



Transportation Division News

Volume 51 • Number 4 • September 2019

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

FRA overreach is challenged

A strong response to the Federal Railroad Administration's abdication of its safety responsibilities was promised as I made my concluding remarks in July at the Transportation Division Regional Meeting in San Diego.

Some of that response has occurred in the Ninth Circuit Court of Appeals in Nevada, where that state, along with



By **John Previsich**

your union, three other states and the Brotherhood of Locomotive Engineers and Trainmen all have filed petitions asking the court to review

FRA's attempt in late May to nullify two-person crew laws.

Seven states have passed this important railroad safety legislation. In addition to Nevada, the sixth state to sign two-person crew legislation into law, the states of Illinois, Washington and California also joined the challenge.

Illinois' governor, J.B. Pritzker, signed a two-person crew

bill into law Aug. 9 (see related story on Page 5).

The filings seek that the FRA's attempt at pre-emption of state legislation contained in its May 23rd withdrawal of Notice of Proposed Rule Making (NPRM) on two-person freight crews be set aside and that states be free to regulate in matters of public safety

Continued on Page 9

More inside

- Nevada's state legislative director pens 2PC op-ed published by The Nevada Independent, **PAGE 5**
- Members in Ohio testify before House transportation committee in support of rail safety bill, **PAGE 9**

General Convention presentations



Transit/Bus Committee

Chairperson **Laura Corley** (TD Local 1608) and Secretary **Erskins Robinson** (TD Local 1785) presented the report recommending a path forward for the tremendous growth opportunities in organizing in mass transit. The report recommended that District 3 re-establish a department, director and organizers focused on assisting the union's transit and bus members. In addition, the committee recommended more training for locals, as well as a legislative program to advocate for critical public funding for transit systems and protections for workers who are assaulted on the job.



Recognized for a job well done (twice)

Maryland State Legislative Director **Larry Kasecamp** receives a Gold Star award from Transportation Division President-elect **Jeremy Ferguson**, left, and National Legislative Director **John Risch** during the SMART General Convention at the Mirage Hotel & Resort in Las Vegas last month. Kasecamp has had two successful two-person crew bills passed in his state, only to see them vetoed by Gov. Larry Hogan on both occasions. Kasecamp plans an effort to have the latest veto overridden in 2020.

See Pages 6 and 7 for additional photos from the Second SMART TD and General Conventions.

Autumn brings nominations and elections for locals

SMART Transportation Division members are reminded that legislative representative and alternate legislative representative elections are scheduled to be held this autumn, with nominations to be taken in October and elections conducted in November.

Locals must solicit for the nomination of candidates in October seeking the four-year legislative offices. Those eligible to hold office as a legislative representative or alternate legislative representative must be qualified voters, meaning they are registered to vote in public elections. The duties of a legislative representative are listed in SMART Constitution Article 21B, Section 66.

Members are also reminded that any existing local vacancies should be addressed during these elections.

Local secretaries and secretary and treasurers should take steps

Continued on Page 3

Inside this issue of the SMART TD News

- **AROUND SMART TD:** Member killed in Beaumont, Texas, accident; fundraiser for member who was shot in Charlotte, **Page 2**.
- **SEMINARS:** Railroad Retirement Board releases its schedule for workers who are getting closer to pulling the pin, **Page 8**.
- **STATE WATCH:** Illinois' governor signs a two-person crew bill into law, **Page 5**.
- **WHISTLEBLOWER:** Long, successful fight an example of union support, **Page 10**.
- **CENTERSPREAD:** Photos from the TD and General Conventions, **Pages 6-7**.
- **LABOR DAY:** Locals and members send in photos showing how they marked the holiday, **Page 11**.

Around the SMART TD

Local 1947, Lake Charles, La.

Travis “Bowie” Andrepont, the secretary and treasurer of Local 1947, was killed before dawn Aug. 20 in a rail accident in Beaumont, Texas.

Andrepont, 39, of DeQuincy, La., had worked for Union Pacific for 16 years, a UP company spokeswoman told The Associated Press.

Brother Andrepont became a member of SMART Transportation Division in January 2006 and had been the local’s S&T since January 2018. A conductor, he also was secretary of LCA 577 (Union Pacific-MP).



Andrepont

“His love for his wife and his children, surpassed everything else,” his obituary read.

He is survived by the love of his life,

Paiton Andrepont; one son, Riley; two daughters, Shiloh and Amelia; his mother, and stepfather; grandparents; one brother and two sisters.

“He was a great guy and friend,” said Louisiana State Legislative Director **Chris**

Christianson. “I always looked forward to visiting his local to help him with treasurer issues.

“The news really hit close to home.”

An online fundraiser has been established at www.gofundme.com/f/for-our-fallen-brother-travis-quotbowiequot-andrepont.

SMART TD expresses great sorrow at this tragic loss and extends condolences to Brother Andrepont’s family, friends, local and all who knew him.

An investigation was underway into the accident.

How a train sparked U.S. environmental awareness with Cuyahoga River fire

Many know of and/or remember the infamous fire on Cleveland’s Cuyahoga River that occurred June 22, 1969, but did you know that the fire is believed to have been started by a train from Norfolk & Western Railroad?

Old news reports said a spark came from a diesel locomotive travelling across a trestle near the Republic steel mill, and it ignited a five-foot-square oil slick on the river’s surface, sending flames up to five stories high.

According to an official report from the Cleveland Fire Department, the train crew unsuccessfully tried to put the fire out, but it flared, buckled the tracks and burned the timbers of two trestles — one owned by Norfolk & Western and the other owned by the Newburg & South Shore Railroad — causing about \$50,000 (\$5,000 to Newburg and \$45,000 to Norfolk) worth of damage.

When the crew was unsuccessful in containing the fire, a worker ran down to a nearby train yard and called the fire in. With the use of a boat, the fire was out in about 30 minutes.

Retired UTU Vice President **Peter Patsouras** was on the Norfolk & Western train that day when the fire began. Patsouras related his recollection of what happened.

“It was late morning. It was a very hot day. We had gone to work the night before and we had a five-man crew. It was a very hot day. It was such a dry day that day. There were weeds all dried up along the banks of the river. We used fusees (railroad flares) for signals back then. We didn’t have radios at the time,” Patsouras said. “If he (the flagman using the fusee) had thrown the fusee in the weeds to put it out, then the banks would’ve caught on fire and there would’ve been a huge fire up and down the banks. He probably thought throwing it in the river was the best thing to do. It was a very large fire.”

Patsouras said that as a fireman, he was working in the locomotive of the train and couldn’t see the fire start from his position. He said by the time they had come back around to the yard, the Anthony J. Celebrezze (the fire department’s boat) was already there working to put out the fire. Patsouras says he’s not sure if any of the railroaders in the yard actually tried to put out the fire or who called fire crews that day.

