National Legislative Office

2018 Regional Meetings
Seattle, WA / Hollywood, FL

“You can’t Trump us!”
National Legislative Office

Who We Are:
▪ John Risch, National Legislative Director
▪ Greg Hynes, Alternate National Legislative Director
▪ Larry Mann, Rail Safety Coordinator
▪ Erick Siahaan, Government Relations Specialist
▪ Dean Mitchell, DFM Research

What We Do:
The National Legislative Office in Washington, DC serves as the union’s chief legislative, regulatory, and political office, keeps voting records on legislators and furnishes recommendations and reports to the SMART-TD International President and the membership.
United States House of Representatives

- Unprecedented number of resignations/retirements (scandal, age, fatigue?)
- *Party control* of U.S. House is predicted to *flip in favor* of the *Democrats*. 
United States Senate

- **Democrats** are fighting to hold 26 seats.
- **Republicans** are expected to hold 9 seats
- **12 competitive races** will determine party control of the Senate next year
Top Issues in Congress

- Tax Cuts (31% → 21%)
- “Obamacare” Repeal – Individual Mandate
- Immigration Reform / Border Security
- Annual Spending Bills
- Supreme Court & Judicial Appointments
- Infrastructure
“And all of this — everything in here — is really tremendous things for businesses, for people, for the middle class, for workers. And I consider this very much a bill for the middle class and a bill for jobs. And jobs are produced through companies and corporations, and you see that happening. Corporations are literally going wild over this, I think even beyond my expectations, so far beyond my expectations.”

- President Donald Trump on signing the Tax Cuts and Jobs Act, December 22, 2017
Tax Cuts and Jobs Act

- Impacts on railroad operating employees? (deductions, etc.)
- Money available for infrastructure investment (i.e. passenger rail, bridges, tunnels, etc.)
- Impact on Social Security, Medicare, Railroad Retirement UI…
U.S. Department of Transportation

Secretary Elaine Chao
- Wife of U.S. Senate Majority Leader Mitch McConnell
- Former Secretary of Labor under President George W. Bush

DOT’s Priorities
- Rescinding Obama-era Regulations
- Autonomous Vehicles
- “Performance-Based” Rulemaking
Ron Batory
- 45 years of experience in RR industry
- Former /President COO of Conrail
- Nomination supported by SMART-TD

Issues before the FRA:
- Positive Train Control (PTC)
- Autonomous Rail Operations
- Grade-Crossing Safety
- Uniform Speed Signs
- Long Trains
- Fatigue
Long Trains

- In April 2017, SMART-TD wrote FRA expressing our concerns regarding excessively long trains and requested an Emergency Order
  - Radio Communications
  - Blocked Crossings
  - Brake Pipe Pressure
  - Violation of Training Procedures
  - Operational Problems
  - Derailments
  - Break In Twos

- In May 2018, FRA responded:
  - “At this time, however, FRA does not have sufficient data or evidence to justify an Emergency Order limiting the length of trains.”
Long Trains (continued)

- **October 2017**: Testified before the Surface Transportation Board (STB) regarding CSX service disruption issues to express SMART-TD’s safety concerns with excessive train lengths.
- **November 2017**: Congressmen Peter Defazio & Michael Capuano requested a study by the Government Accountability Office (GAO) to study safety and operational issues related to long trains.
- **February 2018**: GAO began conducting study; expected completion early 2019.
- **April 2018**: National Legislative Office met with GAO to express concerns regarding growing trend length.
FRA: Autonomation in the Railroad Industry

▪ **March 2018:** FRA submitted a request for information and comment on the *future of automation in the railroad industry.*

▪ Over 3,300 comments submitted. Nearly all in opposition or expressing concerns about safety to autonomous train operations.

▪ Response by the Association of American Railroads (AAR):
  
  ▪ “*Automation is not a risk to be contained, but rather a safety and efficiency-enhancing standard to which the industry should aspire.*”
  
  ▪ “*Future safety gains will arise in large part from further (and in some cases, full) automation of the locomotive itself.*”
SMART-TD’s Legislative Priorities

Pending Federal Legislation:
- Two-Person Crews (H.R. 233/S. 2360)
- Bus Operator Assault Legislation (H.R. 6016)
- Yardmasters Hours of Service (H.R. 3148)
- Opposing Increased Truck Size & Weights
- 45G Shortline Tax Credit
- Carbon Capture Utilization & Storage

