

BEFORE PRESIDENTIAL EMERGENCY BOARD NO. 242

In the Matter of:)	
)	
NATIONAL RAILROAD PASSENGER)	
CORPORATION,)	A-13340
)	A-13080
- and -)	A-13185
)	A-13125
AMERICAN TRAIN DISPATCHERS ASSOCIATION;)	A-13098
BROTHERHOOD OF MAINTENANCE OF WAY)	A-13330
EMPLOYES/IBT; BROTHERHOOD OF RAILROAD)	A-13370
SIGNALMEN; INTERNATIONAL ASSOCIATION)	A-13395
OF MACHINISTS AND AEROSPACE WORKERS;)	A-13435
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS; JOINT COUNCIL OF)	
CARMEN, COACH CLEANERS AND HELPERS;)	
NATIONAL CONFERENCE OF FIREMEN AND)	
OILERS, SEIU; THE AMERICAN RAILWAY AND)	
AIRWAY SUPERVISORS ASSOCIATION-)	
MAINTENANCE OF EQUIPMENT; and THE)	
AMERICAN RAILWAY AND AIRWAY)	
SUPERVISORS ASSOCIATION-MAINTENANCE OF)	
WAY.)	

**SUMMARY STATEMENT OF THOMAS R. ROTH
IN RE MEAL ALLOWANCE
ON BEHALF OF NON-OPERATING ORGANIZATIONS**

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BEFORE THE PRESIDENT'S EMERGENCY BOARD

NO. 242

Peter Tredick, Chairman
Ira Jaffee, Member
Joshua Javits, Member
Annette Sandberg, Member
Helen Witt, Member

IN RE: MEAL EXPENSE ALLOWANCE

SUMMARY

STATEMENT

FILED ON BEHALF OF

**NINE COOPERATING
LABOR ORGANIZATIONS**

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December 7, 2007

Meal Expense Allowance

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SUMMARY STATEMENT

Meal Allowances

The cost of travel away from home to perform service for the Carrier is not an issue for all of the Organizations. The shopcraft employees for instance are seldom required to travel on company business and have not had to focus negotiations on meal or travel expense allowances for work away from home. The Brotherhood of Railroad Signalmen (BRS) negotiated a rule which calls for the payment of “all necessary expenses, including mileage” for traveling gangs and others working away from headquarters (Rule 39). Supervisors (ARASA-MW) receive payment for “actual and necessary” expenses incurred by employees while performing service away from their headquarters and who are not able to return home at the end of the day (Rule 11). Similarly, the ATDA Dispatchers are reimbursed for “actual necessary living expenses (and auto mileage when authorized) while away from their regular headquarters” (Rule 15).

The Brotherhood of Maintenance of Way Employees (BMWED), on the other hand, has a significant portion of its membership who are required to travel extensively along the railway in maintaining track and structures. Under its Amtrak Agreement, the BMWED provisions on Amtrak have three components: the full reimbursement for a sleeping room, a fixed-dollar weekly “travel allowance,” and a fixed-dollar daily meal allowance. Together these allowances are intended to reimburse the employee for the full cost of meals, transportation and lodging.



A. Travel Expense Allowance

Under the current BMWED Agreement, employees required to travel from home to camp cars or other work headquarter, receive a **\$25.00 arbitrary per weekly round trip**. The allowance is paid to help reimburse for the cost of travel, regardless of the distance. Travel expenses include the costs of operating an automobile, tolls, and meals in transit. Like all arbitraries, the dollar allowance is intended to deal with the "typical" situation, understanding that the experience of individual employees varies greatly. In this instance, the value of the travel allowance depends on the miles traveled by the individual from personal residence to the headquarter point which, of course, spans hundreds of miles. This fixed-dollar allowance has not been adjusted since December 1997 and obviously has not keep pace with the cost of travel. The \$25.00 arbitrary for example currently covers the purchase of approximately eight gallons of gasoline, but that allows for no reimbursement of any other expenses.

The BMWED National Freight Agreement provides for a travel expense allowance as well. While it is currently superior to the benefit on Amtrak, it was not improved during the last two rounds of freight negotiations. Accordingly, consistent with the Organizations' position to apply the BMWED freight pattern to Amtrak, no improvement is called for during this round.

B. Meal Allowance

The present rule requires the employer to furnish meals, or in lieu thereof, to reimburse the employee up to **\$29.50 per day** for purchase of all meals. The dollar allowance, which has become the operative rule, has been adjusted on several occasions in the past, most recently on December 9, 1997. The BMWED proposes to increase the allowance by 20% to **\$35.40 per day**.

Under the BMWED National Freight Agreement, the meals-away-from-home allowance is



structured in tiers: breakfast, lunch and dinner. During the 2000 round of freight negotiations the dollar allowances were increased by 14 to 19 percent. Application of the freight pattern calls for a commensurate increase on Amtrak. (Attachment 1 and 2)

The proposed 20 percent increase is not even close to the amount necessary to restore the purchasing power of the allowance established in December 1997. The cost of food bought away from home as measured by that specific component of the Consumer Price Index (CPI) indicates that those costs have risen over **31.5 percent** since December 1997 for all U.S. cities. (Attachment 3) The CPI indices for food-away-from-home in the Northeast U.S. areas show increases which exceeded the national average. Moreover, even with the proposed 20 percent increase, the real value over the course of the agreement, which will not be amendable before January 1, 2010, will continue to collapse.

