



BROTHERHOOD OF  
LOCOMOTIVE ENGINEERS AND  
TRAINMEN  
NATIONAL LEGISLATIVE OFFICE  
IBT RAIL CONFERENCE

VOLUME 2, ISSUE 1

# TIES TO WASHINGTON



JANUARY 2008

## INSIDE THIS ISSUE:

|  |   |
|--|---|
| MESSAGE FROM VP<br>TOLMAN                              | 2 |
| REGULATORY<br>CORNER                                   | 2 |
| NASLBC MEETING<br>IN RENO                              | 3 |
| TEAMSTER NEWS  | 3 |
| BMWED REACHES<br>CONTRACT<br>SETTLEMENT WITH<br>AMTRAK | 5 |

## BLET PAC HONOR ROLL

Since December, the following Divisions have signed up several new members of the BLET PAC:

- Division 2
- Division 292
- Division 197
- Division 335

Thank you to all those who have signed up.

## 2008 Outlook for BLET NLO

The year 2008 will hopefully be an eventful one on the political and legislative front for the BLET. This year, labor-friendly politicians have a real chance at gaining control of the House, Senate and White House. We also have a chance at impacting the way the railroad industry does business and making meaningful changes to our industry.

### Political:

Since 2000, there has been a sharp decline in this country. 15.8 percent of people in the United States do not have health insurance. 12 percent of bridges in this country are structurally deficient. In 2006, 5,734 people died from on the job inju-

ries and more than four million people were injured. Median household income has decreased by two percent from 2000-2006. After adjusting for inflation, real wages dropped by 0.9 percent over the last year. Unemployment is at five percent. (All statistics are the most recent available at press time.)

All Americans need a paycheck that can support a family, affordable health care, a secure retirement, and dignity on the job. Most realize that in order to get these things, change is needed. Americans finally see the need for a change in the political landscape.

2008 is an optimal time for such a change. There are six

Republican retirements in the Senate. The current composition of the Senate, going into the 2008 election, consists of 49 Republicans, 49 Democrats, and two independents (Bernie Sanders of Vermont and Joe Lieberman of Connecticut, who both caucus with Democrats). Of the seats up for election in 2008, 17 are held by Republicans and 12 by Democrats. There are six open seats.

The current composition of the House stands at 232 Democrats, 200 Republicans, and 3 vacancies. There will be 19 total retirements and 17 of those are Republicans.

*(Continued on page 5)*

## NATIONAL COMMISSION ON SURFACE TRANSPORTATION RELEASES REPORT ON IMPROVING THE PERFORMANCE OF THE NATION'S TRANSPORT SYSTEM

The bipartisan National Surface Transportation Policy and Revenue Study Commission unveiled a comprehensive plan to increase investment, expand services, repair infrastructure, demand accountability, and refocus Federal transportation programs, while maintaining a

strong Federal role in surface transportation. Policy changes, though necessary, will not be enough on their own to produce the transportation system the Nation needs in the 21st century. Significant new funding also will be needed.

Congress created the

twelve-member, bipartisan Commission in 2005 and it not only was charged with examining the condition and operation of the surface transportation system, but also with developing a conceptual plan and specific recommendations to ensure that the surface transporta-

*(Continued on page 2)*

## MESSAGE FROM VICE PRESIDENT TOLMAN

It has begun to sound a bit trite to call each and every election “the most important in our lifetime.” It seems that every four years we do just that because to America’s workers, each election becomes successively more important. This year is no different.

In 2008, we need a change, but it cannot simply be change for change’s sake – it must be real, viable change in the way

this country is governed. We need politicians who will help us to move in the right direction – not the wrong direction that we have been moving for the past decade.

As we have seen in the recent past, the individuals we elect to represent us can have a deep impact on the lives of working men and women. All too often, this impact – unfortunately – is negative.

