



# Transportation Division News

Volume 50 • Number 10 • November 2018

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



In this image courtesy the Transportation Trades Department (TTD) of the AFL-CIO, Tom Cahill, local chairperson of LCA - 049, discusses trespasser/crossing fatalities from an engineer's perspective Oct. 30 at the Federal Railroad Administration's first Trespasser and Grade Crossing Fatality Prevention Summit in Washington, D.C.

## Local chairperson speaks on trespasser/crossing fatalities

**Tom Cahill**, local chairperson of LCA-049 (CSXT - B&O) and vice president of SMART Transportation Division Local 631 (Brunswick, Md.), was among the presenters at the first Trespasser and Grade Crossing Fatality Prevention Summit hosted by the Federal Railroad Administration in late October.

Cahill, a TD member since January 1997, started working on the railroad out of high school and

### WATCH THE SPEECH

A video of Tom Cahill's presentation to the FRA summit accompanies the online version of this article at [www.smart-union.org/td/](http://www.smart-union.org/td/)

described to the audience his experience during grade crossing collisions and trespasser incidents.

"None of the job interviews or job descriptions in the transportation sector ever covered what we're

*Continued on Page 11*



From left, SMART Transportation Division President John Previsich, Tom Cahill and Maryland State Legislative Director Larry Kasecamp pose for a photo at the FRA Trespasser and Grade Crossing Fatality Prevention Summit.

### REMEMBERING SMART GP EMERITUS JOSEPH NIGRO



April 27, 1950 - Oct. 24, 2018

See General President Joseph Sellers' column on Page 4.

### WINNING CANDIDATES FROM SMART TD

#### ARIZONA

**Richard Andrade** (member), re-elected to Ariz. House District 29 seat.

#### ILLINOIS

**Matt Hanson** (member), elected to Kane County board, District 6.

**Bill Mathes** (Alumni Association member), appointed 5th Ward alderman, Granite City Council.

#### INDIANA

**Jessica Bailey** (spouse of member), elected to Porter County clerk of courts.

#### IOWA

**Matt Windschitl** (member), speaker pro tem Iowa House, representing Iowa's 17th district, re-elected to a new term.

#### NEBRASKA

**Mary Ann Borgeson** (spouse of state legislative director), re-elected as Douglas County commissioner, District 6.

#### NEW JERSEY

**Daniel O'Connell** (retired member and state legislative director), re-elected as Delran Twp. Ward 2 councilman.

#### OHIO

**Michael Sheehy** (Alumni Association member), re-elected as state House representative for District 46.

#### WYOMING

**Stan Blake** (member, current state legislative director), re-elected as state House representative for District 39.

### Inside this issue of the SMART TD News

- **AROUND SMART TD:** Contract with Dallas regional RR OK'd, plus more news from locals, **Page 2.**
- **STATE WATCH:** Alternate NLD appointed to a federal DOT advisory committee, **Page 5.**
- **MOURNED:** Cheyenne, Wyo., Local 446 loses two brothers in accident, **Page 3.**
- **CENTERSPREAD:** Find out which locals are the top contributors to the UTU PAC, **Pages 6-7.**
- **LEADERS' COLUMNS:** Messages from General President Joseph Sellers and TD President John Previsich, **Pages 4, 5.**
- **NTSB MAKES RULING:** Board says lax track maintenance contributed to a 2017 ethanol train derailment in Iowa, **Page 11.**



# Around the SMART TD

## GCA - DGN, LCA D&W, Dallas, Texas

The SMART Transportation Division's Dallas, Garland and Northeastern (DGN) membership overwhelmingly ratified a new seven-year agreement, SMART TD Vice President **David Wier** reported Nov. 1.

"General Chairperson **Bobby Taylor** (GCA – DGN) and Vice Local Chairperson (LCA – D&W) **Danny Mahan** did an excellent job of bringing the members' concerns to the table," Wier said. "The new agreement provides substantial annual general wage increases with full back pay."

The new agreement is for seven years, from Jan. 1, 2016, through Dec. 31, 2022, and provides seven general wage increases totaling 19.5 percent, with a cumulative wage increase of 21 percent over the life of the contract and full back pay.



A new contract providing a cumulative 21 percent wage increase was ratified by members who work for the Dallas, Garland and Northeastern Railroad, a subsidiary of Genesee and Wyoming Inc.

The agreement provides:

- 1.5 percent general wage increase effective January 1, 2016;

- 1.5 percent general wage increase effective January 1, 2017;
- 6.5 percent general wage increase effective January 1, 2018;
- 2.5 percent general wage increase effective January 1, 2019;
- 2.5 percent general wage increase effective January 1, 2020;
- 2.5 percent general wage increase effective January 1, 2021;
- 2.5 percent general wage increase effective January 1, 2022.

Also coming with the ratification are increased paid vacation time for all employees and increases in training pay and boot allowances with improved bidding procedures.

## Local 240, Los Angeles, Calif.

Conductor/brakeman/switchman **Joseph M. Fischer** of Local 240 retired Oct. 1. He hired out April 21, 1964, with Southern Pacific Railroad in Fresno, Calif., as a switchman, then later transferred to Los Angeles as a conductor/brakeman. According to **Harry Garvin**, chairperson of Local 240, Fischer, 73, had been the local's oldest switchman with road seniority as of Sept. 21, 1972, with Southern Pacific.

Garvin said Fischer was the local's last switchman who hired out in the 1960s still working. Fischer worked on the railroad for more than 54 years and 8 months of service with Union and Southern Pacific railroads.

"The officers and members of Local 240 want to thank him for all his years as a member and wish him many happy years of long health in retirement," Garvin said.

SMART Transportation Division congratulates Fischer and wishes him well in his retirement.

## Local 363, Roanoke, Va.



Members of Local 363 collected school supplies and backpacks that they donated to area students as part of their SMART Army volunteer and activism efforts.

## Local 1337, New Orleans, La.

The SMART Transportation Board of Directors announced Oct. 2 that it had elected **Joseph S. Chelette**, first vice chairperson of GCA-927, to serve as an alternate member to the Executive Board.

Brother Chelette, 42, of Flint, Texas, joined SMART TD in July 1996 and fills the vacancy created with **Jamie Modesitt's** elevation to the board. He is a member of Local 1337 (New Orleans, La.) and has served as a local delegate, alternate legislative representative and as a local chairperson before becoming first vice chairperson Jan. 27, 2015.



