



SMART

Transportation Division News

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International Association of Sheet Metal, Air, Rail and Transportation Workers

Szabo gives oversight of passenger, freight rail safety

Federal Railroad Administrator Joseph Szabo addressed members of the House Committee on Transportation and Infrastructure's Subcommittee on Railroads, Pipelines, and Hazardous Materials Feb. 26, providing them with oversight of passenger and freight rail safety and responding to questions.



Szabo

Szabo said FRA's top priority is safety and Fiscal Year 2012 was the safest year on record, with preliminary data from Fiscal Year 2013 indicating it will be even better than the previous year.

He reported that since 2004, total train accidents have declined by 47 percent, total derailments have declined by 47 percent and total highway-rail grade crossing accidents have declined by 35 percent.

"These safety improvements resulted in 13 percent fewer fatalities overall, 59 percent fewer employee fatalities and nine percent fewer injuries over 10 years. These improvements are impressive in their own right, but especially if you consider the regulatory workload that FRA received from the Rail Safety Improvement Act of 2008 and passenger and freight rail's growth during this same time," Szabo said.

"As we use data and research to drive continuous safety improvement, we learn from every accident. FRA investigators focus on identifying an accident's root causes so we can further eliminate risk and take appropriate enforcement action. This is one more facet of our comprehensive approach to rail safety."

According to Szabo, the Department of Transportation, including the FRA, has responded aggressively to recent accidents that have received widespread attention.

As a result of several accidents on Metro-North Commuter Railroad, FRA issued Emergency Order 29 and Safety Advisory 2013-08 on Dec. 11, 2013. EO 29 required Metro-North to take immediate action to prevent excessive train speeds by identifying and prioritizing high-risk

areas, modifying its existing signal system to ensure speed limits are obeyed, and ensuring a higher level of engagement and communication among operating crewmembers in higher risk locations.

In response to recent train accidents in the United States and Canada involving tank cars carrying crude oil, DOT, including FRA and the Pipeline and Hazardous Materials Safety Administration (PHMSA), has taken action on multiple fronts to mitigate risks and ensure the safe transportation of crude oil, ethanol and other hazardous materials by rail.

Crude oil transportation by rail has risen quickly because of increased production in the Bakken region of North Dakota and yet, accident rates in North Dakota have fallen over the past three years, even with increased traffic.

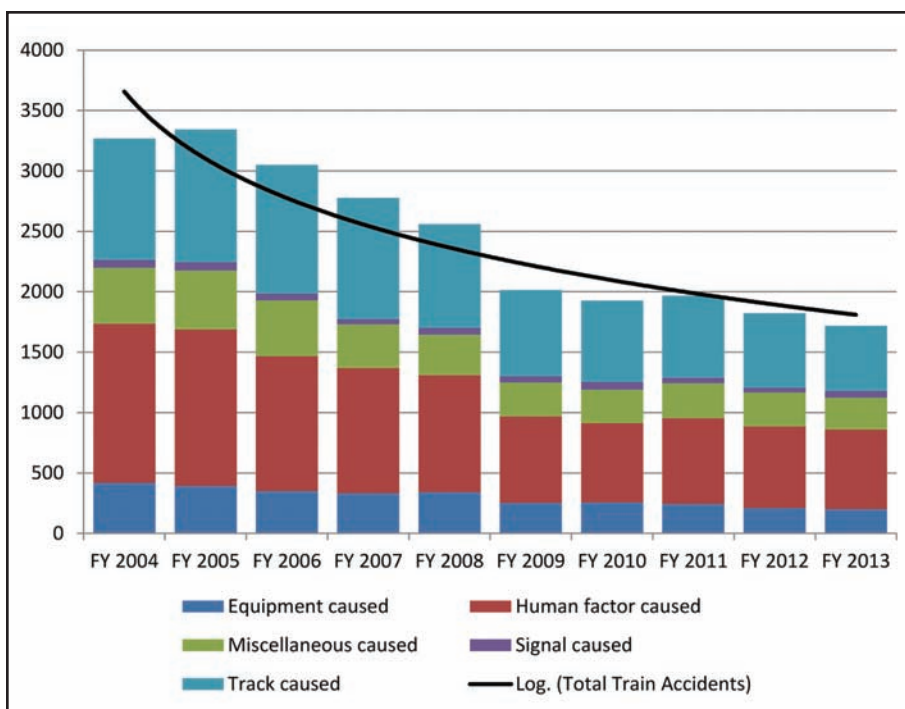
Szabo said the FRA's vision for the next generation of rail safety requires a comprehensive strategy designed to eliminate risk and its strategy is founded on three pillars: Continuing a rigorous regulatory and inspection program based on strategic use of data; advancing proactive approaches for early identification and reduction of risk; and capital investment, including robust research and development.

Continuing a rigorous regulatory and inspection program

"Safety overall has improved; however, accidents related to human error and track defects account for more than two-thirds of all train accidents, and trespassing and highway-rail grade crossing incidents account for approximately 95 percent of all rail-related fatalities. We will allo-

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Ten-year Downward Trend for Train Accident Reductions (FY04-FY13)



TD VP Kerley retires, Ferguson elevated

Robert D. Kerley, the senior vice president of the Transportation Division of the International Association of Sheet Metal Air, Rail and Transportation Workers, has retired, effective Feb. 28. The vice president vacancy in the Transportation Division will be filled by the elevation of Alternate Vice President Jeremy Ferguson by action of the Transportation Division's board of directors.



Kerley

Kerley is a member of Local 303 at Springfield, Mo. He began his railroad career as a brakeman for the former St. Louis San Francisco in 1971. He was promoted to conductor in 1973, fireman in 1977 and locomotive engineer in 1978. He served the members of



Ferguson

his local as firemen's local chairperson in 1977, 1979 and 1983. He was elected full-time associate general chairperson on BNSF Railway (GO 001) in 1983 and re-elected to the post until 1999, when he was elected general chairperson.

While continuing to serve as general chairperson, Kerley was elected alternate vice president-West, by delegates at the United Transportation Union's convention in 2003, and served as secretary of the UTU District No. 1 General Chairperson's Association for two terms. Since 2004, he has served on the UTU National Negotiating Committee. He also was a member of the UTU Wage and Rules Panel, which works to address ongoing collective bargaining issues at the national level. He was elected full vice

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N.Y. reps. urge settlement of LIRR dispute

Twelve members of the U.S. House of Representatives have co-signed a letter to the chairman of New York City's Metropolitan Transportation Authority, urging the MTA to reach a settlement with union employees of the Long Island Rail Road and avert a possible strike by those employees this spring.

The letter to MTA Chairperson and Chief Executive Officer Thomas F. Prendergast asks the MTA to "reconsider its decision to entirely reject the recommendations from Presidential Emergency Board (PEB) 244 or call for a second Presidential Emergency Board in order to avoid a work stoppage."

The U.S. representatives from both sides of the political aisle representing constituents who may be affected by a work stoppage on the LIRR said "the recommendations issued by PEB 244 may not have included everything that either side had hoped; however, we believe that it could serve as a model for the types of concessions that can be made to move an agreement forward."

On Jan. 15, the MTA announced that it was rejecting a proposed series of wage increases for unionized employees on LIRR totaling 18.4 per-

cent over six years (2.9 percent per year) and that employees begin contributing to health insurance premium costs. The board's wage recommendations are retroactive to the first year of the contract dispute, which has been ongoing for more than three years.

"If no consensus can be reached using the findings from PEB 244, we respectfully request the MTA call for another Presidential Emergency Board ... to avoid a work stoppage."

The board rejected MTA's demand that workers accept three years of net zero wage increases, followed by two, two-percent increases over five years and rejected MTA's demand for major concessions in pensions, including a permanent five-percent employee contribution.

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Around the SMART TD

Local 240, Los Angeles, Calif.

All railroaders and their friends and relatives are invited to participate in the 14th Annual FSC/SMART-UTU Rail Classic golf tournament at 1 p.m. Monday, May 19, at Sierra Lakes Golf Course in Fontana, Calif., according to Local Chairperson **Harry J. Garvin Jr.** The cost of the four-person scramble, shotgun-start tournament is \$75 per person and includes a tri-tip or chicken dinner, great prizes and great fun. Participants should commit and remit to **Frank Carmona** at 30250 Pebble Beach Dr., Sun City, CA 92586, by May 5. Contact Carmona at (951) 301-6525, (909) 770-3366 or by email at FSCRail@hotmail.com. The tournament is sponsored by Carmona's Collision Repair and Local 240. In other news, Garvin reports that retired conductor **William A. Hicks** died Feb. 9 at the age of 70 and that conductor **Robert J. Dominguez** retired on Feb. 28 after 41 years of service.

Local 607, Thayer, Mo.



Local Secretary & Treasurer Ryan King, left, and Local Chairperson Michael King, right, present a check in the amount of \$500 Feb. 12 to radio station KALM KKountry 95.1 CEO Bob Eckman on behalf of the members of this BNSF Railway local. The station's St. Jude's Radiothon raised \$181,106 for the St. Jude Children's Research Hospital in Memphis, Tenn.



