For the first time in more than 30 years, this Union has taken the Railway Labor Act (RLA) to its limits. We negotiated. We mediated. We cooled off. We went all the way to a Presidential Emergency Board (PEB) and then back into a cooling-off period again. The coordinated bargaining group was tasked with obtaining the best benefits possible, and we never stopped fighting.

I understand the desire amongst many of you to strike. I know the contempt the carriers treat you with at work and have faced it in negotiations. I agree that this nation needs to know and understand just how poorly you and your families are being treated by America’s Class I railroads. You sacrificed every day for the last several years in the face of this disregard for the sake of your families, your communities and this nation. Working through the pandemic, you endured as critical essential infrastructure workers. You put your health and safety on the line to ensure the world

The Federal Railroad Administration (FRA) announced Sept. 22 that the public comment period for the two-person crew size Notice of Proposed Rulemaking (NPRM) has been extended. Stakeholders now have an additional 60 days to show their support for the minimum crew size of two in the cab of trains nationwide. The new deadline is Dec. 2. “This extension was requested by congressional Republicans on the Transportation and Infrastructure Committee and was granted by the FRA,” National Legislative Director Greg Hynes said. He also pointed out that extensions are normal under rules of this magnitude: “It allows concerned members of the public and railroad workers alike to continue to support the truth — that safe train operations in this country are best maintained by following the Rule of Two.” A public hearing on the matter also will be scheduled in the near future, FRA said in its Federal Register notice. In late September, the NPRM was approaching 11,000 comments.

Photos of members needed

The thousands of proud members of the SMART Transportation Division — past, present and future — are undoubtedly the most dedicated, loyal and essential workers in the nation. We want to showcase YOU and all of our diverse crafts any and every way we can. The Public Relations Department has begun a photo drive to add to our image library and for shots to feature in an upcoming issue of the TD News. We are looking for the faces and the heart of SMART-TD — on the job or at your local meeting. Please send high-resolution images of our members in action, plus info about who’s in the photo to news_TD@smart-union.org. When taking photos, be sure to observe all rules regarding the use of electronic devices and photography on your respective work properties.
Continued from Page 1

Our supply chain remained intact because of your efforts. How did the carriers respond? With nothing more than "labor doesn't contribute to profits." It is clear from not only their words, but also their actions that their sole focus was and still is to satisfy Wall Street investors and their constant desire to maximize profits.

In the face of all this, why did we not strike? It is not due to the Railway Labor Act, but rather because of the commerce clause contained within the Constitution of the United States of America. The fact is, Congress would not risk any more harm to the supply chain than what the railroads have already committed since the advent of Precision Scheduled Railroading (PSR). We were then faced with an ugly reality. We could refuse to negotiate any further and initiate the strike procedures, which, in turn, would have been blocked by Congress with the PEB imposed upon us, or we could come to a tentative agreement that then gives you a voice in these proceedings through a direct up or down vote. Beyond empowering each and every member in the process, the agreement opens new ground and cracks open the door to attendance policies being negotiated at the table, instead of through unilateral edicts from the carriers.

From the beginning, it was clear that the carriers had no interest in negotiating in good faith. Their primary goal was to break our crew-consist agreements and force crew reductions upon us. In their list of items they wished to accomplish in negotiations (Section 6 notices) they included pay concessions from members so that you would actually have money taken away from you if their objective of single-person crews was rejected. Similarly, their proposed general wage increases (GWI) were a meager 11% with a tiered wage increases (GWI) were eventually blocked. They were busy courting Wall Street and putting up smoke and mirrors to hide from their own customers and the Surface Transportation Board (STB), we were busy preparing for the first strike in more than 30 years.

Given your value and worth to this nation as the backbone of America's economy, President Biden enacted his right, according to the RLA, to impose a PEB in a last-ditch effort for the two sides to reach an amicable agreement. The PEB appointments were publicly named, and given who was selected, we maintained faith that they would have labor's best interests in mind.

The preparation for the PEB was immediate. Much like court, despite only having three jurors (PEB appointees) as opposed to the standard 12, we prepared to make three years' worth of arguments in a five-day period. We stretched those days for everything we could to wage our strongest arguments for the highest priority of issues. This included a 28% GWI, no healthcare changes, 15 paid sick days, three additional holidays, a voluntary five-day work week for road service, scope rule and vacation pay changes for our yardmasters, and the abolishment of their egregious attendance policies. The carriers, of course, made all their standard rebuttal arguments on why you shouldn't be entitled to any of our proposals, and what they wanted to gain from this process.

From day one of negotiations, we never backed down, and we never conceded to any of the items the carriers were demanding. Without question, we knew our only chance at success was to stand united and be willing to go the full distance under the RLA. Had any union achieved or agreed to a tentative agreement prior to the PEB, it would have most likely established a potentially harmful precedent, which, historically, leaves the remaining unions to face that pattern as the most likely PEB recommendation.

Eventually, PEB 250 concluded and its jury made their ruling. Immediately it was clear the recommendations fell short. The quality-of-life issues we had fought so hard to achieve were negated, namely sick leave and the invalidation of attendance policies. Given that the additional holidays and sick leave were not included, the recommended wage increases should have been greater, and we would sound testimony to support it. The coalition hired an expert economist, and he clearly expressed what was needed in the form of an agreement to recruit and retain an adequate and talented workforce. Our stance was ignored, and the PEB members decided to meet both parties somewhere, theoretically, in the middle.

While this outcome fell short of our expectations, they did rule against the carriers' proposal to force our crew-consist negotiations into an expedited arbitration (within six months of continued mediation), in addition to any denial of forfeit pay raises where conductors remain in the cab of a locomotive. The board also rejected the railroads' proposal...
**TRANSPORTATION DIVISION PRESIDENT’S COLUMN**

**Progress made for Bus Dept. and 2PC rule**

By Jeremy Ferguson

Dear Brothers and Sisters,

Since my last column, a lot has taken place. Breakthroughs have been made on multiple bus properties and a marathon negotiation session regarding a national freight rail contract has resulted in a Tentative Agreement (TA). The Federal Railroad Administration (FRA) has finally come through for us and issued a Notice of Proposed Rulemaking (NPRM) requiring two-person crews for both railroads which have had rail operations with some exceptions. In-depth details about the National Rail TA are well-documented on the front of this paper.