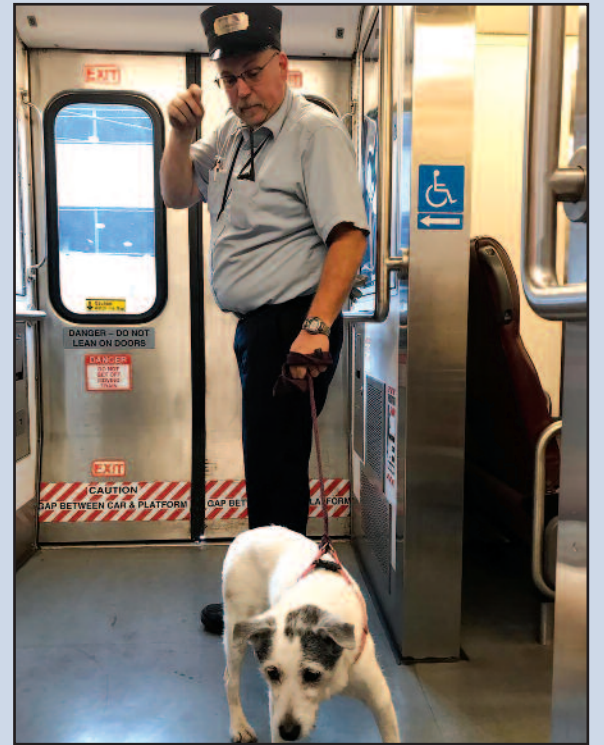
Chelette

"I would like to thank the Board of Directors for having the confidence to nominate and then to vote for me," Chelette said. "I am very honored to serve on this board and support our membership to the highest level because that's what they deserve. I have always been willing to support our officers and our members, and I look forward to working for them to better our organization."

## Local 941, Columbus, Ga.



Dustin Little volunteers his time to read to students during career day activities at West Side Elementary in Cedartown, Ga. Dustin, a conductor on Norfolk Southern, earned kudos from his state representative, Trey Kelley of the 16th District, who said he was proud of Little's volunteer work.



Local 60 member Howard Kempton holds Shelby using a makeshift leash made from his tie on Oct. 20 in this photo provided by Instagram user@daniellephant144.

## NJT conductor corrals wayward dog

In an age where it seems like everything is about "me, me, me," New Jersey Transit conductor and SMART TD Local 60 member **Howard Kempton** showed passengers aboard New Jersey Transit (NJT) Train 6923 and a worried dog owner what it means to be selfless.

On Oct. 20, Judy Karamessinis Gunn and her dog Shelby were out for a walk in the South Mountain Reservation near South Orange, N.J., when Shelby's leash broke and she ran off.

At around 1 p.m., NJT Train 6923 was approaching the South Orange station when police alerted the train engineer that a dog had been spotted on the tracks. The engineer informed conductor Kempton about the dog, who then radioed to the dispatcher to stop the trains in the area.

Kempton, with the assistance of a state trooper, tracked down the scared pooch and, using the tie from his uniform, fashioned a makeshift leash for the dog and brought her aboard the train. NJT traffic resumed, and a passenger called Gunn via the phone number on the tag on Shelby's collar. Gunn and Shelby were reunited at the Summit station.

A grateful Gunn posted on the NJT Facebook page: "Thank you Howard ... for saving my little Shelby! She got away from me in South Mountain Reservation and I looked for her for two hours before I got the phone call. You are heroes and I am forever grateful!"

In his response to Gunn's post, Kempton credited being in the right place at the right time. "I'm glad I was at the right spot at the right time. I must say I couldn't have done it without the South Orange police officer who pointed out to my engineer, Mike B., who then informed me that there was a dog on the tracks. I want to thank the NJ state trooper who also helped me to track Shelby down."

Kempton has been a member of Local 60 in Newark, N.J. since 1998. SMART TD commends Kempton and all involved for their efforts and wishes them and Shelby well.



### S&Ts: Get trained for TD Connect system

Registration is open for local treasurers who are interested in attending workshops where they will learn how to use TD Connect to manage member records and to work with the new eBill system.

- Two sessions have openings:
- **Jan. 28, 29 & 30** in Minneapolis/St. Paul, Minn.; workshop registration deadline is Jan. 21.
  - **Feb. 11, 12 & 13** in Salt Lake City, Utah; workshop registration deadline is Feb. 4.

A third workshop scheduled for early January in Kansas City, Mo., already has filled to capacity. Three successful sessions in the autumn all filled.

The sessions will run 9 a.m. to 5 p.m. all three days. Attendance is limited and will be filled on a first-come basis.

Additional information about these workshops, including links to register, is available on the S&T Tools page on [www.smart-union.org/td/](http://www.smart-union.org/td/) or by calling **Alyssa Patchin** at 216-228-9400.

S&Ts are also reminded to keep their email addresses current with the TD Updating Department to receive the Field Support Help Desk's email newsletter.



Local secretaries and treasurers attend a TD Connect workshop in early October in New Haven, Conn., to learn about the new ebilling system that will be rolled out in January. The workshop was the first of eight to occur through mid-February across the nation. More information about the workshops is available on the S&T Tools page of the SMART TD website.

## Yardmaster association leaders chosen

New officers were chosen to lead the Professional Yardmasters Association of America at the association's spring meeting April 3 and 4 in New Orleans, La. General Chairperson **Christopher Bartz** (GCA - 256) was nominated and elected by acclamation for a second term as the association's chairman. General Chairperson **Michael Miele** (GCA - 340) was nominated for vice chairman and was elected by acclamation. Brother Miele will be serving his third consecutive term for the association, his second as vice chairman. General Chairperson **Matthew Burkart** (GCA - 341) was nominated for secretary/treasurer, along with General Chairperson **Joseph Buerger** (GCA - 247). Secret balloting resulted in Burkart's election.

The Professional Yardmasters Association of America, previously the J.D. Martin Council of Yardmaster General Chairpersons after the late Jerry D. Mar-



From left, General Chairpersons Matt Burkart (GCA - 341), Christopher Bartz (GCA - 256) and Michael Miele (GCA - 340), the newly elected leadership of the Professional Yardmasters Association of America, pose for a photo.

tin, is made up of general chairpersons from railroads across North America and convenes twice a year to address current and pending issues regarding the yardmaster craft, which is marking its 100th anniversary. One issue strongly supported by the association is the Yardmas-

ter Hours of Service Act (H.R. 3148), which would regulate the number of hours a yardmaster could work.

Passage of this bill will be vital for the safety of the yardmasters and the union brothers and sisters whom they supervise, Bartz said.

## Brakes eyed as NTSB looks into fatal collision

Two members of Local 446 in Cheyenne, Wyo., **Jason Vincent Martinez**, 40, and **Benjamin "Benji" George Brozovich**, 39, died in October when the Union Pacific (UP) train they were operating hit the rear end of a stopped train near Cheyenne, Wyo.

Martinez, an engineer, had been a member since November 2006 and was a lifetime member of Veterans of Foreign Wars Post 1881. In his free time, he enjoyed playing pool and softball, going to Las Vegas and gambling, and he was a Denver Broncos fan.

Brozovich, a conductor, had been a TD member since June 2015 and had been employed by UP for 20 years. He loved motorcycles and the Denver Broncos. In his free time, he enjoyed motocross racing and golf.

SMART TD expresses its condolences to the members' families, friends, Local 446 and all who knew them.

A preliminary report from the National Transportation Safety Board released in mid-November states that data retrieved from the event recorder of the train indicated that an emergency brake application failed to slow the train as it descended a grade.

Positive train control (PTC) was active at the time of the accident, NTSB said.

