

SMART[®]

Transportation Division News

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

OSHA issues final rule on retaliation, whistleblowing

WASHINGTON - The Occupational Safety and Health Administration issued a final rule establishing procedures and time frames for handling employee retaliation complaints under the National Transit Systems Security Act (NTSSA) and the Federal Railroad Safety Act (FRSA). The final rule became effective Nov. 9, 2015.

NTSSA establishes protections against retaliation for public transportation agency employees who engage in whistleblowing activities related to public transportation safety or security. FRSA provides protections against retaliation for railroad carrier employees who report a work-related injury or engage in other whistleblowing activities related to railroad safety or security. These protections extend to employees of contractors and subcontractors who do work for public transportation agencies and railroad carriers.

Both provisions were enacted by the 9/11 Commission Act of 2007. FRSA was amended in 2008 to prohibit railroad carriers from denying, delaying or interfering with employees' medical or first aid treatment. The FRSA amendments also require that injured employees be promptly transported to the nearest hospital upon request.

"Railroad workers have the right to report injuries and to follow their doctor's treatment plans for injuries sustained in the course of their employment without fearing that they will be retaliated against," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "Railroad and public transit

agency workers must never be silenced by the threat of losing their job when their safety or the safety of the public is at stake."

In 2010, OSHA published an interim final rule and requested public comments. The final rule responds to the comments, incorporates recent case law under the statutes and updates the rules to improve both employees' and employers' access to information about the case during OSHA's investigation and their ability to participate in OSHA's investigation.

OSHA's Whistleblower Protection for Public Transportation Agency Workers* and Whistleblower Protection for Railroad Workers* fact sheets explain who is covered under the acts, protected activity, types of retaliation and the process for filing a complaint.

The final rule stipulates and clarifies the following:

1. Prompt medical treatment violations or interference with medical treatment cases will be handled procedurally the same way as all other whistleblower cases.

2. A refusal to allow an employee to return to work, which is not based on standards recorded in the railroad's official policies, not uniformly applied or not medically reasonable, can be offered to demonstrate that the refusal is not a legitimate safety concern, but rather motivated by retaliatory intent.

3. The time limit to file a whistleblower complaint is 180 days after the railroad's decision has been made and communicated to the employee. To clarify this is when the employee is aware or should be aware of the decision, not when the employee learns of the retaliatory nature of the action.

4. A contributing factor for a retaliatory action is that the adverse action must take place within a temporal time of the protected activity, or at the first opportunity available to the retaliating manager. That can be a number of years between the protected activity and the retaliatory actions in situations where the manager did not have the opportunity to retaliate until a later time.

5. Interest on awarded back pay will be computed by compounding daily IRS interest rates for the underpayment of taxes, which is currently the Federal short-term rate plus three percent.

6. Front pay is a potential remedy where reinstatement is not possible because of the unacceptable working relationship, the position has been abolished or the employee is medically unable to work because of severe depression caused by the retaliation.

7. OSHA has the authority to grant injunctive

relief such as expunging certain personnel files, not applying a policy to an employee, posting a notice regarding a whistleblower result, training for managers, etc.

8. Hearsay evidence is admissible.

9. An employee filing a complaint in district court must give notice to OSHA within seven days after filing the complaint.

10. An employee may file both a whistleblower and a FELA complaint at the same time. If violations of other laws are involved, employees may also file those complaints at the same time.

OSHA enforces the whistleblower provisions of 22 statutes protecting employees who report violations of various securities, commercial motor vehicle, airline, nuclear power, pipeline, environmental, rail, maritime, health care, workplace safety and health, and consumer product safety laws and regulations. For more information, please visit www.whistleblowers.gov.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women. For more information, visit www.osha.gov.



Transportation Division sets 2016 Regional Meetings

The SMART Transportation Division has set the dates and locations of the union's two 2016 regional meetings.

The western regional meeting will be held July 4-6 in San Francisco.

The eastern regional meeting will be held July 25-27 in Chicago.

Cost for rooms at both locations is \$169 per night.

Both regional meetings will run Monday through Wednesday.

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

Member dies in UP switching accident

Troy J. Jordan, 49, of Shawnee, Kan. died in an accident while working on Union Pacific property in Kansas City, Kan. Sept. 29, 2015.

After high school, Jordan graduated from Central Missouri State University with a bachelor's degree in criminal justice.

He hired out with Union Pacific railroad in 2008 and became a member of SMART Transportation Division Local 1403 (Kansas City, Mo.) that same year.

Jordan was a member of St. Joseph Catholic Parish and was proud of his Irish heritage.

Jordan leaves behind his wife of nine years, Dorothy, children, McKinsey, Tyler, Shannon, Emilee, Brianna Smith, Tori (Grant) Frazier, parents Bobbie and Joe; grandchildren, Brooklynn Smith, Tucker Smith, Kinadee Frazier and Carson Frazier.

Memorial contributions may be made to the family in care of Amos Family Funeral Home, 10901 Johnson Dr., Shawnee, KS 66203.

Inside this issue of SMART Transportation Division News:



Short line and bus contracts ratified. See page 3.



National Legislative Office Secretary Jenny Miller meets Melissa Gilbert. See page 4.



UTU PAC 2014 Roll of Honor announced. See pages 5 & 6.



SMART TD Holiday Trinket Guide. See page 10.

Around the SMART TD

Local 7, North Platte, Neb.



Local President **Calvin Songster** reports that his local held a summer party Aug. 1 at a ski club at Lake Maloney, Neb. Members and their families took part in swimming, games, food, raffles and fellowship. Songster said, "As a small local we could not have done it alone, so thank you to the Bremseth law firm, along with other local businesses in North Platte for sponsoring the party. Thank you for all the fun. We plan on making this an annual event."