UTU Alumni Association member Gary King, center, was presented a resolution from the Missouri House of Representatives acknowledging his years of service to the UTU and to the Thayer community. The Missouri General Assembly may present resolutions that commend achievement, express an opinion or urge another entity such as Congress to take some action. Also pictured are King's son Mike, left, who serves the local as chairperson, and Missouri State Legislative Director Ken Menges.

Local 662, Richmond, Va.

President **Mike Downer** reports that Local Chairperson and delegate **Jeff Parker** suffered a major heart attack March 5 and was in critical but stable condition in the cardiac intensive care unit at Riverside Hospital in Newport News. Parker had emergency surgery the same day to place two stents in his aorta. "Please remember Brother Jeff and the Parker family in your thoughts and prayers," Downer said.

Local 1205, Kingsville, Texas



Vice Local Chairperson Octavio B. Garcia Jr., second from right, presents a check from Local 1205 in the amount of \$500 to the Martin Middle Board of Trustees in



SMART Transportation Division member Randy Wood addresses members of the Colorado State USBBC after being inducted into the Colorado Bowling Hall of Fame.

Hostler Wood strikes gold as youngest Hall of Famer

Hostler Randy Wood of Local 202 at Denver, Colo., was inducted into the Colorado Bowling Hall of Fame by members of the Colorado State U.S. Bowling Congress at a ceremony held Feb. 22.

At age 47, he is currently the youngest inductee to ever be installed into the hall.

Wood got his first taste of bowling as a child, when he would accompany his dad to the local lanes. "My dad used to bowl all the time and I would go with him," he said. "I started to bowl then and found that I really enjoyed it."

Like your average Friday night-leaguer, Wood had no formal instruction in bowling. He started to improve his game when he began working at a bowling alley after graduating from high school. "I worked there for about 14 years. Whenever I could practice, I would practice. I just learned on my own."

Currently, Wood is a member of five leagues and bowls five nights a week. He's been a member of the U.S. Bowling Congress – which sanctions league bowlers around the country – for 25 years. He has had 13 three-game series of higher than 800, with a career series-high score of 878. An 800 series, he explained, is an average of 266 per game in leagues. He's also held at least a 213 average for the past 13 years and has bowled 37 300-games.

"The last five years have been the best of my life, because I've been averaging 234 in almost every league I've bowled in," Wood said.

He has bowled in 13 championship tournaments, visiting Reno, Nev., Baton Rouge, La., Billings, Mont., Nashville, Tenn. and Las Vegas, but has yet to win one.

Professional bowlers such as Pete Weber, Walter Williams Jr. and Jason Belmonte inspired Wood. "I used to watch them bowl on TV. It was a goal of mine to try to go professional, but it didn't work out."

As a yard hostler, Wood works midnights but still has plenty of time to enjoy his favorite game. "I sleep during the day, bowl at 6:30 with the leagues, then go right to work. Right now, I'm a setback engineer and it will be a couple more years until I become a full-time engineer. I'll probably have to give up bowling when I become an engineer, but until then, I'll enjoy it while it lasts."

"I'd also like to thank fellow bowler Adam Freicky for being the messenger. He's the one who nominated me for the hall of fame," Wood said.

Corpus Christi, Texas. The library was recently named the Octavio Garcia Library in honor of Octavio Garcia Sr., far right, an educator in the Corpus Christi Independent School District for 34 years, Local Secretary & Treasurer John Mounce reports. Garcia Sr. served as a teacher, assistant principal and principal. He was the first principal of Martin Middle School and the board of trustees has now honored him by renaming the school library after him, Mounce said. The donation will help purchase books and equipment for the library.

Local 1221, Tampa, Fla.

Member **Shawn Montgomery** was killed in the early morning of Feb. 27 in an automobile accident while on his way to work. He was a son, brother, husband and father of two young girls, ages five and one. Shawn served as a member of the Florida National Guard and the U.S. Army from 2007 to 2013. To make a donation to his children, visit website www.youcaring.com/other/fundforthemontgomerygirls/144216. Local Secretary & Treasurer **Jasper "Jay" Brown** reports that the local has donated to the fund according to its bylaws, as have local officers and fellow members.

Local 1563, El Monte, Calif.

Bus operator **Joe Faundez**, 51, died suddenly Jan. 16 at work, Local Treasurer **Pedro Lara** reports. Faundez complained of chest pains and collapsed in the station. A member of SMART Transportation Division Local 1563 at El Monte, Calif., Faundez had been a member since 2012, working for Los Angeles County Metropolitan Transportation Authority (MTA). Before becoming a bus operator, Faundez sold cars for CarMax and Toyota of Pasadena, was a real estate loan officer and a dialysis assistant at Mohan Dialysis Center. He gave back to the community by volunteering for the Glendora Police Department as an auxiliary policeman and as a reserve for the Pasadena Police Department. He is survived by his wife, Connie, and daughter, Virginia.

CSX GO 851, Jacksonville, Fla.



CSX General Committee of Adjustment GO 851 announces the retirement of Assistant General Chairperson Jimmy Chapman, who was vice local chairperson of Local 924 at Richmond, Va., for six years, local chairperson for 25 years, local delegate for six terms and has been mentoring newly elected Local 924 Local Chairperson Jason Murillo. "This type of unselfish act personifies Brother Chapman's character, always placing the organization ahead of himself. He is one of the hardest working individuals in this union due to his love for and belief in the SMART Transportation Division and its membership. His knowledge in so many areas will be sorely missed. In that vein, we would like to welcome Brother Murillo on board," General Chairperson John Whitaker said.

North Dakota locals holding meetings in April

North Dakota locals will hold their annual Spring Swing meetings April 23-25, State Legislative Director **James M. Chase** reports. These meetings provide an excellent opportunity to learn about your benefits as a member and to visit with SMART Transportation Division officers, general chairpersons and representatives from UTUIA, the Railroad Retirement Board, designated legal counsel and health-and-welfare benefit providers. All members and their spouses are welcome to attend any of the three meetings and lunch will be served at the conclusion of each meeting. For further information, call (701) 223-0061 or send email to utu4nd@gmail.com. The schedule is as follows:

- Wednesday, April 23, Locals 887, 980, 1137 and 1137-RRVW; 1 p.m. meeting at the Fargo Howard Johnson Inn at 301 3rd Ave. N., in Fargo; (701) 232-8850.
- Thursday, April 24, Local 525; 2 p.m. meeting at the Hilton Garden Inn, 4301 James Ray Dr., in Grand Forks; (701) 775-6000.
- Friday, April 25, Local 1059; 1 p.m. at the Vegas Motel, 2315 N. Broadway Ave. in Minot; (701) 839-3000.

Freight rails join Sec. Foxx in rail safety initiative

WASHINGTON – The nation’s major freight railroads Feb. 21 joined U.S. Transportation Secretary Anthony Foxx in announcing a rail operations safety initiative that will institute new voluntary operating practices for moving crude oil by rail. The announcement follows consultations between railroads represented by the Association of American Railroads (AAR) and the U.S. Department of Transportation (DOT), including the leadership of the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

The announcement Feb. 21 covers steps related to crude by rail operations. Additional issues relating to the safe transport of crude oil, such as tank car standards and proper shipper classification of crude oil, are being addressed separately.

“We share the Administration’s vision for making a safe rail network even safer, and have worked together to swiftly pinpoint new operating practices that enhance the safety of moving crude oil by rail,” said AAR President and CEO Edward R. Hamberger. “Safety is a shared responsibility among all energy-supply-chain stakeholders. We will continue to work with our safety partners – including regulators, our employees, our customers and the communities through which we operate – to find even more ways to reinforce public confidence in the rail industry’s ability to safely meet the increased demand to move crude oil.”

Under the industry’s voluntary efforts, railroads will take the following steps:

Increased Track Inspections – Effective March 25, railroads will perform at least one additional internal-rail inspection each year above those required by new FRA regulations on main line routes over which trains moving 20 or more carloads of crude oil travel. Railroads will also conduct at least two high-tech track geometry inspections each year on main line routes over which trains with 20 or more loaded cars of crude oil are moving.

Braking Systems – No later than April 1, railroads will equip all trains with 20 or more carloads of crude oil with either distributed power or two-way telemetry end-of-train devices. These technologies allow train crews to apply emergency brakes from both ends of the train in order to stop the train faster.

Use of Rail Traffic Routing Technology – No later than July 1, railroads will begin using the Rail Corridor Risk Management System (RCRMS) to aid in the determination of the safest and most secure rail routes for trains with 20 or more cars of crude oil. This tool takes into account 27 risk factors – including volume of commodity, trip length, population density along the route, local emergency response capability, track quality and signal systems – to assess the safety and security of rail routes.

Lower Speeds – No later than July 1, railroads will operate trains with 20 or more tank cars carrying crude oil that include at least one older DOT-111 car no faster than 40 mph in the federally designated 46 high-threat-urban areas (HTUA) as established by DHS regulations.

Community Relations – Railroads will continue to work with communities through which crude oil trains move to address location-specific concerns that communities may have.

Increased Trackside Safety Technology – No later than July 1, railroads will begin installing additional wayside wheel bearing detectors if they are not already in place every 40 miles along tracks with trains carrying 20 or more crude oil cars, as other safety factors allow.

