

After the voting was concluded, the oath of office was administered to all 20 international officers, including the Transportation Division general vice presidents.



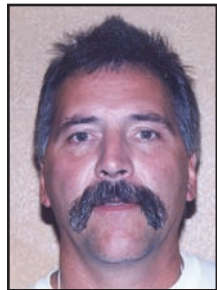
*Continued on page 3*



# Around the SMART TD

## Local 2, Toledo, Ohio

Local Chairperson **James P. Curcio** made his final trip as a road conductor May 1, Norfolk Southern GO (687) General Chairperson **Tom Garvin** reports. "With a heartfelt thanks, the members of SMART TD Local 2 wish Brother Curcio a long and well-deserved retirement. Jim hired on with the Penn Central Corporation on Dec. 18, 1972, and continued his railroad affiliation with Conrail and NS. Always a consummate labor professional, he represented the men and women of Local 2 as vice local chairperson, chairperson, president and delegate. Upon his retirement, he was the associate general chairperson of GO-687 representing the former Conrail Lines. His contributions to the union and the success of NS were justly recognized when he served as keynote speaker at the Norfolk Southern annual safety meeting in 2013, celebrating more than 40 years of injury-free service. For all he has done, for his humor and dedication, we thank him," Garvin said.



Curcio

## Local 40, Denver, Colo.

Local Chairperson and Delegate **Diane King** thanks all of her fellow delegates and SMART officers for their support of the Aviation Department and their mentorship and guidance at last year's regional meetings and this year's SMART conventions. "It was both invaluable and very much appreciated," King said. Anyone wishing to correspond with King can reach her by email at Local0040King@gmail.com or on Facebook by searching dianemking69@facebook.com.

## Local 240, Los Angeles, Calif.

Local Chairperson **Harry Garvin Jr.** reports that the 12th annual rail reunion and retirement dinner for employees of UP, SP, Pacific Electric, Metrolink, Amtrak and AT&SF (Locals 32, 240, 1422, 1770, 1813 and 1846) will be held Nov. 7, from 3-9 p.m., at Sierra Lakes Golf Course, 16600 Club House Dr., in Fontana. The cost is \$40 per person or \$75 per couple, with a reservation deadline of Nov. 3. The cost will be \$45 per person at the door. For more information, call Garvin at (909) 261-8878 or (909) 481-7261. Send checks or money orders to Garvin at P.O. Box 8396, Alta Loma, CA 91701-0395, and include names, address, telephone number, railroad and years of service. In other news, Garvin noted the retirement of member **Jimmy R. Cooper** Aug. 1 after 36 years of service and the passing of retired conductor **John H. Binford** on July 19.

## Local 506, Herrington, Kan.

The Tri-County Free Fair was another success this year and SMART was there. Amidst this fun and fanfare, Local President **Rusty Beames**, his family and fellow members July 10 represented SMART at an exhibitor tent. They distributed SMART stickers, pens, bags, paper fans and other various goodies. They also got the word out, informing fairgoers of SMART's role and importance in this long-standing railroad community. Beames also decked-out his old pick-up truck with SMART signage and drove it through the downtown parade route.



## Local 1422, Los Angeles, Calif.

The members of this Union Pacific local congratulate conductor **Ray F. Hodges**, who retired Aug. 1 after 49 years of service. All the members

## Tribute to late John Denver takes 'country boy' home

For conductor and Norfolk Southern GO 680 Vice General Chairperson **Robert C. "Bubba" Chandler III**, the rhythm of the rails is in his bones.

Long before he began riding the rails, the rhythm of the music was in his soul. A self-taught six-string guitar picker for more than 35 years, Chandler is an accomplished professional musician and singer. His latest release, *Another Evening with the Music of John Denver*, is his unique and heartfelt tribute to one of his greatest musical influences, the late John Denver.



Chandler

A member of Transportation Division Local 363 at Roanoke, Va., Chandler was born near Birmingham, Ala., and his southern musical influences run deep.

He recalls listening to his parents' records, primarily Grand Ole Opry artists such as Patsy Cline, Hank Williams and the Carter Family. This exposure awakened his interest in bluegrass, country and folk styles, ultimately leading to his earnest study of the two Johns: John Prine and John Denver.

After high school, he moved to Kirksville, Mo. "It was there I was introduced to John Prine's music and decided to get a guitar and learn a few chords. After seeing that I did better with the ladies with a guitar in my hands, it kind of stuck," Chandler said.

His musical interests broadened to include southern rock artists such as the Allman Brothers and Lynyrd Skynyrd.

"Denver's music is melodic. It is about the beauty in country living, love, hope and joy. There is nothing down about it," he said.

On his John Denver tribute album, the vibe is laid back and the arrangements are true to the originals. True to Denver's music, there is nothing down about Chandler's playing.

Chandler has performed and recorded with the highly acclaimed bluegrass group Lost and Found (Allen Mills, Gene Parker, Roger Handy and the late Dempsey Young). When Handy quit the band, Chandler filled in from 1979 to 1983.

During his time with Lost and Found, he toured Europe, had a public television show and released two albums that helped produce some of the staples of bluegrass music today. Although he personally has yet to perform at The Grand Ole Opry, his band mates from Lost and Found have.

"Since leaving bluegrass, I have drifted back to my folk and Southern rock roots," he said.

Chandler, who currently resides in Virginia, prefers to play guitars made by Martin or by Breedlove. His music is now available on iTunes, CDBaby, Amazon and Rhapsody. For more information on Chandler, visit his website at [www.bubbachandler.com](http://www.bubbachandler.com).

of Local 1422 wish him well and hope he has many fruitful years in retirement.

## Local 1701, Montebello, Calif.

SMART Transportation Division Local 1701 bus members July 9 picketed outside Montebello City Hall prior to and during a meeting of city council to bring attention to their dispute with the city over wages, rest periods, meal periods and payment of pension contributions. Approximately 30 members attended the picket that was organized by Local President **Rachel Burciaga** and Local Chairperson **Cecilia Lopez**. "The city of Montebello doesn't want change to improve the quality of life for either its full-time or part-time transit employees," said

General Chairperson **Tom Pate**. "Local 1701 is still a young organization within SMART, but I can feel the momentum building among its membership." "We've been in negotiations for the last two years. Everything we have brought to the table, they say 'no' to," Lopez said. "We ask for a pay increase, they say 'no.' But there's money for special projects to repave the streets of Montebello, get new buses and hire new supervisors."



## Local 1413, Jersey City, N.J.



SMART TD members employed by Port Authority Trans-Hudson (PATH) attend a press conference June 27 in Jersey City with U.S. Sen. Robert Menendez (D-N.J.), seeking support of a federal transportation reauthorization bill. Pictured, from left, are General Chairperson Pat Smith, Menendez, Tanya Lisa and General Committee of Adjustment GO 795 Secretary Anita Aguilar.

## Local 1594, Upper Darby, Pa.

Approximately 1,000 people attended the funeral of SEPTA trolley and train operator **Kelly Morris**, who died July 12 of a coronary embolism. According to a report in the *Philadelphia Inquirer*, his employer had to use two buses to bring co-workers to the services. "He truly had a servant spirit," said his brother, Troy Morris. "He was beloved by the younger passengers, teenagers and ones in their early 20s. He related to them." Besides his mother and brother, Troy, he is survived by brothers Kelvin Jay and Michael, and a sister, Jamie.

## Auxiliary's Edythe Walter dies

Edythe Mae Walter, former International president of the Auxiliary of the United Transportation Union, passed away peacefully July 30. She was 78.



Walter

She is survived by her husband, Bob Walter, with whom she celebrated 60 years of marriage on June 22. They also shared their birth date of April, 28, 1936. She is also survived by children, Cindy (Denny) Robish, Tom (Tammie) Walter and Amy (Andy)

Fox, and grandchildren Alesha Robish, Erica and Nathan Walter, and Logan, A.J. and Parker Fox.

