

# SMART<sup>®</sup>

## Transportation Division News

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## Enhanced tank car standards on union's, NTSB's wish list

The National Transportation Safety Board has added improving rail tank car safety to its "Most Wanted" list for improving safety in 2015, with the full support of the SMART Transportation Division.

"The Most Wanted list is our roadmap for 2015," said NTSB Acting Chairman Christopher A. Hart. "We want it to be a roadmap for policy makers and legislators as well. These are safety improvements for which the time is ripe for action."

"This list is grounded in the accident investigations by which NTSB learns safety lessons, and in the recommendations that are NTSB's primary safety product," Hart said. "At the NTSB, we want to make new strides in transportation safety in 2015, and we want to lay the groundwork for years that are even safer."

SMART Transportation Division agrees and has sought additional safety measures on crude oil trains.

Last year, the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) sought comments from the public in an effort to minimize risk and ensure the safe transport of hazardous materials by rail – particularly crude oil and ethanol.



In response to the U.S. Department of Transportation's notice of proposed rulemaking (NPRM) to improve the safe transportation of large quantities of flammable materials by rail, SMART Transportation Division National Legislative Director John Risch sent the Transportation Division's comments to the PHMSA.

"Our union represents operating employees in the railroad industry and therefore, we have a vested interest in this proceeding," Risch said, noting support for enhanced tank car standards.

"PHMSA proposes three options for new tank car standards for high-hazard flammable trains (HHFT) tank cars constructed after Oct. 1, 2015.

We support Option 1: 9/16 inch steel, outfitted with ECP brakes, and equipped with rollover protection."

The union also asked for a new classification of HHFTs, codification of DOT's May 2014 emergency order that required carriers to report a train's contents and volumes with regard to hazardous materials, expressed concern regarding HHFT's operating speed restrictions, and called for electronic controlled pneumatic (ECP) brakes.

### Defining High-Hazard Flammable Train

"We support PHMSA's proposal to define a High-Hazard Flammable Train as a "single train carrying 20 or more carloads of a Class 3 flammable liquid. But we suggest you clarify that this definition only applies to crude oil and ethanol."

### Codifying May 2014 Emergency Order

"We also support codifying the Department of Transportation's (DOT) May 2014 Emergency Order that requires carriers to provide information to the State Emergency Response Commission (SERC) for each state through which it will be operating trains carrying 1 million gallons or more of Bakken crude oil. Among other informa-

*Continued on page 10*

## SMART petitions FRA on rail inspections, requests cellphone use for safety

The SMART Transportation Division has petitioned the Federal Railroad Administration to issue a regulation authorizing union officials to enter onto railroad property for inspections to determine if carriers are in compliance with safety laws and regulations.

On Dec. 19, Transportation Division National Legislative Director John Risch sent a letter to former FRA Administrator Joe Szabo asking that the FRA consider the proposal.

The Transportation Division proposed the following language: "The collective bargaining representative for each craft of railroad worker and the state director for each such craft may monitor the safety practices and operations on each railroad, and each is authorized to carry out such inspections, examinations, and investigations on railroad property as may be necessary to determine compliance with applicable safety laws and regulations."

Risch said that a General Accounting Office report issued Dec. 9, 2013, noted that the FRA estimates its inspectors have the ability to annually inspect less than one percent of railroad activities covered by its regulations.

"The allowance of additional persons to inspect for compliance with the regulations would be a great asset to the safety of the railroad industry, and would not cost the FRA anything," he said.

In a second letter to Szabo Jan. 5, the Transportation Division requested that FRA rescind its regulations as it relates to taking photographs with cellphones in regard to safety.

"As you may be aware, FRA's regulation prohibiting the use of a cellphone to photograph

railroad safety hazards is in conflict with the federal whistleblower law, 49 U.S.C. 20109.

"Under that law, a railroad is prohibited from disciplining a railroad employee when the employee uses his/her cellphone or a camera to photograph a safety hazard. The FRA regulation that limits such cellphone use is invalid because it contradicts a specific congressional statute and congressional intent," Risch said. "Therefore, we respectfully ask that FRA rescind the regulations as it relates to taking photographs with cellphones."

Szabo stepped down as FRA administrator Jan. 9, but the Transportation Division awaits action by newly nominated Acting Administrator Sarah Feinberg.

## Feinberg named acting FRA administrator

WASHINGTON – U.S. Transportation Secretary Anthony Foxx announced Jan. 12 that Department of Transportation Chief of Staff Sarah Feinberg will serve as acting administrator of the Federal Railroad Administration (FRA). She succeeds Joseph C. Szabo, who was appointed and confirmed as the agency's 12th administrator in 2009. Szabo stepped down as the agency's head Jan. 9.



Feinberg

"Sarah has been my partner and served as my closest advisor during her tenure as Chief of Staff at the U.S. Department of Transportation. With her ability to bring clarity, focus and direction to complex challenges, she has become a proven leader within our agency," Secretary Anthony Foxx said. "Sarah has the right mix of experience and skills to adeptly lead the FRA as it continues its important work to ensure the safe, reliable and efficient movement of people and goods."

Feinberg becomes the second woman to lead the agency since its founding in 1966.

Since 2013, Feinberg has served as the chief of staff for the U.S. Department of Transportation, managing the agency's 10 modal departments, and spearheading the agency's legislative, policy, and communications efforts. Feinberg provided strategic advice and counsel to the secretary regarding operational and legislative initiatives across all modes of transportation, as well as leading the department's efforts on its \$302 billion surface transportation reauthorization plan, sent to the U.S. Congress last year.

During her time as chief of staff, Feinberg worked closely with Secretary Foxx and each agency in the department to ensure that they are continuously raising the bar on safety. As acting administrator of the FRA, Feinberg will work to strengthen the culture of safety across the railroad industry.

The FRA is the nation's chief safety regulator for the passenger and freight rail industries. The agency has a \$1.6 billion budget and employs nearly 900 people in Washington, D.C., and eight regional offices across the country. It establishes and enforces safety rules for the rail industry as well as manages a \$20 billion rail investment portfolio.

## UTUIA BOOSTS AMOUNTS OF SCHOLARSHIP AWARDS

**All new and active scholarships  
being raised to \$1,000 per year!**

Effective Jan. 1, all new and currently active scholarship awards from the United Transportation Union Insurance Association will be increased to \$1,000 to help ease the increasing expenses our members face.

That's right! UTUIA has doubled the scholarship awards, which can be used for tuition, learning materials or other related expenses.

See page 11 of this publication for eligibility requirements, the official scholarship application and other program details.



# Around the SMART TD

## Local 11, Houston, Texas



A generous and heartwarming act of kindness was on display at Klein Oak High School Dec. 9 as this Union Pacific local presented a check in the amount of \$1,200 to the school's Team Inspire youth organization, a group of high school students committed to positive outreach, community service and charity. The check was presented by Local Chairperson Carlos Wallace and Local President Alan Hinton. Also present for the occasion was Klein Oak Principal Dr. Brian Greeny, Assistant Principal Lance Alexander, Team Inspire sponsor and event co-organizer Jessica Hinton and Team Inspire President Kiana Prien.

## Local 240, Los Angeles, Calif.

Retired conductor Floyd E. Sleva Jr., 83, died Jan. 10, Local Chairperson Harry J. Garvin Jr. reports. Sleva hired out with Pacific Electric Railway July 18, 1961, and later worked for both Southern Pacific Transportation Company and Union Pacific. He retired Oct. 31, 2001. "He was one of the best railroaders you could ever work with. He has and will be missed on and off the job," Garvin said.

## Local 872, Omaha, Neb.

Mary Ann Borgeson, the wife of Nebraska State Legislative Director Bob Borgeson, was elected to her sixth four-year term on the Douglas County Nebraska Board of County Commissioners this past fall and was later re-elected board chairperson by her colleagues.

## Local 979, Salem, Ill.

This Union Pacific Local, in conjunction with BLET Division 724, is holding an online fundraiser for the family of member Grant Stanley, 38, who died unexpectedly of a brain aneurysm on Jan. 10. Stanley hired out in 2005 and had just recently earned promotion to engineer. He leaves behind his wife, Brandi, and two young children, Zane and Ella. The fundraising campaign is to assist Brandi and the children. Those interested in making a donation to the Stanley family may do so at [www.gofundme.com/grantstanley](http://www.gofundme.com/grantstanley).

