



# Transportation Division News

Volume 53 • Number 1 • January / February 2021

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

## Safety Condition Report launched on TD website

Form includes COVID reporting, supplements any systems in place for SLDs, GCs

To address the growing safety concerns of our membership, the union has implemented a universal Safety Condition Report that is now available on the SMART-TD website for all members to use.

This form is a supplemental tool to report and collect data concerning unsafe working conditions, including COVID-19 issues, from all members.

If a state legislative board or general committee already has a procedure in place, **please continue to use that system.**

Organizational information such as craft, local, carrier, state legislative director and general committee are loaded based on a member's selection using defined database values, ensuring an accurate submission so that the officers responsible

for acting on the report are directly and timely informed.

Members are presented a default list of safety hazards to choose along with identifying the state and location of the unsafe condition. Additionally, the form will dynamically update based on the members' input, creating a customized report. After submission, an automated email to the state legislative director with jurisdiction and applica-



ble general chairperson is sent as an initial notification. The state legislative director will take point in addressing the concern. These officers will access the full report

details via the TD Connect portal along with printing and exporting capabilities for further collaboration with local officers so that the unsafe conditions can be addressed.

Rail members, please note: The Railroad Technolo-

gy Event report remains as a separate reporting mechanism due to the amount of detail and complexities that topic requires.

It is important to note that the data collected by this Safety Condition Report and the information within are kept and used solely within our SMART union computer system and are used by SMART-TD officers to assist in addressing the issues presented by members.

"Membership safety and well-being is a founding

*Continued on Page 2*

## Statement from RR labor coalition on contract talks

SMART Transportation Division and the nine rail unions comprising the Coordinated Bargaining Coalition (CBC), negotiating together in the current round of National Negotiations, issued the following statement Jan. 22:

"The CBC and the nation's Rail Carriers first met concerning the November 1, 2019, Section 6 Notices in January 2020. Although the COVID-19 pandemic has made meetings for groups of this size challenging, the parties continued to meet virtually to make presentations concerning their proposals throughout 2020. Additional meetings have now been scheduled for early 2021.

"While CBC and the Rail Carriers continue to share and discuss all aspects of what would be necessary to reach a voluntary agreement, the Rail Carriers have not made any proposals worthy of consideration by the membership of the CBC Unions. The parties will continue to meet in good faith as we move into 2021, fully cognizant that it is our members who must ratify any voluntary agreement."

### MEMBERS CAN OPT IN TO GET PDF VERSION OF THE TD NEWS ...

To save resources and get your news faster, active members can have the SMART Transportation Division News **delivered electronically** instead of waiting for the newsprint edition to arrive in the mail. You'll get an email **linking directly** to a digital copy many days before the paper arrives for others. Just follow the QR code to the right with a smart device to opt in!



### Inside this issue of the SMART-TD News

- **AROUND SMART-TD:** Members in Michigan rescue man by applying tourniquet, **Page 3.**
- **CENTERSPREAD:** How a National Rail Contract is negotiated, **Pages 8-9.**
- **LEADERSHIP MESSAGES:** The latest updates from SMART GP Joseph Sellers and TD President Jeremy Ferguson, **Pages 4-5.**
- **GUEST COLUMN:** As he awaits his recall, Local 168 member shows his solidarity, **Page 15.**
- **STATE WATCH:** A state senator in New Mexico has introduced two-person crew legislation, **Page 5.**
- **SCHOLARSHIPS:** Some info about UTUIA and other financial aid available to members and their children, **Pages 15-16.**

# Union achieves crew-consist victory in court

On January 8, 2021, Arbitrator Wendell Bell issued his arbitration award regarding the process and procedure in arbitrating the Carriers' (UP, BNSF, NS & KCS) attack on the Crew Consist Moratoria.

The arbitration, known as a "Procedural Public Law Board," had the purpose of determining the terms of how any primary arbitration should proceed. Procedural PLBs 7959, 7960, 7961 & 7962 were a result of SMART-TD's efforts disputing the improper action of

the railroads to prematurely re-open crew consist negotiations before the appropriate moratorium expired.

SMART-TD argued the carriers improperly served their Notice to Arbitrate and failed to properly conference their suddenly new-found interpretations of the moratoria. SMART-TD not only prevailed in these arguments, it also secured a ruling ensuring the terms of the next round of arbitration will be conducted properly.

In a fairly dense 35-page

award, which cited U.S. Supreme Court and numerous lower-court decisions along with several arbitration awards, the Procedural Arbitrator set May 1, 2021, for the next round of arbitration, dependent upon funding approvals by the National Mediation Board.

As currently constructed, the National Mediation Board consists of two Republican members appointed by President Donald Trump and one Democrat. It is expected the make-up of the Board

will change shortly once the nominations by President Biden are confirmed by the U.S. Senate. Whether those changes will be able to take place prior to the selection of the next arbitrator or May 1st is unknown.

The railroads' efforts to swiftly force a change to crew consist while still under the railroad-friendly Trump Administration is now unlikely due to the unwavering effort of SMART-TD. Since October 2019, when the railroads first ignited this fight,

SMART-TD has defended our agreements against this attempted subversion by the carriers. We have and continue to tirelessly fight for our members' livelihoods.

SMART-TD members can rest assured that their union will continue to fight to protect your crew consist agreements and livelihood, while seeking to secure the opportunities of the future in the rapidly changing and technology-laden railroad industry.

## Safety Condition Report form launched on SMART-TD website for all members to use

Continued from Page 1

principal of this union, but we cannot assist without being properly informed of the unsafe issues facing our fellow brothers and sisters." SMART-TD President **Jeremy R. Ferguson** stated. "These reports are to enhance our safety efforts as many carriers lack proper and effective reporting mechanisms. Our SMART Constitution lists safety as our local legislative representatives' primary mission, stating 'They shall report to their Locals regarding the handling of all alleged unsafe or unsanitary working conditions found to exist, or reported to them, within their jurisdiction. They shall undertake to correct such conditions through appropriate measures consistent with the local and national policies of the Transportation Division.' Therefore, we ask that you also forward this information as soon as possible to your local legislative representative or other SMART union officer for proper handling. If you are unsure who they are or how to contact them, please contact our office.

"It is imperative that we all accept the personal responsibility to properly document known unsafe conditions, acts and security concerns. If more people would take the time to do this we could, over time, address most of the long-standing concerns we have. Without documentation, nothing will ever change — the issues and concerns will continue to remain and often grow until a very unfortunate situation such as an injury, accident or fatality brings to light what many knew was a problem long ago but failed to address."

The union's chief of staff hopes that the use of this form brings hazards that have been taken for granted or tolerated by workers to light.

"Sadly, we hear one particular scenario too often," SMART-TD Chief of Staff **Jerry Gibson** said. "Someone says, 'That has been an issue for a long time' or 'Everyone knows that is a problem' at a particular property. Yet everyone assumes that someone else has written the unsafe condition up and unfortunately, no one has.

QUESTIONS & ANSWERS ABOUT THE SAFETY CONDITION REPORT

**1. Does the Safety Condition Report replace the filing of a report with my employer, carrier or with my state legislative director?**

No. If your employer or carrier has a reporting process regarding unsafe conditions, you should fill out their report. Similarly, if your state legislative director prefers to use a safety reporting system already implemented, then we encourage that reporting system to be utilized.

Note: It is strongly encouraged that the proper carrier officer receives notification of any unsafe hazard, even if they do not have a process for reporting, if at all possible. Equally it is important that your local legislative representative and officers receive a copy of anything reported to the carrier.

**2. Should I fill out this form if I have already reported a safety concern to my SLD or my local legislative representative?**

No. There is no need to duplicate your effort if you have already reached out to them, but also take note that a report via this form is not a substitute for a report filed with a carrier.

**3. By using this report form does my information remain confidential from the carrier?**

Yes. As this is an internal reporting system, this information

is only available to those union officers who receive the form. That being said, the aforementioned officers may request, in certain circumstances, that this information be shared in order to properly address the reported unsafe issue. However, in those situations, the union officer should receive the reporting member's permission prior to doing so.

**4. Does my local legislative representative get a copy of these reports?**

The reports currently go directly to state legislative directors for proper handling and dissemination. They are also copied to the general chairpersons for additional assistance. We found that the turnover of local officers might impede the efficiency of the automated portion of the system, so LRs are not contacted directly via this report. State directors will take the lead and decide how to proceed with your safety concern, including contacting your local officer(s).

**5. I have evidence (photos, video) of a potential safety hazard. How can I share it?**

Please be sure that you have checked the option that you request an officer to contact you, and you can then share any evidence you have accumulated directly with the officer handling your report. Future versions of this form may allow for the upload

of evidence as we continue to enhance it.

**6. I've scrolled through the selections and can't find what I want to report...**

If you cannot find your specific issue or concern — use the "other" option and fill in the blanks. It would be helpful to select that you want to have an officer reach out so you can be precise in the type of hazard you wish to report as well as the specific location and details.

**7. When can I expect a response to a report that I have filed?**

If one is requested, timely responses from a union officer will be given in the order the reports are received.

**8. How can I suggest refinements to the report?**

We will be continually examining the utility of the form and seeking potential improvements. If you have suggestions, please send them to Senior Communications Coordinator **Ben Nagy** at [bnagy@smart-union.org](mailto:bnagy@smart-union.org).

Remember — these are in-union reports. Your union exists to protect its members and filing any safety concern through any union-endorsed medium is your right.

The issue remains and the carriers use that against us by stating the very same thing — 'That has been like that forever, and no one has said anything or taken issue with it.'

"This online reporting process is here to change that. Your union's leadership wants to raise our safety standards. The carriers will no

longer be allowed to dictate our level of personal safety ... enough is enough. Only when we, as a collective group, choose to properly address our issues and concerns can we expect others to comply with those demands. It is the carrier's responsibility to provide us with the proper training, security and a safe

work environment ... and we will hold them accountable to ensure that they do just that."

The Safety Condition Report is accessible directly from the SMART-TD home page as both a banner and as a menu item — look for the blinking yellow box to the right of the website representing caution.



# Around the SMART-TD

## Local 1709, Pontiac, Mich.

**Eric Stanger**, Michigan’s assistant state legislative director, and Local 1709 Local Chairperson **David Durfee** worked together to help save the life of a motorist involved in a collision with their locomotive at a grade crossing Nov. 4, 2020.

Brother Stanger was working as a brakeman when he saved the life of the motorist with his quick actions by applying a tourniquet to the man’s legs after the moped rider lost control, fell under the train’s wheels and had both legs severed.

“I hit the ground running after our emergency stop and went back to the crossing,” Stanger told the Canadian National employee newsletter for a worker spotlight feature. “It was a bad scene. While we waited for the paramedics to arrive I used my nylon belt as a tourniquet to stop the man’s bleeding. My wife always teased me about its poor quality, but it did the job that day.”

Brother Stanger is a 20-year member of Local 1709 (GO 377



GTW/CN) and was elected assistant SLD in May 2020. He has also held numerous positions within his local, such as president, local chairperson and vice local chairperson.

Brother Durfee was the conductor of the train, which was running a three-person crew. Durfee, a 22-year member of the union, has held numerous positions as well in Local 1709.

Durfee is the local chairperson and secretary of GO 377 and has

been vice president, vice local chairperson, legislative representative and alternate LR, delegate and alternate delegate.

The man who was injured by the train survived the incident, and it is thanks in no small part to the selfless and heroic actions that Brothers Stanger and Durfee performed after the accident. Without their intervention and the presence of both men on the crew, the situation could have turned out much differently with a family grieving the loss of a man’s life.

