

# SMART<sup>®</sup>

## Transportation Division News

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

## SMART TD supports Senate rail bill's two-person crew provision

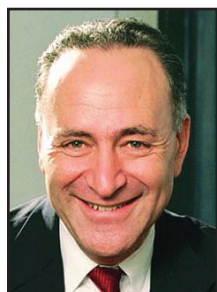
U.S. Sen. Richard Blumenthal (D-Conn.), chairman of the Senate Subcommittee on Surface Transportation, and U.S. Sen. Charles



Blumenthal

Schumer (D-N.Y.) introduced railroad safety legislation Sept. 10 that continues dialogue on the nation's rail safety laws.

S. 2784, the Rail Safety Improvement Act of 2014, contains language that requires freight trains be crewed with at least one federally certified conductor and one federally certified engineer. The Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers fully supports that requirement.



Schumer

The issue of single-person train operations has gained national prominence recently when BNSF Railway proposed a contract to some of their operating employees that would remove conductors from trains, a proposal that was voted down by the affected employees. BNSF had a substantial train accident in Casselton, N.D., involving a crude oil

train Dec. 30 where two-person crews played a vital role in working with first responders to protect the public.

SMART Transportation Division President John Previsich has cautioned that one-person train operations are unsafe. "No one would permit an airliner to fly with just one pilot, even though they can fly themselves. Trains, which cannot operate themselves, should be no different," he said.

Legislation requiring a minimum of two persons on trains, H.R. 3040, is pending in the House of Representatives. This bill was introduced by U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine) last year and has 80 co-sponsors.

"We thank Sen. Blumenthal for including this provision, which maintains current practices. While America's railroads generally operate with a minimum of one conductor and one engineer, there are a handful of rogue operators who are operating unsafe, single-person trains. This legislation will put an end to that unsafe practice," Previsich said.

The legislation also requires Class I and passenger railroads to install audio and image recording devices in locomotive cabs. "We plan to work

with the Senate to try to get this unwarranted proposal removed from the bill," Previsich said.

Schumer and Blumenthal said a comprehensive overhaul of rail safety laws and protocols was needed to enforce and enhance safety and reliability following a series of high profile rail catastrophes in New York, Connecticut and nationwide that has undermined public trust in rail infrastructure, safety protocols, management and oversight.

Accidents, derailments and severe service disruptions, including the deadly December 2013 Spuyten Duyvil derailment, the preventable death of Metro-North worker Robert Luden in West Haven, Conn., in May 2013, the May 2013 derailment of a Metro-North train near Bridgeport that injured many and caused extensive service disruptions and delays, and the numerous catastrophic derailments and explosions of trains transporting crude oil, and other high profile rail catastrophes nationwide have exposed a glaring need for comprehensive reform of the nation's rail safety laws and protocols.

"The deadly Metro North crash, plus so many others across the country, have exposed time and again that our passenger and freight railroads

*Continued on page 10*

## Work rules, discipline policy are keys to LACMTA Metro deal

SMART Transportation Division members represented by General Committee of Adjustment GO 875 have approved a new agreement with the Los Angeles County Metropolitan Transportation Authority that attains all of the goals sought by the committee's negotiating team.

The general committee represents bus and light and heavy rail operators throughout the county's transportation system, as well as schedule makers and schedule checkers for the agency.

"The major issues given to the committee's negotiators by the membership were discipline policies and work rules, an elimination of a two tier-wage scale and the security of the health and welfare trust. This contract accomplishes all of those goals," said SMART International Representative Vic Baffoni. "The committee sought to address these issues, first and foremost, and our members approved of their accomplishments.

"Preservation of our work rules was paramount, and we totally renegotiated the discipline policy to provide our members with job security and fair treatment."



Pictured, from left, are Local 1564 Chairperson Ulysses "Butch" Johnson, Local 1608 Chairperson John M. Ellis, General Chairperson James Williams, Local 1607 Chairperson Lisa Arredondo, Local 1563 Chairperson Robert Gonzalez and Local 1565 Chairperson Eddie Lopez.

The general committee represents approximately 5,000 LACMTA employees and is the largest bus and transit property represented by SMART.

The negotiation team was led by GO 875 General Chairperson **James Williams** and general committee members Local 1607 Chairperson **Lisa Arredondo**, Local 1563 Chairperson **Robert Gonzalez**, Local 1564 Chairperson **Ulysses "Butch" Johnson**, Local 1565 Chairperson **Eddie Lopez** and Local 1608 Chairperson **John M. Ellis**.

In preparation for the negotiations, Williams held meetings with California Gov. Jerry Brown and Los Angeles City Mayor Eric Garcetti. Preliminary negotiations with the agency commenced in February, following discussions with members at local meetings to pinpoint their objectives for a new contract. Negotiations with LACMTA officials began in earnest in March.

"This General Committee is extremely proud of

*Continued on page 10*

## NTSB examines recent surge in rail worker deaths

WASHINGTON – The National Transportation Safety Board Sept. 24 issued a special investigation report on the recent increase in deaths of railroad and rail transit roadway workers on or near tracks and made recommendations to reduce the number of fatalities.

The Special Investigation Report on Railroad and Rail Transit Roadway Worker Protection provides details of 14 fatal accidents in 2013. Over the year, 15 roadway workers died. The number of deaths in 2013, the findings from investigations of those deaths and the increasing number of fatalities prompted the NTSB to look more closely at the issue of roadway worker safety and to recommend actions to address these issues.

Railroad and rail transit roadway workers are subject to on-the-job risks and hazards that are markedly different from those faced by other railroad employees. Of the fatalities in 2013, 11 resulted from 11 accidents on freight railroads and four were on commuter or transit railways. The average number of railroad worker fatali-

ties has fluctuated but has remained about 6.4 per year from 1990 to 2013.

"Railroad roadway worker deaths have increased over the past three years," said NTSB Acting Chairman Christopher A. Hart. "This trend is unacceptable."

Among the report's findings are that comprehensive job briefings could help prevent accidents and that national inspection protocols for work activities are necessary to ensure the safety of roadway workers.

The NTSB issued recommendations to the Federal Railroad Administration, the Federal Transit Administration, the Occupational Safety and Health Administration and the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee. The recommendations call for additional training, harmonization of standards, a national inspection program and greater stakeholder participation in roadway worker fatalities, among other measures.

A summary of the special report is available at <http://go.usa.gov/dZfj>.





# Around the SMART TD

## 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 passing of retired engineer John Edwards on Sept. 7.

## Local 363, Roanoke, Va.



State Legislative Director Pat Corp, Assistant Legislative Director Allan Johnson, UTU Alumni Association member Dan Zebrasky, Jim Gibbs and Local Chairperson Robert "Bubba" Chandler prepare to march in the Roanoke Labor Day parade. "The Roanoke Labor Day Parade was a great experience once again and we thank Dan and Jim for the use of the Model T Fords," Corp said.

## Local 407, Charleston, S.C.

Retired member **Oliver S. Hill** was killed in a motorcycle accident July 27 reports Howard A. Spier, an attorney for the designated legal counsel firm of Rossman, Baumberger, Reboso & Spier, P.A. "This is very sad news. Oliver was a former client and we stayed in touch. Each year, we called each other on our birthdays, which was easy since we shared the same one," Spier said.

## Local 587, Greenfield, Mass.

Members of this local hosted a benefit dinner Aug. 2 for member **Rob "Charby" Charboneau**, whose right leg was severed below the knee in a switching yard accident this past February, Local Chairperson **James Falandes** reports. "Members of the community and our local, as well as other crafts and unions on our property, have shown a great deal of support in many ways, one of which was their attendance at this benefit dinner," Falandes said. Local President **Steve Carey** and member **Alan Charboneau** were instrumental in organizing the event. In attendance was fellow member **Louis Bushay**, who was training with Charboneau when the accident happened. "His quick thinking, quick actions and his immediate control of the situation was remarkable," Falandes said. "Because of him, a bad situation was prevented from becoming worse." Charboneau had been a Pan Am Railways conductor and SMART TD member since 1999.



Pictured, from left, are Alan Charboneau, Rob Charboneau, Steve Carey and Louis Bushay at the Aug. 2 benefit dinner.

## Local 933, Jefferson City, Mo.

UTU Alumni Association member **Norbert Shacklette** (1823) reports that fellow Alumni

## 'Look at me, I can be, center field'

The words in the title are credited to John Fogerty in his smash hit single, "Centerfield," but they also most likely mirror the sentiments of the kids who play on the baseball teams sponsored by SMART Transportation Division Local 206 in Peru, Ind.

Norfolk Southern GO 687 General Chairperson **Jason Boswell** reports that this past summer, his local sponsored an entire youth baseball league. It is the Peru Cal Ripken/Babe Ruth Baseball League and its players are special.



Boswell

Many of them suffer from various physical and developmental disabilities and, consequently, have never been able to participate in any sport. Some are in wheelchairs or on crutches and others suffer from neuromuscular disorders or mental or emotional developmental disorders. But they all have one thing in common. They want to be "normal" kids and play ball.

They want to swing a bat and round the bases while everyone cheers. They want to dirty their jerseys in the mud, feel the sun's rays making them sweat while awaiting a pop-up fly at shortstop, or even to simply stand in centerfield. Thanks to Local 206, they were able to do these things.

Peru Cal Ripken/Babe Ruth Baseball is the only league of its kind within a 700-mile radius. Its mission focuses on teaching children, ages five years up to 20 years, teamwork, sportsmanship and the skills of baseball.

In association with Bambino Buddy-Ball, a core tenet is the belief that every child, disabled or not, should have the opportunity to participate in baseball or softball.

