**Contract imposed on TD and three other unions**

On Dec. 2, President Joe Biden signed into law a bill that imposed the tentative agreement that had been rejected by more than half of the unionized rail workers in the country, including members of the SMART Transportation Division. Along with SMART-TD, members of the Brotherhood of Maintenance of Way Employees Division, Brotherhood of Railroad Signalmen and International Brotherhood of Boilermakers had rejected the agreement and were prevented from striking. In the days prior to the bill signing, both the U.S. House and Senate passed bills with the intention of imposing the agreement as an act of Congress. An additional bill granting seven days of paid sick leave was passed by representatives in the U.S. House, but it did not receive sufficient support in the Senate to overcome a filibuster by Republican opponents.

“It is extremely disappointing that 43 Senators voted to prioritize the corporate greed of rail carriers and CEOs over the needs and quality-of-life improvements that our members so desperately deserve. Because of Precip..."}

Continued on Page 2

Testimony given before STB on UP’s operational failures

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Continued on Page 3

**Union makes statements in D.C.**

Ferguson, four others testify before FRA on crew size

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Continued on Page 3
SMART-TD testifies before FRA at hearing: Reduction of crew in cab a dire threat to safe rail operations

Continued from Page 1

SMART-TD Testifies Before FRA at Hearing: Reduction of Crew in Cab a Dire Threat to Safe Rail Operations

A major effort: More than 13,000 comments were received by FRA on Rule of Two

The SMART Transportation Division would like to thank all of you for your historic response to the FRA’s Notice of Public Rulemaking (NPRM) on Freight Train Crew Size. In the moment when our livelihood and the safety of all involved was on the line, SMART-TD members, along with their friends and families, answered the bell in a profound way. For months, we have been requesting help in submitting comments to the FRA and in a record-setting demonstration of concern and support, you came through with flying colors. The FRA reports Dec. 22 that 13,090 submissions were received in their request for public comments that closed Dec. 21. This outpouring for wanting a minimum crew size of two will play a large role in the FRA’s process of determining their final ruling. A prior NPRM received about 1,600 comments. The next step in this process is for FRA to announce its determinations. We at SMART-TD will be sure to keep you all informed as to how that process plays out. We appreciate your partnership with us in this project, and we look forward to continuing the fight as long as needed to keep our members safe and employed.

Once again, your activism and support are vastly appreciated. We thank you profoundly.

www.smart-union.org
Unions represent discuss Union Pacific’s PSR failures in hearing before STB regarding embargoes

**Biden, Congress impose rail contract on SMART-TD, three other unions**

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**Alterations to Smart VSTD Plan take place in January**

Several changes regarding the SMART Voluntary Short-Term Disability (VSTD) plan for bus and rail members took effect Jan. 1, 2023. The temporary reduction of premiums for plan participants announced Oct. 21, 2020, expired Dec. 31, 2022. VSTD premiums have been reset to the standard rates of bus members paying $26.00 and rail members paying $34.50.

The maximum weekly benefit available to bus members participating in the plan has been reduced from $240 to $210. For rail members, the maximum weekly benefit has been reduced from $450 to $420.

Additional details, including notifications from the VSTD Board of Trustees and the full Summary of Material Modifications (SMM), are available in the respective pages in the SMART Member Portal.

**Union representatives discuss Union Pacific’s PSR failures in hearing before STB regarding embargoes**

Continued from Page 1

embargoes are hampering their ability to work, the STB determined that a hearing was necessary.

Before the hearing even began, UP put on a tone of contempt and disrespect toward STB by refusing to submit requested information and documents in support of their planned testimony by Dec. 6. UP instead submitted a PowerPoint presentation that consisted of only seven slides. The submitted PowerPoint addressed some of the requested eight topics, but failed to provide detail and fell well short of STB’s expectations. The STB said in a letter to UP that they were disappointed in UP’s submission and the lack of substance that had hampered the STB’s investigation.

At the hearing, STB heard testimony from representatives of likely every worker and union. Representing SMART-TD was BNSF General Chairperson (GO 341) and yardmaster Matt Burkhart, and SMART-TD’s 1975 Secretary & Treasurer and yardmaster Stephen Whitney. Attorney Richard Edelman was also there representing numerous labor organizations, including SMART Mechanical Division.

