

SMART[®]

Transportation Division News

Volume 50 • Number 5/6 • June/July 2018

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



In this photo, courtesy of Roger Richardson of the BLET, Darris Moore of Local 60 splits a pair of defenders while trying to shoot a layup for Newark on April 14.

SMART Army members take action

Newark, N.J.

New Jersey Transit conductors and assistant conductors squared off in a basketball game April 14 at the JFK Rec Center in Newark, N.J., as part of the SMART Army Month of Community Action.

Players from Hoboken prevailed, 62-51, in their third yearly game against Newark, said **Scott F. Spratt**, secretary of LCA-610 (New Jersey Transit — New York Division).

Proceeds from the game, organized by Brother **Elijah Ingram** of Local 60, benefited Covenant House, a shelter in Newark for homeless teens. SMART Army Transportation Division and Sheet Metal members participated in the first Month of Community Action all around the U.S. in April.

For more coverage, see **Page 3**.



Sheldon Brown, left, and Jeremiah Rivers of Local 60 have some fun on April 14 during Hoboken's 62-51 win over fellow New Jersey Transit conductors that raised money for the Covenant House, a Newark shelter for homeless teenagers. Photo is courtesy Roger Richardson of the BLET.

Comments on crewless trains are submitted to FRA

SMART Transportation Division President **John Previsich** submitted comments May 7 in response to a Federal Railroad Administration (FRA) request for comment on autonomous trains.

"Safety must be first and foremost when discussing the future of automation of our nation's railroads," Previsich wrote. "It would be unethical and would violate the mandate of Congress to

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Lesniewski retires; Leonard elevated

John Lesniewski, vice president and successor president of the Transportation Division of the International Association of Sheet Metal Air, Rail and Transportation Workers, has



Lesniewski

retired, effective July 1, 2018.

Lesniewski, a member of Chicago Local 1534, started

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Inside this issue of SMART TD News

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Around the SMART TD

Local 303, Springfield, Mo.

Jeff Nichols, the local's legislative representative and a BNSF conductor, was able to catch U.S. Sen. Claire McCaskill (D – Mo.) right before dinner during the Dem Days event in Springfield to get an event picture with the senator. He also passed her a letter detailing the importance of S.2360, the national two-person crew legislation, and asked her to look at it when she had the opportunity.

"She claims to still remember 'the train guy,'" said Nichols, who had blown a train horn at the senator in a previous encounter (see more on Page 3). "So hopefully that will get it a read. She didn't pass it off to an aide or anything, and I saw her put it in her purse. Fingers crossed."



U.S. Sen. Claire McCaskill (D - Mo.) poses for a photo with Local 303's Legislative Representative Jeff Nichols at the Dem Days event in Springfield, Mo.

Local 1704, Kansas City, Mo.

Local 1704 Secretary and Treasurer **Tonya Stokes** reports that member **Sharon Barr** lost everything in a fire this spring.

Stokes is asking that members help their union sister out in her time of need. Monetary donations can be sent to the local, where they will be distributed to Barr, since she was displaced from her home in Kansas City, Mo.

Checks should be made out to Sharon Barr and mailed to SMART TD Local 1704, 4047 Bales Ave., Kansas City, MO 64130.

Local 1704 represents bus operators employed by First Student Inc.

Local 1422, Los Angeles, Calif.



Robert Resendez Jr. of Local 1422, who served on the SMART Transportation Division Executive Board, has retired after 44 years of service, says Local Chairperson **Edward Campos**. A retirement party was held Feb. 17 in Anaheim Hills, Calif., for Resendez, who also served as a local chairperson, local trustee and as an alternate to the executive board. Among the many attendees at Resendez's party was former SMART TD President **Mike Futhey**.

Resendez hired out in May 1973 as a switchman with Union Pacific before becoming an engineer in 1980. SMART TD wishes him well in his retirement.

Local 1263, Valdosta, Ga.

SMART TD Local 1263 President, Legislative Representative and Local Chairperson **Patrick Folsom** won his election May 22 and will serve as. Brooks County, Ga.'s District 2 county commissioner.



The victor in the race needed to get at least 51 percent of the vote in order to avoid a runoff election, and Folsom won the three-way race with 54 percent of the vote, said Georgia State Legislative Director **Matt Campbell**.

"There are no better public servants than union members because we believe in helping our fellow people, and that is what public service is all about," Campbell said. "Way to go, Patrick!"

Patrick Folsom, standing, participates in a debate during his successful campaign for county commissioner in Brooks County, Ga.

Local 1031, Savannah, Ga.

Lisa Ring, the wife of SMART TD Local 1031 member **John Ring**, won her Democratic primary election with a huge victory, earning 68 percent of the vote. Lisa now advances into the general election to face off against U.S. Rep. Buddy Carter (R - Dist. 1) in November.



Lisa Ring

GO 049, CSX (former B&O)

SMART TD B&O General Committee of Adjustment GO 049 has announced that its general email address has changed to smartgc049@gmail.com.

Local 1245, Atlanta, Ga.



Pictured from left (front row): James Bonds, Jenelle Bonds, Alanna Taylor, Trustee Felicia Jones, Trustee Derek Jackson and Caryn Haire; (middle row) Shyrod Beasley, Victoria Crump (511) and Eutha Crump; (back row) GO 898 Assistant Chairperson Jason Roberts, Local Chairperson Kevin Carter, General Chairperson Thomas Gholson, Local Chairperson Michael Williams, UTUIA Field Supervisor Steve White, Georgia State Legislative Director Matt Campbell, Brian Shoates (1261), Local Chairperson Daven Trout, Local 1261 Trustee Linda Mosley, Tuesday Williams, Zakiyyah Miller, Local President Horace Miller, Vice Local Chairperson Kelvin Hill, Local Vice President Marshall Laster and Lamar Richardson II (511). Not pictured: Secretary & Treasurer Lorenzo Haire.

Georgia State Legislative Director **Matt Campbell** reports that Local 1245 recently held a town hall meeting where members and family discussed FELA,

UTUIA benefits, legislative and contractual issues. Local Trustee **Derek Jackson** won a cooler for signing up for UTU PAC.

Local 1582, Albany, N.Y.

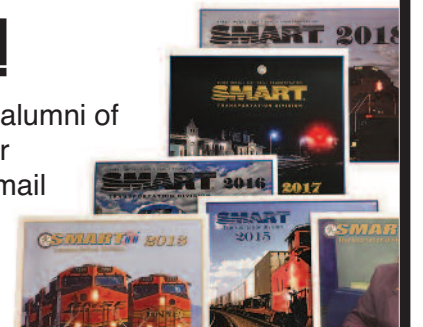
Wes Wohl, past local president and Local 1582 Adirondack Trailways Committee member, got his 2-million-mile safety award May 15. GC **Russell S. Gaillard** received a million-mile safety award.



Wohl

Take a shot to get in the TD calendar!

We're looking for photo submissions from SMART TD members and alumni of buses, light rail, planes or trains for the 2019 alumni calendar. Email your high-resolution horizontal photos to news_TD@smart-union.org or by mail to the TD office along with details about the photo. If your pic is chosen, you get copies of the alumni calendar to share. **The deadline is Sept. 28!** Be sure to observe all rules and regulations regarding photography on your property.



SMART Army members take action nationwide



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Crewe, Va.

SMART Transportation Division members in southwest Virginia helped the Crewe, Va., Little League put on a memorable opening day for local players April 6 as part of the SMART Army's Month of Community Action. After the opening ceremonies, SMART Army members hosted a screening of the movie "The Sandlot" for local families.

SMART TD Virginia State Legislative Director **Ronnie Hobbs**, who volunteered in the effort, recalled an encounter he had at the cere-



mony.

"One of the kids walked up to me with his mother," he said. "She said, 'Excuse me, railroad man — this is the best opening day we've ever

had here. This was like Christmas for these kids.

"Just to see parents' and kids' smiles — it made the drive worth it. This was a great day."



From left are Jim Tyson of SM Local 36; Brad Slaughter of Local 303; Missouri State Legislative Director Jason Hayden; Billy Elbert of Local 303; Doug Piant of SM Local 36; and Legislative Representative Jeff Nichols, Jason Newberry and Local President Tim Latham, all of Local 303.

Greene County, Mo.