**Two-person crew NPRM**

On July 28th, the Federal Railroad Administration had its NPRM requiring two-person crews on most trains published in the Federal Register, kicking off an initial comment period. Thus far, 10,750+ comments have been received for the rule. This is the most comments FRA has ever received on a proposed rulemaking. I am urging you to submit your comments in support of the two-person crew rule before the deadline, which has been extended to December 2nd, if you have not done so already. Details on how to submit your comments are available online at https://smart-union.org/2pc. There are absolutely ZERO federal regulations preventing one-person crews. This proposed rulemaking puts in place restrictions against one-person crew operations. Though we may not like that the NPRM establishes a waiver process to allow for one-person crews, they are required by law to establish a waiver process for regulations such as this, I know that many are saying on social media and elsewhere that through a waiver process that this NPRM opens the door for one-person crews. I would like you to keep in mind that currently there is NO door.

We are fortunate that FRA has had the foresight to include a provision mandating public input on all waiver requests, while most regulations do not even consider public concern on waiver requests. Even if you don’t like the rule and its provisions, it is important that you comment and tell the FRA how you feel. You don’t even have to submit your name, you can comment anonymously.

**Bus industry advances & contracts**

While the freight rail contract drew headlines and much media attention, our Bus Department is not at rest. Agreements have been reached and voted on and beneficial legislation has also been approved and signed into law. Members who work for the Los Angeles Metropolitan Transportation Authority (LACMTA) voted at the end of July to ratify a TA negotiated by our Bus Department and GO 875. Members will now enjoy appreciation pay for those who worked through the pandemic along with generous wage increases of 26.6% over the life of the agreement, no changes to employee benefits, updates to sick leave, modifications to work rules and modified disciplinary procedures – the carrier’s board approved it, and the contract is done. Congratulations to the Bus Department, GO 875 General Chairperson John Ellis and his negotiating team on a job well done.

For our members who work for Santa Cruz Metro (SCM), a victory was achieved when California Gov. Gavin Newsom signed S.B. 957 into law, including the property under the umbrella of the state’s Public Employment Relations Board (PERB). The law requires that employers and employees of SCM adjudicate complaints of specified labor violations before PERB as an unfair practice instead of in superior court. By requiring the district to adjudicate claims before PERB, the bill imposes a state-mandated local program that will serve to harmonize relations between SCM management and labor.

Finally, a TA was reached for our membership who work for Charlotte Area Transit System (CATS) and has been voted on. Our membership voted against ratification and the discussions of next steps continue as of this writing. Our Bus Department is committed to gaining an agreement that our members will find acceptable and is scheduled to head back to the bargaining table for further negotiations. We will not give up until we have a TA that addresses the issues our CATS members gave as the reason for voting down the agreement.

**Our unfortunate losses**

While we celebrate these successes, it is also important to pause and reflect on our challenges as well. Members from both the bus and rail industries have experienced losses since my last column. Our bus members face assaults and harassment from the public on a daily basis, while our rail members are facing unreasonable attendance policies that put our members’ lives at risk and exacerbate fatigue. Tragically, both departments have faced the loss of life of fellow brothers, while on the job, on the way to and from work, and in one case, a member was gunned down just outside his home. These losses are unacceptable to us as a union and to our families who distinctly feel the unimaginable hardship and loss of a husband, wife, father, son or daughter.

To get a moment to remember Local Chairperson Kevin Spragg (Local 1420), Ryan Jones (Local 446), Mario Navarro (Local 18), Local Chairperson Richard Keen (Local 1263), Zachary Lara (Local 1846), William “Bill” Laver (Local 556) and Daniel Ruley (Local 61).

They will all be missed.

Now is the time to stand together in support for each other and in solidarity. Let’s keep alert and have situation-awareness in all that we do. Please stay safe, and God bless.

Fraternally,

Jeremy R. Ferguson
President, Transportation Division

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**Tentative national rail agreement heading to members for their consideration — the decision is yours**

Continued from Page 2

policies for drastic changes to our healthcare plans which would have been realized on the table. 

Fortunately, these were two items that the carriers were successful in receiving, along with the return of the 15% monthly contribution for healthcare premiums.

Following the PEB, it was clear the carriers were not happy with what they had received. This proved to be detrimental to our collective bargaining process as the recommendation would serve as the foundation for any possible agreements going forward. The carriers were adamant that we would not receive anything more than what was contained within the PEB, period! While most of the other unions accepted the recommendation as written, we were determined to get more, we dug in, did not waver and continued the fight.

My objective during this time was to provide a national strike for those who worked for Charlotte Area Transit System (CATS) and has been voted on. Our membership voted against ratification and the discussions of next steps continue as of this writing. Our Bus Department is committed to gaining an agreement that our members will find acceptable and is scheduled to head back to the bargaining table for further negotiations. We will not give up until we have a TA that addresses the issues our CATS members gave as the reason for voting down the agreement.

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Jeremy R. Ferguson
President, Transportation Division

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procedural irregularity com-
turned the assessed due to a
conditions involved in
released times." acting relieved and
federal tie up screen regard-
for customer service excep-
tion of train department and all work
reporting as not done for
customer service exception and for allegedly
providing false information on his
federal tie up screen regard-
ing actual relieved and
released times." After reviewing the facts and circumstances involved in this case, the board over-
turned the assessed due to a
procedural irregularity com-
mitted by the carrier. In this regard, during the formal
investigation, the local chair-
person stated an objection, but the hearing officer
refused to rule on the objec-
tion, stating that he would
leave the objection open for
the reviewing officer to rule
on. In addressing the hearing
officer’s determination to not
rule on the objection, the board
maintained that leaving the
objection open for the reviewing officer to make a
determination on the validity of the protest following the
close union flagging pre-
cluded the organization from
having any meaningful way
to respond to the ruling on
the objection. For this reason, the board rationalized that this issue
deprived the claimant of a fair and impartial investigation. Accordingly, the board rein-
stated the claimant’s position
with full back pay for his lost
earnings. GO 887 General
Chairperson Gary Crest
and GO 887 Vice General
Chairperson Todd Campbell
progressed this case to the
NRAB First Division.

