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Surface Transportation Board
395 E. Street Southwest
Washington D.C. 20423

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Office of Proceedings
April 18, 2022
Part of
Public Record

RE: EP 770 Rail Service Hearing

Dear Chairman Oberman,

April 18, 2022

As a UP engineer with 17 years of service, I would like to add my two cents to the actual reasons behind labor shortages, which has become a huge topic among the industry, railroaders, and the unions alike. I believe that there are little bits of truth floating around, but neither the unions nor the railroads seem to get it, and I don't see a good resolution coming out of this any time soon. Let me start with an anecdotal saying that I heard from an old SP hand during one of my first shifts on the job in Roseville all those years ago. "Kid, do you know why we are paid so well?" I shrug my shoulders in response. "We are paid to be available on call, and for the inconvenience of our time." This saying has been there in the back of my mind ever since, and today it lies at the root of the manpower shortage the railroads currently find themselves in. Railroads, it seems, have lost sight of this altogether in a world of "competitive" salaries, which really is just business school lingo for manipulating people out of what they really should be paid.

Could anyone do this job? I have heard this from railroad management for years, and the short answer is yes. Technically, anyone can be a conductor or an engineer. It does NOT require a specialized degree from an ivy league school. There is however an immense amount of knowledge, experience, and skillset that goes into how to operate a train effectively or switch cars in a yard, or effectively manage industry switching on a local, and some people just never quite can get it. There is an immense amount of book knowledge and muscle memory that goes into doing the job effectively, but technically, yes, anyone could do it. There are plenty of careers that require no degree, but significant specialized knowledge and skillsets, and many of them pay far less than the railroad does. This is what the railroad means when they say they want to pay a more "competitive" salary.

Are railroaders all uneducated high school grads that can't do anything else? This is another one of those gaslighting techniques that the carriers love to throw out there in their propaganda meetings about how "the crews are screwing them." They love to say that we are overpaid high school grads. This is simply not true. I personally have a four-year business degree and manage my own rental properties and keep up-to-date balance sheets, income statements, and accounting records. Several of my coworkers have degrees and a few of them hold advanced degrees. Many of my coworkers are retired from the military, serving 20 years and discharging at very high ranks before beginning a career at the railroad. Others were small business owners, commercial farmers, or experts in fields such as welding and metal fabrication. They left for the promise of a good retirement, excellent pay, and excellent health insurance. The only thing they needed to do is to learn the job, be available for call, and allow their time to be inconvenienced by the railroad, just as that old head SP conductor once told me.

But the game has changed. We are no longer paid for the inconvenience of our time. There once was a time when railroaders were paid exceedingly well for the inconvenience of their time. In real purchasing power, they made salaries that were among the highest in the middle class. This is no longer the case and hasn't been for a long time. Our salaries are "competitive," as they would say in the business world, however, our work conditions are not competitive at all with the employee that works 9-5 with weekends off. This is completely understandable. It's the transportation industry. We will never get a 9-5 schedule with weekends off as long as crews have to travel out of town to keep the economy rolling. We know and accept that. With that fact in mind, we need to be compensated in a way that once again acknowledges that we are not normal office workers. So many railroad executives claim that our rate of pay is "outside the norm" for workers of a similar skill set. I would argue that this is misleading at best and a downright lie at worst. Let me explain

A round trip takes me 40 hours on average, I gross around \$1000 over these couple days, which sounds like a lot. We are paid a flat rate of pay per mile, no overtime, which is fair. If the trip takes 12 hours each way, which is common, then I sit in the hotel for 16 hours without pay, this comes to an hourly rate of \$27 per hour before taxes. We have away from home meal expenses which I will discuss later and this time is effectively lost to us as we do not resume pay again until we have been at the away from home terminal for at least 16 hours. We are federally licensed and certified employees with years of experience under our belt. According to Google, the average rate of pay per hour for a plumber is between \$45 and \$200 per hour. Electricians are between \$40 and \$100. Even jobs in fast food begin at \$15 or more per hour these days, and all of those employees are taxed at a lower rate than railroaders. The railroad is no longer an upper-middle-class place to work unless you work around 6 trips per paycheck, which is on average, 120 hours per week. Sounds nice, doesn't it?

We pay higher taxes. Many non-railroaders love to comment on our "excellent" retirement plan, without realizing that it's just social security under a different name. Yes, railroad retirement seems to be "safer" and it pays more, but most railroaders never even see it if they work as many years as it takes to actually collect it. You cannot retire until you're 60 years old regardless of years worked. So, if you were hired on at 19 years old, you would have to work over 40 years to get this retirement. With our lifestyle, which sadly often leads to divorce, poor health, obesity, alcoholism, diabetes, etc, many railroaders die only a few short years after they retire. In addition, railroad retirement isn't free. We pay tier two tax on top of the tier one tax that most people pay every check through Social Security. Between Railroad Retirement taxes and medicare tax, we pay a whopping 15% of our income, automatically before even one penny is spent on Federal or State taxes, and long before any of it actually hits our account so that we can buy the things we need to support our families (and pay taxes on that too of course.) This additional railroad retirement tax means that a non-railroad employee grossing \$92,500 is actually making the same as a railroader that grossed \$100,000 per year, but was never home. Plus, we are in the higher tax bracket for longer with no benefit as we cannot write off railroad retirement taxes against our federal and state income. This means that between Railroad Retirement, Federal, State, and Sales tax, the average unmarried railroader pays 50% of their income above \$40,526 per year. Married railroaders pay 50% tax on income over \$81,051 as these are the brackets where the 22% federal tax rate kicks in. With that much taken in taxes, and the rapid rate of inflation in housing, food, and nearly everything else, the railroad is rapidly becoming just another job that requires both parents to work just to make ends meet. That, by the way, was always one of the appeals to the railroad life, and what encouraged many employees to stay. The railroad was always a job that regardless of work conditions, could ensure that the mother did not have to work so that at least she could take care of the kids. This benefit is gone for most railroaders now, especially in the more expensive regions.

What about away from home meals? Away from home meals used to be a lucrative tax write-off to offset some of our horrible tax burdens. The tax changes a few years ago eliminated all of that for us. Everyone received double the standard deduction, so now hardly anyone has enough deductions to itemize on their tax return. We lost our ability to count up how many days we were out of town for the year (usually 150 or more) and write off that amount against our taxes. The "tax cuts" were a tax increase for railroaders as we now have the exact same write-off as our 9-5, weekend-off counterparts.

"But railroad companies are large corporations, don't they pay non-taxable meal allowances to their employees for travel? "

The IRS currently allows 60 dollars per day throughout all the USA for non-taxable meal allowances when traveling for work. Does the railroad pay that, or anywhere near it? No, they do not, and the unions are to blame for this. They never fought for an increase in the only portion of our paycheck that is not taxed. Consequently, as an engineer, I can be gone away from home for 48 hours or more sometimes, and I make 12 dollars for my non-taxable meal allowance. Meanwhile, one decent meal costs a minimum of 15 dollars before a tip. I'm taxed on everything else. It wouldn't even cost them anything to correct this.....just re-designate a portion of our pay as a nontaxable meal allowance and it would give us a significant raise to combat the high food inflation that is eroding our once excellent pay. There is however another "solution" that the railroad loves to tell us.....just pack a lunch box with all of your meals and don't eat out for 36 hours at a time. Yeah, because I want to do that for 30 years? Eat cold leftovers because the railroad is too cheap to actually designate some of my pay as a nontaxable meal allowance. Just more expectation of "competitive" pay without competitive work conditions.

Our union contract has been expired for several years now, but because of the railroad labor act, we cannot strike. No matter what the issue being discussed, the government always sides with the railroads in ruling even the most major dispute, such as taxes being improperly calculated as "minor," so that it must be settled via arbitration. We simply must continue working under our old contract until the eventual day that the next contract is crammed down our throats, losing ground to inflation. This contract will be big too. The unions and the carriers are at an impasse. They want one-man crews, they want us to have "competitive" health care plans, and they want us to have "competitive" pay. (remember what that means from earlier) Additionally, they arbitrarily change the attendance policy whenever they want to punish those of us that still haven't quit. Then they gaslight us by blaming us for taking too much time off under the previous attendance policy. Then they call us several times a night to step up off our assignment because of the endless "manpower shortages." This has very real, very major effects on our lives, health, and families. But since they claim this is just company "policy" and not an agreement, we have no actual say over our lives. Meanwhile, we worked faithfully and nonstop through their covid fiasco, and through endless quarters of record profits, share buybacks, unprecedented operating ratio success, and countless leaps and bounds in technology and efficiency advancements. We don't deserve to be left out in the cold while the railroad industry thrives on technological advancements, longer trains, and easy money Fed policies to prop up their share prices.

Yet, the saying goes, "more with less." It seems to be the slogan in all industries, not just the railroads. People of all industries are done giving any credibility to this abusive phrase. We are done with any company claiming to own our lives. We are done being told what we need to inject into our own bodies and we are done being thrown out with the garbage every time the railroad sees an opportunity to furlough. This time, the furloughs were different. There once was a time long ago, when the railroad furlough agreements were

written, when jobs were plentiful for the most part. It was still worthwhile however to wait for the day when your seniority was good enough to return to the railroad. Today the conditions have changed. Seniority really never gets better anymore. The promise and security is no longer there. The railroads pay an average salary and expect you to live a worse than an average lifestyle to earn it. The people that were furloughed during PSR for what seemed like an eternity all were rational humans beings acting in their own rational self-interest when they quit. And that interest told them that the railroad doesn't want them here. They do not want to negotiate on contracts as the law requires. In real purchasing power, they don't pay very well anymore, they don't care about your life or family and they actively lie and accuse the employees of being the cause of all of their problems. They are also openly on the record as wanting to gut our health care plan. Meanwhile, when you are working for the railroad, you pay higher taxes and ruin your health, social, and family life. The additional money that you pay into railroad retirement versus Social Security could be better spent on personal investments and the opportunity cost of railroad retirement is just simply not worth the hype that it is given. It was a natural and rational conclusion to quit and not come back when CMS started calling to recall furloughs. Bottom line, the railroad went too far this time and caused such a deep-rooted resentment among us that it may never go away.....in its employees, in the communities they serve, and among the regulators in the industry. Word gets out, and that's why they can't seem to hire anyone anymore. Everyone in those railroad communities across the country knows their game now.

They know without any doubt that the railroad industry is controlled by Wall Street hedge funds and it becomes even more abundantly clear each and every day. Even in my time at the railroad, the company is unrecognizable, and I could never in good conscience recommend it as a good place to work, nor lower myself to go into management, even though I had wanted to several years ago. Now, even I, a train lover, a railroad history enthusiast for life.....even I am counting my days and expanding my investment opportunities into other fields so that I can pull the pin early and leave the railroad to burn. Sadly though, even that is an end that I know is not going to be a reality. Companies such as the railroad no longer crash and burn when management cuts to the bone and runs their operation into the ground. They are too big to fail. They run themselves into the ground, and then they get a big taxpayer bailout as a reward. And that in itself is just another reason why the American railroad worker has lost their loyalty and drive to work to support the industry and their employers. We all know now that in the end, we are expendable and are allowed to fail. The railroad has made that perfectly clear.

Sincerely,

Michael Paul Lindsey II
Locomotive Engineer
Pocatello, Idaho

304329

Surface Transportation Board
395 E Street Southwest
Washington D.C 20423
RE: EP 770 Rail Service Hearing

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April 19, 2022
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Dear Board Members,

My name is Philip Oliver I am a 3rd generation railroader with close to 24 years experience. I am writing you because I have concerns about the hearing that the board is going to have with the class one executives so that the truth can be told. I am a yard Foreman and my last position was in Parkersburg WV. During my time there I encountered many serious service disruptions due to the lack of safety, manpower, locomotives, and yard and local operations. I will try to be brief but specific. Due to CSX lack of safety, manpower and implementation of PSR, our yard and customers have been turned upside down. I have witnessed trains such as the Q316 and Q317 sit in our yard for hours waiting on yard crews to switch it. Local cars for customers sit in our yard for days if not weeks. A few reasons why ,car inspectors were cut off in yard operations, they class one and inspect inbound and outbound freight. Yard switching crews are not qualified to do such inspections and were also being used to recrew trains and locals outside yard due to lack of road crews. More non- compliance cars or bad orders in the fill outs for trains and locals that should be switched out. Local service crews use to do yard work or recrew trains when they should be servicing the customers. This would also contribute to a 5 day a week and customers only getting service maybe 2 to 3 times a week if that. Which led to more congestion in yard with cars not making it to customers. And that brings it to the Mobil rail tool where the customers cars were being exceptioned customer reason, blaming the customers for not getting their cars so they could get them off the clock that monitors a cars dwell time. They were told to do so by yard masters and Train masters or MTO's etc. Interchanges in yards that were not properly planned and the manpower not to classify the cars. Also yardmasters did not show proper car counts due to not showing or building switch lists for bad order cars and using enroutes to hide switching operations and total moves on the inbound and outbound Q trains. There is a lack of maintenance in yard tracks that classify hazardous materials! They combined local and yard master jobs. I could go on but if the board was to get to the bottom of this, here is a list of issues that need fixed that could also help other places in class one railroads operations that could also lead to issues that could resolve passenger service problems. I also attached a letter and file from my representative Alex Mooney for more issues relevant to these disruptions and to verify what I am saying!

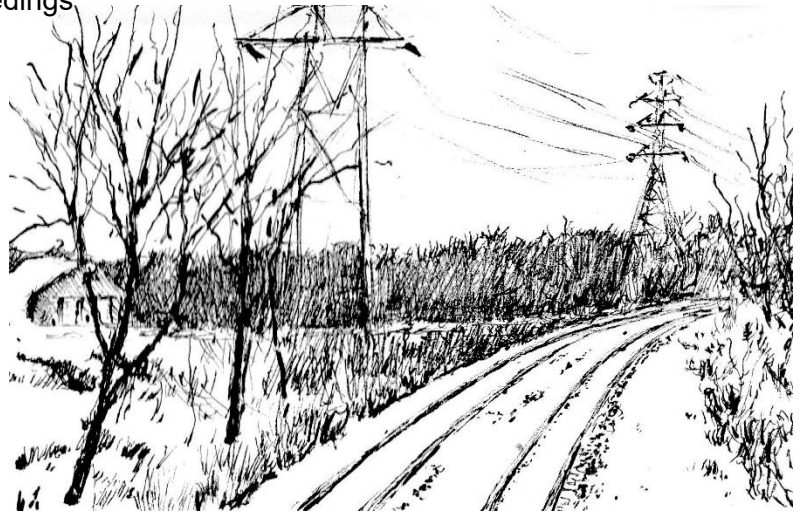
Philip N. Oliver
Yard Foreman, CSX Transportation

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395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing



Dear Chairman Oberman and Board Members:

Greetings, I hope this finds you all well.

A fellow engineer passed along information from another engineer, whom I have never met, Mike (17 years an engineer, like me, with a degree, like me [art, English]), which has led to writing this body.

The issues before you are customer service shortages and labor shortages.

I will address one issue on the topic of service shortages:

Precision Scheduled Railroad (PSR) MONSTER TRAINS.

The Surface Transportation Board already knows this; the FRA knows this, the shippers know this, the car owners/leasers know this, the executives know this, and certainly the front line knows all too well:

It is impossible to get goods to market in a timely way, when the train has derailed.

Monster trains keep derailing to the point where it seems, from almost all the above parties, this has become normalized and acceptable. What other conclusion can one come to: it keeps happening, on a routine basis.

Derailments of monster trains has become so frequent, that in my little section of the US economy (although a major artery) it has become a blur. It is hard to keep them straight.

By last summer, 2021, I thought CNN would just keep a helicopter out here, dedicated to the State of Iowa alone for aerals of the most recent spectacle. And just two weeks back, March 2022, one monster train, eastbound, derailed into a westbound train on adjacent track! Fate had it that both crews were ok. Yet: Is counting on miracles a valid operating model?

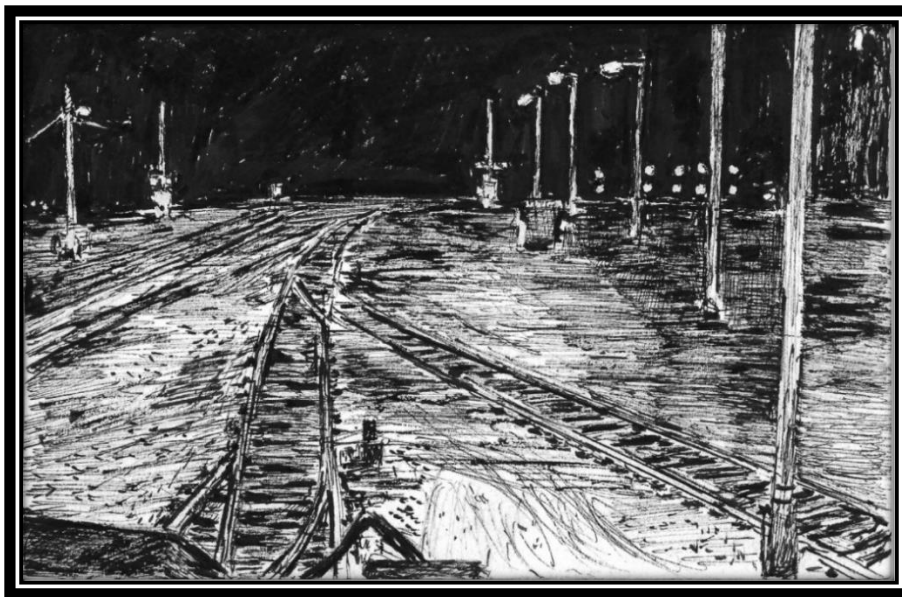
I can only conjecture what is driving all this, but all parties know, and are being driven by something, something that needs reigned in. For myself: I believe it is Wall Street greed and investor demands. 16,450 foot trains weighing 42,500,000 pounds are gratifying someone with power. Someone who wants it all and more. I believe it is those few, who live no where near here, who own their own private

islands and jets. This is far removed from laissez faire economics, or the neo liberal model, coming out of the 1980s.

Now we must ask: are we yet a country by and for the people, or for the few? You might not realize it, driving by a train on the road: but the infrastructure expresses something of the values and preferences of a society. It is an ever-changing barometer. The needle has now been buried to the side of winner take all greed: four plus years.

The result, irrespective of the culprit, is clear: campus communities with 25,000 students and don't matter, farming communities do not matter, watershed do not matter; the environment is less than an afterthought.

Here, I might expand on something Mike mentioned: "Railroaders are paid for the inconvenience of their time." It is an old saw, and it has some truth. I myself have made that Faustian Bargain: I have given up enormous amounts of home and family life for insurance, for a living wage, for a trade that is respectable; I do this for my family, which I simultaneously do not get to see. So: I rationalize it.



Yet I do bristle that I am paid mainly for this inconvenience.

Here's why: It takes one's life blood to learn and apply this trade. To run even a, say, 'simple', traditional grain train: 6,700 feet, 28,000,000 pounds, through the ice fog of a late February night, applying the physics of the horsepower and weight to a landscape you cannot see, *but must*

know—every inch of, every hill and dip, every crossing, every signal mast, -- is something no office worker can imagine. It is lived truth. Not one mistake can be erased, filed away.

This is what I am paid to do. But Mike is right: not everyone can do it, it is a learned skill. I ask you to imagine the hardest thing you ever tried to get good at, that took you to the very quick of your being, and imagine, at the same time, that should you make any mistake, it can all be washed away.

And these monster trains over the last 4 years? Because there is an underlying workforce with this hard won knowledge, they succeed far more than they might otherwise. Yet our trade is being degraded, blame is invariably laid at our feet, the default reflex of the industry—and to a large degree, as evidenced by FRA Reports governing derailments—you will see the worker here, too, is guilty until

proven innocent. It is time for the FRA to examine satellite reports, and back-office servers in these investigations. While that may be much harder than drawing a blood sample out of my system, as if I were a veterinary specimen, it needs to be looked into, by the government, along with these extreme PSR practices.

Meanwhile, I assure you, waiting for that call to run a 16,850 foot PSR train is dreadful: we all know what can happen, at any moment. A pallor of dread for 12 to over 17 hours awaits. These trains are not already big enough for the carrier: we must pick up more cars for the PSR dream, with a conductor 13,800 feet away, *reversing into a rail yard* for more cars.

No railroader I know, were she made CEO, would continue this operational model. She would *know* it was not in her interest. In a generous mood, I believe the CEOs know, too. But they are being driven. They are being driven by a force that the regulatory body alone must step in and control.

Gentleman and ladies: it is time to use the authority that is yours. The time for studies (as in the last spending bill) has passed. I ask you to take charge of this situation. If extreme greed is like an addiction, it is time for an intervention. If the SEC should have stopped Madoff; the STB and the FRA should stop Precision Scheduled Railroading --PSR.

From a recent letter to Tom Malinowski, New Jersey, Representative, and Committee Member Railways, Pipelines and Hazardous Materials:

TO MALINOWSKI, 7th District NJ, March 2022:

. . . Here's why: PSR has given engineers trains almost impossible to control. Shareholders roll the dice with communities, cities and the environment daily. They don't live here.

Trains have more than doubled in length. Imagine a train 16,400 feet in length weighing 17,500 tons: that is *3 miles 560 feet and 35,000,000 pounds*. One train. And it is hauling hazmat, tanks of say, chlorine gas, or anhydrous ammonia. Here: just *one* tank car alone weighs 131 tons, that is 262,000 pounds. To give an example from history, 262,000 pounds of chlorine gas is approximately 2/3 of what the German army used during the trench warfare of all of WWI.

One tank car alone.

And then we pick up more enroute! My conductor three miles away while I *reverse this train* into an active rail yard! Crossings don't matter, and communities? Are you kidding?

No sane country would move materials like this. These trains exceed the coupler and drawbar limits of the very cars themselves. The risks the class one carriers are taking is a race to disaster. It is absolutely dreadful and grotesque.

Another Precision Scheduled Railroading—PSR--factor in supply chain failure.

Even when the majority of these trains PSR make it, without dramatic ends, they rarely get across the road during a crew members hour's of service (HOS) time limit—which is 12 hours.

Several factors:

The rail infrastructure, in particular rail yards and sidings, were designed and built during the great industrial age. They did a lot of things right: they overbuilt bridges, for one. But it is not a failure of imagination that they could not foresee, from a sane perspective, that someday the bosses would want to normalize 15,000 foot trains.

Yards and sidings do not accommodate this scale. It is a clash of function and design. So, imagine this: a 15,800 train with distribute power locomotives placed in the middle and at the rear of a train, come to work a station with 4,500 foot tracks and need to pick up and set out cars in the middle and rear of the train. This will not be lickety-split.

Yes: crew after crew expires on HOS. It is incredibly tense work shoving 12,720 feet of train, with a *human being* holding on all the way back there, well over two miles away, *in reverse*, into a rail yard, to pick up, say, 23 more cars. To then add those cars and run a battery of required air tests on the train, before departure. The scale of these trains compounds the time required to make these moves *many fold*. Sometimes, in the winter, the train's brake system cannot be adequately recharged to allow the train to depart.

And while this is happening, another monster train is waiting outside town (losing their on-duty time) to do more of the same! Now, both trains need to be recrewed.

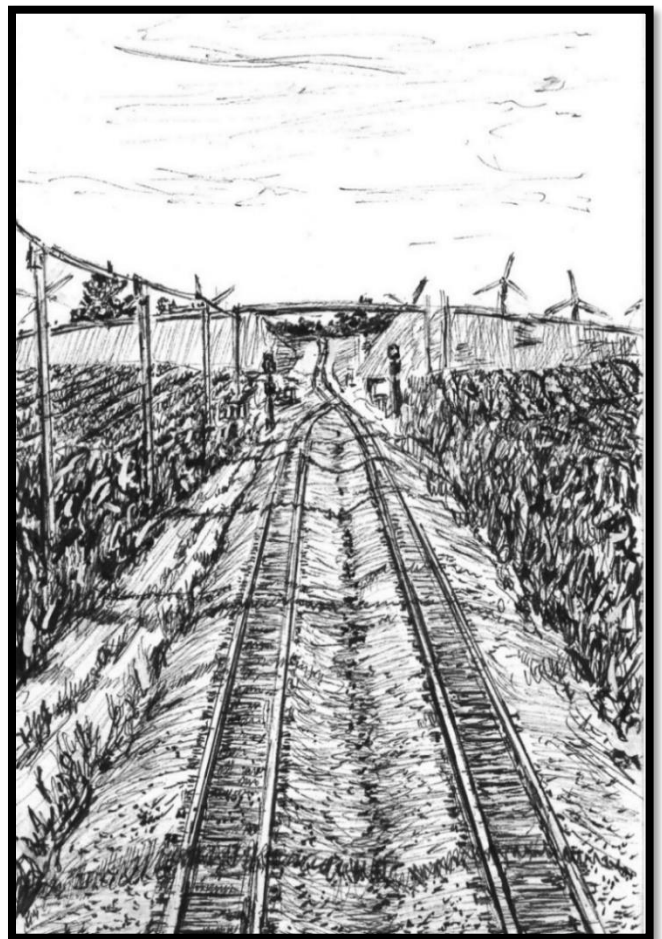
This is another reason people are leaving: There is no human being I know, who can take being called at 7 PM, for a 9 PM job, and go through this to finally arrive at the hotel at 2PM *in the afternoon*, without an impact on their wellbeing. It is brutal.

Should the industry show any of the ample pictures they must have of crews falling asleep or being portrayed as useless lumps, keep this extreme reality in mind: We are human, we are exhausted. It is getting worse, and people are leaving.

What about any of you? Are you hiring?

Respectfully,

Matthew DeLay,
Ames, IA



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Surface Transportation Board
395 E Street Southwest
Washington DC 20423

RE: EP 770 Urgent Issues In Freight Rail Service

April 20, 2022

Dear Chairman Oberman,

As a BNSF engineer with 21 years of service, I would like to cover the issue of fatigue, and why the railroad industry's focus on Precision Scheduled Railroading (PSR) is actually accelerating employee attrition, degrading health and productivity, increasing the likelihood of accidents and injuries, and placing the public at risk while disrupting on time deliveries. Prior to the railroad I worked as a Safety Director of a trucking fleet and have a BS in Industrial Management. My testimony is based upon my professional experience with safety.

The Class 1 railroads have never taken safety seriously in terms of fatigue, aside from creating videos and pamphlets about the effects of sleep deprivation and how to mitigate its effects. During my 21 years of service, I have never seen the industry actually address workers on duty schedules in a manner that would lead to predictable work schedules and predictable sleep. To the contrary, the industry has moved towards Precision Scheduled Railroading (PSR) cutting over 29% of the work force (45,000 employees), while placing an even greater burden with less predictability upon the remaining work force in order to satisfy stockholders. The industry has made great strides in terms of reducing physical injuries using training and technology over the years, but they have never honestly addressed fatigue because to do so would require them to retain a greater number of employees.

Fatigue is a Serious Safety Issue

Train service railroad workers are expected to be available 24 hours a day, 365 days a year and up to 12 hours on duty with additional time accrued in transport, while waiting for transport or babysitting trains Dead on the Law (DOL). The vast majority of train service railroaders work "on-call" either off the extra boards, or on pool turns awaiting to be called out any time of the day or night. Due to the various agreements, crews can suddenly be moved up and called out 12 hours or more due to manpower shortages, which makes it almost impossible to get predictable sleep. Furthermore, engineer qualified conductors (ground hogs) can be immediately called for work as an engineer without any advanced notice when the engineers board is depleted. The chronic understaffing of the extra boards has been around for decades, but Precision Scheduled Railroading has further reduced staffing levels of the extra boards as the railroads focus on reducing manpower. The net result of cutting the extra board to the bone, is the pool turns become a defacto extra board. Pool turns are then routinely paper deadheaded to move conductors and engineers up to be called out often many hours in advance of their anticipated on duty call times. Call times are not much better at the away from home terminal (hotel), after crews rest out. It is not uncommon for crews to be stuck at the hotel for over 24 hours, waiting to be placed again on duty working home fatigued.

There are numerous sleep studies documenting the physical adverse affects of working variable shifts including: irritability, trouble concentrating, impatience, loss of focus, slower reaction times, degraded short term and long term memory, difficulty making complex decisions and reduced situational awareness. Health impacts include disruption of the circadian rhythm, hormone dysregulation, lack of Vitamin D, digestive issues, hypertension, diabetes, sleep apnea, chronic fatigue syndrome, obesity, depression, heart attack, and stroke.

In addition, because of the unpredictability of their schedules, railroaders experience even higher levels of stress, insomnia, divorce, and excessive sleepiness than the general public.

