

Norfolk Southern, rail union floated exchanging sick days for automatic track inspections

Tom Hall**3 March 2023**

Weeks after the disaster in East Palestine began, Norfolk Southern and the Brotherhood of Maintenance of Way Employees (BMWED) advanced talks to exchange four days paid sick leave for the union's support for a pilot program to automate track inspection.

It is not clear whether this quid pro quo was eventually agreed to. A draft letter agreement sent to the BMWED by Norfolk Southern, dated February 21, was later published by Jonathon Long, General Chairman of the union's American Rail System Federation, in an open letter to Republican governor Mike DeWine. The top of the letter is stamped with a note reading: "Proposed by NS; Not agreed to by BMWED." On February 22, the BMWED announced an agreement with NS to add four days paid sick leave, following similar maneuvers by other major, Class I railroads.

In the letter to DeWine, Long and the BMWED grandstand as bitterly opposed to the "level of disregard that Norfolk Southern has for the safety of the railroad's Workers, its track structure, and East Palestine and other American communities where NS operates." Long also presents it as though the proposal for automatic track inspection was proposed by NS and summarily rejected by the union.

But the attached letter itself makes clear that discussions on this were at an advanced stage and that the union had already agreed to it in principle. "During our discussion, it was agreed that the Carrier and the Organization would execute an agreement, the terms of which will provide employees represented by the Brotherhood of Maintenance of Way Employees with sick leave benefits," the draft letter states. "In

consideration for such benefits, the Organization will withdraw its letter in opposition to the Carrier's pilot ATIP [automated inspection] program and issue a letter to the FRA expressing its support of the Carrier's pilot ATIP program" between 60 and 180 days from the date of the letter agreement.

If the union backed out of the agreement at the last second, it was only because it was fearful of the explosive impact that this would have had among railroaders and the working class as a whole.

The ATIP, or the Automated Track Inspection Program, is a "foot in the door to eliminate track inspector positions," one CSX maintenance worker told the WSWS. "I'm not familiar with how NS will use this technology, or what kind of system they will use, but I know on CSX they attach rail cars with sensors to revenue trains. The data is sent to the inspectors."

CSX was the first railroad to announce four days paid sick leave for maintenance workers earlier this year. "From the moment we heard of these sick days we asked each other what was given up in exchange. We are being told by our union leadership that CSX gave these up out of the kindness of their heart. We don't believe it. The railroad gives nothing away for free, and these railroad executives are of a hive mind with no original thoughts and ideas. You can believe if Norfolk and Southern is asking for concessions, CSX did also."

The railroads have been emboldened since Congress intervened last December to unilaterally impose a contract that workers already rejected. A critical role was played by the union bureaucracy, which delayed strike action as long as possible until after the midterm elections in order to buy Congress time. While working hand in glove with Washington to prevent a strike, the

union officials tried to bolster illusions that the government and Congress would intervene on workers' behalf.

The same dynamic is at work in Long's letter, which appeals to Republican Governor DeWine to "use [his] influence and power to stop NS's reckless business practices." To make such a groveling appeal only covers up the fact that DeWine, as with the entire political establishment and both parties, is doing the exact opposite, covering for NS in the aftermath of the East Palestine derailment. DeWine rushed to falsely declare the water supply in East Palestine "safe" on the grounds of railroad-sponsored water tests, which were later shown to have serious methodological problems.

Only days after the anti-strike law was passed, the railroads announced similar pilot programs to replace on-board conductors with "facilitators," effectively reducing crew sizes to a single engineer. SMART-TD official Jeremy Ferguson falsely claimed that the contract would have at least temporarily put a stop to this long-standing goal of the carriers. In reality, SMART-TD had secretly been in negotiations to implement this program. Earlier this year, BNSF announced plans to hire non-union contractors to conduct maintenance work on locomotives, which the railroad had systematically put off for years in order to save on money and downtime.

The sick day agreements themselves are pure PR maneuvers, affecting only a minority of the railroad workforce, meant to distract from this and counter the bad press from East Palestine. The unions have been full partners in this, going out of their way to hail the CEOs of the railroads for "doing the right thing." But even these small concessions do not affect train crews, who work under the brutal, 24/7 on-call attendance policies such as Precision Scheduled Railroading and Hi-Viz. "Non-op" personnel such as maintenance workers, while also working under austere conditions, do not have these attendance policies.

Meanwhile, more is being revealed about the systematic neglect of maintenance by the railroads. The British *Guardian* newspaper published a report, based on leaked audio of a discussion with a manager, that Union Pacific had discouraged maintenance workers from tagging railcars for repair. "He refused to bad-order [mark for repair] cars for bad wheel bearings. My boss took issue with it because it increased our dwell

time," the worker told the newspaper. "When that happened, corporate offices would start berating management to release the cars."

"Most railroad workers are fighting against an entire system that only exists as a money-making apparatus to the wealthy," she concluded. "Those trains run through our towns, but they do not run next to rich folks' homes, nor next to our politicians' homes. This is a top-down problem."



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