NTSB said further investigation will focus on components of the train's air brake system, head-of-train and end-of-train radio-linked devices, train braking simulations and current railroad operating rules.

Investigators will also determine if the railroad's air brake and train handling instructions address monitoring air flow readings and recognizing the communication status with the end-of-train device, the report stated.



Martinez



Brozovich

### Around the SMART TD continued... Locals 48 and 854, Norfolk and Portsmouth, Va.



Virginia State Legislative Director Ronnie Hobbs reported a large turnout for the annual oyster roast hosted by members from Locals 48 and 854. Hobbs said members from Locals 363 (Roanoke, Va.) and 662 (Richmond, Va.) also showed up for the Oct. 13 event.

## Your newspaper. Your stories.

Members, officers and alumni are invited to submit items for the SMART TD News. Whether it's a tidbit from your local, the latest legislative success, a fundraiser or charity effort or a brother or sister who has a great story, we're here to get the word out. Email items to [news\\_TD@smart-union.org](mailto:news_TD@smart-union.org) and we'll be in touch!



## SMART GENERAL PRESIDENT'S COLUMN

## Joe Nigro's legacy reminds us all to 'lead from the front'

In October, we lost one of the greats among us, a man whose courage and dedication to the members of our union was unparalleled — a man who made the formation of SMART possible.

Throughout his life, and through his long and storied career, Joe Nigro worked tirelessly for our members with every ounce of energy he possessed.

Since his first day, stepping into the Local 17 sheet metal hall in Boston, **Joe Nigro's** larger-than-life personality left an impression on each person he met. He could quickly deescalate a situation when he had to, and he always made time for members and their families, no matter the situation.

As a leader, Joe's decisions were based on the best interest of the membership. He challenged union leaders and political figures,



By **Joseph Sellers Jr.**

ensuring they were held accountable in keeping their focus on the people who elected them to serve. That's where he got the nickname "Members' President" — and it was a title he wore as a badge of honor. Joe lived up to that name by spending every hour of his time focusing on what was best for our union and our families.

Joe's philosophy and leadership style was to "lead from the front." That's because Joe believed that a true leader doesn't stand back behind the lines, but instead jumps into the fight. They join the frontline

to share the same burdens as everyone else. In that same vein, he never asked others to make sacrifices he would not make himself. This leadership style helped him rise to the occasion in the wake of the 2007 Great Recession. Members, like all working people, were suffering like at no other time since the Great Depression. Joe successfully challenged leaders to make the same financial sacrifices that members faced during the depths of the crisis.

As he worked to pick up the pieces from that economic crisis, General President Nigro simultaneously steered the historic merger between the former Sheet Metal Workers' International Association (SMWIA) and the former United Transportation Union (UTU) to form SMART. His firm and fair leadership ensured its



In this photo from the first SMART General Convention in Las Vegas in 2014, from left, Transportation Division President John Previsich, then-SMART General President Joe Nigro and then-SMART General Secretary Treasurer Joseph Sellers Jr., pause for a picture together.

successful completion as he guided it to the First SMART General Convention in 2014.

I feel privileged in serving you with General President Nigro during the formation of our Union as your General Secretary Treasurer. Every time a member "leads from the front," we honor his memory. I, for one, know he is looking down at this

organization and membership with the pride and love he held for all of us during his all-too-brief time here.

Fraternally,

Joseph Sellers Jr.  
General President,  
SMART

## Bus Department News

A message from your Bus Department leadership



To our membership, we would like to pray for all people in all parts of our country and also all across the world that the good Lord helps us all so we all can live a peaceful life. We all are here for precious little time, and let's all enjoy the moments of life we have on Earth. With all the disasters, hurricanes, earthquakes and wildfires, many of our membership and people have suffered this year. Please share with our friends and family what little we have and remember there is a tomorrow if we are alive. Enjoy the upcoming holidays, enjoy the winter, and we will do more in 2019.



Reddy

Please have a happy holi-

day season, new year and God bless us all.

The year 2018 went by and we accomplished much. A lot has happened in and around our country. We had two very successful regional meetings for our officers and membership, where a lot of networking took place.

We have set up the Gardena, Calif., First Student school bus Local 1909 and it is running with 300-plus new members. We are close to having the Coach U.S.A. Anaheim, Calif., local established in the very near future with 200-plus new members. The Local 1589 contract with Coach U.S.A. in suburban New Jersey has been negotiated — everything is done.

We are working very hard to organize as many properties as possible 24/7 from West Coast to East Coast.

A reminder that the elections for local committees of adjustment and delegates are going on — please participate. We are ready to assist all elected officers in any way possible, whatever training you feel is needed, we are here to support you all in any way possible. Contact your leadership and we will get things rolling.

A special thanks goes out to every elected officer for fulfilling the sometimes thankless job that you have volunteered for. Please continue to do your best and ask us for any help we can give to you, so you can help our membership. Until next time, may God bless America and us all.

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

## NEWS IN BRIEF

## FRA reactivates safety committee

A notice published in the Federal Register in late September announced that the Railroad Safety Advisory Committee (RSAC) would be rechartered for two years after a period of dormancy.

RSAC advises the administrator of the Federal Railroad Administration (FRA) and makes recommendations on matters relating to railroad safety, resulting in a process that allows stakeholders, including labor and industry representatives, to collaborate before proposed rules are submitted.

The committee consists of 40 representatives from 29 member organizations, including SMART Transportation Division. It last met in May 2017, according to the RSAC website, and has been in existence

since 1996.

A notice providing details about the committee's next meeting has yet to be posted to the RSAC site.

## FTA increases drug testing rate

As mandated by its drug and alcohol regulation, the Federal Transit Administration (FTA) will increase the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation, effective January 1, 2019. This change is due to an increase in the industry's "positive rate" as reflected in random drug test data for calendar year 2017.

The required minimum rate for random alcohol testing is unaffected by this change and will remain at 10 percent for 2019.



Contact us: news\_td@smart-union.org  
Phone: 216-228-9400  
Fax: 216-228-5755

Joseph Sellers Jr.  
SMART General President  
jsellers@smart-union.org

Richard L. McClees  
SMART General Secretary-Treasurer  
rmcclees@smart-union.org

John Previsich  
SMART Transportation Division President  
president\_td@smart-union.org

John Risch  
SMART Transportation Division  
National Legislative Director  
jrisch@smart-union.org

NOVEMBER 2018  
ISSN 2470-0304

SMART Transportation Division News (ISSN 2470-0304) is published seven times per year in the months of February, September, October and November with combined issues in the months of April/May, June/July and December/January by SMART Transportation Division, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Periodicals postage paid at Cleveland, Ohio, and additional mailing office. POSTMASTER: Send address changes to: SMART Transportation Division News, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44077-5333 • John Previsich, SMART Transportation Division President.





**SMART TRANSPORTATION DIVISION PRESIDENT'S COLUMN**

# Unity can bring us victories — in 2019, the fight goes on

Welcome to 2019, a year of great significance for members of SMART. Commencing with SMART TD General Committee elections early in the year followed by the Transportation Division and International Conventions in August, the democratic processes of our union will position the organization to face the challenges that lie ahead.

