

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 770 (Sub No. 1)

URGENT ISSUES IN FREIGHT RAIL SERVICE

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**COMMENTS OF THE BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
DIVISION/IBT, BROTHERHOOD OF RAILROAD SIGNALMEN, INTERNATIONAL
ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION
WORKERS/MECHANICAL DIVISION, NATIONAL CONFERENCE OF FIREMEN
AND OILERS 32BJ/SEIU AND TRANSPORT WORKERS UNION OF AMERICA**

The Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU, and the Transport Workers Union of America (referred to herein as “Allied Rail Unions” or “ARU”) submit these Comments in response to the Board’s solicitation of comments concerning its Orders in this docket that the Class I railroads provide information and data regarding service and staffing, and submit and update service recovery plans, and with regard to the costs of such reporting under the Paperwork Reduction Act (“PRA”).

Counsel for ARU has reviewed the initial filings in response to the Board’s Orders mandating reporting of service data and recovery plans, including data concerning staffing and recruitment efforts. Counsel found the filings to be inscrutable and not responsive to the Board’s Orders; to the extent that they may have been costly to produce, that seems to be a result of deliberate efforts obscure rather than illuminate. Industry stakeholders other than investors have been damaged by the railroads’ adoption of policies that degraded rail service when the carriers knew or should have known the consequences of those policies. Given that damage, and the carriers’ non-responsive and defiant filings in response to the Board’s Orders, they should not be heard to complain of the cost of compliance with the Orders that are designed foster improvement of rail service to a level that approaches the level of service they are obligated to provide. Certainly, given the damage done, the value of the information required exceeds the costs of gathering and reporting it.

ARU also submit that the Board should require clearer and more detailed reporting with respect to staffing, hiring and retention of existing employees. The Class I’s filed spreadsheets that contained raw numbers of employees in specific reporting categories by location, and totals in those categories. That reporting is not very useful in assessing the carriers’ efforts to retain employees and hire new workers. The carriers should be required to provide the information on a recent historical basis (e.g. since July 1, 2021) so that numbers of employees by category can be tracked over time, and the Board and readers can easily see trends in employment. They should

also provide information on numbers of persons leaving employment, ideally broken out into retirements and departures other than retirement. And they should be required to disclose numbers of persons hired, numbers of those persons who complete training, and numbers of those persons who continue to be employees three months after completion of training. Additionally, the carriers should be required to provide summary statements along with the raw data provided in spreadsheets so that the public, especially shippers, can better understand the information being reported, assess efforts boost employment, verify carrier claims that such efforts are being made, and evaluate whether the carriers are actually succeeding in those efforts.

Respectfully submitted,

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