Members from SMART TD Local 303 and Sheet Metal Local 36, both in Springfield, Mo., co-hosted a hospitality room and informational booth at the Greene County Democratic Central Committee's "Dem Days of the Ozarks" on April 6 as part of their SMART Army Month of Community Action effort. Several political office holders and candidates were in attendance to discuss issues and the 2018 midterms. The booth had information on the current "Right to Work" Prop A vote coming this fall in Missouri, national two-person crew legislation and the dangers of grade crossings and trespassing on rail property.

Several policy-oriented sessions April 7 included presentations on labor issues and the upcoming statewide vote on Prop A, which was chaired by Lexi Amos from Jobs with Justice nonprofit, and Local 303's Legislative Representative **Jeff Nichols**.

The gathering was capped at the annual GCDCC banquet featuring keynote speaker Josh Earnest, press secretary for the Obama administration from 2014-2017. U.S. Sen.

Claire McCaskill (D - Mo.) and Missouri Auditor Nicole Galloway (D) also spoke.

"It's so important to be involved in these events and to stay in contact with our legislators at all levels. When they see you at events, in the capitols or out and about and you engage them, it helps to keep our issues fresh," Nichols said. "In 2012, when Sen. McCaskill was running for re-election, we passed her and her group while they were visiting a local industry next to our mainline. We blew the whistle and I gave them a big wave. The following week she spoke at the local VFW, and I introduced myself as the LR for SMART 303 and she asked what my job was with the railroad. I said that I was a conductor and that I was on the train that whistled them the week prior. She immediately introduced me to the members of her staff that were there as 'the train guy' from last week. Now when we see each other at events, she recognizes me from that day. You couldn't ask for a better chance encounter like that, but it sure opened a door."

Around the SMART TD continued...

Local 61, Philadelphia, Pa.

General and Local Chairperson **Bernard Norwood** reports that on April 16, the 2018 FRA Confidential Close Call Reporting System (C³RS) User Group Workshop was held in Scranton, Pa., at the Steamtown National Historic Site.

Peer Review Team (PRT) members from SEPTA, New Jersey Transit, Metro-North, Long Island Rail Road, Metra and Strasburg Railroad all gathered for a meet and greet at PJ's in the Hilton hotel. Representatives

from FRA Human Performance Division were on site.

Each PRT presented a slide show of their work and accomplishments from the previous year. Information and questions were shared during and after each PRT's presentation.

"This was SEPTA's first year participating in the C³RS User Group Workshop. It was a very good experience for the group and we learned a lot of valuable information to carry back to our entire group," Norwood said.



Pictured here, from left, are Vice General Chairperson Mike Stevens, FRA's Human Performance Program Director Rob Castiglione, Norwood and FRA's Human Performance Program Specialist Brian Riley.

Bill introduced to protect passenger crews

On the one-year anniversary of the shooting of Amtrak conductor **Michael Case** in Naperville, Ill., U.S. Sen. Tammy Duckworth (D - Ill.) introduced S. 2861 — The Passenger Rail Crew Protection Parity Act — a bill that would make it a felony to assault or intimidate passenger rail crewmembers. U.S. Sen. John Hoeven (R - N.D.) has signed on as a co-sponsor of the bill.

"The senseless shooting in 2017 of Michael Case, a

SMART TD brother out of Local 1525, that inspired the senators to craft this bill is just one example of the crime against rail crewmembers that happens all too often," SMART TD President **John Previsich** said. "Making such incidents felony-level offenses throughout the U.S. would be a step in making our nation's rails a safer place to work and travel."

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New monthly assessment levels are set for DIPP

As a result of the continued increase in claims volume and associated costs, the SMART Transportation Division Discipline Income Protection Program (DIPP) is increasing its monthly assessments from 81 cents to 96 cents per \$1 of daily benefits, effective July 1, 2018.

Members may elect to reduce their benefit level or cancel coverage at any time by submitting the appropriate form to SMART TD. If a member chooses to keep his or her coverage as it is, the current benefit level will remain in

place, and members who pay their monthly assessments by payroll deduction will have the higher monthly assessments automatically deducted from their paychecks.

DIPP trustees are SMART General President **Joseph Sellers Jr.**, SMART General Secretary-Treasurer **Richard L. McClees** and SMART TD President **John Previsich**.

A chart showing the new schedule of benefits and additional information about SMART TD DIPP is available at www.smart-union.org/td/dipp.

SMART GENERAL PRESIDENT'S COLUMN

Safety is essential for us — everywhere we go

Every working person has the fundamental right to come home from work each day, safe and sound.

Safety is at the heart of the modern labor movement. Working women and men want not only to earn decent wages and benefits that provide for their families, but to have a safe workplace so they can enjoy their families, community and live on the fruits of their labor.

Safety issues are ever-present for SMART members, in the transportation industry and across each sector of our SMART membership.

Our union is leading the way in support of the Bus Operator and Pedestrian Protection Act, introduced in the House by U.S. Rep. Grace F. Napolitano (D -



By Joseph Sellers Jr.

Calif.), and U.S. Rep. John Katko (R - N.Y.).

Assaults on bus and transit operators occur daily, threatening the safety of working members and the riding public. Every day there is more news of incidents where unruly passengers have spit on, threatened, beaten, stabbed or even shot some of our brothers and sisters while they are just doing their jobs.

Equality in safety

The act is nothing more

than common sense — the same treatment for our members as for workers in other modes of transportation.

Since 9/11, we protect airline pilots behind strong, locked cockpit doors, and taxicabs feature a partition to protect drivers from belligerent passengers.

We deserve no less, yet our members are exposed to the general public and to the risk of harm. The new legislation supports responses including physical barriers, better visibility and situational training in how to de-escalate conflict.

Members on national railroads face these threats. Brother **Michael Case** from SMART TD Local 1525 spent 10 weeks in the hospital after being shot in May 2017. It is one of 73 record-

ed cases of assault on Amtrak employees since 2015. A year later, Brother Case is still recovering.

In response, we have worked with U.S. Senators Tammy Duckworth (D - Ill.) and John Hoeven (R - N.D.) to craft the Passenger Rail Crew Protection Parity Act, which would make it a felony to assault or intimidate passenger rail crewmembers. It will therefore help in securing members involved in the transport of our nation's passengers.

How you can help

Text the word SAFETY to 21333* to take part in our campaign in support of bus and transit operator safety. Once you take that simple action, you will be asked to help your union brothers and sisters by contacting

your legislators in support of the Rail Crew Protection Parity Act as well. (*Message and data rates may apply.)

SMART TD members serve as a vital part of our nation's transportation infrastructure. Whatever the work might be, safety is paramount — and it is non-negotiable.

Again, join our campaign to pass this legislation. Text the word SAFETY to 21333 to join our effort. In the meantime, do your part this election year to elect those who will respect our safety by ensuring it is protected.

Be safe and thank you,

Joseph Sellers Jr.
General President, SMART

Bus Department News

A message from your Bus Department leadership

Dear SMART TD bus members,

Your Bus Department leadership has completed its first round of workshops at the Seattle Regional Meeting and is looking forward to all the training exercises in our bus workshops with some exciting training planned, and we hope that you attend and share the training experience with your co-workers. Also on tap is information and updates on autonomous commercial motor vehicles (CMVs).

In March, San Ramon, Calif., debuted its first autonomous bus on public roads. By 2020, California is aiming for 100 driverless public vehicles to occupy their transit systems. Is this being done to have a few automated bus routes to assist in the overflow or is this the end for human beings behind the wheel?

Autonomous buses will have some long-range consequences for our union and our drivers. According to a report by Goldman Sachs in 2014, the driverless option will severely impact about 1 million jobs in the transit industry. We must



Studivant

ask ourselves: Are we faced with becoming an IT industry rather than a people-centered industry?

Our brothers and sisters are there to offer comfort and compassion when communities are hit by a crisis such as fires, floods and other natural disasters. I'm not sure where that compassion would come from on a driverless bus.

The SMART TD Bus Department will also continue our pursuit to make sure our members remain safe while performing their duties as we discuss operator assault and how SMART is leading the way on this all-too-important issue.

Lastly, there is a survey that our National Legislative Department has put out and I ask that you please participate so that we can address your concerns.

I remain in solidarity,
Calvin Studivant
SMART TD Bus Vice President
973-800-7995
cstudivant@smart-union.org



A Big Blue Bus travels south down Fourth Street at the intersection with Colorado Avenue in Santa Monica, Calif.