At the outset, STB said that two of the largest customers were not testifying on the grounds of fear of retaliation from UP. One shipper refused to testify outright, while another shipper who has been called out days before the hearing, citing UP retaliation as the reason. Similarly, SMART-TD’s testimony included the common theme of fear of retaliation from UP.

“I’d like to address one thing that Mr.Primus asked yesterday – ‘What does the Union Pacific look like in a post-PEB world as the rank and file?’ I pondered that for a while, and then I heard the word ‘fear’. … My counterpart did not want to come here. He said he didn’t want to lose my job.” Burkhart said.

“Every person I talked to said, ‘Can this come back and haunt me?’”

Brother Burkhart used his testimony to tell personal accounts he received from UP yardmasters starting in January and heading west.

The theme he heard over and over was of congestion and inefficiency as a result of embargoes. Embargoed cars are in the way in yards and at the same time wherever there’s space to store them. In listening to the testimony of both parties, it became clear that all of the embargoes are actually the cause of the congestion that UP is purportedly trying to alleviate. Ironically enough, this is all done in an effort to garner lower operating ratios, which is the measure of efficiency of a railroad. UP’s practice of embargoing cars is anything but efficient, nor is it safe.

“Yesterday I heard over and over 130 cars were going to make the difference in embargoing a customer, but yet here we’re running 50 cars of hazmat into a high-threat urban area, 170 miles that they didn’t need to be rolling down the track,” Burkhart testified.

Similarly, Brother Whitney testified to the inefficiency of UP in his own yards in Kansas City.

“Recently, we are not running well. The yard I currently work in runs very efficiently when we have 850 to 950 cars in it. We are currently seeing up to 1,100 to 1,100 cars in it. This delays the ability to yard our trains along with yarding interchange trains from other railroads.” Whitney said.

“Kansas City is a major point of interchange to other railroads. We have to stop and hold trains until we have space to yard them. This can be as few hours or up to as long as a day, which in turn causes congestion on the main line and in other yards in the Kansas City area. These cars that used to go to other yards are now coming to mine, causing us to run over capacity, kind of like rush hour on the interstate: lots of cars slow things down.”

By the end of the two-day hearing, the members of the STB had heard numerous accounts from shippers and labor pertaining to the inefficiencies at UP caused in part by the embargoes. The question of the legality of UP’s use of embargoes was pondered through-out. Past precedent has been that embargoes were to only be used in the state of emergency and, as such, an “act of God” (i.e., hurricane, bridge collapse, severe weather, etc.). When asked by the STB if the carriers were meeting their common-carrier obligations as defined in 49 U.S.C. 11101 (a), most, if not all shippers at the hearing, said they thought that UP was violating the code.

At the end of the hearing, STB chairman Marty Oberman stated that the hearings were in recess, but that by no means concluded the board’s investigation in UP’s use of embargoes. Since the hearing, UP has issued embargoes in areas as a response to what the carrier has described as “severe winter weather,” but Class I railroads have not done so in the same areas. The recorded hearings can be watched by visiting the QR code above.
SMART GENERAL PRESIDENT’S COLUMN

Battle against PSR is far from its conclusion

Brothers and sisters,

After extremely prolonged negotiations, frenzied media and social network headlines, I don’t need to tell you that our rail membership is suffering from the consequences of corporate greed and Precision Scheduled Railroading (PSR). PSR is Wall Street’s latest scheme to maximize profit at the expense of safety, workers, the supply chain and communities across this country.

Due to PSR, the railroad workforce has been gutted, and trains now run through our cities and towns at exorbitant lengths — increasing the likelihood of accidents and risking public and worker health and well-being. Railroaders’ jobs are more demanding than ever, and supply-chain disruptions are far more likely to occur than in recent years, leading to rising costs which hurt our communities.

Year after year, railroad profit margins have soared off the backs of hardworking SMART-TD members — the very same members that the railroads said publicly are “non-contributors” to their profits. That’s outrageous. And after labelling railroaders “essential” during the pandemic, the carriers have turned around and forced draconian attendance policies onto workers.

Through this, our brothers and sisters worked tirelessly on obtaining better pay and working conditions. Your work and effort brought the rail carriers through all avenues and respect the work we do to keep America moving.

We must continue to stand together in this fight. During National Rail Contract negotiations, railroads used fearmongering over the possibility of a rail shutdown and its potential economic impact, instead of investing in the future. It’s true: A rail shutdown would create a huge shock across North America. That’s because railroad workers are essential and the foundation of our economy. Together we will continue to lift our collective voice for our members and all workers.

