

1
2 COMMONWEALTH OF PENNSYLVANIA
3 HOUSE OF REPRESENTATIVES
4 TRANSPORTATION COMMITTEE

5 In re: House Resolution No. 60

6 * * *

7 Verbatim record of hearing held
8 in the Baden Borough Building,
9 Baden, Pennsylvania, on Friday,

10 June 17, 1983
11 11:45 A.M.

12 Hon. Amos K. Hutchinson, Majority Chairman
13 Hon. Victor J. Lescovitz, Majority Subcommittee Chairman on
14 Aviation
15 Hon. Thomas J. Murphy, Majority Subcommittee Chairman on
16 Highways
17 Hon. Robert C. Donatucci, Majority Subcommittee Chairman on
18 Public Transportation
19 Hon. Joseph A. Steighner, Majority Subcommittee Chairman on
20 Transportation Safety
21 Hon. William R. Lloyd, Jr., Majority Secretary
22 Hon. Rudolph Dininni, Minority Chairman
23 Hon. Benjamin H. Wilson, Minority Subcommittee Chairman on
24 Aviation
25 Hon. Richard A. Geist, Minority Subcommittee Chairman on
Highways
Hon. Charles F. Nahill, Jr., Minority Subcommittee Chairman
on Public Transportation
Hon. Harry E. Bowser, Minority Subcommittee Chairman on
Transportation Safety

MEMBERS OF TRANSPORTATION COMMITTEE

19 Hon. Barry Alderette
20 Hon. Brian D. Clark
21 Hon. Ron Gamble
22 Hon. Michael C. Gruitza
23 Hon. John Kennedy
24 Hon. Gordon J. Linton
25 Hon. George Misceovich
Hon. Dennis M. O'Brien
Hon. John E. Peterson
Hon. Joseph A. Petrarca
Hon. Merle H. Phillips
Hon. Ted Stuban
Hon. Joseph R. Pitts

Reported by:
Nancy J. Adelman, RPR

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ALSO PRESENT:

James Martini
Executive Director

Scott Casper
Senior Research Analyst

Hon. Nicholas Colafella

Hon. Thomas Fee

Paul Landis
Representative Dininni's Office

Hon. Charles P. Laughlin

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Richard J. Coleman
President, Local 2035, Railroad Division
Transport Workers of America

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Martin Decanini

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Mike Stuban

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Vladimer Trinkala

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Jerry Hodge

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1 CHAIRMAN HUTCHINSON: The recess meeting will now
2 come to order. We just went over the facilities at the
3 Conway yard and now is Jeffrey Shafer here?

4 (No response.)

5 CHAIRMAN HUTCHINSON: How about Mr. Holland?

6 (No response.)

7 CHAIRMAN HUTCHINSON: Is Mr. Coleman here? Come
8 front and center, please.

9 RICHARD J. COLEMAN, called as a witness, testified
10 as follows:

11 CHAIRMAN HUTCHINSON: President of Local 2035,
12 Railroad Division Transport Workers of America. Thank you
13 for coming. You can start whenever you're ready.

14 MR. COLEMAN: In our complaint, I wrote a letter
15 to our international and to Congressman Joe Kolter, Senator
16 Heinz and State Representative Charlie Laughlin, Congressman
17 Austin Murphy, to tell them some of the problems we were
18 having here in Conway. The international will be here in
19 July to also go over these things that we're going through
20 today. We have a lot of problems with our people being moved
21 from one location to another which is wrong and also we have
22 a lot of people doing our work other than car men in our
23 craft.

24 BY REPRESENTATIVE LAUGHLIN:

25 Q Would you tell the committee what the effect of

1 people other than yourself doing your work; is it a safety
2 factor; they don't know the job? Are those things inter-
3 related?

4 A I'm going to get to that in a minute.

5 BY CHAIRMAN HUTCHINSON:

6 Q One question I want to ask. Who do you represent
7 on the railroad?

8 A Car repairmen and car inspectors, bargemen also.

9 Q All right.

10 A From the standpoint of other people doing our work,
11 we have general foremen and also in some instances we have
12 gang foremen. We have trainmen. Sometimes they are told to
13 do our work and this way it's really an unsafe practice for
14 those of us who are on the railroad. We have also inspections
15 that must be made by our people that sometimes are not being
16 made. The trainmasters are doing our work, road foremen,
17 an assortment of people doing our work that we are supposed
18 to be doing and it's not a safe practice for anyone other
19 than an inspector to be inspecting these cars.

20 Q Are you done?

21 A Yes.

22 Q When you inspect something, do you make out a
23 ticket?

24 A Yes. If you inspect a car and it's a shop car, you
25 apply a ticket to a car. Now, in some instances, the

1 inspection sticker that the guy has put on for a shop tag
2 has been taken off.

3 Q How can a supervisor, a trainman or a foreman
4 inspect a car and put a ticket on it?

5 A They are not putting tickets on them.

6 Q Then, they are actually not doing your work
7 so-called because if there is a wreck and they came back,
8 who would get blamed for it, you?

9 A The car inspector, right.

10 Q I can't see if they are taking your work -- who's
11 getting credit for inspecting them? How many people do you
12 have laid off?

13 A We have a little over 200 right now.

14 Q Two hundred?

15 A Right.

16 Q Okay. Anybody have any questions? Tom?

17 BY REPRESENTATIVE FEE:

18 Q I only have one question, Mr. Chairman. You mean
19 to say that salaried company men are doing your job as a
20 union laborman?

