



## INFRASTRUCTURE INVESTMENT AND JOBS ACT BECOMES LAW

## More Amtrak, more oversight, plus bus, transit protections

President Joe Biden signed on Nov. 15 the Infrastructure Investment and Jobs Act (IIJA) that will expand U.S. passenger rail service, lead to improved safety measures for bus and transit operators and adjust how freight rail safety is handled by the Federal Railroad Administration.

The bill provides \$1.2 trillion in funding for infrastructure, with a large proportion of the funding going directly to Amtrak as well as public transportation — ensuring transformative investment in jobs and improvements and expansions of service well into the future.

“Our union was proud to stand with President Biden today to sign this historic bill into law. It will create good, union jobs and put SMART members to work improving indoor air quality in our schools and in commercial and residential buildings. It also makes long-overdue railroad safety improvements and will help school districts across the country buy clean, American-made, zero-emission buses that will drive demand for the products and services provided by SMART sheet metal workers,” union leadership stated after the bill’s signing, which was attended by SMART General President **Joseph Sellers Jr.**,



SMART General President Joseph Sellers Jr. (third row, center) attends the signing by President Joe Biden of the Infrastructure Investment and Jobs Act (IIJA) on Nov. 15.

### IIJA'S BIG BENEFITS FOR RAIL

The law specifically provides to Amtrak:

- **\$6 billion** for Northeast Corridor grants
- **\$16 billion** for the national network
- **\$36 billion** for federal-state partnerships for intercity passenger rail
- **\$5 billion** for Consolidated Rail Infrastructure and Safety Improvements (CRISI)
- **\$3 billion** for railroad crossing elimination program
- **\$50 million** for restoration and enhancement



SMART-TD D.C. Legislative Director **Jarad Jackson** of Local 1933 (Washington, D.C.) and Local 610 (Baltimore, Md.) Chairperson **Michael Harbin** as well as three members of SM Local 100 (Washington, D.C. and vicinity).

“This legislation is a significant achievement and was

made possible by SMART members who called, emailed and attended events, urging members of Congress to pass this bill. We express our gratitude to President Biden, House Speaker Nancy Pelosi, Senate Majority Leader Chuck Schumer and all of the members of Congress who

worked diligently on this legislation,” the union statement continued. “While this legislation is remarkable, the job isn’t done. Congress now must deliver on its promise and also pass the Build Back Better Act right away. We urge Congress to act

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## FRA nominee Bose meets SLDs

Federal Railroad Administration (FRA) Deputy Administrator Amit Bose’s nomination by President Joe Biden to become administrator of FRA was advanced Oct. 20 by the U.S. Senate’s Commerce, Science and Transportation Committee.



Bose

Along with Bose, the nomination of Meera Joshi to be administrator of the Federal Motor Carrier Safety Administration (FMCSA) also was advanced to the full U.S. Senate by a 22-6 committee vote. A timetable for the full Senate to consider Bose’s and Joshi’s nominations has not yet been set as of press time.

In related news, Bose was a passenger aboard the Amtrak Wolverine route from Chicago to Detroit with three SMART Transportation Division state legislative directors and also appeared at a news conference at Chicago’s Union Station in October as the Midwest Interstate Passenger Rail Commission (MIPRC)

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### Inside this issue

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# FRA's Bose discusses agency's role during monthly session of state legislative officers

Amit Bose is not a stranger to the concerns of rail labor, nor to what our freight rail members want to see involving matters of railroad safety.

Currently the deputy administrator of the Federal Railroad Administration (FRA), Bose worked with former Federal Railroad Administrator and SMART-TD Illinois State Legislative Director **Joe Szabo** of Local 1290 (Chicago) during his first stint at the agency.

Now the nominee of President Joe Biden to lead FRA pending confirmation by the U.S. Senate, Bose took the time to talk with members of the National Legislative Department and state legislative directors during their monthly Zoom call Oct. 11.

"Amit has answered every call and has been where he needs to be," Alt. National Legislative Director **Jared Cassity** told the group, remarking that Bose traveled to the scene of the fatal derailment in Joplin, Wyo., that killed three passengers traveling on Amtrak's Empire Builder train that is currently under investigation by federal safety officials.

"It goes without saying that safety remains our highest priority," Bose said in his remarks to the SMART-TD state legislative directors (SLDs) and other attendees. "As an agency, FRA is going to take all steps to ensure an incident like Joplin never happens again."

One major safety issue, freight crew size, is likely to be taken up again by FRA. A Notice of Proposed Rulemaking (NPRM) regarding a regulation covering minimum freight crew size is anticipated in early 2022 to address what Bose sees as a "patchwork" of regulations with numerous states issuing laws regarding minimum crew size.

During the call, Bose pledged to recommit the agency to many long-standing safety-oriented initiatives that had been left idle under his immediate predecessor, Ron Batory, a former Conrail CEO who was appointed by Donald Trump.

This means that collaboration between FRA and rail labor such as the Switching Operations Fatality Analysis (SOFA), which did not issue a single update from March 2019 to October 2020, the Confi-



From left, SMART Transportation Division Minnesota State Legislative Director Nick Katich, Michigan SLD Don Roach, Amtrak employee Stefan Schweitzer, FRA Deputy Administrator Amit Bose, TD Local 168 (Chicago, Ill.) member Keisha Hamb-Grover and Illinois State Legislative Director Bob Guy stand at Chicago's Union Station on Oct. 13.

dential Close Call Reporting System (C3RS), the newly rechartered Rail Safety Advisory Committee (RSAC) and Fatality Analysis of Maintenance-of-way Employees and Signalmen group, will be a priority and rail labor's participation in these efforts will be increased, Bose said.

"I extend my full support in joint efforts between FRA and labor," Bose said.

Bose also detailed the "game-changing" efforts of the Biden administration that pushed the Infrastructure Investment and Jobs Act (IIJA) through Congress.

Describing it as one of the largest business investments in the nation's roads and rails, since Amtrak, Bose said it would lead to vast improvements for the U.S. railroad industry.

"President Biden, Secretary Buttigieg and I will help spark America's second great railroad revolution," Bose said.

Following his statement, Bose took questions from six SLDs.

**Louis Costa** of California asked about bringing passenger rail security standards more in line with airline security standards set forth by

the Transportation Security Administration (TSA).

"The aviation system has a robust system," Bose responded. "FRA has been talking with TSA to increase the presence of security on trains as a deterrent. That can be done immediately while legislation is awaited. We want to make sure Amtrak's crews feel safe. It's a work in progress."

SLD **Donald Gallegos** of New Mexico expressed concerns about the transport of spent nuclear fuel rods, recent derailments that occurred in the state and the weak condition of rails and asked if there is a plan to address these issues.

"We'll go back and make sure we pay attention to the tracks, make sure there's training and monitor the situation," Bose said. "It's in our sights."

He also mentioned FRA will be vigilant about long trains and openly wants SMART officers and members' input about potential risks.

In response to a question from Florida SLD **Andres Trujillo** regarding railroads' following Part 272 requirements, Bose said that his



**One major safety issue, freight crew size, is likely to be taken up again by FRA. A Notice of Proposed Rulemaking (NPRM) regarding a regulation covering minimum freight crew size is anticipated to be issued to address what Bose sees as a "patchwork" of regulations with numerous states issuing laws regarding minimum crew size.**

agency would "make sure rail carriers are complying with the things they need to do."

Iowa SLD **Chris Smith** asked about non-qualified personnel operating on main tracks, and Bose said that FRA is examining the issue and would follow up.

**Herb Krohn** of Washington commented on a problematic reorganization that the agency went through during the prior presidential administration and urged Bose that FRA treat the regulations it crafts as a floor rather than a ceiling.

"It's something we'll consider and hear from the states about. States definitely can have a role to play and serve as partners," Bose said. "FRA has work to do to reconstruct its relationship with workers. There was a lot to undo from the past four years. I appreciate everyone's patience and we are tackling these things bit by bit."

Utah SLD **Dan Brewer** asked about the fluid nature of COVID vaccine mandates and Bose said that FRA would maintain a channel of communication with labor as the situation develops.

In addition to Bose, Dave Kannenberg of the FRA's Office of Railroad Safety sat in on the discussion. He and Bose emphasized the role rail labor plays in the safe and efficient operations of the industry.

"The communication between us is so important," Bose told the group. "You are the eyes and ears on the ground."

## FRA Administrator nominee Amit Bose meets with midwestern SLDs, discusses rail planning

Continued from Page 1

unveiled its 40-year Midwest Regional Rail plan.

"Looking all the way through 2055, the plan addresses key corridor and investment priorities, potential funding strategies, and necessary governance structures identified by the states working with MIPRC," Bose said. "While America's

interstate highway system and commercial aviation industry are vital and indispensable, rail can and does play a key role in our multi-modal transportation system," Bose said. "Nowhere is that more evident than Chicago, the nation's rail hub."

SMART-TD Illinois State Legislative Director **Bob**

**Guy**, chairman of the commission, as well as Michigan SLD **Donald Roach** and Minnesota SLD **Nick Katich**, all spent time with Bose during the trip before MIPRC began its three-day-long meeting.

"It was wonderful to be able to spend time with Deputy Administrator Amit Bose while he was in Chica-

go and on the train to Detroit as part of the MIPRC annual meeting," Guy said. "It's clear that he is very aware of our serious concerns and frustrations with the previous FRA hierarchy, but his openness, communication and availability to our members and our leadership are a testament to his priorities and provides a glimpse into

how he values SMART-TD's input on issues affecting our members."

Days prior, Bose also was a guest on the SMART-TD National Legislative Office's monthly Zoom call Oct. 11 (see article above) where he discussed concerns brought up by both national and state officers.





