobbyists and others involved in the health-care debate say they see few other places to go for the kind of money that will be needed to meet Obama's demand for ambitious change. In their view, the question is not whether employer benefits will be taxed but how much of the benefit will be spared.

The New York Times

March 11, 2009

Fierce Lobbying Greets Bill to Help Workers Unionize

By STEVEN GREENHOUSE

WASHINGTON — Business and organized labor unleashed what each called its biggest lobbying effort in history on Tuesday as Democrats in the House and Senate introduced legislation that would make it far easier for workers to unionize.

Their target: a handful of moderate Democrats and Arlen Specter, Republican of Pennsylvania.

Tom Harkin, Democrat of Iowa and one of the bill's chief sponsors in the Senate, said it was not clear the measure had enough support to overcome a Republican filibuster there.

Labor leaders hoped a two-pronged strategy would get at least every Senate Democrat to back the bill: President Obama's full-throated support and letters, e-mail messages, phone calls and visits to inundate lawmakers.

If passed, the law would make the biggest changes in the nation's labor laws since 1935. Organized labor has called it the No. 1 legislative priority. Corporate America has vowed to defeat it.

The United States Chamber of Commerce and other business groups worry that if passed the legislation, the Employee Free Choice Act, would lead to unions adding millions of workers. Labor sees the bill as vital to reversing decades of declining membership and power.

The lobbying battle reached new heights on Tuesday as 180 business owners and executives descended on Capitol Hill to meet with swing senators, and more than 250 union leaders and members met with Senate and House members.

At a news conference, Senator Harkin and George Miller, chairman of the House Education and Labor Committee, announced that they were introducing the bill in their respective chambers, saying it would help rebuild the middle class.

Mr. Miller, Democrat of California, said he had 223 co-sponsors, including three Republicans, meaning the bill had majority support in the House. Mr. Harkin said the bill had 40 co-sponsors in the Senate, down from 46 in the previous Congress.

Republican and business strategists said some former co-sponsors felt they had a free pass to back the bill when President Bush appeared likely to veto it. But now that the bill appears to have a real chance of passage, they said, some moderate senators, heavily lobbied by business, are backing off the bill, worried that it might hurt or anger their business constituents.

The lobbying is focusing on eight or so Senate Democrats and Senator Specter, whose votes are seen as up for grabs. The Democrats include Mark Pryor and Blanche Lincoln, both of Arkansas, Ben Nelson of Nebraska, Mary L. Landrieu of Louisiana and Mark Warner of Virginia.

"I don't notice shrinking support," Mr. Harkin said when asked about the declining number of co-sponsors. "I think the votes are there. I think the support is there." He said minor modifications might be needed to ensure enough support.

The Democrats have 56 Senate seats and can usually count on two independents, and if Al Franken of Minnesota is seated, that would give Democrats 59 seats. So if just one or two Democrats oppose the bill, labor would have a hard time mustering the 60 votes to overcome a filibuster.

To reach 60, the Democrats are counting on Mr. Specter, who once co-sponsored the bill, but no longer does. If he backs the bill, he risks angering Republicans, which could hurt him if he faces a conservative in a primary. But opposing the bill in his union-friendly Democratic state could jeopardize his re-election in the general campaign.

"I'm hearing a lot of lobbying both ways," Mr. Specter said in an interview. "I'm going to give everybody a chance to be heard before I vote."

Like other Republicans, Mr. Specter has voiced concern that the bill would mean unions would generally bypass secret ballot elections in organizing drives.

The bill would let workers choose whether to unionize through secret ballot votes or card checks in which workers obtain union recognition as soon as a majority of employees at a workplace sign union cards. Current law permits management to insist on a secret ballot, which often lets companies campaign for a month or more against unionization.

Congressional Democrats and union leaders refused to discuss what modifications or compromises they might accept to win passage if the current version does not overcome a filibuster.

"I don't know that anybody is in the mood to compromise," Mr. Specter said.

Each side predicted victory.

"We're seeing flagging support for card check against rapidly building intensity against the bill," said Steven J. Law, the Chamber of Commerce's general counsel "We're cautiously optimistic that we'll defeat it, but no one is hanging up the Mission Accomplished banner."

Bill Samuel, the A.F.L.-C.I.O's legislative director, said, "We're confident it will pass the Senate and be signed by the president."

He added: "I'm not surprised that some senators are saying they're undecided because they're getting attacked back home. It's not unusual for a senator to say they're undecided leading to a key vote."

Democrats open to compromise on card check

By SAM HANANEL – 18 hours ago March 11, 2009

WASHINGTON (AP) — Democratic leaders hinted Tuesday that compromise may be needed to get wavering lawmakers on board for a bill to make union organizing easier.

The Democrats insisted they are not losing support, but acknowledged that some changes might be needed.

The comments came as the Employee Free Choice Act was formally introduced in the House and Senate, intensifying the already heated debate between business groups that oppose the measure and labor groups that consider it their top priority.

Iowa Sen. Tom Harkin, a lead sponsor of the bill, said his colleagues are talking about "certain modifications," but no agreement has been reached.

"There might be some amendments that don't destroy the underpinnings of the bill, maybe provide for better enforcement," Harkin said. "That type of thing might be acceptable."

The bill would dramatically reform labor laws by allowing workers to form unions by simply signing a card or petition, removing an employer's right to demand a secret ballot vote. It also would impose stronger penalties on employers who violate labor laws and allow for arbitration to settle contract disputes.

"If we want to have a fair and sustainable recovery from this economic crisis, we must give workers the ability to stand up," said Rep. George Miller, D-Calif., chief sponsor of the House bill and chairman of the House Education and Labor Committee.

Unions say the bill would discourage employers from firing or harassing workers who seek to organize and claim increased union membership would boost wages and help the economy.

At a hearing before the Senate Health, Education and Labor Committee, Republicans called it a job-killing measure that would leave workers open to union intimidation.

"There is no evidence that forced unionization will do anything to assist the middle class and deliver economic security for workers," said Sen. Johnny Isakson, R-Ga.

An identical version of the bill cleared the House easily two years ago, but could not muster 60 votes to get past a Republican filibuster in the Senate.

With Democratic gains in the November election, Harkin and union leaders say they expect to have the votes this time. But some moderate Democrats who backed the bill in the past — including Louisiana Sen. Mary Landrieu and Arkansas Sens. Blanche Lincoln and Mark Pryor — now are either undecided or say they want to see improvements.

The Senate bill already has 40 co-sponsors, but that's six fewer than when it was introduced last time. The House bill has 223 co-sponsors, fewer than the 230 who signed on in 2007.

"These depressed co-sponsorship numbers show that lawmakers aren't just getting cold feet on card check — they're getting frostbite," said Steven Law, general counsel for the U.S. Chamber of Commerce.

Harkin predicted it would be taken up shortly after the Easter recess. That's likely when Minnesota Democrat Al Franken would be seated if he wins a recount battle with Republican Norm Coleman. Franken could be the deciding vote.

Clash Over Labor-Rights Bill Appears Likely

By Alec MacGillis
Washington Post Staff Writer
Wednesday, March 11, 2009; A13

President Obama has hinted that although he supports the Employee Free Choice Act, he would be open to revised legislation that commands broader support, and is not exactly burning to push the labor-rights bill anytime soon.

But as the legislation, which would make it easier for unions to organize, was re-introduced yesterday, all signs were pointing to the kind of incendiary clash the president hoped to avoid.

Sen. Tom Harkin (D-Iowa) and Rep. George Miller (D-Calif.), two leading sponsors, announced the bill's arrival as hundreds of union members and business owners swarmed Capitol Hill to start making their case for and against the measure.

