

SMART[®]

Transportation Division News

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

Joseph Sellers Jr., SMART General President • Rich McClees, SMART General Secretary-Treasurer • John Previsich, President, Transportation Division

PEB 248 issues report in NJT/labor dispute

Presidential Emergency Board 248 has issued its recommendations to settle the four-year contract dispute between New Jersey Transit (NJT) and the Rail Labor Coalition of 14 unions representing 4,300 union workers.

The recommendations on the major issues of wages and health insurance contributions fall much closer to the terms proposed by the Coalition than those proposed by NJT, although the Board did backload its wage recommendations to accommodate the railroad's budgetary concerns.

The PEB found that the Coalition proposals were appropriately based on settlements in the commuter industry, while the company's unprecedented reliance on a state worker concessionary contract was not persuasive.

Coalition spokespersons said, "The Presidential Emergency Board, composed of three veteran, distinguished neutrals, has proposed terms that represent a reasonable compromise approach to settlement. We sincerely hope that New Jersey Transit will now take this opportunity to bring this protracted dispute to an end."

The board's recommendations are non-binding, and the parties now have 120 days to reach agreement based on the recommendations.

Summary of PEB 248's Recommendations

The Board recommended wage increases totaling 18.4 percent in compounded wage increases over 6.5 years or 2.6 percent per year. When increases for health insurance were factored in, the recommendations totaled 17.7 percent over the term or 2.5 percent a year.

"Over the years wage settlements at NJT have closely followed the general trend of wage changes at the other large commuter railroads in the region, including LIRR, Metro-North, SEPTA and MBTA. ...The Board's recom-

mendations are consistent with the average annual uncompounded wage increases at the four other large commuter rail carriers. The average annual wage increases at all four of these commuter railroads is 2.6 percent, the same nominal wage rate increase recommended by the Board."

Although the board recommended an increase in health insurance contributions and an increase in co-payments, it rejected NJT's proposal for a new and inferior insurance plan and their proposal to make employees responsible for 50 percent of excise taxes incurred as a result of the Affordable Care Act.

"The Carrier's proposal falls outside the current health insurance contribution trends in the industry. Our recommendation would move the employees' contributions from 1.8 percent to 2.5 percent, which we do not consider an unwarranted increase."

The PEB rejected NJT's proposal to eliminate employee ridership passes. The Board also rejected NJT's proposal to reduce amounts to new hire 401(a) contributions and also recommended provisions for conductor certification pay.

What Happens Next

The Coalition and NJT have until November 12 to negotiate a voluntary agreement. If no agreement is reached by that time, either side or the Governor can invoke a second Presidential Emergency Board. That PEB will select the most reasonable final offer. Its recommendations again will be non-binding. The parties will then have until March 11, 2016, to reach a voluntary agreement. If no agreement is reached, self-help (strike) would then be possible.

The Coalition believes PEB 248's recommendations provide a fair compromise and the basis of a voluntary agreement. New Jersey Transit is still evaluating the recommendations and deciding on its next steps. No negotiations have yet been scheduled.



FRA announces final rule to help prevent runaway trains



WASHINGTON – The Federal Railroad Administration (FRA) issued a final rule to prevent unattended trains that carry crude, ethanol, poisonous by inhalation (PIH), toxic by inhalation (TIH) and other highly flammable contents from rolling away. Railroad employees who are responsible for securing a train will now be permanently required to communicate with another qualified individual trained on the railroad's securement requirements to verify that trains and equipment are properly secured.

"Today's rule is part of the Department of Transportation's comprehensive effort to bolster the safety of trains transporting crude oil and other highly flammable contents," said U.S. Transportation Secretary Anthony Foxx. "Verifying that a train has been properly secured is a common sense solution to prevent accidents."

The final rule will go into effect 60 days from publication in the Federal Register. Exterior locks on locomotives will also be required by March 1, 2017, and must be utilized when a locomotive has been left unattended.

The new rule requirements include:

- A qualified and trained railroad employee to properly secure the equipment and verification of the securement with a second trained and qualified employee;
- Additional communication, including job briefings among crew members responsible for the train securement;
- Properly installed and utilized exterior locks on locomotives;
- The setting of sufficient handbrakes;
- Removal of the train reverser; and
- The proper use of train air brakes.

The rule applies to the following trains left unattended on a mainline, siding and rail yard:

- Trains carrying any PIH and TIH hazardous materials; and
- Trains carrying 20 or more cars of other high-hazard flammable materials.

"Where the Federal Railroad Administration can take smart steps to quickly raise the bar on safety, it will, and that is exactly what we are doing today. Requiring that an additional, trained individual double-check that the handbrakes have been set on a train will help stop preventable accidents," said Acting Administrator Sarah Feinberg. "While today's rule came out of

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Conductor dies in CN switching accident

Ryan D. Edwards, 27, of Schererville, Ind. was fatally injured July 25 while performing switching operations at Canadian National Markham Yard in Homewood, Ill. Edwards (Local 1299 of Schererville, Ind.) hired out in August of 2011.

Throughout his career with the railroad, Edwards worked as an intermodal operator at BNSF and as a freight train conductor at both CSX and CN. While at CSX, Edwards graduated number one from his training class.

Edwards attended Columbia College in Chicago. He was an avid St. Louis Cardinals baseball fan and could often be seen wearing a Cardinals hat.

Edwards married his wife, Victoria, May 22, 2010, and welcomed her two children, Edward and Emily, as his own. They later welcomed his son Ryan "RJ" into their family. He loved his family tremendously.

Edwards leaves behind wife, Victoria; their three children Emily, Edward and Ryan; his parents Nicole and John; his siblings Scottie, Tyra and Joshua; his great grandmother; grandparents and many other friends and family.

SMART TD General Chairperson Adren Crawford (Canadian National GO 433) reports, "The NTSB is investigating along with the SMART TD National Safety Team. Please keep his family and friends in your thoughts and prayers during this very difficult time."

Labor prevails in Missouri

A rally against right-to-work was held in Missouri, Sept. 12, and was attended by hundreds of union members from across the state, including members of SMART. Governor Jay Nixon (D) vetoed the right-to-work legislation June 4 at the SMART Sheet Metal Local 36 facility. Since then a battle has been raging in the state to get that veto overturned.

"The SMART TD Missouri State Legislative Board was privileged to work with a great group of labor leaders who spent tireless hours meeting with our friends in their districts since the end of the regular session in May," Missouri State Legislative Director Ken Menges said. "Since the end of session, with canvassing efforts, phone banks, urgent member meetings and local meetings nearly 20,000 letters, cards, phone calls and voicemails were delivered to legislators at the capitol."

A special veto session was held Sept. 16 to override Gov. Nixon's veto of the legislation. To override the veto, the republican supermajority needed 109 votes, but failed by a vote of 96-63. The legislators voting to sustain the veto included 20 Republicans, 42 Democrats and one Independent.

"This victory demonstrates the importance of elections and being involved in the political arena," Menges said. "Without a Democratic governor and grass roots efforts by our members to secure bipartisan support, Missouri would be a right-to-work state today. Our friends on both

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Around the SMART TD

Local 195, Galesburg, Ill.



Members and their families of this local participated in the 2015 Labor Day Parade at Galesburg, Ill., Local President and Local Chairperson **Josh M. Ginther** reports. "Around 60 members and their families from Locals 195, 445 (Niota, Ill.) and 1423 (Galesburg, Ill.) participated in the parade," Ginther said. Also in attendance were Illinois State Legislative Director **Bob Guy** and GO 001 Associate General Chairperson **Scott Anderson**.

Local 240, Los Angeles, Calif.

Local Chairperson **Harry Garvin** reports that Local 240 in conjunction with Locals 1422, 1770, 1813 and 1846 (all located within the LA-Basin area) had their 15th annual rail reunion and retirement dinner, Friday, November 6, 2015, at the Sierra Lakes Golf Course, Country Club Drive, Fontana, CA from 3 p.m. to 9 p.m. Cost was \$35 per person or \$75 per couple with pre-registration or \$40 per person at the door. Pre-registration ended November 2, 2015. "Everyone was welcome to come, all crafts of employment on any railroad, working or retired," Garvin said.

Local 303, Springfield, Mo.

Local Legislative Representative **Jeff Nichols** reports this local sent two teams (yard vs. road) to



Pictured from left: Tyler Roark, Billy Elbert, President Tim Latham, Josh Williams, Derek Felton, Brian Martin, Vice President Stacy Fielder, Dustin Calhoun, Trustee Rocky Jenkins and kneeling are Nichols and Jody Fisher.

the Central Labor Council's Bowl-A-Thon benefiting the Muscular Dystrophy Association August 30. "The 'Yard Guys' put a pretty good whippin' on us 'Road Guys,'" Nichols said. "Several other Springfield-area labor organizations participated in the event, but Local 303 was the only group to send two teams."

Local 446, Cheyenne, Wyo.



Members of Local 446 attend benefit meetings held by the local.

Local Treasurer **Tyler Thompson** reports the local held special meetings for members August 25-27. The meetings were held to inform members on agreements, benefits, UTUIA insurance and railroad retirement. UP GO 953 General Chairperson **Brent Leonard** and Vice General Chairperson **Rob Warth** spoke to over 60 members August 25. On the second day, Anthony Lopez, a representative from the Railroad Retirement Board, spoke to 30 members and their spouses on the benefits available to members. The third and final day featured Wyoming State Legislative Director **Stan Blake**, who provided explanations about the legislative process in the state.

Brian Watts maintains winning record



From left: Matt Baker, Brian Watts and Xavier Vigney

SMART TD Trainman **Brian P. Watts** (Local 1201) is a hands-on kind of guy. With his hands and under considerable time constraints, in all kinds of weather both day and night, he works for Union Pacific as a trainman/brakeman. Also with those same hands and in a side-career as a cutman, he expertly treats the physical damage to the faces of professional kickboxers between rounds. Both careers are demanding and require precision and skill.

As a cutman, time is of the essence. Watts has exactly one minute between rounds to close a bleeding wound on his fighter's pummeled face. The rules of kick-boxing dictate that these injuries can be a cause for premature match stoppage, which counts as a loss to the injured fighter. Therefore, if the laceration is bleeding then the bleeding must be stopped immediately so that the fight can continue.