The 1969 fire was the 13th time the river had been ignited and it drew national attention when Time Magazine ran a story Aug. 1, 1969, about the fire (with a large picture from a 1952 river fire). The 1952 fire caused over \$1.3 million in damages and is considered to be one of the largest seen on the river while the deadliest was a 1912 fire in which five perished. Even though the ’69 fire did not cause the most damage nor was the deadliest, it garnered the most media coverage due to the Time story.

The national interest that the article drew to pollution in the Cuyahoga and other rivers inspired a public outcry for Congress to do something.

As a result, Congress passed the National Environment Policy Act (NEPA), which helped to

Continued on Page 4

Local 1715, Charlotte, N.C.



Karen Taylor continues to recuperate after four surgeries following her shooting on July 22 in Charlotte, N.C.

On July 22, member **Karen Taylor** was shot five times in broad daylight while her Charlotte Area Transit Systems (CATS) bus was stopped to unload passengers.

“...just as the last person stepped off of her bus, a man appeared out of nowhere and shot five times into her bus,” Taylor’s daughter, Latavia Clark, wrote on a GoFundMe page opened for Taylor. “All five shots struck my unsuspecting mother in her head,

neck, shoulder and ear. One bullet and bullet fragments are still lodged in her skull.”

Taylor has already had four surgeries and is facing more in the future.

The road to recovery is expected to be a long one, and the bills are adding up as Taylor’s worker’s compensation claim has been denied.

To assist Taylor as she continues her recovery from this attack, visit www.gofundme.com/f/city-bus-driver-shot.

Local 313, Grand Rapids, Mich.

SMART Transportation Division President-elect **Jeremy Ferguson** pledged support for the miners in Harlan County, Ky., who blockaded a coal train because they did not receive payment from their bankrupt employer, Blackjewel.

“Only by speaking out, organizing and building a strong union can workers

shield themselves from injustices such as what is happening in Kentucky to the former Blackjewel workers.

“Pay the miners. They worked for it. They deserve it.”

After posting the message and photo on social media, SMART TD received a note of thanks on Facebook from the Harlan County Community Action Agency.



Local 262, Boston, Mass.



From left, engineer Paul Chaput, Local Chairperson John McGrath, retiring New England Legislative Director George Casey, Alternate New England Legislative Director Christopher Weldon and conductors Edward Boudreau, Colleen Powers and retired conductor Thomas Driscoll celebrate Casey’s retirement after 50 years of working on the railroad.

Local 1892, Houston, Texas



Secretary and Treasurer Robert Maldonado (bottom row, in red) attended a meeting coordinated by the local AFL-CIO in late August and talked to U.S. Rep. Lizzie Fletcher about the Safe Freight Act and the current rail labor working climate that our brothers and sisters are experiencing with the carriers. “This was my opportunity to represent SMART TD and voice our concerns as well. Local 1892 officers are also planning here in the near future, on visiting other elected officials in our area,” Maldonado said.

Around the SMART TD continued ...

Local 331, Temple, Texas



Among those pictured at the gathering are conductors' Local Chairperson Chuck Cheek, brakemen's Local Chairperson Aaron Donaghe, engineers' Local Chairperson Matt Von Rajcs and Local 331 Delegate Peter Martin.

The local's summer gathering in August featured special guest **Chris Boudoin**, a UTUIA field supervisor and member of Local 773 in Galveston, and General Chairperson — now vice president-elect — **Chad Adams**. All members and families from the Temple Terminal were invited to the gathering that followed the regular monthly union meeting with many of the local's elected officers dedicating their time and efforts to making it a successful union day.

Locals 18 and 1571, El Paso, Texas



Present at a meeting with U.S. Rep. Veronica Escobar of Texas on July 2 are, from left, Local Chairperson Jody Gaytan (LCA 887D), Vice Local Chairperson Martin Cloud (LCA 887A) and Vice Local Chairperson and Local 18 Legislative Representative George Avila (LCA 887A), Local 1571 Legislative Representative Abner Garcia, Escobar, Local 1571 Delegate Pablo Del Rio and Local 18 member Austin Martin.

A successful outreach effort to Congresswoman Veronica Escobar (16th District — El Paso, Texas) by the membership of these locals involving Local 1571 Legislative Representative **Abner Garcia** and Delegate **Pablo Del Rio** led to Escobar's support of H.R. 1748, the Safe Freight Act.

Autumn brings nominations and elections for local legislative representatives and alternate LRs

Continued from Page 1

now to ensure their records reflect accurate membership listings and mailing addresses.

As per the constitution's Article 21B, Section 57, nomination meetings must be held in October, with election tabulations conducted in November. Winning candidates generally will assume their offices on Jan. 1, 2020. Those filling a vacancy, however, take office immediately.

SMART Constitution Article 21B, Section 58, contemplates an installation ceremony for officers named in Article 21B, Section 56. Elected officers who must present themselves at a regular or special meeting for installation within 60 days following their election include president, vice president, secretary, treasurer (or secretary-treasurer), and trustees. Section 58 does not apply to LCA officers, delegates, alternate delegates, legislative representatives or alternate legislative representatives.

In most cases, candidates must garner a simple majority of valid votes cast to win election to a Transportation Division office. (A simple majority can be thought of as 50 percent of votes, plus at least one more vote.) In the case of the Board of Trustees (or any other ballot position where voters are instructed to pick more than one of the candidates listed), winning candidates must obtain a majority of the ballots cast.

The process begins

For the local's secretary or secretary and treasurer, the election process begins with an effort to update the membership roster, ensuring accurate addresses are on file for each member. Our constitution requires each member to keep the local secretary and treasurer advised of his or her current home address. At the same time, U.S. Department of Labor regulations and the Labor-Management Reporting and Disclosure Act (LMRDA) require the local to take steps to update addresses in advance of an election.

Members can update their address by contacting their local secretary, secretary and treasurer, or treasurer, or can do so themselves through the TD website at www.smart-union.org/td.

Nominations

The local secretary must post a notice at least 10 days in advance of the October nomination meeting

indicating when and where nominations for affected positions will take place. The notice should include which positions are open for nominations, and should indicate how nominations can be made, especially by those who cannot attend the nomination meeting. Notices should be placed in as many locations as needed to ensure it can reasonably be concluded that all members had an opportunity to see the notices.

All locals have been mailed instructional packets that include samples of the nomination notices which must be conspicuously posted where it can be reasonably calculated to inform all affected members. While nomination notices are not required by law to be mailed directly to all affected members, in light of recent court rulings, it is highly recommended that the postcards available for this purpose be obtained from the TD Supply Department and mailed to all members.

Nominations may be made by any member in good standing from the floor at the nomination meeting. Nominations do not require being seconded. Any member may self-nominate. If a member wishes to self-nominate or nominate someone else, but can't attend the meeting, nominations can be entered through a petition. A nomination petition must state the name of the nominee, the position for which the member is being nominated, and must carry at least five signatures of dues-paying members in good standing. No nominations can be accepted following the close of the nomination meeting. A nominee need not be in attendance at the nomination meeting for the nomination to be valid.