## Local 465, Gillette, Wyo.



In this photo courtesy of Local 465 President Ryan Voigt, Local Legislative Representative JP Caffee presents a \$1,000 check on behalf of SMART-TD to the Campbell County Senior Center in Gillette, Wyo., for its Meals on Wheels program.

## Local 5, Kansas City, Mo.

Two locals in Missouri joined forces in November when members of Local 259 (St. Joseph, Mo.) voted 31-8 to merge with the brothers and sisters of Local 5 in Kansas City.

“This unification brings more leverage to its members throughout the Heartland,” said **Andy Redmond**, vice president of Local 5. “I am anticipating a stronger local. With strength in num-

bers, we can achieve many great things.”

Redmond recognized **Lee Ostendorf** and **Rich Fontenot** for helping with the merger. Brother Ostendorf, the Local 259 secretary & treasurer, assisted with transitioning into the new local and accepted the same position with Local 5.

“Rich is a leading member of the group, and offered much support with the

alliance,” Redmond said. Brother Fontenot has accepted the position of local chairperson for LCA-BNSF (Yard).

The Local 259 website has been rebranded and is at [td5.smart-local.org](http://td5.smart-local.org).

Redmond advises that all former Local 259 members should have all their dues and information transferred to Ostendorf in Local 5 to ensure a smooth transition.

## Local 1381, Hammond, Ind.

Brother **Wesley Welch** of Local 1381 (Hammond, Ind.), his wife and their two daughters lost their house in a fire Jan. 30 and are seeking help.

Welch, 39, a switchman with Norfolk Southern, and his family saw their home in Cedar Lake, Ind., destroyed and one family member was treated at a local hospital for

smoke inhalation, according to a report from the Northwest Indiana Times.

Welch’s sister-in-law, Amanda Riley, has established an online fundraiser. Proceeds will assist Brother Welch, a SMART-TD member for almost a decade, his wife and his daughters, 12 and 9,



as they attempt to rebuild their lives.

“He’s a great guy — a great member,” said General Chairperson **Justin Wolters** (GCA-449) who is a fellow Local 1381 member.

Follow the QR code accompanying this article to assist.

## Local 1440, Staten Island, N.Y.



Staten Island Railroad signal line supervisor Rickie Smith, left, and General Chairperson Thomas Wilson celebrate Smith’s Nov. 30 retirement after 30 years as a member of the union.

“Local 1440 wishes **Rickie Smith** a happy retirement!” Local S&T **John Marchisello** said in reporting Smith’s pulling of the pin.

SMART TD LOCAL 293

WEBSITE TAKE ACTION RESOURCES INFO ABOUT US CONTACT US SMART-UNION.ORG

Local 293

JOIN OUR EMAIL LIST TO STAY IN THE LOOP

WE ARE THE SMART Transportation Division formerly known as the United Transportation Union or UTU, an AFL-CIO affiliate headquartered in the Cleveland suburb of North Olmsted, Ohio. We are a broad-based, transportation labor union representing about 120,000 active and retired railroad, bus and mass transit workers in the United States.

SMART: The International Association of Street, Mass, Rail and Transit Workers, is one of North America's most dynamic and diverse unions with 250,000 members. SMART's members ensure the quality of life for all our members, provide strategic efficiency, produce and provide the vital services that communities rely on and are proud of. We are other metal workers, service technicians, bus operators, engineers, conductors, sign writers, welders, production employees and more. 900+ members in scores of different occupations are advocates for fairness in the workplace, excellence in work and opportunity for all working families.

Recent News

Upcoming Events

Feb 17

Local 1907 Meeting

Address is 2100

SET UP A WEBSITE!

SMART's affiliation with the AFL-CIO allows TD locals to set up and host a website for zero cost through the AFL-CIO's Union Hall service. The TD office establishes it and then the local trains with AFL-CIO to maintain the site. Contact Senior Communications Coordinator **Ben Nagy** in the TD office at 216-228-9400 (x3300) or email [bnagy@smart-union.org](mailto:bnagy@smart-union.org) for details.

## Local 1910, Macon, Ga.



**John Pitts**, vice chairperson of GCA-169 and an organizer for our union, teamed up with Georgia State Legislative Director **Matt Campbell** to send out more than 300 hand-written postcards from the local to Georgia SMART-TD members. The messages on the cards encouraged them to vote for the Rev. Raphael Warnock and John Ossoff in the early January run-off elections that were key to the change in control of the U.S. Senate.



SMART GENERAL PRESIDENT'S COLUMN

Work and planning we have done is paying off

Brothers and sisters –  
The strength and success of our union is built upon investments of time and resources, as well as decisions and actions that shape our shared future much in the same way your railroad retirement and other benefits are built up over the years.  
In both cases, solid decisions are informed by strategic planning, an eye on trends impacting the future and the ability to respond to changing conditions and course-correct, as needed.

The past year has been challenging in so many ways, from the ongoing COVID-19 pandemic, to related job and economic losses, to a highly contentious election cycle. Many challenges remain, but as we head into 2021, we are better positioned to take them on because of the hard work we have put in over the past four years. Actions we took three and four years ago – investments in the future of our union – are already paying off with concrete wins and gains for SMART members and their families.  
Since 2016, SMART priori-



By Joseph Sellers Jr.

tized increasing member engagement, building our organizing and communications capacity, and bolstering our ability for rapid-response mobilization around key issues such as two-person crews, operator protection, registered apprenticeships and other state and federal legislative issues. We have also deepened our engagement with new FRA, NTSB and industry partners so we are players in shaping the future of our industries.

With the creation of our SMART Army in 2017, we made a long-term commitment to building our capacity for local engagement and political action. This has paid off in myriad ways, with hundreds of local SMART Army events that have engaged members, fostered new activists and leaders, and helped local organizations

and SMART members in need. These actions have also raised the profile of our union, generated positive press coverage and demonstrated that we aren't focused solely on our self-interest – we live and work in communities, we are helping build them, and we are committed to our mutual success and well-being. This in turn creates dividends when others understand and rally to our side – an approach with benefits for all involved.

In the 2020 election cycle, our union came together to flex our collective strength by setting new records for the sheer number of members engaged and other voters we communicated with via "contactless" lit drops, phone banks, social media and member-to-member text messaging.

These efforts, in turn, were vital to maximizing voter registration and turnout among SMART members.

We are now seeing the dividends start to pay off in the first month of the Biden administration. From nominating and the subsequent confirmation of "Mayor Pete"

Buttigieg to handle the Department of Transportation and the nomination of Boston Mayor Marty Walsh – who comes from the ranks of the union movement – to head the Department of Labor (replacing the rabidly anti-union Eugene Scalia), to a new FRA director and purging the National Labor Relations Board (NLRB) of anti-union corporate lawyers, to signing an executive order directing OSHA to "immediately release clear guidance for employers to help keep workers safe from COVID-19 exposure," President Biden is taking action on SMART priorities and standing with working Americans.

Because of the work we have done since 2016, our voices and input are being heard as the new administration makes decisions that impact working families.

Over the last four years, we could not even get a meeting with Department of Transportation head Elaine Chao to discuss rail and transit safety issues. Now, new DOT leadership contacts us and asks what our issues and concerns are.

With the Senate now led by pro-rail labor Democrats along with some Republicans, we now focus on passing provisions found in the Moving Forward Act, which would make two-person crews the law of the land and provide additional safety protections for transit operators. These are two issues identified as top priorities by SMART members.

This is all possible due, in no small part, to the hard work put in by SMART members and other unions to get here.

Nothing is going to be given to us, and we must continue our movement, but it is good to shift off defense and drive real change that benefits workers. I look forward to continue working together to win a better future for our families.

Thank you and please stay safe!

Fraternally,

Joseph Sellers Jr.  
General President, SMART

Bus Department News

A message from your Bus Department leadership

Sisters and brothers –  
As we have concluded a presidential election our country will never forget, our local elections were also held in November and members have made their choices of leadership for the upcoming three-year term.

Congratulations to all new and incumbent local officers!

Like the executive branch of government, local officers are the leaders who hold the body of our union together. They represent our voice, demanding workplace safety and creating stability as the financial backbone. From the president presiding at local meetings to a trustee working on the annual

report, each position is valuable and vital to a local's proper function. Elected officers – take this opportunity as a privilege to lead.

Our newly elected officers assumed their roles in January. Due to the pandemic we face throughout the country, a local meeting may not be held at this time.

But rest assured, once it is safe and restrictions allow, officers will then take their oaths per Article 21B, Section 58 of our SMART Constitution. You can also find the duties and responsibilities of each officer in our Constitution. If you



Hughes

are unsure of your obligations, do not hesitate to get an adequate understanding as to what is required of you by contacting the TD office or the assigned vice president. We stand fast to assist and help provide the best representation for our members.

Please keep in mind that the local must always remain in compliance with the Department of Labor (DOL) and our SMART Constitution in fulfilling these responsibilities.

As COVID persists, we must continue to be vigilant and stay safe as essential employees. Our fight

is a daily one to ensure all members have the proper protection they need while holding employers and our government accountable. Be mindful of your fellow sisters and brothers as we carry on through this pandemic. We all are anxious to get back to normal, but we still need to keep our guard up against this vicious virus. Let's stay protected in solidarity as fellow SMART members through this crisis. As always, stay safe and well!

Fraternally yours,  
**Alvy Hughes**  
Vice President  
Bus Department – SMART-TD  
ahughes@smart-union.org  
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SHEET METAL | AIR | RAIL | TRANSPORTATION

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JANUARY / FEBRUARY 2021  
ISSN 2470-0304

SMART Transportation Division News (ISSN 2470-0304) is published six times per year in the months of February/March, April/May, June/July, August/September, October/November 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 44070-5333 • Jeremy R. Ferguson, SMART Transportation Division President.

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## TRANSPORTATION DIVISION PRESIDENT'S COLUMN

## Looking down the line at our 2021 opportunities

Brothers and sisters –

After four long years of battling strong anti-labor sentiments and agendas across a variety of government agencies, this year has the potential to be one of great change for our union. While we are not naive that challenges will exist, we have a touch of optimism as some of our accomplishments and pre-planning have established a foundation for the future success of labor.

The elections in November and the special elections in Georgia in January saw control of the presidency and of the United States Senate change. There are now elected people on Capitol Hill who we are confident will, at the very least, LISTEN to what transportation labor has to say about workplace safety, among a wide variety of other important topics.

While actions certainly are stronger than words, I think it is safe to say we will not see this new administration, nor their appointees, bend over backwards to the whims and deep pockets of the carriers as we experienced previously. Believe me, your legislative leaders, both at the federal and state level, are excited to get to work and have a detailed and aggressive agenda. I am confident that we will now find open doors and seats at the table with those that have the ability to make much-needed changes.

This will allow our legislative leaders voices to be heard in efforts to share our issues and corrective measures. All we have ever asked is to have the opportunity to share our views in an equitable manner. This includes listening to the reasons why, but more importantly how, we keep our members safe while on-duty in their bus and transit positions. They are also going to hear why two people must remain in the cabs of freight trains, not only for the sake



**By Jeremy Ferguson**

of employee safety, but also for the safety of the general public.

We tried to get these issues addressed with the previous administration, placing these concerns into the Moving Forward Act this past summer. It was passed by the Democratic majority in the U.S. House of Representatives, but regrettably it was derailed by Mitch McConnell and was kept from being given even the slightest consideration in the U.S. Senate. Now, with elected friends on both sides of the aisle, and with the new administration, we have renewed hope that we will see this important legislation over the finish line.

Yet that is just the beginning of our agenda as we have been developing and planning on additional legislative efforts to discard those anti-labor policies and reinstall many of the safety regulations stripped away the last four years, some that have been in place for decades. At times it seems as if we reverted back to the early 1930s, where it was common for carriers to place productivity and profits well in front of employee safety. Ironically, it was during these times that unionism greatly increased to counter these actions and employee safety was the driving force.