The challenges are many. Labor protections are under attack, publicly funded transportation entities are facing budgetary pressures due to unwise financial decisions of leaders with other priorities, and an increasingly conservative judicial branch decides ever-fewer cases in favor of organized labor.

Working people in every industry benefit when their workplace is organized and



By **John Previsich**

wages, rules and working conditions are bargained collectively. That success is the reason that many forces are working very hard to weaken unions and eliminate worker protections. The anti-worker groups that are so opposed to unions spare no expense to attain their goals, and their efforts are ongoing in every arena. From legislative activity to regulatory "reform" to judicial activism, the anti-union attacks are never-ending.

Unions overall are fighting back. The recent election defeat of two-term Wiscon-

sin Gov. Scott Walker, a union-hater of the highest degree, is an indication that labor can be an effective voice to sway public opinion.

The importance of unions in today's political environment cannot be overstated. Strong unions are necessary to counter the influence of those who believe that unions stand in the way of profits.

A strong voice is necessary to speak out to others who would seek success through shifting the cost of benefits from the employer to the employee. Or to say a loud NO when finances or convenience comes at the expense of safety. Without strong unions, employees in our industry are subject to discipline without the right for adjudication, have no work rules to enforce and they have no choice but to

accept whatever compensation and benefits the employer decides to give.

Our union relies on the solidarity of its members for the support necessary to ensure that we remain strong, that our voice is heard at the collective bargaining table, in the regulatory offices, the legislative front and every other arena that affects our interests.

All of us who work in the transportation industry know that safety is of the first importance. The strength of our union allows us to be a leader in transportation safety, and we will continue that vigilance in the year ahead. We will also be at the forefront in national rail negotiations that will commence later in the year, and our Legislative Department will continue to be recognized at both the state and

federal levels as a leader in our industry.

Solidarity is defined as a feeling of unity among people who have a common interest. There is no greater common interest among members of organized labor than strengthening and supporting their unions. With strong member support, unions can demand the attention that their members deserve.

As we saw in the Wisconsin governor's defeat and others like it, unions can and will make a difference.

In solidarity,

John Previsich  
President,  
Transportation Division

## State Watch

### News from SMART TD State Legislative Boards

#### Multiple states



Pictured, from left, are Randy Russ, Oregon state legislative director; Don Gallegos, New Mexico state legislative director; Herb Krohn, Washington state legislative director; Jim Garrett, Iowa state legislative director; Pat McFall of the FRA; Ty Dragoo, Kansas state legislative director; Kamron Saunders, Texas state legislative director; and Curt Schmitz, Idaho state legislative director.

A group of legislative directors from seven states attended a facility walk-through at the Transportation Technology Center Inc. (TTCI), a railroad testing and training site northeast of Pueblo, Colo. It originated as the Department of Transportation's High Speed Ground Test Center to test several hovertrain concepts. When those projects were completed, the site was handed to the Federal Railroad Administration. TTCI was formed on January 1, 1998, as a wholly owned subsidiary of the Association of American Railroads (AAR).

The site is home to numerous test tracks and laboratories. Two test tracks are electrified. The Railroad Test Track (RTT,

named to differentiate it from the original hovertrain tracks) is equipped with overhead catenary, while the Transit Test Track (TTT) is equipped with a third rail and a small section of overhead catenary. Additionally, there are numerous specialized track geometry test tracks, with specified irregularities introduced to test rail vehicle dynamic response.

After the tour, TTCI facility leaders and the SLDs had a roundtable discussion about safety trends in the industry.

"A special thank you to FRA, TTCI, the state of Colorado and brother **Jim Garrett** for setting up the meeting," said Kansas State Legislative Director **Ty Dragoo**.

#### Illinois



Members of the SMART TD Illinois Legislative Board joined other union members and activists to help get out the vote for labor-endorsed candidates, including TD member and victorious Kane County Board candidate Matt Hanson of Local 171 (pictured in center). Board Secretary Dennis Nee of Local 1895 (fourth from left), Assistant Illinois State Legislative Director Joe Ciemny of Local 1534 (fifth from left) and Board Vice-Chairperson Jeff Votteler of Local 1597 (seventh from left) joined Hanson to canvass neighborhoods in Aurora, Ill. Local 1299 Legislative Representative Justin Hamilton (not pictured) also took part.

#### Washington, D.C.

SMART Transportation Division Alternate National Legislative Director **Greg Hynes** was appointed to the federal Department of Transportation's Advisory Committee on Human Trafficking (ACHT) in early October.

"Your experience and leadership as a representative of rail and labor will add valuable insights that will help further ACHT's mission," Secretary of Transportation Elaine L. Chao said in a letter announcing Hynes' appointment.

The committee, required by the Combating Human Trafficking in Commercial Vehicles Act, consists of stakeholders from trafficking advocacy organizations, law enforcement and trucking, bus, rail, aviation, maritime and port sectors, including industry and labor.

According to the release, the new 15-member committee is to provide recommendations to Chao before July 3, 2019 to prevent human trafficking.

A member of Local 1031, Hynes has served as alternate national legislative director since 2014 and has served on the Federal Railroad Administration's Railroad Safety Advisory Committee (RSAC).



Hynes



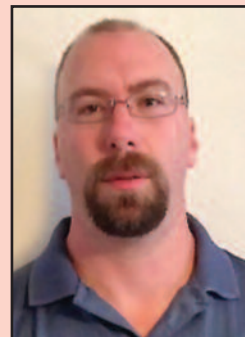


# UTU PAC contributions for 2017



## How does your state stack up?

(Average UTU PAC contributions per member, per month)



Ronnie R. Hobbs  
Local 854



Tommy G. Pate  
Local 1081



Chris H. Williams  
Local 1709



Kenneth L. Friend  
Local 508



Brian J. Hagele  
Local 234



Charles A. Ring Jr.  
Local 707



Jarrold A. Hudson  
Local 453



Ty E. Drago  
Local 1503



Lawrence J. Mozena  
Local 872



Ellis Lowen Laird  
Local 113

Arizona	7.29
Michigan	4.61
Nevada	4.39
Utah	3.87
Nebraska	3.80
Montana	3.71
Wisconsin	3.71
Kansas	3.47
New Mexico	3.35
Virginia	3.32
Indiana	3.17
Iowa	2.94
Wyoming	2.89
Illinois	2.84
Minnesota	2.70
Idaho	2.68
Missouri	2.61
Arkansas	2.60
Texas	2.46
Colorado	2.40
Oregon	2.38
North Dakota	2.27
Delaware	2.12
District of Columbia	1.77
Maryland	1.69
Oklahoma	1.69
California	1.68
Florida	1.60
Washington	1.52
North Carolina	1.29
Louisiana	1.27
Connecticut	1.18
New England states	1.18
Ohio	1.18
New Jersey	1.16
Alaska	1.04
Georgia	.98
South Carolina	.91
Alabama	.85
Kentucky	.74
New York	.69
Tennessee	.68
Mississippi	.66
Pennsylvania	.64
West Virginia	.59
South Dakota	.41

***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 Platinum 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.



## UTU Political Action Committee Donation Form

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  
Bronze Club      ☐ \$120 per year  
Silver Club      ☐ \$300 per year  
Gold Club

☐ \$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.

