



# Rail disasters make the nation take notice

Norfolk Southern derailment, other incidents show how PSR, weak oversight put safety of all at risk

In June 2022, SMART Transportation Division President **Jeremy R. Ferguson** testified before the U.S. House rail subcommittee, telling those present that he was “screaming into the bull-horn” for help as the rail industry, careless of concerns expressed by labor regarding Precision Scheduled Railroading (PSR), continued to prioritize profits above safety.

One month later, Ohio State Legislative Director **Clyde Whitaker** in an email expressed concerns with Norfolk Southern Corp.’s safety practices with regional Federal Railroad Administration (FRA) representatives. Whitaker told them that it was common practice for crews not to be notified of wheel bearings trending hot when wayside detectors reported increasing temperatures. Whitaker told FRA of two specific incidents in his state.

Nothing was done.



Above: In this photo from the National Transportation Safety Board (NTSB) in aerial view from Feb. 5, 2023, shows the Norfolk Southern derailment in East Palestine, Ohio.

At right: Flames erupt from ethanol cars that derailed from a BNSF train in Raymond, Minn., on March 30, 2023.

Then, on Feb. 3, 2023, it all exploded.

Thirty-eight cars from a Norfolk Southern train, including 11 carrying hazardous materials, left the tracks in East Palestine, Ohio. Toxic chemicals being carried by tanker cars were

released. Cars caught fire, causing many of the town’s 4,700 residents to be evacuated. Soil was contaminated and chemical-laden smoke permeated the area after a “controlled release” by NS

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**JOSEPH SELLERS ANNOUNCES RETIREMENT:** The SMART General President will be succeeded by Michael Coleman, effective June 1, **Page 2**.



# GP Sellers announces retirement

WASHINGTON, D.C. — **Joseph Sellers, Jr.**, general president of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), announced his retirement on Jan. 24, 2023. Sellers will retire May 31, 2023, and will be succeeded by current Assistant to the General President **Michael Coleman**.

“After nearly three decades in SMART local and national leadership, I have chosen to retire,” said Sellers. “It will always be the greatest honor to have represented the women and men who embody the highest level of professionalism and expertise in our industries. Their selfless dedication was on display when our countries needed them most: They are the essential workers who carried our nations through the global pandemic. They were on the job every day, working on new construction, retrofitting buildings into pop-up hospitals, redesigning hospital configurations, manufacturing much-needed equipment, ensuring the transportation of people and goods, and keeping our supply chain intact and our buildings and schools safe during a tenuous time in our history.”

Sellers — a second-generation sheet metal worker whose father spent 55 years as a SMART member and 30 years as a local union officer — often asserts that “all that my family has comes from my father’s career path and the union sheet metal industry.” Sellers devoted more



SMART General President Joseph Sellers Jr. receives a rail lantern in appreciation of his service at the Transportation Division Board of Directors meeting in Independence, Ohio, on April 4, 2023. From left are: Bus Department Vice President Calvin Studivant; Vice President John Whitaker; Vice President Chad Adams; SMART General Secretary/Treasurer Joseph Powell; TD President Jeremy Ferguson; GP Sellers; Vice President Brent Leonard; Vice President Jamie Modesitt; Vice President David Wier Jr., Vice President Joe Lopez and Bus Department Vice President Alvy Hughes.

than four decades to his union, committing himself to lead at every level of SMART. He began his apprenticeship in 1980 at Local 19 in Philadelphia, becoming a journeyman four years later. He was elected to the local’s executive board in 1994 and appointed to be training coordinator in 1996. In 2002, after serving as a business representative for two years, he became Local 19’s president and business manager.

Sellers was elected to international leadership as 11th general vice president in August 2009. The SMART General Executive Council elected him to serve as the union’s general secretary-treasurer (GST) in July 2011,

and he was unanimously re-elected as GST by delegates to the first SMART General Convention in August 2014. Sellers became SMART’s general president on May 1, 2015, when his friend and mentor General President **Joe Nigro** needed to retire. He was re-elected Aug. 14, 2019.

As SMART general secretary-treasurer and general president, Sellers developed and led special campaigns to increase outreach and awareness for construction, production and transportation industry members, union industry officials and policymakers on key issues including pensions, healthcare and apprenticeships. He implemented enhancements to the union’s

technological infrastructure, professional skills training and training curricula, and he pioneered various union campaigns designed to increase recruitment, retention and diversity within SMART.

Sellers oversaw the launch of the BE4ALL Committee to enhance inclusiveness in the sheet metal industry; the I Got Your Back campaign to promote solidarity between members across all backgrounds; the expansion of the role women play in the unionized sheet metal industry and the rapid modernization of the union’s information and communications programs. He also spearheaded new investments in membership mobilization, with an eye toward positioning the organ-

ization to meet the long-term needs of members and those looking to form a union in the decades ahead.