While there are always ebb and flows of policy changes based on majority legislative control, it went to an entirely new (low) level with this past administration. Carriers felt emboldened to do what they wanted, when they wanted and all of us have witnessed and felt in some way the damage that was done. A pro-corporate National Labor Relations Board (NLRB) and National Mediation Board (NMB) has

had labor in the crosshairs, and still does for that matter, until the new majority seats can be filled by the Biden administration. The NMB terms are expired for all three board members and could be filled soon, however the NLRB will not be able to have a Democratic majority until William Emanuel's (R) term expires August 27th of this year.

The Surface Transportation Board (STB) is already in a better position with Martin J. Oberman recently being designated as chairman by President Biden. We are confident that he will guide the board in ensuring shippers moving their goods by rail have a stronger voice when it comes to the underhanded and arbitrary actions by most of the railroads who have implemented Precision Scheduled Railroading. We are hopeful that the result will be more customers shipping by rail as the secondary effect is more jobs for our railroad members.

The changes started January 20th, and you have my word that we are not satisfied with just the return of what once was. We are looking toward the future in efforts to expand membership safety. The damage that was done is extensive, but not permanent, and rest assured, we have a list. It's long, it's detailed, and some of it is complicated, but we are up to the task.

We have kept diligent notes, completed our research and have an agenda in place. By working together, we all can ensure that federal laws covering bus and transit operator safety and two-person crews get fair and honest consideration by legislators and by regulatory and newly appointed administrators at the federal Department of Transportation (DOT) and its subordinate agencies, the Federal Railroad Administration (FRA), Federal Transit Administration (FTA) and the Federal Motor Car-

rier Safety Administration (FMCSA).

Similarly, those in power also will take more seriously the COVID-19 pandemic and the financial challenge it poses for the transportation industry as well as the health challenges it poses for our membership. Our members are approaching one year of essential service during this, the greatest public health emergency our nation has faced in more than a century. I am proud to serve as your Transportation Division president as the professionalism and dedication you have shown during these trying times is exceptional.

We as an organization have experienced too many deaths, illnesses and furloughs along with neglect and abuse as a result of the pandemic. Our concerns deserve to be addressed. President Biden's mandate for mask-wearing on federal properties and on trains, buses and flights is a positive first step, but we expect, and will demand, that additional steps are taken in the very near future. My fellow brothers and sisters deserve nothing less.

On a separate but important topic, in early January, we were pleased to announce another victory in the ongoing crew-consist moratorium battle — this one over arbitration procedures. The merits of the carriers' alleged dispute over the language of some of the moratoriums will now have to be adjudicated, in accordance with the Railway Labor Act. We will now focus on the big task at hand — engaging in national contract negotiations.

It has been a different and challenging process with the pandemic preventing large in-person discussions between the Coordinated Bargaining Coalition and the carriers. So, like many others, we have been attempting to do what we can, when we can by utilizing

video calls for several months since the pandemic started. We and the nine other unions in the CBC continue to listen to carrier presentations with open minds, and we will continue to await proposals worthy of in-depth conversation. Sadly, all members of our union coalition are in complete agreement that we have not heard much worth considering yet.

When we do make any substantive progress, or have important developments, we will share that information with all of you via postings on our website and social media, or for those of you who are signed up for union news through Action Network, via text or email.

In closing, it is important to note that the "International" is not the union, nor are the general committees, state boards, locals or all officers found within ... it is all of US, the MEMBERS of the SMART Transportation Division. It will take ALL OF US to overcome the obstacles we face. I am up for the fight and hope that you will be by my side when and if called upon to assist, as it will take all of us as a collective "union" to make a positive change.

As I mentioned previously, I am forever proud and honored to be your Transportation Division president. I thank you for your support and ask that you take an active role in your union by reporting unsafe conditions, filing your penalty time claims to enforce your agreement and attending your local meetings when it is safe to do so.

Above all, stay safe and God bless.

Fraternally,

**Jeremy R. Ferguson**  
President,  
Transportation Division

## State Watch

News from SMART-TD  
State Legislative  
Boards

### New Mexico

Senator Harold Pope Jr. has introduced S.B. 167, a bill that requires a minimum of two crew members for Class I and Class II railroads to operate in the state.

State Legislative Director **Don Gallegos Jr.** is spearheading advocacy efforts for the union as the legislation is considered, and

will be mobilizing members and testifying in support of S.B. 167 as it moves in the state Legislature.

The bill was referred to the N.M. Senate's Taxation, Business and Transportation Committee Jan. 31 and a hearing had yet to be scheduled as of press time.

If successful, New Mexico would

be the eighth state to successfully pass two-person crew legislation. Efforts to pass such laws continue even as actions by prior FRA Administrator Ron Batory and legal challenges by carriers attempt to stop our efforts to keep freight rail operations safe.

*Continued on Page 6*



# Amit Bose named acting administrator of FRA

Amit Bose, who served as deputy administrator for the Federal Railroad Administration (FRA) during the Obama administration, is now the agency's acting administrator.

"We're excited to be working with Amit Bose," said SMART Transportation Division National Legislative Director **Gregory Hynes**. "We've had several conversations, and he understands and supports our issues. It's a welcomed new day for rail labor."



Bose

Bose has experience serving in the public sector including as FRA deputy administrator, FRA chief counsel, U.S. Department of Transportation associate general counsel and DOT deputy assistant secretary for governmental affairs. While in the Obama administration, Bose worked on High-Speed Intercity

Passenger Rail grants for Northeast Corridor projects and has a long association with the Corridor.

In addition to living along the corridor in West Windsor, N.J., and working for New Jersey Transit, Bose helped establish and later served on the Northeast Corridor Commission. He also participated in structuring the commission's cost allocation policy, helped the DOT deliver a \$2.5 billion Railroad Rehabilitation and Infrastructure Financing

(RRIF) loan to Amtrak for its next generation of Acela rail cars, and worked on the environmental review of projects.

Amtrak Board Chairman Tony Coscia released a statement on Jan. 21 supporting Bose's appointment.

"Amit Bose will be a great addition to the Federal Railroad Administration. His extensive experience in transportation policy, law and management will be an asset to the Biden Administration," Coscia said. "Mr.

Bose understands the importance of investing in infrastructure to support economic recovery and keeping America's railroad system reliable and safe. We look forward to working with Secretary designee Pete Buttigieg, Deputy Secretary designee Polly Trottenberg and Mr. Bose to improve and expand passenger rail service across the country."

Before his return to FRA, Bose served as vice president for HNTB Corporation.

## State Watch continued...

### Ohio

## Major passenger rail expansion possible, but it needs vocal support

Ohio State Legislative Director **Clyde Whitaker** has been monitoring the news about a long-discussed plan to establish passenger rail service linking a number of the state's largest cities, and wrote the following about the so-called "3C Project":

"The 3C Project could be a reality, we're just missing the middle 'C' (Columbus) at the moment. Cleveland, Cincinnati, and Toledo all have Amtrak service. Yet Columbus is the second-largest metropolitan city in the U.S. without Amtrak service, and this city has experienced exceptional growth over the past decade.

"At one time Amtrak operated a train service known as 'The National Limited' that connected New York, Philadelphia, Pittsburgh, Columbus, Dayton, Indianapolis, St. Louis, and Kansas City. Due to federal budget cuts, Amtrak abandoned service in 1979 and Columbus has not seen passenger service since.

"During the 21 years I have been a resident of Ohio, many studies have been conducted over the years regarding this project. Yet the project never takes off due to the overwhelming amount of bureaucracy and the anti-influence of the major carriers. A pro-passenger rail group called All-Aboard Ohio, a non-profit, has attempted to keep the fire alive and public interest has significantly grown over recent years for the demand of service.

"During the 2020 elections, I had the opportunity to discuss the 3C Project



Whitaker

with several candidates running for office. So much untapped potential exists in Ohio for job growth with this project — not only for our union but for sister unions as well.

"Columbus, Cincinnati, and Cleveland all have major downtown scenes ranging from restaurants, museums, minor/major league baseball, professional soccer, and professional football — all accessible near the proposed routes. Then if we branch out of the Ohio markets to those of Indiana, Illinois, Michigan, and Pennsylvania, we would have so many possibilities.

"Some examples of the market: You and some Columbus friends want to watch the Browns and Steelers play in Pittsburgh. Buy your tickets, go from Columbus to Cleveland, then meet up with some friends and go into Pittsburgh. Plenty of time to socialize, no driving. You're rested to enjoy the game, and after the game enjoy the town.

"Or how about the ultimate college football rivalry? Making a train trip to Ann Arbor to see the Ohio State Buckeyes face the University of Michigan Wolverines without that long drive. Wouldn't that be nice?

"The local economies win, you're not fighting traffic or putting mileage on your vehicle, there's job growth, and maybe your team will even win the game!

"It's a very exciting project, though large projects such as this will not be an overnight venture.

"The reality is track speeds need to be increased, therefore pumping a considerable amount of money into the existing infrastructure would be needed. New buildings would need to be established, which would be an opportunity for our Sheet Metal brothers and sisters. T&E crafts would see an increase in membership as well as other supporting crafts.

"Currently rusting away is the idled Buckeye Yard in Columbus — the infrastructure for fueling, car repair, and easy routes in or out are in place, which Amtrak would be wise to take advantage of.

"The 3C project is a vision that would create good-paying union jobs, growth opportunities in the private sector and strengthen Ohio and neighboring states' economies.

"We need three things to make it work. One — state lawmakers committed to invest in the state's economy not being afraid of taking a chance. Two — we need the right people at Amtrak to lead this project to make it work and grow. The third is the difficult challenge of ensuring the two major Class 1 railroads in the state — Norfolk Southern and CSX — keep their obligations to run the trains on time.

"We will need all hands on deck, including family and friends, voicing opinions to our elected officials when it's time to take action."

### Minnesota

The State Legislative Board has seen many changes over the past six months.

"It has been a whirlwind of activity since I took over the office June 1," SLD **Nick Katich** said. "We have worked through George Floyd, a crazy election, and a pandemic, just to name a few major events."

In addition to normal operations, the Minnesota office was moved from Minneapolis to Cloquet.

"Moving all the documents dating back into the '30s was actually fun. I felt like a time traveler as I read the great work done by my predecessors through the years," Katich said.

The 2020 election was an "all hands on deck" event in Minnesota. Legislative representatives and other local officers stepped up and did all the work asked of them.



Katich

"I am so proud of the SMART-TD officers and members in Minnesota," Katich said. "I never had to ask any-

one twice when there was work to do. I also would like to thank my Sheet Metal brother and counterpart, Colin Beere, for always being open and available while we worked together on the election."

If you find yourself in Cloquet, stop in and check out the new office, 1219 14th St., Suite C, Cloquet, MN 55720.

"Coffee is always on!" Katich said.

You can always reach the Minnesota State Board at 651-222-7500 or by email at [sld@smart-td-minnesota.org](mailto:sld@smart-td-minnesota.org).

### Virginia



Members in Virginia have been stepping up to assist their communities throughout the pandemic. "It is absolutely awesome to see our brothers and sisters come together to help," State Legislative Director **Ronnie Hobbs** said.



# What YOUR UNION is doing for YOU

Here is a list of recent arbitration victories reported to SMART Transportation Division’s leadership.

General chairpersons who wish to report a recent success should email Vice President **Alvy Hughes** (ahughes@smart-union.org) for Bus Department victories and Vice President **David B. Wier Jr.** (dwierjr@smart-union.org) for rail victories.