Cutmen in kickboxing are generally hired by the promoter, rather than the fighter. They sit at ringside where they tend to the fighter between rounds. Typically, if there is swollen tissue on the fighter's face, then the cutman applies an ice bag with firm pressure. If there is a bleeding laceration short of requiring stitches, a cotton swab soaked in pure adrenalin is applied with pressure to constrict the blood vessels and ultimately decrease blood flow to the open wound. Avitene is then placed into the cut to induce coagulation. All this must be accomplished within one minute and prior to the beginning of the next round. The pressure to win, on both the fighter and his cutman, is tremendous. One false move by either could make or break both careers.

Brother Watts has been working as a cutman for about eight years and is an amateur kickboxer. His work as a cutman allows him to stay close to the sport and keeps him in contact with up-and-coming fighters. He explains, "My number one goal as a cutman is taking care of the fighter and instilling in him the confidence that, so long as Brian is here at ringside, he will be taken care of."

Watts received formal training as an emergency medical technician (EMT) while serving in the U.S. Army for four years. He was later an EMT with the Mokelumne Fire Department in Lockeford, Calif. His knowledge and experience as an EMT only adds to his skill as a cutman.

The kickboxing promotion company that hired Watts is named Glory. One of their events, Glory 23, took place at The Hard Rock Hotel in Las Vegas, Nev. August 7, 2015 and was televised live on Spike TV. Watts was the cutman for Xavier Vigney and Matt Baker, both of whom are considered to be premier American kickboxers. Vigney and Baker both won by decision after three rounds, respectively.

Since winning is everything for a professional kickboxer and for his cutman, Watts can expect to move on to even bigger and better matches. Whether on the railroad or in the corner at ringside, Watts has shown that he is a proven winner.

UTUIA Field Supervisor **David Landstrom**, Director of Organizing **Rich Ross** and Auxiliary of the UTU President **Kathryn Hastings** were on hand throughout the meetings to share their expertise with members. Thompson organized the meetings with the help of Local President **John Cain**, Local Chairperson **Brad Warren**, Local Insurance Representative **Nate Hubenka**, Local Chairperson **Wilfred Olmos** and Legislative Representative **John Niles**.

Local 903, Jacksonville, Fla.

Joseph E. Kight, 71, of Jacksonville, Fla., died Monday, Aug. 3. Kight was a retired Florida East Coast Railway engineer. He was first admitted to SMART TD (formerly the United Transportation Union) on May 1, 1994 and held the position of assistant general chairperson (GO 851). He is survived by his wife of 50 years **Judy Kight**; his children **Stacie (Jacob) Wyss** and **Joseph Bubba (Barbara) Kight**; brother **Gene Pyle (Ruth) Kight**; and grandchildren **Conner, Clayton, Fenwick, Kayla** and **Kennedy**.

Local 1582, Albany, N.Y.



Pictured from left: Local Chairperson **Stu Elkins**, Treasurer **Aaron Schwartz**, **Dave Bonanno**, **Judson Smith**, Secretary and Treasurer **Dennis Geisler**, **Phil Jones**, **Dave Weinberger**, **Calvin Sharpe** (Teamster Local 118), Vice President **Rosemond Dessalines**, **Robert Jones** (kneeling) and Vice Local Chairperson **Odysseus Stefanis** (top middle).

Pine Hill Bus lines Local 1582 held their first annual barbecue and picnic August 1, 2015, at the Robert Post Park, Kingston, N.Y. reports Vice Local Chairperson **Odysseus Stefanis**. "The idea for our local to hold the first annual picnic was presented by our newly elected Local Chairperson **Stu Elkins**," Stefanis said. "Under his current term, Elkins saw a need for our members to be able to get together at least once a year. The operating nature of the motor coach industry due to varying scheduling and a 24/7 work environment makes it almost impossible for any of the drivers to socialize outside of work, much less foster a sense of union solidarity. We also hope to include operators of Adirondack Transit Lines (also Local 1582) in the future." The local would also like to recognize attendees Vice President **Rosemond Dessalines** and **Calvin Sharpe**, who were both injured on the job in separate accidents. The local would also like to recognize **David Weinberger**, who, at age 87, is still operating a motor coach. "We, the leadership of Pine Hill Local 1582, want to especially thank these three drivers for their dedication to service and recognize the sacrifices they have made. We recognize the inherent danger of this occupation and it is our unyielding goal to strive and serve all our members during both good times and bad."

Local 1732, San Jose, Calif.

LCA Secretary **Rebecca Gittleman** reports the local suffered the loss of 45-year-member **Mark Simmons** unexpectedly at the age of 64. Simmons hired out with the Atchison, Topeka and Santa Fe railroad in 1970. He came to Amtrak in 1986 and spent most of his years working on the California Zephyr between Emeryville, Calif. and Reno, Nev. Simmons leaves behind wife **Kim** and son **Sean**. A fund has been set up to help the family financially during this difficult time. Contributions may be sent to Mark Simmons Benefit Memorial Fund, c/o Kim Simmons, 1495 Tom Fowler Drive, Tracy, CA 95377.

Submit your local or legislative stories to SMART Transportation Division by email to: news_td@smart-union.org.

TTD urges exclusion of hair testing from bill



Wytkind

In a letter to the leadership of the Transportation and Infrastructure Committee, the Transportation Trades Department, AFL-CIO (TTD), together with member unions and coalition partners, is urging lawmakers to follow established protocol for developing federal drug testing procedures and exclude provisions for hair specimen testing from any House surface transportation bill.

Historically, experts at the Department of Health and Human Services (HHS) have determined how and when new drug testing procedures should be administered. Those guidelines are then used by the Department of Transportation (DOT) to create federal drug testing standards for bus and truck drivers, and other transportation employees.

HHS has not determined whether hair is a valid and reliable specimen for use in federal drug tests and has not issued technical guidelines permitting its use.

Despite this, a provision in the Senate's version of the surface transportation bill would circumvent HHS and allow bus and truck companies to use hair samples to comply with DOT drug testing.

"The Senate has undermined the expertise of scientists and potentially jeopardized the jobs of thousands of bus and truck drivers with this unproven testing method," said TTD President Edward Wytkind. "We urge the House to reject the Senate's hair testing provision and ensure that federal drug tests are backed by scientific and forensically sound evidence. Nothing less should be acceptable."

Studies show that hair testing may have an inherent racial bias. Darker and more porous hair retains some drugs at greater rates than lighter hair. Hair specimens can also cause individuals to test positive for drugs they never ingested, as drugs from the environment can absorb into hair and cause positive results.

"The science behind hair testing is questionable and the drug test results it produces may be discriminatory and could produce false positives," Wytkind warned.

Florida East Coast railroaders hold new-hires dinner

CSX GO 851 and Locals 903 and 1138 had a special opportunity to host a dinner for 25 Florida East Coast (FEC) new hires Friday, August 7 at the Country Kitchen located at 741 North U.S. Highway 1 in Oak Hill, Fla.

SMART TD Alternate Vice President and General Chairperson **John Whitaker** (GCA 851) said, "This was a special occasion that we could just not pass up, since it gave us the ability to meet with new members, while still in training, to let them know who we are and what we do."



"Indeed, it was exciting to see the next generation of members and their eagerness to join our union family."

Brother Whitaker gave special thanks to the following officers for their attendance and support: SMART TD Director of Organizing **Rich Ross**; Vice General Chairperson **Joe Bennett**; Assistant General Chairperson **Jim Bush**; Florida State Legislative Director **Andres Trujillo**; Local 1138 Local Chairperson **Jim McCorkle**; Local 1138 Vice Local Chairperson **Jim Barlow** and Local 903 Vice Local Chairperson **Don Wolff**.

P&L engineers seal new deal



Engineers represented by SMART TD-represented and employed by Paducah and Louisville Railway (P&L) have ratified a new five-year agreement.

The agreement provides for wage increases in each year of the agreement with an initial annual adjustment of three percent, retroactive to January 1, 2014, and additional adjustments of three percent on January 1, 2015 and every year thereafter through 2018. The total general wage increase over the life of the contract is 15 percent, with a 16 percent cumulative increase.

In addition to the general wage increases, the agreement provides full back pay, an increase in certification and meal allowance payments; increases in 401K contributions; and a cap to health and welfare contributions for the family plan over the life of the agreement. The agreement also establishes call windows for regular assignments, preserves cost of living adjustments and improves bereavement and personal leave provisions.

"General Committee of Adjustment 436 (CN Illinois Central) General Chairperson **Jim Hernon** and Local 785 (Paducah, Ky.) Chairperson **Clint Keeling** did an outstanding job of bringing the members' concerns to the table and negotiating an agreement with dramatic improvements in wages and working conditions," said Vice President Dave Wier.

The P&L Railway is a 265-mile regional railroad that operates in Kentucky.

SEPTA members ratify pact



Twenty-two months ago, SMART Transportation Division Local 61 (Philadelphia) train service members working at Southeastern Pennsylvania Transportation Authority (SEPTA) ratified their contract from the previous round. Now, for the first time in recent memory, these same members have ratified a new agreement governing the rates of pay and working conditions of conductors and assistant conductors on that property prior to their next scheduled wage increase. A vast majority of those voting, 87 percent, voted to ratify the agreement. The short-term pact runs through June 4, 2017 and includes general wage increases, increased instructor allowance, increased uniform allowance and same-sex spousal benefits among its provisions.

Transportation Division Vice President John Lesniewski, who assisted with negotiations, expressed his gratitude to General Chairperson **Bernard Norwood**, as well as his negotiating committee consisting of Vice General Chairpersons **A.J. Bright**, **Michael Stevens**, **Raymond Boyer** and General Secretary **Nelson Pagan** for their professionalism, tenacity and commitment to finding an equitable agreement in a timely manner for the benefit of our Local 61 members.

SEPTA is a metropolitan transportation authority that operates various forms of public transit -- bus, subway and elevated rail, commuter rail, light rail, and electric trolley bus -- that serve 3.9 million people in and around Philadelphia. General Chairperson Norwood and his committee represent approximately 350 active rail members on this property.