Workers deserve respect and dignity. Our members keep our country moving and the nation’s supply chain working. We want paid sick leave, safety on the job, a fair work-life balance and the ability to take care of ourselves and our families. We have built the support of workers across the labor movement who have heard your call and now have your back.

We will continue this fight together and keep our union — our nation — moving forward.

Thank you for all that you do: on the job – at the union hall – and in your communities. Stay safe!

In solidarity,

Joseph Sellers Jr.
General President, SMART

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SMART General Secretary-Treasurer
Gregory K. Hynes
ghynes@smart-union.org

SMART Transportation Division National Legislative Director
Jeremy R. Ferguson
SMART Transportation Division President
jpowell@smart-union.org

SMART General Secretary-Treasurer
Joseph Powell
jpowell@smart-union.org

SMART General President
Joseph Sellers Jr.
jsellers@smart-union.org

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Dear Members,

I want to start by saying congratulations to all the officers who have been elected to serve. Whether you are an incoming officer of the local who achieved re-election or a first-time local officer who has made the commitment to serve your brothers and sisters, you all have my sincere thoughts as you embark on this journey, and the assurance that the Bus Department stands ready to assist you along the way with whatever is needed.

I also want to shout out the members of Local 1785 who operate the Big Blue Bus in Santa Monica Calif. They have elected the first all-women’s committee in the history of our representation at this location.

So kudos to the membership and the sisters who have been chosen to lead.

I would also like to say that I hope everyone had a very good holiday season and were able to enjoy the fruits of your labor.

On the business side of the Bus Department, Vice President Alvy Hughes and I have been having Zoom meetings with the Federal Transit Administration (FTA) on making sure that money being received by carriers are used to address some of the operators’ concerns.

Some of the issues include making sure that buses are equipped with safety shields and other means to ensure operator safety. While de-escalation can result in some good outcomes, we must be vigilant to the fact that it is a tool we are asked to use to simply kowtow to someone who has exhibited threatening behavior to our members. This is not enough when it comes to protecting our members from potential violence.

Carriers must not spare any cost to make sure their employees and our members are protected. If the Congress can override the will of our brothers and sisters on the rail side and impose an agreement that they didn’t ratify, then surely this same body can make carriers accountable to ensure the safety of their employees.

VP Hughes and I will continue to hammer on this concern.

In closing, I ask that you continue to be safe and know that the Bus Department along with the entire group of SMART-TD officers stand ready to assist you any way that we can.

In solidarity,

Calvin Studivant
VP Bus Department
SMART-TD
216-630-0963

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Please recycle
TRANSPORTATION DIVISION PRESIDENT'S COLUMN

With our message out, let’s keep momentum

Brothers and sisters, 2022 was a historic year for our movement. Our resolve was tested, and we came out stronger than anyone outside of this organization expected. As you can see by this latest edition of SMART-TD Transportation Division News, our collective efforts have served to put the world on notice.

Many events have defined the past year. The imposition of a national rail contract by Congress, a win in Los Angeles for the contract of one of our largest bus properties, a nationwide effort to rally for twosome crews through a recording of a public hearing; these have all put SMART-TD in the spotlight of our country’s news cycles.

These issues have resulted in an unprecedented amount of media attention from outlets all over the nation and the world. I made appearances on a number of cable networks, and there’s not an exaggeration when I say that thousands of news articles put our union and our efforts in the public eye. This past year, our union took many steps and built necessary momentum to lead the way down a strong path in 2023, and I thank all of you for your support and continued engagement. Many of you took the risk of speaking out against the powerful. It’s going to be crucial to regroup and consider the next steps our opposition will take.

One tactic the rail carriers have already engaged in is that they are packaging new cut-costing proposals to the rail industry and labeling these ideas as “safety” and “quality-of-life improvements” for our members and women on the front lines. I say proposals because they are simply that. As most of you all know, a number of general committee members are not preparing crew-consist agreement issues as a result of the court battles that began in 2019. More specifically, Union Pacific rolled out a video at December’s FRA public hearing on the proposed two-person crew regulation highlighting and they referred to as an “expediter position,” claiming they had an agreement with “labor” to do so. This position may have been proposed and discussed in mediation, however, to this date there is no such agreement and was merely another attempt to mislead the FRA.

