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

NEWS CLIPS

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

Chinese Labor law overhaul

Saturday, June 6, 2009

The China Post news staff

The Legislative Yuan ratified the latest revision of the Labor Dispute Settlement Law to make it more efficient to settle labor-management disputes, with greater assistance being provided for wage earners.

Jennifer Ju-hsuan Wang, chairwoman of the Council of Labor Affairs said the passage of the new revision marks a new era for the labor-management relationship.

This is a major overhaul of the law which was enacted decades ago in 1928, she said.

Pan Shih-wei, CLA vice chairman, said the Labor Dispute Settlement Law is one of the three major sets of labor affairs regulations under revision. The lawmakers had already approved the amendments to the Group Negotiation Law but are still deliberating on the draft revision of the Labor Union Law.

The three new versions of labor laws will be formally implemented in January next year after the union law clears the final readying by the legislators, Pan said.

Chairwoman Wang said the new rules of the Labor Dispute Settlement Law give more precise definitions for improper labor acts and criteria for staging labor strikes.

Under the new regulations, a more efficiently and professional mechanism will be established to solve the disputes.

In addition to the channels of mediation and litigation, the two parties can also seek arbitration to settle disputes such as owed wages with less waste on time and resources, she said.

According to the existing regulations, workers of a company or organizations have to call a general conference of union members which meets the required quorum and then take an open ballot to adopt a resolution to strike.

But the new rules will simplify the procedure. A strike can start after half of the union members directly cast their ballots or send in nonregistered ballots ?secret voting in which the ballots bear no voters?names ? without having to hold a formal general meeting.

The new rules also stipulate that people of the public utilities sector (water, electricity, oil, natural gas), hospitals, stock exchanges, futures exchanges, securities deposit firms, financial service companies, and the first category of telecommunications service firms (companies providing fixed line telecom services) cannot directly stage a strike before they seek settlement for labor-management disputes via mediation.

Employees from these sectors will have to sign an agreement with a promise to maintain ☐ecessary services?for customers during the protest period in case they decide to go on strike.

In view of the employees?lack of funds to engage in litigation for labor disputes, the new rules will allow reductions in the guarantee fee and temporary cuts in the judging fee when the cases are still being handled by different levels of courts.

Wang said the rules also provide a legal base for the CLA to set up a special fund for laborers who need money to start or continue legal battles concerning labor disputes.

She said Cabinet has recently allocated a fund of NT$50 million to help needy wage earners through the CLA.

Carloads down 24.7% in May, intermodal traffic off 19.7%

Call it the dreary month of May. The Association of American Railroads reported Thursday that U.S. carloadings sank 24.7% last month, compared with the same month last year. Intermodal traffic fared only a little better, posting a 19.7% loss.

Canadian railroads saw carload traffic drop 32.8%, and intermodal traffic declined 18%.

"May marked the second straight month in which U. S. rail carloads had double-digit declines, a consequence of lower electricity demand and higher coal stockpiles," said AAR Senior Vice President John T. Gray. "Industrial production is still down sharply across the board. That means lower demand for rail service for everything from chemicals and scrap metals to cement and ores. Basically, railroads are in a waiting game—waiting for the economy to turn."

For just the last week of May, carload traffic in the U.S. was down 26.3%, and intermodal volume was down 19.2%. In Canada for the week ended May 30, carloadings were down 30.9% and intermodal declined 20.8%.

6/8/2009 Appointment

FTA names McMillan deputy administrator

The Federal Transit Administration recently appointed Therese Watkins McMillan deputy administrator.

She will help oversee a staff of more than 500 in Washington, D.C., as well as 10 regional offices throughout the United States. McMillan also will help manage an annual budget of $10 billion, plus $8.4 billion in American Recovery and Reinvestment Act dollars.

Since 2001, McMillan has served as deputy executive director of policy for the San Francisco Bay Area Metropolitan Transportation Commission (MTC), a regional planning agency that oversees 26 public transit agencies. She oversaw the commission's departments that were responsible for strategic financial planning and MTC's management of federal, state and regional funds for transit, highways, roadways and other transportation modes; state and federal legislative advocacy, and public affairs and community outreach; planning; and transportation/land use, air quality and freight issues.

"Her many years of experience delivering projects to the people of the Bay Area can now be brought to bear on the transportation challenges we face across America," said FTA Administrator Peter Rogoff in a prepared statement. "Therese's hands-on experience working across transportation modes will enable her to deliver on the president's vision for transportation investments."

