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October 18, 2005

RE: STB F.D. 28676 SUB 5
 Review of award NYD protections
 September 1979 GTWRR-BRCA

Honorable Vernon Williams
 Secretary
 Surface Transportation Board
 1925 K street, N.W.
 Washington, D.C.

ENTERED
 Office of Proceedings

OCT 18 2005

To: Secretary and
 Members Surface Transportation Board

Part of
 Public Record

This to inform you of this corrupt procedure being employed "again" by one, Richard A. Johnson, President of the BRCA so as to manipulate the "BALLOT" count as "He" did in the 2001 CBA. I speak with knowledge and truth about this matter since I was General Chairman of former JPB # 60. I had the members ratify a contract (CBA) January 10, 1996. The method for counting the ballots, is ARTICLE 5 "National Agreements". This tentative agreement is not a "NATIONAL AGREEMENT". This is an on property (GTWRR) agreement and is to be handled as always was before I was illegally removed from office. This tentative agreement has to be handled like ARTICLE 5 of the BRCA constitution and bylaws as stated for a contract shop. Subject to ratification by the membership locally. NOT Nationally. The proper method is stated below:

The membership in this case must choose a "Ballot" Committee, (three reputable members) have one person acquire a Post Office Box number, have the members vote and send that "ballot" to the stated POB number by a certain date. Then the one member who has the key takes the other two members, picks up the ballots and they transport the ballots to a pre designated local lodge and before the members, "COUNT" the ballots. This is the democratic way, not the Totalitarian way (one person of ill and disrepute counting the ballots). Even with his cadre. It is not right. This is not democratic!

This STB has a copy of the 2001 CBA. It must be noted that the BRCA would not file claims for the members for the last year, because the carrier never kept the required 160 members working. They are down to about 133 now. That CBA was utilized by the Carrier and GTWRR to deny the Port Huron Carmen their mandated enhanced NYD protection (see Malin award in exhibits). The Union and Carrier used that CBA to deny Black and Sorge their rights privileges and benefits that even an arbitrator is constrained from doing. If they claim they did not, then Black and Sorge among others should be on the extra board NOW. Right?

This tentative CBA needs close scrutiny by the STB and other agencies of the US Government . It is a self explanatory surrender of the Carman craft to the CN-GTWRR with absolutely NO benefit to the members at all . NO *legitimate* UNION is going to "negotiate" itself out of business. That is exactly what Waller and Johnson started with the 2001 CBA and now finishing off the Carmen with this inept , piece of ambiguous self destructive innuendo . The only fact in this is that the GTWRR could get rid of as many Carmen as they choose before January 1, 2006 and that is "ALL" they would be required to keep working . And the UNION sanctions this ? This is a complete sellout of the members jobs !!! This in no way is representation in the best interest of the members and their families . This rises to the suspicion of collusion , intimidation , coercion with ulterior motive on the part of the carrier and UNION. SEE: F.D. 28676 sub 5 . This is all completely relevant.

The United States Department of Labor should be required to handle this ratification ballot if the members cannot and Johnson insist on his office performing this task again as before. Johnson has no dictatorial right to count those secret ballots . His count would only be self serving since he prepared this counter productive document of deceit . Just as before. You may ask why we do not trust Johnson. Read the Finance Docket 28676 sub 5 and look at all the people hurt because Johnson and Waller would not enforce their labor protections and Johnson counted the 2001 ballots , and would not allow about 30 PDS Carmen the right to vote on it although they were dues paying members ! Johnson again wants to agree to deny the GTWRR adversely affected Carmen their labor protections in this current tentative agreement . To allow him to count the ballots equals locking up the fox in the chicken coop and expecting all the chickens would be alive in the morning .