Our members earn national safety award for Big Blue Bus

Efforts of our SMART Transportation Division members out of Local 1785 helped Santa Monica, Calif.'s Big Blue Bus (BBB) receive a 2018 Bus Safety and Security Gold Award from the American Public Transportation Association (APTA) in safety for transit agencies with more than 4 million but fewer than 20 million passenger trips annually.

The Gold Award honors organizations with the best overall bus safety and security program for all transit organizations throughout the United States. Additionally, recipients play an integral part in benchmarking successful programs that can be adopted by other public transit systems.

The carrier reports that it has steadily decreased its preventable accident rate from 2.21 accidents per 100,000 miles in fiscal year (FY) 2015 to 1.83 accidents per 100,000 miles in FY 2017. The passenger injury rate also de-

creased from 1.89 injuries per 100,000 miles in FY 2015 to .41 injuries per 100,000 miles in FY 2017.

"I would like to thank every BBB staff member for their contributions, especially our motor coach operators who operate our fleet of 200 buses in one of the most congested and challenging service areas in the country. We have invested significant resources over the last three years to launch a comprehensive employee safety program that provides intensive training and retraining programs for all BBB staff," said Ed King, director of transit services.

The carrier also said it will use \$18.3 million in Federal Transit Administration (FTA) and California Proposition 1B Bond funds to acquire new buses, some of which are already on its fleet.

Big Blue Bus operates 200 vehicles transporting more than 54,000 customers daily across 58 square miles in the Santa Monica/Los Angeles area.



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SMART TRANSPORTATION DIVISION PRESIDENT'S COLUMN

SMART TD issues response to FRA's request

These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART"). The SMART Transportation Division, formerly the United Transportation Union, is an organization representing approximately 125,000 transportation employees with active rail members working in all operating crafts including engineers, conductors, trainmen, switchmen and yardmasters.

This is in response to the FRA requesting information and comment on the future of automation in the railroad industry – FRA 2018-0027.

General comments

As the FRA considers the future of rail automation it must not forget its mandate



By *John Previsich*

from Congress, "[i]n carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation" 49 U.S.C. § 103(c). As such, safety must be first and foremost when discussing the future of automation of our nation's railroads. It would be unethical and would violate the mandate of Congress to sacrifice safety for potential profits. With the

guiding principle of safety in mind, SMART submits the following comments.

Safety and security must be our number one priority

As noted, safety must be the highest priority when considering the introduction of autonomous rail operations in the United States. In considering issues of automation in the American rail system, it is important to examine: (1) the essential job functions performed by humans that cannot be replaced by automation, (2) automation in other countries and distinguishing characteristics between those nations and the United States, and (3) the ever-present threat of hostile actors looking to inflict mayhem on our nation's railroads.

Essential Job Functions of Human Railroad Employees Cannot be Automated

In valuing safety as the highest priority, it is important to understand the essential roles that human employees play in the safe operation of trains. There are countless essential functions that humans perform, using their perception and judgment that cannot be replaced by automation, especially on America's vast rail system that covers an incredible geographical and weather diversity.

Railroad crews are responsible for detecting issues before they become dangerous. They do so by inspecting trains in rollby inspections and by walking the length of a train to determine if there are issues

with couplers, wheels, brakes, handholds, steps and doors, etc. Employees also monitor track conditions, both in yards and on the road, to check for misaligned switches, track obstructions and weather-related damage. Finally, employees also observe traffic at crossings, including the speed at which vehicles are moving, in order to determine whether it is safe to proceed at normal speed or if there exists the potential for a collision requiring immediate action. While responsible for their own trains, rail crews also observe other trains for any noticeable defects, including shifted loads and mechanical failures.

Additionally, it requires two employees to separate a train to open a blocked road crossing and to make

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State Watch

News from SMART TD State Legislative Boards

Kansas SLD Ty Dragoo reports a pair of victories

Kansas State Legislative Director **Ty Dragoo** reported that the hard work of his legislative board has paid off with the Kansas Legislature passing and Republican Gov. Jeff Colyer signing the House Substitute for SB 391.

The law signed May 16 establishes the state's Joint Legislative Transportation Vision Task Force.

"We would like to take this opportunity to thank all those legislators who supported this important step to building a vision for transportation in Kansas with labor at the table," Dragoo said. "We greatly appreciate the assistance of all of those that voted in favor to pass the task force legislation."

The task force's purpose is to evaluate the current condition of the Kansas transportation system; solicit local input on projects; evaluate current uses of the state highway fund; evaluate current transportation funding and determine whether funding levels are sufficient for current and future needs; identify additional necessary transportation projects; make recommendations regarding the needs of the state's transportation system in the future; and make recommendations on the future structure of the state highway fund as it relates to maintaining the state's infrastructure.

The bill also includes a list of or-



Kansas Gov. Jeff Colyer shakes hands with Tara Mays, executive director of Economic Lifelines, after signing the House Substitute for SB 391 creating the Joint Legislative Transportation Vision Task Force on May 16. The bearded man to Colyer's right is Kansas State Legislative Director Ty Dragoo.

ganizations, including SMART Transportation Division and the AFL-CIO, that will sit on the task force and help to formulate a 10-year plan for the state's transportation system.

"SMART TD looks forward to being a part of providing the task force with the critical information that they will need to build a vision for the future of the infrastructure system in Kansas," Dragoo said. "This is the first time in our board's history that our union will be recognized and enshrined in Kansas statute as a stakeholder in trans-

portation planning for this state.

"Brothers and sisters, that is not by accident. That is our hard work paying off."

A PDF of the final version of the bill is available on the Kansas State Legislature website (kslegislature.org).

Colyer also signed H.B. 2184 into law April 26, which increases workplace death benefits in the state.

The new law, which was backed by the Kansas State Legislative Board, increased the initial benefit received by the family of a deceased employee from \$40,000 to

\$60,000. After the initial payment, the act allows for dependents to receive weekly payments, subject to minimum and maximum amounts that are specified by law.

"Today was a great victory for labor, and I am proud that SMART TD was seen as instrumental in H.B. 2148's passage," Dragoo said.

Certain minimum and maximum benefits payable for other individuals wholly dependent upon a deceased employee's earnings also were boosted. The maximum benefit was increased from \$18,500 to \$100,000. In situations where a deceased employee leaves behind persons who were partially dependent, the minimum benefit increases from \$2,500 to \$25,000 and the maximum benefit also increases from \$18,500 to \$100,000.

"Most Class I railroads have life insurance policies as part of employment benefits negotiated by labor and fall under FELA," Dragoo said.

"However, this raises minimum amounts substantially to the new levels in the act. It is important to know that all our brothers and sisters in the labor movement, including all our Sheet Metal brothers and sisters, that don't have these benefits will now have reasonable minimum benefits."

State Watch continued on Page 9

Comments on automation submitted by President Previsich in response to FRA request

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sacrifice safety for potential profits.”

SMART TD’s comments:

1. Safety and security must be our No. 1 priority.

2. Essential job functions of human railroad employees cannot be automated.

In addition, the condition of America’s infrastructure, the risk of cyber-attacks and the elimination of the human element of being able to watch and respond to possible safety threats also should be weighed as autonomous technology is considered, Previsich said.

“The functions of human crewmembers can never be fully automated in a way that maintains safety at its current level, let alone increases safety,” Previsich wrote. “In this industry, we are beset by challenges from all sides, and it is critical that at this juncture we take all of these challenges into consideration when it comes to automation, so as to keep railroads moving efficiently, profitably, and most importantly, safely.”

The full text of Previsich’s comments begins on Page 5.

In a second set of comments, also submitted May 7, Previsich and

leaders from the American Train Dispatchers Association, Brotherhood of Locomotive Engineers and Trainmen, Brotherhood of Railroad Signalmen and Brotherhood of Railroad Carmen Division-TCU outlined the approach they believe the industry should take.

Automation is no substitute for the the continuing and essential role workers play, the statement said.

“Unplanned events and the ever changing nature of events that unfold in real time during a train’s trip from beginning to end cannot be overstressed,” the joint comments said. “Automation does well perform-

ing tasks that happen the same way over and over. It does not do so well ... with higher level reasoning.”

The 26-page joint submission was co-signed by union leaders Leo McCann, Dennis Pierce, W. Dan Pickett and Richard Johnson.