6/8/2009 MOW

UP to upgrade Idaho, Texas lines

Union Pacific Railroad plans to spend about $25 million to upgrade lines in Texas and Idaho. The projects are part of the Class I's $1.7 billion capital spending budget for 2009.

The railroad is budgeting $13 million to improve track between Roanoke and Tower 55 in Fort Worth, Texas. To be completed in July, the project calls for removing an installing more than 45,000 ties, spreading 100,000 tons of ballast and renewing road surfaces at 38 grade crossings. In 2007 and 2008, UP spent more than $400 million on capital projects in Texas.

The railroad also is budgeting more than $12 million to improve track between Pocatello and Nampa, Idaho. To be completed this week, the project calls for installing more than 66,000 ties on 35 miles of double track and renewing road surfaces at 55 crossings. Last year, UP spent more than $34 million on capital projects in Idaho.

By Karen Cheney, July & August 2009

8 Myths About Health Care Reform

And why we can't afford to believe them anymore Americans spend more on health care every year than we do educating our children, building roads, even feeding ourselves—an estimated $2.6 trillion in 2009, or around $8,300 per person. Forty-five million Americans have no health insurance whatsoever. These staggering figures are at the heart of the current debate over health care reform: the need to control costs while providing coverage for all. As John Lumpkin, M.D., M.P.H., director of the Health Care Group for the Robert Wood Johnson Foundation, says, "There is enough evidence that it is now time to do something and to do the right thing." The key is to focus on the facts—and to dispel, once and for all, the myths that block our progress.

Myth 1: "Health reform won't benefit people like me, who have insurance."
Just because you have health insurance today doesn't mean you'll have it tomorrow. According to the National Coalition on Healthcare, nearly 266,000 companies dropped their employees' health care coverage from 2000 to 2005. "People with insurance have a tremendous stake, because their insurance is at risk," says Judy Feder, a professor of public policy at Georgetown University and a senior fellow at the Center for American Progress, a Washington, D.C.-based think tank. What's more, in recent years the average employee health insurance premium rose nearly eight times faster than income. "Everyone is paying for health increases in some way, and it's unsustainable for everyone," says Stephanie Cathcart, spokesperson for the National Federation of Independent Business (NFIB). "Reform will benefit everyone as long as it addresses costs."

“There are many ways to tackle our health care problem, but we will come up with a uniquely American solution.”

Myth 2: "The boomers will bankrupt Medicare."
If you're looking to blame the rise in health care costs on an aging population, you'll have to look elsewhere. The growing ranks of the elderly are projected to account for just 0.4 percent of the future growth in health care costs, says Paul Ginsburg, president of the Center for Studying Health System Change. So why are health care costs skyrocketing? Ginsburg and others point to all those fancy medical technologies we now rely on (think MRIs and CT scans), as well as our fee-for-service payment system, in which doctors are paid by how many patients they see and how many treatments they prescribe, rather than by the quality of care they provide. Some experts say this fee-for-service payment system encourages overtreatment (see "Why Does Health Care Cost So Much?" from the July-August 2008 issue of *AARP The Magazine*).

Myth 3: "Reforming our health care system will cost us more."
Think of health care reform as if it's an Energy Star appliance. Yes, it costs more to replace your old energy-guzzling refrigerator with a new one, but over time the savings can be substantial. The Commonwealth Fund, a New York City-based foundation that supports research on health care practice and policy, estimates that health care reform will cost roughly $600 billion to implement but by 2020 could save us approximately $3 trillion.

Myth 4: "My access to quality health care will decline."
Just because you have access to lots of doctors who prescribe lots of treatments doesn't mean you're getting good care. In fact, researchers at Dartmouth College have found that patients who receive more care actually fare worse than those who receive less care. In one particularly egregious example, heart attack patients in Los Angeles spent more days in the hospital and underwent more tests and procedures than heart attack patients in Salt Lake City, yet the patients in L.A. died at a higher rate than those in Salt Lake City. (Medicare also paid $30,000 for the L.A. patients' care, versus $23,000 for the care of the patients with better outcomes in Salt Lake City.)

Myth 5: "I won't be able to visit my favorite doctor."
Mention health reform and immediately people worry that they will have fewer options—in doctors, treatments, and diagnostic testing. The concern comes largely during discussions of comparative effectiveness research (CER): research on which treatments work and which don't. But 18 organizations in a broad coalition, including AARP, NFIB, Consumers Union, and Families USA, support CER—and

believe that far from limiting choices, it will instead prevent errors and give physicians the information they need to practice better medicine. A good example: Doctors routinely prescribe newer and more expensive medications for high blood pressure when studies show that older medications work just as well, if not better. "There is a tremendous value in new technology, but in our health care system we don't weigh whether these treatments work," says Feder. "Expensive treatments replace less expensive ones for no reason."

