

SMART[®]

Transportation Division News

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

SMART TD, BLET petition FRA for speed signs

SMART TD and the Brotherhood of Locomotive Engineers & Trainmen (BLET) have submitted a petition to the Federal Railroad Administration (FRA) for rulemaking that mandates uniform warning speed signs in advance of a permanent speed restriction.

Below is the petition submitted to the FRA:

"The International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division and The Brotherhood of Locomotive Engineers & Trainmen hereby petition FRA for rulemaking that mandates uniform warning speed signs in advance of a permanent speed restriction.

"The signs should be standardized as to

dimensions, conspicuousness, and color.

"Recently, some railroads have begun removal of these safety indicators, which creates a hazard for operating crews and the public.

"In the interest of safety it is necessary to warn road crews of an upcoming speed restriction which otherwise might not be readily apparent.

"Just as it is unreasonable for a motorist to know each speed restriction without a warning, the same is true for railroad crews.

"Unlike automobile travel, where speeds can be reduced promptly, trains are unable to comply with a speed restriction without prior knowledge."

STB announces implementation details of Reauthorization Act

Surface Transportation Board Chairman Daniel R. Elliott III announced details of the Board's implementation of the STB Reauthorization Act of 2015.

Effective December 18, 2015, the Reauthorization Act changed the Board into a wholly independent federal agency. Prior to the Reauthorization Act, the Board was administratively aligned with the U.S. Department of Transportation, although it has been decisionally independent since it was created in 1996 by the Interstate Commerce Commission Termination Act of 1995 (Public Law 104-88, 109 Stat 803).

The Reauthorization Act also:

- Expands the Board's membership from three to five Board Members.
- Allows a majority of Board Members to meet in private to discuss agency matters, if no vote or official action is undertaken within such a meeting, and if a meeting summary is made publicly available no later than two



business days after the event. If the discussion directly relates to an ongoing proceeding before the Board, the meeting summary is instead made publicly available on the date of the final Board decision. Formerly, private meetings of Board Members on agency matters were prohibited.

- Gives the Board authority to initiate investigations and requires the Board to begin a rulemaking to establish a regulation relative to such authority.
- Directs the Board to adjust its voluntary arbitration process, including increases in the maximum damage awards.
- Shortens the timelines that apply to large rate case proceedings, including limits on the time allowed for discovery and the time allowed for development of the evidentiary record.
- Directs the Comptroller General of the United States to conduct a study of the impact of the Reauthorization Act on agency matters.

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SMART TD holding treasurers' workshop in March

SMART Transportation Division will be conducting a Treasurers' Workshop at Headquarters located in North Olmsted, Ohio, **March 8-10, 2016.**

Attendance will be limited to 35 registrants, so those interested in attending are instructed to contact Dora Wolf in the Updating Department by calling (216) 228-9400, or by email at dwolf@smart-union.org as soon as possible to reserve a spot in the class.



While all treasurers will likely benefit from this workshop, newly elected treasurers are strongly encouraged to attend.

The three-day training session is free to attend. However, the local is responsible for all travel expenses associated with the treasurer's attendance.

Lost time or salary, travel, hotel and meal expenses connected with attendance may be reimbursed if pre-approved at a local

meeting as an allowable expense of the local.

The workshop will provide local treasurers training on the responsibilities and reporting duties pertaining to the office, including direct receipts and Win-Stabs.

It will also focus on the completion of mandatory filings with the IRS and Department of Labor as well as instructions on properly completing a monthly billing.

A block of rooms is being held at the Radisson Hotel Cleveland Airport, 25070 Country Club Blvd, North Olmsted, OH 44070.

The corporate room rate is \$78 (plus tax) without breakfast or \$89 (plus tax) with breakfast. **The deadline for room reservations is Monday, February 29, 2016.**

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February is Black History Month!

"[The] keys to successful change are modifying attitudes, making good choices and treating others as you would like to be treated. When union members unite within the workplace, it generates an outcome of positive change."

— Glen E. Johnson,
SMART TD Human Rights Committee director

Members save life with CPR



Members of Local 1892, Haris Akbar (left), David Lasko (center) and David Comeaux (right) worked together to save a man's life.

See full story on page 2

SMART endorses candidate for President

SMART, the International Association of Sheet Metal, Air, Rail and Transportation Workers, has endorsed Secretary Hillary Clinton as the union's choice for President in the upcoming 2016 election.

Clinton stood out to members based on her strong leadership, experience, competency and unwavering support for working families. The selection process had input from a survey of the union's U.S.-based members and from its leadership at the local, regional, and national levels.

SMART General President Joseph Sellers, Jr., said, "She has the real-world experience and dedication that makes her the right candidate to serve the interests of America's working families in these turbulent times."

Sellers noted that "Secretary Clinton's plans are detailed and well-reasoned. On the economy, she will build on our apprenticeship and training programs, expand and improve freight transportation and transit and address environmental concerns with investments in energy efficiency. All of these involve jobs that members earn their living in every day."

Continued on page 11

Former UTU President Al Chesser turns 102



See full story on page 3

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

Around the SMART TD

Local 303, Springfield, Mo.

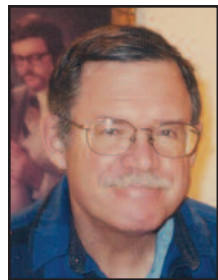


Nichols rings the bells for charity along with his wife Christina (left) and daughter Sydney (right).

Local Legislative Representative **Jeff Nichols** reported that members and families rang bells for the annual Springfield Central Labor Council AFL-CIO/United Way of the Ozarks “Union Day of Bell Ringing” for the Salvation Army. Labor organizations from the Springfield area worked 13 different kettle locations. The event took place Dec. 5, 2015. The Central Labor Council raised a total of \$5,081.98 on that day, with \$422.04 of that was raised by Local 303’s kettle.

There were a total of 140 volunteers from organized labor for a total 200 volunteer hours. This is the local’s third year of participation in this event. Participating in the event this year were Local President **Tim Latham**, Local Vice President **Stacy Fielder**, Nichols; Local Chairpersons **Scott Perryman**, **Jeremy Harper** and **Nathan Shaw**; Local Trustee **Wes Melvin**, LCA Secretary **Rodrnick Incenhower**, and members **Petros Haldoupis** and **Joe Taylor**. “Several family members also assisted and their involvement was greatly appreciated,” Nichols said. **Note: See more pictures from this event on page 10.*

Local 492, Sacramento, Calif.



Rogers

This local reported that **Kenneth (Kenny) Lloyd Rogers** died Dec. 21, 2015. Rogers retired with over 40 years of service to this union as a local chairperson and Union Pacific Railroad. “Kenny was a remarkable person, always the advocate for what was the right thing to do, even

if it went against the grain. Whether the issue was discipline, a seniority dispute, medical insurance or on-duty injuries, to mention just a few, Kenny was there to do the research and make the arguments.

“His ability to research a given subject was remarkable in its depth, scope and meticulousness. His “chain of custody” arguments regarding FRA and company drug and alcohol testing became and remain the industry standard. No matter what the issue, when those in authority (whether union or company) found out Kenny was on the case, they sat up and paid attention.

“When Kenny retired he brought to the National Association of Retired and Veteran Railroad Employees (NARVRE) the same level of advocacy in fighting for RRB, medical and life insurance benefits for retired railroaders and their spouses. There may never be another advocate of the same caliber as Kenny Rogers,” said Local 492 member **Bruce Holder**. A full-obituary notice is available on utu.org.

Local 807, Tucson, Ariz.

SMART TD Organizer **Rich Ross** reports that he and International Vice President Doyle Turner visited this local during a mini regional meeting. Alternate National Legisla-

Local 1892 conductors save life at Houston yard



Akbar (left), Lasko (center) and Comeaux worked together to save the life of a man experiencing a heart attack.

SMART TD Local Chairperson (LCA 577 -Union Pacific-Southern) **Daniel F. Holak** reported that two conductors from SMART TD Local 1892 at Houston recently teamed up to save the life of a man who had suffered a heart attack at the Englewood yard in Houston.