A special "buddy" helps each child ballplayer swing the bat, round the bases or catch a ball, and by doing so, these ballplayers experience the thrills of the game just as non-disabled children do.

"Seeing the smiles and happiness on the kids' faces makes it all worthwhile," Boswell said.

Boswell credits Local 206 member **Neal Trexler** for his avid participation in the league.

He said, "Neal Trexler attended opening day games with his daughter and said, 'watching the kids laugh, smile and have fun is great. Seeing our local's name on the back of every uniform shirt and knowing we helped allow this positive experience for these kids makes me proud to be a UTU member and proud of my local.'"

Even if not all of the kids are able to verbally express their gratitude, you can almost hear their eyes and smile exclaiming, "Look at me, I can be, center field!"

Association member **Robert D. Salmons** died July



Salmons

9. Salmons was the last general chairperson for the UTU-E Missouri Pacific Upper Lines General Committee before it merged with Union Pacific GO 569, Shacklette said. He was a World War II veteran and also served as this local's chairperson and as a member of the Cole R-1 Russellville School Board. He is survived by his wife, Mary, and seven children.

## Local 1402, Dupon, Ill.



Local 1402 Treasurer Gregory T. Rolfe captured this photograph of the members of SMART Sheet Metal Division Local 36 participating in the St. Louis Labor Day parade Sept. 1.

## Local 1581, Bakersfield, Calif.



Local member **Mike Ramsey**, left, is presented a gift and certificate of appreciation by BNSF GO 020 General Chairperson **Tommy Pate** at a retirement gathering for members of the local. Ramsey celebrated more than 32 years of continuous membership and railroad service. The photo was submitted by Local Secretary & Treasurer **Richard L. Haas**.

## Wisconsin State Legislative Board



Pictured, from left, are Local 332 Chairperson **Bob Alba**, Wisconsin State Legislative Director **Craig Peachy** (583), Local 311 Legislative Rep. **Rick Hauser** and Local 322 Local Secretary & Treasurer **Jeff Duris** participating in the State Senate Democratic Committee's annual golf outing at The Oaks Golf Course in Cottage Grove, Wis., Aug. 5. "Our legislative board sponsored a hole for this outing and it was a great opportunity to meet with legislators and discuss issues affecting our membership," Peachy said.

## Transportation Division needs your assistance

The SMART Transportation Division News needs your input to keep this publication fresh and informative.

If you have news about heroes in your local, local meetings, party or picnic information, or things of interest to your fellow members, we would like to hear about it.

Just drop us a line or send us an email message, and we'll do the rest.

You can reach the SMART Transportation Division Public Relations Department by telephone at (216) 228-9400 or by email at [news\\_TD@smart-union.org](mailto:news_TD@smart-union.org).

Information can also be sent by mail to SMART Transportation Division, SMART TD News, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333.



## RRB unemployment, sickness benefits to decrease

Beginning Oct. 1, 2014, the U.S. Railroad Retirement Board (RRB) will reduce railroad unemployment and sickness insurance benefits by 7.3 percent, up from the current 7.2 percent reduction, due to federal budget cuts first implemented in March 2013.

The adjusted reduction amount is based on revised projections of benefit claims and payments under the Railroad Unemployment Insurance Act. It will remain in effect through Sept. 30, 2015, the end of the fiscal year. Reductions in future fiscal years, should they occur, will be calculated based on applicable law.

The daily benefit rate is \$70, so the 7.3 percent reduction in railroad unemployment and sickness benefits will reduce the maximum amount

payable in a two-week period with 10 days of unemployment from \$700 to \$648.90.

Certain railroad sickness benefits are also subject to regular Tier I railroad retirement taxes, resulting in a further reduction of 7.65 percent. Applying the 7.3 percent reduction to these sickness benefits will result in a maximum two-week total of \$599.26.

These reductions are required under the Budget Control Act of 2011 and a subsequent sequestration order to implement the mandated cuts. The law exempted social security benefits, as well as railroad retirement, survivor, and disability benefits paid by the RRB, from sequestration.

When sequestration first took effect in March

2013, railroad unemployment and sickness benefits were subject to a 9.2 percent reduction. This amount was then adjusted to 7.2 percent in October 2013.

In fiscal year 2013, the RRB paid more than \$11.7 billion in retirement and survivor benefits to about 592,000 beneficiaries, and net unemployment-sickness benefits of \$90.7 million to more than 26,000 claimants.



## Employees of RCP&E Railroad return to SMART

In a swift and decisive vote held Aug. 27, employees of Rapid City, Pierre & Eastern Railroad selected the International Association of Sheet Metal, Air, Rail and Transportation Workers as their voice on their property.

Among 53 eligible voters, 37 employees marked their ballots for the SMART Transportation Division and five voted for no union representation.



Craig

SMART Transportation Division Executive Board member **Phillip Craig**, who served as United Transportation Union vice general chairperson on the property when it was previously owned by Dakota, Minnesota & Eastern Railroad, was delighted to return his former members to the SMART fold.

"I was the vice general chairperson back when the property was owned by the DM&E and we organized it 25 years ago. I went out to the property prior to it being sold and the employees all felt good about SMART representation. So, I called Washington and I talked with Alternate National Legislative Director John Risch, and then Transportation Division Director of Organizing **Rich Ross**, and we went out there," Craig said.

"When we organized it the first time, it took three years. This time it took less than 90 days."

Ross said that when SMART organizers began passing out literature to RCP&E employees, railroad officials asked workers to delay a representation vote for a year or so while the company instituted new work rules.

He said the employees saw no need to postpone the election. "No deal."

Ross thanked Craig and SMART Transportation Division South Dakota State Legislative Director **B.J. Shillingstad** for their efforts throughout the campaign.

Craig responded in kind saying, "I thank Brother Shillingstad, Vice Local 64 Chairperson **Mike Decker**, Local 64 members **Nick Boyer** and **Gus Manolis**, Director of Organizing **Rich Ross**, National Legislative Director **James Stem**, Alternate National Legislative Director **John Risch** and President **John Previsich**. They were all a big help to me."

Genesee & Wyoming Inc. acquired the former Canadian Pacific – DM&E line earlier this year and began operations under its new name June 1.

The shortline railroad operates over 670 miles in four states – Minnesota, South Dakota, Wyoming and Nebraska. It transports about 52,000 carloads annually of grain, ethanol, bentonite clay, fertilizer and other products.

## Members defeat BNSF proposal to cut train crew size

The members of BNSF Railway General Committee of Adjustment GO 001 have rejected a contract proposal from the carrier by a 5-1 margin that would have eliminated on-board conductors on approximately 60 percent of the railroad's trains.

Of 3,679 ballots returned, 3,056 were in opposition to the crew consist agreement. Nearly the same number of ballots cast were in opposition to a wage and rule settlement offered by the carrier.

Under the proposal, engineers would have received a pay boost, and conductors would have been given the opportunity to become engineers.

It also called for the creation of a "master conductor," who would be responsible for supervising multiple trains from a fixed or mobile location.

The railroad was seeking to operate most of its trains with a single engineer on trains equipped with positive train control, a collision-avoidance system mandated by Congress in 2008.

It maintained that trains carrying hazardous materials, including those with large volumes of crude oil or ethanol, would still have operated with two people on board.

Prior to releasing the complete vote count Sept. 29, GO 001 General Chairperson **Randall Knutson** had acknowledged earlier in September that the proposal had failed.

"Please be advised that we have completed the tabulation of ratification ballots for the tentative crew consist agreement and wage and rule settle-

ment, and neither agreement was ratified. A more complete summary of the vote will be forthcoming in the next several weeks, but we felt it was important to provide our members with immediate notification that these agreements were not ratified," Knutson said.

"Moving forward, this office will notify BNSF Labor Relations that we remain open to informal conversation regarding these matters, but will oppose any formal attempt by BNSF to serve notice to change our existing crew consist agreements prior to the attrition of all protected employees."

The proposed agreement generated a lot of discussion from Transportation Division members around the country.

In a statement posted on the SMART Transportation Division's website prior to the voting deadline, Transportation Division

President **John Previsich** noted that, "Our constitution grants the general committees jurisdiction in this area and this organization has successfully defended that right over the years through litigation and arbitration. There are no grounds for any entity to interfere with that right and there will be no attack on that authority by this office or any subordinate body of this organization."

"Nonetheless, it should surprise no one that the proposed agreement is generating a great deal of discussion due to its potential impact beyond its own territory."

"This office will not interfere with the rights of all of our members to engage in that discussion."



## Flu vaccines: Protect yourself and others

Each year, more than 200,000 people are hospitalized as a result of the flu, including an average of 20,000 children younger than five years of age. By simply getting a seasonal flu vaccine, you can reduce your risk of getting the flu, or possibly minimize the symptoms should you come down with the flu.

Getting vaccinated can also protect the people around you who are more vulnerable to serious flu illness. Those at risk include:

- Older adults;
- People with chronic health conditions, like asthma;
- Pregnant women, and
- Young children, especially infants younger than six months old who are too young to get vaccinated.

Flu shots are covered by most rail medical plans at 100 percent when using an in-network provider and when billed as preventive. You can search your plan's online provider directory to find a network provider in your area:

**Aetna members:**

[www.aetna.com/docfind/home.do](http://www.aetna.com/docfind/home.do)

**Highmark members:**

[www.highmarkbcbs.com/chmptl/chm/jsp/providerSearchLink.do](http://www.highmarkbcbs.com/chmptl/chm/jsp/providerSearchLink.do)

**UnitedHealthcare members:**

[www.myuhc.com](http://www.myuhc.com)

## FRA delays testing for railroad MOW employees

Federal regulators are putting the brakes on new alcohol and drug regulations for railroad maintenance-of-way employees.

