Baldwin, could have -- can the witness be sworn in, please?

THEREUPON:

MICHAEL BALDWIN
was called for examination, and, after being duly sworn, testified as follows:

MR. BALDWIN: Good afternoon, Chairman Jaffe. Good afternoon, Member Deinhardt and Member Twomey. My name is Michael Baldwin, and I'm the President of the Brotherhood of Railroad Signalmen. Let me pause real quick and tell you that I am also a signalman and a signal electronic technician. So, what I'm about to speak of today, I'm very familiar with an intimate with. My comments today will be in connection with you the Union's Exhibit Number 28.

I come before this Board today because we have an unresolved craft-specific issue with the NCCC that has festered for years, and now must be resolved by this Board. The issue was presented in 2011 to PEB 243, which in turn recommended that the Union and the Carriers initiate a joint responsibility study to determine if the added responsibility required by positions where employees performed FRA-mandated testing warranted extra compensation. Since PEB 243, responsibility has increased significantly with PTC and new operating models. And I’m here to share the concerns that I’ve heard from BRS members regarding their jobs, the skill requirements of those jobs, and the responsibilities our members have each day.

Railroad signaling is vital to the industry for safety and efficiency. Railroad signal systems prevent trains from running into each other, they protect roadway workers, and they protect the traveling public from being struck by a.
train at highway-rail grade crossings.

Signal systems in the railroad industry are based on the required distance for a train to stop or braking distance. These complex systems provide constant track conditions, speed, and other indications for crews operating their trains, terrain conditions, for example, flooding, or rockslides, train conditions, for example, dragging equipment or hot journals, dispatchers' ability to safely control the network, and safety for workers on the tracks.

I would like to note that in Carrier submission Exhibit Number 3, Table 4, Average Wage Per Hour Worked: Railroad Workers versus Comparator Occupation Groups 2020, Dr. Jesse David states, that signalmen making $35.56 per hour, enjoy a nine percent premium and pay over comparator occupations at $32.67 per hour. The current national signalmen rate is $33.09 an hour, not $35.56.

In Table 19 of the same exhibit, Dr. David states that the comparable occupations to signalmen are telecommunications equipment installers and repairs, except line installers; electrical and electronics installers and repairs, transportation equipment; electrical and electronics repairs, commercial and industrial equipment. These occupations are not comparable to signal, they're not even close. Because of the complexity of these systems being a signalmen comes with an elevated level of duties and responsibilities. Those who are responsible for FRA-mandated tests and inspections have an even greater responsibility.

Signalmen play a key role in railroad signal systems and highway-rail grade crossing warning systems safety. These inspections are performed on a monthly, quarterly, and yearly basis. These tests are on an automatic scheduler from the date of the last inspection performed. Tardiness of the testing date is almost nonexistent, as timely reports are regulated by law. Most inspections are on mechanical devices that are essential for the integrity of the signal system and highway-rail grade crossings. The tests performed often bring to light defects that must be resolved immediately and repaired in a timely fashion for minimum rail interruptions.

In addition to the responsibility of performing federally mandated testing signalmen are also required to be in compliance with the hours-of-service law. Technology in railroad signaling has been ever changing and signalmen have always been up to the challenge. Over the past 121 years, signaling has progressed from...
flags and colored balls to signal for
color position light and color light
signals, cab signaling, and positive train
color position light and color light
control. Signal systems have evolved from
relay-based technology to microprocessors.
This new technology controls the existing
mechanical apparatuses, for example, in
tracks which machines for train routing,
crossing gates and lights, signal cancel
levers, train controlling wayside signals,
and defect detectors to include but not
limited to, right-side fencing, water
detection, and train defect inspection.

These mechanical apparatuses are
the labor-intensive side of the craft,
which signalmen test on a regular basis
validating the compliance with regard to
regulations. Railroads implemented
microprocessor-based signal systems that
replaced the relay-based signal systems,
increasing the technical aptitude required
to maintain the new technology. The newer

being stretched to the limit, acquiring
more miles and assets and/or covering
territories that do not have a signalman assigned. This craft has been decimated
with the elimination of jobs of relief
maintainers and foremen that would fill in
when maintainers for shorthanded. Relief
maintainers complete testing when
maintainers are on vacation, cover large
track projects, and assist in maintenance
tasks that require more than one person.
Railroads expect maintenance employees to
get their mandated testing completed in
advance of vacation and in conjunction
with other large railroad projects. This
creates a juggling act for the employee
when managing a heavy testing schedule
because of the disruptions.

