



## Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Tony D. Cardwell  
*President*

Dale E. Bogart, Jr.  
*Secretary-Treasurer*

October 27, 2023

Dear members of the Surface Transportation Board,

I am writing on behalf of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED-IBT), which represents the dedicated individuals who are responsible for maintaining the nation's railroad right of way, tracks, buildings, and bridges. We are bringing your attention to an urgent matter that will seriously put the safety and reliability of our nation's railroad network at risk. Union Pacific Railroad, one of the largest railroad networks in the United States, is preparing to lay off approximately 1,350 Maintenance of Way employees.

Union Pacific is laying off these workers without a guarantee of when these workers will be brought back. This drastic reduction in Maintenance of Way employees will only compromise the quality and frequency of inspections and necessary maintenance, thereby endangering the safety and reliability of our nation's railroad infrastructure. The last time Union Pacific furloughed such a large number of Maintenance of Way employees was in 2015. Importantly, the staffing levels of Maintenance of Way in 2015 were dramatically above where they are currently. In fact, on July 1, 2015, the BMWED had **8,791** members employed on Union Pacific Railroad. By January 1, 2016, after Union Pacific announced their 2015 furloughs, BMWED membership was reduced to 7,886 on Union Pacific. After 2016 the steady decline in Union Pacific BMWED membership continued and by September 1, 2023, BMWED membership on Union Pacific was at **6,087**. Furloughing an additional 1,350 Maintenance of Way employees will shrink Union Pacific BMWED employment numbers down to approximately **4,737**.

Over the past several years Union Pacific management has recklessly reduced the number of its Maintenance of Way workers far below the minimum needed to operate a safe and reliable railroad. It has done this with little regard for reliability, safety, or longevity. Now, Union Pacific is showing more disregard for reliability, safety, and longevity by flying in the face of the STB's emphasis on the importance of hiring and retaining enough personnel to properly maintain the nation's railroad right of way, tracks, buildings, and bridges. Indeed, the proposed layoffs by Union Pacific Railroad are in direct contradiction to this stance. According to an e-mail sent to the BMWED from a Union Pacific Official (Attached), its upcoming layoff will not be because a reduction of maintenance work is required. Instead, Union Pacific outright acknowledges that it is

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pushing projects into next year for fourth quarter financial gain. In other words, Union Pacific intends to defer much-needed maintenance on its right of ways, tracks, buildings, and bridges for the sole purpose of showing a larger profit to its shareholders in the fourth quarter. As you are well aware, deferred maintenance will only lead to catastrophic outcomes.

This recent and unnecessary decision to furlough over 1,300 Maintenance of Way employees is yet another drastic step further into the world of Precision Scheduled Railroading (PSR) under the new CEO's drive for a lower operating ratio. Reducing the operating ratio should never come at the cost of safety. Maintenance of our nation's railroads should never fall victim to an investor model that admires profits more than it cares about the safety and integrity of the United States of America's railroad network.

In summary, if Union Pacific's furloughs are permitted it would result in Union Pacific Railroad diminishing its workforce by nearly 50% in less than 10 years- from **8,791** BMWED represented employees in 2015 to a projected **4,737** BMWED represented employees in 2023. Union Pacific Railroad may assert that this workforce reduction is temporary, however, such a claim contradicts empirical evidence. Historical patterns clearly demonstrate that significant workforce reductions through systematic furloughs tend to have enduring consequences.

We strongly urge the STB to challenge Union Pacific on this matter and emphasize to the management at Union Pacific Railroad that it has a responsibility to maintain a safe and reliable railroad network.

We look forward to your prompt attention and action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Cardwell". The signature is fluid and cursive, with the first name "Tony" being particularly prominent.