## NRAB, First Division

SMART-TD Vice Presidents **David B. Wier Jr.** and **Jamie C. Modesitt** report that the organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of the many cases that the organization received sustaining decisions on from the First Division, the cases referenced below are of significant interest:

■ **In NRAB First Division Award No. 30332** (Strongin, 2020), Union Pacific terminated the employment of a locomotive engineer for allegedly violating General Code of Operating Rules Nos. 6.28 and 7.1, stemming from the carrier’s allegation that the claimant failed to stop equipment, continued to shove, and caused damage which resulted in a derailment. After reviewing the case, the board concluded that the record of the formal investigation did not support the carrier’s assertion that the claimant violated GCOR 6.28. In particular, the board reasoned that there was insufficient evidence in the record to buttress a violation of Rule 6.28 because that rule pertains to the speed a train must travel and there was no showing in the record that the claimant operated his train too fast. As for the carrier’s theory that the claimant transgressed Rule 7.1, the board maintained that the record of the investigation did not establish that the claimant worked unsafely. Of particular significance, the board noted, “not every accident or derailment requires a finding of guilt on the part of the operator; some accidents do not carry culpability or reasonably result in disciplinary response.” Finding that the carrier failed to tender substantial evidence into the record of the formal inquiry, the board reinstated the claimant to his former position and ordered that he be made whole for all lost earnings. GO 953 Associate General Chairperson **Jerry Kalbfell** and GO 953 Senior Vice General Chairperson **Glenn Marker** progressed this case to the NRAB First Division.

...

■ **In NRAB First Division Award No. 30334** (Strongin, 2020), Union Pacific terminated a switchman for purportedly switching unsafely and inefficiently whereby he allegedly caused a

derailment. The board rationalized that the carrier undermined the claimant’s due process rights by withholding requested video footage. Holding the carrier to its obligation to provide substantial evidence to support disciplinary charges, the board observed that the formal investigation failed to rule out whether rolled rail was the root cause of the derailment. For those reasons, the board reinstated the claimant to service and awarded him full compensation for all lost time. GO 953 General Chairperson **Luke Edington**, GO 953 Associate General Chairperson **Ian Reynolds**, and GO 953 Senior Vice General Chairperson **Zach Nagy** progressed this case to the NRAB First Division.

...

■ **In NRAB First Division Award No. 30349**, Union Pacific dismissed a brakeman for allegedly failing to comply with an XH order that resulted in his train colliding with an automobile at a street crossing. In arriving at its conclusion that the record of the investigation did not disclose that the claimant engaged in the alleged misconduct, the board determined that the claimant was not properly advised of the XH order. Having established that the claimant did not possess knowledge of the XH order, the board maintained that the claimant did not shoulder culpability for his train’s collision with the automobile in question. Arriving at that conclusion, the board reinstated the claimant to service with compensation for all time lost. GO 953 General Chairperson **Luke Edington**, GO 953 Associate General Chairperson **Ian Reynolds** and GO 953 Senior Vice General Chairperson **Zach Nagy** progressed this case to the NRAB First Division.

## Bus arbitration/mediation

SMART-TD Vice Presidents **Alvy Hughes** and **Calvin Studivant** report that the Bus Department has received several favorable arbitration and mediation awards. Here are some decisions from Federal Mediation Conciliation Services (FMCS), referenced below:

■ **In the Federal Mediation Conciliation Services case between Local 167 and Avports** (vendor operating maintenance at Albany International Airport), a custodial worker was termi-

nated for alleged theft of a cellphone from a passenger traveling through the airport. Subsequently, the custodian was arrested for the robbery. A mediation was held, and voluntary resignation and a monetary settlement were agreed upon. The case is now closed, and there will be no further litigation on the matter. This mediation was advanced by General Chairperson **Richard Stack** with the assistance of Bus Vice President **Calvin Studivant**.

...

■ **In the Federal Mediation Conciliation Services case CSMCS#ARB-19-0222** (Cohn) between Local 23 and Santa Cruz Metropolitan Transit District, an operator was terminated for alleged gross neglect. Metro believed the operator violated standards and procedures by failing to follow protocol, not kneeling the bus, not waiting for a passenger to disembark and running a red light. The organization argued that Metro accumulated prior charges with unrelated offenses while claiming to use progressive discipline to deem termination in late November 2019. The organization also argued no other operator had been terminated for passenger falls, and that the light was stale when the revenue vehicle entered the intersection. The arbitrator reinstated the operator’s employment with all lost compensation and a five-day suspension for the passenger’s incident. General Chairperson **James Sandoval** (GCA - SCM) advanced this arbitration with the assistance of Vice President **Alvy Hughes**.

...

■ **In the Federal Mediation Conciliation Services case** (Tipton) between Local 1715 and Transit Management of Charlotte (TMOC), an operator was terminated for gross negligence in a revenue vehicle’s operations. TMOC claimed the operator was unsafe in operating a vehicle while violating the agency’s cellphone policy in an accident in route. The organization argued that the operator did not cause the accident due to a car running a stop sign and striking the revenue vehicle from the side. Both sides agreed to reinstate the operator to the previous position with a period of probation. This mediation was advanced by Assistant Chairperson **Christy Kiser** (GCA - TMD) with the assistance of Vice President **Alvy Hughes**.

## Meeting future boss of the DOT

Then-Mayor Pete Buttigieg, left, meets General Chairperson James Ball of GO 687 in 2012 in this photo courtesy of Indiana State Legislative Director Kenny Edwards. Buttigieg was confirmed Feb. 2 to lead the U.S. DOT.



## COVID order requires transport workers and passengers to wear masks to stop virus

The Centers for Disease Control and Prevention (CDC) issued an order Jan. 29 imposing a mask requirement applicable to public transportation systems, rail, and van, bus and motor-coach service providers to mitigate the risk of the spread of COVID-19.

The order implements President Joe Biden’s Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, “to save lives and allow all Americans, including the millions of people employed in the transporta-

tion industry, to travel and work safely.”

In an announcement of the order sent to Federal Railroad Administration (FRA) affiliates and partners on Jan. 31, an agency representative wrote the following: “Science-based measures are critical to preventing the spread of COVID-19. Mask-wearing is one of several proven life-saving measures including physical distancing, appropriate ventilation and timely testing that can reduce the transmission of COVID-19. Requiring masks will protect

America’s transportation workers and passengers, help control the transmission of COVID-19, and aid in re-opening America’s economy.”

In addition to the CDC order, the Transportation Security Administration (TSA) anticipates issuing additional information and guidance, and the DOT will continue to add additional information to the site and will be scheduling calls with transportation industry stakeholders to address the ongoing coronavirus pandemic.



# Negotiating a national rail contract

## National negotiating committee



Jeremy Ferguson  
Transportation  
Division President



Brent Leonard  
Vice President



John J. Whitaker  
III  
Vice President



Chadrick Adams  
Vice President



Jamie C. Modesitt  
Vice President



Joe M. Lopez  
Vice President



David B. Wier Jr.  
Vice President



Joseph M. LaPresta  
General Chairperson  
(BNSF)



Gary Crest  
General Chairperson  
(Union Pacific)



Roger A. Crawford  
General Chairperson  
(Illinois Central)



Thomas Gholson  
General Chairperson  
(Norfolk Southern)



Christopher Bartz  
General Chairperson  
(Yardmasters)

## SMART-TD's Section 6 notices

SMART-TD Section 6 notices were developed beginning with recommendations offered by SMART-TD members. A committee of general chairpersons from the Association of General Chairpersons, District No. 1, reviewed and fine-tuned those suggestions, which were then approved by the entire Association of General Chairpersons, District 1.

### Major elements of the SMART-TD's Section 6 notices include:

- ✓ Complete and permanent elimination of existing service scale (entry rates of pay);
- ✓ A series of general wage increases, effective Jan. 1, 2020, and every six months thereafter;
- ✓ Cost-of-living adjustments;
- ✓ Shift- and weekend-differential pay;
- ✓ Paid sick leave for all crafts without censure or discipline;
- ✓ Technology pay for daily required utilization of all in-cab and handheld reporting devices;
- ✓ Additional rest opportunities and ability to miss work for family needs, quality of life and doctor visits;
- ✓ Additional training pay for all crafts, including compensation for qualification, re-qualification and familiarization trips;
- ✓ Carriers to give first-employment consideration to qualified conductors furloughed from other railroads;
- ✓ Furloughed employees called back to work will be guaranteed a minimum of 60 days of work and pay;
- ✓ Increased meal allowances;
- ✓ Restrictions on transferring, consolidating, combining or centralizing yardmaster assignments;
- ✓ Establishment of a formula for yardmaster extra boards; and
- ✓ Enhanced benefits under the NRC/UTU Health and Welfare Plan and the Railroad Employees' National Health and Welfare Plan (GA-23000).

## Rules of negotiating a contract

SMART-TD and most major freight railroads have begun a new round of negotiations to revise rates of pay, rules and working conditions. The railroads include BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific.

Some 40,000 SMART-TD members are affected by these contract talks. Railroad (and airline) labor relations are governed by a 1926 law — the Railway Labor Act (RLA), under which contracts never expire and the right to engage in self-help (strikes, lockouts and arbitrary management changes to contracts) is severely restricted. Thus, railroad contracts continue in force until new agreements are reached or imposed by third parties.

### What if the sides can't agree?

Although there is nothing in the RLA requiring it, Congress (upon advice of a White House-appointed Presidential Emergency Board) frequently imposes its own settlement if the two sides (labor and management) cannot voluntarily reach an agreement.

When the White House, U.S. House or Senate is controlled by Republicans, it can be very risky to allow Congress to determine our revised rates of pay, rules and working conditions. Indeed, even when Democrats control one or both chambers of Congress, congressionally imposed settlements sometimes are quite hurtful to rail labor unions. Because our right to strike is severely restricted, and because third parties frequently wind up imposing revised agreements on unions and rail carriers if voluntary agreements cannot be reached, union negotiators must be especially vigilant during the negotiating process.

### Section 6 notices start process

Rail contracts traditionally carry a moratorium — meaning they can be reopened only after a specific date agreed to when the previous agreement was negotiated. The moratorium on the existing contract expired Nov. 1, 2019.

The RLA process toward a revised contract begins with carriers and the union serving Section 6 notices on each other. Section 6 notices are named after the section of the RLA providing for them, and typically contain each side's desired changes to the existing contract.

The most-recent Section 6 notices (at left) were served Nov. 1, 2019, to begin negotiating a revised agreement. While negotiations are underway, the existing contract — open for renegotiation — continues to be binding.

### What if negotiations fail?

The RLA provides that the parties must confer on the matters raised in their respective Section 6 notices. However, if matters do not relate to rates of pay, rules or working conditions, or subjects covered by moratoriums, they need not be negotiated.

If negotiations prove unproductive, either or both parties may seek the services of the National Mediation Board (NMB). The NMB itself may offer its services if it determines a labor emergency exists. If mediation by the NMB fails to produce an agreement, the NMB — and only the NMB — can declare an impasse and offer to submit the dispute to binding arbitration. Both parties must consent for that to occur.

It is important to recognize that there are no set time limits on mediation. The NMB can keep the parties at the negotiating table for days, weeks, months and even years before it declares an impasse.

### What is a Presidential Emergency Board (PEB)?

If arbitration is refused (following NMB declaration of an impasse), and the NMB determines that the dispute threatens to substantially interrupt interstate commerce to a degree that would deprive a section of the country of essential rail transportation services — a finding almost always made if the negotiations are national in scope — the NMB notifies the president of the United States.

The president may then create a three-member Presidential Emergency Board (PEB) to investigate the facts and, within 30 days, make non-binding written recommendations. During this period, the status quo must be maintained by both sides.