SMART-TD D.C. Legislative Director Jarad Jackson of Local 1933 (Washington, D.C.) and Local 610 (Baltimore, Md.) Chairperson Michael Harbin and three members of SM Local 100 (Washington, D.C. and vicinity) attend the bill signing for the IIJA at the White House on Nov. 15..

## IIJA signed into law by president

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and send that bill to President Biden’s desk immediately.”

The Build Back Better Act, a companion bill dealing with labor and social projects that compliments the IIJA, was still under consideration by the U.S. Senate after passage by the House on Nov. 19.

The passage of the IIJA is a step ahead with the Biden administration fulfilling a pledge to make progress on revitalizing the nation’s transportation infrastructure.

“Bottom line, this is a big deal for us,” SMART Transportation Division National Legislative Director **Gregory Hynes** said in an email to TD members soon after the IIJA passed the House in the waning hours of Nov. 5 by a 228-206 vote.

Amtrak, the national passenger rail carrier, stands to benefit enormously. It will see its annual budget appropriations nearly double — “the most-significant investment in rail since the creation of Amtrak 50 years ago,” President Biden said Oct. 25 at an appearance in Kearny, N.J.

In addition to billions in financial support provided to Amtrak, passenger rail and public transportation, safety provisions important to SMART-TD bus and transit members were made into law. The bill instructs public transportation agencies to enhance practices related to the development of transit agency safety plans, improve safety training, reduce assaults on vehicle operators, and institute measures to reduce vehicular and pedestrian accidents involving buses. School bus safety also is a particularly important focus, with the DOT secretary directed to examine improvements in that area.

Also included are groundbreaking rail-safety policy provisions, including:

- Requiring a National Academies study on the safety of trains longer than 7,500 feet.
- Requiring FRA accident reports to include information on train length and number of cars, as well as the size of the crew on board.
- Increasing transparency for regulatory waiver requests, including requested suspensions of rules.
- Requiring the federal Department of Transportation (DOT) to create a process to better involve stakeholders, including rail labor representatives, in investigations.
- Requiring a quarterly report on failures and functions of Positive Train Control technology. This includes cutouts, malfunctions and enforcements where an accident was actually prevented.

At least one rail industry representative had high praise for the IIJA after its signing.

“Today marks a historic victory for the short line industry, the economies we support in large and small towns across America, and the thousands of industrial, manufacturing, energy, and agricultural customers we proudly serve daily. The passage of the IIJA brings an end to the Groundhog Day announcements by several administrations that the time to do an infrastructure bill is now, and instead ushers in an era of building that infrastructure,” American Short Line and Regional Railroad Association (ASLRRA) President Chuck Baker said.

The nation’s short lines stand to benefit from the legislation’s increased federal grant offerings.

# Local 800 legislative rep introduces President Biden at IIJA event in N.J.

As President Joe Biden appeared Oct. 25 at the New Jersey Transit Meadowlands Maintenance Complex in Kearny, N.J., it was SMART Transportation Division New Jersey State Legislative Board Vice Chairperson **Joseph Williams** (GCA-770), a New Jersey Transit engineer, who set the stage for the president’s speech about infrastructure legislation.

In his introduction of Biden, Williams, legislative representative of Local 800, a member of our union since February 2017 and a fourth-generation railroader, thanked N.J. Gov. Phil Murphy and N.J. Transit’s Kevin Corbett for their work in helping NJT improve service as well as U.S. Rep. Tom Malinowski for his work on Congressional infrastructure efforts on the Infrastructure Investment and Jobs Act (IIJA) in the U.S. House.

“I personally believe that the current infrastructure bill is important to New Jersey Transit rail operations, the residents of New Jersey and our neighboring states,” said the New Jersey native and father of three. “The funding would rebuild and modernize our aging transportation network. The rehabilitation of our system will help to preserve and create new railroad jobs.”

Williams’ 25-year rail career began as a diesel mechanic in the 1990s, and he became an engineer in 1999. He’s also risen to become vice chairperson of his GCA.

Improvements to stations



SMART-TD New Jersey State Legislative Board Vice Chairperson Joseph Williams introduces President Joe Biden at the NJT Meadowlands Maintenance Complex in Kearny on Oct. 25.

funded by the infrastructure effort also would remove impediments to access for N.J. Transit users, while the Gateway Project expansion would smooth out regional network challenges, Williams said.

“Our bridge and tunnel system into and out of New York is antiquated and unreliable,” Williams said. “Our general riding public that depends on this system to get to and from work deserves better.”

In his remarks, Biden, touring New Jersey as the bipartisan infrastructure bill and his Build Back Better agenda worked through Congress, paid particular attention to the middle-class jobs to be sustained and created by the leg-

islation and the need for improvement in the nation’s roads, rails and bridges.

“We invested in ourselves and in our people, our families,” President Biden said. “Somewhere along the way, we took our eyes off the ball. Our infrastructure used to be the best in the world.”

Now, he said, 12 other nations are considered to have better infrastructure thanks to years of implementation of failed “trickle-down” strategies and at least a decade without a transformative bill to address deterioration has not helped.

The IIJA’s passage and signing will play a role in improving that situation, Biden said.

## Unions file joint lawsuit against NS for PSR-driven crewing violations

The Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET) have joined forces to defeat efforts by Norfolk Southern Railway to supplant the train service crafts of conductors and brakemen by calling locomotive engineers to work their assignments.

SMART-TD President **Jeremy Ferguson** and BLET National President Dennis Pierce issued the following joint statement regarding their action over the autumn:

“On October 24, 2018, Norfolk Southern Railway announced plans to implement Precision Scheduled

Railroading. PSR is an operational scheme that makes irrational cuts to employment, maintenance and service levels to generate artificially higher profit rates for hedge funds and similar investors.

“Because of PSR, NS has eliminated the jobs of over 35% of its operating crew members since December 2018. NS also has been fighting since the summer of 2019 to cut the size of operating crews by half.

“As part of its plan to simply eliminate the train service crafts of conductor and brakeman, NS has willfully depleted its train service workforce. The shortage of conductors and brakemen is so severe that NS started ordering locomotive engineers — under threat

of termination for insubordination — to work conductor positions even though both the BLET Agreement and the SMART-TD Agreement prohibit the use of locomotive engineers in train service positions.

“Today, our unions have initiated legal actions that are intended to compel NS to follow our contracts and obey the laws of our land. NS cannot lawfully lay off roughly 4,000 conductors and brakemen, and then give their work to another craft. Nor can NS lawfully deprive locomotive engineers of the jobs, wages and working conditions to which they are contractually entitled by forcing them to perform the work of other crafts.”



SMART GENERAL PRESIDENT'S COLUMN

Infrastructure action signifies progress for us

Last month, I was joined by five of your fellow SMART brothers and sisters to attend President Joe Biden's signing of the bipartisan Infrastructure Investment and Jobs Act (IIJA). This was the culmination of a year of work by SMART and our allies across the labor movement in addressing America's severe need to tackle its crumbling infrastructure.

After years of partisan gridlock, President Biden's legislation bill finally delivered after unfulfilled promises made by a succession of presidents with \$1.2 trillion in infrastructure funding over the next five



By Joseph Sellers Jr.

years.

This is the largest investment in America's transportation infrastructure in our nation's history. It includes a doubling of Amtrak's annual appropriations along with an additional \$3 billion for badly needed railroad crossings to affect railroaders and local communities across America.

In addition, \$36 billion for

regional passenger rail and \$16 billion for Amtrak's national network are added to the top of the list of the president's funding priorities.

When it comes to railroad safety, a provision that addresses two-person crew sizes was unfortunately removed due to stiff and strident opposition from Senate Republicans whose support was needed for this bill to make it through to passage.

At the same time, much-needed progress on railroad safety and a first-of-its-kind study on the safety of trains longer than 7,500 feet was included. Also, public trans-

portation agencies are instructed to enhance safety plans, improve safety training and reduce assaults on bus and transit operators.

Brothers and sisters, this has been a long and difficult road. A succession of presidential administrations tried to pass an infrastructure bill, but to no avail. We continue to push hard for two-person crews and have the support of this administration. We are working to get new requirements in the new year.

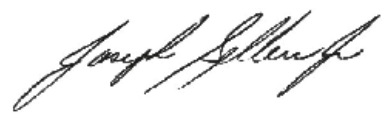
At the same time, we are better off now than we were a year ago when working families had few, if any, allies in

the previous White House. With the newfound support we have received from the Biden administration, I am confident we will continue to successfully press forward as we build on the progress we have made in 2021.

I wish you and your family a happy and healthy holiday season.

Thank you and stay safe!

Faternally,



Joseph Sellers Jr.  
General President, SMART

Bus Department News

A message from your Bus Department leadership

Dear Brothers and Sisters,

I want to take this time to wish you all a healthy and happy holiday season. We have really been tested as COVID has ravaged both our industry and our lives as we knew them, but our resolve has been a shining example as we continue to transport the public that depend on buses to go to their places of employment, doctor's appointments and shopping trips. So thank you to all SMART-TD members.

As you know the infrastructure bill was passed and, while it did not secure all the funding that was needed, it did address some of our concerns.

- \$11 billion was included for transportation safety.
- \$39 billion was included to modernize public transit. Originally \$85 billion was what President Joe Biden requested to invest in transit systems to help meet ridership demands, but this amount was reduced during the negotiation process.

These funds will make stations accessible to all users and begin transit services to new communities. It will also aid in modernizing bus fleets by replacing thousands of buses with zero emissions.

Infrastructure and investments are vital to our industry as we look to rebound back to pre-COVID rider-



By Calvin Studivant

ship and growth in this organization.

I would also like to congratulate New Jersey State Legislative Director **Ron Sabol** and the legislative board in his state for pushing across an agenda that addresses assaults to transit workers in both the bus and rail industries.

Transit authorities, as well as private carriers and school bus companies, are coming to the realization of just how important bus operators are as they try to meet schedules and satisfy their ridership demands. They are throwing hiring bonuses and increased starting wages as a lure to make the job more attractive.

