



TA heading to members

Ultimately it's up to you to decide on this contract

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 bene-



By Jeremy Ferguson

fits 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

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Brett Bottles, son of Raymond Bottles, a TD Alumni member and retiree from Local 2 (Toledo, Ohio), caught the Amtrak 50th anniversary locomotive in this shot. While shots of trains and buses from the outside are nice, it's who's inside that counts ... read below for more details!

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.

FRA extends comment period for Rule of 2

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.



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Inside this issue

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- **NEW CONTRACT:** GC **John Ellis** announces ratification of new contract with LACMTA, **Page 6**.



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

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continued to function uninterrupted.

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 intent of 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 health care system that would subject you to a monthly premium (moving goal post) that was dependent upon their current health factors, the number of dependents in their respective households, and, in addition, drastic increases to deductibles and out-of-pocket expenses.

Needless to say, there was



SMART Transportation Division President Jeremy Ferguson, along with other leaders of the United Rail Unions gather in July following rail labor’s presentations before Presidential Emergency Board 250 in Washington, D.C.

nothing gained during the early stages of negotiations. While you were hard at work risking your health and safety, the carriers were warm and cozy with the shareholders enjoying record profits while sitting quietly at the table, arms folded and with icy glares blankly rejecting every proposal we put forth. We demanded our fair share, as you have seen in our published Section 6 Notices. They were absolutely unwilling to negotiate at any point. As a result, and after almost three years of the carriers’ stonewalling, the National Mediation Board (NMB) ordered the parties to mediation.

During mediation, the political climate became more influential, as the elected representatives who would eventually have oversight of our dispute were known to be more labor friendly. This caused the railroads’ bargaining unit to slightly loosen its position, which resulted in their new offer of a 16% GWI (a raise they coined – “reasonable”), but they still maintained their positions on drastic healthcare and work rule changes. Clearly, this fell well short of being acceptable, so we held strong, maintained our position and continued the battle.

Eventually, the parties were released from mediation because it was abundantly clear the carriers were not willing to engage in a conversation, much less meaningful negotiations, and given that we were at a standstill and making zero progress, the cooling-off period commenced.

The carriers drew their line in the sand from the very beginning and claimed that, in their opinion, your demands were excessive and undeserved. We had no

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CONTRACT RATIFICATION PROCESS AND ESTIMATED TIMELINE

2022 TENTATIVE AGREEMENT (TA)

Updated September 22, 2022

Chief Negotiators Agreed Upon General Agreement Terms

- September 14-15 (Completed)

Negotiating Committee Reviewed and Unanimously Accepted TA Terms

- September 15 (Completed)

TA Final Proofing and Legal Review

- September 15-20 (Completed)

TA Has Been Submitted to General Chairpersons for Review

- General Chairpersons Voted to Proceed With Ratification Process

- Copies of TA Have Been Circulated

- September 21-22 (Completed)

General Chairpersons to Submit Questions About Interpretation of TA

- 15-day Period Will Conclude at 11:59 p.m. Eastern Time on Friday, October 7

Bargaining Committees Meet and Agree Upon Answers to Questions

- Expected to Begin in Early October, Immediately following 15-Day Window for Questions

- Once Complete, Full TA (Including Q&As) Will be Available for Members to Review

- SMART-TD Officers Will Begin Hosting and Attending Informational Membership Meetings

Membership Ratification

- 21-day Voting Period Expected to Commence in Mid-to-Late October

- Ballot Packages and Voting Instructions Will be Sent to Eligible Members via USPS Mail

- Target Date for Tabulation is Mid-November

other choice but to prepare for a strike; and that’s exactly what we did throughout the cooling-off period. While 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 hav-

ing 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 conced-

ed 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 precedence, 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 had 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 denying any forfeiture of pay raises where conductors remain in the cab of a locomotive. The board also rejected the railroads’ pro-

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TRANSPORTATION DIVISION PRESIDENT’S COLUMN

Progress made for Bus Dept. and 2PC rule

Dear Brothers and Sisters,

Since my last column, a lot has taken place. Break-throughs 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 freight and passenger rail operations with some exceptions. In-depth details about the National Rail TA are well-documented on the front of this newspaper.

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 on our website at <https://smart-union.org/2pc>. There are absolutely ZERO federal regulations preventing one-person crews. This proposed rulemaking puts in



By Jeremy Ferguson

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 huge headlines and much media attention, our Bus Department is not at rest. Agreements have been reached and voted on and beneficial legislation has also

“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.”

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 adjudi-

cate claims before PERB, the bill will impose 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.

Let us take a moment to remember Local Chairperson **Kevin Spragg** (Local 1420), **Ryan Jones** (Local 446), **Mario Navarro** (Local 18), Local Chairperson **Richard Keen** (Local 1263), **Zachery 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 situational awareness in all that we do. Please stay safe, and God bless.

Faternally,



Jeremy R. Ferguson
President,
Transportation Division

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

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positional for drastic changes to our healthcare plans which would have had long-term financial impacts on the members when they or their dependents received medical care or preventative exams. We were also successful with our position to achieve much-needed changes to the healthcare plan with respect to speech therapy, Autism Spectrum Disorder and an increase in hearing benefits.

Additionally, the PEB recommended our position for rest days, but in doing so, comingled this into their decision with the carriers' demand to implement automatic bids (ABS) and self-supporting pools (SSP) (with modifications to pool/extra board regulations). I want to be very clear that neither SMART-TD nor the BLE-T argued in support of the ABS or SSP.

Unfortunately, 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 agreement moving 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 two-fold; prepare for a national strike and negotiate additional benefits for

our members, in excess of the PEB recommendations. As a leader this decision was tough. I had just as many members telling me they wanted to vote on the recommendation as I did that wanted to strike. In addition, I do not agree with, nor will be party to any attempt to restrict your right to vote. You sacrificed too much to not have a say in this process.

So, we pressed on until the 12th hour, when the political powers made it clear, regardless of what was portrayed in the media, that we would not be allowed to shut down America's supply chain. In the final hours, we were successful in obtaining more, in spite of the headwinds and all who stated it was not possible.

As President of this Union, I will not sell members on this tentative agreement. It is my responsibility and duty to provide you with factual informa-

tion and allow you to make an educated choice, based on the facts presented, that serves you and your family's interest. Further, it would have been reckless of me to put your fate in the hands of politicians who know very little of the plight of a modern railroad worker in today's PSR environment. Therefore, as it should be, the vote is now yours. No matter what your collective decision is, I will work to ensure it is heard and is acted upon.