21 A Right.

22 Q You said yes?

23 A Yes.

24 Q That's all, Mr. Chairman.

25 BY REPRESENTATIVE LAUGHLIN:

1 Q The question I have of the gentleman is to find
2 out some of the issues that he mentions. I received a copy
3 of your letter and in all honesty PIML, eight engines, 1976,
4 3:00 A.M., all kinds of different very short abbreviated
5 statements. Would you be kind enough -- do you have a copy
6 of your letter in front of you?

7 A Yes, I do.

8 Q Would you be kind enough then to give me some of
9 the definitions that you are talking about? For instance,
10 on page three of your report, the date is 4/21/83, G. F.
11 Gregg, Sebastian, TL repair, PIEN, 87 cars. What exactly
12 does that mean? I'm going to make this available to all of
13 the members of the committee but we need some definition as
14 to what we are exactly talking about.

15 A All right. 4/21/83, that was the date.

16 -Q Right.

17 A All right.

18 Q I imagine G. F. Gregg Sebastian is a man but what
19 is the circumstance, General Foreman?

20 A He's General Foreman. He made a train line repair.
21 TL is train line repair on the symbol train PIEN with 87 cars
22 on 602 track, C trick is the third trick at 5:00 A.M. in the
23 morning.

24 Q What kind of a repair is that?

25 A Train line repair, that has to do with the air

1 brake.

2 Q All right. We saw the air brake systems on the
3 trains today whenever we got off in the yards to take a look
4 at them and the one train that was ready to go out of the
5 yards had all been hooked up. Now, on another adjacent yard
6 which I believe was the four yard down towards the eastern
7 end of the Conway yards, they also had another train made up
8 but we noticed that on maybe five out of eight or ten cars,
9 the hydraulics of that particular air system was extended
10 on some of the cars and not extended on others. Would that
11 indicate a lack of air in the lines and a lack of braking
12 capability?

13 A Was the train -- you say it was leaving or just
14 sitting there?

15 Q It was getting ready to go.

16 A Well, before each train leaves Conway they are to
17 be road tested and if a car inspector, he road tests a train
18 and if the brakes don't apply, well then, there is a problem
19 and they have to walk the train. All right. In some
20 instances they really want to road test immediately. If
21 they run one immediately and you have a general foreman or
22 whoever making a road test for a car inspector, all they are
23 worrying about is getting a train out of Conway. So, if a
24 general foreman or whoever other than a car man makes a road
25 test, a lot of times the brakes will be set on the rear and

1 they'll just let it go. But if our people make the road
2 tests, this is something they watch. Whenever a road test
3 is completed, all of the brakes are released.

4 Q The question is if you had four or five of those
5 cars that did not have the adequate braking pressure and that
6 train was moving and it had to stop for some reason, would
7 that train have adequate braking capacity if it had 50 cars
8 in it and if only five of them had failure of the brakes?

9 A It could mean a lot as far as stopping the train
10 or whatever.

11 Q That's what I had addressed to one of the super-
12 vision down there with regard to the capability of braking
13 for failure to inspect those lines and he had indicated to
14 me this morning that, in fact, the question would be whether
15 or not and the speed and all of these other ingredients that
16 would go into stopping the train. You tell me that definitely
17 it could be a possibility with that number. Have you had any
18 experience in the yards with something like that where they
19 haven't been able to stop trains for any reason that would
20 cause accidents or injuries to the men down there?

21 A Well, they had a letter out here some time ago
22 that all cars, the brakes were to be applied. Now, each car
23 that was okayed was supposed to be okayed definitely with
24 air brake and all. Now, we have some cars that come in the
25 receiving yard right now that are shopped by car inspectors.

1 What they do is they phone this shop in to the yardmaster and
2 if the yardmaster decides not to throw it out, it could go
3 into the departure yard and lots of times they are caught
4 there but sometimes it might work in the departure yard for
5 that instance and then go out on a train and it could be
6 faulty.

7 Q Are you having a high ratio of injury for your men
8 who are inspecting trains because of the lack of time to
9 inspect them? Are you having any injuries that are related
10 to the work shop there or the possibility of premature move-
11 ment of the train because of the time scheduling where people
12 are being hurt?

13 A I don't know that it would be too much of a problem
14 there but sometimes trains are scheduled out of Conway that
15 really don't meet schedules and sometimes our people are
16 rushed to inspect the train.

17 Q Are they ever told sign the slip, that it's okay,
18 we're authorizing you or telling you or forcing you to do so
19 under the threat that you will be brought in before the
20 supervision on charges if you fail to do what we tell you and
21 not follow normal safety procedures?

22 A I don't understand.

23 Q Are any of your men who work on the line ever told
24 to take shortcuts in inspection procedure or fail to follow
25 through on required regulations that are set down for safety

1 on those trains by supervision, are they ever told to rush a
2 train out and not inspect it adequately?

3 A Well, I'm sure there have been times that this has
4 happened like in our receiving yards. They are to inspect
5 and bleed the air out of cars. Now, in some instances we
6 have trains that come in. They need them right away and they
7 will bleed the air out and they will hump them.

8 Q Without following the normal practice?

9 A Without inspection.

10 Q And this cuts down on the time of inspection that
11 your men have in the field but at the same time, it adds a
12 weight to safety that they are not following through on?