Organization conducted surveys that
demonstrated the increased responsibility
for single maintenance employees. Those
survey summaries can be found in your
organization's Exhibit E, Pages 97 through
123.

There were 1,158 participants, of
which ninety-one percent indicated their
responsibility had increased in daily and
monthly duties. Ninety-one percent,
again, responded that their workload had
increased over the last five years as
territories were expanded. Additionally,
eighty-nine percent indicated that newer
technology was installed in the last five
years. Our survey responses may be found
in the organization's Exhibit F, Pages 125
through 207.

One of the several questions asked,
how has the current level of
responsibility changed over the last five
years? The answer -- the answers show
clear issues including extended
territories and/or maintainers being
required to cover multiple territories,
assisting different departments when their
work interferes with the normal operation of the signal and highway-rail grade crossing warning systems, while still being required to keep up with regular duties and drastically increased workloads with unrealistic expectations to complete the work.

I'm gonna cover a few member statements. Those member statements -- excuse me -- may be found in your organization's Exhibit A and B, Pages 25 through 84.

BNSF has continued to reduce our single gang manpower. So now, when we have major track or capital projects going on, we are expected to drop everything and be able to assist other departments. They are burning good guys out by making them cover more territory and more assets every year.

Additionally, another member expanded on the added responsibility of

overwhelming number of assets assigned and miles to drive. With so few signalmen left and low number of maintainers with large territories, when one takes vacation, or is all for personal reasons, sick, family just normal life, the company does not fill the position.

Our initial proposal on PEB 243 was based on the equipment and service at the time. Since then, the need for a differential has increased with the addition of maintaining and testing PTC apparatus. On December 29th, 2020, the FRA announced that PTC technology was operational across 57,536 required freight and passenger rail miles. Maintenance personnel are now required to accept trouble calls and troubleshoot the system when problems occur with little to no training. This added significant responsibility to the workforce, requiring vast knowledge of electronics and communication technology, with employees being held responsible to self-educate and to coordinate peer to peer training themselves.

A member detailed this significant increase in skill requirements. The railroad signal job as a trade job, I went through three years of assistant signalman training after being hired. I also went through two and a half years of advanced training to become a signal tech. So, to be told we are overpaid for our level of education is not accurate. I have spent thirty-two years learning this craft and passing on that knowledge to other employees who are learning the craft. I have never made the wages per year that the railroad claims and I work anywhere from 250 to 400 hours of overtime each year on top of my forty-hour workweek.

Another member detailed the increased responsibility taking emergency
calls outside of working hours. Along with the increase of daily responsibilities, there has been a major increase in trouble calls, both during and after regular working hours. The manpower shortages have increased our hold call responsibilities on most weekends, from a seventy-five-mile radius to up to three hundred miles at times. These expanded hold call territories lead to extreme delays in response time, causing a ripple effect of delays across the system. These long distances also eat into hours of service for available employees, causing a domino effect and manpower shortages. This then causes more overtime calls for employees even farther away. I have personally driven over three hundred miles round trip in the middle of the night for trouble calls multiple times over the past three years.

Signal maintainers, signal with the least amount of seniority, and therefore, the least amount of experience. Signal maintainers are regularly placed in situations where good judgment, on the job experience, and proper training is required to prevent catastrophic, deadly events. Signalmen are subjected to civil and criminal penalties in accordance with the Federal Railroad Administration regulations governing tests that are performed at different intervals on signal equipment. Railroads have individualized responsibility for the inspections performed by asserting the employees are culpable for any defect or accident caused by an inspected apparatus, no matter if it fails right after inspection, or fifteen days later. There is no desire to hold these positions with the responsibilities attached to them, compared to a position working in a group environment, performing maintenance foreman, signal inspectors, and electronic technicians are typically the individuals that are directly responsible for FRA mandated tests, though other job classifications may sometimes perform FRA mandated inspections and testing. The FRA regulations are in place to ensure that the signal system and highway-rail grade crossing warning systems are installed and maintained to a certain level of safety and reliability. Over the past twenty or more years, Carriers have experienced difficulty in filling signal maintenance positions because of the increased skills and responsibilities that do not come with increased compensation. Senior employees no longer want these jobs because there has been no adjustment of compensation associated with the increased job requirements and responsibilities. These jobs are often filled by the signalmen construction duties, rather than the mandated testing. Honestly, we’ve had members end their careers instead of taking maintenance positions. We’re talking veterans of the workforce. Our organization has attempted to address the increased compensation issue for years. It started prior to PEB 243 in 2011, when the organization requested compensation for a maintenance employee differential. The request was directly related to the increased technical requirements of maintenance positions. PEB 243 directed the parties to conduct a responsibility study.