Local 240, Los Angeles

Local Chairperson **Harry J. Garvin** reports that member **Bruce R. Buell**, 63, lost his three-year battle with cancer Wednesday, Nov. 4, 2015. He is survived by his wife of 19 years, Mary Jean Schofield; daughters Kristen, Sandy Julian, Rejeana Williams, Crystal Thacker and Merrie Kate Buell; sons Timothy and Quinn Buell; parents Robert Buell and Mary Costello; brother Kevin Buell; and 21 grandchildren and two great-grandchildren. Memorial contributions may be made to Hospice of Alamance-Caswell, 914 Chapel Rd., Burlington, NC 27215.

UTU Auxiliary Lodge 711, New Castle, Pa.



Members of Auxiliary Lodge 711 put together their annual children's Christmas party in support of SMART TD Local 1374. Lodge members are seen here with Mr. and Mrs. Claus and two elves.

Auxiliary of the UTU Shooting Stars Lodge 711 held their annual children's Christmas party Nov. 22. The lodge held the party in support of SMART TD Local 1374 (New Castle, Pa.). About 145 members and their families attended this catered event, free of charge. All children in attendance received a gift from Santa Claus and were read to by Mrs. Claus. "We could not have held this event without the generous support of DLC Matt Darby of Berman, Sobin, Gross, Feldman & Darby, and Pennsylvania State Legislative Director **Paul Pokrowka**," Lodge President Anita Rayner said.

Local 426, Spokane, Wash.

This local suffered the loss of member **Christopher Gross**, 27. Before hiring out with BNSF, Gross served as a U.S. Marine sergeant and participated in three tours of duty, one in Iraq and two in Afghanistan, and was in MARSOC Special Operations for five years. Gross received several awards and medals for his service. After he left the military, Gross moved to Idaho and hired out as a train conductor. Gross was a member of the Gilbertsville Fire Department, FD EMS Explorers Post 44, Boy Scouts Troop 44 and the Gilbertsville Baptist Church. Gross leaves behind a wife and two daughters. A GoFundMe account has been set up for financial support of the family. Members wishing to make a donation may go to <https://www.gofundme.com/sgtchrsgross> or send a check to Kassandra Gross, 105 Ridges End Dr., Boerne, TX 78006.

Local 627, Wymore, Neb.

This local reports that long-time Local Chairperson **John Foote** retired Oct. 20, 2015 with 39.5 years of service with Burlington Northern and BNSF. Foote also served his local as legislative representative for two terms prior to being elected local chairperson beginning January

2003, a position which Foote held until his retirement.

Local 1607, Los Angeles



Local 1607 member **Socorro Cisneros-Hernandez** (left) met with Rep. Paul Cook (R - Calif.) to ask him to co-sponsor H.R. 1763, the Safe Freight Act. "The meeting with Congressman Cook went favorably and he indicated that we can count on his support to co-sponsor H.R. 1763," Cisneros-Hernandez said. National Legislative Director John Risch thanked Cisneros-Hernandez saying, "It makes all the difference in the world when congressional folks hear from the folks back home, especially face-to-face. Thank you for doing this and all you do for our membership."

Local 1607, Montebello, Calif.

GCA BNSF General Chairperson **Tom Pate** reports that several members of this local attended a campaign fundraiser in support of Councilwoman Christina Cortez of Montebello, Calif. "Councilwoman Cortez has been one of the only members of the council who has been supportive of SMART TD members' pursuit of wage increases during negotiations. As a result, we made a contribution to Cortez's campaign with our PAC funds."

Local 1596, Charlotte, N.C.



Members of Local 1596 are pictured here during cleanup of their "adopt a city street." From left are N.C. Legislative Board Vice Chairperson Edrow Wingo, LCA TMM (Transit Management of Charlotte, Inc.) Secretary Michael Jenkins with his two daughters, Local Trustee Bernard Romero, Vice Local Chairperson Gary Moore, Local President James Hinton, General Chairperson (GCA TMM) Craig Patch, Regina Goode and Weston Page.

Local Treasurers attend training workshop in Kansas City, Mo.



SMART TD conducted a two-day treasurers' workshop in Kansas City, Mo., where 35 local treasurers gathered to learn about their responsibilities and reporting duties. The workshop was conducted by Auditors **Bobby Brantley**, **Mike Araujo** and **John Purcell** as well as SMART TD Director of Billing Audit/Updating **Marilyn Spangler**.

The workshop focused on direct receipts, Win-Stabs, working the billings and mandatory filings required by the IRS and U.S. Department of Labor.

"The workshop was a success with many new treasurers in attendance," Spangler said.

Look for details about the next treasurers' workshop coming Spring 2016. Details will be posted on www.utu.org as they become available.

Top left: Local treasurers stop for a photo during a break in between training sessions.

Top right: Auditor Bobby Brantley (right) spends some one-on-one time with a treasurer and answers questions.

Bottom: Local treasurers attentively listen at one of the training sessions offered during the workshop.





Organizing department attends class



Members of SMART, including members from the Transportation Division, attended a week-long organizing class at Kellogg West Conference Center, Pomona, Calif. Representatives present from SMART TD were Director of Organizing Rich Ross, Organizer **Bonnie Morr**, Alt. Bus VP and Organizer Alvy Hughes and Organizer **Larry Grutzius**.

SMART Director of Organizing James White and SMWIA Outside Counsel Richard McCracken put on the class. The class taught attendees about the development of an overall strategic plan for their organizing departments and included creating an organizing action plan; analyzing tactics; strategies and goals; and how to build comprehensive research for campaigns and the legal considerations of various tactics.

