

TRANSPORTATION DIVISION
Local 212 ~ Selkirk N.Y.

Joshua M. Therrien ~ Local Chairperson ~ 518-265-7111 ~ local212lc@gmail.com

To: Martin J. Oberaman S.T.B. Chairman 395 E Street SW Washington D.C. 20423	EP 770 305175 ENTERED Office of Proceedings August 23, 2022 Part of Public Record
From: Joshua M. Therrien SMART – TD Local212 Local Chairman	

Mr. Oberman, I am writing you today to address some concerns with CSX Transportation. As you know the STB recently approved CSXT take over the Pan-Am railways in the northeast. A lot of us watched closely to all the promises (knowing they were lies) that CSXT made to you and the committee. The one comment that sticks out in my head the most is Mr. Boychuk stating that “we have an underutilized hump yard at Selkirk N.Y. that can handle all of the freight once the transaction is finalized”.

Before I get into what has gone wrong in just a couple of short months, let me give you some history about myself and Selkirk Yard. I am a 4th generation railroader. My family has covered train and engine service, as well as mechanical from Buffalo N.Y. to Philadelphia Pa.. I hired out with CONRAIL in 1997. I am a qualified conductor from Buffalo N.Y. to Philadelphia Pa. and at one time I was also a qualified yardmaster at Selkirk Yard. The New York Central Railroad designed, developed, and built Selkirk yard in the early 1920's. The original yard ran from 1923 to roughly 1968. In the late 1950's there was an issue of congestion on the main line and the NYCRR addressed it. With the collapse of the West Shore railroad and B&A railroad as well as the influx of traffic starting to build up at some of the different ports in New York City, New Jersey, and Boston, as well as the booming economy over these same territories, rail traffic was extremely congested. NYCRR started planning and building Selkirk Yard as it mostly is today in the late 1950's and early 1960's. In 1968 it was opened for business as one of the Country's most advanced and largest production yards. We have 70 class tracks, 16 departure yard tracks, 10 receiving yard tracks, an automobile unloading facility with 9 tracks that can unload 75 auto-rack rail cars at a time. Selkirk yard can hold over 5,000 rail cars in total.

As you are aware, Hunter Harrison came to town in March of 2017. On May 12, 2017, then V.P. of PSR implementation Boychuk along with former V.P. Jermaine Swafford came to Selkirk to announce they were shutting the hump yard down and had plans to make Selkirk a flat switch facility. As news broke the realization hit that we were going to have a devastating loss of employment, my members as well as other craft employees came together and rallied to make sure we were the hump facility that stayed open while others were still being closed. From May of 2017 until early 2018 we all gasped for air as another hump yard or terminal

shut down, thankful that it was not us. CSXT started dumping money into the infrastructure at Selkirk, numbers upwards of \$100,000,000 we were told but everyday maintenance is still lacking due to the shortage of M&W workers. Daily, our yard crews are ordered to use non-complying locomotives because we do not have enough spare engines to properly fix the ones that have defects, all crews are operating switches that are hard to operate because there is not enough maintenance workers to properly adjust or lubricate them, we are walking on road ballast, so that the carrier can save a few pennies on good walking ballast to protect our feet, and we walk around debris and have horrible walking conditions because again we do not have the people to take care of these issues that are constantly reported. New York State railroad law section 52D is supposed to prevent debris, or equipment from being 9 feet from the ends of the railroad ties, and lists road ballast in yards as an obstruction. CSXT has had state inspectors notify them of their non-compliance, but the fines are so piddly that they continue to ignore our complaints.

By the end of 2018 and into early 2019 we had lost nearly 30 employees since the invasion of PSR in 2017 at our terminal, however due to the influx in hiring that started in late 2018, we had replaced those employees that had left and were starting to trip over new hire employees by mid to late 2019 not knowing where to place them. With the help of local management at the time, I was able to start cross qualifying employees on different territories making them more useful to the carrier while also optimizing their earning potential.

As everyone is aware, in 2020 we had the pandemic. CSXT furloughed most of those new employees and my guestimate is 75% of them never returned in the fall of 2020. Since then, we have been extremely short staffed, and it is only getting worse. Since 1-1-21, my Local alone has lost roughly 60 members. These members include trainees that ran out of the door before being qualified all the way up to season veterans that had upwards of 20 years. These numbers do not include other Locals that have transportation employees or other crafts that I do not have access to research.

So now here we are in mid-2022. Down roughly 75 transportation employees (guestimate) at the Selkirk terminal, CSXT has taken over the PAN-AM railroad, Selkirk Yard is bursting at the seams, and we have 15 to 20 trains destined for Selkirk parked on the main line anywhere between Buffalo N.Y. and Philadelphia PA. CSXT does its monthly shuffle of management and in June, and they send us a new General Manager (Sean Ireland) and a new Selkirk Terminal Supt. (Morgan Yarbrough). After a meeting with them in late June, myself and BLET Local Chairman Jason Purcell pleaded with them to stop the knee jerk reactions and constant changes that are driving our members out of the door and into the hands of other employers.