Zanath family expresses gratitude to the membership



Zanath

In a letter received by the SMART Transportation Division headquarters, **Rob Zanath's** family wrote:

"To all the SMART Union Members,

"We would like to extend our sincerest gratitude for all of the love and support you have shown our family during this very difficult time. Words cannot express how grateful we are for your kindness and compassion over the past few months since Rob's passing. Rob was blessed to have been a part of such a caring and giving community for the past 24 years. Your overwhelming generosity of monetary donations given to our family at this year's regional meetings was most appreciated. We will continue to pray for all of you and ask you to keep us in your thoughts and prayers as we begin to move forward and be at peace as we cherish the memory of a loving, caring husband, father and son and are comforted by the fact that Rob now resides in the peace and happiness of heaven."

- The family of Robert Zanath

Rob Zanath worked in SMART Transportation Division's (formerly UTU) Public Relations Department for the past 24 years. Zanath died May 28, 2015.

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CATS maintenance workers vote 'yes' to new agreement



With over 75 percent of the voting membership in favor, Local 1596 maintenance workers of Charlotte Area Transit System (CATS) based out of Charlotte, N.C., ratified a new collective bargaining agreement.

The new agreement is for three years starting retroactively to June 30, 2015 and going through June 30, 2018.

Leading the way, GCA TMM (Transit Management of Charlotte, Inc.) General Chairperson **Craig Patch** helped negotiations, asking for contractual language changes, improvements to the pension plan and wage increases.

Patch, Local Chairperson **Billy Belcher**, Vice Chairperson **Gary Moore** and Local Board Secretary **Michael Jenkins** worked tirelessly on the agreement.

"Brother Patch and I would like to thank Local President **James Hinton**, Local Vice President **Gerald Hudson** and S&T **Tony Sandle** for their hard work on getting this accomplished," Alternate Vice President Bus-East **Alvy Hughes** said.

CATS is the largest transit Southeast Corridor system between Atlanta, Ga., and Washington, D.C.

The transit system operates over 70 local, express and regional bus routes, a light rail line, services for the disabled and vanpools. CATS makes over 23,000,000 trips each year.

Defining today's generation

The generation that formed our foundation and built the American middle class may be declining today in record numbers, but they have more than left their mark on history. In the 1940s they stood up to fascism in Europe and around the globe.

To follow up on that achievement, they came back to America to start and raise their families while leveraging their newly gained collective bargaining power to build the historic American middle class in the 1950s.

Today's middle class rests on that one, which was built by the hard work and dedication of working families who stood together under the banner of the American labor movement.

It is not by coincidence that the rise and decline of the American middle class has marched in lock step with the rise and fall of membership in the American labor movement.

Ironically, I have heard countless times on television and from the Republican campaign trail how much the "1950s economy" is what they aim to replicate with their policies. However, they fail to recognize one very important point: the economy of the 1950s matched the high point of unions' share of the American workforce.

At that time, one out of three Americans was a member of a labor union.

It is not by coincidence that the rise and decline of the American middle class has marched in lock step with the rise and fall of membership in the American labor movement. The stronger we are, the better for everyone — our friends, neighbors and families — regardless of union membership.



SMART General President's Column

By Joseph Sellers Jr.

It will only take a revitalized labor movement, one where we all do our part, to bring back something similar to those long-ago days when the American middle class was at its greatest heights.

This is our moment in time, and it starts with us — each one of us. We control our own actions like making the pledge that "yes, I will commit to contribute, stick together and up my game."

We were uplifted by witnessing the hard work and professionalism of the transportation and sheet metal leadership on display at the three conferences our union held this past summer in Phoenix, Providence, R.I. and Washington, D.C.

In order to attract people to the labor movement and to our union, we must continue to strive to improve upon the representation and bargaining strength we hold today.

This is our moment in time, and it starts with us - each one of us.

In order to attract people to the labor movement and to our union, we must continue to strive to improve upon the representation and bargaining strength we hold today.

We can achieve those improvements by ensuring that your leaders are up to the task, are ready to take advantage of new opportunities as they

emerge in this young century.

This union has come far in our combined history. Our generation must look to the future, where we will be building and opening new markets and avenues for growth.

Our forbearers witnessed the depths of a Great Depression, fought through the horrors of war and came home to build this nation to levels of prosperity never before seen in the world.

Our forbearers...built this nation to levels of prosperity never before seen in the world.

They are the giants. Now let's honor them, on the heels of the not-so-great recession, by building on the foundations that they established. Let's honor them by strengthening our union and revitalizing our American labor movement.

They are the giants. Now let's honor them, on the heels of the not-so-great recession, by building on the foundation that they established. Let's honor them by strengthening our union and revitalizing our American labor movement.

Then we can pass onward to future generations their union of opportunity.

Fraternally,

Joseph Sellers Jr.

FRA issues advisory on ballast defects



FEDERAL RAILROAD ADMINISTRATION

The Federal Railroad Administration (FRA) is issuing this safety advisory to emphasize the importance of timely repairing ballast defects and conditions on main tracks. The FRA notes that ballast defects and ballast conditions that are not repaired in a timely manner can lead to future defects.

The FRA believes it is important for track inspectors to be aware that ballast defects and conditions can cause track components to deteriorate rapidly and compromise the stability of the track structure, and that inspectors are trained to identify and repair ballast defects and conditions.

This safety advisory recommends that track owners and railroads: (1) Assess current engineering instructions on ballast safety and update them to provide specific guidance to track inspectors (designated personnel that are qualified to inspect and repair track) on how to identify and initiate remedial action under 49 CFR 213.233(d) for ballast defects and conditions, as well as on the appropriate remedial action to implement, particularly in areas with one or more additional track conditions; (2) train track inspectors on the updated engineering instructions and this safety advisory to ensure they understand how to identify and initiate remedial action for ballast defects and conditions in a timely manner, and understand the importance of such remedial action in preventing the development of unsafe combinations of track conditions; and (3) ensure that supervisors provide adequate oversight of track inspectors to achieve identification and remediation of ballast defects and other track conditions.

Bus Department

By Calvin Studivant, Vice President-Bus
cstudivant@smart-union.org

SMART TD Bus Department working for a better future



Studivant

Dear members,

The regional meetings have come to an end for 2015 and they were very educational for our members. At this year's meetings we learned about the National Labor Relations Act (NLRA) and the importance it has for representing our membership.

We learned the arbitration and mediation steps for presenting cases before an arbitrator and we were informed on the FMCSA and DOT procedures for medical exams and the national registry of certified

Medical Review Officers (MROs).

There was a myriad of educational classes made available for our bus union representatives and based on the participation and feedback, I would say that the bus department achieved its goal of training our leaders for tomorrow which was this year's theme at both the West Coast and East Coast regional meetings.

The SMART TD Bus Department along with our National Legislative Director John Risch in Washington D.C. has submitted our comments in opposition of the proposal for hair follicle testing, and as this issue unfolds we will keep our members informed.

Congratulations are in order for the members of Local 1596 at Charlotte, N.C. They just ratified a new three-year agreement with Charlotte Area Transit Systems (CATS).

We fought for and got improvements to the pension plan, an increase in wages for all three years of the agreement, as well as changes to contractual language designed to make the contract easier to follow.

I would like to thank Alternate Vice President-Bus Alvy Hughes, General Chairperson Craig Patch, Local Chairperson Billy Belcher, Vice Chairperson Gary Moore, Local Board Secretary Michael Jenkins, Local President James Hinton, Local Vice President Gerald Hudson and Secretary and Treasurer Tony Sandle for their dedication and hard work in hammering out this agreement.



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National negotiations update: negotiations moving forward

Our rail members are aware that negotiations are underway on a national rail contract. The outcome of this round of negotiations is important to other crafts as well, because the results of a national rail contract traditionally influence negotiations in all transportation-related industries.

Below is a joint press release issued by the participating organizations in the rail labor Coordinated Bargaining Group:

The outcome of this round of negotiations is important to other crafts as well, because the results of a national rail contract traditionally influence negotiations in all transportation-related industries.

October 20, 2015

National Negotiations Update

Members of rail labor's Coordinated Bargaining Group (CBG), composed of representatives from the SMART Transportation Division, the Brotherhood of Locomotive Engineers and Trainmen, the American Train Dispatchers Association, the National Conference of Firemen and Oilers/SEIU, The Brotherhood of Railroad Signalmen and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers met with the National Carriers Conference Committee (NCCC) in Chicago on October 14, 2015, to continue negotiations on a new national rail



SMART Transportation Division President's Column

By John Previsich

contract. This meeting was the latest in a series that commenced early in 2015.

Although a final agreement is not yet in sight, substantive progress was made in identifying the issues of greatest importance to both sides and serious discussions are ongoing. Both parties believe that a voluntary agreement is the desired outcome and to that end it was agreed to continue negotiations without the assistance of a third party. The next session is scheduled for November in Crystal City, Virginia, with additional meetings set for the first quarter of 2016.

Substantive progress was made in identifying the issues of greatest importance to both sides and serious discussions are ongoing.

The above communication is very short on details. That is because at this stage of the negotiations the parties are in exploratory talks about a number of issues, the majority of which will not be included in a proposed agreement. The demands set forth in the Section 6 notices served this round are being thoroughly discussed and evaluated for inclusion in a proposed agreement.

In order to promote an open dialogue on a wide range of issues, the parties have committed to keep such discussions confidential for the time being.

I have commented in earlier columns about the challenges that we face in this round of negotiations. The carriers have made demands that we believe are unwarranted given the productivity of rail labor and the financial status of the participating carriers. Rail labor, on the other hand, believes that its demands improve the wages and working conditions of our members by a reasonable amount and are in line with the prosperity of the industry overall.

Your negotiating team and Coordinated Bargaining Group are committed to obtaining a fair and equitable contract for our members. Negotiations to-date indicate that this will not be an easy task.

Your negotiating team and the Coordinated Bargaining Group are committed to obtaining a fair and equitable contract for our members. Negotiations to-date indicate that this will not be an easy task. I will keep you advised of later developments as they occur.

