



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference of the International Brotherhood of Teamsters

Protecting two-person crews is still our goal

(The following is a statement by Dennis R. Pierce, National President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), regarding recent media reports concerning a tentative contract agreement that would open the door to single-person train operations along portions of the BNSF Railway.)

CLEVELAND, July 21 — The BLET National Division has received many requests for comments following the announcement last week that BNSF and one of the SMART Transportation Division General Committees of Adjustment (STD GCA) representing trainmen on BNSF have negotiated a new Crew Consist Agreement that allows for engineer-only operations under certain circumstances. As we understand SMART's internal rules, their General Committees of Adjustment are not unlike BLET's in that they have the autonomous authority to negotiate and interpret contracts. That said, and from the statement issued by SMART Transportation Division President Previsich on July 18, the single STD GCA that entered into the new Crew Consist Agreement does not speak for the SMART Transportation Division. Correspondence is also in circulation that would indicate that this single STD GCA does not speak for any of the other STD GCAs on BNSF.

Almost one year ago to the day, I issued a statement following the disaster involving a one-person crew in Canada urging BLET's membership, and the officers and membership of SMART's Transportation Division, to join us in an effort to ensure safety on the nation's rails by supporting two-person crews. I was clear then that there are three avenues available to protect a two-person crew: regulation, legislation, and collectively bargained agreements. BLET has no intention of discontinuing our efforts on the regulatory or legislative fronts. We will continue our effort to advance H.R. 3040 in the U.S. House of Representatives as well as similar legislation on the state level, and are awaiting FRA's regulation on crew size with every intention of commenting in support of a two-person crew for all over the road train operations.

And on properties like the Wheeling and Lake Erie (WLE), where BLET is the designated bargaining agent for both engineers and conductors, BLET stands steadfastly at the bargaining table, refusing to give up the conductor's position as WLE insists we do. In fact, I authorized a strike against the WLE in late 2013 over their refusal to call conductors when they were available. Our members on the WLE have made it clear through their solidarity that they will not accept an agreement that would eliminate the conductor's position, and they have the full support of the BLET National Division in this fight.

Things are vastly different in the Class I railroad world, where BLET represents the majority of the nation's engineers and SMART represents the majority of the conductors. To preserve a two-person crew through collective bargaining, each union must protect the craft and class that it is authorized to bargain for. In 2007, BLET and BNSF negotiated such an agreement, revising the scope of duties belonging to locomotive engineers and, in doing so, preserved the work rights of BNSF engineers well

into the future. Similar agreements were negotiated on Norfolk Southern and CSXT in that bargaining round. The reasoning behind these agreements is straightforward: neither BLET nor SMART can protect a two-person crew if each union does not collectively bargain agreements that preserve the work rights of the craft for whom it is the bargaining agent.

While BLET's 2007 agreements recognized that the involved railroads did not have to bargain further with BLET should engineer-only operations ever come to pass, that recognition was hardly necessary as it was merely recognition of the status quo. BLET General Committees of Adjustment, and the BLET at large, were not and are not the NMB designated bargaining agent for trainmen or conductors on the involved railroad properties, and as such, have no jurisdictional authority to bargain on their behalf. Instead, that authority is vested in SMART's Transportation Division, formerly UTU, and only SMART has the jurisdictional authority to bargain for and protect those positions. In fact, when the 2007 BLET/BNSF Scope Agreement was negotiated, engineers had already been required to work engineer-only helper assignments on BNSF following UTU's failed effort to preserve their ground crew position on those assignments. Purely as a result of SMART being the designated bargaining agent for trainmen and conductors, BLET's agreements with BNSF have never included crew consist requirements that govern the number of ground crew members required or that prevent engineers from being required to work engineer only, nor can they.

BLET's 2007 Agreement with BNSF was overwhelmingly ratified by a membership vote, a vote to preserve those members' jobs, and it is my understanding that the BLET General Chairmen responsible for enforcing that agreement are reviewing the BNSF/STD proposal to determine whether any portion of it conflicts with BLET's 2007 Agreement. At the same time, SMART's membership on a portion of BNSF is now in the same position as BLET's membership was in back in 2007; they must decide if the proposal they have been provided actually preserves jobs or eliminates them, and determine if the balance between those two outcomes warrants ratification or rejection.

In either event, BLET's National Division remains as committed to working to preserve two-person crews as it was a year ago when I commented following the Canadian disaster. We will continue to work with the National Representatives of SMART's Transportation Division wherever and whenever in an effort to preserve and protect two-person crews. That includes the regulatory front, the legislative front, and on the collective bargaining front where possible. The stakes are too high to do otherwise; the safest and securest workplace for the nation's railroads, their employees and the public at large is one that includes a minimum of a two-person crew.

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bentley@ble-t.org (<mailto:bentley@ble-t.org>)

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