13 A As I said before, lots of times things that are
14 caught in this yard should be caught over here that are not
15 and sometimes, once in a while, were not all perfect. It's
16 overlooked in another yard.

17 Q You mentioned that you have 200 people who are
18 laid off at the present time and what is your normal work-
19 force whenever you are at full capacity?

20 A There was a time that --

21 Q Let's say in the last year and a half, 18 months
22 to two years.

23 A I'd say in the last lay-offs we've had in the last
24 year, I'd say there might be about 120, 125.

25 Q In other words, a little over a third of your

1 people are laid off?

2 A Yes.

3 BY REPRESENTATIVE COLAFELIA:

4 Q Mr. Coleman, let me see if I can break this down
5 very basically. I used to be a former yard clerk. So, I am
6 somewhat familiar with it. Let me ask you a couple of
7 questions. When cars come into the Conway yard, when the
8 cars come in, do car inspectors inspect the cars when they
9 come in?

10 A Yes. They come to a receiving yard, okay. The
11 air is bled out of them and they are inspected.

12 Q Right. Okay. Do only the car inspectors inspect
13 the cars when they come in or are there management people
14 that inspect the cars when they come in? Would management
15 people bleed the air out of the cars?

16 A There have been cases where they have, yes.

17 Q Management people have bled the cars. If they bled
18 the cars, don't they have to sign a form that the cars have
19 been bled?

20 A No.

21 Q They don't sign any form when the cars are bled?

22 A No.

23 Q Okay. Now, the cars then are switched to different
24 tracks. They either go east or west or whatever?

25 A Right.

1 Q After the cars are switched and now the cars are
2 ready, let's assume that this track, track 16, they are going
3 to Cleveland, okay?

4 A Yes.

5 Q Cars have all got to be inspected. This is
6 critical because now they are going to be moving out of
7 Conway and going to Cleveland.

8 A Right.

9 Q Your people will inspect the cars?

10 A Right.

11 Q Will management people inspect those cars for some
12 reason?

13 A Since we are so short of people, they could.

14 Q I'm not asking you if they could.

15 A They have.

16 Q They have?

17 A Yes, they have went out and inspected cars.

18 Q Now, that's what bothers me. If they inspect
19 those cars that are going west, don't they have to sign a
20 form that they have inspected those cars because they are
21 assuming a hell of a lot of responsibility.

22 A Right.

23 Q And they shouldn't be doing that but do they
24 inspect these cars that are leaving this yard?

25 A I'll tell you, here is an instance that we had.

1 Two general foremen inspected a train and the inspectors are
2 supposed to be on a sheet, all right? If you and I inspected
3 this --

4 Q I understand. We have to initial the sheet.

5 A They put phony initials down.

6 Q You are saying management people put phony initials
7 down that these cars going to Cleveland on track 16, they
8 signed their name?

9 A Right.

10 Q And have you seen their names, the management
11 people actually go out there and inspect 50 cars on track 16
12 that are going to Cleveland, they check this air on each car.
13 Where are the car inspectors while they are doing this?

14 A They could be working other trains. You only have
15 a maximum of people down there on each track. Now, if all of
16 these car inspectors are out working --

17 Q Why would not your car inspectors go out on strike
18 when this happened because that is wrong? They shouldn't be
19 doing that.

20 A That's true. First of all, we have to get an okay
21 from the international.

22 Q You have to get an okay from the international.
23 Did you request it?

24 A We requested -- we tell them the problems we are
25 having and in some instances they are taken care of. In fact,

1 we'll be meeting with them for the problems we are having
2 right now in July.

3 Q Because I know I worked on the P&LE Railroad and
4 that's what I find so surprising. If I were in management,
5 I'd be crazy to inspect cars and put my name on that sheet
6 because if the cars tip over as they are going to Cleveland,
7 there is a hell of a lot of responsibility that you're
8 assuming and it's crazy to do that. But you say they are
9 doing it. They are signing their names on sheets?

10 A They are not signing their names.

11 Q Whose names are they signing?

12 A In one instance, we found their was an initial XYZ.
13 There is nobody down there with XYZ initial.

14 Q Did you bring that to your international union?

15 A Yes, we did.

16 Q What did they do?

17 A They are coming down, as I said, the first of July.

18 Q To look into this particular problem?

19 A That and the other ones I just spoke about.

20 Q If management is doing that, I think that's totally
21 wrong and it's dangerous because they really don't have the
22 expertise because a lot of yardmasters who are doing this
23 probably were never car inspectors because a lot of yard-
24 masters were former yard clerks and they really don't have
25 the background to actually inspect the cars. Okay. We're

1 going to look into that matter further because that's
2 dangerous to the people not only in this area but it's
3 dangerous everywhere that car goes. Okay.

4 CHAIRMAN HUTCHINSON: Paul?

5 MR. LANDIS: No.

6 CHAIRMAN HUTCHINSON: Barry?

7 BY REPRESENTATIVE ALDERETTE:

8 Q What's the length of time it takes to inspect a
9 car, three, four, five minutes?

10 A They put a limit on the inspection of cars which
11 is also wrong. You can inspect maybe one car in two, three,
12 four, five minutes, whatever, and other cars, when you have
13 to go around the car and around the car, there should be no
14 time limit whatsoever.

15 Q If you are inspecting during the night hours, would
16 it take longer to inspect than it would during the day hours?