To view the Section 6 notices go to <http://utu.org/2015-national-rail-contract/>.

Fraternally,

State Watch

News from SMART TD State Legislative Boards

California

Governor Jerry Brown signed into law bipartisan legislation requiring a crew of at least two individuals operate all freight trains and light engines September 8, 2015.

National Legislative Director John Risch praised the legislation saying, "I'm very pleased that California has joined Wisconsin, Arizona and West Virginia in adopting these sensible requirements. Two crew members are vital to ensuring that trains are operated safely and our communities are secure."

Minnesota, Wisconsin



Members of the SMART TD Minnesota and Wisconsin legislative boards meet with the FRA and Rep. Rick Nolan about safety issues on Canadian National Railway.

Leadership of the Minnesota and Wisconsin legislative boards met with the Federal Railroad Administration and Representative Rick Nolan (D - Minn.) of the House Transportation and Infrastructure Committee to discuss unresolved safety issues on Canadian National Railway May 28, 2015 in Duluth, Minn. Leadership from CN declined to attend the roundtable safety meeting.

Alternate State Director **Nick Katich**, Legislative Representative **Dan Archambeau**, Local Chairpersons **Matt Koski** and **Ben Rhodes** along

with Minnesota State Legislative Director **Phil Qualy** represented the Minnesota legislative board, while Wisconsin State Legislative Director **Craig Peachy**, Alternate State Director **Jeff Thompson** and Legislative Representatives **Andrew Hauck** and **Chris Tassone** represented the Wisconsin legislative board at the meeting.

Qualy and Peachy report that both boards have documented dozens of hazardous conditions, unsafe management directives to train crews, lack of snow removal and many other safety concerns.

"Despite our best efforts to work with the CN leaders who hold ultimate operating and budgetary authority to improve CN, it appears CN management is entrenched to deflect identifiable safety concerns to maintain plausible deniability," Qualy and Peachy said in a joint statement. "For the second quarter of 2015, CN reported decreased car loadings, flat operating revenues, operating income increase of eight percent, with an operating ratio that dropped 3.2 points to 56.4 percent. Obviously, CN's refusal to maintain and repair physical plant safety issues is paying off for carrier bonuses and the shareholders. Unfortunately, CN is another bad incident waiting to happen."

As a result of the meeting, the FRA has assigned Non-Regulated Safety Oversight Manager **Melvin Smith** to the CN property. Both the FRA and SMART TD have requested CN to join in a Confidential Close Call Reporting System pilot program.

New England States

New England States State Legislative Director **George Casey** reports that Local 262 (Boston) Secretary and Treasurer **Richard Andreassi** died of a fatal heart attack Thursday, August 27, 2015.

Andreassi worked as a conductor for Amtrak out of Boston. He leaves behind a wife and seven-year-old daughter.

Locals 262 and 1462 are taking up a collection on behalf of the Andreassi family. Contributions should be sent to SMART TD Local 262, 8 Saint Brendan Road, Dorchester, MA 02124. Memorial contributions may also be made to the Jacqueline Andreassi Scholarship Fund, c/o Boston Firefighter's Credit Union, 60 Hallett Street, Dorchester, MA 02124.

Nebraska



Nebraska members ride on and walk alongside the Nebraska Legislative Board's newly-acquired Burlington Northern mini train.

Nebraska State Legislative Director **Bob Borgeson** reports the state legislative board recently purchased a Burlington Northern mini train. The board plans to use the mini train to help with SMART's community outreach and for special events. The board has used the train for the past 10 years at the Omaha Labor Day Parade.

The mini train originally belonged to Harold Jones of Crete, Neb. for the past 29 years. Jones operated the locomotive and its accompanying cars for local festivals, school and community events.

The Legislative Board used their newly acquired mini train and borrowed two mini trains in this year's Omaha Labor Day Parade. The board had a record 190 attendees in this year's parade.

Helping our furloughed members: benefits and tips

Furloughed members may be entitled to benefits from RRB

In consideration of our rail members who are impacted by recent nation-wide furloughs, below is a Q&A offered by the Railroad Retirement Board (RRB) addressing common questions about unemployment benefits.

Go to www.rrb.gov to learn more about the benefits you may be entitled to while furloughed.

Unemployment benefits for railroad employees

(Published July 2015 by the Railroad Retirement Board)

The Railroad Retirement Board (RRB) administers the Railroad Unemployment Insurance Act, which provides two kinds of benefits for qualified railroaders: unemployment benefits for those who become unemployed but are ready, willing and able to work; and sickness benefits for those who are unable to work because of sickness or injury. Sickness benefits are also payable to female rail workers for periods of time when they are unable to work because of pregnancy and childbirth. A new benefit year begins each July 1.

The following questions and answers describe these benefits, their eligibility requirements and how to claim them.

1. What are the eligibility requirements for railroad unemployment and sickness benefits in July 2015?

To qualify for normal railroad unemployment or sickness benefits, an employee must have had railroad earnings of at least \$3,600 in calendar year 2014, counting no more than \$1,440 for any month. Those who were first employed in the rail industry in 2014 must also have at least five months of creditable railroad service in 2014.

Under certain conditions, employees who do not qualify on the basis of their 2014 earnings may still be able to receive benefits in the new benefit year. Employees with at least 10 years of service (120 or more cumulative months of service) who received normal benefits in the benefit year ending June 30, 2015, may be eligible for extended benefits, and employees with at least 10 years of service (120 or more cumulative months of service) might qualify for accelerated benefits if they have rail earnings of at least \$3,637.50 in 2015, not counting earnings of more than \$1,455 a month.

In order to qualify for extended unemployment benefits, a claimant must not have voluntarily quit work without good cause and not have voluntarily retired. To qualify for extended sickness benefits, a claimant must not have voluntarily retired and must be under age 65.

To be eligible for accelerated benefits, a claimant must have 14 or more consecutive days of unemployment or sickness; not have voluntarily retired or, if claiming unemployment benefits, quit work without good cause; and be under age 65 when claiming sickness benefits.

2. What is the daily benefit rate payable in the new benefit year beginning July 1, 2015?

Almost all employees will qualify for the new maximum daily benefit rate of \$72. Benefits are generally payable for the number of days of unemployment or sickness over four in 14-day claim periods, which yields \$720 for each two full weeks of unemployment or sickness. Sickness benefits payable for the first six months after the month the employee last worked are subject to tier I railroad retirement payroll taxes, unless benefits are being paid for an on-the-job injury. (Claimants should be aware that as a result of a sequestration order under the Budget Control Act of 2011, the RRB will reduce unemployment

and sickness benefits by 7.3 percent through September 30, 2015. As a result, the total maximum amount payable in a two-week period covering 10 days of unemployment or sickness will be \$667.44. The maximum amount payable for sickness benefits subject to tier I payroll taxes of 7.65 percent will be \$616.38 over two weeks. Future reductions, should they occur, will be calculated based on applicable law.)

3. How long are these benefits payable?

Normal unemployment or sickness benefits are each payable for up to 130 days (26 weeks) in a benefit year. The total amount of each kind of benefit which may be paid in the new benefit year cannot exceed the employee's railroad earnings in calendar year 2014, counting earnings up to \$1,860 per month.

If normal benefits are exhausted, extended benefits are payable for up to 65 days (during seven consecutive 14-day claim periods) to employees with at least 10 years of service (120 or more cumulative service months).

4. What is the waiting-period requirement for unemployment and sickness benefits?

Benefits are normally paid for the number of days of unemployment or sickness over four in 14-day registration periods. Initial sickness claims must also begin with four consecutive days of sickness. However, during the first 14-day claim period in a benefit year, benefits are only payable for each day of unemployment or sickness in excess of seven which, in effect, provides a one-week waiting period. (If an employee has at least five days of unemployment or five days of sickness in a 14-day period, he or she should still file for benefits.) Separate waiting periods are required for unemployment and sickness benefits. However, only one seven-day waiting period is generally required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year.

5. How would an employee's earnings in a claim period affect his or her eligibility for unemployment benefits?

If a claimant's earnings for days worked, and/or days of vacation, paid leave, or other leave in a 14-day registration period are more than a certain indexed amount, no benefits are payable for any days of unemployment in that period. That registration period, however, can be used to satisfy the waiting period.

Earnings include pay from railroad and non-railroad work, as well as part-time work and self-employment. Earnings also include pay that an employee would have earned except for failure to mark up or report for duty on time, or because he or she missed a turn in pool service or was otherwise not ready or willing to work. For the benefit year that begins July 2015, the amount is \$1,440, which corresponds to the base year monthly compensation amount used in determining eligibility for benefits in each year. Also, even if an earnings test applies on the first claim in a benefit year, this will not prevent the first claim from satisfying the waiting period in a benefit year.

6. How does a person apply for and claim unemployment benefits?

Claimants can file their applications for unemployment benefits, as well as their subsequent biweekly claims, by mail or online.

To apply by mail, claimants must obtain an application from their labor organization, employer, local RRB office or the agency's website at www.rrb.gov. The completed application

should be mailed to the local RRB office as soon as possible and, in any case, must be filed within 30 days of the date on which the claimant became unemployed or the first day for which he or she wishes to claim benefits. Benefits may be lost if the application is filed late.

To file their applications — or their biweekly claims — online, claimants must first establish an RRB online account at www.rrb.gov. Instructions on how to do so are available through the RRB's website. Employees are encouraged to establish online accounts while still employed so the account is ready if they ever need to apply for these benefits or use other select RRB Internet services. Employees who have already established online accounts do not need to do so again.

The local RRB field office reviews the completed application, whether it was submitted by mail or online, and notifies the claimant's current railroad employer, and base-year employer, if different. The employer has the opportunity to provide information about the benefit application.

After the RRB office processes the application, biweekly claim forms are mailed to the claimant, and are also available on the RRB's website, as long as he or she remains unemployed and eligible for benefits. Claim forms should be signed and sent on or after the last day of the claim. This can be done by mail or electronically. The completed claim must be received by an RRB office within 15 days of the end of the claim or the date the claim form was mailed to the claimant or made available online, whichever is later. Claimants must not file both a paper claim and an online claim form for the same period(s).