If only one member is nominated for a position, that member can be declared elected by acclamation.

Members in E-49 status are eligible to run for office, but they cannot make nominations and they cannot vote. If elected, acceptance of pay from the company or the union creates a dues obligation.

In all cases, a notice of the election must be mailed to all members, including those in E-49 status (but not including retirees). If your local is conducting its election by mail, the mailed ballots can serve as the required notice of election, but such ballots must be mailed at least 15 days in advance of the date of tabulation and must be mailed to

those in E-49 status. (The tellers will determine on the day of tabulation whether a member is in E-49 status and his or her vote should be counted.) The Department of Labor does not count the day of mailing as part of that 15-day window, but it does count the day of tabulation.

Those conducting floor votes can obtain postcards notifying members of the time, date and place of the election from our Supply Department. These notices must be mailed at least 15 days in advance of the date of tabulation.

Eligibility

To be eligible to vote, all dues and assessments must be paid within the time frame specified by the constitution. Article 21B, Section 49, indicates dues are to be paid in advance, before the first day of the month in which they are due. Eligibility to make nominations or to be nominated is similar. This means, for example, for a nomination meeting in October, the nominator and the nominee must have paid all dues obligations prior to October 1. To vote in November, the voter must have paid all dues obligations prior to November 1.

More information

Members are encouraged to consult Article 21B of the SMART Constitution for information regarding elections. Unless an item within Article 21B directs you to a further stipulation outside of Article 21B, only the provisions found within Article 21B are applicable to Transportation Division elections. The local election process is addressed directly by Article 21B, Section 57.

Members can consult their local officers to examine the election guidance material distributed by this officer, or they can visit the SMART website at www.smart-union.org, click on "Transportation," then click on "S&T Tools," and scroll down to the election guidance materials.

Questions?

There are many provisions not covered by this article, including those which address candidates' rights and permitted means of campaigning. Those with election questions are urged to call the TD office at 216-228-9400.

SMART GENERAL PRESIDENT'S COLUMN

General Convention lays groundwork for future

At the Second SMART General Convention in August, we discussed the challenges and opportunities we face together, and we made the tough decisions that will guide the direction of our union in the years to come.

First, let me thank you for the honor of being your general president; I congratulate all the elected officers that will represent and serve our membership.

Thanks to all who “Focused on the Future” and led SMART during the convention, your SMART General Executive Council, each committee, your local union delegates, and other leaders and guests who attended the convention. They put in the hard work needed to plan and build a better future for our members and our union. We left our Convention unified, energized



By Joseph Sellers Jr.

and ready.

Over the years, I have had the privilege of working with leaders like General Secretary-Treasurer **Rich McClees** and President — Transportation Division **John Previsich**, both of whom did not seek re-election, and are leaving office Sept. 30 after long and distinguished careers. I learned a great deal from both men, and I am enthusiastic about working with President — Transportation Division-elect **Jeremy Ferguson**, the general vice presidents and the new slate of officers. I look forward to working with

them to advance our union under the banner of a stronger and even more united SMART.

Together we accomplished a tremendous amount in a short period of time, and we have much more work to do. This means planning our work and working our plan as we continue to grow through our concentrated efforts to enhance our union by implementing our new strategic plan, which will serve as a road map for future activity and goals. A vital part of success is an engaged membership. We need you to advance our union values!

Together, we are building a grassroots army that is going state-by-state to advocate for two-person crew laws, protect our apprenticeship programs, address workplace hazards facing bus and transit workers, and

to improve a safety culture that protects each SMART member day in and day out.

Our strength increases exponentially as our union market share grows. At the recent convention, we invited several new members who organized their workplaces and are now members of SMART. They put their jobs on the line to make sure they too had a voice at work. We will redouble our efforts to continue this growth as outlined in our strategic plan to benefit our members and their families.

As many of you know, I have been on a listening tour visiting SMART locals and workplaces around the country. I ask that if you hear I’m coming — to a city, a town or a meeting in your area — please try to let us know if there’s a burning question you have or idea you want to share. I want to

hear it. We are at our strongest when we are all pulling on the rope together, and that includes each one of us.

In closing, I will miss, both professionally and personally, retired GST McClees. His representation, business acumen and work ethic is an inspiration for each of us. I also wish a happy, healthy and well-deserved retirement to all and thank you for your life’s work — our membership.

Thank you for your confidence and for the honor of being your general president. I look forward to working with you in advancing our cause as one of North America’s leading unions.

Thank you,

Joseph Sellers Jr.

Joseph Sellers Jr.
General President, SMART

Bus Department News

A message from your Bus Department leadership

Now that the Second SMART Transportation Division and the General Conventions are over I would like to extend congratulations to all those officers who were elected to serve our membership.



Studivant

The Bus Department will work hard to address all the issues that the Bus/Transit Committee presented to delegates and the General Executive Council (GEC).

We will work hard to see the creation of the Bus Safety Task Force (BSTF), which will be a diversified group of our members who will be selected from the Bus Department.

The plan is to have two groups of four persons per each group along with two alternates who will be on both the east and west coasts. Our intent is to make sure we prevent as many assaults as possible and to ensure that local officers get the training that they deserve to better serve their respective locals.

I would also like to say congratulations to the members of Local 1908 in Buffalo N.Y. who on Sept. 14, 2019, voted to ratify a new agreement overwhelmingly with more than

80% of the vote. The new agreement calls for more than 25% in wage increases over the next four years, an additional holiday, increases to their 401(k) and other incentives based on attendance and safety. I would like to say thank you to General Chairperson **Debbie Orlowski** and Vice Chairperson **Geneva Crutcher** for their hard work in obtaining this agreement. They were also assisted by New York State Legislative Director **Sam Nasca**.

On Nov. 12, all bus general chairpersons will convene at the District 3 meeting in Cleveland. I look forward to meeting with you as you go through your reorganization process and other tasks.

I encourage you to make your voices heard at the District 3 meeting and to start putting into place the recommendations made by the Bus/Transit Committee at the convention.

With that, I remain,
Fraternally,
Calvin Studivant
VP Bus Department
SMART TD
216-630-0963

NCTD is latest to join C³RS program

North County Transit District in Sand Diego County, Calif., became the ninth railroad carrier to participate in the Confidential Close Call Reporting System (C³RS) program.

Railroad personnel can submit reports when they are involved in or observe an incident or situation in which railroad safety might be compromised. All report submissions are voluntary. Reports sent to C³RS are

held in strict confidence, and individuals who report are provided waivers from carrier discipline and FRA enforcement of qualifying events.

C³RS includes partners Bombardier Transportation and SMART. Bombardier Transportation is NCTD’s rail operations and maintenance contractor. SMART TD represents conductors and engineers on NCTD’s San Diego Subdivision.

Train sparks environmental movement

Continued from Page 2

establish today’s Environmental Protection Agency (EPA) and spurred the 1972 Clean Water Act.