## Top Ten UTU PAC Locals

(Average UTU PAC contributions per member per month)

Local	City	Amount
854	Portsmouth, Va. Ronnie R. Hobbs, Legislative Rep.	23.68
1081	Glendale, Ariz. Tommy G. Pate, Legislative Rep.	17.58
1709	Pontiac, Mich. Christopher H. Williams, Legislative Rep.	17.22
508	Smithville, Texas Kenneth L. Friend, Legislative Rep.	16.00
234	Bloomington, Ill. Brian J. Hagele, Legislative Rep.	13.18
707	Marysville, Kan. Charles A. Ring Jr., Legislative Rep.	11.55
453	Clinton, Ill. Jarrod A. Hudson, Legislative Rep.	10.08
1503	Marysville, Kan. Ty E. Dragoo, Legislative Rep.	9.84
872	Omaha, Neb. Lawrence J. Mozena, Legislative Rep.	8.93
113	Winslow, Ariz. Ellis Lowen Laird, Legislative Rep.	8.67

### Average UTU PAC contribution per member, per month in dollars for 2017

[illegible]



SMART TD Alumni

News and information for our retirees and members of the SMART TD Alumni Association

Are you getting close to retirement? You can get the TD News & other benefits for just \$9 a year! Call 216-228-9400, email [kcashin@smart-union.org](mailto:kcashin@smart-union.org) or visit [www.smart-union.org/td/alumni](http://www.smart-union.org/td/alumni) for info.

RAIL RETIREMENT BOARD NEWS ROUNDUP

CPI increase brings a boost in benefits

Most Railroad Retirement annuities, like Social Security benefits, will increase in January due to a rise in the Consumer Price Index (CPI) from the third quarter of 2017 to the corresponding period of the current year.

Cost-of-living increases are calculated in both the Tier I and Tier II benefits included in a Railroad Retirement annuity. Tier I benefits, like Social Security benefits, will increase by 2.8 percent, which is the percentage of the CPI rise. Tier II benefits will go up by 0.9 percent, which is 32.5 percent of the CPI increase. Vested dual benefit payments and supplemental annuities also paid by the Railroad Retirement Board (RRB) are not adjusted for the CPI change.

In January, the average regular Railroad Retirement employee annuity will increase \$60 a month to \$2,808, and the average of combined benefits for an employee and spouse will increase \$86 a month to \$4,078. For those aged widow(er)s eligible for an increase, the average annuity will increase \$34 a month to \$1,398. However, widow(er)s whose annuities are

being paid under the Railroad Retirement and Survivors' Improvement Act of 2001 will not receive annual cost-of-living adjustments until their annuity amount is exceeded by the amount that would have been paid under prior law. Some 52 percent of the widow(er)s on the RRB's rolls are being paid under the 2001 law.

If a Railroad Retirement or survivor annuitant also receives a Social Security or other government benefit, such as a public service pension, the increased Tier I benefit is reduced by the increased government benefit. Tier II cost-of-living increases are not reduced by increases in other government benefits. If a widow(er) whose annuity is being paid under the 2001 law is also entitled to an increased government benefit, her or his railroad retirement survivor annuity may decrease.

However, the total amount of the combined Railroad Retirement widow(er)'s annuity and other government benefits will not be less than the total payable before the cost-of-living increase and any increase in Medicare premium deductions.

The cost-of-living increase



follows a Tier 1 increase of 2 percent in January 2018, which had been the largest in six years.

In late December the RRB will mail notices to all annuitants providing a breakdown of the annuity rates payable to them in January.

Sequestration cuts some RRB benefits

The U.S. Railroad Retirement Board (RRB) will reduce railroad unemployment and sickness insurance benefits by 6.2 percent as required by law.

The adjusted reduction amount is based on revised projections of benefit claims and payments under the Railroad Unemployment Insurance Act. It will remain in effect through Sept. 30, 2019, the end of the fiscal year. Reductions in future fiscal years, should they occur, will be calculated based on applicable law.

The daily benefit rate is

\$77, so the 6.2 percent reduction in railroad unemployment and sickness benefits will reduce the maximum amount payable in a two-week period with 10 days of unemployment from \$770 to \$722.26.

Certain railroad sickness benefits are also subject to regular Tier I Railroad Retirement taxes, resulting in a further reduction of 7.65 percent. Applying the 6.2 percent reduction to these sickness benefits will result in a maximum two-week total of \$667.01.

These reductions are required under the Budget Control Act of 2011 and a subsequent sequestration order to implement the mandated cuts. The law exempts Social Security benefits, as well as Railroad Retirement, survivor and disability benefits paid by the RRB from sequestration.

When sequestration first took effect in March 2013, railroad unemployment and sickness benefits were subject to a 9.2 percent reduction. This amount was then adjusted to 7.2 percent in October 2013, 7.3 percent in October 2014, 6.8 percent in October 2015, 6.9 percent in October 2016, and 6.6 percent in October 2017 as required by law.

In fiscal year 2017, the RRB paid net unemployment-sickness benefits of almost \$105.4 million to approximately 28,000 claimants.

Retirees can earn more, avoid penalty

Railroad retirement annuitants subject to earnings restrictions can earn more in 2019 without having their benefits reduced as a result of increases in earnings limits indexed to average national wage increases.

Like Social Security benefits, some Railroad Retirement benefit payments are subject to deductions if an annuitant's earnings exceed certain exempt amounts. These earnings restrictions apply to those who have not attained full Social Security retirement age. For employee and spouse annuitants, full retirement age ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later. For survivor annuitants, full retirement age ranges from age 65 for those born before 1940 to age 67 for those born in 1962 or later.

For those under full retirement age throughout 2019, the exempt earnings amount rises to \$17,640 from

Continued on Page 9

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
2	Morrison, Leonard J.	Russellville, Ala.
226	Clawson, Richard M.	Moberly, Mo.
243	Beaver, Gary P.	Sherman, Texas
292	Drumm, Robert W.	Ilion, N.Y.
313	Bowne Sr., Donald B.	Grand Rapids, Mich.
386	Fair, Richard B.	York, Pa.
577	Knox, Gerald L.	Belvidere, Ill.
630	Ward, James E.	Ashland, Ky.
710	Adedeji, Olumuyiwa	Elizabethport, N.J.
744	Thorne, John W.	Lima, Ohio
792	Barnett, Harold E.	Cambridge, Ohio
830	Fuhrman, James D.	Dauphin, Pa.
830	Hysong II, Donald F.	Frackville, Pa.
845	Clark, Billy J.	Waurika, Okla.
903	Weathers Jr., William E.	Jacksonville, Fla.