The recent changes in attendance policies of all the Class 1 railroads due to Precision Scheduled Railroading (PSR), has placed even more pressure on the remaining employees to get the work done, resulting in longer hours at work, less time at home and missed deliveries to customers. Overworked employees are more prone to sickness, injuries, and long term chronic health problems, which creates the conditions where employees end up qualifying under the Family Medical Leave Act (FMLA). As a result, the railroads lose the productivity of the injured employees, and the remaining employees face even less predictability which the railroads claimed would be solved by the new attendance policies. You simply cannot solve the issue of "fatigue", by cutting the work force. Fatigue is a safety issue, and I urge the STB board to require the railroads to implement plans which lead to more predictable line ups, and adequate staffing so customers are not turned away due to a lack of manpower, and safety is not compromised.

Technology Is Not A Replacement For Safety In Terms of Fatigue

There have been great safety advances in railroading recently, including smarter wayside detectors and Positive Train Control (PTC) technology which can safely stop a train. However, because of Precision Scheduled Railroading (PSR), the railroads are leaning heavily on technologies that maximize automation, to the detriment of employees in terms of fatigue. Trains are now double, sometimes triple in size, which makes it more difficult for employees to handle if there are mechanical problems, communicate with each other, let alone open up crossings for emergency response personnel. Automated dispatching and onboard train systems are often running trains slower to maximize on duty times of employees vs the number of trains handled over a given territory, which is increasing the amount of time employees remain on duty. Cuts to mechanical forces, throttle limitations and the tendency to run the fewest number of locomotives online under PSR is putting more demands on equipment and personnel. Often breakdowns in the field have to be solved under very demanding and dangerous conditions which places employees at greater risk.

The railroads are using automated systems for crew calling and train lineups, but that does not automatically translate into more accurate or predictable lineups. Due to poorly automated lineups, crews often spend the maximum time on trains and at hotels wondering when they will go to work, and minimal time at home with friends and family. The stress of being away from home for so much time, while constantly watching the phone to check for the latest lineups, or figuring out how to lay off without violating the attendance policy makes it difficult to meet family obligations and creates fatigue. Employees have to figure out how to work through attendance policies that block their ability to bridge time off to make doctors appointments, birthdays, deaths, and weddings and can be penalized for taking earned time off in certain situations. Transportation workers work more hours than most workers in America, yet the railroads continue to demand even more each year under Precision Scheduled Railroading (PSR) through automation at the expense of worker health, safety and fatigue. I urge the STB to require the railroads to take a hard look at fatigue for the safety of workers, the general public and so goods can be delivered in a reliable, timely and safe manner.

In closing, it does not have to be this way. There already are examples of visionary leaders and companies in America that work with their employees instead of attempting to squeeze the life blood out of them at the expense of safety. Precision Scheduled Railroading (PSR) is just the latest craze in a long line of destruction caused by Wall Street greed at the expense of hard working employees, the public and the shippers.

Thank You,

Kyle Haines
Locomotive Engineer
Hood River, OR

RE: EP 770 Rail Service Hearing

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Dear Chairmen Oberman,

As an engineer of a Class I railroad with 10 years of service, I would like to take some time to tell you about my experience thru my career with the railroad. In my short time with the railroad I've seen many coworkers quit or be fired most with little experience on the railroad, but in recent years coworkers with 10+ years of experience have started to leave. This is the number one question that should be asked of all Class I railroads: Why are workers leaving at an alarming rate?

In my opinion this is due to a harsh way of life only made worse with the implementation of points based attendance policies and a lack of being paid for the inconvenience of no schedule (on call 24/7). It's the only industry that treats its customers and employees as if they don't need them to make money, when this is the only way railroads make money.

Since I started with the railroad a lot of things have changed. I will name just a few and how it has impacted service as well as cut the workforce in half at the class I railroad I work for.

1. 0 throttle above 40 MPH. This means that when a train reaches 40 mph you are required to go out of throttle regardless of the track and trains top speed. This may not seem significant, but could delay shipments by days.

2. Throttle limitations to reduce HPT(horse power per ton). Again this limits how quickly a train/shipment will get to its destination. I typically run grain empties and mixed freight with throttle limits of 5 to 7 in order to conserve fuel. This can lead to excess delays to loading facilities and ports.

3. The invention of Power Limited TO (trip optimizer). A new version of a program has come out in recent years that takes the 0-40 throttle and throttle limitations to a whole new level. This program was designed to run the train in a fuel saving setting but in all actuality uses the same amount and slows trains down further. On average this makes a 3 hour trip take 4 hours, which may not seem like a lot but when compiled over the trains final destination can add significant delays to freight.

4. Reduced nightshift Carmen or Roundhouse employees. Typically a station is staffed with Carmen/Roundhouse employees who inspect inbound and outbound trains 24/7. Currently my terminal has neither on duty at night, which may set a train back an additional 12 hours. For example an empty grain train would show up at 2130 and would need an extended haul airtest done, but since the carmen go home at 2200 it would not be done. This inspection would be done on the day shift a full 8 hours later. Another example is an outbound train is waiting for locomotives off another train that arrives during the same time and those require fuel, with no roundhouse employee on duty the locomotives will sit for the day shift to fuel and service them.

5. Over tonnage and insufficient locomotives on trains. Typically a train at my location will be sent out with 1.0 hpt, which means a train will be sent out with a

total weight of 8,800 tons with 2 locomotives. In recent years, a shift has occurred to put as many cars on a train as possible reducing that HPT to .8 and having trains stall out on hills. Another shift is having a train built and more tonnage shows up with the same destination as the train. Instead of waiting for the next train the carrier adds that tonnage and will now have to wait for a third locomotive that's a day away, furthering the delay of the shipment.

6. Poor hiring practices and employee retention. Two times in my career I have seen the carrier hire employees only to furlough them right away. Previously, most of those employees would return but being laid off for 1.5+ years in both cases has not helped them retain employees.

7. Doing more with less. This has been a saying tossed around by management in the past two years. Your guess is as good as mine as to what the less is. They have reduced their workforce by almost half and continue to lose employees at an alarming rate with this new attendance policy. Locomotive fleets have been reduced and put into storage. Currently, they claim locomotives are being brought out of storage, yet we wait for locomotives on a daily basis.

In closing I would like to express how dire this situation really is. We like to talk about a "supply chain crisis" in America that to me means let's get all hands on deck. Class I railroads have taken the opposite approach, at the cost of their employees and customers. Employees and customers without whom, they would not make record profits year after year. Something needs to be done or we will continue to see corporate greed destroy a once great job.

Sincerely,

Joseph Smith

Locomotive Engineer

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

Dear Chairman Oberman,

I have worked as a train, yard and engineer employee for one of the class one railways for almost 26 years. (Hired out in September 1996). In my career I have seen numerous changes. Some were minor in the grand scheme of things and others were very significant. I want to state for the record that the current change of policy and practice is tectonic in its width and breadth. Never have I seen or experienced such a concerted effort to make every location as miserable as possible to work at. I do not believe for one minute that this Hi-Viz policy is just a coincidence. In my opinion it is part of a concerted effort to create resignations and terminations so that the class one railways can stand in front of a hearing much like this one and say something like "We cannot retain employees. They keep quitting. We cannot get new replacements to stay or apply either." "If you would just allow us to go to one man crew we could actually staff and move the nations freight, but until then our hands are tied."

I won't cover the new draconian Hi-Viz policy in this letter, but I wanted this board to be aware that 90% of the resignations and terminations that the class one is complaining about are a result of the heinous Hi-Viz policy. That policy is having its desired effect. It is depleting manpower, and the railways want to now say the fault is not theirs, "Its those darn lazy railroaders who refuse to come to work". The manpower shortage is a self-inflicted wound by the railways.

The supply chain choke point on the railways, likewise, is a manufactured crisis. Up until the last 48 hours we had specific instructions to put the engines into idle if our speed increased over 40 mph on track where authorized speed is 70 mph. The Trip Optimizer technology until recently was programmed to auto run the trains at speeds sometimes 45mph below the authorized track speed. The railways may also tell you that they have removed the 5/50 throttle restrictions. This is a red herring. The vast majority of trains run, are required to utilize a "cruise control" type technology (Trip Optimizer), and the programming in that technology runs the trains at guess what speeds? You are correct. Speeds, mind numbingly lower and slower, than anything that has been seen before.

On a different subject, the railways have been annotating train delay with the excerpt "Crews not available". This once again is an outright falsehood. There are almost always crew available. The exception comes when managers hold crews at the away from home terminal so long that the home terminal runs out of staffing. This is purely a failure and refusal to manage manpower.

The never-ending quest for profitability that has been placed over the needs of our nation must be accounted for. I would suggest a partial re-regulation of the railway industry until the senior managers understand that the needs of our nations supply chain and workforce, outweigh their insatiable hunger for productivity increases per employee and unchecked profits.

I will apologize for the ungainly gathering of words and phrases in this letter. It has been made very clear that if I refer to any one railway that I will be terminated for violation of General Code of operating rule,

1.2.6, 1.6 and 1.9. I would like nothing more than to be able to testify in person, but the draconian Hi-Viz policy has put a pinch on ANY personal time off.

Best regards

Steven E Snyder,

Local chairman for the Brotherhood of Locomotive Engineers and Trainmen.

509-570-8065

Surface Transportation Board
395 E. Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

Dear Chairman Oberman,

I am writing in response to the Surface Transportation Board's inquiry into Class I railroads. As a spouse of an engineer I would like to specifically speak to issues of recruiting and retaining employees.

My husband was hired 10 years ago. At that time and up until February 1st, 2022, he was afforded five (5) weekdays and two (2) weekend days per month. He did not have scheduled days off or a schedule to know when he was going to go to work. While this arrangement is unconventional for most, we were able to live a life where my husband could be an active participant. We would plan ahead for birthdays, parent/teacher conferences, appointments, or a mid-week outing with our children. When BNSF came out with the "High Impact Day" policy, we shifted our planning and hoped that maybe he would hit RISA, an allocation for a vacation or PL day may be available, and he avoided taking off most days identified as "High Impact". Again, this isn't conventional, but when my husband was hired, we knew that he would miss some events and we created our own traditions.

Since February 1st, the new attendance policy has become so restrictive and demoralizing that it feels like my husband is not part of our lives. During a town hall meeting, prior to implementation, employees were told to "save points for when you *really* need them." How is one to know when you will "*really*" need them? It takes 14 days of being available, without using FMLA, Union Business, personal leave, or vacation days, to earn back 4 points. If one "High Impact Day" were used, it would take an employee 8 weeks to make up for the loss of 15 points.

The week before this policy started, I tested positive for Covid-19. The day that I was to return to work, our 6 year old tested positive. Instead of being able to share in the care of our child, my husband continued working. If he had laid off to care for our child, while I went back to work M-F, he would have used **35 points**. 35 points for caring for his child. Based on that amount he would have been past his lifetime allotment of 30 points, had a 10 day unpaid suspension, been given 15 additional points, but 5 would be deducted from the time he laid off for our child. He did the calculation as soon as the school nurse informed us of the positive test. Instead of thinking of our child he thought about work. Could he lay off to help care for our child? How many points would it cost? What if there is an emergency and he doesn't have any points left?

You ask why Class I railroads are having difficulty hiring and retaining labor--this is why. TY&E employees are unable to care for their own children, spouses, other family members, or themselves. Accuracy of call predictions have not improved, resulting in increased fatigue and

concern of safety. Attendance policies have become so restrictive that employees have no work/life balance. This has always been an unconventional job, but when you are unable to be a spouse, parent, or take care of your own health needs, then at what point is this not worth it? Due to unpredictable schedules and lack of a predictable sleep schedule, railroad employees have increased risks of chronic fatigue, divorce, addiction, obesity, heart disease, and the list goes on and on.

New conductors get 3 Personal Leave days, 1 week of vacation, and are expected to be available at least 90% of their lives, as opposed to 75% prior to Feb 1. Being on call does not mean that you can plan to attend family events and it does not mean you can make an appointment to address chronic or acute health issues. In rural areas it also means you need to stay where you have reception and be at the terminal within 1.5 hours; this can be a very small radius. Being available means that unless you are lucky enough to have a PL day or vacation day **and** there is an allocation you will likely need to reschedule appointments multiple times due to the unpredictability and inaccuracy of line ups. This results in not addressing physical and/or mental health, incurring cancellation fees, and possibly having to move to different providers based on their office policies. Furthermore, the rate of pay has not increased to incentivize people to take this line of work; at this time there are jobs that pay similar hourly rates *and* have predictable schedules; two things that are important when attracting new employees and retaining current ones.

For decades, Class I railroads have cut their labor force in an effort to increase profits for shareholders. With the strain of a global pandemic, a more restrictive attendance policy was implemented. Since then, approximately 1,000 TY&E employees have resigned. Class I railroads have created this labor shortage themselves, which negatively impacts the supply chain. This is not a new issue; this is the direct result of years of implementing PSR and trying to cut every bit of fat from their companies and now they are cutting the muscle. Now, Class I railroads wonder why current employees, who had every intention of staying for 30 years, are leaving and there aren't people lining up to take their place. There is not a shortage of people willing to work; there is a shortage of people willing to work for companies that do not care for and about their employees. Mental health matters, fatigue and rest matter, customer service matters, the safety of crews and communities matter.

Sincerely,

Alex L. Kosanda

Surface Transportation Board
395 E Street SW
Washington, DC 20423

ENTERED
Office of Proceedings
April 20, 2022
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Re: EP 770 Rail Service Hearing

April 20, 2022

Dear Board Members,

My name is William M. Brownfield and I am a current employee of BNSF Railway. I have been employed by BNSF for 20 years as a Conductor. I am frustrated and saddened at the current state of BNSF and their management.

BNSF has changed completely since I first began working in 2002. At that time, we had union contract agreements with BNSF, which they followed to the letter. In more recent times, since 2018, BNSF has completely disregarded any union contract agreements and is not bargaining in good faith. The most recent example is the new High VIS attendance policy. This High VIS policy has disregarded the most recent contract on attendance. Employees are given 30 points forever. There is no refreshing your points every 90 days as other railroads do, such as Union Pacific. BNSF gives employees 30 points only. You can earn four points, IF you work or are available for 14 days straight. If you use a vacation or personal leave day, your 14-day count restarts.

Employees cannot earn more than 30 points. So being available or working for 14 days in row, has no incentive. There is no reward or bonus to pad your 30 points. Since the High VIS implementation in February 2022, many TYE employees are very low on points, with virtually no way to earn back significant points. Many employees have quit or are retiring because of the constant pressure to work without any down time. The further problem with this situation is BNSF, of their own doing, is now short staffed in Galesburg, Illinois and many other depots across their territory.

When a TYE employee is home, they are constantly called after ten hours (FRA rest) to jump up and take a train to any destination, whether the employee is qualified to go to that destination. So, employees, who would normally have 48-hour rest cycle for the Kansas City pool, are now being called after ten hours. This interrupts sleep, doctor appointments, family plans, etc. Personally, I have been called eight times in one night to jump up. Out of these eight calls, I was qualified for one direction. If BNSF's Chief Crew Caller implemented the computer program that would identify which destinations the TYE employee is qualified for, this would reduce the number of calls to unqualified directions. This can be remedied by BNSF easily! As a matter of fact, I have reached out to BNSF Human Resources and Labor Relations departments to explain the importance of this issue, with little to no response.

As an employee used to a 48-hour rest cycle, it is difficult to get into the habit of sleeping as soon as I return home from a trip. I have lost an abundance of sleep, family time, and health with the current state of the unknown. The rest cycle changes between each trip. The online mainframe that we have always used to gauge when we would be called for work is no longer accurate. The board may say I'm not going to work within the next 24 hours, but I'm being called in ten hours instead. I was once confident when called to report to work that I would go to Kansas City—my board's destination. Now, I can be called for Kansas City, Creston Iowa, or La Crosse Wisconsin. Or, I can be called for many

destinations that I am not qualified for such as Chicago, Quincy Illinois, Madison Illinois, Centralia Illinois, Peoria Illinois, along with many others.

In the vane of saving money, BNSF is making trains so long that they can barely get over the road in 12 hours. This results in trains being tied down in sidings and on the main lines. This also adds to the lack of available crews, when TYE employees are on duty for as long as 17 hours or more. BNSF dispatchers are not concerned with getting TYE employees off trains and to their destinations. Again, this is further compounded by the lack of crew vans as well as relief crews.

Once the TYE employee makes it to the away from home terminal, the lack of available hotel rooms in the BNSF contracted hotel, delays the start of many employees' rest cycles. Many TYE employees are shuffled between hotels when the contracted hotel is full or will not accept any more railroad workers.

On a personal note, I have suffered two significant injuries that can be directly attributed to BNSF and the conditions of ballast and debris along the tracks. My first injury in 2004 was a severely twisted ankle. The ballast along the track was loose and provided no traction and shifted as I stepped off a car. The trainmaster took me to the emergency room in Chicago Illinois. The trainmaster insisting on taking photos of my boot. He insisted I take off my boot for a photo before my ankle could swell. Once the swelling came on, he refused to take another photo. The trainmaster came into my treatment room without my permission and would not leave. In addition, the trainmaster spoke with the doctor without my permission as I was being treated. This is typical action by most BNSF trainmasters. I felt at the time that I was being accused of lying about my obvious injury.

In August 2016, my train went into emergency requiring me to tie my train down. As the air was recovered, I was walking back to begin untying the hand brakes. As I walked back to begin my work, I tripped on a piece of plastic sheeting that was not properly removed from the ballast causing me to fall forward. The resulting injury was two tears in my rotator cuff and a fractured ball joint. Again, it was if I was lying about my injury.

This information, which may not be relevant to the situation at hand, is demonstrative of the treatment of TYE employees at BNSF Railway. I loved my job at BNSF as a train conductor. I believe that many of the steps BNSF is taking is to cull their workforce down so they can move to engineer only crews. I no longer love my job because of the actions BNSF has instituted. The High VIS policy is just another slap in the face to long-term employees.

Please do not hesitate to reach out to me with any questions. I am happy to further discuss the issues facing BNSF's TYE employees.

Thank you,

William M. Brownfield
BNSF Conductor #B1534155
(309) 401-9236

Surface Transportation Board
95 E Street Southwest
Washington D.C. 20423

304342

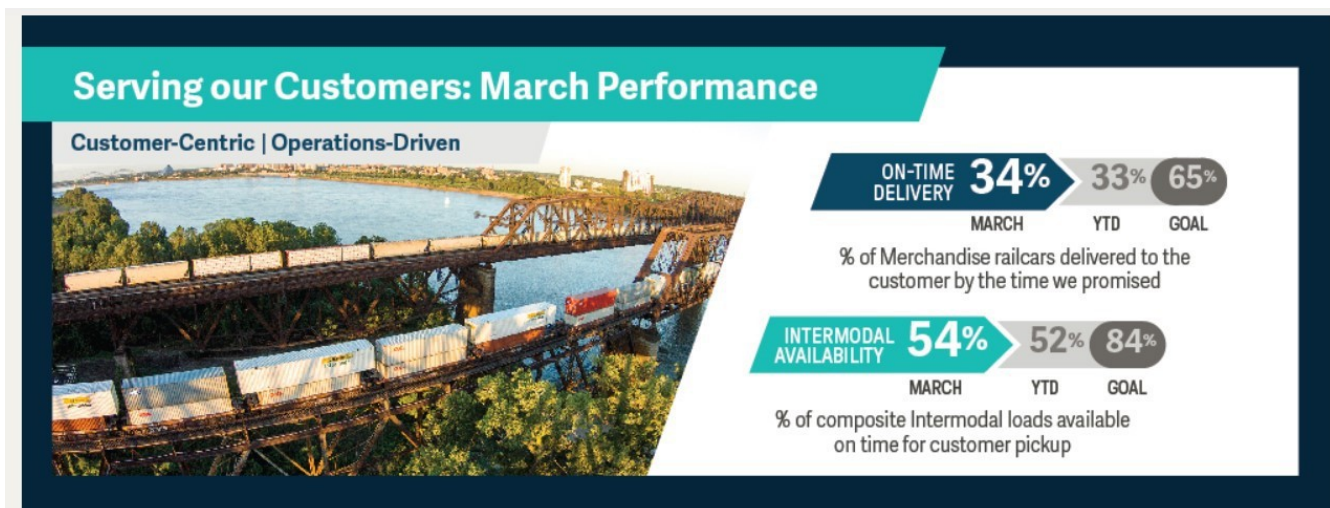
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Office of Proceedings
April 21, 2022
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RE: EP 770 Rail Service Hearing

2022-04-21

Dear Chairman Oberman,

I thought you and The Board would find this recently posted info-graphic from my employer, Norfolk Southern, enlightening.



While Norfolk Southern acknowledges their “service product” is not where it needs to be, does anyone else besides me find it alarming how dismal the service actually is? Year to date, barely 50% of intermodal customers loads were available for pick up on time! The company's stated goal is [only] 84% “on time,” so it can be deduced that, for now, Norfolk Southern is satisfied with 16% of their intermodal customers not receiving their shipments “on time.” How is rail's share of intermodal shipments expected to grow given such shameful performance?

Even more egregious are the abysmal metrics and goals for merchandise, car load traffic. Barely a third of the customers have received their shipments “on time” this year, and the existing “goal” would leave 1/3 of the customers with expected late shipments.

Most disturbing is knowing Norfolk Southern and other railroads definition of “on time” exists within a “vacuum of time” they have created. Each railroad has their own self-proclaimed definitions of what constitutes an “on time” shipment. “On time” for an intermodal shipment may be within 1-6 hours of actually arriving within the promised delivery time. Worse, for merchandise and car load traffic, a railroad's definition of “on time” may be within a window of several hours or within a range of days when the car is actually placed for unloading at a customer.

Could you imagine the chaos and unpredictability if the rest of America's transportation supply network attempted to function with their own concepts of time and “on time?” Clearly, the railroads have found themselves “on the wrong track” with their profits and greed before people and customers mentality. America's Class 1 railroads have squandered any opportunity before them during the last 5 years to restore service levels and avoid hearings such as this one and the unwanted spotlight. They have demonstrated an utter disregard for their common carrier obligation to the nation and their customers. The railroads have disdain for their operating employees and treat them as a liability and nuisance. I strongly urge The Board to consider whatever meaningful regulations are necessary to put the nation's Class 1 railroads back on a customer focused track... with demonstrable and meaningful results. Our national economy and the remaining workforce depend upon immediate, corrective actions.

Respectfully,

Steve Broady /s/

Locomotive Engineer, Norfolk Southern Railroad
Greensboro, NC

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

Dear board members,

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April 21, 2022
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I am a 2nd generation railroader, following my fathers footsteps who served the Burlington Northern/ BNSF Railway for 42 years, retiring a handful of years ago as a Locomotive Engineer. I have worked for the BNSF Railway for 8 years as a Conductor and Locomotive Engineer, and had the privilege to work with my father and have him teach me to become an Engineer. I have been a union representative and involved in multiple safety committees.

It is no secret that PSR has ruined the railroads and their ability service to customers, the majority of the railroads in question today have publicly praised this practice of reducing labor and making record breaking profits at the expense of the customers and employees that rely on them. We all know that the supply chain crisis has impacted everybody, but these railroads have been capitalizing off of this. BNSF intentionally runs its trains at the bare minimum horsepower per ton and also limits speeds, and throttle position, causing excess delays, and longer trips for employees, further implicating the shortage of crews, railcars, and delay of key shipments. Although BNSF has a surplus of locomotives in storage, trains will often wait for days account insufficient power to run the trains, further affecting train lineups the TYE employees rely on and delaying shipments from leaving the ports.

The railroads clearly have not been trying to bargain in good faith and offer a fair contract, and at a time where labor is short and their profits are record breaking, they are trying to cry wolf. Sam Macedonio (BNSF Railway, Labor Relations) said it himself in a November 2021 WA State virtual work session, that during contract negotiations they, “take into consideration, many of things; pay levels, sickness benefits, vacation, time off, scheduling, lots of different things and always try to balance the rights of the employee with the needs of the company to make sure employees can earn enough money to make the job attractive, as well as we can pay an amount that will attract employees as well as give us a way to efficiently serve our customers.” It is basic economics that these Class 1 railroad companies fail to understand. The labor market is tight, supply is low, and demand is high. Instead of trying to offer a fair contract to maintain employees and attract new employees, they instead enforce new, stricter attendance policies which does the exact opposite, and their attrition rates will speak the truth of this issue. It is no wonder why these companies are having a hard time managing their workforce, but the ball is in their court and they refuse to play.

I am happy to report that I am no longer working for the BNSF Railway. When I hired on I thought I would never have to look for another job again, that this was it. I was proud to carry on my father's legacy. But in my 8 years I have only seen conditions worsen. Longer slower trains, longer trips, longer stays in hotels, less employees, less predictability, less allocations to take earned days off, and a horrendous company safety record. The new attendance policy was the final straw for me. I understood when I hired out that I would miss some holidays, some weekends, and some other special events to spend with family or friends, but I never signed up with to miss all of them! The expectation from the BNSF Railway is absolutely unreal and unsustainable, which is why my me and a hell of a lot of other people have called it quits. My mental and physical health have suffered severely due to their inability to offer any kind of rest schedule, predictability, or them being capable of keeping enough people employed. A few years ago, my father got diagnosed with diabetes and unfortunately lost his leg and most recently his big toe, my mother has suffered from 8 strokes and is incapable of taking care of herself. I applied for FMLA about 6 times and only had one of them approved until I got furloughed and then no longer qualified for the hours. I recently applied for a personal leave of absence to address my mental health and tend to my parents, but due to the amount of people who have quit due to the new “Hi-viz” policy, and their self-inflicted manpower issues, they denied my request. It is unfortunate that these once great jobs have become such garbage.

Thank you for hearing my testimony.

-Travis Usselman

Dear Chairman Oberman,

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Office of Proceedings
April 22, 2022
Part of
Public Record
EP 770

My name is Dave Manning and I have been employed as a railroad employee for 17 years. I am currently a locomotive engineer and I work out of Galesburg Illinois. I primarily move freight trains to Chicago and then back to Galesburg. I'd like to share my perspective as an employee at the ground level as to why I believe the class 1 railroads called to this hearing are failing to reach their full potential.

I'll start this letter of testimony today with a Feb 11th, 2022 quote from BNSF CEO Katie Farmer during a scheduled event at TCU College where Katie was invited to be a speaker. During her interview, she mentions a discussion she had with Executive Director Jeane Saroca in regards to the shipping crisis, and why so many ships were stacked up at the ports. During the discussion, she asked Director Jeane Saroca, and I quote, "what's the main obstacles to really solving this, and he said LABOR". Here is the link to the video if you wish to watch it.

<https://www.facebook.com/163502416997218/posts/5415118361835571/>

I agree with Director Jeane Saroca. Labor is a huge issue as to

why the railroads are not living up to their potential, and why they are failing the American consumer.

Let's address why there is a labor issue on today's railroad and how its downfall began. When I hired out in 2005 the railroad was considered a great career opportunity. We mainly managed ourselves, worked to our full potential, ran trains to their full potential, and we all did a little extra to get the trains over the road. The attitudes of my coworkers back in 2005 were leaps and bounds much better than they are today. Morale wasn't always perfect, but it existed in 2005. If you so much as mention Morale at work in today's railroad you'll be met with hysterical sarcastic laughter. In 2005 there was mutual respect at the ground level for the most part between crews and management

Then, 2017 happened. Every since then, it has only become worse. In 2017 CSX bought into Hunter Harrison and his PSR philosophy. I'd go into detail as to what PSR is, but I am quite sure that you all already have a good idea as to what PSR is and does. His original version of PSR was supposed to increase the worth of the CSX sustainability, but in the beginning, it failed miserably. His cost-cutting, penny-pinching measures almost put CSX into bankruptcy, but since the CSX invested such a large sum of money into what they believed to be the messiah of railroading, Hunter Harrison, they choose to stick it out and let Hunter adjust his PSR to perfection. So, Hunter Harrison made some adjustments in hopes that his new version would be a game-changer. Unfortunately, he didn't live long enough to see how pathetically flawed the actual concept is, and how it now has every class one railroad CEO peering through their dollar sign imprinted contact

lenses looking to appease greedy investors. As the CSX failed, all the other class 1 railroads sat back and took notes. It didn't take much time for all the class 1 railroads to adopt their versions of PSR, even though some fail to admit it to this day.