As a testament to Sellers’ steady leadership, the Sheet Metal Workers’ National Pension Fund was officially certified in the Green Zone in 2022 after decades of recovery. His tireless legislative advocacy helped SMART establish a strong relationship with Congress and the Biden administration, and his constant championing of workers’ issues helped influence the passage of groundbreaking laws like the American Rescue Plan, the Bipartisan Infrastructure Law, the Inflation Reduction Act and more.

Incoming General President Coleman, a SMART member since 1985, has also served at every level of the union: from president and business manager of Local 33 in northern Ohio, to ninth general vice president, to SMART director of business and management relations, to his current post as assistant to the general president. He will assume the position of SMART general president June 1, 2023.

Coleman noted that “General President Sellers will be remembered as one of the all-time greats of this organization. He cemented our groundbreaking merger and navigated the challenges of the past decade. I am humbled to succeed him, and I look forward to advancing the interests of all SMART members across North America in the years to come.”

## Derailments bring national attention to railroad safety and Precision Scheduled Railroading

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days after the derailment, extending across the border into Pennsylvania. The disaster left people in the region to contend with concerns about their long-term health and the environmental impacts of the accident from that day forward.

The stunning visual of a plume of black smoke rising into the sky above East Palestine then brought a wave of attention from media outlets, Capitol Hill, states and local governments.

Each subsequent derailment (a labor tally of media reports shows at least 37 have happened since) brings up the specter of East Palestine and the question from anyone living near or who encounter railroad tracks — am I safe and what can be done to make things safer?

With the support of SMART Transportation Division and other labor leaders, state and national leaders



SMART-TD Ohio State Legislative Director Clyde Whitaker, third from left, appears in a panel before the U.S. Senate Commerce Committee in a hearing regarding railroad safety and the Railway Safety Act of 2023.

have felt an urgency to act after the accident.

Multiple states have introduced bills targeting train length, crew size and other aspects of rail safety. Ohio (see article on Page 7)

became the ninth state in the United States to require a two-person crew aboard freight trains after Gov. Mike DeWine signed a transportation budget bill.

Whitaker also appeared before

the U.S. Senate’s Commerce Committee, testifying as the Railway Safety Act of 2023 (see article on Page 3) and the fallout from the Norfolk Southern derailment was discussed on March 22.

“This derailment did not have to happen, and it makes it so much more frustrating for us to know that it was very predictable, and yet our warnings and cries for help over the last seven years have fallen on deaf ears,” he said. “The outcome was exactly as feared.”

SMART Transportation Division on all levels will continue the fight to raise awareness on matters of public and worker safety on the nation’s railroads. These preventable and life-altering events need not happen. By speaking out and supporting efforts to hold the nation’s rail carriers accountable, we do our part to keep what happened in East Palestine from happening again.



# Support needed for Railway Safety Act of 2023

SMART Transportation Division President **Jeremy Ferguson** appeared with U.S. Sen. Sherrod Brown in Cleveland on March 20 to discuss the bipartisan Railway Safety Act of 2023 as momentum for legislative action on railroad safety builds on Capitol Hill.

Sen. Brown and fellow Sen. J.D. Vance of Ohio, Pennsylvania Sens. Bob Casey and John Fetterman and Sen. Marco Rubio of Florida and Sen. Josh Hawley of Missouri all are initial sponsors of the bill introduced March 1 intended to counter the negative impact Precision Scheduled Railroading (PSR) has had on public and worker safety.

Sen. Brown started off the press conference by discussing how the rail industry has gotten itself into its current state of disrepair. He came out of the gates dropping uncomfortable realities such as, "Here's the story. The rail lobbyists have fought against rail safety for a hundred years."

Brown went on to lay out a list of parallels he sees between the current scenarios in the rail and banking industries. "When I first heard about Silicon Valley Bank, the first thing I thought was, this is the same story. Corporate lobbyists with banks and railroads for 100 years have

### Your help is needed!

Contact your congressional representatives through the **SMART TD Legislative Action Center (LAC)** to tell them to **DO THEIR JOBS** and **PROTECT AMERICAN WORKERS**.

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fought for weaker rules, weaker safety requirements. That's what Norfolk Southern and the rail companies do. They lobby Congress. They too often get their way with the railroad's regulators, and we see trains that derail much more frequently."

He went on to say, "We know what we need to do. That's why I've introduced bipartisan legislation with my colleague, the new senator from Ohio. (Senator J.D. Vance) We want to



SMART Transportant Division President Jeremy Ferguson addresses members of the media March 20 as he's joined by U.S. Sen. Sherrod Brown of Ohio at left.

address the number of (operators) on this train. The railroads, believe it or not, want a two- or three-mile train with 150 or 200 cars, with only one engineer on that train with no conductor. One engineer to drive a train that's two to two and a half miles long with 150 to 200 cars. That makes no sense for the public interest."

Following Sen. Brown, President Ferguson made a statement of support for the bill as well as his vision for the future of the rail industry.

