



SMART

Transportation Division News

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

FRA to issue proposed rule on minimum train crews

WASHINGTON – The U.S. Department of Transportation's Federal Railroad Administration April 9 announced its intention to issue a proposed rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations. The FRA also intends to advance a rulemaking on train securement and recommends a rulemaking on the movement of hazardous materials.

"Safety is our highest priority, and we are committed to taking the necessary steps to assure the safety of those who work for railroads and shippers, and the residents and communities along shipping routes," said U.S. Transportation Secretary Anthony Foxx. "The proposed rulemaking on crew size is the latest effort in our comprehensive strategy to ensure crude oil is transported as safely as possible."

The announcement follows the deliberations of three Railroad Safety Advisory Committee (RSAC) Working Groups on Appropriate Train Crew Size, Securement and Hazardous Materials Issues. All three working groups were created at DOT's request last summer in response to the Lac-Mégantic derailment. The emergency meeting was held to evaluate and consider wide-ranging proposals to further enhance railroad safety, including the safe shipment of crude oil by rail. Two of the working groups produced recommendations that were adopted by the full RSAC for consideration in future rulemakings. In light of the working group's failure to reach consensus on crew size, the FRA took action to move forward with a rule-making.

"We believe that safety is enhanced with the use of a multiple person crew – safety dictates that you never allow a single point of failure," FRA Administrator Joseph C. Szabo said. "Ensuring that trains are adequately staffed for the type of service operated is critically important to ensure safety redundancy. We commend the RSAC's efforts and will use the valuable input received to formulate a proposed rule that protects the public and recognizes the nuance of railroad operations."

"The FRA's RSAC process confirmed that rail operational safety is enhanced with the use of a multiple-person crew," said SMART Transportation Division President John Previsich.

"Both the conductor and locomotive engineer are certified and licensed under federal regulations and work cooperatively as a team. During this working group process, the committee also confirmed that there are many required tasks that are performed by our train crews each day in normal operations that a single crew member cannot perform by themselves."

"It takes two skilled and qualified employees to perform a normal brake test, to separate a train at a highway-rail crossing, to receive and acknowl-



edge mandatory directives while moving, to make routine pick-up and set-out of cars from the train, and also to act as a first responder for indicated defects in equipment, derailments, unexpected application of brakes, and highway-rail crossing collisions."

While existing FRA regulations do not mandate minimum crew staffing requirements, current industry practice is to have two-person crews for over-the-road operations. The notice of proposed rulemaking (NPRM) will most likely require a minimum of two-person crews for most mainline train operations, including those trains carrying crude oil. It is also expected to include appropriate exceptions.

"Safety is good business in the rail industry. We

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Locals should prepare for officer elections

SMART Transportation Division locals are advised that in fall of 2014, all locals must hold elections for officers of the local and officers of their local committees of adjustment.

General committees of adjustment will also have to hold elections for general chairpersons if the office is filled by a referendum vote. A referendum vote permits all eligible members of the general committee to participate in the election as opposed to just the local chairpersons of the general committee.

The SMART Transportation Division office in early August will send a special circular regarding officer elections to each local with instructions on how to properly conduct local elections.

Information on holding elections for local officers can be found on the SMART TD website at www.utu.org by selecting "S&T Tools" in the grey menu bar, then selecting "More forms..." under "Forms and Documents." Guidelines set by the Department of Labor can also be found there.



FEDERAL RAILROAD ADMINISTRATION

FRA moves on critical incident stress plans

The Federal Railroad Administration issued a final rule requiring certain major railroads to develop critical incident stress plans that provide for appropriate support services to be offered to their employees who are affected by a "critical incident."

Critical incidents refer to events such as a highway-rail grade-crossing accident or a train striking another employee or pedestrian. Railroad employees who witness such incidents are often affected psychologically and some suffer issues of post-traumatic stress disorder.

The final rule contains a definition of the term "critical incident," the elements appropriate for the rail environment to be included in a railroad's critical incident stress plan, the type of employees to be covered by the plan, a requirement that a covered railroad submit its plan to FRA for approval, and a requirement that a railroad adopt and comply with its FRA-approved plan. It is effective June 23, 2014.

The final rule requires each Class I railroad, intercity passenger railroad and commuter railroad to establish and implement a critical incident stress plan for certain employees who are directly involved in, witness, or respond to, a critical incident.

"Critical incidents have the potential to affect each and every one of us who work in the transportation industry," said SMART Transportation Division President John Previsich. "The requirement that railroads develop and submit a plan to address such incidents is an important first step to help our members, not only in the rail industry,

but also those who work for bus and air carriers. The effects of a critical incident on our members can be devastating, no matter the industry, and we will do everything in our power to extend and improve these programs whenever possible."

The effects of a critical incident on our members can be devastating, no matter the industry, and we will do everything in our power to extend and improve these programs whenever possible.

Although the FRA has never regulated critical incident stress plans, many railroads have had some form of critical incident stress plan in place for many years. This rulemaking responds to the Rail Safety Improvement Act of 2008 mandate that the secretary of transportation establish regulations to define "critical incident" and to require certain railroads to develop and implement critical incident stress plans.

The FRA wants all relevant railroad personnel to be aware of the relief available, pursuant to a railroad's plan.

The FRA reviewed the applicable science and information received through the Railroad Safety Advisory Committee (RSAC) – in which the SMART Transportation Division participates – in its final rule. The final rule defines a "critical

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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. In other news, brakeman **John T. Pickering**, who retired Feb. 28, 2002, after 45 years of service, died April 13, and retired conductor and Vice Local Chairperson **John Pivovarnik** died March 29. Also, **Danny J. Brimecombe** retired March 27 after 43 years of service.

Local 277, Hartford, Conn.

Amtrak conductor **Jason Downes** has written his second book entitled, "The Barn," a historical horror story set in New Jersey that spans 200 years and focuses on an old barn that contains a very dark and ancient evil captured and made quiet by the original native people in the area. "It's quite a long way from my first book, which was a comedy drama set in Dublin, Ireland," Downes said. The book was published by Post Mortem Press. To learn more about Downes and his book, enter "Jason Downes The Barn" in the Google search engine.



Local 933, Jefferson City, Mo.

Jack is seven years old and a first grader in St. Louis, Mo. He is also the Missouri State Legislative Board's #1 rail fan, Missouri State Legislative Director **Ken Menges** reports. Jack is autistic and over the years, his teachers and therapists have utilized his love of trains to help him accomplish huge goals in speech and occupational therapy and overcoming anxiety in social settings. Besides trains, his hobbies include reading, building with Legos, riding his bike and listening to music. Trains are his favorite thing in the world, especially Union Pacific's Big Boy. If anyone has any railroad items that they would like to donate to Jack, contact Menges at moutu@embarqmail.com.



Jack

Local 1138, Miami, Fla.

Members of this CSX local attended a South Florida railroaders' picnic March 29 at Oleta State Park in North Miami, sponsored, in part, by the firm of SMART Designated Legal Counsel **Charles H. Baumberger**, Local Chairperson **Yvonne Hayes** reports. A great beach with kayaking, paddle-boarding and bicycling opportunities made the food and camaraderie even more enjoyable, Hayes said. Also



Pictured, from left, are track inspector **Darryl Mathis**, former Brotherhood of Railroad Signalmen Local Chairperson **John Gaige**, SMART TD Alumni Association National Coordinator **Carl Cochran** and Local 1138 Chairperson **Eddie Guillen**.



Retired conductor and Local Chairperson **Richard "Dick" Foringer** made a seniority move before his final trip so he could surprise engineer son, **Justin**, as his conductor.

Foringer's final train trip is first and last with son

On former CSX conductor and Local Chairperson **Dick Foringer's** last day of work, he wasn't hoping to receive a retirement gift. He wanted to give one.

Foringer, 63, wanted to surprise his son, **Justin**, a CSX locomotive engineer, by being the conductor on his final trip, with Justin at the helm.

"Right before my retirement, I made a seniority move from Syracuse to Albany to be in the same freight pool as my son. I marked off for union work. I wanted it to be a total surprise, but he knew about it a couple of days ahead of time," Foringer said.

Foringer hired out with Conrail in 1976 and later became a CSX employee.

While he said the trip was uneventful, it was nonetheless special.

in attendance were members of BLET Division 49, BRS Local 16 and members from BMWED.

Local 1526, Michigan City, Ind.