It is sad to think that our once great nation is now losing ground in leaps and bounds to other countries, and that we have lost our prestige and positive image around the world. China and India are poised on the doorstep of the domination of world markets. Much in the way the 20<sup>th</sup> century belonged to the U.S., the 21<sup>st</sup> century will belong to these

*(Continued on page 6)*



Vice President and National Legislative Representative  
John Tolman

## STUDY Continued from Page 1

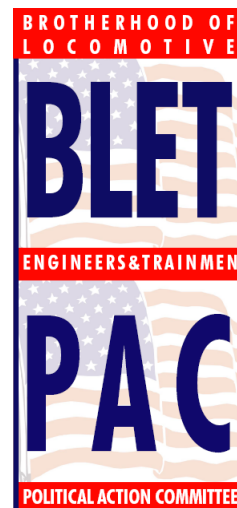
tion system serves the needs of the nation now and in the future. After an intensive fact-finding program that included hearings in ten cities across America, the Commission released its Report to Congress, called Transportation for Tomorrow, at a news conference at the

National Press Club in Washington, D.C.

The Transportation and Infrastructure Committee of the U.S. House of Representatives held a hearing on the Report on January 17, 2008 and the Senate Committee on the Environment and Public

Works held a hearing on Wednesday, January 23, 2008.

To view the complete report, go to: [http://www.transportationfortomorrow.org/final\\_report/pdf/final\\_report.pdf](http://www.transportationfortomorrow.org/final_report/pdf/final_report.pdf)



Give to  
the BLET  
PAC

## Regulatory Corner – Don’t Be a Scapegoat

Railroads frequently blame a crew member for accidents and incidents that must be reported to the Federal Railroad Administration (FRA), even though a proper and thorough investigation would clear the crew of any responsibility. When a railroad points the finger at one of its workers, FRA regulations permit that

work to file his/her own statement concerning the accident/incident, which becomes a permanent part of the report’s file. Here’s what you need to know to defend yourself when the carrier tries to make you a scapegoat.

The FRA requires railroads to report the following accidents or incidents:  
(1) highway-rail grade

crossing accidents/incidents; (2) rail equipment collisions, derailments, fires, explosions, acts of God, and other events involving the operation of on-track equipment (standing or moving) that result in damages higher than the current reporting threshold (\$8,500 in 2008) to railroad on-track equipment, signals, tracks, track

structures, or roadbed, including labor costs and the costs for acquiring new equipment and material; and (3) deaths, injuries, and occupational injuries enumerated in 49 CFR § 225.19(d).

Railroads report the above accidents/incidents on Form FRA F 6180.54,

*(Continued on page 4)*

## BLET LEGISLATIVE CHAIRMEN TO CONVENE IN RENO

The National Association of State Legislative Board Chairmen will convene its annual meeting in Reno, Nevada, from April 27 through May 2, 2008.

The NASLBC will discuss strategies regarding the upcoming elections in November, the BLET-PAC fund, as well as a host of other legislative, political and regulatory issues that impact the lives and working conditions of BLET members.

The meetings will be held in Reno at the Grand Sierra Resort & Casino. In addition to its regular meeting, On May 1, 2008, the BLET will hold a joint meeting of Advisory Board members, State Legislative Board Chairmen and all General Chairmen.

In 2007, the National Legislative Office coordinated several joint lobbying efforts with Vice Presidents, General Chairmen and State Legislative Board Chairmen.

The purpose of this joint meeting is to build on these efforts and facilitate greater communication between these groups.

Cooperation and communication will be imperative during this important election year, and this meeting will focus on these elections, the BLET's legislative agenda and continued cooperation between the General Chairmen and State Legislative Board Chair-

men.

This meeting will be held at the same location as the Western General Chairmen's Association meeting, the Grand Sierra Resort and Casino in Reno, Nevada, and on the day after that meeting ends.

The NASLBC will conduct three days of business meetings, which includes training for officers in the legislative arena. A list of scheduled

speakers as well as the full agenda is still pending, and will be announced at a later date.

More information is available on the NASLBC website: <http://www.bleteam.org/naslbc>

For more information regarding the joint meeting, contact the BLET National Legislative Office at 202-624-8776.

## Teamsters News

### TEAMSTERS BACK IN COURT TO STOP UNSAFE MEXICAN TRUCKS

The Bush administration broke yet another law in continuing to allow long-haul trucks from Mexico to use U.S. highways, according to a letter filed by the Teamsters Union in the 9th Circuit Court of Appeals in San Francisco.

According to a press release on the Teamsters website, Congress passed an omnibus budget, signed into law December 26, that includes a provision banning funds "to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones."