PSR is complex and relies heavily on cutting costs, cutting crews, and data to back it up. In my opinion, the data given is usually corrupt and untrue. This is what happens when upper management puts a lot of pressure on lower management to make numbers happen, so a lot of times, that's exactly what they do. Make them up. In reality, PSR is destroying American class 1 railroads. The main objective of a PSR world is to do as much as possible with as little as possible in an effort to increase profit. When you are willing to run your railroad based upon a heinous and draconian philosophy of railroading, you are also bound to be met with a labor issue. At some point, the employees will reach their limits of tolerance to the sadistic micromanagement, and evil availability policies that are imposed to weed out all those that refuse to dedicate 90% of their life to ensure the carriers and their wicked system fills the pockets of the almighty investors. Many loyal, hard-working employees are currently resigning in record numbers from all the class 1 railroads, and the railroads have done nothing to stop that bleeding. Perhaps their greed and poor judgment are aligned with further goals such as imposing a 1 man crew, and if that is what their goal is I would like to see something done because this is a blatant attempt to reduce the workforce to bypass the railway labor act, and union negotiations. The carriers have publicly shared their goal of running trains with just 1 person for many years now, and this could be their queen move within their game of chess to make that happen. Until they do something

to work with the workforce to make the lives of their employees better, you will continue to see the "labor" issue become greatly worse. I, myself do not foresee making it into next year with the currently imposed availability policy from the carrier I work for.

Another menacingly corrupt concept the PSR ideology brings to the table is the idea that intentionally slowing down trains system-wide will ensure that the average velocity rate will increase across the system. This means, that almost all trains that are not high-priority freight for the last 3-4 years have been regulated not to run faster than 40 mph while in power. Some trains have notch restrictions that keep them from ever reaching a speed of 40 mph. I have personally been on many trains that never reached a speed over 25 mph because of all the notch restrictions, and locomotive isolations required. This means the only time a non-priority freight train moves faster than 40 mph is when it's going downhill. The carriers have also programmed their trip optimizers to run the train in auto-control accordingly to ensure speeds over 40 mph are rarely reached. The carriers claim this is also fuel saving program. So the surcharge, which I'm sure is added to the costs that the customers pay, is being salvaged by slowing down the customer's freight delivery in an effort to increase the wealth of the carriers. They claim to put the customer's satisfaction at the top of their goal list but in reality, they know that each one of the railroads has monopolized many portions of the country, and they know that a large majority of their customers are limited with choices. They know that a displeased customer today is still going to be displeased customer tomorrow, and the customers will pay for bad service just the same as they would for great service because that carrier's service most often is the only service available. I mean,

what are they going to do about it? The answer is nothing, and the carriers know that.

At the end of the day, all of their cost-cutting antics are simply making trains go from point A to point B much slower. This causes late deliveries and creates bottlenecks of traffic throughout the system. Slower manifest trains often end up slowing down the higher priority freight as the faster train catches up to the slower train forcing it to move much slower until the high priority freight can move around the slower train. Naturally, a butterfly effect follows when a cluster of trains is running close together especially when they reach the end of their destination. This will often lead to several trains needing to be dog caught in route because the original crew has expired within their hours of service.

Another butterfly effect of this PSR ideology is in correlation to poor train lineups that all TYE employees must rely on to have an idea as to when they will go to work. These lineups over the last 5 years have been the worst lineups I have seen in my 17-year career. I had a better idea as to when I was going to work 15 years ago than I do today. Looking at lineups today is frankly a waste of time. They can and do change by 12 to 24 hours in a matter of minutes. When we can not rely on any sort of accurate train lineup to determine when we will go to work next, we're left to guess. When our guesstimate is wrong, we're often forced to work ill-prepared to fight fatigue. These carriers have done next to nothing to alleviate the critical fatigue issues that plague our workforce. If anything, these carriers have only made it worse with their

unreasonable and career threatening availability policies. A tired workforce is a slow workforce that creates an unsafe work environment for the employees and the public. Crews are already being overworked from the fear of taking a day off, so they continue to work until they are federally mandated to take 48 hours off. With the drastic reduction of crews and the remaining crews being overworked to the point of federal protection, what's left is a huge lack of labor. Without the necessary labor in the workforce, the carriers are forced to let their trains sit on the mainlines for several hours or days at a time. If these carriers continue treating their employees the way they do, soon they won't have many employees left because many are deciding that the pros no longer outweigh the cons. The pay and benefits are no longer worth the toxic work environment in which the carriers continue to make more toxic daily.

From my perspective, it is apparent that the carrier's penny-pinching and unsafe tactics have created enough chaos to catch the attention of the STB, and that forced you to enact this hearing today. So I ask, how much longer will you allow the customers to be ripped off and disappointed in the name of greed? Do the employees and the smaller customers matter even a little bit anymore, or should we all submit to the power of the corporate elite? Do several small businesses and corporations need to go belly up before anyone does something about the reckless behaviors of these corporate juggernauts? When will enough actually be enough?

This leads me to my next subject, morale. In my 17 years on the Railroad, I have never seen morale at such a toxic low. We have talented locomotive Engineers and Conductors resigning from these carriers and leaving behind 15 to 20+ years of experience and dedication solely based on how the Carriers have decided to treat us. I cannot name a single coworker who feels appreciated or wanted by the carrier. We all feel like the carrier sees us as an enemy, and they would love to get rid of all of us. They hate that they must employ us, and they treat us accordingly. During my time in the military, I learned firsthand that soldiers with poor morale very rarely achieve the desired mission accomplished results. The carriers want to call us team players; if that's the case, as it stands, we're not even playing the same sport, much less on the same team. If the carrier would choose to begin mending all of the despicable tactics and strong-armed behaviors that they have imposed upon their employees with their soul-crushing policies, morale would improve substantially. A team atmosphere can still be salvaged, but it's going to take a lot of doing on the part of the carriers. Studies show that employees with a better, more positive attitude will significantly improve the success of a company overall. This will never be achieved when every one of us feels like we are selling our souls to the devil to maintain our lifestyle as we work within the realms of an employer that changes our terms of employment monthly. Most of us did not sign up for this, nor do we deserve the way the carriers treat us. We have put up with countless hours of moving freight at all hours of the day and night. We have missed so many events in our family's lives that we will never get back, and we sacrifice our mental and physical health to appease these carriers just to be slapped in the face time and time again. Those of us who remain feel we are working on expired time and our last day could be at any moment.

All of the above is why we have a labor problem, and only the rail carriers can fix it. It's time for the to lace up their shoes because the ball is in their court, shooters are open and the shot clock is getting near zero.

These are just a few thoughts from me, a locomotive engineer at the ground level. I know much more will be exposed today as I also assisted my union affiliate to obtain countless stories from across the United States, as well as physical evidence. I know they will help you understand fully what is really going on, and I thank you for taking the time to investigate the issue at hand, and for reading my words into testimony.

Sincerely,

Dave Manning

Locomotive Engineer

3094135440

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

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April 22, 2022
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Dear Board members,

I'm a locomotive engineer with almost 8 years of seniority. When I hired out I took a great deal of pride in my work and my ability to do it well and without fault. In my short time in the industry the job has become an almost unbearable strain on my mental health and the health of my family as a unit. The reasons are plain to see to anyone working train service no matter the carrier. Mine has just been the lone holdout till recently. The recent years have seen the Industry downsize its workforce by a third while attempting to handle the same, and sometimes higher amounts of traffic, all in the name of corporate greed. Me and my coworkers constantly see record profits being posted year after year all while fighting to get thirty dollar claims paid. I think that us in the industry and a lot of the workforce in the country in general has lost hope that anything will ever get better. I see my family less and less as BNSF tightens its attendance policies on its on call employees. Where is hope going to come from? Inflation is up over seven percent. We'll most likely see a raise of maybe half that whenever a contract eventually goes through and that's with Union representation. We've been barred from exercising any kind of self help that would give us any kind of leverage in our situation and our company knows this. These are the results of corporations running rampant with little oversight. Great for the shareholders at the expense of putting employees through the meat grinder.

I apologize for rambling on. I could go on all day. I've spent the last two years as an "essential employee" through an unprecedented "supply chain crisis" and I'm tired. I'm sure the company is going to use this opportunity to cry for less oversight and the ability to use one man crews to help deal with their manpower shortage that they've created for themselves. So I ask that we not let these corporations throw the blame where it doesn't belong and let them admit that this is a problem that they've created and let them fix it in ways that are showing some semblance of respect for the people it employs and services. The whole industry saw E. Hunter Harrison get off without as much as a slap on the wrist for his problems with CSX after its implementation of PSR. I plead with you to not let the industry as a whole off that easily for doing the exact same thing

Charlie Jeffcoat
Engineer
Legislative representative BLET

These are my personal opinions and feelings. Nothing I state is meant to reflect on anyone in a derogatory manner.

I've worked for Bnsf for 25 years now. I've never been suspended. When I've made a mistake I've owned up to it, and took the alternative handling. I've never had low hours. Up until now I've never received discipline for availability. Over the decades I have volunteered my services for extra work. For handing over the Carlsbad subdivision to the south west railroad. Was called upon to help take back the Carlsbad subdivision. Was happy to help even though I didn't see my family much of that time. I gladly take engineer students, because I love to teach.

A handful of years ago my local chairman asked for my help. He wanted me to run for legislative representative, and I was voted in. I talk and write Congresspeople at state and national levels weekly. Make trips to Santa Fe and DC. I meet with the FRA. All to help my coworkers my brothers and sisters. When my friend a Road Forman of engines got sick and had to take leave I was asked to help fill in because I was considered an expert on the workings of the Carlsbad subdivision.

The reason I'm telling you all these things is to establish that I am not a part-time employee. I'm not, and never have been a slacker. I go to work. I go to work even when this company holds me off my turn at my away from home terminal for emergency work. Even when my vacation is starting I will do the extra work.

September 2001 my son Sammy passed away. Of course I laid off a lot at that time. The company noticed that I was laying off more than ever. I got a phone call from one of Bnsf's secretaries asking if everything was OK. I said what had happened. She said don't worry about work, or your layoffs. Then food was delivered for the next two weeks. Over the last year or so I've lost my grandma, my father, and my best friend, also an engineer. On November 20, 2021 I finally won my case with the veterans affairs for my combat related afflictions and other Persian gulf/desert storm problems I suffer from.

My family and I were very excited not only to be recognized by the VA but to now be able to get the help I need. So I took some days off to celebrate life with my family on the days they were off. Sometime in February I get a certified letter from this company. Saying I'm in violation of attendance guidelines. I'm to report to investigation unless I sign a waiver with a 10 day record suspension. I refuse to sign this. I was shocked, angry, and very disappointed in the company that doesn't care at all anymore. No calls to see why my pattern has changed so drastically, or to inquire why. Hey Charlie are you OK? No I wasn't! Allegedly in a 90 day rolling period, November 2021 through January 20 2022, I took off one weekend day to many. I was allowed 6 days I took 7.

I was also allowed 16 weekdays but only took 8. That's right I gave this company 8 extra days I didn't have to. This company's own rule states "managers should never act in a rigid or wooden manner, and in every case should use common sense."

I was also awarded 3 good attendance letters for the year of 2021 including working memorial day, the day my vacation started, and Fourth of July in emergency service.

I went over 1 day in 25 years. I refuse to sign their 10 day record suspension with admission of guilt. I resist their "rigid and wooden" interpretation of the attendance policy.

I am currently suspended for 10 days without pay on the old attendance policy that was canceled on February 2, 2022. I am not the only one. This happens all the time. Now we have a new policy called hi- viz. It is the most draconian anti-worker policy I've personally ever seen. Many of my members are afraid to use their names. I am not.

For the 1 day over in 25 years I had to take 2 days off for the investigation. I'm off on a 10 day suspension. It will take 1 day to mark up back to work at the end of my suspension. So the company was worried about my impact of 1 day over on the company and my fellow workers. They take me out of the workforce without pay for 13 days. What impact did the company put on the workforce for those 13 days? Where is the "common sense" from their own rule? If I were to take these 13 days at the hi- viz. point value it would equal 39 points. That's 9 points over having another suspension.

I personally believe the new policy is a punish only system. I've never seen the morale this low in 25 years. I believe people are being subjected to undue stress worrying about their points. Kids birthday or save points. Anniversaries or save points. My VA appointments or save points. You get 30 you can only use 29. Funeral or save points. Graduation or save points. I worry about keeping the points balance high in case of illness or emergency. I work in emergency service all the time for this company. What do I get for it? I get an auto generated postcard in the mail. For helping with their emergency. When I have an emergency in regards to my family I get points deducted.

Thank you for you time
Respectfully
Charlie Jeffcoat
Clovis, New Mexico

304388

Surface Transportation Board
395 E Street Southwest
Washington, D.C. 20423

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Office of Proceedings
April 21, 2022
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RE: EP 770 Rail Service Hearing

April 20, 2022

Dear Chairman Oberman,

I am writing you this letter in regards to the Hi-Viz Attendance Policy the BNSF Railway has implemented. I was diagnosed with COVID-19 in January, 2021. I missed 5 weeks of work. In March of 2021, I was diagnosed with Long Covid Syndrome. I missed work for doctors appointments and procedures and then missed 6 more weeks of work in June 2021 due to Pulmonary Rehab. I have fatigue issues to this day from having Long Covid. I applied for FMLA in February 2022 for my Long Covid but was denied due to not having enough hours in the previous 365 days. In order to qualify, you need 1250 hours worked. I had 1206 I believe. I did not qualify because I had an illness that was not under my control. I would not need FMLA if we did not have this Hi-Viz policy. I was able to manage my availability under the previous policy without coming close to getting in trouble.

Today, I went to my doctor for my annual physical. He asked me several questions about my mental health and assessed that my antidepressants need to be upped due to anxiety and depression. I have been on the same meds and dosage for over a decade without any issues. I now have to up my dosage due to my working conditions. This is not acceptable to me, to be honest. But I, along with many other people, am stuck in this situation because at 47 yrs old, what am I supposed to do with my career if I want to have a retirement plan when I am eligible to retire? This is where this company wants us. My doctor is concerned that this kind of working conditions will have dramatic effects on my overall health. If I am forced to go to work fatigued and/or sick, not to mention not being able to have my general health needs met, it could be catastrophic. He talked to me about scheduling my annual mammogram. I told him that I do not know when I would be able to make that appointment because I do not know when I will be home and I

cannot take several days off work just to be home from an appointment. He stressed that if we were to catch breast cancer early, the survival rate is much higher. We all know this but BNSF doesn't seem to care because they are not willing to take a doctors note for such a procedure.

I could go on with many more reasons that this attendance policy is too strict but I'm sure you have heard from many other people on that as well. Please understand that we are not asking for the world here. We are simply just trying to take care of our health and well-being.

Thank you for your time!

Melinda Byerly

BLET DIV 13 Vice Local Chairman

Locomotive Engineer

La Crosse, WI

309-351-3154

Melab23@yahoo.com

April 22, 2022

Mr. Martin J. Oberman
Chairman, Surface Transportation Board
395 E Street SW
Washington DC 20423

Dear Chairman Oberman,

You are in recent receipt of a letter from Mr. Michael Paul Lindsay II, a locomotive engineer working for Union Pacific Railroad. For the record, I am in 100 percent concurrence with Mr. Lindsay's position and the points he raises.

My name is Paul Schmidt. I have worked in BNSF Railway's signal department for 15 years, the past 10 years as a signal electronic technician in Seattle. As a signal ET, I am at the top rung in both signal technical expertise and base compensation for union-represented personnel.

In 2012, my assigned duties encompassed about 50 route miles inside and around BNSF's Seattle Terminal. Today, I cover nearly 100 route miles in and outside the Seattle Terminal. And with the advent of Positive Train Control, the amount of equipment I am personally responsible to maintain and be proficient with has doubled as well.

But have my wages increased proportionally? No, they have not. They have remained essentially static against the rising cost of living, especially in the Puget Sound region, as have the wages of all my colleagues in BNSF's signal department. And now, due to steep inflation, we are losing ground even faster. And yet BNSF, which is pumping millions of dollars every day of net income derived from record profits into the coffers of Berkshire Hathaway, wants to increase our pay by a miserly 2.5 percent annually and significantly increase our share of healthcare costs.

Moreover, even though our contract states that signal ETs are not in on-call positions, I have been recently threatened by signal management with abolishment of my job if I am not on call, even though I (and all of my colleagues -- ETs, signal inspectors and signal maintainers) are not paid to be on call. There is a caveat, however; we must by contract "protect" on weekends, for which we must be available from 6 a.m. Saturday to 6 a.m. Sunday. For that 24-hour requirement, we are paid only 8 hours straight time. For the remaining 16 hours that we are expected to be available, we receive nothing. I am essentially paid for about 2,350 hours straight time a year but expected to give almost 3,400 hours of additional service without compensation. No other industry in this country operates in that manner.

Four of the 10 people in my work group, including me, will turn age 60 this year. None of us has yet attained 30 years of service. Yet some like me are giving serious consideration to retiring at or just after age 62, regardless of our service years, just to get something of our Tier 2 retirement benefits and get away from BNSF. Sound Transit light rail is hiring signal maintainers at starting wages 30 percent higher than my current base rate. I'd leave BNSF today for light rail, but I would lose all my Tier 2 retirement benefits doing so. Thus, I am trapped for at least the next 27 months.

I used to look forward to coming to work every day. All that changed beginning seven years ago when spy cameras started being installed in our vehicles, coupled with the realization that I was consistently losing ground in wages, with the intimidation tactics used against me and others for not being on call, and of course giving away our quality of life by staying on call for free.

All this reinforces what Mr. Lindsay points out -- railroading is not the well-paying career it once was. The carriers treat us as expendable commodities, hiring and furloughing human beings as if we were merely locomotives or freight cars to be put into or taken out of service as traffic levels dictate.

This is largely why the carriers are short-handed. People like me and untold numbers of other railroaders have for several years now told our sons, daughters, neighbors and friends, "No, you really don't want to work for BNSF or any other Class 1 railroad you care to name." After several years of getting this message out, the effects are finally beginning to be felt, abetted by a hot labor market.

Greed drives everything the railroads do -- even "safety" initiatives. They don't care about us; they only care about not paying claims, not paying fair wages commensurate with our skills and risks involved in our work, not paying benefits, making us do less with more, and using intimidation to keep us available 24/7/365 without just compensation.

We've had a bellyful of this. We're tired and discouraged. Morale? That's just a word in the dictionary. Something needs to change. Perhaps reregulation, to include federally regulated compensation. Perhaps converting the carriers to quasi-public utilities charged with contributing to the nation's good rather than Warren Buffett's cash pile. Whatever the answer might be, something needs to change.

You and the STB can make a difference. We, and the nation, need you to do so.

Sincerely,

Paul Schmidt
Sequim WA

Dear Chairman Oberman,

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April 22, 2022
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My name is William J Powell III and I have been employed as a railroad employee for 8 years. I am currently a freight conductor/switchman and I work out of Kansas City, KS and Kansas City, MO. I primarily move freight trains as an extraboard road conductor as part of a relief crew or filling in for a pool turn. I'd like to share my perspective as an employee at the ground level as to why I believe the class 1 railroads called to this hearing are failing to reach their full potential. I've had to "chase" work all 8 years except for one when I was furloughed for 15 months from January 2016, which is normal in this career but in a "supply chain crisis" one wouldn't expect to chase work with all the container ships in the ocean and all the grain that needs to be moved and yet there are locomotives in storage all over the country. This makes no sense to me nor does "throttle restrictions" in the name of saving fuel but yet passing the cost on to their customers. In my opinion these Class I railroads do not have the supply chain crisis in their best interest. It seems their only concerns are cutting costs and astronomical profits for the shareholders

I'll start this letter of testimony today with a Feb 1, 2022 quote from BNSF CEO Katie Farmer during a scheduled event at TCU College where Katie was invited to be a speaker. During her interview, she mentions a discussion she had with Executive Director Jeane Saroca in regards to the shipping crisis, and why so many ships were stacked up at the ports. During the discussion, she asked Director Jeane Saroca, and I quote, "what's the main

obstacles to really solving this, and he said LABOR". Here is the link to the video if you wish to watch it.

<https://www.facebook.com/163502416997218/posts/5415118361835571/>

I agree with Director Jeane Saroca. Labor is a huge issue as to why the railroads are not living up to their potential, and why they are failing the American consumer.

Let's address why there is a labor issue on today's railroad and how its downfall began. When I hired out in 2005 the railroad was considered a great career opportunity. We mainly managed ourselves, worked to our full potential, ran trains to their full potential, and we all did a little extra to get the trains over the road. The attitudes of my coworkers back in 2005 were leaps and bounds much better than they are today. Morale wasn't always perfect, but it existed in 2005. If you so much as mention Morale at work in today's railroad you'll be met with hysterical sarcastic laughter. In 2005 there was mutual respect at the ground level for the most part between crews and management

Then, 2017 happened. Every since then, it has only become worse. In 2017 CSX bought into Hunter Harrison and his PSR philosophy. I'd go into detail as to what PSR is, but I am quite sure that you all already have a good idea as to what PSR is and does. His original version of PSR was supposed to increase the worth of

the CSX sustainability, but in the beginning, it failed miserably. His cost-cutting, penny-pinching measures almost put CSX into bankruptcy, but since the CSX invested such a large sum of money into what they believed to be the messiah of railroading, Hunter Harrison, they choose to stick it out and let Hunter adjust his PSR to perfection. So, Hunter Harrison made some adjustments in hopes that his new version would be a game-changer.

Unfortunately, he didn't live long enough to see how pathetically flawed the actual concept is, and how it now has every class one railroad CEO peering through their dollar sign imprinted contact lenses looking to appease greedy investors. As the CSX failed, all the other class 1 railroads sat back and took notes. It didn't take much time for all the class 1 railroads to adopt their versions of PSR, even though some fail to admit it to this day.

PSR is complex and relies heavily on cutting costs, cutting crews, and data to back it up. In my opinion, the data given is usually corrupt and untrue. This is what happens when upper management puts a lot of pressure on lower management to make numbers happen, so a lot of times, that's exactly what they do. Make them up. In reality, PSR is destroying American class 1 railroads. The main objective of a PSR world is to do as much as possible with as little as possible in an effort to increase profit. When you are willing to run your railroad based upon a heinous and draconian philosophy of railroading, you are also bound to be met with a labor issue. At some point, the employees will reach their limits of tolerance to the sadistic micromanagement, and evil availability policies that are imposed to weed out all those that refuse to dedicate 90% of their life to ensure the carriers and their wicked system fills the pockets of the almighty investors. Many loyal, hard-working employees are currently resigning in record numbers from all the class 1 railroads, and the railroads have done nothing to stop that

bleeding. Perhaps their greed and poor judgment are aligned with further goals such as imposing a 1 man crew, and if that is what their goal is I would like to see something done because this is a blatant attempt to reduce the workforce to bypass the railway labor act, and union negotiations. The carriers have publicly shared their goal of running trains with just 1 person for many years now, and this could be their queen move within their game of chess to make that happen. Until they do something to work with the workforce to make the lives of their employees better, you will continue to see the "labor" issue become greatly worse. I, myself do not foresee making it into next year with the currently imposed availability policy from the carrier I work for.

Another menacingly corrupt concept the PSR ideology brings to the table is the idea that intentionally slowing down trains systemwide will ensure that the average velocity rate will increase across the system. This means, that almost all trains that are not highpriority freight for the last 3-4 years have been regulated not to run faster than 40 mph while in power. Some trains have notch restrictions that keep them from ever reaching a speed of 40 mph. I have personally been on many trains that never reached a speed over 25 mph because of all the notch restrictions, and locomotive isolations required. This means the only time a non-priority freight train moves faster than 40 mph is when it's going downhill. The carriers have also programmed their trip optimizers to run the train in auto-control accordingly to ensure speeds over 40 mph are rarely reached. The carriers claim this is also fuel saving program. So the surcharge, which I'm sure is added to the costs that the customers pay, is being salvaged by slowing down the customer's freight delivery in an effort to increase the wealth of the carriers. They claim to put the customer's satisfaction at the top of their goal list but in reality, they know that each one of the railroads has

monopolized many portions of the country, and they know that a large majority of their customers are limited with choices. They know that a displeased customer today is still going to be displeased customer tomorrow, and the customers will pay for bad service just the same as they would for great service because that carrier's service most often is the only service available. I mean, what are they going to do about it? The answer is nothing, and the carriers know that.

At the end of the day, all of their cost-cutting antics are simply making trains go from point A to point B much slower. This causes late deliveries and creates bottlenecks of traffic throughout the system. Slower manifest trains often end up slowing down the higher priority freight as the faster train catches up to the slower train forcing it to move much slower until the high priority freight can move around the slower train. Naturally, a butterfly effect follows when a cluster of trains is running close together especially when they reach the end of their destination. This will often lead to several trains needing to be dog caught in route because the original crew has expired within their hours of service.

Another butterfly effect of this PSR ideology is in correlation to poor train lineups that all TYE employees must rely on to have an idea as to when they will go to work. These lineups over the last 5 years have been the worst lineups I have seen in my 17-year career. I had a better idea as to when I was going to work 15 years ago than I do today. Looking at lineups today is frankly a waste of time. They can and do change by 12 to 24 hours in a matter of minutes. When we can not rely on any sort of accurate train lineup to determine when we will go to work next, we're left to guess.

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From my perspective, it is apparent that the carrier's pennypinching and unsafe tactics have created enough chaos to catch the attention of the ST B, and that forced you to enact this hearing today. So I ask, how much longer will you allow the customers to be ripped off and disappointed in the name of greed? Do the employees and the smaller customers matter even a little bit anymore, or should we all submit to the power of the corporate elite? Do several small businesses and corporations need to go belly up before anyone does something about the reckless behaviors of these corporate juggernauts? When will enough actually be enough?

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because the ball is in their court, shooters are open and the shot clock is getting near zero.

These are just a few thoughts from me, a locomotive engineer at the ground level. I know much more will be exposed today as I also assisted my union affiliate to obtain countless stories from across the United States, as well as physical evidence. I know they will help you understand fully what is really going on, and I thank you for taking the time to investigate the issue at hand, and for reading my words into testimony.

Sincerely,

Bill Powell

Freight conductor

Bill2627@outlook.com

1448 Huron Dr.
Detroit Lakes, MN 56501
April 25, 2022

EP 770

304401

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Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

Dear Board Members,

The railroads and industries of this country exist due to their symbiotic relationships to each other. Their networking and cooperation among each other allow each of them to survive & be better and bigger than they would be alone. Together these symbiotic giants have created the American economy and in many ways are now dependent on one another for survival. To allow the greed and will of one to dominate will harm the others and ultimately erode the economy.

Unfortunately, this has already occurred; it's why you find yourselves here today. It seems to me there is only 1 question this proceeding need answer:

Will we continue to allow the railroads to hijack America's economy under the guise of reducing their operating costs (fuel savings & crew reductions -also known as Precision Schedule Railroading)??

As an American citizen & a BNSF conductor, my hope is that your response will be a resounding NO as this will create supply chain issues, job fluctuations, & more expensive goods and services for me at home. At work, Precision Railroading ensures that my trips take much longer without more compensation for that time lost. It also ensures a shortage of crews due to those longer trips & the rest issues ensued by them. The crew shortage amplifies the supply chain issues and the entire symbiotic loop that is the American economy falters.

Respectfully,

Brenda Muth

304402

MONICA BROWN
4555 North Silverbell Road
Tucson, AZ 85745
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savoiramur@aol.com

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April 25, 2022
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Docket EP 770
Urgent issues in Freight Rail Service

22 April 2022

My name is Monica Brown. I am 59 years old and I work for a class I railroad on the south west corridor. I have 27 years and 4 months of continuous service with the same railroad. I have been a locomotive engineer for all but 4 months.

It is my intention to impart my experience and perspective on the topics of concern in this hearing regarding the safety and logistics of the supply chain issues from the “man on the scene” point of view.

PSR

PSR has been a topic or theory of service for almost 30 years. In 1993 this theory of service delivery and exercise best practice model for the company to deliver service and have a profit margin acceptable to the stock holders. It has never worked. Precision Scheduled Railroading boasted a precise schedule and the ability to deliver more efficiently. This has never been a continuous process. Best laid plans... It is best described as smoke and mirrors. All the executives find ways to cook the books to make sure their departments have followed the process and it looks good on paper, yet the only success achieved was a talking point. In recent years approximately 2017 or 2018 there has been a new drive to push this PSR service theory by a new stock holder base. Very reminiscent of the Hostess Corporate Raiders who gutted Hostess, sold all the assets. Pump and dump.

The company started selling the new equipment, cutting employees, closing repair facilities, and failing to maintain equipment and track. Squeezing the safety right out of the process. They have raised all the stock value on the backs of employees and the public by cutting out safety, throwing out the baby with the bath water.

