



# Transportation Division News

Volume 48/49 • Number 9/1 • December 2016/January 2017 *International Association of Sheet Metal, Air, Rail and Transportation Workers*

## Retiree attends inauguration of Delaware governor



Retiree and Alumni Association member Terry Tasker (pictured right) was invited to attend the inauguration of Delaware Governor (D) John Carney (pictured left).

Carney previously served in the U.S. House of Representatives from 2010 through 2016.

Tasker is opening a new local chapter of the SMART TD Alumni Association in Delaware. To find out how you can open a chapter near you, call Carl Cochran at 305-821-7015.

## Members: call Congress in support of two-person crews!

The Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Transportation Division of the International Association of Sheet Metal, Rail Air and Transportation Workers (SMART TD) are urging their respective memberships to contact members of the House of Representatives about co-sponsoring The Safe Freight Act of 2017 (H.R. 233), a bill that would mandate two-person train crews on freight trains—one certified locomotive engineer and one certified conductor.

Introduced by Congressman Don Young (R-Alaska) Jan. 3, 2017, The Safe Freight Act states in part: “Effective 30 days after the date of enactment of the Safe Freight Act of 2017, no freight train or light engine used in connection with the movement of freight may be operated unless it has a crew consisting of at least 2 individuals, one of whom is certified under regulations promulgated by the Federal Railroad Administration as a locomotive engineer pursuant to section 20135, and the other of whom is certified under regulations promulgated by the Federal Railroad Administration as a conductor pursuant to section 20163.”

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## Are you your brother's keeper?

By Ricky Mason, Local 219 in Hannibal, Mo.



Ricky Mason and his son Damian at a Cubs home game.

It was a bitter cold February night in Galesburg, Ill., and I had just gotten off an empty coal train from Centralia, Ill. The round trip was a long one - in excess of 48 hours. I was not in the mood for car trouble. I managed to catch my engineer, **Aaron Newton** (Local 196 in Beardstown, Ill.), on the phone before he got too far from the yard office, and luckily he had a set of jumper cables. He came to my aid and managed to give my van a jump, but it immediately died again, which sounded like a faulty alternator to both of us. Without skipping a beat, he offered to drive me to the hotel so I could get some rest and figure it out in the morning.

Here I was, two hours away from my home, with no idea when I would get back to my family. Before hitting the sack for the night, I looked at the boards and saw that a friend of mine, **Darren Vogel**, who was also from Quincy, Ill., was just getting off of a train. I gave him a call and he agreed to help me out in the morning. The next day, we grabbed a new battery and put it in, which got me to a shop that could install a new alternator that day. I arrived home later that evening to my son, who was extremely happy to see me—and for this reason alone, I am indebted to those two brothers.

Why is this story important? Brotherhood. Brotherhood is a word that is akin to those who join us in the trenches of life: war, sports, careers, etc. We value the term, yet too many times we don't live it. The engineer I was working with did not have to turn around and help me out. My other union brother didn't have to drive me all over Galesburg the next day. But they did. They were my keepers and without their help, then I'm sure that I would not have gotten home to my family that day.

Too often in train service we are preoccupied with our own lives: our job, our family, our problems.

*Continued on page 12*

## SMART TD saddened by sudden loss of Charlene Payne



Payne

Charlene Payne, a long-time UnitedHealthcare representative for the Railroad Accounts, passed away unexpectedly Saturday, December 17, 2016.

Payne was a dear friend to many at SMART Transportation Division, and her passion and dedication in serving all railroad

members was remarkable.

In 1987, she joined one of United Healthcare's legacy companies, The Travelers Insurance Company, as a member services consultant for Railroad Accounts. She continuously served our railroad members in various roles, most recently as the manager of member relations.

Payne traveled extensively throughout the country meeting with union leaders and their dependents. She shared her expertise by explaining railroad health benefits and eligibility provisions for both active employees

and retirees. Over the years, Payne developed close relationships with many railroad members by answering their questions and resolving their problems with care and compassion.

“Charlene was my go-to person whenever our members had problems with their health care issues,” said SMART TD National Legislative Director **John Risch**. “Beyond her years of dedication to our members, Charlene was a wonderful person and a good friend. We share with her family in the sorrow of her passing.”

Everyone who knew Charlene will miss her knowledge, professionalism, friendliness and unwavering dedication to assist SMART TD members and retirees.

Donations may be made in Payne's memory to the Humane Society of Utah, P.O. Box 573659, Murray, UT 84157-3659; or, to the American Red Cross – Donations, 555 East 300 South, Ste. 200, Salt Lake City, UT 84102.

Send your submissions to SMART Transportation Division by emailing:  
**news\_td@smart-union.org**

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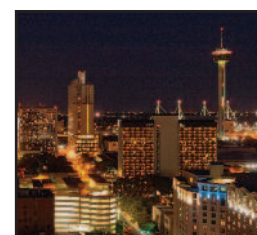
### Inside this issue of SMART Transportation Division News:



Update on National Rail Contract Negotiations. See page 4.



The history of railroad labor. See pages 6 & 7.



Regional Meeting information released. See page 10.



UTUIA increases scholarship amounts to \$2,000 per person. See page 11.



# Around the SMART TD

## Local 20, Beaumont, Texas



Rossi

Local 20 member **Robert Joseph Rossi Sr.**, 70, died Dec. 10, 2016.

Rossi served his local as local chairperson and as delegate at the 2011 convention. He also served his union as general chairperson of GO 577 for 35 years. In his free time he enjoyed watching the Dallas Cowboys, John Wayne and old Western movies.

He is survived by his wife Cindy Rossi; sons Robert (Felicia) Rossi Jr. and Jarrod Rossi; daughters Tammie Rossi, Hayley Rossi, Misty Watson, Brandy (Bradley) Walker, and Lacy McCoy; brothers Leonard Rossi and David Rossi; numerous nieces, many grandchildren and a great-granddaughter.

Rossi was preceded in death by his parents Marie Lovenia Stout Rossi and Joseph Rossi; wife Linda Rossi; sons Kevin and Joshua Rossi; sisters Bertha Taylor and Sandra Touchet; and brothers Walter Rossi and Ken Rossi.

Memorial contributions may be made in Rossi's memory to St. Jude Children's Hospital, 501 St. Jude Place, Memphis, TN 38105; or, to the Humane Society of Southeast Texas, P.O. Box 1629, Beaumont, TX 77704.

## Local 202, Denver

Local Secretary and Treasurer **Kevin Lavante** reported that Local 202 donated nearly 70 turkeys for holiday dinners.

"What we do for Thanksgiving is that we had a little extra money that was used to purchase turkeys to give to our fellow members," Local President **Michael Bose** told *The North Platte Telegraph*. "Some members actually said, 'Hey, I don't need a turkey, so just donate it to whoever.'"

With 68 turkeys left over, the local decided to donate them to four charity organizations: Rape/Domestic Abuse Program of North Platte, The Connection homeless shelter, the Salvation Army and the North Platte Senior Center.

"We divided those up with these organizations," Bose said. "We also gave some of them [the turkeys] to some of our guys who are furloughed."

## Local 446, Cheyenne, Wyo.

Local 446 Treasurer **Tyler Thompson** reported that his local held informational sessions Oct 25-27, 2016, for their membership.

"We had local politicians running for office speak, as well as representatives from the Railroad Retirement Board, the Federal Railroad Administration and Union Pacific Hospital Association," Thompson said.

"UTUIA Field Supervisor **David Landstrom** and Auxiliary of the UTU President **Kathryn Hastings** were also on-hand to give presentations," Thompson continued.

## Local 1405, St. Louis

On Dec. 12, 2016, Local 1405 held a Christmas party for their members and retirees. The event had a good turnout with around 50 members, retirees and family that were in attendance at the event.

"Santa Claus came by to visit the children and brought them each a small gift," reported Missouri State Legislative Director **Jason Hayden**. "The local would like to thank everyone that came out to celebrate the Christmas season and enjoy in the fellowship."

## Local 1105, Wilmington, N.C.



Local 1105 Alternate Legislative Representative Chris Lienhop shows off his union pride while on vacation in Nassau, Bahamas, with a SMART sticker that he added to a collection of other stickers.

## Local 1895, Chicago



SMART TD Organizer Rich Ross (front) poses with Santa and the kids at the Saint Blasé Service Center.

SMART TD Organizer and Local 1895 Secretary & Treasurer **Larry Grutzius** reported that Local 1895 teamed with the SMART TD Organizing Department to raise funds for food, books and presents for underprivileged children at the Saint Blasé Service Center.

"Members and their families volunteered to serve meals, help with crafts, read books and give out presents and stockings to the children," Grutzius said. "Special thanks goes out to Local Trustee **Teresa Gedlek** for organizing the event and collecting the donations."

## Local 1138, Miami



Pictured from left: Luis Sierra presents a hand-made crossbucks to retiree Jim Buckner at the CSX Hialeah Yard.

Local 1138 Chairperson **Yvonne Hayes** submitted this picture of new member **Luis Sierra** presenting a hand-made homage to 40-year member **Jim Buckner** at the CSX Hialeah Yard. Buckner retired Jan. 1, 2017.

Sierra constructed the crossbucks from entirely recycled materials, including two birdhouses for the light housings and plastic from two red pails for the lenses. Small battery packs power the LED lights that flash.

"The only item that Luis included that you probably won't find on railroad crossbucks is a bottle opener!" Hayes said.

Co-workers signed the back for Buckner with well wishes and thanked him for his years of brotherhood and mentorship.