"The class was very helpful and beneficial to both transportation and production. We are looking forward to taking another class," Ross said. "Chris Carlough, Frank Greer and Richard McCracken were excellent in their presentations."

Central Maine & Quebec Railway votes SMART



SMART Transportation Division Director of Organizing Rich Ross reports that non-operating employees of Central Maine & Quebec Railway (CMQ) located in Hermon, Maine, have voted in overwhelming favor of representation by the SMART Transportation Division.

The National Mediation Board certified the election results October 28, 2015. "I would like to thank SMART TD Organizer **Larry Grutzius** (Local 1895 – Chicago) for all of his hard work in this campaign," Ross said.

CMQ is a Class III freight railroad responsible for car repair, car storage and switching services in the states of Maine and Vermont. The non-operating employees build and repair track and track infrastructure, repair and inspect freight cars and locomotives. CMQ operates 220 miles of track in Maine and 23 miles in Vermont. The railway is owned by Railroad Acquisition Holdings, LLC.

P&L trainmen approve five-year contract



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

The agreement provides for wage increases retroactive to January 1, 2014, and each year through Dec. 31, 2018, for 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 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 433 (CN Illinois Central) General Chairperson **Adren Crawford**, retired General Chairperson **Red Dare**, former General Committee Secretary **JJ Russum**, Vice General Chairperson **Jonathan Dooley** and Local 785 (Paducah, Ky.) Chairperson **Jason Luscombe** 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.

Tri-Rail/Transdev agreement ratified



SMART Transportation Division Local 30 engineers, conductors and transportation specialists ratified their tentative agreement with Tri-Rail/Transdev.

The agreement, which passed by an overwhelming majority, provides members a fair wage with affordable healthcare for themselves and their families.

"I would like to thank the members for staying united throughout the lengthy negotiations," said GO-769 General Chairperson **Dirk Sampson**. "We would not have been able to have this successful outcome without the assistance of SMART Transportation Division Vice President Jeremy Ferguson. Brother Ferguson, with the help of Local 30's Local Chairperson **Andy D'Egidio** and Vice Local Chairperson **John Britt**, made a team that enabled us to negotiate an agreement that will provide the members with a 9.24 percent wage increase over the three-year period. It also maintains our high standards of health and welfare benefits with only a modest increase in bi-weekly premiums."

Members can expect to see the increase in bi-weekly contributions applied in the next pay period, and a retroactive wage payment that will follow.

The Tri-Rail system serves a 72-mile corridor running parallel to Interstate 95 between West Palm Beach in the North to Miami in the South. It provides service to three major airports. There are 18 stations en route, which provide ticket vending services for customers as well as electronic train information signs. The service is designed to integrate with local bus routes at every station to ensure excellent connections and seamless passenger service. Transdev employs 85 people who operate 50 trains each weekday, carrying 16,000 passengers every day.

First Student maintenance workers ratify contract



The maintenance workers of First Student Inc. of Bus Local 1908 in Rochester, N.Y. have ratified a four-year agreement.

The agreement was approved with 17 members voting for the agreement and one against.

This collective effort improved work rules, created travel time per diem for techs and increased boot and tool allowance. Additionally, a wage increase of 9.5 percent with an Automated Service Excellence (ASE) incentive program increased hourly wages up to 80 cents per hour.

ASE are certification tests (diesel engines, suspension and steering, heating and A/C, brakes, preventative maintenance, etc.) taken by mechanics. After passing, the mechanics will receive 10 cents per test for a maximum of eight tests. First Student has agreed to pay for each test and for one retest. Each certification lasts for five years before the mechanics will have to be re-certified. A mechanic can pick and choose which tests he or she would like to take and receive the incentive.

"I would like to give recognition to Local Chairperson **Jonathan Connors**, with the negotiating committee; Vice Local Chairperson **Doug Pearce**, Local Committee Secretary **Todd Clevenger**, Shop Steward **Mark Meuse** and Technicians **Sean Irwin** and **Chris Divens**. Everyone worked long evenings in the effort to bring a superior agreement to the membership in Rochester," Alternate Vice President-Bus Alvy Hughes said.


Previsich, TTD's Wytkind: 'We want trains to be safer'

California has more museums dedicated to railroads than any other state in our country – and it's easy to see why. From the transcontinental railroad to the developing high-speed rail system, rail transportation has played a significant role in shaping this state's history.

The people of California believe passenger rail is key to the state's future, too. At a public hearing in Modesto last summer, plans to improve and expand passenger rail service received overwhelming support from area residents, Republicans and Democrats alike. And a new poll prepared by Dean Mitchell of DFM Research found those same sentiments are shared by the people of California's 10th Congressional District.

Those living in the district enjoy six daily Amtrak train routes in the San Joaquin Valley, running from Bakersfield to Sacramento and the Bay Area. More than 8 of 10 polled say they want to see Amtrak service increased or at least remain the same, and more than 80 percent want commuter rail services increased or maintained at current levels.

Modesto-area residents aren't alone. As Amtrak continues to grow in popularity – ridership hit an all-time high in 2014 with 31 million passengers – an overwhelming majority of Americans support increasing passenger rail service in



SMART

Transportation Division

President's Column

By John Previsich & Edward Wytkind

all parts of the country, both in traditionally blue and red states from the South, to the Midwest and Northeast.

Sadly, not everyone is hearing this call.

Some in Congress continue to fight the old anti-Amtrak wars by proposing the elimination of all federal funding to support the service, which would bankrupt the railroad and strand riders in California and across America. While those efforts have failed, the persistence of anti-passenger rail forces has strengthened resolve to advance a robust passenger rail expansion and modernization plans.