In NRAB First Division Award No. 30141 (Darby, 2022), Kansas City Southen terminated a conductor for allegedly engaging in con-
duct unbecoming of an employee when he purported-
ly was arrested on a sec-
ond-degree battery charge. The alleged conduct that led to the claimant’s arrest
occurred while he was off-
duty, and it happened
between himself and an indi-
vidual not employed by the
carrier. Ultimately, the crimi-
nal charges brought against the claimant were dropped. After reviewing the eviden-
tiary record in this case, the board concluded that the car-
ier failed to establish a nexus between the claimant’s off-duty conduct and his
employment with the carrier. Finding that the carrier failed to satisfy its burden of proof, the board reinstated the claimant to service with full compensation for his lost
earnings. GO 457 General Chairperson Kelby and GO 457 Associate Gen-
eral Chairperson Keith Thur-
man progressed this case to the NRAB First Division.

In NRAB First Division Award No. 31034 (Darby, 2022), Kansas City Southen terminated a conductor for allegedly failing to
traverse a red light signal while traversing the end of a train. After reviewing the evidence, the board determined that the carrier
failed to establish a nexus between the claimant’s alleged violation of the rules and his
employment with the carrier. In its decision, the board ruled that this particular
interchange claim should not come back to arbitration
again since it is a matter that is
firmly settled between the parties. As a result, GO 919 General Chairperson Dennis
Muleyart progressed this case to the NRAB First Divi-
sion.

Public Law Board Awards
In Public Law Board 7872, Award No. 84 (Phillips, 2022), BNSF terminated a conductor for allegedly failing
to establish protection prior to going in between equipment, failure to ensure that there was
minimum separation between equipment prior to going in between cars, and failure to make an emer-
gency radio transmission. In its decision, the board concluded that the claimant
unsuccessfully attempted to
couple onto a standing cut of
cars, the cars began to roll
away. To remedy this situa-
tion, the claimant reached around the end of the last car
and applied a handbrake to
bring the movement of the
cars to a stop. After reviewing the facts and circumstances of this case, the board con-
cluded that the claimant act-
ed appropriately in response to unexpected circum-
stances. Moreover, in consid-
eration of the timing of the incident and the claimant’s appropriate actions in response to it, the board maintained that the carrier
lacked support to discipline him for not making an emer-
gency announcement on the radio. Based on these rea-
sons, the board reinstated the
claimant to service and compensated him for his lost
earnings. GO 386 General Chairperson Larry Miller handled this case before Public Law Board 6882.

In Public Law Board 7925, Award No. 152 (Fag-
ness, 2022), CSX terminated a conductor for allegedly crossing in between standing equipment without the mini-
imum required amount of sep-
aration. In this case, prior to
crossing in between the standing equipment in ques-
tion, the claimant properly
obtained “3-step protection” from the locomotive engineer. Because the claimant
secured proper protection before crossing in between equipment, the board concluded that the carrier
had no reasonable basis to
assess discipline to the
claimant. Finding that the car-
ter failed to satisfy its burden of proof, the board reinstated the
claimant to service and
awarded him compensation
for his lost time. GO 49 Gen-
eral Chairperson Kevin Serres, and International Vice President
Jamie C. Modesitt handled this case before Public Law Board 7925.

In Public Law Board 7886, Award No. 725 (Hampton, 2022), Union Pacific terminated a brake-
man for allegedly being
insubordinate, quarrelsome and
evacuated, when he pur-
portedly failed to comply with
his supervisor’s instructions, had verbal altercations, and
laid up claiming he was
called and released when he
was allegedly not called and
released. The board held
that the carrier failed to substanti-
tiate the claimant’s conduct brought
against the claimant. Addi-
tionally, the board noted that although the claimant
did leave the property, his
actions were the most prag-
matic option at the time to
avoid escalation of the inci-
dent and more serious conse-
quences. For these reasons,
the board concluded that the
claimant acted appropriately in response to unexpected circumstances.

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 (ahuuges@smart-union.org) for Bus Department victories and Vice President David B. Wier Jr. (dwierjr@smart-union.org) for rail victories.
Dear Brothers and Sisters,

We completed our first SMART Leadership Conference in San Francisco in August. Our historic joint training session was relevant to all Sheet Metal, Air, Rail, and Transportation (SMART) trades. Similar to past training sessions, this was an excellent opportunity to engage with our brothers and sisters in the Bus Department and other trades.

During the three-day training, there were constructive breakout sessions for officers in the Bus Department. Transit, charter and school bus representatives were in attendance to sharpen their skills to take back this knowledge to their respective locals.

Day 1 included two “What is a Grievance?” sessions, which went step by step through the basics of filing a grievance, properly investigating potential grievances, collecting information and preparing for arbitration.

We also touched on the duty of fair representation, principles of just cause and due process, which are necessary to know as a representative. A new chairperson training manual was introduced, serves as an updated version of the previous manual tailored as a training guide for all crafts in the Bus Department. We hope the new version will be an asset for new and seasoned chairpersons. The first day concluded with scenarios and group discussions with everyone’s input on the exercises. This was a great way to interact with fellow brothers and sisters.

Day 2 brought us a joint training session, “The Art of Negotiations,” which was incredible, applying the techniques used by hostage negotiators for practical use in our relations with carriers.

We then finished with two meaningful sessions on the final day. The National Labor Relation Board (NLRB) and the Public Employment Relations Board (PERB) sessions were given by Assistant General Counsel Shawn McKinley, who explained the functions of both boards and detailed what an Unfair Labor Practice (ULP) is. The arbitration and mediation session went into great depth about constructing arguments, gathering exhibits and conducting hearings as an advocate in arbitrations. Mediation was discussed as a way to settle a grievance through mutual agreement with a mediator.

These sessions were based on the need we heard from officers all around the union. We hope that attendees completed the feedback portion on the SMART app. As our industry is changing, we aim to provide the best training help you to represent members properly, so your input is invaluable. You can also find bus training material at SMART University as well.

It was a pleasure meeting the new and incumbent officers who attended. Let’s build off what we learned and strive to be the best as SMART.

Stay well, and be safe! Fraternally yours,

Alvy Hughes

Vice President

Bus-Department- SMART-TD

ahughes@smart-union.org

216-287-3059
New contract approved for LACMTA members

LOS ANGELES — The efforts by the SMART-TD General Committee of Adjustment GO 875 negotiation team resulted in a new agreement for the bus and rail operators of the Los Angeles County Metropolitan Transportation Authority (LACMTA), which serves more than 10 million people in the nation’s most-populous county within a 1,433-square-mile service area.

On Friday, July 29, 2022, the California Mediation and Conciliation Service tabulated votes and reported 68.5% of voters had approved the agreement.