On the Wednesday before Thanksgiving, Nov. 25, 2015, SMART TD conductors **Haris O. Akbar** and **Martin E. Camacho** were working the yard job. As they took their engines to the eastern end, they witnessed a car drive onto the tracks and stop.

The passenger in the car, David Lasko, got out and immediately flagged them over to help. They rushed toward the car and found a man slumped behind the wheel.

“We saw right away that the man behind the wheel wasn’t breathing. I called the yardmaster on the radio for an ambulance,” Akbar said.

After Camacho and Lasko checked the man’s vital signs, they detected a faint pulse. Brother Akbar proceeded to administer chest compressions until the paramedics arrived and took over.

When the ambulance arrived, car foreman David Comeaux led the paramedics to the scene.

The paramedics then used an AED defibrillator and continued CPR until the man started breathing. He was then taken by ambulance to the nearest hospital.

Akbar reported that the man is now at home and is well on the road to recovery.

Fortunately for him, Akbar was recently trained in infant CPR in anticipation of the birth of his child, who is now five months old. This training proved to be lifesaving, as techniques used for infant CPR can also be applied to medical emergencies involving adults.

Akbar is grateful he had the CPR training and recommends it for everyone.

Through Akbar’s and Camacho’s alert responses and attentiveness to their surroundings, they are credited with saving that man’s life.

Their heroic efforts were recognized by Local 1892 at their December 2015 meeting; Akbar and Camacho were both honored at the meeting, and were given gift cards “to let them know their union brothers and sisters are thankful for their efforts in helping to save a man’s life,” said Holak.

Congratulations brothers, on a job well done.

Members wishing to learn CPR should visit the American Heart Association’s CPR website at cpr.heart.org to find a local training center near you.

tive Director Greg Hynes was also in attendance to explain what the union is doing legislatively for our members. “It was good for the local membership to see that the international is there for them and we are here to help,” Ross said.



Turner (left) and Ross (right) are pictured here in front of an antique steam engine located outside of the mini regional meeting in Old Tucson.

“The fact that representatives came from the international to an event here meant a lot to the guys who were there,” Local President **Liz Knepp** said. “At our meeting on Tuesday the guys who were there, scolded the ones who were not. We were all inspired.”

Local 1190, Ludlow, Ky.



Two-year-old Weston Mitchell, grandson of Local Chairperson Jeff Mitchell, shows off his SMART winter cap.

Local 1402, Dupon, Ill.



Now-retired Local President Eddie Brown (right) congratulates Robert Ates II (left) on his new role as legislative representative Dec. 16, 2015.

Is your local involved in a charity? Or perhaps one of your brothers or sisters is doing something unique outside of work? We’d like to hear about it!

To have your local featured on this page, submit your local stories to SMART Transportation Division by email to: news_td@smart-union.org by the 15th of each month.

Legislative, alt. legislative rep. elections complete

Reorganization planning underway



As the SMART Transportation Division's state and district legislative boards begin planning for their quadrennial reorganization meetings in 2016, members and local officers are

reminded that elections for the positions of legislative representative and alternate legislative representative should now be complete.

Any local in which elections have been delayed due to run-offs or other extenuating circumstances must contact the Transportation Division's main office in Cleveland, Ohio to advise of the cause for delay and expected

date of completion.

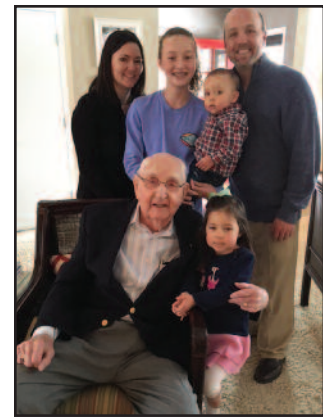
All election results must be reported to the Transportation Division's office as soon as they are available. Election results may be sent by email to president_td@smart-union.org, by fax to (216) 228-5755, or by writing to SMART Transportation Division, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333.

Questions may also be directed to any of the above, or by calling (216) 228-9400.

Meanwhile, all SMART Transportation Division state and district legislative chairpersons are reminded of their responsibility to advise the TD office of the date, location and anticipated expense of their quadrennial reorganization meetings.

Visit utu.org for additional information.

Al Chesser, keeping the 'fire in the belly burning' at 102



Chesser seated with his great grandchildren and great-great-grandchildren.

A common theme of Al Chesser's life has been, "Light that fire in your belly and get going—do something besides paying your dues." These words rang true when he was elected president at the United Transportation Union's first convention in 1971, and when turning 102 on February 26, 2016.

While serving as UTU President from 1972 to 1980, he often said, "You're as good as anybody in this world, but no better," sentiments echoed from Chesser's admiration of railroad union activist, Eugene V. Debs. He noted that Debs, "gave his life for the organized labor movement," and like Debs, Chesser has dedicated his adult life to labor. As a direct result of his leadership, the standard of living was raised for countless union brothers and sisters.

Brother Chesser became personally acquainted with several U.S. presidents. He explained, "I knew John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, Gerald R. Ford and Jimmy Carter. My favorite was Johnson."

At age 102, he works out three times a week, still drives his car and maintains a high level of independence. Chesser's secret to longevity? "Work at it, take care of yourself, love God and love people."

Al Chesser has accomplished many great things in his lifetime and when asked about his proudest achievements, he answered, "Personally, I am most proud of my family. Professionally, I was fortunate to have many highlights in my career, but probably this one stands out the most: Gerald Ford was a friend of mine, but he was also a friend of railroad management. We had a bill in Congress to increase railroad retirement, which was our pension. Congress passed our bill, but President Ford vetoed it. Congress overrode his veto. President Ford never spoke to me again."

Chesser's devotion to his Brothers and Sisters never fades. "The welfare of our members and their families always came first in our thoughts. My record as an officer of my union speaks for itself. I love our union and was proud to serve our members."

SMART TD wishes to extend its sincere gratitude and warmest birthday wishes to Al Chesser.

Organizing win for SMART Transportation Division

SMART Transportation Division Director of Organizing **Rich Ross** reports that operating and non-operating employees of Eastern Illinois Railroad Company (EIRC) voted for SMART representation in an election held January 12, 2016.

Of the eligible voters, a majority voted for representation by SMART Transportation Division. The National Mediation Board certified the election results January 13, 2016.

"I would like to thank SMART TD Organizer **Larry Grutzius** for all of his hard work on this campaign," Ross said.

The EIRC is a Class III freight railroad. The employees interchange freight with Canadian National and CSX, and also repair, upgrade and maintain the rail infrastructure, locomotives, signal system and railroad grade crossings along its 53-mile route.

The short line railroad runs from Neoga, Ill., to Metcalf, Ill., and is headquartered in Charleston, Ill. The railroad hauls grain, lumber and plastic.

Previsich and Sanders discuss labor issues



SMART TD President John Previsich had the opportunity to meet with U.S. Senator Bernie Sanders (D – Vt.) to discuss the positive impact of unionized labor.

Sanders is well known for his record of voting for policies that help working families and against those policies that hurt the poor. On issues such as wealth inequality, Sanders is outspoken about evening out the gap between the middle class and the wealthy.

Senator Sanders was the longest-serving Independent in U.S. congressional history, having served 16 years in the House of Representatives before being elected to the U.S. Senate in 2006. He is currently serving his second term as a senator.

Notice to furloughed members

It should be noted by all furloughed members, that it is your responsibility to keep your contact information up-to-date not only with your employer, but also with your union.

This includes your phone number, mailing address and email address.

Your employer will need your correct contact information to call you back to work.

Many SMART TD legislative boards and locals are holding informational sessions for furloughed workers and need your correct contact information to keep you informed.

A victory for public safety: longer trucks voted down



Congress put the safety of all motorists before the special interest agenda of a

few select trucking and shipping companies. The proposal to force all states to allow double 33-foot trailer trucks, known as "Double 33s," was not included in the omnibus spending bill.