The most-remembered and reviled PEB was appointed by President Reagan — PEB 208, which adopted as its recommendations much of the Van Wart Study Commission conclusions that included entry- and dual-basis of pay provisions. Typically, in the past, the White House-appointed PEB members from a list of experienced RLA arbitrators provided by the NMB. It is worth remembering, however, that the Bush administration ignored the NMB list in appointing a PEB to investigate a United Transportation Union dispute with SEPTA, and chose two members with a presumed anti-labor bias.

(In the unlikely event the NMB does not make a determination that triggers creation of a PEB, or, if the president declines to create a PEB, the parties are free to resort to self-help — a strike, a management lockout or arbitrary changes by the carrier in rates of pay, rules and working conditions. Self-help may not occur, under these circumstances, until 30 days following a refusal of one or both sides to accept binding arbitration.)

### What happens after a PEB?

When the PEB delivers its report, a second 30-day status-quo period commences, during which the parties usually make one further attempt to negotiate a voluntary settlement. If a voluntary settlement still is not reached, the RLA has run its course and the parties may resort to self help.

However, as mentioned above, Congress has rarely allowed a regional or national work stoppage or lockout to last more than a few days — and, most typically, not longer than a day. Under its constitutional power, Congress typically formulates a back-to-work order and often along the lines recommended in the PEB. This is what is meant by third-party settlement of railroad labor-management disputes.

## Unions participating in the Coordinated Bargaining Coalition

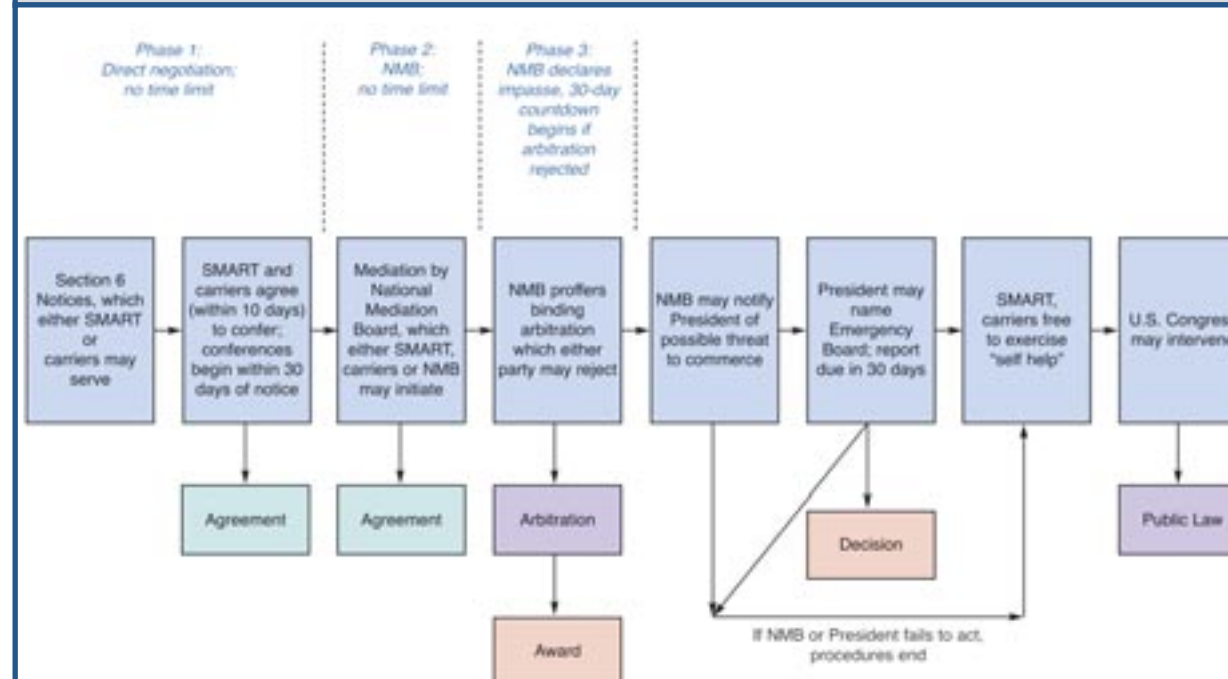
The top leaders of 10 rail unions have announced that their organizations will be participating in coordinated bargaining in the current round of national negotiations.

The unions comprising the Coordinated Bargaining Coalition (CBC) are:

- American Train Dispatchers Association (ATDA)
- Brotherhood of Locomotive Engineers and Trainmen / Teamsters Rail Conference (BLET)
- Brotherhood of Railroad Signalmen (BRS)
- International Association of Machinists (IAM)
- International Brotherhood of Boilermakers (IBB)
- National Conference of Firemen & Oilers / SEIU (NCFO)
- International Brotherhood of Electrical Workers (IBEW)
- Transport Workers Union of America (TWU)
- Transportation Communications Union / IAM (TCU)
- Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD)



## Railway Labor Act: collective bargaining procedures





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 [arayner@smart-union.org](mailto:arayner@smart-union.org) or visit [www.smart-union.org/td/alumni](http://www.smart-union.org/td/alumni)

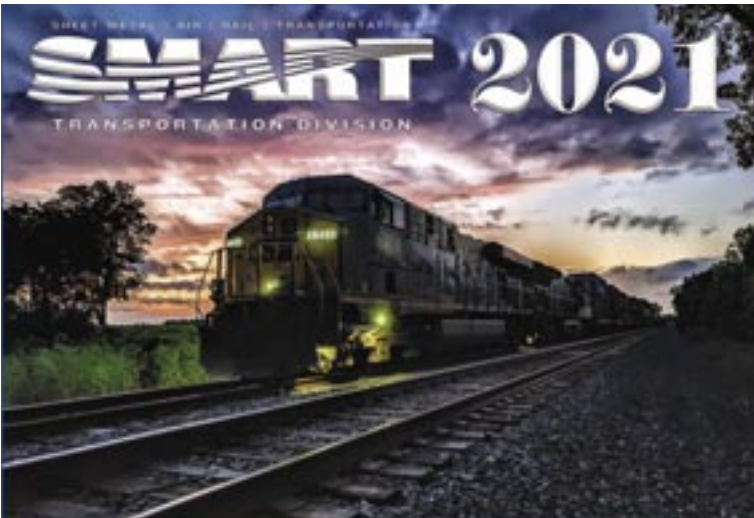
# Your patience was appreciated during USPS delivery issues

The Public Relations Department received many calls starting in mid- to late-December wondering whether we put an Alumni Association calendar out anymore.

We do, and we did mail them to our Alumni members who were in good standing in what we thought would be plenty of time to turn the page quite literally on what had been a trying 2020.

But it turns out that the Cleveland regional post office was already struggling with personnel shortages because of COVID-19 well before the Thanksgiving holiday.

With that and then the large volume of mail and packages being delivered by the United State Postal Service at the same time, USPS couldn't keep up and it turned out that many Alumni members just weren't able to turn the



page into the new year as quickly as we had hoped.

For real-life examples of the USPS delays, at least one person in the department received a Christmas card from South Carolina postmarked Dec. 14 on Jan. 18 and one Alumni member who lives just an hour west of Cleveland got his calendar six weeks after it was sent.

Delays aside, we sympathize with the major challenges our hard-working postal employees face and thank them for the hard work that they did and continue to do.

We've sent replacement calendars to a number of people who let us know they still had not received them. Your patience is greatly appreciated.

We thank you for your continued support of the Alumni Association and for the kind compliments many of you gave us about the calendar.

## RRB Q&A: The importance of a current connection for benefits

Under the Railroad Retirement Act (RRA), a "current connection with the railroad industry" is one of the eligibility requirements for both the occupational disability and supplemental annuities payable by the Railroad Retirement Board (RRB). It is also a factor in determining whether the RRB or the Social Security Administration pays monthly benefits to survivors of a railroad employee.

The following questions and answers describe the current connection requirement and the ways the requirement can be met.

**1. How is a current connection determined under the RRA?**

To meet the current connection requirement, an employee must generally have been credited with railroad service in at least 12 months of the 30 months immediately preceding the month his or her Railroad Retirement annuity begins. If the employee died before retirement, railroad service in at least 12 months in the 30 months before the month of death will meet the current connection requirement for the purpose of paying survivor benefits.

However, if an employee does not qualify on this basis but has 12 months of railroad service in an earlier 30-month period, he or she may still meet the current connection requirement. This alternative generally applies if the employee did not have any regular employment outside the railroad industry after the end of the last 30-month period which included 12 months of railroad service, and before the month the annuity begins or the month of death if earlier.

Once a current connection is established at the time the Railroad Retirement annuity begins, an employee never loses it, no matter what kind of work is performed there-

*Continued on Page 11*

## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
R	Frencel, Ann V.	Cleveland, Ohio	265	Goodell, Cyril F.	Pocatello, Idaho	1168	Bryant, James A.	Carlsbad, N.M.
R	Houser, Gerald B.	Sevierville, Tenn.	265	Morgan, Don L.	Pocatello, Idaho	1168	Kendall, Earl P.	Clovis, N.M.
1	Beltz Jr., Paul E.	Cheektowaga, N.Y.	281	Mogan, John A.	Green Bay, Wis.	1172	O'Neal, David L.	Mullens, W. Va.
1	Blum, Kenneth E.	Buffalo, N.Y.	298	Wilcox, Jack L.	Auburn, Ind.	1177	Kenville, A.J.	Fargo, N.D.
1	Briggs, Raymond J.	Russell, Pa.	329	Erwin, Michael G.	Ames, Iowa	1245	Coker, Lawrence E.	Cedartown, Ga.
1	O'Brien, Gerald "Jerry"	Buffalo, N.Y.	363	Malone, Harold A.	Bristol, Va.	1344	Schumacher, Lawrence L.	Bismarck, N.D.
1	O'Brian III, Charles L.	Marilla, N.Y.	363	Stafford, Earl G.	Roanoke, Va.	1345	Walker, James R.	La Follette, Tenn.
2	Berry, Robert W.	Elkhart, Ind.	464	Demaree, Douglas A.	Parkerfield, Kan.	1393	Brubaker, James E.	Delevan, N.Y.
2	Hockenberry, James E.	Delta, Ohio	464	Rudolph, Larry D.	Arkansas City, Kan.	1397	Payne, Paul M.	Mt. Vernon, Ohio
2	Shideler, William F.	Logansport, Ind.	623	Berry, Robert S.	Clifton Forge, Va.	1440	Carney, Edward J.	Staten Island, N.Y.
6	Groff, Robert E.	Richmond, Ind.	643	Wolf, William F.	Riverside, Iowa	1477	Turner, Harold D.	Gaylord, Mich.
9	Patterson Jr., Norman	Lubbock, Texas	650	Palmer, G.T.	Eagle Lake, Minn.	1501	Craddock, Henry L.	Denham Springs, La.
18	Holland, Robert G.	Austin, Texas	655	Smith, Harry Lee	Bluefield, W.Va.	1502	Green, Kenneth L.	Wildwood, Fla.
60	Baker, Jason L.	West Orange, N.J.	662	Roberts, Thomas W.	Newport News, Va.	1503	Kiiker, Leonard R.	Hampton, Neb.
72	Hiatt, David E.	Battle Creek, Mich.	663	Cunningham, Vernon A.	Bangor, Maine	1532	Bray, Robert A.	Shawnee, Kan.
113	Horner, William F.	Sun City West, Ariz.	763	Walker Jr., Henry C.	Springfield, Mo.	1544	Brown, Donald R.	Palm Springs, Calif.
166	Steely, Charles E.	Pocatello, Idaho	771	Martin, Wendell E.	Lake Havasu City, Ariz.	1544	Follick, William T.	Roswell, N.M.
171	Neitzel, Thomas J.	Aurora, Ill.	772	Stovall, Roy L.	Florence, Ala.	1571	Damstra, Donald I.	Deming, N.M.
194	Gilliland, Stephen	Mishawaka, Ind.	811	Rowan, Ralph P.	Carlsbad, Calif.	1687	Payne, David L.	Belen, N.M.
195	Jones, Chris D.	Knoxville, Ill.	830	Malone, Thomas B.	Chambersburg, Pa.	1823	Harmack, Eugene J.	St. Louis, Mo.
202	Cohagan, Gerald L.	Broomfield, Colo.	911	Bicha, Edward J.	Minneapolis, Minn.	1831	Pace, Vito W.	Malverne, N.Y.
212	Stark, Robert E.	Coxsackie, N.Y.	933	Brown, Delmer E.	Lohman, Mo.	1933	Ruff, Joseph R.	Connellsville, Pa.
221	Orrick, Kelly E.	Benton, Ark.	941	Howard, Eddie L.	Smiths Station, Ala.	1949	Updegraff, Robert L.	Columbia, Pa.
238	Berg, Lavell M.	Layton, Utah	1035	Thomas, John	Frostproof, Fla.	1973	Studer, James F.	Centerville, Iowa
256	Parks, William C.	Albany, N.Y.	1059	Olander, Arnold G.	Minot, N.D.	1975	Odell, Edward J.	Torrington, Wyo.
262	Garrity-Barnett, Kay	Quincy, Mass.	1062	Runnels, Ronald E.	Huntington, W.Va.			