“That was the trigger they needed to clean up the environment. It (the river) was terrible. The oil and all the chemicals that were just thrown in there by a number of businesses, you wouldn’t want to put a finger in for

fear of pulling back a stump,” Patsouras said.

Ironically, Patsouras, who was on the train that started the city’s most infamous fire, says his son works for the Cleveland FD today and is qualified to operate the Anthony J. Celebrezze boat, which put the blaze out.

Patsouras retired at the end of 2003 at the age of 60.

SHEET METAL | AIR | RAIL | TRANSPORTATION

TRANSPORTATION DIVISION

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

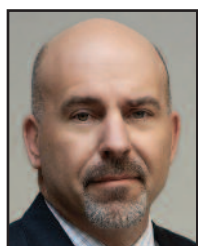
SEPTEMBER 2019
ISSN 2470-0304

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.

Please recycle

www.smart-union.org/td • www.utuia.org

SMART TRANSPORTATION DIVISION ELECTED OFFICERS/BOARD OF DIRECTORS, EFFECTIVE OCT. 1, 2019



Jeremy R. Ferguson
President —
Transportation Division



Gregory K. Hynes
National Legislative
Director



Jared Cassity
Alternate National
Legislative Director



Calvin K. Studivant
Vice President —
Bus Department



Brent C. Leonard
Vice President



John D. Whitaker III
Vice President



Chadrick J. Adams
Vice President



Jamie C. Modesitt
Vice President



Joe M. Lopez
Vice President



David B. Wier Jr.
Vice President



Alvy Hughes
Vice President —
Bus Department

State Watch

News from SMART TD State Legislative Boards

Illinois becomes third state
this year to enact 2PC law

On Aug. 9, Gov. J.B. Pritzker signed Senate Bill 24 — the state’s two-person crew bill — into law.

“I want to thank and commend Governor Pritzker for honoring the commitment he made as a candidate to sign legislation requiring a crew of at least two individuals on a freight train, and that’s just what he did in signing Senate Bill 24 into law,” Illinois State Legislative Director **Bob Guy** said.

Illinois State Sen. Terry Link, who sponsored the bill, had this to say in a press release: “With federal bureaucrats failing to act to protect public safety, it is clear states must act on their own. This is simply a matter of protecting the general public. Two-person crews can react more efficiently to mechanical failures or equipment malfunctions and can potentially save lives in a serious situation.”

“With the FRA abdicating its safety oversight duties and choosing to protect railroad profits over public safety, it’s now more important than ever for states to take over that role to protect its citizens from corporate greed,” said Guy. “At a time when freight trains are increasingly longer and carrying the most hazardous of chemicals through our communities, common sense tells us that response time



Illinois Gov. J.B. Pritzker, left, stands with Illinois State Legislative Director Bob Guy.

to critical incidents involving trains is surely enhanced when a safe and adequate train crew size of at least two individuals are

deployed, which is already the industry norm today and should be well into the future.

“On behalf of our Illinois SMART TD members, I say thank you, Governor, for seeing through the opposition’s tired arguments and FRA’s unprecedented submission that flies in the face of public safety. Your signature on S.B. 24 sends a clear message that Illinois, the rail hub of the nation, is not ready to jeopardize its citizens’ safety while railroads continue their pursuit of the almighty dollar,” Guy said.

The new law goes into effect January 1, 2020.

Illinois



At left, Congressman Danny Davis of Illinois’ 7th District poses for a photo with SMART TD Local 171 Legislative Representative **Cederick Fuller**. Fuller, a constituent of Davis, represented the union at a July labor breakfast that honored the legislator.

Alaska



At left, **Martha Conlan**, trustee of Local 1626 (Anchorage, Alaska) and, at right, State Legislative Director **Chris Cramer**, also of Local 1626, pose with U.S. Rep. Don Young, the legislator who has introduced the Safe Freight Act national two-person crew legislation on multiple occasions.

Nevada SLD’s op-ed
on rail safety published

Nevada State Legislative Director **Jason Doering** submitted the following column, which was published by the Nevada Independent news website on Aug. 31:

Advocates for rail safety in Nevada achieved a great victory in May as the state became the second this year to put into law a mandate that two people — a certified conductor and a certified engineer — operate freight trains through the Silver State.

When Gov. Steve Sisolak signed AB 337 on May 15, he aligned himself with the continued safe operation of freight trains that rumble through Nevada and through the country 24/7, 365 days a year. A dedicated coalition of environmen-

tal, citizen and labor groups came together in an energetic and successful effort, and made Nevada legislators aware of the necessity of keeping a pair of trained, qualified crew members in the cab.

However, a mere two weeks later, the Federal Railroad Administration (FRA) — the regulatory body that says that its mission is “to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future” — attempted to pre-empt the two-person crew legislation enacted by Nevada and five other states.

FRA stated that a proposed rule mandating the number of people needed to

Continued on Page 10

2019 TD and General Conventions photo recap



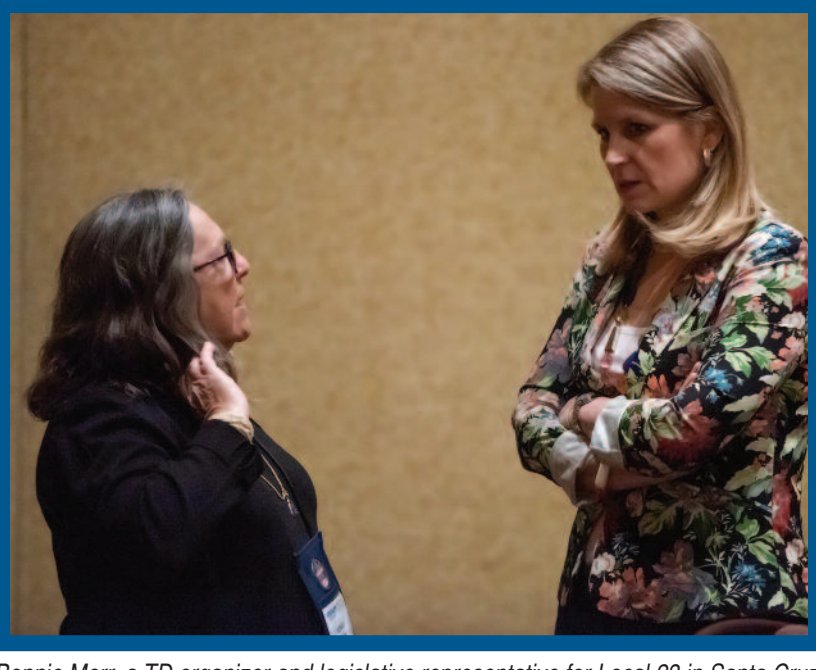
Delegates line up to submit their nominations for Transportation Division president as the Second SMART TD Convention got underway Aug. 11.



Delegates applaud after Vice President Jeremy Ferguson delivered his candidate speech Aug. 11.