Only one application needs to be filed during a benefit year, even if a claimant becomes unemployed more than once. However, a claimant must, in such a case, request a claim form from an RRB office within 30 days of the first day for which he or she wants to resume claiming benefits. These claims may then be filed by mail or online.

7. Is a claimant's employer notified each time a biweekly claim for unemployment or sickness benefits is filed?

The Railroad Unemployment Insurance Act requires the RRB to notify the claimant's base-year employer each time a claim for benefits is filed. That employer has the right to submit information relevant to the claim before the RRB makes an initial determination on the claim. In addition, if a claimant's base-year employer is not his or her current employer, the claimant's current employer is also notified. The RRB must also notify the claimant's base-year employer each time benefits are paid to a claimant. The base-year employer may protest the decision to pay benefits. Such a protest does not prevent the timely payment of benefits. However, a claimant may be required to repay benefits if the employer's protest is ultimately successful. The employer also has the right to appeal an unfavorable decision to the RRB's Bureau of Hearings and Appeals.

The RRB also conducts checks with other Federal agencies and all 50 States, as well as the District of Columbia and Puerto Rico, to detect fraudulent benefit claims, and it checks with physicians to verify the accuracy of medical statements supporting sickness benefit claims.

8. How long does it take to receive payment?

Under the RRB's Customer Service Plan, if a claimant filed an application for unemployment

or sickness benefits, the RRB will release a claim form or a denial letter within 10 days of receiving his or her application. If a claim for subsequent biweekly unemployment or sickness benefits is filed, the RRB will certify a payment or release a denial letter within 10 days of the date the RRB receives the claim form. If the claimant is entitled to benefits, benefits will generally be paid within one week of that decision.

However, some claims for benefits may take longer to handle than others if they are more complex, or if an RRB office has to get information from other people or organizations. If this happens, claimants may expect an explanation and an estimate of the time required to make a decision.

Claimants who think an RRB office made the wrong decision about their benefits have the right to ask for review and an appeal. They will be notified of these rights each time an unfavorable decision is made on their claims.

9. How are payments made?

Railroad unemployment and sickness insurance benefits are paid by the U.S. Treasury's Direct Deposit program. With Direct Deposit, benefit payments are made electronically to an employee's bank, savings and loan, credit union or other financial institution. New applicants for unemployment and sickness benefits will be asked to provide information needed for Direct Deposit enrollment.

10. How can claimants get more information on railroad unemployment or sickness benefits?

Claimants with questions about unemployment or sickness benefits, or who are seeking information about their claims and benefit payments, can contact an RRB office by calling toll-free at 1-877-772-5772. Claimants can also access an online service, "View RUIA Account Statement" on the "Benefit Online Services" page at www.rrb.gov, which provides a summary of the unemployment and sickness benefits paid to them. To use this service, claimants must first establish an online account.

Persons can find the address of the RRB office serving their area by calling 1-877-772-5772, or by visiting www.rrb.gov. Most RRB offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday, except on Federal holidays.

Cutting back: easy ways to save money

Here are some options that may save you money during this difficult time:

- Cut cable/satellite TV or consider something cheaper such as a Fire Stick from Amazon.com, or a Netflix or Hulu account.
- Cut back on electricity consumption by unplugging appliances not in use; turn up the temperature in summer and lower it in winter by a few degrees; turn off the light and TV when not in the room; replace light bulbs with high-efficiency bulbs; keep a clean air filter in your HVAC system; and consider using fans instead of air conditioning.
- Scrutinize your cell phone bill and re-evaluate your data plan. Take advantage of any cell phone discounts offered by your employer; many railroads have negotiated a discounted rate for their employees.
- Cut any unused memberships to clubs/gyms.
- Make your own coffee/tea instead of buying single cups from retailers. Bagged coffee is cheaper than using k-cups if you drink multiple cups a day.
- Re-evaluate your car insurance coverage. Shop around for discounts for bundling insurances or for lower rates for the same coverage.
- Go paperless - some companies offer discounts if you switch to online billing. This will also save you on postage.

Financial survival tips for the furloughed member

- **Go to your union officers.** They may be able to give you tips or might be planning a program for furloughed workers. Make sure your address and contact information is current with your employer, your local union officers and utu.org.
- **Consider exercising your seniority.** Use your seniority to transfer to another terminal or property. Many carriers often post temporary or permanent transfer opportunities for their employees.
- **Check your State's website.** Many states offer free programs to help you get back on your feet and may also have a page dedicated to open job listings.
- **Head to unionplus.org.** As a member of SMART Transportation Division you are entitled to benefits and discounts through Union Plus. Union Plus also offers hardship help and you may be eligible for a job loss grant or for layoff assistance. You may also be eligible for health care if you've lost yours due to your situation.
- **Visit the AFL-CIO's website.** The AFL-CIO offers tips to help prevent foreclosure on your home (<http://www.aflcio.org/About/Community-Services/Preventing-Home-Foreclosure>) and general tips for when you are unemployed (<http://www.aflcio.org/About/Community-Services/When-the-Paycheck-Stops>). Both of these pages can be found under the "About AFL-CIO" tab and by clicking on "community services." The site also has tips for getting through other financial issues called "NLC Invested" under the same tab that may be helpful to you.
- **Visit workingadvantage.com.** This site is in collaboration with the AFL-CIO and Union Plus. It offers many discounts on many items including cell phones, automotive discounts, gifts, clothing, etc. With the holiday season coming up, this site may help your dollar go further.
- **Make a budget and scrutinize your spending.** Making a budget is the most important thing you can do because you will be able to understand where your money is coming from and where it is going. This will help you determine where you can afford to make cuts in your spending.
- **Call creditors.** Notify credit card companies and utility providers about your financial situation and inquire about their hardship policies. Ask about making smaller payments until you return to work or see if other options are available. Your primary focus should be paying debts on time for anything that can be repossessed. Some landlords may offer you a discount during the time you are laid off.
- **Use cash.** Studies show that people who do not use debit or credit cards are less likely to make impulsive purchases. Those who use cash statistically spend about 20 percent less than those using plastic. Do not close your credit card accounts which can negatively affect your credit score, simply leave your credit cards at home so you are not tempted to rack up charges that you may be unable to pay off. If you need to use a credit card, choose to use one with the lowest interest rate.
- **Make a grocery list and stick to it.** Sticking to a list will make you less likely to buy impulsively and forget necessary items, which can quickly increase your spending each month. You may want to plan out each meal until your next shopping trip so that you don't overspend and so that you know exactly what you need. This will also help you to use up items you already have on-hand. While making your list, check store circulars to see what's on sale and where. You might also consider buying a cheaper off-brand than a more expensive brand-name product. Don't forget dollar stores such as Dollar Tree where everything is \$1.00. Be careful at the dollar store, some things are overpriced.
- **Clip coupons.** Only clip the coupons for items you usually purchase and ignore coupons for items you don't usually buy. This will keep you from buying an item just because you have a coupon. The Sunday newspaper often has the most amount of coupons. Note that some stores will double your coupons, which means that coupon you're holding is worth double of what it says. Check store circulars to see what's on sale. Also be aware that some stores don't accept online coupons over a certain amount. If you buy something often such as toilet paper, check your brand's website to see if the manufacturer is offering any coupons for that item.
- **Eat-in instead of going out.** Buying groceries is cheaper than going to your local eatery and will last you longer. Eating at home will also save you on gas and tipping. Pack your lunch instead of eating out each day. Even items on the dollar menu at fast food restaurants can quickly add up. If you need to eat out, choose your restaurant ahead of time and check their website for coupons.
- **Cancel email deals and sale alerts from restaurants and retailers.** Canceling these types of emails will remove temptation and you can always sign up again later.
- **Buy used.** Consider buying outfits or gifts at thrift stores, consignment shops or on the internet. Shop local yard sales and garage sales. At yard sales, don't be afraid to try to bundle items or make an offer, most of the time the sellers will take less than the price marked. If you read a lot, check for books at yard sales or your local library. Most libraries now allow you to borrow online and are tablet and computer-friendly.
- **Hold off on large purchases and vacations.** Consider changing your plans to make large purchases or to go on vacation. The timing might seem ideal for a family vacation, but you may be furloughed longer than expected and may have to rely on the money you would have spent on a vacation or large purchase. If you need to get out of the house, plan a picnic with your family at a local park or check your community's website for free entertainment.
- **Search for other sources of income.** Sell unneeded items on the internet, hold a yard sale, babysit or do handy-work around your neighborhood for extra money until you get called back to work.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

First BNSF woman engineer inducted into North Dakota Railroad Hall of Fame

As a senior in high school, **Ramona “Mona” Allen-Dockter** had a dream to follow in her father’s footsteps and work on the railroad. Dockter’s father, **Clifford Allen** (Local 1059 of Minot, N.D.) was a brakeman with the Great Northern Railroad and later the Burlington Northern Railroad in Minot, N.D.

Dockter was initially rejected by Burlington Northern, but she would not be deterred. When the Equal Rights Amendment passed in the state in 1975, Dockter reapplied.



National Legislative Director John Risch congratulates former co-worker Ramona Dockter upon her induction into the Railroad Hall of Fame.

she hired out as a brakeman for Burlington Northern (now BNSF) railroad in 1975 and joined UTU Local 1344 (Mandan, N.D.).

“At first, my father took pause,” Dockter said. “He had barely talked about the railroad until I started working there. But then he was very supportive. My whole family was very supportive.”

For several months, Dockter worked alongside the men in the industry. Soon after, UTU member and fellow co-worker **Franky Hoffman** (Local 1344) and co-workers Ray Schlosser and Bill Stumpf encouraged Dockter to become an engineer.

Dockter worked hard and after six months of

on-the-job-training and three weeks of classroom training, she became the first female engineer at Burlington Northern at age 19 in 1976.

In 1974, only 46,923 employees were women working in an industry of 729,000 employees. Out of the 46,923 women employees, only four were engineers. Dockter became number five and the first for Burlington Northern.

“I want to say the hardest part was ignoring the naysayers, people who didn’t believe in me, or people who didn’t want me to do it,” Dockter said.

As an engineer, Dockter was on-call and had to adjust to the odd hours railroaders keep.