Increased Emergency Response Training and Tuition Assistance – Railroads have committed by July 1 to provide \$5 million to develop a specialized crude-by-rail training and tuition assistance program for local first responders. One part of the curriculum will be designed for local emergency responders in the field, as well as comprehensive training to be conducted at the Transportation Technology Center, Inc. (TTCI) facility in Pueblo, Colo. The funding will provide program development as well as tuition assistance for an estimated 1500 first responders in 2014.

Emergency Response Capability Planning – Railroads will by July 1 develop an inventory of emergency response resources for responding to the release of large amounts of crude oil along routes over which trains with 20 or more cars of crude oil operate. This inventory will include locations for the staging of emergency response equipment and, where appropriate, contacts for the notification of communities. When the inventory is completed, railroads will provide DOT with information on the deployment of the resources and make the information available upon request to appropriate emergency responders.

First Transit enters pact with Red Apple drivers

First Transit, Inc., and members of the SMART Transportation Division have agreed on mutually acceptable terms and conditions of employment and signed a collective bargaining agreement, according to the National Labor Relations Board.

The transportation management company, which operates throughout the United States, obtained a transit contract in 2011 to operate Red Apple Transit, a passenger bus company in Farmington, N.M. All the full-time and regular part-time drivers at Red Apple Transit were represented by the SMART TD.

On May 13, 2013, the board authorized NLRB Region 28 to pursue an injunction against First Transit Inc. for withdrawing recognition from the union.

First Transit also made unilateral changes in the terms and conditions of Red Apple Transit drivers’ employment – including cuts in wages and benefits – without giving the union an opportunity to bargain on the proposed changes. In addition, they failed to provide relevant information the union requested for the purpose of carrying out its representational duties.

On June 13, 2013, after the Section 10(j) petition had been filed in the district court, the parties agreed to a settlement, with First Transit agreeing to cease and desist its unfair labor practices, to recognize and bargain with the union, to provide the requested information to the union and to rescind the unilateral changes they had made in terms and conditions of employment of Red Apple Transit’s drivers.



Ask lawmakers’ support for two-person crews, 64 now aboard H.R. 3040

On Aug. 2, U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine), introduced H.R. 3040 in the House of Representatives that, if passed, will require at least two qualified train crew members on all freight trains in the United States.

Members of the SMART Transportation Division and all of rail labor are urged to seek their lawmakers’ support of this bill. To send a message to your House and Senate representatives to co-sponsor and support this legislation, visit www.utu.org and select the “H.R. 3040 Two-Person Crew Bill” tile at the bottom right corner of the homepage.

By entering your ZIP code and street address, a webpage prepared by the South Central Federation of Labor (of Wisconsin) will identify your representatives in both the House and Senate. After entering your email address, the website will send a prepared message to your legislators that reads, in part: “I am writing to you today to ask you to support H.R. 3040, the Safe Freight Act, which will improve railway safety by eliminating the risky practice of single-person train crews. It would ensure each train is operated by a crew of at least two people, including a certified engineer and a certified conductor.”

You can send the prepared statement provided on the webpage or you can submit your own personal message.

H.R. 3040 currently has 64 co-sponsors in the House. They are, by date of sponsorship:

- Rep. Michael H. Michaud (D-Maine)
- Rep. Chellie Pingree (D-Maine)
- Rep. Terri A. Sewell (D-Ala.)
- Rep. Don Young (R-Alaska)
- Rep. Peter T. King (R-N.Y.)
- Rep. Eleanor Holmes Norton (D-D.C.)
- Rep. Ed Pastor (D-Ariz.)
- Rep. Raul M. Grijalva (D-Ariz.)
- Rep. Eddie Bernice Johnson (D-Texas)
- Rep. William L. Enyart (D-Ill.)
- Rep. Ron Kind (D-Wis.)
- Rep. John F. Tierney (D-Mass.)
- Rep. Timothy J. Walz (D-Minn.)
- Rep. Niki Tsongas (D-Mass.)
- Rep. Peter J. Visclosky (D-Ind.)
- Rep. William R. Keating (D-Mass.)
- Rep. Gary C. Peters (D-Mich.)
- Rep. Tim Ryan (D-Ohio)
- Rep. James P. Moran (D-Va.)
- Rep. Michael E. Capuano (D-Mass.)
- Rep. Robert E. Andrews (D-N.J.)
- Rep. Betty McCollum (D-Minn.)
- Rep. Richard E. Neal (D-Mass.)
- Rep. Janice D. Schakowsky (D-Ill.)
- Rep. Gene Green (D-Texas)
- Rep. Eric Swalwell (D-Calif.)
- Rep. Marcy Kaptur (D-Ohio)
- Rep. Stephen F. Lynch (D-Mass.)
- Rep. James P. McGovern (D-Mass.)
- Rep. Timothy H. Bishop (D-N.Y.)
- Rep. John Garamendi (D-Calif.)
- Rep. Ron Barber (D-Ariz.)
- Rep. Jared Huffman (D-Calif.)
- Rep. Frederica S. Wilson (D-Fla.)
- Rep. Carol Shea-Porter (D-N.H.)
- Rep. Joseph P. Kennedy III (D-Mass.)
- Rep. David Scott (D-Ga.)
- Rep. David E. Price (D-N.C.)
- Rep. Kyrsten Sinema (D-Ariz.)
- Rep. Alan S. Lowenthal (D-Calif.)
- Rep. Robert A. Brady (D-Pa.)
- Rep. Gwen Moore (D-Wis.)
- Rep. Carolyn McCarthy (D-N.Y.)
- Rep. Daniel Lipinski (D-Ill.)
- Rep. Bill Foster (D-Ill.)
- Rep. Collin C. Peterson (D-Minn.)
- Rep. Richard M. Nolan (D-Minn.)
- Rep. Gerald E. Connolly (D-Va.)
- Rep. Brian Higgins (D-N.Y.)
- Rep. Paul Tonko (D-N.Y.)
- Rep. Katherine M. Clark (D-Mass.)
- Rep. Keith Ellison (D-Minn.)
- Rep. John B. Larson (D-Conn.)
- Rep. Dina Titus (D-Nev.)
- Rep. David N. Cicilline (D-R.I.)
- Rep. Louise McIntosh Slaughter (D-N.Y.)
- Rep. Rush Holt (D-N.J.)
- Rep. Allyson Y. Schwartz (D-Pa.)
- Rep. Diana DeGette (D-Colo.)
- Rep. Beto O'Rourke, (D-Texas)
- Rep. Bruce L. Braley (D-Iowa)
- Rep. Ed Perlmutter (D-Colo.)
- Rep. Scott H. Peters (D-Calif.)
- Rep. Lois Capps (D-Calif.)

FAA issues rule on PEDs in the cockpit

The Federal Aviation Administration Feb. 12 issued a final rule that reinforces existing policies that airline pilots cannot use portable electronic devices for personal use in all operations.

The rule codifies existing FAA policies and procedures and meets an FAA Modernization and Reform Act of 2012 mandate by prohibiting all commercial airline (passenger and cargo) flight crews from using personal wireless communications devices or laptop computers for personal reasons during all aircraft operations.

The agency’s 1981 “sterile cockpit” rule already forbids pilots to engage in distracting behavior during critical phases of flight, including take-off and landing, and we have previously asked carriers to address the distraction issue through their crew training programs.

The rule reflects current flight deck operating procedures and imposes minimal cost to the airlines. This rule follows a Jan. 15, 2013, proposal and takes effect April 14, 2014.

Transportation delegates must attend both conventions

In this issue, we celebrate the 100th birthday of former President Al Chesser, the very first elected president of the United Transportation Union. This is a remarkable achievement for a remarkable man! Brother Chesser's history of commitment and dedication to this organization and all of organized labor is legendary and serves as an inspiration to all who are involved in today's labor movement.

It was a pleasure to be able to attend this event in person and to extend my congratulations. We wish Al a very happy birthday, with many more to follow.

All delegates properly seated at the Transportation Division Convention will be seated as delegates at the SMART General Convention. It is imperative that they attend the SMART General Convention in order to properly cast their votes on any and all amendments.

In prior columns, I have touched on the upcoming conventions for both the SMART Transportation Division and the SMART International. In order to keep our membership updated, I am summarizing here the information recently communicated to our SMART Transportation Division delegates.

All delegates to the SMART Transportation Division Convention from June 30 - July 2 in San Diego have been advised of the importance of attending both of this summer's conventions and have been informed to also make arrangements to attend the SMART General Convention in Las Vegas from Aug. 11-15.

Any decisions or actions taken by delegates at the Transportation Division Convention with regard to proposed amendments to Article 21B of



SMART Transportation Division President's Column

By John Previsich

the SMART Constitution must be properly referred to the delegates at the SMART General Convention for handling before any proposed amendments can become effective. Additionally, all delegates attending the SMART General Convention will be acting upon all proposed constitutional changes properly submitted to the full SMART Constitution, including Article 21B.

Pursuant to Article 33, Sec. 1 (e), lines 19-20, a two-thirds majority of the delegates present at the SMART General Convention is required to enact such amendments.

All delegates properly seated at the Transportation Division Convention will also be seated as delegates at the SMART General Convention, and as such, it is absolutely imperative that they attend the SMART General Convention in order to properly cast their votes on any and all proposed SMART Constitution amendments.