To read a PDF of the joint submission, visit https://smart-union.org/wp-content/uploads/2018/05/Joint_Labor_Comments-0027-050718.pdf.

In all, FRA received more than 3,300 comments about how it should approach automation in the rail industry. The vast majority of the responses were in opposition of crewless trains.

The text of SMART TD’s response to the FRA’s request for comment on autonomous trains

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most federally required air-brake tests.

The above is a small sampling of the duties of railroad crews that impact safety and security. A more exhaustive list is attached to these comments. See Attachment 1, List of Duties of Railroad Crews. (*Editor’s note: This attachment is available on the TD website at https://smart-union.org/wp-content/uploads/2018/06/SMART_TD_FRA_2018_0027_-_Supplemental_Attachment.pdf*). The integration of autonomous operation should focus on supporting these human functions to increase safety rather than replacing them. As explained in more detail below, humans cannot be replaced by autonomous operations in the performance of many essential functions.

Autonomous operations in other countries and American infrastructure

In its Request for Information, questions pertaining to both autonomous operations in other countries and infrastructure were raised. SMART believes that the two issues go hand-in-hand with safety considerations.

All can agree that upgrading our nation’s infrastructure is of critical importance in America remaining an economic power and improving safety and our quality of life. But the reality is that the United States lacks adequate infrastructure to fully support our current rail operations, much less autonomous trains. In addition to inadequate infrastructure, the rail industry’s initial implementation

of train automation in the forms of Positive Train Control (PTC), plus Leader and Trip Optimizer has added to the complexities of operating trains. This puts additional strains on the human crews that operate these trains, which would be compounded further with automated operations.

Trains in the United States are significantly longer than in countries where limited automated operations exist. Many U.S. trains stretch far more than two miles long, with some over three miles in length. This creates a number of complications that are not present in other countries. For example, most railroad crossings in the United States are “at grade,” meaning they are at street level. Therefore, vehicles are struck at a high rate, resulting in thousands of collisions and over 200 deaths per year.¹ Since roads are commonly built on section lines that are one mile apart, and trains are usually longer than one mile, blocked crossings result in limited access by emergency crews in the event of a collision. Without a conductor to pull the pin to separate rail cars at the crossing and an engineer to move the train, access to accidents is significantly impeded, resulting in a delay of life-saving care. Additionally, trains frequently derail or strike automobiles in already difficult-to-access areas. Care would be further delayed if an employee had to be transported to the accident site in order to conduct the above-described functions. Any autonomous operations would need to account for these deficiencies, and the additional

strain such operations will put on local emergency personnel, resulting in preventable loss of life due to delayed response times at accidents.

In addition to issues presented above, the excessive length of American trains results in significantly heavier trains than seen in other countries with limited autonomous operations. As a result, trains in the U.S. suffer more equipment failures and break-in-tuos that cannot be properly addressed by an autonomous operation. Humans are needed on the scene to address these and other mechanical failures that require immediate action to potentially avert disaster.

Humans play an essential role in thwarting hostile actors and terrorism

Railroads also are subject to dangers that go beyond the standard safety issues such as derailments and collisions. Dangers like terrorist attacks and cyberattacks continue to loom, as trains are a prime target for hostile actors due to the potential colossal damage that can be inflicted. Humans have the ability to perceive threats and take action in a manner that autonomous operations cannot. Where there is the possibility of out-of-control trains carrying thousands of tons of hazardous materials, it is critical that discussions regarding train automation address these concerns in a substantial way, or the threat to life and property would be significant.

Unfortunately, trains are prime targets for terrorists or other hostile actors seeking to inflict massive

damage to both life and property. News reports are rife with reports of both successful and unsuccessful attacks on rail systems. The role of human engineers and conductors in such incidents simply cannot be replaced by an automated system. For example, in October of 2017, an individual with allegedly terroristic goals attempted to take control of an Amtrak train and pulled the emergency brakes.² There the train’s conductors helped to physically subdue the perpetrator before any loss of life occurred. In the 2015 Thalys train attack, a man wielding an AK-47 opened fire on a crowded train.³ While the perpetrator was famously halted by passengers onboard, witnesses stated that the acts of the conductor were heroic as well.⁴ While these are stark examples, they clearly show that a human presence can mean the difference between life and death when terrorists try to take lives. This is the world we live in, and when the development of autonomous rail systems is considered, such stories need to remain at the forefront of our thinking.

Cyberattacks are a growing threat to railroads

In addition to traditional terror attacks, cyber threats grow more prominent every day. The response of automated systems would be severely limited in such events. An automated rail system would be a prime target for a cyber-attack, as present events have made clear. For example, recently, the San Francisco Municipal Transportation Agency was subjected to a ransomware attack where

hackers took control of a number of devices and demanded a ransom in return.⁵ While the hackers did not take control of any rail operations, the attack was a stark wake-up regarding potential new avenues of disruption and danger through attacks on railroad computer systems. All systems that use a computer network are susceptible to hacking, but in an autonomous rail operation, the results could become catastrophic. In the event hackers are able to take control of a fully autonomous hazardous material train, no human would be present to manually intervene to stop a cataclysmic event. With the increasing frequency and severity of reports regarding computer hacking, we think any serious consideration of this technology is at the least premature until such threats can be addressed and foolproof preventative measures can be taken to ensure safety.

Workforce viability in an autonomous world

FRA also asks for information regarding the impact automation may have on workers. The automation of train operations has the potential to cause the loss of tens of thousands of good-paying union jobs across America. The potential for the dislocation of workers in the event automated rail operations become common practice is extreme. The effect of technology on the workforce has already been seen, as remote-control operations in railroad yards have led to substantial job losses of locomotive engineers and yard switchmen. Automa-

Continued on Page 7

The text of SMART TD's response to the FRA's request for comment on autonomous trains

Continued from Page 6

tion is having a substantial impact on the craft of yardmaster as well. Unfettered train automation would affect significantly more employees and make the communities in which trains travel through far more vulnerable to all sorts of potential hazards. Add to this the potential automation in transit and the trucking industry, and we will have a vast loss of opportunity for people without college degrees to secure a job that pays a decent wage, further increasing income inequality in our country.

Regulatory issues and implementation hurdles

The FRA also inquired as to regulatory hurdles that may arise regarding autonomous operations. It must be noted that the current regulatory framework governing rail safety is primarily built around a two-person crew operating trains. These two crewmembers interact constantly and double-check every decision that is made in the workplace. The regulations currently in place are designed with this type

of operation in mind, and govern matters such as air tests, cab communications, double-checking procedures, and cutting crossings, among a host of other procedures. In the event autonomous operations become widespread, a complete rewrite of most, if not all, of these regulations will be required. The same goes for railroad operating rules. They would need to be significantly rewritten to account for automated operations. Any rewrite of federal regulations must still comply with Congress' mandate regarding safety as the number one priority of the Federal Railroad Administration. Also, many regulations have been mandated by Congress, which would necessitate legislative enactments.

Railroads have been reducing the size of crews for decades, even when those reductions lead directly to accidents that could have been prevented with larger human crews. Being unable to self-regulate is the basis for the entire federal code of regulations that governs railroads. As such, railroads cannot be trusted to self-regulate themselves when it comes to the implementa-

tion of this technology, as a race to eliminate all paid positions for the sake of profit could lead to catastrophic results.

Even where new technology is regulated, railroads have demonstrated an inability to comply. The performance-based PTC rule is a good example of the significant shortcomings of the industry when it comes to the timely implementation of safety technology mandated by the FRA. PTC systems were mandated by Congress in 2008 to be fully implemented by December 31, 2015. When unable to implement the technology by said date, the railroads were granted an extension by Congress to 2018-2020. As of this time, less than 10 of the 37 railroads required to install PTC have fully done so, with many lagging woefully behind on meeting the extended deadline.⁶ In addition to the cost, one major issue that has arisen is the difficulty in integrating the PTC software into currently existing programs. Railroad conductors and engineers who have experience with PTC can attest that, even when fully integrated, the PTC system does not work

perfectly, sometimes instituting brake applications unexpectedly and without cause. Such technology is only useful when it works, and when it does not, it can increase danger where it is relied on with no additional safeguards. The difficulty railroads have had in implementing PTC technology and the uneven results that have so far been obtained must be considered when examining feasibility of autonomous operations.