Walter was interred at Westwood Cemetery in Woodville, Ohio.

Considerations for memorial contributions are to Ohio State Grange-Youth Division, 16303 Township Rd. 608, Fredericktown, Ohio 43019 or Auxiliary of UTU Scholarship Fund, 2153 N. Hwy 99, Emporia, KS 66801-8101. Those wishing to express a word of encouragement, share a memory or photo, may do so at [marshfuneralhomes.com](http://marshfuneralhomes.com).



## RRB announces additional pre-retirement seminars

Additional locations have now been added to the U.S. Railroad Retirement Board's (RRB) schedule of Pre-Retirement Seminars for railroad employees and their spouses.

Designed for railroad employees and spouses planning to retire within five years or less, the seminars will familiarize attendees with the retirement benefits available to them, and also guide them through the application process. The program is sponsored by the RRB's Office of the Labor Member and began earlier this year on a pilot basis, with seminars held in several locations. Additional seminars, to be held from 8:30 a.m. to 12:30 p.m., have been announced for the following dates and at the following locations:

Oct. 3: Moorhead Federal Building, 1000 Lib-



erty Ave., Room 1310, Pittsburgh, PA 15222.

Oct. 9: Jerome Hill Theater (1st floor), 180 E. 5th St., St. Paul, MN 55101.

Oct. 31: Richard Bolling Federal Building, 601 E. 12th St., Cafeteria Conference Room (ground floor), Kansas City, MO 64106.

Persons wishing to attend are asked to print and complete a registration form, which is available by visiting the RRB's website at [www.rrb.gov](http://www.rrb.gov) and selecting the Office of the Labor Member's Educational Materials link in the Spotlight section of the homepage.

Seminar space is limited and registration is being accepted on a first-come, first-served basis. Completed forms should be mailed or

faxed to the RRB office listed on the form as soon as possible.

Individuals who have not previously submitted documents required when filing a railroad retirement annuity application, such as proofs of age, marriage, or military service, are encouraged to bring this material (original documents or certified copies required) to the seminar. Attendees should also bring along an additional copy of each item to leave with the RRB field personnel leading the seminars.

Those unable to attend the seminars but still seeking pre-retirement information should contact the RRB. Individual retirement counseling is available in person at an agency field office, or by telephone by contacting the RRB toll-free at (877) 772-5772.

## FRA proposes testing for maintenance-of-way employees

In response to Congress' mandate in the Rail Safety Improvement Act of 2008 (RSIA), the Federal Railroad Administration is proposing to expand the scope of its alcohol and drug regulations to cover employees who perform maintenance-of-way (MOW) activities.

In addition, FRA is proposing certain substantive amendments that either respond to National Transportation Safety Board (NTSB) recommendations or update and clarify the alcohol and drug regulations based on a retrospective regulatory review (RRR) analysis.

"This NPRM addresses the application of drug and alcohol testing for maintenance-of-way employees that are not now covered by those

requirements. These maintenance-of-way employees will not be covered by hours of service, but will soon be covered by the same drug and alcohol testing protocols that hours-of-service employees are under," SMART Transportation Division National Legislative Director James Stem said.

"These employees will be also tested at a higher rate for the first two years under this NPRM than the other covered service employees."

Comments can be posted to the docket [Docket No. FRA-2009-0039] at [www.regulations.gov](http://www.regulations.gov) and should be offered on or before Sept. 26, 2014.

To read the complete proposed rule, enter "MOW" in the Search box at [www.utu.org](http://www.utu.org).

## AFL-CIO's Trumka: 'We won't be turned aside'

AFL-CIO President Richard L. Trumka drew several standing ovations during an electrifying speech to delegates and guests on the fourth day of the SMART Convention Aug. 14.

The former United Mineworkers' president began his speech by addressing the merger of the former Sheet Metal Workers' International Association and the former United Transportation Union into SMART saying, "A merger like yours isn't easy, but it has potential for tremendous, tremendous value."



Trumka

"I know how hard it is to unite a movement, how hard it is to unite a diverse membership. It's difficult to strike the right balance. But it's worth the effort – that's how you achieve greater strength. The merging of cultures for greater power, for greater strength – that's called unionism, that's the power of unionism – plain and simple."

Trumka said that the AFL-CIO and its affiliates plan to help more working families, through our unions, to build stronger careers and a stronger future for the United States.

"The best way to fair pay, the best way to retirement security, and the best way to a better tomorrow, so you can get your family a decent life and

## SMART convention videos are available on our website

The theme of the SMART Transportation Division's Convention in San Diego was "Strong, Proud, United," and videos were presented to the delegates and attendees each day during the convention that embodied those concepts.



SMART Transportation members from around the country appear

in the videos and, in their own words, express their opinions regarding these principles and their membership in the union.

At the request of the delegates, the videos are available at [www.utu.org](http://www.utu.org). Select the "Convention Videos" tab under Updates on the homepage.

future, is through a union contract," he asserted.

He brought the delegation to their feet when he forcefully stated, "We're the workers of America. We build systems and we make them run. We lift the loads, and we answer the call. We wake our country up every day and we tuck her into bed every night. We won't be turned aside, we won't sit down, we won't back up, and we won't shut up. This is our country!"

Trumka said that the endless pursuit of higher profits by corporations and the wealthiest one-percent at the expense of human lives must end, using as an example railroads seeking to operate trains with one-person crews.

"We need our trains fully staffed. We're talking about the safety of our communities," he shouted, receiving a prolonged standing ovation.

"We're talking about the lives of our workers. Shortcuts are simply too dangerous. Hundreds and thousands of us die every year because of those shortcuts."

Trumka said that the unequal distribution of wealth did not just happen. The AFL-CIO's new program, Common Sense Economics, tells workers how corporations and the wealthy did it to us.

"The economy is not like the weather – there are rules that decide the way it works, and the people who make the rules are the people we elect.

"When it comes to politics, you won't find us coming together with just any candidate. We'll work for anyone who works with us, and we won't hesitate to hold anyone's feet to the fire."

Speaking about political support and the Red-Blue divide, Trumka said labor must support candidates who can say, "I can, I will, and I have done...for working people."

"And we're asking every candidate who seeks our support some hard questions. Tell us how you're going to do it, before we get on board."

He asked everybody in the convention hall to get involved in the political process.

"This electoral season, be the first to knock on doors, to work a phone bank, to motivate working people. If you want all of us to get our fair share, then we need the right leaders in every corner of the United States."

To view a video of Trumka's complete remarks, enter "AFL-CIO's Trumka" in the Search box at [www.utu.org](http://www.utu.org).

## Member dies in UP train collision in Arkansas

*Continued from page 1*

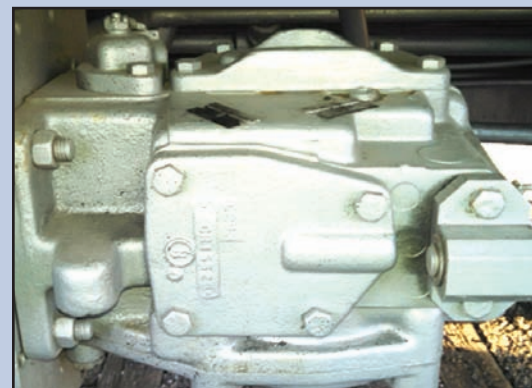
islative Director **Matt Campbell** of the SMART Transportation Safety Team have been assigned to assist in the investigation.

Hayes was a SMART member for 20 months and Jeffery has been a SMART member for approximately 10 years.

Hayes grew up in Chicago and attended East-West University and Chicago State University. He was an avid runner and enjoyed cars.

He is survived by his wife, Sheneé; children Quentin, Rashaun Jones, Roderick Jr. and Yahara; parents Sybil and George; brother Stephon Hayes (Monica), and sister, Linda. He was preceded in death by his sister, Vonda Farmer.