In solidarity,



Jeremy R. Ferguson
President,
Transportation Division

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 NRAB First Division Award No. 30960** (Neumeier, 2022), Union Pacific terminated a conductor for allegedly failing to comply with its attendance policy. Observing that the claimant only had two (2) absences in the review period, the board found that the penalty of dismissal from service was arbitrary and excessive. As a result of that conclusion, the board reinstated the claimant to service with compensation for all 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. 30962** (Neumeier, 2022), Union Pacific terminated a trainman for purportedly “leaving his assignment without proper authority after reporting his train departure and all work order reporting as not done for customer service exception and for allegedly providing false information on his federal tie up screen regarding actual relieved and released times.” After reviewing the facts and circumstances involved in this case, the board overturned the assessed due to a procedural irregularity committed by the carrier. In this regard, during the formal

investigation, the local chairperson raised an objection, but the hearing officer refused to rule on the objection, 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 of the proceeding precluded 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 reinstated the claimant to service 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. 31034** (Darby, 2022), Kansas City Southern terminated a conductor for allegedly engaging in conduct unbecoming of an employee when he purportedly was arrested on a second-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 individual not employed by the carrier. Ultimately, the criminal charges brought against the claimant were dropped. After reviewing the evidentiary record in this case, the board concluded that the carrier 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 **Sam Habjan** and GO 457 Associate General Chairperson **Keith Thurman** progressed this case to the NRAB First Division.

■ **In NRAB First Division Award No. 31041** (Bell, 2022), the board sustained a grievance for eight (8) hours pay for an interchange claim involving a local May 27, 1949, agreement. Although the carrier, Terminal Railroad Association of St. Louis, claimed the local 1949 agreement was voided by a subsequent April 10, 1975, agreement, the board, for a number of reasons, found otherwise. First, the board observed that the carrier voluntarily sustained a large number of similar claims in the past. Second, even though the carrier claimed that the local 1949 agreement was canceled by the later 1975 agreement, it served a notice on the organization under Section 6 of the Railway Labor Act asking to eliminate the provision of the 1949 agreement that supported the organization’s claim in the instant case. Thus, the carrier acknowledged the existence of the 1949 agreement by serving a Section 6 notice on the organization asking to remove the provision from the collective bargaining agreement. Third, the board maintained that numerous prior arbitration tribunals, some dating back to 1994, have found that interchange claims involving the same fact pattern existing in this case have credence. In fact, this case represents the fifth time that the carrier has unsuccessfully challenged this particular interchange claim in

arbitration. 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 in arbitration. GO 919 General Chairperson **Dennis Muyleart** progressed this case to the NRAB First Division.

■ **In Public Law Board 7882, 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 emergency radio transmission. In this case, after the claimant unsuccessfully attempted to couple onto a standing cut of cars, the cars began to roll away. To remedy this situation, 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 concluded that the claimant acted appropriately in response to unexpected circumstances. Moreover, in consideration 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 emergency announcement on the radio. Based on these reasons, the board reinstated the claimant to service and compensated him for his lost wages. GO 386 General Chairperson **Larry Miller** handled this case before Public Law Board 6882.


■ **In Public Law Board**


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

■ **In Public Law Board 7586, Award No. 275** (Hampton, 2022), Union Pacific terminated a brakeman for allegedly being insubordinate, quarrelsome and dishonest when he purportedly failed to comply with his supervisor’s instructions, had verbal altercations, and tied up claiming he was called and released when he was allegedly not called and released. The board held that the carrier failed to substantiate the charges it brought against the claimant. Additionally, the board noted that although the claimant did leave the property, his actions were the most pragmatic option at the time to avoid escalation of the incident and more serious consequences. For these reasons,

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SMART GENERAL PRESIDENT'S COLUMN

We've accomplished much and continue to lead

Brothers and sisters,

I would like to commend the strength and solidarity shown by every one of our freight rail members throughout the bargaining process that led to the tentative agreements between the SMART Transportation Division, SMART Mechanical and Engineering and the freight rail carriers.

It is because of your resolve that our union was able to stand strong against the demands of the carriers and eventually negotiate an agreement that gives members something concrete to vote on in the coming weeks.

As the ratification process unfolds, I hope you know that every member of SMART continues to stand



By Joseph Sellers Jr.

with you and we are proud of our negotiating committees.

We have achieved significant progress in recent months, particularly compared with the obstacles we were facing only a few years ago.

After years of advocacy, and after having to deal with a Federal Railroad Administration (FRA) administrator who sided with the carriers under the last administration, we finally have a pending two-

person crew regulation.

The FRA and its current administrator, Amit Bose, recognize that there is no freight rail infrastructure without the workers who move the freight, and they have given our union an unprecedented seat at the table. It's no accident that this new level of access coincided with the proposed two-person crew rule.

The Notice of Proposed Rulemaking for the Rule of Two has already received more than 10,000 comments – the largest-ever number for a transportation-related rule, most of them in favor.

The FRA recently extended the public commenting period until December, giv-

ing us an even greater chance to make our case.

Thank you to those who have commented, but if you or your family and friends have not commented yet, please do so – text 2PC to 67336 to receive instructions and a link to where you can comment on the proposed rule (message and data rates may apply).

We still have much work ahead.

Our transit operators need better pay and protections as they carry on with their essential work; our rail members continue to stand strong against the corporate onslaught that is Precision Scheduled Railroad-ing.

Thanks to wins like the proposed two-person crew


rule and new relationships with federal officials, we now have a foundation to stand on as we continue to fight for our members.

This November, consider the progress we have made and support the candidates who have acted on our behalf, regardless of their party.

Endorsements from TD officers are available for your review on Pages 8 and 9 of this publication.

You can check your voter registration status at SMARTUnionVote.Org.

In solidarity,



Joseph Sellers Jr.
General President, SMART

Bus Department News

A message from your Bus Department leadership

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, collect-



By Alvy Hughes

ing information and prepping for arbitration.

We also touched on the duty of fair representation, principles of just cause and dos and don'ts, which all are necessary to know as a representative. A new chairperson training manual was introduced and 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 and share ideas.

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) session was 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 dis-

cussed as an avenue 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 keep providing 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
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What your union is doing for you — recap of recent arbitration victories from general chairpersons

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the board returned the claimant to his former position with the carrier and awarded him compensation for his lost earnings. GO 569 General Chairperson **Terry Dixon** handled this case before Public Law Board 7586.

...

■ **In Public Law Board 7743, Award No. 108** (Ross, 2022), BNSF assessed a conductor a Level S 30-day record suspension for an alleged violation of GCOR 6.32.2 for not stopping and

protecting a road crossing following receiving a mandatory directive requiring same. As the claimant's crew was entering a siding, they received a positive train control (PTC) prompt to stop and protect a road crossing at MP 55.8 on the Pikes Peak Subdivision. Critically, the claimant and his locomotive engineer both testified at the formal investigation that they immediately received another PTC prompt to stop at the north end of the siding to allow a southbound train to pass them that superseded

the PTC stop and protect prompt. After waiting in the siding for nearly an hour, the claimant's crew received a favorable signal to depart the siding. At this point, the claimant's crew reviewed their PTC screen for any active crossing warnings on the Pikes Peak Subdivision, but there were none at that time. The claimant's crew departed the siding and encountered maintenance of way employees flagging the crossing that the earlier PTC prompt directed them to stop and protect. Because the

maintenance of way employees waived the crew through the crossing, and in light of the fact that the PTC prompt directing the crew to stop and protect the road crossing was no longer showing on their PTC screen, the claimant's crew proceeded through the crossing without stopping. Based on the record established in this case, the board held that mitigating circumstances existed that did not support disciplining the claimant for failing to stop and protect the road crossing at issue. Accordingly, the

board ruled to vacate the discipline assessed to the claimant and awarded him compensation for all time lost regarding this incident and for attending the formal investigation. This case is a classic example of demonstrating that PTC has faults and is not the unblemished system that the carrier would lead everyone to believe. GO 009 General Chairperson **Scott Swiatek** and International Vice President **Joe Lopez** handled this case before Public Law Board 7743.