Buckner started on the Florida East Coast Railway in 1976, but spent most of his career working for CSX in Hialeah, Fla.

"He's respected as superior switchman, RCO trainer and steadfast union man," Hayes said. "His contributions will be sorely missed."

### Quote of the Month

"Yes, I am my brother's keeper. I am under a moral obligation to him that is inspired, not by any maudlin sentimentality but by the higher duty I owe myself. What would you think me if I were capable of seating myself at a table and gorging myself with food and saw about me the children of my fellow beings starving to death."

- Eugene V. Debs

Want your local to be featured on this page? Email your submissions to:  
**news\_td@smart-union.org**



Pictured from left: Local 1405 President and Local Chairperson Barry Klein; Vice Local Chairperson Steve Paur; Missouri State Legislative Director Jason Hayden; Local Legislative Representative Matt Kohl; Santa; Local Chairperson Kale Warnhoff; Vice Local Chairperson Chris Riley; Trustee Walt Reaster; and Vice Local Chairperson Jason Hamilton.



## Local 303 participates in ‘Union Day of Bell Ringing’ for charity

Local 303 (Springfield, Mo.) took part in the annual Union Day of Bell Ringing for the Salvation Army, Saturday, Dec. 3, 2016.

“The event is in conjunction with the United Way of the Ozarks and the AFL-CIO,” Local Legislative Representative **Jeff Nichols** said. “This is our fourth year participating in the event.”

Members, along with their families and friends, manned the red kettles and rang the bells during the 10-hour event held at the Battlefield Mall in Springfield. Local automotive dealership Don Wessel Honda of Springfield matched all \$20 bill donations with \$100 up to a total of \$100,000.

“Because of the 20/100 event, it was important that as many red kettles as possible be staffed,” said Nichols. “The participation of the local unions made it a huge success.”



Above: Rod Icenhower and wife Shelby



Above: Local President Tim Latham (right) and his grandchildren Janzen and Lennon



Above: Mike Bishop and his daughter Savanna; Right: Legislative Representative Jeff Nichols and wife Christina



Above: Alex Johnson, Susan Day and Dan Becker



Right: Vice President Stacy Fielder, wife Jammie and son Axel



Right: Mike Scott and wife Lindsey Scott



Above: Brian Martin; Below: Joe Taylor and his sister, Susan Day



## SMART TD Human Rights Committee Update

In an effort to improve efficiencies and provide enhanced, more cost effective service to our members, the SMART Transportation Division has recently conducted a review of its internal operations. One of the areas identified for restructuring is the process for providing assignments to the SMART TD Human Rights Committee (HRC).

As a result, effective January 1, 2017, the point of contact for the Human Rights Committee will be **Tracey Neighbors** in the SMART TD legal department in Cleveland. Tracey will intake the initial inquiries, and after consultation with the HRC and legal counsel, will assign the assistance deemed appropriate to the request. This change is intended to provide a more uniform method



Neighbors

of intake and handling while preserving the excellent service and professionalism provided by our HRC representatives.

SMART TD established the Human Rights Committee in February, 2000, as part of a broad-based effort to educate SMART TD Members and employers, to promote diversity within our union, and ensure that every voice is heard and respected.

Our union shares the same dream as Dr. Martin Luther King Jr. – that men and women should not be judged by race, religion, gender, age or sexual preference – and only by the content of their character.

To contact Tracey Neighbors, please email: [tneighbors@smart-union.org](mailto:tneighbors@smart-union.org).

## FMCSA establishes national drug and alcohol testing clearinghouse

The U.S. Department of Transportation’s (DOT) Federal Motor Carrier Safety Administration (FMCSA) announced a final rule, Friday, Dec. 2, that establishes a national drug and alcohol clearinghouse for commercial truck and bus drivers. The clearinghouse database will serve as a central repository containing records of violations of FMCSA’s drug and alcohol testing program by commercial driver’s license (CDL) holders.

Once the clearinghouse is established, motor carrier employers will be required to query the system for information concerning current or prospective employees who have unresolved violations of the federal drug and alcohol testing regulations that prohibit them from operating a commercial motor vehicle (CMV). It also requires employers and medical review officers to report drug and alcohol testing program violations.

The final rule requires motor carriers, medical review officers, third-party administrators, and substance abuse professionals to report information about drivers who:

- Test positive for drugs or alcohol;
- Refuse drug and alcohol testing; and
- Undergo the return-to-duty drug and alcohol rehabilitation process.

Additionally, motor carriers will be required to annually search the clearinghouse for current employees, and during the pre-employment process for prospective employees, to determine whether a driver violated drug or alcohol testing requirements with a different employer that would prohibit them from operating a CMV.

Federal safety regulations require employers to conduct pre-employment drug testing and random drug and alcohol testing. Motor carriers are prohibited from allowing employees to perform safety-sensitive functions, which include operating a CMV, if the employee tests positive on a DOT drug or alcohol test.

In accordance with the Privacy Act of 1974 (5 U.S.C. § 552a), a driver must grant consent before an employer can request access to that driver’s clearinghouse record and before FMCSA can release the driver’s clearinghouse record to an employer. After registering with the clearinghouse a driver can review his or her information at no cost.

The national drug and alcohol clearinghouse Final Rule goes into effect in January 2020, three years after its effective date.

## SMART TD submitted comments to FRA on in-cab distractions

SMART Transportation Division submitted comments Jan. 3 protesting in-cab distractions to the Federal Railroad Administration (FRA). Our comments were made as a result of the FRA’s request for information to address the issue of in-cab distractions.

In our comments, we urged the FRA to consider alternative methods for reducing in-cab distractions. We also pressed them to take action by requiring two-person crews in all locomotive cabs.

*“We have been concerned about the increase of in-cab distractions for some time and have submitted letters and comments to the FRA with our concerns. Two examples are Trip Optimizer and Leader, which are computer-generated*

*devices located in locomotive cabs that are allegedly being used to save fuel,”* SMART TD’s National Legislative Director **John Risch** said in the comments.

*“In addition, PTC implementation is causing greater cab distractions than we had hoped it would. Instead of the PTC system simply stopping trains when necessary, they are constantly messaging the engineer to take some minor corrective action and requiring the engineer to interact immediately, which takes the crews’ focus off the track ahead and on the cab electronic device.”*

To read the comments in their entirety go to [www.smart-union.org/new/smart-td-comments-fra-regarding-cab-distractions](http://www.smart-union.org/new/smart-td-comments-fra-regarding-cab-distractions)

## FRA releases 2017 drug and alcohol testing rates



The Federal Railroad Administration (FRA) has determined that the minimal annual random drug and alcohol testing rate will remain the same for 2017, as positive test rates have remained below the

set threshold.

The testing rates will continue to be 25 percent of covered service employees for drug testing and 10 percent of covered service employees for alcohol testing.

As per a recent final rule, maintenance-of-way

(MOW) employees will become subject to the FRA random drug and alcohol testing beginning June 12, 2017.

The FRA notes that when they originally set drug and alcohol testing rates in 1993, the FRA had set its initial minimum random drug testing rate at 50 percent, and its alcohol testing rate at 25 percent.

Since the FRA does not yet have data on MOW employees, testing rates will be set at the original minimums established in 1993 - 50 percent for random drug testing and 25 percent for random alcohol testing for the period starting June 12, 2017, and ending Dec. 31, 2017.



## Negotiations update on the National Rail Contract

On December 5, 2016, SMART Transportation Division issued a press release to announce that the unions participating in the Coordinated Bargaining Group (CBG) had requested that the National Mediation Board (NMB) mediate the group's negotiations with the National Carriers Conference Committee (NCCC).

The decision to move the process forward with a request for mediation was made after our last negotiating session with the NCCC, when it became apparent that the prospect of reaching a voluntary agreement had grown significantly less likely, due in large part to the outcome of November's elections. During negotiations, the organizations submitted a proposal that would provide the framework of an improved wage, work rule and benefit package that we believe our members have earned.

**“We stand firm in our conviction that our members deserve a better outcome than the carrier’s proposal and we will exhaust every avenue available to achieve a contract settlement with equitable compensation and benefit improvements that reflect the employees’ contributions to the carriers’ success.”**

The carriers responded with an offer that was significantly less in every regard. Your negotiating team found the carriers’ demands for certain work rule changes unacceptable. In our opinion, these changes would compromise safety by creating a negative impact on rest and predictability. In addition, the carrier proposed unsatisfactory wage increases and dramatic cuts to our health care benefits, both of which were also unacceptable.



### SMART Transportation Division President’s Column

By John Previsich

We have negotiated in good faith because we believe a voluntary agreement is in the best interests of our members and will continue to do so while in mediation. However, we stand firm in our conviction that our members deserve a better outcome than the carrier’s proposal and we will exhaust every avenue available to achieve a contract settlement with equitable compensation and benefit improvements that reflect the employees’ contributions to the carriers’ success. Additionally, we will not accept or propose a contract that adds to the already intolerable levels of unpredictability and rest deprivation that our members currently endure.

What’s next? The parties will engage in mediation as part of the dispute resolution process required by the Railway Labor Act. If a voluntary agreement is not reached in mediation, the process provides for a proffer of arbitration by the NMB which, if refused by either participant, will then release the parties to engage in self-help (strike/lockout).

**“We will not accept or propose a contract that adds to the already intolerable levels of unpredictability and rest deprivation that our members currently endure.”**

Moving through the Railway Labor Act to a strike is a long and arduous process, and requires that the parties exhaust every opportunity for settlement before a work

stoppage disrupts the nation’s transportation system. However, the right to strike is a part of the process and the only person who can take away your right to strike is the President of the United States, who may intervene and appoint a Presidential Emergency Board.

