

**Brotherhood of Maintenance of Way Employes Division  
of the International Brotherhood of Teamsters**



**NEWS CLIPS**

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## **Amtrak still running despite government shutdown; reaches agreement with North Carolina DOT**

[Amtrak](#) is among the federal services still in operation despite the inability of Congress to agree on federal budget legislation by midnight, which resulted in a "government shutdown" effective today.

Amtrak will continue normal operation of its national intercity and high-speed passenger-rail network in the event of a short-term federal government shutdown, Amtrak officials announced late last night.

"Passengers planning to travel on Amtrak trains in the Northeast Corridor and across the country in the coming days and weeks can be assured that Amtrak will remain open for business," they said.

Meanwhile, Amtrak and the [North Carolina Department of Transportation](#) (NCDOT) announced yesterday they've agreed to continue operating the state-supported Piedmont and Carolinian trains under a new contract as required by federal law.

The agreement is part of the Passenger Rail Investment and Improvement Act of 2008, which requires Amtrak to work with 19 affected states in the state-supported Amtrak program to establish a cost-sharing program to fund 28 corridor routes of less than 750 miles to "ensure the fair treatment of all states," according to an NCDOT press release.

The Piedmont, which operates two daily round trips between Raleigh and Charlotte, led all Amtrak routes in ridership growth over the past two federal fiscal years. In July, ridership increased 2.4 percent compared with July 2012. The Carolinian, which operates one daily round trip between New York City and Charlotte, posted a 3.9 percent increase in ridership in July compared with a year ago.

With North Carolina's announcement, Amtrak has agreements with 12 of the 19 impacted states.

## **Fact check: More false claims about Obamacare**

We are *still* reviewing the 21-hour, overnight talk-a-thon by Sen. Ted Cruz, and we found some more claims about Obamacare that are false:

- Cruz said unions, including the International Brotherhood of Teamsters, want to "repeal" the health care law "because it is a nightmare." Three unions used the word "nightmare" in a letter to Democratic leaders in Congress. But they asked that the law be fixed, not repealed.

- Sen. Rand Paul incorrectly claimed "you will go to jail" if you don't buy health insurance and refuse to pay the tax penalty. The law specifically states that those who do not pay the penalty "shall not be subject to any criminal prosecution." Shortly after the law passed, the IRS commissioner at the time said the law precludes jail, but violators will likely face offsets against future tax refunds.

The lengthy speech by Cruz — which started Sept. 24, ended Sept. 25 and was occasionally supplemented by some of his Senate colleagues — was dominated mainly by generalities and opinions. But we found plenty of [misleading claims](#) in our first review of the record. Upon closer inspection, we've found a few more.

**FACT CHECK:** [Who's telling the truth about Obamacare?](#)

### **UNIONS WANT TO 'REPEAL' OBAMACARE?**

Cruz said unions, including the International Brotherhood of Teamsters, want to "repeal" the health care law "because it is a nightmare." Three unions used the word "nightmare" in a letter to Democratic leaders in Congress. But they asked that the law be fixed, not repealed. James P. Hoffa, the Teamsters president, has asked Cruz to stop "misusing" the unions' words.

***Cruz, Sept. 24: There is a reason why labor unions want out. There is a reason the Teamsters, who describe that they have been knocking on doors as loyal foot soldiers for the Democratic Party, are saying: This is a nightmare. Repeal Obamacare. Repeal it because it is a nightmare.***

Presidents of three labor unions [criticized parts of the health care law in a letter](#) to Senate Majority Leader Harry Reid and House Minority Leader Nancy Pelosi. The union leaders said the law had "unintended consequences" that will lead to several "nightmare scenarios." They complained the law will "destroy the foundation of the 40 hour work week" by creating incentives for employers to schedule workers for less than 30 hours a week. And they said the law taxes union workers with nonprofit health insurance plans to help pay for government subsidies those workers will not be eligible to receive.

But the letter didn't say lawmakers should "repeal" the law. Hoffa, Joseph Hansen of the United Food and Commercial Workers, and D. Taylor of UNITE HERE said they "continue to stand behind real health care reform, but the law as it stands will hurt millions of Americans including the members of our respective unions." In conclusion, they wrote: "We are looking to you to make sure these changes are made."