## Local 1314, Etowah, Tenn.

Local Chairperson Tony Garrett of Etowah was involved in an accident Jan. 7 while working at CSX Bowater Yard during switching operations, CSX GO 513 General Chairperson Dale Barnett Jr. reports. Barnett said initial reports indicated that Garrett's leg was severed above his ankle and that he suffered a fractured hip. He was taken to Erlanger Hospital in Chattanooga, Tenn.

## Concern for students' welfare earns bus op industry award



Chestnut Ridge school bus operator Jean Piard, second from left, is congratulated by Reichenbach Enterprises President Rick Reichenbach, Chestnut Ridge Regional Vice President of Operations Helen Schwabacher and Trans Group President John Corr.

Chestnut Ridge Transportation school bus operator Jean Piard of Local 153 at Spring Valley, N.Y., recently received the "Heart of the Industry" award, presented each year by the New York School Bus Contractors' Association to an operator "who has served the industry with quality service, dedication and distinction."

"I'm surprised, because I never received an award like that before. I didn't know I could get an award," Piard said. "I just care about the job, and the job I'm doing, and doing the job well. When I received the award, they invited me to a hotel in Long Island and they treated me well. I feel like I did a good job. They made me feel like I do a good job."

John Corr, president of the Trans Group, the parent company of Chestnut Ridge Transportation, said, "Jean Piard continually goes above

and beyond what is expected to help his student passengers feel that someone truly cares about them."

Piard said he was inspired to become a bus operator 14 years ago, after a conversation with his daughter. "My daughter said to me, 'Daddy, I never want you to be a bus driver. All the kids think the bus driver is stupid.' I said, 'what do you mean, the bus driver has to pass a test and go to school?'"

Piard said he operates his bus cautiously, while following all the rules. "You have to be responsible."

Piard said the real reason that he continues driving his bus is the children. "I like to be around kids – I love kids. I have two children of my own. I know all the kids on my bus. Some of them are shy when they first start riding with me, but I teach them to say 'good morning' when they get on and to say 'goodbye' when they get off."

The most difficult part of his job, Piard said, is keeping the children in their seats and keeping the bus clean. Robert Holzman, a co-worker and secretary of the local committee of adjustment, said, "Jean is a very dedicated school bus driver. His school bus, which is more than three years old, looks like it just came out of the showroom – it is so clean inside."

Along with the award, the NYSBCA also made a donation in the name of Piard to the charity of his choice. Piard chose the Church of God, House of Refuge, in Petion-Ville, Haiti.

"When I go home to Haiti, I go to this church and I see the needs they have, but I don't have enough money to support them. Their need is so great, so I mentioned them."

Congratulations, Brother Piard.

## Local 1470, Edmonston, Md.



Members of this Amtrak local have been erecting a Veterans' Day and Memorial Day "tent" honoring American veterans, both living and deceased, for more than 20 years, Legislative Rep. Michael D.

Sternfeld reports. The project was originally started by U.S. Marine Vietnam veteran and retired former Legislative Rep. Larry Tkachenko. "Amtrak in Washington, D.C., has always allowed the local to erect the tent. In fact, they have purchased all materials we use and put us on company business status the day we put the tent up and the day we take it down," said Sternfeld, a retired U.S. Army Reserve Lieutenant Colonel who served in Vietnam, Operation Desert Storm and Operation Iraqi Freedom.

## Local 1524, Houston, Texas

Mary Ann Little, 82, of Leander, Texas, the wife of deceased former UTU International President Charles L. Little, died Dec. 28 after an extended physical and emotional struggle with heart disease. She is survived by her brother, William Lee Nicks III; her sons Robert and Jerry; seven grandchildren and a great-grandson.

## Local 254, Fitchburg, Mass. — Local 587, Greenfield, Mass.



Active and retired members of these locals representing employees from New England Lines General Committee of Adjustment GO 081 held a joint Christmas party Dec. 7, General Committee Secretary and Local 254 Chairperson Jared LeVangie reports. Local 254 Chairperson Richard Chartrand and Local 587 Chairperson Josh Harker were also in attendance.



## Transportation Division officer, vice general chairperson elevated

A SMART Transportation Division officer and a general chairperson have been elevated to new Transportation Division positions following the retirement of Alternate Vice President **R.W. "Red" Dare** Nov. 30.



Dare

**Jeremy Don Brooks** to fill the executive board vacancy.

Whitaker began his railroading career in 1997 with CSX Transportation as a conductor and was promoted to engineer in 2002. Around that same time, Whitaker began his union career when he

The Transportation Division Board of Directors Dec. 19 elevated Executive Board Alternate **John D. Whitaker III** to fill the vacancy created by Dare's retirement. At the same time, the board elected Union Pacific GO 927 Vice General Chairperson

was elected local chairperson for engineers of Local 1106 at Rocky Mount, N.C.

Four years later, Whitaker ran for and was elected to the position of vice general chairperson of CSX General Committee of Adjustment GO 851. In 2011, he was elected general chairperson, a position that he still holds. In October 2013, Whitaker was appointed alternate to the executive board and then elected to that position by delegates at the 2014 Transportation Division convention. He currently resides with his wife and three sons



Whitaker

in Jacksonville, Fla.

Brooks has been employed by Union Pacific railroad since 2004 and was promoted to engineer in 2007. Since then, he's been active in the affairs of Local 937 at Mart, Texas. Brooks began his union career by serving as alternate delegate

for his local. He rose through the ranks quickly, serving as local chairperson, vice general chairperson for GO 927 and then first vice chairperson for the committee. He currently holds both offices within the committee. He currently resides in Burleson, Texas.



Brooks

A member of Local 1525, Carbondale, Ill., Dare has served his union as local president, local chairperson, general secretary, vice general chairperson and general chairperson. He was elected alternate vice president-South by delegates at the UTU International convention in 2007.

Dare was re-elected to the position in 2011 and at the first SMART Transportation Division convention in 2014.

Dare and his wife have three children and seven grandchildren. The family resides in Benton, Ill.

## SEPTA bus operators ink new two-year agreement

Members of the SMART Transportation Division employed by Southeastern Pennsylvania Metropolitan Transportation Authority ratified Jan. 11 a 2.5-year agreement with the carrier.

The contract, which is retroactive to April 1, 2014, and extends until Nov. 18, 2016, covers bus operators, trolley operators and conductors and operators on the Norristown High Speed Line. They are members of Transportation Division Local 1594 at Upper Darby, Pa.

The deal affects more than 350 members and was ratified by 61 percent of eligible voters who participated in the balloting process, said Transportation Division Bus Vice President Calvin Studivant, who assisted with the negotiations.

Wage adjustments include a two-percent increase following ratification of the agreement and



a three-percent increase effective Jan. 10, 2016.

A side letter to the agreement also calls for the authority to establish a "work zone committee" to address work safety issues as they pertain to the transportation department.

Studivant congratulates General Chairperson and Local President **Waverly Harris**, former Vice Local Chairperson **Brian Caldwell**, and Vice Local Chairpersons **Curtis Fulmore**, **Dave Stinsman**, **Eric Goodwin** and **Anthony Petty** for their arduous efforts in obtaining this agreement.

"A lot of hours were dedicated to finalizing this collective bargaining agreement. I commend the local officers for their diligence and preparation and the membership that participated in the ratification vote," Studivant said.

## SMART leaders in Mo. organize Faith Labor Alliance

**Doug Piant**, business agent of Sheet Metal Division Local 36, and Missouri State Legislative Director **Ken Menges** organized and hosted the first Faith Labor Alliance Breakfast in Jefferson City, Mo., with additional meetings to follow.

"It's a joint project with Jobs with Justice, local faith leaders and the Central Labor Council to forward the agenda for working families in Missouri," Menges said. "The breakfast was attended by 36 representatives of local religious and labor organizations."