The business owners, drawn from the states of key senators, got their marching orders at U.S. Chamber of Commerce headquarters, where leaders of the organization and Sen. John Thune (R-S.D.) praised them as the "first Marines hitting the beach" to defeat a "job killer" bill.

"Go up and tell them what will happen [if the bill passes], that no one is going to add a single job in the United States," Chamber President Thomas J. Donohue said. "Will I put a job here where it'll get unionized in an illegal way? No, I'll put it somewhere else."

The bill would allow employees to form unions by getting a majority of workers to sign cards, without having to hold a secret ballot; at present, it is up to employers to decide whether workers must hold an election or organize via "card check." And the bill would mandate that if employers and workers cannot agree on a contract in 120 days, a government arbitrator will intervene.

Workers say the bill would level the playing field after decades of labor decline. They assert that employers intimidate workers before elections and go years without agreeing to a contract. Employers say the bill would expose workers to union intimidation and allow the government to interfere in how owners run their businesses.

The bill has majority support in the House and the Senate, but it needs 60 Senate votes to survive a filibuster. The bill's backers are counting on the only Republican who sided with them during the last Congress, Sen. Arlen Specter (Pa.), and centrist Democrats such as Sen. Mary Landrieu (La.), and Mark Pryor and Blanche Lincoln of Arkansas.

An AFL-CIO lobbyist said last week that he was sure of 60 votes, but Lincoln and Landrieu, among others, have been outwardly ambivalent, hinting at the need for revisions to the bill. And compared with its last go-round, the measure has six fewer sponsors in the Senate and seven fewer in the House, even though there are more Democrats on the Hill now. The bill will not be taken up right away, as Democrats hope that Al Franken will be able to claim a contested Senate seat from Minnesota.

Chamber leaders told their troops to demand a filibuster vote and not settle for senators saying they would improve the bill. "There is no compromise," said Chamber general counsel Steven J. Law.

Labor leaders were similarly defiant. Andy Stern, president of the Services Employees International Union, said the push for a filibuster echoed attempts to quash workers' voice on the job. Employers "don't want democracy," he said. "They try to frustrate the ability to vote. They threaten and intimidate, and when that doesn't work, they try to frustrate the process and kill it."

The New York Times
The Caucus
The Politics and Government Blog of The Times

MARCH 10, 2009, 11:15 AM

Union Legislation Drive Begins in Congress

By STEVEN GREENHOUSE

Senator Tom Harkin of Iowa, who plans to introduce a bill on Tuesday that would make it easier to form unions, said in an interview, "We have enough votes to pass the bill in the Senate."

But then Mr. Harkin acknowledged, "I'm not sure if we have enough votes to overcome a filibuster."

Showing how close the vote might be, Mr. Harkin said the bill would probably not come up for a vote until late April or early May, at which point he expects Al Franken to be sworn in as a Democratic senator from Minnesota. That would give the Democrats, including two independents, a 59-seat majority, but it doesn't guarantee that all Democrats will vote with their caucus to clear the 60-vote filibuster hurdle.

Senator Edward Kennedy of Massachusetts, chairman of the Committee on Health, Education Labor and Pensions, is the main sponsor of the bill, and Mr. Harkin is the chief co-sponsor.

The bill, known as the Employee Free Choice Act, would make it far easier for Americans to form unions by giving workers the right to unionize as soon as a majority of employees in a workplace sign cards saying they want a union.

Business groups bitterly oppose the bill, fearing that it would create a surge in successful unionization drives. The U.S. Chamber of Commerce and other business groups have sent more than 150 business executives to Capitol Hill on Tuesday to lobby against the bill, denouncing it on the ground that it would allow unions to organize workers by largely bypassing secret ballot elections.

Mr. Harkin was presiding over a hearing on Tuesday morning about the legislation, and hundreds of union members who were in town to lobby packed the hearing room to show support for the bill.

Mr. Harkin and George Miller, chairman of the House Education and Labor Committee, are scheduled to hold a news conference after the hearing to announce that they are introducing the bill in their respective chambers on Tuesday.

Mr. Harkin said he had about 40 Senate co-sponsors, while labor leaders say they expect Mr. Miller to have a majority of House members cosponsoring the bill.

Democratic leaders and their labor allies may have a hard time securing the 60 votes needed to overcome a Senate filibuster because several Democratic senators who once supported cloture, including Mary Landrieu of Louisiana and Blanche Lincoln of Arkansas, have recently voiced ambivalence about the legislation.

Moreover, Arlen Specter of Pennsylvania, the one Republican who supported the bill in previous Congresses, has also signaled that he might not back the bill this time around.

The wavering senators are the focus of intense lobbying from business and labor.

Steven Law, the U.S. Chamber's general counsel and the official coordinating the chamber's campaign against the legislation, predicted that Republicans and business had the votes to ensure that a filibuster succeeds.

"We got a jump on organized labor on this bill last year," Mr. Law said. "As a result a number of senators who were said to support the legislation are showing buyers' remorse."

In that category, he pointed to Senators Landrieu and Lincoln, as well as two other Democrats: Mark Udall of Colorado and Mark Pryor of Arkansas.

Bill Samuel, the A.F.L.-C.I.O's legislative director, predicted in an interview that the bill would be enacted. "We're confident it will pass the Senate and be signed by the president."

Mr. Samuel added: "I'm not surprised that some senators are saying they're undecided because they're getting attacked back home. It's not unusual for a senator to say they're undecided leading to a key vote."

At the hearing, Senator Lamar Alexander, Republican of Tennessee, denounced the bill, saying it should be called the "No Choice Act" because, he said, it would eliminate secret ballots.

"If we're looking for ways to be bipartisan in this town, this is clearly the most divisive issue in the Senate," Mr. Alexander said. "It will divide us down the middle and slow down everything else that we want to work on."

Union officials respond that the legislation would not eliminate secret ballot elections because it would let workers choose whether to form unions through card checks or secret ballot elections. Under current law, management has the power to decide whether to recognize a union through card checks or secret ballot elections.

Mr. Harkin said that enacting the Employee Free Choice Act was crucial to help rebuild the nation's middle class. He said that under current law, it is far too easy for corporations to block unionization drives.

"If you want to look at who built the middle class in America, it's unions," Mr. Harkin said.

New York State unveils sweeping rail plan

March 10, 2009

Gov. David A. Paterson Monday released the 2009 New York State Rail Plan with a "comprehensive strategy for supporting freight and intercity passenger rail service."

The plan includes "an inventory of freight and passenger rail system infrastructure needs in New York Statetotaling more than $10.7 billion over the next 20 years." It also outlines priorities for the award of funds from the $9.3 billion dedicated to intercity rail in the American Recovery and Reinvestment Act, as well as funds that will be included in the reauthorized Federal Transportation Act that's due next Oct.1.

Patterson was joined by State DOT Commissioner Astrid Glynn in announcing the plan, which they described in a statement as "providing the first comprehensive update of the state's rail strategy in 22 years and fulfilling requirements for federal funding for rail capital improvements."

The plan lists these specific goals:

"Doubling the number of intercity rail passengers along New York's three major corridors: New York City to Albany, Albany to Niagara Falls, and Albany to Montreal, as well as strategies to increase reliability on all three corridors.

"Providing frequent and convenient passenger rail service connecting cities across the State as an energy and time-saving alternative to driving or flying.

"Achieving on-time performance of at least 95% between Albany and New York City.

"Improving rail service between Albany and Niagara Falls, with connections in Utica, Syracuse and Rochester." (The Plan also includes a Third Track Initiative, forwhich funding has not been identified, which would establish a dedicated new track for high speed passenger rail service from Niagara Falls to Albany.)

"Shortening the travel time for rail service between Albany and Montreal. Currently, trains take about eight hours to make that trip. The s goal is to reduce that time to 6.5 hours.