On the same day that Cruz concluded his floor speech, Hoffa [issued a statement](#) telling the senator to stop misrepresenting what he and the other union presidents had said.

**Hoffa, Sept. 25: *Though we may have concerns with specific provisions of the ACA, we share the president's goal of ensuring that every American has affordable access to top-quality health care. It is on this main point that we disagree wholeheartedly with the efforts of extreme right-wing Republicans to gut the ACA. Any suggestion otherwise is simply political posturing.***

*I call on Sen. Ted Cruz, Sen. David Vitter and others to cease and desist from misusing our constructive comments in their destructive campaign to hobble the president and the nation.*

Cruz didn't listen. He was [back to using the words](#) of Hoffa and company in a speech on the Senate floor on Sept. 27.

### **BUY INSURANCE / PAY PENALTY / OR JAIL?**

For his part, Paul incorrectly claimed that people who do not buy health insurance next year and refuse to pay the tax penalty "will go to jail." The law specifically states that those who do not pay the tax penalty "shall not be subject to any criminal prosecution." In 2010, then-IRS Commissioner [Douglas Shulman](#) said the law precludes jail, and that enforcement will amount to offsets against future tax refunds.

But, according to Paul, jail is exactly what awaits those who refuse to buy insurance or pay the tax penalty.

**Paul, Sept. 25: *That is what I think the senator from Texas has started, hopefully a rebellion against coercion, rebellion against mandates, a rebellion against everything that says that big government wants to shove something down your throat, they say take it or we will put people in jail. People say we aren't going to put anybody in jail. The heck they won't. You will get fined first. If you don't pay your fines, you will go to jail.***

As we have [written before](#), the law specifically precludes jail as a penalty for those who do not pay the fine for failing to buy insurance. It is spelled out in a section called "Waiver of Criminal Penalties." ([See page 131](#))

***Patient Protection and Affordable Care Act: In the case of any failure by a taxpayer to timely pay any penalty imposed by this section, such taxpayer shall not be subject to any criminal prosecution or penalty with respect to such failure.***

*The law also spells out that the IRS can't use liens or levies as enforcement tools.*

***Patient Protection and Affordable Care Act: The Secretary [of Health and Human Services] shall not file notice of lien with respect to any property of a taxpayer by reason of any failure to pay the penalty imposed by this section ... or levy on any such property***

*with respect to such failure.*

So what exactly can the IRS do if people refuse to pay the tax penalty for non-compliance? Nasty letters, for starters, but ultimately the IRS says it would deduct the penalty amount from a person's future refunds, if the individual has any.

The IRS commissioner at the time was asked about enforcement options at a National Press Club event on April 5, 2010 ([at the 35:50 mark](#)).

*Shulman, April 5, 2010: I think there's a couple important points that I would make, though, about our role in health reform. One is that these are not the kinds of things — check the box whether you're here or not [whether you have bought insurance] — that we send agents out about. These are things where you get a letter from us. Second is Congress was very careful to make sure that there was nothing too punitive in this bill. ... First of all, there's no criminal sanctions for not paying this, and there's no ability to levy a bank account or do seizures, some of the other tools.*

Later in the same event, Shulman was asked, "If you can't use sanctions to collect health care fees, what will keep people from getting away with not signing up for insurance coverage?" Shulman said the IRS may dock future tax refunds.

*Shulman, April 5, 2010: My belief is while some people may play with the kind of question that was asked, the vast majority of American people have a healthy respect for the law and want to be compliant with their tax obligations and whatever else the law holds. People will get letters from us. We can actually do collection if need be. People can get offsets of their tax returns in future years, so there's a variety of ways for us to focus on things like fraud, things like abuse, and we're gonna run a balanced program.*

In short, Paul's warning about health insurance scofflaws going to jail is simply incorrect.

## **Why Obama and the Democrats Shouldn't Negotiate with Extortionists**

By Robert Reich

As a child I was bullied by bigger boys who threatened to beat me up if I didn't give them what they wanted. But every time I gave in to their demands their subsequent demands grew larger. First they wanted the change in my pocket. Next it was the dessert in my lunchbox. Then my new Davy Crockett cap. Then the softball and bat I got for my birthday.

Finally I stopped giving in. When the bullies began roughing me up on the playground some older boys came to my rescue and threatened my tormenters with black eyes if they ever touched me again. That ended their extortion racket.