Regarding bus negotiations, we stand in concert with our brothers and sisters who work on the Charlotte and Southeastern systems. It is important to continue to support them as they fight for a fair, equitable contract as we did with our members in Los Angeles on the LACMTA.

For rail workers, we will continue to focus our efforts on the quality-of-life improvements you have so clearly earned. These will be delivered through the negotiation of on-property agreements that our highly experienced general chairpersons will be leading the way on. We will strive to ensure that the hard-fought victories won by exhausting the Railway Labor Act in the national negotiations translate to real and tangible changes in your work schedules while not compromising your pay and health-care expenses.

We will continue to protect the physical well-being of our commuter and passenger rail members by working with our State Legislative Directors (SLDs) to enact and enforce state laws banning riders who perpetrate violence against our members. It is crucial that we work together in order to make the workplace a safe, secure environment for these trainmen and women. General chairpersons will follow the lead of those in New York and New Jersey to recreate the progress made this year in their respective states.

In 2023, let us remain strong and united for the greater good. We can all work toward justice in the workplace and get what is deserved, even in the face of corporate greed. Our work and Vice President has taught us two things for certain. They will bend, and WE WILL NOT BREAK.

This year, let us stand united and learn from the battles we fought and what was accomplished in 2022. We must renew our commitment to staying in the fight and advancing our movement with resilience and solidarity. Brothers and sisters, I say this to tell you that our work is not done—it is never—and we will continue forward with our progress in 2023.

Thank you for all that you do to pass our shop, in your local union, and in your community. God bless you and your families in 2023, and please stay safe and look out for one another!

Fraternally,

Jeremy R. Ferguson
President, Transportation Division

What YOUR UNION is doing for YOU

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. These favorable decisions translate to real and tangible changes in the workplace and get what is deserved, even in the face of corporate greed. Our work and Vice President has taught us two things for certain. They will bend, and WE WILL NOT BREAK.

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President, Transportation Division

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## PAC contributions for 2022

### Average monthly PAC contribution per local member

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<tr>
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### Top 10 Records

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<th>Local</th>
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<tr>
<td>Smithville, Texas</td>
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</tr>
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### Additional Notes

- The data provided is for the year 2022 and includes contributions from PACs to local legislators.
- The local records are sorted by the amount contributed, with the highest amount listed first.
- The states are listed in alphabetical order.
- The contributions vary widely across different localities, indicating potential differences in political influence or fundraising capacity.

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**Winter 2022 • SMART-TD News**

[www.smart-union.org](http://www.smart-union.org)
D.C. Legislative Dept. receives recognition for lobbying efforts

The SMART Transportation Division’s National Legislative Office received recognition in December from publication The Hill as being part of a group of key grassroots lobbyists shaping policy in the nation’s capital.

National Legislative Director Gregory Hynes and Alt. National Legislative Director Jared Cassity were listed along with representatives from 11 other labor-oriented groups such as AFL-CIO, UAW and USW for their ability to get the word out about legislation serving the interests of their respective memberships.

“We appreciate the recognition for our work,” Hynes said. “It’s important that our organization continues to build on the reputation we’ve been establishing as leaders in the labor industry who are speaking out to protect and help working people. It takes a great deal of time to grow relationships on Capitol Hill, but we are earning people’s respect and getting things done.”

The efforts by the office, which includes Chief of Staff Jenny Miller, Representative Daniel Banks and consultant Dean Mitchell, have brought the attention of national media and politicians on the conditions bus operators and railroad workers must work under, the fight for two-person crews and infrastructure to name a few.

“It’s a well-repeated truth that if every TD member gave a dollar a day to the SMART TD PAC that the union would have more to work with than the typical carrier lobbyist.

“Voluntarily donating to TD PAC makes it all possible from out here in D.C. with the White House and Congress down to the state level with our legislative boards to get our work done,” Hynes said. “It’s what makes those political victories we’ve achieved — protecting workers, state 2PC efforts, securing Amtrak funding and others — all possible.”

Members can log in to the Member Portal of the SMART-TD website or contact their local S&T to begin to donate to PAC.

New Jersey

Thanks to efforts of the SLB, New Jersey Gov. Phil Murphy (D) has named Oct. 15 as an annual “Railroad Workers Day”.

“We honor the contributions of our workers not just as employees, but as New Jerseyans committed to promoting safety, efficiency, and economic activity in our local communities,” he said.

