

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 772

**OVERSIGHT HEARING PERTAINING TO
UNION PACIFIC RAILROAD COMPANY'S EMBARGOES**

ENTERED
Office of Proceedings
December 12, 2022
Part of
Public Record

UNIONS NOTICE OF FILING OF EMPLOYMENT DATA

In connection with the scheduled hearing in the above-referenced matter, the Brotherhood of Maintenance of Way Employees Division/IBT, Brotherhood of Railroad Signalmen, International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Division, International Brotherhood of Boilermakers, National Conference of Firemen and Oilers/32BJ SEIU and the Brotherhood of Locomotive Engineers and Trainmen (BLET) are submitting a copy of a filing in Ex Parte No. 770-1 which shows changes in employment on the Class I railroads over several years.

Respectfully submitted,

/s/Richard S. Edelman

Richard S. Edelman
Mooney, Green, Saindon, Murphy and Welch PC
1920 L Street NW, Suite 400
Washington, D.C. 20036
Tel: (202) 783-0010
Fax: (202) 783-6088

Counsel for Brotherhood of Maintenance of Way
Employees Division/IBT, Brotherhood of Railroad
Signalmen, and International Association of Sheet Metal,
Air, Rail and Transportation Workers/Mechanical Division
International Brotherhood of Boilermakers, National
Conference of Firemen and Oilers/32BJ SEIU, and
Brotherhood of Locomotive Engineers and Trainmen

December 12, 2022

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 770 (Sub. No. 1)

URGENT ISSUES IN FREIGHT RAIL SERVICE

RAIL UNIONS' RESPONSE TO CARRIER FILINGS REGARDING STAFFING

I. INTRODUCTION

The Board opened Docket No. Ex Parte 770 following its receipt of a cascading number of complaints of unreliable and inadequate freight rail service by the Class I railroads. After testimony and evidence adduced at hearings held on April 26 and 27, 2022 further substantiated the service problems that caused the Board to open Docket E.P. 770, and revealed that the major Class I railroads were not on a path to restoration of reliable and adequate service, the Board opened this Sub-docket and required all Class I rail carriers to create service recovery plans and to submit service related data by which achievement of recovery could be measured; as well as data regarding their staffing. However, major carriers generally failed to provide sufficient recovery plans, failed and refused to provide certain types of data, and provided incomplete data with respect to certain types of information. The Board therefore required BNSF, CSXT, NSR and UP to submit revised service recovery plans and to submit additional employment data and more useful service data. Various Rail Unions¹ ("Unions") submit this response to the Class I's

¹ American Train Dispatchers Association, Brotherhood of Locomotive Engineers and Trainmen/IBT; Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Department; International Association of Sheet Metal, Air, Rail and Transportation Workers - Transportation Division; International Brotherhood of Boilermakers; International Brotherhood of Electrical Workers; National Conference of Firemen & Oilers, Local 32BJ/SEIU; Transportation Communications International Union/IAM; Brotherhood of Railway Carmen Division, TCU/IAM; and Transport Workers Union of America.

filings regarding their levels of employment.

Although the carriers began to file their reports in response to the Board's Order in this Sub-docket, many were unilluminating, and many were misleading. And service did not meaningfully improve. On June 30, 2022, several rail unions submitted comments in this Sub-docket asserting that the reports concerning the Class I's staffing and recruitment efforts were inscrutable, not responsive to the Board's Orders and of little use to the Board and stakeholders who sought to understand staffing of the Class I's. Those unions asserted that the Board should require clearer and more detailed reporting with respect to staffing, hiring, and retention of existing employees. They noted that the carriers were filing spreadsheets that contained raw numbers of employees in specific reporting categories by location for specified periods of time; and that such reporting is not very useful in assessing the carriers' efforts to retain employees and hire new workers. Reporting hires and departures by location for specified periods of time does not allow the reader to see trends over the course of a year. And some of the reports showed hires but not retirements and quits, so net change in the number of employees was not apparent in those reports. The unions asserted that the carriers should be required to:

- 1) provide the information on a recent historical basis so that numbers of employees by category can be tracked over time, and the Board and readers can easily see trends in employment;
- 2) provide information on numbers of persons leaving employment, ideally broken out into retirements and departures other than retirement;
- 3) disclose numbers of persons hired, numbers of those persons who complete training, and numbers of those persons who continue to be employees three months after completion of training; and
- 4) provide summary statements along with the raw data provided in spreadsheets so that the public, especially shippers, can better understand the information being reported, assess the carriers' efforts to boost employment, verify carrier claims

that such efforts are being made, and evaluate whether the carriers are actually succeeding in those efforts.

However, the carriers continued to provide employment data that was not reported in a useful or even comprehensible manner. To the extent that the carriers provided summaries or explanatory material, they generally contended that they were recruiting and hiring and increasing their workforces, particularly Operating Craft employees. This conflicted with the actual experience of the unions that represent the carriers' employees. At the same time, shippers continued to complain that service had not improved and that the reports on service metrics were inaccurate and misleading; and that carrier summaries and explanations that portrayed progress with regard to service were inconsistent with shipper experience.

On October 28, 2022, the Board issued another decision in this Sub-docket finding that while the carrier-reported data showed some progress in achievement of carrier-established service goals based on carrier-chosen service metrics, other data did not; that the carriers had not managed to restore service to pre-pandemic levels; and that shippers continued to complain about poor service. Additionally, the Board noted that UP, BNSF, CSXT and NSR had not achieved some of their employment goals and that some of the information they provided concerning staffing seemed dubious. (It must be recognized that the employment targets were unilaterally set by the carriers; and while they established those targets, that does not mean that levels of employment consistent with those targets is sufficient for provision of adequate service).

On November 17, 2022, the Freight Rail Customer Alliance and the National Coal Transportation Association responded to the Board's October 28th decision by applauding the decision, but also by noting that many members of the two associations have suffered significant

deteriorations of service, and they related the service problems to the carriers' "excessive devotion to operating ratio[s]". FRCA and NCTA asked the Board to expand the service data reporting, make the reporting requirements permanent, impose penalties for continued poor performance and for failure to comply with their common carrier obligations, and to apply the common carrier obligation on a system, rather than customer, basis.

The Unions also applaud the Board's decision to extend its reporting requirements. They also support the requests of FRCA and NCTA that are described above. The Unions will also show that the carriers have not actually increased their workforces; and that the carriers have no plans to actually do so. The Unions also urge the Board to require additional and more comprehensible reporting on employment as described in the union comments filed on June 30, 2022.