I say take care of the dedicated workers who are already there, and everything else will fall into place.

In closing, I want to again say happy holidays to all and I hope you can enjoy the time spent with loved ones.

In solidarity,  
**Calvin Studivant**  
VP Bus Department  
SMART-TD  
216-630-0963

TRANSPORTATION NEWS IN BRIEF

NMB majority in Dems' hands

The U.S. Senate in a 52-48 vote Dec. 7 confirmed labor attorney Deidre Hamilton to the National Mediation Board (NMB), shifting control of the the government body that facilitates labor-management relations in the aviation and rail industries to a 2-to-1 Democratic margin.

Nominated by President Joe Biden in April, Hamilton brings more than two decades of labor expertise to the NMB. She has significant experience before the federal courts and the NMB on a wide range of legal issues including union elections, mediation, contract enforcement, and major and minor dispute claims, and has amassed an in-depth knowledge of the Railway Labor Act. Her most recent experience has been in the legal department of the International Brotherhood of Teamsters where she began working with the Airline Division in 2014.

The two other current NMB members, Democrat Linda Puchala and Republican Gerald Fauth, were nominated to new four-year terms in July.

ERMA maximum increases in '22

The lifetime maximum benefit for the Railroad Employees National Early Retirement Major Medical Benefit (ERMA or GA-46000) Plan will increase from \$175,700 to \$182,700 beginning Jan. 1, 2022.

This change will apply to all rail-

roads and crafts participating in ERMA.

Part B premiums to increase

The Centers for Medicare & Medicaid Services (CMS) has announced that the standard monthly Part B premium will be \$170.10 in 2022, an increase of \$21.60 from \$148.50 in 2021. Some Medicare beneficiaries may pay less than this amount because, by law, Part B premiums for current enrollees cannot increase by more than the amount of the cost-of-living adjustment for Social Security (Railroad Retirement Tier I) benefits.

Since the cost-of-living adjustment is 5.9% in 2022, some Medicare beneficiaries may see an increase in their Part B premiums but still pay less than \$170.10.

Railroad Retirement tiered benefits to rise

Most Railroad Retirement annuities, like Social Security benefits, will increase in January 2022.

Cost-of-living increases are calculated in both the Tier I and Tier II portion of a Railroad Retirement annuity. Tier I benefits, like Social Security benefits, will increase by 5.9 percent, which is the percentage of the CPI rise.

Tier II benefits will go up by 1.9 percent, which is 32.5 percent of the CPI increase. Vested dual benefit payments and supplemental annuities also paid by the Railroad Retirement Board (RRB) are not adjusted for the CPI change.



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TRANSPORTATION DIVISION PRESIDENT'S COLUMN

Big accomplishments and plenty more ahead

Brothers and Sisters:

As we near the end of another year, it is important to reflect on where we have been, what challenges we have faced and what accomplishments we have made together. Then we must look forward to what the next year will bring. I am excited about our future and I can say, with certainty, we are more prepared now than we have ever been to face it head-on, with the best interests of our fellow brothers and sisters at the forefront. While the last few years have had their share of trials and tribulations, I am confident better days are ahead.

We will kick 2022 off with a bang, starting with our SMART General Executive Council meeting the second week of January followed by a three-day national rail bargaining session the following week.

I am also pleased to note that the Biden administration nominee for the vacant position on the National Mediation Board, Deidre Hamilton, has been confirmed by the U.S. Senate. This creates a 2-to-1 Democratic majority and a much more labor-friendly board than what we have had to deal with the last four years.

She will be sworn in the first week in January, and this confirmation likely spurred NMB to get active and start working on the logjam of requested representation elections that have been ignored from the previous administration. Our Organizing Department has six cases



By Jeremy Ferguson

filed and reported that ballots are out for the Meridian and Bigbee and the Cicero Central railroads. We are hopeful that the remaining four elections will follow shortly.

The last couple of years have seen membership numbers drastically decline, but I am thrilled to announce we have a new local, 1706, opening up in the Kansas City area for approximately 200 new members working for Student Transportation of America. Vice President **Calvin Studivant** has been working closely with these new members and has completed their first fully ratified agreement. Congratulations to our new bus members, and welcome!

I have been fortunate to be invited and to attend a number of union meetings, Labor Day events and holiday cook-outs recently. This allowed me the opportunity to openly talk with the membership and update them on the state of our **UNION**. I am looking forward to many more of these face-to-face meetings in 2022. I hear you loud and clear that better working conditions (removing bad attendance policies and getting better quality of life) are at the top of your list of things that need fixed as soon as possible.

It has been frustrating that we have not had our normal



President Ferguson and other officers attend a solidarity rally for Metra workers on Nov. 14 in Chicago.

annual regional meetings the last two years, but I must say that I am proud of a number of our state legislative directors and general chairpersons who stepped up and took matters into their own hands. They organized "Regional Training Seminars" that consist of a variety of training and classes for local officers. I was honored to be asked to address the groups and spend time with those in attendance. SMART-TD provided a number of the facilitators and additional support and that, along with the hard work of the aforementioned SLDs and GCs, made all of them huge successes.

These have been so impactful that we are planning on additional seminars to be scheduled next year. If this is something you have an interest in attending, please let your SLD or GC know. I look forward to seeing more of you in the coming year at these meetings!

"Solidarity" is a word we throw around a lot, but it is always an adrenaline rush when you see it in action. I was excited to be invited and

participate in a huge rally in Chicago in November to assist the Metra Passenger Rail Coalition. All Metra crafts were fighting for a good contract after being faced with what seemed to be never-ending mediation. VP **Jamie Modesitt**, Alternate National Legislative Director **Jared Cassity** and I didn't need to be asked twice by GC **Chip Waugh** if we wanted in. The big blow-up rat and bullhorns blaring with the Chicago PD out to keep the crowd under control was exhilarating to say the least. We had local and state legislators and U.S. Reps. Chuy Garcia and Marie Newman show up to lend their support. It was yet another example of what organized labor can accomplish — together!

Your union also is continuing to get things done. We added many more features to the SMART app, making it more of a vital resource and advancing our technological presence. We've been able to adapt to a new way of leadership training with regional training seminars and coming soon our virtual educational

efforts with SMART University. We are also developing a new website that will be more interactive, to name but a few.

There's a lot going on and a lot more to come. I am excited and proud to be on this journey with you.

In closing, I wish each and every one of you a blessed holiday season. I ask that you do everything in your power to keep yourself and your fellow sisters and brothers safe on the job.

We have had too many fatalities and amputations early on this past year and we must remain focused, now more than ever, to prevent the next one from happening. Safety is a gift we give our families each and every day.

In closing, with all my best wishes for the holiday season, please stay safe and God bless!

Jeremy R. Ferguson  
President,  
Transportation Division

State Watch

News from SMART-TD State Legislative Boards

MIDWEST REGIONAL TRAINING SEMINAR



LEFT: Vice President Jamie Modesitt delivers a presentation during the Midwest Regional Training Seminar at Blue Chip Casino Hotel and Spa in Michigan City, Ind.

ABOVE: From left, Indiana State Legislative Director Kenny Edwards, TD President Jeremy Ferguson, Illinois State Legislative Director Bob Guy and Michigan State Legislative Director Donald Roach pause for a photo during the seminar.



State Watch continued...

Michigan

Legislators in Michigan introduced bills Dec. 2 in both the state House and Senate intended to keep freight rail operations on the state's more than 3,600 miles of track running safely and efficiently.

H.B. 5596 and S.B. 767 require a crew of at least two qualified people in the operating locomotive of trains transporting cargo and hazardous materials in the state for public safety.

"It is vitally important to maintain the presence of two crewmembers in the locomotive," said Michigan State Legislative Director **Don Roach**. "Despite any advances in technology, there is a safety factor called 'the Rule of 2' on the railroad. You have the engineer and the conductor in the cab, just like how airplanes have pilots and co-pilots. Right now, that's being threatened by rail carriers who are looking to reduce costs and keep their

profits high.

"Each crewmember has responsibilities and simultaneously performs duties in providing safe and efficient operation necessary with the longer trains railroads have been running. The crewmembers aboard are the first responders to a grade crossing collision, derailment or other emergency situation, and their reactions can mean the difference between life and death or a minor incident and a catastrophe."

One real-life incident last year in the state drives the point home very well.

As detailed in the Jan./Feb. 2021 issue of the TD News, a three-person crew, including two members out of Local 1709 in Pontiac, found themselves in the position where they saved a man's life in November 2020 by applying a tourniquet after a moped



Roach

rider's legs amputated in a grade crossing accident.

This situation and many others that railroaders in Michigan encounter while doing their jobs will be part of a campaign to raise awareness among the public and legislators about the necessity of keeping the standard of two people aboard, Roach said.

"The public safety of our communities is non-negotiable, and this legislation will help prevent potential accidents or derailments. The citizens of Michigan deserve to feel safer with two crewmembers in the cab in the trains that roll through their communities, day and night.

"The Rule of 2 matters and saves lives. A crew of two is safer for you," Roach said.

Rep. Tim Sneller (D-Dist. 50) introduced H.B. 5596, which was co-sponsored by 11 other legislators.

Minnesota

Gov. Tim Walz announced his bid for re-election Oct. 19. He wanted his first in-person campaign event to be with labor and SMART-TD was there.

"I was honored to be invited by the governor to attend his event as a labor leader," State Legislative Director **Nick Katich** said. "When he shook my hand, he commented that SMART-TD has been with him since his first campaign for Congress in Mankato."

The encounter with Walz is a testimony to the hard work our legislative department puts in, Katich said.