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 pay for LACMTA members who worked through the COVID-19 pandemic.

No changes were made to employee benefits, and the pool of full-time operators also had the opportunity to expand with the offering of full-time positions to any



Bottom left: Office Secretary Rosana Santana; Operations Manager Maria Magallon; and Administrative Assistant Iveth Lopez. Top, from left, negotiation consultant Victor Baffoni; Local 1607 Chairperson Julio Mejia; GCA Secretary and Local 1564 Chairperson Andy Carter; General Chairperson John M. Ellis; Local 1608 Chairperson Edgar Menendez; Vice General Chairperson/Local 1565 Chairperson Quintin Wormley; Local 1563 Chairperson Robert Gonzalez and Local 1565 Chairperson (Rail) Johnny Cabanas celebrate the announcement of the LACMTA contract ratification by members.

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 improvement 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 accomplishment.

"This agreement has rectified concerns 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, extraordinarily proud and grateful for the efforts by SMART-TD GO 875 Committee'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 congratulations 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 agreement on Aug. 25.

Local 23 members succeed in getting Santa Cruz workers PERB coverage

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 management.

The law takes effect Jan. 1, 2023.

The bill was introduced in the state Senate by Sen. John Laird (D) on March 17. The bill's advance happened because of the dedicated 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).

"This was a long uphill battle," GC Sandoval said. "Louie has put in so much work and helped our local



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

along the way in getting this done. He would sit with me for nine hours some days waiting for our bill to come up just to say he supports it too and taking the time to teach me how the process works."

The tenacity in seeing the bill through into law resulted in representatives of Local 23

receiving 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 program that would serve to harmonize 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 practices."

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 council's Labor Day event.

Among the SCM board members thanked were Jimmy 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.

State Watch

News from SMART-TD State Legislative Boards

Illinois governor pledges support for Rule of 2

Gov. J.B. Pritzker (D) of Illinois again has 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.

Illinois Gov. J.B. Pritzker (right) meets with Illinois State Legislative Director Bob Guy in August at the Illinois State Fair.

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 Dragoo** 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 rail-

Kelly

roads 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."

State Legislative Director Ronnie Hobbs has been making the rounds to discuss issues important to TD members to vet them for endorsement by the union in the November election. Above, he talks to U.S. Rep. Donald Beyer of the state's 8th District about the need to explore legislating train length and the impact that carrier conduct has had on the rail workforce as well as the potential safety hazards that the Precision Scheduled Railroading scheme has created with its longer trains and employee cuts.

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.workersrights.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.

www.smart-union.org



SMART-TD 2022 Election Endorsements

Congressional Recommendations**



Alabama

House of Representatives
Dist. 7 Terri A. Sewell (D)*

Alaska

Senate
Lisa Murkowski (R)*

House of Representatives
At Large Mary Sattler Peltola (D)*

Arizona

Senate
Mark Kelly (D)*

House of Representatives
Dist. 1 Jevin Hodge (D)



Tom O'Halleran (D)*
U.S. Representative,
Dist. 2, Arizona

Dist. 3 Ruben Gallego (D)*
Dist. 4 Greg Stanton (D)*
Dist. 6 Kirsten Engel (D)
Dist. 7 Raul Grijalva (D)*

Arkansas

Senate
Natalie James (D)

House of Representatives
Dist. 2 Quintessa Hathaway (D)
Dist. 3 Lauren Mallett-Hays (D)

California

Senate
Alex Padilla (D)*

House of Representatives
Dist. 1 Max Steiner (D)
Dist. 2 Jared Huffman (D)*
Dist. 3 Kermit Jones (D)
Dist. 4 Mike Thompson (D)*
Dist. 5 Mike Barkley (D)
Dist. 6 Ami Bera (D)*
Dist. 7 Doris Matsui (D)*
Dist. 8 John Garamendi (D)*
Dist. 9 Josh Harder (D)*
Dist. 10 Mark DeSaulnier (D)*
Dist. 11 Nancy Pelosi (D)*
Dist. 12 Barbara Lee (D)*
Dist. 13 Adam Gray (D)
Dist. 14 Eric Swalwell (D)*
Dist. 15 Kevin Mullin (D)
Dist. 16 Anna Eshoo (D)*
Dist. 17 Ro Khanna (D)*
Dist. 18 Zoe Lofgren (D)*
Dist. 19 Jimmy Panetta (D)*
Dist. 20 Marisa Woods (D)
Dist. 21 Jim Costa (D)*
Dist. 22 Rudy Salas (D)
Dist. 23 Derek Marshall (D)
Dist. 24 Salud Carbajal (D)*
Dist. 25 Raul Ruiz (D)*
Dist. 26 Julia Brownley (D)*
Dist. 27 Christy Smith (D)
Dist. 28 Judy Chu (D)*
Dist. 29 Tony Cardenas (D)*
Dist. 30 Adam Schiff (D)*



Grace Napolitano (D)*
U.S. Representative,
Dist. 31, California

Dist. 32 Brad Sherman (D)*
Dist. 33 Pete Aguilar (D)*
Dist. 34 Jimmy Gomez (D)*
Dist. 35 Norma Torres (D)*
Dist. 36 Ted Lieu (D)*

Dist. 37 Sydney Kamlager (D)
Dist. 38 Linda Sanchez (D)*
Dist. 39 Mark Takano (D)*
Dist. 40 Asif Mahmood (D)
Dist. 41 Will Rollins (D)
Dist. 42 Robert Garcia (D)
Dist. 43 Maxine Waters (D)*
Dist. 44 Nanette Barragan (D)*
Dist. 45 Jay Chen (D)
Dist. 46 Lou Correa (D)*
Dist. 47 Katie Porter (D)*
Dist. 48 Stephen Houlihan (D)
Dist. 49 Mike Levin (D)*
Dist. 50 Scott Peters (D)*
Dist. 51 Sara Jacobs (D)*
Dist. 52 Juan Vargas (D)*

Colorado

Senate
Michael Bennet (D)*

House of Representatives

Dist. 1 Diana DeGette (D)*
Dist. 2 Joe Neguse (D)*
Dist. 3 Adam Frisch (D)
Dist. 6 Jason Crow (D)*
Dist. 7 Brittany Pettersen (D)
Dist. 8 Yadira Caraveo (D)

Connecticut

Senate
Richard Blumenthal (D)*

House of Representatives

Dist. 1 John Larson (D)*
Dist. 2 Joe Courtney (D)*
Dist. 3 Rosa DeLauro (D)*
Dist. 4 Jim Himes (D)*
Dist. 5 Jahana Hayes (D)