Like the vast majority of Americans, most residents of Stanislaus County, Calif. and the surrounding areas have shown they don't agree with such proposals. In fact, when told that Amtrak gets over \$1 billion per year in federal support, more than 80 percent say want to continue the current funding level.

In addition to expanded passenger rail service, Californians also say emphatically that they favor policies making rail transportation safer.

Not unlike the views of most Americans, the idea of running 19,000-ton freight trains – many containing hazardous materials – with only one crew member doesn't sit well with the people of the 10th Congressional District. With up to 50 freight trains running through the region each day, a stunning 95 percent of residents support a state law requiring a minimum of two crew members on all freight trains running through California – such as the one signed into law in September by Gov. Jerry Brown.

More than 90 percent of those surveyed want national legislation mandating the same thing. This issue impacts passenger rail safety as well, because in most parts of the country Amtrak shares the tracks with freight trains.

Californians understand that having a safe, efficient rail system is vital to a strong economy. We need actions that can bring relief to a clogged transportation system that is choking productivity, stunting job creation and undermining efforts to grow our economy. California voters couldn't be more clear: they like passenger rail service, they want more of it and they expect their elected officials to make it as safe as possible.

State Watch

News from SMART TD State Legislative Boards

National Legislative Office



Pictured from left: Jenny Miller, of the National Legislative office, meets with Melissa Gilbert. The former "Little House on the Prairie" star is running for congress in Michigan's District 8. She has also served as president of the Screen Actors Guild union.



Alt. National Legislative Director Greg Hynes (left) and National Legislative Director John Risch (right) meet with Rep. Bennie Thompson (D - Miss.).

Ohio

SMART TD Ohio State Legislative Director **Stu Gardner** reports right-to-work (for less) legislation (H.B. 377) was introduced in the Ohio House by Rep. Tom Brinkman (R - Dist. 27) in October. Brinkman received opposition to the bill's introduction by fellow Republicans. The bill is co-sponsored by Rep. Kristina Roegner (R - Dist. 37), Rep. Paul Zeltwanger (R - Dist. 54), Rep. John Becker (R - Dist. 65), Rep. Tim Schaffer (R - Dist. 77), Rep. Ron Hood (R - District 78), Rep. Robert McColley (R - Dist. 81), Rep. Jim Buchy (R - Dist. 84), Rep. A. Nino Vitale (R -

Dist. 85) and Rep. Andy Thompson (R - Dist. 95).

In other news, a two-person crew bill (S.B. 229) was introduced in the Ohio Senate by Sen. Joe Schiavoni (D - Dist. 33) and Sen. Kenny Yuko (D - Dist. 25). The bill has bi-partisan support and calls for penalties of up to \$10,000. The bill has been referred to the Public Utilities Committee.

"I am requesting that every member in Ohio contact the senators of the Public Utilities Committee and urge them to support S.B. 229," urged Gardner. "Email and call your state senators and tell them to support S.B. 229 for the safety of our members and the general public that resides near railroad tracks."

For more information on finding your Ohio Representatives and sample emails, go to: <http://utu.org/2015/10/23/slb-calls-ohioans-to-action-on-two-person-crew-bill/>.

Pennsylvania



State Legislative Director Paul Pokrowka (middle left) and Alternate National Legislative Director Greg Hynes (middle right) discussed PTC, ECP brakes and inward-facing cameras with Rail Subcommittee Chairman Jeff Denham (R - Calif.) on left and Transportation & Infrastructure Chairman Bill Shuster (R - Pa.) on right.

Utah



Seegmiller

State Legislative Director **Jay Seegmiller** reports that three out of the four political campaigns that the legislative board endorsed won their elections.

The board endorsed Salt Lake City Councilman Charlie Luke, Salt Lake City Mayor Jacki Biskupski, Draper City Councilwoman Michele Weeks and SMART TD Washington State Legislative Director **Herb Krohn** for a seat on the Seattle Port Commission. Unfortunately, Krohn lost his election.

In other news, the board started an educational drive in October, geared toward educating the general public on the Safe Freight Act or H.R. 1763, the national two-person crew bill.

Seegmiller reports SMART TD members and officers distributed over 3,000 leaflets to citizens of Utah's first congressional district.

Vice Local Chairperson **Dan Brewer** (1554), Local President **Frank Buck** (1554), Local Chairperson **Ryan Cornia** (1554), **Pete Gasiunas** (1554), **Jeremy Hansen** (238), **Christine Mellor** (1366), **Boyd Redington** (238), **Justin Stocks** (1366) and **Pat Winslow** (1554) were all instrumental in distributing the leaflets with Seegmiller. The leaflets directed citizens to the website www.safertrains.org to read more about the Safe Freight Act, which saw a large influx of activity after the leaflets had been distributed.

"Our recent success is attributed to member involvement, and new aggressive outside-the-box approaches," Seegmiller said. "I want to thank our members, here in Utah, who are really stepping up to the plate contributing time and wearing out shoes dropping flyers on doorsteps."

"Additionally, last state legislative session we had 45 SMART TD and BLET members show up at the Utah State Capitol for the debate of a crew van bill in the Utah Senate. One of the senators on the senate floor acknowledged the railroaders in the gallery. That made quite an impression."