"Establishing new passenger service where viable, such as between Saratoga and Albany, Niagara Falls and Buffalo, and Binghamton and New York City.

"Increasing freight rail usage by 25% to reduce growth of truck traffic and energy consumption.

"Allowing modern freight cars to access the New York City metro area and Long Island alongroutes east of the Hudson River.

"Adding at least three new intermodal facilities/inland ports across the state to serve the rapidly growing container segment of rail traffic, which will help remove long-haul trucks from highways and deliver products to consumers faster.

"Creating the first 'green' short line fleet in the nation."

Excluding the third track initiative, the “priority” infrastructure projects are estimated to cost $671 million over the next five years and are expected to be eligible for federal funding assistance.

House Rep. Jerrold Nadler (D-N.Y.), a longtime rail advocate, commented: “Today’s announcement ofa state rail plan is truly historic. For decades, I have worked on this issue and have long awaited a forward-looking and comprehensive policy to guide and improve the region’s vast rail network. This is big news for both passengers and freight, and it could have a major, lasting effect on our economy.”

The Washington Post

Public Transit Ridership Rises To Highest Level in 52 Years

4% Increase Comes Despite Job Losses, Plunging Gas Prices

By Lena H. Sun
Washington Post Staff Writer
Monday, March 9, 2009; A02

Despite job losses and falling gasoline prices, record numbers of Americans rode subways, buses and commuter rail last year, boosting public transportation ridership to its highest level in 52 years, according to a survey to be released today by the American Public Transportation Association.

Advocates say the ridership figures show growing support for public transportation. They hope to use that support to push for federal funding beyond the $8.4 billion in stimulus money set aside for transit. More investment in transit not only helps the economy, advocacy groups say, but also helps the environment and fosters energy independence.

"Now, more than ever, the value of public transportation is evident, and the public has clearly demonstrated that they want and need more public transit services," said APTA President William W. Millar.

"These are investments that pay off for decades and decades to come," he said. Boston opened the nation's first subway in 1897. More than a century later, Millar noted, "I can still ride it today."

The 10.7 billion transit trips Americans took last year amounted to a 4 percent increase over trips taken in 2007; at the same time, Americans drove measurably less, according to the Transportation Department.

The increase is significant because cheaper gas and job losses tend to drive transit ridership down. Almost 60 percent of transit riders go to work.

The APTA survey found that ridership increased last year on all modes of transit all across the country. Ridership rose on 14 of the nation's subway systems (3.5 percent), 20 of 21 commuter rail systems (4.7 percent) and 20 of 26 light-rail systems (8.3 percent). Some of the big increases were in places such as South Florida, Dallas and Salt Lake City, not necessarily among the largest communities served by transit, officials said.

Bus service increased 3.9 percent, but ridership on systems serving populations under 100,000 rose 9.3 percent, the survey found. Riders in those systems typically wait up to an hour for their buses, officials said.

In the Washington region, Metrorail, the Virginia Railway Express and MARC commuter rail also reported ridership increases.

Transit officials said that even with fewer people going to work and cheaper gas, riders are taking transit to save money. On Oct. 1, a gallon of regular gas was $3.61, compared with $4.11 a gallon on July 17. By year's end, the national average was $1.61.

In South Florida, average weekday ridership on the Tri-Rail commuter line is about 15,000 trips, a small number compared with the hundreds of thousands of vehicles that cram Interstate 95 every day between Fort Lauderdale and Miami. But ridership on Tri-Rail, which runs from Miami to West Palm Beach, rose 18 percent in the fourth quarter and nearly 23 percent for the year. Reflecting a nationwide trend, more riders climbed aboard in the second and third quarters last year as gasoline prices skyrocketed, and the number stayed even when prices at the pump fell. The trend is holding, with ridership up about 8 percent in January over the same month last year, Tri-Rail spokeswoman Bonnie Arnold said.

The Dallas light-rail system, which has an average weekday ridership of 70,000 trips, registered a ridership increase of more than 8 percent in the fourth quarter and more than 10 percent for the year.

"People who were used to driving did the math and figured they could buy a monthly pass [$50] for less than a tank of gas," said Morgan Lyons, a spokesman for the Dallas Area Rapid Transit. As gasoline prices fell, other benefits became more apparent, he said. Instead of traffic-clogged drives that could take up to an hour, riders could be on the train for 35 to 40 minutes and do work or relax. "When you have to start making decisions about all the little things, other little things become equally important," he said.

Ridership demand notwithstanding, enormous budget deficits and falling sales and property tax revenue have forced many transit agencies to raise fares and cut service. Last month, the Cincinnati Metro said it was reducing service on 27 bus routes to balance its 2009 budget. Maryland officials cut MARC rail and commuter bus service. In Washington, Metro officials are expected to decide this week whether they will reduce bus and rail service to help close a $29 million deficit in next year's budget.

Looking ahead, transit officials say ridership is likely to fall in the first quarter of this year because of the slumping economy. But they say stimulus-funded projects set to get underway this spring will show policymakers the benefits of transit investment. Transit agencies have to apply for grants from the Federal Transit Administration.

Metro, which expects to get about $200 million in funding, plans to submit its application this month and launch several projects, such as repairing crumbling station platforms, by late spring, officials said.

"There are a lot of eyes watching those of us who are in receipt of stimulus funds," Millar said. If transit agencies spend the money quickly and create jobs, building "tracks to somewhere" instead of "a bridge to nowhere," federal policymakers "will be much more inclined to listen and invest additional sums," he said.

The Washington Post

High-Speed Rail Drives Obama's Transportation Agenda

By Dan Eggen
Washington Post Staff Writer
Sunday, March 8, 2009; A01

The Northern Lights Express is little more than an idea -- a proposal for a 110-mph passenger train between Minneapolis and Duluth, Minn., that has crept along in fits and starts for years.

But the slow ride may soon be over. The project is one of dozens nationwide that are likely to benefit from President Obama's initiative to fund high-speed and intercity passenger rail programs, including $8 billion in stimulus money and $5 billion more over the next five years in the administration's proposed transportation budget.

The money represents the first major step toward establishing a genuine high-speed train network in the United States and has sparked a stampede among states, advocacy groups and lobbyists who are not accustomed to this level of funding.

"We're going to turn over every stone we can," said Steve Raukar, a commissioner in St. Louis County, Minn., who chairs the Northern Lights Passenger Rail Alliance, which is spearheading the drive for the $500 million project. "We're trying to get everything moving as fast as possible with the understanding that this is a once-in-a-lifetime opportunity for funding."

High-speed rail has emerged as the cornerstone of Obama's ambitious attempt to remake the nation's transportation agenda, which for half a century has focused primarily on building highways and roads. Nearly half of the $48 billion in stimulus money for transportation projects will go toward rail, buses and other non-highway projects, including $1.3 billion for Amtrak and its successful rapid rail service, Acela. The Transportation Department also would receive $2 billion more under Obama's proposed 2010 budget, most of it for rail and aviation improvements.

The dream of rail backers is a nation connected by high-speed lines that would be faster and more convenient than driving or flying. For instance, a trip on a proposed 432-mile line between Los Angeles and San Francisco would take 2 1/2 hours.

But experts and government officials caution that despite the billions, the amounts are still not nearly enough to pay for the kind of sleek "bullet train" systems that crisscross Europe and Japan at speeds of 200 mph or higher. The California project, for example, would cost an estimated $45 billion, including $9 billion in state bonds that voters approved last year.

"It sounds like a lot of money to Americans, but it's really just a start," said James P. RePass, president of the National Corridors Initiative, a nonprofit rail advocacy group. "We're not going to wake up in a year and see a bullet train. But we are going to see much faster service for relatively little money."