The meeting was attended by members of multiple unions including: the International Brotherhood of Electrical Workers, the Roofers & Waterproofers, the Laborers International Union, American Federation of Teachers, the International Union of Operating Engineers, AFL-CIO, the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, the International Union of Bricklayers and Allied Craftworkers and the Medicaid Coalition. Multiple religious leaders of the faith community from different Christian sects attended the meeting as well.

"The meetings will be an opportunity for clergy to learn about harmful anti-worker legislation filed in the Missouri Legislature, and to learn how they can use their leadership in the community to speak on behalf of workers," said Menges.

"It is also a time for labor leaders to listen to community concerns and efforts of faith leaders and to use their voices appropriately."

Mike Louis, president of the Missouri AFL-CIO, took the opportunity to make religious leaders aware of the dozen bills designed to take away worker's rights that have been pre-filed for the Mo. legislative session.

Religious leaders also took this opportunity to point out how the faith community has been misled about the labor community and to point

out how many of their goals are the same. Father Matt Flatley of the Visitation Parish of Vienna, Mo., discussed how every human being has a right to strive to do better and not have their rights denied.

Menges explained that connecting labor with clergy will hopefully open up new avenues to gain support for labor in the broader community, and add a stronger moral voice to the labor movement.

"The hope is that the alliance will also provide labor leaders with a new perspective on community issues that are important to the faith community, providing opportunities for collaboration, dialogue to achieve greater understanding and the ability to develop key allies in a time of crisis, Menges said.

"Looking to the future, the Faith Labor Alliance will continue to meet monthly to share concerns, learn about key issues confronting our community and its workers, and find ways to stand together and be in action together to build a better community for all of us."

## Risch, England sworn to SMART Executive Council

SMART Transportation Division National Legislative Director John Risch and SMART Transportation Division Vice President John England were sworn in as the newest members of SMART's General Executive Council at the council's last meeting of 2014.

Each now also holds the title of SMART general vice president.

The GEC is comprised of eighteen members – the SMART general president and 17 general vice presidents.

Between International conventions, the general executive, administrative and judicial powers of SMART are vested in the GEC as set forth in the constitution. The GEC considers and

decides all appeals and other matters properly presented to it.

It ensures that the "SMART general secretary-treasurer is bonded in accordance with the provisions of Section 1(c) of Article Five (5) of the constitution; shall have a certified public accountant make an annual audit of the accounts and inspect the books of the general secretary-treasurer; shall convene at least one week prior to the convention, and shall perform such other duties as this constitution may require."

Other members of the Transportation Division seated on the council are President John Previsich and Vice Presidents David Wier, John Lesniewski and Troy Johnson.

### Transportation Division sets 2015 regional meeting sites

The SMART Transportation Division has set the dates and locations of the union's two 2015 regional meetings.

The western regional meeting will be held June 29 – July 1 at the Arizona Biltmore in Phoenix.

The eastern regional meeting will be held July 13-15 at the Rhode Island Convention Center in Providence. Accommodations will be available at both the connecting Omni Providence Hotel and the Providence Biltmore.

Both regional meetings will run Monday through Wednesday.

The Transportation Division's officers and director of meeting management will continue to finalize details of both meetings in the coming months. Check [www.utu.org](http://www.utu.org) regularly for meeting updates.

### Alliance Terminal employees vote for alliance with SMART

Train and engine service employees of Alliance Terminal Railroad located in Haslet, Texas, have voted for representation by the SMART Transportation Division, Director of Organizing **Rich Ross** reports.

Of 23 eligible voters, 14 voted for SMART while two cast ballots for no union.

The National Mediation Board certified the election results Dec. 30.

ATR is a Class III terminal railroad responsible for the switching and operations at the Alliance Intermodal Facility. It is owned by OmniTRAX, a North American private railroad and transportation management company with interests in railroads, terminals, ports and industrial real estate.

ATR connects with BNSF Railway at Haslet and operates over seven miles of BNSF track through incidental trackage rights, according to the company's website.



# We achieved great things in 2014, let's make 2015 even better

On behalf of the officers and staff of the SMART Transportation Division, I will take this opportunity to thank our members and their families for all of their efforts in 2014 and to extend our best wishes for a safe and prosperous 2015. I am grateful for the support received from our delegates at the Transportation Division convention in San Diego and for the team of officers that were elected to serve this organization in the coming years.

As we look forward to continued progress in 2015, I want to first recognize the achievements and changes realized in our organization last year. First and foremost is the integration of the former UTU Constitution and the former SMWIA Constitution into the SMART Constitution, a complicated and time-consuming process that was concluded satisfactorily when approved by the delegates to the unified First SMART Convention in August. The new SMART Constitution is the guiding document for our union and the importance of a satisfactory consolidation cannot be over emphasized. Many thanks are owed to the General and TD officers and staff who dedicated their efforts over many meetings and months to reach a final outcome beneficial to all.

In addition to finalizing our new constitution, the delegates at both the TD Convention and the SMART Convention in August took action to prepare our organization for 2015 and beyond. We all know that effective representation is key to the continued success of our union, and the delegates approved initiatives to expand the ranks of the TD officer staff to include the addition of a second Bus Department vice president. This was done because our Bus Department is growing and we welcome the assistance that a new, full-time representative can provide to the organization. We now have additional help in organizing, contract-negotiating and grievance-handling matters.

Another key aspect of building for the future is a successful organizing effort and 2014 was an exceptionally good year for our Organizing Department. Their success, with assistance from the SMART Organizing Department and general committee, state legislative and local officers, has increased our membership significantly and we expect that trend to continue throughout 2015.

During 2014, the employees of at least four new bus properties chose SMART representation, along with those of seven shortline railroad properties.



## SMART Transportation Division President's Column

By John Previsich

As noted in this issue of the newspaper, SMART recently was selected as the collective-bargaining representative by employees of Alliance Terminal Railroad, a rail property managed by OmniTRAX. The company manages more than a dozen shortline railroad properties throughout the United States and this is just the first of those to say, "We want your representation." Our organizing success can be attributed in large part to our reputation for effective representation and 2014 was no exception. Our union reached agreements and received favorable arbitration awards on properties large and small all over the country. Especially noteworthy, significant and high profile successes were achieved in all three divisions of the transportation side of the organization.

First, members employed by the Long Island Rail Road approved a new agreement with the New York Metropolitan Transportation Authority following two Presidential Emergency Boards and a strenuous, near-strike state of affairs. Next, the members of our largest Bus Department general committee in Los Angeles approved a new contract with the Los Angeles Metropolitan Transportation Authority. Last and by no means least, our pilots employed by Great Lakes Aviation reached a new pact with management after a nearly three-year-long dispute, with assistance from the National Mediation Board.

Our reputation in reaching new agreements on rail, air and bus properties throughout the country is often mentioned by workers at newly organized properties as a key factor when they select the Transportation Division as their representative.

In 2015, we will initiate national negotiations with the rail industry. The national negotiating team, identified elsewhere in this newspaper, represents a mix of crafts, knowledge, age and experience unmatched in the industry. Rest assured that this team will do everything possible to achieve the favorable outcome that our members deserve. Our team, working in

solidarity with five other unions, has already scheduled meetings with the carriers reaching into the summer and we look forward to working with the National Carriers' Conference Committee to reach an agreement gainful to all.

Finally, our Legislative Department will continue efforts to defend our members' interests inside the beltway of Washington and in every state house in the continental United States. The recent state and federal elections reinforced the need for a strong and effective legislative department. The push for national two-person crew legislation is continuing and our National Legislative Office in Washington is working with our state legislative directors in obtaining similar laws on the books at the state level. Read more about those efforts on the following page.

As noted in this and previous publications, the Transportation Division will resume its regional meetings in 2015. Please use these opportunities to educate yourself to assist your fellow members and build new relationships within the labor community. I look forward to meeting all members and officers at these events.

Let's make 2015 a year to remember.



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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.

## Local 303 members 'doing the most good' for charity



Vice Local 303 Vice Chairperson and Local Trustee Wes Melvin and his wife, Missy.



Local 303 Legislative Rep. and Vice Chairperson Jeff Nichols and his wife, Christina.

