# *Washington State Legislative Board*
## *UTU - Fax Cover*

*Tom Retterath - State Director*
*Fax number 360-425-0447*

***Date:** April 28, 2003*

***To:** Mike Rowswell*

***Number of pages:** 15 (includes cover)*

***Comments:** Mike, Here is a fax copy of packet of information I received today from the international regarding RCO operation on the Montana Rail Link. If you want this information might be added to the Remote Control Workshop docket file.*

***Have a good day,***

***Tom***

BYRON A. BOYD, JR.
International President

PAUL C. THOMPSON
Assistant President

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General Secretary and Treasurer

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April 24, 2003

All United States:
International Officers
General Chairpersons
State Legislative Directors
Field Supervisors

Dear Sirs and Brothers:

Enclosed find a summary of the manning provisions of the BLE/ Montana Rail Link Remote Control Agreement and a copy of the BLE/Montana Rail Link remote control implementing agreement dated March 12, 2001.

Also enclosed is copy an article that appeared in Montana in Business entitled "Outside of the Box." The article provides a Montana Rail Link BLE engineer's perspective on remote control.

Finally, enclosed find copy of letter to Congressional Representatives from James M. Brunkenhoefer, National Legislative Director concerning implementation of remote control technology in traditional railroad applications in the United States.

Fraternally yours,

Byron A. Boyd, Jr.
International President

Enclosures

cc: Paul C. Thompson, Assistant President
Daniel E. Johnson, General Secretary & Treasurer
James M. Brunkenhoefer, National Legislative Director
David L. Hakey, Vice President-Administration

# Remote Control Locomotive Operations.

- In 1987 the Brotherhood of Locomotive Engineers agreed to remote control operations on the Montana Rail Link (MRL) and made the first remote control locomotive (RCL) implementing agreement on the MRL March 12, 2001.

- MRL agreement provides for a two person crew to operate remote control.

- A third person is used only:

  1. If the employee has established seniority on the switchman seniority roster prior to the effective date of the March 12, 2001 RCL implementing agreement, and;

  2. The prior right employee elects to place on the assignment;

  3. Carrier is not required to fill temporary vacancies of the third switchman

4. In the event other regular assignments go no bid then employees holding the third switchman position positions on RCL assignments may be forced assigned in reverse seniority order to other assignments including the extra board. RCL assignments then operated with a two person crew.

- MRL engineers acknowledge that RCL operations are safer (see "Outside of the Box".

- FRA has approved guidelines for the safe operation of RCL.

# MEMORANDUM OF AGREEMENT

Between

MONTANA RAIL LINK, INC.

And

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

In recognition of the Company's intentions to utilize remote control operations in switch service, the following Agreement will govern the implementation of such service.

Section 1. Article 15 (A) of Section II of the BLE/MRL Agreement, titled "CREW REQUIREMENT", is modified to the following extent

A. 1. The crew of all non remote control switcher assignments (regular, regular relief, transfer or extra) shall consist of not less than one (1) Engineer and one (1) Switch Foreman.

2. The crew of all remote control switcher assignments (regular, regular relief, transfer or extra) shall consist of not less than two (2) Engineers, and one (1) Switch Foreman subject to the following. It is understood that the positions of Switch Foreman will be assigned as a third position to all remote control assignments so long as, or whenever employees who have established seniority on the switchman seniority roster prior to the effective date of this agreement elect to place to the position. In the event the Switch Foreman position is not bid by one of these employees the Carrier will not be required to fill the position. In addition, the Carrier will not be required to fill temporary vacancies on the Switch Foreman position in remote control. It is also understood that in the event after regular assigned positions for Switch Foremen or Switchmen, including the switchmen's extra board, go unbid, these same employees may be forced in reverse seniority order from the third position on remote control switchers to the unbid positions prior to forcing other employees to the unbid assignment.

Any employee forced from a Switch Foreman's position under any of the provisions of this section will be allowed a full exercise of seniority when notified of the force assignment. However, none of the employees subsequently affected by this exercise of seniority will be allowed to place to the blanked Switch Foreman's position in remote control operation short of being furloughed.

It is further understood that all regular relief assignments assigned to work any Remote control switcher shifts will also be assigned and paid under this section.