## RRB Q&A: Maintaining current connection for some benefits

Continued from Page 10  
after.

### 2. Can non-railroad work before retirement break a former railroad employee's current connection?

Yes. Full or part-time work for a non-railroad employer in the interval between the end of the last 30-month period including 12 months of railroad service and the month an employee's annuity begins, or the month of death if earlier, can break a current connection, even with minimal earnings.

Self-employment in an unincorporated business will not break a current connection. However, if the business is incorporated the individual is considered to be an employee of the corporation, and such self-employment can break a current connection. All self-employment will be reviewed to determine if it meets the RRA's standards for maintaining a current connection.

Federal employment with the Department of Transportation, National Transportation Safety Board, Surface Transportation Board, National Mediation Board, Railroad Retirement Board or Transportation Security Administration will not break a current connection. State employment with the Alaska Railroad, as long as that railroad remains an entity of the state of Alaska, will not break a current connection. Also, railroad service in Canada for a Canadian railroad will neither break nor preserve a current connection.

### 3. Is there an exception to these normal procedures for determining a current connection?

Yes. A current connection can also be "deemed" for purposes of a survivor or supplemental annuity if the employee completed 25 years of railroad service, was involuntarily terminated without fault from

his or her last job in the railroad industry, and did not thereafter decline an offer of employment in the same class or craft in the railroad industry regardless of the distance to the new position. (A "deemed" current connection does not satisfy the current connection requirement for an occupational disability.)

If all of these requirements are met, an employee may be considered to have a "deemed" current connection, even if the employee works in regular non-railroad employment after the 30-month period and before retirement or death. This exception to the normal current connection requirement was established by amendments to the RRA and became effective October 1, 1981. It only covers employees still living on that date who left the rail industry on or after October 1, 1975, or who were on leave of absence, on furlough or absent due to injury on October 1, 1975.

### 4. Would accepting a buy-out affect whether an employee could maintain a current connection under this exception?

Generally, in cases where an employee has no option to remain in the service of his or her railroad employer, the termination of the employment is considered involuntary, regardless of whether or not the employee receives a buy-out.

However, if an employee has the choice of either accepting a position in the same class or craft in the railroad industry or termination with a buy-out, accepting the buy-out is a part of his or her voluntary termination, and the employee would not maintain a current connection under the exception.

### 5. An employee with 25 years of service is offered a buy-out with the option of either taking payment in a lump sum or of receiving

### monthly payments until retirement age. Could the method of payment affect the employee's current connection under the exception?

No. The determining factor for whether the exception applies when a buy-out is paid is whether or not the employee stopped working involuntarily – not the payment option. The employee must always relinquish job rights to accept the buy-out, regardless of whether it is paid in a lump sum or in monthly payments. Neither payment option extends the 30-month period.

An employee considering accepting a buy-out should also be aware that if he or she relinquishes job rights to accept the buy-out, the compensation cannot be used to credit additional service months beyond the month in which the employee severed his or her employment relation, regardless of whether payment is made in a lump sum or on a periodic basis.

### 6. Where can a person get more specific information on the current connection requirement?

More information is available on RRB.gov or by contacting an RRB field office. It is important to know that while nearly all of the RRB's 53 field offices are physically closed to the public until further notice because of the COVID-19 virus outbreak, they remain accessible online and by phone. Customers are encouraged to contact their local office by accessing Field Office Locator at RRB.gov and clicking on Send a Secure Message at the bottom of their local office's page. Customers who prefer talking to an RRB employee can call the agency's toll-free number (1-877-772-5772); however, they may experience lengthy wait times due to increased call volume caused by COVID-19-related issues.

## ERMA lifetime maximum benefit increase in effect

The lifetime maximum benefit for the Railroad Employees National Early Retirement Major Medical Benefit (ERMA or GA-46000) Plan increased from \$171,100 to \$175,700 beginning Jan. 1, 2021.

At the end of 2001, labor and management had agreed on various procedures to administer the annual changes in the amount of the

lifetime maximum benefit under the ERMA Plan.

In conjunction with the formula established in 2001, a new lifetime maximum was calculated by utilizing the October 2020 consumer price index (CPI) data for Hospital and Related Services and Physician Services. The result is a lifetime maximum for 2021 of \$175,700.

For individuals who have reached the lifetime maximum, the incremental maximum available is applied to eligible expenses submitted for dates of service on or after the effective date of the new maximum. For 2021, this amount will be \$4,600.

This change applies to all railroads and crafts participating in ERMA.



In this photo courtesy of SMART-TD Auxiliary President Kathryn Seegmiller, now-retired Utah State Legislative Director F. Jay Seegmiller poses with actress Melissa Gilbert.

## F. Jay Seegmiller, Utah SLD, retires

After decades of service and a rail career that spanned more than four decades, Brother **F. Jay Seegmiller** retired Dec. 1.

Seegmiller was the fourth generation of his family to work on the railroad when he hired out for Union Pacific Railroad in July 1976. In August 1987, he took a leave of absence from UP to work for Amtrak. He was elected to the then-United Transportation Union's Utah State Legislative Board in 1988.

Seegmiller became Utah's assistant state legislative director in 1997 and acting state legislative director in 2000 when SLD **G. Scott Belden** took the chief of staff position for UTU National Legislative Director **James Brunkenhoefer**. Brother Seegmiller officially became Utah's SLD in 2005 after the passing of Brother Belden and served in that capacity for more than 15 years.

"I had not planned on retiring now ... but with COVID-19 and so many members furloughed it seemed like the right thing to do," said Seegmiller, a union member for more than 44 years.

He is succeeded as SLD by **Daniel T. Brewer** of Local 1554.

Seegmiller ran for the Utah State Legislature in 2006 against Greg Curtis, the sitting Utah Speaker of the House and lost by just 19 votes. In 2008, Seegmiller ran again and made national news by defeating Curtis. It was the first time a sitting Speaker of the House had lost their election in over 30 years in Utah.

Brother Seegmiller often said that if he could defeat a sitting Speaker of the House running as a "Labor Democrat" in a deep red state like Utah, then more of our members should run for public office across the country.

He held several union leadership positions in addition to Utah SLD over the last 36 years, including Local 1366 vice president, local chairperson, local president and United Transportation Union Insurance Association (UTUIA) field supervisor. Brother Seegmiller will continue as a UTUIA field representative and as an active member of the SMART-TD Auxiliary and the SMART-TD Alumni Association.

"I'm looking at it as more of a rewiring instead of retiring," he said. "Now that it has fully sunk in that I am no longer working on trains or serving our SMART-TD members, which has been my life for nearly 45 years, I am looking forward to serving by organizing and helping our UTU/SMART-TD retirees and our SMART-TD extended families, which should also benefit our active members."

Seegmiller, the father to the International President of the SMART-TD Auxiliary **Kathryn Seegmiller**, is beginning the process of establishing a SMART-TD Alumni Association chapter in Utah.

SMART-TD wishes Brother Seegmiller a long, happy and healthy retirement!



# HOW A VACANCY IS FILLED IN AN LCA

Although regular elections for local committees of adjustment (LCAs) will not occur until 2022, positions may become vacant in the meantime for various reasons (retirement, resignation, etc.), creating what is known as a “permanent vacancy.” The following Q & A is intended to address common questions related to filling these positions.

**Are vice chairpersons appointed by the local chairperson?**

No. The SMART Constitution Article 21B, Section 81, indicates LCA officers must be elected.

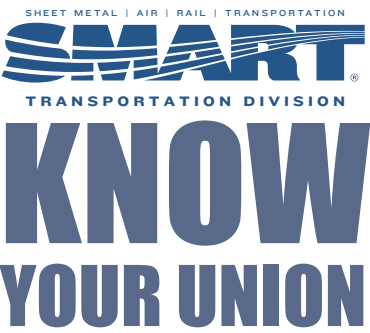
**How does my local fill a vacancy in the offices of local chairperson, vice chairperson, or LCA secretary?**

A notice must be posted at

least 10 days in advance of a nomination meeting where nominations will be taken. Nominations may also be made by petition (signed by five LCA members eligible to vote). If, at the nomination meeting, only one member is nominated, that member can be declared elected by acclamation. If more than one nomination is received, an election shall be held. A report of the election of the new committeeperson is to be forwarded to the SMART-TD office.

**Who is eligible to be a candidate, make nominations, and vote?**

Candidates for LCA positions must be members of the local and hold seniority rights in one of the crafts under the jurisdiction of the LCA. Only members working under the jurisdiction of the LCA involved are eligible



to make nominations and vote.

**May a member serve on more than one LCA?**

It has been ruled that a member may not serve on more than one LCA under the jurisdiction of a given general committee of adjustment (GCA) at the same time.

**Can an LCA add an additional vice local chairperson position?**

Yes. Members of an

affected LCA can take action at a meeting attended by a quorum of LCA members (at least five members) to establish an additional vice local chairperson position for the LCA. To do so, a member of the LCA must propose the establishment of the position, with an effective date. Another member must second the motion, debate should be conducted, and then a vote taken (by voice or show of hands among the LCA members at the meeting). If members of the LCA adopt the motion for establishment of the additional vice local chairperson position, a notice must be posted at least 10 days in advance of the meeting at which nominations will be taken. A report of the establishment of the new office and the election of the new committeeperson is to be forwarded to the SMART-TD office.

**What are the duties of a vice chairperson?**

The SMART Constitution Article 21B, Section 8, states in pertinent part that “...It shall be the duty of the Vice Chairperson to handle matters referred to the Local Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee shall act as Chairperson when the Chairperson is unable to perform their duties, and in case of a permanent vacancy in the office, they shall act as Chairperson until the office is filled as provided in Section 57. When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.”

# NTSB confirms air-brake failure caused fatal 2018 wreck

The National Transportation Safety Board (NTSB) determined on Jan. 25 that an airbrake failure caused a fatal collision between two Union Pacific trains in Granite Canyon, Wyo., on Oct. 4, 2018.