The Federal Railroad Administration proposed new testing requirements for railroad track workers in July but announced Sept. 24 it was extending the comment period at the request of industry groups.

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

It also proposed certain substantive amendments that either respond to National Transportation Safety Board recommendations or update and clarify the alcohol and drug regulations based on a retrospective regulatory review (RRR) analysis.

"(Track workers) directly affect the safety of railroad operations, because they work on or near railroad tracks, operate on-track or fouling equipment, and assist in directing trains through work areas," the agency wrote.

The delay comes at the request of the American Public Transportation Association, the American Short Line and Regional Railroad Association, the Association of American Railroads and the National Railroad Construction and Maintenance Association.

Comments can be posted to the docket [Docket No. FRA-2009-0039] at [www.regulations.gov](http://www.regulations.gov) until Nov. 25.

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



# Dialogue is a two-way street, contact me with your concerns

The First SMART General Convention represented a new beginning for all of us. So, now is the time to take advantage of the opportunity and begin forging a path to ensure the dialogue between the leadership and convention delegates at our convention extends to an open communication between our membership and their elected leaders.

As a first step, we have to recognize that a dialogue can only exist when both parties participate and the quickest way to harm an organization is by ignoring the voice of the membership.

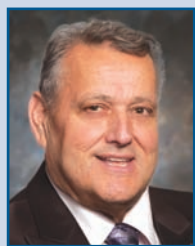
I believe our members can and will speak up when they trust that their voices will be heard.

The only way to build that trust is through transparency and accountability. If members feel they can trust their leaders, they will lend their support to the organization and make meaningful contributions to the discussion.

**We have to recognize that a dialogue can only exist when both parties participate and the quickest way to harm an organization is by ignoring the voice of the membership. I believe our members can and will speak up when they trust that their voices will be heard.**

A quiet membership eventually devolves into an ailing union. A quiet membership becomes disinterested and apathetic, allowing its leaders to do as they please without any accountability.

Without involvement by the membership, the dues a member pays become nothing more than another unwanted deduction. That will not



## SMART General President's Column

By Joe Nigro

become the legacy of this organization.

I encourage everyone to take the opportunity to attend local union meetings, ask questions of your leadership, and learn about the ways your union can assist you and how you can assist your fellow brothers and sisters. The more active and aware you become, the better our union will represent you.

Also, keep in mind that within any organization news travels fast, but is often not always accurate. Sometimes rumors and innuendo are advanced by individuals on the outside whose goals do not align with yours.

Let your leaders know when you hear something that doesn't seem right. Getting answers before we pass something on can stop those who wish to divide us and will show them we are a united union.

Let's squash those rumors and get moving on making this union as strong and as vibrant as possible.

Finally, if you're unhappy with the direction of the organization on any level, or feel you are not receiving the representation you deserve, call your leadership and let them know how you feel.

I strongly believe in having an open door pol-

icy that allows members to voice their concerns. I also believe that when it comes to leadership, I hold myself to the same standards that I expect of other elected representatives in this organization, along with our staff.

This is why I am including my telephone number here – (202) 662-0800 – so you can contact me with any of your questions or complaints.

**I will hold myself to the same standards that I expect of other elected representatives in this organization, along with our staff.**

You may not like my answers or what I tell you, but I do promise, you will at least have a voice.

Always remember, this is your union.

Faternally,

Joseph J. Nigro  
SMART General President



Contact us: [news\\_td@smart-union.org](mailto:news_td@smart-union.org)  
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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.

# It definitely matters who we elect to Congress

Congressional elections do matter. Actions of Congress can make a big difference when it comes to our job security, our wages, our fringe benefits, our retirement and safety in our workplace.

In this issue of the SMART Transportation Division News are our official endorsements for the Nov. 4 election. These endorsements are based on recommendations from our state legislative boards which, with our national office, reviewed the voting records of incumbent lawmakers and conducted thorough interviews with new candidates seeking national office.

Our constitution requires that we make these endorsements and we take this obligation seriously. A full listing of how Congressional legislators voted on issues important to our members can be found on the Transportation Division website at [www.utu.org](http://www.utu.org) by clicking on the 2014 Voter Information tile at the bottom right corner of the homepage.

The upcoming session of Congress will be a busy one. We will be working to pass legislation requiring a minimum of two persons – a certified conductor and a certified engineer – working on all trains. One current bill, Senate Bill S. 2784 – the Rail Safety Improvement Act, is reported on page 1 of this publication.

We will be working to see that our transit systems and Amtrak receive the funding they so desperately need. Likewise, we will be working to make sure that the National Mediation Board receives the funding it needs to resolve disputes in the workplace in a timely manner. We will be working with our Sheet Metal brothers and sisters on issues important to the construction industry and to ensure that the Essential Air Service program is properly funded.



## SMART Transportation Division Officer's Column

By John Risch

Electing labor-friendly legislators is the key to our success. Our Legislative Department can be the best in the business, but if this election produces a Congress in which a majority of its members don't even believe in the fundamental rights of workers, our efforts to protect our members' jobs, paychecks, benefits, retirement income and workplace safety will be much harder.

**"Our Legislative Department can be the best in the business, but if this election produces a Congress in which a majority of its members don't even believe in the fundamental rights of workers, our efforts will be much harder."**

We all have our personal views about life and the government. I understand that we have members that are Democrats, Republicans, independents, Tea Party Libertarians, Green Party environmentalists and just about every flavor out there.

While I appreciate our diversity, I urge you to take into consideration the endorsements in this newspaper when you cast your ballot.

These endorsements were based on issues like support for two-person train crews, Amtrak, the coal industry, mass transportation funding, and other work-related issues.

Our endorsed incumbents have supported our work-related issues and the endorsed candidates have pledged to do so.

Neither I nor anyone else in our union tells anyone "how to vote." What we do is fulfill our constitutional responsibility to endorse those that we believe will support us once they're elected. To do anything less would be shirking our constitutional responsibility.

Come Nov. 4, no matter whom you choose to vote for...choose to vote. If your state has early or absentee voting, take advantage of this opportunity, especially if you work a road job or an extra-board.

I look forward to serving each of you as your National Legislative Director and pledge to do my best. That being said, our legislative department's odds of success will be much better if you send folks to Congress that support our issues.

John Risch  
National Legislative Director  
SMART Transportation Division



# State Watch

News from SMART TD State Legislative Boards

## Utah



Delegates from both the Sheet Metal and Rail Divisions of SMART from the state of Utah met to discuss issues affecting all members at the first SMART General Convention held Aug. 11-15 at Caesars Palace in Las Vegas. Pictured, from left, are Vice Local Chairperson Brandon Rodabough (1366), Assistant State Legislative Director Pat Winslow (1554), State Legislative Director Jay Seegmiller (166), Local Chairperson Roger D. Barnes (1294), Timothy J. Mahon (238), Sam Johnson (Sheet Metal Division Local 312) and Tony Erickson (Sheet Metal Division 312).

## Virginia

Virginia State Legislative Director **Pat Corp**, submitted a letter to the editor of *The Roanoke Times* that was published in the newspaper Aug. 22. It was in response to an article previously published by the newspaper regarding coal exports. Portions of Corp's letter are below.



Corp

"The article's leanings struck me as less than pure investigative reporting.

"U.S. exports are actually down and projected to decrease through 2015 for a reduction of almost 25 percent from 2012, due in most part to other countries upping their production levels (Source: Energy Information Administration).

"Since world demand for coal is expected to grow and demand for our coal to almost double, building export terminals in the U.S. for Powder River Basin coal is being worked on now and argued over, yet the author fails to note Canada has the ability to export as well.

"History is replete with examples of failed attempts to stop the supply of commodities in the face of demand. Perpetuating the misperception that restricting U.S. coal exports will result in the world's reduction in the use of coal is promoting an agenda of certain groups whose ultimate goal is the unrealistic near-term elimination of fossil fuel use. It is a leap to say it is "fueling demand."

"Continuing and accelerating the research and application of technologies that will allow for the use of all fossil fuels ... is a realistic approach. The U.S. needs to keep trade open to these countries and maintain relationships in the coal markets so we can influence the expansion of pollution and carbon mitigation technologies."

## West Virginia



State Legislative Director Mark Mewshaw, left, and Alternate National Legislative Director John Risch, right, met with Rep. David McKinley (R-W.Va.) to endorse his re-election campaign and to discuss issues important to the SMART members. McKinley is a leader on coal-related issues and works to find solutions in regard to energy policy that protects the coal industry and the environment.

## Wisconsin

Wisconsin State Legislative Director **Craig Peachy** and Legislative Board Secretary **Chris Tassone** attended a retirement party June 21 in Franklin, Wis., for Local 322 member **Larry Markow** and expressed the board's appreciation for Markow's efforts in drafting of legislation that improved pedestrian safety at railroad crossings.

The final amendments to Wisconsin's state statutes now empower police departments to cite violating pedestrians for crossing in front of a train when the warning protection is active.

"Larry's experience as former police officer and conductor for Union Pacific inspired him to bring this idea to GO 225 Vice General Chairperson and Local Legislative Rep. **Bob Alba**, and later to me," Peachy said. "His testimony in support of this legislation to the Senate Committee on Transportation was instrumental in educating our legislators to the dangers of pedestrian traffic at railroad crossings.

"The Wisconsin Legislative Board thanks Larry Markow for his commitment to safety and wishes him a very happy and healthy retirement."



Retired member Larry Markow proudly displays a brass lantern and certificate presented to him for his service to the union. Joining him at his retirement party, from left, are Peachy (583), Alumni Association member Jim Purtell, Alba, retired former Local President John Schoettel, Vice Local Chairperson Brant Graham, Tassone (581), Local President Jim Young, Mike Schultz, Local Treasurer Jeff Duris, Bryan Krejcarek and Mike Beson.