"Sen. Brown has seen firsthand what the devastation looks like when we let profits dictate the safest course of action to take when moving America's

freight by rail," President Ferguson said. "We look forward to working tirelessly with Sen. Brown and his team to realize his vision for a safer and stronger rail industry. This bill offers a chance for the nation to require the highly profitable rail corporations to take rational measures to get the industry to do what it's designated to do, which is move freight through our nation safely and efficiently."

Ferguson then spoke directly to those in power, saying, "We owe it to the people of East Palestine, Ohio, and to all the communities that have railroad tracks running through them to have the members of

Congress do the right thing. Take back control of our nation's supply chain from Wall Street's profit-at-any-cost mentality."

President Ferguson rounded out his public statement offering this endorsement for the Railway Safety Act of 2023. "This bill has the potential to put safe operations into its rightful place as the gold standard for railroading, and not what the next quarterly report can bring."

Brown, President Ferguson and other SMART-TD representatives appeared in additional news conferences in the state and before the U.S. Senate to advocate for the legislation.

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SMART GENERAL PRESIDENT'S COLUMN

A farewell as we advance to a bright future

Brothers and sisters,

On Jan. 24, 2023, I announced my retirement as SMART General President.

Serving the membership of our union has been a great honor. My family and I have a firsthand understanding of the transformative impact our union can have on a person's life — through my own life experience and through the daily interactions I have with members from the transportation and sheet metal industries across our two nations.

As you know, I am a sheet metal worker by trade, like my father was before me. Everything I have, and everything my family has, came about because of our union. I've had countless conversations with members who have had similar experiences — who, thanks to SMART and the solidarity of our fellow members, have been able to pursue family-sustaining careers and have retired or are on the path to



By Joseph Sellers Jr.

retiring with dignity.

When our two unions formed to create SMART, it was to strengthen ourselves through unity, so that we could make advancements and bring opportunity to sheet metal and transportation workers across the United States and Canada.

As General Secretary-Treasurer and General President, I witnessed our first two SMART General Conventions. As I look back today, I can say with confidence that our decision to stand together as one has proven to be successful, with our union making real progress throughout the years.

Thanks to the collective effort of SMART members

over the decades, the Sheet Metal Workers National Pension Fund was certified in the Green Zone last year. We successfully lobbied for pro-worker legislation like the Bipartisan Infrastructure Law, the CHIPS and Science Act and the Inflation Reduction Act, as well as funding for the Union Training Innovation Program and the Labor Mobility Tax Deduction for Tradespeople in Canada. All have made enormous investments in each of our industries: The American Rescue Plan put workers back on the agenda, including pension relief.

I am particularly proud of the strides we have made in recruitment and retention. From the SMART Heroes program to the inspiring growth of our SMART Women's Committee, this union has committed to the work of making sure every community can access the opportunities that I had: good, union, middle-class

jobs, family-sustaining salaries, pension and health care plans.

United, we successfully lobbied for pro-worker legislation with real labor standards. Together, we have fought tirelessly against Precision Scheduled Railroad-ing and for the Notice of Proposed Rulemaking that would require two-person crews on freight trains.

With an engaged membership and renewed public awareness, we have a real chance for change in rail safety regulation. We have planned together to organize aggressively in all sectors, and we will continue to build on our tradition of solidarity as we move forward.

The time has come now for me to pass that tradition on to new leadership. **Michael Coleman**, your Assistant to the General President, will serve as the new General President starting on June 1.


Mike has dedicated him-

self to our union since the day he joined SMART in 1985, playing a key role in facilitating the 2019 General Convention, and he will serve each and every one of us with the same drive and passion.

Brothers and sisters, this is our moment. This is due to the members who continue to make their voices heard loud and clear across our two nations, and with leadership who continually fight to hold elected officials at every level accountable on the issues we face.

With Michael Coleman as our General President, and with the commitment of the membership to our cause, we will seize this moment for ourselves, our families and future generations.

In solidarity,



**Joseph Sellers Jr.**  
General President, SMART

Bus Department News

A message from your Bus Department leadership

Sisters and brothers,

The new year begins with prosperity and new beginnings. However, there will be some challenges we may have to endure. The word “solidarity” is often used when referring to our actions to achieve common goals and withstand obstacles. We stand fast to mobilize our efforts and demand change or enhancements to protect against any challenges we may face.

For the past couple of years, we have faced a new challenge in the Bus Department — “micro-transit.” Micro-transit or “on-demand” transit has been gaining ground for some time. It is a system that operates as an app-based service (much like Uber and Lyft) as a pre-established pick-up and drop-off service. We have seen an increased interest in micro-transit, which was sparked by



By Alvy Hughes

the pandemic. Most recently, Charlotte Area Transit System (CATS) received funding from the Route Planning Restoration Program to implement strategies for a micro-transit service. In summary, this is promoted as an enhanced experience geared to increase quality services in rural areas, disadvantaged communities and where there are nonexistent fixed routes.