## AAR issues safety appliance alert



An act of apparent malicious intent was discovered on July 30, 2014, when a Union Pacific carman reported finding two razor blades glued to the air valve of an Amtrak car during a routine repair. Association of American Railroads Assistant Vice President – Technical Services James P. Grady said no injuries were reported, nor were any suspects observed at the UP San Bernardino Subdivision in Bloomington, Calif. "Please give this information widespread distribution to co-workers, contractors, customers and all who deal with freight cars, and be on the lookout for any similar acts of vandalism. We also ask that anyone who makes any other such discoveries report it to me or any other AAR employee, including MID inspectors. This will enable us to broadcast alerts to all who may be affected," Grady said.



# Through education, strength and unity, we will fulfill our mission

Thanks to all of the delegates, members, guests and staff that made the First SMART General Convention a resounding success.

I have been involved in this union for 45 years. There has never been a more outspoken, honest, and hardworking General Executive Council than the one we have now. They do what is right for this membership. They make this union. It also helps having a great partner, a general secretary-treasurer who has your back and who makes you proud every day. Joe Sellers is a great leader.

We are now one union. I know that some differences of opinion among the membership remain as in any democratic organization that respects the right of each and every member to speak freely. I will always continue to encourage discussion, debate and your input on where we go in the future.

**This union's leadership will not tolerate anyone who doesn't represent their members. You don't have to like Joe Nigro, but you do have to like and work for your membership.**

As I told the convention delegation, we are going to fight some, and we are going to bleed some. But in the end, we'll all bleed the same blood.

We closed the convention on Aug. 15 as one union. We are not divided and we will not let anything divide us. A house divided will fall and we will never go that way. We have a combined legacy of 270 years. We must build on what previous generations have passed to us by furthering our mission to make this union even stronger in servicing our members.

I am telling you what I told the assembled delegates at the convention. All business managers,



## SMART General President's Column

By Joe Nigro

business agents, general chairpersons and local chairpersons must realize that service to the membership must come first. Whether they are representing airline, rail, transportation or sheet metal members, our leaders must continue their duty to represent the membership to the best of their ability.

This union's leadership will not tolerate anyone who doesn't represent their members. You don't have to like Joe Nigro, but you do have to like and work for your membership.

Through education, strength and unity, we will fulfill our mission to make SMART the strongest union in North America.

As I noted in my column here last month, I was never as proud of our members as I was to see our sheet metal brothers and sisters standing shoulder to shoulder with our transportation membership at a rally held by employees on the Long Island Rail Road.

It was outstanding to see sheet metal workers and transportation workers getting together and fighting together on behalf of their brothers and sisters. When I walked into that parking lot with more than 3,000 people, I was so proud.

Our membership was successful in obtaining a fair agreement with the New York Metropolitan Transportation Authority

ty and I congratulate LIRR GO 505 General Chairperson Anthony Simon and his leadership team for that outstanding effort.

We departed our first SMART convention renewed, stronger and united. We will continue to forge a new future with the dignity, integrity and the honor that went into building this great union.

To read and view coverage from the First SMART General Convention, visit your union's website at [www.smart-union.org](http://www.smart-union.org).

**Through education, strength and unity, we will fulfill our mission to make SMART the strongest union in North America.**

It's all about our union, our members and our strength. Together, we are all SMART.

Joseph J. Nigro  
SMART General President



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For the latest news, visit [www.utu.org](http://www.utu.org); also, register on the SMART TD website to receive news alerts via email.

# James Stem: And the times ... they are a changing

As I prepare for retirement, there are many things on my mind about the future of our industry and transportation workers that I have had the honor to represent during my career.

The most important item on my agenda today, and every day during the past 31 years that I have been a legislative officer, is that our members are treated fairly when decisions are being made concerning safety, job security, health care and pensions.

Looking back on my career that started in 1966, change is the only constant thing I've witnessed.

The hours of service law was reduced from 16 hours to the present 12. We went from 48 Class I railroads to the present seven. There has been a dramatic expansion of public transportation around the country, and the best news of all is that there has been a significant reduction in injuries and fatalities of transportation workers.

Our union has worked hard on improving safety and expanding passenger rail and that focus will continue long after I'm gone. Just as there have been constant changes in our industry over the past 31 years, constant changes will continue for the next 31 years and beyond.

The good news is the vast majority of rail and transit workers in America are organized and because they have a union, they can demand that future changes benefit them as well as the CEO and company investors.

Perhaps the most significant advances we have seen in the past decade are that of communications. When I hired out, they hooped up manually-typed train orders to passing trains and you



## SMART Transportation Division Officer's Column

By James Stem

stuck your arm out the locomotive window at 60 mph to grab them.

**I believe "knowledge is power." I urge you all to stay informed and participate in your union by attending meetings and running for elected office. By hanging together and working through our union, you and your co-workers can benefit as well as the CEO.**

Today, information is instantaneous and constantly being updated. I'm convinced that as communication and information technology improves, our rail members will all have predictable work schedules and our transit members will have more appropriate work schedules that include frequent bathroom breaks.

With improvements in information technology, there is no excuse for our members to be uninformed about what is taking place in our industry

and in our union. But it's up to you as a member to make some effort at staying informed.

How you and our union react to future changes will directly impact your safety, your work environment and your paychecks. I'm convinced that when our members are involved and work with other members through our union, we are up for the challenge.

The good news is we already have a strong legislative presence in Washington and in every state capital and capable contract-negotiation teams on our general committees and at the national level.

In closing, I believe "knowledge is power." I urge you all to stay informed and participate in your union by attending meetings and running for elected office. By hanging together and working through our union, you and your co-workers can benefit as well as the CEO and corporate investors when changes do occur.

I'm "pulling the pin" and I'm able to retire because of our union's efforts to establish and maintain the best pension in America, Railroad Retirement. While I will be retired, I will be paying close attention from the sidelines.

Thanks to all of you who have made my career so enjoyable. Farewell.

James A. Stem Jr.  
National Legislative Director  
SMART Transportation Division



# State Watch

## News from SMART TD State Legislative Boards

### Georgia



SMART Transportation Division Georgia State Legislative Director Matt Campbell, right, testifies at a U.S. Environmental Protection Agency hearing July 29 in Atlanta regarding the agency's proposed Clean Power Plan.

SMART Transportation Division Georgia State Legislative Director **Matt Campbell** testified before the U.S. EPA July 29 in Atlanta, addressing the concerns of the union and its members regarding the agency's proposed Clean Power Plan.

The rule seeks to reduce carbon dioxide emissions from existing fossil fuel-fired power plants in the United States.

"We are concerned and we care about this issue because of the impact this plan will have on our jobs and our future. There are 25 freight railroads in Georgia that employ thousands of people. These are not temporary jobs – they are careers. These people's – my co-workers', your neighbors' – precious careers are in jeopardy because of the hit being taken by the coal industry," Campbell said.

Campbell noted that nearly 40 percent of all freight railroad cars in the U.S. are coal cars, accounting for 25 percent of the freight rail industry's revenue and 20 percent of all freight rail jobs.

Campbell went on to provide SMART Transportation Division's suggestions for amending the proposed Clean Power Plan, including providing states with credit for prior carbon dioxide reductions and delaying implementation of the plan by several years to allow states and affected sources adequate time to prepare and submit state plans.

"I love our environment and I am thankful for the clean air we breathe. That being said, I value my career on the railroad that allows me to provide for my family.

"As a middle-class worker, speaking on behalf of other middle-class workers, I plead with the EPA to listen to our recommendations and work to find a sensible, common sense solution that works for everyone."

### Indiana



Pictured, from left, Local 1548 Legislative Rep. Doug Marschke, U.S. Sen. Maria Cantwell (D-Wash.), John Cantwell and U.S. Sen. Joe Donnelly (D-Ind.) attending the Indiana Democratic Party's 2014 Jefferson-Jackson Dinner May 30 at the Convention Center in Indianapolis. Cantwell, a Hoosier State native, was the keynote speaker for the event.