II. FACTS REGARDING CLASS I WORKFORCES

The Unions have reviewed their membership numbers for the period between September and October 2021 and September and October 2022 and that information is provided at Exhibit A to these comments. (The Unions are providing data beginning in September and October 2021 not only because that provides a full year of data, but also because comparing employment numbers for January and August, as carriers have done, fails to control for seasonality in rail employment—employment has historically been higher in August than it has been in January). The Unions' membership numbers are truly demonstrative of the numbers of individuals employed by the carriers in the crafts/classes represented by the Unions because they include actual, continually employed, workers who are paying union dues; and they are not inflated by trainees who do not actually start and maintain careers in the railroad industry. The membership

numbers do not show significant increases in membership or even real increases in membership. For a number of the Unions, membership was down; for a few, membership was insignificantly up from 2021. As shown in Exhibit A:

Total Class I ATDA membership in September of 2021 was 1311, in October of 2022 it was 1219.

Total Class I BLET membership in October of 2021 was 25,977; in September of 2022 it was 24,534.

Total Class I BMWED membership in October of 2021 was 21,117; in September of 2022 it was 20,344.

Total Class I BRS membership in October of 2021 was 5806, in September of 2022 it was 5810.

Total Class I IAM membership in October of 2021 was 5394; in September of 2022 it was 5181.

IBEW membership in July of 2021 was 4723; in July of 2022 it was 4185.

Total Class I NCFO in October of 2021 was 1525; in September of 2022 it was 1606.

Total Class I SMART MD membership in September of 2021 was 534; in August of 2022 it was 536.

Total Class I SMART TD membership (conductors, trainmen, switchmen, yardmen) in October of 2021 was 26,981; in October of 2022 it was 26,889. For Yardmasters it was 560 in October of 2021 and 519 in October of 2022.

Total Transportation Communications International Union Class I membership for Clerks in October of 2021 was 3,722 Clerks, in October of 2022 it was 3380 Clerks; for Carmen it was 5,486 in October of 2021; and 4,988 Carmen in October of 2022.

The Unions key on 2021 and 2022 because the Class I's tell a story of increased employment over the past year; the membership data refute that story.

Railroad Retirement Board data (Exhibit B to these comments) also indicates that Class I carrier employment has been relatively stagnant. RRRB data includes all rail carriers, not just the freight railroads, but the Class I's are the predominant RRRB covered employers. RRRB data show 186,000 covered employees in January of 2021, rising to 190,000 in July, dipping to 188,000 in August through November, and finishing 2021 at 189,000. 2022 started with 186,000 covered employees, and the numbers exceeded the 2021 numbers by 2000 employees through July of 2022, and then increased to 194,000 in September of 2022. See Exhibit B which is an RRRB graph showing numbers of RRRB covered employees in 2021 and 2022. But Amtrak hired 3600 people in 2022 and its net (after retirements and resignations) is 2,100 additional employees. So, the entire difference between 2021 and 2022 in RRRB covered employees from January through May can be accounted for by Amtrak's net workforce change (Amtrak's experience should also be kept in mind when the Board and industry stakeholders evaluate carrier data on hiring—42% of the total Amtrak hiring merely mitigated the losses due to retirements and resignations). The data for 2022 should also be compared to pre-2021 data. The 2021 employment numbers were generally below the 2020 numbers and were significantly below the 2019 numbers and early 2020 (pre-pandemic) numbers. For January through March of 2020 there were between 205,000 and 206,000 RRRB covered employees. So, the peak for 2022 is still more than 10,000 employees below the three months before the pandemic really took hold. And of course, the 2019 numbers were substantially below the numbers for 2017 and 2018, which ranged from 221,000 and 226,000. Exhibit C is an RRRB graph showing RRRB covered employees from 2017-2021; the RRRB 5 year graph does not show partial years, so we have manually superimposed the RRRB's 2022 data on the 2017-2021 graph.

The final and perhaps most telling data source regarding employment on the Class I's is a United Healthcare report for the two National Health and Welfare plans for which all Class I's and virtually all of their subsidiaries are participants. Exhibit D. United Healthcare is the administrator for the National Plans. Most of the commuter railroads and regional railroads are not participants in the National Plans, so these headcounts are the best proxy for actual Class I employment.² According to United Healthcare there were 108,417 covered employees in 2020, 100,446 in 2021 and 98,904 (estimated) for 2022.

III. ARGUMENT

Over the past year, the Class I railroads have sparred with Rail Labor and others regarding the levels of employment on those railroads. Unions have shown that senior employees are retiring earlier than they would have but for the new business model and recent conditions of employment, and that employees are quitting the industry mid-career in unprecedented numbers. The carriers claim that they have been increasing their work forces and have called the unions' evidence "anecdotal". Of course, the unions' evidence included statements from union officers who represent railroad workers and regularly interact with them; and receiving, handling and attempting to ameliorate rail worker complaints is a principal function of the unions; so the railroads' challenge to the validity of the information provided by the unions to the Board

² The UHC data does not include all employees of railroads that participate in the National Plans because some employees opt-out of the Plans because their spouses have coverage from their employers, and some rail workers are still covered by Hospital Association plans. But the vast majority of Class I employees are covered by the National Plans and for purposes of comparing levels of employment over the years, using the UHC numbers provides a consistent basis for comparing changes in levels of employment.

ignores what the unions actually do. And the unions provided statements from actual employees who spoke of their own experiences and those of their co-workers.

But now the unions have provided the Board with objective data about employment numbers for the railroads – in the form of union membership numbers, U.S. RRRB employment data, and headcounts for the railroad industry national health and welfare plans—revealing that over the past year, staffing on the Class I's has been stagnant at best, has actually significantly declined for some crafts, and is lower overall.

In response to the Board's opening of this docket and the hearings held in April, the Class I's have told the Board and industry stakeholders that they have stepped up hiring and are attempting to increase their workforces. The less than enlightening spreadsheets the Class I's have provided to the Board appear to be designed to support these representations (although, as noted above, reporting numbers on a location basis and failing to provide net overall members is not particularly useful). But, to the extent the spreadsheets and cover letters provided to the Board purport to demonstrate actual increases in carrier workforces; the filings are woefully inadequate and do not support the carriers' claims. Among other things, the carriers report numbers of new hires and trainees, but they do not provide total numbers of employees by craft. An accurate and useful report on staffing would must show hires, retirements, and resignations; or net tallies over time. That the carriers are not providing simple net numbers of employees likely reflects the understanding that the actual data would undercut the carriers' narrative.

Furthermore, the claims made by the carriers are refuted by the information provided with this filing.