Conclusion

We thank you for the opportunity to present our comments on behalf of our 125,000 members. Again, we wish to reiterate that safety must be the number one priority when considering the integration of autonomous technology into the current American railroad system. The functions of human crewmembers can never be fully automated in a way that maintains safety at its current level, let alone increases safety. In this industry, we are beset by challenges from all sides, and it is critical that at this juncture we take all of these challenges into consideration when it comes to automation, so as

to keep railroads moving efficiently, profitably, and most importantly, safely.

Thank you for the opportunity to comment.



John Previsich
President,
SMART
Transportation Division

Notes:

- 1 <https://oli.org/about-us/news/collisions-casulties>
- 2 <http://time.com/5089950/taylor-michael-wilson-supremacist-amtrak/>
- 3 <https://www.theguardian.com/world/2015/aug/21/amsterdam-paris-train-gun-man-france>
- 4 <http://www.lefigaro.fr/cinema/2015/08/24/0300220150824ARTFIG00083-thalys-jean-hugues-anglade-nuance-ses-propos.php> (French)
- 5 <https://www.sfmta.com/blog/update-sfmta-ransomware-attack>
- 6 <http://abcnews.go.com/Politics/railroads-meet-positive-train-control-deadlines-officials/story?id=53110861>

Bill introduced to protect passenger rail crew members

Continued from Page 2

Case spent 10 weeks in the hospital after being shot May 16, 2017, and his shooting is one of 73 recorded cases of assault on Amtrak employees since 2015. A year later, Case said he is still recovering.



Case

"I am working very hard to get my strength, flexibility, endurance and mental health back to 100 percent. I have my struggles, but I count my blessings that I am alive," Case said. "My family has been through a lot this past year — we look forward to better days ahead!"

Case's shooting, as well as other incidences of assault, inspired Duckworth to propose the legislation.

"No one in America should experience what Amtrak conductor Michael Case endured while just doing his job. We are all entitled to work in a safe environment, one that is free from violence, harassment and intimidation," Duckworth said in a press release.

If passed, the bill would provide

the same protections to passenger rail personnel as airline crewmembers. Currently, any assault on a rail crewmember falls under the laws of the local jurisdiction

where the crime occurs, leading to an inequality in justice for assault victims. This legislation levels the playing field, and victims can expect to receive the same justice, no matter where the crime happens, if the bill becomes law.

"This bipartisan legislation is welcomed and overdue," Previsich said. "SMART Transportation Division applauds Sen. Duckworth's and Sen. Hoeven's efforts to bring federal protections of rail workers in line with those of the airline industry. We urge members of Congress to support this bill to bring crimes against railroaders under the umbrella of federal law."

Case also supports the bill and says it would help to protect his fellow passenger rail workers.

"I pray that my co-workers NEVER have to go through what my family and I have endured this past year!" Case said. "A safe and secure environment will allow my co-workers to focus on the task at hand — operate and administrate their equipment up and down the railroad safely."

In the release from Duckworth's office, Illinois State Legislative Director **Bob Guy** also offered his support.

"Given the interstate nature of passenger rail, it only makes sense to provide the same federal protections that aviation employees enjoy to employees in the passenger rail industry, and that's just what the Passenger Rail Crew Protection Parity Act would do. I want to thank Senators Duckworth and Hoeven for their commitment to rail safety and working to provide our members the federal protections they deserve," he said.

S. 2861 has been referred to the U.S. Senate Committee on Commerce, Science and Transportation of which Duckworth is a member.

Matt Campbell chosen to serve on Executive Board

Matt Campbell, the Georgia state legislative director, has been elected to serve on the SMART Transportation Division Executive Board.



Campbell

Campbell was elected April 24 by the TD Board of Directors to fill the vacancy created by the retirement of **Robert Resendez** (see Page 2).

"I am grateful for this opportunity to serve our membership and proud to join this admirable group of leaders," Campbell said.

Campbell, of Local 1031, has been Georgia state legislative director since June 2012, and has served as a local legislative representative and local chairperson.

He joined SMART TD in March 2001 as a conductor, is a member of the National Safety Team and helps lead the SMART TD Rail Safety Task Force.

What's new?

All members and officers are invited to submit items to the SMART TD News. **This is your publication**, and we are here to get the word out. Email items to news_TD@smart-union.org and we'll be in touch!



News and information for members of the SMART TD Alumni Association

becoming a member costs just \$9 a year! For more information, call 216-228-9400, email kcashin@smart-union.org or visit www.smart-union.org/td/alumni.

RR RETIREMENT Q&A: Contrasting between Social Security, rail benefits

Employers and employees covered by the Railroad Retirement Act pay higher retirement taxes than those covered by the Social Security Act, so that Railroad Retirement benefits remain higher than Social Security benefits, especially for "career" employees who have 30 or more years of service.

The following questions and answers show the differences in Railroad Retirement and Social Security benefits payable at the close of the fiscal year ending Sept. 30, 2017. They also show the differences in age requirements and payroll taxes under the two systems.

How do the average monthly Railroad Retirement and Social Security benefits compare?

The average age annuity being paid by the Railroad Retirement Board (RRB) at the end of fiscal year 2017 to career rail employees was \$3,415 a month, and for all retired rail employees, the average was \$2,730. The average age retirement benefit being paid under Social Security was over \$1,370 a month. Spouse benefits averaged \$1,010 a month under Railroad Retirement compared to \$695 under Social Security.

The Railroad Retirement Act also provides supplemental Railroad Retirement annuities of between \$23 and \$43 a month, which are payable to employees who retire directly from the rail industry with 25 or more years of service.

Are the benefits awarded to recent retirees generally greater than the benefits payable to those who retired years ago?

Yes, because recent awards are based on higher average earnings. Age annuities awarded to career railroad employees retiring at the end of fiscal year 2017 averaged about \$4,030 a month, while monthly benefits awarded to workers retiring at full retirement age under Social Security averaged nearly \$1,855. If spouse benefits were added, the combined benefits for the employee and spouse would total \$5,560 under Railroad Retirement coverage, compared to \$2,780 under Social Security.

How much are the disability benefits?

Disabled railroad workers retiring directly from the railroad industry at the

end of fiscal year 2017 were awarded more than \$2,920 a month on the average while awards for disabled workers under Social Security averaged approximately \$1,295.

While both the Railroad Retirement and Social Security Acts provide benefits to workers who are totally disabled for any regular work, the Railroad Retirement Act also provides disability benefits specifically for employees who are disabled from work in their regular railroad occupation. Employees may be eligible for such an occupational disability annuity at age 60 with 10 years of service or at any age with 20 years' service.

Can railroaders receive benefits at earlier ages than workers under Social Security?

Railroad employees with 30 or more years of creditable service are eligible for regular annuities based on age and service the first full month they are age 60, and rail employees with less than 30 years of creditable service are eligible for regular annuities based on age and service the first full month they are age 62.

No early retirement reduction applies if a rail employee retires at age 60 or older with 30 years of service and his or her retirement is after 2001, or if the employee retired before 2002 at age 62 or older with 30 years of service.

Early retirement reductions are otherwise applied to annuities awarded before full retirement age, the age at which an employee can receive full benefits with no reduction for early retirement. This ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later, the same as under Social Security.

Under Social Security, a worker cannot begin receiving retirement benefits based on age until age 62, regardless of how long he or she worked, and Social Security retirement benefits are reduced for retirement prior to full retirement age regardless of years of coverage.

Can the spouse of a railroader receive a benefit at an earlier age than the spouse of a worker under Social Security?

Continued on Page 9

T H E F I N A L C A L L

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	Huxford, Perry S.	Rosedale, Ind.	318	Hurley, Francis	Elmira, N.Y.	1088	Evans, Charley L.	Pearl, Miss.
113	Orr, Louie R.	Gallup, N.M.	324	Naff, Kerry	Marysville, Wash.	1315	Hoskins, Levi	Corbin, K.Y.
194	Bays, James W.	Terre Haute, Ind.	339	Cardwell Jr., Marvin "Buddy" L.	S. Fulton, Tenn.	1386	Tribett, Stephen G.	Vincent, Ohio
226	Hull, Thomas W.	Hopkins, Mo.	495	Cleveland, Blaine E.	Salina, Kan.	1390	Jones, Charles P.	Runnemedede, N.J.
234	Spillman, Edward C.	Bloomington, Ill.	631	Green, James E.	Martinsburg, W. Va.	1402	Hooks, Wendell H.	Dupo, Ill.
240	Blizard, James F.	Alhambra, Calif.	792	Henry, Charles E.	Norwalk, Ohio	1518	Eaker, Harold A.	Whiteland, Ind.
240	Graham, Donald H.	Rowland Heights, Calif.	792	Hilbert, Ray W.	Dover, Ohio	1518	Schwandner, Robert E.	Livingston, Ill.
240	O'Neill, Donald M.	Youngstown, Ohio	832	Cordts, Carl	Foxboro, Wis.	1978	Horan, James P.	Milford, Conn.
284	Dusek, George A.	Ravenna, Ohio	1031	Campbell, Johnny W.	Richmond Hill, Ga.			
303	Williams, Josh H.	Rogersville, Mo.	1075	Fairchild, Charles H.	Ada, Mich.			

