



Transportation Division News

Volume 49 • Number 9 • September 2017

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

Our SMART TD brothers and sisters in Texas & Florida need your help!

The catastrophic storm damage and flood waters caused by Hurricane Harvey and Irma have devastated Texas and Florida with loss of life and immeasurable destruction of property.

Some of those affected by the devastation are our Brothers and Sisters of SMART Transportation Division (SMART TD) who live in and near the areas affected.

The silver lining is the generosity of citizens around the country who are giving what they can to help those affected to reclaim their lives.



We are asking the SMART TD family to rise to the call and give what you can, so that the daunting task of starting over and rebuilding can begin.

Your generous tax deductible donation will help lessen the struggle and bring real hope and relief to our SMART TD members who are suffering from this great loss. SMART TD will administer donations sent to the **UTU Disaster Relief Fund**.

Contributions may be sent and made payable to:

UTU Disaster Relief Fund
24950 Country Club Blvd.
Suite 340
North Olmsted, OH 44070-5333

For questions, please call the Transportation Division office at **216-228-9400** and reference Disaster Relief.

UTUIA donates \$5k to hurricane relief



The United Transportation Insurance Association (UTUIA), in a show of fraternal solidarity and generosity, has donated \$5,000.00 to the UTU

Disaster Relief Fund to be used for SMART TD members who have been negatively impacted by Hurricanes Harvey and Irma.

"Many Brothers and Sisters of the UTUIA have been affected by the devastating flooding in Texas. The officers and staff of the UTUIA have elected to forward a donation of \$5,000.00 to help ease the pain and burden placed on those who are attempting to recover from this disaster," said UTUIA President **Ken Laugel**.

In response, SMART TD President **John Previsich** said, "I wish to extend my personal thank you to the UTUIA and President Laugel for this magnanimous donation to a worthy cause. Our union brothers and sisters are hurting and it is donations like this one that will help our members get back on their feet. We must show them that they are not alone and that we care during what is certainly an unimaginably difficult time."

Members who wish to donate to help their union brothers and sisters may do so by making checks payable and sending them to:

UTU Disaster Relief Fund
24950 Country Club Blvd.
Suite 340
North Olmsted, OH 44070-5333

For questions, please call Transportation Division headquarters at **216-228-9400**.

Local officers elected in 2017, LCA officer elections in 2018



Members are reminded that regular elections of local officers are being conducted in November 2017, but regular elections for Local Committee of Adjustment (LCA) officers are not held until 2018.

As per the Constitution's Article 21B, Section 57, Local officers are elected every three years, and LCA officers are elected every four years.

According to Article 21B, Section 56, the "... elective officers of a Local shall consist of a President, Vice President, Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a Local, the office of Secretary and Treasurer may be separated and elections held to fill each office...."

Locals will be taking nominations for Local officers this October, with the tabulation of ballots scheduled for November 2017. Vacancies in other positions, such as legislative representative, alternate legislative

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UTUIA hurricane disaster assistance

The United Transportation Union Insurance Association (UTUIA) asks those members who are experiencing financial or other difficulties in paying premiums due to Hurricanes Harvey and Irma, to please call the UTUIA to discuss options that may be available.

The UTUIA may be reached at **216-228-9400** or toll-free **800-558-8842**.

SMART TD, community honors fallen Brother Ollek



Sen. Peter King (red shirt), N.Y. Lt. Gov. Kathy Hochul (middle) and GO 505 Gen. Chairperson Anthony Simon (suit) stand in support of the Ollek family at the memorial service Aug. 19 for Michael Ollek. **Read more on page 2.**

Contact your legislators via the LAC

Take a minute to contact your state and congressional representatives through the SMART TD Legislative Action Center (LAC) to tell them to vote:

NO to Right-to-Work and YES to H.R. 233 - Two-Person Crews!

Using the LAC online is quick and easy: Just visit the SMART TD website at www.smart-union.org/td and click on the Legislative Action Center (LAC) button located at the bottom right of the page.

Or, access the LAC directly at: http://www.congressweb.com/smart_tr_ansportation

At the LAC, you can also learn about issues, see the voting record of your representatives and send emails directly to your reps.

Your voice matters, and our collective voices are stronger than any corporate agenda. We must work to protect our union and safeguard labor rights for SMART TD and all workers.



Send your submissions to SMART Transportation Division by emailing:
news_td@smart-union.org

Inside this issue of SMART Transportation Division News:



Disaster relief tips for members affected by hurricanes. See page 3.



Your UTU PAC 2016 top contributing locals. See pages 6 & 7.



Local Labor Day celebrations. See page 9.



Landmark legislation that shaped the railroad industry. See page 11.

Around the SMART TD

Local 7, North Platte, Neb.

Local 7 had its third annual picnic Aug. 19 at the Lake Maloney Ski Club in North Platte, Neb. With roughly 70 members and their families in attendance, the event was deemed a success.

“A big thanks goes out to DLC law firm Hunegs, LeNeave & Kvas; and members **Scott Dulin** and **Jodi Smith** and all the other members who helped fund and prepare the picnic,” said Local President **Calvin Songster**. “Because of them, we were able to enjoy a full day of food, horseshoes, music, swimming and conversation.”



Local 303, Springfield, Mo.



Left: Local 303 Legislative Rep. Jeff Nichols joins SEIU 1 Organizer Celine Della-Croce, SMART Sheet Metal Local 36 member Cheri Schultz and Local 303 President Tim Latham in staffing the booth. **Right:** Latham tells the people stopping by the booth why right-to-work is wrong for working people and asked for their signatures on the petition.

Local 303 and Sheet metal Local 36 teamed up with SEIU Local 1 and We Are MO to man a right-to-work informational booth at the Ozark Empire Fair, in Springfield, Mo. The purpose of the booth was to explain to the general public what right-to-work is and to garner signatures to get the implementation of right-to-work halted and placed on the November 2018 ballot. The booth was successful and was able to obtain over 200 signatures in just one day.

The petition needed 100,000 signatures to suspend the implementation of right-to-work and to have it placed on the Nov. 2018 ballot. Legislative Rep. **Jeff Nichols** reported Sept. 6, that labor organizations across the state turned in over 310,000 signatures to the Missouri Secretary of State.

Local 773, Galveston, Texas

GCA 393 General Chairperson **Chad Adams** reported that long-time Local Chairperson **Joey L. Stubbs Jr.** announced his retirement. Stubbs' last day was Aug. 31.

A second-generation railroader, Stubbs was originally employed by the ATSF Railway in April 1978. Beginning in 1997, he began serving as local chairperson. He also served the local as delegate and as local legislative representative. Stubbs served on the general committee as the secretary and as a senior vice chairperson.



Stubbs

During his tenure as legislative rep. and local chairperson, Stubbs' local was the highest contributor of PAC in the general committee as well as in the state of Texas.

“He has been a great asset to this union,” said Adams. “His distinct leadership and solidarity have been a great benefit to our membership.”

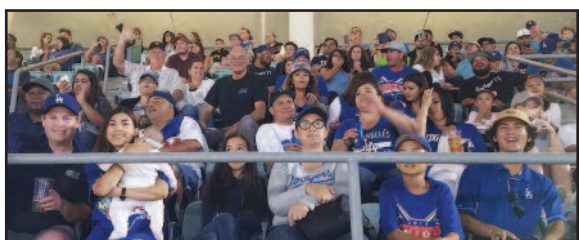
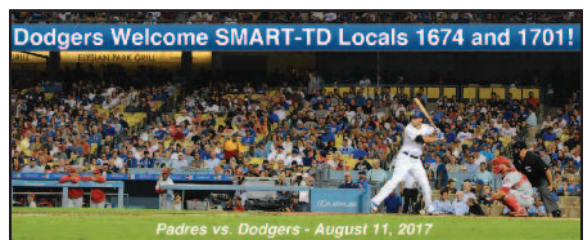
Local 898, Boston, Mass.