The Bush administration pretends the law doesn't apply to the existing program. It has said it will continue to allow some trucks from Mexico to travel beyond the narrow border zone.



"The lawlessness, recklessness and sheer arrogance of the Bush administration just blows my mind," said Teamsters General President Jim Hoffa. "Did Transportation Secretary Mary Peters somehow forget she took an oath of office to uphold the law?"

Congress clearly intended to stop the pilot program dead in its tracks according to two days of debate and 20 pages in the Congressional record.

Sen. John McCain, R-Ariz., said the provision would "prevent the pilot from going forward."

Sen. Byron Dorgan, D-N.D., the provision's sponsor, said it would "prohibit the use of funds to continue this pilot program."

The Teamsters believe the pilot program creates a dangerous precedent on American highways because Mexican trucks and truck drivers are not held to the same safety standards as their U.S. counterparts.

The Teamsters had already challenged the legality of the pilot program, saying it breaks several laws.

A hearing date has been set before the 9th Circuit on February 12.

## REGULATORY CORNER (CONTINUED FROM PAGE 2)

which includes places where the primary cause and a contributing cause can be indicated. FRA cause codes total 389, and are grouped within five general categories: 143 mechanical and electrical equipment codes; 118 human factors codes; 21 signal/communication codes; 65 track, roadbed and structures codes; and 42 miscellaneous codes. The human factors codes are further sub-categorized as follows:

- Use of Brakes
- Employee Physical Condition
- Flagging, Fixed, Hand and Radio Signals
- General Switching Rules
- Main Track Authority
- Train Handling/Train Make-Up
- Speed
- Use of Switches
- Cab Signals
- Miscellaneous

When a railroad cites an employee human factor as the primary cause or a contributing cause of the acci-

dent, FRA requires that the railroad must take two additional steps. First, it must complete an Employee Human Factor Attachment form for the accident; FRA uses Form FRA F 6180.81 for this purpose. This form must identify all employees the railroad claims caused or contributed to the incident, and must detail the allegations as to the conduct that caused or contributed to the incident.

Second, the railroad is required to notify the employee(s) named on the Employee Human Factor Attachment that they have been accused of causing or contributing to the accident/incident within 45 days after the end of the month in which the accident/incident occurred. FRA has designated form FRA F 6180.78 for use in notifying a worker in this circumstance. The railroad also must provide the named employee(s) with a copy of the Accident/Incident Report and the Employee Human Factor Attachment it filed with FRA.

The accused worker can use the FRA F 6180.78 to provide his/her own supplemental statement concerning the accident/incident within 35 days of the railroad mailing or hand-delivering the form to the worker. Filing this supplemental statement is voluntary, not mandatory, and not filing one cannot be taken as an implication that the worker admits or endorses the railroad's conclusions as to cause or any other allegations. A copy

must be provided to the carrier, and should also be provided to the Local Chairman and Division Legislative Representative.

If the worker wishes to provide information to FRA that he/she wishes to withhold from the railroad, this form should not be used. Instead, the confidential information should be provided in writing to either the worker's union representative or the FRA's Office of Safety Assurance and Compliance; the letter should include the name of the railroad making the allegations, the date and place of the accident, and the rail equipment accident/incident number.

FRA regulations also provide that all of the assertions in the supplemental statement must be true and correct to the best of the worker's knowledge and belief. Any person who willfully files a false supplement with FRA is subject to a civil penalty, and any person who knowingly and willfully files a false supplement is subject to a \$5,000 fine, or up to two years' imprisonment, or both. Therefore, it is very important that any supplemental statement that is filed be very carefully drafted.

Even though filing a response is not required, and the failure to file a response does not imply concurrence with the railroad's conclusions, there may be sound reason to seriously consider filing a response when accused of causing or contributing to an accident/incident. For example, depending upon the timing of a specific accident/incident, the response could be persuasive evidence in a disciplinary investigation or appeal. Because of the potential for civil and criminal liability for false statements, a response filed with FRA may be particularly powerful evidence for an arbitrator reviewing a suspension or dismissal.