Submit your legislative stories by emailing
news_td@smart-union.org.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

SMART TD introduces hearing discount program from Amplifon

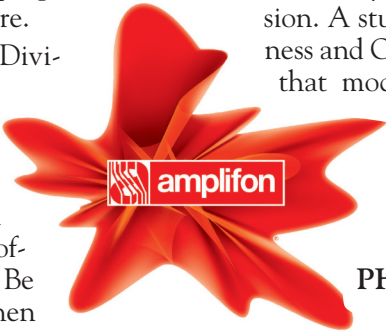
The SMART Transportation Division is proud to announce a hearing discount program with Amplifon Hearing Health Care.

As a SMART Transportation Division member, you and your family members are eligible to receive discounts on hearing exams as well as the purchase of hearing aids. You may also have a funded benefit which will help your out-of-pocket cost be significantly less. Be sure to check your benefits and then contact Amplifon to schedule your hearing appointment to take advantage of the savings!

Did you know: Untreated hearing loss has far-reaching consequences

People say it all the time: "My hearing problem isn't really that bad...I can get by just fine without hearing aids." There's just one problem with this statement: it defies compelling evidence to the contrary. Left untreated, even a mild hearing loss can negatively affect key areas of your life, including:

MENTAL HEALTH



HEARING HEALTH CARE

Studies have linked untreated hearing loss to irritability, negativism, anger, stress and depression. A study by the National Institute on Deafness and Other Communication Disorders found that moderate to severe depression occurred more often among people age 18 or older with a self-reported hearing loss (11.4 percent) versus those who had no hearing impairment (5.9 percent).

PHYSICAL HEALTH

Even a mild hearing loss makes you three times more likely to fall than someone with normal hearing, concluded a study led by Johns Hopkins University School of Medicine.

Injuries from falls result in annual medical costs of \$20 billion, according to government reports — truly a national healthcare crisis.

INCOME

Working individuals sacrifice job performance and income if they do not hear well. Conversely, the use of hearing aids can reduce the risk of income loss by 90 percent to 100 percent for people with milder hearing losses and by 65 percent

to 70 percent for those who have moderate losses, reports the Better Hearing Institute (BHI).

Who is Amplifon Hearing Health Care?

Amplifon Hearing Health Care is one of the largest providers of hearing healthcare benefits in the United States.

The Amplifon Hearing Health Care program features:

- Custom hearing solutions – finding the solution that best fits your lifestyle and your budget
- Hearing aid low-price guarantee
- A 60-day risk-free trial period
- Aftercare program – including 1-year of follow-up care, 2-years of batteries and a three-year warranty
- Easy access to your hearing health care benefit — just call 1-877-310-3057

If you suspect hearing loss, call Amplifon Hearing Health Care at 1-877-310-3057 to schedule a hearing test with a credentialed Amplifon Hearing Health Care provider. You may also visit our website at www.amplifonusa.com/smartTD to learn more.

Alumni Association and Landfall Travel offer two tours in 2016

Landfall Travel - the official travel agency of the UTU Alumni Association - is offering two new trips for 2016: a train tour across Switzerland and a river cruise along the upper Mississippi River.

Take an exotic nine-day train tour across Switzerland with Cosmos Tours Sept. 23 - Oct. 1, 2016. Marvel at spectacular scenery from the first-class carriages of the Swiss train network. Your journey begins in Zurich, where you will travel to your next stop of Lucerne where you will spend the night. Travel through breathtaking mountain pastures and quaint villages before reaching your next stop where you will spend the night at Lausanne on Lake Geneva. Next you'll travel to Zermatt and then on to St. Moritz. Your travel ends back where you started in Zurich.

Starting price is \$2359.00 per person and the rate includes most meals. Pre- and post-tour stays are optional for those interested. Airfare is not

included and rates are subject to change.

For those who prefer to stay in the United States, travel with the America Queen Steamboat Company on the largest steamboat ever built, the American Queen. Your journey begins October 2, 2016 with an overnight stay in St. Louis, where you'll awaken refreshed and ready for your October 3 - 10 cruise. You'll sail away from Alton, Ill. (near St. Louis) and stop along the way in Mark Twain's home town of Hannibal, Mo. Next, visit the city of Clinton, Iowa where you'll get a chance to explore the history of this fascinating river town. Explore the many historic sites of Iowa's oldest city of Dubuque next. A stop in La Crosse, Wis. is the final stop on your itinerary before your journey ends in Red Wing, Minn. (near St. Paul, Minn.) on day nine of your journey.

Rates start at \$1874.25 plus \$149 port tax per person for an inside cabin. This rate is based on

double occupancy. Rates and availability are subject to change. Landfall Travel requires a deposit of \$500 per person to hold your place on board.

Interested parties can contact Landfall Travel directly at (440) 799-8977 or toll-free at (800) 835-9233 for more information. All members are welcome. You do not have to be a member of the Alumni Association to enjoy these travel opportunities.