Newly elected TD officers, members of the SMART Transit/Bus Committee, delegates of TD locals and others in the TD Bus Department get together for a group photo during a break in proceedings at the SMART General Convention.



Bonnie Morr, a TD organizer and legislative representative for Local 23 in Santa Cruz, Calif., at left, talks with AFL-CIO Secretary-Treasurer Liz Shuler during a lunch meeting on the second day of the SMART General Convention.



John L. Walker, delegate of Local 610 in Baltimore, addresses officers and delegates during the Second SMART General Convention.



SMART Transportation Division President John Previsich addresses delegates during a discussion of a committee report during the SMART General Convention.



When the doors opened to the room hosting the Second TD Convention at the Mirage Hotel and Resort in Las Vegas on Aug. 11, the scramble was on for delegates to find prime spots near the microphones or voting machines.



SMART Transportation Division delegate Mitchell Newell, left, from Local 977 in Pasco, Wash., and Travis Harms, the delegate of Local 607 (Thayer, Mo.), talk as the atrium fills up with their fellow delegates before the Second SMART TD Convention on Aug. 11.



Christopher Bond, the delegate for Local 513 in Gainesville, Texas, completes registration Aug. 10 before the Second SMART TD Convention.



Nevada State Legislative Director Jason Doering welcomes attendees of the Second SMART General Convention to his home state Aug. 12.



National Legislative Director-elect Gregory Hynes, left, pins retiring NLD John Risch with a Gold Star for his decades of service to the union on the closing day of the General Convention.

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 or visit www.smart-union.org/td/alumni

Retirees in Georgia stay active with group



Above, from left, Rosey Quarterman, Oliver Cooper, Oscar Lanier, Larry Walls, J.W. Thomas, Saul Davis, Freddie Frazier, Georgia State Legislative Director Matt Campbell, Harold Cody, J.W. Scott, Frank Fletcher, Tom Green, Robert Hunter, Nat Duncan, Ike Brown, Larry Datts, Keith Whitman, Solomon Gadson, Thomas Kelly, Bernard Moultrie, Donald Singleton and Joseph Bradham.

Retirees who are from SMART TD and other railroad-associated groups started the Brotherhood of Retired Railroad Workers in Georgia after the death of a co-worker. Attendees to a summer meeting of the group hosted Georgia State Legislative Director **Matt Campbell**, who gave them an update on state and national legislative issues and walked them through the use of the Legislative Action Center so they could tell their congressional representatives that they support legislation that is important to transportation workers.



From left, J.W. Thomas, Saul Davis, Frank Fletcher (a past president of UTU Local 1031), SLD Campbell and J.W. Scott at the meeting.

Pre-retirement seminar schedule set by RRB

Designed for railroad employees and spouses planning to retire within five years, the pre-retirement seminars offered by the Railroad Retirement Board are designed to familiarize attendees with the retirement benefits available to them, and also guide them through the application process. Sponsored by the Office of the Labor Member, seminars are held at a number of locations annually. Registration is required to attend. Unless otherwise noted, pre-retirement seminars begin at 8:30 a.m. and are held over the course of four hours. (Doors open for attendees 30 minutes before the seminar start time.) Security screening is required for seminars hosted inside any federal buildings. Bring a current, valid photo ID (issued by state/federal government); no weapons permitted. Attendees are encouraged to bring original records (or certified copies) of documents required in order to file a Railroad Retirement application (such as proof of age, marriage

or military service), along with an additional copy of each item to leave with field service staff. Please let the RRB know if you sign up for a seminar and become unable to attend. Can't join the RRB for a seminar, but still interested in learning about the Railroad Retirement program and application process? Please contact the RRB via its Field Office Locator or by calling toll-free 877-772-5772 for pre-retirement information or to schedule an appointment for individual retirement counseling at your local RRB field office. **Oct. 18:** Southwest Regional Library, 9725 Dixie Highway, Louisville, Ky. (10 a.m. start time) **Oct. 18:** Sheet Metal Workers #19 Union Hall, 1301 South Christopher Columbus Boulevard, Philadelphia. **Oct. 25:** William S Moorhead Federal Building, 1000 Liberty Avenue, Room 1310, Pittsburgh, Pa. To RSVP on paper instead, print a registration form to complete from www.rrb.gov, then mail or fax to your local RRB field office.

THE FINAL CALL

Following are the names of recently deceased members who were active TD members or 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
48	Tyler, Arthur F.	Bedford, Va.	407	Fralix, Herbert A.	Charleston, S.C.	1314	White, David E.	Etowah, Tenn.
60	Stevens, John F.	Rockaway, N.J.	496	Denning, Paul R.	Minford, Ohio	1328	Miller, James L.	New Albany, Ind.
117	Pearson, Ray H.	Billings, Mont.	498	Grube, James A.	Lehighton, Pa.	1337	Miller Jr., Elbrey J.	Elmer, La.
171	White, Albert W.	Bolingbrook, Ill.	653	Braswell, Wayne A.	Creal Springs, Ill.	1381	Hasler, Carl R.	Munster, Ind.
194	Donnell, Thomas J.	Elkhart, Ind.	762	Henry, Reginald L.	McKenzie, Ala.	1402	Ball, Richard F.	Glen Carbon, Ill.
202	Stan, John J.	Denver, Colo.	762	Skipper, John D.	Dothan, Ala.	1402	Stegall, Leonard T.	Bonne Terre, Mo.
204	Sloan, Joseph A.	Pueblo, Colo.	782	Trull, Rupert L.	Asheville, N.C.	1403	Scott, Donald G.	Kansas City, Mo.
228	Kalell, Hassan	Cedar Rapids, Iowa	830	Martz, Marlin W.	Etters, Pa.	1458	Joubert, Raymond L.	Opelousas, La.
259	Alden, George T.	St. Joseph, Mo.	830	Rizio, Pasquale D.	Harrisburg, Pa.	1477	Brickner, Darwin K.	Napoleon, Mich.
265	Armstrong, William	Pocatello, Idaho	830	Shenck, Charles L.	Hummelstown, Pa.	1525	Ficor, Frank C.	Granite City, Ill.
293	Spinks, Thomas E.	Robinson, Texas	832	Skorich, Dan	Grand Rapids, Minn.	1525	Mayoral Jr., Joe G.	Centralia, Ill.
298	Goings, Michael J.	Kendallville, Ind.	911	Fanning, Donald W.	Bloomington, Minn.	1534	Asch, Donald V.	Cedar Lake, Ind.
298	Sliger, Kenneth P.	Ft. Wayne, Ind.	1000	Taylor, Norman V.	Minneapolis, Minn.	1597	Wotkun, Richard R.	Hammond, Ind.
298	Swert, Richard J.	Garrett, Ind.	1035	Murphy, Pat H.	Lakeland, Fla.	1598	Stewart, Teddy R.	Manchester, Ga.
305	Berg, Neil E.	Lincoln, Neb.	1042	Moseley, Philip L.	Guthrie, Okla.	1629	Bennett, J. C.	Phoenix, Ariz.
305	Sharp, Roger G.	Lincoln, Neb.	1043	Wakefield Jr., Robert M.	Portola, Calif.	1637	Lyons, L. G.	Sutherland, Ore.
311	Storey, George S.	La Crosse, Wis.	1074	Dyer Jr., Charles T.	Pittsburgh, Pa.	1687	Jennings, Samuel D.	Albuquerque, N.M.
313	Terrien, Francis X.	Muskegon, Mich.	1105	Caines, Ollie I.	Wilmington, N.C.	1895	Fletcher, Harold D.	Crown Point, Ind.
313	Wachter, Clarence R.	Kent City, Mich.	1166	Earl, Roosevelt	Bessemer City, N.C.	1972	Simpson, Jesse L.	Birmingham, Ala.
318	Shilling, Leonard W.	Bellefonte, Pa.	1245	Stedman, Ralph L.	Hiram, Ga.	1976	Brunner, Henry F.	St. Paul, Minn.
320	Steiner Jr., James A.	Saginaw, Mich.	1292	Stafford, Robert L.	Duluth, Minn.			
363	Stilton Jr., Ira J.	Corolla, N.C.	1313	Sanchez, Pablo	Amarillo, Texas			