For example, total Class I membership for the Unions was generally down, significantly for some crafts, and only very minimally up for a few crafts. Again, the Unions key on 2021 and 2022 because the Class I's are supposedly responding to the Board's orders and hearings in this docket, and the Class I's tell a story of increased employment over the past year. But the membership data refute that story. It is especially telling that the levels of employment among engineers and conductors are lower in 2022 than they were in 2021. Filings of the Class I's in this Sub-docket have made much of their supposed efforts to increase employment in those crafts in order to help relieve congestion and improve system fluidity. Those filings touted plans to reach hiring targets for T,E&Y employees, some reported that hiring goals in those crafts were attained. But the actual data show that the number of Class I Operating Craft employees is down since last year. Employment levels among the Non-Operating Crafts are also down, significantly for some crafts. And while the Class I's say they are focused on the Operating crafts (although actual numbers refute that claim), it must be recognized that trains cannot run without properly maintained tracks, signals and locomotives. Current levels of traffic are only slightly below 2021, and are close to pre-pandemic carloadings (AAR reports that 2022 carloads exceed 2021 by .02% while intermodal units are down 4.5% for a total 2.5% decrease in units; 2022 total units is on track to be about 2019 levels). Accordingly, there should not be reduced need for maintenance of way and signal work. And to the extent that the carriers have attempted to explain reductions in operating craft employees by citing the use of longer trains, that should not affect the requirements for maintenance of way and signal work; indeed, longer trains put more force and stress on the track and switches due to the effects of greater torque and train length and weight on the tracks and switches. Additionally, if the carriers are increasing the number of

locomotives in service, as they represent they are, then they should be increasing not decreasing, the number of employees who inspect and maintain those locomotives (especially since more detailed inspections and maintenance are required for locomotives that have been mothballed).

The U.S. RRRB data is consistent with the membership data. Again, these data include all rail carriers; but the Class I's still predominate, so trends can reasonably be inferred from the RRRB data. The RRRB reported 186,000 covered workers in January of 2021, a 2021 peak of 190,000 in July of 2021, and 188,000 through the Fall of 2021. The data for 2022 through July show an average of 2000 more employees a month than 2021; but all of that difference can be accounted for by the net increase in Amtrak employment (2100). The RRRB reported larger increases in August and September (to 192,000 and 194,000). But it must be noted that those numbers are barely higher than for 2020 in the heart of the pandemic; and are well below the employment numbers in December of 2019 (202,000), and significantly below the numbers for January of 2019 (223,000). Those numbers likely also include trainees, many of whom will not continue on to regular employment.

Finally, compelling information comes from United Healthcare: covered employees under the national health and welfare plans. That data shows 108,417 covered employees in 2020, 100,446 in 2021, **and an estimated 98,904 for 2022; with a projection of only 100,015 for 2023.** The covered employee data comes from the Class I's. The numbers are actually down from 2021 and down even more from 2020. And these numbers have barely budged since the Board's hearings in April.

The Carriers have asserted to this Board, to PEB 250, and to industry stakeholders, that they have no problem retaining existing workers, that they have no problem recruiting new

employees, that they are actively hiring, and that they are trying to increase their workforces. They set their own employment targets, and their reports to the Board imply progress in increasing employment. But since freight rail employment has been at best relatively stagnant for some crafts, and actually on the decline overall, at least one of the Class I's assertions cannot be true. If the carriers have no problem retaining existing workers, have no problem recruiting workers, and are actively hiring new workers, then their workforces should be growing. But they are not. The multiple sources of data provided by the unions demonstrate that the Class I's are not trying to increase their workforces or that they are unable to do so. If the Class I's dispute the data provided by the unions, the unions invite the carriers to provide their own evidence of increased net staffing. So, either current workers are leaving at greater pace than in the past, or at a greater pace than the carriers are hiring; or the carriers are not able to hire fast enough to more than replace workers who are retiring or resigning. There is also the separate question about whether replacing a 10 year Signalman, Electrical Worker, Machinist, Track Inspector, Engineer or Conductor with a new hire maintains a carrier's effective level of staffing; the Unions submit that the facile assertions that the carriers will be adequately staffed because they have meaningfully ramped up hiring (which does not appear to be the case), ignores the loss of skills and experience when a new hire replaces a worker who has retired or resigned.

Of course, the Class I's set their own employment goals. But, even if they actually attain those goals, that does not mean they are adequately staffed. The RRRB and United Healthcare data for the last 5 years are particularly telling in this regard. Even putting aside the initial reductions in employment after the first three years of operations under the new business model, the carriers are still well below 2019 staffing. The U.S. RRRB reports 223,000 employees in

December of 2019 and 194,000 in August of 2022 (a 14% difference) and United Healthcare reports 125,693 covered employees in 2019 and 98,904 for 2022 (a 21% difference), when carloadings are only not meaningfully different from 2019 levels.

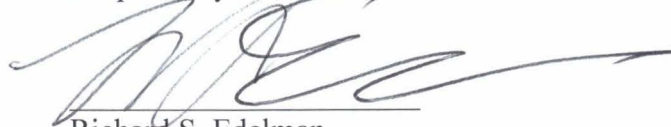
The information provided with this submission reveals that the Class I's have not rebuilt their workforces, and do not intend to rebuild their workforces (*see* United Healthcare estimate for 2023—100,015), in order to provide better and more reliable service; nor do they intend to improve their resiliency by staffing at a level where they will be able to respond to reasonably foreseeable events and actions (such as weather events and seasonal or circumstantial demand for service). Rather, the Class I's appear to have set staffing targets at the leanest possible levels. In response to the Board's opening of this docket and holding hearings on the Class I's service failures, they claim that they are making efforts to increase staffing; but they're not. Despite the obvious need for having sufficient numbers of employees to be able to respond to fluctuations in demand, to be able to deal with occasional but foreseeable events that negatively impact service, and to ensure that employees are sufficiently rested to work safely and to have the ability to take some time off, the Class I's are only staffing at levels sufficient to provide the most basic service to the highest priority shippers, assuming that nothing will go wrong, and that workers can be compelled to work multiple days of overtime and on off-days. The only explanation for this model, which is certainly not an effective transportation model that is designed to adequately serve shippers, is that reducing a workforce to the "bare bones" minimum allows the carriers to reduce their operating costs. Accordingly, despite their protestations to the contrary, it is clear that the Class I's are focused primarily on their Operating Ratios, and not on what it takes to comply with their common carrier obligations.

IV. CONCLUSION

The Unions support the Board's extension of the reporting requirements required in this Sub-docket. Given the insufficiency of the carriers' filings concerning their workforces, and the apparent disconnect between what the carriers have been telling the Board and industry stakeholders versus reality, the Board should require the carriers to provide more useful and detailed reports on their workforces as described in the June 30, 2022 filing of several unions that is summarized above.

The Unions support the FRCA and NCTA requests that the Board to expand the service data reporting, make the reporting requirements permanent, impose penalties for continued poor performance and failure to comply with their common carrier obligations, and apply the common carrier obligation on a system basis rather than customer basis.