Former Northern Indiana Commuter Transportation District General Chairperson **Anthony Wojasinski**, who served in that position for 14 years, has retired, Local Secretary & Treasurer **Lane Scott** reports. He also held the positions of local vice president, alternate delegate, delegate and alternate legislative representative during his railroad career of more than 39 years. "Tony was determined to improve the quality of life for his fellow union brothers and



Wojasinski

sisters. He would take calls at all hours of the day or night, often taking time away from his own family to help out his union family. The dedication he gave was tremendous and he leaves big shoes to fill. We thank him for his drive and dedication to Local 1526 and wish him a happy retirement," Scott said.

Local 1545, Monroe, La.

UTU Alumni Association member **Floyd Bonner** reports that former Local Vice President and Legislative Rep. **Jeff M. Gollither** retired January

"He and I are pretty close, and I thought it would be appropriate to go out that way," said Foringer, a member of Local 212 at Albany, N.Y.

Father and son made their first trip together and, after a layover, made a return trip together as well.

"The trip was pretty good each way. It was our first and last trip together. He trained with me a little bit when he was a conductor, but that was out first trip together," Foringer said.

"We both had that back-and-forth about who is the boss, you or me. It was the perfect ending to my career."

Foringer said he served as local chairperson of his local for the past five years.

"I always tried to stay active in the union during my career and finally, I felt I wanted to give something back if I could," Foringer said regarding his union office. "Justin is very union-oriented. He was raised in a union household. My dad was a griever for the trucking union he belonged to and Justin's other grandfather was a railroader. My wife grew up in a railroading family."

"I've always wanted to help Justin in his career, but he is doing great by himself. I'm really proud of him. We took a photograph together during that trip and he framed the photo and gave it to me for Christmas."

"I would like to thank General Chairperson **Steve Mavity** (CSX GO 049). He is a close friend and when he became general chairperson, it was really a pleasure to deal with his office. We could not get along better."

21 after more than 54 years of service. "He had a spotless record, never having been injured or losing any time. Jeff is one of those rare men that once you meet him, you will never forget him. He always talked up his union and encouraged the new hires to get involved. As the old saying goes, Jeff will be missed, but never forgotten," Bonner said.

Local 1951, Albany, N.Y.

On April 21, Local 1951 Chairperson **Michael Doherty** ran in his 11th consecutive Boston Marathon to raise money for the Dana-Farber Cancer Institute. "I was elected as a board member with the Dana-Farber Institute last year as I was recognized for my commitment and passion to help Dana-Farber find a cure for cancer. One hundred percent of funds raised go directly to cancer research. It's one of the only programs you will find that puts 100 percent into one single program," Doherty said. "My family was at the finish line across from the first explosion last year. Thankfully, they were not injured, but they were traumatized from the events. My wife, Shannon, and daughters Hanna, 15, and Sadie, 11, will be out there again cheering everyone on." To contribute, send checks payable to Dana-Farber Marathon Challenge (DFMC) to Michael Doherty, 76 Pike St., Tewksbury, MA 01876, or visit www.rundfmc.org/2014/miked. Donations can still be made after the marathon has been completed.

Local 1910, Macon, Ga.



Members of this Norfolk Southern local held their second annual Informational Conference and Cookout March 2 in Macon, Ga., Local President and Chairperson **John Pitts** reports. The event was co-sponsored by the law firm of SMART TD Designated Legal Counsel **Charles H. Baumberger** and UTU Alumni Association member **Lendberg Bond**.

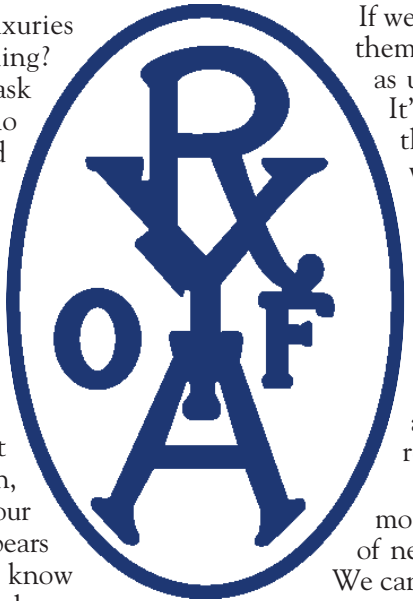
Unions are a luxury born of necessity

Today's modern society lives a life of luxury. We have the luxuries of choice and abundance in all aspects of our daily lives, from comforts like entertainment in all of its many forms, to nourishing food, clean water, warm clothing and a safe and secure place to call home.

But what happens when these luxuries suddenly disappear without warning? What do we do? We need only ask the people of West Virginia who woke up one recent morning and found that the water coming out of their taps was not safe. They were put in a very vulnerable situation overnight and they were not happy.

Belonging to a union is another one of those luxuries in life that we take for granted. We pay our union dues, so we believe we have a right to expect certain things to happen, out of our sight and without our involvement. Sometimes, it appears that some union members don't know what a union is, how it functions or what purpose it serves.

Yet, we need only ask a nonunion worker what life is like without the luxury of belonging to a union – it's a life without a safety net. Lower and often minimum wages, no benefits, no guaranteed weekly hours and no job security. People who work nonunion jobs don't work any less hard than we do. They just have a lot less to show for it.



These facts are just as real and important today as they were 100 years ago. Corporations are doing all that they can to stop unions from organizing at new work sites and they are working very hard and spending a lot of money to get rid of unions where they do exist.

If we think and act in unity, we can stop them. If we exercise our collective power as union members, we can stop them. It's not complicated or difficult. We, the membership, are the union and we need to get involved and stay involved.

If we don't like the way things are being run, we need to speak up. We need to go to our union meetings, meet our officers and get to know them. We shouldn't wait until we are brought up on charges and the officer who shows up to represent us is a complete stranger.

Being a member of a union is a modern world luxury that was born out of necessity, and it remains a necessity. We cannot allow ourselves to wake up one morning without potable water while the corporation responsible just abandons us. We have only ourselves to trust and to look out for our interests and protect our families.

Our unions are not faceless entities like "the government" or "the company." Unions have a face, and that face is yours.

This column was prepared by the J.D. Martin Council of Yardmaster General Chairpersons.

Legislative Department, state legislative directors continue garnering support for two-person crews



Officers of the SMART Transportation Division National Legislative Office and state legislative directors from around the country continue to lobby members of the House of Representatives for their support of H.R. 3040, legislation that will require at least two qualified train crew members on all freight trains in the United States. As this issue of the SMART TD News went to press, 70 members of the House have signed on as cosponsors of the legislation. Pictured above, from left, are Florida State Legislative Director Andres Trujillo, Illinois State Legislative Director Robert Guy, Pennsylvania State Legislative Director Paul Pokrowka, National Legislative Director James Stem, Nevada State Legislative Director Jason Doering, Georgia State Legislative Director Matt Campbell and Alternate National Legislative Director John Risch while meeting with U.S. representatives and staff in March on Capitol Hill.

Chicago Rail Link members approve six-year agreement

Trainmen and engineers represented by the SMART Transportation Division and employed by Chicago Rail Link have ratified a new six-year agreement, with 95 percent of the affected employees voting in favor of the deal.

The agreement provides for annual wage increases with full back-pay, retroactive to Oct. 1, 2010; limits employee health and welfare contribution rates; freezes co-pays and deductibles for the life of the contract; improves working conditions; provides bereavement leave, pay for training, rule classes and boot allowances; establishes single-day vacations and preserves guaranteed extra boards.

Transportation Division Vice President Dave Wier, who assisted with the negotiations that were concluded in mediation, congratulated GO-CRL General Chairperson Bob Campbell, Vice Chairperson Chris O'Connell and Secretary Rod Truszowski for "the exceptional effort put forth over the past three and one-half years in presenting the members' concerns at the bargaining table and negotiating an agreement with improvements in wages, working conditions and the health and welfare package. The wage increases provide the membership with outstanding daily rates of pay, with daily straight time increases of \$28.24 over the life of the contract."

Chicago Rail Link provides switching and terminal services over 72 miles of trackage in Chicago and customized intermediate switching services through the Chicago Terminal complex. In addition to serving the Port of Chicago, it is the contract-switching operator for CSX at the Bedford Park Intermodal Facility and also provides storage to railcar owners such as Chicago Freight Car and Helm. It is owned by OmniTRAX, Inc.

Start-time variability contributes to fatigue

A new report published by the Federal Railroad Administration concludes that high variability in shift start times is found to contribute to human fatigue, which is known to increase the probability of accidents. Train and engine employees working in road freight service often do not have predictable work schedules and may be more likely to experience fatigue on the job.