“Unless you worked as a switchperson, you were on-call,” Dockter said. “When they asked you to come in, you’d have 45 minutes to an hour to get to work.”

The odd hours and being on-call eventually took their toll on Dockter. In 1984, after nine years in the industry, Dockter retired in

order to raise her family.

“I never had the desire to go back. It (the railroad) had a time and place in my life. At that time it was really hard to have children with the hours. It was very freeing when I did quit.”

Although she faced challenges working for the railroad, Dockter still remembers her time as an engineer fondly.

“I loved the times when you’re on the train and it’s a beautiful morning or beautiful evening. You can just see the rolling countryside and wonderful landscape outside the windows.”

In recognition of her work with the railroad, Dockter was inducted into the North Dakota Railroad Hall of Fame at the North Dakota State Railroad Museum Aug. 16, 2015.

“I think it’s an honor to be inducted, but I think there’s a lot of people who helped me along the way, and I wish they could get this award too.”

Today, Dockter works as a real estate agent.



Ramona Dockter is inducted into the North Dakota Railroad Hall of Fame by Bill Engelter, chairman of the N.D. Railroad Hall of Fame committee at the N.D. Railroad Museum, Mandan, N.D.

Retired North Carolina State Legislative Director Dickie Westbrook dies



Westbrook

Retired North Carolina State Legislative Director **Richard “Dickie” Westbrook Jr.**, 64, died Aug. 23, 2015.

Westbrook hired out in 1973 with Norfolk Southern Railroad as a conductor and trainman and had 39 years and seven months of service upon retirement in 2012.

Soon after he hired out, Westbrook became active with Local 1129 (Raleigh, N.C.) and served as local chairperson of trainmen and conductors for 30 years. During this time, Westbrook also served as North Carolina assistant state legislative director and then later North Carolina state legislative director, a position he held for 14 years. Westbrook also served his local as delegate for one term. Westbrook further served his union brothers and sisters by designing and implementing OSHA training at UTU regional meetings for eight years.

“Richard Westbrook worked almost 40 years in train service positions and was elected many

times by his peers as their representative as local chairperson and as North Carolina State Director,” former National Legislative Director **James A. Stem Jr.** said. “Dickie worked hard for railroad workers and all workers as their advocate. He earned the respect of decision makers with his honesty, integrity and perseverance.”

Westbrook is survived by his wife Janie; two

daughters, Leslie (Travis) Collins and Tina (John) Dillabough; seven grandchildren, Zoie, Jalynn, Bella, Aaliyah, Keira, Joshua and Bridget; a brother, Dan; two sisters, Starla (Scott) Logue and Tammy Newton; six nieces and nephews and many others.

Memorial contributions may be made to Transition Life Care Hospice at 250 Hospice Cir, Raleigh, NC 27697.

Bay Area Railroaders hosted 8th annual reunion lunch



The eighth annual fall luncheon and railroad reunion hosted by the Bay Area Railroaders was held Saturday, Oct. 24, at Spenger’s Seafood and Fish Grotto at 1919 Fourth St. in Berkeley, Calif. All active and retired railroaders from all crafts were invited to attend.

This year, a vegetarian pasta primavera was added to the menu. Lunch included Caesar salad, rolls and butter, coffee, iced tea, a choice of grilled salmon, chicken romano, grilled sliced sirloin of beef with a mushroom glaze or vegetarian pasta. Entrées included a vegetable and potato side. Desert was your choice of chocolate truffle cake with raspberry sauce or a fruit plate for diabetics and was included in your meal ticket.

This year, “Old Rails Club” polo shirts were available for purchase at the luncheon. Sizes small through x-large were \$27; 2xl and 3xl were \$29.50.

Robert MacRae provided entertainment on the guitar. Fun was had by all in attendance.

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 SMART TD Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
R	Barge, Norma	Arnold, Mo.	469	Dilday, George E.	Granite City, Ill.	1105	Scott, Franklin D.	Wilmington, N.C.
R	Gunther, Virginia H.	Summerville, S.C.	469	Gaston, Donald H.	St. Louis, Mo.	1137	Sundahl, James O.	Moorhead, Minn.
R	Hutcheson, Lewis R.	Somerset, Ind.	483	Sharpe, Allen W.	Toronto, Ont.	1168	Kendall, Henry F.	Belen, N.M.
2	Anderson, Robert E.	Elkhart, Ind.	524	Tobias, Ben L.	Diboll, Texas	1188	Haley, Robert W.	Lexington, Okla.
2	Brown Sr., Robert H.	Mechanicsville, Va.	528	Small, R. L.	Mineola, Texas	1263	Harrell, Jacky W.	Macon, Ga.
6	Spears, Charles E.	Camby, Ind.	528	Taylor, Vanice E.	State Road, N.C.	1365	Moss, Thomas E.	Youngstown, Ohio
6	Spears, Larry F.	Indianapolis, Ind.	533	Holmes, Robert V.	Kansas City, Mo.	1365	Neslund, Roy L.	Chagrin Falls, Ohio
14	Knasel, Mauriel B.	Covington, Ky.	610	Thomas, Trevor P.	Brooklyn, Md.	1370	Dinwoodie, WM H.	Sebastian, Fla.
14	Mason, Willie L.	Xenia, Ohio	623	Mays, Ronald L.	Clifton Forge, Va.	1377	Lee, Wetzel Z.	Worthington, Ky.
60	Rinaldi Jr., Leonard	Andover, N.J.	631	Teter Jr., Roy M.	Elkins, W.Va.	1393	Bigelow, Walter L.	Hamburg, N.Y.
118	Ellison, Benny P.	Nimitz, W.Va.	707	Zabokrtsky, Jackie L.	Fairbury, Neb.	1470	Lippy Sr., Irvin R.	Fallston, Md.
204	Glenn Jr., James H.	Pueblo, Colo.	769	Smith, Melvin W.	Lynchburg, Va.	1477	Delarosa, Arnold	Royal Oak, Mich.
265	Murphy Jr., Robert C.	Nampa, Idaho	771	Capps, Felix M.	Umpqua, Ore.	1502	Cook, Walter A.	Sanford, Fla.
292	Voodre, Alfred E.	Liverpool, N.Y.	783	Thompson, Charles W.	Greensboro, N.C.	1518	Morris, Gordon D.	Huntington, Ind.
313	Norton, Jene E.	Grand Rapids, Mich.	792	Barton, Thomas M.	Defuniak Springs, Fla.	1565	Strong, William J.	Banning, Calif.
324	Munday, T. D.	Marysville, Wash.	904	Foster, Joe I.	Hanson, Ky.	1816	Connors, Bill D.	Fremont, Ohio
330	Brown, John J.	Gepp, Ark.	911	Link, James E.	Eagan, Minn.	1918	Maxey, Richard W.	El Paso, Texas
330	Reed, Hanford N.	Poplar Bluff, Mo.	1016	Walker, Darrell J.	Jennings, Okla.	1928	Marsh, Charles L.	Toledo, Ohio
339	Hyde, Forrest G.	Haleyville, Ala.	1059	Kittell, Richard D.	Minot, N.D.	1978	Short, Michael V.	Toms River, N.J.
394	Cobb, R. F.	Pittsfield, Mass.	1066	Costanza, Louis B.	Covington, La.			

Legislative representative nominations set for October 2015

SMART Transportation Division members are reminded elections are scheduled to be held this autumn to fill the four-year legislative representative and alternate legislative representative positions at each local. Nomination meetings should be held in October 2015, with elections held in November 2015.

In simple terms, the legislative representative works with the state legislative director to address unsafe or unsanitary conditions affecting the local, and they work to correct such conditions through appropriate measures consistent with local and national policies of the union. They also work to urge all members to vote in all elections.

The alternate legislative representative succeeds to legislative representative and fulfills the remainder of the four-year term if the legislative representative resigns, retires, becomes incapacitated, dies, or for some reason cannot fulfill the requirements of the position. Also, if the legislative representative cannot attend a meeting of the full state legislative board, the alternate can attend and represent the local.

Each of these positions is an elective position. Ordinarily, no one can be appointed to these positions. Candidates for these offices must be qualified (registered) voters. Candidates must garner a simple majority of valid votes cast to win election to any elective Transportation Division office. (A simple majority can be thought of as 50 percent of votes, plus at least one more.)

Legislative representatives, alternate legislative representatives, and local committee of adjustment officers assume their offices on January 1 following the year of their election. If they are filling a vacancy, however, they can take office immediately.

The process begins

For the local's secretary or secretary-treasurer, the election process begins with an effort to update the membership roster, ensuring accurate addresses are on file for each member. Our constitution's Article 21B, Section 49, requires each member to keep the local secretary and treasurer advised of their current home address. Similarly, U.S. Department of Labor regulations and the Labor-Management Reporting and Disclosure Act (LMRDA) require the local to take steps to update addresses in advance of an election.

Members can update their address by contacting their local secretary, or can do so themselves through a tab on the homepage of the Transportation Division's website at utu.org.

Even if your local conducts a floor election, where voting takes place at a physical location, rather than by mail, it's important that your address is up to date. Your local secretary (or secretary-treasurer, as the case may be) needs to mail a notice to all active members of the local to advise them, at least 15 days in advance of tabulation, that an election is to take place. The notice will indicate when and where voting will

take place.

If the local is conducting its election by mail, the ballot itself must be mailed out at least 15 days in advance of the date of tabulation, as the ballot serves as the notice of the election.

Your secretary also needs to post a notice at least 10 days in advance of the meeting indicating when and where nominations for which positions will take place. They need not mail this notice directly to members.

Nominations

Nominations may be made by any member in good standing from the floor at the nomination meeting. Nominations do not require being seconded. Any member may self-nominate. If a member wishes to nominate himself, or someone else, but can't attend the meeting, he can make the nomination through a petition. A nomination petition must state the name of the nominee, the position for which he or she is being nominated, and must carry at least five signatures of members in good standing.