Pennsylvania

State Legislative Director Paul Pokrowka announced in early December that the mailing address of the state’s legislative board has changed and is now: 717 Market St., Ste. 111 #430 Lemoyne, PA 17043
The New York Post reported that Amtrak paid out over $2.3 million in annual bonuses to 10 executives in 2021, despite the carrier seeing its lowest revenues in a decade.

In the article published by the Post, the bonuses were reported by Amtrak to be “earned incentives,” but it’s hard to understand the structure of an incentive program that paid an average 58.12% bonus to 10 executives in a year when the company was hemorrhaging money post-pandemic.

It’s also unclear what criteria these bonuses were based upon; the Post referenced a Freedom of Information Act request as the source of the salary data.

In regard to this report, SMART Transportation Division President Jerefungyson commented: “Amtrak has received an influx of COVID-19-related government funds the past two years, and this is how they chose to use our tax dollars. Meanwhile, our members were the ones moving trains and the nation’s passengers daily in the face of a deadly pandemic. We will remember the value Amtrak puts on such ‘earned incentives’ when we negotiate the next contract for our Amtrak conductors and other members who worked on the front lines.”

According to the N.Y. Post report, Amtrak Deputy General Counsel William Hermann’s base salary of $352,898 was compounded by an astonishing bonus of 95.29% for a total of $653,879. This bonus of over $300,000 was only enough to rank Mr. Hermann fourth in overall compensation at Amtrak, but he did not the highest percentage of his salary in the bonuses, the Post reported. In the same year these executives were apparently crushing their performance metrics to earn these bonuses, while in all probability working from isolation, the popular employment website Indeed.com put the average salary of an Amtrak conductor at $71,916 over the past 36 months.

Had the average conductor received the same 58.12% bonus these execu- tives made on average, they would have received $41,797. At least one Amtrak general chairperson who was contacted and other Amtrak employees reported 0% in bonuses were received. In addition to not receiving bonuses, the Amtrak rank and file had a much different 2021 than their bosses. These men and women faced large-scale furloughs, and those who stayed working often were forced to chase work to terminals hours away from their homes.

To bow a bow on it, when asked about bonuses for conductors in 2021, one manager told his crew that, “Our bonus to you is that you kept your job.” It’s hard to encapsulate Amtrak’s view any better than that.

FRA issues 2 alerts
The Federal Railroad Administration’s Office of Railroad Safety issued a pair of safety bulletins to close the year.

The most-recent alert was issued Dec. 29 and warned of a situation where there was an unintended release of a train’s air brakes in June 2022 while the train was stopped at a signal.

FRA issued four recommendations to train crews and carriers regarding the implementation of air brakes and related procedures in the event the brakes would fail. The QR code above links to the full text of the Dec. 29 safety alert.

The alert on air brakes was the second released by FRA. On Dec. 21, the agency released a bulletin reporting the inspection of cars after a conductor trainee was killed on the job in mid December in Bessemer, Ala., when a piece of angle iron protruding into the foul of the adjoining track pierced a locomotive cab window.

To read the entire Dec. 21 safety alert and FRA recommendations, please follow the QR code at right.

<table>
<thead>
<tr>
<th>Happy Holidays!</th>
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SUMMARY ANNUAL REPORT OF THE SMART DISCIPLINE INCOME PROTECTION PROGRAM
This is a summary of the annual report for the SMART DISCIPLINE INCOME PROTECTION PROGRAM, EIN: 34-1013103, for the period January 1, 2021, to December 31, 2021. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC FINANCIAL STATEMENT: The value of plan assets, after subtracting liabilities of the plan, was $13,078,261 as of December 31, 2021, compared to $9,756,674 as of January 1, 2021. During the plan year, the plan experienced an increase in its net assets of $3,321,587. This increase included unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had total income of $10,340,099, including participant contributions of $5,532,149 and gains on investments of $819,951. Plan expenses were $6,124,472. These expenses included $551,049 in administrative expenses and $5,173,424 in benefits paid to participants and beneficiaries.

YOUR RIGHTS TO ADDITIONAL INFORMATION: You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:
1. An accounting report;
2. Financial information and information on payments to service providers, and
3. Assets held for investment

To obtain a copy of the full annual report, or any part thereof, write or call the Discipline Income Protection Program, SMART Transportation Division, 6800 Rockside Woods Blvd, N., Suite 325, Independence, OH 44131; telephone (216) 224-9000. The charge to cover copying costs will be $13.00 for the full annual report or $0.50 per page for any part thereof.