Read the complete report at www.utu.org by entering "start-time variability" in the Search box.

Guests urged to register for SMART TD convention

Members planning to attend the 2014 SMART Transportation Division Convention, June 30-July 2, in San Diego, as a guest are asked to please complete the guest registration form found on the SMART TD website.

It is requested that all persons attending the convention as guests (non-delegates) register themselves and their family members so that convention planners have an accurate count of the number of individuals attending.

Please complete the entire form, including arrival and departure dates, and mail to:

SMART Transportation Division
2014 Convention Registration
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070-5333

The guest registration form can be found on the SMART website at www.utu.org by clicking on the "2014 Conventions" tab at the bottom of the homepage, then selecting "Guest registration for the SMART TD Convention."

NJ's Reilly: 'Nobody ever talks to us about safety'

At a meeting during which New Jersey Transit voted to hire Rail Safety Consulting of Pittsford, N.Y., to review its rail inspection, maintenance procedures, work practices and overall safety culture, New Jersey Transit GO 610 General Chairperson **Michael J. Reilly** addressed his concerns about safety practices at the agency.



Reilly

Reilly said April 8 that there is no culture of safety at the statewide transportation agency and that "an on-time train is better than a safe train."

"We just go about our work every day and we're not told anything – nobody ever talks to us about safety," Reilly said. "There are 14 pages dedicated to on-time performance measures for rail, bus and light rail," Reilly said of a monthly director's report. "On that same report, there are zero pages dedicated to safety."

"We have a lot of trains and we have a lot of bad areas," Reilly said. "We need cameras in those areas, but we've had a number of conductors assaulted."

Reilly noted that the poor conditions at a rest facility in Manhattan are of constant concern to members and a constant source of complaints, as well as out-of-date phones and no radios.

"Employee morale is pretty low, especially since we've been working without a contract for three years," Reilly said.

The rail line has recently formed a committee of 17 employees to review rail safety after the FRA criticized that being on time trumped safety at Metro-North. "Safety starts at the top or it doesn't start, and I can tell you that I'm committed to safety," State Transportation Commissioner Jim Simpson said. "And you've got a new sheriff in town, Ronnie Hakim, who's totally committed to safety."

He asked Reilly and union members to alert him when they see safety lapses.

"We would like to know how many employees are getting hurt – slips, trips and falls – (and) how many customers are getting hurt, and obviously there's no room for any employee to be assaulted by a customer or anybody else," Simpson said.



It's time for lawmakers to tone down partisanship and listen

Stark divisions have defined our national politics for some time. But, there are many transportation issues that unite Americans across political lines. One of those issues is overwhelming support for passenger rail in this country, and in particular, for Amtrak.

Recent polls in America's heartland have shown huge support for our national passenger rail system. Let's look at what the most recent poll, conducted in Missouri, reveals.

Red, blue or purple, 82 percent of Missourians want to increase or maintain passenger rail service in the state. And seven out of 10 want to increase or maintain Amtrak's current funding levels, according to a survey conducted by DFM Research. The elected leaders who will hold Amtrak's fate in their hands during this congressional session need to recognize an important fact uncovered by this poll – the support for Amtrak is deep, and it is nonpartisan.

To deliver on what the people of America want will require more federal investment and an end to the political attacks on Amtrak and its employees, that seem to spring up annually.

It's not only in St. Louis and Kansas City that support for Amtrak is high. Even in northern, central and southern Missouri, where ridership is lower – and voters tend to be more conservative – strong majorities say they value passenger rail service and want to fund it.

Missouri is no exception. The polls measure support that has been very real on station platforms for several years. Nationwide, Amtrak ridership is at an all-time high. About 31.6 million passengers rode Amtrak last year, thanks to increased use of routes in all regions, not just in the heavily traveled Northeast Corridor. The railroad's rider-



SMART Transportation Division President's Column

By John Previsich

ship has set records in 10 of the last 11 years, and is up more than 50 percent since 2000.

In Missouri, ridership on all Amtrak lines, including the Missouri River Runner, the Texas Eagle and the Southwest Chief, reached 774,000 last year, up 4.7 percent from 2012.

The Missouri findings mirror those of recent polls in Pennsylvania, Iowa, Colorado, Indiana, Illinois, Kansas and Kentucky. Clearly, Americans understand that a well-financed, well-maintained passenger rail network is essential to an integrated national transportation system.

Investing in Amtrak and the development it attracts is also good business. Since 2010, every federal dollar invested in Amtrak poured \$3 back into the economy. That's why many business leaders understand that long-term economic growth depends on investment in our multi-modal transportation infrastructure – and expanded passenger rail must be part of the picture.

To deliver on what the people of America want will require more federal investment and an end to the political attacks on Amtrak and its employees that seem to spring up annually. Amtrak is operating with infrastructure that was built in the middle of the last century, and yet Americans continue to ride on Amtrak in record numbers – and to tell Congress they want and need more rail service.

A well-funded and accessible Amtrak system isn't all that Missourians say they want. They also want the freight trains that traverse annually across Missouri carrying 16 million tons of freight (including more than 24,000 carloads of chemicals) to be as safe as possible. About eight in 10 Missourians agree that one-person freight train crews should be barred in favor of mandatory two-person crew operations. This is not an academic debate. There are a small number of single-member freight train crews out there. In fact, last year's fiery crash of a freight train in Quebec was run by a one-person crew. Fortunately, legislation is pending before Congress that would make two-person crews mandatory, just the way Missourians, and most Americans, would have it.

Political views and ideology aside, the people of Missouri clearly want more Amtrak service, not less. They also want freight trains that are safe and properly crewed. It is time for lawmakers, with the rewrite of federal rail laws now pending, to tone down the partisanship and start listening to what Missourians and the vast majority of Americans are saying.

The preceding column was written by SMART Transportation Division President John Previsich and AFL-CIO Transportation Trades Department President Ed Wytkind.



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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.

As one union, it will only be as strong as we make it

The SMART General Executive Council met in Maryland the week of March 31 to April 4 to identify opportunities and challenges in developing a five-year plan to move SMART forward. Representatives from the Sheet Metal and Transportation Divisions participated in the strategic planning sessions facilitated by FMI consultants, who have worked with SMART in the past.

Officers and staff members delved into the challenges facing the organization and how it could combine its resources to advance the merger process. While SMART members in construction have suffered from the acute effects of the Great Recession on construction industry activity, members on the transportation side have been faced with the challenges posed by rival unions using cutthroat tactics to offer substandard services to our members.

One of the takeaways from our planning session was the need to re-examine the way we communicate within and outside SMART. I understand that the goal of jam-packed union meetings has become unrealistic in some cases, due to the pace of day-to-day schedules and the demands placed on all of us through work and family obligations.

That is why more and more people are connecting with each other online or through mobile communications. These avenues of communication are useful, but don't forget the value of face-to-face relationships offered through union meetings.

Seventy years ago, during the New Deal, there were more than 2,000 labor-related newspapers published in local communities throughout the



SMART General President's Column

By Joe Nigro

As one union, we are only as strong as we make it by working together. Every idea and every contribution is valued, and an idea that may seem outlandish today might be the spark that ignites a fellow member somewhere else.

United States. That number dwindled during the post-war era to a low today of just a few dozen that are regularly published.

In order to fill that gaping hole, numerous online and social media websites have risen to fill that gap. Several years ago, SMART expanded its online infrastructure to not only inform members of what is going on in their union and their industries, but also enabled members to talk to and communicate with one another and with their leadership.

As one union, we are only as strong as we make it by working together. Every idea and every contribution is valued, and an idea that

may seem outlandish today might be the spark that ignites a fellow member somewhere else. I strongly encourage you to follow our social media sites on Twitter and Facebook (both listed on our homepage at www.smart-union.org) and subscribe to updates from the SMART Action Team (www.smartaction.org) in order to remain informed about the issues we need to address together in advancing our cause. I want you to say something if you know something that makes us stronger and smarter.

The key to the success of our efforts is having members fully informed and involved. As we prepare for the upcoming conventions of the SMART Transportation Division and SMART's General Convention, I want you to make sure you understand the provisions and proposed changes to the constitution.

I want you to be involved in selecting your delegates, who will be representing your interests in amending and adopting SMART's Constitution, which will guide our operations for the next five years. To help keep you up to date, please visit our website at www.smart-union.org for breaking news and other vital information for our members and their family.

