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CHAIRMAN JAFFE: Welcome President

1 Baldwin, could have -- can the witness be
 2 sworn in, please?
 3 THEREUPON:
 4 MICHAEL BALDWIN
 5 was called for examination, and, after
 6 being duly sworn, testified as follows:
 7 **MR. BALDWIN:** Good afternoon,
 8 Chairman Jaffe. Good afternoon, Member
 9 Deinhardt and Member Twomey. My name is
 10 Michael Baldwin, and I'm the President of
 11 the Brotherhood of Railroad Signalmen.
 12 Let me pause real quick and tell you that
 13 I am also a signalman and a signal
 14 electronic technician. So, what I'm about
 15 to speak of today, I'm very familiar with
 16 an intimate with. My comments today will
 17 be in connection with you the Union's
 18 Exhibit Number 28.
 19 I come before this Board today
 20 because we have an unresolved craft-
 21 specific issue with the NCCC that has
 22 festered for years, and now must be

1 resolved by this Board. The issue was
 2 presented in 2011 to PEB 243, which in
 3 turn recommended that the Union and the
 4 Carriers initiate a joint responsibility
 5 study to determine if the added
 6 responsibility required by positions where
 7 employees performed FRA-mandated testing
 8 warranted extra compensation. Since PEB
 9 243, responsibility has increased
 10 significantly with PTC and new operating
 11 models. And I'm here to share the
 12 concerns that I've heard from BRS members
 13 regarding their jobs, the skill
 14 requirements of those jobs, and the
 15 responsibilities our members have each
 16 day.
 17 Railroad signaling is vital to the
 18 industry for safety and efficiency.
 19 Railroad signal systems prevent trains
 20 from running into each other, they protect
 21 roadway workers, and they protect the
 22 traveling public from being struck by a

<p style="text-align: right;">Page 1467</p> <p>1 train at highway-rail grade crossings. 2 Signal systems in the railroad industry 3 are based on the required distance for a 4 train to stop or braking distance. These 5 complex systems provide constant track 6 conditions, speed, and other indications 7 for crews operating their trains, terrain 8 conditions, for example, flooding, or 9 rockslides, train conditions, for 10 example, dragging equipment or hot 11 journals, dispatchers' ability to safely 12 control the network, and safety for 13 workers on the tracks. 14 I would like to note that in 15 Carrier submission Exhibit Number 3, Table 16 4, Average Wage Per Hour Worked: Railroad 17 Workers versus Comparator Occupation 18 Groups 2020, Dr. Jesse David states, that 19 signalmen making \$35.56 per hour, enjoy a 20 nine percent premium and pay over 21 comparator occupations at \$32.67 per hour. 22 The current national signalmen rate is</p>	<p style="text-align: right;">Page 1468</p> <p>1 \$33.09 an hour, not \$35.56. 2 In Table 19 of the same exhibit, 3 Dr. David states that the comparable 4 occupations to signalmen are 5 telecommunications equipment installers 6 and repairs, except line installers; 7 electrical and electronics installers and 8 repairs, transportation equipment; 9 electrical and electronics repairs, 10 commercial and industrial equipment. 11 These occupations are not comparable to 12 signal, they're not even close. Because 13 of the complexity of these systems being a 14 signalmen comes with an elevated level of 15 duties and responsibilities. Those who 16 are responsible for FRA-mandated tests and 17 inspections have an even greater 18 responsibility. 19 Signalmen play a key role in 20 railroad signal systems and highway-rail 21 grade crossing warning systems safety. 22 Siegelman are responsible for the</p>
<p style="text-align: right;">Page 1469</p> <p>1 installation, maintenance, testing, and 2 proper functioning of railroad signal 3 systems, which keep trains operating at 4 peak efficiency while providing adequate 5 train separation for safety. The systems 6 are very complex, and system safety is 7 dependent on the expertise of many 8 signalmen who work alone and on teams or 9 crews. Signalmen are responsible for the 10 installation, maintenance, testing, and 11 proper functioning of active crossing 12 warning devices that warn drivers of 13 approaching trains that more than 74,000 14 highway-rail grade crossings equipped with 15 active warning systems across the nation. 16 Signalmen install and maintain high- 17 voltage lines that are on the ground as 18 well as aerial. 19 Signalmen working maintenance 20 positions are required to perform 21 federally mandated inspections at 22 locations across their assigned territory.</p>	<p style="text-align: right;">Page 1470</p> <p>1 These inspections are performed on a 2 monthly, quarterly, and yearly basis. 3 These tests are on an automatic scheduler 4 from the date of the last inspection 5 performed. Tardiness of the testing date 6 is almost nonexistent, as timely reports 7 are regulated by law. Most inspections 8 are on mechanical devices that are 9 essential for the integrity of the signal 10 system and highway-rail grade crossings. 11 The tests performed often bring to light 12 defects that must be resolved immediately 13 and repaired in a timely fashion for 14 minimum rail interruptions. 15 In addition to the responsibility 16 of performing federally mandated testing 17 signalmen are also required to be in 18 compliance with the hours-of-service law. 19 Technology in railroad signaling has been 20 ever changing and signalmen have always 21 been up to the challenge. Over the past 22 121 years, signaling has progressed from</p>