On August 7, while at work for the Massachusetts Bay Transportation Authority (MBTA), SMART TD conductor **Donald David** was seriously injured, causing his leg to be amputated below the knee. David, 29, is married with two young children ages two and three.



He required weeks of hospitalization and will endure months of rehabilitation with the potential for other surgeries and setbacks. A GoFundMe account has been established to help pay for medical bills and hardships that the David family faces as a result of this accident. Members may donate by visiting www.gofundme.com/ConductorDonaldDavidFund.

Local 1674, Los Angeles, & Local 1701, Montebello, Calif.



Members and their families at the Dodgers game against the Padres Aug. 11. The Dodgers lost to the Padres, 3 - 4.

Twenty-nine members and their families attended the AFL-CIO night at the Dodgers Stadium to see the Los Angeles Dodgers take on the San Diego Padres. Special thanks goes out to DLC Anthony Petru for his firm's generous donation, which helped reduce the cost of tickets. Thanks also go out to GCA 20 Associate General Chairperson **David Liddle** for his efforts in spearheading the event and for purchasing the tickets so that members could sit together.

Local 1780, Kansas City, Mo.

Local 1780 Legislative Representative **Dan M. Coleman** (third from left) joined IAMA Local 778 member Brian Simmons, his wife Theresa, and Jon Cain of Carpenter's Local 311 in volunteering for the “Right to Work Signature Collection Day of Action,” held July 22. They volunteered to canvas for signatures in Kansas City, to get right-to-work repealed on the November 2018 ballot.



SMART TD, community honors fallen Brother Ollek



This bench, built by Local 29 member Brian Nilsen, was dedicated in Michael Ollek's memory Aug. 19.

On June 10, 2017, SMART member and Long Island Rail Road Track Foreman **Michael Ollek** was tragically and fatally struck by a train while performing service in the Queens area of New York's Long Island Rail Road. Brother Ollek was a veteran railroader, a United States Marine, a great family man and a beloved brother to his fellow track workers.

On Saturday, August 19, 2017, General Chairperson **Anthony Simon**, Local Chairperson **Anthony Lavoratore** and other members of the GO 505 committee held a memorial tribute and bench dedication in memory of Brother Ollek.

Members of the Ollek family, elected officials, dignitaries and brothers and sisters from labor came together to pay tribute to Michael. The dedication was held at the Queens Village Section Gang Headquarters located adjacent to the Long Island Rail Road's mainline right of way.

Special Guests and speakers included New York State Lieutenant Governor Kathy Hochul (D), U.S. Congressman Peter King (R), N.Y. State Majority Leader Sen. John Flanagan (R) and other distinguished guests and friends of labor.

Hochul, King and Flanagan spoke directly to the family of Brother Ollek. They acknowledged the sacrifice and dedication railroaders put forth each and every day they come to work. They praised and consoled Michael's co-workers and the MTA family who came together in his honor.

At the conclusion of the event, Simon and the Ollek family unveiled an amazing hand-made bench personalized in Ollek's memory. The bench, built by Local 29 member **Brian Nilsen**, had Brother Ollek's name engraved on the back rest and a memorial plaque attached to the front.

This tragic accident reminds us of the risks railroaders face each and every day they report for duty. It confirms the need for strict safety adherence and safe practices railroads need to follow on properties throughout the country. Roadway Worker Protection and practices are one of the most important components in safe railroading. We will always remember Brother Ollek, and his memory will live on with his SMART Transportation family.

A GoFundMe account has been set up by the local to help the family with funeral and other expenses. Go to <https://www.gofundme.com/michael-ollek-and-family> to donate.



N.Y. State Sen. Flanagan speaks at the memorial as Gen. Chairperson Anthony Simon looks on.



N.Y. Lt. Governor Hochul addresses the Ollek family and extends her condolences.

Disaster Relief tips for those affected by hurricanes

RRB advises rail workers impacted by hurricanes

The U.S. Railroad Retirement Board (RRB) is reminding rail employees out of work due to Hurricanes Harvey and Irma and their aftermath that they may qualify for unemployment benefits. To determine eligibility or file claims for benefits, affected railroaders should call the RRB's toll-free telephone number (1-877-772-5772) or visit its website at www.rrb.gov. Rail workers who are out of work and without internet or regular mail service may temporarily claim benefits by calling the RRB's toll-free number until services are restored.

In order to file an application for benefits online via the website, an individual must have an Internet Services Account with the agency. For security purposes, first-time users must obtain a unique password, which they can do by clicking on the link for requesting a Password Request Code (PRC) in the Benefit Online Services login section of the www.rrb.gov home page. Individuals who have already established an Internet Services Account and password can go online to file applications and claims for biweekly unemployment benefits, as well as conduct other business with the RRB over the Internet.

Most RRB offices are open to the public from 9:00 a.m. to 3:30 p.m. on Monday, Tuesday, Thursday, and Friday, and 9 a.m. to noon on Wednesday, except on Federal holidays.

The maximum benefit in a two-week period for railroad unemployment benefits is currently \$670.32. Also, during the first 14-day claim period in a benefit year, benefits are payable for each day of unemployment in excess of seven, creating a one-week waiting period.

To qualify for normal railroad unemployment benefits in the benefit year that began July 1, 2017, an employee must have had railroad earnings of at least \$3,673.50 in calendar year 2016, counting no more than \$1,455 for any month. Those who were first employed in the rail industry in 2016 must also have at least five months of creditable railroad service in that year. Under certain conditions, employees with at least 10 years of service who do not qualify on the basis of their 2016 earnings may still be able to receive benefits.

Recovery tips for dealing with storms and flooding

Information provided by the Federal Emergency Management Agency

Getting help

- The American Red Cross can help you by providing you with a voucher to purchase new clothing, groceries, essential medications, bedding, essential furnishings and other items to meet emergency needs. Listen to local radio stations to find out where to go for this assistance, or look up American Red Cross in the phone book and call.
- The Red Cross can provide you with a cleanup kit: mop, broom, bucket and cleaning supplies.
- Contact your insurance agent to discuss claims.
- Listen to your radio for information on assistance that may be provided by the state or federal government and other organizations.
- If you hire cleanup or repair contractors, be sure they are qualified to do the job. Be wary of people who drive through neighborhoods offering help in cleaning up or repairing your home. Check references.

Your home has been flooded. Although floodwaters may be down in some areas, many dangers still exist. Here are things to remember in the days ahead.

- Roads may be closed because they have been damaged or are covered by water. Barricades have been placed for your protection. If you come upon a barricade or a flooded road, go another way.
- Keep listening to the radio for news about what to do, where to go or places to avoid.
- Emergency workers will be assisting people in flooded areas. You can help them by staying off the roads and out of the way.
- If you must walk or drive in areas that have been flooded —
 - Stay on firm ground. Moving water only six-inches deep can sweep you off your feet. Standing water may be electrically charged from underground or downed power lines.

- Flooding may have caused familiar places to change. Floodwaters often erode roads and walkways. Flood debris may hide animals and broken bottles, and it is also very slippery. Avoid walking or driving through floodwaters.
- Play it safe. Additional flooding or flash floods can occur. Listen for local warnings and information. If your car stalls in rapidly rising waters, get out immediately and climb to higher ground.

Staying healthy

A flood can cause emotional and physical stress. You need to look after yourself and your family as you focus on cleanup and repair.

- Rest often and eat well.
- Keep a manageable schedule. Make a list and do jobs one at a time.
- Discuss your concerns with others and seek help. Contact the Red Cross for information on emotional support available in your area.