Delaware

House of Representatives



Lisa Blunt Rochester (D)*
U.S. Representative,
At Large, Delaware

District of Columbia

House of Representatives
At Large Eleanor Holmes Norton (D)*

Florida

Senate
Val Demings (D)

House of Representatives

Dist. 2 Al Lawson (D)*
Dist. 9 Darren Soto (D)*
Dist. 14 Kathy Castor (D)*
Dist. 22 Lois Frankel (D)*
Dist. 24 Frederica Wilson (D)*
Dist. 25 Debbie Wasserman Schultz (D)*
Dist. 26 Mario Diaz Balart (R)*
Dist. 27 Maria E. Salazar (R)*
Dist. 28 Carlos A. Gimenez (R)*

Georgia

Senate



Raphael Warnock (D)*
U.S. Senator,
Georgia

House of Representatives

Dist. 2 Sanford Bishop (D)*
Dist. 4 Hank Johnson (D)*
Dist. 5 Nikema Williams (D)*
Dist. 7 Lucy McBath (D)*
Dist. 13 David Scott (D)*

Hawaii

Senate
Brian Schatz (D)*

House of Representatives

Dist. 1 Edward Case (D)*
Dist. 2 Jill Naomi Tokuda (D)

Illinois

Senate
Tammy Duckworth (D)*

House of Representatives

Dist. 1 Jonathan Jackson (D)
Dist. 2 Robin Kelly (D)*
Dist. 3 Delia C. Ramirez (D)



Jesús "Chuy" García (D)
U.S. Representative,
Dist. 4, Illinois

Dist. 5 Mike Quigley (D)*
Dist. 6 Sean Casten (D)*
Dist. 7 Danny Davis (D)*
Dist. 8 Raja Krishnamoorthi (D)*
Dist. 9 Jan Schakowsky (D)*
Dist. 10 Brad Schneider (D)*
Dist. 11 Bill Foster (D)*
Dist. 13 Nikki Budzinski (D)
Dist. 14 Lauren Underwood (D)*
Dist. 17 Eric Sorenson (D)

Indiana

House of Representatives

Dist. 1 Frank Mrvan (D)*
Dist. 2 Paul Steury (D)
Dist. 3 Gary Snyder (D)
Dist. 4 Roger Day (D)
Dist. 5 Jeannine Lake (D)
Dist. 6 Cinde Wirth (D)
Dist. 7 Andre Carson (D)*
Dist. 8 Ray McCormick (D)
Dist. 9 Matt Fyfe (D)

Iowa

Senate
Mike Franken (D)

House of Representatives

Dist. 1 Christina Bohannon (D)
Dist. 2 Liz Mathis (D)
Dist. 3 Cindy Axne (D)*
Dist. 4 Ryan Melton (D)

Kansas

Senate
Jerry Moran (R)*

House of Representatives

Dist. 2 Patrick Schmidt (D)



Sharice Davids (D)*
U.S. Representative,
Dist. 3, Kansas

Kentucky

Senate
Charles Booker (D)

House of Representatives

Dist. 3 Morgan McGarvey (D)

Louisiana

Senate
Luke Mixon (D)

House of Representatives

Dist. 2 Troy Carter (D)*

Maine

House of Representatives
Dist. 1 Chellie Pingree (D)*
Dist. 2 Jared Golden (D)*

Maryland

Senate
Chris Van Hollen (D)*

House of Representatives

Dist. 1 Heather Mizeur (D)
Dist. 2 Dutch Ruppersberger (D)*
Dist. 3 John P. Sarbanes (D)*
Dist. 4 Glenn Ivey (D)
Dist. 5 Steny H. Hoyer (D)*
Dist. 6 David Trone (D)*
Dist. 7 Kweisi Mfume (D)*
Dist. 8 Jamie Raskin (D)*

Massachusetts

House of Representatives

Dist. 1 Richard Neal (D)*
Dist. 2 Jim McGovern (D)*
Dist. 3 Lori Trahan (D)*
Dist. 4 Jake Auchincloss (D)*
Dist. 5 Katherine Clark (D)*
Dist. 6 Seth Moulton (D)*
Dist. 7 Ayanna Pressley (D)*
Dist. 8 Stephen Lynch (D)*
Dist. 9 Bill Keating (D)*

Michigan

House of Representatives

Dist. 3 Hillary Scholten (D)
Dist. 6 Debbie Dingell (D)*
Dist. 7 Elissa Slotkin (D)*



Dan Kildee (D)*
U.S. Representative,
Dist. 8, Michigan

Dist. 11 Haley Stevens (D)*
Dist. 13 Rashida Tlaib (D)*

Minnesota

House of Representatives

Dist. 1 Jeffrey Ettinger (D)
Dist. 2 Angie Craig (D)*
Dist. 3 Dean Phillips (D)*
Dist. 4 Betty McCollum (D)*
Dist. 5 Ihan Omar (D)*
Dist. 8 Jen Schultz (D)

Mississippi

House of Representatives
Dist. 2 Bennie Thompson (D)*

Missouri

Senate
Trudy Busch Valentine (D)

House of Representatives

Dist. 1 Cori Bush (D)*
Dist. 2 Trish Gunby (D)
Dist. 3 Bethany Mann (D)
Dist. 5 Emanuel Cleaver II (D)*
Dist. 6 Sam Graves (R)*
Dist. 7 Kristen Radaker-Sheafer (D)
Dist. 8 Jason Smith (R)*

Montana

House of Representatives
Dist. 1 Monica Tranel (D)
Dist. 2 Penny Ronning (D)

Nebraska

House of Representatives
Dist. 1 Mike Flood (R)*



Don Bacon (R)*
U.S. Representative,
Dist. 2, Nebraska

Nevada

Senate
Catherine Cortez Masto (D)*

House of Representatives

Dist. 1 Dina Titus (D)*
Dist. 3 Susie Lee (D)
Dist. 4 Steven Horsford (D)*

New Hampshire

Senate
Maggie Hassan (D)*

House of Representatives

Dist. 1 Chris Pappas (D)*
Dist. 2 Ann McLane Kuster (D)*

New Jersey

House of Representatives
Dist. 1 Donald Norcross (D)*



Jeff Van Drew (R)*
U.S. Representative,
Dist. 2, New Jersey

Dist. 3 Andy Kim (D)*
Dist. 4 Chris Smith (R)*
Dist. 5 Joshua Gottheimer (D)*
Dist. 6 Frank Pallone (D)*
Dist. 7 Tom Malinowski (D)*
Dist. 8 Rob Menendez (D)



Donald Payne Jr. (D)*
U.S. Representative,
Dist. 10, New Jersey

Dist. 9 Bill Pascrell (D)*
Dist. 11 Michelle "Mikie" Sherrill (D)*
Dist. 12 Bonnie Watson Coleman (D)*

New Mexico

House of Representatives

Dist. 1 Melanie Stansbury (D)*
Dist. 2 Gabriel "Gabe" Vasquez (D)
Dist. 3 Teresa Leger Fernandez (D)*