Fraternally,

Joseph J. Nigro
SMART General President

Time for summit to shine spotlight on bus operator attacks

Last February in Olympia, Wash., passengers on a city bus witnessed their driver being brutally beaten in an attack that was caught on video for the world to see. The footage is alarming and sickening. It was not, unfortunately, uncommon.

From sexual and physical assaults to verbal abuse, the nation's bus drivers are facing an epidemic of hostility. In the New York area alone, there are seven attacks per month on average that range from spitting to beatings to stabbings, according to the Metropolitan Transit Authority. Other cities see the same level of hostility against drivers, meaning it is time to address this problem at the national level.

Last fall, the Transportation Trades Department, AFL-CIO, called on the Department of Transportation and Federal Transit Administration to hold a summit on bus driver assaults.

At that time, the TTD said, "Too often, our nation's intercity bus drivers face unique health and safety challenges that are not being addressed by employers and policymakers at all levels. Bus driver assaults are on the rise, causing unacceptably high rates of injury and worker anxiety. Making this work even more stressful, many bus drivers are not provided enough time in their workday for the bathroom breaks most Americans take for granted. The time has come for federal authorities, labor and management to sit down and find solutions to these problems.

"Attacks on drivers are now commonplace and transit operators face physical dangers every day when they show up to work. These incidents include assault with a deadly weapon, sexual assault, punching, spitting and verbal abuse. They may be precipitated by cutbacks in bus frequency, elimination of routes, fare evasion, passenger complaints, service problems or rule enforcement (for example, an operator may ask a rider not to smoke). To make matters worse, bus drivers often work alone, which leaves them exposed to the worst abuses often without the ability to identify witnesses to the crimes.

"These assaults do not simply cause physical

and emotional hardship for bus drivers. The violence can quickly spread within the closed confines of a bus and passengers are also often harmed. Assaults that occur while a bus is moving may cause the driver to lose control of the vehicle, putting pedestrians, passengers and other vehicles in imminent danger.

"A variety of solutions have been proposed including vehicle design changes and more policing. The installation of plexiglass partitions would separate drivers from passengers and make it difficult for potential assailants to attack or spit on operators. In Europe, driver side doors are commonplace and have saved drivers' lives. Better enforcement is also essential. The presence of uniformed police officers would decrease the likelihood of dangerous passenger behavior. Penalties should be increased and the courts should enforce sentencing guidelines. All too often, the judicial system allows defendants to avoid serious penalties for infractions that frighten or injure operators.

"To put a national spotlight on this problem, we urge the Department of Transportation and Federal Transit Administration to hold a summit on bus driver assaults with TTD, transit unions, public transportation leaders and the Departments of Justice, Labor and Homeland Security.

"Bus operators also face serious occupational health problems because many transit agencies do not provide suitable time or facilities to take bathroom breaks. Many routes do not begin or end in a location with restrooms. When they do, the facilities are not always safe or hygienic. During the route, it can be difficult to pull over to the side of the road and run into an unfamiliar building to use the bathroom.

"This situation creates serious health problems for operators. Due to the stresses caused by tight schedules and inadequate bathroom access, bus operators often face a variety of medical issues, including urinary tract infections, incontinence and even bladder cancer. Nobody should be



Transportation Trades Department, AFL-CIO
A bold voice for transportation workers

forced to tolerate a working environment that creates health problems of this sort.

"Public transportation agencies must provide their employees the appropriate time and facilities to use the bathroom. Along bus lines, it is not uncommon for transit agencies to make arrangements with businesses, including convenience stores and small shops, to address this issue. However, these arrangements are often not kept current or monitored effectively. Budget cuts and other economic issues often have priority. We urge transit agencies to continue to explore these types of alternatives to provide for drivers' most basic human needs.

"No worker should have to worry about long term physical problems caused by their occupation and no employer should allow employees to face these risks. The time has come for labor and management, in coordination with the federal government, to sit down together and tackle these tough problems before anyone else is injured, killed or faces a serious health problem."

The TTD said transit agencies must evaluate new measures and new technologies being used successfully in parts of our country and abroad to protect drivers and their passengers, who often get dragged into the fray. Other steps include video surveillance and better training for drivers. In New York City, the MTA has started offering rewards of up to \$2,000 for information that leads to the arrest and indictment of those assaulting drivers.

The solutions to curb violence against bus drivers are out there – we have simply lacked the will to implement them. This must change, and we can start by holding a national summit with transit unions, public transportation leaders, local law enforcement and the appropriate federal government agencies. The men and women who help keep America moving deserve better.

Bus Department

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

It's important that we understand the meaning of solidarity

The Merriam-Webster Dictionary defines solidarity as a feeling of unity between people who have the same community of interests or goals based on certain objectives and standards. Is this not what our union, and all of organized labor around the world, is truly about?



Morr

The term "solidarity" became well-known in the early 1980s from a Polish shipyard-workers trade union, under the leadership of Lech Walesa. It grew into an anti-bureaucratic social movement, using methods of civil resistance to advance the causes of workers' rights and social change.

Nearly 35 years later, solidarity is what we need more of today.

It is important that all of our union brothers and sisters understand the meaning of solidarity.

Think of solidarity as all of our working families and our future working families standing in unity for the protection of all working families. This applies to not only our fellow SMART members, but workers of all crafts in all labor unions.

As members of a union, we know the benefits of a union contract. Or do we? Do you think your employer provides you with the benefits you and your family have out of the goodness of his or her heart?

Those wages and benefits came about from our predecessors standing tall and strong in the face of adversity, and we must continue that stand.

We must remain active in protecting ourselves and our families from the assaults of groups and corporations that are trying to downsize us. We must stand together to support the team and be part of the team.

A recent article on the SMART Transportation Division website entitled "More Americans see middle class status slipping" notes that many Americans' sense of belonging to the middle class is that they are no longer part of it.

Your union officers are working hard for you and are trying to do the best they can. They need you and they need your support. Stand together. Stand strong. Solidarity!

FMCSA seeking electronic logbooks for interstate bus operators' records

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration announced March 13 a proposal to require interstate commercial truck and bus companies to use electronic logging devices (ELDs) in their vehicles to improve compliance with the safety rules that govern the number of hours a driver can work.

The proposed rulemaking would significantly reduce the paperwork burden associated with hours-of-service recordkeeping for interstate truck and bus drivers – the largest in the federal government following tax-related filings – and improve the quality of logbook data.

"Today's proposal will improve safety while helping businesses by cutting unnecessary paperwork – exactly the type of government streamlining President Obama called for in his State of the Union address," said Transportation Secretary Anthony Foxx. "By leveraging innovative technology with electronic logging devices, we have the opportunity to save lives and boost efficiency for both motor carriers and safety inspectors."

The proposed rule will ultimately reduce hours-of-service violations by making it more difficult for drivers to misrepresent their time on logbooks and avoid detection by FMCSA and law enforcement personnel. Analysis shows it will also help reduce crashes by fatigued drivers and prevent approximately 20 fatalities and 434 injuries each year for an annual safety benefit of \$394.8 million.

"By implementing electronic logging devices, we will advance our mission to increase safety and prevent fatigued drivers from getting behind the wheel," said Federal Motor Carrier Safety Administrator Anne S. Ferro. "With broad support from safety advocates, carriers and members of Congress, we are committed to achieving this important step in the commercial bus and truck industries."

The Supplemental Notice of Proposed Rulemaking, which was sent to the Federal Register to publish on March 12, supersedes a prior 2011 Notice of Proposed Rulemaking related to electronic on-board recorders. It includes provisions to:

- Respect driver privacy by ensuring that ELD records continue to reside with the motor carriers and drivers. Electronic logs will continue to only be made available to FMCSA personnel or law enforcement during roadside inspections, compliance reviews and post-crash investigations.
- Protect drivers from harassment through an explicit prohibition on harassment by a motor carrier owner towards a driver using information from an ELD. It will also establish a procedure for filing a harassment complaint.
- Increase efficiency for law enforcement personnel and inspectors who review driver logbooks by making it more difficult for a driver to cheat when submitting their records of duty status, and ensuring the electronic logs can be displayed and reviewed electronically or printed with potential violations flagged.

State Watch: News from the SMART Transportation Division's State Legislative Boards

Arizona Legislative Board



State Legislative Director Greg Hynes, left, Assistant State Legislative Director Robert "Scott" Jones (1081) and BNSF Railway GO 020 General Committee of Adjustment General Chairperson Tom Pate (1081), right, hosted a labor luncheon for U.S. Rep. Kyrtsten Sinema (D-Dist. 9) at the SMART union hall in Phoenix March 20. The SMART Transportation Division officers held the luncheon in order to thank Sinema for her support and co-sponsorship of the two-person train crew bill H.R. 3040.