Tony Cardwell  
BMWED President

ZJW/alc  
opeiu-42  
Enclosure

CC: National Division Officers  
Dennis Albers  
Brian Rumler  
Patrick Charters  
Rich Edelman  
Zachary Wood

**From:** Terrill Maxwell <TLMAXWEL@UP.COM>

**Sent:** Friday, October 13, 2023 4:23:00 PM

**To:** dralbersbmwe@aol.com <dralbersbmwe@aol.com>; Brian Rumler <Brumler@usdbmwed.org>; pbja801@gmail.com <pbja801@gmail.com>; Galen Owen <gowen@bmwe.org>

**Cc:** Maqui Parkerson <mbparker@up.com>; Chris Bogenreif <CMBOGENR@UP.COM>

**Subject:** FW: 4Q Engineering Abolishments -- Information and Timing

Gentlemen –

I wanted to pass along the below information issued today by Engineering concerning a business decision that will affect your members soon. Managers will be communicating this information to help employees understand the ‘why’ and felt it was equally important that Labor provide you with a heads up in the event members reach out to you with questions. After review, please let me or Chris know if you have questions.

Thanks.

-Terrill

**Managers:** As you’re aware, updated 2023 schedules were published today displaying revised gang cut-off dates prompted by budget overruns. Simply put, unforeseen, large-scale service interruptions greatly accelerated our spend through the first three quarters of the year. The need to balance the workforce was not readily apparent until very recently, thus leadership made the difficult decision to push a number of projects into 2024. It’s been about five years since we’ve had to cut gangs due to budget, so although many of our veteran employees have experienced this reality, it will be new to others. Although we have several open maintenance jobs on both the North and South, it’s conceivable we will have folks furloughed in December.

**INTERNAL Northern Region Summary:**

- The Northern Region Engineering Department is forecasting to be ~\$50M over its 2023 capital budget. The overage is due to a number of factors, including catastrophic weather events (i.e.,

washouts and slides), extreme heat (2023 was the hottest summer ever recorded) and record inflation impacting tools and material. These abolishments are in no way tied to performance. They are strictly the result of necessary budget controls in today's business environment.

- As a result, the team is pushing out planned capital work and will abolish related gangs, effecting about 650 employees, primarily on the track and rail side. Most distribution teams will continue working, delivering material required for 2024 projects.
- A majority of the abolishments will be effective Sunday, Nov. 19. The 2024 schedule will be made available soon after to help employees understand their likely 2024 schedule.
- We expect to re-post most all jobs in mid-December with an early January start under the same assigned manager. This means that furloughed employees will potentially miss two work halves.
- The following are some common questions that may be asked by your members:
  - **How many hours of vacation would I need to bridge the gap if I'm abolished on 11/19/23?**  
An Z6 schedule would need 136 hours and an Z5 schedule would need 196 hours.
  - **How do I get paid for my remaining vacation?**  
Employees can ask for vacation when abolished per Rule 21j on the UP Collective Bargaining Agreement. They will need to enter a TRM ticket asking for the Rule 21j.
  - **When will jobs go back up for bid and when will they be effective?**  
We will open bulletins up on December 14, close on December 18, assign on December 21.

#### **INTERNAL Southern Region Summary:**

- The Southern Region Engineering Department is forecasting to be ~\$30M over its 2023 capital budget. The overage is due to a number of factors, including catastrophic weather events (i.e., washouts and slides), extreme heat (2023 was the hottest summer ever recorded) and record inflation impacting tools and material. These abolishments are in no way tied to performance. They are strictly the result of necessary budget controls in today's business environment.
- As a result, the team is pushing out planned capital work and will abolish related gangs, affecting about 700 employees, primarily on the track and rail side. Most distribution teams will continue working, delivering material required for 2024 projects.
- Abolishments will take place over the coming weeks, each effective date being work-group specific. The 2024 schedule will be made available in November to help employees understand their likely 2024 schedule.
- We expect to post most all jobs in mid-December with an early January start under the same assigned manager. This means that furloughed employees will potentially miss two work halves.
- The following are some common questions that may be asked by your members:
  - **How do I get paid for my remaining vacation?**  
All employees furloughed in December will receive an automatic vacation payout before year end.
  - **When will jobs go back up for bid and when will they be effective?**  
We will open bulletins up on December 8, close on December 18, assign on December 22.

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