Amid praise from rail and transit advocates, however, many Republicans have zeroed in on Obama's high-speed train initiative as a prime example of government excess. In his response to the president's address to a joint session of Congress last week, Louisiana Gov. Bobby Jindal said that the program represents "wasteful spending" and suggested that the bill included money for a proposed magnetic levitation, or maglev, line from Las Vegas to Disneyland in Anaheim, Calif. The project could be eligible for such funding, but it is not named in the bill.

Administration officials say the rail initiative is particularly important to Obama, who routinely talked about the benefits of high-speed passenger service during the presidential campaign and who initially requested $10 billion in stimulus money for such projects. In a speech to U.S. mayors last summer, Obama noted that China is home to the world's first commercial maglev train, capable of speeds faster than 300 mph.

"I don't want to see the fastest train in the world built halfway around the world in Shanghai," Obama said. "I want to see it built right here in the United States of America."

The next step is doling out the money. The Federal Railroad Administration, which distributed $30 million for similar grants last year, is scrambling to develop guidelines for the program within the next six weeks, officials said.

"We are pulling in staff from all over the department to help with this," said one senior transportation official, who spoke on the condition of anonymity. "The department is allowing us free rein."

The official played down remarks by Transportation Secretary Ray LaHood, who recently told reporters that he submitted a report to the White House identifying half a dozen corridors as prime candidates for funding. The railroad administration has already designated 11 high-speed corridors around the country, but other projects -- such as the Las Vegas or Minnesota projects -- could apply for stimulus funding.

"There is no preset position on what projects will be funded," the official said, adding: "Part of our criteria for selecting projects will be that there is a visible benefit to the public."

Although railroads are a major player on Capitol Hill, most of the industry's lobbying efforts have focused on freight trains rather than passenger rail. Of $44 million in lobbying expenditures by the railroad sector last year, less than $2 million was spent by companies or organizations focused on promoting high-speed passenger service, according to data from the Center for Responsive Politics. The handful of foreign companies that specialize in building rapid electrically powered trains, such as Bombardier of Montreal, also have relatively low profiles in Washington.

"High-speed and intercity passenger rail beyond Amtrak haven't gotten a lot of attention from the federal government historically," said Paul Dean, government affairs director for the American Public Transportation Association. "This is a new thing."

Industry experts and passenger-rail advocates say the strongest candidates for funding come from three areas of the country with the most developed plans for high-speed rail service: California, the Washington-New York-Boston corridor, and the web of rail lines centered around Chicago.

Laura Kliewer, director of the Midwest Interstate Passenger Rail Commission, said her organization identified $815 million in short-term projects that could be started almost immediately in the 10 states that belong to the organization. The group has also identified $15 billion worth of longer-range projects, including a $9 billion proposal to provide 110-mph train service between Chicago and eight states.

Thomas Simpson, executive director of the Railway Supply Institute, which represents companies that build and maintain rail lines, said the Obama administration faces a choice between spreading the $8 billion around the country or focusing on a few large-scale projects to serve as showcases for high-speed rail. He noted that France's storied TGV high-speed rail service began in 1981 with a single line, between Paris and Lyon.

"Everybody saw how great it was and how successful it was, and then other parts of France scrambled for high-speed rail," Simpson said. "Ray LaHood and the Department of Transportation has to decide: Is someone going to be king or are you going to spread it around? Do you pick the Midwest corridors? Do you pick the planning that's furthest along? That's the dilemma."

3/6/2009 Traffic

AAR: North American roads handle fewer loads in February

After a dismal January, traffic remained miserable for U.S. railroads in February. They originated 1.1 million carloads, down 14.5 percent, and 726,343 intermodal loads, down 18.7 percent compared with February 2008 levels, according to the Association of American Railroads (AAR).

Carloadings fell in 18 of 19 major commodity groups, with huge drops reported for metal product moves (52.5 percent) and motor vehicle/equipment moves (51.5 percent).

"Obviously, it's still a very difficult economic environment out there for railroads and their customers," said AAR Senior Vice President John Gray in a prepared statement. "Time will tell how quickly the economy recovers."

During 2009's first two months, U.S. railroads' carloads and intermodal loads both plunged 15.8 percent vs. totals from the same 2008 period.

February was a difficult month for Canadian railroads, too. Their carloads plummeted 16.1 percent to 257,165 units and intermodal volume declined 10.9 percent to 164,052 units compared with February 2008 levels. Through two months, Canadian roads' carloadings tumbled 18.4 percent and intermodal loads fell 11.6 percent year over year.

Mexico's two largest railroads had a trying February, as well. Their carloads dropped 11.4 percent and intermodal originations plunged 17.7 percent compared with February 2008 totals. Through two months, the Mexican roads' carloads remained down 13.3 percent and intermodal loads remained down 20.6 percent vs. last year's traffic figures.

On a combined cumulative-volume basis through two months, 12 reporting U.S. and Canadian railroads originated 2.7 million carloads, down 16.3 percent, and 1.8 million containers and trailers, down 15.1 percent year over year.

The New York Times
The Caucus
The Politics and Government Blog of The Times

MARCH 5, 2009, 2:34 PM

Let's Dance, Biden Tells Labor

By STEVEN GREENHOUSE

MIAMI BEACH — Vice President Joseph R. Biden Jr. gave organized labor an extremely warm embrace on Thursday at the A.F.L.-C.I.O.'s executive council meeting here.

Mr. Biden began by thanking the presidents of several unions, including the painters, firefighters, teachers and mine workers, for campaigning alongside him in various states last fall.

"It's good to be home," Mr. Biden told a ballroom in the Fountainebleau Hotel that was filled with union leaders and their aides. "The best place for me to be in my whole career is to be surrounded by organized labor."

Then, he added to huge applause, "You all brought me to the dance a long time ago, and it's time we start dancing."

He also championed union organizing legislation, a proposal that is becoming one of the more contentious proposals up on Capitol Hill, with battle lines already drawn between labor and business.

Mr. Biden said the Obama administration would push to jump-start the economy by, among other things, spending money on bridges, highways and wind turbines — projects that would create jobs for, among others, unionized steelworkers, laborers and electricians. He said the Obama administration's emphasis would be on lifting up middle-class Americans.

"President Obama recognized our economy isn't built on corporations selling complicated fiscal products," Mr. Biden said. "We've seen where that's gotten us. Our economy is built on hard-working Americans finding and filling good jobs."

Mr. Biden said the administration would seek to create middle-class jobs, introduce universal health coverage and safeguard pensions. He said his Task Force on the Middle Class would work with various agencies to ensure safe neighborhoods, improve schools and childcare, develop new businesses and reduce workplace violations.

But with the economy in deep trouble, he said, it will take a year or more to start turning things around for America's workers.

In another applause line, he said, "The fact of the matter is — as President Obama said and he means it — you can't have a middle class without a strong labor movement."

Mr. Biden jabbed at President Bush for never inviting the federation's president, John J. Sweeney, to the White House except once — at the Vatican's behest when Pope Benedict visited.

In this administration, Mr. Biden said, "it will not take divine intervention" for union leaders "to get invited to the White House."

The A.F.L.-C.I.O. is the nation's main labor federation, with 56 unions representing nearly 10 million workers. Federation officials said this was the first time in the organization's history that the news media were allowed into an executive council meeting.

That was done at Mr. Biden's insistence, his staff said, but the A.F.L.-C.I.O. allowed in only several print reporters. Cameras weren't permitted. Traditionally, the AFL-CIO executive council meetings are closed to the press and each of its sessions this week have been closed press.

But Mr. Biden's office asked for the policy to be lifted, so that a pool of print reporters could cover his speech and a full transcript of the Vice President's remarks will be sent out this afternoon, said Elizabeth Alexander, a Biden spokeswoman.