Florida Legislative Board

State Legislative Director **Andres Trujillo** met with congressional staff members on 29 different appointments over a period of three days in Washington in an effort to gather support for H.R. 3040, the two-person train crew bill. Trujillo also attended meetings with the Federal Railroad Administration and the Surface Transportation Board.

"We particularly need the support of Republican members of the House of Representatives, only three of whom are co-sponsors of H.R. 3040," Trujillo said. "This should not be a partisan issue. We are attempting to impress upon our Republican representatives that the American public overwhelmingly supports having two certified operators in the cab of a freight train."

In other news, Trujillo and Assistant Director **David E. Meadows** (1312) are seeking support for the passage of a memorial filed in the Florida House of Representatives and Senate that urges the Environmental Protection Agency and the White House to respect the role of the state's EPA in promulgating rules regarding coal-powered plant emissions. Meadows has been distributing informational packages among state representatives and speaking with staff to drum up support for the memorial.



Top: State Legislative Director Andres Trujillo meets with U.S. Rep. Eddie Bernice Johnson (D-Texas) and U.S. Rep. Corrine Brown (D-Fla.) during Railroad Day on Capitol Hill. Bottom: Trujillo meets with U.S. Rep. Alan Grayson (D-Fla.). As this issue of the SMART TD News went to press, Johnson and Grayson were co-sponsors of H.R. 3040.

Indiana Legislative Board

Last summer, the SMART Transportation Division's National Legislative Office sponsored a UTU PAC contest, which was won by **James E. Carrico Jr.** of Local 333 at North Vernon, Ind. A total of \$5,660 was raised for UTU PAC, and Carrico's efforts raised the Indiana Legislative Board's total PAC contributions by nine percent.

The grand prize was roundtrip travel expenses to Washington, lodging for two for three days and two nights, along with tours of the U.S. Capitol, Supreme Court and Union Station.

State Director **Kenny Edwards** reports that Carrico chose to donate the prize to the Indiana State Board to raise additional funds. "In a random drawing, our board selected Local 1518 of Indianapolis to do with the prize as they wished," Edwards said. "Local 1518 in turn had a second PAC drive, raising its contributions from \$367.16 per month in August 2013 to \$469.60 in February 2014, a 28 percent increase."

Member **Bruce D. Mathews** won the prize and took his wife, Linda, on the trip to Washington to celebrate their 20th wedding anniversary. "We had a wonderful trip," Linda said. "It was an amazing way to spend our 20th anniversary."



SMART member Bruce Mathews and his wife, Linda, visit the Lincoln Memorial on the trip to Washington that they won through the National Legislative Office's UTU PAC contest.

Iowa Legislative Board

State Legislative Director **Jim Garrett** reports that Iowa inked another small victory for railroaders when Gov. Terry Branstad (R) signed S.F. 2290 into law, legislation that clarifies that railroaders do not need to provide a driver's license in cases of track accidents or incidents.

"Although common sense would dictate that one is not required, our members in the past have been arrested when they refused to display their license, or their auto insurance rates have increased when they have," Garrett said. "With this law now part of the Iowa Code, it will be taught at the law enforcement academy and should end these unfortunate events."

Kansas Legislative Board

At the Kansas Democratic Party Washington Days dinner held March 8 in Topeka, former Kansas Gov. John Carlin presented State Legislative Director **Ty Dragoo** with the Dennis M. Langley Award, presented each year by the party to an individual it recognizes for support and leadership.

"Ty represents all the determination that labor has in keeping its interests and issues at the forefront of Kansas politics," Carlin said. The guest speakers for the event were former Michigan Gov. Jennifer Granholm and Wichita State Rep. John Carmichael. Both SMART Transportation Division and Sheet Metal Division members were in attendance.



Pictured, from left, are Carla Buschjost (SMD 36), Mark Shughart (SMD 2), Dragoo, Assistant State Legislative Director Chad Henton (506), Sean Anderson (SMD 29) and General Chairperson Carl Ford of the SMWIA's U.S. District Council of Railroads.

Missouri Legislative Board

The Missouri State Legislative Board March 26 presented Missouri Attorney General Chris Koster with a UTU PAC donation in support of his run for the state's gubernatorial office in 2016.

"Chris Koster has been a great supporter of labor," State Legislative Director **Ken Menges** said. "Helping Chris Koster become the next governor will be a great asset in our continued fight to keep right-to-work legislation out of Missouri. Elections have consequences and it is our desire to elect labor-friendly candidates that we can count on to continue to protect our jobs and our retirement."

Missouri Secretary of State Jason Kander also received a PAC donation at the Missouri Legislative Board office from Sheet Metal Division Local 36 on March 27. "Secretary Kander has been a great supporter of labor and working individuals to make voting easier for Missourians," Menges said.

In other news, about 200 SMART members from across Missouri participated in a labor rally held March 26 to show support for keeping right-to-work legislation out of Missouri. Their efforts paid off April 9.

"While the bill passed on a perfection vote 78-68 – it only needed a simple majority – it will take a constitutional majority to pass on a third reading, 82 votes, before it can move to the Senate. If we can hold the votes of our friends, we will have beaten back the outside political and corporate powers that have been trying to influence state legislatures the past few years," Menges said.

"Today (April 9) was a culmination of 12 years of work by a lot of good people. The vote shows that the majority of the legislators want to work on the real issues of creating jobs and making our schools better, rather than spending time on divisive issues that hurt our state."

"A special thank you to all our members who took the time to call or write their representatives. Those calls and letters the past few days were a great help to our friends who needed to know that if they support us, we will have their backs. The war is not over, but we dealt a major setback to the right-to-work movement in Missouri."

"It has been great to see all of labor come together and work together in this battle."



Pictured, from left, are SMART Transportation Local 330 Legislative Rep. Dustin Stone, State Legislative Director Ken Menges, gubernatorial candidate and Attorney General Chris Koster, Local 947 Legislative Rep. Jamie Alsdorf and Assistant State Legislative Director Jason Hayden (1405).



Attending a labor rally outside the capitol in Jefferson City March 26 to show support for keeping right-to-work legislation out of Missouri are, from left, Assistant State Legislative Director Jason Hayden (1405), former Auxiliary of the UTU International President Carol Menges and Local 947 Legislative Rep. Jamie Alsdorf.

Nebraska Legislative Board



Pictured, from left, are SMART Sheet Metal Division Local 3 Business Manager Jim Waugh, SMART Sheet Metal Division Local 3 Business Rep. Kevin Timmerman, SMART Transportation Division State Legislative Director Bob Borgeson and Rod Vlcek, president of Nebraska State AFL-CIO. The group caucused at the 2014 Nebraska State AFL-CIO Committee on Political Education (COPE) Convention March 22 at the Holiday Inn Downtown in Omaha.

Pennsylvania Legislative Board

SMART Transportation Division Pennsylvania State Legislative Director **Paul Pokrowka** is calling on all members to help stop legislation introduced here that bans Southeastern Pennsylvania Transportation Authority employees from striking.

H.B. 2109, introduced by State Rep. Kate Harper (R), would add SEPTA workers to the list of public employees prohibited from striking in the state, including "employees directly involved with and necessary to the functioning of the courts of this Commonwealth," her website reads.

The bill would amend Section 1001 of P.L. 563, No.195, stating that "strikes by employees of the Southeastern Pennsylvania Transportation Authority (SEPTA), guards at prisons or mental hospitals, or employees directly involved with and necessary to the functioning of the courts of this Commonwealth are prohibited at any time. If a strike occurs the public employer shall forthwith initiate in the court of common pleas of the jurisdiction where the strike occurs, an action for appropriate equitable relief including but not limited to injunctions."

Pokrowka is requesting all members and their family members to contact their representatives in the Pennsylvania General Assembly and ask them to vote "no" on H.B. 2109. "This legislation tramples on the rights of workers. If this bill is passed, what group of workers will be targeted next?" Pokrowka asked.

Wisconsin Legislative Board

State Legislative Director **Craig Peachy** reports that the Wisconsin State Legislature recently approved A.B. 19, also known as the asbestos bill, despite bipartisan opposition.

A.B. 19 limits the action that a victim of asbestos exposure at work can take and creates timelines that will hurt victims of asbestos exposure and their families. Peachy said that the bill can still be stopped with a gubernatorial veto. Senate Democrats are circulating a petition calling on Gov. Scott Walker to veto the bill when it arrives at his desk for signing. Go to www.vetoforveterans.com to sign the petition.