"By finding good people who are willing to support railroaders and rail labor and helping them begin their political careers, we find ourselves with well-established relationships when they elevate to higher office," he said. "My biggest tool and resource when I make these connections is



Gov. Tim Walz, left, meets with SLD Nick Katich as Walz kicked off his re-election campaign this autumn.

SMART-TD PAC," Katich said. "Good people need help to get started, and they don't forget the organizations and friends that were there first. A small PAC contribution to a new campaign means a lot and pays dividends in our future relationships."

To participate or learn more about TD PAC, contact your local legislative representative, state director or the TD office.

"You will be surprised how it works to your benefit," Katich said.

New Jersey

Legislation championed by the SMART Transportation Division that toughens penalties on passengers who do harm to transportation workers is under consideration by state lawmakers.

S-4071, the Motorbus and Passenger Rail Service Employee Violence Prevention Act, was introduced by state Sen. Patrick J. Diegnan Jr. (D-Middlesex) in response to incidents when two New Jersey Transit (NJT) employees were assaulted.

A concurrent bill, A-6013, is in the General Assembly.

State Legislative Director **Ron Sabol** has made it clear to senators in his testimony that it's past time to toughen enforcement.

The legislation "is critical to all transit workers, as well as the public," Sabol said.



Sabol

"I'm sure all of you have seen in the news assaults of public transportation workers are on the rise at an alarming rate."

The bill upgrades the penalty for all assaults on a motorbus or autobus operator, the operator's supervisor and a rail passenger employee. It also empowers NJT, motorbus companies and all rail passenger service providers to ban riders from their transportation services for up to one year if the person commits assault on a motorbus operator, the operator's supervisor or a rail passenger employee.

If a deadly weapon was used during the assault, the rider may be banned for life.

"It's a great bill and could be a blueprint for other states," National Legislative Director **Greg Hynes** said.



SMART-TD New Jersey State Legislative Board Vice Chairperson Joseph Williams, left, legislative representative of Local 800 (Jersey City) and a New Jersey Transit engineer, meets Republican Sen. Anthony Bucco to discuss S-4071 at an event in Morristown N.J.

Wyoming

On Nov. 3, the Wyoming State Legislative Board said farewell to longtime State Legislative Director **Stan Blake**, who pulled the pin on Nov. 30.

Blake, of Local 1857 in Green River, not only served 13 years as SLD and more than two decades as the local's legislative representative, he served for 14 years in the Wyoming Legislature.

"He will be missed. He has been a strong and consistent voice for labor and a wonderful role model for those of us looking up to him," his successor, **April Ford** and fellow members of the Wyoming State Legislative Board posted on Facebook. "Stan, thank you for your service and enjoy retirement, my friend."

Blake, a member of our union since 1990, worked for Union Pacific and said that it was an absolute honor to be a representative of his fellow railroaders.

Blake fought hard in the state Legislature for rail crossing and two-person crew legislation, laying the future groundwork for future attempts.

"While running the two-person bill many members of SMART came to the Capitol and lobbied legislators. I want to thank those who came in person, made phone calls and sent emails," Blake said. "I would just encourage every mem-



Members of the Wyoming State Legislative Board bid farewell to retiring State Legislative Director Stan Blake in Casper on Nov. 3. From left, are Chairperson JP Caffee (Local 465, Gillette); Secretary Sal Armijo (Local 1280, Casper); Blake; Local Legislative Representative Jay Heuermann (Local 446, Cheyenne); Brady Huntzinger (Local 866, Rawlins); Local Legislative Representative Nate Lowe (Local 1279, Greybull); and incoming State Legislative Director April Ford (Local 951, Sheridan).

ber to participate in the legislative process. Legislation and regulation are the key to improving our jobs and keeping us safe."

Blake was able to have more influence than normal when it came to getting the message of labor across. He first was elected to state office in 2006, took office in 2007 and served seven terms, serving on the transportation and agriculture committees, to name two.

He advises the following if people want to make a difference in the community and in their country:

"Get to know your legislators on a personal basis. let them know you are a railroader and a voter. Go to

county and state party functions, Republican or Democrat," he said. "Think about running for office or helping out with someone's campaign. Donate to TD PAC. Fight for what is right for us."

Before his retirement, Blake was honored in September by the Wyoming State AFL-CIO as recipient of the Labor Leader of the Year award for 2020.

Congratulations to Brother Blake and best wishes for a long, happy and healthy retirement!



Blake



# LEGISLATIVE REP AND DELEGATE VACANCIES

Although regular elections for legislative representatives and alternate legislative representatives will not occur until 2023, 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 questions related to filling these positions.

## How does my local fill a vacancy in the position of legislative representative?

A vacancy in the office of legislative representative shall be automatically filled by the alternate legislative representative for the remainder of the term of office. The new legislative representative should immediately contact their state legislative director for guidance.

## In the above scenario, what happens if the alternate legislative representative is not willing or able to serve in the position of legislative representative?

They should resign from the position of legislative representative, and the local should proceed with filling the permanent vacancies for both positions.

# KNOW YOUR UNION



## How does my local fill a vacancy in the position of alternate legislative representative?

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. This above process should also be used to fill the position of legislative representative when there is no alternate legislative representative to fill the position. A report of the election of the new legislative representative or alt. legislative representative is to be forwarded to the appropriate state legislative director and to the TD office.

## Who is eligible to be a candidate?

Candidates for legislative representative and alt. leg-

islative representative positions must be members of the local and be “qualified voters” (meaning registered to vote in government elections). Additional candidate restrictions are listed in Article 21B, Section 7, of the SMART Constitution. Those restricted from seeking office include members serving as carrier officers and members holding membership in any other union representing transportation employees.

## Where can I find more information about conducting elections?

Visit the SMART Transportation Division website.

## What are the duties of the local’s legislative representative?

As stated in the SMART Constitution, Article 21B, Section 66, the duties are as follows:

(a) Local Legislative Representatives shall attend all meetings of their State or District Legislative Board. 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. If they are unable to correct the alleged unsafe or unsanitary working conditions, they will so report to the President Transportation Division and the National Legislative Director regarding Federal matters and to the State or District Legislative Director regarding State or District matters. They shall urge all members of the Transportation Division to qualify and vote in all elections. When called upon, they shall give all possible assistance to the President Transportation Division, National Legislative Director, State or District Legislative Director, and the officers of the State or Dis-

trict Legislative Boards, subject to the supervision of the Local.

## What are the duties of the alternate legislative representative?

The Constitution states that, in the event of a vacancy, “the Alternate Legislative Representative shall succeed to the office of Legislative Representative.” To prepare for such an instance, the alternate legislative representative should familiarize themselves with the legislative representative’s duties.

## Should a vacancy in the position Delegate or Alternate Delegate be filled?

Not at this time. Because a delegate’s constitutional duties have essentially concluded following the completion of the SMART and SMART-TD Conventions, these positions should not be filled until their regularly scheduled elections occur in 2023.

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

This is a summary of the annual report for the SMART DISCIPLINE INCOME PROTECTION PROGRAM, EIN: 34-1031303, for the period January 1, 2020, to December 31, 2020. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

### BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was \$9,762,634 as of December 31, 2020, compared to \$5,765,247 as of January 1, 2020. During the plan year the plan experienced an increase in its net assets of \$3,997,387. This increase includes unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had total income of \$13,139,375 including participant contributions of \$12,163,350 and gains on investments of \$976,025. Plan expenses were \$9,141,988. These expenses included \$404,670 in administrative expenses and \$8,737,318 in benefits paid to participants and beneficiaries.

### YOUR RIGHTS TO ADDITIONAL INFORMATION

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

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

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

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

You also have the legally protected right to examine the annual report at the main office of the plan, SMART Transportation Division, 24950 Country Club Blvd, Suite 340, North Olmsted, OH 44070-5333, and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department of Labor should be addressed to: U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 200 Constitution Avenue, NW, Suite N-1513, Washington, DC 20210.

# RALLY FOR SAFETY IN SAN DIEGO



Local 84 Chairperson Javier Ramirez addresses attendees of the Oct. 16 rally.

Many members gathered Oct. 16 near Santa Fe Depot in San Diego in a demonstration to raise awareness about the need for increased safety aboard Amtrak.

A fatal shootout that happened aboard Amtrak’s Sunset Limited on Oct. 4 in Tucson, Ariz., brought the issue to the forefront, with Amtrak workers at the rally, organized by Local 84 (Los Angeles, Calif.) calling for the Transportation Security Administration (TSA) to strengthen its oversight on passenger rail.







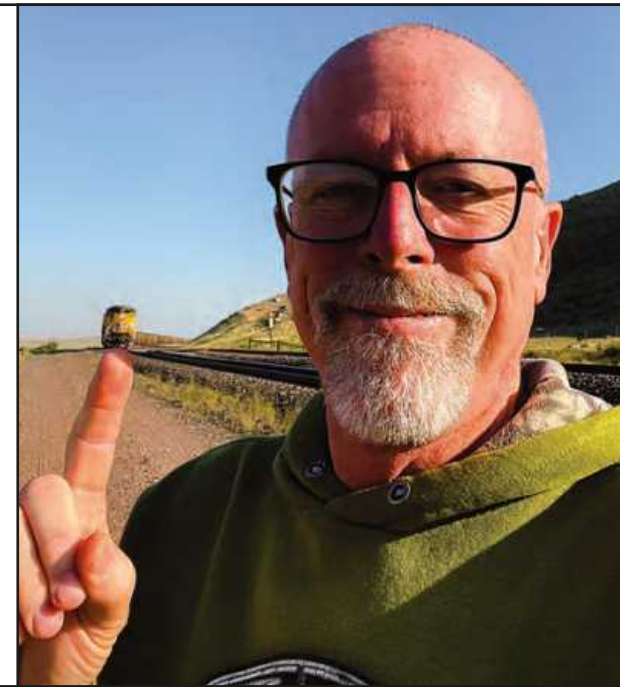
# The Art of AJ Nash



**“There is so much to see in this world so we need each other to share our “littler worlds” so we can all share this Earth and its beauty and not-so-beautiful sites. Life is too short to experience them all as an individual.**

**“The Powder River Basin is also at the forefront of energy and energy transition history, so I believe it should be recorded in any way possible. I’m not great with words, so photos are what I use.” - AJ Nash**

*Alan “AJ” Nash is a Union Pacific engineer out of Local 257 in Morrill, Nebraska. Nash works out of the Powder River Basin and is well known for his photography.*





# Around the SMART-TD



Legislative Representative and Local Chairperson Lucas Baughman of Local 911 shows one of the shirts given away as part of a TD PAC drive he held.