17 A I'd say it does.

18 Q If you have one car that's maybe twice as long as
19 another car, would that be a factor in the length of time
20 it would take to inspect the car or the different type of
21 cars perhaps?

22 A Well, in the length of the car, it might have a
23 little bit to do with the time that you are getting off a
24 car or done with the train.

25 Q Could you inspect every car in a minimum of three

1 minutes time?

2 A I don't think you can inspect every car in any
3 amount of time as far as the minimum or maximum amount of
4 time. I don't think you can ever do it.

5 Q Were there previously guidelines where you might
6 have three minutes to inspect during one shift or four
7 minutes or five minutes during another shift?

8 A There was a time that they were working inspecting
9 and they were giving a minute per car, like three minutes for
10 maybe first or second or four minutes for second and five
11 minutes for third. There was a time that they did that.

12 Q At one time, you could take up to five minutes to
13 try to get the car inspected?

14 A Right.

15 Q Now, it's been limited to three?

16 A In some instances, they want two minutes per car.
17 It just can't be done, to inspect a car properly. It cannot
18 be done like that.

19 Q That's all.

20 BY REPRESENTATIVE LAUGHLIN:

21 Q One other thing that I wanted to go over with you.
22 Some of the statements that you made to Representative
23 Colafella with regard to the inspection of your trains, you
24 may recall in 1981 you sent me a list of cards that had been
25 torn off of individual railroad cars where they have been

1 supposedly shopped. That is, your men tagged them stating
2 very clearly that they needed to go to the repair shop for
3 inspection. Those tags were torn off by supervision and you
4 turned those over to me. I had the PUC go down there and
5 check on what they were doing and your complaint was verified.
6 They did correct that situation. Now, last night, so that
7 you are aware of this and to be very clear about what the
8 circumstances are and because of these hearings, I requested
9 the federal agency to go in and inspect Conrail yesterday.
10 Two of their agents were on site yesterday for an inspection
11 because your men had complained and because you had said at
12 the last meeting I had with you which was Saturday two weeks
13 ago, you indicated to me that on the second track which is
14 the three to eleven or four to twelve, whatever it is, that
15 they were taking liberties with the inspection of these
16 trains and short-shopping them so to speak to get them out
17 of the yards. Now, I asked specifically from the chair-
18 person of the PUC, Ms. Taliafero, and she informed me that
19 she would send down her supervisor to examine the yards last
20 night. I went to the yards at four o'clock myself. I know
21 he was there. I know he examined that yard that the complaint
22 was made about. Now, you will have a report on all of that
23 within ten days for verification on what your complaints
24 were so that you know that it isn't going unchecked; that
25 when you make a complaint, we are looking into it to try to

1 stop it. An on-going investigation will be going on with
2 Conrail.

3 A All right. In your investigations and going down
4 there, I don't think it's a good idea that it be announced.

5 Q I not only didn't have it announced but Mrs.
6 Taliafero informed her superintendent that he was absolutely
7 not to call. He was not to notify them. He was to go to
8 that yard and I know they were very surprised to find them
9 there because when I went there at four o'clock, I asked the
10 superintendent up at the top, is there a PUC inspection going
11 on and he said geez, I don't know. He said I better check.
12 So, he called the number four yard and our PUC guy was there
13 doing the examination. So, I know he wasn't notified yester-
14 day. I know you are absolutely right in the past. Bob
15 Kettenheim (phonetic) at the federal agency when I have gone
16 there has said Chuck, I'll definitely check it but first I'm
17 going to call them to let them know I'm going to be on their
18 premises. I said what's the good in going there, and you
19 remember some of the times we went and the place was always
20 policed, the blue flags were up and everything was done
21 correctly. Last night we'll find out if some of the com-
22 plaints you made are accurate with regard to that. Okay.

23 CHAIRMAN HUTCHINSON: Paul?

24 BY MR. LANDIS:

25 Q On a 100-car train going out, how many car

1 inspectors are used to inspect that train?

2 A It all depends. It could be two, it could be four,
3 it could be three. It all depends on what they have at the
4 time.

5 Q In other words, your work complement that is working
6 that shift?

7 A I didn't --

8 Q You say it all depends on what they have at that
9 time. That means the number of car inspectors working?

10 A Right.

11 Q At three minutes, that would be 300 minutes per
12 man, right, to inspect that train? In other words, that
13 could be five hours?

14 A No.

15 Q If they give you three minutes per car per man?

16 A If they were going to put four people on there,
17 they'd get sections of this train and if it would be 300
18 minutes, it would be 300 minutes overall.

19 Q Overall. If it was two, it could be two and a
20 half hours for two men to inspect that train at the three-
21 minute limit?

22 A Right.

23 BY REPRESENTATIVE COLAFELLA:

24 Q Mr. Coleman, we went into the fact that yardmasters
25 and supervisory people and so on would sometimes inspect cars

1 and things like that. My final question is why do you think
2 they do that? Why would they want to assume the car
3 inspector's responsibility? That's what I don't understand.

4 A Well, first of all, I think everybody knows that
5 we just don't have the people to do the work.

6 Q Okay.

7 A That's your answer there. We just don't have the
8 people to do the work and whoever is there, you grab first.
9 They are the one that does it.