State Watch continued...

Members in Ohio testify before House committee

COLUMBUS — Proponents of H.B. 186, a comprehensive railroad safety bill being considered in the Ohio Legislature, stated their case in force Sept. 10 during a meeting of the state House’s Transportation and Public Safety Committee.

Representatives from SMART Transportation Division, the Brotherhood of Locomotive Engineers and Trainmen (BLET) and others testified before committee members for more than two hours about why legislators should back the bill.

“I cannot discuss our effort to secure H.B. 186 — the two-person crew, proper lighting, proper walkways within rail yards and blocked crossing legislation in Ohio without addressing safety,” Ohio State Legislative Director **Stu Gardner** told the committee. “The safety of my members and the people who live in the communities that our rail yards are located in and through which our trains travel and operate will always be my top priority.”

Gardner and nine others discussed the safety implications of the bill and the fact that technology would never substitute for the presence of two people in the cabs of freight trains, especially as the rail industry continues to embark on a strategy of lengthening trains while deferring on reinvestment for the sake of increasing the returns of Wall Street investors.

H.B. 186, sponsored by Ohio Reps. **Mike Sheehy**, a retired rail worker and member of the SMART TD Alumni Association, and Brent Hillyer covers the following safety

issues:

- Two-person freight train crews
- Proper walkways in railroad yards
- Railroad yard lighting safety
- Blocked crossings

Terry Forson of Local 1397 in Columbus, whose experience with the infamous 2001 “Crazy 88s” runaway incident in Ohio helped to inspire the 2010 Hollywood film “Unstoppable,” testified that having two people in the cab avoided catastrophe on May 15, 2001. “If there had not been two crewmembers on my train that day, we would not have been able to stop the runaway train; and, given the fact that we were also hauling hazardous materials, who knows how many deaths would have resulted from the train’s ultimate derailment?” he said. “The nightmare scenario has happened.”

Ohio Alternate State Legislative Director **Clyde Whitaker** of Local 145 in Columbus went into more detail about a conductor’s role, especially when describing the tasks performed during a rail emergency, as well as the hazards posed by inadequate lighting and perilous walkways in the state’s rail yards.

“We’re not asking for a golf course,” he said. “Railroads have always been an out-of-sight, out-of-mind type of industry. You never know that we’re there until we make the 6 o’clock news.

“This is a common-sense piece of legislation — it would ensure the safety of communities and co-workers.”

And while the adoption of technology, especially Posi-



ABOVE: Transportation Division and BLET members pose for a picture in the Statehouse atrium after testimony in favor of Ohio H.B. 186 on Sept. 10.

RIGHT: Ohio State Legislative Director Stu Gardner delivers his testimony before the Ohio House Committee on Transportation and Public Safety.

itive Train Control (PTC), has the potential to help the industry, it just has not functioned as advertised.

Ryan Fitzpatrick, another Local 1397 member who also is an Operation Lifesaver volunteer, said he has witnessed problems with PTC not engaging until thousands of feet after a signal has been passed.

“There’s a lot to be desired with Positive Train Control,” he said.

He testified as well about seeing a train blocking a crossing for more than 12 hours.

“We need to address these things,” he said. “We need to understand that these situations can be life or death for some people.”

Also appearing at the hearing were **Jair Torres** of Local



138 (Lima, Ohio); **William Darling** of Local 1376 in Columbus; Bob Hagan, a former Ohio senator and representative who now works for the BLET in its Washington legislative department; Timothy Price, the BLET’s Ohio state legislative director; and adjunct professor of management and leadership **John Nadalin**, who teaches at Franklin University in Columbus, was a rail worker for four decades, a former UTU director of strategic planning and a current Alumni Association

member.

“Rail carriers are kind of vain to take responsibility of their own mismanagement,” Nadalin, a stockholder in CSX, said. “As an investor and a proponent for safe operations as previously discussed, I really don’t like what I see today: Making changes that put employees and the public in general at risk should never be allowed.”

H.B. 186 will receive a third hearing before being considered for advancement to the full Ohio House.

We have challenged FRA’s overreach in appeals court

Continued from Page 1

regarding railroad crew size.

A pending motion before the court would combine all the petitions into a single case. We will file a brief before an Oct. 4 deadline with an FRA response expected 30 days after the filing. A reply from the state(s) and unions would be due two weeks following FRA’s response.

Larry Mann, who helped to draft the Federal Railroad Safety Act of 1970 and is rail safety coordinator to the SMART TD Designated Legal Counsel, will be arguing on our behalf as the case proceeds.

The FRA and the Federal Motor Carrier Safety Administration (FMCSA) have stepped away from their duties of overseeing the safe-


ty of communities and of the nation’s transportation workers.

In order to protect ourselves, we must all support the national legislation to mandate two-person crews and we must continue our efforts to enact similar legislation at the state level. Concurrently, we must all support the bill in Congress to protect bus operators and rail crews from violence and assault. But, in order to gain support for these efforts, senators and representatives alike must be educated about the importance of these issues for the safety of both the employees and the American public. Each and every member should reach out to their elected representatives, in person if possible, and speak directly to them

about the need for this essential legislation. By speaking out, you are helping your union help you. Our voices together, speaking in unity, will help ensure that our message is heard at every level.

As my term as your president comes to a close, I want to express my sincere appreciation to all for the opportunity and privilege that you have extended to me over the years. It has truly been an honor to serve this union and our members and I wish you all the best in the times ahead.

In solidarity,


President,
Transportation Division

Louisiana

State Legislative Director **Chris Christianson** reminds members that November brings an important election with not only the governorship, but all state representative and senate seats on the ballot with more than half of the state legislators term-limited.

“Members are encouraged to get out and vote on the real issues that pertain to the membership, like two-man crew bill, retirement, safety, etc.” he said. “We will have a big turnover of new faces in the Legislature.