## L-911, MINNEAPOLIS, MINN.

Legislative Representative and Local Chairperson **Lucas Baughman** organized a TD PAC drive at the local's November meeting. The local promoted the drive with workplace fliers and Facebook posts letting everyone know about the T-shirt they would get for signing up and drawings for prizes.

"Our event was an overwhelming success," said Baughman. "It exceeded my expectations and really boosted meeting attendance. Those that attended and listened to my presenta-

tion took what they learned out into the workplace. I'm getting new PAC pledges from members who couldn't be there but took the time to listen to their brother or sister."

Local 911 has decided to make this an annual drive based on this success. "I'm really proud of Lucas and Local 911," said Minnesota State Legislative Director **Nick Katich**. "Not only did they raise PAC for all of us, they began a conversation that needs to take place in all our locals."

## L-998, WAYCROSS, GA.

Legislative Representative **Charles "Chuck" Ward** won his election Nov. 2 to serve as Blackshear's District 3 representative on City Council.

He defeated Seth Bagaria for the open Council seat by a 21-6 vote, according to unofficial results posted online.

Ward will serve as Blackshear's District 3 councilman for the town of about 3,500 people in southeastern Georgia's Pierce County. Georgia State Legislative Director **Matt Campbell** reports that Ward joins **Patrick Folsom** of Local 1263 in Valdosta as a Georgia TD member in public office.

## L-1558, BERGENFIELD, N.J.

A union sister is trying to help the most important woman in her life receive the care she needs after two devastating strokes.

Member **Jenell Rose** of Local 1558 (Bergenfield, N.J.) started an online fundraiser after her mother **Kecia Jordan**, president of Local 1558, had the strokes.

The medical crisis began when Sister Jordan, 51, caught COVID-19 and was unable to work for Rockland Coaches.

"Within a few days of her diagnosis, COVID-19 caused her to have a stroke," said General Chairperson **Richard Finley** (GCA-RCL).

Sister Jordan was hospitalized as a result of the first stroke and was receiving care when she had a second stroke. She has been in recovery ever since, Finley said.

"Kecia has been a valued member of our local. Fortunately, she is starting to recover," Finley said. "She is learning how to do all the basic stuff that we have tak-



Local 1558 member Jenell Rose, left, stands with her mom, Kecia Jordan, president of Local 1558, in this family photo taken prior to President Jordan's strokes.

en for granted in our lives. Due to this medical condition, this has devastated her financially."

Sister Jordan not only is a local president, she works with Finley as GCA secretary and is also secretary for LCA RCL1. Most importantly, she's an inspiration and guiding light for her daughter and fellow union member.

"She is an amazing woman, the biggest heart



Scan me

and forever my number one supporter. I would do anything to have my mother back to her normal self," Sister Rose wrote on GoFundMe. "I know everything

takes time so I'm here for anything & everything she needs. We as the family are doing the best we can to maintain all that she has as well as fixing her home so she's able to recover as best and fast as possible."

## L-1566, BUFFALO, N.Y.



An at-work injury suffered in October hospitalized probationary member Tommy Manuszewski of Local 1566 in Buffalo, N.Y. An online fundraiser has been established to assist him.

**Tommy Manuszewski**, a probationary member of our union's Local 1566 (Buffalo, N.Y.), was severely injured in an accident in October after

being struck by a train in a Norfolk Southern yard.

Brother Manuszewski's arm was amputated and his collarbone and multiple vertebrae were broken as well. He underwent successful emergency surgery after being placed in a medically induced coma after the accident, and his recovery likely will take years, doctors have said.

Because of his probationary status, his coverage through the railroad benefit system had not begun. In an update on Brother



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Manuszewski's status published Nov. 6, Local 1566 Legislative Representative **Joseph Kaier** said that treatment is ongoing, focusing on pain management and in-patient rehabilitation.

An online fundraiser has been established by his local to help support Brother Manuszewski on GoFundMe.

"Tommy and his family have been devastated by these events," Kaier wrote. "Tommy's career as freight conductor is over, and soon his family's bills will be racking up."

Manuszewski helps care for his elderly parents and was to be married to his fiancée, Tammi Jo Smith, next summer.

## L-311, LA CROSSE, Wis.

Legislative Representative **Rick Hauser** spoke before a crowd of 200 people during the dedication of a memorial to World War II veterans in the city in September.

A bequest from Hauser's aunt, Fern, made the creation of the memorial possible, which was inspired by the military service of her five brothers, including Rick Hauser's father, who fought in and survived WWII. Hauser, himself a Navy veteran, spoke for more than eight minutes at the dedication about the courage and sacrifices made to win that

war.

"In a little while this ceremony will be over, and we'll go back to worrying if our Wi-Fi works and what's on Netflix. I get it, it's OK. They fought their war so we could go live our lives without judgment," Hauser said. "But maybe, just maybe tonight, between the news and bed you could take a minute, reflect on what those young men did. Maybe you could throw them a silent thank you, and maybe ask God to hold them just a little bit closer."



From left, La Crosse Mayor Mitch Reynolds, Local 311 Legislative Representative Rick Hauser and U.S. Rep. Ron Kind attend the dedication of the city's World War II memorial.

BEARING UP HEIGHT 1/16 FEM1

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### CONNECT WITH YOUR UNION

Email [news\\_TD@smart-union.org](mailto:news_TD@smart-union.org) with your story ideas and submissions for the next issue of the TD News!

SHEET METAL | AIR | RAIL | TRANSPORTATION

**SMART**

TRANSPORTATION DIVISION



# Local 1594 ratifies agreement

Bus Department Vice President **Calvin Studivant** reports that Local 1594 (Upper Darby, Pa.) has agreed to a new two-year agreement with SEPTA in Philadelphia.

The agreement calls for 3% annual wage increases in each year of the contract.

It also changes the language on drafting, which was a major concern for the local.

There had been a recent arbitration about this issue that went against the union, Studivant said, but now the drafting language is exactly how the local wanted it.

The contract also contains a pandemic attendance bonus to operators for providing service during the pandemic.

"I would like to take this opportunity to thank General Chairperson **Waverly Harris** and Vice Local Chairpersons **Curtis Fulmore**, **Anthony Petty**, **Demetrius LeGrand** and **Sylvester Sills Jr.** for their hard work and dedication to making sure they got their membership a new agree-



ment."

Local 1594 operators run three modes of transportation for SEPTA, including bus, trolley and high-speed rail.

In addition, the members took part in an annual turkey giveaway Nov. 22 at the local's office.

"This Local 1594 committee is membership-driven to be there in support of all their brothers and sisters," Studivant said. "Congratulations to Local 1594 — a group who is truly giving back."

## L-303, SPRINGFIELD, Mo.



Legislative Representative **Jeff Nichols** reports that local members helped out as volunteer bell ringers for the ninth year running during the Union Day of Bell Ringing organized by the Springfield Central Labor Council.

The local, along with several other labor organizations in and around Springfield, participated in the event at different locations around town.

"Volunteer bell ringers are a blessing to the Salvation Army as paid bell ringers cut into donations. COVID has also increased the need for donation to assist those hit hardest by the pandemic," Nichols said.

Members who volunteered their time this year included **Eddie Manuel**, **Kraig Goodman**, **Jason Cunningham**, **Joe Taylor**, **Zach McElwain**, **Tyler Choate**, **Mike Scott**, **Steve Crane** and **Ryan Sharp**.



## L-1000, MINNEAPOLIS & L-1614, ST. PAUL, MINN.

These Twin Cities locals are trying new things to increase meeting attendance and participation.

Local 1000 moved its meeting location on a trial basis to Forgotten Star Brewing.

"With the change in venue we saw an increase in turnout our first month," Local President **John Haggerty** said.

Local 1614, under President **Chad Gahnz**, tried something similar, moving to Ray J's in Woodbury for an October meeting.

"I'm proud of the locals who are always trying to increase turnout and participation. I've even heard the idea of offering two hours of child care during the local meeting to help get our members to attend," Min-



nesota State Legislative Director **Nick Katich** said.

If a local is considering a change of venue for its meetings, even if it's temporary, be

sure to contact the TD President's Department to receive temporary approval and instructions on how to go about doing so.

# Boston local's pin project gives honor to our veterans

By **Joseph Toohey**  
Veterans Service Officer,  
SMART-TD Local 262

One cold night while standing on a train station platform, I was approached by a disembarking passenger.

"Thank you for your service," he said as he pointed to the tarnished eagle globe and anchor fixed to the side of my cap.

Driving home, I reflected on the brief encounter and thought of the veterans I know in my craft and SMART-TD. It would be difficult to go any length of time without coming across a veteran on the railroad, but they often go unnoticed.

The next day I contacted Local Chairperson **John McGrath**. Brother McGrath was the first Local 262 (Boston, Mass.) veteran services officer and created the position within the local to help fill voids when Amtrak discontinued its veteran support program.



Knowing I could count on the support of my local, I asked to create a military recognition hat/lapel pin. The thought behind this endeavor was to provide a small and visible token of recognition to our military veteran membership.

The local membership's support can be described as "robust." We went forward with a request for a SMART-TD logo license that was quickly approved and production went forward this year. You can look for those pins now among our brothers and sisters.