What's happening in Washington these days may seem far removed from my boyhood memories, but Washington is really just another children's playground. Its current bullies are right-wing Republicans, now threatening that if they don't get their way they'll close down the government and cause the nation to default on its debts.

"The American people don't want a government shutdown, and they don't want Obamacare," House Republican leaders said in a [statement](#) over the weekend. "We will do our job and send this bill over, and then it's up to the Senate to pass it and stop a government showdown."

Really? The American people don't want Obamacare as much as I didn't want my softball and bat.

Okay, maybe not quite as much. But the only settled way we know what the American people want is through the democratic process. And the Affordable Care Act (Obamacare) is the law of the land. A majority of the House and Senate voted for it, the President signed it into law, its constitutionality has been upheld by the Supreme Court, and a majority of Americans reelected the President after an election battle in which the Affordable Care Act was a central issue.

Moreover, we don't repeal laws in this country by holding hostage the entire government of the United States.

The bullies are a faction inside the Republican Party – extremists who are threatening more reasonable Republicans with primary challenges if they don't go along.

And where are the Tea Party extremists getting their dough? From even bigger bullies – a handful of hugely wealthy Americans who are sinking hundreds of millions of dollars into this extortion racket.

They include David and Charles Koch (and their front group, "Americans for Prosperity"); Peter Thiel, leverage-buyout specialist John Childs, investor Howie Rich, Stephen Jackson of the Stevens Group, and executives of [JPMorgan and Goldman Sachs](#), (all behind the "[Club for Growth](#)"); and Crow Holdings' Harlan Crow, shipping magnate Richard Uihlein, and investment banker Foster Friess; executives of [MetLife and Philip Morris](#), and foundations controlled by the Scaife family (all bankrolling "[FreedomWorks](#).")

Their game plan is to not just to take over the Republican Party. It's to take over America. The showdown over the budget and the debt ceiling is a prelude to 2016, when they plan to run

Texas Senator Ted Cruz for President. (Cruz, if you haven't noticed, is busily establishing his creds as the biggest flamer in Washington – orchestrating not only the current extortion but also the purge of reasonable Republicans from the GOP.)

Obama and the Democrats must not give in. They shouldn't even negotiate with extortionists. As I learned the hard way, giving in to bullies just encourages them to escalate their demands.

The President began negotiations with the Republican bullies in 2011 when they first threatened to default on the nation's debt if they didn't get the spending cuts they wanted. He negotiated again at the end of 2012 when they threatened to go over the fiscal cliff and take the rest of the nation with them if they didn't get the budget they wanted. Now they want to repeal a law they detest. If we give in again, what's next? A coup d'etat?

## How Stupid are Limbaugh Listeners?

By Joel S. Hirschhorn

While driving on my usual errands run the other day I listened a little to Limbaugh's radio show. As usual I was completely amazed at the incredible misinformation vomited by the champion of stupidity.

Limbaugh strongly condemned Obamacare because he was convinced that the government has no constitutional right to require citizens to purchase anything, certainly not health insurance. Interestingly, he did not condemn the conservative controlled Supreme Court for allowing this to happen. Apparently, superrich Limbaugh forgets that car owners are required to buy automobile insurance. And there are now jurisdictions where home owners are required to buy flood insurance. There are also places where people must pay for an ambulance if they do not have insurance coverage. And let us not forget that government mandates parents to send their children to schools, which requires various kinds of spending (as does even home schooling). To get from one place to another by car often requires paying a bridge or tunnel toll, as yet another example. When I travel by air my ticket includes several government mandated costs.

You might think that a genuine conservative would strongly support public policy that prevented people from shifting costs that they should be responsible for to the general public. Individual responsibility in other words is not some socialist belief as much as it is a true conservative one.

The other ludicrous point he kept making was that Obamacare was a devious plot to ruin private health insurance companies. Again and again he was misinforming his loyal listeners to the incorrect notion that by forcing people to use health exchanges the hidden goal was to put private health insurance companies out of business. Just one very big problem. Health exchanges offer insurance provided by private health insurers, not some government provider.

Indeed, a major reason why many people on the left and independents were and still are unhappy with Obamacare is that they wanted a government single payer system, essentially Medicare for everyone, rather than a system that maintains the grip of private health insurance companies on the health system, because so much money is siphoned out by the insurance companies.