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
14	Yacenic, John W.	Cincinnati, Ohio	577	Lilja Jr., Harold	Blue Island, Ill.	1374	Greenwood, William F.	Lehigh Acres, Fla.
72	Henry, John R.	Battle Creek, Mich.	605	McCartney, Robert G.	Grafton, W.Va.	1377	Laber, Thomas F.	Ironton, Ohio
100	Carlin, Francis X.	Auburn, Calif.	610	Curd, James W.	Monkton, Md.	1393	Galena, Daniel	Lancaster, N.Y.
118	Mann, Daniel W.	Beaver, W.Va.	674	Kinney, James E.	Greenville, S.C.	1393	Krueger, Dale F.	Lutz, Fla.
198	Strand, Robert J.	East Peoria, Ill.	744	Nelson, Ronald R.	Lafayette, Ind.	1393	Meschi Jr., Robert	Rochester, N.Y.
211	Lewis, F.J.	Dehni, N.Y.	753	Teeters, Jimmy D.	Memphis, Tenn.	1403	Coon, Charles W.	Independence, Mo.
211	Vaccaro, Michael L.	Susquehanna, Pa.	759	Dorfman, Joseph	Saddle Brook, N.J.	1405	Leonard, Daniel L.	Mountain Home, Ark.
225	Lippert, Kenneth H.	Sandusky, Ohio	771	Bernal, Edward R.	Needles, Calif.	1422	Sloan, Robert L.	Anaheim, Calif.
256	Fugere, Giles H.	Newport, Vt.	781	Keith Jr., Cullen B.	Princeton, La.	1473	Frado, Edward L.	Monroe, N.H.
324	Tisdell, Harold	Bemidji, Minn.	792	Peterson, Walter E.	Canton, Ohio	1477	Wood, Bobby O.	Canton, Mich.
403	Lalonde, Roger A.	Ottawa, Ont.	792	Oehlstrom, Kenneth A.	Cleveland, Ohio	1503	Harms, Darreld L.	Grand Island, Neb.
407	Hunt, Lee C.	Charleston, S.C.	811	Smith, Robert J.	Las Vegas, Nev.	1518	Robinson, James L.	Brownsburg, Ind.
426	Jenkins, Lawrence A.	Clayton, Wash.	866	Kelly, Harold L.	Ft. Collins, Colo.	1532	Brown, Ronald G.	Bonner Springs, Kan.
440	Hoepker, Jerry C.	Harrison, Ohio	891	Kober, Gary D.	Olney, Mont.	1534	Spoo, Clarence K.	Tinley Park, Ill.
483	Readman, Charles W.	Hamilton, Ont.	1058	Thompson, Elden A.	Bliss, Idaho	1548	Allen, Richard L.	Gonzales, La.
496	Parsley Jr., Millard F.	Lucasville, Ohio	1074	Duncan, David J.	Reynoldsville, Pa.	1709	Williams, James R.	Port Huron, MI
498	Kester, Donald E.	Tamaqua, Pa.	1074	Finch Jr., Charles H.	Leesburg, Fla.	1732	Aven, Robert L.	Fresno, Calif.
508	Fleming, Jimmie G.	Smithville, Texas	1139	Proulx, Real J.	Gatineau, Que.	1760	Heugel, Ralph C.	Ft. Pierce, Fla.
533	Lindsey Jr., Donald F.	Osawatomie, Kan.	1202	Reinhardt, Blaine A.	Peru, Ind.	1947	Stein, E.L.	Lake Charles, La.
565	Swain, Larry D.	Dix, Ill.	1221	Wilkins, Kenneth L.	New Smyrna Beach, Fla.	1963	Gill, Frederick R.	Anderson, Ind.
569	Timms, H.C.	Ennis, Texas	1293	Fohrman, Albert J.	Cottage Grove, Minn.			
577	Hoelzel, Gavin E.	Overland Park, Kan.	1348	Gerber, Alvan G.	Vancouver, Wash.			

Bus Department News

DOT announces \$22.5 million for low emission buses

WASHINGTON – The U.S. Department of Transportation's Federal Transit Administration (FTA) is announcing the availability of \$22.5 million through the latest round of the Low or No Emission Vehicle Deployment Program (LoNo) that will help deploy the next generation of energy-efficient vehicles nationwide. The funds are intended to encourage adoption of green technologies in transit buses, such as hydrogen fuel cells and electric and hybrid engines.

"These grants will help ensure that the future of mass transit is energy-efficient and friendly to the environment," said U.S. Transportation Secretary Anthony Foxx. "This funding will reduce our dependence on fossil fuels and support the growing sustainable energy industry in the United States."

The FTA's Low or No Emission Vehicle Deployment Program was established under the Moving Ahead for Progress in the 21st Century Act (MAP-21). It focuses on commercializing the cleanest and most energy-efficient U.S.-made transit buses to help reduce emissions like carbon dioxide and carbon monoxide.



The LoNo program builds on the success of FTA's National Fuel Cell Bus Program, which invested in the research, development and testing of alternative fuels and related equipment for the transit industry.

A Notice of Funding Availability for the FTA LoNo Program can be found in the Federal Register. The previous round of LoNo funding, announced in February 2015, awarded \$55 million in grants to ten organizations nationwide.

"The LoNo program has helped deploy environmentally-sound, technologically-advanced vehicles across the country, providing a better riding experience for passengers and improving public health," said Acting FTA Administrator Therese McMillan. "By reducing fuel and maintenance costs, these modern vehicles are a great public investment – saving taxpayer money in the long run while powering innovative American enterprises."

FTA will award the LoNo funds on a competitive basis to transit agencies and state transportation departments working either independently or jointly with bus manufacturers already making low- and zero-emission buses. Priority will be given

to proposals that, among other criteria:

- Use tested bus models with proven effectiveness, especially zero-emission models;
- Exhibit strong transit agency and community commitment, including technical and project management skills; and
- Demonstrate understanding of and accommodation for public safety.

In addition, all LoNo procurements will have to follow FTA Buy America regulations and undergo Bus Testing at FTA's facility in Altoona, Pa.

Of the \$22.5 million available in LoNo grant funds, a minimum of \$3 million is available to support facilities and related equipment. Transit agencies may also use a portion of their annual FTA formula funds to purchase additional vehicles.

In addition to their environmental benefits, LoNo transit buses will, in the long run, help transit agencies save money on fuel and maintenance costs. According to the National Renewable Energy Laboratory, zero-emission buses can achieve up to 87 percent greater fuel economy compared to buses running on diesel and other fuels.