Myth 6: "The uninsured actually do have access to good care—in the emergency room."
It's true that the United States has an open-door policy for those who seek emergency care, but "emergency room care doesn't help you get the right information to prevent a condition or give you help managing it," says Maria Ghazal, director of public policy for Business Roundtable, an association of CEOs at major U.S. companies. Forty-one percent of the uninsured have no access to preventive care, so when they do go to the ER, "they are most likely going in at a time when their illness has progressed significantly and costs more to treat," says Lumpkin. Hospitals have no way to recoup the costs of treating the uninsured, so they naturally pass on some of those costs to their insured patients.

Myth 7: "We can't afford to tackle this problem now."
We may be in the middle of a recession, but as Robert Zirkelbach, spokesperson for America's Health Insurance Plans, says, "the most expensive thing we can do is nothing at all." If we do nothing, the Congressional Budget Office projects that our annual health costs will soar to about $13,000 per person in 2017, while the number of uninsured will climb to 54 million by 2019. Already more than half of Americans say they have cut back on health care in the past year due to cost concerns. Roughly one in four of us say we put off care we needed, and one in five of us didn't fill a prescription. Clearly, the urgency is greater now than ever before.

Myth 8: "We'll end up with socialized medicine."
Some experts favor a single-payer system similar to Medicare or the health program offered to federal-government employees. Yet all the proposals being discussed today would build on our current system, Feder says—which means that private insurers and the government are both likely to play roles. Says Lumpkin: "There are many ways to solve our health care problem, but we will come up with a uniquely American solution, and that solution will be a mixed public and private solution."

CSX underlines commitment to $1.6 billion spending plan

June 9, 2009

Like all railroads, CSX Transportation is hurting from the deep business slump that saw industry-wide carload traffic drop by 25% in May. But like most railroads, CSX is sticking with a strong capital investment program this year in anticipation of post-recession traffic growth.

In a speech to Cornerstone, the regional economic partnership of Northeast Florida, on June 5, CSX Chairman and CEO Michael Ward renewed his pledge that the railroad will spend about $1.6 billion on capital improvements in 2009, just a little lower than last year's $1.7 billion. It's part of a three-year, $5 billion spending program.

As Ward put it to the Cornerstone group, "We were really doing stimulus before stimulus was cool."

The latest economic forecast calls for a 90% increase in railroad traffic over the next 15 years, due not only to a rise in normal demand but also to an acceleration in the shift of long-distance traffic from trucks to rails.

Amtrak News June 11, 2009

Boardman says he's staying

After the New York Daily News published a story saying that Joe Boardman was on the short list for the New York Metroplitan Transportation Authority chief executive post, Amtrak's recently appointed president and CEO assured his employees that he has no intention of leaving.

Grassroots Action Around the Country for Employee Free Choice

Posted By Seth Michaels On June 10, 2009 @ 5:31 pm In Legislation & Politics | No Comments

As the fight for the [1] Employee Free Choice Act takes place in Washington, D.C., union members and allies are hard at work around the country to help pass this critical legislation to level the playing field for workers seeking to form unions.

At the [2] Huffington Post, the AFL-CIO's Stewart Acuff reports that members of the Arkansas Conference of Black Mayors are joining civil rights leaders, religious leaders, small business owners and union members from across the state in asking their senators to support workers by voting for the Employee Free Choice Act.

In North Carolina, [3] Larry Murray of the Steelworkers ([4] USW) says the fight for employee free choice is a top priority throughout his union and the entire union movement because its passage means an economy that works for everyone:

"The Employee Free Choice Act is vitally important because on top of the poor economic situation, the playing field is not level. Companies have an enormous advantage in the current system."

In Indiana, Tim Strong, president of Communications Workers of America ([5] CWA) Local 4900, is yet another leader getting involved in the fight for passage of the bill. In an informative [6] video, he explains why the Employee Free Choice Act is critically necessary to make sure corporations don't suppress workers' freedom to join a union and bargain for a fair contract:

We need to create incentives for employers to come to the table and negotiate so that workers can bargain for living wages, good health care, pensions and benefits. Working people like us deserve to have a choice and a fair chance to join a union.