New York

Senate
Chuck Schumer (D)*

House of Representatives

Dist. 1 Nickolas J. LaLota (R)
Dist. 2 Andrew R. Garbarino (R)*
Dist. 3 Robert Zimmerman (D)
Dist. 4 Laura Gillen (D)
Dist. 5 Gregory Meeks (D)*
Dist. 6 Grace Meng (D)*
Dist. 7 Nydia Velasquez (D)*
Dist. 8 Hakeem Jeffries (D)*
Dist. 9 Yvette Clark (D)*
Dist. 10 Dan Goldman (D)
Dist. 11 Max Rose (D)*
Dist. 12 Jerold Nadler (D)*
Dist. 13 Adriano Espaillat (D)*
Dist. 14 Alexandria Ocasio-Cortez (D)
Dist. 15 Ritchie Torres (D)*
Dist. 16 Jamaal Bowman (D)*
Dist. 17 Sean Patrick Maloney (D)*
Dist. 18 Pat Ryan (D)*
Dist. 19 Josh Riley (D)
Dist. 20 Paul Tonko (D)*
Dist. 21 Matt Castelli (D)
Dist. 24 Steven Holden (D)

Dist. 25 Joseph Morelle (D)*
Dist. 26 Brian Higgins (D)*

North Carolina

Senate



Cheri Beasley (D)
U.S. Senate candidate,
North Carolina

House of Representatives

Dist. 1 Don Davis (D)
Dist. 2 Deborah Ross (D)*
Dist. 3 Barbara Gaskins (D)
Dist. 4 Valerie Foushee (D)
Dist. 5 Kyle Parrish (D)
Dist. 6 Kathy Manning (D)*
Dist. 7 Charles Graham (D)
Dist. 10 Pam Genant (D)
Dist. 11 Jasmine Beach-Ferrara (D)
Dist. 12 Alma Adams (D)*
Dist. 13 Wiley Nickle (D)
Dist. 14 Jeff Jackson (D)

North Dakota

Senate

Katrina Christiansen (D)
House of Representatives

At-Large Cara Mund (I)

Ohio

Senate



Tim Ryan (D)
U.S. Senate candidate,
Ohio

House of Representatives

Dist. 2 Brad Wenstrup (R)*
Dist. 3 Joyce Beatty (D)*
Dist. 9 Marcy Kaptur (D)*
Dist. 11 Shontel Brown (D)*
Dist. 13 Emilia Sykes (D)*
Dist. 14 Dave Joyce (R)*

Oklahoma

Senate

Kendra Horn (D)

House of Representatives

Dist. 1 Adam Martin (D)
Dist. 3 Frank Lucas (R)*
Dist. 4 Tom Cole (R)*
Dist. 5 Stephanie Bice (R)*

Oregon

Senate

Ron Wyden (D)*

House of Representatives

Dist. 1 Suzanne Bonamici (D)*
Dist. 3 Earl Blumenauer (D)*
Dist. 4 Val Hoyle (D)
Dist. 5 Jamie McLeod-Skinner (D)
Dist. 6 Andrea Salinas (D)*

Pennsylvania

Senate



John Fetterman (D)
U.S. Senate candidate
Pennsylvania

House of Representatives



Brian Fitzpatrick (R)*
U.S. Representative,
Dist. 1, Pennsylvania

Dist. 2 Brendan Boyle (D)*
Dist. 3 Dwight Evans (D)*
Dist. 4 Madeline Dean (D)*
Dist. 5 Mary Gay Scanlon (D)*
Dist. 6 Christina Houlihan (D)*
Dist. 7 Susan Wild (D)*
Dist. 8 Matt Cartwright (D)*
Dist. 10 Shamaine Daniels (D)
Dist. 13 John Joyce (R)*
Dist. 17 Chris Deluzio (D)

Rhode Island

House of Representatives

Dist. 1 David Cicilline (D)*
Dist. 2 Seth Magaziner (D)

South Carolina

House of Representatives

Dist. 6 James "Jim" E. Clyburn (D)*

Tennessee

House of Representatives

Dist. 5 Heidi Campbell (D)
Dist. 7 Odessa Kelly (D)
Dist. 9 Steve Cohen (D)*

Texas

House of Representatives

Dist. 1 Jmar "JJ" Jefferson (D)
Dist. 2 Robin Fulford (D)
Dist. 3 Sandeep Srivastava (D)
Dist. 5 Tarrisha Hill (D)
Dist. 7 Lizzie Pannill Fletcher (D)*
Dist. 9 Al Green (D)*
Dist. 10 Linda Nuno (D)
Dist. 12 Trey Hunt (D)
Dist. 13 Kathleen Brown (D)
Dist. 15 Michelle Vallejo (D)
Dist. 16 Veronica Escobar (D)*
Dist. 17 Mary Jo Woods (D)
Dist. 18 Sheila Jackson Lee (D)*
Dist. 20 Joaquin Castro (D)*
Dist. 21 Claudia Zapata (D)
Dist. 23 John Lira (D)
Dist. 24 Jan McDowell (D)
Dist. 27 Maclovio Perez Jr. (D)
Dist. 29 Sylvia Garcia (D)*
Dist. 30 Jasmine Crockett (D)



Colin Allred (D)*
U.S. Representative,
Dist. 32, Texas

Dist. 33 Marc Veasey (D)*
Dist. 34 Vicente Gonzalez Jr. (D)*
Dist. 35 Greg Casar (D)
Dist. 37 Lloyd Doggett (D)*

Utah

Senate

Evan McMullin (I)

House of Representatives

Dist. 2 Nick Mitchell (D)
Dist. 4 Darlene McDonald (D)

Vermont

Senate

Peter Welch (D)

House of Representatives

At Large Becca Balint (D)

Virginia

House of Representatives
Dist. 2 Elaine Luria (D)*
Dist. 3 Bobby Scott (D)*
Dist. 4 Donald McEachin (D)*
Dist. 6 Jennifer Lewis (D)



Abigail Spanberger (D)*
U.S. Representative,
Dist. 7, Virginia

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TD

Alumni

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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. The Social Security Administration (SSA) is responsible for all income-related monthly adjustment amount determinations. To make the determinations, SSA uses the most recent tax return information available from the Internal Revenue Service. For 2023, that will usually be the beneficiary’s 2021 tax return information. If that information is not available, SSA will use information from the 2020 tax return.

Railroad retirement and social security Medicare beneficiaries affected by the 2023 Part B and D income-related premiums will receive a notice from SSA by the end of the year. The notice will include an explanation of the circumstances when a beneficiary may request a new determination. Persons who have questions or would like to request a new determination should contact SSA after receiving their notice.