Members **Benjamin Brozovich** and **Jason V. Martinez** of Local 466 (Cheyenne, Wyo.) were killed in the collision. According to the NTSB, the collision occurred when the air brakes on their east-bound freight train failed while going down a hill. An air flow restriction in the brake pipe caused the air brake system to fail, and the end-of-train device failed to respond to an emergency brake command, NTSB reported. As a result, the runaway train collided with the rear of a stopped UP train while going approximately 55 mph.

The lead locomotives of the striking train and railcars of both trains derailed.



Brozovich



Martinez

The NTSB investigation revealed Martinez, the engineer, applied the emergency brake as the train descended, however, the train’s speed continued to increase. After the emergency brake application, the crew received a “front-to-rear no communication” message indicating the emergency brake request was not received at the end-of-train device, which would have initiated an emergency brake application from the rear of the train.

In its report, NTSB noted UP’s failure to maintain its railcars, including regularly performing single railcar air brake tests as required by federal regulations, con-



In this Union Pacific aerial photo taken Oct. 5, 2018, provided by the NTSB, the derailed railcars of two UP trains involved in a collision in Granite Canyon, Wyo., are seen at the accident site.

tributed to the collision. “Had Union Pacific followed the rules and conducted air brake tests, any defects would likely have been identified and this accident could have been prevented,” said Robert Hall, NTSB Director of the Office of Railroad, Pipeline and Hazardous Materials Investigations. “This accident is an

example of the industry not complying with federal regulations that are already in place to ensure transportation safety.”

Regulatory communication protocols in place at the time of the collision, allowed for an extended lapse in communication between the head-of-train device and the end-of-train device without

warning the train crew of the loss of communication. NTSB determined these protocols also contributed to the collision.

The NTSB issued four safety recommendations to the Federal Railroad Administration, Association of American Railroads and the American Short Line and Regional Railroad Association, based on the findings of its investigation. These safety recommendations address safety issues including railcar maintenance, inspection and testing limitations of emergency brake command to end-of-train device, head-of-train and end-of-train communication loss duration and grade locations on railroad lines with communication loss.

The final report, which includes the findings, probable cause, and all safety recommendations, is available at [www.nts.gov](http://www.nts.gov).

## We'll bring the news to you if you share your news with us!

Email SMART Transportation Division's Public Relations Department at [news\\_TD@smart-union.org](mailto:news_TD@smart-union.org) and let us know about anything you'd want to see in the newspaper, on the web or on social media, and stay up to date at the union's website and social media accounts.



# Local 584 member dies in on-the-job accident



Davis

**Tyrone Davis**, 40, of Local 584 (Meridian, Miss.), passed away the morning of Dec. 23 in Tupelo, Miss., after an on-the-job accident. Known as “Mr. T” by co-workers, he had been a SMART-TD member since April 2018, and had about 10 years of seniority

as a conductor for Kansas City Southern Railroad. “I trained him — he was a good guy,” Local Chairperson and Secretary & Treasurer **Timothy Dallas** said. The National Transportation Safety Board is investigating Brother Davis’s death, which

occurred after he was riding a tank car. SMART-TD union officers are involved in leading the investigation of the incident. The fatality was the fourth on-the-job death of a member of our union in 2020. Brother Davis leaves behind a wife and children.

Dallas said that members of the local are donating money to assist Brother Davis’ survivors. SMART Transportation Division offers its condolences to Brother Davis’ family, his friends and his brothers and sisters in Local 584.

## IN MEMORIAM

**Kenneth “Bubba” Clark**  
**Age:** 53  
**Local** 577  
Died April 23, 2020, while working in Proviso, Ill.



**Ryan J. Sandy**  
**Age:** 37  
**Local** 662  
Died Oct. 12, 2020, in an accident at Acca Yard in Henrico County, Va.

**Paul M. Payne**  
**Age:** 39  
**Local** 1397  
Died Nov. 22 while working in a yard in Fostoria, Ohio.



**Tyrone Davis**  
**Age:** 40  
**Local** 584  
Died Dec. 23 in an on-the-job accident in Tupelo, Miss.



WE REMEMBER THOSE WHO LOST THEIR LIVES WHILE PERFORMING SERVICE IN 2020.

## Keith Shulaw, retired Local 1075 conductor and former president, was unafraid of cold

Retiree **Keith Shulaw**, 73, of Flat Rock, Mich., a retired member of Local 1075 (Trenton, Mich.) passed away Dec. 2, 2020, at Beaumont Hospital in Trenton.



Shulaw

A union member who joined in July 1969 and worked for 36 years as a Canadian National conductor, Brother Shulaw gained a bit of enduring notoriety when co-worker **W.G. Glinke** took his photo on a frigid day in January 2005 while working a hump job in Flat Rock, Mich. “We had blizzard conditions that day, but he has this incredible work ethic and did not take a break until the entire cut was humped, which took some time, since the switches kept filling up with snow and caused constant delays,” Glinke recalled in 2005. “I couldn’t contain myself when I saw his appearance when we finally came inside, and I had to take the picture.” The photo of the frozen-bearded Shulaw has been used frequently on the union website and in the TD News to illustrate the dedication and the harsh cold-weather conditions some of our members toil through. “There are people that come into your life that leave an impression on your

heart and Keith is one of them,” said **John Purcell**, who works in the TD Field Support Department. “Keith’s smile and laughter always lit up the work place or when you ran

into him in public!” A veteran of the U.S. Navy and reserves from 1965 to 1971, Brother Shulaw was a president of his local, a member of American Legion 426, Downriver Veterans Honor Guard, Flat Rock Elks, Woodhaven Moose and Lincoln Park Eagles. He also was the rarest of all sports fans — an Ohio State Buckeye fan who lived in Michigan. “Keith made sure to trash talk about the long-standing college football rivalry Michigan vs. Ohio State Buckeyes football games,” Purcell said. “Keith was an avid OSU fan and he made sure you knew it!” Brother Shulaw is survived by his wife, Patricia Ann; two sons; four grandchildren and a great-granddaughter. “May God bless his soul. I send my thoughts and prayers to the Shulaw family,” Purcell said. SMART-TD joins Purcell in offering its sincere condolences to Brother Shulaw’s family, his friends and his Local 1075 brothers and sisters.

## Two members in California pass away from COVID-19

**Angel Lomeli**, a 14-year member of our union, passed away Jan. 5 from COVID-19. He was 48 years old. Brother Lomeli was a member of Local 1846 (West Colton, Calif.) and worked as a trainman for Union Pacific.



Lomeli

“God gained the absolute best angel today, we miss you, but a soul as beautiful as yours will never be forgotten,” his family wrote on a memorial fundraiser page in his memory. He is survived by his wife, five children and four grandchildren. Brother **Miguel “Mike” Gaitan**, 64, an active SMART Transportation



Gaitan

Division member out of Local 1241 (Richmond, Calif.), passed away Friday, December 11, 2020, from COVID-19. An engineer with BNSF, he joined our union in February 1995. “Fellow employees state that Mike was hard-working, respected and kind,” California State Legislative Director **Louis Costa** said. “He always made railroad

get-togethers with his union brothers and sisters a priority. “Mike was larger than life, his kindness, his funny laugh and his ability to be a leader in the railroad family was not rivaled,” Costa said. “He will be deeply missed.” Brother Gaitan is survived by his wife, Alice, and four children, Megan, Mike Jr., Santiago and Dolores. He also had two grandchildren. The SMART Transportation Division offers its heartfelt condolences to the families, friends and to all of Brother Lomeli and Brother Gaitan’s brothers and sisters in Locals 1846 and 1241.

## Norman ‘Norm’ Patterson of Local 9, was LCA-020 vice local chairperson

**Norman “Norm” Patterson Jr.**, 52, of Lubbock, Texas, vice local chairperson of LCA-020 and a member of Local 9 (Slaton, Texas), passed away Jan. 5 after a battle with cancer.



Patterson

A member of our union since 2006, Brother Patterson was a conductor for BNSF, and he had served as a vice local chairperson since 2014. “He was very involved in

his union and was always there to help his fellow brothers,” his family stated in his obituary. Brother Patterson took great pride in his railroad job, his family wrote. A memorial gathering to remember him is to occur in July. He is survived by his wife, Brenda, and two sons, Austin and Tristan.

## Norbert Sandoval, Local 240 retiree

**Norbert A. Sandoval**, a retired switchman from Local 240 passed away Oct. 2.



Sandoval

Sandoval joined the union in 1977. “He was a great friend and a great switchman,” said Local 1813 President **Richard Acuna**. “He will be missed by all his family and friends. Via con dios, Hermano!”





Eve Andrijowych, daughter of SMART-TD Field Support Coordinator Katy Andrijowych, captured this photo of a 10-car derailment of a Norfolk Southern train that occurred in Amherst Township, Ohio, west of Cleveland, in mid-December.

# Derailment recap for 2020

As part of its attempts to monitor safety in the railroad industry, SMART-TD tracked available news reports of derailments that involved TD-represented carriers throughout the last year.

**Total derailments reported by media found:** 140

**State with most reported derailments:** Illinois with 9

**Carrier with most reported derailments in those media reports:** Union Pacific, 29

## Class I rail carriers file their 4Q and annual earnings reports

**4th Quarter 2020**  
**Net Earnings:** Increased 17% to C\$1.021 billion from C\$873 million  
**Earnings Per Share:** Increased 17% to C\$1.44 per share from C\$1.22 per share  
**Revenue:** Increased 2% to C\$3.66 billion from C\$3.58 billion  
**Operating Income:** Increased 16% to C\$1.41 billion from C\$1.22 billion  
**Operating Expenses:** Decreased 5% to C\$2.25 billion from C\$2.37 billion  
**Operating Ratio:** Improved 4.6 points to 61.4% from 66.0%



**2020 Annual Earnings**  
**Net Earnings:** Decreased 16% to C\$3.562 billion from C\$4.216 billion  
**Earnings Per Share:** Decreased 14% to C\$5.01 per share from C\$5.85 per share  
**Revenue:** Decreased 7% to C\$13.82 billion from C\$14.92 billion  
**Operating Income:** Decreased 15% to C\$4.78 billion from C\$5.59 billion  
**Operating Expenses:** Decreased to C\$9.04 billion from C\$9.32 billion  
**Operating Ratio:** Worsened by 2.9 points to 65.4% from 62.5%

**4th Quarter 2020**  
**Net Earnings:** Increased 21% to C\$802 million from C\$664 million  
**Earnings Per Share:** Improved 23% to C\$5.97 per share from C\$4.84 per share  
**Revenue:** Decreased 3% to C\$2.01 billion from C\$2.07 billion  
**Operating Income:** Increased by 4% to C\$928 million from C\$890 million  
**Operating Expenses:** Decreased 8% to C\$1.084 billion from C\$1.18 billion  
**Operating Ratio:** Improved by 310 basis points to a record-low 53.9% from 57.0%



**2020 Annual Earnings**  
**Net Earnings:** Increased to C\$2.444 billion from C\$2.440 billion  
**Earnings Per Share:** Increased 3% to a record C\$18.05 per share from C\$17.58 per share  
**Revenue:** Decreased 1% to C\$7.71 billion from C\$7.79 billion  
**Operating Income:** Increased 6% to C\$3.31 billion from C\$3.12 billion  
**Operating Expenses:** Decreased 6% to C\$4.4 billion from C\$4.67 billion  
**Operating Ratio:** Improved 280 basis points to a record-low 57.1% from 59.9%

**4th Quarter 2020**  
**Net Earnings:** Decreased 1% to \$760 million from \$771 million  
**Earnings Per Share:** Stayed flat at \$0.99 per share  
**Revenue:** Decreased 2% to \$2.825 billion from \$2.885 billion.  
**Operating Income:** Increased 5% to \$1.215 billion from \$1.154 billion  
**Operating Expenses:** Decreased 7% to \$1.61 billion from \$1.731 billion  
**Operating Ratio:** Improved 300 basis points to a record 57.0% from 60.0%