While this service may be beneficial for some, it may not be for others. Our sisters and brothers of San-

ta Cruz Metro Transit, Local 23, temporarily participated in a micro-transit pilot program; however, it was unsuccessful due to the decrease in ridership where the service was provided. There were also concerns that Chicago Transit Authority (CTA) would use micro-transit to cut services on particular routes.

As technology advances daily, it is understandable that the nature of transportation will also change, but does it make sense to commit funds to micro-transit instead of adding more fixed-route services that have proven to attract more ridership? There is an argument that fixed routes perform better in geographic areas, and smaller buses have a shorter life span, which questions whether micro-transit is cost effective. The decline in ridership has

triggered exploring alternative sources, but neglecting fixed routes is the natural source of transit's declining relevance.


As we may be focusing on micro-transit this year and the powers promoting it, autonomous buses are also on the horizon.

Solidarity is our strength as a collective voice to overcome all challenges and the best tool in our arsenal. In solidarity, we have nothing to fear, whether micro-transit or autonomous buses, and through solidarity, nothing can stop us and the labor movement.


Fraternally yours,

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TRANSPORTATION DIVISION PRESIDENT’S COLUMN

We can make change happen — if we will it

Brothers and sisters —  
I wanted to open this column by expressing my continued admiration to the dedication and drive all members of the SMART Transportation Division have shown in the face of adversity.

As an example, our bus members in Santa Cruz out of Local 23 have coped with weather challenges posed by massive flooding in the area and helped to evacuate people to safety. Elsewhere on the West Coast, the Midwest and in the Northeast, we’ve dealt with our share of storms that make our work more difficult and stressful for bus operators, transit workers, passenger rail, air and freight rail workers.

I want to thank you for showing up. You do the work that others are unwilling or cannot do, and that keeps this country moving. You are appreciated, and when I travel to your area, I will tell you that in person.

A special congratulations goes out to the members of Local 1715 in Charlotte whose members ratified a new contract in early February by a near-unanimous margin that secures a significant wage increase and other positive gains. Thank you, General Chairperson **Joseph Paglia**, Vice General Chairperson and Local President **Christy Kiser**, Local Chairperson **Stanley Valentine**, Secretary & Treasurer **Chris Johnson**, Local Committee



By **Jeremy Ferguson**

of Adjustment Secretary **Sabrina White** and Bus Department Vice President **Calvin Studivant** for getting a positive result!

A round of congratulations also goes to the Ohio State Legislative Board who, with State Legislative Director **Clyde Whitaker**, have made it the ninth state to pass legislation requiring a minimum two-person freight rail crew. His poise and truthful testimony before the U.S. Senate served as a great example for all labor. He did a fine job.

While we’ve each dealt with our own adversity, the people of East Palestine, Ohio, have dealt with unique challenges. Thanks to a situation that they had no role in creating, the greed of Precision Scheduled Railroading (PSR) came to an ugly head in the middle of their unsuspecting community.

The headlines and situation are all too familiar now with the derailment that happened in early February and each one that has happened since. People in the south-east Ohio village are fearful that their homes and community remain contaminated. With their lives upended by the carrier, the response of

Norfolk Southern has left much to be desired, including the appearances of CEO Alan Shaw before Congress that raised more questions than it answered.

As the NTSB investigates the derailment to answer “how” this scenario came to pass, we all know the answer to “why” it happened. PSR and its disregard for safety placed a higher value on getting Norfolk Southern’s train across the road than it did in safeguarding the communities it travelled through or the well being of the crew aboard.

The results have been splashed all over your televisions and news feeds. As we pray for the victims and hope that claims made by the carrier, EPA, and local officials are true that the people of East Palestine are not in as much danger as our gut tells us they are, we all owe it to those people to prevent that scene from playing out again and again and again.

Drone footage, doorbell cameras and interviews of the people directly affected have emphasized the points SMART-TD has been making for years about the destructive potential of PSR. With the national attention that has been generated by derailments, it is imperative that we disseminate the facts as we know them and continue to repudiate the role corporate greed plays in the rail industry, making community

and worker alike less safe.

It is imperative that we harness this momentum to bring about some good from these disasters. Many states in addition to Ohio have seen progress on crew-size and train length bills as the national discussion continues to focus on rail safety. It is important that as our families, friends and neighbors come to us as industry experts, that we are open and honest about the root cause of the toxic derailment. We need to stand together and to deliver the truth about the carriers’ conduct and what it has done to jeopardize our personal safety as well as the safety of every place we roll through.

As you are all aware, this past quarter has been one of much activity for SMART-TD. I want to take this opportunity to personally thank you for your continued professionalism, and I want to assure you that SMART-TD is engaged in every aspect of what is happening on both national and local levels. We are a party to the investigations into all of the recent derailments, as well as the wave of rail safety legislation that is getting headlines. We stand committed to making your voices heard in the halls of Congress as well as the backrooms of the nation’s rail carriers.