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

You also have the legally protected right to examine the annual report at the main office of the plan, SMART Transportation Division, 6800 Rockside Woods Blvd, N., Suite 325, Independence, OH 44131, and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 220 Constitution Avenue, N.W., Suite N 1515, Washington, D.C. 20210.
The amounts of compensation subject to Railroad Retirement Tier I and Tier II payroll taxes will go up in 2023, while the tax rates on employers and employees will stay the same. In addition, unemployment insurance contributions paid by railroad employers will include a surcharge of 1.5%, down from 3.5% in 2022, due to an improved employment outlook since the beginning of the pandemic.

Tier I and Medicare Tax: The Railroad Retirement Tier I payroll tax rate on covered rail employers and employees for 2023 remains at 7.65%. The Railroad Retirement Tier I tax rate is the same as the Social Security tax and for withholding and reporting purposes is divided into 6.20% for retirement and 1.45% for Medicare hospital insurance. The maximum amount of an employee's earnings subject to the 6.20% rate increases from $147,000 to $160,200 in 2023, with no maximum on earnings subject to the 1.45% Medicare rate.

An additional Medicare payroll tax of 0.9% applies to an individual's income exceeding $200,000, or $250,000 for a married couple filing a joint tax return. While employers will begin withholding the additional Medicare tax as soon as an individual's wages exceed the $200,000 threshold, the final amount owed or refunded will be calculated as part of the individual's federal income tax return.

Tier II Tax: The Railroad Retirement Tier II tax rates in 2023 will remain at 4.9% for employees and 13.1% for employers. The maximum amount of earnings subject to Railroad Retirement Tier II taxes in 2023 will increase from $109,200 to $118,800. Tier II tax rates are based on an average account benefits ratio reflecting Railroad Retirement fund levels. Depending on this ratio, the Tier II tax rate for employees can be between 0% and 4.9%, while the Tier II rate for employers can range between 8.2% and 22.1%.

Unemployment Insurance Contributions: Employers, but not employees, pay railroad unemployment insurance contributions. The Railroad Unemployment Insurance Act also provides for a surcharge in the event the Railroad Unemployment Insurance Account balance falls below an indexed threshold amount. The accrual balance of the Railroad Unemployment Insurance Account was $112.7 million on June 30, 2022. Since the balance was below the indexed $100 million threshold (currently $137.9 million), but above the $50 million indexed threshold (currently $67.0 million), this results in a 1.5% surcharge in 2023.

As a result, the unemployment insurance contribution rates on railroad employers in 2023 will range from the minimum rate of 2.15% to the maximum of 12% on monthly compensation up to $1,895, an increase from $1,755 in 2022. In 2023, the minimum rate of 2.15% will apply to 80% of covered employers, with 6% paying the maximum rate of 12%. New employers will pay an unemployment insurance contribution rate of 2.82%, which represents the average rate paid by all employers in the period 2019-2021.

ERMA benefit increases
The lifetime maximum benefit for the Railroad Employees National Early Retirement Major Medical Benefit (ERMA or GA-46000) Plan will increase from $182,700 to $188,000 beginning Jan. 1, 2023. In conjunction with a formula established in 2001, a new lifetime maximum was calculated by utilizing the October 2022 consumer price index (CPI) data for Hospital and Related Services and Physician Services. The result is a lifetime maximum of $188,000. For individuals who have reached the lifetime maximum, the incremental maximum available is applied to eligible expenses submitted for dates of service on or after the effective date of the new maximum. For 2023, this amount will be $5,300.
Local Chairperson Jose ‘Joey’ Garcia of Local 168

Jose F. “Joey” Garcia, local chairperson of Local 168 (Chicago, Ill.), passed away suddenly Dec. 7, at home in Chicago. Brother Garcia, 46, actively participated in our union since his railroading career began in 2005. An Amtrak conductor, Brother Garcia served as a legislative representative, trustee, vice local chairperson and finally as local chairperson.

Along with representing his fellow union members, he was a loving father of two beautiful children he adored. Brother Garcia is survived by his children, father, three siblings and several family and friends who will miss him dearly. Please keep his family in your thoughts and prayers.

Vice Local Chairperson David A. Jones of Local 1951

Brother David A. Jones, 50, a longtime member and officer of Local 1951 (Albany, N.Y.), passed away on Dec. 11.