Following the recommendations of PEB 243, BRS and the NRLC initiated a study. Interviews were conducted by the BRS and an NRLC across four railroads: BNSF Railway, CSX Transportation, Norfolk Southern Railway, and Union Pacific.
Railroad. The parties interviewed eighteen employees: one assistant general supervisor, two electronic technicians, one field trainer, one project engineer, two signal foreman, one signal inspector, six signal maintainers, and four signal supervisors.

As the joint committee interviewed the listed individuals, there were several topics that arose. The responsibility study results may be found in the organization’s Exhibit D, Pages 91 through 95.

More pay and training were listed as the top issues, since many younger employees with little experience are forced into maintenance positions. The answers indicated the amount of time to become a good maintainer began at a minimum of two years, some answers indicated five years on up to fifteen years to get a complete grasp on the numerous systems signalmen work on. The territory is assigned to maintenance employees are too large and have an excess amount of testing. As a result, employees experience issues completing regular preventive maintenance. The responsibility of the position was extremely stressful, and the chance of discipline was greater with all maintenance personnel. The responsibility study revealed that as a result of the added responsibility required of those employees performing FRA mandated testing, more experienced signalmen we’re moving away from single maintenance and testing positions and towards single construction positions.

Beginning in 2017, the Carrier's implemented cost saving measures, which include a drastic reduction in employees, equipment, and switching yards. Then at the start of the pandemic, the Carriers workforce reduction.

The responsibility study did suggest that the differential was necessary by the rank and file as well as management employees of the Carriers. BRS requested the differential in Section 6 Notice served to the Carriers in 2014 and 2019. In addition to our Section 6 Notices, former BRS president Dan Pickett confirmed he had verbal conversations with former NCCC Spokesman Ken Gradia, during which Mr. Gradia expressed no interest in pursuing the issue. Former President Jerry Bowles (ph.) also confirmed the same result in his verbal communication with current NCCC spokesman, Brendan Branon. Carriers have all but ignored the issue following the responsibility.

I’d like to note that yesterday, Jeff Rogers stated that the March 24th, 2022, proposal from the organizations to the NCCC did not have the responsibility

In Q1 2016, our membership total for members employed by BNSF, CN, CSXT, KCS, NS, and UP was 9,125. In Q1 of 2022, our membership total for the same railroads was 6,687. This is a twenty-six percent reduction over a six-year period.

This practice is the exact opposite of what common sense should lead us to believe. With the installation of PTC, many other railroads throughout the country have added new assets and made territories more complex. This should lead to the addition of jobs, not
study as a proposed work rule. Well, there’s good reason for that. It’s not a work rule to pay differential.

This is not only a matter of fairness for signalmen, but it is best for the public interest, the economy, and the supply chain. The parties have done the recommended fact finding, which supported the organization’s position. Both sides participation in the interviews confirmed the accuracy of the statements made. The Carriers refused to continue in the joint effort, and summarily disregarded the increased level of responsibility these employees perform on a daily basis. The only constant the employees endure is more of responsibility without proper compensation.

As if this were not enough, rail workers have also been dealing with the progression of technology with little to no assistance in training and have been told they are overpaid. The result of this has been unprecedented turnover levels, which presents clear safety and workforce concerns. That decrease in workforce number should be alarming to this Board, as our members are returning routinely asked to do more with less, all while the Carriers have taken the position that their employees are less important than the stakeholders. The men and women doing work, protecting their fellow employees, the traveling public, and the communities where railroads operate are not less important than investors and CEOs. It is imperative to understand that the issues reflected in my testimony affect not only our members, but also the general public, all of rail labor, and the supply chain our nation depends on.

Our goal is for employees who are directly responsible for or signatory to FRA mandated testing to receive extra...
this is a reasonable request that represents the increase in responsibility and technical aptitude.

Let me close with this, there has been much talk and there have been articles written about what would a strike do to the supply chain in this country? I would like to pose that from a different perspective to you today.

What if the recommendation or the settlement that comes out of this round of bargaining creates a situation where twenty percent more of the workforce in this industry leaves? I think that's a serious concern of the supply chain. A strike can be a couple hours and have residual effects for a couple of days. Losing twenty percent of the workforce would decimate the industry and the supply chain. I thank you for your attention today.