On August 9, 2022, that plea fell on deaf ears when they decided to cut 2 person RCO jobs at Selkirk to 1 person RCO jobs. Since then, Selkirk employees have been harassed, intimidated, and bullied into accomplishing more work with ½ of the crew. Before they made these changes, I pleaded with management from Supt. Yarbrough all the way up to V.P. Boychuk to keep the jobs as they were because my people were already fatigued and beat down from the employee shortage. Now two full weeks into this one person RCO idea my members are being forced to work 12 hours vs. 8 hours because the state of the railroad is in shambles and my people are being beat down even more. They are being yelled at on the radio, met by management in the field and being harassed for not moving quicker, or doing more, and when they can't find any rule violations, they are flying a drone over our heads

24/7 trying to intimidate us into their unrealistic expectations. I have had local FRA field inspectors on the property to show them how CSXT is violating the guidelines of the FRA and the operating rules of CSXT. Some of those rules are listed as the carriers own critical rules. The FRA has notified them they are non-compliant, however CSXT is still doing what they want, paying their fines, and putting our lives at risk, with hopes a meeting scheduled between CSXT Jacksonville and Washington D.C. FRA officials on 8-30-22 will work in their favor. I pray the FRA does not grant them a waiver or pilot program for this insanity to continue.

Over the weekend, I have had a few members that after working more than 8 hours needed to leave because they physically have been beat into the ground doing more with less, and it is a result of being manpower short for over 2 years, and now cutting crews down to the bone and riding them to the brink of injury and non-well-being in the name of profits. One of these members was threatened to be charged with marking off under false pretense. As of now typing this letter, he has not been charged but I guarantee he will be disciplined absenteeism points at the very least for not feeling well and leaving after working more than 8 hours. This morning, another member of mine was sent home and removed from service until he sees his doctor. Again, after 17 years on the railroad, he can't hold a regular job anymore, has been trimmed back to an extra list where is expected to work 6 days per week, and in some cases 12hrs per day and he worked all night, but CSXT wanted more out of him. Did I mention he is over 60 years of age?

I have many other members that are in the same scenario. Working more with less support. Days of rest that do not happen when they are supposed to, and personal time off is being taken away in the name of manpower. Members trying to be rules compliant and being harassed for it, will only lead to accident, injury, or death. I have seen this a couple of times in 25 years. I'll remind you that these same members that are physically beat down and mentally exhausted handle hazardous materials measured in the 1,000's of gallons while operating heavy machinery day in and day out.

Now back to the reality of the situation at hand. How long will it take before work is so backed up, that all New England will feel this traffic jam? How long before all the politicians, businesses, employees, or state and federal representatives elected or appointed realize that CSXT lied to them, just like everyone else when they asked for and were approved the acquisition of PAN-AM Rail? Will you, the rest of the committee at the S.T.B., the FRA, or the house transportation committee ever realize that part of CSX's scam is to make things they want to look pretty for you, and then cause their own delays by gutting manpower and chasing more employees out the door after they get what they want?

Did anyone ask themselves over the last 12 months how is CSXT running so good in the northeast that they will have no issues taking over the PAN-AM railroad, but in the southeast CSXT and Norfolk Southern can't handle a few 5 car passenger trains per day for Amtrak? The same people that sold you the PAN-AM story have just gutted the workforce at Selkirk yard, the yard that was "under-utilized". They have intentionally caused delay to 100's of customers with numerous trains destined for Selkirk parked over 600 miles of rail in just a couple of weeks. Some of those trains had the locomotives stripped off and used on other trains. Some have run out of fuel sitting there. Trains that have been recrewed have had relief crews called under a fake symbol, so CSXT does not have to show a recrew to their shareholders or to the government. A couple of yardmasters have shared with me that they

were ordered to show trains arrived in Selkirk yard even though the train physically was outlawed and parked somewhere else.

Since these cuts have taken place at Selkirk, customers such as Sabic Plastics, Owens Corning, the port of Albany, Air Products, and interchange cars with CP Rail have gone almost untouched. The jobs that handle that work are being used to do yard work because of these cuts. These customers alone all have industry leads that touch Selkirk yard or are up to 7 miles away from Selkirk yard and we can't service them properly.

I explain all of this to you today, to try and explain to you that even when things changed and got a little uneasy up in the northeast due to the implementation of PSR, we were still doing the right things to recruit and retain employees. Since late 2020, CSXT has done nothing but make it worse, even with the unions trying to help them from these self-inflicted wounds. They tell you and other officials' things like "we need to have a better relationship with labor" or "we need to mend relationships with our customers", and then they gut us, cut more jobs, make life more unbearable, force more people out the door, and drive more customers away.

The time has come for our federal agencies to start working together and put a stop to this disease known as PSR that is ruining our country. Mr. Oberman, I urge you to reach out to the FRA and inquire about this meeting set up on 8-30-22 between CSXT Jacksonville and officials from the FRA out of Washington D.C. to help me put a stop to the abuse of our customers, our economy, and more importantly my people before it is too late, and we have a serious tragedy at Selkirk yard in N.Y.

Thank you for your time, sir. If you have any questions or would like to talk, I am available via email at local212lc@gmail.com or 518-265-7111.

Sincerely,

Joshua M. Therrien
Local Chairman
SMART -TD
Local 212