Rail unions promote toothless regulation on two-man crews while working to ram through terms of pro-corporate PEB report

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Hundreds of railroaders have contacted the WSWS with their thoughts about the PEB ruling and the potential for strike action. Add your voice to theirs! Contact us by filling out the form at the bottom of this article. All comments will be kept anonymous. We will continue to publish statements from workers in the coming days.

The Federal Railroad Administration (FRA) has proposed a new rule purporting to mandate that railroads maintain crews of at least two workers on their trains. Even though the ruling has yet to take effect and contains numerous exceptions allowing for an increased use of one-man crews, it is being hailed by the rail unions as a victory for workers. The union bureaucrats are desperate to divert attention from the pro-company recommendations of the Presidential Emergency Board (PEB), which they are attempting to impose on rail workers .

The issue of one-man versus two-man crews has been a major point of contention in the industry for years. The seven Class I railroads, the largest and highest-revenue in the US, have been pushing for years to reduce crews to a single worker, claiming that advances in automation allow this to be done safely. Motivated by technological improvements and the quest for greater profits, the railroads have been cutting crew members for decades. Train crews included about five workers in the 1960s. By the end of the 1990s, they had been reduced to their current size of two workers.

The carriers also have overseen such a deterioration in working conditions that tens of thousands of railroaders have quit their jobs. The companies' points-based attendance policies, such as the "Hi-Viz" regime at BNSF, have worsened conditions greatly. They have forced workers to be on call almost constantly and penalized them for taking time off. The grueling schedules that result have made it effectively impossible for workers to schedule medical appointments or spend time with their spouses and children. On top of the mass exodus that these policies have caused, the railroads themselves have cut 45,000 employees in recent years. This deliberately created "labor shortage" has not only led to record profits in spite of massive delays, but it is being used by the railroads to further justify their campaign for one man crews.

For workers, the elimination of existing two-man crews is one of the most significant lightning rods of opposition, next to the brutal scheduling policies such as Hi Viz and Precision Scheduled Railroading which have driven tens of thousands out of the workforce. In addition to the fact that one-man crews would be used as an excuse to carry out massive layoffs, workers also say it cannot be done safely, as accidents are already a regular occurrence with two-man crews.

Under the FRA's proposed rule, as a long as it does not entail "significant safety risks" to workers, the public or the environment, railroads would be allowed to apply for one-person crews. The proposed rule also would establish a special approval procedure for railroads that wish to maintain already existing one-person operations, or establish new ones.

One-person operations already in place would be allowed to continue until the FRA reviewed them for safety. A railroad that petitioned the FRA for approval to start a new one-person operation would be required to include a self-reported "risk assessment" of the operation and demonstrate that risk would be mitigated to acceptable levels. Upon the approval of a new one-person operation, the company would be required to perform regular safety reviews and confirm the accuracy of its risk assessments. This information would need to be submitted to the FRA annually.

The FRA published its proposed rule about two weeks after President Joe Biden appointed the PEB in July. The rail unions had been pushing for the PEB for months, claiming that it would intervene as a neutral arbiter in a contract dispute which has lasted nearly three years. Because the appointment of a PEB results in two 30-day "cooling off"

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periods under the anti-worker Railway Labor Act, this was effectively a demand that Biden illegalize a strike which their own members had authorized by over 99 percent. Instead, the PEB issued a report in mid-August siding with the carriers, recommending raises that do not keep pace with inflation, the removal of a cap on workers' contributions to their health care benefits and the continuation of the ability of the companies to impose attendance policies unilaterally on their employees.

In spite of the largely toothless character of the rule, the railroads have responded with undisguised hostility, demanding no restraints whatsoever on their "right" to impose crew cuts. The proposal is "a solution in search of a problem," according to a statement from the Association of American Railroads (AAR). The group alleges "a complete absence of safety justification" for the proposed rule. But it undermines this argument by acknowledging the FRA's reference to the Lac-Mégantic disaster of 2013. In that incident, which occurred in Canada, a one-person crew failed to secure a train properly before leaving it unattended. The train rolled into a small town and derailed, causing explosions, fires, a mass evacuation and 47 deaths.

The AAR continues, "Railroad staffing and duty assignment decisions belong at the bargaining table," it said, meaning that the carriers and their accomplices in the union bureaucracy need a free hand to cut jobs without governmental interference. The group also complained about the cost and time that a petition for special approval and subsequent annual safety reports would entail. These requirements "may make it nearly impossible for carriers to move beyond the current staffing paradigm," said the AAR. In reality, the FRA itself estimates that that the number of new one-person operations each year will increase tenfold, from two to 20, in the decade after the rule takes effect.

The rail unions are hailing the FRA's proposed rule, which they claim would mitigate significant safety concerns. "The Class I railroads are actively pursuing the ability to fast-track single-person crew operations without having vetted or tested a single proven or reliable method of operation, because this is just about the only card they have left to play to lower their operating ratios," wrote Jeremy Ferguson, president of the International Association of Sheet Metal, Air, Rail and Transportation Workers-Transportation Division (SMART-TD), in a long-winded statement. "That is why this regulation is needed, and that is why it's needed with urgency."

Ferguson clearly relished the opportunity to strike a defiant pose and hold forth about workers' safety. It allowed him to try to cover up the fact that he had prevented his members from striking against BNSF's Hi-Viz attendance policy. As was clearly foreseen, the policy is now exacerbating overwork and fatigue, thereby increasing the risk of accidents. Despite workers' overwhelming vote in favor of a strike, Ferguson and the SMART-TD bureaucracy kept workers on the job and even enforced an anti-strike injunction handed down by a federal judge.

Ferguson and SMART-TD are preparing to ram through a sellout patterned after the PEB. Even though the union's most recent official statement declared that it was not yet close to a deal, they are merely biding their time. An official response to the PEB, issued days after the latter was released, played up the wage increases as the largest in decades. In fact, they are at 22 percent over five years, barely half the current rate of inflation. It has also been issuing joint "fact sheets" on Facebook with the Brotherhood of Locomotive Engineers and Trainmen, which regurgitates the AAR's talking points about the PEB report.

On Monday, the International Association of Machinists announced the first deals patterned after the PEB, indicating that the unions intend to prevent a strike, which could legally occur as early as September 15, by dividing workers up along jurisdictional lines.

For decades, SMART-TD has has allowed conditions on the railroads to worsen. It has given its tacit assent as the carriers cut jobs, extended hours and lengthened trains, all of which have increased the hazards to rail employees and the public. Derailments are now a daily occurrence on the freight lines. Ferguson and his confreres at the other rail unions occasionally protest these accidents for appearance's sake, but they are opposed to mobilizing workers in a fight for safety.

No fight for jobs and safety can be victorious if the initiative is left in the hands of the trade unions. These organizations stand completely discredited by their call for Biden to appoint the pro-company PEB, their loyal enforcement of the anti-worker Railway Labor Act and their decades of collaboration with the companies.

Victory can be won only to the extent that workers develop their own initiative and assert democratic control over their own struggle. This must begin with the building of rank-and-file committees throughout the industry.

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