If, for any reason, a local delegate is not able to attend the SMART General Convention in August, it is respectfully requested that measures be taken to allow for the alternate delegate to attend. If neither the delegate nor alternate delegate is able to attend both conventions, it may be necessary to elect a new delegate who will be able to attend both conventions. This will allow for consistent handling of all proposed amendments to Article 21B at

the SMART General Convention, as well as making a local's voice – and votes – count in the handling of all matters before the delegation.

I thank all local officers for their dedication to the organization and all delegates for taking the time to serve our membership at both the Transportation Division Convention and the SMART General Convention.

I thank all local officers for their dedication to the organization and all delegates for taking the time to serve our membership at both the Transportation Division Convention and the SMART General Convention.

It is important to remember that the outcome of these conventions will be a constitution that will govern the International Association of Sheet Metal, Air, Rail and Transportation Workers for years to come. The responsibility of preserving the principles on which the organization was founded rests with the officers and delegates and depends on our full participation at both conventions.



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For the latest news, visit www.utu.org; also, register on the SMART TD website to receive news alerts via email.

Moving forward: Amending the SMART Constitution

As we move forward, it's extremely important for members to receive reliable information about the new SMART Constitution that will govern the organization's future activities.

In August, there will be a Constitutional Convention to put the final touches on our merger.

In order to provide more timely responses over the next several months, we will include questions and answers on the SMART website at www.smart-union.org/convention-faq. The most frequently asked questions will be highlighted as well in both of our publications.

This process will only be as good as what you contribute through your questions, which you are encouraged to submit. Nothing is off limits, as I want the greatest possible transparency applied to this organization and to this process.

I urge you to submit your questions as soon as possible to members@smart-union.org, or by mail to SMART Constitution FAQ, 1750 New York Ave., N.W., 6th Floor, Washington, DC 20006.

Below, I have highlighted a few questions that have already been asked, with answers that will also be made available here and on the website at www.smart-union.org/convention-faq.

I work for the UTU at the Cleveland office and I have been told by my supervisors that I will be out of a job when SMART takes over. Is SMART going to move my job to D.C.?

It has never been the intention of SMART to randomly eliminate jobs. What has been discussed



SMART General President's Column

By Joe Nigro

In order to provide more timely responses over the next several months, we will include questions and answers on the SMART website at www.smart-union.org/convention-faq. The most frequently asked questions will be highlighted as well and published in both of our publications.

from the beginning of the merger process has been the efficiency of total operations of SMART, and how these efficiencies can best serve the membership both operationally and financially. The Cleveland office performs a number of functions very important to our operations, as does the Washington D.C. office. As these are fully examined, the two criteria listed will be used to determine where these operations are performed.

Why can't UTUIA partner with SMART and expand the UTUIA market to other SMART union workers?

As you may or may not be aware, UTUIA was not part of the merger agreement and is not a part of SMART. It is a separate insurance carrier that provides services to Transportation Division members.

With that said, it is recognized that while SMART and UTUIA are separate organizations, there is a very important partnership between our members and the insurance organization.

We plan to support UTUIA and help it expand its products and services where they offer added benefit to the full membership of SMART.

Is the election process for Transportation Division officers and committee persons protected under the SMART Constitution?

Yes. The provisions of Article 21B, Section 2, list the Transportation Division officers who will be elected by the Transportation Division delegates at the SMART Transportation Division Convention in July of this year. Article 21B, Section 82, covers the general committees of adjustment.

Does the general president have the power to eliminate Transportation Division vice president positions?

No. Transportation Division vice presidents are elected positions and are not appointed by the general president. Vice presidents within the Transportation Division and general vice presidents of SMART can only be removed if they are charged with an offense and found guilty by an International trial board.

State Watch

News from UTU-SMART State Legislative Boards

Arizona



Arizona State Legislative Director Greg Hynes introduced keynote speaker Ed Shultz at the Arizona Advocacy Network's 3rd Annual "Reclaiming Government for the People" dinner Feb. 22 at Pointe Hilton Squaw Peak Resort in Phoenix. Shultz hosts a nationally syndicated talk radio show and is the former host of an MSNBC television news talk show. "The Arizona Advocacy Network is a group that supports clean elections and government for the people and by the people," Hynes said. "I had the honor of introducing Mr. Shultz to the audience that night. We had a private meeting beforehand to discuss H.R. 3040." Pictured, from left, are Legislative Rep. Scott Jones (1081), Legislative Rep. Dale Thomas (113), Shultz, Transportation Division Alternate Vice President Danny Young and Hynes.

Minnesota

In a letter dated Feb. 28 to members of the Minnesota House of Representatives, State Legislative Director **Phillip Qualy** sought support for legislation requiring all rail yards in the state to have safe and proper lighting by November 2016. Introduced by State Rep. Jason Metsa, H.F. 2460 would require "all railroad common carriers ...to maintain lighting between sunset and sunrise above switches in railroad yards." "Railroads operate around the clock each day of the year in Minnesota, regardless of weather conditions," Qualy wrote. "Other states with railroad operations have state laws or regulations set-

ting minimum railroad yard lighting requirements. Minnesota has no yard lighting regulation at this time. At recent inventory, Minnesota has at least 27 rail yards and 18 have yard lights. Sadly, the last two railroad worker fatalities that occurred in the upper Midwest happened at rail yards that had insufficient lighting." Qualy also testified in front of the Minnesota House of Representatives Mar. 5 regarding H.F. 2460 and also the need for additional legislation regarding the transportation of hazardous materials.

North Dakota

Jim Chase, North Dakota State Legislative Director of the SMART Transportation Division, submitted a letter to the editor of *The Bismarck Tribune* that was published Feb. 28. The letter read, in part: "Since the 1880s, North Dakota's railroads have played an essential role in developing our state and our economy. Today's railroads continue to provide vital passenger service and freight transportation across our state, and in the past two years, have been the primary way we ship Bakken crude oil to market. "Amtrak, our state's only rail passenger service provider, has been providing that service since 1970. A recent statewide survey conducted on behalf of our union, SMART Transportation Division, found that a strong majority of North Dakotans are very supportive of: 1) Amtrak and 2) taking action to assure railroads continue to operate safely. "North Dakotans are not alone in their support for Amtrak; nearly identical poll results across the country reflect its growing popularity. "Ridership is at an all-time high, reaching 31.6 million last year. Indeed, one of the only places where Amtrak is not enjoying increasing favor is Washington, D.C., where some congressional leaders are still pushing to de-fund or privatize Amtrak. It is a position clearly out of step with Americans of all political persuasions. "With Congress preparing to rewrite the law that

governs Amtrak and rail safety legislation, now is the time for elected officials to listen to their constituents and provide adequate funding for Amtrak and to ensure that our nation's railroads operate at the highest levels of safety. Seventy-one percent of North Dakotans favor federal legislation requiring a minimum of two-person crews on trains, which is one of the most effective ways to prevent accidents. "In the past, Amtrak was never a partisan issue. In fact, Amtrak had no greater friend and supporter than former Republican U.S. Senator Mark Andrews of Casselton, N.D. And as current polling across the country shows, Republicans, Democrats and Independents alike strongly support Amtrak in almost equal numbers. "Congress can help secure safe rail service across our country by adequately funding Amtrak and by passing The Safe Freight Act, H.R. 3040, a bill to require every freight train to have two crew members on board." **Wisconsin** State Legislative Director **Craig Peachy**, Board Secretary **Christopher Tassone** and Local 322 member **Larry Markow** testified in support of state bills S.B. 588 and A.B. 799. If enacted, the identical Assembly and Senate bills will impose additional safety measures for pedestrians and cyclists at railroad crossings. "A.B. 799 addresses public safety at railroad crossings and will indeed save citizen's lives and at the same time will help educate the public when crossing railroad tracks," Peachy said about the bill. The bills will make it illegal for pedestrians to cross at railroad crossings when signals are activated and allows for law enforcement to impose fines on pedestrians. "Pedestrians will often misjudge the train's speed and proximity to the crossing and therefore put themselves in a deadly situation," Tassone testified.

Bus Department

By Bonnie Morr, Vice President-Bus
bmorr@smart-union.org

Let's send a message to our politicians: 'Improve our wages'

As I travel around the country working on grievances, arbitrations, negotiations and labor agreements, as well as the health and well-being of our locals and our members, one underlying issue is always present: wages.

Our wages are not keeping up with what our lives and our families' lives are costing us. Food prices are up, the cost of milk is up, and gasoline and energy prices continue to rise.

But why are we losing our standard of living? Why am I shopping for food in Target? What happened to fresh food from our local grocery store? Why do I turn my heater down and wear a jacket in the house now? Why are energy companies seeing the highest profits that they have ever seen? Why is it costing so much more to do less than what I was doing 10 years ago?

Since 1997, according to the Economic Policy Institute, 100 percent of the wage growth in the American economy has gone to the top 10 percent of the income structure. The bottom 90 percent has seen income decline, adjusted for inflation. As the rich get richer, the working class continues to struggle. Economic inequality did not just happen accidentally or by an act of God.