2023 PART B PREMIUMS			
Beneficiaries who file an individual tax return with income:	Beneficiaries who file a joint tax return with income:	Income-related monthly adjustment amount	Total monthly Part B premium amount
≤ \$97,000	≤ \$194,000	\$0.00	\$164.90
≤ \$123,000	≤ \$246,000	\$65.90	\$230.80
≤ \$153,000	≤ \$306,000	\$164.80	\$329.70
≤ \$183,000	≤ \$366,000	\$263.70	\$428.60
< \$500,000	< \$750,000	\$362.60	\$527.50
> \$500,000	> \$750,000	\$395.60	\$560.50
Married beneficiaries who file separate tax return, with income:		Income-related monthly adjustment amount	Total monthly Part B premium amount
≤ \$97,000		\$0.00	\$164.90
> \$97,000 & < \$403,000		\$362.60	\$527.50
> \$403,000		\$395.60	\$560.50

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
--	Roach, Ruth E.	Eureka, Calif.	626	Emmons, Randy R.	Oxford, Neb.	1377	Lahmann, Kenneth K.	Butler, Tenn.
1	Fralick, James N.	Towanda, N.Y.	631	Yellott II, Francis M.	Smithsburg, Neb.	1377	Sargent, Randall K.	Ceredo, W.Va.
2	Brumett, Gerald M.	French Lick, Ind.	650	Calkins, Darrell D.	Butterfield, Minn.	1403	Harwick, Ralph L.	Mission, Kan.
7	O'Rourke, Stephen S.	North Platte, Neb.	653	McGuire, Darryl P.	Lansing, Ill.	1422	Kupser, Denis E.	Lincoln Park, Mich.
113	Merritt, Forney	Lakeside, Ariz.	762	Martin, Eldrick L.	Iron City, Ga.	1440	Williams, Earl N.	Staten Island, N.Y.
168	Rogers, David Lee	Benton, Ill.	762	Thompson, Donald R.	Deatsville, Ala.	1470	Slicer, Willard R.	Charlestown, Md.
221	Wash, John E.	Sheridan, Ark.	807	Quintana, Leo	Buckeye, Ariz.	1503	Baker, James D.	Marysville, Kan.
226	Tipton, Rex D.	Moulton, Iowa	823	Korisko, Jerry F.	La Vista, Neb.	1532	Egan, Edward M.	Olathe, Kan.
228	Egan, James P.	Oelwein, Iowa	857	Pursel, Floyd W.	League City, Texas	1581	Peel, Melvin O.	Bakersfield, Calif.
284	Pack, Merrill E.	Spencer, Ohio	903	Carter, Troy	Jacksonville, Fla.	1594	Carrie, Jean W.	Upper Darby, Pa.
305	Hauff Jr., Donald G.	Hastings, Neb.	904	Willman, Melvin J.	Evansville, Ind.	1594	George, Keith W.	Philadelphia, Pa.
313	Ezdebski, Ralph A.	Wyoming, Mich.	933	Schaeffer, Caleb L.	Liberty, Mo.	1608	Billick, Holly Jean	N. Hollywood, Calif.
329	Price, Dennis L.	Altoona, Iowa	951	Fauth, Frank	Ranchester, Wyo.	1674	Hodson, Daryl D.	Torrance, Calif.
333	Terrell, Rondal E.	Byrdstown, Tenn.	951	Owings, John L.	Sheridan, Wyo.	1709	Vanoppens, Frank	St. Clair Shores, Mich.
367	Slane, John L.	Humble, Texas	965	Taylor, Toby J.	Jones Creek, Texas	1732	Alexander, Henry J.	San Lorenzo, Calif.
375	Stevens, Robert W.	Edgemont, S.D.	977	Faith, Jeremiah "Paul"	Richland, Wash.	1741	Cook, Bobby	San Francisco, Calif.
378	Lane, Thomas "Mike" L.	Willoughby, Ohio	998	Jordan, Jason Morris	Alma, Ga.	1741	Mira, Mario E.	Daly City, Calif.
445	Klockenga, Todd A.	Abingdon, Ill.	1011	McDonald, James G.	Hamlet, N.C.	1741	Palaganas, Ignacio M.	San Francisco, Calif.
446	Jones, Ryan M.	Cheyenne, Wyo.	1043	Flores, Michael T.	Sparks, Nev.	1760	Cleary, Ron	Sarnia, Ont., Canada
486	Clonce, Billy D.	Glendive, Mont.	1106	Ellis, Kenneth J.	Rocky Mount, N.C.	1908	Ziolkowski, Amber	Buffalo, N.Y.
500	Swearengin, Robert S.	Grand Jct., Colo.	1168	Harvey, Mark A.	Clovis, N.M.	1948	Holt, Timothy J.	Greensburg, Pa.
577	Johnston, Dennis D.	Cedar Lake, Ind.	1168	Tarry, L.B.	Belen, N.M.	1949	McTernan, Charles J.	McKinney, Texas
586	Carey, Franklin D.	Marion, Ohio	1313	Carney, Tanner W.	Amarillo, Texas	1957	Fisk, Ricky Wayne	Port Arthur, Texas
587	Garland, Michael E.	Mechanicville, N.Y.	1344	Miller, Phil S.	Bismarck, N.D.	1962	Bennett, James M.	Ronceverte, W.Va.
598	Dillard, Alvin R.	Picayune, Miss.	1366	Kemp, Dennis L.	Herriman, Utah	1962	Boutton, John C.	Sheffield Lake, Ohio

IN MEMORIAM

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 a car accident caused by an alleged drunk driver Sept. 10 while on his way home from work as an engineer at Norfolk Southern.



Keen

A member of SMART-TD since 2007, Keen became active in his union when he was elected local chairperson 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 loyal 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 chairman of Local 1263 he helped rebuild many of the past relationships that were tarnished by old union politics. He placed the membership foremost in priority and was selfless with his work as secretary and treasurer and local chairman.”



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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 898), **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 Alfalfa Rail Yard during a shoving movement.

An online fundraiser has been established to help his family through their time of unimaginable grief and loss.

Brother Navarro was an



Navarro

11-year member of our union and worked as a conductor 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 Montero** wrote on the online fundraiser page. “I would like for everyone to please pray for his family. They



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need it more than ever.”

The National Transportation Safety Board and investigators from the SMART-TD National Safety Team were dispatched to investigate the accident.

SMART-TD expresses its most sincere condolences 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 fundraiser has been established to help his family in this inexplicably difficult time.

Conductor **Zachery “Zach” Lara**, 25, and his engineer **Steven Brown** were in helper service assisting a train up a grade. When they made a reverse move into Bertram siding to put their engine



Lara

away, the crew had a head-on collision with cars that were in the siding. This heartbreaking accident has taken a friend and co-worker away from many of us, but the loss is being especially felt by his father **Jeff Lara** (Local 1422, Los Angeles), and his brother, **Kevin Lara** (Local 1813, West Colton, Calif.), who,



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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 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 served as 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 Chairman 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 personality,” 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 is survived by his wife, Georgia Cooper Spragg; his mother; brother; sons, Jesse Cooper (Lizzy), Ryan Spragg (Cindy), Tyler

Spragg (Sydney); granddaughters; grandson; nephew; nieces; 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,” GO 001 leadership said in a statement.

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

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

SMART-TD Local 446 (Cheyenne, Wyo.) mourns the loss of **Ryan Jones**, 33, who died of a cardiac event while on the job July 28.