**2020 Annual Earnings**  
**Net Earnings:** Decreased 17% to \$2.765 billion from \$3.331 billion  
**Earnings Per Share:** Decreased 14% to \$3.60 per share from \$4.17 per share  
**Revenue:** Decreased 11% to \$10.583 billion from \$11.937 billion  
**Operating Income:** Decreased 12% to \$4.362 billion from \$4.965 billion  
**Operating Expenses:** Decreased 12% to \$4.326 billion from \$4.965 billion  
**Operating Ratio:** Worsened to 58.8% from 58.4%

**4th Quarter 2020**  
**Net Earnings:** Increased to \$165.7 million from \$127.2 million  
**Earnings Per Share:** Increased 38% to \$1.81 per share from \$1.31 per share  
**Revenue:** Decreased 5% to \$693.4 million from \$729.5 million  
**Operating Income:** Increased to \$262.3 million from \$236.0 million  
**Operating Expenses:** Decreased to \$431.1 million from \$493.5 million  
**Operating Ratio:** Improved 5.4 points to 62.2% from 67.6%



**2020 Annual Earnings**  
**Net Earnings:** Increased to \$617.0 million from \$538.9 million  
**Earnings Per Share:** Increased to \$6.57 per share from \$5.42 per share  
**Revenue:** Decreased 8% to \$2.633 billion from \$2.867 billion  
**Operating Income:** Increased to \$1.003 billion from \$886.3 million  
**Operating Expenses:** Decreased to \$1.63 million from \$1.98 million  
**Operating Ratio:** Improved to 61.9% from 69.1%

**4th Quarter 2020**  
**Net Earnings:**



Increased 1% to \$671 million from \$666 million  
**Earnings Per Share:** Increased 4% to \$2.64 per share from \$2.55 per share  
**Revenue:** Decreased 4% to \$2.6 billion from \$2.7 billion  
**Operating Income:** Increased 2% to \$1.0 billion from \$962 million  
**Operating Expenses:** Decreased 8% to \$1.59 billion from \$1.73 billion  
**Operating Ratio:** Improved 4% to an all-time quarterly record of 61.8% from 64.2%

**2020 Annual Earnings**  
**Net Earnings:** Decreased 13% to \$2.0 billion from \$2.7 billion  
**Earnings Per Share:** Decreased 10% to \$7.84 per share from \$10.25 per share  
**Revenue:** Decreased 13% to \$9.8 billion from \$11.3 billion  
**Operating Income:** Decreased 13% to \$3.0 billion from \$4.0 billion  
**Operating Expenses:** Decreased 7% to \$6.8 billion from \$7.3 billion  
**Operating Ratio:** Worsened to 69.3% from 64.7%

**4th Quarter 2020**  
**Net Earnings:** Decreased 2% to \$1.38 billion from \$1.40 billion  
**Earnings Per Share:** Increased 1% to \$2.05 per share from \$2.03 per share  
**Revenue:** Decreased 1% to \$5.1 billion from \$5.2 billion  
**Operating Income:** Decreased 4% to \$2.0 billion from \$2.1 billion  
**Operating Expenses:** Increased 1% to \$3.13 billion from \$3.11 billion  
**Operating Ratio:** Worsened 1.3 points to 61.0% from 59.7%



**2020 Annual Earnings**  
**Net Earnings:** Decreased 10% to \$5.3 billion from \$5.9 billion  
**Earnings Per Share:** Decreased 6% to \$7.90 per share from \$8.41 per share  
**Revenue:** Decreased 10% to \$19.5 billion from \$21.7 billion  
**Operating Income:** Decreased 8% to \$7.8 billion from \$8.6 billion  
**Operating Expenses:** Decreased 11% to \$11.7 billion from \$13.2 billion  
**Operating Ratio:** Improved 0.7 points to 59.9% from 60.6%

*Editor's note: The earnings of BNSF parent company Berkshire Hathaway had not been released as of press time. The data will be posted on the SMART-TD website when released.*



GUEST COLUMN

Solidarity fills the void as member awaits recall

By Nathan Hatton  
Member, SMART-TD Local  
168 (Chicago, Ill.)

I'm 28 years old and already on the third railroad of my career as a conductor. My name is Nate Hatton and like many of my co-workers, I am trying to survive my first furlough from Amtrak, which began Nov. 1, 2020. As railroad employees, many of us have been through furloughs before or have had to relocate to a terminal hundreds of miles from our homes.

Though I have been furloughed the past few months, I've continued to stay involved with my local union. I am a member of Local 168, and since November have been consistently participating in anything that could help get us back to work sooner rather than later. This includes sending countless letters and emails to government officials. People I've worked with often ask, "Why do you still care what the union is doing?" I tell them that I'm proud of what we can do and accomplish together.



Hatton

The union is fighting for us now more than ever. Together we fight for the outright preservation of our careers, the rights of railroad workers, as well as the safety of ourselves and the public!

On Sept. 30, 2020, SMART-TD members organized rallies at train stations across the country. We rallied for continued funding and against the furlough of Amtrak crews, many of whom worked through the pandemic while management was safe at home, only to be furloughed come November.

At the rally we held in Dearborn, Mich., brothers and sisters from CSX Local 1760, CN Local 1709, NS Locals 278 and 1438 and Conrail Local 1477, along with Sheet Metal workers from Local 80 and TWU Local 2051 all joined together to support us despite being employed by separate railroads under dif-

ferent circumstances and conditions of daily life. I carefully observed the lesson taught here: We are in this together!

Whether we are delivering freight to keep critical infrastructure running or getting passengers to a doctor's appointment, all our work has dignity. As brothers and sisters, we must always watch out for each other, not only on the rails, but in all of life.

I'm confident we will beat the challenges of this pandemic. Even though I am furloughed, the benefits achieved through our union, such as health benefits, continue to assist me. The attention that is being paid to tackling the concerns of railroad men and women, no matter where they are, has given me hope for the future where we will certainly be back on our trains or out along the yard lead. We could possibly find ourselves on routes that have not seen passenger trains in decades!

We are stronger together and to secure our success, I will continue to be engaged with our union.



Nathan Hatton, center, a member out of Local 168 (Chicago, Ill.) and Michigan State Legislative Director Donald Roach demonstrate Sept. 30 in Dearborn, Mich., to protest Amtrak furloughs.

We all need to become involved members; you will surely find yourself surrounded by brotherhood and sisterhood with shared values.

Nathan Hatton has been a member of our union since November 2018.

# It's time to apply for UTUIA scholarships!

## UTUIA scholarships remain at \$2,000 per student per year for 2021!

50 two-year Trade School Scholarships and 50 four-year College Scholarships available for 2021!

This year, UTUIA has committed once again to supporting the children and grandchildren of our members by continuing to offer 50 four-year college scholarships and 50 two-year trade school scholarships, both at **\$2,000.00 per student, per year**.

Currently, UTUIA is paying out on almost 200 scholarships! We encourage all members of SMART-TD to support these ongoing fraternal benefits by becoming a member of UTUIA through ownership in our uniquely designed insurance plans.

"For over 150 years, we have served the members of SMART-TD by providing insurance protection and fraternal benefits and we are committed to supporting our members for the next 150 years," said UTUIA President Ken Laugel.

The deadline for scholarship applications is March 31, 2021. For more information about scholarship requirements and to apply, visit [www.utuia.org/scholarships](http://www.utuia.org/scholarships).

Fraternally,



Ken Laugel  
President, UTUIA



**UTUIA**  
FRATERNAL INSURANCE BENEFITS

### College & Trade School Scholarship Program Rules

#### DISTRIBUTION

Fifty continuing \$2,000 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of SMART Transportation Division members in each of nine districts. The names of the 50 scholarship winners for the academic year 2021/2022 will be drawn at UTUIA headquarters in North Olmsted after the March 31 deadline for submission of applications.

#### ELIGIBILITY

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

**Applicants must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder.**

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

Applications must be received **no later than March 31, 2021**. Please submit **only one application per student**. Incomplete or duplicate applications will not be accepted.

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

#### AWARDS

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

#### ADMINISTRATION

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

#### CONTACT

Further questions may be directed to Beth Thomas by calling **216-227-5254**, or by emailing "[ethomas@utuia.org](mailto:ethomas@utuia.org)." Visit [www.utuia.org](http://www.utuia.org) for complete rules and to apply.

Dist.	# of Scholarships
1 Conn., Maine, Mass., N.H., N.Y., R.I., Vt.	5
2 Del., D.C., Md., N.J., Pa.	4
3 Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn., Va., W.Va.	9
4 Ind., Mich., Ohio	4
5 Ill., Wis.	4
6 Ark., La., Okla., Texas	6
7 Iowa, Kan., Minn., Mo., Neb., N.D., S.D.	6
8 Ariz., Calif., Colo., Hawaii, Nev., N.M., Utah	9
9 Alaska, Idaho, Mont., Ore., Wash., Wyo.	3



Featured photo showcase



Have a camera? Get your photo featured in the TD News

SMART Transportation Division is always looking for good photos and your picture can be featured on this page.

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](mailto:news_td@smart-union.org). We prefer horizontal photos. Be sure that your camera is set to the large resolution setting when taking the photo or it might not reproduce well in print.

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 and can be used in future projects.

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

Canadian National locomotive 5246 approaches Canadian Pacific Raven on the Grand Trunk Western Holly Subdivision in this photo taken on Jan. 26, 2021, by Local 168 (Chicago, Ill.) member **Nathan Hatton**.

Other transportation scholarships

In addition to the scholarships offered by the UTUIA detailed on Page 15, below is a list of some other transportation industry scholarships that you or your children/grandchildren may be eligible for.

- **Tom D. Eilers Scholarship** - Application due by March 31. Visit [www.utuia.org](http://www.utuia.org) for more information.
- **Tealinc Scholarship** - For children or dependents of a person working in the rail industry. Application due by March 31. Visit <http://www.tealinc.com/news-education/tealinc-scholarship/> to apply.
- **Frank J. Richter Scholarship** - This \$1,000 scholarship is sponsored by the American Association of Railroad Superintendents. Visit [www.supt.org/FrankJRichter](http://www.supt.org/FrankJRichter) for more information and to apply.
- **ABA Foundation Scholarships** - The American Bus Association Foundation (ABA) offers scholarships to full-time employees and their children, whose employer is a member of the ABA. Employees of Coach USA, among others, are eligible. Applications are being accepted between January and April at [www.buses.org/aba-foundation/scholarships](http://www.buses.org/aba-foundation/scholarships).
- **Al H. and James Chesser Scholarship** - named after former UTU President **Al H. Chesser** and his father, the award is given to law students at Southern Illinois University who are or have a parent, guardian, grandparent, aunt or uncle who is a member of the UTU or successor labor organization. <https://siu.academic-works.com/opportunities/22898>
- **SMART-TD Auxiliary Scholarship** - Must be a member, child or grandchild of an Auxiliary member in good standing who has been a member for at least a year. Apply at <https://www.smarttdauxiliary.org/scholarship-application.html> before March 31.

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

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

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

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

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

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



Thomson

Local 6 member travels to Capitol to show support

**Frank Williams**, a member of Local 6 (Indianapolis), saw what unfolded in the Jan. 6 insurrection at the U.S. Capitol and was moved to journey to Washington, D.C., for the inauguration to show his support for the nation.

He found himself featured in an article published on online news outlet Buzzfeed.

“I am moderately conservative, but when I saw what they did to the Capitol, I thought, I got to protect what I can and counterprotest,” Williams told reporter Brianna Sacks. “It was terrible what they did, and it was all based on lies.”



Williams