In the event that we reach that point, I will be calling on all of our members to reach out to the White House and request that our newly elected President not interfere with our right to exercise self-help in our quest for a fair and equitable contract settlement.

To better explain the process that governs from this point forward, an abridged version of a more detailed explanation of the Railway Labor Act can be found on the next page of this newspaper or by visiting our website at:

<https://smart-union.org/td/washington/abridged-version-railway-labor-act/>

Fraternally,

John Previsich  
President, Transportation Division  
*See next page for Railway Labor Act*

### Did you know... Facts about the Airline Industry

“The pilot and co-pilot never eat the same meal. This is for the safety of the craft: if the pilot is laid low by food poisoning, the co-pilot should still be well enough to continue the flight.”

- www.spartan.edu

## Aviation Department News

News affecting our aviation membership

### FAA issued final rule on small airplane safety certifications



The U.S. Department of Transportation’s Federal Aviation Administration (FAA) issued a final rule that overhauls the airworthiness standards for small general aviation airplanes. This rule will reduce the time it takes to move safety enhancing technologies for small airplanes into the marketplace and will also reduce costs for the aviation industry.

“The FAA’s rule replaces prescriptive design requirements with performance-based standards, which will reduce costs and leverage innovation without sacrificing safety,” said U.S. Transportation Secretary Anthony Foxx.

FAA’s new Part 23 rule establishes performance-based standards for airplanes that weigh less than 19,000 pounds with 19 or fewer seats and recognizes consensus-based compliance methods for specific designs and technologies. It also adds new certification standards to address general aviation loss of control accidents and in-flight icing conditions.

“The rule is a model of what we can accomplish for American competitiveness when government and industry work together and demonstrates that we can simultaneously enhance safety and reduce burdens on industry,” said FAA Administrator Michael Huerta.

The rule responds to the FAA Modernization and Reform Act of 2012 and the Small Airplane Revitalization Act of 2013, which directed the FAA to streamline the approval of safety advancements for small general aviation aircraft. It also addresses recommendations from the FAA’s 2013 Part 23 Reorganization Aviation Rulemaking Committee, which recommended a more streamlined approval process for safety equipment on small general aviation aircraft.

The rule affects airplane manufacturers, engine manufacturers and operators of affected equipment.

This regulatory change is a leading example of how the FAA is transforming its Aircraft Certification Service into an agile organization that can support aviation industry innovation in the coming years. The Service is focused on using risk-based oversight to refresh the certification strategy, investing in management systems to improve performance, and improving the overall organization.

## Bus Department News

A message from your bus department leadership

Dear brothers and sisters of SMART TD:

I wish you all a happy and safe winter, and a happy New Year.

A lot of bus contracts are open for negotiation. We are making progress in the contract negotiations for the Gardena First Student School Bus local in California, and the Los Angeles County Metropolitan Transportation Authority (LACMTA). General Committee 875 is helping with negotiations and we are working to put together a proposal of contract negotiations in early 2017. Bus Vice President Calvin Studivant has been assigned to assist Local 1785 (Santa Monica) and General Committee 875 (LACMTA) on the upcoming contract negotiations.

The Final Rule for entry-level driver training was announced by the Federal Motor Carriers Safety Administration (FMCSA) Dec. 13, 2016. This Rule will have an impact on all of our bus operators who hold a CDL license. The rule affects you if you are upgrading your CDL from class B to class A, or seeking endorsement for P, S or H for the first time. With this rule, training for new operators will get more difficult.

Road conditions are at their worst this time of year. Please allow yourself extra time, be aware of your surroundings and reduce your speed when necessary. DO NOT let your schedule take control over your safe driving speed. It is better to be safe and late to work, than to drive dangerously in unsafe road conditions.

Sleep apnea is a major problem in the bus industry. Please make time for your health and make that appointment for a medical check-up. Make sure to exercise and take a nap during your split shifts when you're tired. Cutting overtime to rest can also improve your health.

If you need assistance or have questions, I can be reached at 216-287-9324. Until next time, God Bless America.

In Solidarity,

Adhi Reddy  
SMART TD Bus Vice President  
216-287-9324  
areddy@smart-union.org



Reddy



## Abridged version of the Railway Labor Act

The Railway Labor Act, as it is applied today, is the culmination of over a century of experience with federal legislation governing labor relations of employers and employees engaged in the rail industry. Its primary purpose is to promote and maintain peace and order in those relations as a means of avoiding interruptions in interstate commerce. During this period, Congress developed a comprehensive policy for dealing with transportation labor problems. The Railway Labor Act is intended to impose positive duties on both carriers and employees alike, define the rights of the parties and make provisions for the protection of such rights. The Act also prescribes methods of settling various types of disputes, and sets up agencies for adjusting differences.

To better understand the Railway Labor Act, it is important to briefly review the legislation that preceded its enactment.

### Arbitration Act

The first federal legislation dealing with railway labor relations was enacted by Congress in 1888. The law provided: (1) for voluntary ad hoc arbitration when both parties to the dispute agreed; and, (2) the President could establish boards of inquiry to investigate labor disputes that threatened to interrupt interstate commerce. The boards of inquiry were to make a public report of the findings and to make recommendations. During the 10 years of the law's existence, the arbitration provisions were never used, and the investigation provisions were used only once, and then without effect on a strike which was already in progress.

### Erdman Act

The Erdman Act of 1898 was the first law to place reliance upon the policy of mediation and conciliation by the government for the prevention of railroad labor disputes, with a temporary board for each case. The investigation features

of the Arbitration Act were repealed, but voluntary arbitration was retained as a second-line resolution procedure if mediation failed. In 1899, a union requested mediation pursuant to the act, but the involved railroad refused to participate. The act was not used again until 1906. Between 1906 and 1913, 61 cases were settled under the act, mostly by mediation.

### Newlands Act

In 1913, several changes were made in the Erdman Act which emphasized the importance of mediation. These amendments later became known as the Newlands Act of 1913. The Newlands Act established a full-time Board of Mediation and Conciliation, and definitively placed the main reliance for settlement of disputes upon mediation. The board was also required, if dispute arose relative to the meaning or application of any agreement reached through mediation, to render an opinion when requested by either party to the dispute. When mediation failed, improved arbitration procedures were available.

### Adamson Act

The Adamson Act of 1916 was an attempt to settle disputes with respect to the basic eight-hour day by direct congressional action, when mediation failed and arbitration was refused and a nationwide rail strike was imminent. The courts have held that the basic eight-hour day may be varied by union contract or individual agreement, if there is no union on the property for the craft involved.

### Government seizure of the railroads during World War I

During World War I, the federal government took com-

plete control of the nation's railroads. Labor/management relations were placed under the supervision of the Federal Railroad Administration and its director general. National Boards of Adjustment were created to settle, by arbitration, all disputes which arose due to interpretation of existing agreements.

The standard labor unions supported the national boards since grievance arbitration was taken out of the hands of local, company-dominated unions. The carriers did not favor the national boards since they had little control over unions at the national level. During this period, there was relative labor/management peace and few arbitration cases.

### The Transportation Act

The Transportation Act of 1920 created the United States Railroad Labor Board of nine members (three to represent, respectively, management, labor and the public) with authority to hear and decide disputes not disposed of in conferences between representatives of the carrier and the employees. Compliance with decisions of the board was not made obligatory, and therefore the board became ineffective.

### The Railway Labor Act

The next and last major law enacted to deal

*Continued on page 9*

SHEET METAL | AIR | RAIL | TRANSPORTATION

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State Watch

News from SMART TD State Legislative Boards

### Illinois



Pictured from left: Illinois State Director Bob Guy; Former Illinois State Director and former FRA Administrator Joe Szabo; Assistant State Director Joe Ciemny; 49-year SMART TD Local 1525 member and ILHS honoree Milton L. McDaniel Sr.; Local 171 Legislative Representative Cederrick Fuller; and Illinois Board Chairperson John O'Brien.

On Dec. 2, 2016, the Illinois State Legislative Board co-sponsored the Illinois Labor History Society's (ILHS) annual Union Hall of Honor dinner and induction ceremony.

"The annual dinner's theme this year was the 100th anniversary of the Great Migration and included the induction of Milton L. McDaniel Sr., a 49-year member (Local 1525) of SMART TD and the first African American locomotive fireman north of the Ohio River on the Illinois Central Railroad," State Legislative Director **Bob Guy** said.

### Iowa



Pictured from left: Iowa Assistant SLD Jon Todhunter; SMART TD Political Consultant Dean Mitchell; Arkansas SLD Gerald Sale; Iowa SLD Jim Garrett; Indiana SLD Kenny Edwards; Sheet Metal National Legislative Director Steve Dodd; Illinois SLD Bob Guy; and Minnesota SLD Phil Qualy. Not pictured: Sheet Metal Local 45 Business Agent Andy Bredesen; Nebraska SLD Bob Borgeson and National Legislative Director John Risch.

Iowa State Legislative Director **Jim Garrett** reported that State Legislative Directors located in the Midwest met in Altoona, Iowa, Dec. 12, 2016, to discuss election results, implications as a result of the elections and future strategies.

### Nebraska



State Legislative Director Bob Borgeson and Chayse Johnson present a UTUPAC to John Synowiecki (D - Dist. 7). Synowiecki was running for a seat in the Nebraska State Senate (he lost the seat to Tony Vargas (R)). Chayse is the daughter of Local 626 President Jon Johnson.