At the AFL-CIO Executive Council meeting in Houston, I was told it is the predictable result of decisions made by people with power over the past generation. The key decision, the AFL-CIO says, was to use the power of government to help corporate America push down wages by destroying workers' collective bargaining power. Those decisions can be reversed.

In Houston, I was told working people have the opportunity to shape the national conversation on this issue in ways that would really help workers win real economic improvements and build a true working class movement.

The AFL-CIO says the purpose of the labor movement is to give voice to working people, so we can improve our lives. All too often, people do not realize that they are voting against their own best interests. It is important that we work together, now, to spread the word. Support the union movement by joining together with a strong message to all our politicians: "Improve our wages!"

Colorado Legislative Board

The Colorado State Legislative Board sponsored Lobby Day Feb. 5 at the Colorado Capitol, along with the Colorado AFL-CIO. "We lobbied members of the Colorado General Assembly on H.R. 1161, state funding for Amtrak's Southwest Chief train service, and other labor bills," State Director Carl Smith said. In attendance, from left, are Matthew Klundt (40), Chuck Sowell (40), Mike Kenney (202), Assistant Director Charles Skidmore, Legislative Rep. Pat Engebrecht (945), Kim Bertrand (202), Local Chairperson Brad "Buck" Baker (202), Local Chairperson Diane King (40), Local Chairperson Brent Conlin (202), Smith, Sheet Metal Division members Tommy Dongarra, Randy Mitchell and Leonard Martinez (SMWIA 9), and Legislative Rep. Dane Schwengels (500).

Workers at three shortline railroads go SMART

The employees at three Genesee & Wyoming-owned shortline railroads opted for SMART Transportation Division representation in elections held March 4-6, SMART TD Director of Organizing **Rich Ross** reports.

"I would like to thank Norfolk Southern/CSX new hire instructor **Justin Humphries** for his help in this organizing effort," Ross said. "His success in touting our union to new hires was very useful here."

The Conecuh Valley Railway operates over 12 miles of track southwest from Goshen, Ala., to Troy, Ala., where it interchanges with CSX and handles about 3,000 carloads per year. It transports poultry feed ingredients, plastic, lead, vegetable oil and food products. The Three Notch Railroad operates over 34 miles of track southeast from Andalusia, Ala., to Georgiana, Ala., where it interchanges with CSX and handles approximately 1,050 carloads per year carrying chemicals, polypropylene, fertilizer and agricultural products. The Wiregrass Central Railway operates 20 miles of track in Alabama, west from Waterford to Enterprise. It handles around 8,200 carloads per year, carrying poultry feed ingredients, peanut products and seed.

Founding father, former President Chesser celebrates 100 years



Al Chesser, seated, is joined by SMART Transportation Division officers and Federal Railroad Administrator Joe Szabo. Standing, from left, are Texas State Legislative Director Connie English, SMART Transportation President John Previsich, SMART TD National Legislative Director James Stem, SMART TD Alternate National Legislative Director John Risch, Szabo, Colorado State Legislative Director Carl Smith and New Jersey State Legislative Director Dan O'Connell.



Chesser addresses family, friends and colleagues during his 100th birthday celebration.



Chesser, right, and UTU National Legislative Director Jim Snyder meet former U.S. President Jimmy Carter.



Chesser with his family at the celebration of his 100th birthday.



Former United Transportation Union President Alfred H. Chesser celebrated his 100th birthday Feb. 26. He was honored at birthday celebration by family, friends and colleagues March 1 at the Palazzo Verdi Event Center in Greenwood Village, Colo.

Al Chesser is a man whose mark can be found on legislative achievements that will continue to resonate long after we have all followed him into our own retirements, and our own children are contemplating their retirements. He is personally responsible for the passage of more labor legislation for his union than any other person in labor history.

He's more than simply a brakeman from Wellington, Kan., who worked his way through every conceivable union position, ultimately proving himself to be a born leader. He is more than the former president of the leading transportation union in North America. And he is much more than a retiree and avid fisherman who makes his home in Denver, Colo.

The Hours of Service Act, the Railway Safety Acts, the former Conrail, Amtrak, better retirement benefits, better working hours and conditions, job protection – all these things bear the stamp of a man who knew instinctively that success is not a destination, but a continuing journey.

Chesser first served the former Brotherhood of Railroad Trainmen as secretary & treasurer of Lodge 608 in 1945. His instinctive interest in legislative and political matters led to his election as local legislative representative. From there, he became secretary of the Texas State Legislative Board, and then director, serving as chief legislative spokesman for his union in Texas.

During that time, he became involved in numerous community and civic affairs, garnering the political savvy that would serve him well in the years ahead.

From his three terms as chairperson of the Amarillo Labor Political Council, he earned the skills to win appointment by the governor to serve as a member of the Texas Industrial Commission, just one of the commission appointments he enjoyed.

By 1960, Chesser was influencing events on the national level as alternate national legislative representative for the BRT. In 1962, he became national legislative representative, remaining in that position until Jan. 1, 1969, when the UTU was founded. There was never any question that he was the man to do the new union's work as principal legislative spokesman in the nation's capital.

While in Washington during the 60s, he served as a member of the Task Force on Railroad Safety, a body that created the most comprehensive and far-reaching safety program ever adopted for any industry. From 1964 through 1968, he served on the president's Consumers Advisory Council. He became active with the Democratic National Committee and served as a member of its board of directors.

While all this was occurring, the president of the United States appointed Chesser as a member of the National Defense Executives Reserve, a member of the Interstate Commerce Commission, and made him an honorary staff member of the U.S. Army Transportation School.

At the UTU's First Convention in 1971, Chesser was elected president, a post he would win again by acclamation at the second UTU Convention in 1975. He was elected vice president and member of the AFL-CIO's Executive Council in 1972, and served as chairperson of the Congress of Railway Unions from 1972 until it re-affiliated with the Railway Labor Executives' Association in 1975.

All this would be more than enough for most men, but Chesser apparently felt he had much more to give than the average man. He also was a member of the Transportation Study Group of the Domestic Affairs Task Force, and was appointed to the National Labor Committee for U.S. Savings Bonds, the Federal Energy Administration's Transportation Advisory Committee, and the Railroad Safety Research Board, which he also served as co-chairman.

And still, there was more. Chesser was appointed a member of the Advisory Panel to the Office of Technology Assessment of the U.S. Congress in 1976, and became honorary co-chairperson of International Guiding Eyes, Inc., an organization which furnishes guide dogs for the blind.

He is an author, a statesman, a negotiator, a politician, a unionist, a natural and respected leader, and beyond all that, a gifted and mesmerizing speaker.

The members of the SMART Transportation Division wish you "happy birthday," Brother Chesser.



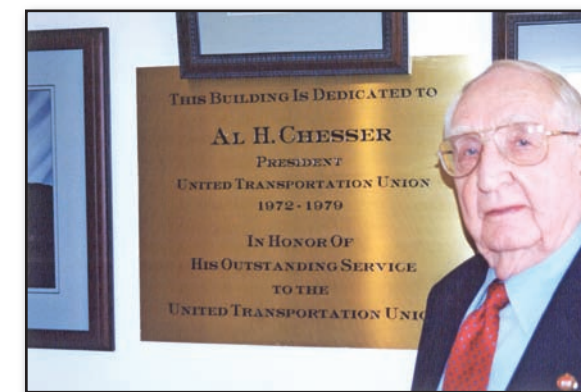
Chesser with former U.S. Sen. Ted Kennedy.



Chesser with former UTU Designated Legal Counsel Larry Mann at the March 1 birthday celebration.



Chesser testifies before a congressional committee.



The UTU's National Legislative Office in Washington, D.C., was dedicated to Al Chesser. This photograph was taken while Chesser visited the office during the UTU's regional meeting in Washington in 2002.



Chesser speaks after receiving the Eugene V. Debs Award.



Chesser with his family at the celebration of his 100th birthday.

UTU
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

Some Medicare claims subject to review

As part of Palmetto GBA’s role as the Railroad Medicare specialty administrative contractor (RRB-SMAC), the agency is charged with examining the reasonableness and medical necessity of the services being billed, a process called “medical review.” Medicare and Railroad Medicare use data analysis and information from other Medicare contractors to find claim types that have high billing error rates.

“Billing errors” can mean the claims are not filed correctly, the services were not reasonable and clinically medically necessary, or the services have not been documented correctly.

According to Palmetto, the medical review process works like this: the contractor conducts data analysis and creates an action plan outlining what types and how many claims the unit proposes to take on for the year. The plan is approved by the Centers for Medicare and Medicaid (CMS) or the Railroad Retirement Board. Some of the topics Palmetto’s medical review unit examined in the past year were: chiropractic services, radiology (chest X-rays), ambulance

transports, drugs and biologicals, doctors’ office visits and several other claim types.

A computer program chooses a random sampling of claims and letters are sent to the providers requesting documentation to support the claim. Doctors have 30 days to respond to these letters. If they fail to respond by the 45th day, their claim will automatically be denied. When this happens, the provider has 120 days to submit the requested documentation for review.

Once the medical review team has the documentation needed to examine the claim, they have to determine if the services were covered, if they were clinically medically necessary, and if the documentation meets the standards required by CMS. If all of these criteria are met, the claim is processed to pay. If they are not met, the claim is denied, and the provider has 120 days to file an appeal.