Note that because elections are being held this autumn, that's a good time to fill any other vacancies which may exist. If the vacant position is a Local Committee of Adjustment (LCA) position, only members of that LCA are eligible to make nominations for the post and to vote in that election. In locals having more than one LCA for different crafts, the secretary will provide a separate ballot for all eligible voters of each craft working under the jurisdiction of the committee involved. Any member in good standing with seniority in one of the crafts represented by the LCA can run for an office in that LCA.

If only one member is nominated for a position, that member can be declared elected by acclamation.

Eligibility

To be eligible to vote, all dues and assessments must be paid within the time frame specified by the constitution. Article 21B, Section 49, indicates dues are to be paid in advance, before the first day of the month in which they are due. Eligibility to be nominated is similar. This means, for example, that to be nominated at the October meeting, the nominee must have paid all dues obligations in September. To vote in November, the voter must have paid all dues obligations in October.

Those in so-called E-49 status are eligible to run for office, but they cannot make nominations and they cannot vote. If elected, acceptance of pay from the company or the union creates a dues obligation.

More information

Members are encouraged to consult Article 21B of the SMART Constitution for information regarding elections. Unless an item within Article 21B directs you to a further stipulation outside of Article 21B, only the provisions found

within Article 21B are applicable to Transportation Division elections. The local election process is addressed directly by Article 21B, Section 57.

Also, election information and guidelines have been distributed to all Transportation Division local presidents and local secretaries, as well as to general chairpersons, state legislative directors and Transportation Division international officers.

Members can consult their local officers to examine this information, or they can visit the Transportation Division's website at utu.org, click on "S&T Tools," and on the resulting page, click on "More forms..." at the bottom of the column marked "Forms and Documents."

Special Circular No. 31 describes the constitutional provisions involved in the legislative elections this autumn, and the "How to Hold Election..." pamphlet gives hands-on guidance to conducting elections and includes samples of notices that can be posted.

There are many provisions not covered by this article, including those which address candidates' rights and permitted means of campaigning. Those with election questions are urged to call the Transportation Division office at (216) 228-9400. It's always easier to address issues in advance rather than after the fact.

Auxiliary Local 200 holds first annual golf outing



Wisconsin State Legislative Director **Craig Peachy** reports that Auxiliary of the UTU Local 200 held their first annual golf outing August 8.

Local 200 Auxiliary President Niki Wallace said, "The Auxiliary is your ally, we are here to help and assist in any way we can with providing members with the comfort and assistance that is needed for many occasions. We want to be able to help where we can and to educate our members on their spouse and family members' benefits."

"It was a great day of fun for all that attended and Sister Wallace did a fantastic job of educating our members and their spouses of the many benefits that the UTU Auxiliary has for our members and their families. She is working very hard to strengthen and grow the number of Auxiliary members," Peachy said.

Former Kan. SLD Lindsey dies

Former Kansas State Legislative Director **Donald F. Lindsey Jr.**, 67, died Aug. 20, 2015.

Lindsey served in the U.S. Army Reserves from 1967 until 1973 and received an honorable discharge.

Lindsey hired out with Missouri Pacific/Union Pacific in 1966 as a conductor and had more than 43 years of railroad and union service upon his retirement. He served his union as secretary-treasurer for Local 533 (Osawatomie, Kan.) for 40 years as well as legislative representative and delegate for 21 years.

Lindsey was also elected Kansas state legislative director for six consecutive terms from 1988 until his retirement in 2010. He served as the UTU representative for BNSF System SACP, serving on two subcommittees.

Lindsey is survived by his wife Judy; two daughters, Suzanne Barbour and Ericka Hart; two sisters Pam Cook and Cheryl Meinig; brother Steve Lindsey; five grandchildren and many nieces, nephews, relatives and friends.

Memorial contributions may be made to the Miami County Cancer Foundation and sent in care of Penwell-Gabel Funeral Home, 605 O'Neal Ave., Osawatomie, KS 66064.

OSHA explains process for whistleblower early resolution

The Occupational Safety and Health Administration (OSHA) issued policies and procedures for applying a new process for resolving whistleblower disputes. The new process is an early resolution process that's to be used as part of a regional Alternative Dispute Resolution (ADR) program. The ADR program offers whistleblower parties the opportunity to negotiate a settlement with the assistance of a neutral, confidential OSHA representative who has subject-matter expertise in whistleblower investigations. The Administrative Dispute Resolution Act requires that each federal agency "adopt a policy that addresses the use of alternative means of dispute resolution and case management."

"OSHA receives several thousand whistleblower complaints for investigation each year," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "The ADR process can be a valuable alternative to the expensive and time consuming process of an investigation and litigation. It will provide whistleblower

complainants and respondents the option of exploring voluntary resolution of their disputes outside of the traditional investigative process."



OSHA piloted an ADR program in two of its regions from October 2012 to September 2013. The pilot proved that the early resolution ADR process is a successful method for helping parties to reach a mutual and voluntary outcome to their whistleblower cases. The pilot program demonstrated that having staff dedicated to facilitating settlement negotiations provides an efficient and effective service that is highly desired by complainants and respondents alike.

The success of the early resolution ADR process has resulted in the agency making it available to all of its regions. This directive does not prohibit OSHA whistleblower offices from offering complainants and respondents other alternative dispute resolution processes, such as third-party mediation. For more information, please visit: www.whistleblowers.gov.

FRA announces final rule to prevent runaway trains

Continued from page 1

a lesson learned from the Lac-Mégantic derailment, FRA will not hesitate to take additional actions to keep the rail system in the United States safe.”

On July 6, 2013, an unattended 74-car freight train carrying Bakken crude oil rolled downhill and derailed in Lac-Mégantic, Quebec. Forty-seven people died and many more were injured. While the Canadian government found that there were nearly 20 causes of the accident, a major cause was that the engineer of the train did not properly secure the train.

Since the Lac-Mégantic derailment, DOT has taken more than 30 actions, including regulations, emergency orders, and safety advisories, to prevent train accidents and improve the safety of high-hazard flammable trains.

Labor prevails in Missouri

Continued from page 1



Union members from Missouri pack the hall at an anti-right-to-work rally Sept. 12.

sides of the aisle will need our help in winning their next election.

“This victory will be short-lived as the republicans have already said that they will introduce the legislation in the next session that begins January 6, 2016. With large donations from wealthy donors, the Republican Party has vowed to finance campaigns against both our democratic and republican friends who made this victory possible.”

Union families have better chance at upward mobility

When it comes to reaching for the American Dream, those who live in states and communities where unions are strong are more likely to have a chance to be upwardly mobile according to new research released in September.

Among working class families, union membership makes a significant difference in the ability of their children to rise out of poverty. “Union jobs may be more stable and predictable, which could produce a more stable living environment for children, and union jobs are more likely to provide family health insurance.”

While the lack of economic mobility in America has become the new normal for many American families, the study finds that much of this is due to the decline in the unionized share of the workforce.

The report finds that Americans today have less economic mobility and fewer opportunities when compared to their counterparts in other industrialized countries. “A U.S.-born child born in the bottom 20 percent of the income distribution,” for example, has a “7.5 percent probability of reaching the top 20 percent as an adult, compared to 11.7 percent in Denmark and 13.4 percent in Canada.”

The report says, “union jobs may be more stable and predictable, which could produce a more stable living environment for children, and union jobs are more likely to provide family

FTA proposes rule to establish transit safety program

The U.S. Department of Transportation’s Federal Transit Administration (FTA) announced a proposed rule to establish a Public Transportation Safety Program under FTA’s new safety oversight authority established by the Moving Ahead for Progress in the 21st Century Act (MAP-21). The proposed rule would create an overall framework for FTA to monitor, oversee and enforce safety in the public transit industry, and is based on the principles and practices of Safety Management Systems (SMS).



“Every day, millions of Americans take public transportation to get to work, school, medical appointments and other important destinations,” said U.S. Transportation Secretary Anthony Foxx. “This new program will help us ensure that transit continues to be a safe way to get around, and a safe place to work.”

The proposed rule would implement FTA’s authority to conduct inspections, audits, and examinations; testing of equipment, facilities, rolling stock, and the operations of a public transit systems; and for FTA to take appropriate enforcement actions, including directing the use or withholding of Federal funds and issuing directives and advisories. The rule would establish SMS as the foundation for FTA’s safety program, which focuses on organization-wide safety policy and accountability, proactive hazard identification and risk-based decision-making.

The proposed rule also defines the contents of a National Public Transportation Safety Plan

(National Safety Plan), which FTA expects to publish in a separate Federal Register notice for public review and comment in the next several months. The National Plan will include safety performance criteria for all modes of public transportation, minimum safety performance standards for transit vehicles used in revenue operations, the definition of “state of good repair,” a Safety Certification Training Program and other content determined by FTA.

“With transit ridership at its highest levels in generations, and our nation’s transit agencies facing increased pressure to meet the demand for service, we must continue to ensure that safety remains the top priority,” said FTA Acting Administrator Therese McMillan. “This rulemaking is a major step forward in establishing FTA’s safety regulatory framework, as all future safety-related rules, regulations and guidance will be informed by the Public Transportation Safety Program.”

Public comments on the proposed rule must be received by October 13, 2015.

Earlier this year, FTA announced a proposed rule to increase oversight responsibilities of State Safety Oversight Agencies (SSOAs) for rail transit systems, and the publication of a final interim safety certification training program. By early 2016, FTA expects to issue a final SSOA rule, as well as a notice of proposed rulemaking to establish permanent training provisions.

health insurance.”

Even nonunion workers benefit when they live in communities or states with a strong union foundation. “It has been shown that unions push up wages for nonunion workers, for example, and these wage gains for nonunion members could pass on to their children,” the report said.

The report was written by a team of economists led by Harvard University Economist Richard B. Freeman; Eunice Han, professor of economics at Wellesley College; and David Madland and Brendan V. Duke, both from the Center for American Progress.

SMART supports high-speed rail



SMART International Organizers Manuel Gonzalez and Raul Lopez along with Sheet Metal Local 170 organizers are pictured here supporting the California high-speed rail (also inside at the meeting were Sheet Metal Local 105 organizers and members along with the Los Angeles/Orange County Building Trades Council).

The California High Speed Rail Authority Board met in Los Angeles June 9 to hear and gather public input on the proposed California high-speed rail line.