### Washington

State Legislative Director **Herb Krohn** reported that Republican candidate for governor, Bill Bryant, advocated for up to four crewmembers on all freight trains during his final debate with Incumbent Governor Jay Inslee.

Bryant also advocated for restrictions on oil train lengths and increased inspections of cars and tracks. Gov. Inslee also stands in support of improved inspections, staffing and braking systems for oil trains.

Inslee won his re-election and all eyes will be on him to see if he will pass any new oil train safety regulations as promised.

Submit your legislative stories and photos to  
SMART Transportation Division by emailing:  
**news\_td@smart-union.org**



# Hard fought victories: a history of railroad labor

## 100 years of railroad history: Strikes marked early days as workers organized unions

**1863:** After several attempts were made as early as 1855, the Brotherhood of the Footboard became the first craft union of rail labor on May 8 in Marshall, Mich. The organization changed its name to the Brotherhood of Locomotive Engineers (BLE) within a year of forming.

**1868:** T.J. "Tommie" Wright and a small band of Illinois Central Gulf Conductors formed the first conductors' union known as "Division Number 1 Conductors' Brotherhood." The union's first convention was held in Columbus, Ohio, where conductors from U.S. and Canada adopted the name, "Order of Railway Conductors of America" (ORC).

**1872:** Laborers in New York City went on strike to obtain an eight-hour workday.

**1873:** The Brotherhood of Locomotive Firemen (BLF) was organized by Joshua Leach.

**1877:** Several railroads cut wages 10 percent, setting off strikes and riots. Over 100 strikers were killed and several hundred were wounded. Federal troops, under order of President Hayes, quelled the disturbances. The stage was set for stronger organization of railroad labor.

**1880:** Eugene Victor Debs was elected as president of the Brotherhood of Locomotive Firemen.

**1881:** The American Federation of Labor (AFL) formed from its predecessor, the Federation of Organized Trades and Labor Unions.

**1883:** The Brotherhood of Railroad Brakemen was formed in June. At the time, rail workers earned a little more than \$1.00 a day while working one of the most dangerous jobs in the U.S. An estimated 70 percent of all train crews could expect injury within five years.

**1885:** The ORC directed its leaders to aid in negotiating agreements with carriers, a revolutionary idea for the time.

**1886:** Switchmen met in Chicago and formed the Switchmen's Mutual Aid Association.

**1887:** The Order of Railroad Trackmen organized in Demopolis, Ala. It soon changed its name to the current-day Brotherhood of Maintenance-of-Way Employees (BMWE).

**1888:** A lockout on the Chicago Northwestern Railroad, and a disastrous strike in 1888 on the Chicago, Burlington and Quincy Railroad, ended the Switchmen's Mutual Aid Association in July 1894.

**1889:** The Brotherhood of Railroad Brakemen changed its name to the Brotherhood of Railroad Trainmen (BRT) to reflect its expansion into 14 different trade classifications.

**1890:** The ORC adopted a strike clause and began a militant policy of fighting for the welfare of conductors.

**1893:** Official counts showed 18,343 railroad workers were injured on the job and another 1,657 were killed that year. There was no legal redress for injuries or deaths resulting from negligence on the part of their employers.

**1893:** The first target of railroad labor's legislative campaign, begun in 1889, was safety. Its first victory was the enactment of the Safety Appliance Act of 1893. Among other things, the act outlawed the "old man-killer link-and-pin coupler" which alone was responsible for 310 deaths and 8,753 injuries to railroad workers that year.

**1893:** The American Railway Union (ARU), the nation's first industrial union, was founded June 20 to unite ALL rail workers into a single organization.

**1894:** Led by Eugene V. Debs, the ARU endorsed the Pullman Strike and declared a boycott against Pullman equipment. This paralyzed many carriers across the U.S. Federal, state and local militia patrolled Chicago yards as hundreds of cars were burned. Troops killed about a dozen strikers and wounded scores. About 14,000 law agents guarded Chicago railroads and thousands more stood duty along 41,000 miles of U.S. track before the strike was finally broken that summer. Debs and other ARU leaders were jailed and the union was destroyed.

**1894:** The Switchmen's Mutual Aid Association regrouped and the Switchmen's Union of North America (SUNA) was formed.

**1898:** The Erdman Act provided for mediation and voluntary arbitration on the railroads. It made it a criminal offense for railroads to dismiss employees or to discriminate against prospective employees because of their union membership or activity. The Act also allowed for legal protection of employees' rights to membership in a labor union, a limit on the use of injunctions in labor disputes, lawful status of picketing and other union activities, and requirement of employers to bargain collectively.

**1906:** The BLF changed its name to Brotherhood of Locomotive Firemen and Enginemen (BLF&E).

**1908:** The Federal Employers' Liability Act (FELA) passed on April 22. Most railroad workers fall under FELA when injured on the job.

**1910:** The Accident Reports Act passed on May 6. A 10-hour workday and standardization of rates-of-pay and working conditions were won by the Railway Brotherhoods.

**1911:** The Locomotive Inspection Act passed on Feb. 17.

**1916:** The Hours of Service Act passed on Sept. 3. The Railroad Brotherhoods won an eight-hour day. Henceforth, the carriers have been obliged to pay overtime after eight hours.

**1918:** The Railroad Yardmasters of America (RYA) organized February 2 in response to managerial abuses.

**1920:** Rail employment reached a high of two million workers. Control of the railroads by the government, a wartime measure, also ceased.

**1922:** 400,000 members of the National Shopmen went on strike July 1 after carriers reduce wages by seven cents per day. A federal injunction quashes union strike support activities and the strike is ultimately defeated.

**1926:** The Railway Labor Act (RLA) passed May 20. It required employers, for the first time and under penalty of law, to bargain collectively and not to discriminate against their employees for joining a union. It provided also for mediation, voluntary arbitration, fact-finding boards, "cooling off" periods and adjustment boards.

**1934:** The National Mediation Board (NMB) was established by an amendment to the Railway Labor Act (RLA).

**1935:** The National Labor Relations (Wagner) Act passed July 5. The National Labor Relations Act of 1935 followed the example of the Railway Labor Act, and clearly established the right of all workers to organize and to elect their representatives for collective bargaining.

**1937:** The Transport Workers Union (TWU) was founded on May 10, a union of municipal transit workers.

**1937:** The Railroad Retirement Act passed on June 24.

**1938:** The Railroad Unemployment Insurance Act passed June 25.

**1938:** The Fair Labor Standards (Wage Hour) Act passed.

**1940:** The Transportation Act passed on Sept. 18.

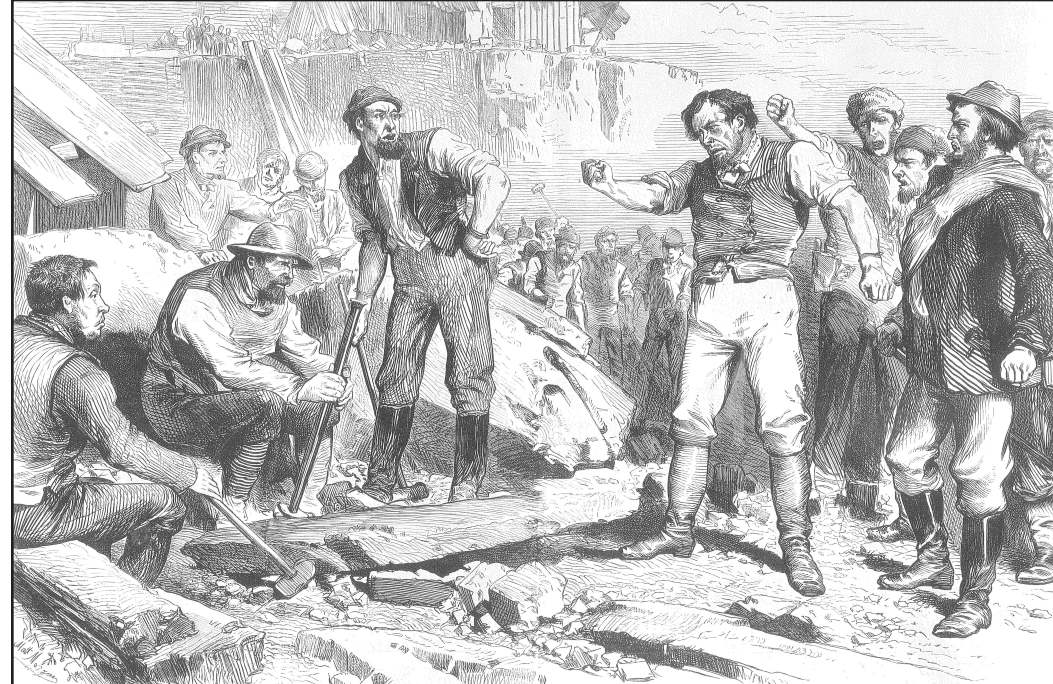
**1946:** Wartime wage and salary controls ended. President Truman seized the nation's railroads in an attempt to break the impending national rail strike. The Brotherhoods continue with their strike plans and struck for two days. They won their part of the "first round" of wage increases.