In freight negotiations, **Luke Edington** and his fellow officers at GC-953, as well as **Rick Lee** and his offi-

cers at GO-049 have leveraged gains on their respective properties into tentative agreements before the membership. GC-953’s agreement preserves the conductor position on Union Pacific and the carrier has withdrawn its nomadic “expediter” plan. GO-049 has achieved for the first time the chance for paid sick leave among T&E employees. I applaud their diligence in working to get these tentative agreements before our members and look forward to seeing other carriers follow suit in crafting similar on-property contracts.

Please keep an eye out for emails from SMART-TD as we are making a concerted effort to engage all members in our efforts to share our industry expertise with state and federal lawmakers in our national push for rail safety legislation. And more importantly, please continue to keep yourself safe, and watch out for your brothers and sisters in your crew base. We will be remembered not for our career accomplishments but for how well we serve as one another’s keeper in trying times like the present.

In solidarity,



**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 National Railroad Adjustment Board. Of the many cases that the organization received sustaining decisions on, the cases referenced below are of significant interest:

■ **In NRAB First Division Award No. 31212** (Darby, 2023), York Railway Co. terminated a conductor for purportedly riding the side of his train through an area designated as a close-clearance zone. At the time of his dismissal, the claimant’s work history only contained one (1) other discipline entry, which was a suspension of five (5) days. Because the

carrier chose to catapult the claimant to termination without any meaningful progression of discipline, the board concluded that the carrier’s assessment of discipline in the instant case was excessive and arbitrary. Based on that conclusion, the board converted the claimant’s termination to a suspension of sixty (60) days. Accordingly, the claimant was reinstated to service and awarded back pay for his lost wages, minus sixty (60) days. GO-MPR General Chairperson **John Osciak** progressed this case.

...

■ **In NRAB Fourth Division Award No. 5184** (Vaile, 2023), Amtrak terminated the employment of a yardmaster for allegedly engaging in theft of company property.

After reviewing the evidence related to this case, the board determined that the carrier’s entire case against the claimant was based on hearsay evidence, and the board correctly held that hearsay evidence alone cannot be used to corroborate disciplinary charges. Moreover, noting that the carrier thwarted the organization’s attempt to introduce evidence into the record of the formal investigation, the board concluded that the investigative hearing was procedurally deficient. Because the board found that the carrier failed to satisfy its burden of proof, and in light of the fact that the board concluded that the claimant was not the beneficiary of a fair and impartial investigation, the claimant was rein-

stated to service and provided compensation for his lost earnings. International Alternate Vice President **Chris Bartz** and former GO-342 General Chairperson **Clyde Smith** handled this case.

**Public Law Board**

■ **In Public Law Board 7569, Award No. 27** (Deinhardt, 2023), Norfolk Southern terminated a locomotive engineer for allegedly failing to maintain an acceptable work record. The claimant’s last brush with attendance-related issues occurred more than two (2) years prior to the case at bar. Based on its review of the evidentiary record of the instant case, the board maintained that the assessed disciplinary penalty of termination was excessive and arbitrary;

therefore, the board reduced the claimant’s termination to a suspension of thirty (30) days. For that reason, the board ordered the carrier to reinstate the claimant to service and compensate him for his lost wages, minus thirty (30) days. GO-898 General Chairperson **Thomas Gholson**, GO-898 Assistant General Chairperson **Jason Roberts**, and International Vice President **David B. Wier Jr.** handled this case.

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■ **In Public Law Board 7569, Award No. 31** (Deinhardt, 2023), Norfolk Southern terminated a locomotive engineer for purportedly failing to protect his assignment. In the instant case, as Hurricane Ida was rapidly approaching the New

Continued on Page 6



# Tentative agreements achieve paid sick time for GO-049, preserve conductor on GO-953

On April 3, a tentative agreement reached between GO-049 and CSX serves as a tremendous step forward for T&E personnel on the CSX Northern Mid-Atlantic District. The tentative synopsis is as follows:

- Provides five paid sick days with an option to convert two personal days to paid sick days;
  - Unused sick days are converted to cash at the end of the year with the option to defer those payments into a 401(k);
  - Incorporates the current 2023 CSX Revised Attendance Policy (the most lenient policy at CSX in decades) as a component of the CBA and only subject amendments under the provisions of the Railway Labor Act;
  - Provides improved work/rest initiatives with the formation of a Joint Labor/Management Committee to implement “Smart Rest” options, which could provide for up to 24 hours off between tours of duty;
  - Settles a long outstanding issue on displacement and utilization of employees in displaced status;
  - Permits train service employees, when practicable, to drive themselves or their own crew within defined terminal switching limits under limited conditions.
- The new tentative agreement obtained by GO-049 has blazed a trail, poking a hole in the premise that operating crews can’t get sick time. It is precedent-setting that for the first time in the existence of American railroading that paid sick time will be afforded to transportation employees at a Class I railroad. This is a fact that we all need to take a moment to celebrate. But we also need to look at this development as a call to action to achieve

paid sick leave for all, not just half the crew base in a slice of the country for 1/6th of the Class I carriers.