Special thanks and credit are due the SMART-TD office for their endorsement, **John McGrath**, **John Grace**, **Alan De Cristo** and the membership of Boston Locals 262/1462 for their support of the project.

SMART-TD members who are military veterans (including current members of the Guard and Reserve) can acquire a pin by contacting McGrath at 617-947-6788 or emailing smart262boston@yahoo.com, or **Joe Toohey**, Veteran Services Officer of Local 262 at 603-260-2069 or emailing josephtoohey38@gmail.com.

Brother Toohey is Veteran Services Officer for Local 262 in Boston, Mass., and served nearly two decades in the U.S. Marines, the U.S. Army and in the National Guard.

### PLEASE UPDATE YOUR INFO!

SMART-TD continues to seek information from members who have served in the military — whether they served, what branch they served in or when they served.

To accomplish this, please follow the QR code accompanying this article with your smart device to update your veteran's status by using the Member Info Update form online.





# STRENGTH IN SOLIDARITY DURING ‘STRIKETOBER’



From left, President Josh Ginther of Local 195 in Galesburg, Ill., and Legislative Representative Jeremy Hodges went to the picket lines to support UAW workers on strike from John Deere in Davenport, Iowa.



Local 872 (Omaha, Neb.) Local Chairperson Dave Sutter, Legislative Representative John Zagurski, and Secretary & Treasurer Thad Watchorn, along with Nebraska State Legislative Director Bob Borgeson, stood the picket line with members of the Bakery, Confectionery, Tobacco Workers and Grain Millers' International Union (BCTGM) at the Kellogg's plant in Omaha.

Members of two Midwestern locals showed their support for striking union workers in Iowa and Nebraska.

Two officers of Local 195 in Galesburg, Ill., journeyed to the picket lines to show support to United Auto Workers members Oct. 18 in Davenport, Iowa, bringing water and demonstrating with the workers for a few hours.

The John Deere strike of 10,000 workers was resolved in mid-November after three votes on proposed agreements. The strike lasted five weeks.

In Omaha, Neb., Local 872 officers and Nebraska State Legislative Director **Bob Borgeson** stood the picket line with striking members of BCTGM Union Local 50 at the Kellogg's plant in October. Local 872 officers also brought pizza to the numerous picket sites.

As of press time, the Kellogg's strike, which began Oct. 5, was ongoing with company officials saying they were going to hire replacement workers. A boycott of Kellogg's cereal and other products is encouraged.

## GCA-449, IHBRR

General Chairperson **Justin Wolters** of GCA-449 (Indiana Harbor Belt Railroad) announced the ratification and implementation of a new local agreement, effective Oct. 1, that improves working conditions for yardmen regarding availability.

Wolters, who also serves as an organizer for our union, explains how the agreement with IHBRR improves working conditions on the property:

"The extra board used to be on call 24 hours a day, and if and when they had their five starts in, they would get the remainder of the week off.

They were available 13, 14 days a week to qualify for 11 guarantees. This meant they were available 13 and a half days, 24 hours a day.

"Now, with this new agreement, they have rest days and are available only eight hours a day. That means they went from being available 8,112 hours a year to 2,080 hours a year."

GC Wolters hopes the agreement negotiated at IHBRR can be mirrored by other properties.

Congratulations on this success!

## CELEBRATING RETIREMENT



New retiree John Wolters, right, and Justin Wolters have a photo taken together on John's last day of work. John, a third-generation Wolters on the Indiana Harbor Belt Railroad, worked at the IHBRR for 49 years and was a proud member of Local 1381 beside his nephew, Justin, who is the general chairperson of GCA-449.

## L-663, BANGOR, MAINE

Secretary & Treasurer **James Copeland** started out by wearing his grandfather's locally produced "Brownsville Junction" hat when he was young and made it, as well as his grandpa's career, his own.

But eventually the vintage cap was showing its age.

"My mom and grandmother decided I needed my own because grandfather's hat was too filthy for me to wear," Copeland wrote.

A replacement was found, says Copeland, a TD member since 2017 and Canadian Pacific engineer. He continues to love playing the part, even donning his trademark cap



and overalls on his wedding day (shown above).

"I was promptly told to lose the railroad attire," Copeland admitted.

## L-610, BALTIMORE, Md.

**Johnny Walker**, the local's secretary & treasurer, as well as its legislative representative, was the big grand-prize recipient of the Union Plus Unions Power America Contest and its cash prize.

"It's not a big deal because the essay I wrote was about what we all have done through this pandemic," Walker commented on the SMART Army Coordinators' Facebook group.

"I have shared some of the winnings with my family and our local. Specifically, funds were matched by myself and our local to help a recently injured Journeyperson."

"I plan to use the remainder of the prize money for labor causes. I have chosen to not take one dime of it because we all earned it and SMART gets the recognition it deserves."

Brother Walker not only talks

the talk, he walks the walk. Prior to his public announcement of his intentions to use the \$15,000 prize for union causes, he took part in the 50-mile journey by foot with union members from the United Mine Workers of America marking the 100th anniversary of the observance of the Battle of Blair Mountain.

Thank you, Brother Walker, for embodying the union spirit of solidarity.



Johnny Walker of Local 610 participated in the 100th anniversary observance of the Battle of Blair Mountain over the summer.



SMART  
TD

Alumni

Useful news and information for our retirees  
and members of the TD Alumni Association

Are you getting close to retirement? You can get the TD News & other benefits for \$12 a year!  
Call 216-227-5283, email [arayner@smart-union.org](mailto:arayner@smart-union.org) or visit [www.smart-union.org](http://www.smart-union.org).

**Alumni dues to increase to \$12 a year**

By a vote of the SMART-TD Board of Directors in December, the dues for membership in the TD Alumni Association will increase from \$9 to \$12 per year beginning with new members and renewals invoiced effective Jan. 1, 2022.

Cost increases to produce the newspaper and the annual Alumni calendar as well as recent postage rate increases are the main drivers behind the new dues level made in accordance with SMART Constitution Article 21B, Section 83.

In order to continue to sustain Association operations, the union board made the decision for the increase, which is the first time that Alumni dues have been raised since the inception of the retiree program in 1975 — the better part of a half-century.

We thank you for your continued support of the Alumni program and of your union!

# Your association and union remain at your service

Retirement — there is no job like it! There is no definite blueprint or a right or wrong way to live retirement. We hope we have our health and the financial stability to live a long and prosperous retirement.

If you are like us retired railroaders, you woke up a few times in the middle of the night thinking, have I fallen back to sleep and missed a call? It takes a long time to get the body's circadian rhythm back to normal after 30-plus years of working all hours.

One thing is certain, we have a great pension! Most of us can live comfortably on our benefits. We have worked all our careers and we have our union to thank. Year after year, our leaders have worked hard to protect our retirement.

One thing we cannot do is take our pension for granted. We must continue to work to protect our financial stability. It is easy once you retire to say, "I'm finished with the



**By Carl Cochran & Kenny Menges**

railroad and the union," but SMART-TD still has your back! Now, more than ever, we realize the value of those years of paying union dues, which were, in fact, an investment in our future!

Each of us has unique gifts and talents to share. Upon retirement, we look forward to spending time with our families and enjoying the grandkids, but we must also learn how to live at home again every day. Sitting on the couch does not last long. We soon realize that we have a long list of projects that we have put on the shelf for years and places we want to see now that we have the time.

None of this would be possible without our union and SMART-TD PAC. A monthly donation to SMART-TD PAC can be made from your checking account; now more than ever we need to help in the fight to protect our livelihood.

Having worked in state Legislatures and Washington, D.C., as SLDs, we know that SMART-TD needs we retirees as part of the team. Our involvement for ourselves is just as important as the role we can play in helping active members — and that helps us by keeping our pensions solvent.

The purpose of an association is to foster a spirit of loyalty and to promote the general welfare of your organization. Alumni associations exist to support the parent organization's goals, and to strengthen the ties between alumni and the parent organization. We need to remain active to protect our pensions and the jobs of our younger members who con-

tinue to support us in our retirement.

The SMART-TD Alumni Association provides an easy way to stay connected and informed. The yearly dues of \$12 are a small price for the newsletter and information received on how we can protect our families and our futures in our changing industry. In addition, you receive the TD Alumni annual calendar, which is great for keeping track of appointments and family events that we can now plan to attend without interference from the carrier.

The SMART website can help you get answers to your retirement, insurance and Medicare questions.

So whether you are already retired or going to retire in the near future, your SMART-TD Alumni Association is here to help you along the way.

Brother Cochran is a retired Florida state legislative director and Alumni Association coordinator. Brother Menges is a retired Mo. SLD.