If you see that a claim for a service you received has been denied, read your medical summary notice (MSN) carefully. If the service is not covered by Medicare, or is determined to not be medically reasonable and necessary, then the patient is responsible. If the service was denied because the provider failed to supply the necessary documentation, then the claim is denied and the provider is liable. If the provider is liable, he or she cannot charge you or collect payment from you for that claim.

If you don’t agree with the denial, you can file a first-level appeal with Palmetto called a redetermination. A redetermination must be requested within 120 days from the date you received your MSN. To file an appeal, follow the instructions on your MSN and sign and return the notice to Palmetto’s office at the following address:

Railroad Medicare – Palmetto GBA
Attn: Redeterminations
P. O. Box 10066
Augusta, GA 30999

If you have questions about your Railroad Medicare claims, you can call Palmetto’s toll-free Customer Service Line at (800) 833-4455, Monday through Friday, from 8:30 a.m. to 7 p.m. ET. Palmetto also encourages beneficiaries to visit their website at www.PalmettoGBA.com/RR/Me.



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Former Conrail employees hold annual luncheon



The former Conrail Michigan & Detroit Division retirees held their 25th annual luncheon at Duff’s Buffet in Bradenton, Fla., Feb. 28, UTU Alumni Association member Robert “Wayne” Sitzler (1962) reports. The luncheon is held on the last Thursday of February every year, Sitzler said, and the retirees look forward to seeing some new faces next year. Anyone interested in attending next year’s lunch can contact Sitzler at (941) 747-0262 or Larry Richardson at (517) 764-0680. Pictured, from left, are Charlie Hord (1477), Carl Terry, Gale Landen, Andy Brickner (225), Jim Teaman and Charlie Pogue.

Oakland Old Rails Club planning April 27 dinner

The Oakland Old Rails Club is planning its annual Old Rails Dinner and Get Together Sunday, April 27, at Dino’s Restaurant in Castro Valley, Calif. There will be a “no host” happy hour at noon, with dinner to follow at 1 p.m., Oakland Old Rails News Editor **Richard Scholl** reports.

The cost for dinner is \$25 with a choice of steak with mashed potatoes or spaghetti, salmon alla bella with lemon butter sauce and rice, or broiled half spring chicken with mashed potatoes or spaghetti. Salad, vegetables, bread and butter, dessert and coffee are included, as well as tax and gratuity.

Tickets to the event will be on sale at the March and April meetings, by calling Secretary **Gilbert Sanchez** at (510) 533-4338, or by mailing your check to Sanchez at 5030 Trask St., Oakland, CA 94601.

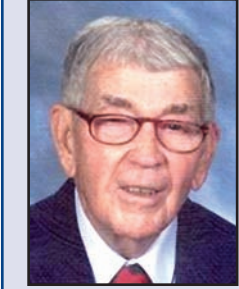
Dino’s Restaurant is located at 3600 Castro Valley Blvd., Castro Valley, CA.



Former GC Jesse Carr dies

Jesse E. Carr, 95, retired general chairperson of former Southern Railway – Lines West General Committee of Adjustment GO 903 died Dec 26.

A member of SMART Transportation Division Local 338 at Chattanooga, Tenn., Carr retired in 1982 following 41 years of continuous membership and railroad service.



Carr was a veteran of the U.S. Army, having served 33 months in Iran with a railway operating battalion. He was a member of the Chattanooga Lodge #199 of the Free & Accepted Masons for over 70 years, the Order of the Eastern Star and Southern Railway Retirees.

Graveside services were held Dec. 28 at Hamilton Memorial Gardens in the Chapel of Devotion in Hixson, Tenn. He is survived by his wife of 69 years, Maxine.

THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association, according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
18	McNellis, John W.	El Paso, Texas	656	Beck, Lewis D.	Searcy, Ariz.	1390	Schmidt, Peter D.	Jackson, N.J.
32	Lemmons, Ronald C.	Redlands, Calif.	762	Godfrey, Gordon F.	Pelham, Ala.	1393	Serianni, John	Niagara Falls, N.Y.
48	Scarano, Simon S.	Chesapeake, Va.	771	Williams, Ray E.	Mohave Valley, Ariz.	1421	Gerches, Richard R.	Lemont, Ill.
254	Ackerman, Thomas E.	Melrose, Mass.	783	Nichols, Bobby E.	Greensboro, N.C.	1422	Olson, Jerry A.	Hacienda Heights, Calif.
298	Buell, Peter J.	Lombard, Ill.	792	Stephens, Paul V.	Pittsburgh, Pa.	1458	Walker Jr., Samuel F.	Broussard, La.
303	Adams, Raymond R.	Galena, Kan.	793	Pearson, George N.	Prosperity, S.C.	1494	Beaumont, Lloyd A.	Kingman, Ariz.
312	Broughton, Stanley J.	Waseca, Minn.	807	Manning, Dale G.	Tucson, Ariz.	1502	Moore Jr., Ronald W.	New Smyrna Beach, Fla.
324	Wieltschnig, Thomas J.	Bellevue, Wash.	832	Michaelson, Max J.	Ladysmith, Wis.	1525	Jones, Robert E.	Mounds, Ill.
338	Carr, Jesse E.	Etowah, Tenn.	838	Cook, William D.	Paoli, Pa.	1525	Miller, James L.	Normal, Ill.
340	Lamanna Jr., James	Connellsville, Pa.	976	Laird, James H.	Stonewall, La.	1637	Howard, E. C.	Vancouver, Wash.
386	Smith, Robert J.	Mahanoy Plane, Pa.	1035	Cutter, Raymond E.	Lakeland, Fla.	1709	Ringlein, Ronald G.	South Branch, Mich.
418	Hansen, Harold E.	Sioux City, Iowa	1074	Bock, Edward E.	Bethel Park, Pa.	1780	Rowland, Delmar A.	Kansas City, Mo.
492	Randrup, Gary S.	Roseville, Calif.	1074	Kalich, Philip A.	Youngwood, Pa.	1948	Sinkovich, Joseph J.	Youngstown, Ohio
496	Nagel, Conrad F.	Portsmouth, Ohio	1292	Hoganson, Sirell H.	Proctor, Minn.	1951	Polanski, Julian J.	Buffalo, N.Y.
528	Pierce, Earl C.	Peyton, Colo.	1293	Thompson, Edward J.	Eau Claire, Wis.	1963	Stevenson, Roy D.	Fowler, Ind.
569	Manry, Winfred E.	Ennis, Texas	1310	Green, Allie R.	Corbin, Ky.	1978	McGrath, Thomas F.	Ft. Pierce, Fla.
596	Orloski, William F.	Petrolia, Pa.	1346	Murray, Earl A.	Nashville, Tenn.			
645	Hesse, Henry G.	Shohola, Pa.	1375	Keough Jr., Paul J.	Malvern, Pa.			

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Positive train control leads Amtrak’s 2014 infrastructure work highlights

WASHINGTON – During 2014, Amtrak plans to move forward on key improvement projects, including continued installation of positive train control safety technology, the start of major construction to upgrade Northeast Corridor high-speed rail and expansion of station accessibility for passengers with disabilities.

“With limited federal capital funding we are doing the work that needs to be done to keep the railroad operating and taking action where we can to achieve safety, operational and passenger travel improvements,” said President and CEO Joe



Boardman. “However, to truly realize the mobility and economic benefits offered by passenger rail, there must be dedicated federal funding to support a multi-year planning and construction program.”

In 2014, Amtrak is continuing its aggressive program to install PTC on an additional 1,200 track-miles beyond the approximately 530 track-miles where it is already in operation on some Amtrak-owned sections of the Northeast Corridor and all of its Michigan Line. Amtrak is also taking action to obtain needed radio spectrum to transmit data critical to

make PTC operational in the new areas. PTC safety technology can control train movements to prevent train-to-train collisions, derailments caused by excessive speed and certain human-caused incidents such as misaligned track switches. Amtrak is on target to meet a 2015 federal deadline.

In 2014, Amtrak is beginning major construction activities on a 23-mile section of the Northeast Corridor between Trenton and New Brunswick, N.J., to increase top train speeds to 160 mph from 135 mph and improve reliability along this heavily used section. The project will upgrade track and various elements of the electrical and signal systems to support the higher speeds and reconfigure track switches at Penn Station New York to mitigate congestion issues.

In 2014, Amtrak will advance its Accessible Stations Development Program with continuation of existing construction work at eight stations in three states and new construction activities at 21 stations in eight additional states. In addition, necessary ADA-related design work will be completed for 61 stations in 20 states.

Amtrak will also move forward in 2014 on other infrastructure projects including: various planning elements of the Gateway Program to expand track, tunnel and station capacity between Newark, N.J., and Penn Station in New York; ongoing construction of a concrete casement through the Hudson Yards commercial development project to preserve a possible pathway for a future Hudson River Tunnel into Manhattan; and design work for replacing major Northeast Corridor and century-old assets such as the Susquehanna River Bridge (Md.), the Pelham Bay Bridge (N.Y.), the Connecticut River Bridge (Conn.) and the B&P Tunnel (Md.).