The next day offered another example of Rush slush: He repeated endlessly that the government entities that created the websites for the new Obamacare health exchanges had "limitless" money for the task. Limitless? You really mean all the money they could possibly want? Give me a break. Shut the fruck up Rush.

I doubt that Limbaugh himself does not know the true facts. He is criminally guilty of using the public airwaves to promote and expand the stupidity of Americans. His lying has reached such high levels that I hope some entity would go to the courts and attempt to get him off the public airwaves, and force him to spread his dung propaganda on media that must be purchased. What Limbaugh is getting away with is akin to shouting fire in a public place when there is no fire. In other words, there are limits to constitutionally protected free speech. Constantly telling lies that are designed to screw up our political system should not be seen as allowable free speech. And his sponsors should also take umbrage at his irresponsible pattern of behavior and stop supporting him.

How stupid are Limbaugh listeners? Very, if they get their information from him.

## Five Reasons Not To Hold Obamacare Hostage In The Government Shutdown

**Carolyn McClanahan**, Contributor, Forbes Magazine

The show down that could shut down our government is on, and Republicans are holding funding for Obamacare hostage in this event. However, we need to remind them there are many valuable provisions in the law that work to repair our broken health care system. These "good" parts of the law need to move forward. By gutting the funding, we put our entire health care system at risk. Granted, the insurance provisions will need repair, and this can be done over time. Tonight, in the heat of the arguments, I share five reasons why Obamacare should not be held hostage to the Shutdown Showdown.

### **Reason #1: The Affordable Care Act begins repair of a decimated primary care system.**

Countries with a strong primary care system have much lower costs and healthier populations than what we experience in the United States. Primary care doctors focus on wellness, prevention, and treat minor illnesses in a cost effective manner. Our fee for service payment methods and our expensive medical training system pushed medical students away from choosing primary care and now we have a vast shortage of primary care doctors. The Affordable Care Act provides better pay to primary care doctors and helps with loan repayment if a physician practices in an underserved area.



**Reason #2: The Affordable Care Act improves prevention, wellness, and early care of chronic disease.**

We do a great job in the United States with taking care of serious illness, but really stink where it matters most – preventing illness from becoming serious in the first place. Insurance doesn't pay well to take care of serious illness early, and pays next to nothing for prevention.

The [Affordable Care Act rewards physicians for providing preventive care](#), creates avenues to better coordinate care of chronic illness early in the course of disease, and has payment incentives for patients to participate in improving their health.

**Reason #3: The Affordable Care Act moves us toward truly patient-centered medical care.**

Our health care system is historically patriarchal – you go to the doctor, he/she tells you what to do, and you go home and do it (or not.) With a patient centered approach, the focus is on providing quality care that centers around the patient's values. Quantity of care is no longer the goal. The Affordable Care Act has multiple pilot programs that test changes in delivery of care and patient centered approaches.

**Reason #4: The Affordable Care Act improves our reaction to bioterrorist and mass casualty events.**

[Our public health system is funded at the whim of Congress](#). These folks are responsible for protecting public health, preparing for the next bird flu, and responding to bioterrorist threats. The law attempted to fund public health at a set amount each year. Unfortunately, Congress has decreased funding promised by the Affordable Care Act year after year. I dread the day of the "Contagion" because we will not be ready. We need to demand better and consistent funding for our public health.

**Reason #5: Finally, guaranteed issue insurance coverage.**

Before Obamacare, if you got sick and lost your job, you could go on COBRA coverage at a very expensive price. After that ran out in 18 months, you could go on an even more expensive HIPAA policy that usually had poor coverage. And since you no longer had an income, you would lose your insurance and have to rely on charity or public programs if you happened to qualify. With guaranteed issue coverage, you cannot be turned down because of illness, and your illness does not make your premiums more expensive when you can least afford it. This will go a

long way toward keeping the working middle class healthy and out of financial trouble. Even though Obamacare is about way more than insurance, this is a very important reason we should try to make it work.

I don't envy the job of our lawmakers, and I dream of the day they make decisions that are in the best interest of the people they represent. Maybe they'll do so tonight.

Wednesday, October 02, 2013

## **BNSF outlines capital improvement plans in New Mexico**

[BNSF Railway Co.](#) has detailed plans for 2013 capital improvement projects in an eleventh state. The Class I has budgeted \$90 million for track maintenance and capacity expansion projects in New Mexico.