Respectfully submitted,



Richard S. Edelman
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street NW, Suite 400
Washington, DC 20036
(202) 783-0010
redelman@mooneygreen.com
Attorney for BMWED, BRS, IBB, NCFO
SMART MD, and TWU

Lucas R. Aubrey
Sherman Dunn, P.C.
900 Seventh St., N.W., Ste. 1000
Washington, DC 20001
Tel: (202) 785-9300
aubrey@shermardunn.com
Attorney for IBEW

Kevin Brodar
General Counsel
Erika A. Diehl-Gibbons
Associate General Counsel
SMART-TD
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070
Tel: (216) 228-9400
kbrodar@smart-union.org
ediehl@smart-union.org
Attorneys for SMART-TD

Joshua D. McInerney
Wentz, McInerney, Peifer & Petroff, LLC
3311 Bear Pointe Cir.
Powell, OH 43065
(614) 756-5566
jmcinerney@lawforlabor.com
Attorney for BLET

December 2, 2022

UNIONS' EXHIBIT A

American Train Dispatchers Association Employment with Class I Carriers 9/21 and 10/22

	September 2021	October 2022
BNSF	588	575
NSR	340	278
CSXT	311	304
KCS	40	41
CP	32	21
totals	1311	1219

ATDA

BLET Membership Data - Big 4 + KCS, CP & CN

	21-Oct	21-Nov	21-Dec	22-Jan	22-Feb	22-Mar	22-Apr	22-May	22-Jun	22-Jul	22-Aug	22-Sep
BNSF	8,345	8,296	8,276	8,248	8,226	8,180	8,147	8,108	8,066	8,011	7,966	7,940
CN	174	174	174	174	173	174	171	172	172	171	171	166
CP	356	354	353	350	347	342	343	343	342	341	340	340
CSXT	4,564	4,530	4,494	4,477	4,462	4,449	4,428	4,417	4,400	4,374	4,343	4,324
KCS	400	400	400	398	398	397	399	404	404	403	408	409
NS	5,239	5,202	5,146	5,104	5,086	5,038	5,006	4,961	4,868	4,839	4,772	4,753
UP	6,899	6,868	6,849	6,822	6,792	6,779	6,749	6,729	6,691	6,667	6,654	6,602
TOTALS	25,977	25,824	25,692	25,573	25,484	25,359	25,243	25,134	24,943	24,806	24,654	24,534

BLET

BMWED Membership Data - Big 4 + KCS, CP & CN

	21-Oct	21-Nov	21-Dec	22-Jan	22-Feb	22-Mar	22-Apr	22-May	22-Jun	22-Jul	22-Aug	22-Sep
BNSF	5,909	5,873	5,775	5,697	5,578	5,657	5,726	5,738	5,767	5,808	5,793	5,790
CN	1,384	1,381	1,343	1,348	1,310	1,257	1,360	1,365	1,357	1,346	1,333	1,310
CP	583	582	591	577	547	561	576	591	581	582	578	588
CSXT	3,842	3,832	3,863	3,839	3,824	3,881	3,880	3,873	3,875	3,864	3,555	3,448
KCS	382	381	382	381	383	380	382	376	374	373	368	368
NS	2,894	2,906	2,916	2,890	2,876	2,871	2,881	2,874	2,899	2,874	2,884	2,876
UP	6,123	6,107	6,049	6,034	5,989	5,978	5,997	6,012	6,009	6,022	5,978	5,954
TOTALS	21,117	21,062	20,919	20,766	20,507	20,585	20,802	20,829	20,862	20,869	20,489	20,334

BMWED

**BRS Membership Numbers on Class I Railroads
October 2021 through October 2022**

	10-21	11-21	12-21	01-22	02-22	03-22	04-22	05-22	06-22	07-22	08-22	09-22	10-22
BNSF	1645	1628	1621	1619	1619	1609	1628	1648	1649	1632	1619	1618	1631
CN	335	336	333	400	331	329	328	336	334	334	334	328	331
CP	136	134	133	143	143	145	148	151	152	151	154	147	145
CSXT	1194	1182	1185	1174	1165	1169	1172	1162	1159	1165	1167	1159	1162
KCS	81	80	81	82	82	83	83	83	83	83	83	83	81
NSR	796	790	788	787	790	795	798	796	800	812	820	835	840
UP	1619	1617	1638	1638	1634	1629	1625	1627	1643	1640	1649	1631	1628
Total	5,806	5,767	5,779	5,843	5,764	5,759	5,782	5,803	5,820	5,817	5,826	5,801	5,818

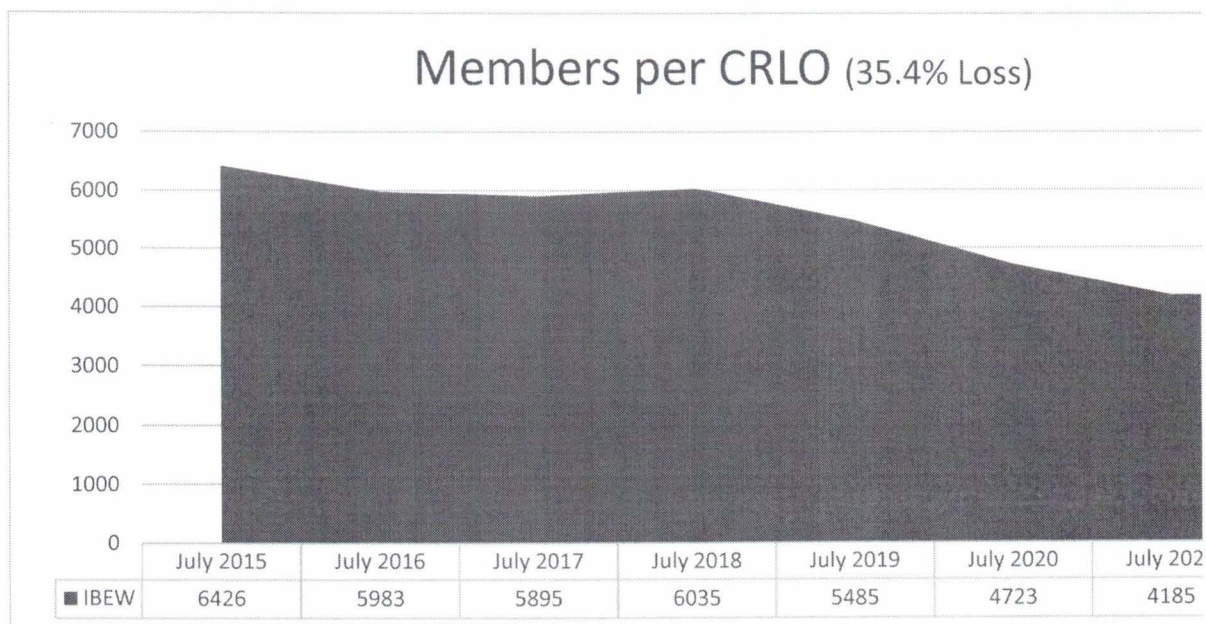
BRS

Carrier	21-Oct	1-Nov	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22
BSNF	2116	2093	2071	2035	2068	2040	2009	2034	2031	2027	1988	1980	1979
CN	246	237	237	239	235	236	230	228	227	229	223	221	222
CP	74	75	73	73	74	71	72	73	73	69	66	67	68
CSXT	723	718	725	718	715	714	705	698	712	710	709	708	713
KCS	92	81	81	91	91	87	87	92	90	91	87	88	100
NS	701	687	714	730	727	716	699	702	706	711	710	699	711
UP	1442	1433	1418	1449	1442	1394	1373	1412	1421	1425	1414	1418	1439