The best way to avoid becoming a scapegoat is to know your rights and acting upon them. FRA's regulations provide someone falsely accused of causing or contributing to an accident/incident the ability to challenge the railroad's allegations. Every railroad claim of human factor causation should be carefully reviewed so that appropriate challenges can be made.

## Teamsters News Continued from Page 3

### HOFFA SAYS MORE FREE TRADE DEALS WILL WORSEN U.S. ECONOMY

President Bush wants to do exactly the wrong thing to our economy by negotiating more of these so-called free trade deals.

Deals like NAFTA, CAFTA and PNTR have been a disaster for American workers.

Now that we're looking at hard times, the last thing we need to do is to send more good jobs to other countries.

American workers have been under attack by the Bush administration for seven long years. But a trade deal with Colombia is beyond the pale.

## Outlook continued from Page 1

Many of the Republicans up for re-election in both the House and the Senate are vulnerable and those seats may go to Democrats. The same is true for many of the open seats.

At the state level, Democrats added a net of 322 state legislators in 2006, improving their percentage of seats from 50 to 54. Excluding non-partisan Nebraska, Democrats presently control 23 legis-

latures, Republicans hold 14, and 12 have divided control.

Legislative:

There were several legislative items left undone in 2007, including Amtrak reauthorization and rail safety.

Amtrak's long-term funding was left up in the air last year. Amtrak has requested \$1.8 billion annually for FY08 through

FY13, with \$1.6 billion from federal sources. The Senate passed S. 294 on October 30, 2007, which authorizes \$1.4-1.5 billion annually through FY 2013. However, the House has yet to act.

In much the same manner as Amtrak funding, rail safety legislation has only been passed by one chamber. The House passed H.R. 2095 on October 17, 2007. Senate

action on the companion bill, S. 1889, has not been determined yet, although it passed out of the Commerce, Science and Transportation Committee in September.

In the States, the BLET has been working to get legislation to regulate crew vans and require crew counseling introduced. Both of these bills will greatly improve the safety and health of our members.

## UNION RATES INCREASE IN 2007

According to a Center For Economic Progress press release, for the first time in the past quarter of a century, in 2007 U.S. unions increased their share of membership among workers, according to the Bureau of Labor Statistics' (BLS) annual union membership report released on January 25. Unions added about 310,000 members last year, raising the unionized share of the workforce to 12.1 percent from 12.0 percent in 2006.

The increase is small, and may well reflect statistical variation rather than an actual increase in the union membership share, but the uptick is striking because it is the first time since the BLS began collecting annual union membership rates in 1983 that the union share has increased.

The small national rise in union membership rates reflected a large increase in union membership in California, partially offset by substantial declines in the Midwest.

Among women, union membership rose from 10.9 percent of women workers in 2006 to 11.1 percent last year. Rates for men remained unchanged at 13.0 percent. This modest narrowing of the gender gap in union membership was primarily driven by gains among white women, whose unionization rate increased from 10.5 percent to 10.8 percent in 2007. African-American men saw their membership rate grow from 15.6 percent to 15.8 percent, but rates for black women fell to 13.0 percent in 2007 from 13.7 percent in 2006.

In the private sector, which accounts for the bulk of employment in the economy, union membership gains varied by industry. Construction unions increased their membership faster than the rate of job growth in that industry, with membership jumping from 13.0 percent in 2006 to 13.9 percent in 2007. Membership in the private health and education sectors grew from 8.3 percent to 8.8 percent. Unions also made headway in the low-paying retail industry,

increasing membership rates from 5.0 percent to 5.2 percent.

Manufacturing, however, continued to lose unionized jobs in 2007 faster than the sector's overall decline in employment. Union membership in manufacturing fell to 11.3 percent in 2007 from 11.7 percent in 2006. Although manufacturing jobs were once accurately identified with unionized employment, manufacturing workers are now less likely to be in a union than is the average U.S. worker.

While the US experienced an overall gain in union membership, trends differed by region. Unionization in northeastern states, such as New York, New Jersey, and Pennsylvania, grew modestly from 18.4 percent in 2006 to 18.7 percent last year. Southern union membership remained unchanged at 5.9 percent, less than half of the national average.