## Bus Department

By Calvin Studivant, Alternate Vice President-Bus  
mccoperator2@yahoo.com

### Sleep apnea should not cost operators jobs or pay

Operators employed in the transit industry continue to experience difficult times in relation to obstructive sleep apnea, a potentially serious sleep disorder in which breathing repeatedly stops and starts during sleep.

Several types of sleep apnea exist, but the most common type is obstructive sleep apnea, which occurs when throat muscles intermittently relax and block your airway during sleep. The most noticeable sign of obstructive sleep apnea is snoring.



Studivant

The National Transportation Safety Board and the Federal Transit Administration have identified fatigue and undiagnosed sleep apnea as high-risk vulnerabilities for transit operators, and as an element of probable cause for numerous transit accidents.

In 2013, Congress enacted a law prohibiting the Federal Motor Carrier Safety Administration from implementing or enforcing requirements relating to sleep disorders unless adopted by a rule-making proceeding. However, it did not apply to any requirement in force before Sept. 1, 2013, at which time there were guidelines for screening and testing.

Many questions remain unanswered because it seems carrier medical review officers (MRO) are making determinations on employees based on their beliefs, as opposed to actual physical examinations. The only way a respiratory problem can be detected is through a sleep study and an MRO should request a sleep study if he or she believes there is a problem.

There is also the issue of the costs of medical examinations and who is responsible for payment. Physical examinations required by carriers based on Department of Transportation regulations should be paid for by the carrier. Also, a sleep study is no excuse for an operator to be put out of service.

We must seek a resolution to this problem and stand together, shoulder to shoulder, to ensure our members are not being put out of service and to ensure that the carriers assume the cost of any sleep studies performed.

After a sleep study is completed and the diagnosis is indeed sleep apnea, there are treatment options, including continuous positive airway pressure (CPAP) machines, dental devices and surgical options.

As more information becomes available concerning this disorder and DOT guidelines, we will make sure that all of our members are well informed.

## APTA study: Two-thirds of Americans want increased public transit funding

WASHINGTON – As Congress gets into full swing after the August recess, the American Public Transportation Association (APTA) released a survey Sept. 15 that shows the numbers of Americans that support increasing federal public transportation investment grew to nearly 68 percent. This represents a nearly two-point increase over last year.

The survey, which was conducted by the Mineta Transportation Institute (MTI) for APTA, also found that nearly 74 percent of Americans support the use of tax dollars for creating, expanding and improving public transportation options in their communities.

"We believe Congress should move swiftly on a robust long-term funding plan for the next surface transportation bill, and not wait until the extension deadline of May 31," said APTA President and CEO Michael Melaniphy. "Americans understand the importance of investing in public transportation because it is a catalyst to transforming their community."

Seventy-six percent of those surveyed agreed with the statement that public transportation investment can help create jobs and pave the way to a stronger economy.

When asked about the affordable transportation options for people, nearly 88 percent of respondents agreed that public transit expands opportunities and provides access to new jobs and careers as well as to medical care, schools and colleges.

"Research data shows support for increased revenues for public transportation. This support continues to increase because Americans realize that everyone benefits from public transit investments through the economic growth in their community, even if they do not ride it," said Melaniphy.

The survey by MTI was a result of 1,503 telephone interviews with individuals across the United States and the margin of error is minus 2.53 percentage points, at the 95 percent confidence level.

According to APTA, Americans took 10.7 billion trips on public transportation in 2013 – the highest in 57 years. Since 1995, public transit ridership is up 37.2 percent, outpacing population growth, which is up 20.3 percent, and vehicle miles traveled (VMT), which is up 22.7 percent.

People board public transportation 35 million times each weekday.





# Make the SMART choice on Election Day!



## Congressional Recommendations

### Alabama

#### House of Representatives

Dist. 2 Erick Wright (D)  
Dist. 6 Mark Lester (D)  
Dist. 7 Terri Sewell (D)\*

### Alaska

#### Senate

Mark Begich (D)\*

#### House of Representatives

At Large Don Young (R)\*

### Arizona

#### House of Representatives

Dist. 1 Ann Kirkpatrick (D)\*  
Dist. 2 Ron Barber (D)\*  
Dist. 3 Raul Grijalva (D)\*  
Dist. 7 Ruben Gallego (D)  
Dist. 9 Kyrsten Sinema (D)\*



**Ann Kirkpatrick (D)\***  
U.S. Representative, Arizona

### Arkansas

#### Senate

Mark Pryor (D)\*

#### House of Representatives

Dist. 1 Jackie McPherson (D)  
Dist. 2 Patrick Henry Hays (D)  
Dist. 4 James Lee Witt (D)



**Mark Pryor (D)\***  
U.S. Senator, Arkansas

### California

#### House of Representatives

Dist. 2 Jared Huffman (D)\*  
Dist. 3 John Garamendi (D)\*  
Dist. 4 Arthur "Art" Moore (R)  
Dist. 5 Mike Thompson (D)\*  
Dist. 6 Doris Matsui (D)\*  
Dist. 7 Ami Bera (D)\*  
Dist. 8 Paul Cook (R)\*  
Dist. 9 Jerry McNerney (D)\*  
Dist. 10 Jeff Denham (R)\*  
Dist. 11 Mark DeSaulnier (D)  
Dist. 12 Nancy Pelosi (D)\*  
Dist. 13 Barbara Lee (D)\*  
Dist. 14 Jackie Speier (D)\*  
Dist. 15 Eric Swalwell (D)\*  
Dist. 16 Jim Costa (D)\*  
Dist. 17 Mike Honda (D)\*  
Dist. 18 Anna Eshoo (D)\*  
Dist. 19 Zoe Lofgren (D)\*  
Dist. 20 Sam Farr (D)\*  
Dist. 21 David Valadao (R)\*  
Dist. 24 Lois Capps (D)\*  
Dist. 26 Julia Brownley (D)\*  
Dist. 27 Judy Chu (D)\*

Dist. 28 Adam Schiff (D)\*  
Dist. 29 Tony Cardenas (D)\*  
Dist. 30 Brad Sherman (D)\*  
Dist. 31 Pete Aguilar (D)\*  
Dist. 32 Grace Napolitano (D)\*  
Dist. 33 Ted Lieu (D)  
Dist. 34 Xavier Becerra (D)\*  
Dist. 35 Norma Torres (D)  
Dist. 36 Raul Ruiz (D)\*  
Dist. 37 Karen Bass (D)\*  
Dist. 38 Linda Sanchez (D)\*  
Dist. 39 Peter Anderson (D)  
Dist. 40 Lucille Roybal-Allard (D)\*  
Dist. 41 Mark Takano (D)\*  
Dist. 43 Maxine Waters (D)\*  
Dist. 44 Janice Hahn (D)\*  
Dist. 45 Drew Leavens (D)  
Dist. 46 Loretta Sanchez (D)\*  
Dist. 47 Alan Lowenthal (D)\*  
Dist. 49 Dave Peiser (D)  
Dist. 51 Juan Vargas (D)\*  
Dist. 52 Scott Peters (D)\*  
Dist. 53 Susan Davis (D)\*

### Colorado

#### Senate

Mark Udall (D)\*

#### House of Representatives

Dist. 1 Diana DeGette (D)\*  
Dist. 3 Abel Tapia (D)  
Dist. 4 Vic Meyers (D)  
Dist. 5 Irv Halter (D)  
Dist. 6 Andrew Romanoff (D)  
Dist. 7 Ed Perlmutter (D)\*

### Connecticut

#### House of Representatives

Dist. 1 John Larson (D)\*  
Dist. 2 Joe Courtney (D)\*  
Dist. 3 Rosa DeLauro (D)\*  
Dist. 4 Jim Himes (D)\*  
Dist. 5 Elizabeth Esty (D)\*

### Delaware

#### Senate

Chris Coons (D)\*

#### House of Representatives

At Large John Carney (D)\*

### District of Columbia

#### House of Representatives

At Large Eleanor Holmes Norton (D)\*

### Florida

#### House of Representatives

Dist. 4 Ander Crenshaw (R)\*  
Dist. 5 Corrine Brown (D)\*  
Dist. 9 Alan Grayson (D)\*  
Dist. 10 Daniel Webster (R)\*  
Dist. 13 David Jolly (R)\*  
Dist. 14 Kathy Castor (D)\*  
Dist. 18 Patrick Murphy (D)\*  
Dist. 20 Alcee Hastings (D)\*  
Dist. 21 Ted Deutch (D)\*  
Dist. 22 Lois Frankel (D)\*  
Dist. 23 Debbie Wasserman Schultz (D)\*  
Dist. 24 Frederica Wilson (D)\*  
Dist. 25 Mario Diaz-Balart (R)\*  
Dist. 26 Joe Garcia (D)\*  
Dist. 27 Ileana Ros-Lehtinen (R)\*



**Frederica Wilson (D)\***  
U.S. Representative, Florida

### Georgia

#### Senate

Michelle Nunn (D)

#### House of Representatives

Dist. 2 Sanford Bishop Jr. (D)\*  
Dist. 4 Hank Johnson (D)\*  
Dist. 5 John Lewis (D)\*  
Dist. 10 Ken Dious (D)  
Dist. 12 John Barrow (D)\*  
Dist. 13 David Scott (D)\*

### Hawaii

#### Senate

Brian Schatz (D)\*

#### House of Representatives

Dist. 1 Kyle Mark Takai (D)  
Dist. 2 Tulsi Gabbard (D)\*

### Idaho

#### Senate

Nels Mitchell (D)

#### House of Representatives

Dist. 1 Shirley Ringo (D)  
Dist. 2 Richard Stallings (D)