Cleaning up and repairing your home

- Turn off the electricity at the main breaker of your fuse box, even if the power is off in your community. That way, you can decide when your home is dry enough to turn it back on.
- Get a copy of the book *Repairing Your Flooded Home*. It will tell you :
 - How to enter your home safely.
 - How to protect your home and belongings from further damage.
 - How to record damage to support insurance claims and requests for assistance.
 - How to check for gas or water leaks and how to have service restored.
 - How to clean up appliances, furniture, floors and other belongings.

Repairing Your Flooded Home is available free from the American Red Cross or your state or local emergency manager.

Important healthcare contact information for rail members affected by hurricanes

Below is important information for active and retired railroad members and their families who are covered under The NRC/UTU Health and Welfare Plan, The Railroad Employees National Health and Welfare Plan and The Railroad Employees National Early Retirement Major Medical Plan.

Behavioral Health:

An emotional support hotline is available, free of charge, regardless of behavioral health plan membership. It provides access to specially-trained mental health specialists.

United Behavioral Health/Optum: 1-866-342-6892 (toll free) 24 hours a day, 7 days a week

Prescription Drugs:

If you don't have your medication(s) with you, prescription medications are available to you at any retail pharmacy. Simply show your Express Scripts ID card, or if your ID card is unavailable, call the number below. For members with home delivery orders in impacted areas, UPS shipments will be held at the member's local post office for pickup if delivery to the home is not possible.

Accredo and Express Scripts: 1-800-842-0070 (toll free) 24 hours a day, 7 days a week

Vision:

If you've lost, broken or damaged your eyewear, emergency (temporary) replacement glasses can be sent to you, at no cost, with overnight shipping (must call by 2:30 p.m. ET for same-day processing). Or, if you prefer to order permanent replacement glasses or

contacts, expedited shipping is available.

EyeMed: 1-866-652-0018 (toll free) Mon. - Sat. 7:30 a.m. - 11 p.m.; Sun. 8 a.m. - 8 p.m. ET

Medical Care and more:

Telemedicine services are available to any resident of an evacuation zone, regardless of health plan membership. Individuals can request a call from a doctor free of charge to handle non-emergency medical problems. For more information visit teladoc.com/Irma or call 1-855-221-0370 (toll free) 24 hours a day, 7 days a week.

Help finding care, behavioral health support and assistance with finding available shelters and government resources, and other services are available through Aetna's Resources for Living, regardless of health plan membership.

Aetna: 1-888-238-6232 (toll free) 24 hours a day, 7 days a week

Free sessions with registered nurses are available 24 hours a day, 7 days a week regardless of health plan membership. Health coaches and behavioral specialists are available to assist with any medical or emotional support needs. These professionals can also help find available community resources.

Highmark/Blue Cross Blue Shield: 1-888-258-3428 (toll free) 24 hours a day, 7 days a week

Free telephone access to registered nurses is available 24 hours a day, 7 days a week regardless of health plan membership. Help finding health care services is available through the toll-free phone number, and in-network rates will be available even if members are not able to see an in-network provider. If durable medical equipment (DME) is lost or destroyed, it will be replaced at no additional charge for members residing in affected counties.

UnitedHealthcare: 1-866-735-5685 (toll free), 24 hours a day, 7 days a week

For more information on benefits available to members affected by Hurricanes Harvey and Irma, visit Your Track to Health at www.yourtracktohealth.com.



Our union, here to help each other

Dear Brothers and Sisters,

Early in September, I visited with our Brothers and Sisters in the Houston and Beaumont, Texas, areas.

The devastation is something I will never forget.

Complete neighborhoods in Texas, Louisiana, and across the state of Florida have been ruined.

The aftermath of these events will leave an indelible and emotional mark on the SMART families who have suffered.

Many members have traveled to locations affected by the two hurricanes to assist and comfort those in need, including our retirees who have settled in those areas.

Many locals also have donated funds, supplies and workers—in some cases filling and driving trucks hundreds of miles to where the goods are needed.

“Complete neighborhoods in Texas, Louisiana, and across the state of Florida have been ruined. The aftermath of these events will leave an indelible and emotional mark on the SMART families who have suffered.”

The outpouring of SMART support from all over the country has been overwhelming, and it certainly defines the solidarity and character of our union.

Be assured that the SMART International will continue to assist all of our Brothers and Sisters, both now and during the long recovery ahead.

Also remember that this assistance is available to all SMART members, including those in our Transportation Division.



SMART General President’s Column

By Joseph Sellers Jr.

If you have been affected or know of a member who might not realize SMART offers help, please contact your general chairperson as soon as possible; or you can email army@smart-union.org.

Recently, we wrapped up our annual conferences for both the Transportation Division and Sheet Metal.

“If you have been affected [by the hurricanes] or know of a member who might not realize SMART offers help, please contact your general chairperson as soon as possible; or you can email army@smart-union.org.”

We shared ideas and studied best practices that can create better representation and more work for our members.

We must continue to mobilize SMART’s local leaders and members across the country, so we can organize our efforts more effectively on behalf of members working in the transportation industry.

Our International will

assist every general committee with the resources to battle the challenges of greed and the disregard for safety.

We continue to evolve into a better, stronger union, one with more than 200,000 families working so that every SMART Sister and Brother, and every generation, earns the same opportunities as our predecessors.

Fraternally,

Joseph Sellers Jr.
General President, SMART

Quote of the Month

“The American Labor Movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all America.” - President John F. Kennedy



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Aviation Department News

News affecting our aviation membership

David Pekoske sworn in as next TSA administrator



Pekoske

On August 10, 2017, David Pekoske was officially sworn in as the seventh administrator of the Transportation Security Administration. Department of Homeland Security Acting Secretary Elaine Duke welcomed Administrator Pekoske, who took the oath in a ceremony held at the Department of Homeland Security Headquarters in Washington, D.C.

Pekoske was confirmed by the U.S. Senate Aug. 3, 2017, following his nomination by President Donald J. Trump. He now leads a workforce of approximately 60,000 employees, the security operations at nearly 450 airports throughout the United States, the Federal Air Marshal Service, and shared security for highways, railroads, ports, mass transit systems and pipelines.

“I am deeply honored to take on this role as the next TSA administrator and put my experience to use in protecting and securing our nation’s transportation system,” said Administrator Pekoske.

“TSA’s mission is critical to the security of our homeland and the American people. I look forward to continue serving our great nation alongside the dedicated men and women of TSA.”

Pekoske was most recently an executive in the government services industry where he led teams in providing counterterrorism, security and intelligence support services to government agencies.

Most notably, he was the Vice Commandant of the U.S. Coast Guard, an organization protecting more than 100,000 miles of U.S. coastline and inland waterways, and safeguarding an exclusive economic zone encompassing 4.5 million square miles, encompassing nine time zones.

There he held many leadership, operational and staff assignments and held command of six Coast Guard operational units during his 33-year career. As the Vice Commandant, Pekoske was second in command, also serving as chief operating officer and component acquisition executive of the U.S. Coast Guard. He is a recognized expert in crisis management and port and maritime security.

Bus Department News

A message from your bus department leadership

Dear Brothers & Sisters:

The Bus Department continues to receive support from the Transportation Division. As a result, I am proud to announce that a record-breaking contract has been reached with Los Angeles County Metropolitan Transportation Authority (LACMTA). President Previsich’s direct involvement in negotiations contributed to our members receiving improved discipline rules and the highest wage increase in LACMTA history – in fact, at the end of the contract, our operators will be the second highest paid in the nation.