These monster-size trucks shouldn't be on the road and they shouldn't be slipped into an omnibus spending bill. This lethal federal mandate would have meant oversized trucks at least 84 feet long – the length of an eight-story office building – sharing the road next to families. Opposition to this proposal was clear and compelling.

The Senate voted on two separate occasions against overturning state laws to permit Double 33s. Additionally, a large coalition of public health and safety groups, trucking companies, law enforcement, truck drivers, truck crash victims and survivors, rail workers and suppliers, and rail short lines objected. A recent public opinion poll found that an overwhelming 77 percent of the public opposed the measure.

Double 33s would have resulted in a degradation of safety on our roads and highways at a time when fatalities are on the rise. Funding bills are becoming magnets for special interests seeking to add riders that roll back safety laws and regulations that would never pass Congressional oversight and public review.

SMART TD applauds the budget negotiators for dropping this provision and thanks Senators Roger Wicker (R-Miss.), Dianne Feinstein

(D-Calif.), Richard Blumenthal (D-Conn.) and many other members of Congress and their dedicated staffs for their leadership on this issue. We also commend the budget negotiators for increasing the funding levels for the National Highway Traffic Safety Administration (NHTSA).

While SMART TD is disappointed that the appropriators did not fully fund NHTSA for the amount set in the authorizing bill, the FAST Act (Pub. L. 114-94), the increase was desperately needed in light of the continuing string of auto industry defects, recalls and cover-ups.




Unfortunately, the bill includes an extension of the "tired truckers" provision enacted in last year's spending bill. This provision takes away truck drivers "weekends off" and pushes them to work up to 82 hours a week.

Annually 4,000 people are killed and another 100,000 more are injured in crashes involving a large truck, and fatigue is a major factor and well-known crash cause. Crashes such as the one which seriously injured Tracy Morgan and killed James McNair are jarring reminders of why this provision, known as the Collins amendment, should be stopped.

Unfortunately, this bill included exemptions from federal safety standards for select special interests.

SMART TD urges Congress to stop the tradition of delivering industry handouts wrapped in a big red bow and instead give constituents the gift of safer roads, sound infrastructure, and sensible legislation that doesn't result in more deaths and costs to families.

We must *Work* for working families



SMART

General President's

Column

By Joseph Sellers Jr.

Dear Members,

Elections matter! As political discussion gets more and more drowned out by political shouting, let's look at just how true that saying is.

It seems like long ago, but the 2010 elections still resonate, because every tenth year is when officials re-draw their congressional districts. In 2010, with the Tea Party radicals on the rise, ultra-conservative billionaires like the Koch Brothers pumped out money to elect federal and state "legislators" with a clear intent of drawing the new electoral map to favor and protect candidates who share their extreme views and anti-union agenda.

Sadly, they succeeded: Gov. Scott Walker's open war on unions in Wisconsin; the constant stream of new right-to-work (for less) laws; and the fast-growing cuts to pay and benefits.

This is what we face in 2016, because many of us did not vote in 2010 and we can't let that happen again!

Member survey: the big picture

In December 2015, SMART surveyed members about the 2016 elections. We focused on issues, not candidates, to ensure that your feedback can inform SMART's electoral efforts in every race, at every level—now and

in the future.

Members overwhelmingly chose jobs and a healthy economy as the top concerns. Regarding qualifications and abilities, members wanted proven competency, broad experience, and a serious approach to helping working families

and tackling today's complex challenges.

"Those results led the SMART General Executive Council to endorse Secretary Hillary Clinton for President in 2016."

Clinton has a long record of support for working families, a strong history of leadership, including her depth of domestic and international experience. Additionally, she has presented a detailed economic plan that will improve transportation safety and invest in freight rail and transit infrastructure.

While we have endorsed Secretary Clinton, the work of Senator Bernie Sanders reflects

a lifetime of support on behalf of the rights of the American worker, and we are grateful for his work and his service.

Time to protect our interests

Unlike 2010, we cannot stand by and let big money buy control of legislatures. We must mobilize in every state to elect Hillary Clinton as the next American President and work equally hard to elect like-minded candidates who will support working families.

Let's do everything we can to reverse that big-money strategy and fight, side by side with our other labor movement brothers and sisters, until today's open attacks on working people are a thing of the past.

Fraternally,



Joseph Sellers Jr., General President,
SMART



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State Watch

News from SMART TD State Legislative Boards

Florida



The Florida State Legislative Board recently had its reorganizational meeting Jan. 4-5, 2016, in Orlando, Fla. Pictured is the new board along with Alt. National Legislative Director Greg Hynes (far left) and Trujillo (second from right).

State Legislative Director **Andres Trujillo** reported that the Florida Legislature began its full session with two bills of importance to Florida TD members. The first set of bills are S.B. 1238/H.B. 1023. These bills would require Class II railroads operating in the state to develop stress plans in accordance with 49 C.F.R. part 272. This type of requirement already applies to Class I's, commuters and Amtrak. The Senate and House bills have been assigned to committee and are awaiting hearings.

The second bills are S.B. 224/H.B. 855. This set of bills would require railroad companies operating in the state to provide walkways adjacent to certain sections of track used for switching rail cars. Both the Senate and House bill have been assigned to House Committees and are also pending hearings.

"We ask our Florida membership to get involved and support both of these bills," Trujillo said.

Iowa

The combined membership of the Iowa Transportation Division and Iowa Sheet Metal Local 45 united to endorse Jim Mowrer (D) for Congress, State Legislative Director **Jim Garrett** reports. The local also joined the board in mak-



Pictured from left are Garrett, Mowrer, and Sheet Metal Local 45 members Andy Bredeson (business rep.) and Craig Courtney (business manager).

ing matching PAC donations to Mowrer's campaign.

"During the last election cycle we were still assessing how we could combine our efforts," said Garrett. "Last year the Great Plains District Council invited their associated TD States to join. Iowa was quick to accept the offer and the partnership provided a closer working relationship with our Sheet Metal brothers."

The Iowa TD and Local 45 plans to work closer on their legislative agenda. With unanimous approval by Local 45's executive board, Garrett created a client account for them at the State Capitol. While Garrett will not lobby for them in any official capacity, he will be able to 'declare' on legislation on their behalf, thereby creating another unified body in support or opposition to legislation.

"I have had a great relationship with the Sheet Metal locals representing the Iowa membership and I look forward to creating new alliances with each of them in the future," Garrett.

Missouri

The Missouri state legislative board held its quadrennial reorganization meeting Jan. 5. New officers were elected at the meeting. State Legislative Director **Ken Menges** announced his retirement, so **Jason Hayden** ran for and was elected state legislative director. **J. Curt Jones** was elected as assistant director, **Ger-**

ald Wohlgemuth was elected chairperson, **E. Thad Krawczyk III** was elected first vice chairperson, **Delores Fortune** as second vice chairperson (bus) and **Delayne Wilson** as elected secretary.

"With the great executive committee that was elected to assist me through the next four years, we will be able to weather any storm that approaches us," Hayden said. "I look forward to working with them and making this board the best, most productive and respected board it can be. Many thanks to the groundwork that has been laid and the pathway left by retired Director Menges. We now have some pretty big shoes to fill."

A retirement party was held in Menges' honor Jan. 12. "It has been a privilege and honor to have served as a union officer and especially the past eight years as state director," Menges said. "While we had many great moments, the defeat of right-to-work last year was one of the best—it was not a pretty fight but we won because we worked together."

In his retirement, Menges plans to travel with his wife Carol. Menges did not stay inactive (if at all) for long; Missouri AFL-CIO President Mike Louis asked Menges to help with the labor lobby team and he has accepted and has already begun working with them.

Wisconsin



The legislative board attended a Russ Feingold event in Milwaukee, Dec. 4. Pictured from left: Local Chairperson Bob Alba (322), Wis. Democratic U.S. Senate candidate Russ Feingold, Wis. State Legislative Director Craig Peachy, Local Representative Chris Tassone (281) and retired General Chairperson Jim Nelson. Peachy is optimistic the 2016 elections will be a turning point for the state.