Opposition to the project was organized and well-funded by conservative groups and business interests opposed to passenger rail transport. While opponents came from outside the area, Sheet Metal Local 105 was able to ensure members’ voices were heard in support of the new construction and permanent rail jobs this project would create.

No decision was made at this meeting as the board decided to hold further meetings throughout the state so various voices can be heard.

SMART dept. of education works with locals

The SMART Department of Education has been working with local unions from across the organization on developing strategic plans aimed at building power for members at each affiliate local.

This includes the discussion and development of strategic research as well as an introduction to identifying strengths, weaknesses and opportunities tailored to each geographic area and industry members operate in.

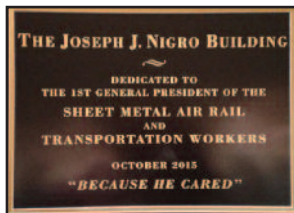
Organizers at these classes work together and share resources and ideas cemented by their individual experiences.

All Transportation Division local union leaders and activists are encouraged to attend these important sessions where they can share and learn new tactics and strategies to assist in better serving the membership.

Contact the SMART Department of Education at ccarlough@smart-union.org for further information.

Nigro named General President Emeritus by GEC

Retired General President Joseph Nigro was unanimously approved by the SMART General Executive Council (GEC) as the union’s general president emeritus.



Brother Nigro, a career member of Sheet Metal Local 17 in Boston, served as general president from July 2011 to May 2015.

GP Emeritus Nigro led the union by stressing accountability and transparency and by clearly making members’ interests paramount in union decisions at every level. At the same time, Nigro led the unprecedented merger of the SMWIA and UTU. The complex process was completed at SMART’s first general convention August 2014, where delegates elected him as the merged-union’s first general president.

The GEC cited those and other lasting achievements in awarding Nigro GP Emeritus status. In an honor closer to his roots, Local 17 recently named the main union hall facility in his honor.

UTU Insurance Association has BIG News!

Our NEW Final Expense Plan offers Peace of Mind to you and your family

You’ve worked hard to provide for your family and they count on you to make the right financial decisions with their best interests in mind.

UTUIA’s Final Expense Plan offers Permanent Whole Life Insurance for people over the age of 50. This affordable plan builds cash value, offers guaranteed level premiums and your benefits never go down!

With three levels of coverage, even with pre-existing conditions, we may have a plan for you.

Applying for coverage is quick and easy:

- simplified underwriting
- no physical exam
- no bloodwork

Ensure that you and your family can enjoy the peace of mind that only comes from knowing that you have done the proper planning.

To receive additional information on our new Final Expense Plan, email sales@utuia.org, visit our website at www.utuia.org or complete the attached form and send it to the address listed.

**For information on other products the
UTUIA has to offer,
Please visit our
NEW and IMPROVED
website at www.utuia.org.**



Information, please

I would like more information on UTUIA’s Final Expense Plan.

Please print

Full name

Date of birth

SMART TD Local

Address

City

State

ZIP

Telephone number with area code

Sex: ☐ Male ☐ Female

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

School bus safest transportation for students

By NTSB Chairman Christopher A. Hart

Over the next few weeks, nearly 50 million children will head back to school; more than 20 million of those students, including my daughter, will ride on a school bus.

When I talk about how to safely transport children to and from school, and more specifically about school bus safety, one of the first questions I am asked is “Why aren’t school buses required to have seat belts?” The answer isn’t simple, but I’ll explore it below.

First, let me convey something that is simple: school buses, with or without seat belts, are the safest way to go to and from school! Your child is safer riding in a school bus, even without seat belts, than any other way to get to school, including your own car.

Every year, more than 30,000 people are killed on the nation’s roadways. In fact, motor vehicle crashes are the leading cause of death for school-age children. Each year approximately 800 school-age children are killed in motor vehicle crashes during normal school travel hours (September 1 through June 15, Monday through Friday, 6:00 a.m. to 8:59 a.m. and 2:00 p.m. to 4:59 p.m.). The numbers are worst for teenagers driving themselves to and from school, who are at the highest risk of injury or fatality. The risk for teen drivers is about eight times higher than the risk for teens driven by adults.

Which children are safest? The ones on the school buses. Of those 800 school-age children killed in motor vehicle crashes per year, only 20 – or 2 percent – were school bus related. Five were passengers on a school bus, and 15 were pedestrians approaching or leaving the bus. The other 98 percent were children riding bicycles or motorcycles, or riding in or struck by passenger vehicles. School buses have the lowest injury and fatality

rates of all motor vehicles.

I understand why I am so often asked the question about school buses and seat belts. It’s natural for us, as parents, to question what appears to be a glaring safety gap. We are taught from the moment we bring our children home from the hospital that we need to have them properly restrained in a child safety seat, and a booster seat as they grow older, and we constantly hear the message that all of us need to be buckled up

on every trip.

The answer regarding school buses is that the regulators and manufacturers have pursued a holistic total protection approach, rather than just focusing on seat belts. To understand how this came to be, some history about school bus safety might be helpful.

Back in 1977, school buses were redesigned because they weren’t protecting students as well as they should. As for the protection that we normally associate with seat belts, regulations called for a design that was known as “compartmentalization” because seat belts were not widely worn in 1977. Compartmentalization requires closely spaced, energy-absorbing, high-backed, padded seats which absorb crash forces and provide the protection needed during a front or rear-impact crash. And, as the statistics show, compartmentalization works in those types of crashes. Experience has shown that seat belts are an important complement to compartmentalization in side impact and rollover crashes, but experience has also shown that side impact and rollover crashes are very rare.

Other new rules were passed as well. Some of these rules required a stronger roof to protect stu-

dents in a rollover and a stronger structure to ensure safety during the most severe crashes. Others focused on the stop-arms, the bright (yellow) color, the exterior lights and the rules for other motorists driving near the bus. The fact that students sit high above the ground in a school bus is also an added safety benefit.

Given the success of this holistic approach in school buses, we have not recommended seat belts, but we have pushed for continuing to explore more holistic remedies to protect the students. Taken together, school buses are now required to meet more federal regulations than any other vehicle on the road.

Remember, with or without seat belts, children and teenagers are safest riding to and from school in the school bus.

Have your child ride the school bus and know that they are going to and from school in the safest way possible.



Why become an Auxiliary member?

- Unites families of SMART transportation division;
- Eight 4-year scholarships of \$1000 awarded every year;
- Stay connected on legislative issues that affect your, family, spouse or relatives;
- Access to Union Plus discounts, scholarships and other benefits.

Who can become a member?

- Spouse, family or relatives of a SMART TD or Auxiliary member in good standing;
- Retired SMART TD members or employees;
- Employees of SMART TD at the International;
- Staff of state legislative boards, general committees or the legislative office in Washington, D.C.
- Spouse, family or relatives of a deceased SMART TD member that was in good standing at time of death.

ONLY \$5 to join. Visit www.utu.org/auxiliary for an application.

Published bi-monthly (with two extra issues per year in May and July each year for a total of eight issues) by SMART TD, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • John Previsich, SMART Transportation Division President • This publication available on microfilm from National Archive Publishing, P.O. Box 998, Ann Arbor, MI 48106.

POSTMASTER: Send address changes to SMART TD News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.



Periodicals Postage
PAID at Cleveland, Ohio,
and Additional
Mailing Offices



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 retired KCS conductor **Philip Moseley** of Local 1042 (Guthrie, Okla.) "I took this picture in Roanoke, Va. last July 4th weekend when I rode a steam excursion of the newly restored N&W 611 'J' class steam locomotive."

FRA reports most railroads won't meet PTC deadline

The Federal Railroad Administration (FRA) sent its Status of Positive Train Control Implementation report to Congress. The report is mandated by the House of Representatives Appropriations Committee and shows that after seven years and significant assistance from FRA, most railroads will miss the Dec. 31, 2015 positive train control (PTC) implementation deadline that Congress established in 2008.

"Positive Train Control is the most significant advancement in rail safety technology in more than a century. Simply put: it prevents accidents and saves lives, which is exactly what we seek to do at the Department of Transportation every single day. We will continue to do everything in our power to help railroads install this technology," U.S. Transportation Secretary Anthony Foxx said.

The National Transportation Safety Board (NTSB) began calling for train control systems like PTC in 1969, and FRA was involved in establishing PTC standards with stakeholders for more than a decade before the 2008 mandate.

Three years before Congress passed the PTC mandate, FRA issued its final rule that established uniform PTC standards for railroads willing to voluntarily install the technology.

PTC prevents train-to-train collisions, over-speed derailments, incursions into established work zone limits and a train going to the wrong track because a switch was left in the wrong position.

In 2008, Congress passed the Rail Safety Improvement Act (RSIA), requiring all Class I railroads transporting

poisonous-by-inhalation hazardous (PIH) or toxic-by-inhalation hazardous (TIH) materials and all railroads providing passenger service to implement Positive Train Control by Dec. 31, 2015.

FRA has provided significant assistance and support to railroads in order to help them become PTC compliant.

Those efforts include:

- Providing more than \$650 million to passenger railroads, including nearly \$400 million in Recovery Act funding.

- Issuing a nearly \$1 billion loan to the Metropolitan Transportation Authority to implement PTC on the Long Island Rail Road and Metro-North.

- Building a PTC testbed in Pueblo, Colo.

- Working directly with the Federal Communications Commission (FCC) and the Advisory Council on Historic Preservation to resolve issues related to spectrum use and improve the approval process for PTC communication towers.

- Dedicating staff to continue work on PTC implementation in March 2010, including establishing a PTC task force.

"The Federal Railroad Administration will continue to use its resources and expertise to help railroads achieve the critical goal to have Positive Train Control implemented," FRA Acting Administrator Sarah Feinberg said.



FEDERAL RAILROAD ADMINISTRATION

Inside this issue of *SMART Transportation Division News*:



PEB 248 issues report on NJT/Rail Labor Coalition dispute. See page 1.



FRA issues advisory on ballast defects. See page 4.



Money-saving tips to help the furloughed member. See pages 6 & 7.



BNSF's first woman engineer inducted into N.D. Railroaders Hall of Fame. See page 8.