General Chairperson John M. Ellis, retired SMART-TD Vice President and Negotiation Consultant Victor Baffoni, Vice General Chairperson/Local 1565 Chairperson Quintin Wormley; GCA Secretary/Local 1564 Chairperson Andy Carter and Local Chairperson Robert Gonzalez (1563), LCA-875B Chairperson John Cabanas (Rail), Julio Mejia (1607), Edgar Menendez (1608) and Operations Manager/Consultant Assistant Maria D.L. Magallon proudly announced in early August the bus and rail operators of LACMTA voted overwhelmingly to accept the Authority’s proposed contract.

The contract will be in effect for the next five years and contains a 26.6% wage increase through June 30, 2027, over the five-year period.

SMART obtained an appreciation from GC Sandoval at the coun-cil’s Labor Day event.

Among the SCM board members thanked were Jim- my Dutra, Shebreh Kalantari-Johnson, Kristen Brown, Rebecca Downing, Manu Koenig, Donna Meyers and Ari Parker.

“Member of the Santa Cruz Board of Directors, SEIU 521 and the Monterey Bay Central Labor Council were thanked for their support in a speech by GC Sandoval at the coun-cil’s Labor Day event.

On Sept. 2, Calif. Gov. Gavin Newsom signed S.B. 957 into law, thus placing employees of the Santa Cruz Metro (SCM) under the umbrella of the state’s Public Employment Relations Board (PERB) to foster improved relations between public employees and manage-ment.


The bill was introduced in the state Senate by Sen. John Laird (D) on March 17.

The bill’s advance happened because of the dedication and work of members of SMART-TD Local 23 in Santa Cruz, California State Legislative Board Director Louie Costa and General Chairperson James Sandoval (GC-SCM).

“Two of the most influential people in the Santa Cruz area is Louie and James,” GC Sandoval said. “Louie has put in so much work and helped our local interested part-time operator.

The contract also modifies the carrier’s disciplinary procedures, allowing for a streamlined appeals and arbitration process. The contract also updates sick leave and modifications to work rules.

GC Ellis stated: “This is a historic, record-setting contract agreement. We believe that this new contract represents a significant improve-ment and protection in wages and benefits for our 4,600+ members and their families.”

He noted that the overwhelmingly positive vote was a strong indicator that union members were pleased with the agreement and the new contract represents a monumental accomplish-ment.

“‘This agreement has rectified con-cerns from previous contracts and has paved the way to amend future matters that may arise,’” Ellis said. “‘We are pleased to have been able to put together a contract that speaks volume, as powerful as this one in turbulent times such as these.’”

SMART Transportation Division President Jeremy R. Ferguson said: “We’re very excited, extraor-dinarily proud and grateful for the efforts by SMART-TD GO 875 Com-mittee’s dedication. In a recent visit to Los Angeles over the spring, it was a pleasure to encounter the spirit and solidarity of GO 875. I saw and heard firsthand about the great work that they do and had a chance to engage their membership as they voiced their concerns in a town hall meeting. This contract is a great step ahead and congratula-tions to all involved!”

GC Ellis also stated: “I appreciate the patience our membership showed during these past stressful years, and I thank every single one of our members for their support during this process.”

The contract was presented to the County Board of Supervisors for their consideration, and the Board voted and approved the new agree-ment on Aug. 25.

Local 23 members succeed in getting Santa Cruz workers PERB coverage

Members of TD Local 23 pose on Labor Day 2022 with an award given to them by the Monterey Bay Cen-tral Labor Council for their efforts in getting S.B. 957 signed into law.

Members of Local 23 received a “Rock Solid” award on Labor Day from the Monterey Bay Central Labor Council for their efforts. The law requires that employers and employees of SCM adjudicate complaints of specified labor violations before PERB as an unfair practice instead of in superior court. By requiring the district to adjudicate claims before PERB, the bill would impose a state-mandated local pro-gram that would serve to har-monize relations between SCM management and labor. “It removes the fight of who has more money,” Sandoval said. “PERB jurisdiction gives

us free oversight to make sure Metro bargains with our union in good faith during negotiations and gives us recourse in the event Metro commits unfair labor prac-tices.”

Members of the Santa Cruz Board of Directors, SEIU 521 and the Monterey Bay Central Labor Council were thanked for their support in a speech by GC Sandoval at the coun-cil’s Labor Day event.

Among the SCM board members thanked were Jim-my Dutra, Shebreh Kalantari-Johnson, Kristen Brown, Rebecca Downing, Manu Koenig, Donna Meyers and Ari Parker.

A final word of gratitude from GC Sandoval went to state Sen. Laird, author of the bill.

“He believed in us from Day 1 and he stuck it out with us and he carried it all the way through,” he said.
Illinois governor pledges support for Rule of 2

Gov. J.B. Pritzker (D) of Illinois has again stood shoulder-to-shoulder with rail workers in the battle for national two-person crew legislation.

SMART Transportation Division members and the people of Illinois have even more evidence that Gov. Pritzker has their safety as his priority. The governor’s office submitted comments to the Federal Railroad Administration (FRA) on Sept. 27 in support of legislation requiring a two-person crew be in the cab of a number of passenger and freight trains.

“We want to extend our appreciation to Gov. Pritzker for his support for two-person train crews,” said Bob Guy, SMART-TD Illinois state legislative director. “When the governor was a candidate, he visited my office, and we discussed this important employee and public safety need. Then he followed up that commitment by signing legislation (S.B. 24) in 2019 that requires at least two individuals to operate trains in Illinois. That signing occurred even after then-FRA Administrator Ron Batory had attempted to pre-empt other states’ laws and regulations on rail crew size.

“Now the governor has furthered that commitment by issuing a letter of support for FRA’s current Notice of Proposed Rulemaking (NPRM) for crew size safety requirements. Gov. Pritzker and the Illinois General Assembly have made it clear that they support public safety by requiring a two-person crew on trains, and we thank them for that.”

In his submission to the FRA, Gov. Pritzker stated that “adequate railroad operating personnel is critical to ensuring railroad operational safety and security and in supporting first responder activities in the event of a hazardous material incident, grade crossing incident, or mechanical failure.”

Gov. Pritzker’s support is appreciated by the labor community.

Kansas governor Kelly weighs in on Rule of 2

The governor of Kansas Laura Kelly (D) has demonstrated her support for SMART-TD members and their safety by submitting comments to the Federal Railroad Administration (FRA) in support of a national two-person crew regulation.

“I am pleased to announce that Governor Kelly has joined our fight at the federal level,” Kansas State Legislative Director Ty Drago said. “We asked her to support our efforts with the proposed rulemaking by issuing comments from the state of Kansas, and she has shown once again that she is with rail labor.”