It is hard to overstate the service GC **Rick Lee**, Vice President **Jamie Modesitt**, and all others at GO-049 have done for conductors of all carriers with this negotiation. If this agreement is approved, it’ll be a standard-bearing precedent.

## GO-953 TA

In March, Norfolk Southern and Union Pacific withdrew their Section 6 notices pursuing single-employee crews.

A tentative agreement being considered by members of GO-953 preserves the conductor position and ends the current round of Section 6 bargaining on the Eastern District, Pacific Northwest and Idaho territories.

GC **Luke Edington** provided these highlights:

- The requirement for brakemen/switchmen, and the three work events in through freight is eliminated. Conductor/foremen-only crews will not be censured, disciplined or harassed if they take longer to perform work than the time taken by a crew with two or more employees.
- Thirty (30) years of protections for employees displaced/furloughed on account of brakemen/switchmen assignments being eliminated (Ready Reserve Boards).
- \$27,500 signing bonus, paid as a lump sum to all active employees in train service on the signing date of the agreement.
- Overtime in all pool freight service will begin when the time on duty exceeds the miles run divided by the controlling divisor, or in any case, when on duty more than 11 hours.
- Assigned road and yard

service crew members who work as a reduced crew (without a brakeman/switchman) will receive two hours, at the current applicable straight time rate for each tour of duty. The rate is subject to general wage increases and cost-of-living adjustments.

- Expanded Utility Position with a rate of pay at \$50 per hour. The rate will be subject to general wage increases and cost-of-living adjustments. The assignment may assist crews in both yard and road operations and have a set schedule with concurrent days off.

- Carrier-provided lodging, up to 75 stays, if forced to a utility assignment more than 75 miles from the employee’s home terminal.

## 2PC preserved

Norfolk Southern announced in late March that they are discontinuing formal negotiations regarding conductor redeployment to focus their efforts on implementing other immediate quality-of-life improvements for their employees.

“Over the next year, SMART-TD and Norfolk Southern have the opportunity to work together to implement important predictability improvements for our conductor workforce,” said **Jeremy Ferguson**, president of SMART-TD. “These scheduling enhancements, which were part of last year’s national agreements, have the potential to make an immediate positive impact for our conductors by giving them fixed days off and greater certainty about their weekly assignments. The willingness of NS to step back from plans to change to a ground-based conductor model is a welcome show of good faith in the negotiation process.”

# New provider in charge of union’s VLTD plan

Beginning March 1, Sun Life Financial assumed administration of the SMART Voluntary Long Term Disability (VLTD) plan and provides the 24-hour coverage participants enjoy, now with up to \$5,000 of guaranteed approved tax-free coverage.

No action was needed on the part of members who were already enrolled in the transition to our new provider.

Participants may have received (or may receive) a letter from the prior plan administrator, Amalgamated Life Insurance Co., stating that they may retain coverage with Amalgamated on an individual basis by setting up “a direct payment arrangement through your checking account” with them.

While participants have the option of staying covered by Amalgamated if preferred, you will automatically remain covered by the SMART-TD plan with Sun Life. Payroll deductions of monthly VLTD premiums have not been interrupted and SMART-TD remits



those premiums to Sun Life on participants’ behalf, so nothing is required of you to remain covered.

- Some important points:
- SMART-TD members participating in the VLTD have been covered by Sun Life since March 1.
  - Monthly payroll-deducted premiums have been paid to Sun Life and participants’ coverage is current.
  - Members covered by the new Sun Life plan do not owe Amalgamated any premiums.
  - Members currently working on a claim with Amalgamated will maintain your monthly benefits through Amalgamated for the duration of your claim.

Details regarding open-enrollment and the advantages of taking part in the improved VLTD managed by Sun Life will be released later in the year.

If you have any questions, please contact the SMART-TD VLTD Customer Service Center at 224-770-5328.

# CP yardmasters ratify new agreement

Alt. Vice President **Christopher Bartz** announced in late March that yardmasters working for Canadian Pacific ratified a new agreement.

The agreement secures for members a 15.5% raise over three years with back pay.

Yardmasters also received the additional paid leave day that coincides with the national agreement.

A \$1,000 productivity

bonus runs for the term of the agreement.

Bartz said that the organization made no concessions and was able to negotiate key changes for new-hire yardmasters and positive language changes for time claims and the discipline process.

The agreement passed with 72% of the membership voting in favor of the agreement, which will run through August 2024.

