

# Following train collision which killed two, US railroad unions try to orchestrate surrender in advance of strike deadline

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With less than one week to go before Friday's expiration of a government-mandated "cooling off period," the railroad unions are working desperately to cut deals to block the first national railroad strike since 1991.

Three days of government-mediated talks last week failed to reach a deal which covered all 12 of the unions across the major carriers. However, smaller unions continued to announce deals over the weekend. Bloomberg and the Journal of Commerce both reported that all but two unions have already announced deals patterned after last month's hated Presidential Emergency Board report. That Biden-appointed mediation group suggested contract terms including wage increases half the current rate of inflation, the elimination of caps to health care contributions and no change to the brutal attendance policies.

The two unions yet to announce deals are the largest by far, the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET). Together they account for more than two thirds of the rail workforce, around 70,000 people.

The cutting of separate deals by smaller craft unions, in open violation of a coalition agreement which is supposed to set the framework for unified national contract talks, are deliberate acts of sabotage by the union bureaucracy aimed at trying to isolate the engineers, conductors and yardmen in the SMART-TD and BLET. Workers in all 12 unions overwhelmingly want to strike, and responded with fury on social media in response to the deals.

On Sunday afternoon, the Brotherhood of Maintenance of Way Employees (BMWE) and the Mechanical Division of SMART (SMART-MD) both announced deals patterned after the PEB. This is significant because these unions are affiliated to BLET (both BLET and BMWE are part of the Teamsters union) and SMART-TD, respectively. In other words, the union bureaucracy are seeking to divide workers even within the same unions. Both contracts included the hated "me-too" clauses, encouraging workers to abandon their brothers and sisters holding out in other unions by guaranteeing that better terms secured by other unions would be automatically matched.

The announcements of the deals were characterized by lies and double-talk. The BMWE, for example, claimed that its contract contained significant improvements to health care and no changes to "co-pays, deductibles and out-of-pocket maximums." This is then flatly contradicted in the next sentence, which admits, "The Agreement does increase the employee monthly-cost share for health

and welfare benefits."

Also on Sunday, the Railroad Workers Rank-and-File Committee, an independent group of railroaders founded to fight against both the carriers and union sabotage of their struggle, issued its latest statement, "Railroaders have the upper hand! Organize now to demand national rail strike and rejection of PEB-patterned contracts!" It has received an enthusiastic response from workers. "It is absolutely fantastic," one worker said. "I love the idea that we need to stand up against a possible double cross by our unions. This needs to happen. I will spread this far and wide."

## Carriers gear up for potential lockout, courting intervention from Congress

Meanwhile, the carriers themselves are gearing up for a potential work stoppage. On Friday night, the Association of American Railroads (AAR) warned of possible service disruptions and declared its members "will begin to take steps to manage and secure the shipments of hazardous and security-sensitive materials," in other words, by refusing to transport them. There is an increasing possibility that the railroads will choose to lock workers out on September 16, prompting Congress to intervene.

Under conditions where both workers and perhaps even the railroads do not want an extension of the status quo after the deadline, the response of the BLET and SMART-TD has been to crawl on their bellies to the latter, begging for a deal. In a joint statement Sunday, the unions declared, "Our Unions remain at the bargaining table and have given the rail carriers a proposal that we would be willing to submit to our members for ratification, but it is the rail carriers that refuse to reach an acceptable agreement."

It continued, "In fact, it was abundantly clear from our negotiations over the past few days that the railroads show no intentions of reaching an agreement with our Unions, but they cannot legally lock out our members until the end of the cooling-off period. Instead, they are locking out their customers beginning on Monday and further harming the supply chain in an effort to provoke congressional action."

In reality, the railroads have stated that they want a deal patterned after the PEB. But they are appearing to rapidly lose confidence in the unions' ability to deal with the growing rank-and-file rebellion and

pass a deal which even remotely resembles the PEB. Instead, they are considering maneuvering towards Congressional intervention in the hopes that Congress will unilaterally impose the deal, without having to put it to a vote. Congress has done this many times in the past, including in 1991 when both political parties locked arms to pass an injunction against the last the national rail strike.

However, the ruling class is nervous about the proposition of Congress being relied upon to do so now, given that Washington is wracked in severe political crisis. In last week's talks, Labor Secretary Marty Walsh warned negotiators that "neither side should expect Congress to intervene to prevent a work stoppage," according to one account of the meeting by industry website *Railway Age*.