In California, [7] Pride at Work, an AFL-CIO [8] constituency group, and [9] Stonewall Democrats, are reaching out to their members of Congress this week, meeting with congressional staff in San Francisco, San Diego and Los Angeles, as well as continuing to gather support through their website, [10] SharedAgenda.org.

In Miami, Transport Workers ([11] TWU) locals 291, 561, 568 and 570 held a Congressional Forum last week to educate House members from South Florida about the Employee Free Choice Act and other key issues.

6/11/2009 Government Posts

Obama tabs Hersman as NTSB chair, Hoglander as NMB member

On Tuesday, President Obama announced his intention to nominate Deborah Hersman as chairman of the National Transportation Safety Board (NTSB) and re-nominate Harry Hoglander as a National Mediation Board (NMB) member.

An NTSB member since June 2004, Hersman has served as the board's representative at 15 transportation accidents. Prior to joining the NTSB, she was a senior professional staff member of the Senate Committee on Commerce, Science and Transportation, where she was responsible for the legislative agenda and policy initiatives affecting surface transportation, including railroads, trucks, buses, pipelines and hazardous materials. Hersman also previously served as staff director and senior legislative aide to former Rep. Bob Wise (D-W.Va.).

The Transportation Trades Department (TTD) of the AFL-CIO hailed Hersman's nomination.

"As recent events remind us, transportation accidents do happen, and workers and the public are best served by an aggressive NTSB with an unwavering commitment to safety," said TTD President Edward Wytkind in a prepared statement. "Hersman's detailed knowledge and extensive experience in transportation safety make her the ideal candidate to lead the NTSB. As its chair, she would run the agency tasked with learning important lessons from transportation accidents and ensuring they are not repeated."

Meanwhile, Hoglander has been an NMB member since 2002 and twice has served as chairman. Prior to joining the board, he was a legislative specialist in the office of Rep. John Tierney (D-Mass.). Hoglander also previously was a captain with Trans World Airline and aviation labor representative to the U.S. Bi-Lateral Negotiating Team.

TDD backs Hoglander's nomination, as well.

"With the struggles faced by American workers in a severely distressed economy, it gives us great hope that Mr. Hoglander will continue to serve at the NMB," said Wytkind. "He will preside over collective bargaining and union organizing cases, where the outcomes will have a dramatic impact on the futures and livelihoods of tens of thousands of workers."

Freight Rail News

KCS starting operations on Victoria-Rosenberg line

June 12, 2009

The Kansas City Southern Railway Co. will begin operating freight trains on its newly rehabilitated line from Victoria to Rosenberg, Tex., on June 17. This renewed operation restores rail service to communities along the line and brings needed rail capacity to south Texas. Train operations will begin gradually in order to allow motorists to adjust to the restored service. To help prepare the community for the restoration of rail service, KCSR has partnered with Texas Operation Lifesaver to promote rail grade crossing safety with a multi-media advertising campaign and presentations throughout the Victoria to Rosenberg corridor.

6/12/2009 Traffic

U.S. railroads' weekly traffic tallies show slight improvement, AAR says

The good news: Last week, U.S. railroads' carloadings reached their highest level in nine weeks. The bad: carloads still trail last year's pace by a wide margin.

During the week ending June 6, U.S. roads originated 260,282 carloads, down 19.8 percent, and 188,801 intermodal loads, down 20.1 percent compared with totals from the same week last year, according to the Association of American Railroads.

Canadian railroads' carloads declined 27.9 percent to 55,914 units and intermodal loads fell 19.7 percent to 39,357 units, while Mexican railroads' carloads dropped 19.9 percent to 11,791 units and intermodal volume decreased 21.9 percent to 4,634 units.

June 10, 2009
ADVERTISING

Campaign Against Rival Could Haunt FedEx

By STEPHANIE CLIFFORD

THE word bailout has gone from descriptive to derogatory.

In a multimillion-dollar marketing campaign introduced Tuesday, FedEx objected to legislation that would make it easier to unionize the company by accusing its rival, United Parcel Service, of taking a government bailout.

The FedEx-sponsored Web site BrownBailout.com (brown is both U.P.S.'s color and nickname) says that U.P.S. is "quietly seeking a Congressional bailout designed to limit competition for overnight deliveries." Along with a "bailout-o-meter" showing U.P.S.'s revenue, and a spoof of a U.P.S. commercial, the site includes statements like, "This is a bailout, plain and simple, and the American people won't stand for it."

The real issue here is not government-supplied cash for U.P.S., but the labor laws under which U.P.S. and FedEx are classified.