Section 2 Whenever the crew of a remote controlled assignment consists of only two engineers, those two engineers will receive forty five minutes at the applicable engineer switcher rate per tour of duty.

Section 3 In the event a Switch Foreman or Switchman vacancy occurs in switcher service on the same shift as a remote controlled switcher, and the Switchman's extra board is exhausted, employees assigned to the third position as Switch Foreman on a remote controlled assignment may be required to work the vacancy and their regular assignment on the remote controlled switcher will be blanked. In any event, the involved employee will receive Switch Foreman rate of pay for the shift.

It is further understood that Section II, Article 5D of the existing Agreement will be modified to the following extent.

Switchman/Switchmen extra boards shall be regulated jointly by the Company and the Local Chairman in such a manner that will afford Switchman/Switchmen on the extra boards a minimum pay of $1397.16 per fourteen (14) day period in each semi-monthly period the employee was available for work.

All other portions of Section II, Article 5(D) remain unchanged.

Section 4 It is understood that upon implementation of remote control operations, the Company will offer Switch Foreman Training, consistent with Section IV, Article 2 of the Agreement to all Switchmen who are not currently Switch Foremen qualified, when their seniority allows them to place to the involved assignments. Those Switchmen whose Foreman's rights have been restricted in any manner will also be offered training, when their seniority allows them to place to the involved assignments, and upon successful completion will be considered Foreman qualified for placement to remote control assignments only.

Section 5 Upon implementation of remote control operations, it is agreed that an additional Sadie Hawkins Day will be advertised under the terms of Section II, Article 2 (H) of the Agreement.

Section 6. It is also agreed that in the event implementation of this new technology results in any loss of jobs, preference will be given to those affected employees when openings occur in other crafts for which they are qualified, or may be trained to qualify in a reasonable amount of time, consistent with the Carrier's legal obligations and/or contractual obligations with any Organization.

Section 7. While on duty, the senior Engineer in this service will be in charge of the locomotive consist and will supervise the other employees assigned to their Crew.

Except as specifically provided herein, nothing contained herein shall be construed as modifying, amending or superseding any of the provision of agreements or schedule rules as implemented between the Company and the Brotherhood of Locomotive Engineers. This agreement shall be effective on the date signed and shall remain in effect until modified or changed in accordance with the provisions of the Railway Labor Act, as amended, however this agreement will serve to satisfy existing notices served concerning remote controlled belt pack operation and such notices shall be considered withdrawn. Furthermore, no additional notices will be served or considered concerning remote control operations during the current round of contract bargaining and the matter shall be governed by the moratorium provisions of the agreement reached in settlement of the Organization's Notice dated November 13, 2000.

Signed at Missoula, Montana this 12 day of March 2001.

For:

Montana Rail Link, Inc.

J. L. Grewell, Vice President Operations MRL

For:

Brotherhood of Locomotive Engineers

M. W. Geiger, General Chairman BLE

Approved by:

D. M. Hahs, Vice President, BLE

Side Letter No. 1
February 1, 2001

M. W. Geiger, Jr.
General Chairman, BLE
500 Throckmorton, Suite 1820
Fort Worth, Texas 75102

Mr. Geiger:

In recognition of both parties' desire to secure an agreement concerning the implementation of remote control switcher operations, the following was agreed to, without prejudice to either parties position in this matter. It was our understanding that until such time that the ratification process for the agreement has concluded or 45 days has passed from the date of this letter, whichever happens sooner, the Carrier will refrain from submitting any revisions to its Submission for Engineer's Certification that would make any reference to the use of any craft or class of employees to operate remote controlled switchers other than locomotive engineers.

Sincerely,

J. L. Grewell
Vice President Operations, MRL

I concur,

M. W. Geiger
General Chairman, BLE

mrl/ble4

Side Letter No. 2
February 1, 2001

M. W. Geiger, Jr.
General Chairman, BLE
500 Throckmorton, Suite 1820
Fort Worth, Texas 76102

Mr. Geiger:

In reference to our discussions concerning remote controlled operations, it was understood that these engineers required to attend remote control training on their rest days or RDO's will be allowed a basic days pay at overtime rate for each such day of remote control training.