### Ohio



State Legislative Director Stu Gardner, right, greets Ohio gubernatorial candidate Ed Fitzgerald (D) at a recent fundraiser in Norwalk, Ohio. The executive committee of the Ohio State Legislative Board has endorsed Fitzgerald for the state's top office noting, "Ed will work for the middle class. He will fight against the right-to-work legislation that is again being contemplated for movement in the legislature. Our union brothers and sisters and their households need to stand firm with Ed at the voting box this Nov. 4 and support Fitzgerald for Governor. He has our backs," Gardner said.



Ohio State Legislative Board Executive Committee members John Ball, Stu Gardner, James Tschuor, Jeffrey Brandow, David Otten and Designated Legal Counsel Tom Wood present a PAC contribution to retired member and State Rep. Michael Sheehy of Ohio's 46th District.

### Pennsylvania



State Legislative Director Paul Pokrowka, right, joins his predecessor Donald Dunlevy at the "Coal Fairness" rally organized by the United Mine Workers of America July 31 in Pittsburgh. Thousands of union workers protested the Environmental Protection Agency's Clean Power Plan, which could significantly impact the rail industry and cost an estimated 65,000 jobs.

### New England States



SMART members Aug. 23 attended a fundraiser at the Gorham, Maine, home of State Rep. Michael Shaw in support of U.S. Rep Mike Michaud (D-Dist. 2), who is running for the office of governor of the state. Pictured, from left, are Local Legislative Rep. Don Dimauro (1400), New England Legislative Director George Casey (1473), Michaud, Shaw (95) and Sheet Metal Division Local 17 Labor Management Rep. Donald Nazaroff. Shaw is a SMART member and conductor on Amtrak's Downeaster service.

### Virginia



State Legislative Director Patrick Corp meets with U.S. Sen. Mark Warner in Salem, Va., Aug. 2. "We discussed H.R. 3040, along with other rail safety issues the senator has been active in promoting in respects to oil train movements through the commonwealth," Corp said. "We certainly endorse Sen. Warner for re-election this fall!"

### Washington

Attendees to the Washington State Labor Council Convention in Wenatchee, Wash., July 22-24, unanimously endorsed a resolution supporting legislation for two-person rail crews on train operations throughout the state, SMART Transportation Division Washington Legislative Director **Herb Krohn** reports.

The council also passed a resolution calling for additional legislative efforts related to railroad workplaces and public safety.

Krohn said the SMART Transportation Division had its largest delegation from the organization in attendance at the convention in about 50 years. "We were also instrumental in advancing a resolution in support of limiting project development studies to 18 months to advance the proposed export terminals in Washington State," Krohn said.

The two-person crew resolution "steadfastly opposes any actions to permit one-person train crew operations on Class I railroads operating in our state and elsewhere."



Pictured, from left, are SMART-TD Washington State Legislative Board Secretary Jourdan Marshall (117), Local Legislative Rep. Shane Sadler (1238), International Longshore and Warehouse Union Lobbyist Gordon Baxter, Washington State Legislative Board Vice Chairperson Clyde Rosa (1637), Local Legislative Rep. Tracey Council (845), Local Legislative Rep. Darren Volland (426), Washington State Legislative Board Assistant Director Steve Mazulo (855), Washington State Labor Council Secretary-Treasurer Lynne Dodson, Washington State Labor Council President Jeff Johnson, Washington State Legislative Board Chairperson Gary Howell (977), Krohn (1348), member Dan Kalich (426), member Kevin Drury (117, seated), member Steve Dansereau (1505), member Taro Suyematsu (1348), Local Legislative Rep. Dwayne Hawkins (1713) and Brotherhood of Locomotive Engineers and Trainmen Lobbyist Mike Elliott. (Not pictured was member Jared Dunagan of Local 845.)



# First SMART General Convention Photo Highlights



Local 1608 Vice President, Delegate and Legislative Rep. Laura Corley served as the chairperson of the SMART Convention's Transportation and Bus Committee. Here, she is presenting the committee's report to the delegates.



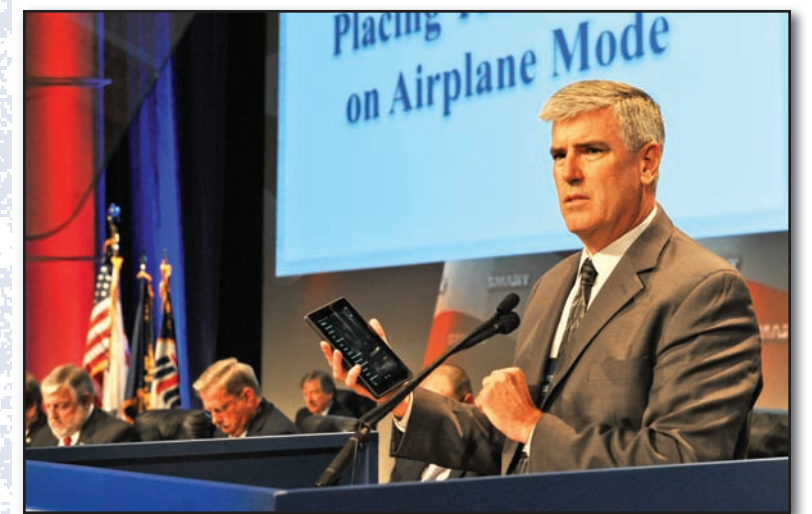
More than \$185,000 was raised for the St. Jude's Ranch for Children by contributions and pledges from various SMART councils, general committees and locals, as well as delegates in attendance during the convention.



Transportation Local 377 Delegate Charles Herr and his wife, Tammy, inspect a 6,000 lb. partial steam locomotive constructed by Sheet Metal Local 104 members in Northern California.



Transportation Division President John Previsich addressed the convention delegates on a variety of topics including Constitutional amendments, general committee autonomy and two-person crew legislation.



General Secretary-Treasurer Joe Sellers advises delegates on the use of Kindle computer tablets following the convention's opening ceremonies. The tablets were provided to each delegate and were updated daily with documents pertinent to the day's work.



SMART General President Joe Nigro, center, greets Transportation Division Delegates Harry J. Garvin Jr. of Local 240 at Los Angeles, left, and Don Davis of Local 1388 at St. Louis, Mo., at a banquet Thursday, Aug. 14, at the Paris Las Vegas Hotel and Casino.



After receiving the gavel from General President Joe Nigro, temporary SMART Convention Chairperson Byron Harvey called for the presentation of the colors by the Palo Verde High School Junior ROTC. Harvey is the Business Manager of Sheet Metal Division Local 88 at Las Vegas and a Marine Corps veteran.



Transportation Division Local 1534 Delegate and Illinois Assistant State Legislative Director Joseph Ciemny addresses the convention delegation Aug. 12.



AFL-CIO President Richard L. Trumka received several standing ovations during a speech to convention delegates and guests on the fourth day of the SMART Convention. See complete article on page 3 of this publication.



Transportation Division Delegates Jamie Delgadillo (1563), Michael Miller (338) and Eric Goodwin (1594) get together at the convention welcome reception Sunday, Aug. 10.



SMART Transportation Division Local 40 Delegate Diane King addresses delegates regarding issues affecting SMART members in the airline industry.



SMART General Executive Council members and International staff meet for a group photograph immediately following the close of the First SMART General Convention Aug. 15.



SMART Convention Rail and Airline Committee Chairperson Jerry Kalbfell, right, and General President Joe Nigro respond to a delegate inquiry during Kalbfell's committee report to delegates. Kalbfell serves as vice general chairperson of Union Pacific General Committee of Adjustment GO 225.



General Executive Council member and SMART Transportation Division Vice President John Lesniewski addresses convention delegates on a council compromise regarding transportation division association delegates.