Wyoming Legislative Board



State Legislative Director Stan Blake is pictured with Gov. Matt Mead March 7 at the governor's office as Mead signs a coal-emissions resolution. The resolution requests Congress to require the Environmental Protection Agency to respect the primacy of Wyoming in developing guidelines for regulating CO2 emissions in the state. Blake, a co-sponsor of the resolution, was the only member of the Wyoming House of Representatives to attend the signing. He represents the state's 39th District.

UTU
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

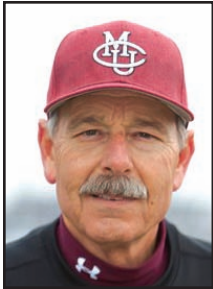
Retiree is out as conductor, but not as college baseball coach

Retired member **Phil McCowen** is entering his 30th year as an assistant baseball coach for the Colorado Mesa University Mavericks.

A member of SMART Transportation Division Local 500 at Grand Junction, Colo., who was employed by Denver and Rio Grande Railroad, McCowen has been helping to coach the Mavericks team since 1984.

While working as a conductor, McCowen met fellow Local 500 member **David G. Mantlo**, who was involved with the Grand Mesa Little League. Mantlo invited him to come and help out as coach. In 1984, the two men were invited to play in a charity softball game against the Denver Broncos and McCowen met Byron Wiehe, coach of the Colorado Mesa baseball team.

Nothing came of the meeting at that time, but when McCowen's wife, Diana, took a class taught by Wiehe, the former charity game teammates were reunited.



McCowen

"Byron wanted to know if I would come out for practice. That's how it all got started," McCowen said. "I miss baseball, but I didn't think about doing it until this happened."

As McCowen started assisting at practices, Wiehe made him the outfield and first base coach. He's been the outfield coach ever since.

McCowen has worked under three coaches at the university and currently works under Coach Chris Hanks. All three coaches worked around McCowen's railroad schedule up until he retired in 2010. Since then, he has not missed a practice, and even travels with the team on road trips. And oddly enough, he isn't paid a cent.

When McCowen started helping out, Wiehe talked to him about getting paid, but McCowen refused.

"I told him, I got a job. Plus, I'm not going to be able to be here every day," McCowen said. "I don't care about the money. I got my own job. I'd be tickled to death to throw (batting practice) and be a part of the program."

"If someone has that strong kind of passion to be around the kids and to help out, especially volunteer, I certainly wouldn't want to send them away," Hanks said. "Since he retired, he's here every day now."

"The tough thing about coaching baseball is there is a lot of batting practice to throw and a lot of fungoes to hit," McCowen said. "I have three rules for the players: hustle, don't lie and hit the cutoff man."

"My wife has been very gracious to let me do this," McCowen said. "She knows how important



Retired member Phil McCowen shows off part of the 1,500 square-foot model train set he is building in the basement of his home.

it is for me to do this. She knows this is a passion for me. I thank her, my mom and dad for steering me in the right direction."

His wife also allows him to devote a lot of his time to working on another hobby – a model train set. He has been building a 1,500-square-foot model train set in his basement that includes several locomotives and cars he built and painted.

"It's a love of the hobby," McCowen said. "I treat it as a hobby. It takes a long time. It will always be a work in progress. There are a lot of different aspects to it."

"My dad loved railroads," McCowen said. "He grew up in an era where the steam engine was dominant, before diesel engines came. He always liked how the steam engine worked. My dad bought me a little train set to go around the Christmas tree," McCowen said. "My dad and I had a hobby together."

Former AGC Carstens dies

Former Burlington Northern Railroad Associate General Chairperson **Harold "Jack" Carstens**, 94, died March 19.



Carstens

Carstens, a member of SMART Transportation Local 1637 at Wishram, Wash., was the conductors' grievor for General Committee of Adjustment GO 386.

Born Dec. 27, 1919, in Portland, Carstens proudly served in the U.S. Navy during World War II. He worked for the Spokane, Portland & Seattle Railway as a conductor and brakeman, and later became involved in the affairs of his union. He loved baseball and pitched for the Portland Babes.

Carstens was preceded in death by his wife, Hope, his brother, Leo, and his grandson, Steve Olin. He is survived by daughters Shirley Olin and Janet Sattler, five grandchildren and 14 great grandchildren. Friends may contribute in his name to the Wounded Warrior Project at www.woundedwarriorproject.org.

Railroad Retirement Investment Trust issues report

The National Railroad Retirement Investment Trust has issued its quarterly report on the trust's operations and activities relating to its investment operations for the quarter ending Dec. 31.

As of Dec. 31, the trust had received a total of \$21.3 billion from the Treasury for investment. Trust-managed assets and Railroad Retirement Board assets held in reserve totaled \$26.7 billion as of Sept. 30, 2013, and \$27.5 billion as of Dec. 31, 2013.

The trust originally deployed assets received from Treasury into a diversified and balanced portfolio of U.S. and non-U.S. equity and U.S. fixed-income securities. Over time, the trust has furthered that diversification by allocating a percentage of the portfolio to non-U.S. fixed income

securities, private equity, real estate and commodities.

As mandated by its statute, the trust has avoided undue concentration of investment in any asset class, type of security, or market sector. This policy of broad diversification is intended to serve the trust well in strong markets and to protect its assets from disproportionate market shocks in volatile periods, such as those in recent years.

As part of this diversification process, the trust holds tens of thousands of different securities selected by its investment managers for its portfolio.

Copies of the trust's Annual Management Report and each quarterly update are available on the website of the RRB at www.rrb.gov.

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
R	Hornyak, Kathryn V.	Delran, N.J.	477	Ihde, Carl W.	Laurel, Mont.	1366	Pugmire, Ronald C.	Salt Lake City, Utah
R	McGinty, Catherine A.	Cleveland, Ohio	496	Dawson, Curtis H.	Portsmouth, Ohio	1377	Buckley, James E.	Fort Wright, Ky.
14	Childs, Jesse F.	Cincinnati, Ohio	498	Murphy, Thomas J.	Port Charlotte, Fla.	1390	Cach, Leonard J.	Lyndhurst, N.J.
20	Castle, Clifford R.	Nederland, Texas	525	Machovsky, Larry H.	Maricopa, Ariz.	1397	Risner, David C.	Grove City, Ohio
98	Scott, Earnest E.	Escondido, Calif.	596	Orloski, William F.	Petrolia, Pa.	1413	Nair, Achuthan	Bergenfield, N.J.
202	Hawkins, Harold W.	Wheat Ridge, Colo.	632	McConnell, Francis M.	Altoona, Pa.	1505	Eisenbarth, Dewayne	Ridgefield, Wash.
239	Everhart, James E.	Benicia, Calif.	650	Murphy, Thomas V.	Northwood, Iowa	1529	Judy, Lawrence E.	Walbridge, Ohio
240	Hicks, William A.	Glendora, Calif.	762	Cross, Billy T.	Prattville, Ala.	1545	Linton Jr., Thomas M.	Hodge, La.
283	Zimmer, James E.	Portland, Ore.	793	Corbett, Gene T.	Cayce, S.C.	1564	Moss, Lawrence L.	Rosamond, Calif.
316	Hiett, Harlan E.	Clinton, Iowa	854	Hales, Lester G.	Kill Devil Hills, N.C.	1594	Hopson Jr., Robert H.	Upper Darby, Pa.
339	White, Murl W.	Jackson, Tenn.	886	Johnson, Alton E.	Marquette, Mich.	1951	Otto Jr., Arch T.	Boynton Beach, Fla.
352	Demers, Paul J.	Westfield, Mass.	998	Carter, Wesley W.	Waycross, Ga.	1978	Dunn, Peter J.	Fishkill, N.Y.
414	Riendeau, Joseph A.	Montreal, Que.	1007	Stark, Wayne E.	Watertown, N.Y.	1978	Mrose, Arthur J.	Port Jefferson Station, N.Y.
426	Williams, Wilfred H.	Spokane Valley, Wash.	1035	Motes, J.E.	St. Petersburg, Fla.			
462	Davis, Robert F.	North Little Rock, Ark.	1088	Blain Jr., William H.	Kilmichael, Miss.			

Do not let cancer eat your life savings

Cancer is often a lingering disease that strikes all age groups. It may require repeated, extensive treatment, resulting in the person being unable to work, high hospitalization bills and loss of income.

The National Cancer Institute reports that cancer will strike in three out of four families.