Local	Name	City/State
911	Potvin, Richard J.	Minneapolis, Minn.
1000	Dickson, Carl J.	Anoka, Minn.
1315	Denham, Harry B.	Erlanger, Ky.
1413	Kiernan, Matthew R.	Gambrills, Md.
1440	Olivo, David	Ozone Park, N.Y.
1470	Moore, John E.	Lecanto, Fla.
1505	Stark, Ronald E.	Pasco, Wash.
1678	Cooper, James	Shreveport, La.
1975	Smith, Daniel W.	Rineyville, Ky.
The August online & September 2018 issues of the SMART Transportation Division News incorrectly listed Alumni Association member <b>Irvin S. Tongret</b> of Uhrichsville, Ohio, (Local 1928) as deceased. Brother Tongret advises friends that he is alive and well. SMART Transportation Division News regrets this error and apologizes to Tongret and his family for the mistake.		

ORC&B history

This month, SMART TD takes a look back at one of our predecessor unions, the Order of Railway Conductors and Brakemen (ORC&B) as we celebrate the union's 150 year anniversary.

Formed in 1868 as the "Conductor's Brotherhood," by T.J. "Tommie" Wright and a small band of Illinois Central conductors in Amboy, Ill., the ORC&B was the second-oldest railway union in the United States. The first international convention of the Conductor's Brotherhood was held later that year in Columbus, Ohio, and the Brotherhood adopted the name, "Order of Railway Conductors of America." This name was changed to the Order of Railway Conductors and Brakemen in 1954, about 15 years before it merged into the UTU.





## Rail Retirement Board news roundup

Continued from Page 8

\$17,040 in 2018. For beneficiaries attaining full retirement age in 2019, the exempt earnings amount, for the months before the month full retirement age is attained, increases to \$46,920 in 2019 from \$45,360 in 2018.

For those under full retirement age, the earnings deduction is \$1 in benefits for every \$2 of earnings over the exempt amount. For those attaining full retirement age in 2019, the deduction is \$1 for every \$3 of earnings over the exempt amount in the months before the month full retirement age is attained.

When applicable, these earnings deductions are assessed on the Tier I and vested dual benefit portions of Railroad Retirement employee and spouse annuities, and the Tier I, Tier II, and vested dual benefit portions of survivor benefits.

All earnings received for services rendered, plus any net earnings from self-employment, are considered when assessing deductions for earnings. Interest, dividends, certain rental income or income from stocks, bonds or other investments are not considered earnings.

### Part B premium to be raised \$1.50

The Centers for Medicare & Medicaid Services (CMS) announced that the standard monthly Part B premium will be \$135.50 in 2019, a slight increase from \$134 in 2018. However, some Medicare beneficiaries will pay slightly less. By law, Part B premiums for current enrollees cannot increase by more than the amount of the cost-of-living adjustment for Social Security (Railroad Retirement Tier I) benefits.

Since that adjustment is 2.8 percent in 2019, about 2 million Medicare beneficiaries will see an increase in their Part B premiums but will still pay less than \$135.50. The standard premium amount also will apply to new enrollees in the program, and certain beneficiaries will continue to pay higher premiums based on their modified adjusted gross income.

The monthly premiums that include income-related adjustments for 2019 will range from \$189.60 up to \$460.50, depending on the extent to which an individual beneficiary's modified adjusted gross income exceeds \$85,000 (or

\$170,000 for a married couple). The highest rate applies to beneficiaries whose incomes exceed \$500,000 (or \$750,000 for a married couple). The CMS estimates that about 5 percent of Medicare beneficiaries pay the larger income-adjusted premiums.

Beneficiaries in Medicare Part D prescription drug coverage plans pay premiums that vary from plan-to-plan. Part D beneficiaries whose modified adjusted gross income exceeds the same income thresholds that apply to Part B premiums also pay a monthly adjustment amount. In 2019, the adjustment amount ranges from \$12.40 to \$77.40.

The Railroad Retirement Board withholds Part B premiums from benefit payments it processes. The agency can also withhold Part C and D premiums from benefit payments if an individual submits a request to his or her Part C or D insurance plan.

Additional information about Medicare coverage, including specific benefits and deductibles, can be found at [www.medicare.gov](http://www.medicare.gov).

## State Watch continued...

### Utah



Members of the SMART TD team who took part in the second annual labor/legislative gun shoot were, from left, State Legislative Director F. Jay Seegmiller, state Rep. Craig Hall (R - Dist. 33), state Rep. Robert Spendlove (R - Dist. 49) and Local Chairperson Wade Wilde (LCA - 953D).

### SUMMARY ANNUAL REPORT FOR THE SMART GROUP VSTD PLAN AND TRUST

This is a summary of the annual report for the SMART GROUP VSTD PLAN AND TRUST, (Employer Identification No. 34-1031303, Plan No. 506) for the period January 1, 2017, to December 31, 2017. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

#### BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was \$7,939,637 as of December 31, 2017, compared to \$5,215,314 as of January 1, 2017. During the plan year, the plan experienced an increase in its net assets of \$2,724,323. This increase includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year. During the plan year, the plan had total income of \$19,767,920. This income included employee contributions of \$18,065,164 and earnings from investments of \$1,049,514. Plan expenses were \$17,043,597. These expenses included \$2,163,323 in administrative expenses and \$14,880,274 in benefits paid to participants and beneficiaries.

#### YOUR RIGHTS TO ADDITIONAL INFORMATION

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant's report;
2. Assets held for investment;
3. Transactions in excess of 5 percent of the plan assets; and
4. Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the office of the Plan Sponsor:

SMART  
Plan Sponsor  
1750 New York Avenue, Suite 600  
Washington, DC 20006  
34-1031303 (Employer Identification Number)  
216-228-9400

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. These portions of the report are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan:

SMART  
1750 New York Avenue, Suite 600  
Washington, DC 20006

and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 200 Constitution Avenue, NW, Suite N-1513, Washington, D.C. 20210.

### SUMMARY ANNUAL REPORT OF THE SMART DISCIPLINE INCOME PROTECTION PROGRAM

This is a summary of the annual report of the SMART Discipline Income Protection Program, EIN: 34-1031303, for the period January 1, 2017, through December 31, 2017. The annual report has been filed with the Employee Benefits Security Administration as required under the Employee Retirement Income Security Act of 1974 (ERISA).

#### BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was \$-3,222,553 as of December 31, 2017, compared to \$-2,395,869 as of December 31, 2016. During the plan year, the plan experienced a decrease in net assets of \$826,684. This decrease includes unrealized appreciation and depreciation in the value of the plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had a total income of \$14,597,480 including participant contributions of \$14,064,097 and earnings from investments of \$533,383. Plan expenses were \$15,424,164. These expenses included \$1,192,562 in administrative expenses and \$14,231,602 in benefits paid to participants and beneficiaries.

#### YOUR RIGHTS TO ADDITIONAL INFORMATION

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant's report;
2. Financial information and information on payments to service providers, and
3. Assets held for investment.