Rising in strength, solidarity and action

Dear Members,

Our strength has been, and always will be, our solidarity. As part of the SMART membership, we stand united against the constant wave of corporate tyranny in its endless quest for profit, leaving destruction, job loss and oppression in its wake.

In recent months, members of SMART TD stood in solidarity against Canadian Pacific's (CP) hostile attempt to takeover Norfolk Southern (NS).

“Our strength has been, and always will be, our solidarity. We stand united against corporate tyranny in its endless quest for profit.”

In representing our collective voice—125,000 of SMART TD active and retired members, I recently wrote a letter to the members of the United States Surface Transportation Board (STB) to convey our collective outrage and strong opposition of CP's proposed takeover.

CP's proposal has the potential for a far-reaching, detrimental impact on America's rail network, including lost jobs, and an equally negative impact on those who ship by rail.

Also in the letter, we shed light on, and strongly oppose CP's scheme to circumvent the regulatory requirements through the establishment of a voting trust to assume control in advance of regulatory approval.

Such a trust would violate existing statutory and regulatory prohibitions regarding unlawful control.

CP's relentless pursuit of short-term profit with little regard to the impact on the greater good—workers, communities and our nation's rail shippers, is well known. E. Hunter Harrison, CEO of CP, has already boasted that he will be able to sell off what he says are “excess” rail



SMART Transportation Division President's Column

By John Previsich

yards for real estate development.

He has also stated that NS has a “gold plated” infrastructure that is overly maintained and he could greatly reduce capital investment.

Such a disinvestment in the nation's rail network could only occur in a merged environment with diminished competition among carriers. The end result is higher costs and reduced service for the nation's shippers.

“We call on our Brothers and Sisters to fight the good fight—to be diligent and informed, to support candidates who champion the rights of workers, to organize in our neighborhoods, at our locals, halls and voting centers.”

In addition, Harrison recently announced that he will reduce capital spending on CP in 2016 by \$400 million and extend his moratorium on purchasing new locomotives until 2018 or longer.

His strategy is clear: use up the current railroad infrastructure and wear out the locomotives, leaving a railroad that will need dramatic investment once he leaves.

For American workers, this will cause a domino effect of lost jobs, diminished rail service and higher shipping costs. For a handful of railroad officers, investment bankers, consult-

ants and stockholders it will be a windfall of tens of millions, one that mirrors recent corporate corruption schemes and inevitable collapses; all of this at the great expense of our workers and the future health of our nation's rail service.

With the same sense of urgency, we call on our Brothers and Sisters to fight the good fight—to be diligent, to become informed, to support candidates who champion the rights of workers, to organize in our neighborhoods, at our locals, halls and voting centers.

From the spirit of our brothers and sisters who paved the road before us, our solidarity remains our power, and together we are powerful enough to change the tide.

“Ten thousand times has the labor movement stumbled and bruised itself. We have been enjoined by the courts, assaulted by thugs, charged by the militia, traduced by the press, frowned upon in public opinion and deceived by politicians. But notwithstanding all this and all these, labor is today the most vital and potential power this planet has ever known, and its historic mission is as certain of ultimate realization as is the setting of the sun.”

– Eugene V. Debs

In solidarity,

John Previsich, President
SMART Transportation Division

****To view the letter sent to the STB, go here: www.utu.org/worksites/PDFs/Previsich_Letter_to_STB_regarding_CP_merger.pdf**

*****Please note: At the time that this article went to print, CP had suspended its pursuit for a takeover of NS.**

FMCSA final rule requires electronic logging devices



The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced the adoption of a final rule that will improve roadway safety by employing technology to strengthen commercial truck and bus drivers' compliance with hours-of-service regulations that prevent fatigue.

“Since 1938, complex, on-duty/off-duty logs for truck and bus drivers were made with pencil and paper, virtually impossible to verify,” said U.S.

Transportation Secretary Anthony Foxx. “This automated technology not only brings logging records into the modern age, it also allows roadside safety inspectors to unmask violations of federal law that put lives at risk.”

The final rule requiring the use of electronic logging devices (ELD) will result in an annual net benefit of more than \$1 billion – largely by reducing the amount of required industry paperwork.

It will also increase the efficiency of roadside law enforcement personnel in reviewing driver records. Strict protections are included that will protect commercial drivers from harassment.

On an annual average basis, the ELD Final Rule is estimated to save 26 lives and prevent 562 injuries resulting from crashes involving large commercial motor vehicles.

“This is a win for all motorists on our nation's roadways,” said FMCSA Acting Administrator Scott Darling. “Employing technology to ensure that commercial drivers comply with federal hours-of-service rules will prevent crashes and save lives.”

An ELD automatically records driving time. It monitors engine hours, vehicle movement, miles driven and location information. Federal safety regulations limit the number of hours commercial drivers can be on-duty and still drive, as well as the number of hours spent driving.

These limitations are designed to prevent truck and bus drivers from becoming fatigued while driving, and require that drivers take a work break and have a sufficient off-duty rest period before returning to on-duty status.

Visit utu.org to read the final rule.

Bus Department News

A message from your bus department leadership

Dear Bus Members,

I hope everyone is having a great start to 2016. Our District No. 3 meeting took place on December 15, 2015.

For those of you who may not be familiar with this meeting, all general chairpersons throughout the bus division of SMART participate in this meeting.



Studivant

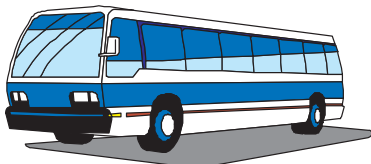
Topics that were discussed included:

- Becoming prepared for the next convention by looking at the SMART constitution, identifying issues of importance that relates to the bus department
- Considering and planning for possible constitutional amendments
- Analyzing through legal, the invasive ways in which bus company Medical Examiners seek information on prescribed medication and also, on ways they obtain private medical information from physicians (FMCSA already approved new medical forms and that should be sufficient)
- Submitting our concerns and feedback regarding mandatory hair follicle testing

As members of SMART TD, we stand ready to challenge any and all actions that we feel are unfair treatment and/or detrimental to our membership.

We will keep you updated on any developments regarding any of the matters listed above. I ask all of you to remain vigilant as you do your jobs, to be safe, and to return safely home to your loved ones after a job well done.

Fraternally,
Calvin Studivant
Vice President - Bus
cstudivant@smart-union.org
973-800-7995



Save the Date for TD 2016 regional meetings

The 2016 SMART Transportation Division regional meetings are scheduled for **July 4-6 in San Francisco** and **July 25-27 in Chicago**. Attendees will be provided with valuable training at the meetings.

As in the past, each regional meeting will run for 2.5 days, ending early on the afternoon of the third day. The evening of the first day has been left unscheduled so you, your family and friends will be free to explore and enjoy the many offerings of the regional meeting cities.

Regional meeting registration and hotel information, as well as web links to make hotel reservations online, can be accessed by visiting www.utu.org and clicking on the “Meetings” box on the bottom of the homepage. All those attending the regional meetings must be registered in

order to attend any planned social functions. Children ages 11 and under who are pre-registered are complimentary. The registration form is printed on the right.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds **must be received** at the SMART Transportation Division, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, **by June 19 for the San Francisco meeting or by July 3 for the Chicago meeting**, or the registrant will be charged an on-site registration fee of \$200.

The pre-registration fee for the 2016 regional meetings is \$150 per member, spouse or child over age 11, the same fee charged the last eight

years. Additional fees apply for the golf outings and tours. You must make your own room reservations, and certain deadlines apply.

The \$150 registration fee covers all workshop materials; a welcoming reception the night before the meetings; three lunches and one evening meal.

Those wishing to attend only the workshops do not need to pay the registration fee. No one-day registrations are offered.

You may cancel your meeting registration 10 days prior to the first day of the meetings or golf outings without penalty.

Call the Transportation Division at **(216) 228-9400** or email ghenges@smart-union.org immediately regarding changes or cancellations.