**1949:** The first 40-hour workweek is established for the U.S. railroad industry.

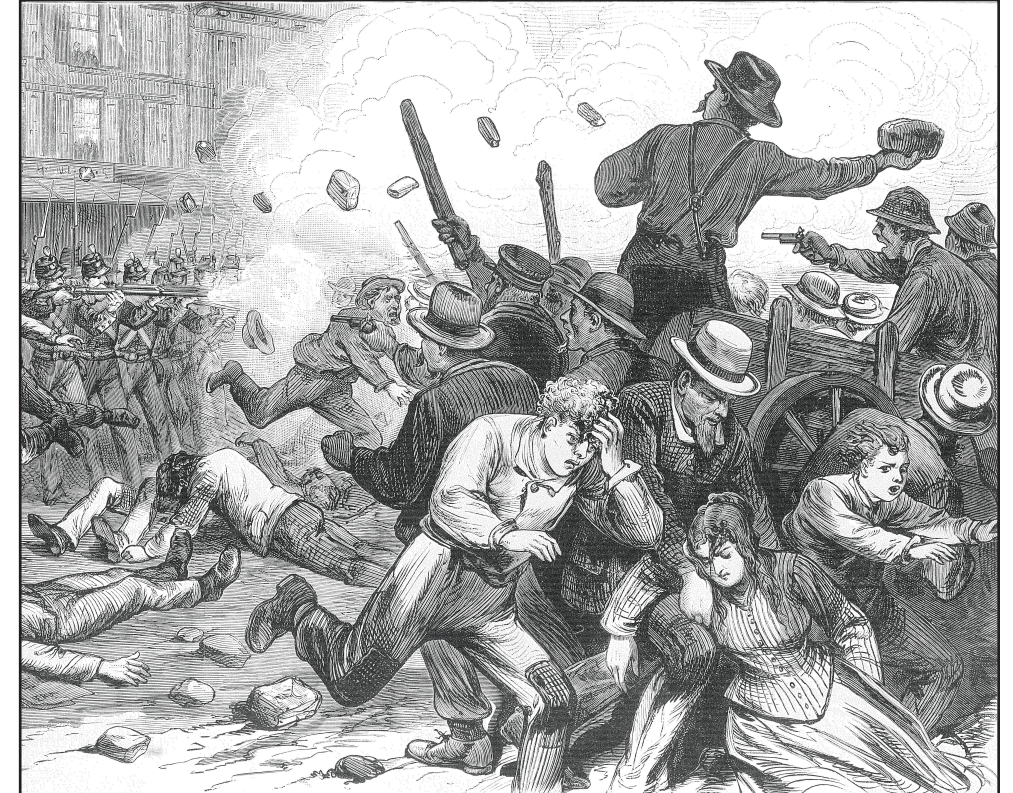
**1951:** The Union Shop Amendment of the RLA passed on Jan. 10.

**1956:** The Supreme Court upheld union representation in railroad union shops, overruling a state right-to-work law.

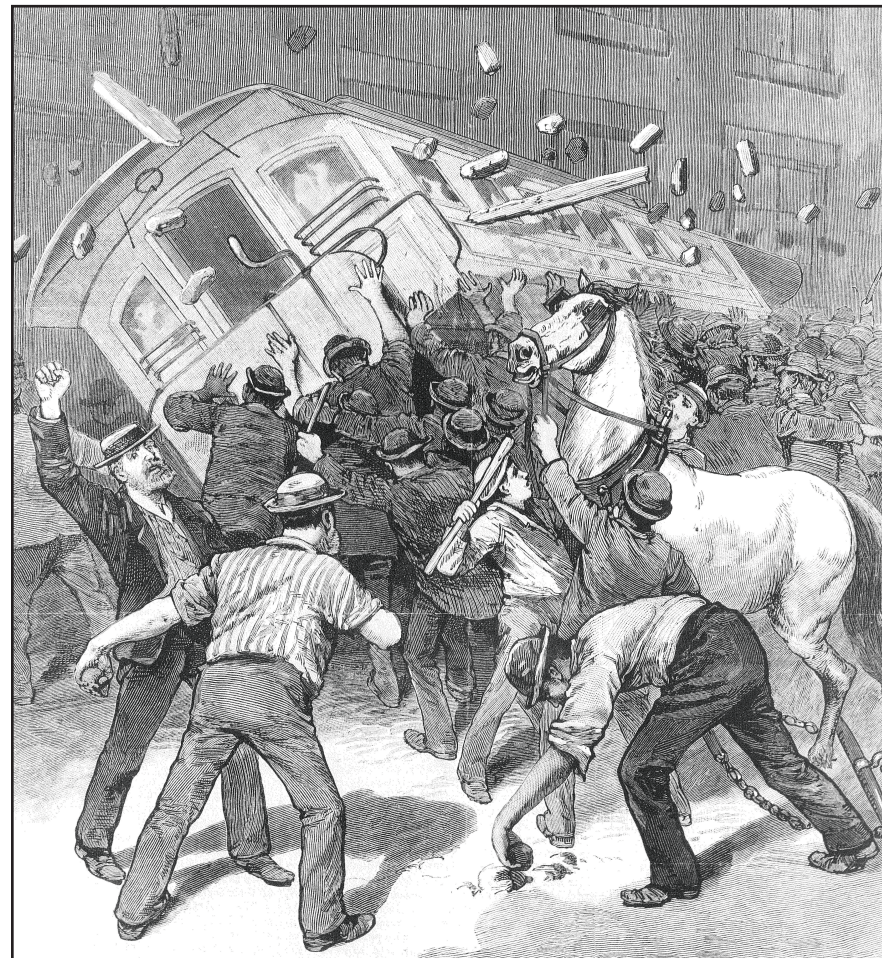
**1963:** Workers on the Florida East Coast (FEC) went on strike. Unions were destroyed and two-man cabooseless trains began Jan. 23.



**New York City, June 8, 1872** - Men on strike for an eight-hour workday threaten non-striking workers at a New York City construction site in this sketch by Matt Morgan. © Library of Congress



**Baltimore, Aug. 4, 1877** - The Sixth Regiment, N.G.S.M., fires upon striking Baltimore and Ohio (B&O) Railroad workers on strike at the corner of Frederick and Baltimore Streets in this sketch by an unknown author. © Library of Congress



**Chicago, July 11, 1885** - Conductors and Drivers of the West Division Street Railway angrily overturn a car while on strike in this sketch by J. Wolfe. © Courtesy of the Chicago Historical Society



**Link 'n Pin:** One of the great hazards to early day trainmen was the coupling operation with the old link-and-pin setup. The sequence required a brakeman's positioning himself between the rolling stock while it was in motion. The Safety Appliance Act of 1893 outlawed the use of the link-and-pin coupler. © UTU News January 4, 1969



**Iron Men:** Early hand-fired locomotives were called "muzzle loaders" by the hardy men who worked them sometimes for days without rest. The hard requirements of the job moved the BLF&E to secure federal stoker laws. © UTU News January 4, 1969



**Aftermath:** Twisted metal and the ashes of siding full of cars is all that remains after a fire during the great railroad strike in Chicago in 1894. © UTU News January 4, 1969



SMART TD Alumni

SMART TD Alumni Association

News, information for members of the SMART TD Alumni Association

Railroad Retirement Board: Rules for working after retirement

Retirees should be aware of the railroad retirement laws governing benefit payments to annuitants who work after retirement.

**A railroad retirement annuity is not payable for any month in which you work for a railroad or railroad labor organization.** This rule applies to all beneficiaries, including retired employees and their spouses, regardless of age or amount of earnings.

You can work for a **nonrailroad employer** and still receive retirement benefits from the Railroad Retirement Board (RRB). However, your benefits will be reduced if you earn over certain limits and are under full retirement age (FRA). Once you attain FRA, there are no Tier 1 and vested dual benefit deductions because of earnings. However, if you work for your last pre-retirement nonrailroad employer, your benefits may be reduced, regardless of the amount of your earnings or your age.

2017 Earnings Limits

Like social security benefits, railroad retirement Tier I benefits and vested dual benefits paid to retired employees and their spouses are reduced if you are under FRA, work, and earn over a certain exempt amount. FRA extends from age 65 for beneficiaries born before 1938, to age 67 for those born in 1960 and later.

If you are under FRA in all of 2017, you can earn up to \$16,920 in 2017 with no reduction in your railroad retirement benefits. If you earn more than that, \$1 in benefits is withheld for every \$2 you earn over \$16,920.

If you attain FRA in 2017, you can earn up to \$44,880 in the months before you reach FRA with no reduction in your railroad retirement benefits. If you earn more than that amount, \$1 in benefits is withheld for every \$3 you earn over \$44,880.

If you also receive monthly social security benefits, your social security benefits are reduced if you earn more than the exempt amount, but your Tier I railroad retirement benefits are not reduced because of your earnings.

Special One-Year Rule

A special rule applies to earnings for one year, usually the first year of retirement, if you are under FRA. Under this rule, you can receive a full annuity for any month you are “retired” and your monthly earnings do not exceed a certain limit, regardless of your annual earnings. Different rules apply to self-employed individuals subject to the monthly test. The amount of time spent in self-employment during a month, as well as the nature of work performed, is considered in determining whether the special one-year rule applies.

In 2017, a person under FRA is considered

retired if monthly earnings do not exceed \$1,410. For example, John Smith retires at age 62 on August 25, 2017. He made \$25,000 through August. He begins a part-time job in September. He earns \$600 per month. Although his earnings for the year exceed the year 2017 limit of \$16,920, Mr. Smith will receive his full railroad retirement annuity for September through December because his earnings in those months are less than \$1,410, the special one-year monthly exempt amount. Beginning in 2017, only the yearly limits will apply to Mr. Smith because he will have already used his special one-year rule eligibility.

What Earnings Count?