Reddy

GCA 875 General Chairperson **Marco Gudino** played a major role in keeping our members motivated and greatly helped in getting this monumental contract. Brother Gudino kept me apprised of everything and was proactive in asking for advice and assistance.

Local Chairpersons **Gilberto Camacho** (1607), **Robert Gonzalez** (1563), **Quintin Wormley** (1565), **Ulysses “Butch” Johnson** (1564), **John Ellis** (1608) and **John Cabanas** (1565) helped tremendously with contract talks between labor and management. Special thanks go out to Brothers Johnson and Ellis for bringing a wealth of knowledge of the history of negotiations with LACMTA to the table. Their experience and knowledge in former contract negotiations was imperative to helping reach our agreement. The tentative agreement was ratified June 30, and garnered the highest amount of support of any contract in our history of representing LACMTA.

We have also recently completed a tentative agreement for the bus operators of First Student School Buses in Gardena, Calif. The negotiations for this contract have taken longer than usual, but we finally got it done.

The year is fast coming to a close. As we get into the holiday season, also comes cold weather. Please pay attention to weather reports about road conditions and allow extra time for your commute if needed. It is better to be late to work, than to hurry and risk your safety.

I would like to take this opportunity to wish all of our members a safe and happy holiday season. I would also like to remind you not to forget about our union brothers and sisters who need our help due to the hurricanes ravaging our nation. Please do your best to help those in need. God Bless.

Until next time,

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



GOP-controlled NMB imperils rail and airline labor

On September 15, 2017, the third and final nominee for the three-member National Mediation Board (NMB) was announced. By law, it was necessary that the third nominee be a Democrat as the two nominees already named are Republicans. Democrat Linda A. Puchala, first appointed to the Board in 2009 and serving continuously ever since, was nominated to serve a third term.

The confirmation process had been side tracked pending the nomination of a third NMB member and the path is now clear for all three nominees to be sent to the Senate floor for a confirmation vote. Observers expect the Senate to confirm all three nominations in the coming weeks.

President Trump's first nominee was Republican Kyle Fortson of the District of Columbia. If the Senate confirms Fortson, he will serve until July 1, 2019. Since 2004, Fortson has been labor policy director and labor counsel for the Senate Health, Education, Labor and Pensions (HELP) Committee. The HELP Committee votes on whether to send the names of the three NMB nominees to the Senate floor for confirmation. Fortson would replace Republican Nicholas Gael, who resigned to become chief of staff for Labor Secretary R. Alexander Acosta.

In June of this year, Republican Gerald W. Fauth of Virginia was nominated to replace Democrat Harry Hoglander, whose term expired. Hoglander, nominated to the NMB in 2002 by President George W. Bush, was the third-longest serving member of the board. If the Senate confirms Fauth, he will serve a three-year term ending Jan. 1, 2020. Fauth currently works as a rail industry economic consultant, and for four years was chief of staff to Republican Surface Transportation Board Member Wayne O. Burkes, involved with arbitrations and dispute resolutions related to rail mergers.

Ms. Puchala was first confirmed as a member of the National Mediation Board by the United States Senate on May 21, 2009. She was sworn into office on May 26, 2009, completing the term of her predecessor as chairman through June 30, 2009. In August 2013, Ms. Puchala was again confirmed by the United States Senate after being nominated



SMART Transportation Division President's Column

By John Previsich

by President Obama. Ms. Puchala served as chairman from July 1, 2011, through June 30, 2012; July 1, 2013, through June 30, 2014, and from July 1, 2016, through June 30, 2017.

“These are not friendly times for organized labor. With a Republican-controlled NMB, a Republican administration in the White House and Republicans in control of both houses in Congress, it isn't difficult to see the risk involved in going down that path. That's why your negotiating team is working strenuously to reach our goal of a voluntary agreement ratified by our members.”

Prior to becoming a member, Ms. Puchala served 10 years at the National Mediation Board as a Mediator, Sr. Mediator (ADR) and the Associate Director of Alternative Dispute Resolution Services. Ms. Puchala's prior labor relations experience includes work as International President of the Association of Flight Attendants-CWA, AFL-CIO and Staff Director, Michigan State Employees Association, AFSCME, AFL-CIO.

Why is this of interest to our membership? Simply put, the NMB plays a big role in a number of things that affect us, including directing our current round of negotiations on a national rail contract. The NMB was created through the Railway Labor Act with the task of mediating collective bargaining disputes between management and labor in the rail and airline industries when the parties fail

to come to an agreement in negotiations. The NMB also handles the arbitration of grievances and provides grievance mediation and dispute resolution and determines the results of bids by unions to represent new properties.

The NMB has jurisdiction over the negotiation of collective bargaining agreements and enforcement of contractual rights enjoyed by our members in the rail and air industry. Appointees to the NMB can intervene and influence such items as wages, healthcare and work rules. In fact, after national rail contract talks broke down in December 2016, rail labor's Coordinated Bargaining Group (CBG), of which we are a part, asked for the NMB to step in and assign a federal mediator. The parties have been meeting in mediated sessions ever since.

Absent a ratified voluntary agreement, the NMB would determine next steps for this bargaining round. That could include a proffer of arbitration, which, if turned down by either party, would result in an opportunity to seek self-help (lockout or strike). During the cooling off period preceding self-help, the President of the United States could step in and name a Presidential Emergency Board (PEB) of his choosing to make non-binding contract recommendations. If those recommendations are rejected by either party, Congress could convert PEB recommendations to a legislatively imposed binding agreement, adding other modifications if they choose to do so.

Needless to say, these are not friendly times for organized labor. With a Republican-controlled NMB, a Republican administration in the White House and Republicans in control of both houses in Congress, it isn't difficult to see the risk involved in going down that path. That's why your negotiating team is working strenuously to reach our goal of a voluntary agreement ratified by our members.

Fraternally,

John Previsich
President, Transportation Division

State Watch

News from SMART TD State Legislative Boards

Illinois

In a win for the Illinois State Legislative Board, State Legislative Director **Bob Guy** reported that SMART TD's legislative initiative, Senate Bill 1681, passed in both state houses and has been signed into law by Governor Bruce Rauner (R) and takes effect Jan. 1, 2018. The new law requires rail companies to ensure that their contract carrier provides the minimum \$500,000 insurance per passenger.

While there's been minimum insurance standards for contract carriers in Illinois for more than a decade, starting next year the railroads will be statutorily required to verify that the contract carrier they hire to transport employees actually have the required insurance.

“We've worked hard for over a decade to ensure proper protections were in place for our members who are transported by third party contract carriers as part of their employment,” said Guy. “The passage and signing of S.B. 1681 is another step in providing that protection and adds another layer of responsibility at the railroad's feet when contracting with those contract carriers.”

Minnesota

The Minnesota Legislative Board attended the annual Democratic Farm Labor Humphrey-Mondale Dinner and convened an informal meeting June 3, 2017, in Minneapolis. Rep. Tim Walz (D – Dist. 1) was the special guest of the night.

“Congressman Walz is a longstanding friend of SMART TD and railroad labor. He is a co-author on H.R. 233, the Safe Freight Act, two-person crew legislation,” said State Legislative Director **Phil Qualy**. “He has been an active supporter of railroad safety and public security agenda. He's a great Congressman from Minnesota.”

At the meeting, the Minn. State Legislative Board received updates from local legislative representatives and National Legislative Director **John Risch** on the state of carrier properties and managerial practices, and FRA interpretations. Also discussed, was the priority to increase bi-partisan UTU PAC contributions and the importance of the upcoming 2018 general election cycle to railroad retirees and working families.