Capacity projects include signal improvements to five mainline tracks through Belen Terminal and the addition of a locomotive servicing pit at the railroad's yard in Belen.

The track maintenance program in New Mexico involves surfacing and/or undercutting about 2,100 miles of track, replacing 160 miles of rail and about 170,000 ties, and upgrading signals for positive train control implementation.

"[Our] capital investments in New Mexico will help ensure our network is prepared for growing demand for freight rail," said BNSF Chairman and Chief Executive Officer Matt Rose in a press release. "We are focused on investing to meet our customers' expectations and on expanding capacity where growth is occurring."

The New Mexico work is part of BNSF's record-setting \$4.3 billion capex program for 2013. Over the past few months, the Class I also has shared breakdowns of planned work in Illinois, Kansas, Minnesota, Missouri, Montana, Oklahoma, Nebraska, North Dakota, Texas and Washington.

Friday, October 04, 2013

## **AAR: Coal and grain drops aside, September gains a 'hopeful sign' for U.S. traffic**

U.S. rail traffic made strides in September, according to [Association of American Railroads \(AAR\)](#) data released yesterday. Originated carloads ratcheted up 0.7 percent to 1,159,784 units and intermodal loads rose 4.4 percent to 1,027,522 units compared with September 2012 totals.

Intermodal traffic nearly reached all-time levels. The weekly average of 256,881 intermodal units

was the second-highest monthly average in history, and the three highest-volume weeks for U.S. railroads occurred last month — only the Labor Day holiday prevented September from being the highest-volume month for intermodal, AAR officials said in a press release.

On the carload side, 11 of 20 commodity categories posted gains, led by motor vehicles and parts (12 percent), petroleum and petroleum products (10.4 percent), and crushed stone, sand and gravel (10 percent). Grain and coal volumes declined 11.3 percent and 2.7 percent, respectively. Excluding coal and grain, U.S. carloads climbed 4.9 percent in September.

"Those who follow the rail industry know that carloads of grain and coal can rise or fall by substantial amounts for reasons that have little or nothing to do with the state of the economy," said AAR Senior Vice President John Gray. "Not so with most other rail traffic categories, however. The fact that rail carloads excluding coal and grain were up ... in September — the biggest year-over-year monthly gain since last December — is a hopeful sign."

For the week ending Sept. 28, U.S. railroads originated 296,809 carloads, up 0.5 percent, and 269,853 intermodal loads, up 2.9 percent; Canadian railroads reported 86,685 carloads, up 4.4 percent, and 58,248 intermodal units, up 6 percent; and Mexican railroads reported 14,716 carloads, up 0.3 percent, and 12,441 intermodal units, up 2.7 percent compared with the same week last year.

Through 2013's first 39 weeks, 13 reporting U.S., Canadian and Mexican railroads handled 14,593,885 carloads, down 0.1 percent, and 12,025,811 containers and trailers, up 3.6 percent year over year.

Friday, October 04, 2013

## **UP anticipates best-ever earnings, lower operating ratio in 3Q results**

[Union Pacific Corp.](#) doesn't release its third-quarter financial results until Oct. 17, but yesterday the Class I shared some of its performance expectations for the quarter.

The railroad anticipates it will report best-ever quarterly earnings in the range of \$2.45 to \$2.48 per diluted share, which would represent a double-digit increase compared with third-quarter 2012 earnings.

Overall quarterly volume appears to be flat as mild summer weather combined with disruptions from Colorado flooding impacted coal traffic, and, to a lesser extent, other commodities, while the uncertain economic environment continued to impact intermodal shipments, UP officials said in a press release.

Other third-quarter expectations include operating revenue growth of 4 percent to 4.5 percent; an operating ratio improvement of about 1.5 points from third-quarter 2012's 66.6; and a \$10 million negative impact on operating income due to lost revenue and increased costs associated with the Colorado floods.

"Our strong third-quarter expectations reflect continued core pricing gains, ongoing productivity

initiatives and strong returns to our shareholders," said UP Executive Vice President and Chief Financial Officer Rob Knight. "In the fourth quarter, we expect these positive trends to continue, and we're hopeful that the economy cooperates and this year's grain harvest meets current projections, enabling year-over-year volume growth."