San Francisco, July 4-6: Fairmont San Francisco Hotel, 950 Mason St., San Francisco, CA 94108, www.fairmont.com/san-francisco
Reservations: (800) 441-1414 toll free; (415) 772-5000 direct **Reservation code:** SMART Union Group **Room Rate:** \$169 single/double, plus taxes; rates good for three days before and after meeting, depending upon availability.
Room reservation deadline: June 2, or until all rooms being held for SMART are reserved. **Parking:** \$58 per day (plus tax)
Golf outing: The regional meeting golf outing will take place Sunday, July 3, at a course to be determined. The cost is \$80 per golfer.



Chicago, July 25-27: Sheraton Grand Chicago, 301 East North Water St., Chicago, IL 60611, www.sheratonchicago.com
Reservations: (888) 627-7106 toll free; (312) 464-1000 direct
Reservation code: SMART UNION GROUP
Room Rate: \$169 single/double, plus taxes; Room rates good for three days before and after meeting, depending upon availability.
Room reservation deadline: July 2, or until all rooms held for SMART TD are reserved.
Parking: \$63.00 for valet; \$26.50 for self park (50 percent off)
Golf outing: The regional meeting golf outing is Sunday, July 24, at a course to be determined. The cost is \$80 per golfer.

Look stylish in SMART TD gear from American Products!

Attend the 2016 regional meetings looking stylish in your new SMART Transportation Division gear!

Visit utu.org today and click on “Gear” in the grey navigation bar to get started. All products are union made and/or American made.



Look for American Products’ booth at both regional meetings to see all the gear they have to offer.

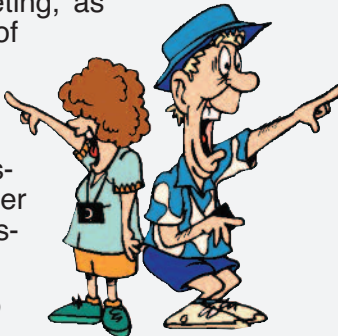
Two tours booked in San Francisco, Chicago

The Transportation Division is arranging two different tours of local attractions at both the San Francisco and Chicago regional meetings.

They will take place the day preceding the regional meeting, as well as the first day of both regional meetings.

Tour fees are \$35 per tour for each registered guest, or \$75 per tour for each unregistered guest.

Details of the two tours in San Francisco and Chicago will be announced in the next issue of the *SMART TD News* and will appear on the “Meetings” page of utu.org. Select the “Meetings” link at the bottom of the homepage.



Avis Rent-a-Car offering discounts at airports

The Transportation Division has arranged with Avis Rent-a-Car to offer discounted rates to members attending the 2016 regional meetings.

To reserve a car, contact Avis at (800) 331-1600 and use SMART’s Avis Worldwide Discount (AWD) number: **D150699**.

For the San Francisco and Chicago, regional meetings, members and guests can reserve a car online. Visit the Transportation Division website at www.utu.org, select the “Meetings” link at the bottom of the homepage, then select the appropriate regional meeting city.

Discounts at each city are good for seven days before and seven days after the meetings.

When renting a car online, be sure to use the same Avis Worldwide Discount (AWD) number as listed above: **D150699**.



Transportation Division Regional Meeting Registration Form

Registering before the regional meetings expedites sign-in procedures, helps organizers plan more accurately and saves on meeting costs. **Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2.5 days and conclude on the afternoon of the third day.** Registration fees are \$150 per person; children 11 years of age and under are complimentary. On-site registration is \$200 per person. All fees must be paid in U.S. funds. Registration forms with payment must be received at the Transportation Division by June 19 for the San Francisco meeting and by July 3 for the Chicago meeting for all members, spouses and guests to be considered pre-registered.

Which regional meeting will you be attending? ☐ San Francisco ☐ Chicago
Arrival date: _____ Departure date: _____
Transportation type: ☐ Automobile ☐ Air ☐ Other

Member Registration

Name _____ Local _____ Title (if any) _____

Home address _____

City/State/ZIP _____

Phone number () _____ Email _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse Registration

☐ San Francisco ☐ Chicago

Spouse name _____ Title (if any) _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35/tour per registered spouse; \$75/tour per unregistered spouse)

Child Registration

☐ San Francisco ☐ Chicago

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Tour: ☐ Sunday or ☐ Monday (\$35/tour per registered child; \$75/tour per unregistered child) No. attending _____

Guest Registration

☐ San Francisco ☐ Chicago

Guest name _____ Relationship to member _____

Home address _____

City/State/ZIP _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35/tour per registered guest; \$75/tour per unregistered guest)

Special Needs? (Circle appropriate responses):

Registrant / spouse / child / guest is: _____

hearing impaired / visually impaired / in wheelchair / other: _____

Golf registration

☐ San Francisco ☐ Chicago

Name _____ Handicap _____ Name _____ Handicap _____

Name _____ Handicap _____ Name _____ Handicap _____

(Golf fees are \$80 per golfer; include in total payment. Please provide names of others if foursome.)

Payment options

Check/money order enclosed (U.S. funds only) \$ _____

Credit card ☐ VISA ☐ MasterCard

Card number _____ Exp. date _____ Total charged \$ _____

Signature _____

Should additional space be needed, make copies of this form and attach to the original. Make checks or money orders payable in U.S. funds to “SMART TD Regional Meeting” and mail to SMART TD Regional Meeting, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Persons who do not pre-register for the regional meeting but choose to register at the meeting site will be charged an additional \$50. Space on the tours is limited; reservations are accepted on a first-come, first-served basis.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

Marilyn Spangler, Director of Updating/Auditing, retires with 39 years of service

To the occasional passerby, Marilyn Spangler’s office may have appeared disheveled, but to those of us who know her, the minor untidiness meant dedication to her job and charitable efforts.

On any given day, there may have been piles of “coats for kids” in one corner, and bins overflowing with donated non-perishable food items in another, as Spangler routinely organized charity drives to clothe local children in need, or to fill the local hunger center with canned food.

Missed by colleagues already, Spangler retired Dec. 31, 2015, after 39 years of service as the SMART Transportation Division director of updating/auditing.

After high school, Spangler spent several months temping at the UTU and then left in pursuit of a full-time career in the airline industry, graduating from Weaver Airline Reservation School. Following a brief career with an airline, her vocation turned in a different direction as she accepted a position with

the F.B.I. as an I.D. security clerk. She kept in contact with her UTU friends, and it was her friend Pete Spalding, director of billing audit/auditing, who helped bring Spangler back to the UTU.

“It was Pete who let me know that there was a full-time job opening in his department at the UTU. I was working for the F.B.I. at the time but, believe it or not, the job offer at the UTU was much more generous in every way, so I accepted it. Thanks Pete!” Spangler said.

She returned to the UTU in 1976 as an updating clerk. Over the years, Spangler worked her way up the ladder, culminating in her appointment as the director of updating/auditing in October 2003. Although a multitude of organizational changes have occurred after that appointment, Spangler held fast to her role and led her department onto a platform of achievement and efficiency.

In addition to her loyal service to the membership, Spangler has been a staunch leader

in the support of numerous fraternal causes. Through her volunteer efforts and leadership, countless funds have been raised and donated to various charitable organizations on behalf of SMART Transportation Division, UTUIA and the UTU. Spangler is serving her second term as president of UTUIA Unit #1.

In 2005, Spangler was honored as the UTUIA Volunteer of the Year, and at the 2015 SMART TD Providence, R.I., regional meeting she was awarded a golden lantern by SMART TD President John Previsich, in honor and recognition of her outstanding service to the membership and for her charitable efforts.

Upon reflecting on her career, Spangler said, “I want to thank UTU, UTUIA and SMART for the 39 years I have worked here. I want to thank the membership, officers and the employees for working with me to keep our union and insurance company the best for all of our members. It has been a pleasure to work with our members and I look forward to keeping in touch with many of you.”