<p style="text-align: right;">Page 1471</p> <p>1 flags and colored balls to signal for 2 color position light and color light 3 signals, cab signaling, and positive train 4 control. Signal systems have evolved from 5 relay-based technology to microprocessors. 6 This new technology controls the existing 7 mechanical apparatuses, for example, in 8 tracks which machines for train routing, 9 crossing gates and lights, signal cancel 10 levers, train controlling wayside signals, 11 and defect detectors to include but not 12 limited to, right-side fencing, water 13 detection, and train defect inspection. 14 These mechanical apparatuses are 15 the labor-intensive side of the craft, 16 which signalmen test on a regular basis 17 validating the compliance with regard to 18 regulations. Railroads implemented 19 microprocessor-based signal systems that 20 replaced the relay-based signal systems, 21 increasing the technical aptitude required 22 to maintain the new technology. The newer</p>	<p style="text-align: right;">Page 1472</p> <p>1 technology requires reading and 2 comprehending logs produced by the 3 microprocessors to conclude what the 4 problem might be. Then taking the theory 5 and addressing the problem. It takes more 6 time and knowledge to discern these logs, 7 which are displayed differently from one 8 brand of microprocessor to the next. 9 PTC introduced signalmen to 10 communication equipment that was new to 11 the craft. This equipment was added as an 12 overlay to the current signal system. It 13 requires more advanced technical ability 14 to troubleshoot issues with PTC systems. 15 As if the technology advances were 16 not enough, signal workers have worked 17 tirelessly through the pandemic as 18 essential workers, and experienced a 19 twenty percent decrease in the workforce, 20 which expanded territories and required 21 already overworked employees to do more 22 with less. Maintenance employees are</p>
<p style="text-align: right;">Page 1473</p> <p>1 being stretched to the limit, acquiring 2 more miles and assets and/or covering 3 territories that do not have a signalman 4 assigned. This craft has been decimated 5 with the elimination of jobs of relief 6 maintainers and foremen that would fill in 7 when maintainers for shorthanded. Relief 8 maintainers complete testing when 9 maintainers are on vacation, cover large 10 track projects, and assist in maintenance 11 tasks that require more than one person. 12 Railroads expect maintenance employees to 13 get their mandated testing completed in 14 advance of vacation and in conjunction 15 with other large railroad projects. This 16 creates a juggling act for the employee 17 when managing a heavy testing schedule 18 because of the disruptions. 19 Organization conducted surveys that 20 demonstrated the increased responsibility 21 for single maintenance employees. Those 22 survey summaries can be found in your</p>	<p style="text-align: right;">Page 1474</p> <p>1 organization's Exhibit E, Pages 97 through 2 123. 3 There were 1,158 participants, of 4 which ninety-one percent indicated their 5 responsibility had increased in daily and 6 monthly duties. Ninety-one percent, 7 again, responded that their workload had 8 increased over the last five years as 9 territories were expanded. Additionally, 10 eighty-nine percent indicated that newer 11 technology was installed in the last five 12 years. Our survey responses may be found 13 in the organization's Exhibit F, Pages 125 14 through 207. 15 One of the several questions asked, 16 how has the current level of 17 responsibility changed over the last five 18 years? The answer -- the answers show 19 clear issues including extended 20 territories and/or maintainers being 21 required to cover multiple territories, 22 assisting different departments when their</p>