### Illinois

#### Senate

Richard "Dick" Durbin (D)\*

#### House of Representatives

Dist. 1 Bobby Rush (D)\*  
Dist. 2 Robin Kelly (D)\*  
Dist. 3 Dan Lipinski (D)\*  
Dist. 4 Luis Guterrez (D)\*  
Dist. 5 Mike Quigley (D)\*  
Dist. 7 Danny Davis (D)\*  
Dist. 8 Tammy Duckworth (D)\*  
Dist. 9 Jan Schakowsky (D)\*  
Dist. 10 Brad Schneider (D)\*  
Dist. 11 Bill Foster (D)\*  
Dist. 12 Bill Enyart (D)\*  
Dist. 13 Rodney Davis (R)\*  
Dist. 14 Dennis Anderson (D)  
Dist. 15 John Shimkus (R)  
Dist. 16 Adam Kinzinger (R)\*  
Dist. 17 Cheri Bustos (D)\*  
Dist. 18 Aaron Schock (R)\*

### Indiana

#### House of Representatives

Dist. 1 Peter Visclosky (D)\*  
Dist. 2 Joe Bock (D)  
Dist. 3 Justin Kuhnle (D)  
Dist. 4 John Dale (D)  
Dist. 5 Shawn Denney (D)  
Dist. 6 Susan Hall Heitzman (D)  
Dist. 7 Andre Carson (D)\*  
Dist. 8 Tom Spangler (D)  
Dist. 9 Bill Bailey (D)

### Iowa

#### Senate

Bruce Braley (D)

#### House of Representatives

Dist. 1 Pat Murphy (D)\*  
Dist. 2 David Loebsack (D)\*  
Dist. 3 Staci Appel (D)  
Dist. 4 Jim Mowrer (D)

### Kansas

#### Senate

Greg Orman (I)

#### House of Representatives

Dist. 1 James Sherow (D)  
Dist. 2 Margie Wakefield (D)  
Dist. 3 Kelly Kultala (D)  
Dist. 4 Perry Schuckman (D)

### Kentucky

#### Senate

Alison Lundergan Grimes (D)

#### House of Representatives

Dist. 1 Edward Whitfield (R)\*  
Dist. 2 Ronald Allen Leach (D)  
Dist. 3 John Yarmuth (D)\*  
Dist. 4 Peter Newberry (D)  
Dist. 5 Kenneth Stephenson Stepp (D)  
Dist. 6 Elisabeth Jensen (D)

### Louisiana

#### Senate

Mary Landrieu (D)\*

#### House of Representatives

Dist. 2 Cedric Richmond (D)\*  
Dist. 3 Charles Boustany Jr. (R)\*  
Dist. 5 James Mayo (D)  
Dist. 6 Edwin Edwards (D)

### Maine

#### Senate

Shenna Bellows (D)

#### House of Representatives

Dist. 1 Chellie Pingree (D)\*  
Dist. 2 Emily Cain (D)

### Maryland

#### House of Representatives

Dist. 2 C.A. "Dutch" Ruppersberger (D)\*  
Dist. 3 John Sarbanes (D)\*  
Dist. 4 Donna Edwards (D)\*  
Dist. 5 Steny Hoyer (D)\*  
Dist. 6 John Delaney (D)\*  
Dist. 7 Elijah Cummings (D)\*  
Dist. 8 Chris Van Hollen (D)\*

### Massachusetts

#### Senate

Edward Markey (D)\*

#### House of Representatives

Dist. 1 Richard Neal (D)\*  
Dist. 2 Jim McGovern (D)\*  
Dist. 3 Niki Tsongas (D)\*  
Dist. 4 Joseph Kennedy III (D)\*  
Dist. 5 Katherine Clark (D)\*  
Dist. 6 Seth Moulton (D)  
Dist. 7 Michael Capuano (D)\*  
Dist. 8 Stephen Lynch (D)\*  
Dist. 9 William Keating (D)\*

### Michigan

#### Senate

Gary Peters (D)

#### House of Representatives

Dist. 1 Jerry Cannon (D)  
Dist. 5 Dan Kildee (D)\*  
Dist. 6 Fred Upton (R)\*  
Dist. 7 Pam Byrnes (D)  
Dist. 9 Sander Levin (D)\*  
Dist. 11 Bobby McKenzie (D)  
Dist. 12 Debbie Dingell (D)  
Dist. 13 John Conyers Jr. (D)\*  
Dist. 14 Brenda Lawrence (D)



**Gary Peters (D)**  
U.S. Senate candidate, Michigan

### Minnesota

#### Senate

Al Franken (D)\*

#### House of Representatives

Dist. 1 Tim Walz (D)\*

Dist. 2 Mike Obermueller (D)  
Dist. 3 Sharon Sund (D)  
Dist. 4 Betty McCollum (D)\*  
Dist. 5 Keith Ellison (D)\*  
Dist. 6 Joseph Perske (D)  
Dist. 7 Collin Peterson (D)\*  
Dist. 8 Rick Nolan (D)\*



**Rick Nolan (D)\***  
U.S. Representative, Minnesota

### Mississippi

#### Senate

Travis Childers (D)

#### House of Representatives

Dist. 2 Bennie Thompson (D)\*

### Missouri

#### House of Representatives

Dist. 1 William Lacy Clay (D)\*  
Dist. 4 Nate Irvin (D)  
Dist. 5 Emanuel Cleaver II (D)\*  
Dist. 6 Bill Hedge (D)  
Dist. 7 Jim Evans (D)

### Montana

#### House of Representatives

At Large John Lewis (D)

### Nebraska

#### Senate

Dave Domina (D)

#### House of Representatives

Dist. 1 Dennis Crawford (D)  
Dist. 2 Brad Ashford (D)  
Dist. 3 Mark Sullivan (D)

### Nevada

#### House of Representatives

Dist. 1 Dina Titus (D)\*  
Dist. 2 Kristen Spees (D)  
Dist. 3 Erin Bilbray (D)

### New Hampshire

#### Senate

Jeanne Shaheen (D)\*

#### House of Representatives

Dist. 1 Carol Shea-Porter (D)\*  
Dist. 2 Ann McLane Kuster (D)\*

### New Jersey

#### Senate

Cory Booker (D)\*

#### House of Representatives

Dist. 1 Donald Norcross (D)  
Dist. 2 Frank LoBiondo (R)\*  
Dist. 3 Aimee Belgard (D)  
Dist. 4 Chris Smith (R)\*  
Dist. 5 Roy Cho (D)  
Dist. 6 Frank Pallone Jr. (D)\*  
Dist. 7 Leonard Lance (R)\*  
Dist. 8 Albio Sires (D)\*  
Dist. 9 Bill Pascrell Jr. (D)\*  
Dist. 10 Donald Payne Jr. (D)\*  
Dist. 11 Mark Dunec (D)  
Dist. 12 Bonnie Watson Coleman (D)

### New Mexico

#### Senate

Tom Udall (D)\*

## Congressional Recommendations

#### House of Representatives

Dist. 1 Michelle Lujan Grisham (D)\*  
Dist. 2 Roxanne "Rocky" Lara (D)  
Dist. 3 Ben Ray Lujan (D)\*

### New York

#### House of Representatives

Dist. 1 Timothy Bishop (D)\*  
Dist. 2 Peter King (R)\*  
Dist. 3 Steven Israel (D)\*  
Dist. 4 Kathleen Rice (D)  
Dist. 5 Gregory Meeks (D)\*  
Dist. 6 Grace Meng (D)\*  
Dist. 7 Nydia Velazquez (D)\*  
Dist. 8 Hakeem Jeffries (D)\*  
Dist. 9 Yvette Clark (D)\*  
Dist. 10 Jerrold Nadler (D)\*  
Dist. 11 Michael Grimm (R)\*  
Dist. 12 Carolyn Maloney (D)\*  
Dist. 13 Charles Rangel (D)\*  
Dist. 14 Joseph Crowley (D)\*  
Dist. 15 Jose Serrano (D)\*  
Dist. 16 Eliot Engel (D)\*  
Dist. 17 Nita Lowey (D)\*  
Dist. 18 Sean Patrick Maloney (D)\*  
Dist. 19 Chris Gibson (R)\*  
Dist. 20 Paul Tonko (D)\*  
Dist. 21 Aaron Woolf (D)  
Dist. 22 Richard Hanna (R)\*  
Dist. 23 Tom Reed (R)\*  
Dist. 24 Dan Maffei (D)\*  
Dist. 25 Louise Slaughter (D)\*  
Dist. 26 Brian Higgins (D)\*

### North Carolina

#### Senate

Kay Hagan (D)\*

#### House of Representatives

Dist. 1 G.K. Butterfield (D)\*  
Dist. 2 Clay Aiken (D)  
Dist. 3 Marshall Adame (D)  
Dist. 4 David Price (D)\*  
Dist. 5 Joshua Brannon (D)  
Dist. 6 Laura Fjeld (D)  
Dist. 7 Jonathan Barfield Jr. (D)  
Dist. 8 Richard Hudson (R)\*  
Dist. 10 Tate MacQueen (D)  
Dist. 12 Alma Adams (D)



**Kay Hagan (D)\***  
U.S. Senator, North Carolina

### Ohio

#### House of Representatives

Dist. 1 Fred Kundrata (D)  
Dist. 3 Joyce Beatty (D)\*  
Dist. 4 Janet Garrett (D)  
Dist. 6 Jennifer Garrison (D)



**David Joyce (R)\***  
U.S. Representative, Ohio

Dist. 9 Marcy Kaptur (D)\*  
Dist. 10 Michael Turner (R)\*  
Dist. 11 Marcia Fudge (D)\*  
Dist. 12 Pat Tiberi (R)\*  
Dist. 13 Timothy Ryan (D)\*  
Dist. 14 David Joyce (R)\*  
Dist. 15 Steve Stivers (R)\*