“It is very important that we get out and vote and each member should check their voter registration.”

Louisiana’s primary elections are Oct. 12 while the general election is Nov. 16. The online voter registration deadline for the November election is Oct. 26.



Christianson

GUEST COLUMN

Whistleblower reminds membership: At all levels, union is here to back you

By Richard C. Beall

Retiree, Local 30
(Jacksonville, Fla.)

Brothers and sisters, I am a locomotive engineer who started out in freight service in 1969 with the Florida East Coast Railway and moved over to commuter operations with the Tri-Rail (South Florida Rail Transit Authority) commuter railroad in South Florida until my retirement in August 2018 after 49 years of operating trains. My father was an engineer with FEC for 45 years until he retired in 1985. My sister is an engineer with Tri-Rail as well, so to say I come from a railroad family is an understatement.

Tri-Rail is the “entity” or figurehead that contracts out operations, maintenance, signalization, maintenance of way, etc. to bidders literally around the world. When I started with Tri-Rail, I worked under a very good company called Herzog Transit Services Inc., who had bonified

...from day one, my union had my back! My local representatives yielded a stellar investigative transcript that came forth and was quoted in every decision handed down. The union, through my attorney, Associate General Counsel Erika Diehl-Gibbons, in General Counsel Kevin Brodar's office handled my case with the same legal knowledge and expertise as would be afforded a Fifth Avenue corporate executive.



Richard C. Beall

quality railroaders comprise their managers, supervisors and office personnel. They ran the system very well for many years until the antics of the “entity” drove them from the property when they no-bid the contract in 2007.

Enter Veolia Transit Services, now Transdev, who were

awarded a 10-year contract in 2007 with a compilation of ex-Amtrak castoffs. Employees basically were already in place and ran the trains as if no transition had taken place until the new management intervened. Being a very seasoned and conscientious rail-

roader, staunch union man and member of various safety teams, I would always do my best to get problems solved and safety issues addressed as best I could through one-on-one meetings with management or by writing up issues (with suggestions) to better the work environment.

Brothers and sisters, you know all too well that the railroads always preach safety and will write you up in a New York minute if they catch you violating something, but when it comes to spending money or rectifying a known hazard, it's ignored. Such was the case that I brought up regarding warning boards and conditional stop signs that are placed along the right-of-way by track workers or signal people. They are often not there, have fallen or are in such deplorable condition as to barely have any color or reflectivity whatsoever. To me, it was, and still is the number one cause of train crews missing or slipping past one of these boards and naturally, getting into trouble.

I had brought the issue up many times at safety and town-hall meetings with management to the point that I started writing the issue up

Continued on Page 11

Nevada State Legislative Director Doering has 2PC op-ed column published by Nevada Independent

Continued from Page 5

operate trains was not necessary, and that action by Ron Batory, the FRA leader appointed by the Trump administration, drew the attention of U.S. representatives on the House Subcommittee on Railroads, Pipelines, and Hazardous Materials, who called a special hearing June 20.

During the hearing involving Batory and rail labor leaders on the state of the rail labor workforce, Batory was asked by a member of the subcommittee about the practicality of having one person operate, check and repair a fault in a train that spans three miles.

The administrator's response?

“If he's a good walker” it could take an hour to walk to the rear of the train to check and identify the problem, plus time to repair the problem, and then it could take an hour to get back.

Tell that to the emergency vehicle operator whose truck goes miles out of the way to respond to a call but is then obstructed for hours by a blocked train crossing.

Batory, a former Conrail CEO, also said in testimony that no data existed proving that one-person crews are any less safe than crews consisting of two.

FRA studies done in 2016, before Batory's installation, suggested otherwise and identified the potential safety benefits in having a minimum of two people aboard. But no U.S.

Class I railroad (the seven largest freight carriers) operates with fewer than two in the locomotive cab so practically no data exists to show that single crew operations would be safe.

Inexplicably, Batory told U.S. Rep. Tom Malinowski of New Jersey during the hearing that “he's operated trains with one-man crews in New Jersey with no problem.”

The evidence is in plain sight. FRA is failing in its mission to enable safe rail operations, leaving the door wide open for carriers to do whatever they want. Railroads in recent years have dragged their feet on the implementation of potentially life-saving technologies in Positive Train Control; fought and got FRA to retract a rule that would have added more modernized braking systems; and allowed foreign train crews to operate across U.S. borders and continue to run longer and longer trains.

Eleven years on, mandates covering rail worker fatigue from the 2008 Rail Safety Improvement Act remain unimplemented.

The freight carriers' endgame is very clear: reduce crews, reduce costs and pad the pockets of those at the top of the food chain. This is already evident through the Precision Scheduled Railroading strategy, industry shorthand for making fatigued crews do more with less, including operating longer trains with fewer workers.

Industry data show that train traffic

has been down over the past few months, yet the railroad operators still report record quarterly profits.

The profits have to come from somewhere, and if they are not coming in because of increased business, then they are coming from cutting expenses, which includes cutting employees and reducing investment in operations such as equipment maintenance and improving and replacing track — known as capital expenditures. These expenditures contribute to the safe and efficient operation of a railroad and are a cost of doing business, and insufficient investment in any of them can, in the long run, jeopardize workers and the public at large.

Colorado in March and Nevada in May passed two-person crew laws, standing up to the rail profiteers and showing that this is an issue that resonates with the public because safety matters. Even Illinois, home to Chicago, one of the world's largest rail hubs, made into law a two-person crew bill in August, well after FRA's attempt to quash states' efforts to ensure two people on every train.

Surveys sponsored by our organization show that people do not want trains with just one crew person (or none) travelling through our neighborhoods and countryside. In Nevada, approval of two-person crew legislation hovered near 90 percent and was a nonpartisan issue.

People realize that when an emergency happens, the crew springs into

action. If there are injured people, the crew provides comfort and treatment, and then reports to medical, fire and police crews when they arrive as to the nature of the situation. Train crew members receive hazardous materials training and some also emergency medical training for just such incidents.

Will a fully automated train ever be able to stop safely — and then apply a tourniquet? Or will it just leave an injured person lying in the dust as it carries on?

As Malinowski said, “People do a good job, which is why we want people on trains.”

The fight is a long way from over, and those of us who prioritize safety are stepping up. Nevada has challenged FRA's attempt at nullifying AB 337 by joining with labor organizations and three other states in filing an appeal in the U.S. Court of Appeals Ninth Circuit Court.

Federal legislation also is pending in both the U.S. House (H.R. 1748) and Senate (S. 1979). By taking the time to express concerns to legislators about having two- to three-mile trains carrying explosive, hazardous and poisonous materials through our land with only one person aboard, you can help force the railroads to put safety ahead of profits. Despite FRA's efforts to abdicate its oversight and what rail carriers would lead you to believe, a two-person crew is safer for you.