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<p style="text-align: right;">Page 1475</p> <p>1 work interferes with the normal operation 2 of the signal and highway-rail grade 3 crossing warning systems, while still 4 being required to keep up with regular 5 duties and drastically increased workloads 6 with unrealistic expectations to complete 7 the work. 8 I'm gonna cover a few member 9 statements. Those member statements -- 10 excuse me -- may be found in your 11 organization's Exhibit A and B, Pages 25 12 through 84. 13 BNSF has continued to reduce our 14 single gang manpower. So now, when we 15 have major track or capital projects going 16 on, we are expected to drop everything and 17 be able to assist other departments. They 18 are burning good guys out by making them 19 cover more territory and more assets every 20 year. 21 Additionally, another member 22 expanded on the added responsibility of</p>	<p style="text-align: right;">Page 1476</p> <p>1 more assets, my territory has not 2 increased in miles, but it has increased 3 in unaccounted for assets. Recently, the 4 signal department had taken over 5 responsibility for mechanical detectors. 6 This complex system can detect many 7 different issues with train cars, wheels, 8 bearings, etcetera. There's been very 9 little training on these systems. I have 10 what isn't as a super detector, there are 11 over ten different detectors at this site. 12 These assets were all lumped together as 13 one single asset, making all 30-day, 90- 14 day 180-day and 360-day tests do at the 15 same time. 16 We had several statements regarding 17 territory expansion. This statement from 18 a member recounted the number of miles he 19 maintains, as well as issues with 20 manpower. My territory doubled in the 21 last three years. They add assets without 22 any consideration of the already</p>
<p style="text-align: right;">Page 1477</p> <p>1 overwhelming number of assets assigned and 2 miles to drive. With so few signalmen 3 left and low number of maintainers with 4 large territories, when one takes 5 vacation, or is all for personal reasons, 6 sick, family just normal life, the company 7 does not fill the position. 8 Our initial proposal on PEB 243 was 9 based on the equipment and service at the 10 time. Since then, the need for a 11 differential has increased with the 12 addition of maintaining and testing PTC 13 apparatus. On December 29th, 2020, the 14 FRA announced that PTC technology was 15 operational across 57,536 required freight 16 and passenger rail miles. Maintenance 17 personnel are now required to accept 18 trouble calls and troubleshoot the system 19 when problems occur with little to no 20 training. This added significant 21 responsibility to the workforce, requiring 22 vast knowledge of electronics and</p>	<p style="text-align: right;">Page 1478</p> <p>1 communication technology, with employees 2 being held responsible to self-educate and 3 to coordinate peer to peer training 4 themselves. 5 A member detailed this significant 6 increase in skill requirements. The 7 railroad signal job as a trade job, I went 8 through three years of assistant signalman 9 training after being hired. I also went 10 through two and a half years of advanced 11 training to become a signal tech. So, to 12 be told we are overpaid for our level of 13 education is not accurate. I have spent 14 thirty-two years learning this craft and 15 passing on that knowledge to other 16 employees who are learning the craft. I 17 have never made the wages per year that 18 the railroad claims and I work anywhere 19 from 250 to 400 hours of overtime each 20 year on top of my forty-hour workweek. 21 Another member detailed the 22 increased responsibility taking emergency</p>

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<p style="text-align: right;">Page 1479</p> <p>1 calls outside of working hours. Along 2 with the increase of daily 3 responsibilities, there has been a major 4 increase in trouble calls, both during and 5 after regular working hours. The manpower 6 shortages have increased our hold call 7 responsibilities on most weekends, from a 8 seventy-five-mile radius to up to three 9 hundred miles at times. These expanded 10 hold call territories lead to extreme 11 delays in response time, causing a ripple 12 effect of delays across the system. These 13 long distances also eat into hours of 14 service for available employees, causing a 15 domino effect and manpower shortages. 16 This then causes more overtime calls for 17 employees even farther away. I have 18 personally driven over three hundred miles 19 round trip in the middle of the night for 20 trouble calls multiple times over the past 21 three years. 22 Signal maintainers, signal</p>	<p style="text-align: right;">Page 1480</p> <p>1 maintenance foreman, signal inspectors, 2 and electronic technicians are typically 3 the individuals that are directly 4 responsible for FRA mandated tests, though 5 other job classifications may sometimes 6 perform FRA mandated inspections and 7 testing. The FRA regulations are in place 8 to ensure that the signal system and 9 highway-rail grade crossing warning 10 systems are installed and maintained to a 11 certain level of safety and reliability. 12 Over the past twenty or more years, 13 Carriers have experienced difficulty in 14 filling signal maintenance positions 15 because of the increased skills and 16 responsibilities that do not come with 17 increased compensation. Senior employees 18 no longer want these jobs because there 19 has been no adjustment of compensation 20 associated with the increased job 21 requirements and responsibilities. These 22 jobs are often filled by the signalmen</p>
<p style="text-align: right;">Page 1481</p> <p>1 with the least amount of seniority, and 2 therefore, the least amount of experience. 3 Signal maintainers are regularly placed in 4 situations where good judgment, on the job 5 experience, and proper training is 6 required to prevent catastrophic, deadly 7 events. 8 Signalmen are subjected to civil 9 and criminal penalties in accordance with 10 the Federal Railroad Administration 11 regulations governing tests that are 12 performed at different intervals on signal 13 equipment. Railroads have individualized 14 responsibility for the inspections 15 performed by asserting the employees are 16 culpable for any defect or accident caused 17 by an inspected apparatus, no matter if it 18 fails right after inspection, or fifteen 19 days later. There is no desire to hold 20 these positions with the responsibilities 21 attached to them, compared to a position 22 working in a group environment, performing</p>	<p style="text-align: right;">Page 1482</p> <p>1 construction duties, rather than the 2 mandated testing. 3 Honestly, we've had members end 4 their careers instead of taking 5 maintenance positions. We're talking 6 veterans of the workforce 7 Our organization has attempted to 8 address the increased compensation issue 9 for years. It started prior to PEB 243 in 10 2011, when the organization requested 11 compensation for a maintenance employee 12 differential. The request was directly 13 related to the increased technical 14 requirements of maintenance positions. 15 PEB 243 directed the parties to conduct a 16 responsibility study. 17 Following the recommendations of 18 PEB 243, BRS and the NRLC initiated a 19 study. Interviews were conducted by the 20 BRS and an NRLC across four railroads: 21 BNSF Railway, CSX Transportation, Norfolk 22 Southern Railway, and Union Pacific</p>