In his speech, the vice president also quoted the introduction of the National Labor Relations Act, stating that it is national policy to encourage collective bargaining. Then, he said, too many companies fire union supporters and spend millions of dollars "to block workers from pursuing their legal rights."

"I have a simple basic belief, one that we're going to work hard to put in action," he said. "If a union is what you want, a union you're entitled to have."

Mr. Biden said that when American unions were stronger there was a grand bargain in which companies shared productivity increases with their workers in the form of improved wages and benefits. He said that bargain has broken down since the 1980s as unions have grown far weaker.

"We must reinstate that bargain," he said, referring to the card-check proposal. "I think the way to do that is the Employee Free Choice Act."

That legislation, which business vigorously opposes, would make it far easier for workers to unionize by giving them the right to union recognition as soon as a majority of employees at a workplace sign pro-union cards. Business argues the legislation is unfair because it would significantly reduce the use of secret-ballot elections to determine workers want a union.

AFL-CIO backs reunification talks with Change to Win

By Mark Gruenberg
4 March 2009

MIAMI - An AFL-CIO statement has given the green light to ongoing talks designed to reunify the nation's competing union federations. As approved by the AFL-CIO Executive Council in Miami Wednesday, the statement says "now is the time to bring the union movement back together."

But the devil is in the details, especially the hurdles reunification must leap.

Success would reunite the 56-union, 10-million member AFL-CIO and seven-union, 6-million member Change To Win. Its unions left the AFL-CIO at the older federation's Chicago convention four years ago. The unaligned National Education Association is also in the talks. At 3.2 million members, NEA is the largest U.S. union.

All three groups worked together on politics last year and are cooperating to push passage of the Employee Free Choice Act, legislation to make it easier for workers to organize for a voice on the job. AFL-CIO and Change to Win unions also have continued close ties in most states, though the split persists at the national union level.

"In recent weeks, a number of AFL-CIO union leaders and a number of Change To Win union leaders, along with the heads of both federations, have been in informal discussions about such a reunification," the statement says. "No agreements have been reached, but issues have been identified and options discussed."

The talks have been actively pushed by David Bonior, the former House Democratic Whip who now heads labor-backed American Rights at Work. There is, for now, no set timeline for them to come to an agreement.

Change To Win Communications Director Greg Denier said in a telephone interview the talks "are positive and moving forward." Driving issues are health care reform and the Employee Free Choice Act, after their joint cooperation in labor's successful Election 2008, he added. "In the '08 elections, we operated as one unit and produced tremendous results. The discussions are a work in progress," Denier said.

The federation said the four-year-old split involved issues dealing with "structure, governance, financing and programs of the federation." The issues now being discussed include labor's "governance, mission jurisdiction and organizing responsibility, programs and finances."

At the time they left, the Change To Win unions — the Service Employees, Teamsters, Laborers, United Food and Commercial Workers, Carpenters, UNITE HERE and the Farm Workers — had a range of complaints about the AFL-CIO.

One was the fed spent too much on politics and not enough on organizing, another was about a push to force smaller unions to merge with larger ones, and a third was about the size of the AFL-CIO headquarters staff. They also disagreed on who should lead the AFL-CIO in the future — an issue that will arise at this year's AFL-CIO convention, scheduled for Pittsburgh in September.

At the time of the split and since then, there were also jurisdictional squabbles, many involving SEIU against other unions in the health care field.

But the talks are not solely in the hands of the two federations' leaders, AFL-CIO President John Sweeney and Change To Win Chair Anna Burger, who is also SEIU's Secretary-Treasurer.

Panels of union leaders from both federations are in the talks, and the fed's resolution said Sweeney must share responsibility for the talks with the AFL-CIO Executive Committee. That panel has 19 union leaders and — unofficially —federation Secretary-Treasurer Richard Trumka and Executive Vice President Arlene Holt-Baker. The committee makes federation policy between Executive Council meetings.

Sweeney has to report on the progress of the talks to the full Executive Committee, some of whose members have been at loggerheads with Change To Win leaders. Even if the two sides agree, the fed's officers, the committee and the full Executive Council must ratify any reunification pact.

The resolution contains another hurdle to reunification. "A number of (AFL-CIO) unions have been meeting among themselves to discuss the future of the federation and the challenges it is facing," it notes. It said the executive committee "supports these continued discussions" and wants the officers to keep participating in them.

The fed said reason for the reunification talks is "the economic crisis facing American workers" and that election of labor-backed Democratic President Barack Obama, "probable passage of the Employee Free Choice Act and other important changes in our political and economic environment provide us with unprecedented opportunity" for progress, which reunification would aid.

$140-million Mechanicville, N.Y., rail plan to go ahead

March 2, 2009

Federal regulators are expected to give their approval within weeks to a $140-million rail project that includes a $40-million intermodal yard in Mechanicville, N.Y., according to local newspapers. The project, first announced in July, was delayed last fall when the federal Surface Transportation Board said it would require an environmental assessment of the plans.

Concerns included additional truck traffic that would be generated, protection of wetlands and bright lights spilling over into adjacent residential areas. The two railroads involved in the joint venture, Norfolk Southern and Pan Am Railways, have agreed to a series of conditions placed on the project.

David Fink, president of Pan Am, said he'd like to see construction work begin in April. The entire project, which includes improvements to the rail line between Mechanicville and Ayer, Mass., as well as connecting tracks extending into Connecticut, New Hampshire and Vermont, is expected to take three years to complete, Fink said. Work on the Mechanicville intermodal yard will take this year and part of next, he added.

A new entity, Pan Am Southern, will operate what is being called the Patriot Corridor, moving freight, including automobiles, between New York and eastern New England.

New York is contributing $3 million toward the cost of the Mechanicville "logistics center," as the new yard is being called.

Much of the yard will be in the town of Halfmoon, with some of it in the town of Stillwater, as well as the city of Mechanicville.

The 80-acre facility will be built on the site of rail yards formerly operated by Boston & Maine Railroad. The yard is expected to employ 35 to 40 people initially.

Truck trailers would arrive on railroad flatcars and then be hitched to truck tractors for local delivery, helping to remove as many as 35,000 trucks from the highways annually by 2015, according to railroad projections.

The move will give Norfolk Southern direct access to markets in eastern New York and New England, helping it compete directly with CSX Transportation, which has yards in Selkirk.

Fink said he doesn't expect the current economic slowdown to have any impact on the project timetable.

A spokesman for the Surface Transportation Board said a decision is expected soon.

Rudy Husband, a spokesman for Norfolk Southern, said the delays had raised concerns about getting the project under way.

"We remain hopeful that a favorable STB ruling is imminent and we will be able to proceed quickly with the joint venture, which includes the construction of the Mechanicville terminal," Husband said.

Freight traffic declines yet again

March 2, 2009

U.S carload freight fell 14.2% during the week ended February 21 from the comparable week in 2008, while U.S. intermodal volume slid 23.4% from the year-ago period, according to the Association of American Railroads. Total volume of 29.6 billion ton-miles was down 13.2% from 2008 levels. Canadian carload freight fell 13.7% during the week from the comparable week in 2008, while intermodal fell 15.7%. Mexico's two major railroads recorded a modest decline in carload freight of 1.3%, while intermodal slipped an equally modest 1.2%.

The New York Times

March 2, 2009

Schumer Seeks Federal Stimulus Funds to Jump-Start Moynihan Transit Project

By CHARLES V. BAGLI

State officials selected two developers nearly four years ago for a grand project to transform the James A. Farley Post Office into a transit hub that would serve as an annex to Pennsylvania Station, the country's busiest train station. Despite widespread support, the project has languished because of a lack of financing, political inertia, squabbles with transportation agencies and the developers' ambitions.