Qualy added, “All member's need to understand the environment we now work under and take responsibility to protect your pensions, safety regulations and FELA protections. Now more than ever, it is important that members join SMART TD's bi-partisan UTU PAC. Many member contributions make for one strong voice for railroad labor and our pensions. Contact your local legislative rep. to join UTU PAC. ‘UTU-PAC does not cost, it pays.’”



Pictured from left: Retired Assist. State Legislative Director Dan Paradise (1614), Legislative Rep. Brandon Jenny (1175), Local President Robert Dickerson (64), Local President Dan Castonguay (1614), Legislative Rep. Shawn Monahan (911), Legislative Rep. Dan Archambeau (1292), Rep. Walz, Legislative Board Secretary Brian Hunstad (1177), Designated Legal Counsel Mike Tello, Local President Nick Katich (1067), Local Vice President Brent Krist (1000), Legislative Rep. Matt Brady (1614) and Qualy. (Not pictured: Legislative Rep. Rachel Welch (1976) and Legislative Rep. Kurt Olson (650).)

Michigan



Gibson (left) & Rep. Kildee

Michigan State Legislative Director **Jerry Gibson Jr.** met with Rep. Dan Kildee (D – Mich.) to thank him for co-sponsoring H.R. 233 – The Safe Freight Act – which would require that freight trains be operated by at least two crew members, a certified engineer and a certified conductor.

“Congressman Kildee has always been a friend of rail labor and working class families,” Gibson said. “He is a prime example of why we support those who support us.”

State Watch Continued on page 10



Average UTU PAC contribution per member, per month in dollars for 2016



Kenneth L. Friend
Local 508



Edward L. Flanigan
Local 565

***If You Want a Say...
Give a Dollar a Day..***

"To have a strong union, you must have a voice in your local union, attend your local union meetings and support and contribute to your PAC fund. Here at Local 854, all members (100 percent) contribute to the PAC fund. We teach our new members by example. I am a proud Gold Club member. When I greet a new member with an application to join, they also receive a PAC form with information that all 854 members support our PAC."

- *Ronnie R. Hobbs, Local 854 Legislative Rep.*



24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333

I, (please print) _____, of Local _____, proudly pledge to UTU PAC the amount indicated below annually, to be pro-rated monthly and collected with my union dues.

☐ \$ _____ per year ☐ \$60 per year ☐ \$120 per year ☐ \$300 per year

☐ \$365 per year
Dollar-A-Day Club

☐ \$600 per year
Diamond Club

☐ \$1,200 per year
Platinum Club

☐ \$2,500 per year
President's Circle

☐ I wish to contribute \$ _____ per month, or I would like to make a one-time contribution of \$ _____.
(Please enclose a check to "UTU PAC" with this form.)

☐ I am a retired member of Local _____ and I still want to help my union. I am enclosing a contribution of \$ _____ to UTU PAC. (Please enclose a check to "UTU PAC" with this form.)

Signature _____ Effective date _____

UTU PAC reports are filed with the Federal Election Commission, 999 E St. N.W., Washington, DC 20463, and are available for inspection from that agency and appropriate state agencies. Contributions or gifts to UTU PAC are not deductible as charitable contributions for Federal income tax purposes.

(Average UTU PAC contributions per member, per month)

Nevada	13.94
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Nevada	13.04
Arizona	8.06
Montana	4.87
Michigan	4.74
Nebraska	4.39
Utah	3.98
Wisconsin	3.73
Wyoming	3.73
Indiana	3.47
Kansas	3.43
New Mexico	3.14
Virginia	3.04
Colorado	2.96
Missouri	2.95
Illinois	2.92
Idaho	2.89
Minnesota	2.85
Arkansas	2.84
Oregon	2.83
Iowa	2.78
North Dakota	2.41
Texas	2.32
Delaware	2.18
District of Columbia	1.80
Oklahoma	1.73
Washington	1.63
Florida	1.53
California	1.51
Maryland	1.42
Louisiana	1.40
North Carolina	1.40
New Jersey	1.26
Alaska	1.19
New England States	1.11
Connecticut	1.05
Georgia	1.05
Ohio	1.00
Alabama	.99
Tennessee	.88
South Carolina	.78
West Virginia	.75
Mississippi	.66
Pennsylvania	.63
Kentucky	.61
New York	.60
South Dakota	.45

Top Ten UTU PAC Locals

(Average UTU PAC contributions per member per month)

Local	City	Amount
1775	Elko, Nev. Robert E. Morgan, Legislative Rep.	\$28.64
1081	Glendale, Ariz. Tommy G. Pate, Legislative Rep.	20.42
854	Portsmouth, Va. Ronnie R. Hobbs, Legislative Rep.	20.22
1709	Pontiac, Mich. Christopher H. Williams, Legislative Rep.	14.76
508	Smithville, Texas Kenneth L. Friend, Legislative Rep.	12.95
234	Bloomington, Ill. Brian J. Hagele, Legislative Rep.	12.19
1075	Trenton, Mich. Douglas K. Cross, Legislative Rep.	11.66
707	Marysville, Kan. Charles A. Ring Jr., Legislative Rep.	9.70
1503	Las Vegas, Nev. Ty E. Dragoo, Legislative Rep.	9.66
565	Clinton, Ill. Edward L. Flanigan, Legislative Rep.	9.60

[illegible]

SMART TD Alumni

SMART TD Alumni Association

News, information for members of the SMART TD Alumni Association

Medicare’s Response to Hurricanes Harvey, Irma and Maria

A hurricane can be thought of as nature at her worst. When the storm is over, then we see people at their best. But for people with Medicare, you may be worried about your care and your benefits. However, there are provisions that can be put into place to eliminate those concerns.

It all begins when the President of the United States declares a state of emergency for a hurricane; then the Centers for Medicare & Medicaid Services (CMS) can declare that a Public Health Emergency exists in affected states. For this rapid hurricane season, those states are: Texas (hurricane Harvey), Florida, Georgia and South Carolina (hurricane Irma), and Puerto Rico and the U.S. Virgin Islands (hurricanes Irma and Maria).

Under Section 1135 or 812(f) of the Social Security Act, CMS can issue ‘blanket waivers’ for providers and suppliers when it comes to services that are provided by skilled nursing facilities, home health agencies and critical access hospitals. Measures are in place to assist with durable medical equipment and supplies, as well as quality reporting, extending appeals time limit and getting replacement prescription refills.



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As an example, when a waiver is granted for submitting appeal requests (which normally would need to be filed 120 days from the date of the claim denial notification), an appeal may be filed after the 120 days based on the area’s Medicare Administrative Contractor’s (MAC) discretion. CMS has allowed Medicare Contractors (including the Railroad Retirement Board Specialty MAC) to use their discretion in determining timeliness.

CMS staff works tirelessly to help participating hospitals/healthcare facilities to give timely care to as many people as possible impacted by a hurricane.

Hurricanes don’t discriminate in terms of destruction, and there are times when a person only has the clothes on their back – but no wallet or Medicare card to get assistance. If you lose your Medicare card, you can call the Beneficiary Customer Service Center at 800-833-4455, Monday through Friday, 8:30 a.m. until 7 p.m. ET to order a new one. For the hearing impaired, call TTY/TDD at 877-566-3572. You may also call the Railroad Retirement Board at 877-772-5772.

For general Medicare questions, you can always visit www.PalmettoGBA.com/RR/Me.

17th annual rail reunion dinner to be held in Calif.



The 16th annual rail reunion and retirement dinner is being held Friday, November 3 from 4 p.m. to 8:00 p.m. at the Sierra Lakes Golf Course, 16600 Clubhouse Dr., Fontana, CA 92336.

The reunion is for all active and retired crafts of Southern Pacific, Union Pacific, Pacific Electric, ATSF, LA-J, BNSF, Metrolink, Amtrak railroads, as well as any other railroad companies not listed.