## What your union is doing for you: A list of arbitration victories achieved by SMART-TD

Continued from Page 5

Orleans, La., area, the carrier was in the process of evacuating Oliver Yard on Aug. 27, 2021. During the formal investigation, testimony was tendered into the record indicating that the claimant was told by a yardmaster that the carrier would not be employing job assignments at Oliver Yard on Aug. 28, 2021, due to the approaching hurricane. Critically, testimony on this issue was not refuted

on the record of the formal investigation. Additionally, when an identical situation unfolded a year prior, the same manager who charged the claimant in the instant case sent him home unpaid when he reported for work in the midst of a different hurricane, telling him that he should have known better than to report for work during a hurricane. Based on these reasons, the claimant assumed his job would not be operated on Aug. 28, 2021, and in the interest of safe-

ty, he evacuated himself and his pregnant wife to the Houston area to avoid the storm. After reviewing the circumstances involved in the instant case, the board concluded that even though the claimant should have contacted the carrier to mark off Aug. 28, 2021, the carrier’s assessment of dismissal was arbitrary and excessive on account of strong mitigating factors being present in the instant case. As a remedy to this case, the board converted the claimant’s termi-

nation to a 10-day deferred suspension. Accordingly, the board reinstated the claimant to his former position with the carrier and awarded him back pay for his lost wages during the time period of his unjust dismissal from service. GO-898 General Chairperson **Thomas Gholson**, GO-898 Assistant General Chairperson **Jason Roberts**, and International Vice President **David B. Wier Jr.** handled this case.



State Watch

News from SMART-TD State Legislative Boards

# Ohio becomes ninth state to implement 2PC

In 1993, newly elected President Bill Clinton was taking the reins from George H.W. Bush. “Home Improvement,” “Murphy Brown,” and “Murder, She Wrote” were winning the ratings war in American broadcast television (streaming hadn’t been invented yet), and the state of Ohio had passed its most-recent rail safety legislation.

The worlds of politics, entertainment and railroading have changed dramatically in the 30 years since. On Ohio’s transportation front, freight carrier Conrail has been split among Norfolk Southern and CSX Transportation, trains have tripled in length/tonnage, and technology has revamped every conceivable aspect of the industry, yet the Ohio legislative body has seen zero reason to adapt with the times ... until today.

On March 31, Gov. Mike DeWine signed into law House Bill 23 (H.B. 23), which is the state’s transportation budget. This budget included in it two items known as the Ohio Rail Safety Bill with a two-person crew minimum for all freight trains traveling inside Ohio, as well as verbiage that regulates



In this screen capture from the Ohio Channel’s video feed, Ohio State Legislative Director Clyde Whitaker testifies before the Ohio House Finance Committee as a proponent to H.B. 23 in Columbus on Feb. 21.

the use of wayside-defect detector technology in the Buckeye State.

Unfortunately, it wasn’t just the hard work and dedication of SMART Transportation Division Ohio State Legislative Director **Clyde Whitaker** that got these two common-sense rail-safety legislative components across the finish line. The Feb. 3 Norfolk Southern train derailment in East Palestine near the Pennsylvania border and the industry scrutiny that followed played a large role in forcing state leaders to do some

overdue soul searching about safeguarding the state’s communities from the greed of the nation’s rail carriers.

“I’m glad lawmakers placed party politics aside and worked together for the greater good, as the government should. These bipartisan efforts have placed safety above the false narratives of the railroads,” Whitaker said. “Safety of our members in the locomotive cab is now intact, and the public will be much safer going forward. Though a major victory, we

do have a lot more to accomplish in Ohio.”

That being said, this legislative victory didn’t occur solely because of what happened in East Palestine. By the time the state and national media turned their attention to Ohio’s railroads, Brother Whitaker had already prepared the legislation and had built relationships in the state’s Legislature that were required to get the legislation passed.

Whitaker had also filed complaints with the Federal Railroad Administration

months prior to the derailment, citing Norfolk Southern’s tendency to override alerts from defect detectors in order to keep freight moving.

Whitaker and his team knew it was the right time to bring substantive changes in Ohio laws that would help protect our members and the general public for years to come, continuing to solidify bipartisan coalitions in both the Ohio House and Senate and going toe to toe with the rail lobbyists who were sent to Columbus by the carriers.

But Whitaker didn’t do it alone — this accomplishment came as a result of work done both in the present and the groundwork laid by the hard work of prior State Legislative Board officers and SMART-TD members alike, who got the word out to their state legislators that the legislation was necessary.

“I believe in giving credit, where credit is due,” Whitaker said. “**Stu Gardner**, our former director who is now retired, helped lay the groundwork in this battle, and I’m thankful he had faith in me to finish leading the charge.”