MARKING LABOR DAY



Illinois

TD Locals 195 and 445 in Galesburg, Ill., participated in the 127th annual Galesburg Labor Day Parade on Sept. 2. Guests at this year's parade were Illinois Legislative Director **Bob Guy** as well as Alternate National Legislative Director-elect **Jared Cassity**.



Kansas

Kansas State Legislative Director **Ty Dragoo**, left, listens as Gov. Laura Kelly addresses attendees at the Working Kansas Alliance Labor Day rally in Topeka, Kan.



Minnesota

Members from SM Local 10 and State Legislative Director **Philip Qualy** joined brothers and sisters of the AFL-CIO and other unions at the state fair to show solidarity on Labor Day.



Virginia

State Legislative Director **Ronnie Hobbs** was interviewed by WDBJ-TV in Roanoke, Va., as he and other members participated in a Labor Day parade. "We've got great weather, great family, friends," Hobbs said. "All union brothers and sisters and all employees are out celebrating the fact that today, we're not only celebrating what's happening but we're celebrating the future to come."

A whistleblower's reminder: The union is here to back you

Continued from Page 10

and sending letters to not only my management, but to that of CSX Transportation as well since they controlled the trackage we operated on and we were governed under their rules. I wrote all concerned numerous times between 2008 and 2012.

My requests and letters went unaddressed, and crews continued to get through these boards and into trouble. This happened again on Sept. 25, 2012, when a crew got through a workman's boards and limits. Luckily, there were no track machines or workmen in place at the time, but the crew was pulled out of service, the train delayed and the crew received 90 days off.

The next day, as always, a combined CSX/Veolia efficiency test team was on property to test crews on related rules. We all know that this is going to happen, and are on a heightened sense of awareness of this possibly happening to your train. I worked an early morning train that day, and upon arriving at my northern destination about 30 minutes after daylight, I immediately swapped ends with my train consist and made a brake test awaiting departure about 25 minutes later. My conductor received a call from a friendly trainmaster associated with the test crew and warned us that they were in the area and to "keep a close lookout and to watch our radio rules." It was a nice gesture and was appreciated, but the truth was I was already on the lookout, so much so that my eyes were peeled on the entire area of the track and bushes ahead. I saw what I believed to be a company vehicle on a side road parallel to the track with someone inside. When we departed, I saw that the person in the vehicle was one of our not-so-friendly road foremen. When we got to West Palm Beach Station, I was called on the radio and informed not to move since we had failed an efficiency test and were out of service.

I knew for an absolute fact that we had violated nothing but we were told that we had passed a warning board without acknowledging it. THERE WAS NO BOARD THERE, and I was terminated for failing a warning board test. There were no photos or videos taken of the board in place or my train passing it and, in fact, that morning I

was given the one and only train set with NO outward facing video cameras on board on either end of the train to corroborate the board being in place. With all of the numerous crews that had actually passed such boards over the years, what a coincidence that the one and only guy who kept pressing the issue was set up and fired for a fake, non-existing warning board test on the exact issues I had been propounding for years.

I naturally took the case to investigation where my Local Chairperson **Andrew D'Egidio** and Vice Local Chairperson **Steve Klemm** did masterful jobs of placing everything needed into the record, a record that would ultimately bring doom and gloom upon Veolia/Transdev. It was obvious to all that this was a "set up" and everyone on property was watching to see what the ultimate outcome would be. Even though I won my job and wages back, what none of us knew is that it would take six years, three arbitration decisions, a Federal Railroad Administration decision, two federal court decisions and two appellate court decisions to ultimately win the case and receive my lost wages, personal day pay, holiday pay, 401(k) matching pay, unused vacation pay, engineer certification pay, COBRA insurance and out-of-pocket health costs, reimbursement for Medicare premiums, payment for Social Security impact, interest on back pay and the offset of additional tax liability for the entire back pay award.

The final remand arbitration award had reinstated me as of October 2016 wherein I was returned to service, but as a retaliatory slap in the face I was returned as a Station Ambassador, a retaliatory move designed to humiliate me in front of my peers. I did this for seven months until Tri-Rail ushered in a new contractor, which happened to be Herzog, at which time I went back to work as an engineer.

Why am I telling you all this? It is because from day one, my union had my back! My local representatives yielded a stellar investigative transcript that came forth and was quoted in every decision handed down. The union, through my attorney, Associate General Counsel **Erika Diehl-Gibbons**, in

General Counsel **Kevin Brodar's** office handled my case with the same legal knowledge and expertise as would be afforded a Fifth Avenue corporate executive. They answered hundreds of legal issues and moved the case forward as fast as possible, but every decision brought another ridiculous motion by the defense attorneys. Everyone in the SMART hierarchy had their hand on my case, including retired Vice President **John Lesniewski**, and never, and I mean never, did any one of them give an inch to the high-powered attorneys hired to bury me. My General Chairperson, **Dirk Sampson**, who also retired recently, hand-in-hand with the attorneys, answered every ridiculous claim and impromptu curveball they tried to throw at me with a response that left a paper trail that made decisions easy for arbitrators and judges who ruled in my favor eight times out of eight. My attorney and SMART TD representatives took this issue to heart, and I could feel through emails and motions to the court that they were taking this entire act of bad faith personally.

At the same time I fought the dismissal through arbitration and the court system, I filed for federal whistleblower protection in court due to the railroad and the agency going after me for retaliation due to the reporting of safety issues. The same judge was assigned to both actions and placed the whistleblower case on hold until the union case was settled. With that settlement in September 2018 dealing with reinstatement and back pay, the whistleblower action now has started in federal court wherein I sued Veolia/Transdev and South Florida Regional Transit Authority/Tri-Rail for knowingly allowing and participating in all of this. Florida State Legislative Director **Andres Trujillo** heard about what was happening and recommended an attorney who agrees: Our union attorneys and representatives did a first-rate job to lay out a perfect case file for his case against the defendants.

Our union and its Legal Department stood tall by me through this odyssey, and I had to write to tell the membership to always support your union because they are always there to support YOU!

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 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.



Cole Czub, local chairperson of LCA 769A (Keolis Commuter Railroad) and alternate legislative representative for Local 898 in Boston, took this photo at sunrise of Labor Day, Sept. 2, as he reported for his shift.

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

What if I told you that **UTUIA** is that insurance company and as a **Union member**, you had access to some of the **best benefits available today?** To find out more information as to how we can help you protect your family and yourself, simply go to **www.UTUIA.org/information**, fill out the form and submit or contact a **Field Supervisor Direct**. You can find your **Field Supervisor** at **www.utuia.org /map**



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

- ☐ Accident Indemnity
- ☐ Life Insurance
- ☐ Accidental Death and Dismemberment
- ☐ Annuities
- ☐ Cancer Hospital Indemnity
- ☐ IRAs



Please Print

Full Name _____ Date of Birth _____ SMART TD Local _____

Street Address _____ City _____ State _____ Zip code _____

Telephone number with area code _____ ☐ Male ☐ Female 09/19

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