The House recently approved a bill that reclassified a FedEx division, making it easier for unions to form there, and FedEx is fighting that legislation as it goes to the Senate. In effect, FedEx is claiming that passage of the bill would be a bailout for U.P.S. by hampering a competitor.

FedEx's casting of a labor-law dispute as a bailout has raised ire at U.P.S. and at the Teamsters union, which said on Tuesday that it planned to respond with its own public relations campaign.•

Some advertising experts said FedEx was putting its own brand at risk by so aggressively attacking a competitor and accusing U.P.S. of taking a federal bailout.

"Hinging so much of this — even the site itself and the URL name — to a bailout brings some pretty significant risks," said Scott Elser, a partner in LaunchPad Advertising, which is not working with either company. "It's arguably one of the most controversial terms that you can define in politics today. They draw you there based on that, and you don't have to surf very long to realize that this is clearly not a bailout as most consumers and business people would define it, which is writing a check to a troubled business."

"It's a little bit of a bait and switch," Mr. Elser said, which "has the ability to potentially harm their brand."

FedEx is objecting to a provision in a Federal Aviation Administration reauthorization bill that the House passed in May. The legislation would classify nonairline employees from FedEx's Express division, which makes overnight deliveries, under the National Labor Relations Act rather than the Railway Labor Act, which currently governs Express as well as airlines and railroads. The reclassification would make it easier to unionize the division, since N.L.R.A. unions are allowed to form at a company's individual sites; under the railway act, unions need national support from a majority of a company's workers.

U.P.S., which is heavily unionized, is governed under the N.L.R.A. And it has been lobbying to get its competitor's Express division classified under that act.

"FedEx is appearing to spend millions of dollars to try to convince Congress that a FedEx driver delivering a package is different from a U.P.S. driver delivering a package," said Malcolm Berkley, a U.P.S. spokesman.

Mr. Berkley said it was a competitive issue for U.P.S. "FedEx Express uses the fact of the labor law it is currently under inappropriately as a lever when talking to U.P.S. customers, particularly when we're negotiating our contracts," he said.

FedEx's labeling of the legislation as a bailout was wrong, he said.

"There's clearly no way we're seeking a bailout. In fact, what we're doing is working to eliminate an earmark that has been given to FedEx for some years," he said.

Executives from the Teamsters, which represents 240,000 U.P.S. workers, also said the bailout campaign was misleading.

"It is just the height of hypocrisy for them to allege that there is a bailout of their competitor, when in fact, it's the company, it's FedEx, who has benefited from this misclassification of their workers," said Ken Hall, international vice president and director of the package division at the Teamsters. "It's laughable to think that they would portray this as some bailout. This is simply leveling the playing field."

While Mr. Berkley said U.P.S. was not planning a campaign in response, the Teamsters would, Mr. Hall said.

"Particularly, it's going to be a grass-roots and an educational program to make sure that those folks in Congress truly understand the issue."

FedEx, meanwhile, has been arguing that the different classification makes sense, since its roots and ways of doing business are different from those of U.P.S. "Our company and U.P.S. are fundamentally different companies," said Maury Lane, director of communications at FedEx. "They aren't and shouldn't be regulated the same way."

As for the bailout characterization, "that piece of legislation only helps one company while hurting a main competitor — if that's not a bailout, we're going to have to redefine the word," he said.

Late last year, FedEx's chief executive, Frederick W. Smith, signaled the company would fight hard against any potential legislation.

"We've said repeatedly that it is extremely bad public policy," Mr. Smith said in a conference call with investors. "We would hope that provision would not see the light of day."

Labor experts differed on the companies' positions. Karen E. Boroff, the dean of the Stillman School of Business at Seton Hall University, said she found FedEx's arguments persuasive.

"FedEx absolutely has a right to be concerned about tiny little bargaining units interrupting the flow of their delivery," she said. And, she said, workers doing similar jobs were often classified under different labor laws. But James J. Brudney, a law professor at the Moritz College of Law at the Ohio State University, said that FedEx Express's classification was "a historical anomaly."

"From the workers' point of view, it seems unfair," he said.•

Advertising executives who reviewed the Web site said that it did some things very well.

“I give them credit for inventiveness,” said Steve Centrillo, a principal at A-Team Advisors, a consultant to advertising agencies that is based in New York.

Pinning the problems on U.P.S. rather than on unionization helped FedEx avoid sticky labor relations questions, he said.

But, Mr. Centrillo said, the use of bailout was “the most questionably ethical thing on the site. “It’s taking a word that is extremely loaded right now, and implying that somehow, the government is writing a check to U.P.S., which is clearly not the case.”