Members and family members of SMART Transportation Division Local 303 at Springfield, Mo., rang bells and staffed red kettles for the Salvation Army during "union day" at the Battlefield Mall in Springfield. Labor organizations from the Springfield area were assigned to the different entrances of the mall and other surrounding businesses on Dec. 6 for a 10-hour period. The event was organized by the Springfield Central Labor Council, AFL-CIO, in partnership with the United Way of the Ozarks. "This is the tenth year that the Springfield Central Labor Council has been involved with this event and the second year of Local 303's participation," Local Legislative Rep. Jeff Nichols said. "The weather was much better than last year. My wife, Christina, and I participated again and really had a great time for a fantastic cause. Everyone had a really good time and we are looking forward to this event next year." Local President Tim Latham and wife, Jana, also participated, but are not pictured.



Local 303 Chairperson Scott Perryman and his wife, Shannon.



Local Committee of Adjustment Secretary and Local 303 Trustee Rodrick A. Icenhower and his wife, Shelby.



Local 303 Chairperson and Trustee Jeremy Harper with his wife, Terrah, and their children, Landon and Harper.



State Watch

News from SMART TD State Legislative Boards

Nebraska

State Legislative Director **Bob Borgeson** reports that state Legislative Bill 192, legislation requiring freight train crews in the state to consist of at least two persons, has been introduced in the Nebraska Legislature by seven state senators.

The bill introduces fines of \$100 for the first offense, \$250 for the second offense within three years, and \$500 for all subsequent offenses committed by a rail management within a three-year period.

“No train or light engine used in connection with the movement of freight may be operated unless it has a crew consisting of at least two individuals. For purposes of this section, train or light engine used in connection with the movement of freight does not include hostler service or utility employees,” a portion of the bill reads.

The senators co-sponsoring the bill were Al Davis (Dist. 43), Mike Groene (Dist. 42), Ken Haar (Dist. 21), Sara Howard (Dist. 9), Rick Kolowski (Dist. 31), John Kuehn (Dist. 38) and John Stinner (Dist. 48).

New England States



Pictured, from left, are Legislative Director George Casey, Boston Mayor Marty Walsh, and Local 262 Chairperson John McGrath attending Walsh’s first annual Christmas party and clothing drive Dec. 3. “Walsh is a former union official who was elected mayor of Boston last November,”

Casey said. He served in the Massachusetts Legislature for 16 years and has been a long time friend and supporter of the former UTU and now SMART Transportation Division.”

Virginia



Virginia Gov. Terry McAuliffe, left, and Virginia Assistant State Legislative Director Allan F. Johnson greet each other at the Joint Democratic Caucus Legislative Reception Jan. 13. “It was great to speak with Gov. McAuliffe at this reception. This provid-

ed me and our organization the opportunity to present our views on rail and safety issues to the Democratic Party leadership prior to the 2015 session of the Virginia General Assembly beginning Jan. 14,” Johnson said.

Wyoming

State Legislative Director **Stan Blake** reports that Senate File SF0076, an act requiring freight trains in the state to be operated by a crew of not less than two persons, has been introduced in the Wyoming Legislature by three state senators and a state representative.

The act states “no railroad train or light engine used in connection with the movement of freight shall be operated in this state unless the train has a crew of at least two (2) individuals. As used in this section, ‘train or light engine’ does not include hostler service or utility employees.”

If passed, the legislation would take effect July 1, 2015.

It was sponsored by State Sens. Fred Emerich, Wayne Johnson and Chris Rothfuss and State Rep. Dan Zwonitzer.

Virginia



The members of Local 854 at Portsmouth, Va., held a holiday meeting and party Dec. 6, State Legislative Director Pat Corp reports. “Local 854 represents members on the Norfolk & Portsmouth Belt Line Railroad,” Corp said. “They are currently number one, nationwide, in per person PAC contributions.” Guests included Local Legislative Rep. and Virginia Legislative Board Chairperson Ronnie Hobbs, far left, Vice Local Chairperson Sean McDaniel, third from left, GO NPB General Chairperson Jeffrey Foster, sixth from left, UTUIA Field Supervisor Malcolm “T-Bone” Morrison, center, and Corp at far right.

Bus Department

By Adhi Reddy, Vice President-Bus  
areddy@smart-union.org

Officers are here to help, membership comes first

The year 2015 is a special one for our organization because we left our First SMART Convention as a united membership. Together, with one voice, we are a stronger body throughout the nation.

All of our newly elected representatives from the 2014 conventions have now taken office and I congratulate each of them on their elections. I also ask each of them to always do what is best for the membership. Most of our local elections, and some of our general committee of adjustment elections, have been completed. To the officers that have been elected or re-elected, congratulations.

As officers, we must always remember to do what is the best for our membership. Not only are we officers, but we are the membership as well. So, we must always think like a member first, then as an officer. Our decisions should be in the best interest of all. Also, don’t be afraid to ask others for advice if you are struggling with a decision.

We, your vice presidents, are only a request away from visiting your property. Your general chairperson or your local president may send a request to our Transportation Division president so that we can assist you in a variety of issues, including preparing contract proposals, negotiations, arbitrations and grievances. Remember, your Transportation Division officers are here to help.

We are currently working on guidelines to reduce dues for members in locals where earnings are reduced and hours may not be 40 per week. I will keep you updated about this effort.

On the local level, many of us may not pay much attention to our Legislative Department, which plays a major role in lawmaking efforts. I ask you to pay attention to their efforts and support them, on the state level and the national level, up to the White House. Please see your treasurer to enroll in UTU PAC, an investment in our future.

In many workplaces, discipline policies are getting tougher and tougher to follow, with new managers straight out of college, that never worked the jobs many of us do. If you are experiencing this issue, please talk to your local chairperson as soon as possible.

Happy New Year and God bless.



Reddy

New Jersey Director O’Connell’s election proves one vote can make a difference

It’s likely that your local legislative representative or state legislative director has told you that “every vote counts” to protect your livelihood. They’ve likely asked you to vote and to expect your union to be politically active.

New Jersey State Legislative Director **Dan O’Connell** recently lived that lesson firsthand.

Last year, O’Connell was approached by members of his hometown, Delran, N.J., to run for a seat on his town council. After discussing the issue with his family and satisfying himself that the position wouldn’t interfere with his job as state director, he accepted.

O’Connell spent his free time, mostly weekends, knocking on doors in Delran’s Ward 2 to introduce himself to the residents. “I’ve lived in the town for more than 20 years and thought it would be a way to give something back to our community,” he said.

Fast forward to election night. The polls closed and after an hour or so, the council president took O’Connell and two fellow council candidates into an office at the restaurant where they had gathered to await the election results. He told the other two candidates that they had won. He told O’Connell that when the polls closed, he was down by two votes.

The council president told O’Connell that “vote by mail” ballots still needed to be counted. VBM’s had replaced the absentee ballots in New Jersey. O’Connell told the council president that he had voted by mail. He responded, “That’s good, then you’re down one.”

Before they left the restaurant that evening, O’Connell went from down two votes, to up seven votes after VBM tabulation.

The next day, O’Connell’s local paper reported he had lost by two votes. The following day, he woke to texts and emails congratulating him. He asked friends if they knew something he didn’t. He was told the paper said he won thanks to the VBMs.

“Hold on, yesterday the paper said I lost, today they said I won? We’re going to have to wait for something more official,” O’Connell said.

After the final tally from emergency ballots, VBMs and provisional ballots – eight days after the election – the council president informed O’Connell he had won. He had gone from up by seven, to up by nine and finally, to up by 15. He also earned the new nickname in town, “Landslide Dan.”

“When you hear someone say their vote doesn’t count, remember New Jersey’s state director and tell him or her this story” O’Connell said. “Elections have consequences, and if you’re not part of the process, you may not like the outcome.”



O’Connell



# 2015 national rail contract negotiations commence

## SMART TD, carriers to amend contract

The SMART Transportation Division and most major freight railroads have begun a new round of contract negotiations to revise rates of pay, rules and working conditions. These railroads coordinate their bargaining under the umbrella of the National Carriers' Conference Committee (NCCC).

The Transportation Division's Section 6 notices, which include proposals to amend the national railroad agreement to increase wages and benefits and improve working conditions, were served on the carriers Dec. 8, 2014. The carriers served their Section 6 notices to rail labor in November.