Appropriations: Amtrak, Bus & Transit, Railroad Retirement Board, National Mediation Board, etc.
Preventing Bus Operator Assaults

Bus Operator & Pedestrian Protection Act (H.R. 6016)
Reps. Grace Napolitano (D-CA) & John Katko (R-NY)

- Requires transit agencies to work with labor representatives to develop a Safety Risk Reduction Program and implement the following safety improvements:
  - Assault mitigation including barriers to prevent assault on bus drivers
  - De-escalation training for bus drivers
  - Modify buses to reduce visibility impairments
  - Driver assistance technology that reduces accidents
  - Improved bus driver seating to reduce ergonomic injuries

- Risk reduction plan must be developed with employees
- Transit agencies must report all assaults on bus drivers to the US DOT
Opposing Truck Size and Weight Increases

We OPPOSE increases to Truck Size and Weight limits because it:

- Takes away rail jobs by shifting freight traffic from railroads to long-haul trucking
- Increases our long-term infrastructure costs Makes our roads and highways less safe

Working with safety advocates, the railroad industry, SMART-TD has been successful in defeating most attempts to increase truck size and weights.

- Continue to watch for harmful “riders” on increasing state weight limits or Twin 33’s
Carbon Capture, Utilization & Storage (CCUS)

FUTURE Act (S.1535) – Senators Heitkamp (D-ND) & Capito (R-WV)

- Keeps coal in the energy mix by encouraging development and use of CCUS technologies
- Helps reduce carbon emission
- Supported by a broad coalition coal companies, utilities, environmental groups, and labor unions.
- Signed into law by President Trump on Feb 9, 2018 (P.L. 115-123)
- Working toward implementation
  [carboncapturecoalition.org](http://carboncapturecoalition.org)
Appropriations: Overview

- The Bipartisan Budget Act of 2018 *increased federal funding* for several SMART-TD priorities including:
  - Amtrak
  - Bus & Transit Programs
  - National Mediation Board
  - Railroad Retirement Board
  - Gateway Program
Appropriations: Amtrak Funding

- **FY 2017**
  - National Network Grants: $1.1B
  - Northeast Corridor (NEC) Grants: $474M
  - Total: $1.6B

- **FY 2018**
  - National Network Grants: $1.3B
  - Northeast Corridor (NEC) Grants: $650M
  - Total: $1.9B

- **President's 2019 Budget**
  - National Network Grants: $200M
  - Northeast Corridor (NEC) Grants: $538M
  - Total: $2.54M
Appropriations: “New Starts” Grants (Transit)

FY17: $2.412 Billion
FY18: $2.645 Billion
Presidents FY19 Budget: $990 Million
Appropriations: National Mediation Board

<table>
<thead>
<tr>
<th>Year</th>
<th>Agency Funding</th>
<th>Supplemental Arbitration Funding</th>
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<tbody>
<tr>
<td>FY 16</td>
<td>$13.3 Million</td>
<td>$570,000</td>
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<tr>
<td>FY 17</td>
<td>$13.3 Million</td>
<td>$570,000</td>
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<tr>
<td>FY 18</td>
<td>$13.3 Million</td>
<td>$570,000</td>
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Appropriations: Railroad Retirement Board

FY17

$113.5M Total

FY18

$10M

$113.5M

FY19 House Labor-HHS

$12.5M

$113.5M

Agency Funding

IT Modernization Funding
Two-Person Crew Legislation

The Safe Freight Act

H.R. 233 introduced by Congressman Don Young (R-Alaska) in the House
  ▪ Over 100 bipartisan cosponsors (98 Democrats / 14 Republicans)
  ▪ Record number of support in the U.S. House

S. 2360 introduced by Senator Heidi Heitkamp (D-North Dakota) in the Senate
  ▪ First-time introduced in the Senate (12 Democratic cosponsors)
  ▪ Continuing to find Republican support (i.e. West Virginia, Maine, Alaska, Montana?)