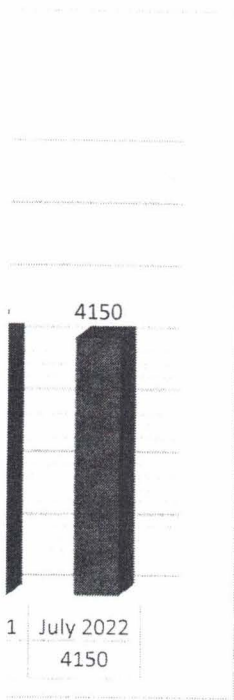
total	5394	5324	5319	5335	5352	5258	5175	5239	5260	5262	5197	5181	5232
IAMAW													

IAMAW

<u>DATE</u>	<u>Amount</u>	
July 2015	6426	
July 2016	5983	-6.90%
July 2017	5895	-1.50%
July 2018	6035	2.40%
July 2019	5485	-9.10%
July 2020	4723	-13.90%
July 2021	4185	-11.40%
July 2022	4150	-0.80%



IBEW



Railroad	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
BNSF	772	774	757	767	755	748	748	746	754	747	740	750
CSX	126	140	140	145	140	141	135	145	142	144	140	140
NS	201	208	206	203	203	209	203	207	208	208	214	215
UP	426	429	429	441	451	458	456	473	473	489	488	501
Total	1525	1551	1532	1556	1549	1556	1542	1571	1577	1588	1582	1606

National Conference of Firemen and Oilers

NCFO

Month	BNSF	CSX	NS	UP	total
Sep-21	279	92	82	81	534
Oct-21	274	90	80	82	526
Nov-21	272	92	80	79	523
Dec-21	271	94	78	81	524
Jan-22	276	115	77	82	550
Feb-22	279	113	77	83	552
Mar-22	280	113	76	84	553
Apr-22	284	112	79	83	558
May-22	278	112	78	83	551
Jun-22	281	110	78	81	550
Jul-22	283	113	78	78	552
Aug-22	290	112	77	77	556
Sep-22	289		81	77	

Int'l Assn	Sheet	Metal	Air	Rail	Transp	Workers	Mech	Div
------------	-------	-------	-----	------	--------	---------	------	-----

SMART MD

	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22
BNSF	9,053	8,937	8,861	8,794	8,576	8,489	8,536	8,650	8,657	8,622	8,556	8,540	8,615
Canadian National	1,425	1,415	1,415	1,408	1,349	1,338	1,356	1,355	1,336	1,367	1,396	1,420	1,436
Canadian Pacific	437	434	433	437	441	443	446	440	441	455	454	450	461
CSX	4,023	4,056	4,137	4,171	4,027	4,118	4,156	4,227	4,315	4,303	4,335	4,375	4,397
Kansas City Southern	726	727	727	732	689	698	692	692	698	688	678	681	683
Norfolk & Southern	3,818	3,761	3,727	3,687	3,591	3,601	3,574	3,580	3,581	3,602	3,642	3,724	3,726
Union Pacific	8,059	8,070	8,142	8,108	7,938	7,923	7,938	7,965	7,982	7,973	7,950	8,033	8,090
	27,541	27,400	27,442	27,337	26,611	26,610	26,698	26,909	27,010	27,010	27,011	27,223	27,408
Yardmaster Craft													
BNSF	98	95	96	94	98	98	98	97	93	93	90	88	89
Canadian National	60	58	61	61	60	60	58	58	58	56	56	56	55
Canadian Pacific	5	5	4	4	4	4	4	3	3	3	3	3	3
CSX	137	139	136	135	134	138	140	138	139	138	138	136	136
Kansas City Southern	10	10	10	10	10	10	10	10	10	10	10	10	10
Norfolk & Southern	172	171	170	167	165	168	159	160	160	158	157	156	157
Union Pacific	78	78	76	75	75	71	73	74	72	72	69	69	69
Sub-Total Yardmaster	560	556	553	546	546	549	542	540	535	530	523	518	519
Excluding Yardmaster Craft	26,981	26,844	26,889	26,791	26,065	26,061	26,156	26,369	26,475	26,480	26,488	26,705	26,889

SMART TD

SMART TD

Employer	Applied Date	Total Class 1 Members
----------	--------------	-----------------------

CSX	10/1/2021	943
CSX	11/1/2021	923
CSX	12/1/2021	919
CSX	1/1/2022	920
CSX	2/1/2022	926
CSX	3/1/2022	922
CSX	4/1/2022	866
CSX	5/1/2022	904
CSX	6/1/2022	853
CSX	7/1/2022	861
CSX	8/1/2022	859
CSX	9/1/2022	859*
CSX	10/1/2022	859*

*estimate

*estimate

TCU

Clerks

BNSF	10/1/2021	1,286
BNSF	11/1/2021	1,278
BNSF	12/1/2021	1,297
BNSF	1/1/2022	1,296
BNSF	2/1/2022	1,292
BNSF	3/1/2022	1,301
BNSF	4/1/2022	1,291
BNSF	5/1/2022	1,292
BNSF	6/1/2022	1,280
BNSF	7/1/2022	1,257
BNSF	8/1/2022	1,219
BNSF	9/1/2022	1,197
BNSF	10/1/2022	1,167

NS	10/1/2021	696
NS	11/1/2021	685
NS	12/1/2021	671
NS	1/1/2022	666
NS	2/1/2022	652
NS	3/1/2022	654
NS	4/1/2022	647
NS	5/1/2022	638
NS	6/1/2022	628
NS	7/1/2022	622
NS	8/1/2022	609
NS	9/1/2022	601
NS	10/1/2022	584

UP	10/1/2021	797
UP	11/1/2021	798
UP	12/1/2021	800
UP	1/1/2022	811
UP	2/1/2022	802
UP	3/1/2022	799
UP	4/1/2022	791
UP	5/1/2022	796
UP	6/1/2022	814
UP	7/1/2022	808
UP	8/1/2022	786
UP	9/1/2022	759
UP	10/1/2022	770

Clerks 10/21	3,722
Clerks 10/22	3,380

Employer	Applied Date	Total Class 1 Members	
CSX	10/1/2021	876	
CSX	11/1/2021	875	
CSX	12/1/2021	861	
CSX	1/1/2022	851	
CSX	2/1/2022	840	
CSX	3/1/2022	854	
CSX	4/1/2022	847	
CSX	5/1/2022	845	
CSX	6/1/2022	848	
CSX	7/1/2022	844	
CSX	8/1/2022	837	
CSX	9/1/2022	837*	*estimate
CSX	10/1/2022	837*	*estimate