Although her office is now tidy and vacant, the positive impact that Spangler made on our union and our community will not be forgotten. From all of us at SMART Transportation Division, we extend our gratitude and wish her the very best in her retirement.



Important retiree information

Railroad Retirement Board

- www.rrb.gov
- (877) 772-5772

Social Security Administration

- www.ssa.gov
- (800) 772-1213

UTU Insurance Association (UTUIA)

- www.utuia.org
- (800) 558-8842

Medicare

- www.medicare.gov
- (800) 633-4227

Railroad Medicare (Palmetto GBA)

- www.palmettogba.com/rr
- (888) 355-9165

Department of Veterans Affairs

- www.va.gov
- (800) 827-1000.

Retirees!

Doing something interesting with your retirement, or have a second career, or perhaps you’ve won an award? We’d like to know about it! Email your stories to: news_td@smart-union.org or call 216-228-9400.

Beware: scammers send fake Social Security email



The subject line says “Get Protected,” and the email talks about new features from the Social Security Administration (SSA) that can help taxpayers monitor their credit reports, and know about unauthorized

use of their Social Security number. It even cites the IRS and the official-sounding “S.A.F.E Act 2015.” It sounds real, but it’s all made up.

It’s a phishing email to get you to click on a scammer’s link. If you do, a scammer can install malware—like viruses and spyware—on your computer.

Or, the link might send you to a spoof site—a look-alike website set up by a scammer to trick you into entering your personal information.

Not sure if an email is really from the government? Here are a couple of clues. Did the email end up in your junk folder?

Email providers use filters to help catch phishing scams and prevent spam from getting into your inbox. And when you hover your cursor over the link, is the web address

really a trusted website?

In this fake SSA email, when you hover over the URL you’re invited to click on, you see the link goes to an unrelated “.com” — instead of the Social Security Administration’s **socialsecurity.gov** or another “.gov” site.

If you get a questionable email, don’t click on any links, or open any attachments. Report it to the FTC by forwarding the email to **spam@uce.gov** — and to the real organization impersonated in the email. You also can report it to your email provider.

Some email providers let you mark messages as phishing scams. Your report is most effective when you include the full email header, although most email programs hide this information.

To find out the full header, type the name of your email service with “full email header” into your favorite search engine, and include this information in your report. When you’re done, delete the email.

If you’re unsure about an email that looks like it’s from the government, contact the agency directly. But find the contact info yourself.



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	Murphree, Roy K.	Springfield, Ore.	378	Koncilja, Victor H.	Mentor, Ohio	1000	Labrosse, Robert P.	Hastings, Minn.
R	Petersteiner, Lavera I.	Klamath Falls, Ore.	386	Conrad, Lewis H.	Reading, Pa.	1000	Schiller, George P.	Prior Lake, Minn.
17	Lavender, Gordon L.	Laurel, Iowa	386	Moran II, James J.	Pottsville, Pa.	1074	Brooke, Joseph O.	Vero Beach, Fla.
72	Whitworth, James O.	Alsip, Ill.	445	Dailey, Charles M.	Peoria, Ill.	1201	Reiswig, Kenneth R.	Stockton, Calif.
194	Stump, Marvin S.	Elkhart, Ind.	464	Sweely, Ronald L.	Arkansas City, Kan.	1293	Dewitz, Loren D.	Eau Claire, Wis.
300	Bennett, Robert M.	Middletown, Del.	528	Smeilis, W. W.	Fond Du Lac, Wis.	1299	McDade, David B.	Piper City, Ill.
300	Vines Jr., Ralph E.	Elkton, Md.	632	Thompson, Wm. K.	Aiken, S.C.	1390	Mead, Russell A.	Bridgeville, Pa.
305	Echtenkamp, Merlin H.	Ankeny, Iowa	674	Elrod, James R.	Harlem, Ga.	1503	Monroe, Wm. A.	Fairbury, Neb.
313	Tompkins, Bruce E.	Grandville, Mich.	951	Psota, Dean L.	Sheridan, Wyo.	1522	Wilson, William R.	Chesapeake City, Md.
322	Jobelius, Richard N.	Green Bay, Wis.	980	Schuetzte, Alton	Bismarck, N.D.	1962	Ogden, Charles R.	O’Fallon, Ill.

Protect the ones you love with a Life Insurance Policy from UTUIA

You’ve worked hard to provide for your family and they count on you to make the right financial decisions. UTUIA’s Easy Issue Life Insurance policy 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 or your spouse.

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.

I would like more information on UTUIA’s Easy Issue Life Insurance

Please Print

Full Name

Date of Birth

SMART TD Local

Street Address

City

State

Zip code


Telephone number with area code

☐ Male

☐ Female

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

02/16



For additional information on our new Easy Issue Life:

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

Visit the **UTUIA website** at www.utuia.org for more information on this and other policies.



FRA cites Union Pacific for violation after SMART TD tip



Guy

The Federal Railroad Administration told SMART Transportation Division it has filed a violation against the Union Pacific Railroad in response to a union complaint that the railroad ordered a train crew to work outside its assigned territory while being piloted by a manager who was not qualified on the physical characteristics of the territory.

FRA Region IV Administrator Steve Illich informed SMART TD Illinois State Legislative Director **Robert W. Guy** of the agency’s action in a letter dated October 27.

The incident under investigation by the FRA was reported to the Illinois Legislative Board by a member of the crew of a Bloomington-based local assigned to UP’s Springfield Subdivision.

Although the southern boundary of the territory for which the crew was qualified ends at Milepost 222, Carlinville, Ill., the May 28 job was ordered to retrieve some maintenance-of-way equipment spotted at milepost 234 near Shipman, Ill., 12 miles farther south in territory over which none of the crew members were qualified.

“The standard procedure in such cases is to supply the crew with a pilot, normally a fellow transportation employee, who is qualified over the territory,” Guy said.

“But it turned out the UP manager assigned as pilot wasn’t qualified on that territory either. In fact, he had never been over that track on a moving train, and he not only admitted his lack of qualification, but claimed it wasn’t important,” Guy said.

In his report to the SMART TD Illinois State

Legislative Board, the conductor said that he and the engineer, “made it very clear that we were not comfortable having a pilot that he himself [admitted] was not qualified on the territory. His reply was that ‘it was CTC, how hard could it be?’”

The conductor asked the manager whether he had a copy of the work orders for the assignment. The manager allegedly replied that all he needed to know was that the ballast undercutter, two flat cars and two hopper cars of ballast were restricted to 25 miles-per-hour.

“The only paperwork I saw was that he had a timetable,” the conductor told the legislative board.

Guy said the crew handled the incident in exactly the right way.

“They notified the manager pilot that they weren’t comfortable,” Guy said. “Then once their tour was over they documented the incident and forwarded the details to local SMART TD officers for handling.”

“The FRA investigator in charge even noted the accuracy of the crew members’ statements regarding the manager pilot,” Guy said. “Once confronted, another UP manager stated that the pilot was not qualified on that segment of track.”

Guy also said he was “appalled” by the cavalier attitude of the manager pilot as witnessed by the crew involved in the May 28 incident.

“It’s not just that this official violated Part 240.231 of Section 49 of the Code of Federal Regulations,” Guy said. “It’s that he did it in such a flagrant and dismissive manner.”

Guy said the manager’s attitude is even more inappropriate in view of the territory where his violation occurred.

“The UP main line between Joliet and Alton has been one continual construction zone so it can be upgraded for 110-mph Amtrak service,” he said.

“This territory is full of equipment and manpower, and the track and bridge work migrates to different locations every day.”

“Slow orders, Form Bs and other notices related to train movements can be issued and abolished quickly, which is why a crew unfamiliar with the track needs a pilot who knows not only the geography of the alignment but the way the railroad is using it from moment to moment.

“If a train crew is not familiar with the pilot assigned to their job, they should always question the qualifications of that pilot to determine if in fact the person is suitable to serve in that capacity,” Guy said.



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.

