

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

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## VIA OVERNIGHT MAIL

February 7, 2012

The Honorable Barack H. Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue Northwest  
Washington, D.C. 20500

Re: H. R. 658

Dear Mr. President:

I am writing to you to express our strong opposition to the “FAA Modernization and Reform Act of 2012,” as it currently is written. The Brotherhood of Locomotive Engineers and Trainmen (BLET) represents 55,000 Locomotive Engineers, Conductors, Brakemen, Firemen, Switchmen, Hostlers and other Train Service Employees in the United States. We have joined with nine other rail labor organizations and many more transportation unions, including the International Brotherhood of Teamsters, in opposing this legislation.

The bill contains several non-germane anti-worker provisions that accomplish nothing more than to advance the agenda of anti-labor ideologues in Congress, and reverse more than 75 years of labor-management cooperation in the rail and airline industries. Although we, too, would like to see funded long term reauthorizations for the aviation industry, we cannot support the funding of FAA at the expense of railroad and airline workers’ legal rights.

We respectfully request that you return the legislation with your veto when it reaches your desk, because the legislation proposes changes to the Railway Labor Act (RLA) that would set back labor relations in the aviation and railroad industries a half century. Moreover, the bill would facilitate the future politicization of the workings of an independent Executive Branch agency created by labor and management agreement after more than 50 years of the most intensive labor strife this nation has experienced.

Among the immediate impacts, the bill would end the discretion of the National Mediation Board (NMB) in deciding when a representation election will be held, and would increase the “showing of interest” necessary to compel an election for an unrepresented bargaining unit by over 40%. In fact, the proposal would result in a higher threshold to hold a representation election than for a union to prevail in the subsequent election. The change also would encourage le-

gal challenges by railroads and could make it all but impossible for workers to continue to bargain collectively on smaller carriers that are merged with a larger, non-union carrier.

Further, when two unions are on an election ballot today and between them they garner more than a majority of votes with a plurality result, there is a runoff between those two unions. The bill will change that by requiring a runoff between the top two vote-getters, including “no union,” even if a supermajority of the employees votes for representation. For example, if one union gets 40%, the other union 29%, and “no union” 31%, the runoff will be between union #1 and “no union,” thereby giving management two opportunities to defeat the will of the workforce, despite the fact that 69% of the workers in this hypothetical desire representation.

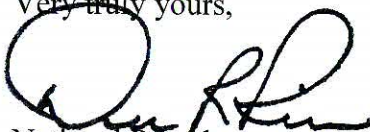
The original version of this legislation, as passed by the House of Representatives, included a legislative repeal of election rules promulgated by the National Mediation Board in 2010 pursuant to its statutory authority. Indeed, Transportation and Infrastructure Committee Chairman Mica and the rest of the House majority leadership became so fixated on waging a war on BLET members and other transportation workers, aviation safety was taken hostage and a shut-down of FAA operations ensued last summer that caused 4,000 FAA Inspectors to be furloughed for 10 days and impacted 70,000 construction workers.

On March 30, 2011, you stood up to Chairman Mica’s threat to rail and airline labor and issued a **Statement of Administration Policy**, that said:

“If the President is presented with a bill that would not safeguard the ability of railroad and airline workers to decide whether or not they would be represented by a union based upon a majority of the ballots cast in an election or that would degrade safe and efficient air traffic, his senior advisers would recommend that he veto the bill.”

The deal struck by the Conference Committee to end the stalemate, while not including Chairman Mica’s original language on that specific point, is still extraordinarily harmful to railroad and airline workers and the unions that represent them. Accordingly, Mr. President, I respectfully urge you continue to stand by the stated policy of your Administration in the March 30, 2011 SAP and veto this bill.

Very truly yours,



National President