What you can do: Meet / Call / E-mail / Tweet your elected officials (it works!)
Federal Support for Two-Person Crews

<table>
<thead>
<tr>
<th>Bill</th>
<th>Republican</th>
<th>Democratic</th>
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<tr>
<td>H.R. 3040 (2013-14)</td>
<td>5</td>
<td>77</td>
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<tr>
<td>H.R. 1763 (2015-16)</td>
<td>9</td>
<td>60</td>
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<tr>
<td>H.R. 233 (2017-18)</td>
<td>14</td>
<td>94</td>
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Supporters of Two-Person Crew Legislation
Opposition by the Railroad Industry

Trucking, Rail Industries Team Up to Limit New Rules

THE WALL STREET JOURNAL

Overregulating freight rail risks progress on safety

THE HILL

Railroad Legislation Aims to Revive Failed Regulation

FreedomWorks
Hours of Service for Yardmasters

Railroad Yardmaster Protection Act (H.R. 3148)
- Applies HOS for Yardmasters, same as train and engine service
- Cosponsors: 16 Democrats / 0 Republicans
- Conversations with House and Senate Committees
- Drug and Alcohol Testing?
- Opposed by the Association of American Railroads:

Railroads Argument:

“Incidents in yards generally fall below the safety threshold of many FRA regulations, making it inconsistent to apply the HOS laws to yardmasters. Further, we do not believe that the duties of a yardmaster fall within the scope of the purpose of the HOS laws, which are intended to promote safety in operating trains by preventing excessive mental and physical strain resulting from remaining too long at an exacting task.”
PAC Contributions by Membership Level

- **International Officers**: 100%
- **GCA Officers**: 53%
- **State Board Officers**: 100%
- **Local Officers**: 39%
PAC Contributions: Bus vs. Rail Members

Rail Members: 19%

Bus Members: 24%
Matt Campbell
Running for Public Office

SMART-TD Members have what it takes to serve in public office:

- Political Experience
- Passion for helping others
- Leadership Skills
- Message that works with voters

Benefits of Running for Office:

- Credibility in community and with other elected officials
- Provides a platform of issues important to you and your fellow members
- Connects you with decision makers in your community
SMART-TD Candidates

**Mary Ann Borgeson** filing for her 7th term as a Douglas County Nebraska County Commissioner. First woman to chair Nebraska's largest county and youngest person to chair the Douglas County Board of Commissioners.

**Lisa Ring** – Candidate for Congress and wife of Local 1031 member John Ring (Won the Democratic Primary with over 60% of the vote)

**Patrick Folsom** (Local 1263) at Debate for County Commission election. (Won election over 2 opponents with 54% of the vote)

**Lisa Ring**

**Mary Ann Borgeson**
How We Can Help

SMART-TD can offer resources and provide your campaign with:

- Messaging Tools
- Voter Lists
- PAC Contributions

Lane Winters, Legislative Representative for SMART-TD local 586 won his Democratic primary election with 3,415 votes.
Giving to PAC
Erick Siahaan
Dear Gary,

Tomorrow, Tuesday June 12th, is Primary Election Day in five states: Maine, Nevada, North Dakota, South Carolina, and Virginia.

If you have not already voted by early/absentee ballot, SMART Transportation Division’s National Legislative Office encourages you to make your voice heard by casting an Election Day ballot in your state’s primary.

For additional election information, click here to visit the Legislative Action Center.

In solidarity,

John Rinch
National Legislative Director
SMART Transportation Division
Dean Mitchell
Three Focuses

*Elections, Quick Look at 2016 & Building for 2018*

*Joint SM and TD Efforts*

*Labor Action Network (LAN)*
Elections Have Consequences (both good/bad)

In 2017/18, one person/one vote impacted two-person crew in 3 states.
2016 Membership Vote Turnout

71% of all members (active and retired) voted in the 2016 presidential election.

60% of the general public voted in the 2016 election!
2016 Election Recap

MEMBERS IN KEY STATES

- Clinton: 48%
- Trump: 42%
- 10%

Crosstab Results (Clinton / Trump)

Union Activity
- Officer: 50 – 50%
- Some: 45 – 47
- Never: 49 – 40

Age
- 18 – 34: 25 – 50
- 35 – 49: 34 – 58
- 50+ Active: 51 – 41
- Retired: 60 – 34

LAN Score
- 90 plus: 90 – 0
- 90 – 70: 78 – 17
- 70 – 40: 39 – 49
- Lower 40: 16 – 72
The Democrats have 37 Hold and Safe seats. To get to 51, they need to win 14 of the competitive/watch races (non dark-blue states).

There are 15 states listed as Watch D or competitive. Democrats need to win 14. Tall order, but possible!
## U.S. House Competitive Races

### PATH TO DEM MAJORITY

- **180 Safe D seats**
- **12 Likely D seats**
- **equals 192 D**
- **9 Lean D seats**
- **equals 201 D seats**

Need 17 more Seats

- **24 seats rated Toss-Up**
- **25 seats rated Lean R**
- **29 seats rated Likely R**

- Dems need to win 17 of 49 competitive R seats (35%)
2020 Redistricting

The key to the 2020s rest on the 2018 Governor elections. Period.
And states touching the Great Lakes; is where the 2020s will be decided.