From left, Transportation Division Georgia State Legislative Director Matt Campbell, Local 1105 Delegate Matthew "Todd" McCrary and Transportation Division National Legislative Director James Stem meet at the Aug. 14 banquet.



UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

# Tram supervisor, ambassador is ‘Gig’s’ gig on the Jersey shore

As pedestrians stroll along the two-mile Wildwood Boardwalk on the New Jersey shore, they are likely to encounter amusements of all sorts: roller coasters, waterparks, the pleasant smell of popcorn and sweet cotton candy, and one seemingly ubiquitous tape-recorded female voice sternly announcing, “Watch the tram car please,” resonating from speakers on a passing yellow tram packed with happy passengers.

The pleasant and smiling driver of a golf cart, who shadows the progress of the tram, is clad in a bright yellow jacket and baseball cap. The



John “Gig” Gigliotti

“I get to work on my tan here and get to be with people. It’s a great place to work,” Gig, said. He even gets the chance to jump behind the controls and drive.

“The only time I drive is if someone gets sick. I enjoy that very much, but I don’t get to do that very much. The worst part is when it rains. It’s an open cab. Everything gets wet. The money gets wet. It’s a terrible job when it rains.”

At Wildwood, Gig is known as the character-in-residence and unofficial ambassador. He answers questions about the boardwalk, its history and its attractions. Returning guests often ask, “Where’s that Gig at?”

Gigliotti says that driving the tram is much different than driving a locomotive. “The tram, which can transport up to 60 persons, only goes five mph, where a train can be rolling along at 80. You have to be very careful of people crossing in front, so that you don’t hit them, especially at night when everyone comes up off of the beach and heads toward the boardwalk in the dark. Safety is our top priority.”

The person behind the pre-recorded voice is a personal friend of Gig’s, Floss Stingel. She made the recording in 1971 at the direction of her then-employer and, according to Gigliotti, has never received a penny for the tape that has been in use for 43 years.

He says that while on vacation in different cities around the country, he has worn Wildwood t-shirts and encountered passers-by who recognize him and say, “Hey! Watch the tram car, please!”

Gigliotti affirms the importance of staying active in retirement. He stays in contact with many of his retired buddies from Conrail and says they are in awe of his stamina and work ethic. “They see how much my active lifestyle in so-called ‘retirement’ has benefited me and it rubs off on them, too.”

At the end of September, Gigliotti heads to Florida where he spends the winter with his four grandsons. Although Florida is a common destination for retirees, the mere fact that he lives there in the winter does not mean, he stresses, that he is one of them. Retirement is simply not a word in his vocabulary.

“I’m just going to do it until I can’t do it anymore,” said Gigliotti, who just recently received his 55-year UTU membership pin.

## Bay Area Railroaders to host 7th annual reunion lunch

The seventh annual fall luncheon and railroad reunion hosted by the Bay Area Railroaders is being held Saturday, Oct. 25, at Spenger’s Seafood and Fish Grotto at 1919 Fourth St. in Berkeley, Calif. All active and retired railroaders from all crafts are invited to attend.

The event will run from 1-5 p.m. in the restaurant’s Atlantic and Pacific rooms that have their own entrance on Fourth St. Doors will open at 12:30 p.m., with lunch served at 2 p.m.

The menu includes Caesar salad, rolls with butter, coffee, iced tea, a choice of pasta primavera with vegetables, salmon, chicken marsala or grilled sliced sirloin of beef with a mushroom glaze. All entrées include vegetables and potatoes. A chocolate truffle cake with raspberry sauce is also included. A limited number of fruit plates will be available for persons with diabetes.

The price is \$35 with an advance registration or \$40 at the door. Payment and reservations can be sent to **John Herrmann**, P.O. Box 4763, Walnut Creek, Calif. 94596. Please note choice of entrée.

For more information, call Herrmann at (925) 465-4122.



license plate number on his golf cart is “Gig 1” and it is he who is really in charge of the tram. His name is **John Gigliotti**, but he is affectionately known as “Gig.”

John “Gig” Gigliotti, 84, a retired UTU conductor from Local 1375 at Philadelphia, enjoys his job as supervisor of the eight, five-mph electric trams that transport boardwalk-goers along that two-mile stretch and he has become a beloved icon and fixture. His gig as tram supervisor is much different than the one he had before retirement.

Gigliotti is a U.S. Army veteran who served in the infantry during the Korean Conflict. Upon leaving the Army after being stationed in Germany, he hired out in 1952 with Reading Railroad, where he was a freight conductor during summer months and a passenger conductor during winter months. Conrail later hired him.

His retirement was short-lived, however, as boredom propelled him back to work after only two weeks. He applied for and was offered a position as tram supervisor at Wildwood and has been there ever since.

His position is seasonal, but his schedule of 16-hour days – seven days a week, April through September – is grueling.

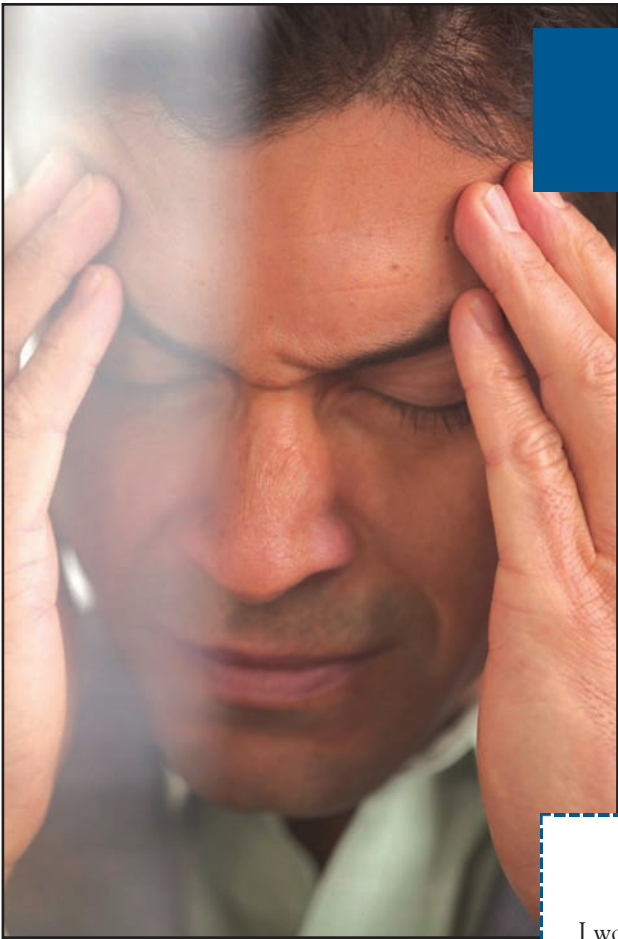
When asked how he does it, Gig said, “I take a nap in the afternoon, and that puts me through the night. I don’t take off all summer long. No, no, no. Unless there’s a family emergency, I don’t take off. I’m a seven day-a-weeker.”