10 Q In order for Conrail to save a lot of money, they
11 don't have as many car inspectors that should be there and
12 what they are doing is they are assuming some of the
13 responsibility of car inspectors rather than bringing out
14 more car inspectors to work and that in turn cuts costs and
15 so on?

16 A Right.

17 Q I'm somewhat surprised that your international
18 union quite frankly would let the management get away with
19 that by really not making this a major issue. In other
20 words, if that was done, I know years ago when I worked on
21 the railroad, if that was done, I imagine that the inter-
22 national union would come down on this whole matter to insure
23 that this would not happen. You are talking about a very,
24 very dangerous thing when cars are not inspected adequately
25 and they are sent out. You are not only talking about

1 derailments but you are talking about a whole lot of things
2 occurring; you know, them wrecking with another train that
3 is carrying passengers, the ramifications are unbelievable.

4 A As I said, they are supposed to come in the first
5 of the month to meet about these problems we are having here.

6 Q Okay. Thank you.

7 A Also, I don't have a full report on some of the cars
8 that are being worked by outside concerns. I'm working on
9 this report right now. But we do know that right here under
10 our own eyes that Buncher's are repairing cars that could be
11 repaired five miles down the road in our car shop and they
12 are Conrail cars.

13 Q Is it in your union contract that your union is
14 supposed to do this?

15 A According to our contract, this is our work but
16 as I said, I don't have the full report. So, I can't give
17 you the full report.

18 BY REPRESENTATIVE LAUGHLIN:

19 Q Who is the company at Buncher you are talking
20 about?

21 A It's called Amalti (phonetic).

22 BY REPRESENTATIVE COLAFELLA:

23 Q If that's in the contract, I never heard about it
24 and there should be something done.

25 BY CHAIRMAN HUTCHINSON:

1 Q It's probably in your contract that they can do
2 outside work or you are not strong enough after they broke
3 the air controllers, they can do everything.

4 A We are all wondering.

5 Q You people are the ones that were talking with
6 your hands when the air controllers had the bolts slid to
7 them.

8 A Not us.

9 Q I know union people that did and this is something
10 that if your contract allows them to, Buncher, to contract
11 it, probably your people are down there doing the work.

12 A No. As I said, I don't have the full report but
13 from what I understand, the other people that are working
14 these jobs down there are ex-railroaders.

15 Q Getting less benefits?

16 A Right. Working -- they are getting five to six to
17 \$7.50 an hour.

18 Q That's the same way the state department, PennDOT,
19 is doing. Instead of our people painting stripes on the
20 road, they are giving it out to people in Wisconsin to do it.
21 So, we're allowing it. It's legal. They can contract it
22 out.

23 BY REPRESENTATIVE LAUGHLIN:

24 Q I think you know, Dick, contracting work out has
25 always been a problem within a union. Jones & Laughlin

1 operates with contracts. It's the same uniformly. I don't
2 think -- unless you have some written agreement that pro-
3 hibits it, you are not going to be able to win an argument
4 on that basis.

5 A We'll let the international take care of that.

6 Q I sometimes wonder about the structure, as I told
7 you and the other members of the union last week. I wonder
8 if possibly they are allowing it to happen, to allow the
9 cuts to occur, in the event that down the road they get an
10 opportunity to take over the system, then they are not going
11 to have to make the cuts that are necessary. Now, I don't
12 know. Those are the things that we are going to try to find
13 out when your people come to Harrisburg to testify and we
14 check on across the state how many reductions in staff have
15 been made, how many of these lines that they claim they are
16 repairing and updating. They are taking out four-strand
17 lines and making them three. They are taking out a two-way
18 system and making it one single system. Then, they are
19 saying to the State of Pennsylvania we are spending your
20 money in an intelligent fashion so as to repair and update
21 the lines. In fact, they are reducing the capability and
22 capacity for those lines to operate. One of your supervisory
23 people testified to that yesterday. I wished that we would
24 have been able to get your international fellow down here to
25 a meeting. Maybe we can get him into Harrisburg.

1 BY CHAIRMAN HUTCHINSON:

2 Q I'm like Charlie. Contract work is something that
3 unless you have a real hard contract because what -- was it
4 Lordstown, some of the biggest GMC strikes 20 years ago was
5 on contract work. So, I mean -- and who does the work, your
6 own people do it. They need a job. So, they will take one
7 at lesser rates. Any other things, Mr. Coleman?

8 A No, that's it.

9 Q Thank you very much. Is there anybody here that is
10 not on the list that would like to have some comments? Come
11 on up and state your name.

12 MARTIN DECANINI, called as a witness, testified as
13 follows:

14 MR. DECANINI: The thing about the Buncher industry
15 that you just asked Mr. Coleman about, the problem is as far
16 as the contracting work out is fine, like you say, but if
17 they are taking the cars that are 100 feet away from the
18 shop in Conway, moving them down to Sewickley to be repaired
19 is a little absurd.

20 As far as the car inspectors not being in force
21 down there as far as the foremen, as a matter of fact, I
22 know of one instance where a boss drove a man -- there was an
23 80-car train and since most of the hoses were coupled, the
24 foreman put the man in the truck with him, drove him down.
25 When there was a hose uncoupled, he got out of the truck and

1 coupled the hose, went down to the end of the train and shut
2 the ankle cock and they sat there and let that train build up.
3 That was their inspection. All they were listening for was
4 air travel and if that hose was uncoupled, they coupled the
5 hose. They went back to the rearend of the train with a
6 gauge that time to see that there was a proper amount of air
7 in it. The problem is down at Conway I don't see how any
8 businessman can think by cutting a staff down and not making
9 repairs on cars and just saying you made repairs or tearing
10 off shop tags to get foreign freight cars into there -- if I
11 owned Conrail, I'd tell every one of my men you get every
12 shop in the shop that you can get and every repair on that
13 track that you can get and there wouldn't be no running in
14 the red down there.