EXCESSIVELY LONG TRAINS

Doubling and tripling the length of the trains to cut the number of crews used to move the trains across the country on paper saved costs. These trains are 3 to 4 miles long 15,000 to 18,000 feet. The ability for a conductor to walk his train which would be 6 to 8 miles as he would have to walk back to the end and then from the end to the front. The trains are so long that many times those trains do not fit in the terminal, they are not being inspected properly as they are literally a moving wall. In some cases, they are inspected in large segments in order to fit in the terminal. The problem is that there are more chances that one trainman may have to work both sides and ensure that all the valves have been properly opened. Because of the length of the train and having mid train power and rear power the engineer can not identify a problem with

propagation of air until the train is moving. While the train is stopped it will not indicate any issues so long as the inline power successfully passes the air test. While the train is in motion it will display propagation issues when the braking systems fail to release or set the brakes properly. During the recent Covid 19, the company received special permits and allowances from the FRA to forgo the air brake testing from 4 hours off air to an extended time of 24 hours. The question is why? Cars don't get covid. Cut safety to save man power. Man power that they cut off in 2018 and 2019.

CREW CONSIST

The company chose to cut crew consist and boards so much that when the pandemic hit, they chose not to recall those crew members. When they finally needed those crew members, those members would not come back. These members had given up good jobs to come work for the railroad and were released. Why would they come back? Some of these people lost their homes or cars, sustained financial losses to work for the railroad and then they were unceremoniously release from duty. Greed. There are levers in place to assist the railroad in times of high volume and low volume. They made executive decisions to forgo the protections for both the railroad and the crew members

PUBLIC SAFTEY

It has been my experience that since the movement of these long trains the safety of the public has been sacrificed. Wishful dispatching. When these trains fail and have to stop, outside the terminal, one train can easily block three or more road crossings. Blocking emergency crews. ambulances, police, fire, and public road assistance are left to find a way around these stalled trains. The company has limited the power to move the trains as well and making them so long one person cannot work fast enough to identify, repair, and get the train moving again in a timely matter. Most of the infrastructure is built to accommodate the train lengths of 6,000 to 8,000 feet. Not 15,000 to 18,000 feet. Recently there have been some changes made to extend some sidings to accommodate these long trains. They extended the sidings to be 15,000 feet to accommodate the longer trains. So now they build the trains longer, 16,000 to 18,000 feet. What is long enough. Our country is now dealing with acts of theft, and sabotage. The company chose to let go of 70 or more special agents 2017 or 2018 so the perfect storm is formed. The company has elected to use local police to act as security, placing the financial burden on localities, in lieu of hiring back the special agents that would inspect and provide security for the trains. If a terrorist decided to attack a big city, they could use a long train to cut off emergency police forces, military, etc to detain or delay action. Very unsafe.

ABSENTEE POLICY

The current absentee polity is causing a real risk to the public and to the health and safety of the crews. Having crews that are so fatigued that they are forced to work extended hours. Mandatory overtime, 12 to 16 hours including limbo time. Not allowing employees time to recover and enforce this ridiculous absentee policy. A policy that is more a work release program. This type of over working of crews has seen a rise in employees dying at the away from home terminal. Some employees dying after taking their call at home. Exhaustion and fatigue

plain and simple. Abuse of our hours of service and then having to wait for a subcontract driver to pick us up and take us to the terminal. Subcontract drivers are exhausted, having accidents. In all my tenure I have never been offered van insurance until now. Van insurance to protect me in the event that the subcontract van company causes my injuries or worse, my death.

PTC/EMS/ELECTRONIC SYSTEMS

PTC, EMS, DPU, HED, EOT (Positive train control, Energy Management System, Distributed Power Unit, Head End Device, End of Train) are supposed to be integrated. Each of these systems are layered on to the locomotive system. Each system has its own idiosyncrasies. Each system is separate and have been, over the years, layered on top of each other. It is a patchwork of electronics. They do not work together. Integrated is just a term they use. It is not. They are 5 systems that report to each other, not always correctly. PTC screens have been added to the locomotives. In some cases, the screens are outside of the forward view making it uncomfortable and not ergonomic to provide constant monitoring. The length of the trains longer than 8,000 feet does not appear complete on the screen. If your train is longer than 8,000 feet it is hard to determine where your train will fit further up the track. I was trained to be conscience of my location and out six miles to know where your train can fit or where the track changes to run the train correctly. With the trains that are greater lengths the view is not available and the monitor is out of view.

The PTC signal indication was updated to indicate only signal indications that are more restricting than an Approach Signal, while the screen indicates a green indication and the signal in the field is not, it is Advance Approach (Flashing yellow.) It is now a contradiction. If it displays a green track, the signal in the field could be green or flashing yellow. It was updated. It is now a contradiction. Before the update a green track was only a green signal.

EMS has several systems in this category. One is SMART, another is Trip Optimizer, lastly Leader. Each system operates similarly. SMART was scrapped early on. It was a safety problem and I was so glad they scrapped it. Someone was surely going to get hurt. It would drop the lead power and run from trailing units or DPU units causing pushing and lurching from trailing power. Trip Optimizer and Leader are currently the systems being used. Both operate similarly. The problem is that the command center is trying to limit locomotive usage and maximize the units based on power only. Problem is the locomotive consist is more than power. It is Dynamic braking and air compression for the brake pipe pressure maintenance. EMS will not operate properly if the other systems are not sufficient. If Dynamic Braking is too low the system will drop out. If the system can not advise on air braking, it will drop out. If the system decides that it can not control the consist, it will drop out. If it can not control the DPU, it will drop out. If you build a train that can not move over the track in 12 hours because you are saving fuel and instead move over one leg in 8 or 10 hours, and not have an engine blow up because it is being overwhelmed, you are saving more fuel and man power. But each executive is defending their part of PSR. Thirty years and PSR does not work! The king wears no clothes. So, they cook the books.

In closing, when I first hired onto the railroad, we would run train list of the trains that were coming against us. We ran on single track and met 27 to 30 trains that were 6,000 to 8,000 feet long in one shift. Now we can not meet 10 trains and cannot make it to the next terminal in

a 12-hour shift. Choosing to not hire, abusing current employees with a bad absentee policy, forced overtime and job allocation, cutting maintenance on equipment and track will continue to endanger the public and the environment. If we continue to proceed looking through a blind eye we will experience more shipping delays, supply chain delays, track catastrophes, and damage to the environment. One can just look at the financial records and see that they have been reporting record quarterly revenues while others companies have suffered great losses. These gains on the backs of the public, localities (police security), employees, and shippers. These issues are all byproducts of greed, manipulation, and corporate extortion

Surface Transportation Board
395 E Street Southwest
Washington DC 20423

RE: EP 770 Rail Service Hearing

April 23, 2022

Dear Chairman Oberman,

I am currently working as a Locomotive Engineer for one of the Class I railroads. I was hired on in May of 2006. I worked as a Conductor until May of 2009. When I applied for this job it was a highly sought after job, and highly competitive. At my hiring event in Edgemont, SD there were over 350 men and women who were taking their tests and interviewing for 20 jobs that were available. When I was offered a position, I felt very fortunate. This was an opportunity of a lifetime for my family and me. This was going to make it to where I could financially support my family, and be able to keep my wife at home to raise our kids. For the first few years, things were great. The pay was great. The time off for family was adequate, and I felt like I was treated as a valued employee. Fast-forward to 2022. Things have changed drastically. Although we have seen raises throughout the years, the company raising our cost of insurance as well as normal cost of living offset them. My time off for family has been under attack over the last 10 years and recently was taken away from us with a new Hi-Viz policy. It all started somewhere around 2011 with the 24 hr. mark up, where they put you back on the board at the end of a layoff event. This sounds great, however, it not only took time from my family, but it also cost the company more manpower. In a lot of cases, it would take two employees to cover my turn instead of just one. Then in 2015, they implemented their new grand pools. They basically eliminated the extra boards and put every employee on one pool to work multiple directions. Not only is this not safe but it has proven to be inefficient. At first, the Unions were saying this would cut 30% of the manpower at my terminal. However, it backfired. It took almost 30% more people to man the same terminal. Traffic wasn't up; we weren't seeing more trains throughout our trip than usual. It was caused from people taking time off to spend with family. Why? Well, because along with the Grand Pool scheme came fuel conservation. They started giving us less locomotives to use to get trains over the road, and then started giving us throttle limitations where on most empty grain trains and coal trains I am only allowed to run 5 of my 8 throttle positions. As if that wasn't enough, they also enforced a 0/40 rule, which means you cannot be in throttle if you are over 40 MPH. During the winter of 2016 and into the fall of 2017, my on duty times and total time away from my family sky-rocketed. Prior to the implementation of fuel conservation, my average on-duty time was around 8-9 hours, and total time away from my family was 32-36 hrs. Then after the implementation, it went to 48 hours plus. My on duty times were way longer as

well. 90% of my trips during this time were at least 14 hours on-duty, with a handful that were over 16 hours. Then, I would head back to work with only around 16 hours off at home. Not a big deal right? You would think I was getting paid overtime. Not so. Overtime does not begin until 16 hours on-duty. So, no wonder people were laying off, wanting time off with their families, and quite honestly needing a break. This is when this job began to be depressing. When I took my call I didn't know where I might end up going, when I might end up getting off, how long I would be at the hotel, and how long I might be stuck on a train. It was at this point I began to notice guys looking for other places of employment. The job was demanding too much time away from home, and we were being punished for taking time off to spend with family or to try to see your Dr. to keep up with your health. The fall of 2017 finally came and things began to slow down. I saw my on-duty times fall under 12 hrs. What was causing this? I can't say for sure, but there was definitely less train traffic. We were still running trains very slowly due to fuel conservation...a lot of our trains running at well under 20 miles an hour. There has been a lot of sitting in locations just waiting for no reasons...no other trains coming our way - just waiting. To this day, my on-duty hours are still higher than pre-2016. I spend almost 11 hours on-duty. In the last 2 years they started making moves again to be able to cut manpower and do more with less. Sound like PSR? While they never admitted to it, it looks exactly like it. They started running 14,000 ft. trains, with up to 34,000 tons. There have been plenty of service interruptions due to these long trains being operated over territory where they lack the infrastructure to run them. Out of the three directions we run, they only have five places where you can meet two opposing 14,000 ft. trains. So when they run them, you end up sitting for longer periods of time, causing delays to every other train...even significant delays to Amtrak.

2020 came and created a whole bunch of problems for everyone - tons of people sick with Covid, huge increases in the unemployed, and shelves going bare. However in 2020 the railroads weren't hurting at all. They received waivers from the FRA for a number of things, which cut down on needed-employees to operate the entire railroad. I was fortunate enough to have a job. I went to work all of 2020 and was deemed an "essential employee." However, when it came to how they treated us during the pandemic, it was everything but 'essential,' and quite honestly, this hasn't stopped. They still tried to force us into vans with sometimes up to 6 people at a time, despite the supposed need for social distancing. They were not providing adequate safety precautions of cleaning cabs for us to operate, and let's hope you didn't end up getting Covid or requiring quarantine for fourteen days. My local company authorities forced me to quarantine twice, at which point the company nurse told me it would be the company - not the state/local health authorities - to decide whether I could be off or not. They attempted to override any sort of precautions being taken to prevent the spread of this virus...not to mention the absence of pay it cost me. Why? The railroad paid only four of the required fourteen days off for any person on quarantine for Covid. Everyone else outside of the company that I knew who got Covid and was quarantining was paid for the full fourteen days at their companies. So yet again, the railroad boasted huge profits. All the while, it was their employees who were not only taking a risk of

getting Covid, then bringing it home to their loved ones, but on top of it all, they were being gipped financially as well.

Since the partial recovery from the pandemic in our country, we've seen the mess at the ports...ships backed up for days. The Biden administration claimed a halfhearted victory when they struck a deal with the ports to work around the clock to get our supply chain back on track. Maybe it helped. But those of us who work for the railroads knew who really were at the root of the problem...the railroads, with all of the Class 1 running their own versions of PSR. They are the reason for it all. As I have so lengthily stated earlier, they have been slowing trains down purposefully to maximize profits. It's taking us longer to get trains over the road. The number of trains running has not increased. They will manipulate the data and pad their stats as to how they need you to see them, but as a veteran employee, I am telling you they are lying. I used to see 14-16 trains on a single shift. Now, it's a busy day if I see eight. And if I see 10, it's likely I won't make my destination. With every train running underpowered and slower - even loaded grain trains - they are not letting us run with all available power. It's no wonder they can't get things to their destination in time. Do the grain customers know what is really going on? How are they charged? I don't know all the ins and outs of it, but I know in my sixteen years, I have never seen this company deliberately slow down train traffic as much as they have since the pandemic.

The railroads will also tell you that they can't run trains because they have no manpower. This also is a lie. In my terminal, they have flooded the engineers' side to purposefully create a shortage on the conductor side. They still have conductors, but they are running thin. Prior to 2020, they always ran the boards the other way. The engineers would run shorter because half of the conductors would be able to work as engineers as well. So one solution to their problem would be to cut back on engineers and add those people to conductor side. However, this doesn't play into the narrative - which I am almost certain you will hear about in your hearing. They want one-man crews. So by purposefully creating a shortage of conductors, they can seek permission to run one-man crews. This would also give them the testing they need to approach the FRA and say that one-man crews are safe. This is their end game. Magically if one-man crews were granted, you would see your supply-chain crisis disappear. No doubt they can hire more people right? Well, because word has gotten out about how badly this company treats its employees, and how the pay doesn't make it worth it any more, people are not willing to work for this company. Also, I believe they are being stricter with their hiring process. There are people willing to work, however, they can't even get an invite to an interview. I have a friend who, back in 2015 was invited to an interview, however, due to personal reasons turned it down. This person applied just last month and for some reason now the railroad rejected him. Why would that be? Its just speculation, but it seems to also play into their narrative of telling you they can't even hire enough people.

To make things worse, they've also introduced the new Hi-Viz policy. This policy is unsustainable. I get 30 points for the remainder of my career. For me, one day off costs 2-4 points depending on the day of the week. Without fully diving into the ins and outs of the policy, it allows me to retain employment if I only take one day off a month. Since the policy started we have had over 1000 employees who

have either quit or retired. So not only are they purposefully creating a shortage, they are implementing policies that are making employees with 15 years plus walk away at a very alarming rate.

This supply chain crisis is completely manufactured by the railroads. They have taken the mentality of "I will get your product there when I get it there." They have a monopoly...and they know this. They know that customers can't afford to truck things, especially with gas prices now. So, they have the customers by the throat, and now they have our country by the throat. They are choking us, and its deliberate. They are now - in an attempt to be able to tell you that they are running trains at full available power - giving us the ability to run trains with no throttle restrictions. This just happened about a week ago. Strange timing, considering next week's hearings.

Thank you for taking the time to read this lengthy email. I felt it was important to give you a full perspective of how the railroads have treated customers and employees throughout my career and how this isn't just a bad few years since the pandemic. This has been a continual habit by the railroads and the pandemic of 2020 was an easy excuse for them to really double down.

Thank you,

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FROM THE DESK OF
Eric Gruber

304405

ENTERED
Office of Proceedings
April 22, 2022
Part of
Public Record

April 22, 2022

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

Dear Chairman Oberman & Board Members,

I am writing as both a concerned citizen and locomotive engineer for BNSF. As an employee of BNSF with 15 years of service, 11 of those as a locomotive engineer, I am deeply concerned with the state of American railroads and the supply chain. There are many issues to discuss, however I would like to focus on only a few. First let's address the customers.

Customers

The rail carriers (Ms. Farmer in particular) say that customers are their number 1 priority (see the "Tandy Executive Speaker Series: Katie Farmer, President and CEO of BNSF Railway" click link on picture below). I must say if that was the case I highly doubt the STB would be having this hearing. My experience over the last 15 years is



that the customer has become an after thought. In my work area (Vancouver, WA and PNW Division) I have seen BNSF continually cut positions and jobs to reduce "operating ratio" while customers are charged the same rates and serviced less frequently and less predictably. This chase for lower operating ratio is the root of the "Supply Chain Crisis". Ms. Farmer stated that "labor", along with demand for consumer goods, were some of the reasons for these problems. This is 100% false. It is a direct result of poor leadership and business practices from the rail carriers. She states that they furloughed employees because car numbers were down during the first part of 2020 because of the pandemic. Why furlough to begin with when the numbers showed there would be an increase in demand for these goods? The market (railcar loads) was

down roughly 20% and that would have allowed for more time to focus on building a robust workforce (one that was already there). Instead the carriers moved to furlough. Now we are 2+ years into the pandemic and “labor” does not have the pandemic stimulus packages to keep them from work. She then stated that the railroad is a “24/7” industry. This is true, however the carriers now expect their employees to be available 24/7 with 2-3 days off per month. Do we really need to ask why there is a “labor shortage”? Its not “stimulus packages” keeping labor from working. In addition to these things the carriers are using throttle limitations and TO (Trip Optimizer) that run trains which are allowed to go 55-60mph and instead runs them at 25-35mph, all in the name of “fuel savings”. As an engineer I can be disciplined if I don’t use TO enough (90% of my trip). This has 3 adverse effects.

- 1) Customers don’t get their products in a timely manner.
- 2) Employees work longer hours which results in fatigue and more trains requiring multiple crews to travers territory that used to only take 1 crew (aka dogcatching)
- 3) Congests the railroads due to more trains not making it to their destination on time and being unable to move trains because of “man power issues”.

This is creating higher rates for customers while the railroads pocket the “fuel savings” for themselves. If these business practices are customer oriented shouldn’t the customer see the benefits from them both in prices and customer service? Sadly the railroads know they “own” these customers. Let me just say it seems the railroads have forgotten what they are....Customer Service Providers.

Precision Scheduled Railroading (PSR) has been the driving force of poor customer service. It is designed to make the Class I’s more money by reducing their costs but never passing those saving on the the customers. AKA Profit Margins. Profits are great but increased profit margins only benefit one side, in this case the Class I’s and their share holders. I personally have seen jobs be cut (a 3 man crew Local I worked) were we would build or delivery 3 trains a day be replaced with a 2 man crew that can only get 1-2 trains a day. All to reduce operating ratio. So both the customer and labor force are punished to reach the PSR goals. Ms. Farmer continues to say customers are the most important thing at BNSF yet this hearing is being called by the STB. Obviously her statement is a false one just like her statement in November of 2020 to Railway Age (<https://www.railwayage.com/freight/class-i/first/?RAchannel=home>) where she said “Retention is personal. You don’t often hear people say in an exit interview that they left because of money. People leave because they don’t feel a connection, and so that’s what we focus on at BNSF”. That brings me to my second point. Labor.

Labor

Another major aspect that is leading to “labor shortages” and customer service issues is the Class I railroads refusal to address fatigue and quality of life. In 2009 when the Rail Safety Improvement Act (RSIA) was signed into law there was a section addressing Risk reduction. A subset of that was Fatigue Mitigation Programs. The FRA only recently (end of 2020) submitted their “purposed rule change” regarding Fatigue Mitigation. Representative Peter DeVazio wrote a letter on April 6, 2022 to the FRA asking why this has been on the back burner for over a decade. Now that the rail carriers have implemented PSR and inhumane attendance policies this issue has only become more of a problem. With less regular jobs (local jobs that have set start times) and more on call 24/7 365 jobs (extraboards and Pools) the railroads have gone back to pre RSIA fatigue issues. Technology has helped in some aspects but fatalities are still very much an issue in this industry. Not only that, but human factor incidents are ever increasing. People are tired of being exhausted, treated like animals, and having no personal time. The railroads also fail to mention that we do not have sick time like most jobs. This is due to the RLA (Railroad Labor Act) and the carriers successes in the courts to make sure we do not get paid sick time. Honestly I would be happy with unpaid sick time. But no, the railroads expect that you work 24/7 and if you get sick to stay within the attendance policies. Let's use BNSF's HiViz policy as an example. If I get sick for 5 days (lets say Monday to Friday) that would cost me 12 of my 30 points. The only way I can get those points back is to work/be available 14 days in a row and then I would only receive 4 points back. So, to get 12 points back I would have to work/be available for 1 and a half Months! What job do you know works like that? Do we not live in the United States of America “the home of the free”? I sure don't feel very free working in the railroad industry. Shame on the rail carriers, Congress and the regulatory departments for allowing such a horrible environment. It is clear why the Class I railroads are struggling to find labor. Would you want to do that or would you send your children into that type of environment? It's such an easy fix yet greed and politics are always in the way of doing what is right and best for all. It is within the power of the STB to fix many of these issue and/or put pressure on the FRA to fix these issues. Labor is not “lazy” or “they don't want to work” they just want some personal time to relax and enjoy family life. What is wrong with that? Every person who doesn't work for a railroad tells me I should quit or “your union should strike”. I must say I thought the railroad would be a life long career, whether in TY&E or management, but it is so corrupt and broken I don't see a good future in the industry. Maybe automation will be the “fix all” but the culture is broken at the Class I railroads and why would anyone do this to themselves for 30 plus years? I am aware the STB does not care about my

personal employment choices, however if I, who wanted to run trains from the age of 7 and started railroading at 19/20 and I am now 35, am tired of this who will do these necessary jobs in the future? I must say I am thinking a great deal of changing careers thanks to the attitudes/practices of Ms. Katie Farmer and BNSF as a whole.

Ms. Farmer stated, in the YouTube video mentioned above, that culture is really important and that “you have to really like where you work” (minute marker 26:44). She also stated to Railway Age in November 2020 “BNSF employees should expect to be treated with dignity and respect. That is foundational. Diversity and inclusion is foundational to what we do. It’s part of our recruiting efforts. It is not only foundational to what we do; it’s really been key to our success”. Does 2 days off a month sound like “dignity” or “respect”? 15 years in and I am honestly more unhappy, as are most of my colleagues, thanks to BNSF’s HiViz attendance policy, safety/fatigue practices (BNSF pulled out of the safety agreements at the beginning of 2022), and no contract for 2+ years. The carriers says they appreciate what their employees have done through the pandemic but their actions say otherwise. What was our thank you for working non stop through a global pandemic? Less time off and no “good faith” efforts when it comes to safety or contracts. Since HiViz was implemented (February 1, 2022) BNSF has seen well over 900 employees leave (Not on leave of absence as BNSF has put some of those resignations under). Many of whom had over 10 years and were some of the hardest working employees I know. This seems to be the Class I’s way of creating an “emergency” to get 1 man crews. Again, all to reduce operating ratios. 1 man crews are far more dangerous at Class I’s than a shoreline. First and foremost is we are away from home for longer periods of time and now have little to no time off. This is a recipe for disaster.

The loss of so many employees is far worse than any “strike” or “work stoppage” would have done. The word is out. Class I Railroads are horrible employers and horrible to their employees (3 of the 4 Class I’s are in the Top 10 of worst employers according the Money Magazine). With their goal of 1 man crews, in addition to unmanageable attendance/fatigue policies, the problem will only get worse. You can only hit a dog so many times before it bites. People are tired of poor leadership and poor treatment. Why be like this? This is all a symptom of a larger problem in the industry. Greed and WallStreet. The railroads are the backbone of the United States GDP/supply chain and should not be regulated by WallStreet.

Ms Farmer stated on the YouTube video at 29:00 that customers are #1 followed by employees #2. If either of those thing were true statements the STB would not be having this hearing and another hearing on reciprocating switching. BNSF, UPRR,

CSXT and NS have created some of the worst cultures possible (and they only get worse) and this has led to moral at an all time low. Sadly this will not change without outside intervention. With all due respect to the STB, I have little faith that the STB, FRA or Congress will do anything in a timely manner to fix these ever increasing issues that effect communities, customers, employees and the nation at large. Too much money is involved and the only way it will change is if it fails. Federal judges have never allowed a “major dispute” to occur in 30 years despite Judge Mark. T. Pittman saying the BNSF HiViz policy was “Harsh”. This leads labor to feel like slaves (we abolished that in 1865 let’s not revisit it please) with no relief in site. Unfortunately the damage is done in many customer and employees minds. The railroads have shown all their cards and, even with a dramatic change of direction, resentment has set in and word has spread. Why the federal government has allowed it to get to this point is beyond me. I urge the STB to be “harsh” in their dealings with the Class I railroads as the Class I railroads have been “harsh” with their customers and employees.

With all that said I do still hope the STB, FRA and other regulatory agencies will stand up for what is right and hold the national rail carriers accountable for their poor behavior/business practices. Ultimately customers and labor are what make the railroad money, not MBA’s and economic degrees. These are only a few of the reasons the Class I’s are struggling to provide adequate customer service and retain labor. I know that others have submitted letters with those issues in great detail and encourage all the members on the STB to take them into consideration. I do enjoy what I do for a living and what it does for people as a whole; I just don’t know if its worth it anymore. Thank you for your time and consideration on these matters.

Sincerely yours,

Eric Gruber

Locomotive Engineer and 2nd Vice Local Chairman BLET Local 758

Web Links: <https://www.railwayage.com/freight/class-i/first/?RAchannel=home>

<https://www.youtube.com/watch?v=2INPdv-zBtI>



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member

Paul J. Sass
Republican Staff Director

April 6, 2022

Administrator Amit Bose
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Administrator Bose:

We write to implore your agency to finalize an outstanding mandate from 2008 to address the condition of railroad worker fatigue and its negative effects on safety.

After decades of studying the issue, the FRA has a clear understanding of the safety risks posed by fatigue: fatigue symptoms include falling asleep, slower reaction time, attention loss, performance impairment, and increase error. A number of individual, environmental, and organizational factors can contribute to the likelihood of fatigue, such as general health and medical conditions as well as scheduling and other practices that affect opportunities for workers to obtain sufficient quality and quantity of sleep.

Fatigue isn't just an inconvenience; FRA research has established that the probability of rail accidents increases as fatigue increases. Yet the problem persists: between 2000 and 2020, the National Transportation Safety Board conducted 11 major investigations of accidents involving railroads in which fatigue was identified as the probable or a contributing cause.

Despite the known risks associated with fatigue, many railroad workers are unable to obtain adequate rest. This includes operating crewmembers who are protected by federal hours-of-service limitations but still struggle to obtain the necessary quality and quantity of rest. While workers have a responsibility to make decisions that allow them to access proper rest, planning for such opportunities is nearly impossible due to erratic train lineups, regularly being on call 24/7, and having just a few hours' notice to report for work.

To make matters worse, the Class I carriers have substantially reduced the size of their workforces since implementing precision scheduled railroading (PSR) at the behest of Wall Street investors. Unions representing railroad workers and individual workers have sounded the alarm on rail worker fatigue, which they believe is worsened by the deployment of PSR and the resulting push to do more work with nearly one-third fewer people on the job.

Compounding this are attendance policies for operating crewmembers at some of the Class I railroads that, on the face of it, allow workers to take time off for unexpected events or when feeling ill or fatigued but, in practice, may then punish workers for doing so. Such policies are not designed to encourage workers to make safety-based decisions about their readiness to operate ever-longer, ever-heavier trains. Rather, these policies could incentivize employees to show up to work fatigued in order to avoid reprimand or termination. They also ignore the unfortunate reality that crewmembers already have unpredictable and unreliable schedules, which makes this line of work difficult for many, even before policies that further restrict their lives and abilities to obtain proper rest.

Some claim that such attendance policies better assist carriers in running their railroads by reliably having crews on deck when they are needed. Our committee recently heard testimony from various shipper groups about how the lack of operating crews has negatively impacted rail service. While we are glad the railroad industry seems to recognize a shortage of crews can harm service, we can't help but to point out that at the end of 2021, the Class I railroads employed nearly one-third fewer train and engine staff compared to 2014, before PSR began to take hold. Now, the Class I railroads find they have cut too much and discuss their difficulties in recalling the workers they furloughed, retaining workers who have begun leaving mid-career, and recruiting new workers. Such attendance policies are not effective recruitment tools, especially when the national workforce has sent a clear signal that the quality of life is an important consideration in employment choices.

The prescription for solving operational troubles, self-imposed or otherwise, cannot degrade safety by increasing fatigue. Thankfully, in 2008, Congress stepped in to help address fatigue by requiring Class I railroads, railroad carriers providing intercity or commuter rail passenger transportation, and railroad carriers that have inadequate safety performance, to develop fatigue management plans to reduce the fatigue experienced by safety-related railroad employees and to reduce the likelihood of accidents, incidents, injuries, and fatalities caused by fatigue. Such plans were required to be part of carriers' comprehensive railroad safety risk reduction programs—a recognition by Congress that mitigating worker fatigue is key to reducing safety risks.

The Notice of Proposed Rulemaking that the Federal Railroad Administration issued in December 2020 required railroads to identify and evaluate fatigue-related railroad safety hazards in their systems, determine the degree of risk associated with each hazard, and implement mitigation strategies to reduce the fatigue that safety-related employees experience and reduce the risk of accidents, incidents, injuries, and fatalities where fatigue is a contributing factor. We believe that attendance policies that not only contribute to fatigue but also penalize workers for taking off when fatigued or ill simply cannot co-exist with any serious fatigue risk management program.