## 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
6	Metz, George E.	Lakeview, Ohio	524	Chapman, Coy	Palestine, Texas	1216	Hudson, Gary L.	Gilman City, Mo.
13	Moe, Ryan D.	Box Elder, S.D.	631	Brohawn, Paul D.	Polk City, Fla.	1221	Penland, Jackie L.	Venice, Fla.
31	Ratteree, Glen V.	Santa Margarita, Calif.	632	Kodosky, Thomas J.	Cresson, Pa.	1221	Smith, Hayward	Lakeland, Fla.
60	Kelly, Alfred E.	Matamoras, Pa.	632	Sefick, Richard C.	Johnstown, Pa.	1227	Epp, Robert E.	Pratt, Kan.
60	White, Robert H.	Lancaster, Pa.	646	Larsen, Raymond	Omaha, Neb.	1361	Dombrowski, Karl V.	Foley, Ala.
72	Barrett, James E.	Burbank, Ill.	655	Price, Grady L.	Bluefield, W.Va.	1365	Henderson, Gaylord E.	Meadville, Pa.
95	Rice, Douglas M.	Wilder, Vt.	663	Andrews, Phillip	Brownville Jct., Maine	1366	Coleman, Kent M.	Ogden, Utah
194	Davidson, Merrill R.	Lafayette, Ind.	663	Genest, Arthur E.	Benton, Maine	1366	Griffiths, Thomas F.	Salt Lake City, Utah
204	Lindsey, Howard S.	Gig Harbor, Wash.	763	Crider, Billy J.	Carl Jct., Mo.	1366	Tillery, Gary L.	S. Jordan, Utah
238	Frazier, Wendell J.	Layton, Utah	774	Gatton, John A.	St. Joseph, Mo.	1400	Lazette Jr., Wellington	Portland, Maine
240	Tellez III, Manuel	Ontario, Calif.	825	Baltazar, Dale A.	Bakersfield, Calif.	1400	Lowery, James T.	Portland, Maine
254	Burzynski, Adolph S.	Nashua, N.H.	830	Satzler III, William G.	Lewistown, Pa.	1400	Winn, Glenn W.	Raymond, Maine
254	Stalker, Galen A.	Plaistow, N.H.	838	Donnelly, Joseph R.	Middletown, Del.	1418	Kern, James F.	New Brighton, Pa.
256	Burnor, Duane E.	Lake Elmore, Vt.	894	Graves, Darrell L.	Sapulpa, Okla.	1525	Orr, James A.	Freeburg, Ill.
256	Fortier, Wallace F.	St. Johnsbury, Vt.	903	Mallard, William R.	Fleming Isl., Fla.	1529	Powell, Eugene L.	Plymouth, Mich.
256	Pierce, Edgar W.	Essex Jct., Vt.	903	Odol, Walter J.	Jacksonville, Fla.	1529	Sekela, Andrew M.	Toledo, Ohio
265	Friedel, Robert D.	Pocatello, Idaho	915	Ball, Michael E.	Jeffrey, W. Va.	1534	Konieczny, Hubert J.	Lady Lake, Fla.
286	Roe, Don K.	Grand Island, Neb.	947	Felty, Roger D.	Chaffee, Mo.	1582	Pagnanella, Donna	Saugerties, N.Y.
292	Peters Jr., Fred L.	Oak Hill, Fla.	950	Snyder, Ernie L.	Germantown, Tenn.	1608	Levy, Larry	Shelby Twp., Mich.
300	Okane, Harry J.	Philadelphia, Pa.	980	Engstrom, Jerome	Enderlin, N.D.	1626	Ferko, Robert A.	Homestead, Pa.
328	Marlowe, Harold F.	Murrels Inlet, S.C.	1000	Tischer, Laverne	Cambridge, Minn.	1831	Sorensen, Richard A.	Boynton Beach, Fla.
330	Moore, Bobby G.	Scott City, Mo.	1006	Bilak, Sam	Wall, Pa.	1908	Bove, Renae	Buffalo, N.Y.
426	Mitchell, Donald R.	Post Falls, Idaho	1006	Price, Khlar L.	Charleroi, Pa.	1908	Stomporowski, Gary	Depew, N.Y.
469	Kennedy Jr., Thomas L.	Hillsboro, Mo.	1033	Holbrook Jr., Robert	Powder Springs, Ga.	1971	Harrison, Patrick Jay	Atlanta, Ga.
469	Lunsford, Charles E.	St. Peters, Mo.	1088	Rawson, Jimmy J.	Meridian, Miss.	1978	Voroschak, Charles J.	Ansonia, Conn.
489	Pedrotti, Johnnie E.	Bulverde, Texas	1136	Harms, Gary W.	Sterling, Colo.			
498	Decker, Alfred R.	Allentown, Pa.	1138	Sweeting, John E.	Miami, Fla.			



IN MEMORIAM

Derek Lamette, L-427 member

Derek Lamette, 56, a member of Local 427 in McComb, Miss., passed away of natural causes at his home in Shreveport, La.

A member of our union since January 2006, he served in the Air Force and is survived by his loving wife, three children and mother.

“Brother Lamette could always make the best out of the worst situation and he will truly be missed by everyone,” said local S&T **Christopher McQuitter**.



Denise Sargent, active member of Local 1785, dies from COVID-19

Denise Sargent, 56, a member of Local 1785 and Santa Monica motor coach operator, passed away Oct. 1.

A member of our union for more than 22 years, joining the organization in August 1999, she was a Santa Monica native, attending local schools there, had a passion for motorcycles and was a member of the Buffalo Soldiers Motorcycle Club.

A colleague of hers on the Big Blue Bus said Sister Sargent was a “loving, kind and polite person who was always friendly with co-workers and the general public.”



Santa Monica City Council adjourned its meeting Oct. 12 in honor of Sister Sargent after reading a eulogy for her.

She is survived by her daughter, Shamika Holt; two grandchildren; four sisters and three brothers.

Terri Poole Taylor Kerns, Local 1971, dies from COVID-19

Terri Poole Taylor Kerns, 52, of Local 1971 (Atlanta, Ga.) lost her life to COVID-19. Diagnosed with COVID-19 on August 24, she was hospitalized August 29 with severe chest pains. After suffering from cardiac arrest, she passed in the early hours of Sept. 10.

Graduating from high school in 1987, Sister Kerns worked in the food industry before deciding on a career change. She hired out with Norfolk Southern, where she would work for 20 years, earning her engineer and conductor certifications and working her way up to the position of yardmaster.



In her free time she enjoyed family vacations on the beach. Her true passion was spending time with her husband, children and grandchildren.

“Terri had a great love for her family. Family was everything to Terri, and she left an indescribable imprint on all of us,” her younger sister Joy Poole said.

She’s survived by her husband of 21 years, Paul Henry Kerns Jr.; four children; two grandsons and numerous other relatives.

SMART-TD offers its sincere condolences to all who knew and worked with Kerns, as well as her friends and family.

Tony Carbajal, active member of Local 807, dies from COVID-19

Brother Tony Carbajal, a member of Local 807 (Tucson, Ariz.), passed away Oct. 27, 2021, from COVID-19 at the age of 51.

He joined the union in 2004 and worked as a conductor for Union Pacific for more than 17 years.

“Tony was well-liked and respected by his co-workers in Tucson,” said **Chris Cheely**, legislative secretary of the Arizona State Legislative Board and Local 807’s legislative representative.

A talented golfer and softball player, one of Brother Carbajal’s many

hobbies was collecting cigars. He is survived by the love of his life, Patricia; sons Eric, Gregory and Andrew and grandchildren Stephany and Bubba.

An online fundraiser has been established to assist his family in their time of loss. Please follow the QR code accompanying this article to contribute, if able.

SMART-TD offers its sincere condolences to all who knew and worked with Brother Carbajal, his friends and his family.



2022 railroad paid holiday schedule

- Rail employees working under the national agreement will receive 10 paid holidays in 2022. (The New Year’s Eve holiday carries over to Jan. 1, 2023):
- **New Year’s Day**, Friday, Jan. 1
  - **Presidents Day**, Monday, Feb. 21
  - **Good Friday**, Friday, April 15
  - **Memorial Day**, Monday, May 30
  - **Independence Day**, Monday, July 4
  - **Labor Day**, Monday, Sept. 5
  - **Thanksgiving Day**, Thursday, Nov. 24
  - **Day after Thanksgiving**, Friday, Nov. 25
  - **Christmas Eve (ob.)**, Sunday, Dec. 25
  - **Christmas Day**, Monday, Dec. 26
  - **New Year’s Eve (ob.)**, Sunday, Jan. 1, 2023

Happy Holidays!

SENDOFF IN HOUSTON



Brother **Guadalupe Rubio** of Local 1892 (Houston, Texas) retired Dec. 1 after 44 years of service at Union Pacific’s Englewood Yard. From left, Local 1892 S&T **Robert Maldonado**; unidentified; **Rubio**; **Dan Stichter**; **Frank Preston** and Local Chairperson **Jim Boehm**.

Exempt earnings amount increases

Railroad Retirement annuitants subject to earnings restrictions can earn more in 2022 without having their benefits reduced due to increased limits indexed to average national wage increases.

For those under full retirement age throughout 2022, the exempt earnings amount rises to \$19,560 from \$18,960 in 2021. For beneficiaries attaining full retirement age in 2022, the exempt earnings amount, for the months before the month full retirement age is attained, increases to \$51,960 in 2022 from \$50,520 in 2021.

For those under full retirement age, the earnings deduction is \$1 in benefits for every \$2 of earnings over the exempt amount. For those attaining full retirement age in 2022, the deduction is \$1 for every \$3 of earnings over the exempt amount in the months before the month full retirement age is attained.

SUMMARY ANNUAL REPORT OF THE SMART-TD STAFF RETIREE HEALTH FUND

This is a summary of the annual report for the SMART-TD STAFF RETIREE HEALTH FUND, EIN: 34-1031303, for the period January 1, 2020, to December 31, 2020. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

**BASIC FINANCIAL STATEMENT**

The value of plan assets, after subtracting liabilities of the plan, was \$3,533,813 as of December 31, 2020, compared to \$3,082,207 as of January 1, 2020. During the plan year, the plan experienced an increase in its net assets of \$451,606. This increase includes unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had total income of \$2,133,435, including contributions of \$1,853,361 and gains on investments of \$280,074. Plan expenses were \$1,681,829. These expenses included \$30,151 in administrative expenses and \$1,651,678 in benefits paid.

**YOUR RIGHTS TO ADDITIONAL INFORMATION**

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

1. Governing documents including insurance contracts and collective bargaining agreements
2. Annual report and Financials; and
3. Summary Plan Description.