### Oklahoma

#### House of Representatives

Dist. 4 Tom Cole (R)\*

### Oregon

#### Senate

Jeff Merkley (D)\*

#### House of Representatives

Dist. 1 Suzanne Bonamici (D)\*  
Dist. 2 Greg Walden (R)\*  
Dist. 3 Earl Blumenauer (D)\*  
Dist. 4 Peter DeFazio (D)\*  
Dist. 5 Kurt Schrader (D)\*

### Pennsylvania

#### House of Representatives

Dist. 1 Robert Brady (D)\*  
Dist. 2 Chaka Fattah (D)\*  
Dist. 3 Daniel LaVallee (D)  
Dist. 5 Keith Strano Taylor (R)  
Dist. 6 Manan Trivedi (D)  
Dist. 7 Patrick Meehan Jr. (R)\*  
Dist. 8 Michael Fitzpatrick (R)\*  
Dist. 9 William "Bill" Shuster (R)\*  
Dist. 11 Louis Barletta (D)\*  
Dist. 12 Erin McClelland (D)  
Dist. 13 Brendan Boyle (D)  
Dist. 14 Michael Doyle (D)\*  
Dist. 15 Charles Dent (R)\*  
Dist. 16 Thomas Houghton (D)  
Dist. 17 Matthew Cartwright (D)\*  
Dist. 18 Timothy Murphy (R)\*



**Michael Fitzpatrick (R)\***  
U.S. Representative, Pennsylvania

### Rhode Island

#### Senate

Jack Reed (D)\*

#### House of Representatives

Dist. 1 David Cicilline (D)\*  
Dist. 2 James Langevin (D)\*

### South Carolina

#### House of Representatives

Dist. 2 Harold Geddings (L)  
Dist. 3 Barbara Jo Mullis (D)  
Dist. 5 Tom Adams (D)  
Dist. 6 James Clyburn (D)\*  
Dist. 7 Gloria Tinubu (D)

### South Dakota

#### Senate

Richard Weiland (D)

### Tennessee

#### Senate

Gordon Ball (D)

#### House of Representatives

Dist. 4 Lenda Sherrell (D)  
Dist. 5 Jim Cooper (D)\*  
Dist. 9 Steve Cohen (D)\*

### Texas

#### House of Representatives

Dist. 6 David Cozad (D)  
Dist. 7 James "Jim" Cargas (D)  
Dist. 9 Al Green (D)\*  
Dist. 12 Mark Greene (D)  
Dist. 15 Ruben



UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

# Railroad Medicare protects trust fund from fraud, needs your help

With millions of claims submitted to Railroad Medicare each year, fraudulent or abusive billing is a possibility that cannot be ignored. Railroad Medicare is no different than standard Medicare, in that the same providers submitting claims to standard Medicare can also be submitting claims to Railroad Medicare.

Knowing that the potential for fraud and abuse exists, the Centers for Medicare and Medicaid Services established seven Zone Program Integrity Contractors that investigate potential fraudulent and abusive billing for multiple states and jurisdictions.

Railroad Medicare has its own dedicated Benefit Integrity Unit (BIU), which uses data analysis and referrals from beneficiaries, as well as the Medical Review and Appeals units in-house, to ensure that claims are paid correctly.

The BIU works with law enforcement and refers cases to the Railroad Retirement Board Office of Inspector General to pursue on a case-by-case basis. Examples of just a few of the types of issues the BIU investigates are:

- Suppliers submitting claims for unusually high-dollar drugs and biologicals, and
- Doctors billing for the same service for the same beneficiary for more visits than would normally be expected.

When examining claims, the unit looks for an intentional deception or misrepresentation that could result in payment of an unauthorized Medicare benefit.

Railroad Medicare’s BIU works hard to fight fraud and abuse, but you can help. Sometimes the first indication of fraud or abuse is evident on a Medicare Summary Notice (MSN). When you receive your MSN, please read it carefully. Look to see if:

- Your name, address and Health Insurance Claim Number (Medicare Number) are correct;
- The date(s) of a service on the statement match when you actually had a service, and
- The description of the services your doctor billed to Railroad Medicare is correct.

If you need help reading your MSN, or you find something on it that appears to be wrong,

call the Beneficiary Contact Center at (800) 833-4455, Monday through Friday, from 8:30 a.m. until 7 p.m., ET. A TTY/TDD line at (877) 566-3572 for the hearing impaired is available during the same hours.

You may also call the Department of Health and Human Services Medicare Fraud Hotline to report suspected fraud or abuse at (800) 447-8477, or for TTY at (800) 377-4950.

## 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.



## Rails may be eligible for death, dismemberment insurance

Active and retired railroad employees covered under The Railroad Employees’ National Health and Welfare Plan or the NRC/UTU Health and Welfare Plan may be eligible for Life and Accidental Death and Dismemberment benefits from MetLife.

For eligible active employees, the death benefit is in most cases \$20,000, and there may be an additional AD&D benefit that could pay up to \$16,000. For eligible retired employees, the death benefit is \$2,000.

Most employees filled out a designated beneficiary form when they began work for a participating railroad and MetLife urges employees and retirees to keep this form with your other important papers. If you need to update your beneficiary form, or if there is doubt as to whom you designated, it is recommended that you complete a new form and send it to MetLife.

A beneficiary form, as well as a copy of the plan summary, can be found at [www.YourTrackToHealth.com](http://www.YourTrackToHealth.com). There is a direct link to that web page from [www.utu.org](http://www.utu.org). Hovering over the “Healthcare” tab on the SMART Transportation Division home page will provide you with a drop down menu for Your Track To Health.

You can also obtain information about this benefit by calling MetLife toll-free at (800) 310-7770.

This is a very important benefit for all eligible active and retired railroad employees covered under the national health and welfare plans, although many employees, especially retired employees, may not be fully aware of it. We urge you to post this notice at appropriate work locations on the property and remind all retirees with whom you may come in contact that they should contact MetLife to inquire about their eligibility for the \$2,000 death benefit.

## 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
2	Bays, Andrew T.	Curtice, Ohio	492	Hunter, G. H.	Newcastle, Calif.	1390	Goldsmith, Harold	Greenacres, Fla.
72	Kingsnorth, William J.	Battle Creek, Mich.	496	Lewis, Gene	McDermott, Ohio	1397	Boling, Guy E.	Groveport, Ohio
118	Payne, Terry L.	Hinton, W.Va.	500	Schoening, John H.	Grand Junction, Colo.	1405	Akin, Robert F.	Mesa, Ariz.
199	Davis, Melvin F.	Creston, Iowa	525	Byzewski, Stanley C.	Grand Forks, N.D.	1494	Jacobs, John V.	Dallas City, Ill.
202	Zimbelman, Earl W.	Denver, Colo.	582	Reinert, James A.	Oshkosh, Wis.	1505	Fleenor, Gary D.	Walla Walla, Wash.
256	Modaffari, Peter A.	Clifton Park, N.Y.	623	Hepler, Ralph L.	Covington, Va.	1529	Halleron, John J.	Hudson, Fla.
265	Livingstone, Robert D.	Pocatello, Idaho	650	Bigelow, James T.	Austin, Minn.	1557	True, John L.	Hernando, Miss.
292	Russell, Donald B.	Central Square, N.Y.	744	Newkirk, Gerald M.	Lafayette, Ind.	1563	Parrish Jr., Lazarus G.	Los Angeles, Calif.
292	Vanduren, Thomas W.	Central Square, N.Y.	783	Simmons, Charlie O.	Browns Summit, N.C.	1570	Osborn, William L.	Sacramento, Calif.
300	Billingsley, Martin F.	Sun City, Ariz.	811	Ernst, Peter C.	San Bernardino, Calif.	1570	Weston, Thomas F.	Tracy, Calif.
313	Mais, Robert R.	Morley, Mich.	835	Pulos, Chris	Mojave, Calif.	1732	Jerde, Ervin R.	Watsonville, Calif.
339	Eaves, Billie G.	Heber Springs, Ariz.	933	Salmons, Robert D.	California, Mo.	1732	Reid Jr., Robert E.	Fort Bragg, Calif.
376	Humphrey, Garrett T.	Owensboro, Ky.	977	Carlson, Bryce D.	Pasco, Wash.	1760	Parisi, Frederick	Sterling Heights, Mich.
378	Murray, William F.	Columbus, Ohio	991	Ferguson, Peter R.	Brilliant, Ohio	1801	Crichton, William J.	Folsom, Calif.
426	Snow, G.K.	Spokane Valley, Wash.	1007	Bellardino, Anthony	Oswego, N.Y.	1895	Counter, Charles P.	Monee, Ill.
440	Geier, Jack R.	Batavia, Ohio	1059	Leiphon, J.J.	Minot, N.D.	1908	Martin, Stephen D.	Buffalo, N.Y.
440	Hager, Clyde M.	Cincinnati, Ohio	1117	Dearden, Russell K.	Nampa, Idaho	1951	Allen, Frederick F.	Angola, N.Y.
446	Morgan, Murray F.	Fort Collins, Colo.	1168	Denham, Jay D.	Surprise, Ariz.	1971	Minter, Thomas E.	Marietta, Ga.
446	Racine, Kenneth J.	Cheyenne, Wyo.	1315	Martin, Allen J.	Corbin, Ky.	1973	Havirlak Jr., John	Beach Park, Ill.
471	Harrison, Chester T.	Veneta, Ore.	1381	Arney, David B.	Crown Point, Ind.			