The Congressional mandate to mitigate fatigue among crewmembers and other safety-related workers is now a decade late. Crewmembers and other craft workers have raised their concerns about being excessively exhausted at work, which is worsened by PSR. These workers cannot wait any longer, and neither can the communities through which trains travel.

To mitigate attendance policies that contribute to fatigue and help ensure all safety-related workers are rested and prepared to do the job safely, we respectfully urge your agency to issue the

Administrator Amit Bose

April 6, 2022

Page 3

fatigue risk management program final rule without delay, require its swift implementation, and meaningfully enforce it to ensure that the 2008 bipartisan Congressional mandate is met.

Sincerely,

PETER A. DeFAZIO
Chair



DONALD M. PAYNE, JR.
Chair
Subcommittee on Railroads, Pipelines,
and Hazardous Materials



ENTERED
Office of Proceedings
April 25, 2022
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Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP 770 Rail Service Hearing

April 22, 2022

Dear Chairman Oberman,

I have worked as a train, yard and engineer employee (TY&E) for one this nation's class one railways for nearly 25 years. (Hired on Feb. 08,1998). In my career, I have seen numerous changes. Some were minor and others have been very significant. I want to state for the record, that the current rate in change of policy and practice is tectonic in its width and breadth.

I won't cover the new draconian Hi-Viz policy in this letter. However, I want to make sure that this board knows some of the chilling effects this new Attendance Guideline Policy (ATG) is having. As I don't have access to hard data, I can only offer anecdotal information as it pertains to myself and my coworkers. If this policy is designed to reduce manpower, it's having its desired effect. As of this week, at my work location, several employees are either in the process of being dismissed or are actively seeking other employment. These employees have always been reliable and never flew foul of the previous ATG. One that allowed them to schedule their lives around a busy work life.

If there's a manpower shortage, it's one that's self-inflicted by the rail carriers.

If I may, I want to highlight a coworker of mine. He's been employed for over 11 years now and is a US Marine Vet. He did 3 tours in Iraq and 1 tour in Afghanistan. In that time he, like many others, developed Post Traumatic Stress Syndrome (PTSD). With the previous ATG, he was able to make his weekly appointments as prescribed without any issues. Out of fear that he'd run out of points, thus facing discipline and or worse dismissal, he has since canceled his PTSD treatment and trying to make his appointments. I'd also like to highlight some of the divorcees I work with. Most have court ordered visitation rights that certainly never coincide with a railroading schedule. Again, with the previous ATG they were able to manage their lives as best they could all while being available to work a railroaders schedule.

If there's a man power shortage, it's one that's self inflicted by the rail carriers.

For myself? I've recently attained "empty nest" status! Meaning that the pressure to be home and be present for the entirety of my family is greatly diminished. Certainly though, that doesn't mean that I don't have a need to be off at times that best suit me and my work life schedule. I recently had to spend 10 of my 30 points to make an out of town flight. Those 10 points will take me 6 weeks to earn back by staying "marked up" and available.

In my tenure, now spanning more than 24 years, I've experienced the saying "the more things change the more they stay the same" over and over. I could go on about Precision Scheduled Railroading (PSR), Trip Optimizer (TO), HiViz, etc. All of those things you are well versed on and have heard of numerous time by now. I'd rather point to the one thing that lies at the root of it all, that being, "cooperate competitiveness". We as employees are being subjected to and being called upon, in the name of competitiveness, to make sacrifices that the ones making these demands could never make themselves. Why? Higher profits!

In America, we have been blessed to have based our economy on a free market system. That the market knows best. I'm an adherent to small government and as few regulations as needed. The nations rail carriers have finally taken that mantra too far. They have asked, rather demanded, that military vets, divorcees, and the rest of us who want to live as normal a life as possible to make the sacrifice to be available 90% of any given month in the name of competitiveness. Many of my coworkers that I know personally, and have heard of anecdotally, have decided that the burden is too much to bear. A burden that needed not happen.

The manpower shortage is one that has been manufactured, driven by increased cooperate profits. Beginning in 2015, with the crash of coal and then to the Covid-19 pandemic, the nations rail carriers have shed a reported 30% of its manpower. This past year has been a perfect storm for job seekers. Finally, the scale seems to be tipping in favor of the worker as both furloughed and active employees look elsewhere. That fact has had and continues to add to its effect on the nations rail carriers man power shortage. Rail carriers have failed to respond to the call. They've provided little to no incentives for furloughed employees to return and for active employees to stay. They only seek to do more with less and less.

If there's a man power shortage, it's one that's self inflicted by the rail carriers.

Shippers also have had enough. Thanks to them, these hearings are the main reason why you all are gathered seeking testimony and the truth of it all. The supply chain is liken to a set of cog wheels. When it's well lubricated and maintained, it runs rather well. Almost lost in the back ground of life; however, every now and again a cog gets worn to the point where it needs to be replaced. The nations rail carriers have failed to maintain, even to a very modest standard, the set of cog wheels they possessed. Beaten and broken, the machine is teetering on collapse. New hire classes are failing to fill up and the ones that do, most new hires don't complete their training after learning of the environment they will be walking into when they complete their training.

These hearings needed not happen. A lot time and money is going to be spent on catch phrases, euphemisms, acronym's, and other fancy cooperate lingo that hopefully will end in the nations rail carriers acknowledging that they've not held up their end of the bargain. If I may, I'd like to offer an honest opinion. I would suggest a partial re-regulation of the railway industry until the senior managers understand that the needs of our nations supply chain and workforce, far outweigh their insatiable hunger for productivity increases per employee and unchecked profits.

I apologize for the length of this letter. It has been made very clear that if I refer to any one railway that I will be terminated for violation of General Code of operating rule, 1.2.6, 1.6 and 1.9. I would like nothing more than to be able to testify in person, but the inhumane ATG policy I work under has put a pinch on ANY personal time off.

Best regards,

Anthony P. Lecholat,
Legislative Representative for the Brotherhood of Locomotive Engineers and Trainmen.
307-751-6412

Dear Board Members,

Please keep in mind, that I sacrificed ~4 hours to simply write this out, I am a Locomotive Engineer.

HIVIZ Ramifications:

Fatigue: Exacerbated by 'Grand Pools,' putting inexperienced front line supervisors (FLS) in charge of train line-ups, and overriding FLS decisions from a centralized location.

Poor line-up predictions ultimately lead to fatigue issues as employees are unable to predict when to get the proper amount of rest for a trip.

For example, **Employee A** works from 0300-1300 **Monday**. The employee previews the predicted line-up on a Grand Pool before going to sleep upon arriving at home. The employee is projected for a call upon his/her FRA mandated rest at 2300 that night. The employee falls asleep and gets ~8 hours of rest (ideal situation in the middle of the day.) Upon waking up at 2300, the employee discovers that their projected call time has shifted to 10 hours later (0900). The employee is fully rested and cannot fall back asleep. The employee eats and prepares for his/her call; 0900 approaches and still no call. The employee checks the system and is now not projected for anything as an overdue train symbol (in red font). As one can imagine, the employee is now reaching his/her natural Circadian sleep cycle limit (16 hours awake/8 asleep). Finally, the employee gets his/her call for an on-duty time of 1400 on **Tuesday**. Keep in mind, this employee has been awake from 2300 the previous night, is now called for a 1400 on-duty time, and may have to work 12 hours. This scenario would result in the employee ultimately being awake from 2300 on **Monday** until 0200 on **Wednesday** (26 hours cumulative). This is not speculative, hypothetical, or any other pejorative that the Carriers will try to hoodwink those without direct knowledge of the railroad, this happens at least once a week to me personally and is common in the terminal that I work in (almost 10 years of observation in TYE).

Poor line-ups have been exacerbated by three changes in the past 10 years: 1) inexperienced FLS, 2) centralization of decisions (no direct knowledge of the terminal/territory, and 3) consolidated 'Grand Pools.'

1) The Carrier has consistently refused to promote front line supervisors (FLS) from the TYE (Transportation) craft. Employees in the TYE craft understand how trains move across a territory, how the Working Boards in their particular Terminal behave (call patterns, maintenance windows, etc), and can empathize with employees who experience poor line-up predictions. Instead, the Carriers hire individuals who have just graduated from University and/or individuals from other Crafts within the company who do not know how trains move across and through the territory/terminal. This results in poor predictions, inefficiency, and trains not being ready for crews upon their on-duty times.

2) Ultimately, this has led to a 'solution' being that most of the decisions for train movement being handled from a centralized headquarters where individuals who may have never seen the territory/Yard/terminal (e.g. Corridor Superintendant in Lincoln, NE deciding when a train will be placed in a specific track for a train in Birmingham, AL whose instructions are altered by another individual in Ft. Worth, TX). Such instructions leave employees directly outside of a railyard waiting on a specific track, when there are multiple other open track available. I have personally waited, in such a situation, for 8 hours for that track when there were no factors to account for the delay other than poor management.

3) To solve some of these issues, the Carrier implemented 'Grand Pools,' and significantly altered how crews are organized. Instead of being neatly organized by territory (e.g. a terminal had 4 Pools and an

extra work Board: East, North, West, South, and extra to fill in where necessary), the Carrier initially consolidated all of the separate Pools into 1 Grand Pool. Employees could not predict which direction they were going and the line-ups were entirely chaotic in this scenario. Additionally, the Pools had different travel lengths: East - 366 miles, North – 215, West – 108 miles, South – 115 miles; as you can imagine, preparing for a trip East was significantly different than planning for a West or South trip. The Carrier finally listened to the complaints lodged by the employees, but only after taking away and ignoring long-standing rights/agreements that the employees enjoyed. So, to be safe for themselves and the Public, the employees were the ones who were forced to make sacrifices. Now there is an East Pool and Grand Pool (West/South/North); the West/South/North Pool still experiences significantly inaccurate line-up predictions while the East Pool is observably better.

Employee Availability: Grand Pools (cascade/domino effect), deteriorating locomotive conditions (delayed maintenance schedules), consistent deterioration of benefits/pay, toxic work environment

How does all of this relate to **HIVIZ**? Well, it was observed, after implementing Grand Pools, that employees were utilizing their allocated unpaid time off to a greater extent (5 weekdays and 2 weekend days a month). When you take into account **Employee A**'s scenario and that pattern of unpredictability becoming increasingly common with Grand Pools, employees utilized their **unpaid** time-off to mitigate fatigue caused by mismanagement and changes forced upon them by the Carrier. Personally, I would feel unsafe on a train carrying 30 rail cars of Hazardous and Toxic material through a densely populated area in **Employee A**'s situation, but now **Employee A** is forced by the HIVIZ policy to operate under these conditions or face termination. Instead of being unsafe and going to work at 0200 on Wednesday, **Employee A** uses unpaid time off. On average, this causes employees behind **Employee A** to also take time off as they were not anticipating going to work, this causes a cascade of employees taking time off to address the unpredictability and avoid going to work fatigued. When the Pools were separated, turns would hold their place and an Extra Board employee will fill the temporary vacancy created by **Employee A**.

Example of a unidirectional Pool with assigned turn order:

Turn#1 **Employee A**

Employee A takes unpaid time off. (sacrifices pay)

Turn#1 is now vacant and an Extra Board employee is called to fill the temporary vacancy.

Example of multidirectional Grand Pool with 'self-healing' turn order:

Turn #1 **Employee A**

Employee A takes unpaid time off. (sacrifices pay)

Turn #1 is removed and Turn #2 **Employee B** is now next to be called.

Employee B, not being able to predict the poor line-up prediction nor Turn #1 being removed, now manages his/her own fatigue by taking unpaid time off.

Turn #2 is removed and Turn #3 **Employee C** is now next to be called....

As you can imagine, this cascades rather rapidly as employees scramble to assess their current situation and if they are rested enough to safely operate a train for up to 12 hours.

Employees are no longer in control of their fatigue: they cannot predict their schedule, they are consistently being paid less, they cannot take time off when needed with harsher and harsher retributive policies, and all of the practices that helped employees manage fatigue are being taken away.

Disability (FMLA)/Age/Females: Who is primarily suffering for all of this mismanagement? Those with disabilities, those who are older, and women. These demographics statistically require more time off to cope with personal conditions. The time that they had to cope with said conditions has now been eliminated (5 weekdays & 2 weekend days per month). In order to earn points back, one cannot even take FMLA time off. To earn 4 points back (30 point max ceiling), one must work 14 days contiguously. A single unpaid time off event costs between 6-10 points per event.

Example:

Points Start at Max ceiling of 30 points.

03/01/2022 Unpaid leave (subtract 7 points from the available 30 = 23 points remaining)

03/02/2022-03/12/2022 Working/Available

03/12/2022 - FMLA appointment (resets 14 day count to earn 4 points back)

03/13/2022- 03/22/2022 Working/Available

03/23/2022- Unpaid layoff (23 points balance – 7 point = 16 points remaining)

03/24/2022-04/04/2022- Working/Available

04/05/2022- FMLA appointment

04/06/2022-04/16/2022- Working/Available

04/17/2022- Unpaid leave following Paid leave (16 points balance – 7 points – 3 conjunction penalty points = 6 points remaining)

04/18/2022-04/30/2022- Working/Available

As you can see, the employee is losing ground consistently and is often forcing themselves to go to work while experiencing unsafe levels of fatigue. Many of the increased medical issues and sicknesses can be attributed to another new policy called delayed maintenance schedules for locomotives and tracks. During the pandemic, the Carriers did not clean the cabs (6ft x 8ft), resulting in more employees falling ill. This practice is still in-place and now the locomotives are not being maintained other than for FRA regulated defects. This has resulted in rougher riding locomotives (e.g. increased vibrations, regular mechanical failures, etc) that exacerbate medical issues and longer work hours. This is resulting in the loss of ~30 employees/week in the TYE craft (Locomotive Engineers & Conductors) at BNSF alone.

How much more is expected of these individuals? Would you tolerate such an employer?

Dear chairman oberman,

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This is in regards to the hearing that is coming up ep 770. I have been with this company bnsf for 28 years. What the company is doing in regards to there employees with this attendance policy is the most restrictive I have ever seen. With over 1000 people quitting in 2 months of this being implemented people getting injured because of not being able to take off for being fatigue or sick or for whatever reason. For the fear of losing there job. Losing points going home sick because they didn't want to take off then couldn't take it and had to go home anyway so now they get deducted more points fpr going home and possibly getting other employees sick that could cause them to go home sick also. This in my opinion is a complete disregard for there employees

because honestly they do not care for them at all. We believe this is a part of something bigger unsure what but yes they do not care about there employees at all. Has put employees in danger. I'll stop for now I could go on but thank you for reading this.

Thank you

Scott Ledbetter

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

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April 25, 2022
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RE: EP 770 Rail Service Hearing

04/24/2022

Dear Chairman Oberman,

I am a railroad employee and have been working as a conductor/locomotive engineer for over 25 years. I would like to point out a few of the problems with the current state of the rail industry from our point of view at ground zero.

The railroad I work for has spoken out against Precision Scheduled Railroading(PSR), but has been using it to show record profits for its shareholders at the expense of customers and employees.

- 1: Trains are running much slower(sometimes over half the authorized speed) in order for the railroads to save money on fuel(and continue to have record profits).
- 2: Crews are worn out from being left on trains twice as long for no additional pay.
- 3: Contract companies are not able to supply vans and drivers when the Railroads need them, leading to crews going over hours of service (often more than 15 hrs and, in the last year, a few over 20 hrs on duty).
- 4: No crew management.

The railroad has never been able to manage crews and somehow they think some software and strict attendance policies will fix this.

Bottom line is they would be able to run far more trains with the current number of employees if they allowed trains to run closer to track speed, had plans in place to get crews to the next terminal within their hours of service, and had short turnaround crews available to relieve crews near the next terminal when they aren't going to be able to accept the train for several hours.

Much of the blame is on the carriers, but I must also say that revisions to the RSIA must also be made in order to resolve many of the current transportation problems. The Railroad Safety Improvement Act requires that crews get 10 hours of undisturbed rest after a tour of duty. Additionally, if they go over their hours, they must have an additional minute of rest for every minute they worked over 12 hours. If a crew is working to the

away from home terminal this can lead to 16 or more hours in the hotel. I don't know who came up with this plan as all it does is guarantee that I am going back to work fatigued. I don't know a single person that can sleep an additional minute for every minute they work beyond 12 hours. Additionally, crews with six crew starts, with less than 24hrs off between, must have 48hrs rest. The railroad circumvents this by deadheading crews on the 5th or 6th start.

In my humble opinion RSIA should be modified to:

- 1: Only require 8 hours of undisturbed rest at the away from home terminal and any additional rest required for working over 12 hours should be able to be observed when returning to your home terminal.
- 2: More options for rest at our home terminal, where we can actually use it to spend time with our families. **(If you want train traffic to speed up, force the railroads to allow us as much time off at home as our trip took e.g. if we're gone 48hrs we can book 48 at home).**
- 3: Make Deadheading count as a start towards RSIA rest. (we often deadhead on trains, that take 8 to 12 hrs)
- 4: Make it Federal Law that crews not tied up in 12 hours must be paid double time. (Nothing is going to change in regards to getting crews in before their hours of service expire unless it costs the carriers something.)

My other brothers have sent letters explaining why the railroads have had trouble retaining and hiring new employees, and I agree with their statements and will not reiterate those here..

Thank you for your consideration,
Clark Thomson
Locomotive Engineer
BLET

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Dear Chairman Oberman -

I appreciate the STB looking into the current state of the rail industry.

I have been a part of this life for nine years now as a spouse to an engineer who was proud to be a career railroader. Outside of being a spouse, I am a CPA who is a Director of Finance and HR. I spend countless hours working on how to retain and attract the best staff. The latest round of attendance policies being implemented at all of the Class I railroads (specifically during a pandemic when the crews were deemed essential staff) is appalling. I would go as far to say it is a thinly veiled attempt at fostering a toxic and hostile work environment.

After serving six years in the USAF, with multiple tours in Iraq, my spouse sought out an opportunity that would still allow him to have an impact serving Americans. He quickly hired on at a Class I railroad and progressed from conductor to engineer. He has now been with that railroad for 15 years.

Starting out working for the railroad, he knew there were great opportunities. Though he was furloughed once for 18 months, it was worth sticking it out, because he knew that eventually he was going to be able to hold a position such as the Utility Man. He knew from the seasoned engineers that sticking with the railroad was going to provide a career that would allow him to provide for his future family and may even be able to allow his wife to stay home.

During his time, the Class I railroads have continued to make what get deemed as "minor" changes which has no longer made the railroad the proud career that it was. I would compare this to them kicking a can down the road and seeing how far they can go. When he started there were multiple jobs in the yard and freight was able to be moved quickly and efficiently. In the last five years, the yard jobs have been cut to the barebones. Industries aren't getting their cars switched because there is simply a lack of manpower to do it. You do not have to be a management expert to know that when you cut 30% of your staffing, but do not decrease the workload that customer service will slip. That slippage is what is bringing all of these concerns to light today.

From my perspective, what will it take for someone to step in and regulate what the Class I railroads are doing by slashing staff and causing a national supply chain crisis that predates Covid if everything they do is "minor"? Because for Class I railroads to fall back on it being crew shortages causing the issues, they have literally caused that problem for themselves. While the rest of the literal world is fighting for new hires and trying their best to retain staffing by offering flexible work schedules, compensation increases, and better benefits, the Class I railroads have decided to double down and take a punishment approach to penalize workers for not being available 90% of their time. If I were to have a crystal ball, which I don't, I just have logic - this is all the long game for these same railroads to come back to the STB very soon begging for permission for one man crews to again slash American workers' jobs. When we can no longer find bread on the shelves, fuel for our cars, and inflation is pushing more and

more Americans into poverty because the materials needed to keep our economy moving are being delayed by a self-manufactured crisis.

On a personal level, pre-pandemic, I had an evening where my infant daughter was very sick - her breathing was terrible. I left a voicemail for my husband that I was taking my daughter to the ER. On a break, he listened to the voicemail and went to the trainmaster that he needed to leave. He met me at the ER. Two weeks later we received a certified letter that he was going to investigation because he left mid shift to join me at the hospital. The trainmaster and terminal manager were more concerned about how he found out that she was at the ER, than that a baby was being taken to the ER because she could not breathe. At one point the trainmaster even listened to our baby's labored breathing before she left him leave. When staffing is so low with PSR, there is no elasticity in the system for when human emergencies occur and emergencies will always be there.

In my world, making "policy" changes that affect your work force like these extremely punitive attendance policies would have been negotiated with the Union. Although I agree that technology can help with efficiency, it isn't going to replace the experience the crews have. You pay for expertise and that expertise is how you generate your revenue. I can't fathom having any office/corporate worker from any of the Class I's live a rail crew's schedule for 30 days. It takes a special person to make this a career.

In conclusion, he and I know that the railroad can do better. He is now three years out without a contract and there isn't one in sight since the Class I railroads will spend years in arbitration. When hired on he agreed to be available 75% of the time and now they want 90%. The railroads are not a fair market. They do not have to follow the same struggles as most corporations. They have captive customers, but when service to those customers declines, it affects the entire economy. I suggest the STB not brush all these issues to the side, it is time for Congress and the STB to step in and take all regulatory actions necessary to get the railroads properly staffed and shipments delivered on-time. I believe that there are three things that need to be addressed immediately:

- The Railroad Labor Act is outdated and the definition of minor and major need to be addressed. If the Unions had the power to threaten a strike - attendance policies and loss of American jobs would not be where we are today.
- Punitive attendance policies are creating unsafe working conditions with fatigued and sick crews.
- National contract negotiations should be expedited and have time limits. Policies, such as the punitive attendance policies, that clearly affect Union members should have to go through negotiation

Thank you for your time.

Vanessa Mason

Surface Transportation Board
395 E Street Southwest
Washington D.C. 20423

RE: EP770 Rail Service Hearing

April 21, 2022

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Dear Chairman Oberman & Board Members:

I am a locomotive engineer in my 28th year of service on a class 1 railroad. For the past 15 years I've worked mostly in freight yards, switching cars & bringing cars to customer facilities. I operate all types of locomotives.

One problem I see at work is lack of locomotive maintenance. Locomotive problems that I routinely deal with include:

- excessive exhaust smoke from worn out or untuned diesel engines
- oil droplets blowing out of the exhaust stack & accumulating on exterior surfaces of the locomotive, including walkways, handrails, & windows.
- excessive vibration
- heaters that don't work
- air conditioners that don't work or have filthy unchanged filters
- refrigerators that don't work
- windows that are hard to see through for lack of cleaning
- moving parts such as doors, sliding windows, sliding seats, air brake & throttle assemblies that are damaged, worn out, or unlubricated
- filthy toilets

Some defects are addressed fairly quickly because they require, per FRA rules, that the locomotive be removed from service until repaired. The above defects don't always fall under that category so they often don't get addressed even when reported.

The other problem I'll discuss is the shortage of crew members; also called "train, yard, & engine (TY & E) employees". Different people have different reasons for quitting or passing up a TY & E job, but I'll list some reasons that I think would discourage almost anyone.

TY & E employees are exposed to numerous detrimental conditions. Train yards or areas close to main lines are often plagued with air pollution from particulate matter small enough to lodge in the throat, nasal passages & lungs. The smallest of these particles can pass through the lining of the nasal passages & lungs, & into the bloodstream where they spread throughout the body. Much of these fine particles comes from diesel exhaust, which is produced by freight & passenger trains, switch engines, road & hostler trucks, intermodal cranes & lift trucks, refrigerated containers, trailers, & boxcars, & motorized maintenance of way equipment. Also, yards with locomotive maintenance or storage areas often have a cluster of idling locomotives which produces a high concentration of exhaust.

The ground over which trains run often contains fine particles of creosote leached from railroad ties; rock & silica dust from ballast & locomotive sanders; asbestos & other material from train brake shoes; & possibly herbicidal chemicals from repeated spraying. Ground

particles can become airborne by the rush of air from fast-passing trains, the uncoupling of pressurized air hoses, the whirring of moving parts (traction motors?) under slow moving but high revving switch engines, the blast of air (pointed at the ground) from locomotive blow-down valves, & finally the wind. Dry weather compounds the problem of ground particles entering the air.

Locomotive cab floors quickly accumulate dirt & fine debris particles that can't be removed with just the provided broom. A dust pan would help but what's really needed, & to my knowledge is never done at any facility I've worked at, is for the floor to be vacuumed & then washed. The danger from these dirty floors is that when the cab door is opened on a windy day, or when the locomotive is moving, or anytime the cab blower heaters are turned on, or sometimes just when the windows are opened, the floor particles become airborne & are breathed by anyone in the cab. Also, locomotive heater & air conditioner filters are often unmaintained, unchanged, or missing; & even when new, may be incapable of trapping some of the finest & most harmful particles likely circulating in the air.

Dirty air has been linked to lung, bladder, kidney, colon, & stomach cancers, as well as diabetes, obesity, osteoporosis, decreased fertility, miscarriage, & sleep apnea. Diesel exhaust is especially rich in toxins & carcinogens, & is often included in the dirty air of railroad environments. Furthermore, a 2017 study by Harvard University scientists, published in the New England Journal of Medicine, demonstrated that air pollution increases the risk of premature death; even at or below the legal limits set by the U.S. E.P.A. People, like railroaders, who are exposed to dirty air consistently for several years are at high risk for health problems.

Many train crew ground employees spend hours walking adjacent to & between railroad tracks, where the surface is made of various sized rocks (the largest of which can be very uneven & unstable) & is often tapered rather than level. This surface is often littered with scrap iron, pieces of broken ties, discarded brake shoes, & in winter is rarely, if ever, cleared of snow. Other dangerous walking surfaces often found on railroad property include unpaved roads with ruts, holes, gravel & loose rocks. Walking on such surfaces can, over time, cause orthopedic problems in the feet, knees, ankles, & low back.

Actions, typically performed repeatedly by TY & E employees, which can, over time, cause carpal tunnel, & other orthopedic problems in hands, wrists, & elbows include: gripping & manipulating the brake levers, throttle, & reverser handles of a locomotive, gripping & jerking iron pin lifters, gripping & torquing iron hand brake handles, gripping grab-irons while riding the side of railcars & ascending/descending railcar ladders, gripping & pulling/pushing iron switch handles, & finally using the hands, arms & shoulders to apply force to all manner of rusted, corroded, unlubricated, frozen, & worn out moving parts such as switch locks, angle cocks, threaded air hose fittings, locomotive doors, sliding windows & sliding seats.

Many TY & E employees have no set work schedule. Instead they are on call 24 hours per day, often 7 days per week, with about 2 hours to report to work after getting the call, & just enough guaranteed time off between calls to drive home & sleep. Sometimes employees end up with a little or a lot more than just the minimum guaranteed rest time, but they never know when or how much extra time will arise; so they can't plan much or go anywhere too far from home, lest they find themselves called without enough time to get home, change into work clothes, grab whatever they need to bring to work, & drive to work (the location of which can change

from day to day). This hectic on-call work life makes it impossible to be consistently, if ever, present at meaningful events with friends & family. Also nearly impossible is the establishment of a regular sleep/wake cycle, which studies have shown is very important to overall health. Even the few TY & E employees who are fortunate enough, usually by decades of seniority, to have a set start time & place every day, still don't know what time their work day will end because only supervisors can decide when train crews go home. The only thing the crew member can count on is the federal 12 hour work limit for train crews. But that doesn't mean the train crew can just punch out and go home after 12 hours, because they may be on a parked train in a remote location when the 12 hours expires, leaving them stranded & waiting for a contracted van driver to find them & drive them back to the place where they punch out. Van drivers, like train crew members, are often in short supply. Not knowing what time your workday ends makes it very hard to keep medical appointments & important commitments after work, which over time translates into stress & deteriorating relationships, & possibly deteriorating physical & mental health. Furthermore, Dr. S.J. Heyman of the Harvard University School of Public Health conducted research that found kids whose mothers lack paid leave & flexible work hours are 2 to 3 times more likely to have academic & behavioral problems. Other studies show fathers' lack of flexible hours create similar problems. Donna Lenhoff, former V.P. of the National Partnership for Women & Families, said: "The lack of workplace flexibility & other out of date workplace policies are contributing in a major way to the problems occurring among children today." For those reasons, over the past several years in the white collar workforce, there has been more value placed on work/life balance; resulting in more flexible work schedules, working from home, healthier offices with standup or even treadmill computer stations, & lunch areas with fresh juice, smoothies, & salads. This beneficial trend is not trickling down to blue collar railroad workers; in fact work/life conflicts are increasing (Hi-Viz attendance policy is a good example).