Brother Jones had been an active member of our union since May 1999 and a dedicated officer, holding many positions in that department. “Brother Jones will be remembered for his selfless dedication to his union members as well as his love of giving to those around him,” GC Smith said.

Thomas A. Wall of Local 206

Switchman Thomas A. Wall, 22, of Local 206 (Peru, Ind.) died suddenly on Oct. 19 after experiencing a flare-up of an autoimmune liver disease while at work. His family said that he was responding well to treatment and was looking forward to returning to work after undergoing a few more procedures.

A 2018 graduate of Speedway High School, Brother Wall enjoyed computer gaming and model railroading. After high school, he attended Michigan Tech University where he was a member of the Railroad Engineering & Activities Club. His dream job was to work for the railroad, a dream which came true when he hired on with Norfolk Southern earlier this year.

Brother Wall is survived by his parents Dennis (a retired railroader) and Crystal Wall; sister, Melanie Wall; grandparents, Russell and Janet Beery; many aunts, uncles, cousins and his newly-adopted cat, Nubbie. He was preceded in death by his mother, Terri L. (Glidewell) Wall; grandparents Carl and Jeanne Wall, Hubert Jr. and Gloria Ann Glidewell, as well as an uncle, Edward G. Wall.

TD offices relocate

In a move projected to save union members some $3 million over the life of its new lease, the SMART Transportation Division offices relocated from North Olmsted to Independence, Ohio, on Nov. 1.

The move reduces the office’s footprint by 17,000 square feet, saving approximately $20,500 per month in rent for the next six years and $22,500 thereafter.

Your union’s new mailing address is:

SMART Transportation Division
6060 Rockside Woods Blvd. N., Ste. 325
Independence, OH 44131-2378

In order to keep members updated with the latest information SMART-TD asks members to either log in to the Member Portal on the SMART website or to download the SMART app. By doing so, members can share their military service information, change their address if they’ve moved or add an emergency contact so that members’ families can be informed of an on-the-job emergency. Please follow the QR code at right to download the SMART app to your smart device.

www.smart-union.org

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

This is a summary of the annual report for the SMART-TD STAFF RETIREE HEALTH FUND, EIN: 34-1031303, for the period January 1, 2021, to December 31, 2021. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was $4,296,949 as of December 31, 2021, compared to $3,599,972 as of January 1, 2021. During the plan year, the plan experienced an increase in its net assets of $696,977. This increase includes unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had a total income of $2,381,391 including contributions of $2,217,232 and gains on investments of $164,159. Plan expenses were $1,650,890. These expenses included $33,524 in administrative expenses and $1,617,366 in benefits paid.

YOUR RIGHTS TO ADDITIONAL INFORMATION

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

1. Governing documents including insurance contracts and collective bargaining agreements
2. Annual report and Financials
3. Summary Plan Description
To obtain a copy of the full annual report, or any part thereof, write or call the office of the Plan Sponsor:

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

The fund office may make a reasonable charge for copies of the annual report.

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

SMART Plan Sponsor
1750 New York Avenue, Suite 600
Washington, D.C. 20006

and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 220 Constitution Avenue, NW, Suite N-1513, Washington, D.C. 20210.
L-171, AURORA, ILL.

Vice President Matt Hanson, who’s also a vice local chairperson and vice local legislative representative, challenged an incumbent Illinois representative and came out the victor Nov. 8.

As a result, he’s headed to Springfield, Ill., in January as the new representative for the state’s 83rd District.

Hanson defeated Republican Keith Wheeler, who had served since 2015 and had a strict anti-labor record.

“We took out a giant,” said Hanson. “We beat him in his own backyard. None of this could have happened without labor. “Everything he did over the last eight years was anti-union.”

A former county official, Hanson’s efforts were bolstered by great mobilization from unionized supporters, including organized door-knocking campaigns.

A major labor-sponsored constitutional amendment stopping right-to-work-for-employees efforts in the state also turned out to be successful in drawing labor-orientated-voters.

Hanson’s prior experience in other election campaigns paid dividends as well and, as Illinois State Legislative Director Bob Guy summarized, Brother Hanson spent the month prior to the election “working his ass off.”

Congratulations to Brother Hanson for his successful campaign!

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L-653, CHICAGO, ILL.

Legislative Representative Orlando Rojas received the Charlie Hayes Award from Chicago Jobs With Justice (JWJ) for his work with the city’s labor community.