Now, Senator Charles E. Schumer is calling for the injection of $100 million in federal stimulus funds to convert the post office building, expand the city's transportation infrastructure and employ thousands of workers. Mr. Schumer also renewed his call for the Port Authority of New York and New Jersey to take charge of the project and asked them to invest $1 billion.

Mr. Schumer said Amtrak should move to the Farley building from Penn Station; the latest proposal had called for relocating New Jersey Transit and the Long Island Rail Road there.

Either move would help relieve congestion at Penn Station, where 550,000 passengers a day make their way through cramped and confusing corridors. Amtrak, which operates the high-speed Acela trains in the Northeast, accounts for 62 percent of the combined air and rail market between New York and Washington.

"This is just what was envisioned by the stimulus: shovel-ready projects that generate a lot of jobs," Mr. Schumer said in an interview on Sunday. "We want Amtrak to play the major role in the station. There is new funding that could help them do that. The focus is now on the station, letting private development follow rather than the other way around."

Mr. Schumer's proposal recognizes the inability of private developers in the current economic environment to advance the six office towers they had wanted to build as part of the train station project. At the same time, Mr. Schumer is trying to navigate roiling fiscal waters in which city, state and Port Authority officials are facing declining revenues and widening budget gaps.

"I think it's a terrific idea," said Robert Yaro, president of the Regional Plan Association, a nonprofit planning group. "There are a whole set of transportation investments that need to be made at the station. Obviously the real estate market will be flat for a while. But is $100 million enough to get the ball rolling? I don't know."

The project is named after Senator Daniel Patrick Moynihan, who first suggested in the 1990s using the Farley building to create a grand transit entrance to New York, something he said had been missing since the demolition of the above-ground Penn Station in 1968.

The Bloomberg administration and Gov. David A. Paterson seemed to endorse Mr. Schumer's proposal.

"A redeveloped Penn Station would have enormous benefits for the entire region and would absolutely be a terrific use of federal transportation funds," said Andrew Brent, a spokesman for Mayor Michael R. Bloomberg.

To avoid conflicts with the state and the city, Mr. Schumer did not call for the $100 million to come out of New York's $21 billion portion of the federal stimulus package. Instead, he took aim at the $8 billion set aside for high-speed rail service and $1.3 billion set aside for Amtrak.

Mr. Schumer said that the state's Congressional delegation, as well as Mayor Bloomberg and Governor Paterson, should pursue that money.

But he also called on the Port Authority to contribute at least $1 billion. The authority, which had been eager to gain control of the Moynihan project, has seen a sharp drop in revenues from tolls on its bridge and tunnel crossings and a rise in the cost of rebuilding the World Trade Center.

"The senator's effort to get Moynihan started is consistent with the port's goal of developing a financially viable project," said Christopher O. Ward, executive director of the authority. "The key is to work with Amtrak on an important transportation project for the entire region. Finding the necessary funding is our No. 1 priority."

The state has spent $230 million buying the blocklong Farley building, which sits across Eighth Avenue from Penn Station and Madison Square Garden.

Amtrak, which has endured budget cuts for years, is also eager to shore up its network, but it has been concerned about absorbing the estimated $15 million annual cost to operate at the Farley building. To offset those concerns, Mr. Schumer suggested that rent from new retailers at a new transit hub in the Farley building could go to Amtrak.

The developers involved in the Moynihan project — Stephen M. Ross, chief executive of Related Companies, and Steven Roth, chairman of Vornado Realty Trust — also seemed to back the Schumer proposal.

"I agree with this 100 percent," Mr. Ross said. "This kind of transit project is a much greater stimulus than anything else that could be done in the city."

In 2005, the developers won a bidding contest to create a train annex at the Farley and to develop a nearby office tower. But the project quickly swelled, with the developers proposing a $14 billion development, which involved demolishing Madison Square Garden to make way for a new train station and a half-dozen office towers, while erecting a new Garden inside the Farley building.

That project foundered because of its size and complexity, and Governor Paterson's plan to unveil a new proposal focusing on transportation improvements fell by the wayside amid negotiations over the state budget.

New NLRB chief sees a future where workers' rights top the agenda

Author: John Wojcik

Wilma Liebman

For years, as a member of the National labor Relations Board, she spoke out against the Bush-appointed majority on that board. For years she felt frustration over how, in ruling after ruling, that board interpreted key parts of the National Labor relations Act in ways that hurt workers. Now, after the inauguration of President Barack Obama, she has become the chairman of that board.

Wilma Liebman says she looks forward to a future where workers' rights, and how to insure them, are once again at the top of the national agenda.

The NLRB was created under the National labor Relations Act, itself a key part of FDR's New Deal. The original purpose of the act was to help build the foundations for mass prosperity by reigning in the out-of-control business practices that had caused the Great Depression in the first place. Other legal building blocks in the New Deal were the Fair Labor Standards Act, which established minimum wage and overtime pay guidelines, and the Public Utility Holding Company Act, which regulated public utilities. The Republicans eventually saw to it that the public utility controls were eliminated.

Unlike those other New Deal laws, however the National Labor Relations Act had, and still has, only small penalties for labor law breakers. The Employee Free Choice Act would sharply increase those fines and it would give the NLRB more power to get court orders against labor law breakers.

Employee free choice would allow workers to choose, either by majority sign-up or by election, whether they want union representation. Under the National Labor relations Act, the company makes that choice. Many companies that choose an election, which is run by Liebmans's board, break the law during the campaign by harassing and even firing union supporters and by forcing workers to attend mandatory anti-union propaganda sessions

Liebman told Press Associates, the union news service, last week that, although she cannot take an official position for or against the Employee Free Choice Act, the National Labor relations Act is outmoded because "it is 70 years old and was written for an industrial era when workers toiled on the assembly line and often stayed with the same firm for years – not like now. I would hope any changes made take into account changes in the work[place and in the economy. The point of my dissents" to GOP-majority NLRB rulings in the past few years is that the board ignored realities."

Antiquated labor law in only one part of the difficult job Liebman faces. She, a Democrat, is one of only two members of what is supposed to be a five-member board. The other is Republican Peter Schaumber. Although Obama designated her to chair the board, he has not yet filled the remaining seats. He must, by law, appoint a bipartisan board, with the majority party getting three seats and the minority party two.

Liebman hopes and is actually confident, she says, that labor law and workers' rights will be back in the public eye. She says the coming fight over the Employee Free Choice Act is only part of the reason. She says the state of the economy and the realization in Washington that we need regulation of business to curb its excesses are also contributing factors.

"The stars are quite aligned, especially with a Democratic president and Congress and the economic crisis. We're back in the mode of considering government regulation – and the role of unions and labor law in building of the middle class."

There has been a severe decline in the board's union representation caseload – a 47 percent drop – since Liebman became a member in 1997.

Liebman says this is, in part, due to the fact that unions have been frustrated by the NLRB election process, especially the rampant labor-law-breaking it allows. It is why, she says, they have turned to signing majority signup agreements with companies. "They're skeptical about board outcomes, delays and remedies."

Liebman is alerting everyone to what she sees as a serious shortcoming in the way the board operates. Her board, like a court, can rule only on what comes before it. Other federal regulatory agencies, not similarly restricted, can initiate investigations.

This, of course, means that some of the most anti-worker rulings of the old Bush majority board will stand until a case comes to the board challenging them. Those include a ruling that nurses, and potentially millions of other workers, are supervisors – a decision that Liebman opposed.

LaHood, Oberstar meet with transportation union March 1, 2009

Transportation union leaders met in their annual winter meeting and discussed their priority issues with Transportation Secretary Ray LaHood and Rep. James Oberstar (D-Minn.), Chairman of the House Transportation and Infrastructure Committee. Leaders of the 32 unions that comprise the Transportation Trades Department, AFL-CIO, discussed transportation investment, safety and security issues, and forged an agenda for 2009.