“As Governor of the state of Kansas, I directed my Department of Transportation to submit a proposed regulation requiring railroads that operate in the state to maintain a two-person crew in the controlling cab of the lead locomotive unit of each train. I believed that this was a needed step to preserve safe operation of the rail industry in Kansas. Having one person responsible for an 18,000+ ton train hauling hazardous materials jeopardizes the safety of our crews and the public at large,” Gov. Kelly wrote in her comments.

Not only did Gov. Kelly write in support of two-person crews, she also cited instances of when two-person crews were necessary to protect her state during derailments and pointed out that as two persons currently operate trains on nearly all railroads in the state, no additional costs would be incurred by the regulation.

Virginia

Above, Hobb visits with endorsed candidate U.S. Rep. Elaine Luria, of the state’s 2nd District. “She loves to come to our local events to sit with our members and families.”

U.S. Rep. Abigail Spanberger met with Hobbs and other representatives from the SMART-TD during a gathering in Richmond, Va. “She always shows us so much love,” Hobbs said.

Illinois

State Legislative Director Bob Guy submitted the following endorsement for the state’s Amendment 1, the Workers’ Rights Amendment, with some info from www.workersrightsight.com:

“Neighboring states have suffered concerted, successful attacks on Labor Unions and collective bargaining. We have a chance to prevent those attacks from happening in Illinois by passing the Workers’ Rights Amendment to the state constitution. This amendment would limit the power of future General Assemblies, state or local governments from restricting or prohibiting collective bargaining.

“Supporting the Workers’ Rights Amendment would protect our strong labor laws for future generations.” The amendment would:

- Prevent wage cuts.
- In Indiana, Michigan and Wisconsin, the introduction of anti-union laws lowered inflation-adjusted hourly wages by 3% on average.
- Keep Illinois’ current strong labor laws. This amendment does not change our state’s current labor laws. It only creates a constitutional floor for collective bargaining.
- Give working people the respect we deserve. The pandemic has been a stark reminder of how important working people are in a crisis. We deserve respect and to know our rights will be protected, not just today, but in the future as well.
- ‘Vote for yourself, vote YES on the Workers’ Rights Amendment!”

Oklahoma

Oklahoma State Legislative Director Kyle Pence, right, talks with Republican U.S. House candidate Avery Frix, who is an Oklahoma state representative running for the state’s 2nd Congressional District.
RRB reports that Medicare Part B premiums to decline

The Centers for Medicare & Medicaid Services (CMS) has announced that the standard monthly Part B premium will be $164.90 in 2023, a decrease of $5.20 from $170.10 in 2022. This follows an increase of $21.60 in the 2022 premium, largely due to the cost of a new Alzheimer’s drug. Changes in the drug’s use and price, along with other Part B items and services, led to larger financial services that resulted in the lowered premium for next year.

Certain beneficiaries will continue to pay higher premiums based on their modified adjusted gross income. The monthly Part B premiums that include income-related adjustments for 2023 will range from $230.80 to $560.50, depending on the extent to which an individual beneficiary’s modified adjusted gross income exceeds $97,000 (or $194,000 for a married couple). The highest rate applies to beneficiaries whose incomes exceed $500,000 (or $750,000 for a married couple). CMS estimates that about 7% of Medicare beneficiaries pay the income-adjusted premiums. Beneficiaries in Medicare Part D prescription drug coverage plans pay premiums that vary from plan to plan. Part D beneficiaries whose modified adjusted gross income exceeds the same income thresholds that apply to Part B premiums also pay a monthly adjustment amount. In 2023, the adjustment amount ranges from $12.20 to $76.40.

The Railroad Retirement Board withholds Part B premiums, Part B income-related adjustments and Part D income-related adjustments from benefit payments it processes. The agency can also withhold Part C and D premiums from benefit payments if an individual submits a request to his or her Part C or D insurance plan. The tables show the income-related Part B premium adjustments for 2023.

### 2023 PART B PREMIUMS

<table>
<thead>
<tr>
<th>Income-related premium adjustments for 2023</th>
<th>Standard monthly Part B premium</th>
<th>Total monthly Part B premium amount</th>
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<tbody>
<tr>
<td>≤ $97,000</td>
<td>≤ $194,000</td>
<td>≤ $164.90</td>
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<td>≤ $123,000</td>
<td>≤ $246,000</td>
<td>≤ $230.80</td>
</tr>
<tr>
<td>≤ $153,000</td>
<td>≤ $306,000</td>
<td>≤ $297.20</td>
</tr>
<tr>
<td>≤ $183,000</td>
<td>≤ $366,000</td>
<td>≤ $327.90</td>
</tr>
<tr>
<td>≤ $500,000</td>
<td>≤ $750,000</td>
<td>≤ $527.50</td>
</tr>
<tr>
<td>&gt; $500,000</td>
<td>&gt; $750,000</td>
<td>&gt; $560.50</td>
</tr>
</tbody>
</table>

### Married beneficiaries who file separate income tax return

<table>
<thead>
<tr>
<th>Income-related monthly adjustment amount</th>
<th>Total monthly Part B premium amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ $97,000</td>
<td>≤ $164.90</td>
</tr>
<tr>
<td>≤ $97,000 &amp; &lt; $403,000</td>
<td>≤ $527.50</td>
</tr>
<tr>
<td>&gt; $403,000</td>
<td>&gt; $560.50</td>
</tr>
</tbody>
</table>

### Income-related Part B premium adjustments for 2023

<table>
<thead>
<tr>
<th>Beneficiaries who file an individual income tax return with income:</th>
<th>Beneficiaries who file a joint tax return with income:</th>
<th>Income-related monthly adjustment amount</th>
<th>Total monthly Part B premium amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ $362.60</td>
<td>≤ $527.50</td>
<td>≤ $123.00</td>
<td>≤ $230.80</td>
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<tr>
<td>≤ $395.60</td>
<td>≤ $560.50</td>
<td>≤ $153.00</td>
<td>≤ $297.20</td>
</tr>
<tr>
<td>≤ $403,000</td>
<td>≤ $527.50</td>
<td>≤ $183,000</td>
<td>≤ $327.90</td>
</tr>
<tr>
<td>≤ $500,000</td>
<td>≤ $560.50</td>
<td>≤ $500,000</td>
<td>≤ $600.50</td>
</tr>
</tbody>
</table>

To make the determination, SSA uses the income-adjusted premium amount that resulted in the low-income threshold range. Persons who have questions or would like to request a new determination should contact SSA after receiving their notice.