STB announces implementation details of Reauthorization Act

Continued from page 1

States (the head of the United States General Accountability Office) to begin a study of rail transportation contract proposals containing multiple origin-to-destination movements; and

- Directs Board submission of a rate case methodology report and quarterly reports on unfinished regulatory proceedings to pertinent Congressional committees.

The Reauthorization Act additionally requires Board production of an annual investigation report on actions the Board initiates on its own; quarterly reports on rate cases pending or completed; and quarterly formal and informal railroad service complaint reports.

The historical successor to the former Interstate Commerce Commission (1887-1995), the Board is an independent economic regulatory agency charged by Congress to resolve railroad rate and service disputes and to review proposed railroad mergers. The Board serves as both an adjudicatory and a regulatory body with jurisdiction over railroad rate and service issues and rail restructuring transactions (mergers, line sales, line construction, and line abandonments); certain trucking company, moving van, and non-contiguous ocean shipping company rate matters; certain intercity passenger bus company structure, financial, and operational matters; and rates and services of certain pipelines not regulated by the Federal Energy Regulatory Commission.

Chairman Elliott noted that the Board will continue to notify the public of important actions taken by the agency regarding its implementation of the Reauthorization Act and attendant matters.

SMART TD to hold treasurers' workshop in March

Continued from page 1

Reservations can be made by calling 1-800-395-7046 and providing code **SMART TD Union** when making reservations.

Training sessions will be conducted by SMART TD Field Auditors Mike Araujo, Bobby Brantley and John Purcell. Space is limited and attendees will be accepted on a first-come basis. It is recommended that those attending make their hotel reservations at the time of registration.

If possible, attendees should bring a notebook computer and USB flash drive.

SMART Sheet Metal workers seal deal with Tri-Rail

On January 26, 2016, SMART Sheet Metal General Committee 1 signed 17 new members that work for Bombardier at Tri-Rail in Miami and West Palm, Fla. After a long organizing campaign that lasted months, followed by a long round of negotiations, a five-year agreement was reached for members that perform mechanical and store house work for Bombardier.

The agreement gives members yearly GWI's, bonuses and a cap on the cost of health care. According to General Chairman Joe Fraley, "The majority of these individuals have never been in a union prior to now. Because of this, we have and continue to spend time working individually with each member on explaining how to enforce their new collectively bargained contract and what they can expect from their union. We look forward to use this success as a launching pad for further growth here and at nearby facilities."



New members celebrate electing SMART as their union representation. Pictured from left: Pete Liberatore, Nelson Orbe, Larry Williams, Marcos Orbe, Juan Perez, Fernando Diaz, Damian Pattern, Dayan Martinez, Luis Roves, Racel Fernandez and Johnny Enriques.

Final figures for fees objectors for 2014

Percentage of chargeable fees determined by analyst for calendar year 2014	
Transportation Division*	83.1 percent
State Legislative Boards	
LO 005 California	72.6 percent
LO 035 New York	94.0 percent
LO 028 Missouri	39.5 percent
Unreviewed boards	0.0 percent
General Committees	
GO 001 BNSF	98.2 percent
GO 927 Union Pacific	96.5 percent
Unreviewed committees	99.6 percent
* The item in red is the final figure. It was previously estimated in the July/August 2015 issue of the SMART Transportation Division News to be 68.2 percent. All other reported numbers have stayed the same as originally reported.	

FMCSA publishes Final Rule prohibiting coercion



The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced the publication of a Final Rule to help further safeguard commercial truck and bus drivers from being compelled to violate federal safety regulations. The Rule provides FMCSA with the authority to take enforcement action not only against motor carriers, but also against shippers, receivers and transportation intermediaries.

"Our nation relies on millions of commercial vehicle drivers to move people and freight, and we must do everything we can to ensure that they are able to operate safely," said U.S. Transportation Secretary Anthony Foxx. "This Rule enables us to take enforcement action against anyone in the transportation chain who knowingly and recklessly jeopardizes the safety of the driver and of the motoring public."

The Final Rule addresses three key areas concerning driver coercion: procedures for commercial truck and bus drivers to report incidents of coercion to the FMCSA, steps the agency could take when responding to such allegations, and penalties that may be imposed on entities found to have coerced drivers.

"Any time a motor carrier, shipper, receiver, freight-forwarder or broker demands that a schedule be met, one that the driver says would be impossible without violating hours-of-service restrictions or other safety regulations, that is coercion," said FMCSA Acting Administrator Scott Darling. "No commercial driver should ever feel compelled to bypass important federal safety regulations and potentially endanger the lives of all travelers on the road."

In formulating this Rule, the agency heard from commercial drivers who reported being pressured to violate federal safety regulations with implicit or explicit threats of job termination, denial of subsequent trips or loads, reduced pay, forfeiture of favorable work hours or transportation jobs, or other direct retaliations.

Some of the FMCSA regulations drivers reported being coerced into violating included: hours-of-service limitations designed to prevent fatigued driving, commercial driver's license (CDL) requirements, drug and alcohol testing, the transportation of hazardous materials and commercial regulations applicable to, among others, interstate household goods movers and passenger carriers.

Commercial truck and bus drivers have had whistleblower protection through the Department of Labor's Occupational Safety and Health Administration (OSHA) since 1982, when the Surface Transportation Assistance Act (STAA) was adopted. The STAA and OSHA regulations protect drivers and other individuals working for commercial motor carriers from retaliation for reporting or engaging in activities related to certain commercial motor vehicle safety, health or security conditions. STAA provides whistleblower protection for drivers who report coercion complaints under this Final Rule and are then retaliated against by their employer.

For more information on what constitutes coercion and how to submit a complaint to FMCSA, see: www.fmcsa.dot.gov/safety/coercion. The Final rule went into effect January 29, 2016.

The public, commercial drivers, motor carriers and other industry members may report violations of the Final Rule by calling **1-888-DOT-SAFT (1-888-368-7238)**, 9 a.m. - 7 p.m. Est., Monday through Friday.

'Bells are ringing' with Local 303's charity efforts

Continued from page 2

Below: Members and their families participate in the "Union Day of Bell Ringing" for the Salvation Army.



Jeremy Harper with sons Landon & Payton



Member Joe Taylor rings a bell with his sister



Missy and Local Trustee Wes Melvin



Nate Shaw with wife Jennifer and kids Isaac, Annalisa and Aaron



Corie, with fiancée, member Petros Haldoupis



Shannon and Loc. Chair. Scott Perryman



Shelby and LCA Secretary Rodrick Icenhower



President Tim Latham with LR Jeff Nichols



President Tim Latham with VP Stacy Fielder

2016 Omnibus Amtrak funding bill

Congress must do better for passenger rail and roadway safety

By John Previsich, SMART TD president

SMART While we look favorably on efforts made by members of Congress to implement stronger and more wide-spread transportation policy upgrades – including increased funding for mass transit and highway safety programs, we are still concerned that passenger rail funding continues to fall short, and also, that safety transportation mandates continue to be swept aside.

The fact that funding allocations in FY16 Omnibus for Amtrak falls well below authorized levels for passenger rail, brings concern for the short and long-term effects on the viability, efficiency and safety of Amtrak passenger services.

Concerning roadway transit, members of Congress made the right move by excluding a federal proposal in the Omnibus Spending Bill designed to force states to allow “Double 33s” on the road.

Trailer trucks, including mammoth, 33-foot freight trucks, have left a trail of tragedy along every major American roadway.

Each year, more than 4,000 people are killed in trailer truck crashes, and more than 100,000 are injured.

While excluding the Double 33s proposal was an important move forward, members of congress also took a step back, as the bill includes an extension of the Collins amendment, which removes truckers “weekends off.”

This allows driving time to exceed 80 hours per week – causing major fatigue, the leading factor in truck-related crashes.

We ask members of congress to stand and deliver on the job they were entrusted to do – which is, to protect the public, not corporate interests – and bring all areas of transportation onto a platform of safety and viability.

