

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



NEWS CLIPS

August 7, 2009

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

Hightower: Unions the Escalator to the Middle Class

Posted By [Seth Michaels](#) On July 31, 2009 @ 4:36 pm In [Legislation & Politics](#) | [2 Comments](#)

Author and radio commentator Jim Hightower paid a visit to Colorado this week where he met with members of Communications Workers of America ([1] [CWA](#)) District 7 as part of an [2] [Employee Free Choice Act](#) mobilization campaign.

Hightower said the freedom to form unions and bargain is crucial to a healthy and fair economy.

Unions are the escalator to the middle class. Unions are the key to America's productivity. Unions are a real hope for real change—fairness, justice, opportunity.

Hightower told CWA members they need to get involved and get active if the Employee Free Choice Act is to become law:

Now, we've put the Employee Free Choice Act on the table...are we going to give working people a chance again? This is when you have got to stand up.

Train accidents decline 29.4% through May

August 3, 2009

The Federal Railroad Administration released preliminary railroad safety statistics for the first five months of 2009 on Friday, and they showed strong improvement across the board.

A total of 4,164 accidents/incidents were reported in the January-May period, down 29.5% from the corresponding period in 2008.

Train accidents declined 29.44% to 736, collisions were down 24.0% to 57, derailments fell 33.2% to 509, and yard accidents were down 35% to 371.

There were 344 fatalities in all categories, a decline of 8.8% from last year. Trespassing accounted for 168 fatalities, down 8.7% . Grade crossing fatalities declined 7.4% to 87. There were nine employee fatalities, compared with ten in the 2008 period.

Track causes were blamed for 239 accidents, down 31.9% from 2008; human factors for 333, down 37.4%; equipment for 117, down 16.4%; and signal causes for 22, up 22.2%.

With Card Checks on the Ropes, Fight Turns to Binding Arbitration

Sam Hananel
The Associated Press
August 04, 2009

The willingness of some Democrats to drop the "card check" portion of a union organizing bill has led opponents of the measure to intensify their attack on another major provision: binding arbitration if a new union and management can't agree on a first contract within 120 days.

"We suspected from the beginning that the binding arbitration was packaged with the elimination of the secret ballot in order to create a straw man they could take down later," said Sen. Jim DeMint, R-S.C.

A small group of senators led by Democrat Tom Harkin of Iowa is working out a compromise of the Employee Free Choice Act, one of the most polarizing measures in Congress and the top legislative priority of labor leaders, who want to reverse years of declining union membership.

Although Democrats have 60 votes in the Senate, several moderates -- including Blanche Lincoln of Arkansas and Arlen Specter of Pennsylvania -- have insisted they cannot support the bill as is.

Anti-union forces are targeting at least a half-dozen Democrats, and one group spent \$1 million last month on TV ads in Nebraska alone, targeting Democratic Sen. Ben Nelson.

For months, business groups focused on fighting "card check," which would allow employees to form a union by signing cards instead of holding secret ballot elections. That changed last month, when some labor leaders and lawmakers indicated they were willing to drop card check from the labor law overhaul if that would help the bill overcome a Senate filibuster.

Arbitration now looms as its most prominent sticking point. Anti-union groups, already spending millions on television advertising, direct mail and lobbying campaigns against the bill, have tweaked their message to stress how damaging they believe arbitration will be to employers.

Labor advocates say they are committed to passing a bill that allows workers to join a union without intimidation, harassment and unfair delays. Once a compromise is reached, Democrats are expected to push for a quick vote sometime after Congress passes health care reform legislation.

"There has to be a dispute resolution mechanism that doesn't allow employers to delay and use that as a last trap door to avoid the employees' decision to have a union," said Richard Trumka, secretary-treasurer of the AFL-CIO.

Business groups say arbitration would allow a federal official who knows nothing about a company to suddenly dictate workplace rules including salaries, benefits and vacations.

They also say there is a big difference between settling one dispute via arbitration, and settling an entire contract that way.

"Card check is the political poison in the bill, but forced arbitration is the real poison," said Steven Law, general counsel of the U.S. Chamber of Commerce.

Labor advocates argue the struggle some workers face to get a contract months or even years after voting for a union is a central reason that arbitration need to be part of the bill.

That was the complaint at Central Maine Power Co. when professional workers voted to join a union in 2006. Workers said claim managers used classic stalling tactics that ended only when a National Labor Relations Board office said the company was not bargaining in good faith. A company spokesman declined to comment.

"We had 18 months of just banging your head against the wall and the company just sitting there, not willing to hear you out," said Rodney Curtis, a design technician at the power company in Augusta, Me.