“Everyone is welcome to come - all crafts of employment with any railroad, working or retired,” said Local 240 Chairperson **Harry Garvin**.

The cost to attend is \$45 per person, \$85 per couple or \$50 per person at the door. The deadline for refunds and to make reservations at the discounted rate is October 27.

Call Garvin at **909-261-8878** (cell) or **909-481-7261** (office) to RSVP. Payment (check or money order) may be sent to Harry J. Garvin Jr., Reunion Dinner, P.O. Box. 8396, Alta Loma, CA 91701.

Questions may also be directed to Garvin by emailing loc240@aol.com. The phone number for Sierra Lakes Golf Club is **909-350-2500**.

Happy 100th Birthday to SMART TD retiree, Salvador Tramontana

Retired SMART TD member and switchman, **Salvador Tramontana** (Local 1066 in New Orleans) turned 100-years-old June 11, 2017. He hired out as a switch operator in the 1930s and spent more than 40 years working for the Southern Railway, now Norfolk Southern (NS). He’s now been retired for just as long.

Days after Tramontana celebrated his 100th birthday, a representative from NS presented him with a certificate of congratulations from the railroad and a letter from the Railroad Retirement Board thanking him for his dedicated service and congratulating him on his milestone birthday.

“I love the railroad and the company loved me, so I took the highest job they had on the railroad. No one could tell me anything,” Tramontana told *The Times Picayune*. “They all loved me, and I wouldn’t work anywhere

else. Best railroad in the world.”

Knowing his way around the rules, Tramontana also spent 17 years as president of his local of the Switchman’s Union of North America (SUNA) - one of the UTU’s predecessor unions.

In his retirement, Tramontana kept busy as a wood carver, carving wooden figurines as well as furniture. He is also well known for his wind chimes that he crafted. He also spent 40 years dancing with his late wife, Elaine, with The Red Hots, a square dancing group.

Tramontana has nine grandchildren, 10 great grandchildren, eight nieces and six nephews. Just this year, he welcomed his first great-grandchild.

SMART TD wishes Tramontana well and congratulates him on his milestone birthday. Happy Birthday, Mr. Tramontana.

Important contact information

SMART Transportation Division

www.smart-union.org/td
(216) 228-9400

Railroad Retirement Board

www.rrb.gov
(877) 772-5772

Social Security Administration

www.ssa.gov
(800) 772-1213

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

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
6	Parks, James E.	Raleigh, Ill.	768	Heim, Albert E.	Cisco, Ill.	1375	Finnerty Jr., Joseph F.	Holland, Pa.
48	White Jr., William H.	Portsmouth, Va.	783	Thompson, Joel W.	Mooresville, N.C.	1386	Masters, Hilton D.	Newark, Ohio
212	Kullman, Donald G.	Castleton on Hudson, N.Y.	792	Theiss, James L.	Cleveland, Ohio	1390	Holroyd, John J.	Mantua, N.J.
240	Lee, Ralph J.	Cathedral City, Calif.	838	Coyne, James F.	Conshohocken, Pa.	1393	Bieron, Eugene R.	Boston, N.Y.
243	Kent, Dan D.	Sherman, Texas	867	Rush, James E.	Des Moines, Iowa	1397	Brown, Joe A.	Lancaster, Ohio
258	Castel, Raymond R.	Eldridge, Iowa	891	Gould, Paul E.	Whitefish, Mont.	1403	Vanzandt, Gerald O.	Kansas City, Mo.
305	Gross, Robert H.	Lincoln, Neb.	947	Dowd, Shirley Ray	Charleston, S.C.	1529	White, Warren A.	Kenton, Ohio
306	Smith, Dale M.	Eagle Grove, Iowa	1007	O'Donnell, Robert I.	Minoa, N.Y.	1557	Bailey, Joseph E.	Germantown, Tenn.
322	Bula, Billie C.	Antigo, Wis.	1042	Sanders, James	Oklahoma City, Okla.	1557	White Jr., Thomas E.	Byhalia, Miss.
386	Haught, Newton	Gap, Pa.	1066	Lee, James C.	Mandeville, La.	1598	Horne, Ronald G.	Richland, Ga.
486	Thomson, Harold E.	Forsyth, Mont.	1074	Blum, Robert W.	Venetia, Pa.	1607	Anaya, Guillermo A.	Pico Rivera, Calif.
525	Nelson, Ronald J.	Grand Forks, N.D.	1106	Braswell, Henry T.	Rocky Mount, N.C.	1892	Perry, Jessie M.	Houston, Texas
525	Wockovich, Walter G.	Grand Forks, N.D.	1137	Schulz, Wallace P.	Skandia, Mich.	1892	Reeves, Franklin D.	Houston, Texas
598	Mills, Charles K.	Mobile, Ala.	1290	Cyza, Walter J.	Lombard, Ill.	1929	Peebles, William D.	Murfreesboro, Tenn.
600	Pritts Jr., Carl R.	Rockwood, Pa.	1312	Noa, Vincent V.	Pensacola, Fla.	1962	Cumby, James R.	Salado, Texas
622	Wood, Fred W.	Birmingham, Ala.	1313	Duggan, Don P.	Amarillo, Texas	1978	Liss, Joseph J.	Troy, N.Y.
645	Yule Jr., Edward	Northport, N.Y.	1334	Dial, Robert B.	Leakesville, Miss.	0000	Palmer, Gerard L.	Olmsted Twp., Ohio
663	Coro, Robert P.	Clinton, Maine	1344	Wangen, Manley S.	Bismarck, N.D.			
762	Rollins, Charles N.	Minter, Ala.	1345	Swann, James H.	Knoxville, Tenn.			

Members celebrate Labor Day 2017 with parades, picnics

Illinois



Nebraska



Wyoming



Virginia



Labor Day: Thank your union day

By John Risch, National Legislative Director, SMART Transportation Division

What’s Labor Day all about anyway? While it’s evolved into the last summer picnic or camping trip or a time to hit the back-to-school sales at the mall, that wasn’t the original intent of Labor Day.

Labor Day was started to honor the American worker, or as the Department of Labor states: “Labor Day is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. It constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity and well-being of our country.”

On Labor Day I like to reflect on the progress America’s workers have made in the past 135 years, since the first Labor Day. In 1884, there were no weekends off, overtime pay, minimum wage laws, workplace safety regulations, employer provided health insurance, pensions, paid vacations and the list goes on.

Each and every one of those gains have been made because workers – through their unions – have demanded them and won, over the objections of their employers. It was

and continues to be America’s unions that have improved American workplaces.

Union density in America has dropped significantly from its high in 1954. Much of the reason is weak labor laws and fierce employer resistance to workers who try to organize. With that decline in union density, worker income has declined as well. We have all heard the adage, ‘The rich are getting richer and the poor are getting poorer,’ which is statistically true and the primary reason is that America’s unionization rate has fallen. This gutting of America’s middle-class causes all kinds of socio-economic problems.

The fix to all of this is to fix America’s labor laws and enforcement to make it easier for workers to form unions and negotiate the fair pay and benefits they deserve.

Workers through their unions built America’s middle-class and the decline of our country’s middle-class is largely attributable to the decline in America’s union density. Improved labor laws with strong enforcement will revitalize the labor movement and help rebuild our middle class.

In Memoriam

Ralph J. Lee, 72, Local 240

Retired Southern Pacific and Union Pacific conductor Ralph J. Lee died Sunday, July 2. Hiring out as a fireman in 1962, Lee had 45 years of service upon his retirement in 2009. After being cut off as a fireman, he came over to train service in May of 1965.

Lee served Local 240 as secretary and treasurer for two terms, local president and as vice and acting local chairperson.