## 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	Childs, Frank R.	Naples, Fla.	610	Jordan, Samuel R.	Essex, Md.	1328	Denny, Leroy	Floyds Knobs, Ind.
R	Gummersall, Joyce M.	Pocatello, Idaho	783	Cummings, Harold N.	Greensboro, N.C.	1334	Trunnell, Percy	Tougaloo, Miss.
R	Harrell, Watis R.	Jackson, Mo.	792	Mendell, James R.	Canton, Ohio	1365	Holbrook, Victor P.	Niles, Ohio
1	Cooney, Richard A.	Erie, Pa.	830	Gelnett, Chester L.	Halifax, Pa.	1365	Leberman, Thomas E.	Venetia, Pa.
20	Sumler, Neal A.	Silsbee, Texas	847	Hyde, Olan T.	Birmingham, Ala.	1375	Ziegler, Earl L.	Schwenksville, Pa.
117	Fahey, Robert L. F.	Eugene, Ore.	872	Johnson, Harold E.	Omaha, Neb.	1377	Burke, Edgar A.	Russell, Ky.
265	Kunz, Amos D.	Allyn, Wash.	886	Lhuillier Jr., Clarence J.	Marquette, Mich.	1390	Kornsey, Joseph P.	Southampton, N.J.
298	Baer, Emery L.	Logansport, Ind.	931	Thomas, Ralph G.	Salisbury, N.C.	1433	Skrzynecki, Walter S.	Villa Park, Ill.
305	Steider, Commodore L.	Lincoln, Neb.	974	Fuqua, Fred L.	Murfreesboro, Tenn.	1470	Dixon, Luke	Edgewood, Md.
330	Markland, Charles E.	Scott City, Mo.	977	Gant Jr., Charles E.	Pasco, Wash.	1526	Campbell, Jacques B.	Chesterton, Ind.
378	Irwin, Edward	The Villages, Fla.	1000	Johnson, Steve	Cedar, Minn.	1548	Cockrill, James E.	Plainfield, Ind.
386	Reed, Elmer P.	Townsend, Del.	1007	Jaquin, William H.	Bridgeport, N.Y.	1548	Faut, George F.	New Palestine, Ind.
453	Peacock, Charles M.	Kenney, Ill.	1059	Olson, Rolland E.	Minot, N.D.	1597	Reid, Robert	Eustis, Fla.
469	Holcomb, Loren F.	Ruma, Ill.	1117	Dearden, Russell K.	Nampa, Idaho	1614	Spannbauer Jr., Henry	Cape Coral, Fla.
525	Storey, Harlan D.	Mesa, Ariz.	1177	Thielman, John J.	Avon, Minn.	1908	Zotter, Donald H.	Buffalo, N.Y.
527	Blevins, Ralph L.	Coffeyville, Kan.	1263	Copeland, Jacob C.	Lake Park, Ga.	1929	Ellet, Ronnie D.	Ellis Grove, Ill.
564	Carlton, William E.	Cleburne, Texas	1293	Hovey, Nyle B.	Spooner, Wis.	1929	Gerloff, Ralph J.	Crown Point, Ind.
577	Wasytko, John	Chattanooga, Tenn.	1312	Greene, Robert D.	Pensacola, Fla.	1949	Deck, Francis X.	Alden, N.Y.
596	Stockholm, Brad M.	Aliquippa, Pa.	1313	Brunton, Buddy P.	Amarillo, Texas	1978	Christie, Robert F.	Hopewell Junction, N.Y.





# Got Stress?

## UTUIA's Disability Income Replacement Insurance Can Help

When you are faced with an illness or accident, the last thing you need is the worry over how you will pay the mortgage, car payments, credit cards and other necessities. Sure, your health insurance will cover the medical bills, but how will you pay everything else?

Having a Disability Income Replacement insurance policy can provide you and your family peace of mind should a tragedy strike. It replaces lost income when you are unable to work due to an accident or sickness, helping you on your road to recovery.

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the coupon at right,  
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(800) 558-8842  
or email [sales@utuia.org](mailto:sales@utuia.org).**

### Information, please

I would like more information on UTUIA's Disability Income Replacement Insurance.



Please print

Full name

Date of birth

UTU local number

Address

City

State

ZIP

Telephone number with area code

Sex: ☐ Male ☐ Female

Complete and mail to: UTUIA Sales Dept., 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333 08/14

## New rail hazmat training programs being offered

Members of the Rail Workers Hazmat Training Program Advisory Board, including SMART Transportation Division National Legislative Director James Stem, met July 10, 2014, to review and discuss the offerings and progress of the program since the transition from the

National Labor College (NLC) to the International Brotherhood of Teamsters (IBT).

The board discussed issues related to dealing with rail carriers and ways in which the rail program can continue providing quality hazardous materials and instructor training to rail workers,

Rail Workers Hazardous Material Training Program Manager Henry Jajuga said.

In its 24th year of training rail workers, the rail program continues to receive funding from the National Institute of Environmental Health Sciences (NIEHS) and from the U.S. Department of Transportation (DOT) to provide this valuable training and remains committed to providing this quality training for rail workers.

## SMART needs your photographs for UTU Alumni Association calendar

The SMART Transportation Division is seeking quality railroad, bus and airline photos, taken by its members, for placement in its annual calendar and other uses.

The calendar is mailed annually to members of the UTU Alumni Association as one of the benefits of Alumni Association membership.

High-resolution digital photographs should be emailed to "[news\\_TD@smart-union.org](mailto:news_TD@smart-union.org)."

Printed photographs should be mailed to SMART TD News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. To be included in the 2014 calendar, photos must be received by Oct. 1.

Be sure to include the photographer's name and local number, the name(s) of the person(s) in the photograph (left to right) and any other pertinent information, such as the date and location where the photograph was taken.

Due to federal or state regulations or company restrictions on employees' use of personal electronic devices, including cameras, on company property or while on duty, all members are advised to always follow their employers' guidelines on the use of such devices.

All members whose photographs are selected for use in the calendar will be named underneath the picture and will also receive copies of the calendar.

For more information about the UTU Alumni

Association, visit the SMART TD homepage at [www.utu.org](http://www.utu.org). From the pull-down menu under "About UTU" at the top center of the homepage, select "UTU Alumni Association."

Retired UTU members, as well as those individuals nearing retirement or interested in pension and other issues affecting transportation-labor families, are invited to participate in this voluntary program.

All photographs submitted become property of SMART.



Upcoming training programs and class lengths are:

- Chemical Transportation/Emergency Response (5 days);
- DOT Hazmat Instructor Training (6 days);
- DOE Modular Emergency Response Radiological Transportation Training (2 days).

The program's website also provides course schedules and detailed information about all of the training courses being provided.

The website also provides an application for training which can be completed and submitted online.

For additional information on course dates and locations, visit the Rail Hazmat website at <http://railworkertrainingprogram.org>, or contact Training Manager Henry Jajuga by email at [bsafe2day@gmail.com](mailto:bsafe2day@gmail.com), or by telephone at (281) 812-6436 Monday through Friday from 10 a.m. to 3 p.m. CST.



2014 SMART Transportation Division calendar cover





# DOT announces proposed rules for crude transport

Continued from page 1

## Better classification and characterization of mined gases and liquids

•Proposes development and implementation of a written sampling and testing program for all mined gases and liquids, such as crude oil, to address:

1. Frequency of sampling and testing; 2. sampling at various points along the supply chain; 3. sampling methods that ensure a representative sample of the entire mixture; 4. testing methods to enable better analysis, classification, and characterization of material; 5. statistical justification for sample frequencies; and, 6. duplicate samples for quality assurance.

•Proposes that offerors be required to certify that sampling and testing program is in place, document the testing and sampling program, and makes program information available to DOT personnel, upon request.

## Rail routing risk assessment

•Proposes that carriers be required to perform a routing analysis for HHFT that would consider 27 safety and security factors and select a route based on findings of the route analysis.

## Notification to State Emergency Response Commissions

# LIRR contract approved by SMART, seven unions

Continued from page 1

The vote concluded more than four years of battling with New York’s Metropolitan Transportation Authority during a difficult and highly publicized contract dispute.

The MTA had been seeking net-zero wage increases, major pension reform, large health care contributions, work rule give-backs and excessive concessions for new hires.

The settlement provided in excess of 18 percent of compounded wage increases over six-and-a-half years. Certification pay was achieved in the amount of \$10 per day worked as a conductor and a modest two percent health and welfare contribution was accepted, based on a straight week’s pay. Minor adjustments were made for new hires that extended their requirement to pay four percent toward their pension for five additional years and their current wage progression was extended by just two years. Not a single work rule was compromised.

# Mo. Supreme Court rules FELA awards not taxable

In cases brought by the law firm of Schlichter, Bogard & Denton, L.L.P. of St. Louis on behalf of injured railroad workers, two courts have ruled favorably to workers that Federal Employers’ Liability Act judgments are not subject to tax withholding under the Railroad Retirement Tax Act (RRTA).