The August 2014 issue of the SMART Transportation Division News incorrectly listed Alumni Association member Charles E. Markland (Local 330) of Scott City, Mo., as deceased. Brother Markland advises friends that he is alive and well. SMART Transportation Division News regrets this error and apologizes to Markland and his family.



# Accidents can happen to anyone, at any time. UTUIA Accident Indemnity Insurance can help.

**Protect yourself and your family from accidents,  
on and off the job, for less than \$1 per day**

The UTUIA’s accident indemnity plan provides you with money when you need it most: when you’ve had an accident and cannot work.

Benefits are paid for emergency treatment, hospital confinement, exams, physical therapy, ambulance service and more.

Use the money for whatever you want: mortgage payments, car payments or medical expenses. **The choice is yours.**

The UTUIA offers two levels of benefits; you choose the level of protection you and your family desire.

- All benefits are paid directly to you.
- Benefits are paid at full value, regardless of any other insurance you have.
- Benefits will never be reduced.
- Your premium does not increase with age.
- You will never be singled out for a rate increase.
- Guaranteed renewable to age 80.
- No physical required.

*Certain conditions and exemptions may apply.*

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



## Information, please

I would like more information on UTUIA’s accident indemnity insurance plan.

Please print



Full name	Date of birth	Local number
Address	City	State ZIP
Telephone number with area code	Sex	Male <input type="checkbox"/> Female <input type="checkbox"/>

Complete and mail to: UTUIA, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 09/14

## Healthcare online open enrollment period runs Oct. 1 to Nov. 1

Railroad employees covered under **National Railway Carriers/UTU Health and Welfare Plan** or the **Railroad Employees’ National Health and Welfare Plan** were mailed a notification of the online open enrollment period that began Oct. 1, 2014, and ends Nov. 1, 2014. The information should be specific to the current enrollment for you and your eligible dependents.

The online enrollment capability provides the ability to view your personal information, add, delete and update dependent information, view enrollment materials, enroll in benefits for next year, and receive an immediate confirmation statement. There is no need to mail in a paper enrollment form. However, if you need assistance, have questions or require a paper enrollment kit, call Railroad Enrollment Services at (800) 753-2692.

The enrollment website can be found at <https://www.yourtracktohealth.com> (formerly known as the Railroad Information Depot).

You are encouraged to visit the online enrollment site and review all the information available. Use the log-in instructions at the end of this article to access and review your personal information and spend some time learning about the benefits and resources available on the site.

You will also be able to search medical provider networks.

It is required that covered dependent Social Security numbers (SSN) be provided to the Centers for Medicare and Medicaid Services. Please supply the

missing SSN on the Dependent Information screen.

If you are currently enrolled in the Health Flexible Spending Account, the election and yearly contribution will not rollover to the new plan year. You must enroll in your Health Flexible Spending Account every year.

• Click “Login” located in the upper right corner of the screen.

• If you have already registered, enter your username and password.

• If you have not yet registered, select “New User?” at the bottom of the screen to complete your registration.

Once logged in, select the option to “Enroll Now for 2015,” located in the upper left corner of the screen.

### Enroll in and/or change your benefit selections for the 2015 plan year:

1. [Log into Your Track to Health.](#)
  - If you **have already registered**, enter your username and password.
  - If you **have not yet registered**, select “New User?” at the bottom of the screen to complete your registration.
2. Once logged in, look to the upper-left corner of the screen and select the option to “ENROLL NOW FOR 2015.” From here, you will be able to review your personal benefit information and enroll in or change your benefit selections for 2015.

**Enroll early — don’t wait until the last day!**



### When you enroll online, you can do the following without the need for paper enrollment materials:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Access the online enrollment site 24/7 during the enrollment period (Oct. 1 – Nov. 1, 2014)</li><li>• Review your benefit election choices, including quick-link access to everything needed to make your selections for 2015</li><li>• Search through medical provider networks</li></ul> | <ul style="list-style-type: none"><li>• Review your demographic information quickly and easily</li><li>• Add, delete and/or change dependent information</li><li>• Receive an immediate confirmation statement when you have completed your enrollment selections</li></ul> |
|--|---|

If you need assistance, have questions or require a paper enrollment kit, please call Railroad Enrollment Services at 1-800-753-2692.



# SMART TD supports Senate rail bill's two-person crew provision

*Continued from page 1*

must do more to promote a 'culture of safety,' above all other priorities," Schumer said. "That is why Sen. Blumenthal and I have worked to develop a comprehensive rail safety bill that will take the lessons of this tragic crash, plus the expert recommendations from the National Transportation Safety Board and others, and make them into tough requirements for our railroads, including a mandate for inward and outward facing cameras on all trains, new requirements for increased rail inspections, a significant boost in fines for safety violations, and more. For too long, railroads have failed to completely heed the lessons of fatal train crashes and this legislation will change that."

"This major, comprehensive measure will help American railroads move toward 21st century safety and reliability," Blumenthal said. "Rigorous public oversight and scrutiny are critical, and that's where this bill begins. We must assure that safety and reliability standards receive real enforcement, not mere lip service. The watchdog agencies must bite, not just bark, and whistleblowers must be protected."

"We need a national rail strategy to stop the cascading catastrophes, derailments, spectacular crashes, senseless worker injuries and deaths, and needless mundane delays that all undermine pub-

lic trust and confidence. This measure seeks to restore public trust and confidence and assure that railroads reflect what commuters and communities demand – safety and reliability, and on time performance, as complementary not conflicting goals.

"The bill also lays the groundwork for investments in important technology like positive train control (PTC) and other upgrades that are proven to save lives and enhance service. They must be followed by other investments that hopefully will gain bipartisan support, because they benefit our economy and all Americans."

If passed as currently written, the bill would also:

- Bolster the Federal Railroad Administration's oversight of our country's rail systems by authorizing an increase in funding for FRA's safety and operations work;

- Require greater FRA accountability for unmet statutory mandates and open NTSB recommendations through regular quarterly reports to Congress;

- Require the installation and implementation of technology like inward- and outward-facing cameras, alerters and redundant signal protection;

- Strengthen FRA's enforcement powers by increasing civil penalties for those who engage in unsafe activity. Civil penalties would be at least \$13,000 and up to \$500,000 for any safety sensitive violations, and a minimum of \$1 million for grossly negligent violations or repeated violations

that cause death or injury;

- Improve railroad operating practices by requiring enhanced inspection practices by commuter railroads;

- Require greater use of modern inspection technology and stepped up enforcement of speed restrictions;

- Provide resources for passenger and commuter railroads so they can implement critical technology like PTC by the December 2015 deadline;

- Require coordination between DOT and the FCC to ensure passenger and commuter railroads have access to necessary spectrum to make PTC operate effectively;

- Require expedited FRA action on the development of rules governing fatigue management plans for railroads;

- Require safer operating practices for the transportation of crude oil and flammable liquids;

- Require the national roll out of a confidential close call reporting initiative and the participation by freight, passenger and commuter railroads in the program, and

- Ensure the openness and transparency of railroad safety information.

To read an overview of S. 2784 or the complete text of the bill, enter "Blumenthal Schumer" in the Search box at [www.utu.org](http://www.utu.org).

## LACMTA Metro deal

*Continued from page 1*

the work that was put into crafting the new work rules for our members. Other transportation unions have gone on strike to get a fraction of what our committee was able to accomplish. There is not a doubt in my mind that these rules will serve as a model for other bargaining units in the future," Williams said.

Under the new contract, an unfair and divisive two-tier wage system was eliminated for good and was replaced by a seniority-based rate schedule. Under previous agreements, operators hired after July 1, 1997, were paid significantly less than operators hired on or before that date.

Employees will now see wage increases after five, six, 10, 11 and 17 years of full-time service.

"If you put in the time and do the job, any operator can now reach the top of the pay scale," Williams said.

During the life of the contract, all operators will see at least one significant pay increase, with the top-rate employees receiving a 4.5 percent pay increase immediately. Trainees, schedule checkers and schedule makers, and some part-time operators, will receive rate increases as well.

GO 875 represents members of Transportation Division Locals 1563, 1564, 1565, 1607, 1608. LACMTA Metro operates 2,228 vehicles over 1,433 square miles. The authority reports its total calendar monthly system-wide boardings for July 2014 at 38,327,115 riders.

## FRA issues proposal on unintended train movement

WASHINGTON – The U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) today issued a Notice of Proposed Rulemaking (NPRM) that will help protect communities from crude oil and hazardous materials incidents by strengthening requirements for securing unattended freight trains. The proposed rule codifies many of the requirements included in Emergency Order 28, which the FRA issued in August 2013 following the Lac-Mégantic accident and strengthens existing regulations for railroad cars containing certain hazardous materials.

"Safety is our top priority," said U.S. Transportation Secretary Anthony Foxx. "Today's action is only the latest in more than two dozen steps we have taken in the last year to further safeguard communities along train routes that carry crude oil and other flammable liquids."

The new measures proposed in the NPRM would require railroads to:

- Prevent trains or vehicles transporting specified hazardous materials from being left unattended on a mainline track or side track outside a yard, unless specific securement requirements are followed; develop a plan identifying such locations or circumstances; verify securement by qualified persons and ensure that locks on locomotive cabs are secure; include securement requirements in job briefings; perform additional inspections by qualified persons when emergency

responders have been on equipment, and install locking mechanisms on locomotive doors and repair them in a timely manner.

The rule covers equipment containing poisonous by inhalation (PIH) materials and those defined as Division 2.1 (flammable gas), Class 3 (flammable or combustible liquid), Class 1.1 or 1.2 (explosive) materials, or a hazardous substance listed in 49 CFR 173.31(f)(2). This includes most crude oil moved in the United States.