For all future issues of the TD News, this section will appear online only. Go to www.smart-union.org/td and click on the 'Around the Corner' button on the right side of the page, then scroll down and click on the 'Memorial Corner' banner.

Local officers elected in 2017, LCA officer elections in 2018

Continued from page 1

representative, local chairperson, vice local chairperson or LCA secretary can also be addressed at this time.

The positions of delegate and alternate delegate do not need to be addressed at this time, as there is no role for these positions between conventions. delegates to the Transportation Division convention, and their alternates, will be elected in the autumn of 2018. Those locals entitled to additional delegates for the General Convention will elect those delegates in the spring of 2019.

A chart indicating when the various elections are scheduled can be downloaded from:

<https://smart-union.org/td/secretary-and-treasurer-tools/secretary-treasurer-forms/>

State Watch continued...

Continued from page 5

Iowa

National Legislative Director **John Risch** awarded his first "Gold Star Award" to Iowa State Legislative Director **Jim Garrett** for his exceptional work in updating the Iowa membership database. The award was presented to Garrett at the New York Regional Meeting.

The Gold Star Award is presented for exceptional service to our membership and is the highest honor that the SMART TD legislative department bestows.

Missouri



Missouri State Legislative Director **Jason Hayden** reported that on Aug. 18, the Missouri AFL-CIO held a rally and march in which thousands of Missourians gathered at the state capitol and then paraded down main street to the Missouri Secretary of State's office to deliver over 300,000 signatures that will put a right-to-work law that was passed earlier this year on hold until it can be placed on the Nov. 2018 general election ballot.

"We would like to send out a special thanks to the many SMART TD members that spent numerous hours going door-to-door and days at local and county events collecting signatures," Hayden said.

Rail members: healthcare open enrollment has begun

Railroad employees covered under the National Railway Carriers/UTU Health and Welfare Plan or the Railroad Employees' National Health and Welfare Plan have been mailed a notification of the online open enrollment period that began Oct. 1, 2017, and ends Oct. 31, 2017, at midnight. The enrollment site is available 24/7 during the enrollment period. The information should be specific to the current enrollment for you and your eligible dependents.

The online enrollment capability provides the ability to view your personal information, add, delete and update dependent information, view enrollment materials, enroll in benefits for next year, and receive an immediate confirmation statement. There is no need to mail in a paper enrollment form. However, if you need assistance, have questions or require a paper enrollment kit, call Railroad Enrollment Services at **800-753-2692**.

Members may also re-enroll in the health flexible spending account for next year.

The enrollment website can be found at <https://www.yourtracktohealth.com>.

Ohio SLD Gardner meets with congressional candidate Harbaugh

On August 16, 2017, Ohio State Legislative Director **Stu Gardner** met with Congressional Candidate **Ken Harbaugh** (D) at SMART TD Headquarters in North Olmsted, Ohio.

Harbaugh seeks to unseat Rep. **Bob Gibbs** (R), Ohio's current Dist. 7 U.S. Representative, in the November 2018 election.

Gardner discussed SMART TD issues such as two-person crews and right-to-work with Harbaugh.

Harbaugh is a former navy pilot, who led reconnaissance missions in the Middle East and near North Korea. He is the president of Team



Gardner (left) and Harbaugh (right)

Rubicon Global, a worldwide disaster relief organization that unites the skills and experiences of military veterans to rapidly deploy emergency response teams.

The issues that Harbaugh cares about most are:

- access to affordable healthcare,
- good-paying jobs for Ohio,
- combatting the Opioid crisis,
- preserving secure retirements for seniors,
- and veterans affairs.

Ken has also stated that he is against so-called right-to-work legislation.

Local 240 wishes retirees Lassen and Cosner well

Local 240 Chairperson **Harry Garvin** reported that after 44 years of service as a conductor with Union Pacific and Southern Pacific Railroads, **David Lassen** retired July 1. Lassen hired out with SP on June 12, 1973.

Conductor **Greg M. Cosner** also retired Sept. 4, after 40-plus years of service with UP. Cosner hired out with SP on May 20, 1977. He served Local 240 as secretary & treasurer, delegate, vice local chairperson and as acting local chairperson.

"All of the past and current members and friends of Local 240 wish to thank Lassen and Cosner for their years of service and wish them both a long and happy retirement," Garvin said.

NTSB publishes safety alert for MOW

The National Transportation Safety Board (NTSB) issued a Safety Alert warning rail workers of the risks of working on the tracks using only a watchman/lookout to provide the train approach warning.

Safety Alert 066 was prompted by the deaths of two rail workers who were struck and killed by a train in Edgemont, S.D., Jan. 17, 2017. The NTSB investigation found the sight distance used by the watchman/lookout was about half the distance required by federal regulations. The Federal Railroad Administration (FRA) requires that workers be able to clear the tracks at least 15 seconds before a train moving at the maximum authorized speed can pass the work location safely.

Visit www.nts.gov to read the complete alert.

SunRail employees vote for SMART TD representation



On June 27, 2017, employees of SunRail, a subsidiary of Bombardier Mass Transit Corporation, voted for representation by SMART TD.

The National Labor Relations Board certified that SMART has been duly designated and authorized to represent the train and engine service employees of SunRail July 7.

"These employees recognized the strength and power that being part of the nation's largest rail labor organization can do for them," said Director of Organizing **Rich Ross**.

"Organizer **Larry Grutzius** and I would like to thank all those involved for the successful campaign, specifically Vice President **Jeremy Ferguson**, GO 851 Chairperson **John Whitaker**, Florida State Legislative Director **Andres Trujillo** and GO 851 Vice General Chairperson **Joe Bennett**.

SunRail is a central Florida passenger rail system serving the City of Orlando, Volusia County, Seminole County and Orange county. SunRail is expanding their service and will soon serve Osceola County as well. The railroad currently runs 36 train trips per day, Monday through Friday, holidays and weekends excluded. SunRail Phase 2 expansion will make it a 61.5 mile passenger rail system up from 32 miles, and bring the total number of stations from 12 to 17.

Members: update your address prior to local elections!

SMART Transportation Division members are reminded to keep their local secretary and treasurer advised of their current home address. In view of the upcoming local officer elections and the requirement to mail ballot materials to eligible voters, members can update their address by contacting their local secretary.



UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION

NOTICE OF PRIVACY POLICY

The reason we collect information about you is to better serve your needs. Having accurate information permits us to provide you with an appropriate range of insurance products.

The non-public personal information that we collect about you varies according to the products, services or benefits you request, and may include:

- Information we receive from you on applications or other forms, such as name, address, social security number, assets and income;
- Information about your transactions with us, our affiliates or others, such as name, address, social security number, policy coverage, premiums and payment history;
- Information we receive from consumer reporting agencies, such as a credit history.

We may share the above non-public personal information we have about you with the SMART Transportation Division. Sharing this information assists us in:

- Processing the payment of your insurance premiums;

- Maintaining your insurance policies in force;
- Providing you with better customer service.

We may share the above non-public personal information we have about you with persons or companies that perform services on our behalf and to other financial institutions with which we may have joint marketing agreements.

We may share this non-public personal information with affiliated or non-affiliated third parties as permitted by law. We do not disclose personal medical information about you except as permitted by law or as you may authorize.

We restrict access to non-public personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards to guard your non-public personal information. This privacy policy applies even if you no longer have any policies or a relationship with us.



Landmark legislation that shaped the railroad industry

1862: In the midst of the Civil War, President Abraham Lincoln signed the Pacific Railroad Act, which authorized the construction of a new railroad line (the transcontinental railroad) extending from Council Bluffs, Iowa, to Sacramento, Calif., in an effort to unite the nation from east to west.