The Missouri Supreme Court in Mickey v. BNSF Railway Co., No. SC93591 (July 8, 2014), stopped a trend of state supreme court rulings that had held FELA judgments for injured railroad workers were reduced to less than the full amount the jury awarded them.

In a detailed opinion, the court explained that the contrary decisions of the Nebraska and Iowa courts were based on an incomplete analysis of the law, and that under a proper analysis of the law, FELA judgments are not subject to tax withholding, but must be paid in full.

This decision came one day after the United States District Court for the Eastern District of Missouri also ruled that FELA judgments are not subject to RRTA taxes (Cowden v. BNSF Railway Co., No. 08-1534, Doc. 289 (E.D.Mo. July 7, 2014)).

The decisions should end the railroads’ recent attempts to short-change employees of the personal-injury damages juries have awarded them with this now twice-repudiated, tax argument.

•Proposes to codify DOT’s May 2014 emergency order that requires trains containing one million gallons of Bakken crude oil to notify State Emergency Response Commissions (SERCs) or other appropriate state delegated entities about the operation of these trains through their states.

## Reduced operating speeds

•Requests comment on three speed restriction options for HHFTs that contain any tank cars not meeting the enhanced tank car standards proposed by this rule:

1. A 40-mph maximum speed restriction in all areas; 2. a 40-mph speed restriction in high threat urban areas; and, 3. a 40-mph speed restriction in areas with a population of 100,000 or more.

•If tank cars in the HHFT meet specifications finalized in the enhanced tank car section of this rule, speed would be limited to 50-mph in all areas (rather than 40-mph).

•PHMSA also will evaluate a 30-mph speed restriction for HHFTs that do not comply with enhanced braking requirements.

## Enhanced braking

•Proposes to require all HHFTs to be equipped with alternative brake signal propagation systems. Depending on the outcome of the tank car standard proposal and implementation timing, all HHFTs would be operated with either electronic controlled pneumatic brakes (ECP), a two-way end of train device (EOT), or distributed power (DP).

## Enhanced standards for both new and existing tank cars

•Proposes new standards for tank cars constructed after Oct. 1, 2015 (and that are used to transport flammable liquids as part of a HHFT, e.g., thermal, top fittings, and bottom outlet protection; tank head and shell puncture resistance). PHMSA is requesting comment on three options for enhanced tank car standard requirements:

Tank car option 1 would have 9/16 inch steel, would be outfitted with electronically controlled pneumatic (ECP) brakes and would be equipped with rollover protection.

Tank car option 2 would also have 9/16 inch steel but would not require ECP brakes or rollover protection.

Tank car option 3 is based on a 2011 industry standard and has 7/16 inch steel, and does not require ECP brakes or rollover protection.

•Proposes to require existing tank cars that are used to transport flammable liquids as part of a HHFT be retrofitted to meet the selected option for performance requirements. Those not retrofitted would be retired, repurposed, or operated under speed restrictions for up to five years, based on packing group assignment of the flammable liquids being shipped by rail.

For additional information on the steps DOT has already taken to help strengthen the safe transport of crude oil by rail, visit <http://www.phmsa.dot.gov/hazmat/osd/chronology>.

# DOT expands program to help vets get bus op jobs

The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) announced today that its waiver program that helps experienced veterans and active duty personnel transition into civilian jobs as commercial truck and bus drivers has been expanded to all 50 states and the District of Columbia.

“Our nation’s veterans deserve good-paying jobs when they return home from serving overseas and we are proud to help,” said U.S. Transportation Secretary Anthony Foxx. “Thousands of active duty service members and veterans have already transferred their skills to jobs driving trucks and buses through the Military Skills Test Waiver Program and we look forward to helping even more now that we’ve expanded to all 50 states.”

Begun in 2011, the program grants state licensing agencies, including the District of Columbia, the authority to waive the skills test portion of the commercial driver’s license application for

active duty or recently separated veterans who possess at least two years of safe driving experience operating a military truck or bus. Waiving the skills test expedites the civilian commercial drivers licensing application process and reduces expenses for qualified individuals and operating costs to state licensing agencies.

“Service members who have clocked countless miles safely working behind the wheel of a military vehicle will now have more time and opportunity to find long-term employment. Reducing the burden of finding civilian jobs is one of the best ways we can thank members of our military and their families for their service to our nation,” said FMCSA Administrator Anne S. Ferro.

Additional information, including a standardized application form accepted in all 50 states and the District of Columbia, is available at: [www.fmcsa.dot.gov/registration/commercial-drivers-license/military](http://www.fmcsa.dot.gov/registration/commercial-drivers-license/military).

# Bus Department

By Bonnie Morr, Vice President-Bus  
[bmorr@smart-union.org](mailto:bmorr@smart-union.org)

## Let’s keep working together to protect, serve and build

As I pondered about writing this column, the Labor Day holiday kept coming to mind. There is a reason we celebrate Labor Day, and this is what I want to say to you all: Do not forget your commitment to labor.



Morr

I have been committed to the labor movement as an activist most of my life and I will continue to honor that commitment. I believe in organized labor and I believe in the power of one voice.

Those of you that have known me over the years know that I respond to the membership and the needs of our members and our industry. Today, more than ever, we need to pay more attention to the funding of the transportation industry in our country. We are the movers of people and freight and we are growing.

The public service of transporting people across this country and the movement of commodities in this nation must be protected and that requires all of us to stand together and pay attention.

Be committed and participate. Do not stand back and watch and wait – be proactive. It will take all of us to reinvigorate the labor movement in this country.

The political arena is not a friendly place for the transportation industry. Years ago, transportation enjoyed the support of all sides of the political landscape. Today, we are part of an economic struggle being waged by politicians. New rules are continuously being created that affect our work lives.

Carrier management is getting harder and harder to deal with. We have labor agreements that we must protect and wages and benefits that must be improved. Our leaders must assist us in these efforts, with compassion and understanding.

We must grow this union and grow our membership. Our leaders need to lead and our members need to both support and be supported. Together, we can do it.

I know my term as an elected officer is ending, but I am not going away. I will always be here, ready to help. Contact me anytime. Let’s keep working together to protect, serve and build.



# FMCSA, OSHA strengthening worker protections

The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration and the U.S. Department of Labor’s Occupational Safety and Health Administration have signed a memorandum of understanding to strengthen the coordination and cooperation between the agencies regarding the anti-retaliation provision of the Surface Transportation Assistance Act. The memorandum allows for the exchange of safety, coercion and retaliation allegations, when received by one agency, that fall under the authority of the other.

The STAA protects drivers and other individuals working for commercial motor carriers from retaliation for reporting or engaging in activities related to certain commercial motor vehicle safety, health or security conditions.

“This strengthened partnership with OSHA extends our inter-agency collaboration specifically to include the sharing of reports of alleged coercion – companies forcing or intimidating truck or bus drivers to violate federal safety regulations,” said FMCSA Administrator Anne S. Ferro. “Pressuring drivers to stay behind the wheel beyond their hours-of-service limits, or to disregard other federal safety rules, seriously jeopardizes the safety of every traveler on our highways and roads. Commercial truck and bus companies that knowingly endanger the motoring public, or retaliate against whistleblowing employees, will be prosecuted to the fullest extent of the law.”

“Commercial vehicle drivers who report injuries, hazards and illegal work practices should not fear retaliation for speaking out about unsafe work conditions,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “Through this agreement, we are sending a clear message that silencing workers who try to do the right thing is unacceptable for workers and also unsafe for the public.”

FMCSA and OSHA each play a specialized



role in protecting the safety of commercial drivers and of the motoring public. OSHA investigates employee complaints of retaliation by commercial truck and bus companies. FMCSA is responsible for regulating both industries and – along with its state law enforcement partners – ensuring company and driver compliance with federal safety regulations, including driver on-duty and driving time limits to prevent fatigue, commercial driver’s licenses rules, medical qualifications, drug and alcohol testing, hazardous materials safety standards and others.