To obtain a copy of the full annual report, or any part thereof, write or call the Discipline Income Protection Program, SMART Transportation Division, 24950 Country Club Blvd, Suite 340, North Olmsted, OH 44070-5333; telephone 216-228-9400. The charge to cover copying costs will be \$13.00 for the full annual report or \$0.50 per page for any part thereof.

You also have the right to receive, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report, these two statements and accompanying notes will be included as part of that report. The charges to cover copying costs shown above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.



# ‘Minibus’ appropriations bill Trump signed provides funding to the RRB and NMB

Funding levels that were in effect for the 2018 fiscal year for both the National Mediation Board (NMB) and for the Railroad Retirement Board (RRB) are to remain steady for the 2019 fiscal year in the “minibus” budget bill that was signed by President Donald Trump.

The RRB will receive \$123.5 million — \$113.5 million will go to administrative costs with the \$10 million balance funding RRB’s initiative to improve its information technology structure.

“Based on the last cost estimate provided by the RRB, with this funding level, the agency will have received nearly half of the total cost of its IT overhaul,” National Legislative Director **John Risch** said.

Funding also held steady for the NMB, which provides dispute-resolution processes between rail unions and

carriers through mediation, representation and arbitration between labor and management.

The board last fiscal year received a boost in its funding to \$13.8 million in part to help it work through a number of pending Section 3 cases. That funding level stays, although not all those Section 3 cases stuck in the NMB’s backlog were heard — the board made a move over the summer to close about 450 cases that were unfunded, more than three years old and had not advanced.

Those cases could be reopened if a party involved in the aged-out cases writes a letter to the NMB’s director of arbitration services.

NMB had about 6,400 cases to deal with in the 2019 fiscal year at the end of October and had worked through an estimated 6,422 cases in the 2018 fiscal year.

Pending/closed Section 3 cases			
FISCAL YEAR	Pending at FY’s start	Pending at FY’s end	Closed cases in FY
2010	4,037	2,770	5,684
2011	2,770	2,384	4,294
2012	2,384	2,084	3,869
2013	2,084	4,328	4,332
2014	3,577	4,944	2,946
2015	5,133	6,240	2,702
2016	6,240	7,432	3,562
2017	7,455	8,546	3,057
2018	8,550*	6,408*	6,422*

\* Estimates from National Mediation Board  
SOURCE: NMB data

## 2019 railroad paid holiday schedule

Rail employees working under the national agreement between SMART Transportation Division and the National Carriers’ Conference Committee will receive 11 paid holidays in 2019:

- **New Year’s Day**, Tuesday, Jan. 1
- **Presidents Day**, Monday, Feb. 18
- **Good Friday**, Friday, April 19
- **Memorial Day**, Monday, May 27
- **Independence Day**, Thursday, July 4
- **Labor Day**, Monday, Sept. 2
- **Thanksgiving Day**, Thursday, Nov. 28
- **Day after Thanksgiving**, Friday, Nov. 29
- **Christmas Eve**, Tuesday, Dec. 24
- **Christmas Day**, Wednesday, Dec. 25
- **New Year’s Eve**, Tuesday, Dec. 31

Happy Holidays!

## NEW ITEMS AND A NEW WEBSITE



THE **SMART** SOURCE  
TO SHOW YOUR UNION PRIDE.

[www.smarttdmerchandise.com](http://www.smarttdmerchandise.com)



Bumper sticker



Lapel pin



Logo watch

Are you proud to be a member of SMART Transportation Division? Would you like to show everyone else just how proud you are?

Visit the SMART Transportation Division website at [www.smart-union.org/td](http://www.smart-union.org/td) and click on the “Gear” tile to order official SMART TD apparel and memorabilia.

The SMART TD items at the revamped [www.smarttdmerchandise.com](http://www.smarttdmerchandise.com) site are sold through American Products and are union-made and/or are made in America.

All items carry a 100 percent quality guarantee against defects in materials and workmanship.

Volume discounts on customized orders are available to SMART TD locals.

All of the featured items can be ordered by credit card directly through [www.smarttdmerchandise.com](http://www.smarttdmerchandise.com), or call American Products’ toll-free telephone number: 800-272-5120.



# NTSB: UP track inspection failings caused 2017 derailment of ethanol tankers in Iowa

The National Transportation Safety Board (NTSB) on Oct. 30 ruled that flaws in Union Pacific's approach to inspecting, maintaining and repairing defects on the Estherville Subdivision helped to cause a March 2017 derailment that resulted in multiple tank cars spilling undenatured ethanol in Graettinger, Iowa.

A rail near a transition onto a bridge broke, causing 20 tank cars to derail in the accident that happened at 12:50 a.m. local time March 10, 2017. Fourteen of the tank cars spilled 322,000 gallons of ethanol, causing a fire that burned for more than 36 hours. Three nearby homes were evacuated after the accident, which caused an estimated \$4 million in damage, including the destruction of 400 feet of track and a 152-foot railroad bridge.

During the NTSB hearing, board member Jennifer Homendy said she made a

review of a decade's worth of accident data for UP and the numbers showed one thing in common.

"Every year, track defects are the chief cause of accidents with UP," she said.

Along Estherville's 79-mile stretch, Homendy said that 102 defects of "marginal" and "poor" crossties were identified over a two-year period from 2015-17.

After the carrier received the reports of rail or crosstie defects, chief accident inspector Michael Hiller said UP didn't take enough steps to fix problems before the accident.

"The inspectors were going out and they were doing their inspections, and they were reporting the conditions of the tie," Hiller said. "In many cases — more than 100, as member Homendy pointed out — there were remediation efforts, and it's clear, based on our observations post-



Investigators survey the March 2017 derailment of a Union Pacific train carrying undenatured ethanol in Graettinger, Iowa in this photo courtesy the National Transportation Safety Board's Flickr account.

accident, that the remediation efforts restored the track back to its minimum condition that it needed to sustain traffic.

"We're looking to see that things are not just restored back to the minimum...we know that doesn't work. If you're finding 10 or 12 crossties in a 39-foot section of track that are defective, it's not a good practice to go in and replace two or three just to restore the track."

Also contributing to the accident was what NTSB described as "inadequate oversight" on the part of the Federal Railroad Administration (FRA).

While FRA inspectors raised the carrier's attention to track defects — the agency had just initiated a compliance agreement in late 2016 as a result of a fiery oil train derailment in Mosier, Ore. — and some action was taken,

Hiller said not all enforcement measures, such as civil penalties, were used.

NTSB investigators also noted that FRA inspectors neglected to report some defective crosstie conditions.

After the Graettinger accident, Hiller said that the carrier has shown "very good response" to reports of tie defects and maintenance and has performed twice-weekly inspections on the subdivision in a post-accident agreement with FRA.

However, the NTSB did note that there was one week where the carrier inspected the subdivision only once.

"The extent of post-accident actions, while welcome, hints at the inadequacy of UP's pre-accident maintenance and inspection program," NTSB Chairman Robert Sumwalt said. "The railroad is supposed to look for and fix unsafe conditions as a matter of course."