<p style="text-align: right;">Page 1483</p> <p>1 Railroad. The parties interviewed 2 eighteen employees: one assistant general 3 supervisor, two electronic technicians, 4 one field trainer, one project engineer, 5 two signal foreman, one signal inspector, 6 six signal maintainers, and four signal 7 supervisors. 8 As the joint committee interviewed 9 the listed individuals, there were several 10 topics that arose. The responsibility 11 study results may be found in the 12 organization's Exhibit D, Pages 91 through 13 95. 14 More pay and training were listed 15 as the top issues, since many younger 16 employees with little experience are 17 forced into maintenance positions. The 18 answers indicated the amount of time to 19 become a good maintainer began at a 20 minimum of two years, some answers 21 indicated five years on up to fifteen 22 years to get a complete grasp on the</p>	<p style="text-align: right;">Page 1484</p> <p>1 numerous systems signalmen work on. 2 The territory is assigned to 3 maintenance employees are too large and 4 have an excess amount of testing. As a 5 result, employees experience issues 6 completing regular preventive maintenance. 7 The responsibility of the position was 8 extremely stressful, and the chance of 9 discipline was greater with all 10 maintenance personnel. The responsibility 11 study revealed that as a result of the 12 added responsibility required of those 13 employees performing FRA mandated testing, 14 more experienced signalmen we're moving 15 away from single maintenance and testing 16 positions and towards single construction 17 positions. 18 Beginning in 2017, the Carrier's 19 implemented cost saving measures, which 20 include a drastic reduction in employees, 21 equipment, and switching yards. Then at 22 the start of the pandemic, the Carriers</p>
<p style="text-align: right;">Page 1485</p> <p>1 further reduced the number of several 2 employees through furloughs and expanding 3 the existing maintenance employee 4 territories to unimaginable sizes -- 5 excuse me -- unmanageable sizes. This 6 resulted in the elimination of critical 7 signal maintenance positions. The 8 workforce reductions are clearly reflected 9 in our membership numbers. 10 In Q1 2016, our membership total 11 for members employed by BNSF, CN, CSXT, 12 KCS, NS, and UP was 9,125. In Q1 of 2022, 13 our membership total for the same 14 railroads was 6,687. This is a twenty-six 15 percent reduction over a six-year period. 16 This practice is the exact opposite of 17 what common sense should lead us to 18 believe. With the installation of PTC, 19 many other railroads throughout the 20 country have added new assets and made 21 territories more complex. This should 22 lead to the addition of jobs, not</p>	<p style="text-align: right;">Page 1486</p> <p>1 workforce reduction. 2 The responsibility study did 3 suggest that the differential was 4 necessary by the rank and file as well as 5 management employees of the Carriers. BRS 6 requested the differential in Section 6 7 Notice served to the Carriers in 2014 and 8 2019. In addition to our Section 6 9 Notices, former BRS president Dan Pickett 10 confirmed he had verbal conversations with 11 former NCCC Spokesman Ken Gradia, during 12 which Mr. Gradia expressed no interest in 13 pursuing the issue. Former President 14 Jerry Bowles (ph.) also confirmed the same 15 result in his verbal communication with 16 current NCCC spokesman, Brendan Branon. 17 Carriers have all but ignored the issue 18 following the responsibility. 19 I'd like to note that yesterday, 20 Jeff Rogers stated that the March 24th, 21 2022, proposal from the organizations to 22 the NCCC did not have the responsibility</p>