Many TY & E employees spend several hours, sometimes more than 12, in the cab of a locomotive, where there is no room to walk & little room to perform beneficial stretching. The floor cannot be used because it's too dirty. It's common knowledge that a sedentary lifestyle is not healthy, but a 2020 study, published in the Journal of the American Medical Association in June 2020, by the University of Texas & other institutions nationwide, demonstrated a link between increased sedentary time & increased likelihood of death by cancer. Recent railroad rule changes in regard to train securement have made it harder to get off the locomotive & walk even a short distance.

Throughout my years of employment, I've seen substantial effort to reduce some injuries & accidents. However, the serious work/life issues, as well as the serious health problems which develop gradually & whose origins are hard to pinpoint, that I've described here are ignored or, in rare cases, only superficially addressed by management.

Paul Kamka

ENTERED
Office of Proceedings
April 25, 2022
Part of
Public Record

Surface Transportation Board
395 E street southwest
Washington DC 20423

RE: EP 770 Rail Service Hearing

April 25th, 2022

Dear Chairman Oberman and Board Members,

My name is Christopher Sheble. I am a locomotive engineer with BNSF Railway. I operate out of Kansas City, Missouri. I've been with the company for nearly nine years and I believe my time and experience allows me to share some of my insight regarding the upcoming hearing. Firstly, let me thank you for being open to comments from myself and other hard working, blue collar Americans. My experiences, opinions and anecdotes will all involve the Kansas City area.

Let me start my comment off by saying that I truly enjoy my job, my issue lies with those of whom I am employed by. I cannot stress to the board enough, how every issue that I will lay out in the letter, can be laid at the feet of the carrier. In 2020, we were heroes who showed up, did the work, all through the pandemic. We were labeled heroes, including by BNSF. Currently, as it stands, we do not feel as though we're being treated as such. Nor am I asking for us to be treated that way. I would prefer my employer simply treat me as a human being. Someone who is simply asking to be treated fairly.

The most recent and glaring show of the carriers opinion of us is Hi Viz. An attendance policy that is the most restrictive and most draconian of any railroad in the country. Currently we've lost about 1000 coworkers because of this policy. The carrier has failed to employ any new hires in numbers to combat this loss. That is because the word is out. No one wants to be required by an employer to be ready to work 90% of the month. Nor should they. It's akin to feudalism indentured servitude. When the carrier released its Hi Viz proposal, labor relations told the unions that the company needed to "make good employees out of these guys." The pandemic heroes were now held in the highest of contempt by those that made zero of the sacrifices during the pandemic. While all TY&E showed up, most everyone above first line supervisors worked from home, avoiding any risk that the rest of us faced. I'm Judge Pittman ruling on Hi Viz, it reads as though the company wrote his decision for him, which may not be surprising since he worked for the law firm that represented the carrier and the lawyer for that law firm clerked for him. We were essentially told, we must take one for the team because of the consequences that would be faced by an already strained supply chain, and the American people. We have done that and more.

In 2020, BNSF made drastic cuts over and over because of the pandemic and shutdown. They saw this as an opportunity to do more, with less. They decimated their crew base for the next two years after that as well. Even with the eventual need for crews after the economy opened back up, the jobs were not added back. Many, remained furloughed. In June of 2021, BNSF, along with other carriers were brought before the STB to answer whether or not they had the crew base to handle the volume of backed up cargo containers at ports. Strangely, by the end of April all the way through to this meeting, jobs were added back, people coming back to work, crews were there to move freight. Shortly after this meeting took place, all of this jobs added, were cut again. We were again required to do more with less. Including the company violating many of our collective bargaining agreements. As I write this letter now, we lost hundreds of people in Kansas City over the last two years. Most of whom, did not return after

being recalled from furlough after finding new jobs. Most did not come back because of the uncertainty of how long they would be able to work this time. After the last recall in Kansas City, we did not have enough people to return to fill the open jobs. Which led to many egregious hours of service violations. Crews being forced to operate their trains past their 12 hour mark because the carrier did not plan accordingly and didn't want trains blocking mainlines halting all traffic. I have personally been called to relieve trains that are 16 miles outside of Kansas City, and we go dead before we are relieved by a crew or van. I've been called to deadhead, take a van from one terminal to another and no transportation was called. Recently, I had a 16 hour deadhead because the Manager of Crew Operations for BNSF stated that it "wasn't her job to order vans," on a recorded line. In fact, that is their job, it's what they do, they move crews and transportation. We are regularly run until we have no time left because there isn't a crew or a van to help us. We are told this by dispatchers. We cannot continue this way.

I'd just like to make an overall point about what BNSF has done over the last few years. In an effort to cut costs and improve share holder value, every aspect that makes a working railroad has suffered. We have throttle restrictions, limiting our ability to use increased fuel efficiency and maximum horse power. We have blanket speed restrictions over entire territories. We have what's called a 0/40, which means that once you reach 40 mph, you cannot use any throttle. Bnsf has intermodal cars, and power in storage that could alleviate congestion at the coast. But they refused to take them out because it would increase the operating ratio. And now, they wouldn't have the crews to move it because of the job cuts they've made. They run every train with the bare minimum horsepower. Which means if something goes wrong, you've got a service interruption. They have deferred track maintenance in a way that's unprecedented. We've seen more derailments in the last few years than in years previous to that. And their big push of longer trains is a detriment to the public at large. They do not have, nor plan to invest in the infrastructure to run 2-3 mile long trains. Again, if something goes wrong, you've got a bit interruption. These trains take multiple crews to move and kill any opposing traffic. They also needlessly block roadways that force emergency workers to divert. This is because they aren't even worried about cutting crossings anymore. In fact, I was told by a road foreman of engines that, "they'll move freight whenever they have someone to move it." These cost cutting measures are a detriment to crews, customers, and the public at large.

Finally, I'd like to speak about myself and my brothers and sisters. We are the backbone of BNSF. We are the ones sacrificing our physical, mental, and emotional health everyday. BNSF had record profits in 2021, 6 billion. And the previous years, 2020 not withstanding, we're record as well. 2020 being 5.2 billion after 2019 was 5.4 billion. We have been without a contract for nearly 3 years. We have had contract and work rules violated. We have had good penalty claims denied for frivolous reasons. And yet, we, as a union, are fighting this battle through the legal processes laid out in the RLA. BNSF wants to cut the pay of its workforce, get rid of conductors, and build longer trains, with fuel saving initiatives that will delay customers cars. All while making record profits. We are not asking for much, we wish to be fairly compensated for the work that we have done to pad the bonuses of BNSF officials. I also urge you to realize, that the carriers will use a "workforce shortage," as an excuse to petition for one man crews. Any shortage is a direct result of the carriers actions over the last few years. I hope the board will hear our pleas. As tired and burnt out as we are, we must and will continue to fight for what we believe is right. And right now we believe they the carriers should be held accountable for their actions that have done irreparable damage to us, customers, consumers, and the economy at large because of corporate greed. We cannot, and will not have our voices ignored any longer.

Thank you,
Christopher Sheble

Surface Transportation Board
395 E Street SW
Washington, DC 20423

April 25, 2022

Chairman Oberman and other STB members:

As the spouse of an engineer, who has worked as a road and yard engineer for one of the class one railways for almost 20 years, I am writing in response to the Surface Transportation Board's inquiry into Class 1 railroads.

I made the decision to write this letter, as I cannot stand idly by, as the class 1 railway carrier my husband works for, puts profits ahead of employee safety. I am still very concerned that writing this letter to you will result in retaliation against my husband by the class 1 railroad he works for.

There are many items I would like to address in my letter including issues of recruiting and retaining employees and the current life of a rail employee and family and behind the scenes of how the employees are treated. My hope is that you will read my words and my letter in its entirety.

My husband does not have scheduled days off, as a road engineer. As a yard engineer, he would be able to have scheduled days off, but because of the job cuts the class 1 railway has made, he no longer has the seniority or opportunity to hold those jobs which remain. My husband was hired out 20 years ago and until February 2022, he was afforded a percentage of time off which typically amounted to five (5) weekdays and two (2) weekend days off per month. He also was afforded a rolling 3-month period; if an emergent type situation occurred, he could take off more days in one month period and less in the next, as an example. My husband, nor any other railroad employee, were required to take these days off. If they did not need them, they simply did not take them.

The unusual lifestyle we live because of his career is not for most; however, we were determined we could make it work. An alternative lifestyle is not a novel life for us; we have a child that has complex disabilities, as well as autism. We know what it is to live differently. Planning for time off was a little more challenging, but we still could plan for appointments, plan ahead for holidays and birthdays. We decided it wasn't the actual day that mattered, it was the time we got to spend with each other that mattered. Then, the class 1 railway came out with their "High Impact Day" policy. We still were able to plan, albeit it was much more difficult. Please know the class 1 railway can determine that any day is a "High Impact Day". Our planning of days now included scheduling and hoping my husband would hit Rsia, as well as praying that a vacation or personal leave allocation day would be available. To thank their employees for working through the pandemic, the class 1 railway decided to thank their employees by implementing the "Hi-Viz" attendance policy.

According to the class 1 railway, the "Hi-Viz" attendance policy is "designed to provide employees with real-time information and greater flexibility, so they can make informed

decisions about their work schedules” and also “provides more certainty and better quality of life.”

There are so many flat out lies to this statement. There is not greater flexibility and though there was little quality of life previously, now there is no quality of life. Let me explain.

Previously, the class 1 railway afforded a TY&E employee an approximate total of 7 days off per month and every month the “5 & 2” reset. Simple math shows the old attendance policy ensured more than 75%; the old attendance policy allowed: 5 weekdays + 2 weekend days = 7 days off per month. There are a couple of ways you can calculate the availability percentage using the old attendance policy, the simplest being: $7 \text{ (days)} / 31 \text{ (days)} = 77.4\%$ availability, $7 \text{ (days)} / 30 \text{ (days)} = 76.67\%$ availability, $7 \text{ (days)} / 28 \text{ (days)} = 75\%$ availability.

Again, my husband, nor any other railroad employee, were required to take these days off. If they did not need them, they simply did not take them. If they did not take the days afforded to them off, they had a higher attendance availability.

Now, I will attempt to explain the “Hi-Viz” policy implemented as of February 1, 2022. Please remember, according to the class 1 railway carrier, the “Hi-Viz” policy was designed to provide employees with greater flexibility, the ability to make informed decisions about their “work schedules” (quotes added), and provide more certainty and better quality of life for their employees.

The “Hi-Viz” policy: deepens the class 1 railway carrier’s employees grueling, demanding exhausting and unpredictable erratic schedules and make it almost impossible for workers to get rest they need, make and keep appointments or spend time with their families.

Instead of being allowed a certain number of days off in a given month, as with the previous attendance policy, employees are now given 30 points for **THEIR ENTIRE CAREER**. Many of these employees would work for at least 30 years.

If an employee needs a day off, the employee would have a few options:

- Apply for a personal leave day and hope there are allocations for them.
- Apply for vacation day and hope there are allocations for them.
- Use points to “pay” for the day off.

The current allocations are approximately 10 “spots” (some days have different allocations allotted); this means that only 10 engineer employees could use their earned paid days off. There are over 200 engineers at my husband’s terminal.

In my husband’s terminal and current craft as a road engineer, points are calculated such that:

- Weekdays: (Monday - Thursday) **will cost the employee 2 points** for each day off.
- Weekends: (Friday and Saturday) **will cost the employee 4 points**.
- Sunday: **will cost the employee 3 points**.
- Holidays, which are high impact days and any other high impact day – that the railway carrier **decides or deems** a high impact day: **will cost the employee 7 points**. (Sometimes this includes the day after the holiday - like Friday after Thanksgiving for example - and

each costs 7 points plus the in-conjunction points). Holidays are not the exception to the high impact day; for example: even Superbowl Sunday is considered a high impact day.

- In-conjunction points: Taking more than one (1) day off in less than a 48-hour period will result in the days off point deduction, see above, as well as an **additional 2-point deduction** for in-conjunction day off.
 - Example: Employee lays off sick Monday, back to the board Tuesday but still feels ill Wednesday and lays off again. Not accounting for a high impact day possibility, the employee would be assessed **6 points**.
 - In-conjunction points are also assessed if an employee lays off prior to or after a vacation.
 - For example: employee is going on vacation. Employee has plane tickets to leave on Monday of the start of their vacation. However, the employee is scheduled to go out of town for work on Sunday. If they lay off, **they are assessed** the Sunday layoff of **3 points** and **assessed** in-conjunction points of **2 points**...just to make sure they don't miss their flight for vacation.
 - These point deductions will take the employee 1 month **straight** of staying marked up to earn those points back.
- Not accepting notification from the company, even while on the employee is off, will also result in points deduction.
 - Imagine: your enjoyment is camping, hunting, fishing, etc. You're without cell service ON YOUR DAY OFF. The automated robot caller calls and the you don't answer...now you will get docked points for not accepting a call that you should not have had to.
- No show points: **25 points** deduction.

I ask you; do you answer work calls on your day off? Do you answer work calls on your "weekend" off? Do you answer calls while you are away from work? Does the class 1 railway corporate management answer calls on their day off, on their "weekend" off, while they are away from work? I am positive I already know that answer.

- Earning points/resetting points:
 - An employee will earn: **4 points** for working 14 days, straight, in a row.

The only way to get points back is if an employee works/is on call for fourteen days (14 days) straight. Also, an employee CANNOT accrue more than those 30 points, even if the employee stays marked up / working with no days off. The points are capped at 30. There is no incentive for an employee to stay marked up (available for work). They are working for no incentive at the point they have all of their points.

However, if an employee uses any day off: vacation (paid), personal leave day (paid), or FMLA (if an employee has it), the 14 days is reset and they cannot earn the time off points back during that 14 day earn back period. The company is literally punishing their employees for using their **earned paid time** and even FMLA time (if an employee has it); FMLA is federally protected time.

Examples:

- 2 weekdays off in a month, assuming Monday – Thursday days weekdays and none are deemed a high impact day: $2 \text{ (days)} / 30 \text{ (days)} = 93.33\%$ availability. **The employee would be able to earn those 2 days / 4 points back working 2 weeks straight and not taking another day off during the 2 week period.**
- 1 weekend day off in a month, assuming Friday – Saturday weekend days and none are deemed a high impact day: $1 \text{ (day)} / 30 \text{ (days)} = 96.67\%$ availability. **The employee would be able to earn that 1 day / 4 points back by working 2 weeks straight and not taking another day off during the 2 week period.**
- 1 holiday/high impact day off, assuming no in-conjunction days etc: $1 \text{ (day)} / 30 \text{ (days)} = 96.67\%$ availability. **The employee would be able to earn that 1 day / 7 points back working 4 weeks or 1 month straight and not taking another day off in during the month-long repayment period.**

Are you confused yet? Or does all of the new attendance policy make more sense? The attendance policy change isn't to help employees understand time off, clearly.

I ask you to explain to me, the employees, the spouses, the children and other family members, as well as prospective employees, how does this new attendance policy provide employees with greater flexibility, provide more certainty and better quality of life?

I ask you to explain to me, the employees, the spouses, the children and other family members, prospective employees and the general public, how is this new draconian attendance policy less confusing?

On top of that, the class 1 railway carrier calls this incentivizing consistent and reliable attendance. Incentivizing what exactly? Incentivizing their employees to quit! Reliable attendance? How about calling a spade a spade – this is servitude.

This is a huge reason the railway carrier is unable to retain and unable to hire employees. The railway carrier has cut jobs, furloughed workers at the beginning of the pandemic and has been slow to bring them back, has not bargained with unions in good faith, has increased the burdens the employees have to carry, hasn't hired in a long time and now, with this new attendance policy, has ensured people are not standing in line waiting for the railroad to hire.

Imagine this:

You are on call 24/7/365. You don't have scheduled days off EVER. There is no such thing as "the weekend" or a "holiday" off. Being on call means that your phone could ring at any minute and you only have 120 minutes to report to work. You NEVER know when the phone will ring and you NEVER know what job you're going to work...it's just a SURPRISE! The robot crew caller says you will be working "xyz job". But sometimes, once you get to work it, it can be changed. The railway carrier doesn't even know where you're headed, until they do. You can be gone from home for 30 - 60+ hours. The railway carrier can leave you in a hotel away from home for as long as they want and some railroaders don't get paid for all of the time they're at the hotel. The time sitting at the hotel waiting to get called to work doesn't count as time worked, even though you are required to be there. You cannot lay off out of town, or you'll get in

trouble. Once you are off your shift, you can be called to do it all over again 10 hours later any time day or night.

Bottom line: employees are tired of these big business treating like them slaves.

Newsflash: everyone is hiring. Many employers are hiring at the same pay rate as the railways.

So, can you tell me, the employees, the spouses, the children and other family members, as well as prospective employees, why would someone want to work in these types of conditions anymore, or for those companies anymore? The pay isn't better, the hours are definitely not better, the workplace is toxic, the railway carriers don't care about employee's physical or mental health, or families.

The railway carrier has refused to negotiate contracts with the unions in good faith for over 3 years. The current employees have not had a pay raise for 3 years and will not until a contract is reached, regardless of the inflation. Employees in my husband's union / bargaining agreement have been without a contract for over 3 years and are working the expired one until the class 1 railway carrier decides to negotiate.

Conductors in my husband's seniority district work on a 4 and 2, work four starts and can take 2 days off. Recently, the class 1 railway carrier offered a pilot program of 6 and 3, work six starts days and can take 3 days off, to the engineers. Employees are not required to take those days off. However, once it was voted on by the union membership, the railway carrier then decided to pull their pilot program offer off the table, citing not enough manpower. I bring this up solely because the layoff points then would be a 7-point deduction to their points, as the employees would then be on "assigned service".

Employees are moving freight and trains for 12 hours and then have a mandatory 10 hours off and then 12 hours on 10 hours off, repeat. The employees have no scheduled days off but according to the class 1 railway carrier, there's no evidence the employees are overworked.

The Rail Safety Improvement Act of 2008 (RSIA) was supposed to lead to changed work schedules, increased rest time, and reduced risk of fatigue for covered T&E employees.

However, I have observed the railway carrier seemingly purposely skirt employees required time off by not calling an employee within 24 hours, so their time would restart and they would not be able to hit Rsia, only to be called less than an hour later.

I've observed my husband and other rail workers lined up to hit Rsia, only to have the railway carrier put a deadhead, when none were clearly needed, in the lineup so his time worked is reset. He still goes to work; the deadhead just doesn't count as "time worked" toward being able to hit Rsia and mandatory time/days off.

I've seen more trains tied down (parked) since the class 1 railway carrier started their aggressive measures.

I have watched the lineups with my husband and the railway carrier putting off calling trains due to lack of crew availability; “crew not available” while there were more than plenty of crews available. In fact, this happened just yesterday, where there were plenty of both engineers and conductors, yet trains were not called due to: “crew not available”.

I’ve watched lineups that change in moments. I’ve seen lineups that say my husband will not go to work within the next 24 hours, only for him to be called less than an hour later. I have watched lineups where trains aren’t anywhere on the lineup to being called for that train.

I have experienced my husband being out of town in a hotel longer than he was at home.

I’ve seen my husband go in day after day with no days off. I’ve seen other railroaders go in to work tired, sick, angry, frustrated and sad.

I’m aware of railroaders that had gotten Covid, had a doctor’s note and still have gotten in trouble with this new attendance system for taking the required quarantine and isolation time off.

I’m aware of railroaders that have been fired for accurate use of their FMLA.

I know of many current employees of class 1 railway carriers that are actively implementing steps to quitting because of, well all of it. The attendance policy was just the final straw.

I’ve also known railroaders that have gotten divorced and even some that have committed suicide because they just couldn’t handle it any longer.

I’ve heard of employees with many years of service quitting, saying it just isn't worth it anymore. Yet, consistently the class 1 railway carriers say “everything is going to be fine” like nothing is amiss. What you don’t hear is the railway carrier and representatives telling their employees “You know what you signed up for.”

I guarantee the employees did not sign up to be slaves and had they known the measures that would be implemented, they would not have taken the job.

The class I railroads have created this labor shortage themselves. They boast record profits, while continuing to squeeze more out of their remaining employees. It’s pretty obvious what’s going on here. This is just the class 1 railway carriers’ way to push one-man crews. The class 1 railway carrier is making the current employees as miserable as possible to get them to quit. The current employees earned vacations, earned personal leave days, healthcare for the older generation cost the company too much. The railway carrier is failing to hire new employees due to their currently implemented policies, which make manpower the key issue. The railway carrier will run to the government with their hand out begging for help, while playing the victim. They are manipulating the government into giving the railroads millions while still making “record profits”. The railway carriers will then solicit the FRA and government to allow one-man crews on trains until manpower improves, which it never will. Bad management practices by the class 1 railways are the reason for the railcar issue that's adding to the nation’s supply-chain challenges. The railroad has a problem and it starts from the top. The railroads did this to themselves and can't be trusted to fix a problem they willingly created and are still supporting.

What happened to a happy and healthy workforce is a productive workforce? The class 1 railway carrier management has forgotten what that means and has moved to draconian measures. This is not a way to recruit and retain employees.

The fatigue this job brings is enormous. The employees getting enough rest should be a priority concern. The railroad employee's mental health and safety of the crews running thousands of tons of metal and freight need to be a priority, not just to the employees and the families they leave, but to the railway carrier and general public as well.

At what point is enough is enough? At what point can we, the families and the employees agree with the class 1 railway, "You can be proud of your railroad."

Regards,

Erin Bledsoe
Wife of a locomotive engineer

ENTERED
Office of Proceedings
April 26, 2022
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February 5, 2022

Dear Chairman Oberman:

Recently, I have lodged complaints with my federal elected officials here in Washington state and with the Federal Trade Commission on what I view as "gross mismanagement" and/or "fraud" being committed by this nation's railroad carriers. However, after reading an article this morning written by Yale law school student Matthew Jinoos Buck (see attached), the railroads may very well only be doing, "What the Surface Transportation Board has allowed them to do." Mr. Buck's article accurately encapsulated many stakeholder sentiments concerning the current supply chain crisis and how we ended up in this mess. The #1 question is: "What is the STB doing about it?"

For your information, I worked as an operating craft employee (locomotive engineer & conductor) for 22 years on the Burlington Northern and its successor BNSF Railway Company. In March 2011, I was arrested at work, jailed and fired in a workplace conflict staged by BNSF management. After four years of legal battles, I finally got BNSF into federal court and was able to affect some degree of justice for their outrageous behavior that ruined my railroad career (See U.S. District Court Case# 3:14-CV-05054-RBL; Western District of Washington). I know first-hand the deceit and treachery railroad management is capable of perpetrating against anyone who opposes them.

To my point here, beyond the adverse impacts the railroad's Precision Scheduled Railroading has had on our supply chain, my immediate concern is the carrier's attendance & availability policies associated with PSR. The BNSF just rolled out the most onerous, oppressive availability policy in the history of modern railroading. These are "policies" that were never negotiated and that, today, not only threaten worker health & safety, but public safety as well. In truth, the railroads do not want employees at all. Rather, they desire a totally automated railroad, or for now, at most a single-person train crew. Well, guess what? We have a law in WA state that requires the railroads to have minimum two-person train crews. To address that law, the railroads have decided to make the working environment so hostile, so unbearable, that no reasonable person would want to work there. Unfortunately, that strategy appears to be succeeding. If workers are not fired under the Draconian availability policies, then they are quitting on their own, going out on disabilities, or retiring early. Further, the railroads have exacerbated this trend by doubling train lengths (using distributed power) and not replacing workers lost to attrition (fired, disabled, retired, etc.). Today, the railroads have allowed themselves to get "caught short" as supply chain surges overload the "cut to the bone" PSR business model with trained, certified, and territorially familiarized manpower purposely in short supply as part of PSR. Why would the railroads do such a thing? For profit, number #1, but also to bolster their argument they need the Draconian availability policy to force workers to operate trains, regardless of sickness, bereavement, FMLA or any other personnel issue.

I have read the bios on all the STB members. You are all well-educated and experienced. But to be blunt, you are apparently nothing more than career bureaucrats. As Mr. Buck has pointed out, this problem was decades in the making and BOTH political parties have blood on their hands for getting us here. So, here we are today, and some will try to lay blame at the feet of Rail Labor. IT IS NOT OUR DOING. We need firm, swift action against these railroad monopolies and the tyrants that manage them - and we need it now. If you need more information or would like to meet with me and my Rail Labor colleague, we are at your disposal to continue this discussion. Thank you. Mike Elliott



(Illustration by Peter and Maria Hoey)

How America's Supply Chains Got Railroaded

Rail deregulation led to consolidation, price-gouging, and a variant of just-in-time unloading that left no slack in the system.

BY [MATTHEW JINOO BUCK](#)

FEBRUARY 4, 2022

This article appears in The American Prospect magazine's [February 2022 special issue](#), "How We Broke the Supply Chain." [Subscribe here](#).

When the Union Pacific Railroad closed its Global 3 Intermodal Ramp outside of Chicago in 2019, Union Pacific marketing executive Kenny Rocker promised that closing the facility would bring "more consistent, reliable and predictable service" to shippers who depend on rail. Union Pacific was cutting costs by consolidating its unloading facilities in Chicago, a national center of transshipment for goods that come by rail from ports.

Two years later, as the supply chain crisis gripped the country, the railroad had to abruptly reopen Global 3. In the meantime, Union Pacific stopped service between the all-important shipping hubs of Los Angeles and Chicago for one week last July while the company reconfigured its operations. Union Pacific's remaining facilities in Chicago couldn't keep up with the volume, nor could Union Pacific find enough workers or equipment to handle the goods. Industry analyst Larry Gross told Trains.com that Union Pacific "sacrificed surge capacity" when it closed Global 3. "If you don't have any additional capacity in your hip pocket, even moderate disruptions put you in a world of hurt." Gross estimated that Union Pacific's weeklong suspension of service would keep roughly 40,000 containers stranded on the West Coast.

Every other major railroad suffered from supply chain snags in 2021. Another overwhelmed rail company, BNSF, ordered a slowdown of shipments into its Chicago facility. Two other remaining large rail companies, Norfolk Southern and CSX, received sharply worded letters from the head of their primary regulator, Surface Transportation Board Chairman Martin Oberman. In his letters, Chairman Oberman asked each railroad to respond to complaints from shippers—across different types of goods—of worsened service delays and higher costs.

But the freight railroads' poor operational performance has not impaired their spectacular *financial* performance. If anything, the bottlenecks create more pricing power. Less than a week after his company reversed its 2019 decision and reopened Global 3, Union Pacific executive Rocker optimistically predicted on an earnings call that Union Pacific would be able to “take some pretty robust pricing on the market”—in other words, keep its prices high. The stock market shared Rocker's optimism for all Class I railroads, whose stock prices rose in 2021, many by 20 percent or more. The last year was one more of a decade of financial prosperity for the industry as the stock price and total return of every publicly traded Class I railroad from the end of 2011 to the end of 2021, except for Canadian National, grew faster than the S&P 500. Union Pacific earned the second-highest total return in that period, getting investors an almost sixfold return on their money and beating the S&P 500 by over 100 points.

THE RAIL SUPPLY CHAIN CRISIS was decades in the making, based on two fundamental sources—excessive consolidation and the railroads' version of just-in-time, called precision scheduled railroading (PSR). In 1980, at the dawn of rail deregulation, there were 40 Class I railroads. Today, there are just seven. Of those seven, four have 83 percent to 90 percent of the freight railroading market. Wall Street took notice of railroads' growing market power and pushed them to implement PSR, which meant running faster, longer trains, and skimping on service, spare capacity, systemwide resilience, and safety. When Union Pacific closed Global 3, the railroad was implementing PSR.

Today, using PSR, railroad management's job is to drive down the “operating ratio,” or operating expenses as a percentage of revenue. In other words, Wall Street judges railroads' success based in part on spending less money running the railroad and more on stock buybacks or dividends. Theoretically, focusing on lowering operating ratios pushes railroads to be more efficient, to do more with less. But when railroads have the market power they have today, they can instead “do less with less,” as shippers and workers put it.

In a September speech, STB Chairman Martin Oberman criticized railroads for their “pursuit of the almighty OR” and estimated that U.S. railroads have paid out \$196 billion in stock buybacks or dividends to shareholders since 2010. In comparison, over that same period according to Oberman, railroads spent \$150 billion actually maintaining the physical rail and equipment they need to run their railroad.

The driving force behind PSR's widespread adoption was railroad executive E. Hunter Harrison and investor Bill Ackman, a notorious hedge fund manager. After the two pushed through PSR at the Canadian Pacific railroad, Ackman's colleague Paul Hilal opened an investment fund called Mantle Ridge, which invested \$1.2 billion in CSX and successfully pushed CSX to appoint Harrison CEO. Under Harrison, and with the backing of CSX's board, who saw larger bottom lines in sight, CSX pushed through PSR despite complaints from shippers who reported long delays or lost shipments. Every other railroad has adopted PSR or PSR equivalents; industry watchers say the one holdout yet to officially adopt PSR, BNSF, has adopted PSR-like measures.

