



Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters

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Brotherhood of Maintenance of Way Employes Division- **International Brotherhood of Teamsters (BMWED-IBT)**

**Assistant to the President,
Robert J. Shanahan Jr.**

Thank you, Chairman Lipinski, Ranking Member Crawford and members of the Subcommittee.

I am Robert J. Shanahan Jr., and I am a member of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters (BMWED-IBT). The BMWED-IBT represents railroad workers who perform inspection, construction, maintenance, repair, and dismantling of tracks, roadbeds, bridges, structures, facilities, and appurtenances on railroads throughout the United States, including the major Class 1 freight railroads as well as many of the largest commuter lines in the country.

Currently, I work as the Assistant to the President-Director of Arbitration within the BMWED-IBT Arbitration Department located in Chicago. Prior to that appointment, I worked as a BMWED-IBT Arbitration Labor Advocate. In my experience as the Director of Arbitration, as well as an Arbitration Labor Advocate, I have had the honor of representing BMWED Members in various contract disputes, discipline disputes and contract negotiations.

Prior to working in the BMWED-IBT Arbitration Department, I worked in the Maintenance of Way Department for 13 years on the Northeast Illinois Regional Commuter Railroad Corporation, otherwise known as Metra, in Chicago. During my time with Metra, I was assigned to perform various aspects of construction, maintenance and repair to the tracks, structures and bridges, working throughout the Chicago Metropolitan Area.

I. My Observations of the Railroad Infrastructure While Working in the Field

While working in the field at Metra from 2000-2013, I encountered numerous situations where tracks, bridges and/or catenary structures were in need of drastic repair, or in many instances, complete replacement. As many of you are probably aware, the Chicago area is the largest rail



hub in the nation. Railroad construction began in Chicago in 1848 and railroad traffic has continued to boom to date.

One area of particular concern is the amount of railroad bridges in the Chicago region that are close to, or even over, a century old. Metra alone claims to operate nearly 500 bridges that are over a century old. In my experience, their age shows. I frequently observed crumbling concrete, rotten steel and decomposed timbers that are in desperate need of repair or complete replacement. I don't think I need to explain to you the safety threat inherent in 100-year-old infrastructure that is deteriorating.

Clearly, the heavy rail traffic and Chicago winters have taken their toll on the 100-year-old bridges. When working in the field, I can recall several instances of repairing the crumbling steel decks on ballast deck bridges. When bridge decks are failing, it can result in large stone raining down on streets, cars, people, or whatever may lie below. This falling stone poses an obvious threat to anyone walking or driving below the problem area.

Another area of bridge repair I often encountered involved the concrete support system found under bridges. There were many instances where I found that sections of the concrete support system were able to be removed with a small hammer and in some cases even with bare hands. In addition to decaying concrete and steel supports, it was also common to perform repairs to rotten and missing bridge timbers on many bridges. These large timbers would often break with little effort when being removed to make repairs. From my experience bridge timbers were often the most deteriorated portion of bridge structures.

Only the most qualified and highly trained railroad maintenance of way workers possess the ability to recognize the vital work that needs to be performed on rail infrastructure. And only the most qualified and highly trained railroad maintenance of way workers possess the ability to best perform the work that needs to be completed. There is no question that the most qualified and highly trained workers to perform this work are BMWED-IBT represented railroad workers. We request that the funding in this infrastructure package have protections to ensure that there are stipulations requiring that the work be performed by union members who have been properly trained on Federal Railroad Administration (FRA) safety rules and polices.

II. My Observations of the Current Trends Impacting the Lives of BMWED-IBT Members

Now that I'm heading our organization's arbitration department, I'd like to go over with you some of the trends I've been seeing affecting our membership. From 2016 through 2018, the BMWED-IBT Arbitration Department received on average two thousand thirty-seven (2037) files per year

to be considered for Arbitration, with an average of eight hundred eighteen (818) files involving BMWED-IBT work being assigned to outside contractors. This is an 84% increase in files received compared to the period from 2006 through 2015, where we averaged one thousand one hundred thirty (1130) files per year to be considered for Arbitration, with an annual average of four hundred sixty-eight (468) files involving BMWED-IBT work being assigned to outside contractors. A significant reason for the spike in arbitration filings can be attributed to both private and public rail carriers increasingly assigning work reserved to BMWED-IBT members to non-union rail contractors.

A recent example of this development involves multiple rail carriers who have elected to assign non-union contractors to perform the work of providing on-track protection for passengers, employees, the general public, and various other machinery that could be impacted by a train collision. One such rail carrier is Amtrak.

Last month, Amtrak chose to start assigning the work of providing on-track protection for a major project occurring in Chicago to non-union contractors. On-track protection is work assigned to an employee who is responsible for the communication with train dispatchers, train crews and work groups to ensure the safety of train crews, passengers, work groups and the general public. The problem with this decision by Amtrak is that non-union contractors are subject to only bare bones qualification processes that minimally comply with federal regulations. BMWED-IBT members on the other hand are extensively trained and tested on FRA safety policies and rules governing how work on or near railroad tracks must be conducted. These safety polices and rules are not arbitrary and many have been instituted as a result of incidents or accidents -some fatal, all avoidable. Our concerns in this instance are that the FRA safety rules are not being properly administered by Amtrak in Chicago. Looking to achieve minor cost savings, Amtrak has potentially endangered rail passengers, the general public, employees and the surrounding infrastructure. We should not be putting profitability ahead of safety.

Another area of concern for our members is the recent implementation of unvetted automated technologies. In January 2020, at the National Railroad Construction & Maintenance Association Conference (NRC) held in San Diego, FRA representatives were actively encouraging rail carriers to seek waivers to implement automated track inspection technology on their main line tracks. From the reports of our officers in attendance at the Rail Safety Advisory Committee (RSAC) on April 20, 2019, Administrator Batory stated that he was instructing his staff to grant every technology waiver that the railroads request. Not only are they replacing physical track inspections with automated technologies, they are allowing the data obtained to be reviewed by individuals who are not FRA-qualified track inspectors. As you can imagine, many train derailments, collisions and other incidents that jeopardize public lives are the result of

deteriorating track conditions. Without the guarantee of a qualified BMWED-IBT member making determinations regarding the data obtained by the new technology, it is only a matter of time before these types of catastrophic incidents become commonplace. We urge the FRA to return to operating as an agency tasked with ensuring the safe operation of railroads, rather than an agency concerned with implementing unvetted new technology at the potential cost of human lives.

CONCLUSION

In conclusion, I would first like to thank Chairman Lipinski and this Subcommittee for inviting me to testify on behalf of tens of thousands of BMWED-IBT railroad construction and maintenance professionals. They are the best railroaders this country has to offer and they stand poised and ready to tackle and complete this much-needed railroad infrastructure project. I am a BMWED-IBT member, I worked on the railroad in the Maintenance of Way department alongside other members, and I can personally attest that employing anyone else to accomplish this massive infrastructure project would be a fool-hearted endeavor.

There are infrastructure issues on our Nation's railroads, some of which are serious and have been patch worked or completely neglected for far too long. We need to fix them before they result in something catastrophic. I hope that this body will agree to the appropriate funding to remedy these problems and that you will see to it that BMWED members, with their collective expertise, knowledge, timeliness and attention to safety, will be the workers employed to accomplish the task.

Thank you for your time today and I welcome any questions.