This understanding is without prejudices to either parties position in the matter and is specific to remote controlled training. It will not be applicable to any other forms of training or referred to in any other situation.

Sincerely

J. L. Grewell
Vice President Operations, MRL

I concur,

M. W. Geiger
General Chairman, BLE

mrl/ble4

WESTERN MONTANA
INBUSINESS

# Outside of the box

## Grasping Technology

### Remote control system saves money, increases safety for Montana Rail Link

An unmanned locomotive pushes and pulls freight cars weighing up to 143 tons each with no sign of a railroad worker at the helm. But Engineer Doug Grissom has complete control as he initiates power of the 150-ton locomotive with a remote control that is strapped to his chest.

"It's an unusual feeling to have control of the engine and then see it go out of sight," said Grissom, who has spent 15 years as a locomotive engineer with Montana Rail Link. With the help of a computer that is housed in a caboose, Grissom goes about his daily work in the rail yard switching freight cars, without having to set foot on any of the locomotives. He was trained 10 months ago on the remote – which is used solely in the yard, not on the road – and he has embraced the change.

Doug Grissom, an engineer with Montana Rail Link, uses a remote-control device to guide locomotives at the Missoula rail yard.
Photo by Patricia Aboussie

"Personally I don't miss being in the cab," he said. "If I'm in the cab, I'm somewhat disconnected to the whole mission of the day. ... And with the remote, I'm not as concerned about harming someone."

The engineer has an advantage not having to be in the cab of the locomotive in that he can see where other workers are, he explained.

Safety is one of the main reasons why Rail Link adopted the technology, said Dave Swanson, road foreman of engines and Grissom's boss. Not one accident can be attributed to the failure of the technology, he stressed, and the overall number of accidents and injuries in the yards has decreased dramatically.

Remote-control locomotives are being used by many railroads now, Swanson continued, but Rail Link has paved the way in terms of safety. Rail Link worked closely with other railroads and the Federal Railway Administration in developing guidelines for safe use of the remote control and was the first railroad in the United States to implement the remote technology at a major switching yards such as Missoula and Laurel.

The remote control, which is about the size of a loaf of bread, talks to a computer that is housed inside a high-tech caboose, which is attached to the locomotive. There are always two engineers in Rail Link's Missoula yard outfitted with the remotes and one switchman. Swanson explained that the engineers can switch frequencies on their remotes, exchanging control of the locomotives to enhance safety. The two engineers and one switchman have constant communication with each other and the yard supervisor, who is in charge of the yard operation and sits in an office that overlooks the entire area.

The remote controls shorten the communication chain, Swanson said. In the past many mistakes or accidents occurred because of miscommunication.

"What's happened, is that we've removed one step in that communication process," Swanson said. "A lot less errors. This is a real safety-sensitive job, huge equipment. Miscommunication can be catastrophic. We are talking about extreme sizes and weights of equipment ... that, coupled with momentum and the sheer size and weight, you've got something you can't afford to make any mistakes with."

Grissom is one of the roughly 75 Rail Link engineers at the Missoula yard trained on the remote controls, Swanson said. On Rail Link, the remotes are used only in the yard, which in Missoula is four miles long

and has 100 miles of track, to aid the challenging task of rearranging hundreds of cars destined for many different locations.

Swanson said some railroads are using Global Positioning System technology to track trains and monitor mechanical information. Rail Link is interested in that kind of technology, he added, but it is a relatively small railroad compared to others like Burlington Northern Santa Fe. Burlington Northern recently purchased a satellite, AIRES, that uses GPS technology. Rail Link probably would piggyback off a larger railroad if it were to get into that kind of technology, he said.

The original labor agreement written in 1987 between Rail Link and the Brotherhood of Locomotive Engineers provided for remote-control operations, before the current technology was implemented. An additional agreement was written and approved by the union's membership, which provided for increased pay scales for some positions, and no force reductions among present employees due to the technology.

Swanson said that the engineers in Missoula accepted the remote-control technology positively when it was introduced. There was enough information available from the experience the engineers were having at Rail Link's Laurel yard that there was little resistance.