Even if Congress is able to intervene, however, this would be courting political disaster in the critical weeks before a tightly-contested election. It is also not certain that an injunction against railroaders would be enforceable, given their extreme anger and militancy. This could threaten to set off an explosive response within the working class as a whole, who has been pushed to the breaking point by rampant price increases and intolerable working conditions, as well as the pandemic.

It would graphically expose in particular the Democrats and the Biden administration, led by the so-called most "pro-union president in American history," who are conspiring with the union bureaucracy in critical industries to impose sellouts and prevent strikes. The unions, therefore, are desperate to bail Congress out by reaching a deal for either a contract or an extension before the deadline.

## **Two Union Pacific workers killed in second fatal accident in 10 days**

The push by the unions to enforce a sellout is all the more outrageous given that it comes only days following a fatal accident which exposed the conditions workers are fighting against. Neither the BLET nor SMART have acknowledged the accident on their websites.

Two Union Pacific crew members were ejected from their train and killed in a collision in Mecca, California early on the morning of September 8. According to the Imperial County coroner's office, they were declared dead at the scene. This is the second fatal incident in 10 days at Union Pacific, following a derailment in El Paso that crushed and killed a worker. The names of the two rail workers have not been released.

Last week's accident took place after their train was switched off the main track onto a siding, a length of track used for storage, loading and unloading, and to enable oncoming trains to pass. Indeed, an Amtrak passenger train headed in the opposite direction was able to come to a full stop, although it is unclear how or if these trains signaled to one another.

The train collided with parked rail cars on the siding with sufficient force to eject the workers from the train, derail the engine and seven rail cars, and destroy four of the parked cars. The National Transportation Safety Board (NTSB) has begun an investigation, but it often takes one to two years to produce a report.

The crash may shed light on the ineffectiveness of new "positive train control" systems (PTC), promoted by the railroads as not only a solution to head-on collisions, derailments and other accidents, but also as justification for cutting crew sizes down from two to one. The

Federal Railroad Administration mandated in 2008 that Class I railroads implement PTC technologies, which was completed by 2020.

PTC, which utilizes precision GPS, computerized coordination, and high-speed communications systems to provide constant signaling of where and how fast trains should operate, is crucial in the vast swaths of rail networks known as "dark territory," where signal control is entirely absent. According to Union Pacific, nine people and vehicles are struck by trains every day. The NTSB says half of the 130,000 railroad crossings nationwide have no signals or gates.

On social media, railroaders and their families shared their fears over safety issues in the rail industry. "I worry about my husband every day when he is on the train," said a worker's spouse. One rail worker commented, "We [are] hearing about way too many fatalit[ies] in our industry." Another referenced the disaster in El Paso: "3 fatalities in 10 days."

Another quipped ironically, "Yep, we don't contribute to the profits and they [could] care less about your safety." Another worker referenced the same infamous claim by the railroads: "Selfish. Did anybody here stop to check and make sure the shareholder's profit margin is still ok and to make sure we aren't contributing to company profits?"

Another worker referenced the claim by the railroads that workers are not entitled to share in profits because they are not exposed to the same "risks" as the companies. "Not exposed to risk, etc etc.. RIP brothers," Another wrote, "'Safer than a grocery store' ~ Cindy Sanborn," referencing the Chief Operating Officer of Norfolk Southern, who testified before Congress in June that railroads are safer than other industries, including grocery stores, and that workers should celebrate the "tremendous safety success stories."

One worker lamented, "Rest In Peace Brothers. Consequences of PSR...?" PSR, or "Precision Scheduled Railroading," is one of the hated attendance schemes which keeps workers on call 24/7 and heavily punishes them for absences. These create dangerous conditions where workers are made to operate trains, often stretching three miles long or more, with only a few hours of sleep.

One worker told the *World Socialist Web Site* that rail operators at his BNSF facility in Texas are effectively in a second tier for seven years, unable to take time off. As an older worker, he still had to apply for the Family and Medical Leave Act—a federal law protecting new mothers and the seriously injured from losing their jobs while recovering—in order to take the necessary days to recover from an illness, which nevertheless were deducted from his accrued time off.



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