Local 240, Los Angeles, Calif.

Chairperson **Harry Garvin** reports that Local 240 is grieving after three losses.

■ Brother Garvin's wife, Susan Francis Garvin, passed away March 2 at home in Alta Loma, Calif., with her husband, her dogs and two good friends at her side.

Harry and Susan were married for more than 44 years before her death from cancer.

■ **Donald Michael O'Neill**, 77, died peacefully March 16 at Windsor House in Canfield, Ohio, with his family at his

side. Brother Donald was a conductor for the Southern Pacific and later for the Union Pacific Railroad before retiring in 2006.

■ **Jack E. Haile**, 76, of Forsyth, Mo., died Feb. 3, 2018, at his residence. A veteran of the U.S. Army, Brother Haile was honorably discharged in 1962 with the rank of specialist. He was employed as a conductor for the Southern Pacific Railroad and Union Pacific Railroad before retiring in 2001.

Local 303, Springfield, Mo.

A fundraiser has been established for the wife and two daughters of **Josh Williams**, a BNSF conductor who died of a heart attack in May. Brother Williams, 35, joined SMART TD in 2005. To donate, visit www.gofundme.com/josh-williams-family-fund.



Williams

Local 324, Seattle, Wash.

Members of Local 324 were mourning the death of Treasurer **Kerry Naff**, who passed away April 24 at age 54 after a battle with cancer.

"Kerry was the beacon of light that guided our local through its darkest hour," said Local 324 President **Peter Gushwa**. "He was a great man, friend, brother, ally and mentor. He is sorely missed by us all and has left a void



Naff

that may never be filled. "RIP, my brother, you will forever be in our

hearts, mind and soul!" Brother Naff, a switchman for BNSF, joined SMART TD in January 1993 and had previously served as 324's vice president and secretary.

State Watch continued...

Louisiana

Chris Christianson became the state’s legislative director, effective May 1. Christianson, of Monroe, La., a conductor for Union Pacific, had been assistant state legislative director since January 2016.

“I’m diving in head-first in the middle of regular session, so I have some challenges ahead and look forward to overcoming them one step at a time,” Christianson said. “I also look forward to knocking on doors, making calls and shaking hands, building new relationships.”

Christianson, a member of Local 1545, joined SMART TD in April 2003 and has served in multiple posts including as the local’s secretary and treasurer and as legislative representative.

“There’s nothing more important than being a state director and having great relationships with the ones that write the laws.”



Christianson

Nebraska

An inaugural workers summit April 6 in North Platte, Neb., drew about 100 members from various unions to discuss labor and rail issues during two sessions at the North Platte Quality Inn and Suites.

SMART Transportation Division Nebraska State Legislative Director **Bob Borgeson** was in attendance and gave a presentation at the meeting.

“I was happy to do it,” said Borgeson. “We were all very happy with the turnout, which had all kinds of folks from different unions show up.”

Topics of discussion included S. 1451 – the Railroad Advancement of Innovation and Leadership with Safety Act; S. 2360 and HR 233 – the Senate and House versions of the Safe Freight Act – and cuts to the Occupational Safety and Health Administration’s budget. Strategies about how to better mobilize to have union workers’ voices heard were also discussed.

Jim “Doc” Moore, a retired associate professor of labor history at Cornell University’s School for Industrial and Labor Relations, moderated the meeting, which was organized by **Terry Sigler**, a retired legislative representative of SMART TD Local 286 in North Platte.

“The purpose of the labor summit was to unite all the unions and to better inform our members of the issues that are important for our safety and welfare,” said Sigler.

Dean Mitchell, a political consultant with DFM Research who works with SMART



Dean Mitchell, a political consultant with DFM Research, addresses a workers summit in April in North Platte, Neb.

TD, was among the presenters. Mitchell pointed out during his address that 13 percent to 18 percent of voters in Lincoln County, Neb., are railroad workers and their spouses – the highest concentration in any city or county in the U.S.

“Seeing that figure, it is easy to see that if all the other unions work together too, there is absolutely no reason why we can’t carry an agenda in the election process,” Mitchell said.

Nebraska AFL-CIO President Sue Martin spoke about apathy in union ranks and the importance of electing people who support union issues and working families.

“The people who represent us make the rules for us, so we need to get people who are friendly to working families elected,” Martin said. “We will support those who support our issues.”

Sigler said that he plans to make the summit a regular event.

Georgia



Georgia State Legislative Director Matt Campbell, at right, was invited by state Rep. Dar’shun Kendrick to moderate the April 18th Georgia Economic Bill of Rights hearing at the State Capitol in Atlanta. Pictured with Campbell are Rhonda Briggins (Metropolitan Atlanta Rapid Transit Authority) and Kimberly King (Georgia Department of Transportation).

Ohio

The Ohio Legislative Board’s office has moved. Its new address is 750 Cross Pointe Road, Suite E in Gahanna, OH 43230, and the new office phone number is 614-604-6731.

Washington, D.C.



SMART TD Washington, D.C. office Chief of Staff Jenny Miller celebrated her 20-year work anniversary in the office April 27 along with Assistant National Legislative Director Greg Hynes (left) and National Legislative Director John Risch (right).

Maryland

Two wins in the General Assembly turned into a win and a loss at the hand of Gov. Larry Hogan, reports Maryland State Legislative Director **Larry Kasecamp**.

HB-312, a bill that increased the penalty for assaults on transit operators to a year imprisonment,

was passed and signed into law by the governor.

However, a bipartisan two-person crew bill, HB-180, was vetoed by Hogan and the veto cannot be overridden at this time.

Kasecamp, disappointed by the veto, will return to his 2PC efforts.



Kasecamp

Local’s alumni come back as guests for annual meeting

Local 1258 out of Elgin, Ill., had a number of guests for its fourth annual alumni meeting in May. Pictured, seated from left at the table, are retired members Ron Norton, Larry Vicars, John Hensley and Paul Hegge surrounded by the local’s members.



Rail retirement Q & A

Continued from Page 8

If a retired railroad employee with 30 or more years of service is 60, the employee’s spouse is also eligible for an annuity the first full month the spouse is 60.

Certain early retirement reductions are applied if the employee first became eligible for a 60/30 annuity July 1, 1984, or later, and retired at ages 60 or 61 before 2002. If the employee was awarded a disability annuity, has attained age 60 and has 30 years of service, the spouse can receive an unreduced annuity the first full month she or he is 60, regardless of whether the employee annuity began before or after 2002, as long as the spouse’s annuity beginning date is after 2001.

Vice President Lesniewski retires, Brent Leonard is elevated to replace him

Continued from Page 1

his railroad career on the Baltimore and Ohio Chicago Terminal Railroad (CSXT) on Oct. 29, 1972. After holding local offices with the then-United Transportation Union (UTU), Lesniewski was elected local chairperson in 1982 and was re-elected by acclamation in 1986, 1990, 1994 and 1998, serving for more than 16 years. He also served as the local's delegate at UTU conventions in 1987, 1991, 1995, 1999 and 2003.

"It has been my privilege and pleasure to serve the membership as an officer of our great Union for almost 36 of my 46 years of railroad service. My sincere thanks to all of the Union members, officers and staff who have supported me along the way," Lesniewski said. "I will never forget you."

In 1995, Lesniewski was elected part-time secretary of the CSXT/B&O General Committee (GO-049) after 26 years as a trainman and 16 years as a part-time representative. He was elected by acclamation to a full-time position as first vice general chairperson in 1999 and re-

elected to that position in 2003. Upon the retirement of former General Chairperson **J. T. Reed** on July 1, 2004, Lesniewski was elected by acclamation as general chairperson on the former B&O CSXT property and then re-elected for successive terms by acclamation in 2007 and 2011.