1887: President Grover Cleveland signed the Interstate Commerce Act into law, which regulated the nation's railroads. The act created the Interstate Commerce Commission (ICC), the first independent regulatory agency of the U.S. government, to monitor railroads to ensure that they complied with new regulations. The ICC's jurisdiction was limited to companies that operated across state lines.

1888: The Arbitration Act of 1888 was passed in response to railroad strikes during the 1870s and 1880s. This act created arbitration panels that held the power to investigate the causes of labor disputes and to issue non-binding arbitration awards. Only one panel was ever convened and issued its report after a strike had already been crushed by a federal court injunction.

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. As a result, 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. 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. The act also made air brakes mandatory on all trains.

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. It also provided legal protection of employees' rights to membership in a labor union, limited the use of injunctions in labor disputes, gave provisions for the lawful status of picketing and other union activities, and required employers to bargain collectively.

1908: Federal Employers' Liability Act (FELA) passed April 22. Congress passed FELA in response to the high number of railroad deaths in the late 19th and early 20th centuries. Under FELA, railroad workers who are not covered by regular workers' compensation laws are able to sue companies over their injury claims. FELA requires the injured railroader to prove that the railroad was legally negligent in causing the injury to be entitled to full compensation.

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

1913: The Newlands Labor Act created the Board of Mediation and Conciliation (BMC), a precursor to today's National Mediation Board (NMB). The BMC adjusted and arbitrated disputes between railroad companies and their operating employees, where those disputes threatened to interrupt operation of the carriers to the serious detriment of public interest. Voluntary arbitration was also provided for disputes that could not be settled by mediation.

1916: The Hours of Service Act passed Sept. 3. The Railroad Brotherhoods won an eight-hour day. From henceforth, the carriers have been obliged to pay overtime after eight hours. The 48-hour workweek was established. Also known as the Adamson Act.

1918: Railway Administration Act of 1918 ordered U.S. railroads be nationalized to serve the government's needs during World War I.

1918: The eight-hour workday became law in Canada Sept. 1

1920: The Transportation Act or the Esch-Cummins Act, was a law that returned railroads to private operation after World War I. The law directed the ICC to prepare and adopt a plan for the consolidation of the railway properties into a limited number of systems. It also established procedures for settling labor disputes between railroads and employees. A Railroad Labor Board was created to regulate wages and settle disputes.

1926: The Railway Labor Act (RLA) passed May 20. It required employers, under penalty of law, to bargain collectively and not to discriminate against their employees for joining a union. It also provided for mediation, voluntary arbitration, fact-find boards, "cooling off" periods and adjustment boards. The law also served to disband the Railroad Labor Board, which was created with The Transportation Act.

1934: The National Mediation Board (NMB) was established by an amendment to the RLA. The NMB is an independent agency in the executive branch of the government and is composed of three members that are appointed by the president of the United States. The National Railroad Adjustment Board (NRAB) was also created with this amendment. NRAB is an industrial court for the adjudication of disputes involving the interpretation or application of wage and rule agreements of carriers. The board consists of 36 members: 18 selected by the carrier and 18 selected by labor unions.

1934: The Railroad Retirement Act of 1934 set up the first retirement system for non-government workers to be administered by the Federal Government. The act was declared unconstitutional.

1935: The Railroad Retirement and Carriers' Taxing Acts of 1935 replaced the previous railroad retirement act from 1934. The act was challenged in court and it was found that neither employees nor employers could be required to pay railroad retirement taxes. However, the court did not prohibit the payment of benefits and the Railroad Retirement Board (RRB) began awarding annuities in July 1936 under the provisions of this act.

1935: 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.

1936: The RLA was expanded to include the airline industry.

1937: Railroad Retirement Act of 1937 passed June 24. A committee of railroad management and labor established a memorandum of agreement that led to the Railroad Retirement and Carriers' Taxing Acts of 1937, establishing the railroad retirement system.

1938: Railroad Unemployment Insurance Act passed June 25. The act was designed to restore part of wage loss arising from unemployment or sickness (including maternity). Payments are made to employees who had sufficient earnings in the preceding calendar year and meet the qualifying conditions.

1940: Transportation Act passed Sept. 18. The act added mandatory labor protection for employees adversely affected by mergers, mandating that approval of any rail merger or consolidation or other transaction be required to offer fair and equitable arrangements to protect the interests of the railroad employees affected.

1946: Survivor benefits are added via an amendment to the Railroad Retirement Act to keep pace with Social Security benefits.

1949: The first 40-hour workweek was established for non-operating workers of the U.S. railroad industry.

1951: Union Shop Amendment of the RLA passed Jan. 10. The amendment allowed unions to bargain for union shops and dues checkoff arrangements.

1951: The first 40-hour workweek was established for railroad workers in Canada.

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

1964: Urban Mass Transportation Act, also called the Federal Transit Act, passed July 9. With this act, employees of transit systems affected by the reorganizations and consolidations resulting from receipt of federal transit grants were required to be protected at the same level as ICC merger and abandonment protection as provided in the 1940 Transportation Act.

1965: The High Speed Ground Transportation Act of 1965 was an attempt by Congress to foster the growth of high-speed rail in the U.S. The act was introduced following the creation of Japan's first bullet train.

1966: The RLA was amended to make decisions of the NRAB final and binding.

1966: Department of Transportation Act of 1966 became law Oct. 15, creating the Department of Transportation (DOT) and DOT's Federal Railroad Administration (FRA). The FRA was created to promulgate and enforce rail safety regulations, administer railroad assistance programs and conduct research and development in support of improved railroad safety.

1967: Department of Transportation inaugurated April 1. Alan S. Boyd served as DOT's first U.S. Secretary of Transportation.

1968: Southern Pacific employee Leah "Rosie" Rosenfeld filed and settled a sex-discrimination suit against her employer that resulted in a change to California's women's protective laws and opened senior positions at the railroad for women.

1970: President Nixon signed the Passenger Rail Act of 1970. This legislation established the National Railroad Passenger Corporation or Amtrak to assume operation of inter-city passenger rail service. This act alleviated the burden felt by freight railroads from passenger operations and served to preserve rail passenger service over a national system of Congressionally-designated routes. Amtrak began service May 1, 1971, serving 43 states with a total of 21 routes.

1976: The Railroad Revitalization and Regulatory Reform Act of 1976, aka the 4R Act, established the basic outlines of regulatory reform in the railroad industry. The act was the first in a series of laws that collectively are described as the deregulation of the transportation in the U.S.

1980: Staggers Act - deregulated the rail industry to a significant extent - signed into law by President Carter Oct. 14.

1985: National COLA Fund was established to pay cost-of-living adjustments to retirees.

1995: The ICC Termination Act of 1995 abolished the Interstate Commerce Commission and simultaneously created its successor agency, the Surface Transportation Board.

1997: The Amtrak Reform and Accountability Act of 1997 was passed to make Amtrak more self-sufficient and to restructure the way Amtrak operated.

2001: Railroad Retirement & Survivors' Improvement Act of 2001, allowed workers to retire at age 60 with full benefits if they had 30 years of service and also provided for other improvements, was signed into law May 24.

2008: In response to several fatal rail accidents between 2002 and 2008, Congress passed the Rail Safety Improvement Act of 2008 (RSIA), the first authorization of the FRA's safety programs since 1994. RSIA directs FRA to promulgate new safety regulations. These new regulations govern hours of service requirements, positive train control implementation, standards for track inspections, certification of locomotive conductors and safety at highway-rail grade crossings.

Photo of the month...

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It's the last day of school at the Federal Yard in Buffalo, N.Y. Local 1908 represents the drivers of these buses. Photo taken by Local Secretary **Tracey Davis**.

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