15 BY REPRESENTATIVE LAUGHLIN:

16 Q Mr. Decanini, whenever you say that --

17 CHAIRMAN HUTCHINSON: Are you asking questions or
18 is he making a speech?

19 REPRESENTATIVE LAUGHLIN: I want to ask him a
20 question.

21 CHAIRMAN HUTCHINSON: But is he finished?

22 MR. DECANINI: That was my finishing up.

23 BY REPRESENTATIVE LAUGHLIN:

24 Q And the question I have for you is whenever you
25 talk about the circumstance of that inspection. Now, I have

1 listened to many complaints from yourself and other people
2 down there and also with the word that you were intimidated
3 by the bosses to do the work but yet the president of your
4 union just tells me well, it could happen or it might have
5 happened or something like that but nothing factual.

6 A Yes, sir.

7 Q Did the men report to their president when they are
8 being intimidated?

9 A I think most of the men understand that his hands
10 are tied because we need our international.

11 Q That isn't what I asked you.

12 A This is what I'm saying.

13 Q Do you report it to him?

14 A Sure. How many times would you hit your head
15 against the wall? That man has been getting reports from me
16 and Geno and other members that are laid off about what we're
17 hearing from the people on the premises doing the work. I'm
18 sure Mr. Coleman, as far as being the union president, is
19 doing what he can.

20 Q We are not questioning that. We are asking if you
21 turned in the complaints whenever you are told these things?

22 A Yes, sir.

23 Q You do?

24 A Yes, we do.

25 Q Do you turn them in by written report or verbal?

1 A Depending on what the complaint is about.

2 Q Ones we just mentioned, threats and intimidation?

3 A No.

4 Q You don't write them?

5 A I can't answer that because I don't know what he
6 files and doesn't file. I know the information is there.

7 CHAIRMAN HUTCHINSON: Anybody else have any
8 questions?

9 (No response.)

10 MR. DECANINI: Thank you.

11 BY CHAIRMAN HUTCHINSON:

12 Q One question I want to ask. When you are laid off,
13 how long does your rates go?

14 A That's a big problem there. We were allowed to
15 collect -- I was laid off in July, on the 12th. Are you
16 talking about my benefits?

17 Q When you have to be called back and where; how long
18 your seniority lasts?

19 A I'm an eight-year man and I don't think it ever
20 runs out, does it? No. If ten years from now they want to
21 call me back, I'll still hold eight years seniority.

22 Q When do you start your new seniority?

23 A If I go back this year, say I go back this month,
24 next June I'd have nine years.

25 Q Okay. Thank you.

1 A Thank you.

2 CHAIRMAN HUTCHINSON: Anybody else have any
3 comments?

4 MIKE STUBAN, called as a witness, testified as
5 follows:

6 MR. STUBAN: My name is Mike Stuban. I'm a member
7 of the Brotherhood of Railroad and Airline Clerks. I'm also
8 a field representative for the Conrail Credit Union. I'm
9 the Chairman-Coordinator of our Unemployed Railroaders Food
10 Bank. I believe I have a human interest in this. I believe
11 Conrail disregards and has disrespect for the unions and
12 their agreement. They are not open to any suggestions. A
13 perfect example, the statement was made here yesterday by Mr.
14 Swanson stating that Conway cannot fuel the engines that
15 come in, come in to Conway. I believe that to be a false
16 statement because in the prior years we were very busy at
17 Conway more than we are now and we were able to handle that
18 down at Conway. We had an average of 125 units come in and
19 out of the engine house inspection pad. Furthermore, Mr.
20 Colafella had asked if the international unions were notified
21 of any violations. I have notified my own international,
22 sent three letters. Matter of fact, Mr. Laughlin has a copy
23 of them all. Approximately about a year ago I sent two
24 letters asking for an investigation where other people are
25 doing our clerical work. To this day, I have no investigation

1 done down there, conducted by the international. We were
2 told that they were investigating and would advise. Our
3 local chairman, I understand, has quite a big territory to
4 handle, Mr. Lambert. He can't handle this alone. We need
5 help from the international. Why isn't the international
6 coming down and making the investigation? Furthermore, we
7 were told yesterday we have new equipment, new technologies,
8 down the yard. That is true. That took away some of our
9 people. We have approximately 100, 125 clerical people
10 furloughed at this time. We have supervision doing our
11 clerical work where our people could be working and that
12 would be a smaller cost to Conrail instead of having the
13 supervision do the work. I have written a letter about
14 safety to Conrail local management here at Conway. I have
15 no response from them. And I see the people coming through
16 our food bank receiving food and when I see other people, as
17 Mr. Hutchinson said, they are getting some contract work but
18 yet the work is there. We have people furloughed. We have
19 the vehicles available. Why can't our people do this work?
20 The number one thing, the outside contractors, as an example
21 in transportation, come in; those people are not paying into
22 the railroad retirement board. So, there is less money
23 coming into the railroad retirement board for the people
24 that are unemployed. I don't believe -- maybe the taxes are
25 being paid by the outside contractor in the State of