TCU

Carmen

BNSF	10/1/2021	2,134
BNSF	11/1/2021	2,116
BNSF	12/1/2021	2,100
BNSF	1/1/2022	2,114
BNSF	2/1/2022	2,046
BNSF	3/1/2022	2,033
BNSF	4/1/2022	2,021
BNSF	5/1/2022	2,019
BNSF	6/1/2022	2,014
BNSF	7/1/2022	2,001
BNSF	8/1/2022	1,981
BNSF	9/1/2022	1,978
BNSF	10/1/2022	1,840

NS	10/1/2021	876
NS	11/1/2021	856
NS	12/1/2021	843
NS	1/1/2022	832
NS	2/1/2022	796
NS	3/1/2022	782
NS	4/1/2022	772
NS	5/1/2022	764
NS	6/1/2022	765
NS	7/1/2022	753
NS	8/1/2022	760
NS	9/1/2022	749
NS	10/1/2022	734

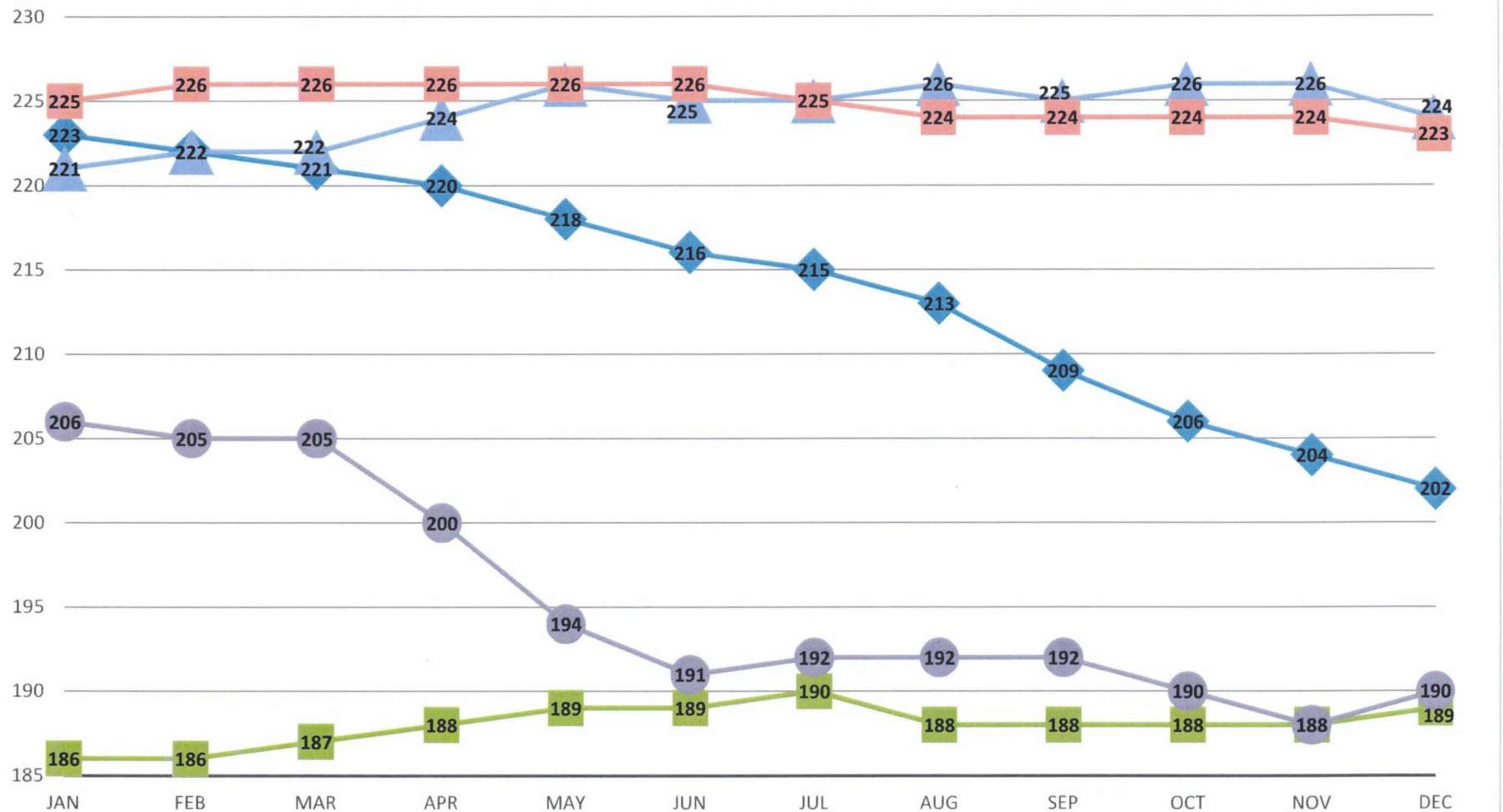
UP	10/1/2021	1,600
UP	11/1/2021	1,610

UP	12/1/2021	1,601
UP	1/1/2022	1,582
UP	2/1/2022	1,573
UP	3/1/2022	1,579
UP	4/1/2022	1,579
UP	5/1/2022	1,578
UP	6/1/2022	1,578
UP	7/1/2022	1,568
UP	8/1/2022	1,556
UP	9/1/2022	1,555
UP	10/1/2022	1,577