FTA issues proposed rule on safety and repairs

WASHINGTON – The U.S. Department of Transportation's Federal Transit Administration (FTA) Sept. 30 issued a proposed rule that would require public transportation agencies to monitor and manage their capital assets to achieve and maintain a state of good repair. Identifying and prioritizing maintenance and repair needs of transit vehicles and infrastructure could lower costs, increase reliability and performance, reduce travel delays for passengers, promote resilience and yield system safety improvements.

"Transit ridership is rising, public transportation equipment and infrastructure are aging, and there is a growing backlog of transit-related capital maintenance needs with limited funding available," said U.S. Transportation Secretary Anthony Foxx. "Better and more efficient management of transit assets is a smart way to get more from our investments while ensuring we maintain the safe, reliable and accessible transit service the American public deserves."

The proposed rule would require public transportation agencies to develop a Transit Asset Management (TAM) Plan that determines the condition of its capital assets, including the system's equipment, rolling stock, infrastructure and facilities. To reduce the burden on small operators, the proposed rule offers a two-tiered

approach for the TAM Plan requirement. Small transit providers operating 100 or fewer vehicles in revenue service and no rail fixed-guideway service and all sub-recipients under the Rural Area Formula Program would be allowed to participate in a Group TAM Plan that would be developed by a State or other direct recipient of FTA funding.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) directs FTA to create a TAM System to help transit agencies achieve a better and more informed balance between system preservation and expansion projects, with a strong focus on improving safety. The TAM System is intended to provide a transit agency with a comprehensive understanding of how the condition of its capital assets may impact the safety of its system.

"Strategic and targeted investments to replace and rehabilitate aging transit infrastructure are needed to bring the Nation's bus and rail systems into a state of good repair," said FTA Acting Administrator Therese McMillan. "Given the diversity of transit systems, from complex urban networks to small operators in rural communi-

ties, the proposed rule offers a flexible approach for public transportation providers to better manage and maintain their assets."

The proposed rule would also define the term "state of good repair," establish state of good repair performance measures, and have transit agencies set performance targets based on those measures, which they can then use to prioritize limited capital investment funding. In addition, transit agencies would be required to report new information to the National Transit Database.

Insufficient funding combined with inadequate asset management practices have contributed to an estimated \$86 billion transit in state of good repair backlogs nationwide that continues to grow with reduced levels of investment. To address this need, the Administration's multi-year transportation funding bill, the GROW AMERICA Act, proposes a total of \$7.6 billion in fiscal year 2016 to support FTA's state of good repair efforts, with incremental increases in each fiscal year through the end of the Act's authorization period.

Public comments on the proposed rule are accepted through Nov. 30, 2015.



FMCSA: commercial motor vehicle study concludes

WASHINGTON – The Federal Motor Carrier Safety Administration (FMCSA) announced that the Commercial Motor Vehicle (CMV) Driver Restart Study has concluded data collection for the congressionally-mandated naturalistic study of the operational, safety, health and fatigue impacts of two provisions of the hours-of-service (HOS) restart regulations.

Following the study requirements set forth by Congress, the study team collected data to compare five-month work schedules of drivers to assess safety critical events (e.g., crashes, near-crashes, and crash-relevant conflicts), operator fatigue/alertness, and short-term health outcomes of drivers who operate under the HOS restart provisions in effect between July 1, 2013 and December 15, 2014, and those drivers who operate under the provisions as in effect prior to



July 1, 2013.

Drivers from a wide variety of fleet sizes and operations provided a substantial amount of data throughout the course of the study period. More than 220 participating drivers contributed data as they drove their normal, revenue-producing routes, including:

- More than 3,000 driver duty cycles, as captured by electronic logging devices
- More than 75,000 driver alertness tests
- More than 22,000 days of driver sleep data

Data analysis has commenced, and the agency is working towards completing the final report by the end of the year. The agency does not have preliminary study findings; however, FMCSA is pleased with the high volume of data collected from participating drivers and expects this data will help inform future activities by the agency as well as the current study.

The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235), enacted December 16, 2014, suspended enforcement of sections 395.3(c) and 395.3(d) of the HOS regulations. Section 395.3(c) requires a CMV driver who wants to restart his/her weekly driving window (of 60 hours on duty in seven consecutive days, or 70 hours in eight consecutive days) to take two consecutive periods off duty from 1a.m. to 5a.m. as part of the 34-hour (or longer) restart. Section 395.3(d) allows the voluntary 34-hour restart to be used only once every seven days.

These provisions were enacted following extensive research and public comment with the goal of reducing excessively long work hours that increase both the risk of fatigue-related crashes and long-term health problems for drivers. Enforcement of these sections will remain suspended as required by Congress until the Secretary of Transportation submits the CMV Driver Restart Study final report to Congress.

UTU Insurance Association has BIG News!

Permanent Whole Life Insurance is now available for members over 50

You've worked hard to provide for your family and they count on you to make the right financial decisions.

UTUIA's Final Expense Plan offers [Permanent Whole Life Insurance](#) for members 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

Gain peace of mind knowing that your family is secure and protected.

For additional information on our new **Final Expense Plan**:

Email sales@utuia.org, or complete the attached form and mail to the address listed at the bottom of the form.

The UTUIA website has been updated, take a look here: www.utuia.org



I would like more information on UTUIA's Final Expense Plan

Please print

Full Name	Date of Birth	SMART TD Local	
Street Address	City	State	ZIP
Telephone number with area code		<input type="checkbox"/> Male <input type="checkbox"/> Female	

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

FTA's TRACS reports on fatigue and worker assaults

WASHINGTON – The Federal Transit Administration (FTA) has recently accepted two reports from the Transit Advisory Committee for Safety (TRACS), a safety committee established by the U.S. Secretary of Transportation and compromised of transit industry stakeholders.