ANALISIS of the Tentative surrender :

1.- Page # 1 = Just look at "ALL" the increase in wages !!! Look at Go to ARTICLE VIII- EMPLOYEE PROTECTION/CONTRACTING OUT /EMPLOYEE LEVEL

The TOTAL number supposed to be now on GTWRR by agreement April 9, 2001 is required to be 160 Carmen working . The actual total is about 133 . The total number that was working when the 2001 CBA and side letter # 1 was signed was (as I recall , over two hundred) . GTWRR forced many Carmen (like Mike Watkins letter in exhibit F.D. 28676 sub 5) to take a "severance pay" or end up like Sorge and Black !! The **UNION refused to represent "ANY" of these people !!!!!** The UNION and Carrier denied about 30 PDS Carmen their rights under my side letter # 2 of the 1996 CBA also.

Now the UNION and Carrier want these Carmen to just agree to allow the Carrier to do as it please about the number of Carmen they employee "BEFORE" January 1, 2006 . The Carrier would be "free" to furlough , force the adversely affected to take a severance pay , deny the employee's there mandated ICC labor protections of 1979,

1983 and 1981 agreements . This is a sellout . Johnson and Waller have ulterior motives to want to get this ratified !! It is contrary to the members interest !!!

The wage package means NOTHING if the Carmen are put out of work before January 1, 2006 . Just as the 2001 required 160 meant NOTHING, because the Carrier did as it willed and NO UNION representation for the members.

ARTICLE II COST OF LIVING ALLOWANCE

This is "like" WOW! July 10, 2010 the Carmen get a cost of living allowance !!!! How many would be left ? 10 or 15 members ? This is smoke!!!!

ARTICLE III H&W = Now with CN's H&W plan the cost is \$25.00 per month . With what the Carrier and UNION want the members covered under , the National H&W it will cost about \$90.00 per month . (There goes the wage increase's)

ARTICLE IV SHARE INVESTMENT PLAN.

Not part of a collective bargaining agreement . Self explanatory . Invest and lose your job !

ARTICLE VIII EMPLOYEE PROTECTION "PLAN" !!

(A) THIS MEANS THE 160 TOTAL EMPLOYEES REQUIRED (NOT LIVED UP TO) IN THE 2001 CBA , will be changed to what ever NUMBER the Carrier chooses before January 1, 2006 . The Carrier could get rid of all , from 1 to 100 or 133 . They do not have 160 working now . These are dues paying members. About \$50.00 per month !! And the UNION agrees with this ? The President of BRCA ? Who gets what in return ? Who gets the GOLD mine and who gets what ?

(B)

The control of the numbers , the Carrier has none after January 1, 2006. They have control BEFORE January 1, 2006. SO ?

© April 9, 2001 CBA number 160 changed to what's left January 1, 2006.

Remember the series of wage increases ! How many would receive the increases , 2, 10, 80, 100, 160 ?

ARTICLE IX \$1500 "BONUS" to allow the Carrier and UNION to scuttle all claims to labor protection (again) . (Read side letter # 3)This Article IX conflicts with side letter # 3 . Side letter # 3 states NOT subject to applicable withholding taxes . IX states the \$1500.00 is subject to withholding taxes. This is a smoke letter , deceiving the people again. The CBA states taxes withheld , the side letter # 3 not withheld.

As the employee representative in this Finance Docket 28676 sub 5 appeal to this Surface Transportation Board , and as the former General Chairman of JPB # 60 , entirely experienced in and was involved in , the 1983 Extra Board agreement , in which the GTW-CN agreed to and wanted, I request the United States Government

Agencies to enforce these mandated agreements that were "THE" conditions for the sale of the DT&IRR and DTSLRR to the GTWRR . There was never any problem on the GTWRR with our labor protections "UNTIL" after I was removed from office !!!! These Carmen and their families deserve the same respect I demanded the get when I represented them . Thank you for your interest .

Sincerely and respectfully submitted



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Sent by Facsimile to STB w/o enc.
Hard copy O/N/Del.

Sent by Facsimile to Carrier Attorney
Andrew J. Rolfes, October 18, 2005
(without enclosure of tentative CBA)

Congresswoman Marcy Kaptur
Washington, D.C.