On Feb. 28, 2011, Lesniewski was elected as second alternate vice president-East by the UTU board of directors and was subsequently elected, overwhelmingly, as a full vice president by delegates at the 2011 UTU Convention and re-elected to the position at the SMART TD convention in 2014. At the 2014 convention, he was also elected "successor president" by the delegates. He also served as general vice president on the General Executive Council of SMART.

Lesniewski served on the National Negotiating Committee for the July 1, 2008, National Mediation Agreement under both former-Presidents **P. C. Thompson** and **M. B. Futhey Jr.** He also served on the 2011 National Negotiating Committee, having been appointed by Futhey in Decem-

ber 2009. He served on his third National Negotiating Committee starting in 2015, having been appointed by Transportation Division President **John Previsich**, which resulted in the National Rail Agreement that was ratified Dec. 1, 2017.

"As I step aside, I encourage younger members to get involved in the labor movement to protect their own future as well as the future of their co-workers," Lesniewski said. "Being a Union representative, in any capacity, is a prodigious source of personal satisfaction if it is undertaken for the correct purpose of making a difference by helping and protecting our membership."

"As an added bonus, within our Union, you end up working with a dedicated group of consummate professionals as I have."

President Previsich commented: "I have had the pleasure of working with Brother Lesniewski during my entire career as a nationally elected officer. His professionalism and expertise are at the highest level and his integrity and commitment are confirmed by all who know

him. John has been a tremendous asset to our union in all respects and a close and dear friend to me personally. It is my distinct honor to wish John and his wife, Gail, a long, healthy and prosperous retirement."

John and Gail have been married for 45 years and reside in Noblesville, Ind. They have four children, three of whom are married, and eight grandchildren.

The vacancy created by Lesniewski's retirement will be filled by the elevation of Alternate Vice President **Brent Leonard**, effective July 1.

Leonard, 45, has served as SMART TD alternate vice president since Jan. 1, 2013. He was elevated to the position by the Board of Directors on Dec. 28, 2012, and was re-elected to the position in 2014.

A member of Local 202 in Denver, Leonard started railroading in 1997 on Union Pacific as a conductor/switchman. He was promoted to engineer in 1998 and was elected local chairperson in 2001. He was elected vice general chairperson of his general committee, GO-953, in 2003; senior vice general



Leonard

chairperson in 2007 and general chairperson in 2011. GO-953 represents about 4,000 members and is

one of the largest general committees in SMART TD.

As general chairperson, Leonard represented Union Pacific employees encompassing 10 states as well as four regional short-line railroads representing both operating and non-operating crafts. Leonard negotiated several first-of-their-kind agreements providing significant pay increases, improvements to his members' quality of life and predictive time off.

Leonard has filled past roles of chairman of Union Pacific Railroad Employee Health Systems (UPREHS), chairman of the District 1 General Chairpersons' Association and has served in various leadership positions for the Union Pacific General Chairpersons' Association.

Leonard and his wife live in Topeka, Kan., and have two daughters.

Transportation Division policy concerning fees objectors

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

To the extent permitted by law, a non-member cannot participate in union elections as a voter or as a candidate; attend union meetings; serve as delegate to the convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

2. The objecting non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the month of September preceding the calendar year to which s/he objects, or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:

- All expenses concerning the negotiation of agreements, practices and working conditions;
- All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- Convention expenses and other union internal governance and management expenses;
- Social activities and union business meeting expenses;
- Publication expenses to the extent coverage is related to chargeable activities;
- Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
- Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
- All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
- All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft formerly represented by UTU, now SMART.

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the President, Transportation Division. The Transportation Division shall designate an analyst for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union

Percentage of chargeable fees determined by analyst for calendar year 2017

Transportation Division*	78.3 percent
State Legislative Boards	
LO 005 California ¹	72.6 percent
LO 028 Missouri ²	66.2 percent
LO 054 Washington ³	34.5 percent
Unreviewed boards ⁴	0.0 percent
General Committees of Adjustment, including locals under jurisdiction	
GO 001 BNSF ⁵	100 percent
GO 851 CSXT ⁶	95.5 percent
GO 927 Union Pacific ⁷	98.8 percent
Unreviewed committees ⁸	99.6 percent

- * Estimate; final ratio forthcoming.
¹ Calculated by applying the lowest of previous reviews of the applicable legislative board providing the board has had eight or more reviews.
² Estimate based on Second and Third Quarter reports.
³ Estimate based on Third and Fourth Quarter reports.
⁴ Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.
⁵ Estimate based on First, Second, and Fourth Quarter reports.
⁶ Estimate based on First, Second, Third, and Fourth Quarter reports.
⁷ Estimate based on First, Second, and Third Quarter reports.
⁸ Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.

expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the analyst's report may challenge the validity of the calculations made by the analyst by filing an appeal with the President, Transportation Division. Such appeal must be made by sending a letter to the President, Transportation Division postmarked no later than thirty (30) days after issuance of the analyst's report.

7. After the close of the appeals period, the President, Transportation Division shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the President, Transportation Division and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and

expenses shall be paid by the Transportation Division.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The Transportation Division shall have the burden of establishing that the reduced fees set forth in the analyst's report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue the objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the analyst issues the report. As soon as possible after the issuance of the analyst's report, he/she shall pay the amount of the reduced fees calculated by the analyst. Persons objecting for the first time shall be sent a copy of the report prepared by the analyst for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the analyst may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the analyst's report as soon as practicable after its issuance. The appropriate unit of the Transportation Division shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the analyst, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.

UTUIA congratulates 2018 scholarship winners!

DISTRICT 1

Conn., Maine, Mass., N.H., N.Y., R.I., Vt.

Morgan Beiter, step daughter of **Robert Kuzara Jr.** of Local 1393, Buffalo, N.Y.; Nicole Giordano, step daughter of **William Connell** of Local 1473, Boston, Mass.; Jonathan Munn, grandson of **Raymond Kobylak** of Local 1978, New York, N.Y.; Allison Sorri, daughter of **Ronald Sorri** of Local 1393, Buffalo, N.Y.; Emma Weis, granddaughter of **Robert Fitzsimmons** of Local 1978, New York, N.Y.

DISTRICT 2

Del., D.C., Md., N.J., Pa.

Kyle Dobbins, son of **Preston Cyrus** of Local 1390, Trenton, N.J.; Hannah Farley, granddaughter of **Charles Cellini** of Local 60, Newark, N.J.; Stephanie Krakowski, daughter of **John Krakowski** of Local 1413, Jersey City, N.J.; Justin Williamson, son of **Thomas Williamson** of Local 1470, Edmonston, Md.

DISTRICT 3

Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn., Va., W.Va.

Bryce Bennett, son of **Joe Bennett** of Local 998, Waycross, Ga.; Abbagail Brasington, granddaughter of **Davis Bragg** of Local 762, Montgomery, Ala.; Brittany Clayton, daughter of **Autry Clayton Jr.** of Local 1545, Monroe, La.; Emily Coppedge, daughter of **Thomas Coppedge** of Local 971, Crewe, Va.; James McClanahan, grandson of **James Cruce** of Local 339, Jackson, Tenn.; Colleen Tracy, granddaughter of **John Tracy** of Local 991, Steubenville, Ohio; Allyson Yandle, granddaughter of **Wallace Thornton** of Local 793, Columbia, S.C.; Hunter Young, grandson of **Johnny Campbell** of Local 1031, Savannah, Ga.

DISTRICT 4

Ind., Mich., Ohio

Alexandria Collins, daughter of **Tommy Collins** of Local 1383, Gary, Ind.; Brock Goley, grandson of **Donald Goley** of Local 14, Cincinnati, Ohio; Brian

na McNeely, daughter of **Robert Moneer** of Local 586, Willard, Ohio; Zachary Miller, grandson of **William Briggs** of Local 225, Bellevue, Ohio; Hannah Shank, granddaughter of **Samuel Hale** of Local 1290, Chicago, Ill.

DISTRICT 5

Ill., Wis.

Paige Dubs, daughter of **Matthew Dubs** of Local 1929, East St. Louis, Ill.; Adrien Hernandez, great-grandson of **Warren Johnson** of Local 1292, Proctor, Minn.; Alec Lester, son of **Scott Lester** of Local 445, Niota, Ill.; Alyssa Orona, daughter of **David Orona** of Local 1895, Chicago, Ill.