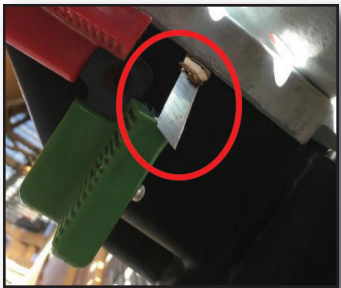
In *Establishing a Fatigue Management Program for the Bus and Rail Industry*, the report identifies the major organizational and behavioral challenges that may be faced in addressing transit employee fatigue and recommends components of a successful fatigue management program.

In *Preventing and Mitigating Transit Worker Assaults in the Bus and Transit Industry*, the report discusses the risks and impediments to a safe workplace and recommends a process and measures to reduce the hazards that enable these assaults.

FTA will review the recommendations from both reports as it considers possible future action on these safety issues.

Learn more by visiting TRACS at <http://www.fta.dot.gov/about/13099.html>.

AAR safety alert: blade found in chock



The knife was found when a rail loader went to remove a chock from the storage bin on the side of the rail car, and he noticed the homemade blade sticking out of the chock next to the release handle. Fortunately, no one was injured.

Similar discoveries should be reported immediately to an AAR employee or MID inspector.

“Please give this information widespread distribution to coworkers, contractors, customers and all who deal with freight cars and be on the lookout for any similar acts of vandalism. This will enable us to broadcast alerts to all who may

be affected,” AAR Assistant Vice President, Technical Services James P. Grady said.

Visit us on Facebook!



SMART Transportation Division members have another way to connect with their union: Facebook.

The SMART TD News Facebook page, which can be found by searching “SMART Transportation Division News” in Facebook’s search box or by going to <https://www.facebook.com/SMARTTransportationDivision/>, is updated daily by your union and features news articles as well as other posts and pictures not always found on www.utu.org.

Members can also comment on posts and connect with other members by doing so.

Contact your legislators about two-person crews



It has recently been announced that an attempt may be made to attach language from H.R. 1763, the Safe Freight Act, which is the federal two-person crew bill onto H.R. 3763 (PTC deadline extension bill). It was later announced that the two-person crew bill would not be attached to H.R. 3763.

“Due to the expected rules governing consideration of the legislation and agreements among the leadership of the House Transportation and Infrastructure Committee on which amendments will be allowed, there is no path for the amendment to pass or receive strong support. A significant loss on the floor would set back our efforts,” Alt. National Legislative Director Greg Hynes said. “While this is not the result we hoped for, we ask that you all continue to push forward and generate support for the stand-alone, two-person crew legislation, H.R. 1763. The more cosponsors we have on H.R. 1763, the better position we will be in to pass it as a stand-alone bill or attach it to a larger bill next time the House considers rail safety legislation.”



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.

Show your union pride with union gear

American Products offers a line of union-made SMART TD gear, clothing

It's not too early to begin your holiday shopping and the SMART Transportation Division website is just the place to start, without ever leaving your home or going to a busy shopping mall. Just visit the SMART Transportation Division website at www.utu.org and click on the "Gear" tile.

All of the SMART items featured there are sold through American Products and are union-made and/or are made in America.

American Products is offering several new items this fall that were debuted at the regional meetings this summer and will feature some additional items for sale by the end of this month. Please be sure to check the website for details on all the new items.

All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts on customized orders are available to SMART locals.

Watches and clocks carry a two-year manufacturer's warranty against defects.

All of the featured items can be ordered by credit card directly through the company's secure website, or by calling the company's toll-free telephone number: (800) 272-5120.

Members may also download and print a custom order form that can be mailed to **UTU Merchandise.com**, 1600 North Clinton Avenue, Rochester, NY 14621.

Apparel prices may vary depending on size. Visit the SMART TD online store for complete details about prices and available sizes.



SMART TD Navy Jacket



SMART TD Stocking Cap



SMART TD Lapel Pin



SMART Watch



SMART 'Burning with Pride' ts



SMART Navy Polo



SMART Travel Mug



SMART TD Stickers



SMART Oxford Shirt



Contact us: news_td@smart-union.org
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2016 railroad paid holiday schedule

Rail employees working under the national agreement between SMART Transportation Division and the National Carriers' Conference Committee will receive 11 paid holidays in 2016. They are:

- | | |
|------------------------------------|---|
| • New Year's Day, Friday, Jan. 1 | • Thanksgiving Day, Thursday, Nov. 24 |
| • President's Day, Monday, Feb. 15 | • Day after Thanksgiving, Friday, Nov. 25 |
| • Good Friday, Friday, March 25 | • Christmas Eve, obs. Sunday, Dec. 25 |
| • Memorial Day, Monday, May 30 | • Christmas Day, obs. Monday, Dec. 26 |
| • Independence Day, Monday, July 4 | • New Year's Eve, obs. Sunday, Jan. 1, 2017 |
| • Labor Day, Monday, Sept. 5 | |

Happy Holidays!

Photo of the month

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

Submit photos 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 JPEG format and emailed to "news_td@smart-union.org."

Please include your name and SMART local number, the names people in the photo (left to right), photo location 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 Grand Trunk Western Railroad Conductor **Dennis Smolinski** of Local 1709 at Pontiac, Mich. "I took this picture at a photo charter on the Western Maryland Scenic Railroad in October 2013. The photo was taken at Helmstetter's Curve. The steam engine came from the Lake Superior & Ishpeming Railroad."