In the last nine years, OSHA has processed more than 2,800 cases under STAA. Recently, OSHA ordered an Iowa waste removal company to reinstate a driver and pay the employee more than \$123,000 in compensation after the company terminated the driver for raising safety concerns over company routes that violated U.S. Department of Transportation regulations, potentially causing serious injury to the worker, co-workers or the public.

Under the memorandum of understanding, FMCSA will refer employees who complain of retaliation to OSHA, and OSHA will provide FMCSA with copies of complaints filed and findings issued under STAA. The agencies will report to each other annually on information shared during the previous year. The MOU also provides that FMCSA will process OSHA requests for information from various FMCSA databases.

The public, commercial drivers, motor carriers and other industry members may file a safety, service or discrimination complaint against a household goods moving company, bus or truck company, including hazardous materials hauler or a cargo tank facility, by calling toll free (888) DOT-SAFT (888-368-7238) from 9 a.m. to 7 p.m., Monday through Friday, Eastern Time. Complaints may also be submitted through FMCSA’s National Consumer Complaint website at: <http://nccdb.fmcsa.dot.gov>.

## NARP enters court case on behalf of Amtrak

Responding to increasingly serious delays across the national train network, the National Association of Railroad Passengers (NARP), represented by the Environmental Law and Policy Center (ELPC), will file an amicus curiae, or “friend of the court,” brief with the United States Supreme Court in the lawsuit between the U.S. Department of Transportation and the Association of American Railroads.

The brief will argue that a lower court was mistaken in ruling that it is unconstitutional for Amtrak to participate with the Federal Railroad Administration in setting performance standards. These metrics helped ensure that Amtrak’s trains – which operate on tracks owned by the private freight railroads – met minimum standards of service quality, and they were developed in conjunction with the Surface Transportation Board, freight railroads, states, rail labor, and rail passenger organizations. NARP believes that the recent decline in on-time performance by Amtrak trains is at least in part due to the lower court’s ruling.

ELPC is undertaking the legal research and will file the brief on NARP’s behalf on a pro bono basis. The case is expected to be argued in late 2014 or early 2015, with a decision expected sometime after that.

“This is one of the most important issues NARP has ever tackled,” said NARP Chairman Robert Stewart. “The standards adopted by the government provided real protection for the train-traveling public. As a consumer organization representing railroad passengers, our primary responsibility is to ensure that the services provided meet the reasonable expectations people have for getting to their destinations on time and safely.”

# Transportation Division policy concerning fees objectors

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

To the extent permitted by law, a non-member cannot participate in union elections as a voter or as a candidate; attend union meetings; serve as delegate to the convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

2. The objecting non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the month of September preceding the calendar year to which s/he objects, or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector’s current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:

- a. All expenses concerning the negotiation of agreements, practices and working conditions;
- b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- c. Convention expenses and other union internal governance and management expenses;
- d. Social activities and union business meeting expenses;
- e. Publication expenses to the extent coverage is related to chargeable activities;
- f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
- g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
- h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
- i. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft formerly represented by UTU, now SMART.

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the President, Transportation Division. The Transportation Division shall designate an analyst for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

## Percentage of chargeable fees determined by analyst for calendar year 2013

<b>Transportation Division*</b>	76.7 percent
<b>State Legislative Boards</b>	
LO 005 California <sup>1</sup>	72.6 percent
LO 035 New York	96.4 percent
LO 038 Ohio	66.7 percent
LO 054 Washington <sup>2</sup>	44.0 percent
Unreviewed boards <sup>3</sup>	0.0 percent
<b>General Committees</b>	
GO 049 CSX-T	99.9 percent
GO 387 BNSF	100.0 percent
GO 577 Union Pacific	97.2 percent
GO 927 Union Pacific	99.0 percent
Unreviewed committees <sup>4</sup>	99.6 percent

\* Estimate; final ratio forthcoming.

<sup>1</sup> Calculated by applying the lowest of previous reviews of the applicable legislative board providing the board has had eight or more reviews.

<sup>2</sup> Estimate based on Second and Third Quarter reports; final ratio forthcoming.

<sup>3</sup> Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.

<sup>4</sup> Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.

5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the analyst’s report may challenge the validity of the calculations made by the analyst by filing an appeal with the President, Transportation Division. Such appeal must be made by sending a letter to the President, Transportation Division postmarked no later than thirty (30) days after issuance of the analyst’s report.

7. After the close of the appeals period, the Transportation Division President shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the President, Transportation Division and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator’s fees and expenses. The balance of such fees and expenses shall be paid by the Transportation Division.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of

the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The Transportation Division shall have the burden of establishing that the reduced fees set forth in the analyst’s report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue the objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the analyst issues the report. As soon as possible after the issuance of the analyst’s report, he/she shall pay the amount of the reduced fees calculated by the analyst. Persons objecting for the first time shall be sent a copy of the report prepared by the analyst for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the analyst may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the analyst’s report as soon as practicable after its issuance. The appropriate unit of the Transportation Division shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the analyst, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.





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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 Los Angeles Metro bus operator and member **D'Maje Evelyn** of Local 1564 at Los Angeles. "These are some stationary subway cars I shot May 30 from 1st St. Bridge in Los Angeles. They are from Division 20's Redline Rail and Shop yard," Evelyn said.

## NFAC issues recommendations for freight system

WASHINGTON – U.S. Transportation Secretary Anthony Foxx July 14 announced receipt of a report from the Department of Transportation's (DOT) National Freight Advisory Committee (NFAC) that makes recommendations to improve the performance of the Nation's freight transportation system.



Previsich

These recommendations will be used to inform the development of the DOT's National Freight Strategic Plan.

The report was submitted to the secretary ahead of a two-day NFAC meeting in Washington, D.C., beginning July 15.

The NFAC was established by Secretary LaHood in June 2013.

SMART Transportation Division President John Previsich is a member of the committee.

"Our nation's economic competitiveness depends on a transportation network that can move freight safely and efficiently, especially as we are expected to move double the current amount by 2050," said Secretary Foxx. "I appreciate the work of the advisory committee – their suggestions will help inform the department's work improving our country's future freight system."

The 81 recommendations made by NFAC, now under

review by the department, include suggestions to improve safety and security across the freight rail network, highlight funding needs and challenges, and call for increased streamlining processes and better collection of data and research. The NFAC also proposed exploring ways to improve collaboration for multi-jurisdictional freight planning, developing goals related to freight safety, and addressing workforce development needs as the Department develops the National Freight Strategic Plan. A copy of the report may be found at [www.dot.gov/policy-initiatives/national-freight-advisory-committee/recommendations-us-department-transportations](http://www.dot.gov/policy-initiatives/national-freight-advisory-committee/recommendations-us-department-transportations).

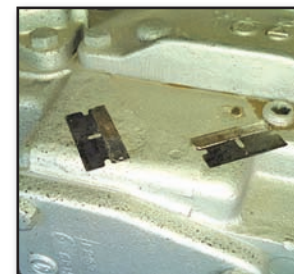
Together, these recommendations highlight the need for increased transportation investment and greater certainty to support the kind of research and planning such projects would require. Earlier this year, Secretary Foxx submitted the GROW AMERICA Act for consideration by Congress. This Act will make critical investments to help improve the safe and efficient movement of freight across all modes of transportation – highway, rail, port and pipeline – by providing \$10 billion over four years for targeted investments in the nation's transportation system to improve the movement of freight and by giving shippers, transportation providers and freight workers a real seat at the table for making investment decisions.



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SMART convention videos are available on our website. See page 3.



AAR issues safety appliance alert. See page 3.



First SMART General Convention Photo Highlights. See pages 6 and 7.



Tram supervisor, ambassador is 'Gig's' gig on the Jersey shore. See page 8.