However, Swanson said, when the technology was first implemented in Laurel, engineers were suspicious that Rail Link had a hidden agenda. There was a "when you take my chair away, I'm losing my job" mentality, he said. Overall, he said, workers in the United States can be resistant about technology. That's why the remote control technology took so long to make its way into the states, he said. The technology has been used in the United States for only a couple of years; Canada and Europe have been using it for more than a decade.

Swanson said there is always resistance among employees when it

comes to any kind of change. But the technology – combined with normal attrition and retirements – has allowed Rail Link to save money. Instead of one engineer and three switchmen in the yard, now there are two engineers and one switchman on most crews. The engineer positions are higher-paying jobs.

Grissom said it was easy for him to accept the new technology and remembers when cabooses were removed from trains.

"That was a huge change," he said. "I saw that technology come into existence, go through its resistance, and then I saw the technology come to be."

Swanson agreed that people seem more accepting of computer technology these days – and pointed to the example of his 80-year-old father, who voluntarily became computer-literate because of the communications advantages it offered.

"The railroad industry is in the midst of a technological revolution," Swanson said. "In 10 years, there will be a complete change. ... The railroads will hardly resemble what we are today."

BYRON A. BOYD, JR.
International President

PAUL C. THOMPSON
Assistant President

DAN E. JOHNSON
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J. M. BRUNKENHOEFER
National Legislative Director

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April 16, 2003

Dear Representative:

In the late 1960's and early 1970's, remote control technology was introduced in railroad operations. Due to the undependability of this equipment, it was used almost exclusively in the steel industry and in other industries. In effect, it was "kept behind a fence." The equipment was big, bulky and heavy to carry. From this use, this technology was adopted in foreign countries primarily in European railroads. Later, it was used in New Zealand and Canada. Throughout this thirty-year period, the technology went through evolutionary improvements. With the installation of better communications and digital technology, the Federal Railroad Administration (FRA) has continued to monitor these changes and has amassed a great deal of information on the subject. When the Canadian National Railroad attempted to install the technology in Canada, there was a dispute between the Brotherhood of Locomotive Engineers (BLE) and the United Transportation Union (UTU) as to which union would have the rights to the jobs involving this technology. After an arbitration process, this work was awarded to UTU.

The first to begin to use remote control technology in the United States "outside the fence" were America's small shortline railroads. After studying this issue, the FRA issued guidelines that permitted the use of this technology in the United States. The BLE promptly signed a collective bargaining agreement that permitted their members to operate remote control locomotives on Montana RailLink. The major railroads served notice that they wanted to implement this changed technology for use in the United States The UTU and the major US railroads made an agreement that was ratified last year which allowed the members of the UTU to operate remote control technology on those properties, just like in Canada. The BLE threatened to go on strike making the allegations that the railroads had no authority to make an agreement on remote control with the UTU. The US District Court in the Northern District of Illinois enjoined the BLE from striking and required the parties to go to arbitration. The January 10, 2003, Award of Special Board of Adjustment No. 1141 upheld the railroads' right to make an agreement with the UTU and UTU's right to the technology. The FRA has not objected to the level of training required by the collective bargaining agreement. The FRA has reviewed and been involved in a number of similar programs.

Recently, the BLE and other unions have challenged the implementation of the remote control technology claiming that such operations are unsafe. They appear to be trying to use this process to either stop the use of remote control in the United States or to gain work for their own members. They have approached various levels of government, expressing their supposed safety concerns, except in Montana, where BLE has an agreement to operate Remote Control. The UTU obviously supports safety. We believe that it is in the best interest of safety to allow those who are party to the collective bargaining agreements to have ownership of the technology and continue to work in partnership with the FRA to make any improvements that may become necessary. It is our concern that those who don't own the technology should not use their political influence to try to gain through the political or legislative processes that which they have lost at the collective bargaining table, in the courts, at the regulatory agency and in arbitration.

If others approach your office who are not parties and ask for your involvement in efforts to improve safety or to ban the operation of remote control technology, I hope that you will take the time to review the record. We believe that having other groups involved in our efforts to maintain safe operation of this technology only inhibits safety. Many who have already reviewed the history of remote control operations believe that this is a jurisdictional dispute between two unions and have chosen not to get involved.

Sincerely yours,

James M. Brunkenhoefer
National Legislative Director