The two sides now will meet at regular intervals to discuss those contract demands.

The railroads include BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific and many smaller carriers. Other railroads, including Amtrak and U.S. operations of Canadian National, negotiate individually with the Transportation Division.

Some 40,000 members are affected by these national contract talks, which frequently set patterns for negotiated agreements on other carriers.

The Section 6 notices include amendments that pertain to all crafts represented by the Transportation Division, including some items that are applicable solely to the craft of yardmaster.

The existing national agreement, which became open for amendment on Jan. 1, will remain in force until tentatively negotiated amendments are presented to Transportation Division members and ratified under the craft autonomy provisions of the SMART Constitution.

The Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET) announced Dec. 17 that their organizations will be participating with four other rail unions in coordinated bargaining in the upcoming round of national negotiations.

To stay informed, log on to [www.utu.org](http://www.utu.org) to view important new developments. Also, sign up for e-mail alerts on the Transportation Division homepage.

The Section 6 notices of both the Transportation Division and the carriers may be viewed at [www.utu.org](http://www.utu.org) by clicking on the "2015 Rail Contract" link on the homepage under the Updates tab near the center of the page.

### National Negotiating Committee

 John Previsich Transportation Division President	 David Wier Vice President	 John Lesniewski Vice President	 Troy Johnson Vice President
 John England Vice President	 Doyle Turner Vice President	 Jeremy Ferguson Vice President	 Danny Young Alternate Vice President
 Brent Leonard Alternate Vice President	 Mark Cook Alternate Vice President	 Steve Mavity General Chairperson	

### SMART's desired contract amendments

Following are major elements of SMART's desired amendments, developed from member recommendations as approved by the Association of General Chairpersons, District 1.

✓ Service Scale	✓ Bereavement Leave
✓ Wages	✓ Locomotive Standards
✓ Fatigue Abatement	✓ Jury Duty
✓ Employee Certification	✓ Lodging
✓ Training	✓ Deadheading
✓ Shift and Weekend Differentials	✓ Employment/Furlough
✓ Vacations	✓ Personal Protective Equipment
✓ Overtime	<b>Yardmaster Specific:</b>
✓ Meal Period/Meal Allowance/HAFHT	✓ Yardmaster Protection
✓ Remote Control	✓ Extra Boards
✓ 401k Plan	✓ Displacements/Job Abolishments
✓ Holidays	✓ Training Allowance
✓ Sick Leave	✓ Life Insurance
✓ Trauma Leave	✓ Supervision of Remote Control
✓ Off-Track Vehicle Accident Benefits	✓ Scope Rule

### Understanding the Railway Labor Act

Contract negotiations are governed by provisions of the Railway Labor Act (RLA).

Rail contracts never expire, but are amended periodically.


Negotiations begin with the exchanging of desired amendments as provided by Section 6 of the RLA.

If the sides can't agree, either side may request assistance from the National Mediation Board (NMB).

Only the NMB may release the parties from the bargaining table, and strikes, lockouts and unilateral management changes to contracts are prohibited during mediation.

Only the NMB may declare an impasse. It then recommends binding arbitration, but both parties must consent.

If binding arbitration is rejected, the president of the U.S. may appoint an emergency board to make non-binding settlement recommendations. If those recommendations are rejected by either party, a strike or



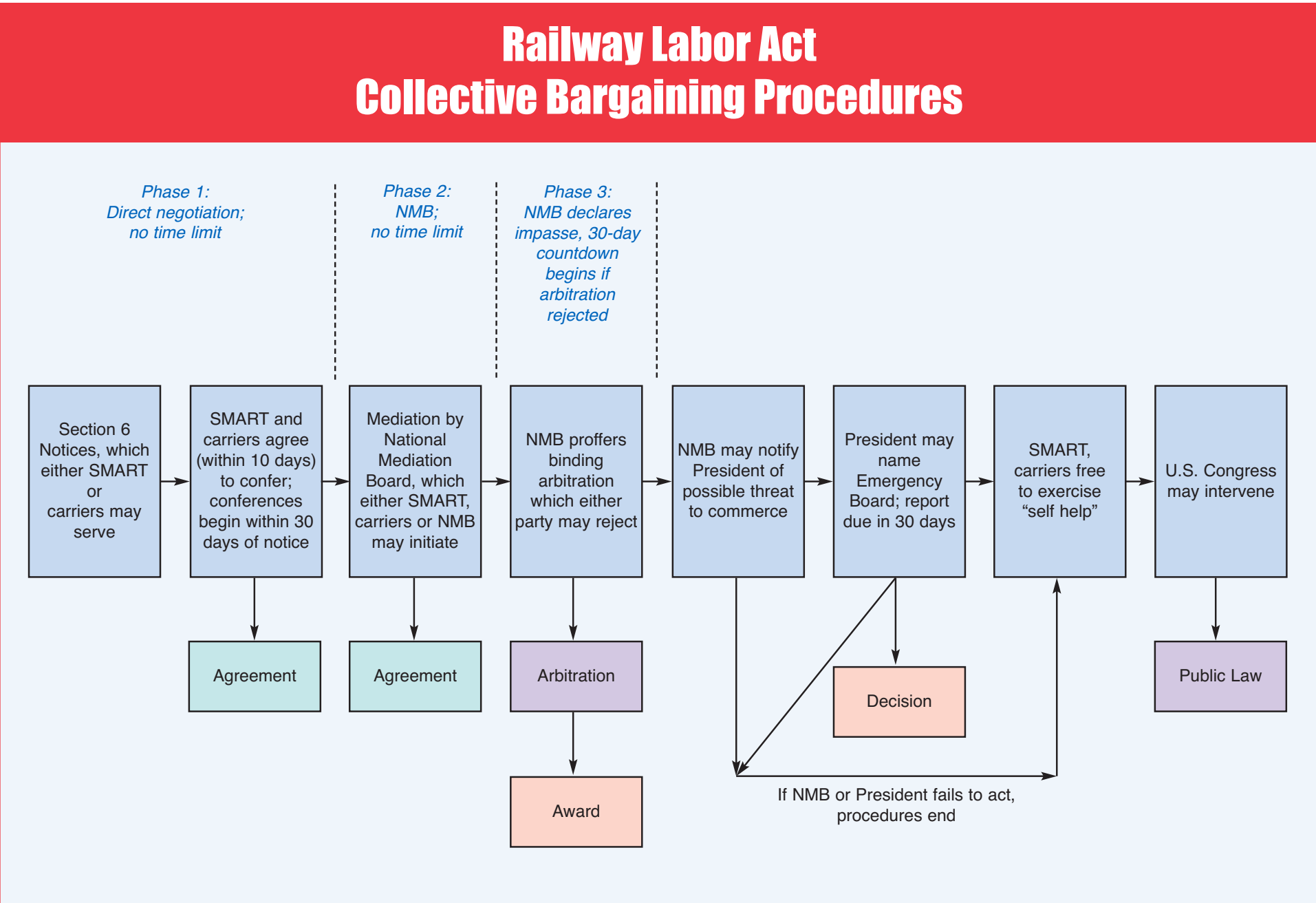
lockout can occur after a mandatory cooling-off period.

Most frequently following a widespread interruption in rail service, Congress steps in and imposes its own binding settlement – generally following recommendations of the emergency board.

To learn more about the RLA, visit the <http://www.utu.org/worksite/organize/>

chairpersons\_manual\_RLA.htm.

Also available is a book entitled *Understanding the Railway Labor Act*, published by Simmons-Boardman Books (1-800-228-9670), that includes essays by retired former UTU General Counsel Clint Miller, and deceased former arbitrator Frank Quinn, a former carrier labor officer, and a member of the NMB.





## Pate King: One of the real voices of 'Transportation Labor'

A well-known tagline of the former United Transportation Union was, “The Voice of Transportation Labor.” But if one were to actually put a voice on the old UTU, he or she might consider using that of **Luther “Pate” King**.

King is someone who has walked the walk and can talk the talk. Although he retired on Nov. 1, 2014, longtime UTU and Transportation Division members and delegates will remember his voice in union halls and convention ballrooms for many years to come.