1 Pennsylvania. I'd like to have that looked into.

2 BY REPRESENTATIVE LAUGHLIN:

3 Q It's already been looked into.

4 A Yes.

5 Q Ben Lambert turned that over to me over two years
6 ago on transportation of personnel by outside companies
7 including cab companies out of East Liverpool, Ohio. We
8 checked it and we found out the gentleman had no PUC
9 certification whatsoever. We found out he did not have
10 Pennsylvania Workmen's Comp, Unemployment Comp. That was all
11 corrected. Today, the gentleman has all those things that
12 you are talking about. He was cited for some \$50,000 worth
13 of fines by the PUC. He was then allowed to pass out from
14 under those fines by a ruling of the board based on a legal
15 decision by one of their law judges. The portion that you
16 requested in that regard from Mr. Lambert was looked into.
17 You're right, they are still hiring outside people to do
18 their transportation of crews and so on from Ohio all the
19 way back to Pennsylvania. They are paying sometimes as much
20 as five and \$600 for a trip across the state for train crews.
21 All of that is documented.

22 A We also put in grievances with the Conrail manage-
23 ment people and the grievances are not adhered to. This
24 continues to go on. Disregard, disrespect for the individuals,
25 for the local unions.

1 CHAIRMAN HUTCHINSON: Nick, any questions?

2 BY REPRESENTATIVE COLAFELLA:

3 Q One question. Mr. Stuban, there is a great deal of
4 talk that the international union may buy Conrail. If they
5 do, do you think they can run it profitably and also do you
6 think that they can run it profitably and bring back a lot of
7 people that aren't working right now for Conrail?

8 A If the present people in Conrail management are
9 still running, if the unions would buy it and they have the
10 same attitude that they have today, no, no. They have to
11 change their ways and attitudes. The way I look at it today,
12 they don't want the business outside of the main line. They
13 just --

14 Q U. S. Air has found out that it's more profitable
15 to be out of mainlining and do the short stuff and they are
16 making more money than all of the other airlines by handling
17 the short hauls and that's basically what you are saying.
18 Maybe they ought to work on some short hauls rather than
19 just be concerned about the long hauls.

20 A There are companies on the outside of the main line
21 that would probably ship with Conrail if they went after that
22 business.

23 CHAIRMAN HUTCHINSON: Any other questions?

24 (No response.)

25 BY CHAIRMAN HUTCHINSON:

1 Q There is one thing. There is a guy named Mellon,
2 Timmy Mellon, who is buying railroads up in the northeast
3 doing some work up-state New York. He is buying these old
4 lines off of Conrail and I think he might be bigger than
5 Conrail in about ten years once he gets started. When you
6 get fat is when you start getting into trouble.

7 A Is Mr. Mellon buying these off the main line spurs?

8 Q Yes.

9 A Just what I said, isn't it? If they would take
10 care of the business outside and bring in instead of dis-
11 couraging them --

12 Q Once anybody gets fat, then you go on a diet.
13 That's the same thing with companies. When they get over-
14 burdened with fat, then they start to have to cut down
15 because the fat starts costing them money.

16 REPRESENTATIVE LAUGHLIN: However, there are some
17 of us fat people who are very productive.

18 CHAIRMAN HUTCHINSON: Anybody else?

19 (No response.)

20 CHAIRMAN HUTCHINSON: Thank you very much.

21 BY REPRESENTATIVE LAUGHLIN:

22 Q Wait a minute, one other question. How much of a
23 cut financially have you and your brother members on the
24 railroad taken in order to make this profitability that we
25 are looking for financially? How much have you had cut?

1 A Percentage-wise, we disregarded the first 12
2 percent.

3 Q In other words, 12 percent of your wages were
4 reduced in order to accommodate the profitability of Conrail?

5 A It wasn't reduced. We didn't take the 12 percent.

6 Q Well, if that isn't a reduction, I don't know what
7 you call it. You would have it in your pocket if you hadn't
8 have passed it?

9 A Right.

10 Q That, my friend, is a reduction.

11 VLADIMER TRINKALA, called as a witness, testified
12 as follows:

13 MR. TRINKALA: My name is Vladimer Trinkala and I'm
14 a former employee of Conrail.

15 CHAIRMAN HUTCHINSON: I'll give you five minutes.
16 I hate to cut you short.

17 MR. TRINKALA: I heard Mr. Tarzu make some comments
18 on the bus today. Mr. Laughlin asked him a question about
19 a certain car. The walkway on there, just like they say,
20 is a federal defect. Now, what management has, and I have
21 been in all capacities from a laborer up to a general foreman.
22 Now, what I have seen in the past and what happened since
23 Conrail took over and the outlying points and the so-called
24 shippers, instead of having preventative maintenance, they
25 disregarded that. They don't have people out there to

1 inspect these cars at the originating points properly where
2 they could pick up a lot of defects and a lot of these cars,
3 especially in the auto industry like he mentioned, a cube
4 boxcar, is nothing but a warehouse for the auto industry.
5 They use that in transit. Some of those move in what you
6 call a unit train. They move back and forth and they ship
7 these things out. Now, the damage done to these cars should
8 be handled by the car craft and be repaired and the shipper
9 should be held responsible and those things are just -- they
10 run into millions over the system and nothing is being done
11 about it. Management again, as I heard testified up here
12 about inspecting a train, they don't inspect a train. All
13 they do is run through a system of putting the air from one
14 end to the other and seeing that the air does reach the other
15 end of the train at the rearend and that's the extent of it
16 or if there is something hanging or something. They don't
17 test it in any old way and out it goes.