“I’m very happy for him and his family for the recognition,” said SMART-TD Illinois State Legislative Director Bob Guy, who was responsible for Rojas’s successful nomination. “Orlando epitomizes the essential work our commuter members performed during the pandemic and was gracious when accepting the award, in recognizing his fellow members in both passenger and freight service for the dedicated work they do during these still-challenging times.”

Brother Rojas is a conductor in passenger service for Metra, which provides commuter rail services in Chicago and the surrounding area. A member of SMART-TD for over 18 years, he has served in leadership roles in Local 653 for 15 of them.

“I want to use this moment to recognize the accomplishments and work of all the unsung heroes in labor today,” he said. “There are so many men and women in our community carrying the torch of past leaders like Charlie Hayes. This community is standing on the shoulders of a wonderful history of the labor movement, and I want to acknowledge and thank everyone involved in building on their accomplishments.”

Rojas also mentioned that he intended to nominate SLD Guy for the award when he found out that Guy had already nominated him for the award named after the former labor leader and congressman.

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L-168, CHICAGO, ILL.

The heroics of Amtrak crew members saved two lives just outside of Ann Arbor, Mich.

In June, Amtrak conductor Devourie Nesby, and his assistant conductor Desiray Campbell, both of Local 168, were west-bound to Chicago from Pontiac, Mich., aboard Amtrak 355 with 225 passengers.

On a bridge over the Huron River going 55 mph, the train encountered two pedestrians on the tracks.

When the train came to a stop, Brother Nesby, a former U.S. air marshal, jumped into action. He said that the train stopped roughly a mile after the impact. When he got back to the scene, the first thing he saw was the young lady lying face down on the embankment of the river and believed that it was a fatality. As he approached, he realized she was alive.

Conductor Nesby comported the young lady, who was in shock, and assured that EMS were en route.

When the young lady had calmed, Nesby asked if she knew the whereabouts of the young man she was with. She pointed to the river.

“When I saw him floating face down in the river, I jumped in and pulled him to the shore without even thinking about what I was doing,” Nesby said. The young man was severely injured, with a compound arm fracture and was fading out of consciousness. Nesby worked to keep the man from slipping away and control his breathing.

When EMS arrived, they took control of the scene.

Two lives were saved, but Nesby was quick to give credit to Campbell. “I could not have done a better AC that day. Desiray took control of the situation and kept the 225 passengers calm and informed through the entire situation.”

He commended her poise in an emergency and said it was especially impressive to him because she was a very new employee. Sister Campbell had hired out in May and the incident occurred less than a month later on the evening of June 5.

Brother Nesby wanted it noted that on some tours of duty, he doesn’t have an assistant conductor due to manpower shortages. He wanted it to be known that if he was responsible for attending to the passengers, the radio communications, and attending to the people who were hit, that there would have been a much worse outcome that day.

SMART-TD wants to thank Brother Nesby and Sister Campbell for their actions that day and for being wonderful representatives of our membership in a moment of crisis.

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L-200, NORTH PLATTE, NEB.

Local Legislative Representative and Chairperson Amanda Snide (LCA-953A) was honored for her work for members and received the inaugural “Solidarity Star” award from the Midwest Nebraska Central Labor Council.

Sister Snide has been her local’s legislative representative since December 2020 and became chairperson in February 2022.

Congratulations to Sister Snide on this award and thank you for all that you do!

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L-1741, SAN FRANCISCO, CALIF.

Yardmasters in Tacoma

A group of yardmasters meet with TD President Jeremy Ferguson during the Regional Training Seminar that took place Oct. 24 to 27 at the Murano Hotel in Tacoma, Wash. Keep an eye on the union website for updates on training opportunities near your location in 2023!

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www.smart-union.org
UTUIA scholarships remain at $2,000 per student per year for 2023!

50 two-year Trade School Scholarships and 50 four-year College Scholarships available for 2023!

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

Currently, UTUIA is paying out on almost 200 scholarships! We encourage all members of SMART-TD to support these ongoing fraternal benefits by becoming a member of UTUIA through ownership in TD to support these ongoing fraternal benefits by providing insurance protection and fraternal benefits and we are continuing award. The day-to-day management of the program is handled by the office of the UTUIA scholarship administrator.

The deadline for scholarship applications is March 31, 2023. For more information about scholarship requirements and to apply, visit www.utuia.org/scholarships.

Fraternally,

Ken Laugel
President, UTUIA