Three important reauthorization bills – for the Federal Aviation Administration, Surface Transportation and Hazardous Materials – were discussed in detail, as well as "Buy America" policies. Policy statements were agreed to for each and are available at www.ttd.org. Highlights of the statements include:

Surface Transportation Reauthorization Bill
TTD unions believe that the current funding model for surface transportation is unsustainable. The gas tax has not been increased in 16 years. During that same time, the tax has lost one-third of its purchasing power due to inflation and cost of living increases. Meanwhile, the American Society of Civil Engineers estimates that it will cost $2.2 trillion over five years to bring our infrastructure into "good" condition only.

Priority issues that must be resolved by the Surface Transportation bill include:
- Significantly increasing investments in transit, highways and our intermodal transportation system by raising the federal gas tax and considering other revenue-raising measures;
- Reforming mass transit funding so it can also be used for operating purposes;
- Protecting the rights and jobs of workers with regard to Public Private Partnerships and other innovative financing;
- Ensuring application of 13(c) transit worker protections and Davis-Bacon in all programs;
- Increasing worker training to improve on-the-job safety and job security; and
- Adopting safety measures that protect workers and the public, such as increasing the penalty for assaulting transit operators.

Hazardous Materials Reauthorization Bill
Every day, 1.2 million hazardous material shipments are moved by rail, air, sea and highway. Current laws must be enforced and new legislation must address issues that have arisen since the last bill was passed. Thorough training must be improved for transportation employees as well as firefighters. Trains transporting hazmat should never be staffed with fewer than two crew members. And bulk shipment of lithium batteries should be prohibited on any aircraft.

Buy America Policies
The U.S. is embarking on a massive initiative to rebuild and expand our transportation infrastructure and create millions of jobs through the economic recovery legislation. If the goal of this legislation is to create jobs, then we must embrace strong Buy America policies. It makes no sense, for example, to invest billions in transit systems without ensuring the locomotives, rail cars and buses are built in America.

The Transportation Trades Department, AFL-CIO, represents 32 member unions in the aviation, rail, transit, trucking, highway, longshore, maritime and related industries.

In Obama, Labor Finds the Support It Expected

By STEVEN GREENHOUSE
Published: March 1, 2009

If an index is needed for how much closer organized labor is to President Obama than to his predecessor, it might be the number of times Mr. Sweeney, the A.F.L.-C.I.O.'s president, has visited the White House since Inauguration Day — at least once a week for receptions, bill signings and a meeting on fiscal responsibility.

Mr. Obama has delighted labor by issuing four pro-labor executive orders that reversed Bush policies. He has also appointed a union-friendly chairwoman to the National Labor Relations Board and named a labor secretary whose parents were both union members.

But those changes worry corporate America, especially as Mr. Obama has signaled he will push for legislation that would expand labor's thinned ranks by making it far easier to unionize workers. Labor leaders expect Vice President Joseph Biden to spell out the administration's battle plans for the bill on Thursday, when he is scheduled to speak at the A.F.L.-C.I.O.'s winter meeting in Miami Beach.

Any doubts that union leaders might have had about Mr. Obama dissolved several weeks ago when, in announcing a new Task Force on the Middle Class, he said: "I do not view the labor movement as part of the problem. To me, it's part of the solution. You cannot have a strong middle class without a strong labor movement."

Mr. Sweeney and many other labor leaders were thrilled. "It's like night and day having a president who believes in helping working people build power," Mr. Sweeney said. "I look upon Obama as the most pro-union president since John Kennedy, and I have even compared him to Franklin Delano Roosevelt."

But Republicans and business leaders are not so happy. They complain that Mr. Obama is simply paying back labor for all the money and volunteers that unions invested in his victory.

"This last election the labor bosses spent $400 million to $500 million getting the other side elected, and they just didn't do that for their good health," John Boehner, the House Republican leader, said at a conference in Washington last Thursday. "They've been making investments in the other side so they can control the policy-making side."

Randel Johnson, vice president for labor policy at the U.S. Chamber of Commerce, also voiced concern. "The jury is still out on the degree to which the Obama administration will be controlled by organized labor," he said. "Whether he will triangulate organized labor like Clinton or become their handmaiden, we're not sure."

Nate Tamarin, an associate White House political director who is in charge of outreach to labor, said Mr. Obama's pro-worker policies reflected what he promised during his campaign.

"Everything he has done is consistent with what he thinks is right for American working people and is consistent with what he viewed throughout his career as the important place unions have in building the American middle class," Mr. Tamarin said.

Union leaders are certainly pleased with Mr. Obama's $787 billion recovery package, as well as his plans for universal health coverage and increasing taxes on the rich.

The president of the Communications Workers of America praised the $7.2 billion earmarked in the recovery package to expand broadband service. The steelworkers' president hailed Buy America provisions. And the president of the American Federation of Teachers lauded billions set aside for spending on education.

Unions also applaud the four executive orders, including one that makes it more likely that construction projects receiving federal dollars will be unionized. Unions also played a role in persuading the president to delay revamping Social Security and possibly making benefits less generous.

Most of all, they are looking to President Obama to help unions reverse their decades-long slide in power and membership. With 16 million members, unions represent just 7.6 percent of private-sector workers today, down from more than 25 percent in the early 1980s.

Labor is pinning its biggest hopes on the passage of the Employee Free Choice Act, a bill that unions hope will add millions of new members by giving workers the right to union recognition as soon as a majority of employees at a workplace sign pro-union cards. The bill would take away management's ability to insist on a secret ballot election.

Business leaders have warned of Armageddon in their fight to kill the bill, which Democratic leaders say will come up for a vote in May, June or July. Union leaders voice confidence that they will muster the 60 Senate votes needed to overcome a filibuster, while Republicans expect to defeat the bill in the Senate.

Republican and business strategists say they are focusing on lobbying several Democratic senators, especially Mark Pryor and Blanche Lincoln of Arkansas, Mark Warner of Virginia, Ben Nelson of Nebraska and Mary Landrieu of Louisiana, to help deny the 60 Senate votes needed for passage.

Mr. Johnson, of the Chamber of Commerce, denounced the bill, saying, "The idea of radically changing employment law when companies are trying to dig themselves out of a hole is ludicrous."

But Mr. Obama disagreed, telling regional newspaper reporters last month: "I don't buy the argument that providing workers with collective-bargaining rights somehow weakens the economy or worsens the business environment. If you've got workers who have decent pay and benefits, they're also customers for business." If there is one area where labor remains uneasy with Mr. Obama, it is trade policy.

Leo Gerard, president of the United Steelworkers, said he was worried that the trade representative, Ron Kirk, and commerce secretary-designate, Gary Locke, were too much in favor of free trade and would not do enough to preserve America's manufacturing jobs.

"We cannot work our way out of this economic mess unless we refocus on making things in America," Mr. Gerard said.

Guest essay: Free Choice Act restores balance to the process

By ROBERT KIRKNER

Congress will soon be considering legislation to restore and strengthen the right of working Americans to decide whether to form and join unions.

The Employee Free Choice Act provides that when a majority of employees sign union authorization cards -- and the cards are validated by the National Labor Relations Board -- then the company must recognize and bargain with the union.

The Employee Free Choice Act has both Republican and Democratic sponsorship and support, and President Obama also supports it.

First introduced in the last Congressional session, the Employee Free Choice Act won the support of bipartisan majorities in both the House and the Senate. The threat of a Senate filibuster, however, prevented its final passage.