Carmen 10/21	5,486
Carmen10/22	4,988

UNIONS' EXHIBIT B

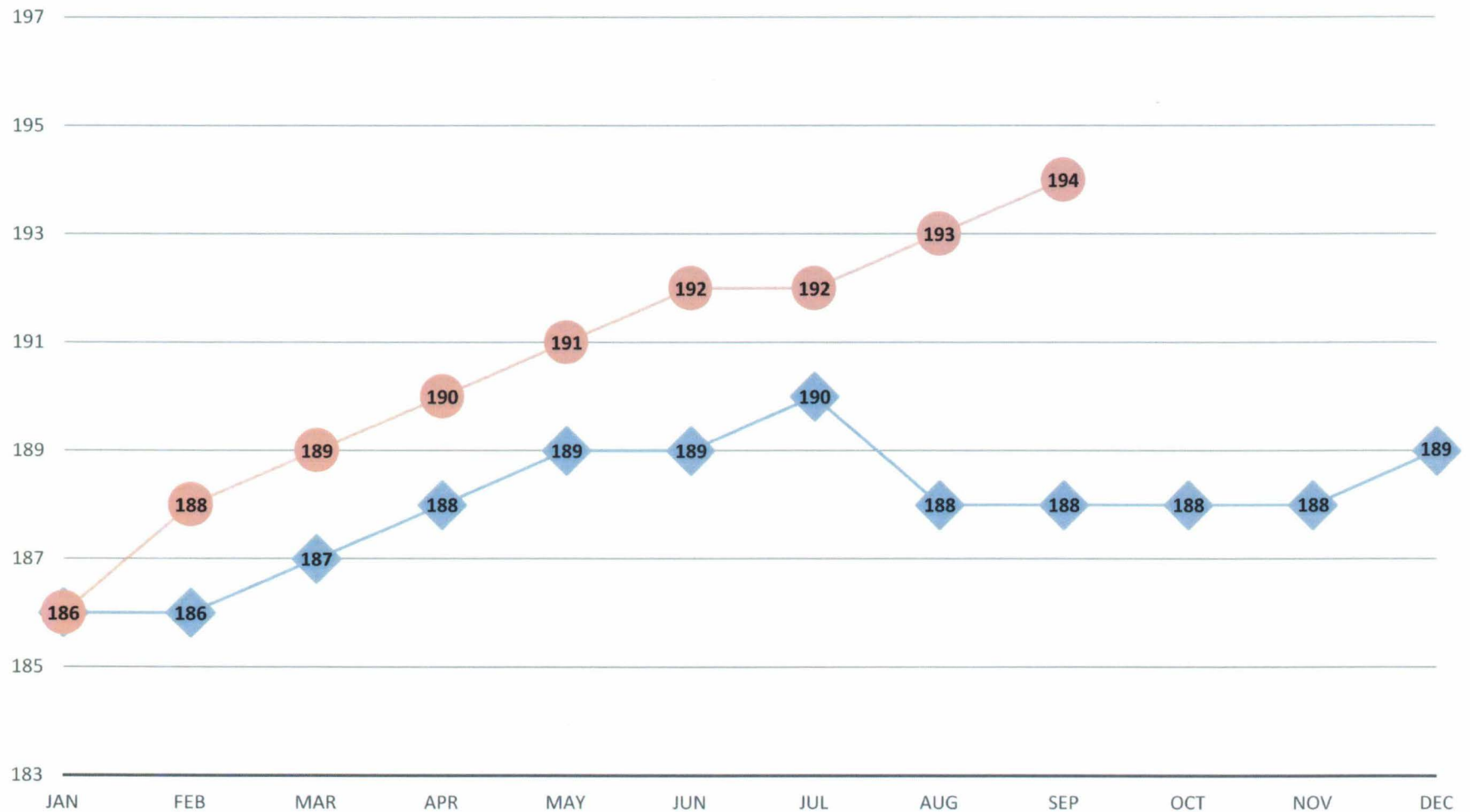
AVERAGE RAILROAD EMPLOYMENT (IN THOUSANDS) JANUARY 2017 - DECEMBER 2021



The calendar year average employment was 225,000 in 2017, 224,000 in 2018, 217,000 in 2019, 195,000 in 2020, and 188,000 in 2021. Calendar year 2021 data will be finalized in December 2022.

■ 2021 ● 2020 ◆ 2019 ▲ 2018 ■ 2017

AVERAGE RAILROAD EMPLOYMENT (IN THOUSANDS) JANUARY 2021 - SEPTEMBER 2022



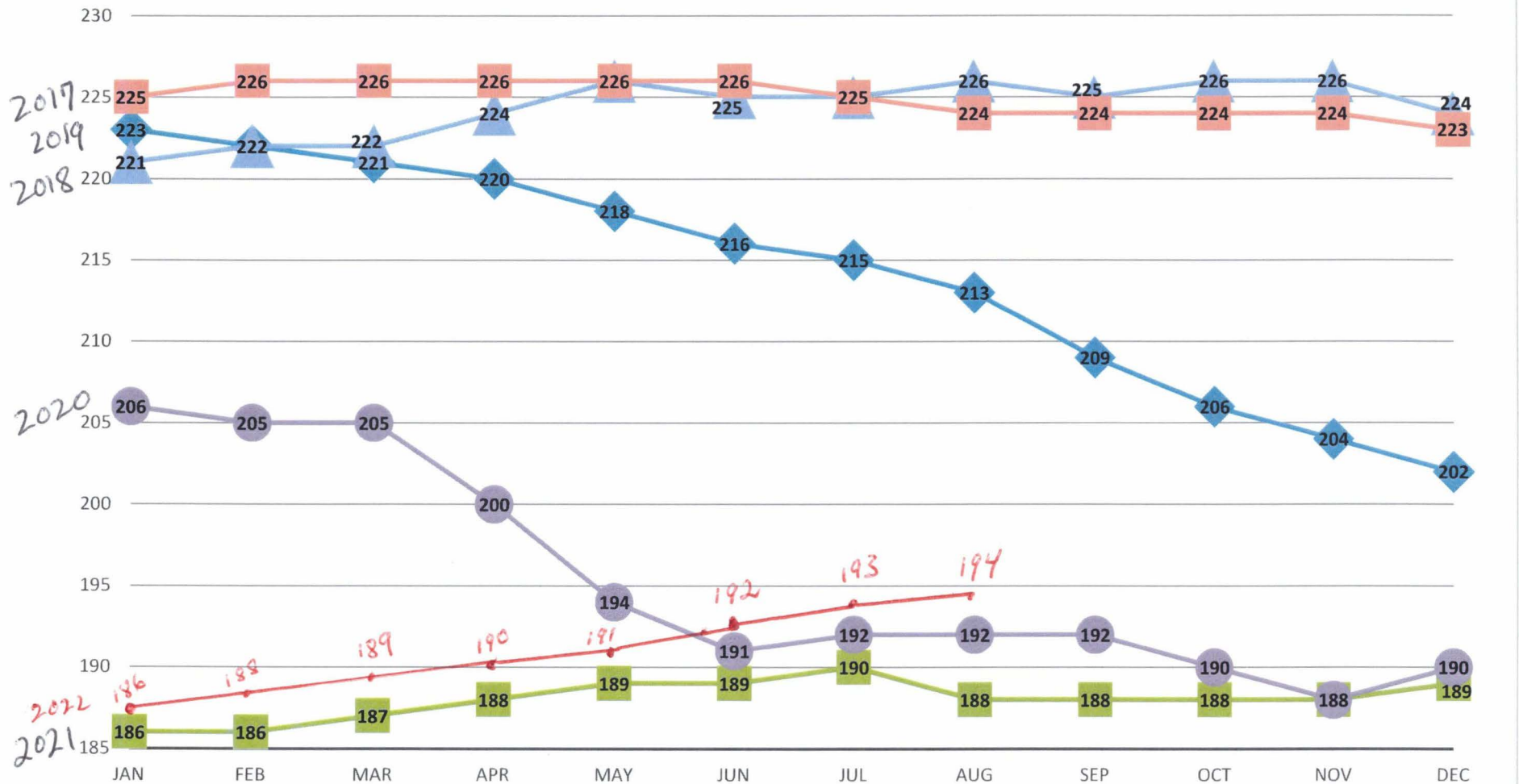
The preliminary 2021 calendar year average was 188,000. In December 2022, all figures will be revised when 2021 data is finalized.

◆ 2021 ● 2022

Note: Employment estimates rely on monthly Class I reports to the Surface Transportation Board.