## Cahill addresses FRA conference about trespasser and grade crossing fatalities

*Continued from Page 1*

talking about today," Cahill said. "Nobody talked about the first time that you hit a car at a grade crossing or strike a trespasser that's on the tracks."

Those incidents, Cahill said, always have dual victims — the person or people who were struck and the train's operating crew.

"I've been pretty lucky — some people have a trespasser injury or fatality every year," Cahill said.

Factors such as the location of the operator's route and the time of day play roles in the frequency of trespasser and grade crossing incidents, but the biggest factor is a distracted public, Cahill said.

The usage of personal electronics has decreased situational awareness of trains by pedestrians to "dangerous levels," he said. If a pedestrian is on or near tracks and distracted, the risk of an accident increases, especially if they're wearing headphones or earbuds or looking at their smartphone.

"You'd be surprised by the number of incidents where a survivor would say they never saw or heard the approaching train," Cahill said.

### Trauma for crew

Cahill described to attendees two typical types of incidents that train crews experience — a person is struck and killed instantly or a person or people are struck and then are in need of immediate medical attention.

"In either case, after the train stops, it's the conductor who is required to walk back to the carnage and do what he can to assist the injured and separate the train to open the road cross-

ing for emergency responders' vehicles," he said.

It's a 50-50 proposition whether the responders arrive on the side where the victim is, if they don't, then treatment could end up being delayed and a life could be lost.

Separating a train to accommodate the emergency vehicles is always a two-person operation, Cahill said, because handbrakes must be applied to multiple cars by the conductor while the engineer remains in the cab to move the locomotive forward to make room for emergency vehicles.

Cahill made special mention that any reduction of a train's crew to fewer than two people would likely reduce the survival rate of victims of trespasser-grade crossing incidents.

It also falls to the conductor, who usually sees the incident, to give first aid and to direct first responders.

After the incident, Cahill said, the engineer often will second guess whether the brakes were applied in a timely manner and whether the whistle was sounded in time or for a long enough period. While critical incident programs are offered by carriers to give people time off to recover and get counseling, the post-traumatic stress is difficult to overcome.

"It's not always that easy," Cahill said. "We take this home to our wives, to our mothers, to our children. Sometimes it's hard for them to understand why we can't just shake it off."

He told the audience that he's seen situations where over-the-road workers have been traumatized to the point where they will change to yard service to avoid going out on the road.

Cahill said that there tends to be an uptick of incidences in the fall and the holiday seasons.

The days getting shorter reduces visibility, depression may be setting in with some people with the approach of the holidays and winter.

"The suicides are the absolute worst for us because it's generally not someone who sprints out at the last second and decides to take their life that way," Cahill said.

He said often the person is already on the track, perhaps around a bend, awaiting the train.

"I've heard it too many times where the last thing the train crew sees or remembers is that person either looking up as the train approaches them or looking back as the train overtakes them," Cahill said. "It's very difficult for the train crew. There's little you can do in those situations."

"It can take up to a mile for us to stop, and even if it doesn't take that long, the damage is done as soon as we strike the person. It's traumatic."

"We get back up and we go on and we continue out there. We just hope that we never have another one."

### What can be done?

Cahill presented a list of solutions endorsed by SMART TD to reduce the number of grade crossing and trespasser fatalities.

"We're front line on this issue. SMART Transportation Division is committed to working with all the stakeholders to reduce crossing and trespassing fatalities," Cahill said. "We want to be a part of identifying these areas and making sure that we're doing everything we can to address

and fix these incidents one by one to make things safer for the public and the train crews."

Among them:

- More supplemental safety measures such as four quadrant gates that close the entire crossing so cars cannot bypass the gates, even in poorly constructed intersections.
- Use more channelization devices, such as concrete medians, to keep vehicles from crossing over to drive around gates.
- Install stationary horns at crossings that are pointed at motorists, an option that is louder and more focused in getting a driver's attention.
- Grade separations so that roads and tracks do not intersect are the best way to prevent crossing accidents, Cahill said. "It's a money issue, but there's nothing better than putting the motoring public above or below the railroad tracks," he said.
- Install more fencing, especially around rail yards and stations.
- Permanently close as many grade crossings as possible.

The major factor is increasing public awareness, Cahill said. All grade crossing and trespasser fatalities are preventable, but he said that often the last thing that people are thinking about when they approach a railroad track is that there is a 20,000-ton freight train bearing down on them.

"It is critically important to educate the public on their obligations and how to stay safe when they're around train tracks, rail yards and other places where they may be tempted to trespass on the railroad," he said.



# Photo of the month

Ronald Tynes, a retired NS trainman/brakeman out of Local 584 (Meridian, Miss.) and a SMART TD Alumni Association member, took this picture of an Alaska Railroad (ARR) locomotive during an excursion trip on that carrier's passenger line in May.

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 railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America rolling.

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

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



# 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 reduced fees. In the public sector, non-members can elect to pay their fair share of the costs of collective bargaining by paying the agency fees, or they have the right to pay no 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. Notification of objection procedures:  
a. To be a non-member fee objector and pay reduced fees, 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.  
b. A non-member in the public sector: To be a non-member fee objector and pay no fees, the objecting non-member shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail during the period agreed to in his/her Authorization for Fee Deduction form, if applicable. 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. Anyone who believes they are having dues improperly deducted must notify the President Transportation Division in writing immediately.

3. The following categories of expenditures are chargeable:  
a. All expenses concerning the negotiation of agreements, practices and working conditions;  
b. 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;  
c. Convention expenses and other union internal governance and management expenses;  
d. Social activities and union business meeting expenses;  
e. Publication expenses to the extent coverage is related to chargeable activities;  
f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance;  
g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;  
h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;  
i. 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 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.

Percentage of chargeable fees determined by analyst for calendar year 2017	
Transportation Division	81 percent
State Legislative Boards	
LO 005 California <sup>1</sup>	72.6 percent
LO 028 Missouri <sup>2</sup>	66.2 percent
LO 054 Washington <sup>3</sup>	34.5 percent
Unreviewed boards <sup>4</sup>	0.0 percent
General Committees of Adjustment, including locals under jurisdiction	
GO 001 BNSF <sup>5</sup>	100 percent
GO 851 CSXT <sup>6</sup>	95.5 percent
GO 927 Union Pacific <sup>7</sup>	98.8 percent
Unreviewed committees <sup>8</sup>	99.6 percent

<sup>1</sup> Calculated by applying the lowest of previous reviews of the applicable legislative board providing the board has had eight or more reviews.  
<sup>2</sup> Calculated based on Second and Third Quarter reports.  
<sup>3</sup> Calculated based on Third and Fourth Quarter reports.  
<sup>4</sup> Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.  
<sup>5</sup> Calculated based on First, Second, and Fourth Quarter reports.  
<sup>6</sup> Calculated based on First, Second, Third, and Fourth Quarter reports.  
<sup>7</sup> Calculated based on First, Second, and Third Quarter reports.  
<sup>8</sup> 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.