If you work for someone else, your gross wages count when we calculate your earnings deductions. If you are self-employed, we count only your net earnings from self-employment. We count your earnings from both railroad and non-railroad employment to determine if you earned over the annual exempt amount. We do not count non-work income such as investment earnings, interest, pensions, gifts, inheritances and capital gains.

Contact the RRB

For more information on limitations to working after retirement visit the RRB’s website at [www.rrb.gov](http://www.rrb.gov) or call toll-free **877-772-5772**.

Save money on your hearing health!

Visit Amplifon’s website at [www.amplifonusa.com/smartTD](http://www.amplifonusa.com/smartTD) or call **1-888-402-4716** for discount details.

SMART TD members are eligible for:

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Call 1-888-402-4716 today!

Offer expires on June 30, 2017

\*Savings on top of our already discounted pricing. Please bring this offer with you to your appointment. [www.amplifonusa.com/smartTD](http://www.amplifonusa.com/smartTD)

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\*This is not a medical exam and is only intended to assist with amplification selection. Please bring this offer with you to your appointment.   
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THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the SMART TD Alumni Association, according to reports received at SMART TD Headquarters. These brothers and sisters will be missed by their many friends and by fellow SMART TD Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Davis, John A.	Logansport, Ind.	446	Borkowitz, James R.	Port Orange, Fla.	1172	Worley, Harold D.	Mullens, W.Va.
5	Burdick, Darrell M.	Overland Park, Kan.	486	Doyle III, Lawrence J.	Forsyth, Mont.	1188	Schuler, Wesley M.	Edmond, Okla.
9	Herman, Bill R.	San Angelo, Texas	489	Werneking, Weldon G.	Cedar Park, Texas	1292	Long, Donald J.	Duluth, Minn.
20	Rossi, Robert J.	Beaumont, Texas	490	Wagoner, Lloyd D.	Vincennes, Ind.	1366	Jenkins, Roger L.	Huntsville, Utah
48	Cannon Jr., William J.	Virginia Beach, Va.	528	Pigott Jr., David J.	Sun City West, Ariz.	1376	Frissora, Antonio	Columbus, Ohio
60	Bonowicz, Vincent J.	Laurel, Del.	586	Young, Willis D.	Marion, Ohio	1377	Keaton Jr., William A.	Ashland, Ky.
60	Coyle, Martin J.	Pembroke Pines, Fla.	587	LaBar, John V.	Ballston Spa, N.Y.	1409	Meier, James F.	Shawnee, Kan.
60	Morgan, William R.	Port Jervis, N.Y.	663	Deane, Wilfred J.	Buckfield, Maine	1518	Pitchford, R. L.	Brownsburg, Ind.
204	Fluke, Jerome C.	Pueblo, Colo.	807	Andrews, Richard E.	Tucson, Ariz.	1525	Carmany, James J.	Bloomington, Ill.
233	Neiffer, John	Brandon, S.D.	832	Curran, Leonard J.	Fond Du Lac, Wis.	1534	Steele, John L.	Chicago, Ill.
257	Sargent, Roger L.	Torrington, Wyo.	872	Cubrich, Robert	Omaha, Neb.	1548	Moore, Harrison	Shelbyville, Ind.
281	Scherer, Eldred A.	Detroit Lakes, Minn.	904	Cloum, Alfred B.	Evansville, Ind.	1557	Allen, Wilburn	Fulton, Ky.
284	McCarthy, Daniel J.	Cleveland, Ohio	949	Darnell, Lewis	Denison, Texas	1571	Tombosky, Murray A.	El Paso, Texas
300	Tini, William J.	Aston, Pa.	1059	Branesky, Daniel	Champlin, Minn.	1732	White, Fred E.	Ft. Bragg, Calif.
318	Kraus, Aloys A.	Waverly, N.Y.	1074	Rettig, Leo H.	Rimersburg, Pa.	1800	Hamilton, E. Glenn	Tucson, Ariz.
329	Lager, Donald B.	Boone, Iowa	1105	Griffin, James M.	Wilson, N.C.	1949	Clark, Simon W.	Big Pool, Md.
421	Walsh, Richard J.	Erie, Pa.	1106	Farmer, Cuyler M.	Wilson, N.C.	1963	Harris, Richard G.	Henryville, Ind.
427	Causey, Robert	McComb, Miss.	1137	Cash, John M.	Bemidji, Minn.	6666	Ambicki, Ferne E.	Tucson, Ariz.
445	Wargo, Milan J.	Streator, Ill.	1137	Schledwitz, Robert E.	Sterling, Colo.			



## Abridged version of the Railway Labor Act

Continued from page 5

with rail-labor relations was the 1926 Railway Labor Act. The act has been amended several times but remains the hallmark of labor relations in the rail industry and the oldest continuous federal collective bargaining legislation in the nation's history.

The act has five major functions:

1. To prevent the interruption of rail service;
2. To allow employees to organize their own unions;
3. To provide complete independence of organizations by both management and labor;
4. To assist in prompt settlement of disputes arising regarding rates of pay and working conditions;
5. To assist in prompt settlement of any disputes or grievances which arise as a result of conflicting interpretations or application of existing agreements.

As the various sections of the Railway Labor Act (RLA) are studied, it is obvious it has embodied provisions of the earlier acts to incorporate and mandate certain basic principles that continue to govern labor relations in the air and rail industries. Sections of the Act that are pertinent to this explanation of the processes involved in national rail contract resolutions are excerpted below:

**§152. First.** "It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions..."

The RLA imposes a positive duty upon all carriers and their employees subject to the act to make and maintain written agreements. The relations between the carrier and employees are not to be governed by the arbitrary will or whim of management or the employees, but by written rules mutually agreed upon and equally binding on each.

**§152. Sixth.**

"In case of a dispute...arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier or carriers and of such employees...to confer in respect to such dispute..."

As mentioned earlier, it is the duty of each party to exert every effort to make and maintain agreements, and to hold conferences for the purpose of settling all disputes.

**§152. Seventh.**

"No carrier, its officers, or agents shall change the rates of pay, rules, or working

conditions of its employees, as a class, as embodied in agreements except in the manner prescribed in such agreements or in Section 156 of this title."

It is the duty of both parties to give at least 30 days' notice of any desired change in rates of pay, rules, or working conditions embodied in agreements. When a Section 6 Notice has been given, and while conferences are being held, or while a dispute is in the hands of the National Mediation Board, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon.

### National Mediation Board

The National Mediation Board was established in June 1934 under authority of the Railway Labor Act as amended. The NMB is an independent agency in the executive branch of the government and is composed of three members appointed by the president of the United States, by and with the advice and consent of the Senate. In addition, the Board has a staff of mediators, who spend practically all their time in field duty. Cases subject to the jurisdiction of the National Mediation Board are of three general kinds:

1. Differences between carriers and employees regarding requests for changes in rates of pay, rules, or working conditions under Section 6 of the Railway Labor Act. ("major disputes" docketed as "A" cases).
2. Disputes among employees as to who shall be their duly designated and authorized representative ("representation disputes" docketed as "R" cases).
3. Interpretation of mediation agreements where controversy has arisen over the meaning or the application of such agreements (involving completed "A" cases).

### Emergency boards

Under the terms of Section 10 of the Railway Labor Act, if a dispute between a carrier and its employees is not adjusted through mediation or the other procedures prescribed by the act, and should, in the judgment of the National Mediation Board, threaten to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the board shall notify the President, who may thereupon, in his or her discretion, create an emergency board to investigate and report to him or her respecting such dispute.

An emergency board may be composed of such number of persons as the President designates (usually three), and persons so designated shall not be pecuniary or otherwise interested in any organization of

employees or any carrier. The President of the United States fixes the compensation of emergency board members. An emergency board is created separately in each instance, and is required to investigate the facts as to the dispute and report thereupon to the President within 30 days from the date of its creation. During that period, and for 30 days after issuance of the report, the parties must maintain the status quo. The carrier may not implement changes in the contract, and the union may not strike.

## Members: call Congress in support of two-person crews!

Continued from page 1

Now is the time to speak up and voice your support for two-person train crews! All active and retired members of the BLET and SMART TD, as well as their Auxiliary Representatives, should contact their House Representatives and ask them to co-Sponsor H.R. 233, the Safe Freight Act of 2017.

SMART TD and BLET members: Please visit the SMART TD Legislative Action Center at [http://www.congressweb.com/SMART\\_Transportation/12](http://www.congressweb.com/SMART_Transportation/12) where you can easily find and contact your representative and urge him or her to support H.R. 233.

Members can also call the U.S. Capitol Switchboard at **202-224-3121**, and ask to speak with the House of Representative member from your Congressional District. Contact information can also be found online at: <http://www.house.gov/htbin/findrep>.

"The nationwide fight over operating crew size is far from over, and we are urging all BLET and SMART TD Brothers and Sisters to contact their member of Congress on this extremely important issue," BLET President Dennis R. Pierce said. "In spite of what the railroads might say, technology has not advanced to the point that it can replace the eyes and ears of railroad professionals. Please do your part as the job you save may be your own."

"We will continue our tireless and years-long work of supporting a minimum of two crew members on all trains. An overwhelming majority of Americans from both political parties support this measure: the American people have spoken and are in favor of this bill. It is past time for our government to get on track, do the right thing and support H.R. 233. This measure is a matter of domestic safety and security for railroad workers, passengers, our cities, towns and our entire nation," said SMART TD President John Previsich.