Midwestern states, which include Illinois, Michigan, and Wisconsin, historically have

had a higher unionization rate than states in the West. But, for the first time since 1983 when comparable annual data became available, the unionization rate in the West (14.7 percent) exceeded the unionization rate in the Midwest (13.8 percent).

In the West, California added over 200,000 union members in 2007, helping to expand unionization in western states from 13.9 percent in 2006 to 14.7 percent last year. Meanwhile, Illinois weathered the largest loss of union membership of any state in 2007, as its share of unionized workers fell from 16.4 percent to 14.5 percent. Midwestern union membership in total dropped from 14.4 percent to 13.8 percent.

Although U.S. unions overall saw only a small increase in membership in 2007, this is the only year that unionization has risen in the past quarter of a century. Union membership has declined almost continuously, with occasional pauses, from 20.1 percent in 1983 to 12.1 percent this year. (For complete data from 1983 through 2006, see <http://www.unionstats.com/>.)

Visit the NLO on the web at [www.bletdc.org](http://www.bletdc.org)

**BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS AND TRAINMEN  
NATIONAL LEGISLATIVE OFFICE  
IBT RAIL CONFERENCE**

25 Louisiana Avenue  
7th Floor  
Washington, DC 20001

Phone: 202-624-8776

Fax: 202-624-3086

E-mail: [bletadministrator@teamster.org](mailto:bletadministrator@teamster.org)



**John Tolman**

Vice President & National Legislative  
Representative

**Thomas Pontolillo**

Director of Regulatory Affairs

**Kathleen Policy**

Legislative, Political & Regulatory  
Coordinator

**Erin Magrath**

Office Administrator

**S I N C E 1 8 6 3  
A T R A D I T I O N O F  
F O R W A R D T H I N K I N G**

## Washington Briefs

### **BMWED, RAIL COALITION ACHIEVE TENTATIVE AGREEMENT WITH AMTRAK**

A tentative agreement on new contract terms was reached on January 18 between Amtrak and the Brotherhood of Maintenance of Way Employees Division (BMWED) of the Teamsters Rail Conference.

"The BMWED members have waited and worked for eight very long years without a contract," said Jim Hoffa, Teamsters General President. "It was a surprise to us that a board appointed by President Bush, one of the most anti-labor presidents in history, decided upon a resolution to the Amtrak contract that awarded most of what we in rail labor had been fighting for."

Senator Edward M. Kennedy (D-Mass.), who was present at the tentative contract signing today, said, "It's a great day for the country, the workers and the passengers. This agreement gives respect to the workers. This agreement is important for our economic growth and stability."

"The Amtrak negotiations took a hard toll on our members," said Fred Simpson, President of the BMWED and Teamsters Vice President. "Now we are concentrating on explaining the terms of the agreement at membership meetings in preparation for the members' vote. Once again, coordinating bargaining among the rail unions succeeded. This is another example of how joining with the Teamsters Rail Conference has provided

strength in bargaining for our members."

The tentative agreement's terms closely follow recommendations of a Presidential Emergency Board appointed by President George W. Bush to investigate the prolonged contract dispute. Provisions include wage increases that average 35.2 percent over the life of the agreement, which is January 1, 2000 -- December 31, 2009, or 3.1 percent compounded per year. Retroactive pay varies, but averages \$12,800, which will be paid in two installments.

The tentative agreement is subject to membership ratification. BMWED members comprise approximately 2,000 of the 20,000 workers on the Amtrak system nationwide.

## Message from VP & NLR Tolman FROM PAGE 2

nations and other emerging nations, unless we change course.

By ensuring that the candidates for whom you vote support workers, working Americans can make a real difference in the fate of this country. We need to put working family issues back at the forefront where they belong in this election. If we don't succeed, working families will continue to suffer.

As you know, politics is a part of every aspect of the railroad industry, and the BLET attempts to gain any measure of influence over the process that it can. The rail industry is overseen by various federal, state and local agencies. At the federal level, both the executive and the legislative branch wield considerable influence over what we, as railroad employees, do each and every day.

We have unfortunately seen what happens when politicians aren't on our side. In 2008, it is important that we elect people who are on our side. In the coming months, we will each have the chance to effect change in this nation. For this reason, I am asking you to encourage all your members to register to vote and to vote in the primaries and in the general election. It is too important not to.