A conductor and local trustee (2018-20), Jones loved working for Union Pacific. According to his obituary, “Ryan was determined to follow his life



Jones

passion of working on the railroad and in 2014 he was excited to join Union Pacific Railroad.” Before obtaining his conductor’s license, Jones worked in Rock Springs and Cheyenne.

“Ryan’s greatest joy was blasting the horn and waving at the little kids when-

ever he had a chance,” his obituary said.

“I am so sorry to hear the news about Ryan. I trained him in Green River when he first hired out. Loved his sense of humor and his infectious smile. Loved to visit when I saw him in the depot. I will miss seeing you my friend. See you on down the line Brother,” wrote retired Wyoming State Legislative Director **Stan Blake**.

Local 556 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

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 hired on with BNSF in 2011 and prior to that served our country honorably, retiring with 20 years of service in the United States Navy. At the time of his retirement, 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.



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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 sincere condolences to Brother Simon and his family in this period of heartache and loss.

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's 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.

Illinois



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.

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



General Chairperson Craig Patch, plays with family members in this family photo. An online fundraiser has been established to help Patch and his family after Brother Patch was diagnosed with brain cancer.

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.

"Craig has dedicated his service to UTU and SMART as a representative for many years. It is now time for us to give back to him," Jenkins said. "Any help will be greatly appreciated."

L-854, PORTSMOUTH, VA.



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 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.



L-1066, NEW ORLEANS, LA.

Local 1066 Chairperson **Eric Grissom** met New Orleans city leaders to draw attention to dangerous working conditions for him and fellow rail workers linked to

crime in east New Orleans. "I've seen bullets ricochet off train parts," Grissom said. "I have worked in this area for 20 years. It does not have to be this way."

Louisiana State Legislative Director **Chris Christianson** helped arrange the meeting between elected officials and area business owners.

L-1440, STATEN ISLAND, N.Y.

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.

• Employees receive one extra personal day and gain longevity increases starting with employees that have been on the property for 15 years or more.

Requests by the carrier such as an increase to medical contributions, the elimination of a conductor from the switching crew and one-person train operations were rejected.

SMART-TD congratulates the negotiating team and the members of Local 1440 on the good work!

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 made a tremendous impact



Williams

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-1741, SAN FRANCISCO, CALIF.

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!

...

In the photo at right,

Local President **Meghann Adams** and head dispatcher Beau Thomson were two of about 2,000 cyclists who joined the 2022 AIDS Life-Cycle in June, a 545-mile bicycle ride from San Francisco to Los Angeles to raise money and awareness to combat AIDS.

Beau is a member of the PosPeds, a cycling team committed to challenging the stigma around those living with HIV.



Stein



Registration open for Branson, Mo., RTS

SMART Transportation Division has announced a Regional Training Seminar (RTS) to take place Nov. 14 through 17, 2022, at the Hilton Branson Convention Center in Branson, Mo.

This event is an exciting opportunity for local leadership and members to engage one on one with union experts to help fulfill the need for local training

closer to home. The cost for TD members to register to attend the seminar is \$50.

Registration for the event is open and available online via the SMART website.

The RTS includes classes on local governance, the roles of local legislative representatives and local chairpersons in protecting members and on the SMART Constitution. The classes are

taught by national officers and other subject matter experts associated with SMART-TD. President **Jeremy Ferguson** is scheduled to appear to answer membership questions.

There will be plenty of opportunities to ask questions, work together, share ideas and to build union solidarity.

To register for the seminar,

visit <https://register.smart-union.org/>.

Attendees are responsible for making their own hotel reservations.

Room blocks have been reserved at both the Hilton Branson Convention Center and the Hilton Promenade at Branson Landing.

The SMART TD event rate is \$189 per night (single/double occupancy), the deadline

for discounted hotel reservations is Friday, Oct. 14.

This special rate is available for members beginning Nov. 14, which is the registration day for the RTS. Classes will begin on the 15th and run through the 17th.

For more information, contact **Gerald Sale** at 870-761-0643 or by email at smartarslb@yahoo.com.

Around the SMART-TD continued...

L-60, NEWARK, N.J

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



Brown

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

(2016-2019), local trustee (2015-2019) and as local chairperson since 2019.

“I would like to thank Gov. Phil Murphy and Board Chairperson Diane Gutierrez-Scaccetti for this opportunity,” said Brown. “I look forward to working hard to move New Jersey Transit forward and making it better for our commuters and employees.”

SMART-TD congratulates Sister Brown on her appointment to the board and looks forward to her contributions while giving SMART-TD a seat at the table.

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.

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 who 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**.

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					
Fund	Jan. 1, 2022	Receipts and Other Additions	Disbursements and Other Deductions	Negative Funds Adjustment	Dec. 31, 2022 (Projected)
General	\$15,146,061	\$20,858,130	(\$20,520,017)	(\$86,977)	\$15,397,197
Education and Training	\$1,319,679	\$792,750	(\$930,663)	-	\$1,181,766
Maintenance of Membership	\$34,128	\$544,200	(\$665,305)	\$86,977	-
Public Relations	-	\$272,100	(\$178,500)		\$93,600
Strike	\$7,937,767	\$136,050	-		\$8,073,817
Convention	\$3,981,919	\$1,088,400	-		\$5,070,319
Total funds	\$28,419,554	\$23,691,630	(\$22,294,485)	-	\$29,816,699

GUEST COLUMN

Rule of Two commenting a call to action for us, allies

By K.O. Edwards
SMART-TD Indiana State Legislative Director

Most topics divide our organization to varying degrees. It's a healthy debate that assists SMART to formulate majority-based positions on the many issues for which they advocate on our membership's behalf. The belief that there should be a minimum of two persons on a train crew is not one of those topics. Overwhelmingly, the most-common topic that my fellow Transportation Division brothers and sisters ask about is the status of a two-person crew legislation/regulation. A consensus of our membership strongly believes in the necessity of legislative or regulatory action requiring rail carriers to crew trains with a minimum of two people in the

locomotive cab. Here is some great news: The Federal Railroad Administration (FRA) has announced its intent to make a formal federal regulation mandating the minimum crew size on most trains to be no less than a crew of two in locomotive cab. SMART-TD paved the way to get the process to this point by ensuring elected and appointed officials were both educated and aware of our position on the topic. The next step in the process is the public comment period expiring Dec. 2. Years of work have gone into getting us to this point. Through this comment process we are going to bring it all home. We respectfully request that every SMART member sub-



Edwards

mit a comment to FRA. A poor comment turnout will play into the carriers' narrative that a minimum crew size regulation is unneeded and sends a message that this isn't a topic of interest to rail workers. A robust or overwhelming turnout for the comment process sends a loud and clear message: There should be a minimum of two persons on a train crew. Who can and should comment? All rail employees, regardless of craft and labor organization. All our allies and stakeholders, including legislators, community leaders, first responders, neighbors and business leaders should comment. Our family members and friends are also persons of interest whose comments the FRA