Labor advocates say the Maine workers were actually luckier than others -- 44 percent of new unions still don't have contracts two years after being certified.

"If there's no contract, then the union hasn't won anything," said Bill Gould, a labor law professor at Stanford Law School and former chairman of the National Labor Relations Board under President Bill Clinton.

Labor advocates argue that arbitration language is standard in many consumer contracts. If a customer has a dispute about a phone bill, credit card or bank statement, it's settled through arbitration.

"They can't say 'When it comes to solving my problems, arbitration is wonderful, but when it comes to solving your problems, we don't want arbitration,'" said Trumka.

One compromise that lawmakers are considering is to adopt baseball-style "final offer" arbitration, where both sides submit offers and the arbitrator picks one package offer or the other. Proponents of this style say the uncertainty creates an incentive for both sides to agree.

Keith Smith, a spokesman at the National Association of Manufacturers, says baseball arbitration "reduces it to a game of Russian roulette. While that may work in baseball, where you're really just looking at salaries and length of contract terms, it doesn't take into account the comprehensive nature of a collective bargaining agreement."

House panel advances antitrust measure

August 4, 2009

The U.S. House Judiciary Subcommittee on Courts and Competition Policy on Thursday approved H.R. 233, the Railroad Antitrust Enforcement Act of 2009.

The bill awaits consideration by the full Committee after the August recess of Congress.

In the Senate, Commerce Committee Chairman John D. Rockefeller, IV (D-W.Va.) and Senator Herbert Kohl (D-Wisc.) are seeking to include the repeal of antitrust exemptions in a broader rail reform bill.

"This is an important step toward finally closing the railroad monopoly loopholes that have hurt American consumers, farmers, job growth, and our economy for too long," said Glenn English, Chairman of Consumers United for Rail Equity.

English said the measure is now supported by the U.S. Assistant Attorney General for Antitrust, 20 state attorneys general, the American Bar Association, the National Industrial Transportation League, and the Consumer Federation of America.

UP's current capital program: \$2.6 billion

August 5, 2009

Despite deteriorating traffic conditions earlier this year, Union Pacific is maintaining its capital spending program at a high level.

In a filing with the Securities and Exchange Commission late in July, UP said it had revised its program for capital improvements slightly downward to \$2.6 billion. That's only 7% less than the \$2.8 billion UP spent last year.

In this year's first half, UP's capital expenditures added up to \$1.079 billion, compared with \$1.324 billion in the corresponding period last year.

Track spending in this year's January-June period totaled \$839 million, compared with \$884 million in 2008. Spending on capacity and commercial facilities was \$130 million, down from \$300 million. Spending on locomotives and freight cars declined to \$52 million from \$65 million. Spending on technology and other improvements was \$58 million, down from \$75 million last year.

Restoring Amtrak to Gulf Coast will be costly



August 5, 2009

Restoring passenger rail service from New Orleans along the Gulf Coast to Orlando, Fla., will cost tens of millions of dollars and take a minimum of almost two years to accomplish, according to a new Amtrak study that also predicts the revived route would be a money-loser, according to the Mobile, Ala., *Press-Register*.

Service on the old Sunset Limited line, passing through Pascagoula, Mobile and Atmore was halted after Hurricane Katrina trashed the Gulf Coast in August 2005.

Under the congressionally required study released last month, Amtrak focused on three options for putting passenger trains back on the tracks:

- Restoring the thrice-weekly service that existed before Katrina as part of Amtrak's trans-continental line from Los Angeles to Orlando. The estimated re-start costs, such as repairing and upgrading stations, would be about \$33 million; restoring service would take at least 20 months from the date that money for those improvements becomes available.
- Extending the daily City of New Orleans line, now operating from Chicago to New Orleans east to Orlando. The estimated price tag ranges from \$57.6 million to \$96.6 million. Because new equipment would be needed, the re-start time would be about four years, according to the study.
- Creating a daily, stand-alone overnight train from New Orleans to Orlando. This would carry similar cost and start-up times as the second option and is also the choice of mayors along the Gulf Coast, Mobile Mayor Sam Jones said in an interview.

Restoring service is "essential," Jones said. "It provides a lot of transportation options that don't presently exist on the Gulf Coast." Although Mobile's Amtrak station was demolished after Katrina, Jones said the train could stop at the planned maritime museum. The city already intends to house a passenger ferry terminal there.