Wall Street judges railroads' success based in part on spending less money running the railroad and more on stock buybacks or dividends.

Though supply chain bottlenecks had a number of other causes, shippers, workers, and industry watchers agree that railroads' embrace of cost-cutting and PSR played a major role. Max Fisher, chief economist at the National Grain and Feed Association, explains that "because of PSR," the railroads "needed a little bit of surge capacity and they don't have it now." He added that grain shippers across the country suffered from insufficient rail service, not just those in the western half affected by the congestion at the Ports of Los Angeles and Long Beach. Fisher says, "Yeah, the ports have been a problem, but it's also just not having enough labor and power."

"The circumstances of the past year couldn't have been predicted completely," Jeff Sloan of the American Chemistry Council says, "but it was entirely foreseeable that there would be a ... sharp increase in demand for [rail] service and that running without excess capacity would be a resiliency problem."

All of that extra effort, cost, and delay from PSR means higher prices for businesses or consumers that rely on rail for transportation. Shippers or shipper trade groups interviewed said that PSR and rail service resulted in higher costs.

A primary cause of railroads' fragility came from decades of laying off labor. From the passage of the 1980 Staggers Act to 2019, total employment in the railroad industry fell from about 500,000 to roughly 135,000. Some of that decline came from concentrating operations on more profitable lines. But a lot came from regulators advocating for Class I railroads to sell off rail lines or move freight to smaller companies with fewer worker protections and less union presence.

Greg Regan, president of the Transportation Trades Department, a labor organization, explains that when the supply chain crisis hit, "the drastic cuts to the rail labor force during PSR have ensured that there is no flexibility in the workforce." Railroads used to maintain "extra boards," or backup train crews on call just in case. In recent years, railroads viewed those as costs to be cut, which, Regan says, "backfired when those

employees were needed.” Training and certification requirements then prevented employees from being hired back quickly.

A deteriorating safety culture has also prompted laid-off railroad workers to rethink coming back to railroads that seem to view their safety as another cost to minimize in the name of efficiency and PSR.

Workers overwhelmingly complain of being pushed to work faster and sacrifice safety for speed. Regan says that railroad managers rush workers into neglecting safety inspections and argues that thousands of workers have left the railroad industry out of concern for the railroads’ poor workplace safety. The Federal Railroad Administration, the primary safety regulator for the railroad industry, reports that, since 2012, Class I railroads had higher rates of train accidents or incidents, higher rates of yard switching accidents, higher rates of equipment defects, and more total fatalities, all while total Class I train miles were down roughly 40 percent. A Vice investigation in March covered a streak of train derailments that it described as “the all-too-predictable result of ... adopting [PSR].” One labor leader warned, “It’s going to end up ... like Boeing.”

LIKE MANY PERNICIOUS ELEMENTS of our political economy, today’s railroad industry is a product of the deregulatory era of the 1970s and 1980s. Though responding to real regulatory shortcomings, railroad deregulation ended up releasing railroads from almost all of their historical obligations to serve the public.

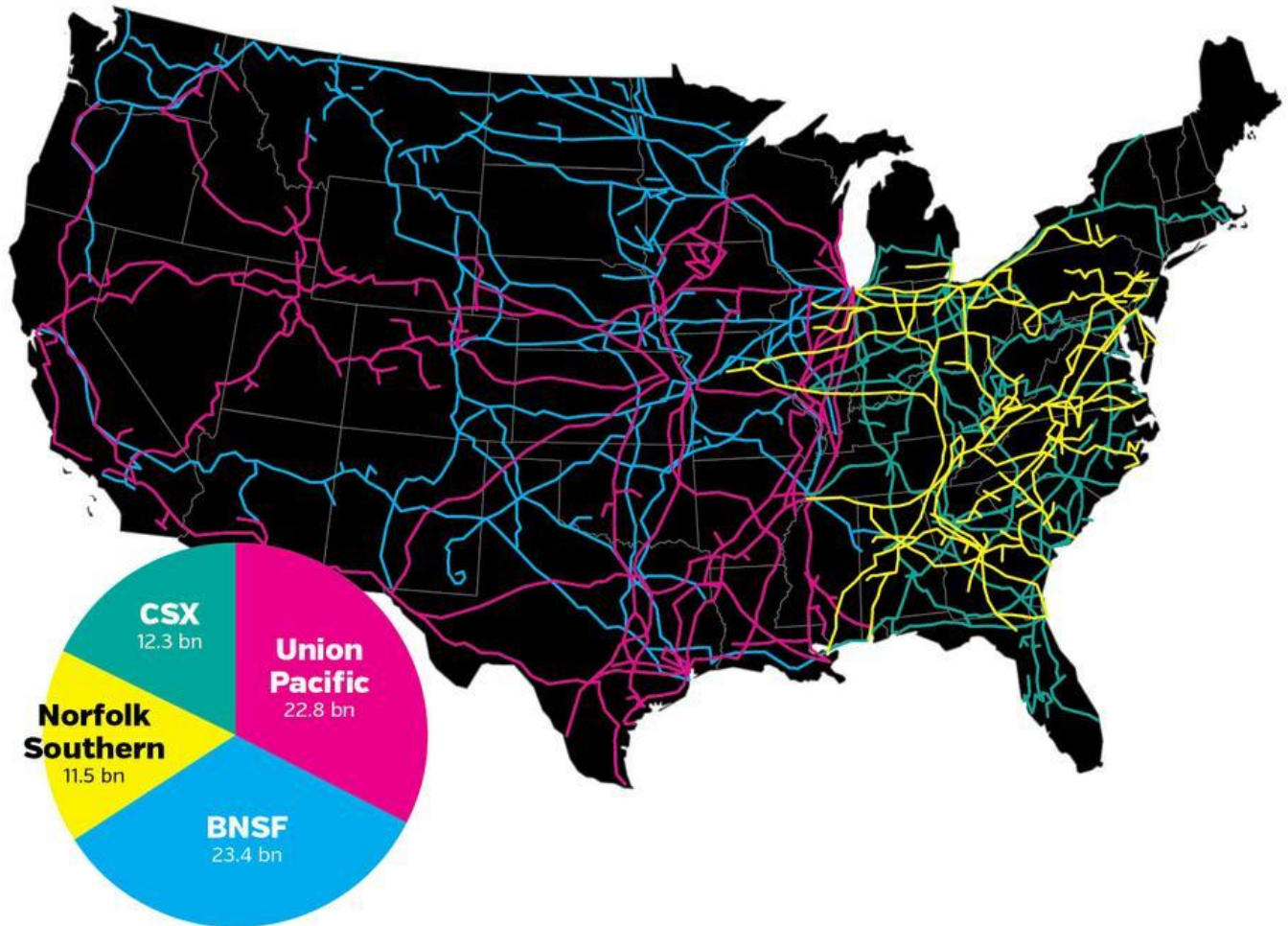
The Congress that brought the railroads under federal control at the end of the 19th century wanted to check the monopoly power that a few railroads and financiers had over the U.S. economy. With the Interstate Commerce Act of 1887, Congress responded to the farmer-labor coalition agitating against the power of private corporations like the railroads and brought the nation-spanning transportation networks under the control of the Interstate Commerce Commission (ICC). At the time, there was neither long-distance trucking nor air freight. Other than minor competition from canal barges, transport meant rail.

The rules of the ICC could be complicated, but a few key features emerged from this era, bolstered by additional Progressive Era legislation. A railroad could not discriminate between similarly situated shippers, meaning that a railroad couldn’t favor similarly situated businesses, and railroads had to post their prices publicly, with those prices subject to ICC oversight.

By the mid-20th century, however, railroads struggled to stay profitable. The freight trucking industry began to grow, helped significantly by federal investments in the national highway system. The railroads had no such federal subsidy, and had to invest their own revenues in system maintenance. Though railroads carried most, almost 70 percent, of all freight after World War II, by 1975 its share dropped to 37 percent. The ICC frequently required railroads to provide service to unprofitable routes. For a universal service, cross-subsidy and service to unprofitable routes made sense as national policy, but the railroads were still privately owned and needed to book profits. By the late 1970s, bankrupt railroads ran 21 percent of all U.S. track.

The Largest U.S. Rail Companies*

The four major railroads run essentially two duopolies.



*2018 OPERATING REVENUE

In response, Congress and the Carter administration deregulated the freight railroad industry with the Staggers Rail Act of 1980, which deregulated the railroad industry in at least two key ways. First, railroads did not have to submit rates, or prices, to the ICC anymore. Instead, they could enter into private contracts with shippers and give different shippers different deals, including volume rebates to big businesses. This reversed one of the original reforms of the Progressive Era. Economic historian [Marc Levinson argues](#) that railroads' abilities to bargain and offer volume discounts to large retailers helped facilitate the growth of big-box retailers like Walmart, which could secure advantageous volume discounts, unlike smaller retailers.

Second, the law made shutting down unprofitable routes easier. Before Staggers, the ICC presided over railroad requests to abandon unprofitable lines, and frequently rejected requests so as to maintain service levels for wide swaths of the country. With Staggers, abandonments became easier, supported by appointees of both Presidents Carter and Reagan. In the first years of deregulation, the ICC essentially stopped denying abandonment requests, helping the railroads reduce their networks from 1980 to 2008 by more than 40 percent, according to research from Christensen Associates.

Consolidation became another legacy of deregulation. The ICC and its successor rail regulation agency, the Surface Transportation Board (STB), enforce antitrust laws in the railroad industry, rather than the Department of Justice or Federal Trade Commission. In an era of permissive antitrust enforcement, and despite having a lower legal standard to block consolidation than the other antitrust agencies, railroad regulators managed to be even *more* permissive than the DOJ or FTC. By the 1990s, STB policy blessed nearly all mergers except those that left only one railroad in a market. Over the objections of other federal departments and states, the ICC and STB presided over two merger waves, one in the 1980s and one in the 1990s, that produced today's market structure. A 2018 study of railroad mergers from 1983 to 2008 was unable to find that mergers improved efficiency.

Of the surviving seven Class I railroads, CSX and Norfolk Southern have a duopoly on traffic east of Chicago, while Union Pacific and BNSF have a duopoly on traffic west of Chicago. Canadian Pacific, Canadian National, and Kansas City Southern run much traffic going north-south through the Midwest. Even so, according to the Rail Customer Coalition, a shippers' trade association, most train stations (78 percent in 2012) only have one railroad serving them. Most places rely on a monopoly railroad.

Railroads have started to resemble airlines by pulling more revenue from their customers through fees. These fees penalize shippers for taking away their cargo too slowly. That makes sense if shippers use railroad yards as free warehouse space, a problem that has plagued ports. But the railroads also use these "demurrage and accessorial" fees as a form of price-gouging. In response to complaints, the STB passed a rule in March requiring greater transparency over the fees and has also asked Class I railroads to submit quarterly updates. Nonetheless, in the third quarter of 2021, Class I railroads almost doubled the revenue they brought in from demurrage and accessorial fees—roughly \$800 million—from the start of 2019. Every single railroad except Kansas City Southern brought in more in fees in 2021 than it did in 2019.

Shipping associations interviewed said individual shippers preferred not to speak out for fear of retaliation. Of the seven Class I railroads and the main industry trade group, the Association of American Railroads (AAR), Union Pacific, Kansas City Southern, and the AAR responded to a request for comment.

Union Pacific spokesperson Robynn Tysver noted that the railroad is “just one piece of the supply chain puzzle” and said, “The changes Union Pacific has made over the last several years with PSR put us in a better position—with a less congested network—to meet today’s supply chain challenges.” Kansas City Southern spokesperson C. Doniele Carlson said that supply chain issues had been “overcome” and lauded the rail network and PSR for providing “seamless transportation” and “a sustained and disciplined approach to customer service,” with the Staggers Act being “just one piece of the puzzle sparking ingenuity.”

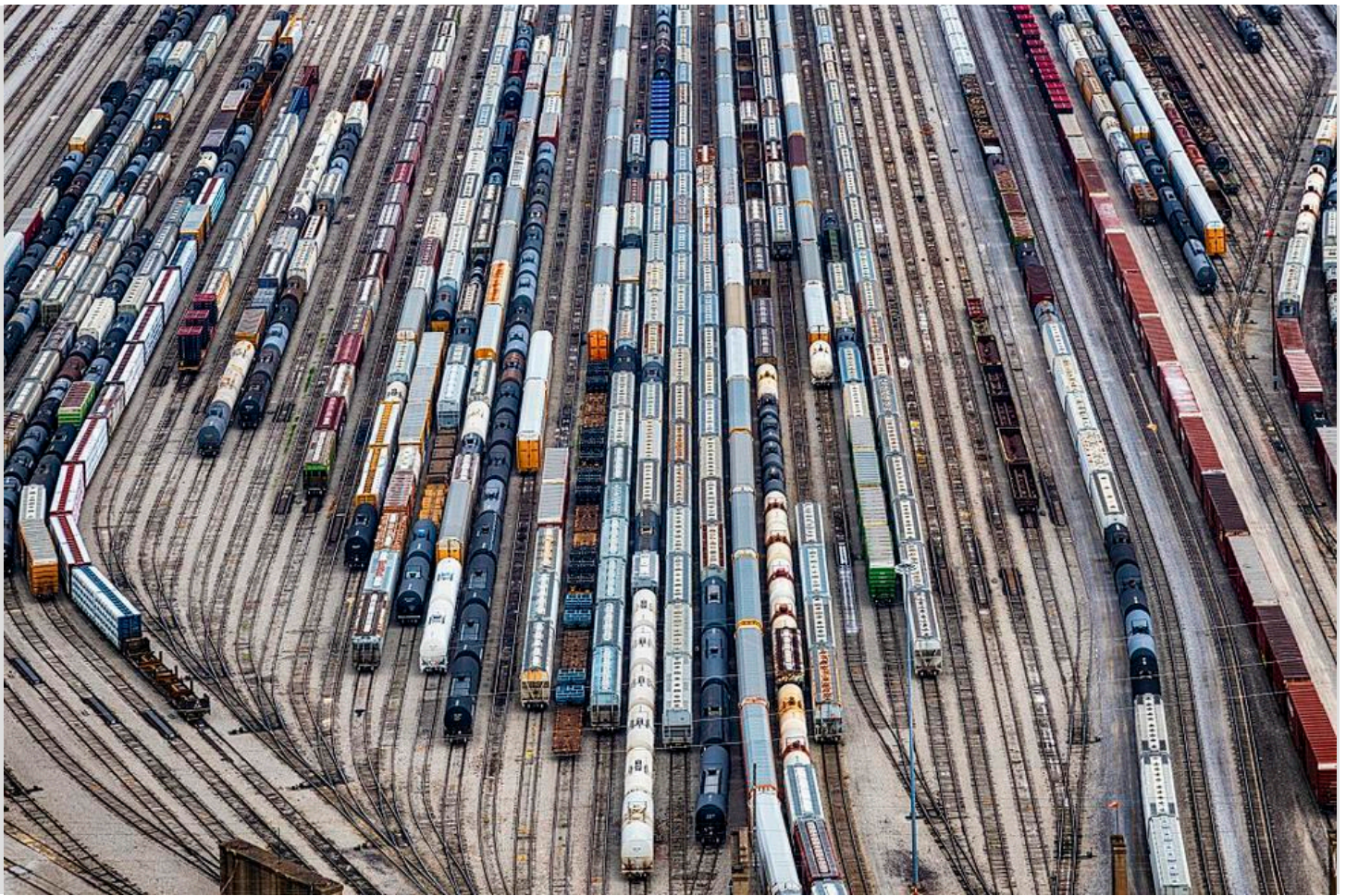
AAR spokesperson Jessica Kahanek pointed to steps the railroads took to address supply chain congestion, such as reopening closed yards and bringing equipment out of storage. “Railroads have remained one of the most responsive, nimble partners in the supply chain thanks to their ability to freely manage their operations and make key investments,” Kahanek wrote in an email. Kahanek added that railroads moved an “unprecedented” number of containers in the first half of 2021.

However, PSR and its effect on supply chain bottlenecks seriously challenges the triumphant narrative of railroad deregulation’s success. Proponents argue that railroad deregulation has been a resounding success. Since Congress passed the Staggers Act in 1980, real average railroad rates have gone down 44 percent, according to the AAR. Productivity rose steeply, too, as did the volume the freight railroads carried.

Many of deregulation’s successes tend to come if one looks only at the first two decades. Railroad prices did fall from 1980 to 2004. But in the almost two decades since, the prices start going back up. According to data from the AAR, railroad prices look like a ladle from 1980 to 2019, the last year data appears to be publicly available: They go down, but then they go back up.

They go back up by a lot. By 2019, railroad rates were about as high as they were in 1991. The Bureau of Transportation Statistics reported that from 2004 to 2016, a business purchasing rail services experienced price increases of 54.7 percent, the fastest increase of any mode of transportation. In a 2019 analysis from the American Chemistry Council, Martha Moore notes that from 2000 to 2017, rates went up 30 percent while costs went up 3 percent and output only increased by 3 percent. Profits went up 186 percent.

The AAR attributes this rise to higher costs. But when the STB studied railroad rates in 2009, as they started to increase, the STB found that “even after factoring out rising fuel costs, railroad rates have risen in the last three years after falling for decades.” The higher prices also came as the railroads continued to reduce how much they did. In 1980, Class I railroads had 164,822 miles of track. By 2019, that figure fell by almost half to 92,282. But the volume of shipments has leveled off since 2000, while the total economy has only grown since then.



Business rail prices rose 54.7 percent from 2004 to 2016, faster than any other mode of transportation.

Productivity has leveled off, too. AAR data shows fast growth since deregulation until the mid-1990s, at which point productivity fluctuates until 2019, when productivity was about the same as it was in 1995. However, much of the railroads' productivity gains came from two sources of questionable value: laying off workers and cutting unprofitable service to smaller communities that needed railroads to reach customers. Looking at productivity figures alone masks harms to labor and left-behind places.

PSR has other indirect consequences, too. PSR became a dominant business strategy in an era when the planet needs more freight to move by rail and less by truck. One way railroads cut service is through “demarketing,” or pushing away business that’s profitable, but not *as* profitable as other business. By turning that business away, the railroads push it onto trucks. While trucks today provide most freight transportation, trucks inflict much more harm to the environment than rail. Freight trains are many times more fuel-efficient than trucks and emit much fewer emissions. Though railroads carry 40 percent of U.S. freight, the AAR points out, they account for only 2 percent of U.S. transportation-related greenhouse gas emissions. In his speech, STB Chairman Oberman estimated that “an additional 123 [million] tons of global warming CO2 [has been] pumped into our atmosphere since 2002 just because the [railroads] chose not to maintain their market share as compared to trucks.”

Safety suffers as well from PSR's pushing freight to trucks. Large trucks are much more dangerous than trains; according to the Federal Motor Carrier Safety Administration, large-truck crashes killed or injured 163,000 people in 2019. For railroads, that same figure, according to the Federal Railroad Administration, was 9,000.

Shedding workers, consolidating ownership, and ignoring shippers' complaints about PSR have helped the railroad industry achieve a profitable, privately owned railroad industry. The *American Journal of Transportation* reported that in 2019, freight railroading was the most profitable industry in the country, with a 51 percent profit margin, outpacing tobacco, banks, and real estate investment trusts.

THE CURRENT STB IS CONSIDERING rulemakings or gathering public comment on initiatives that have shippers optimistic. Chairman Oberman has also tied PSR to supply chain issues and criticized the railroads for serving fewer customers and places while prioritizing financial gains.

In March, the STB will hold a hearing on "reciprocal switching" rules, which would allow shippers captive to a monopolist railroad to require that railroad to carry its goods along its track until the monopolist railroad can transfer those goods to a competitor railroad. President Biden's summer Executive Order on Promoting Competition in the American Economy encouraged the STB to consider such a rulemaking.

The STB also has Canadian Pacific Railroad's \$27 billion acquisition of Kansas City Southern to consider. The combination of Class I railroads would be the first major combination since the 1990s and lower the number of Class I railroads to six, further reducing the number of independent railroads that shippers and workers can choose between.

And the STB is gathering comments on "first-mile/last-mile service," or how to measure railroads' service between the customer's facility and the local railroad station. The STB is currently reliant on shippers coming to them with complaints; if the STB instead regularly measured first-mile/last-mile service, such as when a shipper actually gets their delivery or a railroad's on-time performance, the STB could get a better sense of what the railroads are doing.

First-mile/last-mile service metrics could prove useful in informing whether railroads are meeting their statutory "common carrier" obligations. A common carrier is a person or business that provides transportation services to the public and usually has legal obligations to serve the public fairly and without discrimination. The concept comes from English common law and has seen a resurgence in the past decade with the principle applied in policy debates to net neutrality and increasingly dominant online intermediaries.

Despite deregulation, the railroad industry still has a common-carrier obligation, defined as "provid[ing] the transportation or service on reasonable request." The STB has broad powers to define what "reasonable request" means, though experts point out that the definition "remains poorly defined." First-mile/last-mile metrics could

help push for a better understanding of how to measure service and thus talk about what an acceptable baseline level of service should be.

Deregulation's proponents gave the railroad industry little reason or motive to do more for the public good.

A push to define an acceptable baseline level of service could come from Congress. Last year, Sen. Tammy Baldwin (D-WI) proposed a measure that would require the STB to define the common-carrier obligation further. An amendment to the defense authorization bill, Baldwin's proposal would have required the STB to factor into the common-carrier obligation reductions in employment, equipment, and whether fees are necessary to run profitably. Sen. Baldwin told the *Prospect*, "Now more than ever, we must ensure our railroads are able to offer quality service and are not left vulnerable to supply chain or economic shocks and disruptions."

What the STB comes up with could prove instructive to federal regulators in different sectors. Common-carrier obligations appeal to people's sense of fairness, that their treatment in some areas of life shouldn't depend on their identity but on their status as an equal participant in society. At a more granular level, filling out what exactly it means to be a common carrier—how much should specific routes or specific types of services cost and what *kind* of service should one get for that price?—are tougher questions that should be informed by both technical features and values like nondomination or equality. Thinking through the railroads' common-carrier obligation could prove instructive to structuring other essential networked industries like the airlines or Amazon Web Services.

Other government agencies are working, too. The Government Accountability Office recently began a study into precision scheduled railroading. And House Transportation Committee Chairman Peter DeFazio, (D-OR) who pushed for the GAO study, has criticized the railroads for being controlled by "the jackals on Wall Street." Noting the "staggering" number of jobs railroads have eliminated since 2015 as well as safety concerns and supply chain issues tied to PSR, DeFazio said in an email, "I anticipate hearings on these deeply problematic developments in the coming months."

At some point, however, Congress and the STB should consider more direct measures, to bring the railroads under public control. The 1980s deregulation movement empowered corporations to run markets and essential systems. But by prioritizing profits for railroads over communities, workers, the environment, and consumers, and offloading risk to them as well, deregulation's proponents gave the railroad industry little reason or motive to do more for the public good. "If we want there to be additional capacity in the system in case of unforeseen events," economic historian Marc Levinson says, "the private market isn't going to provide that."

The private, monopoly-dominated market failed people at various points during the ongoing COVID-19 pandemic. From ventilators to toilet paper to food on our tables, the past generation of policymaking has allowed ever-bigger and more powerful corporations to run markets not for widespread prosperity or even for the customer, but for the interests of a wealthy few. At the same time, policymakers have begun rejecting received ideas on political economy and instead, for example, gave people money directly, actually valued child care with real support, and engaged in skillful central planning for vaccine development.

Recent calls to consider price controls to address inflation, in the words of a recent *Harvard Law Review* note, “remind Americans that even the most sacred signals of the market are well within their collective control.” The systems we make, we can remake. Some form of increased public control, learning from the mistakes of the ICC and the STB, could secure a cleaner transportation system more resilient to shocks and responsive, not to Wall Street, but to shippers, communities, and the public good.

The author thanks Phil Longman for research guidance.

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RE:EP 770 urgent issues in freight rail service

April 22, 2022

Dear Chairman Oberman,

As a BNSF engineer with 20 years of service, I would like to talk over the issue of bad service, and fatigue and the railroad's implementation of precision scheduled railroading also known as PSR. These policies and procedures have left the railroads understaffed, unsafe and unreliable. The Class I railroads are putting profits ahead of safety and giving nothing but lip service to its employees, customers and the general public. I served as a site safety union representative for my local terminal for 2 years. Many of the obstacles I dealt with was lack of funding and indifference to safety

The Class I railroads have not taken safety seriously, even when I hired out in 2002. One would think with the wonderful advances in technology that railroads would be in a better position to correct many of the safety issues we have dealt with, especially train lineups. Instead, it has gotten much worse. On issue of fatigue, the only part of safety they have spent money on is a handful of videos about the levels of sleep and deprivation and to mitigate their effects. When I hired out, our extra board had what was called a 7/3 rest cycle board. You were subject to call for 7 days and had 3 days off. This was not perfect but it did allow time off not being subject to call and you could look ahead and plan your schedule. The BNSF then abruptly canceled this agreement when the Rail Improvement and Security Act (RISA) was signed into law. To this day, there has not been any meaningful talks with employees to help figure out how to help with fatigue. With rail traffic fluctuating over the last decade, the class I's have hired conductors, then had them furloughed or forced them to move around because they could not hold the terminal they originally hired out. Sometimes it is many months. These types of situations create undue burdens especially on these employees' families who have to either move to chase work or families stay home and the employee chases work. Just hoping to find some sort of stability in their lives. There are many situations where an employee will have 5 consecutive starts and thinking that they will get that "6th start" to get their federally mandated 48 hours off that the BNSF will intentionally hold that train until the employee has 24 hours, 1 minute rest to intentionally restart their "starts" to deprive them of days off due the carriers cutting manpower so deeply only to please the stockholders and managers trying stay within their already cut to the bare bone budgets. There is no way that cutting employees will fix the fatigue issue. I urge the STB to require Class I railroads to make better and more predictable lineups and require more manpower to address the fatigue problems that gotten much worse over the last 3 to 4 years.

Locomotive Shortage

Class I railroads pushing the PSR (Precision Railroading) are storing locomotives across the nation due to the thought of "less is better". Trains have doubled in length, while barely adding the correct amount of horsepower to safely pull these trains. As the trains get longer, I mean 10,000 feet or longer, it is more difficult to handle and repair mechanical breakdowns and blocking crossings the emergency personnel need to access. Automated dispatching programs have made train dispatching much more inefficient creating unnecessary delays, longer on duty times and increased fatigue. Also, railroads are pushing engineers to use TO, (Trip Optimizer) as it makes the train speeds slower, and they claim it cuts fuel costs. We are told via paperwork to isolate locomotives and use the least number of engines to pull the train. We are not allowed to turn on more engines without asking for permission, which is usually denied. If we start thinking for ourselves and turn on engines without asking, we are disciplined for it for insubordination. Train speeds are routinely 15 to 25 mph less than the posted track speed causing unnecessary delays, longer on duty times. Lack of available locomotives has caused much longer delays of moving freight nationwide. On BNSF, trains will sit over a week in a major classification yard waiting on power. When the yard gets full, they will take a train to a siding or smaller yard along the mainline, park the train and take the power back to the major classification yard as the power is so desperately needed on another train. This has been ongoing for over 6 months now. There are hundreds of locomotives stored across the BNSF system. If you want to see for yourself, look at YouTube and type in BNSF locomotive storage. Also, class I railroads have cut mechanical personnel to the bare bones creating longer times to repair over worked locomotives. This is all because of PSR or equivalent operating system. Because of these actions we have no idea when we will go to work since BNSF does not even know when the power will arrive to pull the trains that have been sitting for up to a week. This has caused increased fatigue for its employees, hurt customers as they are waiting weeks for their cargo, but the worst part is the Class I's are part of the supply chain shortage problem that is totally unnecessary. I urge the STB to force the Class I railroads get locomotives back in service, implement real fatigue measures that actually work for the safety of its employees and move the cargo in a safe, and timely manner for the good of the nation.

This does not have to be this way. The days are gone when the visionary leaders of the railroads cared about the future of the company, its employees and the good of the nation. Now, Class I railroad management will do anything to cut a dollar and make sure it goes to wall street. Precision Railroading is just another plan of corporate greed at the expense of hard-working employees, shippers and America. I hope something positive will be done about it. This nation needs it.