By the end of its 2014 maintenance program, Amtrak expects to install or replace nearly 165,000 cross ties, 23 miles of rail and several dozen track switches, turnouts and interlockings. The railroad is also upgrading numerous sections of its electrical and signal systems along the Northeast and Keystone Corridors, and performing various maintenance projects on property it owns in Chicago, New Orleans and elsewhere in the country.

SMART Transportation Division holds workshop in San Antonio



A two-day workshop to train SMART Transportation Division local treasurers was held March 11-12 at the Sheet Metal Workers Local 67 Hall located at 11 Burwood Lane in San Antonio, Texas. The workshop provided local treasurers with hands-on training regarding the responsibilities and reporting duties pertaining to their office, including direct receipts and Winstabs. It also focused on completion of mandatory filings for LM reports and Form 990 and Department of Labor requirements. The training sessions were conducted by SMART Transportation Division Auditors Bobby Brantley and Mike Araujo and SMART Transportation Division Updating Department Director Marilyn Spangler. Also in attendance to assist local officers were Texas State Legislative Director Connie English and UTUIA Field Supervisors Joe Solito and Charlie Skidmore. More than 25 treasurers took advantage of the workshop to sharpen their skills as local officers.

N.Y. reps. urge settlement of LIRR dispute

Continued from page 1

In its recommendations issued Dec. 22, the PEB said the wage increases were comparable to recent commuter settlements in large cities like Chicago and Boston.

"If no consensus can be reached using the findings from PEB 244, we respectfully request the MTA call for another Presidential Emergency Board as a means to bring all parties closer together to an agreement to avoid a work stoppage," the representatives' letter said.

"In particular, we urge the MTA to reconsider its insistence on a wage freeze or concessions to fully pay for wage increases. According to findings from PEB 244, ...it simply cannot be concluded that the MTA's current financial position is one in which it is unable to pay for wage adjustments."

Rep. Steve Israel (D-Dist. 3) said in a statement that the PEB "has already found that a contract can be negotiated without increasing fares."

The letter to the MTA was signed by Reps. Israel, Peter King (R-Dist. 2), Timothy Bishop (D-Dist. 1), Carolyn McCarthy (D-Dist. 4), Gregory Meeks (D-Dist. 5), Grace Meng (D-Dist. 6), Hakeem Jeffries (D-Dist. 8), Yvette Clarke (D-Dist. 9), Jerrold Nadler (D-Dist. 10), Michael Grimm (R-Dist. 11), Carolyn Maloney (D-Dist. 12) and Joseph Crowley (D-Dist. 14).

"Due to the MTA's unwillingness to accept the recommendations of PEB 244, and without their request for a second board, our labor coalition is prepared to strike as early as March 21. While we have said time and time again that this is not what labor wants for the riders at the MTA, it will be the sole result of the MTA's unwillingness to take the next step," said SMART Transportation Division GO 505 General Chairperson **Anthony Simon**.

The *New York Daily News* reported March 5 that LIRR President Helena Williams had written the White House to officially request a second Presidential Emergency Board to mediate the labor dispute.

That request automatically extends the earliest date at which the SMART TD and other unions can legally strike under the Railway Labor Act from March 21 to July 19.

TD VP Robert Kerley retires, Ferguson elevated

Continued from page 1

president in 2007 and re-elected to that position in 2011. He also has served on the UTU Board of Directors since 2008 and was a member of the SMART General Executive Council.

Reflecting on his career with UTU and SMART, Kerley said, "I have thoroughly enjoyed every aspect of both my railroad and union careers and truly appreciate the many opportunities this organization has given me to provide for my loved ones and to serve the membership. I will certainly miss the many friends and colleagues I leave behind, and I wish you all the best in your continued efforts on behalf of working people."

Ferguson, a member of Local 313 in Grand Rapids, Mich., was born in 1970. He started railroading in 1994 as a conductor on CSX at Grand Rapids. He was promoted to engineer in 1995.

Ferguson was elected local legislative representative in 1995, local chairperson in 1996, and secretary of his general committee, CSX GO 049 in Jacksonville, Fla., in 2007. He was elected second vice general chairperson in 2008 and first vice general chairperson in 2011. He has also served as special representative and organizer for the UTU International starting in 1997.

He is the father of two children and resides in Jacksonville, Fla.

To fill the vacancy created by Ferguson's elevation, the board of directors has appointed Long Island Rail Road GO 505 General Chairperson **Anthony Simon** to the office of alternate vice president.

Simon was born June 11, 1963, and raised in

Szabo's oversight of freight, passenger rail safety

Continued from page 1

cate resources and work with partners, such as Operation Lifesaver, to make improvements in these challenging areas," Szabo said.

Advancing proactive approaches to reduce risk

"Continuous safety improvement requires a multi-faceted approach. The next level of safety will come from advancing proactive safety-based programs that analyze risks, identify hazards, and put in place customized plans to eliminate those risks."

Szabo cited Risk Reduction Programs (RRP) and System Safety Programs (SSP) that help identify accident precursors so that corrective action can be taken in advance.

"We will issue a final rule before the end of 2014 to require passenger railroads to develop and implement SSPs. A notice of proposed rule-making that would require freight railroads to establish RRP is currently under development. Both are designed to require railroads to develop and implement systematic risk-based approaches to ensuring continuous safety improvement."

He also cited the Confidential Close Call Reporting System (C3RS), a voluntary and non-punitive program for railroads and their employees to report close calls.

"Results from one C3RS pilot site indicate nearly a 70 percent reduction in certain accidents. C3RS helps develop a positive and proactive safety culture, using detailed data far beyond what is obtained during accident investigations. Programs like Confidential Close Calls Reporting allow us to gather data before an accident occurs and to develop risk mitigation strategies well in advance."

Capital investment, including robust research and development

"As you know, portions of two important rail laws expired at the end of Fiscal Year 2013: RSIA and the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). The president's Fiscal Year 2014 budget for FRA laid out a comprehensive, multi-year reauthorization blueprint for moving forward. The fundamental goal of this proposal is to develop a coordinated approach to enhancing the nation's rail system – an integrated strategy that addresses safety and passenger and freight service improvements. This new approach reflects

the complex reality of how rail works in the United States – most track is privately-owned and carries a mix of passenger and freight trains. Safety is improved not just through regulations and inspections but also through capital investments and research and development," Szabo said.

The FRA's reauthorization proposal's key priorities will include modernizing the nation's rail infrastructure, meeting growing market demand, successfully implementing positive train control, promoting innovation, mitigating rail's impacts on communities and research and development.

"An overarching issue that runs across all of these priorities is the need for sustained and predictable federal funding for rail programs, similar to the treatment of other modes of transportation. Congress has for decades funded highway infrastructure and safety, transit, and aviation programs through multi-year authorizations that provide guaranteed funding," Szabo said.

Hersman stepping down as NTSB chairperson

ITASCA, Ill. – The National Safety Council (NSC) announced March 11 the appointment of Deborah A.P. Hersman as the president and CEO of the 100-year-old organization chartered by Congress to prevent unintentional injury and death.



Hersman

Hersman, who is currently the chairman of the National Transportation Safety Board (NTSB), will be joining NSC at its headquarters in Itasca, Ill., in suburban Chicago.

"Debbie is a recognized leader in safety, with a frontline understanding of the value of protecting human life through thoughtful attention and management of risk," said Jeff Woodbury, chairman of NSC board of directors. "Her proven leadership and expertise made her the ideal candidate to take the Council successfully into its second century."

Hersman is acknowledged as a visionary and passionate safety leader who advocates for safety across all modes of transportation.

At NTSB, the preeminent accident investigation organization, she has been on-scene for more than 20 major transportation accidents, chaired scores of NTSB hearings, forums and events, and regularly testifies before Congress.

Hersman was first appointed as a NTSB board member by President George Bush in 2004 and was reappointed to two additional five-year terms by President Barack Obama in 2009 and 2013.

She was appointed chairman by President Obama in 2009, 2011 and 2013, with unanimous Senate confirmation votes.

Previously, Hersman was a senior advisor to the U.S. Senate Committee on Commerce, Science and Transportation from 1999-2004 and served as staff director and senior legislative aide to former U.S. Rep. Bob Wise (D-W.Va.) from 1992-1999.

Hersman has appeared at past United Transportation Union regional meetings as a guest speaker.

"I am thrilled to have the opportunity to lead an organization dedicated to saving lives and preventing injuries," said Hersman.

"The National Safety Council vision of 'making our world safer' has the potential to improve every workplace, every community and the way we travel every day."

the Richmond Hill neighborhood of Queens, New York.

As GO 505 general chairperson, he represents the crafts of conductor, track worker, building and bridge worker, special service attendant, track supervisor, car repairman and car appearance personnel on New York's Long Island Rail Road. He also serves as the chairperson of the Transportation Division's Association of General Chairpersons District 1.



Simon

Simon hired on with LIRR in 1990 as a station cleaner and was promoted to assistant conductor in 1993. He was certified as a conductor in 1997 and began his career as a union leader soon after.

He first served as a local committee of adjustment secretary and was elevated to the office of local secretary & treasurer in 2000. In 2006, he ran unopposed for the position of general chairperson of the largest union on the LIRR. Simon also served on the Constitution Merger Committee of SMART.