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

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

The fund office may make a reasonable charge for copies of the annual report. You also have the legally protected right to examine the annual report at the main office of the plan:

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

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



# 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.

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 Interpretation No. 1 to NRAB First Division Award No. 30294**, the board interpreted a dispute regarding Union Pacific Railroad’s untimeliness in complying with the remedy ordered in NRAB First Division Award No. 30294 (Bass, 2020). In NRAB First Division Award No. 30294, the Board ordered the carrier to reinstate the claimant to service with compensation for lost wages and benefits. The board directed the carrier to comply with the remedy specified in the award effective on or before 30 days from the postmark date when the award was transmitted to the parties. The award was electronically transmitted to the parties on July 13, 2020. Thus, the carrier was required to satisfy the terms of the award by August 12, 2020. Although the carrier eventually satisfied the terms of the award, it did so in an untimely fashion. Accordingly, in Interpretation No. 1 to NRAB First Division Award No. 30294, the board awarded the claimant interest at a rate consistent with the interest rate used by the United States District Court on the monetary amount owed to him for each day where the carrier was not in compliance with the award beyond the 30th day from when the award was transmitted to the parties. GO 953 General Chairperson **Luke Edington**, GO 953 Associate Gen-

eral 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. 30755** (Simon, 2021), the board adjudicated a dispute where a locomotive engineer received a 50 day time served suspension from CSXT for allegedly failing to obtain permission from the train dispatcher to make a reverse movement. Based upon the fact that the claimant’s train was located within yard limits, the board ruled that the Union Pacific rule which CSXT based the claimant’s discipline upon did not require the claimant to receive permission from the train dispatcher to complete the reverse movement at issue. For that reason, the board found that the disciplinary action imposed on the claimant was without just cause. As a result, the board voided the claimant’s disciplinary suspension and sustained his claim in full. GO 49 General Chairperson **Rick Lee** and GO 49 Vice General Chairperson **Kevin Serres** progressed this case to the NRAB First Division.

## Public Law Boards report

■ **In Public Law Board 7488, Award No. 157** (Capone, 2021), Norfolk Southern terminated the employment of a locomotive engineer for allegedly engaging in conduct unbecoming of an employee when he was purportedly unprofessional and insubordinate towards a carrier official during a telephone call. Observing that the claimant and carrier officer were long-time collegial acquaintances, the board noted that, during the phone call that precipitated the instant case, the carrier officer neither put the claimant on notice that his behavior was

being taken exception to nor constituted insubordination. Although the board found that the carrier sustained its burden of proof regarding the claimant engaged in conduct unbecoming of an employee due to the substance of some of the remarks he made to the carrier officer during the telephone conversation, it ultimately found that the quantum of discipline imposed on the claimant was disproportionate with the alleged offense. Finding that the quantum of discipline assessed to the claimant was excessive, the board reduced the claimant’s termination to a suspension of 30 days. Accordingly, the claimant was reinstated to service and compensated for all lost wages, minus 30 days. GO 687 General Chairperson **James Ball**, GO 687 Assistant General Chairperson **Brian Sharkey**, GO 687 Secretary **Nicholas Greficz**, and International Vice President **David B. Wier Jr.** handled this case before Public Law Board 7488.

■ **In Public Law Board 7917** (Brent, 2021), Southeastern Pennsylvania Transportation Authority (SEPTA) terminated an assistant conductor for allegedly failing to submit to a random drug and alcohol test. On the date of the alleged incident, the claimant was notified that she was selected for a random drug and alcohol test. Immediately following receiving notification of being selected for a random drug and alcohol test, the claimant began experiencing severe migraine headaches. The claimant reported her condition to her conductor. Shortly thereafter, the claimant notified the carrier that she needed to be placed on FMLA leave due to her deteriorating condition. Based on the circumstances, the carrier opined that the claimant refused a

drug and alcohol test, and for that reason, the carrier terminated the claimant’s employment following a formal investigation. While recognizing that employees do not have the latitude to refuse random drug and alcohol testing, the board observed that the claimant’s medical condition constituted a mitigating circumstance that precluded the carrier from terminating her employment. Based on the totality

of the facts and circumstances in this case, the board, in exercising its remedial discretion, reduced the claimant’s termination to a suspension of 90 days. For that reason, the claimant was reinstated to service and compensated for all lost wages, minus 90 days. GO STA General Chairperson **Bernard Norwood** handled this case before Public Law Board 7917.

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

This is a summary of the annual report for the SMART GROUP VSTD PLAN AND TRUST, (Employer Identification No. 34-1031303, Plan No. 506) for the period January 1, 2020, to December 31, 2020. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

### BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was \$15,742,781 as of December 31, 2020, compared to \$17,619,639 as of January 1, 2020. During the plan year the plan experienced a decrease in its net assets of -\$1,876,854. This decrease includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan’s assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year. During the plan year, the plan had total income of \$16,550,363. This income included employee contributions of \$15,419,170 and earnings from investments of \$1,131,193. Plan expenses were \$18,427,217. These expenses included \$1,153,888 in administrative expenses and \$17,273,329 in benefits paid to participants and beneficiaries.

### YOUR RIGHTS TO ADDITIONAL INFORMATION

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

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

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

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

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

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

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

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

## Save the date!

Time and site determined for annual SMART/SMART-TD joint meeting.

**AUGUST 8-10, 2022**  
at San Francisco Hilton Union Square,  
333 O’Farrell St., San Francisco, CA 94102





Featured photo showcase



With the cooperation of the carrier, General Chairperson and TD Organizer **Justin Wolters** (GCA-449) submitted this photo of the Indiana Harbor Belt Railroad’s special locomotive No. 3800 with its livery that pays tribute to America’s armed forces as it was stopped this autumn in the Hammond, Ind., yard.

How to have your photograph featured

SMART-TD seeks images of work-related scenes, such as railroad, bus or mass transit operations, 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.

With each photograph, please include your name, SMART local number, the names of the persons in the photo (left to right), where the photo was taken and other pertinent info.

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.

Class I rail carriers file their third-quarter earnings reports

**Net Earnings:** Increased by 14% or \$805 million to \$1.5 billion from \$1.3 billion

**Earnings Per Share:** N/A – not publicly traded

**Revenue:** Increased 12% or \$251 million to \$5.8 billion from \$5.2 billion

**Operating Income:** Increased 12% to \$2.3 billion from \$2 billion

**Operating Expenses:** Increased 11% to \$3.5 billion from \$3.2 billion

**Operating Ratio:** Improved slightly to 59.5% from 59.7%



**Net Earnings:** Increased 71% to C\$1.7 billion from C\$985 million

**Diluted Earnings Per Share:** Increased 72% to C\$2.37 per share from C\$1.38

**Revenue:** Increased 5% to C\$3.6 billion from C\$3.4 billion

**Operating Income:** Decreased 2% to C\$1.34 billion from C\$1.37 billion

**Operating Expenses:** Decreased 10% to C\$2.25 billion from C\$2.04 billion

**Operating Ratio:** Worsened 2.8 points to 62.7% from 59.9%



**Net Earnings:** Decreased 21% to C\$472 million from C\$598 million

**Diluted Earnings Per Share:** Decreased 20% to \$0.70 from \$0.88

**Revenue:** Increased by 4% to C\$1.94 billion from C\$1.86 billion



**Operating Income:** Decreased 1% to C\$774 million from C\$779 million

**Operating Expenses:** Increased 8% to C\$1.17 billion from C\$1.08 billion

**Operating Ratio:** Worsened 200 points to 60.2% from 58.2% (due to costs associated with the KCS merger). Without merger costs, operating ratio worsened 120 points to 59.4% from 58.2%

**Net Earnings:** Increased 32% to \$968 million from \$736 million

**Earnings Per Share:** Increased 34% to \$0.43 per share from \$0.32 per share

**Revenue:** Increased 24% to \$3.33 billion from \$2.65 billion

**Operating Income:** Increased 26% to \$1.44 billion from \$1.14 billion

**Operating Expenses:** Increased 23% to \$1.86 billion from \$1.51 billion

**Operating Ratio:** Improved to 56.4% from 56.9%



**Net Earnings:** Decreased 18% to \$156.5 million from \$190.2 million

**Diluted Earnings Per Share:** Decreased 15% to \$1.71 from \$2.01

**Revenue:** Increased 13% to \$744 million from \$659.6 million

**Operating Income:** Decreased 7% to \$251.9 million from \$271.5 million

**Operating Expenses:** Increased 27% to \$492.1 million - \$36.5 million of which are associated with merger costs – from \$388.1 million

**Operating Ratio:** Worsened 7.3 points to 66.1% from 58.8%



**Net Earnings:** Increased to a third-quarter record of \$753 million from \$569 million

**Diluted Earnings Per Share:** Increased 38% to a third-quarter record of \$3.06 per share from \$2.22 per share

**Revenue:** Increased 14% to \$2.85 billion from \$2.51 billion

**Operating Income:** Increased 35% to a third-quarter record of \$1.1 billion from \$840 million

**Operating Expenses:** Increased 3% to \$1.7 billion from \$1.67 billion

**Operating Ratio:** Improved 630 basis points to a third-quarter record of 60.2% from 66.5%



**Net Earnings:** Increased 23% to a third-quarter record of \$1.67 billion from \$1.36 billion

**Earnings Per Share:** Increased 28% to a third-quarter record of \$2.58 from \$2.02

**Revenue:** Increased 13% to \$5.57 billion from \$4.92 billion

**Operating Income:** Increased 20% to a third-quarter record of \$2.4 billion from \$2.03 billion

**Operating Expenses:** Increased 9% to \$3.13 billion from \$2.89 billion

**Operating Ratio:** Improved 240 basis points to a third-quarter record of 56.3% from 58.7%



**Notes:** Operating ratio is a railroad's operating expenses expressed as a percentage of operating revenue, and is considered by economists to be the basic measure of carrier profitability. The lower the operating ratio, the more efficient the railroad.

All comparisons are made to 2020's third-quarter results for each railroad. All figures for CN & CP are in Canadian currency, except for earnings per share for CP.