FRA stepped-up enforcement to collect fines

Enforcement push is part of broader effort to increase overall rail safety

WASHINGTON – The Federal Railroad Administration (FRA) announced that its stepped-up enforcement of railroad safety regulations led to the highest-ever civil penalty collection rate in the agency’s 50-year history.

For Fiscal Year (FY) 2015, the agency will collect 75 percent of all civil penalties it issued to railroads for violating federal safety regulations – a six percent increase over FY2014, and the largest percentage rate ever collected by the agency. The total amount of civil penalties in FY2015, \$15 million, increased by 12 percent compared to the previous year.

“Safety must be the number one priority for every railroad, and the Department of Transportation will continue to take aggressive action against railroads who fail to follow safety rules,” said U.S Transportation Secretary Anthony Foxx. “A strong safety enforcement program is critical to prevent accidents, save lives and move our country forward.”

FRA’s collection rate is the highest in the agency’s history and significantly higher than previous years.

Last year, more than 6,485 railroad company violations resulted in civil penalties. The largest portion of those violations, 29 percent, was for motive power and equipment violations, followed by 26 percent for track violations.

Read more at utu.org.

SMART endorses candidate for President

Continued from page 1


SMART surveyed its diverse membership on the 2016 election in December. The poll focused on issues, not candidates, in order for member feedback to guide the union’s electoral efforts in everyrace, at every level, in 2016 and beyond.

Members overwhelmingly chose jobs and the economy as their most vital interest. On qualifications, members indicated they want leaders to possess the competency, broad experience and serious approach necessary to tackle the nation’s difficult domestic and international challenges.

These, combined with the membership’s preference, led the SMART General Executive Council to approve Secretary Clinton for the Union’s support. SMART will mobilize its members across the United States to help ensure that Hillary Clinton is elected to serve as the next President of the United States.

Sellers also acknowledged Senator Bernie Sanders, saying, “I thank him for his lifetime of unwavering support for working families and especially for ensuring that the everyday issues working families face are squarely addressed in this campaign.”

The time to register to vote is now!




Now more than ever, it is critical to the strength and foundation of rail, transit and airline workers that we elect leaders who will work on behalf of organized labor.

Verify your Voter Registration – it’s quick and easy!

- Go to the utu.org home page.
- Scroll down to the SMART TD Legislative Action Center, located on the bottom left of the page.
- Click on the image of the Capitol building.
- Find the “Elections” tab at the top of the page.
- Once in the “Elections” section, you can download a **Voter Registration form**, with instructions on where to send it.

Also in the “Elections” section, you can get instant access to your local, state and federal legislative districts and current representatives, simply by providing your address.

We must seek empowerment through civic action, by studying the candidates and by supporting those who support and protect working families and the union mission. Cast your ballot, and let your voice be heard!



Find us on social media!



Find us on Facebook here:
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Retired General Chairperson Cory Mayberry dies



Mayberry

SMART TD retired General Chairperson **Cory Mayberry** (Elgin, Joliet & Eastern Railway GCA 329) was fatally injured in a motorcycle crash at November 4, 2015. Mayberry served as general chairperson for 13 years representing switchmen, hostlers and yardmasters on the former Elgin, Joliet and Eastern and Gary Railway.

He is survived by his wife Helen Mayberry; sons, Justin Mayberry of Valparaiso, Frank Quarles, Cory Mayberry II; mother, Anna Ross and step father, Ben Ross; brother, Eric Mayberry; sister, Debi Krall; grandchildren and numerous extended family and friends.

SMART TD Vice President David Wier said, “Mayberry was one-of-a-kind and represented his members with everything he had. He was the consummate general chairperson and will be sorely missed by his SMART TD brothers and sisters.”

Former General Chairperson Frank Adkins dies



Adkins

Frank “Dwayne” Adkins, 84, of Dupon, Ill., died Friday, Nov. 27, 2015.

He was a member of SMART TD Local 1929 (East St. Louis, Ill.) hired out as an engineer with the Alton & Southern Railway in 1956. Adkins served his members as local chairperson before being elected as general chairperson of General Committee of Adjustment ALS.

Adkins is survived by his wife of 37 years, Lori Adkins; son Doug Adkins; daughter Jody Ellers, step-children Marilyn Hollis, Kami Welch, Eric Young and Shari Hofstetter; 10 grandchildren; five great-grandchildren and many other relatives and friends.

Former Wash. State Director Thomas Retterath dies



Retterath

Former SMART TD Washington State Legislative Director **Thomas R. Retterath** (Local 1348 at Centralia, Wash.) died November 2, 2015, at a hospice care center following a battle with cancer. Retterath was drafted and served in the U.S. Army from 1964 to 1966. In 1971 he began his railroad career with Burlington Northern Railroad where he worked as a switchman at Longview Switching. In 1984 he was elected as the Washington State Legislative Director for UTU and he served in that capacity until he retired in 2006. He is remembered as a devoted husband, father, grandfather and friend.

SMART TD Washington State Legislative Director **Herb Krohn** said, “Tom Retterath was an extremely popular and respected leader of the United Transportation Union. He could be described as a ‘gentle giant.’ From 1984 through 2006 he guided our Washington State Legislative Board as our state director. He led the successful effort to obtain adoption of regulations establishing railroad walkway safety standards in our state.”

Donations may be made in Retterath’s honor to the Community Home Health and Hospice, P.O. Box 2067, Longview, WA 98632; Three Rivers International House of Prayer, 1135 11th Ave., Longview, WA 98632; or Mountain Ministries, 353 Maranatha Rd., Kelso, WA 98626.



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Photo of the month

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

SMART TD seeks photographs or digital images of work-related scenes, such as rail-road, 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.



Secretary and Treasurer **Marie Hoyos** of Local 23 at Santa Cruz, Calif., took this picture of Highway 17 Express buses operated by Santa Cruz Metro Transit at one of their stops outside of a Greyhound station.

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

PEB 249 report – A win for SMART and Rail Labor Coalition

After nearly five years of bargaining, Presidential Emergency Board (PEB) 249, formed to resolve the contract dispute between the Rail Labor Coalition (Coalition) and New Jersey Transit (NJT), sided with unionized workers in recommending the main points of the Coalition's proposal, including retroactive wage payments and an 18 percent increase in pay, compounded, over a six-year period.

In addition to recommending the wage increases, the PEB soundly rejected the NJT's proposal of a 10 percent increase in health care premiums, and recommended an increase of 2.5 percent, which is closely aligned with the Coalition's proposed two percent premium increase.

The three-member panel was chosen by President Obama, based on their expertise and neutrality. PEB 249 is the second board to be appointed after NJT rejected the recommendations of PEB 248.

The PEB found most main points of the Coalition's proposal to be more reasonable than NJT's position.

The Coalition is comprised of more than 15 international unions and more than 4,300 unionized transit rail members, including more than 1,200 SMART Transportation Division union members.

John Previsich, president of SMART Transportation Division, said that the report, "sends the message

that our collective voice is heard."

"The recommendation by PEB 249 is a victory for members of the Coalition, and for union members everywhere. We will continue to fight for fair wages, safe work environments and quality, affordable healthcare for all of our Brothers and Sisters."

Previsich also stated that the report follows the pattern of settlements that have occurred on similar properties and is a fair and equitable resolution of the issues.

"It's time for New Jersey Transit to accept the recommendations of PEB 249, which are in line with every other commuter railroad settlement in the area. Members of the Rail

Labor Coalition are skilled, highly trained and experienced workers. We're hoping that NJT will do right by their workers and the community by moving beyond this lengthy dispute and accept the PEB's report," Previsich added.

If an agreement is not reached, any participant may invoke self-help as early as March 13, 2016, leaving 295,000 commuters without the public transportation they depend on.

Visit utu.org or smart-union.org to view PEB 249's full report.



Inside this issue of *SMART Transportation Division News*:



Former UTU President **Al Chesser** turns 102. See page 3.



State Watch: news from your state legislative boards. See page 4.



Register for 2016 regional meetings. See pages 6 & 7.



SMART TD Director **Marilyn Spangler** retires after 39 years. See page 8.