UTUIA's Cancer Hospital Indemnity policy offers peace of mind. The benefits are paid directly to the policyholder to use as he or she sees fit: to help meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings. *Some benefits may vary based on state of residence.*

With monthly premiums starting as low as **\$9 per month**, this plan fits into any budget.

"I sold UTUIA cancer plans for years because I believed in the product and thought everyone should have the protection. Then, all of a sudden, there I was, confronted with cancer in my own family. Even with our great medical insurance, the out-of-pocket costs of cancer were significant. Now, having experienced cancer first hand, I believe even more strongly that everyone should include cancer insurance in their family's protection portfolio."

– Retired UTUIA Field Supervisor Don Dysart



The American Cancer Society projects that more than 93 million Americans alive today will be diagnosed with cancer during their lifetimes. That is the equivalent of every man, woman and child living in the red-shaded states above.

UTUIA's Cancer Hospital Indemnity policy offers:

- ✓ **\$300 per day for hospital confinement**
- ✓ **\$600 per day in extended stay benefits**
- ✓ **\$100 per day for home recovery**
- ✓ **\$2,000 first diagnosis benefit for internal cancer**
- ✓ **\$15,000 bone marrow transplant benefit**



Call or email today:
(800) 558-8842
sales@utuia.org

04/14

Conductor's CPR effort on platform saves life of passenger in distress

Swift and crucial response offered by a SMART Transportation Division member to a woman in distress on a passenger platform in South Florida Feb. 15 likely resulted in life-saving action by the Tri-Rail conductor.

Thomas E. Baker, a member of Local 30 at Jacksonville, Fla., and an employee of Veolia Transportation, noticed a 65-year old woman collapsed and lying on the transfer station platform.

He scrambled to reach her and discovered that she had no pulse and was not breathing. Without hesitation, he began performing CPR for more than 15 minutes until emergency medical service personnel arrived. The EMS personnel indicated that, because of his actions, Baker was able to successfully revive the woman and maintain her weak pulse, ultimately saving her life.

"This was a call to duty and I can only hope that someone would do the same for me or my family members if the situation ever arises," Baker said.

Baker learned his CPR skills in the U.S. Air Force, where he served five years and nine months. He is a Gulf War veteran and participated in Operation Desert Storm. He then worked in Southern Florida law enforcement for more than 15 years. In 2010, he joined Veolia Transportation as an operations supervisor and was promoted to conductor two years later.

He said that this incident is proof that CPR training really does save lives.

On March 28, in recognition of his heroic deed, the South Florida Regional Transportation Authority (SFRTA) presented Baker and two custom protection officers with its first ever "distinguished service awards" at a meeting of the authority's governing board. The agency said the

awards are inspired by transit heroes who have gone above and beyond the call of duty to protect and aid Tri-Rail passengers.

In presenting the award, SFRTA Chair Commissioner Steven L. Abrams praised Baker and the two

CPO officers saying, "These three heroes are indicative of the quality and caliber of the men and women who serve our Tri-Rail passengers every day. We are honored to have them as part of the SFRTA team."

Congratulations, and well done, Brother Baker.



SMART Transportation Division Local 30 conductor Thomas E. Baker, second from right, is presented a crystal "distinguished service award" by South Florida Regional Transportation Authority Commissioner Steven L. Abrams, far right, for his life-saving action in performing CPR on a passenger in distress. Also honored at the ceremony were G4S Custom Protection Officers James Errante and Lester Anderson, who removed a gunman from a Tri-Rail train. In the process, Errante was shot twice and Anderson was severely bitten by the suspect.

FRA moves on critical incident stress plans

Continued from page 1

incident” as either “an accident/incident reportable to FRA under 49 CFR part 225 that results in a fatality, loss of limb, or a similarly serious bodily injury; or...a catastrophic accident/incident reportable to FRA under part 225 that could be reasonably expected to impair a directly-involved employee’s ability to perform his or her job duties safely.”

“The required set of minimum standards for critical incident stress plans include allowing a directly-involved employee to obtain relief from the remainder of the tour of duty, providing for the directly-involved employee’s transportation to the home terminal (if applicable), and offering a directly-involved employee appropriate support services following a critical incident. This final rule requires that each railroad subject to this rule submit its plan to FRA for approval.

The final rule contains minimum standards for leave, counseling and other support services. These standards would help create benefits by providing employees with knowledge, coping skills and services that would help them: recognize and cope with symptoms of normal stress reactions that commonly occur as a result of a critical incident; reduce their chance of developing a disorder such as depression, post-traumatic stress disorder or acute stress disorder as a result of a critical incident; and recognize symptoms of psychological disorders that sometimes occur as a result of a critical incident and know how to obtain prompt evaluation and treatment of any such disorder.

The FRA anticipates that implementation of this final rule would yield benefits by reducing long-term healthcare costs associated with treating PTSD, ASD, and other stress reactions, and costs that accrue either when an employee is unable to return to work for a significant period of time or might leave railroad employment due to being affected by PTSD, ASD, or other stress reactions. In addition, the safety risks posed by having a person who has just been involved in a critical incident performing safety critical functions is also reduced.

The majority of the quantifiable benefits identified by FRA’s analysis are associated with railroad employee retention and a reduction of long-term healthcare costs associated with PTSD cases that were not treated appropriately after a critical incident.

Overall, FRA finds that the value of the anticipated benefits would justify the cost of implementing the final rule.

To view the complete final rule as published in the Federal Register, enter “critical incident” in the Search box at www.utu.otg.

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.

FRA to issue proposed rule on train crew size

Continued from page 1

are very disappointed that the Association of American Railroads and some short line railroads continue to keep their head in the sand when confronted with critical safety concerns. AAR continues to ignore the preventable accident that occurred less than 20 miles north of our border,” Previsich added.

FRA plans to issue an additional NPRM based on the consensus recommendations of the Securement Working Group and approved by the full RSAC that would prohibit certain unattended freight trains or standing freight cars on main track or sidings and require railroads to adopt and implement procedures to verify securement of trains and unattended equipment for emergency responders.

It would also require locomotive cabs to be locked and reversers to be removed and secured. Railroads would also be required to obtain advance approval from FRA for locations or circumstances where unattended cars or equipment may be left.

The full RSAC also approved four recommendations of the Hazardous Materials Issues Working Group relating to identification, classification, operational control and handling of certain shipments.

The four recommendations, directed to the Pipeline and Hazardous Materials Safety Administration (PHMSA), include amending or revising the definitions of “residue” and “key train,” and clarifying its regulatory jurisdiction over the loading, unloading and storage of hazmat before and during transportation. PHMSA continues to advance a rulemaking addressing the integrity of DOT Specification 111 tanker cars and the safe

shipment by rail of flammable materials such as crude oil.

On Aug. 29, 2013, the first-ever emergency session of the RSAC was held in response to the July 6, 2013, derailment of an unattended Montreal, Maine & Atlantic Railway freight train containing crude oil in Lac-Mégantic, Quebec, Canada.

Building upon Foxx’s February agreement with the rail and petroleum industries, the FRA’s Emergency Order 28 and Safety Advisory 2013-06, PHMSA’s Operation Safe Delivery, Safety Alerts and a DOT Emergency Order, the three RSAC working groups reviewed existing regulations and standards to identify and mitigate the risks posed by such shipments and prevent future accidents.

“The unfortunate tragedy in Lac-Mégantic highlighted the need for sanity in intercity rail operations,” said SMART Transportation Division National Legislative Director James Stem. “Operating a long freight train through the communities that our industry serves with only one person on a crew is not only unsafe, but is also unsustainable.

“The safety improvements in our industry are directly linked to the training and certification of the two professionals on the locomotives and the other professional employees and their managers that are operating, repairing and maintaining our rail network throughout the United States.

“Our rail industry today is enjoying record profits, record productivity, and every stock broker is recommending a ‘buy’ on all railroad stocks. There is no argument that the current regulatory scheme in place today is a critical component of that productivity, and thus the high level of profitability.”



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Amtrak celebrating National Train Day

WASHINGTON – Amtrak invites America to celebrate the many benefits trains bring to the nation during the seventh annual National Train Day on May 10, 2014. Trains are an integral part of daily American life and connect communities, provide jobs and economic development, support local businesses and attract funds for infrastructure improvement. From big cities to small towns, coast to coast and border to border, trains matter.

In addition to events in Philadelphia, Washington, D.C., Chicago and Los Angeles, Amtrak is supporting events in many local markets across the country served by America's Railroad. Event offerings will vary to include train equipment displays, family-friendly activities and local dignitaries.