Critics argue that the Employee Free Choice Act eliminates secret ballot elections. In fact, the act provides that if a majority of employees prefer to have an election, they have that right.

Under the current law, employers can demand an election even if 100 percent of the employees sign cards declaring that they want to be represented by a union. Most employers demand elections because the electioneering process under the current law is heavily tilted in their favor.

In fact, most NLRB-led elections fall well short of what most of us would consider free and fair. Companies can campaign against the union on company premises and on company time, but workers who support the union are not permitted to campaign or discuss unionization at the worksite or on company time, and they can be discharged for doing so.

Almost all employers facing organizing drives require employees to attend mandatory anti-union meetings, where employees are shown anti-union videos and receive anti-union literature. Four out of five companies in a Cornell University study hired anti-union consultants to help them defeat union organizing drives. Unions and pro-union employees do not have the same access to workers, and their ability to communicate with employees during the electioneering process is more constrained. Unions can be denied employee e-mail addresses, while companies are free to send a steady stream of anti-union messages.

During the electioneering process, anti-union supervisors frequently meet one-on-one with employees to influence their votes. In too many instances, workers are intimidated or threatened illegally with discipline, discharge, or job loss for supporting unions. Each year, the NLRB receives thousands of employee complaints alleging adverse personnel actions due to union-related activity.

As workers are beginning to realize that the current election process is neither free nor fair, more companies seem to be recognizing that the lengthy, often adversarial NLRB election process can destroy trust, undermine morale, and negatively affect productivity.

In the past few years, progressive U.S. employers have begun recognizing unions through majority sign-up, and since 2003, over a half million American workers have formed unions through majority sign-up.

Under the current NLRB election process, companies and unions are unequal contenders. The election process offers time and opportunity for companies to mount aggressive anti-union campaigns while placing unions and workers at a disadvantage.

The majority sign-up provision of the Employee Free Choice Act will restore fairness and help ensure a more balanced process for workers interested in union representation.

GOP Introduces Bill Mandating Secret-Ballot Union Elections

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February 25, 2009

GOP Introduces Bill Mandating Secret-Ballot Union Elections

Capitol Hill Republicans threw the first legislative punch in the fight over union law on Wednesday, February 25. But Democrats could land a haymaker of their own later with a bill that is much more likely to obtain congressional approval.

Members of the House and Senate GOP introduced a bill that would mandate secret-ballot elections to form a union. The measure is meant to counter a bill Democrats could debut any day that would make it easier for employees to organize.

Called the Employee Free Choice Act, the Democratic bill would force companies to recognize unions when a majority of workers sign cards authorizing one. Under current law, corporations can require a secret-ballot election supervised by the National Labor Relations Board.

Proponents of the EFCA argue that it will protect workers from intimidation and delaying tactics that employers use to stymie unions. But Republicans who unveiled the Secret Ballot Protection Act on Wednesday assert that the EFCA would foster union coercion during organizing campaigns because the cards have to be signed publicly.

"With this bill, we're sending the message that fundamental democratic rights should not be negotiable," said Rep. Howard "Buck" McKeon, R-California and ranking Republican on the House Education and Labor Committee.

Whether the EFCA eliminates secret-ballot elections is a matter of debate. Advocates say the bill lets employees choose whether to use a so-called card-check process or secret ballots to organize.

Opponents say that by instituting a union when a majority of cards have been collected, the bill would obviate any other method. Rep. John Kline, R-Minnesota and a co-sponsor of the secret-ballot bill, said that in order for a secret ballot to be used, there would have to be a parallel organizing campaign.

"I cannot imagine a scenario where [card check] does not come about," Kline said.

But the secret-ballot bill would not allow card-check elections under any circumstances. Many companies, including AT&T, have allowed them voluntarily.

The bill was launched with 101 House co-sponsors and 15 Senate co-sponsors, all Republicans.

Despite being the top priority of organized labor, the EFCA has not yet been introduced. Unions rallied for the bill at a February 4 event on Capitol Hill.

At a similar time during the previous Congress, the bill had been introduced with 233 co-sponsors and approved by the House. It was stopped by a Senate filibuster.

In the new Congress, Democrats have substantially increased their majorities in the House and Senate. In addition, President Barack Obama was a co-sponsor of the legislation when he was a senator and promoted it during his presidential campaign.

Democratic leaders will introduce the bill "soon," said Aaron Albright, a spokesman for the House Education and Labor Committee. "We will have the overwhelming support of the [Democratic] caucus and a few Republicans."

Business and labor groups are locked in a fierce and expensive battle over the bill. Corporate advocates say that it will raise the cost of doing business in the midst of a recession.

Backers of the choice measure say that it will be an economic boon for workers. As more of them organize, they will gain leverage to increase pay and benefits.

The Economic Policy Institute on Wednesday, February 25, released a statement by 25 economists in support of the bill.

Frank Levy, a professor of urban studies and planning at the Massachusetts Institute of Technology, said that although productivity has increased by 45 percent since 1990, an average 40-year-old man with a high school diploma has seen his wages stagnate. Someone with four years of college has earned an 18 percent wage increase.

"Even people with a bachelor's degree are having trouble grabbing on to their fair share of labor productivity," Levy said in a media conference sponsored by the Economic Policy Institute. "Unions are very weak, so that leaves the typical worker with weak bargaining power."

But Sen. Jim DeMint, R-South Carolina and a co-sponsor of the secret-ballot bill, questions whether greater unionization ushered in by the choice measure would benefit workers.

"This is the American auto industry business model—to force people to join a union," DeMint said. "We've seen how that worked."

—Mark Schoeff Jr.

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Bill aims to protect worker 'secret ballots'

Nashville Business Journal - by Jeannie Naujeck Staff Writer

Media

Two state legislators want to make sure workers have the right to vote in secret when deciding whether or not to unionize.

State Sen. Jack Johnson, R-Franklin, and Rep. Susan Lynn, R-Mount Juliet, filed legislation today that protects the so-called "secret ballot." Requiring votes to be public could expose workers to intimidation or harassment for their vote, the lawmakers say.

"The right to a secret ballot is sacred whether it is in the voting booth or in the workplace," says Johnson, the Senate sponsor.

Lynn says the law is needed because unions are targeting Tennessee auto manufacturing plants to grow their base, and calls public voting an unfair labor practice. The proposed bill is in response to "card check" legislation proposed by Democrats that would make votes public.

Johnson says ensuring the secret ballot is necessary to keep the state business-friendly in a weak economy. Tennessee is a right-to-work state.

The bill would establish penalties and civil remedies for violation, and would not apply to collective bargaining relationships already in existence before July 1, 2009.

2/27/2009 Government Oversight

OSHA orders UP to reassign welder, pay damages

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) recently ordered Union Pacific Railroad to reassign a welder in Beverly, Iowa, to his former position, reimburse him for travel expenses and pay compensatory damages.

The worker alleged that UP "retaliated against him" for requesting a lookout while performing work on adjacent tracks and asking for tools to make field welding safer, according to OSHA.

An OSHA investigation conducted under the whistleblower provisions of the Federal Rail Safety Act determined that a track maintenance manager "illegally abolished" the welder position in Beverly. The worker then was forced to accept a welding position in Marshalltown, Iowa, which increased his daily commute by 131 miles and kept him away from his family for extended periods, OSHA officials said in a prepared statement.

"A supervisor does not have the right to abolish a job position because he becomes annoyed by a worker voicing safety concerns," said Charles Adkins, OSHA's regional administrator in Kansas City, Mo.

UP officials believe there was a legitimate non-discriminatory business reason for this action and disagree with OSHA's findings. They plan to appeal the case.

"Union Pacific promotes and enforces very comprehensive employee health and safety requirements, and does not tolerate retaliatory conduct by any employee," UP officials said in a statement.