DISTRICT 6

Ark., La., Okla., Texas

Wilson Bernard, grandson of **Marvin Corzine** of Local 1501, Baton Rouge, La.; Tucker Hoobler, grandson of **Ralph Robertson** of Local 1313, Amarillo, Texas; Triniti Love, daughter of **Fancy Love** of Local 594, Mineola, Texas; Casey Sartor, grandson of **Terry Sartor** of Local 1092, Teague, Texas; Makena Schroeder, granddaughter of **Dennis Scholle** of Local 1042, Oklahoma City, Okla.; Jaela Washington, daughter of **Shedrick Dudley** of Local 11, Houston, Texas

DISTRICT 7

Iowa, Kan., Minn., Mo., Neb., N.D., S.D.

Kendra England, granddaughter of **Billy England** of Local 477, Newton, Kan.; Gunnar Fandrich, grandson of **David Fandrich** of Local 1344, Mandan, N.D.; Alexis Howard, step daughter of **Garrett Poulette** of Local 303, Springfield, Mo.; Brandon Kankelfritz, grandson of **Darald Kankelfritz** of Local 1137, Fargo, N.D.; Natalie Mechem, granddaughter of **Raymond Birch** of Local 1823, St. Louis, Mo.; Paige Nichols, daughter of **Clinton Nichols** of Local 418, Sioux City, Iowa; Trevor Rimmer, son of **Matthew Rimmer** of Local 1780, Kansas City, Mo.

DISTRICT 8

Ariz., Calif., Colo., Nev., N.M., Utah

Arthur Alvarado, son of **Magaly Dorado** of Local 1565, West Hollywood, Calif.; Alexandra Jensen, granddaughter of **Kenneth Harman** of Local 204, Pueblo, Colo.; Hunter Jones, grandson of **Patricia Hampton** of Local 238, Ogden, Utah; Lorena Lara, daughter of **Pedro Lara** of Local 1563, El Monte, Calif.; Justin Martinez, son of **Latonia Martinez** of Local 1608, Chatsworth, Calif.; Carson Park, grandson of **Patricia Hampton** of Local 238, Ogden, Utah; Tatiana Sandoval, daughter of **George Sandoval** of Local 1608, Chatsworth, Calif.; Nathan Valles, grandson of **Patricia Garcia** of Local 1563, El Monte, Calif.

DISTRICT 9

Alaska, Idaho, Mont., Ore., Wash., Wyo.

Griffen Boe, son of **Kyle Boe** of Local 257, Morrill, Neb.; Alexandria Gould, step daughter of **Ryan Hedgecock** of Local 891, Whitefish, Mont.; Colton Richards, son of **Kenneth Richards** of Local 1713, Everett, Wash.

Trade School Scholarship winners

Ashlan Marcantel, daughter of **Carban Marcantel** of Local 1947, Lake Charles, La.; Tyler Parker, grandson of **Samuel Parker** of Local 453, Clinton, Ill.; Colin Weidauer, son of **Gregory Weidauer** of Local 911, Minneapolis, Minn.

UTUIA wishes all winners luck in all of their future endeavors.

Congratulations!



What if? ...

What if you could find an insurance company that:

- Pays the membership back rather than paying stockholders and greedy CEOs
- Provided over 200 college scholarships yearly to the children and grandchildren of members
- Provided up to 100 Trade School scholarships to help build America's skilled labor force
- Provided Memorial Scholarships to the children of its members who were killed while performing the duties of their trade
- Had benefits designed to meet the unique needs of Union Trade Workers and their families
- Had highly affordable plans and flexible payment options
- Gave thousands of hours of volunteer work and matched member donations for charities in the communities they serve
- Financially Supported Disaster relief to assist Union members and their families in dire times of need
- Paid claims in days, not months
- Was established over 150 years ago by Trade workers like yourself

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I would like more information on UTUIA's available policies:

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| <input type="checkbox"/> Accidental Death and Dismemberment | <input type="checkbox"/> Annuities |
| <input type="checkbox"/> Cancer Hospital Indemnity | <input type="checkbox"/> IRAs |



Please Print

Full Name _____ Date of Birth _____ SMART TD Local _____

Street Address _____ City _____ State _____ Zip code _____

Telephone number with area code _____ Male Female 06/18

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

Photo of the month

SMART Transportation Division is always looking for good photos and your picture can be featured on this page as a Photo of the Month.

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

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

High-resolution digital photographs should be in JPEG format and emailed to news_td@smart-union.org. We prefer horizontal photos.

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 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.



Retired conductor Benjamin Prince of Local 645 took this photo of a Long Island Rail Road train as it passed through Jamaica Station in Jamaica, N.Y.

Warnings issued by FRA and DOT on consumption of CBD products

From the FRA: CBD (cannabidiol) is one of more than 100 chemical constituents called cannabinoids unique to the marijuana plant. Another well-known cannabinoid is delta-9 tetrahydrocannabinol (or more commonly known as THC), which is the major intoxicating component of marijuana.

CBD is sold in ingestible forms as well as ointments and oils designed to be applied to the skin. Marketers like to associate CBD with hemp products, which is a term loosely associated with marijuana-related products that have little or no THC. However, CBD products have some risk since their manufacture is not controlled or overseen by any state or federal government agency, nor produced for prescription use by any major pharmaceutical company in this country. CBD products can definitely be a "buyer beware" concern in terms of product content and quality control. In addition, CBD products may be innocently or purposefully sold with varying amounts of THC present.

A number of states indirectly or directly allow the sales of CBD-based products, either because it is specifically identified in state law or by virtue of its derivation from

the marijuana plant for states with medical or recreational marijuana laws.

CBD is illegal to possess or use under federal law. CBD is considered by the federal government to be a byproduct of marijuana, and therefore is a Schedule I drug under the federal Controlled Substances Act (CSA). It is therefore the position of FRA that the possession or use of any CBD product is a violation of 49 CFR 219.101.

DOT drug tests target the principal urinary metabolite of marijuana THCCOOH, which appears in urine after use of a THC-containing product. Since CBD is not a chemical constituent or byproduct of THC, it will not cause a federal positive test for marijuana. However, the risk is that the CBD product could also contain THC. If THC is present in sufficient amounts, that could potentially be the source of a positive federal drug test.

A regulated employee claiming that the source of their marijuana positive test is any "hemp" product will still have the test verified by the Medical Review Officer (MRO) as positive regardless (see 49 CFR 40.151(f)).

From the DOT: Recently, some states passed initiatives to permit use of marijuana for so-called "recreational" purposes.

We have had several inquiries about whether these state initiatives will have an impact upon the Department of Transportation's longstanding regulation about the use of marijuana by safety-sensitive transportation employees.

We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based

upon learning that the employee used "recreational marijuana" when states have passed "recreational marijuana" initiatives.

We also firmly reiterate that an MRO will not verify a drug test negative based upon information that a physician recommended that the employee use "medical marijuana" when states have passed "medical marijuana" initiatives.

It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be.

United Transportation Union Insurance Association

As of December 31, 2017: amounts as reported in annual statement filing to Ohio Department of Insurance, unaudited

Ohio revised code provides that, not later than the first day of June of each year, UTUIA shall either mail to each benefit member, or publish in its official publication, a synopsis of its annual statement.

Assets		Liabilities & surplus		Summary of operations	
Cash	\$940,053	Reserves	\$168,354,842	Income	
Bonds	197,005,882	IMR	3,943,511	Premium income	\$12,910,087
Common stocks	20,055,135	Accrued expenses	646,311	Investment income	10,222,563
Data processing equipment	314,855	AVR	3,415,307	Other income	20,439
Real estate	1,478,453	Other liabilities	180,691	Total income	\$23,153,089
Accrued interest	2,232,748	Total liabilities	\$176,540,662	Expenses	
Policy loans	4,870,732	Surplus	50,425,330	Benefits	\$(14,803,178)
Other assets	68,134	Total liabilities & surplus	\$226,965,992	General expenses	(7,468,630)
Total assets	\$226,965,992			Total expenses	\$(22,271,808)
				Net income (loss)	\$881,281
				Capital gain (loss)	401,013
				Total income	\$1,282,294



JUNE/JULY 2018
ISSN 2470-0304

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

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