UNIONS' EXHIBIT C

AVERAGE RAILROAD EMPLOYMENT (IN THOUSANDS) JANUARY 2017 - DECEMBER 2021



The calendar year average employment was 225,000 in 2017, 224,000 in 2018, 217,000 in 2019, 195,000 in 2020, and 188,000 in 2021. Calendar year 2021 data will be finalized in December 2022.

■ 2021
 ● 2020
 ◆ 2019
 ▲ 2018
 ■ 2017

● 2022

UNIONS' EXHIBIT D



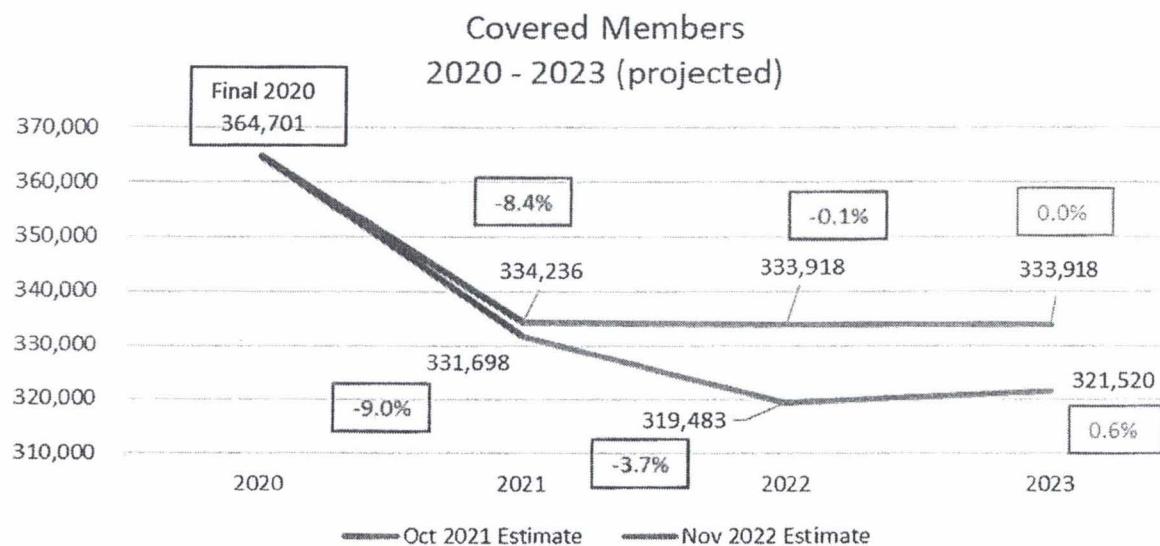
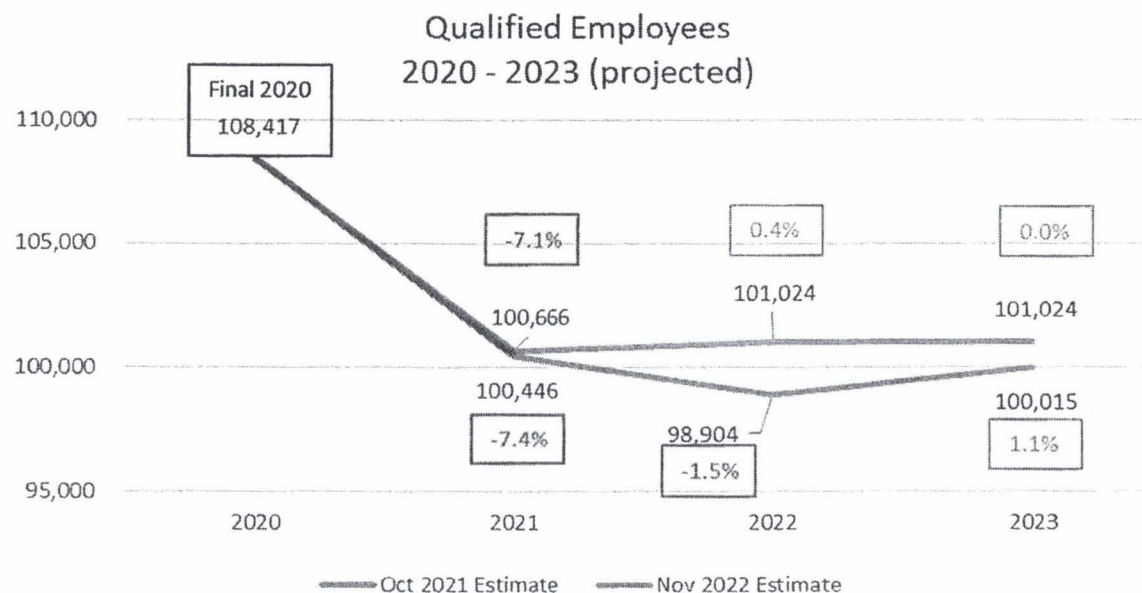
2023 Overall Funding Update

H&W and NRC/UTU Plans Combined

November 3, 2022

United
Healthcare

Summary of Qualifying Employees & Covered Members H&W and NRC/UTU Plans Combined



Ratio - Mbrs/QEs		
	2022	2023
Oct-21	3.31	3.31
Nov-22	3.23	3.22



H&W and NRC/UTU Plans Combined

Qualifying Employees and Covered Members

Average for Indicated Period				Average for Indicated Period			
	Qualifying Employees (1)	Covered Members (1)	Ratio (2)		Qualifying Employees (1)	Covered Members (1)	Ratio (2)
	(a)	(b)	(c)=(b)/(a)		(d)	(e)	(f)=(e)/(d)
<u>2013</u>				<u>2022 estimated</u>			
Total	142,789	423,785	2.968	Nov 2021	99,351	324,185	3.263
				Dec	98,902	322,890	3.265
<u>2014</u>				Jan 2022	98,036	317,825	3.242
Total	143,652	431,513	3.004	Feb	97,981	317,340	3.239
				Mar	98,001	316,855	3.233
<u>2015</u>				Apr	98,513	317,195	3.220
Total	148,162	449,241	3.032	May	98,770	317,715	3.217
				Jun	99,214	319,205	3.217
<u>2016</u>				Jul	99,353	319,570	3.217
Total	134,898	428,644	3.178	Aug	99,503	320,104	3.217
				Sep	99,551	320,265	3.217
<u>2017</u>				Oct	99,673	320,647	3.217
Total	129,400	411,005	3.176	Total	98,904	319,483	3.230
<u>2018</u>				<u>2023 projected</u>			
Total	127,611	404,036	3.166	Total	100,015	321,520	3.215
<u>2019</u>							
Total	125,693	400,650	3.188				
<u>2020</u>							
Total	108,417	364,701	3.364				
<u>2021</u>							
Total	100,446	331,698	3.302				

(1) Average number for November of prior year through October of indicated year.

(2) The adequacy of the funding rates is partly a function of this ratio, which relates the number of QEs to the number of covered members for November of prior year through October of indicated year.