We remind the Board that the employees to whom the meal allowance proposal is directed are those who are required to be away from home and family for their entire work week. These are employees who must travel hundreds of miles from their homes to a lodging facility, generally regarded as their headquarters, prior to the work week. They are then transported on a daily basis in company vehicles, along with their tools and materials, from their remote headquarters to the actual track work site, which moves as the work progresses. Work on the maintenance-of-way gang is certainly some of the most arduous in all of railroading, but when it is performed away from home and family, it is also a job performed under the most onerous of conditions. While there is nothing the Board can do to alter the basic nature of the job, it must at least address the economic burden of excess travel by modernizing the meal expense provision. Accordingly, we urge the Board to recommend the adoption of the Organizations' proposal.



EXPENSES AWAY FROM HOME ALLOWANCES:**CLASS I FREIGHT EMPLOYEES****REPRESENTED BY THE BMWED****Agreement effective 1/1/00 and amendable 1/1/05**

Freight Railroads Allowance	Allowance as of			Percent Increase Since 1/00
	1/1/2000	7/1/02	7/1/05	
Lodging	\$26.75	\$29.00	\$32.00	19.6%
Meals				
Breakfast	\$7.00	\$7.50	\$8.00	14.3%
Lunch	14.25	15.50	17.00	19.3%
Dinner	21.25	23.00	25.00	17.6%
Maximum	\$48.00	\$52.00	\$57.00	18.8%

BMW
MAY 31, 2001

AGREEMENT

DATED MAY 31, 2001

Between Railroads Represented by the
NATIONAL CARRIERS' CONFERENCE COMMITTEE

and

Employees of such Railroads represented by the
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

(k) This Section shall become effective with respect to employees covered by this Agreement on January 1, 2002.

Section 3 - Vision Care

Effective January 1, 2002, the benefits provided under the Vision Care Plan shall be changed from the Select to the Standard arrangement.

ARTICLE VI - EXPENSES AWAY FROM HOME

Section 1 - First Adjustment

The allowances specified in the Award of Arbitration Board No. 298 (rendered September 30, 1967), as adjusted in various subsequent national agreements, shall be further adjusted as follows effective July 1, 2002:

(a) The maximum reimbursement for actual reasonable lodging expense provided for in Article I, Section A(3) is increased from \$26.75 to \$29.00 per day;

(b) The meal allowances provided for in Article I, Sections B(1), B(2) and B(3) are increased from \$7.00, \$14.25 and \$21.25 per day, respectively, to \$7.50, \$15.50 and \$23.00 per day, respectively; and

(c) The maximum reimbursement for actual meals and lodging costs provided for in Article II, Section B is increased from \$48.00 per day to \$52.00 per day.

Section 2 - Second Adjustment

Effective January 1, 2005, the daily allowances specified in paragraphs (a), (b), and (c) of Section 1 above will be further adjusted to (a) \$32.00;

(b) \$8.00, \$17.00 and \$25.00, respectively, and (c) \$57.00.

Section 3 - Minimum Allowance

On carriers where expenses away from home are not determined by the allowances made pursuant to the Award of Arbitration Board No. 298, such allowances will not be less than those provided for in this Article.

ARTICLE VII - TRAVEL ALLOWANCE

Section 1

Article XIV - Travel Allowance of the September 26, 1996 National Agreement is amended by adding the following new subsection to Section 1 of that Article:

“(d) For purposes of this Section, an employee’s Home Station (as defined below) shall be used in lieu of his residence if the employee’s residence is located outside of the employing carrier’s system (i.e., in a state (or location outside the continental United States) that does not contain a line of road directly operated and maintained by that carrier), except where his residence is closer to the work location than his Home Station. Home Station for this purpose shall mean a station, town or city listed in the carrier’s timetable that is located nearest to the employee’s residence.”

Section 2

Any alternative arrangements to the above-referenced Article XIV that are in effect on a carrier party to this Agreement shall be amended in the same manner as provided in Section 1.

**AMTRAK MEAL ALLOWANCES
REQUIRED TO KEEP UP WITH INFLATION
SINCE DECEMBER 1997**

Current Provision: \$29.50 per day meal allowance as of December 9, 1997

CPI	Increase in CPI "Food Away From Home" since Dec. 1997	Dec. 1997 \$29.50 meal allowance after adjustment based on CPI Component for "Food Away From Home"
All U.S. Cities	31.5%	\$38.78
Northeast Urban	32.3%	\$39.02
Boston - Brockton - Nashua	35.1%	\$39.86
New York - Northern New Jersey - Long Island	32.1%	\$38.97
Philadelphia - Wilmington - Atlantic City	28.0%	\$37.76
Washington - Baltimore	34.6%	\$39.71

Note: the Boston and Washington-Baltimore CPI changes are measured from November 1997 to September 2007. The other CPI reflect the change from December 1997 to October 2007.

Source: U.S. Department of Labor, Bureau of Labor Statistics.