H.R. 233 can be viewed at: <https://www.congress.gov/bill/115th-congress/house-bill/233/text?r=61>

## Auxiliary opens new lodges in 2016

Kathryn Hastings, International President of the Auxiliary of the UTU, reported that the Auxiliary opened four new lodges in 2016.

Lodge 854 opened Oct. 8 in Chesapeake, Va.; Lodge 782 opened Oct. 9 in Asheville, N.C.; Lodge 218 opened Nov. 16 in Proctor, Minn.; and Lodge 446 opened Dec. 10 in Cheyenne, Wyo.

The benefits of joining are:

- **Union** - Bring spouses and family members together with fun activities.
- **Support** - Provide assistance for Auxiliary members and help in local communities. Hold fundraisers for furloughed employees, scholarships or local charities.
- **Legislative** - Receive updates on issues that affect SMART TD jobs and members.
- **Scholarship** - Minimum of eight \$1000 scholarships are granted each year that renew for a maximum of four years.

- **Resources** - Provide information on Designated Legal Counsel so families know what to do if something happens to a spouse while at work. Other resources available such as railroad retirement & medical information.
- **Discounts** - Variety of discounts on travel, phone, computers, moving, entertainment & much more.

Visit the Auxiliary's website at [www.auxiliaryutu.com](http://www.auxiliaryutu.com) or call **216-521-2522** for more information on how you can join or open a lodge.



**Above:** Lodge 218 - Vice President Vickie Nelson, Rachael Rhodes, Billie Heidemann, Danielle Zigich, Desiree Strand, Veronica Archambeau, Katy Haus, Natasha Lancour, Grand Lodge President Kathryn Hastings and Patti Haus; **Below left:** Lodge 782 - Carole Steverson, Jennie Steverson, Hastings, Terri Ingerick, Toni Tyle & Jason Ingerick; **Below right:** Lodge 854 - Hastings, Jessica Hobbs, Christine Hobbs, Megan Parent, Donna Poindexter, Michelle Poindexter, Katelyn Whitley, Amy Myers, Heather Martin, Ashley Cortez and Diane Foster.





## SMART TD releases 2017 Regional Meeting details

The SMART Transportation Division has set the dates and locations of the union’s two 2017 regional meetings.

### San Antonio

#### Hotel Information:

The western regional meeting will be held **June 12-14**, at **Grand Hyatt San Antonio Hotel in San Antonio**. The cost for rooms in San Antonio is **\$185 per night** for standard single/double sleeping rooms.

To make your room reservations at the Grand Hyatt San Antonio hotel, call **1-800-233-1234** and mention reservation code: **SMART Union Group & Transportation Division Regional Meeting**.

To make your reservations online visit: <https://aws.passkey.com/go/SmartUnion2017>

#### Parking:

- Self-Parking - \$14.50 (regularly \$29.00)
- Valet Parking - \$39.00

#### United Airlines Discount:

- Valid Dates: 06/07/17- 06/17/17
- Offer Code: ZY4D810745
- Z code: ZY4D
- Agreement Code: 810745
- Book online: [www.united.com](http://www.united.com)
- Phone reservations call: 800-426-1122

### New York City

#### Hotel Information:

The eastern regional meeting will be held **July 10-12** at **Sheraton New York Times Square Hotel in New York City**. The cost for rooms in New York City is **\$189 per night** for standard single/double sleeping rooms.

Call **1-888-627-7067** for reservations and

mention reservation code: **SMART or 2017 Union Transportation Division**.

To make your reservations online visit: <https://www.starwoodmeeting.com/Book/SMART2017>

#### Parking:

- Self-Parking: not available
- Valet Parking: \$65.00

#### United Airlines Discount:

- Valid Dates: 07/05/17 - 07/15/17
- Offer Code: ZY4D810745
- Z code: ZY4D
- Agreement Code: 810745
- Book online: [www.united.com](http://www.united.com)
- Phone reservations call: 800-426-1122

The Transportation Division’s officers and director of meeting management will continue to finalize details of both meetings in the coming months.

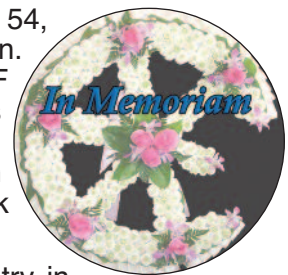
Check [www.smart-union.org/td/](http://www.smart-union.org/td/) regularly for meeting updates.



Aerial view of San Antonio at night. Photo credit: © visitsanantonio.com

## North Dakota member dies in BNSF crew van accident

**Robert W. Vann IV**, 54, was killed Tuesday, Jan. 10 when the BNSF crew van that he was riding in was involved in a head-on collision with a pick-up truck near Wolf Point, Mont.



Vann served his country in the U.S. Air Force before hiring out as a conductor with BNSF in Minot, N.D. He had more than 13 years of service with the railroad at the time of his death and was very active in Local 1059.

Vann served as local legislative representative from 2011 to 2013; legislative vice chairperson from 2012 to 2016; and vice local chairperson from 2015 to 2017.

During his free time, he enjoyed volunteering in his community.

Vann is survived by his wife Terra Vann; children Cassie (Joe) Faiai, Bobby (Virginia) Vann, Chase (Cassie) Vann, Tiffany (Mike) St. Lawrence, Cody Vann and Camie Vann; grandchildren Kierna, Kyric, Sefa, Alyssa, Samson, Aisi, Teia and Brooklyn; sister Susan (David) Vann-Spruill; brother Andrew (Sandy) Vann; and nieces and nephews.

He was preceded in death by his parents Robert III and Mary (Flowers) Vann; and grandparents Thelma and Robert Vann II, and Luther and Mae Flowers.

Visit [www.thomasfamilyfuneralhome.com](http://www.thomasfamilyfuneralhome.com) to leave condolences for the family.

## OSHA’s cold stress guide: Hypothermia

Anyone working in a cold environment may be at risk of cold stress. Some workers may be required to work outdoors in cold environments and for extended periods, for example, snow cleanup crews, sanitation workers, police officers and emergency response and recovery personnel, like firefighters, and emergency medical technicians. Cold stress can be encountered in these types of work environment.

### HOW COLD IS TOO COLD?

What constitutes extreme cold and its effects can vary across different areas of the country. In regions that are not used to winter weather, near freezing temperatures are considered “extreme cold.” A cold environment forces the body to work harder to maintain its temperature. Whenever temperatures drop below normal and wind speed increases, heat can leave your body more rapidly.

Wind chill is the temperature your body feels when air temperature and wind speed are combined. For example, when the air temperature is 40°F, and the wind speed is 35 mph, the effect on the exposed skin is as if the air temperature was 28°F.

Cold stress occurs by driving down the skin temperature and eventually the internal body temperature (core temperature). This may lead to serious health problems, and may cause tissue damage, and possibly death.

### WHAT ARE THE RISK FACTORS THAT CONTRIBUTE TO COLD STRESS?

Some of the risk factors that contribute to cold stress are:

- Wetness/dampness, dressing improperly and exhaustion
- Predisposing health conditions such as hypertension, hypothyroidism and diabetes
- Poor physical conditioning

### HOW DOES THE BODY REACT TO COLD CONDITIONS?

In a cold environment, most of the body’s energy is used to keep the internal core temperature warm. Over time, the body will

begin to shift blood flow from the extremities (hands, feet, arms and legs) and outer skin to the core (chest and abdomen). This shift allows the exposed skin and the extremities to cool rapidly and increases the risk of frostbite and hypothermia. Combine this scenario with exposure to a wet environment, and trench foot may also be a problem.

### WHAT IS HYPOTHERMIA?

Hypothermia occurs when body heat is lost faster than it can be replaced and the normal body temperature (98.6°F) drops to less than 95°F. Hypothermia is most likely at very cold temperatures, but it can occur even at cool temperatures (above 40°F), if a person becomes chilled from rain, sweat or submersion in cold water.

### WHAT ARE THE SYMPTOMS OF HYPOTHERMIA?

Mild symptoms:

- An exposed worker is alert.
- He or she may begin to shiver and stomp the feet in order to generate heat.

Moderate to Severe symptoms:

- As the body temperature continues to fall, symptoms will worsen and shivering will stop.
- The worker may lose coordination and fumble with items in the hand, become confused and disoriented
- He or she may be unable to walk or stand, pupils become dilated, pulse and breathing become slowed, and loss of consciousness can occur. A person could die if help is not received immediately.

### WHAT CAN BE DONE FOR A PERSON SUFFERING FROM HYPOTHERMIA?

Call 911 immediately in an emergency; otherwise seek medical assistance as soon as possible. Move the person to a warm, dry area. Remove wet clothes and replace with dry clothes, cover the body (including the head and neck) with layers of blankets; and with a vapor barrier (e.g. tarp, garbage bag). Do not cover the face.

If medical help is more than 30 minutes away:

- Give warm sweetened drinks if alert (no alcohol), to help increase the body temperature.
- Place warm bottles or hot packs in armpits, sides of chest and groin. Call 911 for additional rewarming instructions.

If a person is not breathing or has no pulse:

- Call 911 for emergency medical assistance immediately.
- Treat the worker as per instructions for hypothermia, but be very careful and do not try to give an unconscious person fluids.
- Check him/her for signs of breathing and for a pulse. Check for 60 seconds.
- If after 60 seconds the affected worker is not breathing and does not have a pulse, trained workers may start rescue breaths for three minutes.
- Recheck for breathing and pulse, check for 60 seconds.
- If the worker is still not breathing and has no pulse, continue rescue breathing.
- Only start chest compressions per the direction of the 911 operator or emergency medical services.\*
- Assess patient’s physical status periodically.