"Trains have long been important to the growth and prosperity of our nation and today, Amtrak supports our national economy and connectivity by moving America where it wants to go," said Amtrak President and CEO Joe Boardman.



"Amtrak is America's Railroad. Trains came first, long before the interstate and the airport," said Mayor Todd Barton of Crawfordsville, Ind. "From a presidential candidate campaigning across the country to a young scholar leaving home for school, trains take us where we need to go. They are important and should be celebrated."

Boardman added that rail travel is a vital transportation alternative that is cost-efficient, environmentally friendly and in high public demand. In addition, intercity passenger trains matter because they connect rural communities with major metropolitan areas and afford passengers more than 500 destinations – an option that has become increasingly important as airline and bus companies reduce service to significant regions of America.

Details on National Train Day events and information on how to host a National Train Day event are available at www.nationaltrainday.com.

Rails to hire 12,000 in 2014, spending \$26B on network

WASHINGTON – The nation's freight railroads this year project they will spend approximately \$26 billion to build, maintain, and upgrade their nationwide rail network, according to an estimate released March 12 by the Association of American Railroads. Railroads also expect to hire more than 12,000 people in 2014 for jobs throughout all areas of the industry and located all across the U.S.

"This year's projected record investments continue a decades-long trend of private railroad dollars that sustain America's freight rail network, so taxpayers don't have to," said AAR President and CEO Edward R. Hamberger.

"The result is a rail network that is the envy of the world, serving both freight and passenger railroads, and this massive private financial commitment is a demonstration of the industry's resolve to never stop improving."

Hamberger noted that freight railroads have invested approximately \$550 billion of their own money into the rail network since 1980, including \$115 billion in the past five years alone. From upgrades to bridges and tunnels to new tracks and facilities, freight rail infrastructure is constantly maintained and upgraded to meet the demands of an evolving economy.

"The rail industry is committed to safety and we're investing record amounts to implement safety enhancing technology across the network," Hamberger said. "Railroads are working to deliver a safe, modern and efficient rail network that can reliably serve our customers and communities. And at the same time, this spending creates jobs for more American workers."

The freight railroads estimate they will hire more than 12,000 employees in 2014, up from a projected 11,000 new hires in 2013. Company job listings can be accessed at www.aar.org/jobs.

"Freight rail is a great industry for a potentially life-long career with one of our great railroad companies," Hamberger said. "America's railroads also have a long history of hiring veterans, and railroad careers rank among the best for military veterans and their families."

"News of record investments and steady hiring demonstrates how America's economy rides the rails," Hamberger said. "That's a message we're eager to share."

Grand Trunk, UP ordered to pay whistleblowers

The U.S. Department of Labor's Occupational Safety and Health Administration has found Grand Trunk Western Railway Co. and Union Pacific Railroad Co. in violation of the Federal Railroad Safety Act for suspending and/or disciplining five workers following the reporting of workplace injuries or illnesses.

"When employees are disciplined for reporting workplace injuries, safety concerns or illnesses, worker safety and health are clearly not the company's priority," said Nick Walters, OSHA's regional administrator in Chicago. "More than 60 percent of the FRSA complaints filed with OSHA against railroad companies involve an allegation that a railroad worker has been retaliated against for reporting an on-the-job injury. This is unacceptable and a culture that must be changed."

The department has ordered the companies to pay back wages, along with interest, punitive and compensatory damages, and attorney's fees, and to remove disciplinary information from the employees' personnel records.

OSHA has ordered Grand Trunk Western Railway Co., a subsidiary of the Canadian National Railway, to pay four workers a total of \$85,580.



A carpenter will receive \$29,671 in lost wages, less employment taxes, \$2,119 in lost vacation pay and \$10,000 in punitive and compensatory damages. A conductor will receive \$29,671 in lost wages, less employment taxes, \$2,119 in lost vacation pay and \$10,000 in punitive and compensatory damages. Another conductor working in Pontiac, Mich., can expect \$1,500 in punitive and compensatory damages and no loss of wages after the employee was issued a 45-day suspension, which has not been served, for taking unauthorized leave. Additionally, a conductor working in Battle Creek, Mich., will receive \$500 in punitive damages and one day's lost wages after he was issued a one-day suspension for reporting a workplace injury in February 2013.

Union Pacific Railroad Co. has been ordered to pay a brakeman \$1,289.68 in lost wages, less employment taxes, and \$10,000 in punitive and compensatory damages, along with interest and attorney's fees. OSHA's investigation upheld the brakeman's allegation that the railway issued him a one-day suspension and required him to attend remedial simulator training after he was injured by battery acid fumes when investigating a possible fire in the engine room of a train.

SMART General Executive Council met in March

Members of the SMART General Executive Council, along with invited Sheet Metal Division business managers and Transportation Division general chairpersons, assembled March 30-April 4 at the Gaylord National Resort and Conference Center in National Harbor, Md., for "think tank" and executive sessions.

On the first two days of the meeting, those in attendance heard a presentation by a representative of the marketing and communications firm Mosaic regarding members' perceptions of

SMART, the branding of SMART as a labor organization and improving communication with the SMART membership.

The Mosaic presentation was followed by "think tank" sessions presented by the management consulting firm FMI, which included brainstorming sessions among attendees on how to "organize and grow" and "structure to survive."

The remaining three days of the session were devoted to executive action by the GEC, which includes the SMART general president, SMART

general secretary-treasures, Sheet Metal Division vice presidents, and the members of the Transportation Division's board of directors.

Also participating in the "think tank" sessions representing the Transportation Division were BNSF Railway GO 001 General Chairperson **Randy Knutson**, Union Pacific GO 953 General Chairperson **Brent Leonard**, CSX GO 049 General Chairperson **Steve Mavity** and Norfolk Southern GO 898 General Chairperson **Mark Cook**.





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This photo was taken by UTU Alumni Association member **Frank D. Vrchota** of Local 1202 at Fort Wayne, Ind., while he was vacationing in San Diego late last year. A BNSF Railway train passes Petco Park, home of Major League Baseball's San Diego Padres. The park is just a block away from the Hilton San Diego Bayfront Hotel, host of the First SMART Transportation Division Convention.



SMART

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

Obama announces second PEB in LIRR dispute

WASHINGTON – President Barack Obama, March 20, signed an executive order creating a second Presidential Emergency Board to help resolve an ongoing dispute between the Long Island Rail Road and some of its unionized employees.

The appointment of a second PEB means that a strike by members of the International Association of Sheet Metal, Air, Rail and Transportation Workers and other union employees that could have come as early as March 21 was put off until July at the earliest.

PEB 245 will provide a structure that allows the two sides to attempt to resolve their disagreements. In the 60 days following its establishment, the PEB will obtain final offers for settlement of the dispute from each side, and then produce a report to the president that selects the offer that the board finds to be the most reasonable.

The board's report is not binding, but the party whose offer is not selected would be prohibited by law from receiving certain benefits if a work stoppage subsequently occurs. If the two sides fail to reach a compromise based on the recommendations of the second PEB, LIRR workers can legally strike as early as July 19.

"I am obviously disappointed that New York's Metropolitan Transportation Authority rejected the findings of

PEB 244," said SMART Transportation Division President John Previsich. "While the board's recommendations did not include everything our members on the LIRR were seeking, I do think they provided an equitable framework for resolving this matter without a work stoppage."

The first PEB recommended that the LIRR pay wage increases totaling 18.4 percent over six years (2.9 percent per year) and that employees begin contributing to health insurance premium costs. After factoring in the recommended employee health insurance contributions, the board's recommendations would have produced net wage increases of 2.5 percent per year.

The recommendations were retroactive to June 2010.

"The recommendations of the first Presidential Emergency Board ignored the enormous burden that a 17 percent wage increase over six years without a single change in work rules or other cost offset would place on the MTA's budget," said MTA spokesman Aaron Donovan.

The members of PEB 245 are: Joshua M. Javits, appointee as chairman; Elizabeth C. Wesman, appointee as member; and M. David Vaughn, appointee as member.

"I appreciate that these dedicated individuals have agreed to devote their talent and years of experience working on labor-management disputes to help reach a swift and smooth resolution of this issue," Obama said.



Inside this issue of UTU-SMART News:



Foringer's final train trip is first and last with son. See page 2.



Time for summit to shine spotlight on bus operator attacks. See page 5.



News from the SMART Transportation Division's State Legislative Boards. See pages 6 and 7.



Conductor's CPR effort on platform saves life of passenger in distress. See page 9.