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<p style="text-align: right;">Page 1487</p> <p>1 study as a proposed work rule. Well, 2 there's good reason for that. It's not a 3 work rule to pay differential. 4 This is not only a matter of 5 fairness for signalmen, but it is best for 6 the public interest, the economy, and the 7 supply chain. The parties have done the 8 recommended fact finding, which supported 9 the organization's position. Both sides 10 participation in the interviews confirmed 11 the accuracy of the statements made. The 12 Carriers refused to continue in the joint 13 effort, and summarily disregarded the 14 increased level of responsibility these 15 employees perform on a daily basis. The 16 only constant the employees endure is more 17 of responsibility without proper 18 compensation. 19 As if this were not enough, rail 20 workers have also been dealing with the 21 progression of technology with little to 22 no assistance in training and have been</p>	<p style="text-align: right;">Page 1488</p> <p>1 told they are overpaid. The result of 2 this has been unprecedented turnover 3 levels, which presents clear safety and 4 workforce concerns. That decrease in 5 workforce number should be alarming to 6 this Board, as our members are returning 7 routinely asked to do more with less, all 8 while the Carriers have taken the position 9 that their employees are less important 10 than the stakeholders. The men and women 11 doing work, protecting their fellow 12 employees, the traveling public, and the 13 communities where railroads operate are 14 not less important than investors and 15 CEOs. It is imperative to understand that 16 the issues reflected in my testimony 17 affect not only our members, but also the 18 general public, all of rail labor, and the 19 supply chain our nation depends on. 20 Our goal is for employees who are 21 directly responsible for or signatory to 22 FRA mandated testing to receive extra</p>
<p style="text-align: right;">Page 1489</p> <p>1 compensation that directly reflects the 2 added responsibilities for these 3 positions. Additionally, from a safety 4 perspective, it is imperative to keep the 5 most experienced personnel on these 6 maintenance jobs. Because there is no 7 financial incentive to assume the added 8 responsibility for maintenance positions, 9 the best way to overcome this trend is to 10 add a financial incentive for these jobs. 11 BRS therefore, proposes a \$5 per 12 hour skilled differential for these 13 positions. This differential is to be 14 applied before any GWI for maintenance 15 employees and those directly responsible 16 for or signatory to FRA required safety 17 critical repairs, tests, and inspections 18 to account for the increase skill 19 requirements and responsibility. Such a 20 differential is not only fair but will 21 also help the railroads retain and hire 22 signalmen.</p>	<p style="text-align: right;">Page 1490</p> <p>1 All maintenance employees are 2 exhausted from working an enormous number 3 of hours in an attempt to keep up, and 4 literally have no time to worry about 5 training. Senior employees are getting 6 away from maintainer, inspector, and 7 technician positions because, the given 8 the increased responsibilities and burdens 9 associated with these positions, they 10 would prefer to work in signal 11 construction. The railroads need to 12 provide an incentive for senior 13 experienced signalmen to take positions 14 that require the most skill and 15 experience. 16 The stress of accepting trouble 17 calls while otherwise off duty, completing 18 work when territories are too large, and 19 dealing with new technology all justify 20 payment of a maintenance employee 21 differential of \$5 per hour, which equates 22 to about 1/7 of the hourly rate. We feel</p>

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<p>1 this is a reasonable request that 2 represents the increase in responsibility 3 and technical aptitude. 4 Let me close with this, there has 5 been much talk and there have been 6 articles written about what would a strike 7 do to the supply chain in this country? I 8 would like to pose that from a different 9 perspective to you today. 10 What if the recommendation or the 11 settlement that comes out of this round of 12 bargaining creates a situation where 13 twenty percent more of the workforce in 14 this industry leaves? I think that's a 15 serious concern of the supply chain. A 16 strike can be a couple hours and have 17 residual effects for a couple of days. 18 Losing twenty percent of the workforce 19 would decimate the industry and the supply 20 chain. 21 I thank you for your attention 22 today.</p>	<p>1 CHAIRMAN JAFFE: Thank you, Mr. 2 Baldwin. 3 We're in good shape. Thank you 4 very much. 5 MR. BALDWIN: Thank you. 6</p>