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 1263 Chair Richard Keen Jr. killed in crash

Members in Local 1263 (Valdosta, Ga.) are in mourning after their Local Chairperson Richard G. Keen Jr., 36, was killed in an accident caused by an alleged drunk driver Sept. 10 while on his way home from work as a engi- neer at Norfolk Southern.

A member of SMART-TD since 2007, Keen became active in his union when he was elected local chairper- son in 2015, a position he still held. He also served his local as local alt. legislative rep. (2016 – present), S&T (2018 – 2020) and as alternate delegate for the 2019 convention.

“Richard was a valued member of our union and a strong leader,” wrote Georgia State Legislative Director Matt Campbell. “He believed in doing what was right and holding the railroad accountable for their actions. But more than all that, Richard was a good man, he was funny, and he was a loy- al friend. I am so thankful that I knew this man. He will be so missed by all of us.”

GCA-898 General Chairperson Tom Gholson wrote in an email: “As many of you may not have known him, I can assure each of you that didn’t, when you met him you would like him and find something in common. While he was local chairperson of Local 1263 he helped rebuild many of the past relationships that were tarnished by old union poli- tics. He placed the member- ship foremost in priority and was selfless with his work as secretary and treasurer and local chairman.”

Keen is survived by his wife, Mechelle; children Kaleb, Emerson and Harper Keen; father; mother; sisters and brothers. He also leaves behind his best friends and mentors Patrick Folsom (1st GCA vice chairperson for NS GO 896), Richard Parry and James Warren.

Local 18 member Mario Navarro dies in switching accident

Mario Navarro, 49, a SMART-TD member out of Local 18 (El Paso, Texas), died late Aug. 29 after a pair of rail cars derailed in an accident in Union Pacific’s Alfafa Rail Yard during a shoving movement.

An online fundraiser has been established to help his family through their time of unimaginable grief and loss. Bro. Brother Navarro was an 11-year member of union and worked as a con- ductor for UP.

“He was not just our co-worker, but our brother as well. I cannot describe how this hurts,” Local 18 Secretary & Treasurer Catarino Mon- terto wrote on the online fundraiser page. “I would like for everyone to please pray for his family. They need it more than ever.”

The National Transportation Safety Board and investigators from the SMART-TD National Safety Team were dis- patched to inves- tigate the accident. SMART-TD expresses its most sincere condo- lences to Brother Navarro’s family, friends and to his brothers and sisters of Local 18.

Local 1846 conductor Zach Lara is killed in train collision

Local 1846 in West Colton, Calif., tragically lost a brother on Sept. 8, and a fund raiser has been established to help his family during this inexplica- bly difficult time.

Conductor Zachary “Zach” Lara, 25, and his engineer, Steven Brown were in helper service assisting a train up a grade. When they made a service move into Bertram siding to put their engine away, the crew had a head-on collision with cars that were in the siding. The heartbreak- ing accident has taken a friend and co- worker away from many of us, but the loss being especially felt by his father Jeff Lara (Local 1422, Los Angeles), and his brother, Kevin Laras (Local 1813, West Colton, Calif.), who, like Zach, work for Union Pacific Railroad.

The Lara family has given much to the railroad, and now it is our turn to give back. Please consider donating to the online fundraiser in honor of Brother Lara.

SMART-TD extends our deepest condolences to the Lara family, the Brown family, Local 1846 and to all who knew both men.

Local 1556 member loses life in crash on his way to work

Brakeman William “Bill” Laver, 51, of Grapeview, Wash., a member of Local 556 (Tacoma, Wash.) had his life of dedicated service cut short Sept. 16 by an alleged drunken driver while he was on his way to work.

Laver had answered his call to work for BNSF and was riding his motorcycle to the yard when police said a driver going the wrong way on Route 16 struck him head on. The driver then allegedly fled the scene of the accident and has since been arrested by police. He is now facing charges of fleeing the scene and driving while under the influence in relation to the accident.

Brother Laver had worked with BNSF in 2011 and prior to that served our country honor- ably, retiring with 20 years of service in the United States Navy. At the time of his retire- ment, he was a Senior Chief.

Bill Price, local chairperson of Local 556, said, “I worked with Bill many times, and he was a great guy. He’s going to be missed by all of us.”

Price said Laver left behind his wife, six children and two grandchildren along with both his mother and father.

SMART-TD extends our deepest condolences to the Laver family, Local 556 and to all who knew Brother Laver.

Wife of Alt. VP Simon passes

Ann Simon, the wife of Transportation Division Alt. Vice President/General Chairperson Anthony Simon, has passed away. In addition to Brother Simon, Ann is survived by children Nicole and Anthony Jr.

SMART Transportation Division offers its most sinc- ere condolences to Brother Simon and his family in this period of heartache and loss.

Cardiac event on job claims life of Local 446’s Ryan Jones

Cardiac event on job claims life of Local 446’s Ryan Jones

Local 1420 chairperson Kevin Spragg passes away

Robert “Kevin” Spragg, 59, passed away June 20, 2022. An active member of Local 1420 (Memphis, Tenn.) since August 1998, Spragg was the local chairperson for LCA-001A (BNSF) since 2012 and as a delegate at the 2014 and 2019 conventions. He was a dedicated union man.

“Kevin worked over 25 years for BNSF Railway and was Local Yard Chair- man of SMART-TD Union Local 1420, where he was regularly sought-after by his colleagues for guidance, advice, and a friend- ly, no B.S., humorous per- sonality,” his obituary said. In his downtime Brother Spragg loved entertaining family and friends, traveling and collecting antiques. He was also an avid New York Yankees fan and liked cooking, classic movies and yacht rock. He was known as a person who checked on and helped others.

Brother Spragg was sur- vived by his wife, Georgia Cooper Spragg; his mot- her; brother; sons, Jesse Cooper (Lizzy), Ryan Spragg (Cindy), Tyler Spragg (Sydney); grand- daughters; grandson; niece; as well as a large extended family and friends.

Kevin has been active in Local 1420 for many years and will certainly be missed. Our thoughts and prayers are with Brother Spragg’s family.”

The obituary said.

SMART-TD extends its heartfelt condolences to Brother Spragg’s family, friends, Local 1420 and to all who knew him.