Always at microphone No. 1 during UTU conventions, with his unlit cigar and confident Southern drawl, he led his union brothers and sisters through the sometimes tumultuous environs of union governance and politics. As a natural and gifted leader, many of his brothers and sisters trusted his ability to navigate.

When King proposed a motion at microphone No. 1, always addressing the chairperson as “Mr. Chairman” or “Mr. President,” all seemed right with the world.

Although a self-described “country boy from the hills of West Virginia” who enjoys only cheap cigars, his wit is sharp and his charm is magnetic.

"I don't smoke the fancy cigars, just the cheap ones like Swisher Sweets. And I don't light them, I just chew on them," he said.

King is a Vietnam veteran, having served in the 101st Airborne Division of the U.S. Army from 1961 through 1964.

In December 1964, following in the footsteps of his father, King hired out with the Norfolk & Western (Virginian) Railway. He became a member of the Brotherhood of Railroad Trainmen on Jan. 1, 1968. In 1969, he was elected as secretary & treasurer of Local 1172 at Mullens, W. Va. He has continuously served as delegate to every UTU convention since 1975, including both of the SMART conventions in 2014.

King has also served this union in the capacity of general chairperson for more than 37 years. He was first elected general chairperson of GO 711 (Norfolk & Western-Virginian) in July 1977. He served in that capacity until 1990, when he was elected as general chairperson of the then newly formed Norfolk Southern GO 680.

In 1987, King was elected as alternate vice president and served in that capacity until 1991. He has also served on numerous national contract negotiating committees, having been



Vice President Doyle Turner, NS GO 679 General Chairperson James A. Houk and Vice President Troy Johnson congratulate Pate King at a celebration of King's retirement Nov. 1 at Twin Falls State Park in Mullens, W. Va.

appointed in that capacity, respectively, by former UTU Presidents **G. Thomas DuBose**, **Charles Little** and **Mike Futhey**.

King stressed that, throughout his career, he has always cared deeply for this union and its members and has always striven to help in any way he could.

"I would like to be remembered as being a dedicated officer who truly loved this union and its members," he said.

In retirement, King said that he intends to keep in touch with his union brothers and sisters, spend time with his grandchildren and play a little golf.

In honor and recognition of King's illustrious union career and in appreciation of the many contributions that he has made toward the betterment of the SMART Transportation Division and its members, a retirement party was held on Nov. 1, 2014, at Twin Falls State Park in Mullens. Many active and retired union members were in attendance, along with family, friends and well-wishers to congratulate him.

At the next Transportation Division convention, the first person to step up to microphone No. 1 will have some big shoes to fill. Although it will no longer be King at "mic 1," you just might hear him if you listen closely.

Although now retired, his past actions will live on in the union's constitution, national agreements and in the hearts of many Transportation Division members.

## Landfall Travel offers 2015 Alaskan land, sea vacation

Landfall Travel – the official travel agency of the UTU Alumni Association – is offering an 11-night Alaska land and sea vacation Aug. 19 – Aug. 30, 2015.

Travelers will begin their journey with a seven-day "Voyage of the Glaciers" cruise aboard a Princess Cruise ship, with visits to Glacier Bay National Park and the Hubbard Glacier or College Fjord, and visits to the ports of Skagway, Juneau and Ketchikan.

On day seven, they'll enjoy a scenic rail journey on the Direct-to-the-Wilderness rail service.

Day eight of the trip has members departing on a scenic motorcoach journey, arriving at the Denali Princess Wilderness Lodge for a two-night stay. On day nine, members can enjoy the attractions of Denali National Park, with an included history tour detailing the flora and fauna of the area. On day 10, guests will reboard the motorcoach and travel to the Mt. McKinley Princess Wilderness Lodge, where they'll have spectacular views of the mountain. The final night of the journey allows members to explore Anchorage and all it has to offer.

Interested parties can contact Landfall Travel directly at (440) 799-8977 or toll-free at (800) 835-9233 for more information. Fares start at \$1,883 per person, based on double occupancy.

All members are welcome. You do not have to be a member of the Alumni Association to enjoy this excursion.



# 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
5	Garcia Jr., Johnie	Independence, Mo.	507	Sublett, Jack A.	Muskogee, Okla.	1241	Wyrick, Stephen A.	Richmond, Calif.
17	Stone, Charles W.	Topeka, Kan.	527	Bush, Thomas J.	Parsons, Kan.	1344	Barnard, Raphael F.	Mandan, N.D.
168	Norton, Raymond C.	Kankakee, Ill.	556	Wonner, Robert W.	Tacoma, Wash.	1366	Fenstermaker, Arlow M.	Ogden, Utah
204	Mincic, Lee	Trinidad, Colo.	594	Haggard, Bobby J.	Mineola, Texas	1376	Cox Sr., James A.	London, Ohio
239	Pilkington, Thomas C.	Oakland, Calif.	631	Heaton, Fred J.	Davenport, Fla.	1390	Schaufler, Arthur F.	West Springfield, Mass.
265	Jones, Keith Z.	Pocatello, Idaho	631	Young, Wendell S.	Boonsboro, Md.	1494	Slater, William V.	West Frankfort, Ill.
265	Pharris, Theo A.	Pocatello, Idaho	750	Johnson, Albert C.	Knoxville, Tenn.	1503	Burkhead, Norman D.	Marysville, Kan.
281	Romcoe, Thomas D.	Layton, Utah	782	Maybin, Jesse H.	Asheville, N.C.	1505	Cosgrove, R.L.	College Place, Wash.
298	Kloenne, Robert E.	Logansport, Ind.	792	Hanus, Robert G.	Cleveland, Ohio	1518	Ballinger, Charles A.	Mattoon, Ill.
303	Wadley, Ariel W.	Springfield, Mo.	830	Bruce, Donald L.	Lemoyne, Pa.	1518	Hull, Cordell R.	Brazil, Ind.
305	Menefee Jr., James L.	Lincoln, Neb.	886	Olivier, James A.	Negaunee, Mich.	1548	Christian, George A.	Brownsburg, Ind.
313	Cato, Ben F.	Lakeland, Fla.	911	Kotlarz, David J.	St. Paul, Minn.	1563	Chassuer, Emmanuel M.	Hesperia, Calif.
320	Rynalski, Lavern	Midland, Mich.	915	Sloan, Leonard O.	Eskdale, W. Va.	1563	Vasquez, Edward S.	Fontana, Calif.
386	Scholl, John P.	Bloomsburg, Pa.	971	Blanton, Alton N.	Suffolk, Va.	1581	Celedon, Ralph Y.	Bakersfield, Calif.
465	Sydow, Hjalmar T.	Fairbury, Neb.	1000	Sieg, Kenneth M.	St. Paul, Minn.	1816	Holt, John A.	Walbridge, Ohio
469	Price, John E.	St. Charles, Mo.	1058	Moser, Duane L.	Nampa, Idaho	1883	Keith, George A.	Highland, Ind.
471	McGee, Lindon A.	Junction City, Ore.	1074	Hudson, Wayne J.	Charleroi, Pa.	1929	Gatelis, Adam A.	Calumet City, Ill.
507	Cullen Jr., James T.	Muskogee, Okla.	1074	Vasilich, Thomas E.	North Versailles, Pa.	1948	Casto, Harold E.	The Villages, Fla.



# Transfer your IRA to the UTUIA and stop worrying

## Relax. Your investment is in good hands

Members who can count on a pension program, as well as Railroad Retirement, Social Security, CalPERS or a similar benefit program, are two-thirds of the way to financial security. To complete the picture, experts agree some kind of investment income is needed.

The UTU Insurance Association provides members and their families with three great options specifically designed with retirement in mind. “All three products have a guaranteed minimum interest rate that, unlike the stock market, ensures that your investment will never decrease in value,” said UTUIA Executive Director Ken Laugel.

These three products (currently yielding 2.25 percent!) include the Roth and Traditional IRA, and a Flexible Premium Annuity. Interest earned is tax-deferred until such time as you start making withdrawals, which enhances growth potential. Providing certain conditions are met, interest earned in a Roth IRA will be tax free upon withdrawal.

Transferring an existing IRA to the UTUIA is simple. Just call the UTUIA at (800) 558-8842 and we will get you started.