\*Chest compressions are recommended only if the patient will not receive medical care within three hours.

### WHAT IS THE RESPONSIBILITY OF YOUR EMPLOYER?

Although OSHA does not have a specific standard that covers working in cold environments, employers have a responsibility to provide workers with a place of employment that is free from recognized hazards, including cold stress, which are causing or are likely to cause death or serious physical harm to them (Section 5(a)(1) of the Occupational Safety and Health Act of 1970). Employers should, therefore, train workers on the hazards of the job and safety measures to use, such as engineering controls and safe work practices, that will protect workers’ safety and health.



# UTUIA announces increase to scholarships!



## College & Trade School Scholarship Program Rules

### DISTRIBUTION

Fifty continuing \$2,000 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of SMART Transportation Division members in each of nine districts. The names of the 50 scholarship winners for the academic year 2017/2018 will be drawn at UTUIA headquarters in North Olmsted after the March 31 deadline for submission of applications.

### ELIGIBILITY

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

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

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

Applications must be received **no later than March 31, 2017**. Please submit **only one application per student**. Incomplete or duplicate applications will not be accepted.

**The application form is only available at [www.utuia.org](http://www.utuia.org) by clicking on ‘scholarship information’ and ‘scholarship application.’**

### AWARDS

Scholarship winners are selected through a random drawing. A UTUIA scholar is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

### ADMINISTRATION

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

### CONTACT

Further questions may be directed to Beth Thomas by calling **216-227-5254**, or by emailing “[ethomas@utuia.org](mailto:ethomas@utuia.org).”

Visit [www.utuia.org](http://www.utuia.org) for full details and official rules.

A message from UTUIA President Ken Laugel

## UTUIA announces scholarship increase for 2017: \$2,000 per student per year!

**50 two-year Trade School Scholarships and 50 four-year College Scholarships available for 2017!**

Each year, the UTUIA offers 50 four-year college scholarships and 50 two-year trade school scholarships. We are currently providing 150 ongoing scholarships for enrolled students throughout the country.

Just last year, UTUIA introduced 50 new scholarships to students planning to attend two-year trade schools. This new trade school scholarship program is designed to help meet the ongoing demand for skilled labor in the USA.



Laugel

In response to the growing costs of college education, we are increasing all scholarships, both active and new, from \$1,000 to **\$2,000 per student, per year!**

“Our commitment to the membership is to provide the best possible benefits, low rates and fraternal benefits for their families,” UTUIA President Ken Laugel said. “Education truly is the key to providing opportunity to today’s job market and we are proud to be able to support our families in this way.”

Fraternally,

Ken Laugel  
President, UTUIA

## John Edgar Thomson Foundation offers financial assistance to daughters of deceased railway employees

The John Edgar Thomson Foundation was established in 1882, endowed by the will of Mr. Thomson, third president of the Pennsylvania Railroad. The Foundation provides financial assistance for orphaned daughters of deceased railway employees.



Thomson

The parent, regardless of gender, must have been in the active employ of a railroad in the U.S. at the time of death. The cause of death need not be work related and the parent, while on the active role of the railroad, may have been receiving disability or sick leave benefits. Eligibility is dependent upon the daughter and parent remaining unmarried.

The monthly grant, under continued eligibility, may cover the period from infancy to age 18. If attending college, assistance may extend to age 24 to assist with higher education. The Foundation also provides special health care benefits to the daughter.

Funding for the work of the Foundation is completely independent of any railroad. Applications are accepted year-round.

For more information, visit [www.jethomsonfoundation.com](http://www.jethomsonfoundation.com) or call **1-800-888-1278**.

## Other transportation scholarships

Below is a list of some other transportation industry scholarships that you or your children/grandchildren may be eligible for.

- **Tom D. Eilers Scholarship** - Application due by March 31. Visit [www.utuia.org](http://www.utuia.org) for more information.
- **Union Plus Scholarship** - Application due by 12:00 p.m., January 31. Visit [www.unionplus.org](http://www.unionplus.org) to apply.
- **Tealinc Scholarship** - For children or dependents of a person working in the rail industry. Application due by March 31. Visit <http://www.tealinc.com/news-education/tealinc-scholarship/> to apply.
- **Frank J. Richter Scholarship** - This \$1,000 scholarship is sponsored by the American Association of Railroad Superintendents. Application must be postmarked by July 7, 2017. Visit [www.supt.org/FrankJRichter](http://www.supt.org/FrankJRichter) for more information and to apply.
- **ABA Foundation Scholarships** - The American Bus Association Foundation (ABA) offers scholarships to full-time employees and their children, whose employer is a member of the ABA. Employees of Coach USA, among others, are eligible. Applications are being accepted between January and April at [www.buses.org/aba-foundation/scholarships](http://www.buses.org/aba-foundation/scholarships).
- **RAA Scholarship** - \$3,500, for high school graduates studying for a career in aviation. Go to [http://www.raa.org/?page=RAA\\_Scholarship](http://www.raa.org/?page=RAA_Scholarship) for more information.

For other available scholarships visit: <https://www.scholarships.com>

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

*\*In the event of a lack of eligible applicants for any district, all remaining applicants will be added to a subsequent drawing after winners have been drawn. A random drawing will then take place until such time that all scholarships have been given away.*  
*\*Official rules and full details are available at [www.utuia.org](http://www.utuia.org).*



# Photo of the month...

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

SMART TD seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to SMART TD, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed to "news\_td@smart-union.org".

With each photograph, please include your name and SMART local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of SMART.

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



This photo of BNSF train 3934 was taken by **Judy Horner**, the wife of retired yardmaster and Alumni Association member **Herbert C. Horner** of Grand Forks, N.D. Herbert is a member of Local 1976 in St. Paul, Minn. The photo was taken May 13, 2016, near the Walsh Grain Terminal located near Park River, N.D.

## Are you your brother's keeper?

*Continued from page 1*

While these things are priorities, being helpful to your brothers and sisters outside of work can make your entire life more fulfilling. Think about this question: Has there ever been a time where helping someone in need made you feel worse than you did before? I think we can all answer that question with a resounding "no."

Because of this one incident, for the rest of my career I will always have these two brothers' backs. I will always make sure that they are

"squared away," to use a military reference. It's appropriate because as you know, our union is at war. The carriers want to take away those things which we depend upon to ensure our families' safety and our own well-being. These are the times when we need to be assured that our brothers and sisters have our backs. If we all carry that same attitude, then we are truly united.

These are the things that matter. Yes, it is important to attend union meetings, and just as important is knowing that you can go to

your fellow brothers and sisters day or night, rain or shine, and they will be there for you and your family. These are the things that make a difference, that unite.

Make a difference today in your relationship with the man or woman next to you and you make a difference for life. Forming a bond with your fellow brothers and sisters will ensure we all win in the end. Just as the tide raises all ships, be your brother's keeper. Sometimes it is all he or she has.

**SMART TD members: Please submit your stories & photos to: [news\\_td@smart-union.org](mailto:news_td@smart-union.org)**

## FRA proposes safety updates for High-Speed Rail

**Provides new path for passenger safety to be evaluated and achieved; Agency invites comments on proposal**



The Federal Railroad Administration (FRA) proposed updates for the passenger train safety standards used in the United States as the country looks to add high-speed trains that can travel up to 220 miles per hour and replace its aging passenger fleet. The proposed updates represent nearly a decade of work by FRA's passenger rail division.

"As several regions of the United States build faster passenger rail service, the trains on those tracks must keep passengers safe," said U.S. Transportation Secretary Anthony Foxx. "To do that, we want to allow manufacturers to innovate and achieve all-new levels of safety. These proposed changes put us on track to do just that."

The proposed updates would establish a new category of passenger equipment, Tier III, for trains traveling up to 220 mph.

The updates would offer an alternative method for evaluating how well passengers and crews are protected in an accident, often called crashworthiness. The public, railroad

industry, railroad labor, manufacturers and other stakeholders will have an opportunity to provide feedback and comment on the proposed rule during the next 60 days.

In addition to measuring a train's crashworthiness based on whether it meets current prescriptive strength standards, the proposed changes would allow a train's crashworthiness to be evaluated based on it meeting an equivalent level of safety achieved through crash energy management technology or other innovative engineering methods.

"We look forward to hearing from everyone on how this proposal can help our country build a stronger passenger rail network – one that is not only faster but allows for new technologies to make passenger trains even safer," said FRA Administrator Sarah E. Feinberg.

Although Tier III trains will be required to have exclusive track to operate at speeds above 125 mph, the new standards will allow Tier III trains to safely share track with current Tier I and Tier II commuter, intercity and Amtrak trains. Compatibility between equipment types is a key strategy to allow trains to share existing corridors to reach downtown stations.

## Final figures for fees objectors for 2015

**Percentage of chargeable fees determined by analyst for calendar year 2015**

**Transportation Division\* 75 percent**

\* The item in red is the final figure. It was previously estimated in the July/August 2016 issue of the SMART Transportation Division News to be 76 percent. All other reported numbers have stayed the same as originally reported.

## Find us on social media!



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SMART Transportation Division



SmartUnionWorks



SmartUnion

Is your local involved in a charity? Or perhaps one of your brothers or sisters is doing something unique outside of work? SLDs, is something happening legislatively in your state? Retirees - are you 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! To have your story featured, submit your stories and photos to SMART Transportation Division by email to: [news\\_td@smart-union.org](mailto:news_td@smart-union.org)



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