The next step will be up to Congress and possibly the states to decide whether restored passenger service "makes sense to them financially," Amtrak spokesman Marc Magliari said. Under all three scenarios, the route would not be profitable once trains started running, according to the report, with projected operating losses running from \$4.8 million per year under the first option to \$18.4 million under the third. Amtrak already requires heavy federal help to break even.

In a statement, Rep. Jo Bonner, R-Mobile, said he plans to review the report with members of the House transportation committee, which also received it. Bonner also wanted to learn more from community leaders about how passenger service would create jobs and other economic development.

Assuming that funding does come through, revived passenger service would "produce modest net economic benefits," the study said, mainly through spending on station improvements and other investments. It would also provide "mobility benefits" by linking Florida, the Gulf Coast and the central and western United States.

Besides buttonholing members of the Alabama congressional delegation, Jones said he plans to contact Rep. Corrinne, Brown, a Jacksonville, Fla. lawmaker who chairs a transportation panel that oversees Amtrak.

Passenger rail service along the eastern Gulf Coast has struggled for decades. Before Amtrak's creation in 1971, the Louisville and Nashville Railroad and the Seaboard Coast Line Railroad, which later became part of CSX Transportation, together ran a train from New Orleans to Jacksonville. That route was dropped after Amtrak took over and it wasn't until 1984 that the railroad created a daily line between Mobile and New Orleans, according to the study.

The link, funded in part by the states of Alabama, Mississippi and Louisiana, was mainly designed to boost attendance at the Louisiana World Exposition in New Orleans. It was dropped in 1985 after the state funding dried up, although briefly revived in 1996-97.

Meanwhile, Amtrak in 1993 pushed the route of the Sunset Limited, which ran from Los Angeles and New Orleans, further east into Florida. The train was consistently late, the study says, due in part to freight train interference. In fiscal 2004, the Sunset Limited's on-time performance was 4.3 percent and remained poor after that despite schedule adjustments.

Anti-Worker Group Pays Rove \$100,000 to Fight Employee Free Choice

Posted By [Seth Michaels](#) On August 5, 2009 @ 4:25 pm In [Legislation & Politics](#) | [12 Comments](#)

Here we go again. Yet another misleadingly named, corporate-funded front group has been created to block the freedom to form unions and bargain and scare people away from the [1] [Employee Free Choice Act](#). And where there are big corporate dollars and smear campaigns, you can bet that repudiated and disgraced political hacks like [2] [Karl Rove](#) can't be far behind.

This time, reports [3] [Think Progress](#), the "Economic Freedom Alliance" (EFA) is paying the checks to Rove. The EFA, a new corporate front organization "partnering with a number of Midwestern statewide employer organizations," has paid Rove, George W. Bush's sometime top political operative, \$100,000 this year for his services as a high-priced consultant to their disinformation campaign.



The EFA, with Rove's assistance, is using websites, billboards and other tactics to try and pressure U.S. senators to vote against the Employee Free Choice Act. It's another desperate attempt, fueled by a big bankroll, to block real change for working people. ([4] [Sounds familiar](#), huh?) The corporations who fund the EFA and line Rove's pockets know the Employee Free Choice Act would give workers—not their bosses—the choice about how to form a union and bargain for their fair share.

'US rails will deteriorate without federal funds'

August 6, 2009

State transit officials told U.S. lawmakers on August 4 that without additional federal funds, rail systems nationwide will deteriorate further, the Dow Jones News Service reports. The transit executives called on lawmakers to provide federal funds for "significant capital investments," such as expanding rail systems, purchasing additional rail cars and upgrading power and maintenance facilities.

A subcommittee of the Senate Banking Committee held a hearing to assess how to better modernize U.S. rail systems and obtain financial resources to get the job done.

Transit executives from New Jersey, Washington, D.C., Chicago and Atlanta testified before the subcommittee, along with Peter Rogoff, administrator of the Federal Transit Administration.

Beverly Scott, chief executive of the Metropolitan Atlanta Rapid Transit Authority, urged Congress to double the size of FTA's rail modernization program over the next six years. More funds will assist with overhauling aged rail systems, while providing incentives for newer systems to maintain improvements, Scott said.

Subcommittee Chairman Robert Menendez, D-N.J., also called for increased federal funding for the rail program and urged committee members to consider a temporary funding program to address transit maintenance backlogs.

This hearing follows the June 22, Washington, D.C., train collision that killed nine people, prompting the National Transportation Safety Board to warn rail transit agencies nationwide to check automatic control systems and consider upgrades to prevent problems that may have played a role in a deadly train crash in Washington. The NTSB continues to investigate the crash.