18 Another statement was mentioned about the federal
19 people being there in case of an accident. The only time
20 the federal people come down on the premises or out on the
21 road is when there is hazardous material involved or there
22 is a fatality. Then, they come down. Any ordinary wreck
23 is strictly a cover-up. They have three people walking like
24 myself. I used to be involved in those wrecks where we
25 would walk and determine where a car derailed and why it was

1 wrecked. And then from that determination, a lot of times
2 the fault would be blamed on the track department. The
3 elevation was bad, mechanical failure. What they did, they
4 just bounced that around. Today you take credit for it and
5 tomorrow I'll take credit for it and that's the way the thing
6 was handled. That is no way to really handle the situation.
7 Conrail was made up of all of these different organizations.
8 Coming into Erie-Lackawanna it was one of the last organiza-
9 tions to come into the system. Those people had an apprentice
10 program. The guys had the capability and knowledge of
11 performing their duties properly. They come up through the
12 ranks. They disregard these things. Another thing was
13 stated up here about the international union. Now, I know
14 as a general foreman that you should know the contract when
15 you are negotiating with the union. There is a stipulation
16 in there saying there is no outside contract but both sides
17 bend. The company bends. People in here on a local level
18 disregard what happens in Philadelphia and that's what is
19 actually happening. The buck is being passed and nothing
20 is being done. Anything else that you guys would like to
21 know or ask, any questions I'd be glad to help you.

22 CHAIRMAN HUTCHINSON: Any questions?

23 (No response.)

24 CHAIRMAN HUTCHINSON: Thank you very much, sir.

25 If there is anybody here or you know anybody that has any

1 information that will help this committee, send it to Charlie
2 Laughlin or my two staff members, Jim Martini and Scott
3 Casper, in care of the House of Representatives in Harrisburg.

4 JERRY HODGE, called as a witness, testified as
5 follows:

6 MR. HODGE: Mr. Hutchinson, my name is Jerry Hodge
7 and I work for Congressman Joe Kolter. First, I'd like to
8 thank Charlie and Mr. Hutchinson for bringing your committee
9 in here today. I think the problems that are involved here
10 in Conway are very, very many. In working with these
11 railroad workers through our office as we have started to
12 look into this problem as well, I see that this problem is
13 many, many faceted and there are so many problems in Conway
14 that I find it amazing. I'm sure Charlie and Nick and you
15 guys have looked at this for years and years. I think it's
16 come to the time though that the unions shouldn't have to
17 bend anymore when we have to sacrifice safety and we have
18 to sacrifice jobs, especially large numbers of jobs, and I
19 think there are certain things that are going on here,
20 management doing union members work, shop tags being pulled,
21 trains being rushed in and out of this place, that have to
22 be corrected not so much for the sanctity of the union but
23 just to keep an even balance, to keep freight flowing through
24 Conway. I'm also sure that this has a lot to do with
25 Congress forcing Conrail to be profitable and the fact that

1 perhaps the international wants to perhaps buy Conway and
2 the Conrail system. I think, however, the international and
3 the union and perhaps management have got to work out some
4 sort of a compromise because it seems that our Conway yards
5 are taking the butt of all of the bad problems. Work is
6 being contracted out of here. If they are taking a shop car
7 away from our shop five miles up the road, that's wrong. We
8 have car inspectors here to do that. We have good people
9 to do that. They shouldn't be forced to do these things
10 the wrong way and I have spoken with FRA inspectors and I
11 have FRA inspectors who have told me that there are specific
12 violations that they will not turn in because their lawyers
13 and their top management people will not enforce these
14 violations and they have told us this. That's why Joe Koller
15 is trying to get the House of Representatives, our
16 Pennsylvania delegation, together as you are doing to look
17 into this problem. We'd be very happy to work with you. I
18 appreciate again you coming in here and I hope we can solve
19 some of the problems here.

20 REPRESENTATIVE LAUGHLIN: I'd ask you to do this.
21 I have already contacted Ohio, New York and other states
22 requesting their information with regard to deals that they
23 have with Conrail. By a deal, I mean this. Pennsylvania
24 gave \$20 million worth of concessions. We had put in the
25 original bill a protection for Conway to Philadelphia on the

1 main line that has been and was torn out of the bill by
2 Conrail and the Senate Conference Committee and as a result,
3 we lost that protection. Now, the other states have
4 protections built in. New York is getting special treatment
5 on supplying train service to areas that normally would have
6 lost it. Would you check with Joe, okay, and see if you can
7 put together some information with the Congressman on the
8 effects with the other states as we are doing with the
9 legislatures of the other states?

10 MR. HODGE: Sure, be happy to.

11 CHAIRMAN HUTCHINSON: I adjourn this meeting.

12 (The hearing terminated at 12:45 P.M.)

13
14 I hereby certify that the proceedings and evidence
15 taken by me before the House of Representatives, Transporta-
16 tion Committee, are fully and accurately indicated in my
17 notes and that this is a true and correct transcript of same.

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19
20 
21 Nancy J. Adelman, RPR/nc
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