

HR 308

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They have wasted their time and ours going to every state and federal agency they could think of unsuccessfully accusing ACRE of wrongdoing. ACRE has been exonerated at every turn much to the dismay of the internationals and their sympathizers. In trying to hinder our operation all they have done is provide us with free publicity and a forum to expose the internationals as the self-serving rudderless organizations we originally accused them of being.

However, with their latest so-called strategy the internationals are seeking to cut off their own nose in an effort to spite ACRE. Labor scholars and those working in labor for many decades have expressed shock that any union would propose legislation imposing settlement terms on a labor agreement. Organized labor has traditionally fought to keep the government out of the bargaining arena for very obvious reasons. What the government gives, the government can easily take away. As this story has become a public issue, many of the original

supporters of this strategy are now backing away from it. It seems there are those who do not want to be associated with a bill that eliminates the entire collective bargaining process under the Railway Labor Act and the libraries full of case law that cover it. While parity issues must be addressed by crafts who suffer inequities in pay or benefits, they should be addressed in the collective bargaining arena and not the political arena. Again, the federal government is not the place any union should be going to administer their collective bargaining agreement.

It is interesting to note that the only groups unhappy with the service or representation ACRE provides are the international unions that ACRE members left. Our customers have actually never been happier than they are now with the service ACRE members provide. The professionalism ACRE members have demonstrated over the years remains our best argument against the activities of our former internationals and bills like HR308.

However, it is still interesting to see how our successful servicing of the riding public has translated itself into a threat to the status quo of our former international unions so severe they have proposed federal legislation to deal with it. It should be even more interesting to see how

others will view it.

We believe the best way to combat HR308 is through public disclosure. ACRE has already begun its own campaign by contacting the MTA Board, State Legislators in Albany and Connecticut, the members of Metro-North's Commuter Councils, and the County Executives who represent constituents in Metro-North's service areas. We have already spoken with Jerrold Nadler's office and will be meeting with him and members of the Committee on Transportation and Infrastructure to state our case and expose our former internationals for their activities. It is ACRE's belief that the latest international attack on ACRE is a major miscalculation on their part that will backfire as we reveal it for what it really is.

As we learned from our experiences with the Assault Bill in Albany, it is relatively easy to propose legislation but it is an entirely different matter to navigate a bill all the way through the legislative process into law. Remember, our bill passed unanimously and was not steeped in controversy. ACRE feels assured that HR308 will ultimately be exposed for the self-serving special interest legislation it is. As always, we will keep you posted as the story progresses.



MTA Merger

On October 9, 2002, the Chairman of the Metropolitan Transportation Authority, Peter S. Kalikow announced plans for a restructuring of the agency designed to further improve service to its customers. Of immediate interest to our members was the provision that called for the merging of the two separate rail companies the MTA oversees,

Metro-North and the Long Island Railroad. As we have previously reported, the proposal was merely a natural step in the further consolidation of the Metropolitan Transportation Authority's various functions, a process that has been going on for many years. It was intended solely to streamline the agency's administrative functions and eliminate the competition for resources that has existed between the two commuter railroads. The plans proponents believe the restructuring proposal will ulti-

mately save millions of dollars by consolidating the accounting, managerial and administration functions of the MTA.

Since the Long Island and Metro-North Railroads each serve a different metropolitan region and neither duplicate service nor operate over any of the same trackage, the merger proposal was intended to have the smallest impact on ACRE represented workers who make up operations services.

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MTA MERGER

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In the October news release Chairman Kalikow clearly stated, "No MTA collective bargaining agreements will be unilaterally changed by the restructuring plans. In addition, union representation will continue to be determined by

the wishes of our employees." (Our former international unions apparently either misinterpreted the proposal or missed the press release).

The plan was supposed to have been presented to the New York State Legislature by the end of 2002 and be phased in over a two year period. Because of a variety of considerations, some political and some financial, that timetable has been altered. The final plan will probably not be presented to the State Legislature

until the later half of 2003. Ironically, HR308 - the bill our former international union's prematurely proposed in the House of Representatives - has afforded ACRE an opportunity to be a much more active participant in the MTA's proposal. As we already presented in a related story, we have made numerous contacts including state and federal legislators to make our case and promote our organization. Again, we will keep you informed as these two related stories progress. ★

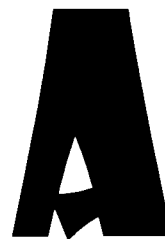
Assault Bill A11756

One of the great strengths of our political system provides that any organization or any individual can become an active participant in the law making process. ACRE entered that process almost two years ago with the introduction of a bill in Albany designed to increase the criminal penalties imposed on people who assault train and engine service employees. The course our original bill took through the New York State Legislature presents an interesting lesson in the functioning of our legislative system. Even though A11756 passed the State Assembly by a vote of 144 to 0, the State Senate by a vote of 58 to 0 and was signed into law by Governor Pataki its trip through the legislative process was not always smooth. For the past 20 years, other unions had tried to get similar legislation through Albany but were unsuccessful in getting the legislation through the democratic controlled assembly and the republican controlled senate in the same year. These earlier versions

of the bill either covered too many job categories or neglected the commuter railroads entirely. By limiting the bills focus and extending its argument to include all aspects of public safety, ACRE was able to achieve the broad-based support the bill needed to ultimately become law.

A11756 amends section 120.05 of the penal law and section 1266 of the public authorities law. In summary, the bill broadens the category that makes assaults on police officers, firefighters, paramedic, and emergency personnel a felony to include the same protection for conductors, engineers, ticket inspectors, bus drivers and subway motormen who work for the Metropolitan Transportation Authority. Under the new law, an assault on a conductor or engineer is now a second-degree felony punishable by up to seven years in prison. Under the old law the same assault was considered to be only a misdemeanor.

Subdivision 18 of the new law also requires the MTA to make a campaign of public outreach to inform the public of its provisions. We believe this provision is one of the most important parts of the new law. While it is important to insure violators are prosecuted to the full extent of the law, it is even more important to do whatever is possible to prevent the assault from happening in the first place. Hopefully, the public notification should serve as a deterrent and cause any passenger to think twice about escalating their



problem into violence. You will soon be seeing posters and flyers on the trains and in the stations alerting the public to the provisions of the new law.

ACRE would like to thank you all for your support during this lengthy process and we would especially like to thank the bill's sponsor, the Honorable Paul A. Tokasz, New York Assembly Majority Leader and his entire staff for their efforts in making this much needed legislation a reality. ★