Remember, the UTUIA is dedicated to serving union members and their families. Unlike other insurance companies, UTUIA does not engage in anti-union activities. When you call the UTUIA, you get a real person on the telephone, not a computer.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at (800) 558-8842, or log onto [www.utuia.org](http://www.utuia.org).

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



### Information, please

I would like more information on UTUIA’s annuities.

Please print



Full name	Date of birth	SMART TD 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 01/15

# UTUIA seeks 2015 volunteer of the year

The United Transportation Union Insurance Association is looking for a special person to honor as its 2015 volunteer of the year.

Do you regularly volunteer at a hospital or nursing home? Do you lead a Boy Scout or Girl Scout troop or work with the handicapped? Are you involved in some other activity that benefits those in your community?

If so, the UTUIA would like to know about it.

A panel of judges at the SMART Transportation Division office will review all submissions and select the 2015 volunteer of the year.

The individual selected as UTUIA volunteer of the year will receive a \$1,000 UTUIA annuity and a plaque of appreciation from the UTUIA.

Additionally, he or she will be honored at the 2015 SMART Transportation Division/UTUIA regional meeting nearest his or her home, with all expenses paid by the UTUIA.

Also, 20 runners up will be selected to receive certificates of appreciation for their volunteer efforts. Nominations must be received or by March 31. Nominees must be UTUIA policyholders.

The winning individual will be notified by registered mail, and certificates of appreciation will be forwarded to runners up as soon as possible.

The decision of UTUIA judges is final. Previous nominees may be nominated again; however, former volunteers of the year are ineligible to receive awards.

The volunteer of the year program is an opportunity for the men and women of the UTUIA to let their fraternal lights shine. It also provides an opportunity for the UTUIA to recognize its volunteers for their outstanding contributions to others.

Nomination forms should be mailed to: UTUIA Volunteer of the Year, Attn.: Ken Laugel, Executive Director of Insurance, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

Do not forget to include a separate sheet of paper describing the applicant’s volunteer activities.



## UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION 2015 Volunteer of the Year Nomination Form

Name	Local		
Address			
City	State	ZIP	
Telephone number	Dates of volunteer activities		
Total volunteer time (hours, minutes)	<input type="checkbox"/> Weekly	<input type="checkbox"/> Monthly	\$ Value of contribution (if applicable)

Please attach a separate sheet describing volunteer activities.  
The more documentation you can provide, the better. 1/15  
RETURN TO: UTUIA, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333



# Enhanced tank car standards on union's, NTSB's wish list

*Continued from page 1*

tion, carriers are required to identify the routes over which crude oil will be transported, a description of the oil expected to move over those routes, and an estimate of the volume and frequency of trains expected to travel through each county on a per-week basis.

"Having access to this information is beneficial to emergency responders and their efforts to prepare contingency plans in case of an accident."

## HHFTs Operating Speed Restrictions

"This NPRM establishes a 50-mph speed restriction for all HHFTs. PHMSA intends to further restrict the speed of HHFTs consisting of one or more tank cars that do not meet the new standards. In establishing this additional restriction, PHMSA proposes three options: 40 mph maximum speed in all areas; 40 mph maximum speed in high threat urban areas; or 40 mph maximum speed in areas with a population of more than 100,000 people.

"We are concerned how further speed restric-

tions will impact the national rail network. While the cars involved in the proposed rule are only a small percentage of total rail traffic, the effects of slowing these trains down will adversely affect all trains on the rail system, including thousands of intercity passenger rail and commuter rail trains that use the national freight system every day."

## Equipping HHFTs with Alternative Brake Signal Propagation Systems

"PHMSA proposes to require that each HHFT be equipped with an alternative brake signal propagation system. After Oct. 1, 2015, a tank car manufactured for use in a HHFT must be equipped with electronic controlled pneumatic (ECP) brakes, and HHFTs consisting entirely of tank cars meeting the new standards must be operated in ECP brake mode.

"We believe ECP brakes offer invaluable safety benefits. By instantaneously applying the brakes on all cars, ECP systems reduce in-train forces and dramatically reduce the distance a train needs to stop. Better train braking systems will

reduce the frequency and severity of train accidents. We fully support requiring that all HHFTs be equipped with this technology, provided that these trains receive regular brake/mechanical inspections at the same frequency required of non-ECP-equipped trains."

In regard to buffer crews, Risch noted that on most crude oil and ethanol unit trains, there are one or more buffer cars of sand on the head end of the train and sometimes one or more on the rear end.

"We respectfully recommend that there be a minimum requirement of five buffer cars of sand behind the lead locomotives on all crude-oil and ethanol unit trains. These buffer cars will give the crew some time to get out of the locomotive cabs and evacuate the area with their paperwork and their lives after a train wreck

"During a train wreck, buffer cars can help prevent the combustible cars from climbing over the top of the locomotive consist and exploding on top of or next to the lead locomotive cab where the train crew is."

# Union responds to SEPTA's request for hours of service waiver

The Federal Railroad Administration Feb. 10 will hold a public hearing before ruling on a waiver request by Southeastern Pennsylvania Metropolitan Transportation Authority (SEPTA) to extend its current waiver of hours of service provisions for on duty points.

SEPTA has asked FRA to renew a waiver that the transit agency has had in effect for the past two years.

The rule in question involves the time employees spend traveling from home to start work somewhere other than their usual designated location. At issue is whether this time is considered as part of their hours of service.

In its written comments to FRA prior to this hearing, the SMART Transportation Division said it "opposes SEPTA's request because granting it would reduce much needed rest periods for operating employees and will put the traveling public and SEPTA employees at increased risk of fatigue related accidents.

"Fatigue related accidents are a particular concern because of SEPTA's claim that it serves 3.8 million people and is the sixth largest U.S. commuter rail system, averaging approximately 127,000 daily weekday riders. Given the large amount of passengers that SEPTA carries, granting this waiver request will place crew members and the public in increased likelihood of fatigue-related accidents to help solve what are essentially crew scheduling issues.

"According to SEPTA, only seven assignments start at a location different than the regular reporting location for extra board employees. We estimate this waiver is a fix for less than five percent of SEPTA's total jobs. Again, this is a crew scheduling issue and in no way justifies a waiver from minimal hours of service rules. If SEPTA needs help in managing crew availability and scheduling concerns, we would be happy to assist them.

"The SMART Transportation Division believes deadhead transportation to an on duty assignment should be counted as time on duty for SEPTA operations, just as it is counted as on duty for every other railroad in the country. The reason is simple, whether an employee is working on an assignment or driving to an assignment, they are still not receiving needed rest. There is no guarantee SEPTA will keep this system if given this waiver. It would clearly benefit SEPTA to remove it if this waiver is approved.

"The Metro-North accident in November 2013, resulting in the death of four people, was found to be caused by an engineer that 'nodded off' before the accident. The engineer had recently changed from an afternoon to morning shift, which could have impacted his internal

clock. This should have been a wake-up call for SEPTA.

"In the interest of public safety and in the interest of preserving minimal hours of service standards, the SMART Transportation Division asks that the FRA decline this waiver request.

"In its petition, SEPTA states it has the sup-

port of the SMART Transportation Division for this waiver. This claim, along with much of SEPTA's claims in this request, is inaccurate. We oppose this waiver request and ask that it be denied in its entirety."

The public hearing is scheduled for 10 a.m. at Baldwin Tower at 1510 Chester Pike in Crum Lynne, Pa.

# Member, others ride in quest for a cure

MichCanSka is an international snowmobiling charity ride, from Michigan through Canada and to Alaska, that benefits the Diabetes Research Institute, a world leader in cure-focused diabetes research.

Labeled the "Iditarod of Snowmobiling," the event is the brainchild of **Bill Bradfield** of Cadillac, Mich., a retired 50-year sheet metal worker, SMART member and Vietnam veteran, who has type 2 diabetes.

In 2010, the group rode from Michigan to Alaska through five states and five provinces, over 4,000 miles and through four time zones. The median age of those that participated was 62 and the 54 riders raised \$102,000 for diabetes research. Since then, they have collectively driven 440,000 miles from Tok, Alaska, to the Atlantic Ocean, to the little town of Perce, Quebec. The 2014 ride in Quebec was 3,131 miles long.