Shifting demographics favor the Democrats, even with a GOP gerrymander.
The PA-18 Special Election Story

Support for H.R. 233 By Party

Q5: As you may know, in your Congressional District there is a special election on March 13th to fill the vacant seat of former Rep. Tim Murphy. If the election was held today in Pennsylvania’s 18th District, would you vote for Conor Lamb the Democrat or Rick Saccone the Republican?

Conor Lamb 38%
Rick Saccone 41
(VOL) Undecided 21
PA-18 Direct Mail Message #1

Conor Lamb
for Working Families
for Rail Members & Retirees
for Pennsylvania 18th District
for U.S. House
Conor Lamb - A strong voice for rail members and retirees!

For Railroad Retirement
Rail members can count on Conor Lamb to protect Railroad Retirement, including the 2001 improvement act which allows members to retire at age 60 with 30 years of service.

For Two-Person Crew
Conor Lamb is a strong supporter of a crew of two on all freight trains.

Conor Lamb - Uniquely Qualified
Born and raised in Mt. Lebanon, Conor Lamb has served his country as a Captain in the U.S. Marine Corps and our community as a federal prosecutor. Conor will take these values of service, duty and honor and put them to work for all Pennsylvanians.

Special Election for Pennsylvania's 18th District, Tuesday, March 13th
No matter whom you choose; choose to vote.

SMART Transportation Division
Pennsylvania Rail Labor Coalition
407 N Front Street, 2nd Floor
Harrisburg, PA 17101
PA-18 Direct Mail Message #2

CONOR LAMB

Strongly Supports
2-Person Crew
& Passenger Rail

SMART Transportation Division
Your Union Recommends

CONOR LAMB for U.S. CONGRESS

Conor Lamb Supports:
• Passenger Rail
• Two-Person Crew Law
• Our Railroad Retirement

No matter whom you choose, choose to vote in the March 13th special election

SMART Transportation Division
Pennsylvania Rail Labor Coalition
407 N Front Street, 2nd Floor
Harrisburg, PA 17101

PERIODICS STANDARD
U.S. Postage
PAID
The Printers Inc.
...but first we need to be there for

CONOR LAMB

Election Day is
Tuesday,
March 13th

Your Union Recommends Conor Lamb
For Congress, But No Matter Whom
You Choose, Choose To Vote!
On issues that matter to railroad families and retirees, CONOR will be there for us...

LAMB

- for Two-Person Crews
- for Amtrak and Passenger Rail
- for Railroad Retirement
PA-18 Special Election

SMART TD and our JRC Partners mailed 3 pieces of direct mail to 371 rail households. Rail Labor did it’s part.

Elections Have Consequences

One week after Conor Lamb was sworn into office; Congressman Lamb became the 100th Co-Sponsor of H.R. 233.

755 Vote Margin out of almost 229,000 votes cast!
2 Person Crew – New Logo

Congresswoman Kyrsten Sinema co-sponsored H.R. 298, the Safe Freight Act, on 7/27/17.
She gets it!
Congresswoman Sinema Supports...
Railroad retirement benefits ✗
Amtrak funding ✗
Rail safety ✗
(Co-sponsor/Safe Freight Act)

Two-Person Crew Co-Sponsor...
As a Member of Congress, Kyrsten Sinema co-sponsored H.R. 233, the Safe Freight Act, requiring a crew of two on all freight trains. As Arizona's next U.S. Senator, members can continue to count on her.
CLARKE TUCKER

for Railroad Retirement
Rail members can count on Clarke Tucker to protect Railroad Retirement; including the 2001 improvement act which allows members to retire at age 60 with 30 years of service.

for Two-Person Crew
Clarke Tucker is a strong supporter of a crew of two on all freight trains; rail members can count on Clarke to be with us on this core issue.

He gets it!

FOR U.S. CONGRESS
Joint TD and SM Message

J.B. PRIZTKER

for Sheet Metal Members
Text TBD.

for Rail Members and Retirees
Text TBD.

FOR ILLINOIS GOVERNOR
LAN Database  (Labor Action Network)

https://www.laboractionnetwork.com
Questions?