"A poor comment turnout will play into the carriers' narrative that a minimum crew size regulation is unneeded and sends a message that this isn't a topic of interest to rail workers. A robust or overwhelming turnout for the comment process sends a loud and clear message: There should be a minimum of two persons on a train crew."

wants to hear. Please don't be intimidated by the process. It's quick, easy and painless. I completed my comments and the entire process in less than five minutes. What should you say? If you work on the railroad you can speak from the heart. Express what you see at work every day and the catastrophic reality of what anything less than two-person rail crews would bring to the industry. If you would rather, SMART-TD has made a video available on to guide you through the process (follow QR code at

right.) Family members, allies and stakeholders should be encouraged to describe their perspective. This is it. I can't state strongly enough the importance of this process. Everyone has done a lot of work to get us to this point. Pulling together as a team is what unions do! Let's all pitch in and get this past the finish line. Fraternally,
Kenneth O. Edwards
SMART-TD Indiana State Legislative Director



Transportation Division policy concerning fees objectors

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay reduced fees. In the public sector, nonmembers can elect to pay their fair share of the costs of collective bargaining by paying the agency fees, or they have the right to pay no fees. To the extent permitted by law, a non-member cannot participate in union elections as a voter or as a candidate; attend union meetings; serve as delegate to the convention or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified. 2. Notification of objection procedures: a. To be a nonmember fee objector and pay reduced fees, the objecting non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the month of September preceding the calendar year to which s/he objects, or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored. b. A nonmember who is a public employee: To be a nonmember fee objector and pay no fees, the objecting non-member shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail during the period agreed to in his/her Authorization for Fee Deduction form, if applicable. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored. Any new hire of a public employer who wishes to be a nonmember should not fill out an Authorization for Fee Deduction form. Anyone who believes they are having dues improperly deducted must notify the President Transportation Division in writing. 3. The following categories of expenditures are chargeable: a. All expenses concerning the negotiation of agreements, practices and working conditions; b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights; c. Convention expenses and other union internal governance and management expenses; d. Social activities and union business meeting expenses; e. Publication expenses to the extent coverage is related to chargeable activities; f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance; g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements; h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities; i. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft formerly represented by UTU, now SMART. 4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the President, Transportation Division. The Transportation Division shall designate an analyst for the purpose of determining the percentage of

Percentage of chargeable fees determined by analyst for calendar year 2021	
Transportation Division*	76 percent
State Legislative Boards	
LO 005 California ¹	13.0 percent
LO 028 Missouri ²	4.9 percent
LO 035 Michigan ³	19.8 percent
LO 049 Utah ⁴	5.0 percent
Unreviewed Boards ⁵	0.0 percent
General Committees of Adjustment, including locals under jurisdiction	
GO 001 BNSF ⁶	100 percent
GO 049 CSX Transportation ⁷	100 percent
GO 577 Union Pacific ⁸	100 percent
Unreviewed Committees ⁹	99.6 percent

expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts. 5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable. 6. Each person entitled to receive the analyst's report may challenge the validity of the calculations made by the analyst by filing an appeal with the President, Transportation Division. Such appeal must be made by sending a letter to the President, Transportation Division postmarked no later than thirty (30) days after issuance of the analyst's report. 7. After the close of the appeals period, the President, Transportation Division shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the President, Transportation Division and the appellant(s) of the arbitrator selected. 8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration. 9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees

and expenses shall be paid by the Transportation Division. 10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours. 11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes. 12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing. 13. The Transportation Division shall have the burden of establishing that the reduced fees set forth in the analyst's report are lawful. 14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA. 15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision. 16. If an objector receiving an advance reduction wishes to continue the objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the analyst issues the report. As soon as possible after the issuance of the analyst's report, he/she shall pay the amount of the reduced fees calculated by the analyst. Persons objecting for the first time shall be sent a copy of the report prepared by the analyst for the previous year and shall pay the reduced fees as soon as possible. 17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the analyst may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the analyst's report as soon as practicable after its issuance. The appropriate unit of the Transportation Division shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the analyst, or upon the issuance of the decision of the arbitrator, whichever is later. 18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.

Featured photo showcase



Local 257’s **A.J. Nash**, a Union Pacific engineer who frequently prowls his home territory on the Powder River Basin for rail-related shots that often find their way in the TD News and Alumni calendar, submitted this shot.

SMART-TD seeks images of work-related scenes, such as rail-road, 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, 6060 Rockside Woods Blvd., N., Suite 325, Independence, OH 44131-2378.

High-resolution digital photographs should be in JPEG format and emailed to 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.

“The Carriers maintain that capital investment and risk are the reasons for their profits, not any contributions by labor.”

— Presidential Emergency Board 250, page 32 of 119

Class I rail carriers file their second-quarter earnings reports			
<div><p>Net Earnings: Increased 10% to \$1.7 billion from \$1.5 billion</p><p>Earnings Per Share: n/a – BNSF is not publicly traded</p><p>Revenue: Increased 14% to \$6.6 billion from \$5.8 billion</p><p>Operating Income: Increased 7% to \$2.4 billion from \$2.2 billion</p><p>Operating Expenses: Increased 19% to \$4.3 billion from \$3.6 billion</p><p>Operating Ratio: Worsened 2.8% to 63.2% from 60.4%</p></div> <div></div> <div><p>...</p></div>	<div><p>Net Earnings: Increased 10% to \$1.7 billion from \$1.5 billion</p><p>Earnings Per Share: n/a – BNSF is not publicly traded</p><p>Revenue: Increased 14% to \$6.6 billion from \$5.8 billion</p><p>Operating Income: Increased 7% to \$2.4 billion from \$2.2 billion</p><p>Operating Expenses: Increased 19% to \$4.3 billion from \$3.6 billion</p><p>Operating Ratio: Worsened 2.8% to 63.2% from 60.4%</p></div> <div></div> <div><p>...</p></div>	<div><p>Net Earnings: Increased 10% to \$1.7 billion from \$1.5 billion</p><p>Earnings Per Share: n/a – BNSF is not publicly traded</p><p>Revenue: Increased 14% to \$6.6 billion from \$5.8 billion</p><p>Operating Income: Increased 7% to \$2.4 billion from \$2.2 billion</p><p>Operating Expenses: Increased 19% to \$4.3 billion from \$3.6 billion</p><p>Operating Ratio: Worsened 2.8% to 63.2% from 60.4%</p></div> <div></div> <div><p>...</p></div>	<div><p>Net Earnings: Increased 10% to \$1.7 billion from \$1.5 billion</p><p>Earnings Per Share: n/a – BNSF is not publicly traded</p><p>Revenue: Increased 14% to \$6.6 billion from \$5.8 billion</p><p>Operating Income: Increased 7% to \$2.4 billion from \$2.2 billion</p><p>Operating Expenses: Increased 19% to \$4.3 billion from \$3.6 billion</p><p>Operating Ratio: Worsened 2.8% to 63.2% from 60.4%</p></div> <div></div> <div><p>...</p></div>
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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.