This year, Bradfield has organized a new trip that will begin Feb. 5, with four days in Michigan, four days in Ontario, one day off, then a flight to Norway followed by a six-day trek through Norway, Sweden and Finland. On Feb. 21, they are scheduled to cross the Finland border and enter Russia for four days of riding, some to be done north of the Arctic Circle to the remote Russian village of Murmansk. On Feb. 24, they will con-

clude their journey in St. Petersburg, Russia.

"It is my passion of a lifetime to raise awareness of the need for future research for this dreaded disease," said Bradfield, who has been snowmobiling for 41 years. Throughout his career as a union sheet metal worker, Bradfield has been raising funds for diabetes research and raising awareness about this chronic disease that impacts many families.

"It gave me a tremendous feeling of gratitude being able to help people less fortunate than myself, not knowing that someday, I too would be stricken with this horrible disease," he said.

Some participants have diabetes. Others are riding in honor or in memory of a loved one who has or had the disease. Maintaining a distance of 200 miles per day, participants set out in three groups each, launching their rides a day apart.

According to Bradfield, "Vietnam veterans have a saying: All gave some and some gave all. I consider myself fortunate that I did not give all. I have been a fighter all my life for one cause or another and see no reason to change now. So, I will continue to fight for a cure for diabetes and hopefully it will make a difference for myself and others that fight on the same battlefield."

Visit the group's website at [www.michcanska.com](http://www.michcanska.com) to follow their activities and find out how you too can contribute to this worthy cause.



Retiree Bill Bradfield has been raising funds for diabetes research and raising awareness about the disease throughout his career.



# UTUIA boosts scholarships to \$1,000!



## DISTRIBUTION

Fifty continuing \$1,000 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of SMART Transportation Division members in each of nine districts. The names of the 50 scholarship winners for the academic year 2015/2016 will be drawn at UTUIA headquarters in North Olmsted after the March 31 deadline for submission of applications.

## ELIGIBILITY

Requirements of a UTUIA scholarship applicant are that he or she be a U.S. citizen, at least a high school senior or equivalent, and age 25 or under.

**Applicants must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder. Scholarship applicants must also be associated with the SMART Transportation Division by belonging to the union, or by being the child or grandchild of an active or lifetime SMART Transportation Division member.**

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time SMART Transportation Division officers are not eligible.

Previous scholarship winners are exempt from the new UTUIA policyholder connection requirement; they may renew their annual scholarship if otherwise eligible. This exemption is for the renewal of existing scholarships only, and all new applicants must meet the UTUIA and SMART Transportation Division association requirements above.

## AWARDS

Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

## ADMINISTRATION

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary & treasurer.

UTUIA Scholarship Districts		
District		Scholarships
1	Connecticut, Maine, Massachusetts, New Hampshire New York, Rhode Island, Vermont	5
2	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania	4
3	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia	8
4	Indiana, Michigan, Ohio	5
5	Illinois, Wisconsin	4
6	Arkansas, Louisiana, Oklahoma, Texas	6
7	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota	7
8	Arizona, California, Colorado, Nevada, New Mexico, Utah	8
9	Alaska, Idaho, Montana, Oregon, Washington, Wyoming	3

### A message from UTUIA President John Previsich

It has long been said that “education is the key that unlocks the door to opportunity” and at the UTU Insurance Association, we support students and their families with our scholarship program.

For more than 40 years, UTUIA has provided 50 ongoing scholarships of \$500 each to the sons, daughters and grandchildren of our members. Now, we are very proud to announce an increase in these scholarship awards. **Effective Jan. 1, all new and currently active scholarship awards will be increased to \$1,000 to help ease the increasing expenses our members face. That’s right, we have doubled the scholarship awards, which can be used for tuition, learning materials or other related expenses.**

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study, as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We can also point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: “If you think education is expensive, try ignorance.”

John Previsich, President  
UTUIA

UTUIA SCHOLARSHIP  
APPLICATION FORM 2015/2016

(PLEASE TYPE OR PRINT)

STUDENT'S NAME

(LAST) (FIRST) (M.I.)

BIRTH DATE

/ /

(MM/DD/YY)

MEMBER'S NAME

(LAST) (FIRST) (M.I.)

TD Local

ADDRESS OF MEMBER

OCCUPATION

EMPLOYER

STUDENT'S RELATIONSHIP TO MEMBER

COLLEGE YEAR, 2015-2016

☐ FRESHMAN

☐ SOPHOMORE

☐ JUNIOR

☐ SENIOR

SIGNATURE OF STUDENT

SIGNATURE OF MEMBER

(Please include date of death if member is deceased.)

Applications must be received **no later than March 31, 2015**. Please submit **only one application per student**. Incomplete, photocopied or duplicate applications will not be accepted.

The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, call (216) 228-9400, ext. 3015, or email “[amartinez@smart-union.org](mailto:amartinez@smart-union.org).” Please include your SMART Transportation Division local number with all requests.

Complete the form above, cut it out and mail to:

**UTUIA Scholarship Program**  
**United Transportation Union Insurance Association**  
**24950 Country Club Blvd., Suite 340**  
**North Olmsted, OH 44070-5333**







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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 Kansas City Southern conductor **Ellis G. Cattan** of Local 1066 at New Orleans. "The KCS Business Train prepares to depart New Orleans for Shreveport on May 19 at 10:22 a.m.," said Cattan, who is a volunteer that facilitates Operation Lifesaver presentations. He also serves as a member of the New Orleans Regional Traffic Safety Coalition and the New Orleans Regional Emergency Preparedness Partnership.

## Federal agencies issue testing rates for 2015

Two federal agencies that regulate railroad operations and bus and transit operations have issued drug and alcohol testing rates for 2015.

The Federal Railroad Administration Dec. 19 announced that the minimum annual random drug-testing rate for the period Jan. 1 through Dec. 31 will remain at 25 percent of covered railroad employees. In addition, the FRA said that the minimum random alcohol-testing rate would remain at 10 percent of covered railroad employees.

FRA advised, however, that railroads remain free, as always, to conduct random testing at higher rates.

According to data from FRA's Management Information System, the rail industry's random drug testing positive rate has remained below 1.0 percent for the past two years. The industry-wide random alcohol testing violation rate has remained below 0.5 percent for the past two years.

FRA determines the minimum annual random drug testing rate and minimum random alcohol testing rate for the next calendar year based on railroad industry data available for two calendar years (for this notice, calendar years 2012 and 2013).

The Federal Motor Carrier Safety Administration reported that the annual minimum random controlled substances testing rates for employees in safety sensitive positions, including bus operators and tractor-trailer drivers, would remain at 50 percent through 2015.

The agency's decision to maintain the current testing

rate was based on data from motor carrier industry controlled substance lab test results, the 2012 drug and alcohol testing survey, and additional investigations.

FMCSA said that positive test rates following an initial positive result increased by 4.1 percent from 2011 to 2012. Reasonable suspicion positive test rates continued to rise sharply from 5.6 percent in 2010, to 15.7 percent in 2011 and 37.2 percent in 2012, marking a five-fold increase over the 3-year period.

It also noted that serious controlled substance and alcohol testing violations were identified in 24 percent of recent compliance investigations.

A two-week 2014 strike force focusing on the identification of drivers who tested positive resulted in 205 driver enforcement cases, and 138 enforcement cases against carriers for violations relating to drivers with positive test results operating a commercial motor vehicle. These include drivers operating passenger carrying vehicles and transporting hazardous materials.

While results for FMCSA's 2012 Drug and Alcohol Testing Survey of approximately 2,000 carriers indicate that positive random drug testing results have decreased for a second year, the agency said it is committed to seeking additional information related to driver test rates and will continue to monitor industry testing programs before re-evaluating the controlled substances random test rate for 2016.

## Inside this issue of SMART Transportation Division News:



Concern for students' welfare earns bus op industry award. See page 2.



News from SMART Transportation Division State Legislative Boards. See page 5.



Pate King: One of the real voices of 'Transportation Labor.' See page 8.



UTUIA boosts scholarships to \$1,000! See page 11.