Sincerely,
Mark Vorce
Locomotive Engineer

Dear Surface Transportation Board Members Representatives Oberman, Fuchs, Schultz, Primus, and Hedlund,

Thank you. Thank you for making this an urgent meeting and listening to folks reiterate the words and thoughts my husband has spoken to me about PSR for the last few years. It is dangerous for the crew. It is tiring. It is frustrating. Trains are too long and too heavy to handle well and then crew is expected to take any fall back for problems, instead of where the blame belongs: the actual cargo amounts, lack of maintenance taking care of tracks that are constantly being made to move material in a way that is detrimental to it's form; Corridors and other dispatch can't find where to put long trains and get frustrated when crews want an answer because they are sitting on 20 thousand pounds of iron; Crews waiting for new work/wage contracts watch as their company makes billions of dollars, record profits off their work while even more frustratingly knowing the profit is going to shareholders, not employees and their families – as they wait two and a half years to see if they get their cost of living wage.

I'm so proud of my husband having a good paying blue-college job, but I see the future of this industry, so important to the economy and progress of the USA, becoming a billionaire's play toy and it worries me. As a family member, we understand our loved ones having wanky and goofy hours and we accept that. What we don't accept is dangerously long trips that tire and frustrate them. Trains that lack good maintenance and tracks that lack good care and changing benefits meant to only help CEOs and shareholders, not the employees who make it happen.

Representative Primus asked about training programs and as we were watching I believe we both felt this was a perfect example of what may happen in the future. Training doesn't just go to the mechanics of the train, it goes to the lingo – “deadheading, (wheels – train list), hoggers (engineers), dog-catch, highball” are just a few examples. Important to the overall well being of the atmosphere if training, but lacking in comparison to the needs of good customer service and employee relations that PSR has decimated in the last few years.

I hope this letter reaches you. If you have been able to read it, thank you. Infrastructure, in general, is of great importance to me in this country. Its workers should be of great importance to all of us. Have a blessed day and blessed decision making.

Debby Graeber

815-383-6068

1422 Quail Run Drive

Savoy, IL 61874

Please do not listen to the carriers claiming one man crews are the way to solve this problem! It is not safe regardless of what technology is on the train. What happens if I as an engineer have a heart attack or become ill on a train? Yes the safety systems will stop the train, but when will help arrive?! Hours later, that's when!

The railroads have caused this problem with crew shortages by making the railroads a horrible place to work anymore. We haven't had a contract in over two years and are now in mediation because of their lack of negotiating in good faith!

Please help us workers! Not make the railroads pockets even more full!

Thank you,

Joe Balcer

Locomotive Engineer, BNSF

April 24, 2022

Dear Surface Transportation Board Members:

RE: Urgent Issues in Freight Rail Service – COMMENTS, DOCKET NO. EP 770, April 26 and 27.

My family member, a conductor who partners with an engineer to enable safe delivery of train cars to companies, resigned from Burlington Northern Santa Fe Railroad last week because of the **(1) Toxic work environment; (2) Draconian High Viz Policy; (3) Safety concerns; (4) Mistreatment of customers; and (5) BNSF's complete disregard for the United Transportation Union and Brotherhood of Locomotive Engineers and Trainmen.** Employees have been under a gag order so are unable to talk publicly, or strike, basically taking away their ability to "tell their side of the story."

MASS EXODUS OF EMPLOYEES DUE TO RAILROAD MISMANAGEMENT, HI VIZ ATTENDANCE POLICY, PRECISION SCHEDULED RAILROADING

A dangerously unprecedented number of railroad employees are quitting – over 900 men and women, many of whom have 10, 20 and 30 years of experience with the railroad – after implementation of the Hi Viz attendance policy. If it takes approximately five years to learn all the rules, regulations and skills for safe transportation, then hiring "new" replacement employees will not be safe given the critical knowledge necessary.

When Precision Scheduled Railroading was implemented several years ago, jobs were cut to the bone, working conditions and moral deteriorated, and service to customers, especially to smaller businesses, was unethically impacted and curtailed, and smaller companies were told to use trucks instead of rail due to fewer trains and crews. Locomotives were sold, mothballed or leased, and car counts per train increased. This has created bottlenecks given the reduction in crew and locomotives, but maximized profits.

Burlington Northern has made record profits for their shareholders over the past two years, and Q1 of 2022. My family member loved working at BNSF until Precision Scheduled Railroading severely hampered customer service, and 12-hour days created

dangerous safety issues. The punitive Hi Viz policy recently implemented created an inhumane and toxic work environment, and he felt he had no choice but to leave BNSF.

RAIL TRAINS SIT IN YARDS CAUSING LATE DELIVERIES, COSTING CUSTOMERS MILLIONS

Locomotive fleets remain parked in yards carrying deliveries, trains sit on storage tracks, often in the Midwest, and departing trains sit across the U.S. waiting for inboard trains so they can use their locomotives. Crews often wait hours to get locomotive power, and may have to return the locomotives because they are defective. Customers that call to schedule delivery are often told the railroad will get to it, they are met with hostility, or hung up on. Profit has become the driving factor, NOT THE CUSTOMER.

SAFETY CONCERNS AND ONE PERSON TRAINS

One reason for the lack of concern by the railroads for the mass exodus of employees is that they potentially would like to maximize profits by using one-person trains. An Engineer would drive the train – without a conductor, who monitors safety regulations, speeds for upcoming turns, reports route deliveries, and positions cars on tracks for uncoupling at businesses. Railroad management feels that because of new technology like positive train control, a one-man train is justified. Positive Train Control is manufactured by Wabtec, which is owned by Warren Buffet. A ONE-MAN CREW IS UNSAFE.

CREWS CUT AND SEVERE UNDERSTAFFING BY DESIGN

Understaffing forces many of the remaining employees to work 12-hour shifts around loud and dangerous locomotives, while BNSF employs the punitive High Viz point system, which requires them to be prepared to work on-call for 14-days, all hours of the day and night, disregarding sleep schedules, family commitments, and doctor appointments.

DOUBLE TRAINS AND POOR CUSTOMER SERVICE

Double grain trains decrease speed and increase the days it takes for customer deliveries. When longer trains sit in-sidings, sometimes for days, it causes other trains to be delayed as they wait in the cue. When customers call about deliveries, they are often told the train is in transit; however, cargo is actually sitting on the tracks for days due to lack of crews to deliver cars.

BREAKING THE UNION AND PUNITIVE EMPLOYEE TREATMENT

BNSF refuses to negotiate with the union, and The Brotherhood of Locomotive Engineers and Trainmen and United Transportation Union have worked without a contract for several years. Pay is low given the knowledge and responsibility required of rail workers, and there is an appalling lack of managerial trust, respect and support for employees.

My family member, who was a dedicated BNSF employee, is a veteran of the Air Force, and was awarded Airman of the Year. He had a medical appointment at the Veterans Hospital, and his doctor signed his family leave paperwork after he left and sent it in with the Federally approved minimum information before the due date; however, BNSF denied it and made the Doctor rewrite the paperwork with more information. When she emailed the newly required information, she did not backdate the form because it would not have been legally acceptable. The BNSF Terminal Superintendent refused to accept it and punitively sent my family member home without pay for 21 days. The Union Representative scheduled a meeting to discuss the matter with BNSF Terminal Superintendent, and arrived at the meeting location, **but the BNSF manager did not show up for the meeting.** This is unconscionable behavior by BNSF.

SUMMATION: FOR SAFETY AND TRANSPORTATION EFFECTIVENESS BNSF MUST:

- Replace punitive Hi Viz attendance policy. Respect rail workers' need to plan their schedules to ensure adequate rest for safety and health.
- BNSF must be forced to communicate with unions as well as negotiate pay commensurate with responsibility. Their hostility towards unions and desire to render them impotent is not acceptable.
- Rehire experienced rail employees who have left without BSNF treating them with malice. Reinstate benefits and seniority.
- STOP double grain trains. They are slow, create bottlenecks for other train deliveries, and are a danger in transit.
- Locomotives must be brought back into service and not left to sit and corrode.

- STOP the drive towards one-man crews per train. It is dangerous to rely on only one person without a second individual who can help observe safety rules and regulations, road hazards, car and rail conditions, human error, and Engineer inattentiveness.
- Replace the BNSF President and top management. Stop the negligent mismanagement.
- STOP Precision Railroading, which cuts crews to dangerous levels, increases train lengths, mothballs and sells locomotives, negatively impacts customer deliveries, and creates bottlenecks that severely impact the timely transport of customer deliveries.

It is evident that the BNSF Railroad's mismanagement has created severe impacts throughout the U.S. for consumers, businesses, and BNSF employees. BNSF crews are dedicated and responsible men and women who are employed in a dangerous job and are tasked with the safe and efficient delivery of products and toxic chemicals. BNSF decisions have rendered it impossible for workers to stay with the company. They no longer operate with integrity. They do not seem to care about the customers they impact. They do not care about their employees.

Sincerely,

Linda Morton
9939 SW Stonecreek Drive
Beaverton, OR 97007
Mortonsl@comcast.net
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Subject: Class 1 Railroads possible abuse of Reciprocal Switching.
From: Ferris Henry [REDACTED]
Date: 4/27/2022, 12:45 PM
To: rcpa@stb.gov

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April 27, 2022
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Chairman Oberman and esteemed Board Members,

I have been watching intently to the STB Hearing on April 26th and 27th. While I'm sure you have heard an incredible amount of information, statistics and opinions, I would like point out a very serious concern I have.

First, please let me tell you a little about myself. My name is Edward Henry. I am a 51 year old TE&Y employee with over 18 years as a Conductor with Union Pacific Railroad. In addition to my responsibilities as a Train Service Employee, I am also a Local Chairman with the SMART-TD organization and have served my members proudly for almost 12 years.

While I would love to give you my own personal experience and opinion of everything from Pay discrepancies, attendance, service disruptions and quality of life, I feel the need to focus on and point out a serious concern that I and my members have in regard to **Reciprocal Switching**.

My understanding of Reciprocal Switching is where multiple railroads, within reasonable range of a shipper, could be allowed to service any customer facility. While I understand and agree with the intended purpose, I feel a very serious oversight is being made. I believe Reciprocal Switching would actually play into the Class 1 Railroads business model of doing less for more profits. By opening the door for any railroad to service any facility, we undermine existing Collectively Bargained Agreements that safeguard jobs. More importantly it provides the Class 1 Railroads the ability to scrap these agreements, without negotiation, and "scab" out the less profitable work and focus exclusively on the most profitable movement of trains from Starting point to End point. I believe the Class 1 railroads would immediately allow shortline railroads to assume the vast majority of their day to day work in Servicing industries and train building in yards. In direct response to the shortlines taking over these responsibilities, the Class 1 railroads would immediately slash staffing levels, cut off certain crafts all together and vastly reduce some of their greatest expenses....people. Employees without enough seniority to retain the few remaining positions would be forced to find new work, most likely filling newly created, lower paid, positions within the shortlines. The Shortline Railroads traditionally pay less, have fewer benefits that tend to cost more. I have always believed that in order to understand where we are going, we have to understand where we have come from. If we know our History, we can make the best choices for our future. Class 1 Railroads have a history of leasing or selling off their less profitable branch lines and yards. In my area, at least 4 branch lines and 5 yards have been lost to shortline railroads. The loss of these resources were made at the expense of valuable middle class jobs, for the purpose of greater profit. The Class 1 Railroad retained the profits in the movement of these cars on their mainline....but cut their financial liability in relation to switching and industry pull/spot. The Class 1 Railroads own the mainlines and all profits that come with movement of cars on

those mainlines. The implementation of Reciprocal Switching would allow the Class 1 Railroads to cut all their lowest profit operations and focus exclusively on Mainline movements only.

I applaud how you have taken the Class 1 Railroad executives to task on their massive staffing cuts since 2018. But, if the Class 1 railroads use Reciprocal Switching, as I think they could and would, The 18%-20% cuts in staffing would only be a drop in the bucket.

I beg you to take this into consideration, when deciding if Reciprocal Switching is viable option. I believe, like many of the shippers have stated, that there are other options that would financially penalize the Carriers for their failures in service. Please help us to safeguard our livelihood, while taking the necessary steps to force the Railroads to uphold their responsibilities to shippers and the greater public.

I greatly appreciate your time and attention to this concern. We look to all of you to help right the ship. As a former Marine, proud of my nautical roots, I hope you can bring us all Fair Winds and Following Seas.

With Greatest Respect,

Edward Henry

Husband, Father, Grandfather, Marine, Trainman and Local Chairman.

There has been a lot of talk about dwell times and first mile performance. These are both broken means of measuring either of these categories, because the rail road manipulates both. They will add cars to a train that are in a yard going to any random destination, just to make them move, and get shipped right back on an opposing train later that week. Creating more work and wasted resources, only to meet goals that have become arbitrary and useless because of the actions of the rail road. They also will have a locomotive assigned to a certain train pull out of the yard and hit the first signal before even beginning to build that train to show it departing on time, when they will actually go back into the originating yard for hours to build the train, and do a rushed air test, before departing.

Chad Yost
801-599-0288

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April 28, 2022 April 28, 2022

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Dear Chairman Oberstar and all STB Members: Public Record

I submitted comments to docket# EP770 on Tuesday, which I had originally composed and submitted to STB back on February 5, 2020 - before this docket was established. Thank you for allowing my previous comments to be part of the EP770 docket.

After watching most of the testimony on EP770 via YouTube on Tuesday and Wednesday, I do have additional comments I would like the STB to consider. Again, I think it is crystal clear that the supply chain crisis we are experiencing today was years in the making. However, the Precision Scheduled Railroading (PSR) implementation industry-wide was the tipping point that triggered today's meltdown of the national rail network. Consequently, the PSR business model needs to be scrapped and STB must implement appropriate carrier guidelines to ensure no "repackaging" or reiteration of this irresponsible railroad operating model happens in the future. Additionally, STB must come up with a sensible, standardized "data & metrics" system that constantly monitors Class I and Shortline service performance (in real-time to the extent practical).

The comments I listened to by several Class I executives are a prime example of why. The UP-Transportation VP who testified about the mathematical labyrinth they use (Gross Inventory, Active Inventory, Operating Inventory, etc.) indicated... [...things are headed in the right direction]. I'm sorry, but that guy apparently can't see the forest for the trees. Inflation is running rampant and some, if not all, of the cost increases are associated with the inability of rail shippers to get essential products to market. The Class I railroad managers are "behind the curtain" pulling the levers and chasing numbers rather than growing a customer service orientated rail network. As my physics professor at college used to say, "Strive for a thorough understanding of this discipline and then strive to become proficient in its application. Otherwise, you end up being nothing more than a formula fitting fool." Today, all the Class I railroad boardrooms are filled with formula fitting fools whose interests in pleasing Wall Street far outweigh understanding the shippers needs and being proficient at providing rail service to meet those needs (failure of the centralized model vs. the localized model). These "fools" are detrimental to our national security, national economy, shippers, large and small businesses alike, and ultimately to our workers. The Class I PSR business model must be dismantled and scrapped. Anything short of that is not in our nation's best interests.

Second, I also think it is crystal clear that we're not going to get out of this rail network supply chain mess in a week, month, or even a year. Why? Because the two primary factors needed to do that are: 1) Locomotive Power (which is mothballed) and 2) Trained and proficient locomotive engineers and conductors to operate trains. The Class I Human Resource people testified as to how they intend to "pivot" to accomplish this daunting task including using Second Chance, former military, and other hiring programs. Best case scenario, that's six-months to a year *minimum* to get proficient "boots on the ground" who can safely and efficiently move freight and service customers. But what the Class I HR people purposely did *not* tell you is there *does* exist an almost immediately solution that would help alleviate the employee shortage:

Reinstatement of all the railroad workers they have fired (or intend to fire) under their Draconian Availability Policies born out of PSR. The STB should communicate with the National Mediation Board and urge that board to reexamine every single termination case over the past six years. Then, take action to reinstate, with full back pay and benefits, every single railroad worker fired by the Class I carriers during this timeframe. I do not have the exact numbers, but all Class I roads combined, I would imagine that is a fairly large number and a number that would “move the needle” on the qualified employee shortage number and be a start to filling positions that are desperately needed today. Remember, many of these fired employees are trained and experienced workers in their crafts and already “know their jobs and know how to railroad.” These fired employees, if given the opportunity, could return to their jobs and literally make an instant impact on the employee shortage crisis we are now experiencing and do so in a matter of days or weeks - verses the months or years needed for a new hire employee to be trained, proficient, and working on the railroad.

Finally, I want to thank Robert Primus for his “pull no punches” line of questioning of the Class I executives and, particularly, of CSX CEO James Foote. Robert Primus was able to effectively get under Foote’s thin skin, which lead to very revealing comments. One of which was, “Well, if you’d let us run one-man crews, we wouldn’t have a shortage.” This testimony confirms exactly what I wrote STB about earlier this year: **The railroad do not want any train crews at all. Rather, they want either a single-person train crew (for now) or total automation (in the future).** The TYE and other railroad craft shortages the nation is experiencing today is an integral component of the PSR business model, which the Class I’ railroads have executed to supercharge profits. Foote’s testimony is all the proof anyone should need, but a more comprehensive investigation into the entire PSR scheme by the investigative units of the Justice Department and the General Accounting Office would likely shed even more light on, “How America Got Railroaded” and, hopefully, glean enough damning evidence to send these CEOs and executives to prison where they belong. Thank you. Respectfully, Mike Elliott

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May 6, 2022
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Dear Mr Oberman and the rest of the STB Board,

My name is Chris Almaguer. Thank you for taking the time to investigate the way the railroads are operating. I have worked for the BNSF for almost 29 years as an engineer. I am a 4th generation railroader being the first to work in the TY&E. I hired out in Galesburg, Illinois. I have worked out of Ft Madison Iowa; Barstow, Illinois; Burlington, IA;. I also did short stints in Cicero, as well as the state of Wyoming when I was needed because of man power shortages. I started in 1994 before the buyout of the ATSF.

After the buyout there were 5 maybe 6 pools. All starting out of Galesburg and going to LaCrosse WI, Creston, IA, Kansas City, West Quincy, St Louis, Chicago (2 different routes via Cicero and other Corwith). They all had their own pools of trainmen and extra boards to service each route. Each extra board would cover any layoffs in that pool, cover layoffs in service yards on given route, any train dol (dead online-out of time) or any kind of extra work. IE....work train, extra swither, ect. Things worked great. We had time at home for the most part and those that wanted to turn and burn could on the extra board. The extra boards were guaranteed pay. But most usually made more because the BNSF didn't keep them fully staffed; in that that didn't want to pay for them sitting home. Unless of course if they needed them at a moments notice. Gradually they cut these boards smaller and smaller over the years. Which started the creation of man power shortages.

About 4 years ago the BNSF served us an article 9 notice. Which eliminated all of those pools and what we now refer to as the good old days. Which really wasn't all that good anyways with the way they ran the railroad. BNSF created a SUPER POOL. Which entailed all the pools being one. Anyone could go anywhere. This is both unsafe and ridiculous. No way can one engineer or conductor know all that 1500 miles of railroad. Let alone stay qualified on it. Nor could they keep us qualified on it. Calling everyone any direction they wanted would not provide for a TY&E to necessarily mean that we would go on every route in a given year. Creating more of a man power shortages when one of us has to take time to qualify another. They would have to send one engineer/conductor to qualify another. 2 TY&E at one time on one train. It could be 2 crews on one train if one or the other or both wasn't qualified. 1500 miles plus is way to much to know. Especially of PTC PR Trip Optimizer went or goes out. Without that they wouldn't be able to do it anyways. In creating this they ultimately created a very horrible work place and environment. As well as RIDDED OF EVERY COLLECTIVELY BARGAIN AGREEMENT WE HAD. Which they didn't follow the best to begin with anyway. In that the constantly violated and would not pay claims. Those claims might include servicing and industry amongst others. The BNSF is trying to reinvent the wheel to save money and PSR. THE BEST WAY WAS ALREADY IN PLACE. In doing what they did (SUPER POOL) they already manipulated our pay and this way they really took advantage of manipulating it. It in no way has stayed the same. It's lowered. We are getting paid what has already been collectively bargained for. They have picked away at our pay and any kind of raise we ever have got by using the other to counter balance. I know you are here to collectively bargain. So I will stop with the pay. This new super pool has created man power shortages. They believe this super pool will have us at their disposal in that anyone can go any direction. Not realistic.

One good thing they created was the short or the low pool. List of guys that do all short work. Go get DOL trains. Take an entire train to spot up at an elevator or sand pit or deliver a train

somewhere in between. Shuttle a train out of the yard to around the yard and in and out of yard. I can elaborate alot more on this subject of boards, extra boards, pools, super pool if STB is interested.

FIRST MILE LAST MILE. As far moving trains. In addition to what I talked about above to help....they could order trains when they should and not wait till last minute. Have the outbound crew standing there waiting for inbound crew. This has always been a problem. Under law we are to be at the terminal in 12 hours. Rather it be in van or on a train. In the least...a plan is to be in place. They have no plan. In the excess hours we rest because of working over 12 hours trains are sitting waiting in a crew. 12 equals 10 hours undisturbed rest. Anything over 12 we have to rest additional minute for minute. Hour to hour. 14 hours on duty equal 14 off. GET US OFF TRAINS AND TO TERMINALS IN 12 HOURS.

The same day as BNSF was in front of the board I was the 3rd crew on train from Quincy(100 mile) and handed it off to a 4th crew to take on into Galesburg yard. BNSF has laid off all the inside hostlers. Creating more work for outbound hostlers. No way can they do both jobs. BNSF has cutoff 2nd shift rip Carman. NO cars gett8ng repaired 2nd shift. BNSF only does major repairs to cars and locomotives in one certain spot rather than speed about system. Creating more cars and locomotives on rails getting them there. Rather than a Locomotive getting fixed on its inbound at Galesburg, it gets outbanded again to KC. Same way w certain cars., HIVIZ. The numbers the BNSF given you were no where close to what the truth is. Maybe those executives are being lied to. I am in the short pool. I can work 4 days and take 2 off. They can't tell what those 2 days are or what time I'm going to work. But they consider me in assigned service. Therefore I can't layoff. If I do I can lose loose 7 to 10 points out of 30. It makes it really difficult to go to or schedule a Dr appointment for myself let alone another family member. Both parents these days have to work. Like I said the railroad doesn't pay enough for only one parent to work these day. Let alone choose which kids Birthday, game, first communion, dance recital to try and make. The numbers they gave are since February 1st when hiviz started. Most layoffs now are people using their vacation or personal days while they can before real vacations start and we won't be allowed any time off. I'm sure alot are using them also before they quit and or get fired because of Hiviz strenuous rules. The most of our employees get 24 hours off.....bologna. tell me where I got almost 30 years seniority I'll bump them. About every your of duty is at least 10 hours. Most are at least 12.

We spend alot of time waiting on vans also. And you don't wanna know what they pay them poor people. So they are in same situation us railroaders are. I wonder where the van companies learned it?

I had better close this up. Thanks for listening. I can elaborate plenty more if needed.

Because there is plenty more that can be done.

Chris Almaguer

cralmaguer@gmail.com

3093376411

I am a 10 year Conductor at BNSF Vancouver WA. I listened to the hearings intently and now that the dust has settled I feel obligated to report what I am finding post hearings.

Trip optimizer and Throttle notch restrictions continue on the Fallbridge sub division single main track Pasco to Vancouver. On May 6th I brought a mixed freight train home from Pasco, we had 4 locomotives, power restrictions called for 1 unit online and throttle Notch 7. The traffic was light but despite this our trip took 10 hours, our max speed achieved was limited 40 mph with a track speed of 55 mph possible so we were running 15 mph below possible speed. $10 \text{ hours} \times 15 = 150 \text{ miles}$ so we could have been home in 6 hrs and back on the home board 4 hours earlier. This is terrible for the customer and terrible crew management. Trip Optimizer is integrated with Trip Planner which is an automated Dispatching system, since it's advent we have seen out trip time and dog catches increase dramatically. We used to make the trip in around 7 to 9 hrs now it is nearly always 12 hrs and dog catches have also increased alongside. The Railroad will tell you that they have removed restrictions on grain and coal but that is smoke and mirrors because they continue to run them behind trains with restrictions and never let them pass the slower trains, so unless ALL trains have the restrictions removed on single track mainline, it is a pointless exercise. Matt Garland, when pressed on this issue, used a facetious analogy by saying what is the point of running fast up to a red signal then waiting, the point is that if trains in both directions were running faster then the meeting point would be at a different place which would be more expeditious, we know because we used to do it. Remedy, temporarily suspend Trip Optimizer and Trip Planner and let the Engineers and Train Dispatchers do their job, they are very good at it. These 2 new pieces of technology are designed to do one thing only and that is lower the operating ratio by using less fuel. I maintain that this technology can be reprogrammed with an algorithm that improves main track velocity but only if power restrictions are lifted.

Another example of terrible manpower utilisation is the amount of time we spend in the hotel, often 24 hrs or more and most of the time the boards at the home terminal are skeletal while the away terminal boards are fat. The remedy is greater use of deadheads home, automatic deadheads at 16 hrs would be a better use of manpower, there is absolutely no point in having people in the hotel for 24 hrs when they are desperately needed at home.

Locomotive shortages continue. On May 7th a yard crew was instructed to move an empty Oil train, which was ready to begin it's journey back to the oilfields, from Willbridge yard in Portland to a siding off the main and then I was told to strip the power off it for another train, this empty sat for 48hrs before getting power. On top of that this practice artificially improves the railroads Dwell time figures because it shows departed, this is why 1st mile last mile is Crucial.

In his testimony Garland told two absolute bare faced whoppers. Firstly that 90% of train crews have more than 24 hrs off between trips. I'm sure that the board realizes the absurdity of this

claim, logic dictates that if this were true then BNSF would not have a man power problem because all of these so called 24 hrs off crews would be available for work at 10 hrs from off duty time but they are not being called until 24 hrs?

Secondly he stated that only 300 people had resigned since Hi Viz, this is a preposterous statement and to use his own words "Rhetoric". You are in possession of the accurate figures supplied to you by the Unions.

Finally I would like to briefly address recruiting and man power retention because these go hand in hand. After training new hires are NOT proficient railroaders and have the minimum skeletal knowledge of how to do this job. Railroading is a craft and the FRA once stated that it considers it to take 4 years to become a proficient railroader. When they graduate they learn the craft from those of us who have attained this proficiency. Which follows on to my next point, BNSF is bleeding these mid career railroaders at a record and alarming rate, I must inform you that almost every Engineer I work with under 40 yrs of age has multiple job applications in.

BNSF has done zero triage to address this problem. Remedy, in conjunction with Labor reexamine the draconian Hi Viz attendance policy and come up with something both sides can live with. After 2.5 years without a pay raise the company should make it an immediate and urgent priority to give it's employees a pay raise that at the minimum keeps up with inflation.

Lastly the carriers labor relations policies are from the last century, the carriers have used the Railway Labor Act as a shield to unilaterally behave in a dictatorial manner that has created the most toxic work atmosphere I have ever encountered and I'm 67 yrs old so I have a little bit if experience to make that judgement.

These 3 things would go a long way to stem the flow of resignations.

Finally, Mr. Oberman told the railroads that they need to pivot. They need to shift from putting the shareholders as their number one priority and shift priorities to their customers and employees even if this means they take a temporary financial hit.

Mr. Oberman also told them that he believed that they possessed the skills to make this happen, unfortunately I disagree. Few in this generation of railroad management have ever been boots on the ground, they have no experience of managing in a competitive environment and because of their monopoly the railroad makes profit despite what management do

Please be careful in your future considerations. Heed my warning that these people are not honest brokers. They will play the smoke and mirrors game with their required reports to you. They fear regulation because it will impact their record profit and sell their souls to avoid it.

Regards

Andy Lewis-Brookes
Conductor
Vancouver, WA

05/11/2023

To Whom it May Concern,

The time is here for Railroad Workers to get FMLA reform as did the Airline industry.

"On December 21, 2009, the President signed into law the Airline Flight Crew Technical Corrections Act, Public Law 111-119, amending section 101(2) of the Family and Medical Leave Act (FMLA). This amendment to the FMLA establishes a special hours of service eligibility requirement for airline flight attendants and flight crew members. The amendment provides that an airline flight attendant or flight crew member meets the hours of service requirement if, during the previous 12-month period, he or she (1) has worked or been paid for not less than 60 percent of the applicable total monthly guarantee (or its equivalent), and (2) has worked or been paid for not less than 504 hours, not including personal commute time, or time spent on vacation, medical, or sick leave."

Sited from: <https://www.govinfo.gov/content/pkg/PLAW-111publ119/pdf/PLAW-111publ119.pdf>

Please create an FMLA amendment that protects essential Railroad Workers.

Fraternally yours,

Marc Ricker, Secretary, SMART-TD Local 577

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