Simon served on the Passenger Hours of Service working group with the Federal Railroad Administration's Safety Advisory Committee. He organized and implemented a Hurricane Sandy Relief Fund to benefit railroad families in need following the storm and hosts an annual golf fundraiser in support of families on Long Island affected by autism.

He and his wife, Ann, reside in Bethpage, N.Y., with their children, Nicole and Anthony Jr.

Sen. Heitkamp honors SMART member from N.D. derailment

WASHINGTON – On the floor of the U.S. Senate, Sen. Heidi Heitkamp Feb. 10 shared the heroic story of **Geoff Andersen**, an engineer in training for Burlington Northern Sante Fe Railway, from Larimore, N.D., whose actions during the recent train derailment near Casselton, N.D., prevented the dangerous explosions from the crash from spreading farther.



Sen. Heitkamp

Andersen is a member of SMART Transportation Division Local 525 at Grand Forks, N.D.

Here are Sen. Heitkamp's floor remarks to honor the heroics of Geoff Andersen:

"As a former civilian firefighter for the Grand Forks Air Force Base, Geoff was quick to think of a plan to unhook remaining oil cars and pull them safely away from the explosion. Donning fire-fighting gear he borrowed from the Casselton Fire Department, Geoff bravely walked towards the fire to connect the tanker cars in danger of exploding to the rear-facing locomotive and haul 25 cars away from the fire. Had it not been for Geoff, the explosions following the train derailment would have been much worse.

"Mr. President – I rise today to honor the heroics of Geoff Andersen, an engineer in training for Burlington Northern Sante Fe Railway whose bravery following the recent train derailment near Casselton, North Dakota, prevented the dangerous explosions from the crash from spreading farther.

"For many of us in the Senate, the Casselton derailment has trained our focus on efforts to improve safety for the rail shipments of crude oil.

"From increased track inspections to updated tanker car standards to the consideration of new routing options for crude shipments – all angles for improving the safety of crude rail shipments are being considered.

"What should not be overlooked in our efforts, however, is the importance of skillful and well-trained railmen on the lines. Railmen like Geoff Andersen are the backbone of the industry, and when one goes above and beyond the call of duty to prevent a disaster from spreading, they deserve to be recognized.

"On December 30th, a grain train carrying soybeans to the Pacific Northwest derailed near Casselton, North Dakota.

"An axel broke on a car near the middle of the

train, forcing the car off the rail and onto the tracks of the adjacent line carrying trains in the opposite direction.

"Conductor **Bruce Anderson** and Road Foreman of Engines Paul Douglas radioed the emergency to the oncoming train on the opposite tracks, but there was insufficient time to slow down the train heading their way.

"In the brief moments following the derailment, an eastbound train carrying crude oil collided with the soybean car laying over the tracks and exploded.

"Following the crash, Geoff and the entire crew from the westbound grain train sprang into action.

"Immediately following the derailment Conductor Bruce Anderson went back and pulled approximately 50 cars away from the fire.

"Recognizing the fire would soon spread to the remaining tanker cars, Geoff worked with Assistant Fire Chief Adrian Kieffer to hatch a plan to couple back onto the remaining oil cars and unhook the tanker cars and pull them away to safety.

"Geoff – a former civilian firefighter for the Grand Forks Air Force Base – borrowed two radios and fire protection gear from the Casselton Fire Department. His Engineer and trainer,

Tom Cooks, jumped into the rear engine of the train to reverse the locomotive towards the fire and connect the train to the tanker cars in danger of exploding.

"Geoff, armed in fire protection gear, walked towards the fire to connect the train to the cars.

"He then walked even closer to the fire to pull the pin on the closest tanker car within a safe distance, getting 25 more cars away from the fire.

"Once the pin was pulled, Geoff radioed to Tom to pull the cars away.

"Because of Geoff's heroics, the dangers from the derailment were minimized and the explosions were isolated to the tanker cars adjacent to the derailments.

"Had it not been for Geoff, this disaster would have been much worse.

"I would like to take this time to thank not only Geoff Andersen – but all those involved in the response including Engineer **Tom Cooks**, Conductor Bruce Anderson, Road Foreman of Engines Paul Douglas, Casselton Fire Chief Tim McLean and Casselton Assistant Fire Chief Adrian Kieffer – for their presence of mind and decisive action following the crash to minimize the damage from the derailment."



Geoff Andersen is a former civilian firefighter for the Grand Forks Air Force Base



Now what?

UTU Discipline Income Protection Program can help!

What is the Discipline Income Protection Program? This program pays you a specific amount of money over a length of time if you are suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that such violations are not on the list of exceptions not covered.

What benefits are paid? You choose the level of benefits paid, from \$6 to \$200 per day, all at low monthly assessments. The term of benefits, from 250 to 365 days, depends on how long you have been enrolled in the program.

Who sponsors the program? The United Transportation Union International sponsors the Discipline Income Protection Program.

Who is eligible for coverage? All SMART Transportation Division members may enroll on a voluntary basis.

How do I get more information? Contact your field supervisor or local insurance representative, or write to: SMART Transportation Division/UTU, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, or email dipp_TD@smart-union.org, or check out the Discipline Income Protection Program page on www.utu.org.



Hazmat training programs being offered in Houston

The Rail Workers Hazardous Materials Training Program announces three HazMat/Chemical Emergency Response Training Programs will be held this spring in Houston, Texas.

The programs are delivered using interactive classroom instruction, small group activities, hands-on drills and a simulated hazmat response in full safety gear.

The funding provides the following student expenses: air travel, lodging and meals. In addition, an incentive of \$600 per week is available to all training participants of these programs, except those who are able to secure regular pay through their employer, or are paid union officers.

Training will be conducted at the Houston Fire Department's Val Jahnke Training Facility, 8030 Braniff St. Houston, TX 77061. Programs begin Sunday evenings at 7 p.m. and conclude Fridays at 1 p.m. An application can be found on the www.utu.org website by entering "RWHMTP" in the Search box. Complete the application and email it to bSAFE2day@gmail.com, or send by U.S. mail to: Henry Jajuga, Director, RWHMTP, 17530 Bering Bridge Lane Humble, TX 77346. Please make sure to select one of the following dates: April 27-May 2, 2014, June 1-6, 2014, or June 8-13, 2014.



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Photo of the month

UTU-SMART is always looking for good photos, and awards prizes to monthly photo winners.

UTU-SMART seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU-SMART, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed to "news_td@smart-union.org".

With each photograph, please include your name and UTU-SMART local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of UTU-SMART.

Remember to review your employer's policies regarding use of cameras on the property or during work hours.



This photo was taken by Utah State Legislative Director **Jay Seegmiller** of Local 166 at Salt Lake City, Utah. "This picture was taken at Salt Lake Central Station in Salt Lake City, the main intermodal hub in Salt Lake City. I thought it was a fun picture due to the three different locomotives in the same location," Seegmiller said.



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FMCSA wants drug-test database for CDL holders

WASHINGTON – The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) Feb. 13 announced a proposed rule to establish a drug and alcohol clearinghouse for all national commercial driver's license (CDL) holders. The clearinghouse would help improve roadway safety by making it easier to determine whether a truck or bus driver is prohibited from operating a commercial motor vehicle for failing to comply with federal drug and alcohol regulations, including mandatory testing.

"Safety is our highest priority, and we will continue to embrace new tools and opportunities that protect the travelers on our nation's roads," said U.S. Transportation Secretary Anthony Foxx. "Today's proposal will help ensure dangerous drivers stay off the road, while encouraging the employment of the many safe drivers who follow our drug and alcohol requirements."

Current federal regulations require employers to conduct mandatory pre-employment screening of a CDL driver's qualifications based upon his or her driving record. However, there has not been a single federal repository recording positive drug and alcohol tests by CDL holders that employers would be able to search to ensure that the driver is able to perform safety-sensitive duties.

The proposed rule would create such a repository and require employers to conduct pre-employment searches for all new CDL drivers and annual searches on current drivers.

"We are leveraging technology to create a one-stop verification point to help companies hire drug and alcohol-free drivers," said FMCSA Administrator Anne S. Ferro. "This proposal moves us further down the road toward improving safety for truck and bus companies, commercial drivers and the motoring public everywhere."

Under the proposed rule, FMCSA-regulated truck and bus companies, medical review officers, substance abuse professionals and private, third party USDOT drug and alcohol testing laboratories would be required to record information about a driver who: fails a drug and/or alcohol test; refuses to submit to a drug and/or alcohol test, and successfully completes a substance abuse program and is legally qualified to return to duty.

Private, third-party USDOT drug and alcohol testing laboratories also would be required to report summary information annually. This information would be used to help identify companies that do not have a testing program.

To ensure the privacy of drivers involved, each CDL holder would need to provide his or her consent, before an employer could access the clearinghouse. Drivers who refuse to provide this information could still be employed by the truck or bus company; however, they could not occupy safety-sensitive positions, such as operating a commercial motor vehicle.



Inside this issue of UTU-SMART News:



Hostler Wood strikes gold as youngest Hall of Famer. See page 2.



News from UTU-SMART State Legislative Boards. See page 5.



Founding father, former President Chesser celebrates 100 years. See pages 6 and 7.



Senator honors member from N.D. derailment. See page 11.