"While our existing securement regulations have been largely successful, it's important in light of events over the past year that we take additional steps to mitigate risk here in the United States," said Federal Railroad Administrator Joseph C. Szabo. "This rulemaking will solidify our existing securement regulations and provide additional safeguards against the rolling of unattended freight trains, especially those carrying hazardous materials."

The NPRM is the result of a collaborative effort between the industry and other stakeholders who formed a working group to review securement rules, practices and operating procedures over the last year. The working group, convened through the Railroad Safety Advisory Committee in August 2013, submitted its final recommendations for a proposed rule to the FRA in April 2014. The Department has also continued to collaborate with Canada.



FEDERAL RAILROAD ADMINISTRATION

## SMART TD members: Request an absentee ballot and vote by mail today

Casting a ballot in 2014 is one of the most important things you can do to protect your rights, your pension and your job security. The issues at stake are too important to sit on the sidelines and let others decide our future.

Some states allow easy access to cast your ballot early, either by mail or in-person at a designated site. See [www.utu.org](http://www.utu.org) for more information.

Due to our unpredictable work schedules and busy lives, requesting your ballot today will ensure your vote will count on Election Day. Instructions and links to absentee ballots can be found on the website by clicking on "2014 Voter Information" tile at the bottom of the homepage.

Should you have any questions regarding the absentee ballot process or anything on the election process, please call the SMART Transportation Division's National Legislative Office at 202-543-7714. And no matter whom you choose, choose to vote.





# OSHA orders BNSF Railway to pay \$12K to injured conductor

KANSAS CITY, Mo. – BNSF Railway Co. has been found in violation of the Federal Railroad Safety Act by the U.S. Department of Labor’s Occupational Safety and Health Administration for disciplining an employee at its Murray Yard complex for following a physician’s treatment plan. The company has been ordered to pay the conductor \$12,000 in damages, remove disciplinary information from the employee’s personnel record and provide whistleblower rights information to its employees.

“It is illegal to discipline an employee for following doctor’s orders,” said Marcia P. Drumm, OSHA’s acting regional administrator in Kansas City. “Workers should never be forced to choose between their health and facing disciplinary action. Whistleblower protections play an important role in keeping workplaces safe.”

OSHA’s investigation upheld the allegation that the railroad company disciplined the conductor, who has been employed there since 2004, in retaliation for taking leave in line with a doctor’s treatment plan. The employee was ill and notified a supervisor that he was seeing a doctor the afternoon of Nov. 18, 2013. Following his doctor’s appointment, the conductor immediately notified a supervisor that the doctor had ordered him to stay out of work for the remainder of the day, due to a personal illness. The company then accused the employee of violating its attendance policy and subsequently disciplined the employee.

BNSF Railway has been ordered to pay \$2,000 in compensatory and \$10,000 in punitive damages, as well as reasonable attorney’s fees. Any of the parties in this case can file an appeal with the department’s Office of Administrative Law Judges.

OSHA enforces the whistleblower provisions of the FRSA and 21 other statutes protecting employees who report violations of various airline, commercial motor carrier, consumer prod-

uct, environmental, financial reform, food safety, health care reform, nuclear, pipeline, worker safety, public transportation agency, railroad, maritime and securities laws.



Employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor to request an investigation by OSHA’s

Whistleblower Protection Program. Detailed information on employee whistleblower rights, including fact sheets, is available at <http://www.whistleblowers.gov>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees.

OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

## BNSF Railway sued by EEOC for disability discrimination

Texas-based BNSF Railway Co. violated the Americans with Disabilities Act (ADA) by withdrawing a job offer to a qualified applicant because of a prior back injury, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed Sept. 26.

According to the EEOC’s suit, Russell Holt received a conditional job offer for a senior patrol officer position with BNSF Railway in Seattle in September 2011. As part of the post-offer medical exam, he disclosed a back injury sustained in 2007. An investigator in his mid-thirties with nearly 11 years in law enforcement and a SWAT team member (a position he had to physically qualify for), Holt explained to BNSF that he never missed any work due to the injury. In October 2011, BNSF’s own contract doctor deemed Holt fit for the position without reservation. In early November, Holt and his wife both gave notice to their respective employers and got ready to move from Arkansas to Washington for his new job.

However, the EEOC said, starting Nov. 11, BNSF required additional medical information and tests from Holt, including an expensive MRI. Since his own doctor determined there was no medical necessity for such a test, Holt’s

insurance would not cover the cost, and he was left with the prospect of paying for the MRI out of pocket with no guarantee from BNSF that he would be allowed to start in the senior patrol officer position they had offered him. In mid-December, BNSF withdrew the job offer.

Refusing to hire a person because the employer regards him as having a physical or mental impairment, or because he has a record of disability, violates the ADA. The EEOC filed suit in U.S. District Court for the Western District of Washington (Case No. 2:14-CV-01488) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks monetary damages on behalf of this claimant, and injunctive relief which typically includes training on anti-discrimination laws, posting of notices at the worksite and compliance reporting.

EEOC Attorney William R. Tamayo noted, “Mr. Holt was a seasoned law enforcement officer who had never missed work because of a four-year old back injury. It is unfortunate that BNSF chose to ignore Mr. Holt’s experience and qualifications in his chosen profession, and instead forced him to prove that he would not be injured in the future.”

# House Transportation Committee approves Amtrak budget cut

The House Transportation Committee, in a voice vote Sept. 17, unanimously approved a bill that would cut 40 percent of Amtrak’s construction budget.

The measure reduces Amtrak’s authorized spending level for new construction from \$1.3 billion per year to \$770 million beginning next year. Historically, the railroad receives about \$1

billion per year for construction purposes and operations.

The bill also requires Amtrak to divert \$470 million per year to a trust fund for improvements along the Northeast Corridor and appropriates another \$300 million per year for construction on routes in the rest of the country. It also provides \$982 million per year for nationwide operations.

The bill was considered largely a bipartisan effort. Democrats were for the measure because it did not touch funding for operating already existing train routes, while Republicans supported the measure because they felt it would keep funding levels in line while forcing Amtrak to streamline their operations when it comes to construction.

“I would’ve wanted to include much more funding for Amtrak,” U.S. Rep. Corrine Brown (D-Fla.) said. “There is no perfect bill, but I can truly say this is a perfect start.”

Edward Wytkind, President of the Transportation Trades Department of the AFL-CIO said in a statement, “This is not a perfect bill. We have specifically called on Congress to provide Amtrak the resources it needs to meet growing demand and to fund improvements and upgrades to an aging system.

“Still, this legislation is a bipartisan compromise, which we urged the committee to pass today (Sept. 17). It rejects efforts made by some lawmakers to demonize Amtrak and undercut public support for passenger rail.

“Today’s approval by the House Transportation and Infrastructure Committee of the Passenger Rail Reform and Investment Act of 2014 is welcome news and represents important progress for both Amtrak and its almost 20,000 employees.

“We look forward to continuing efforts to provide Amtrak with the tools it needs to make our passenger rail network a driver of economic expansion and a creator of good, middle-class jobs.”



## Now what?

### SMART Discipline Income Protection Program can help!

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

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

**Who sponsors the program?** The SMART Transportation Division sponsors the Discipline Income Protection Program.

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

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







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## Photo of the month

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

SMART-TD 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 SMART-TD, 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 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 SMART.

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



This photo was taken by Local Secretary & Treasurer **Ryan W. King** of Local 607 at Thayer, Mo. "The Frisco caboose sits at the depot located at Mammoth Spring State Park in Mammoth Spring, Ark. The original 1886 Frisco Depot was restored in 1971 and now functions as a repository for artifacts and memorabilia related to the railroad and the area," King said.

## OSHA announces new injury-reporting requirements

WASHINGTON – The U.S. Department of Labor's Occupational Safety and Health Administration Sept. 18 announced a final rule requiring employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. The rule, which also updates the list of employers partially exempt from OSHA record-keeping requirements, will go into effect on Jan. 1, 2015, for workplaces under federal OSHA jurisdiction.

The announcement follows preliminary results from the Bureau of Labor Statistics' 2013 National Census of Fatal Occupational Injuries.

"Today, the Bureau of Labor Statistics reported that 4,405 workers were killed on the job in 2013. We can and must do more to keep America's workers safe and healthy," said U.S. Secretary of Labor Thomas E. Perez. "Workplace injuries and fatalities are absolutely preventable, and these new requirements will help OSHA focus its resources and hold employers accountable for preventing them."

Under the revised rule, employers will be required to notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputations or losses of an eye within 24 hours. Previously, OSHA's regulations required an employer to

report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations or loss of an eye was not required under the previous rule.

All employers covered by the Occupational Safety and Health Act, even those who are exempt from maintaining injury and illness records, are required to comply with OSHA's new severe injury and illness reporting requirements.

In addition to the new reporting requirements, OSHA has also updated the list of industries that, due to relatively low occupational injury and illness rates, are exempt from the requirement to routinely keep injury and illness records. The previous list of exempt industries was based on the old Standard Industrial Classification system and the new rule uses the North American Industry Classification System to classify establishments by industry.

The new list is based on updated injury and illness data from the Bureau of Labor Statistics. The new rule maintains the exemption for any employer with 10 or fewer employees, regardless of their industry classification, from the requirement to routinely keep records of worker injuries and illnesses.

For more information about the new rule, visit <http://www.osha.gov/recordkeeping2014>.



### Inside this issue of *SMART-TD News*:



Work rules, discipline policy are keys to LACMTA Metro deal. See page 1.



News from SMART TD State Legislative Boards. See page 5.



Healthcare online open enrollment period runs Oct. 1 to Nov. 1. See page 9.



Request an absentee ballot and vote by mail today. Page 10