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SMART Leadership Conference

Leaders from the Transportation Division and the Sheet Metal sides of SMART convened in August in San Francisco for a three-day-long session of workshops targeted toward educating State Legislative Board officers as well as GC officers.

Among the guests who addressed the meeting were Department of Transportation Secretary Pete Buttigieg, Federal Railroad Administrator Amit Bose, Surface Transportation Board Chairman Martin Oberman, AFL-CIO President Liz Shuler and AFL-CIO TTD President Greg Regan.

Surface Transportation Board Chairman Martin Oberman speaks via a live video feed to the SMART General Executive Council and attendees of the first SMART Leadership Conference in San Francisco in August.

Don DiLeo, a leader of the New Jersey state AFL-CIO Veterans’ Council and occasional columnist in this publication, makes an impassioned presentation before TD officers.

California State Legislative Board Vice Chairperson Christine Ivey of Local 1785 speaks during a TD workshop during the first SMART Leadership Conference.

MARKING LABOR DAY

Members around the nation, including in Illinois and Nebraska, took part in the annual tradition of being visible at Labor Day parades and marching in solidarity with other labor organizations. Here are some photos sent in from the events.

Illinois

Nebraska
Around the SMART-TD

L-1596, Charlotte, N.C.

General Chairperson Craig Patch (GCA-TMM) is facing a diagnosis of brain cancer and a fundraiser has been established to help him and his family through a difficult time.

LCA-TMM Secretary Michael Jenkins said Brother Patch faces a treatment period of a year to 18 months and was scheduled to begin chemo treatments Aug. 29.

GC Patch has been a loyal member of our union since he began working at CATS (Charlotte Area Transit System). In addition to his term as GC, he’s been a vice chairperson and legislative representative for Charlotte’s Local 1596.

“He was a member of our union for six years, and made a tremendous impact in his short time with us. Local 1440 members took part in celebrating Brother Williams’ life to mark his birthday on Aug. 28 as well as a subsequent memorial service in early September.

SMART Transportation Division shares with Local 1440 in mourning the loss of this dedicated union man and offers its sincere condolences to his family, his local brothers and sisters and all who knew him.

L-854, Portsmouth, Va.

The local had a number of guests at a “Summer Bash” in mid-July, including NLD Greg Hynes, Billy Allen of SM Local 100, Local 924’s John Smith, Local 363’s William Aldridge, DC Legislative Director Jarred Jackson and TD Auxiliary members.

Members of the local accompanied by 85th District Delegate Karen Greenhalgh took time out of their schedule to visit students at Arrowhead Elementary School in Virginia Beach to discuss train safety and give back to their community.

The local recognized and celebrated the career of Paul Stein, whose 50-year career as a San Francisco school bus driver ended with his retirement in September at age 73.

He was an original organizer of our local and was present at the meeting in the San Francisco City Hall in the 1970s when Local 1741 won its first contract. He is a former General Chairperson and has played a critical role in supporting and educating our union membership over the past five decades,” said Local 1741 President Meghann Adams.

We thank Brother Stein for his five decades of dedicated service with the union and wish him a long, happy and healthy retirement!

The leadership of the local is proud to announce that a new six-year contract was approved by the local and by the Staten Island Railroad board in July.

Highlights include:
• A 14% raise over the terms of the agreement which translates to employees receiving an almost-$5-per-hour increase in wages.
• Employees on the property for five years or more were averaging a retroactive paycheck of $28,000.

The local was shocked and deeply saddened by the untimely death of Brother Earl N. Williams over the summer.

Brother Williams, 36, who served as vice local chairperson and vice general chairperson for LCA and GCA-SIR, passed away unexpectedly Aug. 24, 2022, stunning his brothers and sisters.

He was a member of our union for six years, and...
Registration open for Branson, Mo., RTS

Local 60 Chairperson Rashonda Brown was named by Gov. Phil Murphy as the labor member to the New Jersey Transit board. One other person was also appointed to serve on the board. "Under our administration, N.J. Transit has made great strides in improving performance, upgrading critical infrastructure, and hiring needed staff," said Gov. Murphy of Brown and his other nominees and appointees. "Carlos, Kiabi, Evan, Rashonda, and Karen are the right choices to join the N.J. Transit Board during this transformative time to ensure appropriate oversight and accountability as we continue to make key improvements. Their diverse perspectives will serve as tremendous assets to benefit NJ Transit and New Jersey commuters."

Sister Brown has been a member of Local 60 (Newark, N.J.) since 2006, where she has served as the secretary of the LCA and other positions. She runs the SMART Transportation Division and the Trustees of the Discipline Income Protection Program (DIPP). She has been a leader in the SMART-TD for over 20 years, serving as a local trustee and a member of the SMART-TD board. She is also the co-chairwoman of the SMART-TD finance committee.

DIPP cost decreases in October

SMART Transportation Division and the Trustees of the Discipline Income Protection Program (DIPP) are pleased to announce a reduction in monthly assessments. Effective Oct. 1, 2022, the monthly assessment for DIPP participants will be reduced from 81 cents to 75 cents per $1 of daily benefit. DIPP coverage ranges from $6 to $250 per day, ensuring that a participant covered by the DIPP program is suspended, dismissed or removed from service by a carrier for alleged violation of rules or operating procedures will continue to receive income. Participants in the DIPP also have the added flexibility of electing to increase their benefit level or to modify their coverage at any time by submitting the appropriate form to the TD office. This announcement is informational, and no action is required on the part of plan participants at this time. The reduction in assessments was communicated to local treasurers so that the necessary changes to current participants' payroll deductions were made before Oct. 1. DIPP trustees are SMART General President Joseph Sellers Jr., SMART General Secretary-Treasurer Joseph Powell and SMART-TD President Jeremy R. Ferguson.

**L-60, Newark, N.J.**

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**L-1313, Amarillo, Texas**

Members of the local were on hand in Panhandle, Texas, to dedicate on June 28th a memorial to the victims killed in a head-on collision that happened in 2016 and claimed the life of Local 1313 member K.P. Smith and two others. President Jeremy Ferguson also visited the local, fielding questions and meeting with members in May.