Meanwhile, the nation's seven largest transit systems, including Chicago, New Jersey, Washington and New

York City, have rail maintenance backlogs that have collectively reached \$50 billion.

Scott said strong federal, state and local partnerships are vital to reducing the backlog and revamping rail systems. The federal government needs to adopt a "balanced approach" that equally provides financial resources for system expansions and preservation, she said. "It makes no sense to expand while the system is crumbling. At the same time we cannot afford to sit still," Scott said.

The FTA has suggested that Congress revise the current formula of funding apportionment that's allotted to rail systems. The FTA has said, "While intended to capture the differing needs of program recipients, the current allocation process tends to favor newer systems and commuter rail operators by covering a greater proportion of their capital reinvestment needs as compared to other systems."

FTA has also recommended that lawmakers create a temporary federal fund designed to eliminate the existing \$50-billion transit maintenance backlog, among other rail support measures.

The transit executives, in testimony, also provided Congress with suggestions on how federal funds should match state funds, along with encouraging incentive-based rail investments throughout systems, among other recommendations.

Menendez had a few proposals for the FTA, which included suggesting that the federal agency "work with (state) agencies to more effectively use the resources they already have."

Menendez also said the FTA should "develop a program to provide technical assistance to help these agencies manage and maintain their assets."

Track defects top cause of 2009 accidents



August 6, 2009

Defects in railroad tracks were the leading cause of train accidents in the first five months of 2009, says a Federal Railroad Administration report, according to the Journal of Commerce. While there were fewer track defects than in the same 2008 period, human causes and train equipment defects – two other FRA accident categories – both declined more sharply this year as falling traffic levels due to the recession helped bring down the total number of train accidents.

The safety agency said out of 736 train accidents this year through May, track defects were the primary cause in 239 or 32.47 percent of them. A year earlier, 1,042 accidents were reported with 351 due to track problems, for 33.69 percent.

This does not include such incidents as road crossing or trespass, in which automobile drivers or pedestrians got onto tracks and were struck by trains. About half the train accidents take place in rail yards. Only 57 accidents through May involved train collisions, down from 75 a year earlier.

In that 2008 period, human factors were the main cause in 372 accidents or 35.7 percent, the most of any single FRA category. This year, human causes were down to 233 for 31.66 percent.

In the past, rail industry officials and federal policy makers have targeted human factors as the leading cause of accidents. Unions have pressed for more training by railroads and for elimination of off-the-clock limbo time in which workers would remain out on the line beyond scheduled work hours and therefore at higher risk of fatigue. Late last year, Congress ordered changes in work hours that took effect this summer and could reduce work-schedule fatigue risks.

The FRA breakdown also lists three types of separate mechanical categories for accident causes – track, equipment and signal defects – against a single human factors grouping and a miscellaneous category of

causes that do not fit into the other four.

For this year's January-May period, 51.36 percent of train accidents came from the three mechanical categories combined, up from 48.86 percent last year. That is partly because this year has seen more instances in which signal defects caused accidents – 22 times or 2.99 percent in 2009 compared with 18 or 1.73 percent in 2008.

Carload traffic down 17.5% in July; intermodal off 18.0%

August 7, 2009

The Association of American Railroads reported Thursday that all 19 commodity categories saw carload declines in July on U.S. railroads.

Carload freight added up to 1,319,387 cars in July, down 17.5% from July 2008. Intermodal traffic totaled 922,734 trailers or containers, down 18.0%.

"July was an interesting month," said AAR Senior Vice President John T. Gray. "If you see the glass as half full, 14 carload commodity categories were 'less worse off' than they were in the first half of the year. But then you remember 15 commodity groups still saw double-digit declines relative to last year, including metals and products down 48% and motor vehicles down 38%. While the automotive performance was an improvement over recent levels, we should remember that it was supported by a billion dollars of federal assistance. When this assistance ends, it remains to be seen whether the combination of production, inventory, and sales levels will continue to boost railcar loadings."

Canadian rail carload traffic in July 2009 was down 22.0% to 297,914 carloads. Intermodal traffic in July 2009 was down 19.2% to 200,294 trailers and containers.

Mexican rail carload traffic in July 2009 was down 23.1% to 17,195 carloads. Intermodal traffic in July 2009 was down 25.4% to 8,765 trailers and containers.

8:37 a.m. ET Friday, August 7, 2009

[July Payrolls Fall Less Than Forecast](#)

Employers throttled back on layoffs in July, cutting just 247,000 jobs, the fewest in a year, and the unemployment rate dipped to 9.4 percent. It was a better than expected showing that offered a strong signal that the recession is finally ending.