SMART Transportation Division 2022 budget

Pursuant to Article 21B, Section 16, of the SMART Constitution, below is the 2022 budget for the SMART Transportation Division

<table>
<thead>
<tr>
<th>Fund</th>
<th>Jan. 1, 2022</th>
<th>Receipts and Other Additions</th>
<th>Disbursements and Other Deductions</th>
<th>Negative Funds Adjustment</th>
<th>Dec. 31, 2022 (Projected)</th>
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</thead>
<tbody>
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<td>$20,858,130</td>
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<td>$(86,977)</td>
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<td>Education and Training</td>
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<td>Public Relations</td>
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<td>-</td>
<td>$8,073,817</td>
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<td>Convention</td>
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<td>-</td>
<td>$5,070,319</td>
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<tr>
<td>Total funds</td>
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<td>$23,691,630</td>
<td>$(22,294,485)</td>
<td>-</td>
<td>$29,816,699</td>
</tr>
</tbody>
</table>

www.smart-union.org
By K.O. Edwards

SMART-TD Indiana State Legislative Director

Most topics divide our organization to varying degrees. But I’d like to hereby debate that SMART-T will formulate majority-based positions on the many issues for which they advocate on our behalf.

The belief that there should be a minimum of two persons on a train crew is not one of those topics. Overwheling rhetoric is a monopoly common topic that my fellow Transportation Division brothers and sisters ask about the status of a two-person crew in railroad regulation. A consensus of our brothers and sisters ask that a consensus of reason on the topic.

The next step in the process is the public comment period expiring Dec. 2. Years of work have gone into getting up to this point. Through this comment process we are going to bring it all home. We respectfully request that every SMART member submit a comment to FRA.

A formal comment turn will play into the carrier’s narrative that a minimum crew size regulation is unnecessary and sends a message that this isn’t a topic of interest to rail workers. A robust or overwhelming turnaround for the comment process sends a loud and clear message: There should be a minimum of two persons on a train crew.

Percentage of chargeable fees determined by analyst for calendar year 2021

<table>
<thead>
<tr>
<th>State Legislative Boards</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Legislative Boards</td>
<td>76 percent</td>
</tr>
<tr>
<td>State Legislative Boards</td>
<td>100 percent</td>
</tr>
<tr>
<td>State Legislative Boards</td>
<td>100 percent</td>
</tr>
<tr>
<td>State Legislative Boards</td>
<td>96.6 percent</td>
</tr>
<tr>
<td>State Legislative Boards</td>
<td>88.7 percent</td>
</tr>
</tbody>
</table>

anywhere that falls within the categories specified in Section 9. The amount of the payments that fall under Section 9 shall be the basis for calculating the reduced fees that must be paid. If the arbitrator finds that the parties have agreed on any 

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a nonmember (as defined in the Act) to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities generally recognized as collective bargaining.

2. No nonmember shall provide notice of objection by notifying the President, Transportation Division of the objection. Transportation Division shall provide a list of appellants to the American Arbitration Association (AAA). Any party to the arbitration shall bear their own costs. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a transcript in fifteen (15) days after the decision on the fee award has been issued.

3. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a transcript in fifteen (15) days after the decision on the fee award has been issued.

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9. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a transcript in fifteen (15) days after the decision on the fee award has been issued.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. A copy of the transcript shall be available to any person objecting to the political and ideological expenditures which fall within the categories specified in Section 9. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a transcript in fifteen (15) days after the decision on the fee award has been issued.

11. When the decision of the arbitrator is announced the ... the legal basis for such decision.

12. If an objector receiving an advance reduction wishes to continue the objection the objector shall pay the reduced fees that he/she is currently paying until the arbitrator issues his/her decision.

13. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a transcript in fifteen (15) days after the decision on the fee award has been issued.

14. If the arbitrator determines that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completion. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be required to pay. The arbitrator shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.

16. Each month thereafter for all objects, an amount shall be put in an interest-bearing escrow account. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.

17. Each month thereafter for all objects, an amount shall be put in an interest-bearing escrow account. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decree.
### Class I rail carriers file their second-quarter earnings reports

**Net Earnings**: Increased 10% to $1.7 billion from $1.5 billion  
**Earnings Per Share**: n/a – BNSF is not publicly traded  
**Revenue**: Increased 14% to $6.6 billion from $5.8 billion  
**Operating Income**: Increased 7% to $2.4 billion from $2.2 billion  
**Operating Expenses**: Increased 19% to $4.3 billion from $3.6 billion  
**Operating Ratio**: Worsened 2.8% to 63.2% from 60.4%  
**Net Earnings**: Increased 28% to $1.92 per share from $1.46 per share  
**Diluted Earnings Per Share**: Increased 2.8% to 63.2% from 60.4%  

**Net Earnings**: Increased 1% to $1.70 billion from $1.69 billion  
**Diluted Earnings Per Share**: Increased 1% to $1.70 billion from $1.69 billion  
**Operating Income**: Increased 18% to $846 million from $750 million  
**Operating Ratio**: Worsened to 55.4% from 43.4%  
**Net Earnings**: Increased 142% to $194 million from -$459.6 million  
**Earnings Per Share**: n/a  
**Revenue**: Increased 13% to $846 million from $750 million  
**Operating Income**: Increased 172% to $313 million from -$432 million  
**Operating Expenses**: Decreased 55% to $533 million from $1.18 billion  
**Operating Ratio**: Improved 94.6 points to 63.6% from 157.6%  
**Net Earnings**: Decreased 56% to $0.82 per share from $1.86 per share  
**Revenue**: Increased 7% to $2.05 billion from $1.92 billion  
**Operating Income**: Increased 6% to $868 million from $820 million  

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**Revenue**: Increased to $3.3 billion from $2.8 billion  
**Operating Income**: Increased 9% to $1.09 billion from $1.04 billion  
**Operating Expenses**: Increased 21% to $2 billion from $1.6 billion  
**Operating Ratio**: Worsened to 60.9% from 58.3%  
**Net Earnings**: Increased 2% to $1.84 billion from $1.79 billion  
**Diluted Earnings Per Share**: Increased to $2.93 per share from $2.72 per share  
**Revenue**: Increased 14% to $6.3 billion from $5.5 billion  
**Operating Income**: Increased 1% to $2.49 billion from $2.47 billion  
**Operating Expenses**: Increased 25% to $3.8 billion from $3.03 billion  
**Operating Ratio**: Worsened 5.1 points to 60.2% from 55.1%  

**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 2021’s second-quarter results for each railroad.

All figures for CN & CP are in Canadian currency, except for earnings per share.

On December 14, 2021, Canadian Pacific Railway acquired the outstanding common and preferred stock of KCS. Therefore, earnings per share data is not presented because the company does not have any outstanding or issued publicly traded stock.