## California



From left, Andrew Andrakowicz (Local 1241); California State Legislative Board Assistant State Director Scott Brent (Local 1201); GCA-887 1st Vice Chair Todd Campbell (Local 1043); Alt. SLD Trevor Haddix (Local 492); GCA-887 2nd Vice Chair Kurt Berg (Local 1570); Local 1241 Legislative Representative Jamie Poquette; LCA-020 Local Chairperson Christian “Bo” Akina (Local 1241); State Legislative Director Louie Costa; GO-887 Secretary Kevin Smith; Local 1741 Legislative Representative Jader Castano; and GO-887 General Chairperson Gary Crest attend a bill rally for AB 316 covering autonomous vehicles in the state. Local 1741 President Meghann Adams also attended the rally.

California Assembly Bill 316 would prohibit the operation of an autonomous vehicle with a gross vehicle weight of 10,000 pounds or more on public roads for testing purposes, transporting goods or transporting passengers without a human safety operator physically present in the autonomous vehicle at the time of operation. The vast

majority of the vehicles operated by our bus operators would be prohibited from being operated autonomously.

The SMART-TD California State Legislative Board is co-sponsoring this legislation with The California Labor Federation along with the Teamsters. The bill was referred to committee in mid-March.

## Illinois

# SLD Guy helps announce major state project

DECATUR, Ill. — SMART Transportation Division Illinois State Legislative Director **Bob Guy** was on hand March 30 as state Gov. J.B. Pritzker announced a \$200 million investment in about two dozen state projects to improve the flow of freight on rail and road.

Among the 22 projects and most important to TD membership is \$10 million to complete funding for a \$75 million grade-crossing improvement in the city of Decatur to eliminate a chronically blocked crossing near the Midwest Inland Port.

The creation of the overpass at Faries Parkway and the Norfolk Southern will separate the tracks from regular vehicle traffic, eliminating a notorious bottleneck that has been blocked by trains for as long as 17 hours at times.

“Railroad operating employees know all too well that the overwhelming



As Gov. J.B. Pritzker applauds at right, Illinois State Legislative Director Bob Guy addresses the audience in Decatur, Ill., on March 30.

amount of fatalities and injuries in our industry occur at railroad grade crossings or are due to trespassing events,” SLD Guy said. “It’s a train crew’s worst nightmare to strike a vehicle or pedestrian at or near a crossing. Grade-separation projects like this one provide a win-win situation for workers and communities alike. Removing the opportunity for a tragedy at an at-grade crossing while also freeing up the flow of vehicular traf-

fic, especially at a time when crossings are blocked for longer times due to increased train length, improves safety for rail workers, emergency responders and communities as a whole.”

The awards, announced jointly by Pritzker and the state Department of Transportation, are part of the state’s \$33.2 billion Rebuild Illinois plan to rebuild and revitalize the state’s transportation infrastructure with state and federal funds.



“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 fourth-quarter, annual earnings reports

<div><div>4th Quarter 2022</div><div>Net Earnings: Decreased 13% to \$1.47 billion</div><div>Earnings Per Share: n/a – BNSF is not publicly traded</div><div>Revenue: Increased 5% to \$6.6 billion</div><div>Operating Income: Decreased 15% to \$2.1 billion</div><div>Operating Expenses: Increased 17% to \$4.5 billion</div><div>Operating Ratio: Worsened to 67.8% from 60%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Decreased 1% to \$5.95 billion</div><div>Earnings Per Share: n/a – BNSF is not publicly traded</div><div>Revenue: Increased 11% to \$26 billion</div><div>Operating Income: Decreased 2.1% to \$8.6 billion</div><div>Operating Expenses: Increased 19% to \$17.29 billion</div><div>Operating Ratio: Worsened to 65.9% from 60.9%</div></div> <div>...</div> <div><div>4th Quarter 2022</div><div>Net Earnings: Increased to C\$1.4 billion from C\$1.2 billion</div><div>Diluted Earnings Per Share: Increased 24% to C\$2.10 from C\$1.70 per share</div><div>Revenue: Increased 21% to C\$4.5 billion from C\$3.8 billion</div><div>Operating Income: Increased 22% to C\$1.9 billion from C\$1.6 billion</div><div>Operating Expenses: Increased to C\$2.6 billion from C\$2.2 billion</div><div>Operating Ratio: Slightly improved by 0.4 points to 57.9% from 58.3%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased to C\$5.1 billion from C\$4.9 billion</div><div>Diluted Earnings Per Share: Increased 8% to C\$7.44 from C\$6.90 per share</div><div>Revenue: Increased 18% to C\$17.1 billion from C\$14.5 billion</div><div>Operating Income: Increased 22% to C\$6.8 billion from C\$5.6 billion</div><div>Operating Expenses: Increased to C\$10.3 billion from C\$8.9 billion</div><div>Operating Ratio: Improved 1.2 points to 60.0% from 61.2%</div></div> <div>...</div> <div><div>4th Quarter 2022</div><div>Net Earnings: Increased 139% to C\$1.30 billion from C\$532 million</div><div>Diluted Earnings Per Share: Increased 84% to \$1.36 from \$0.74 per share</div><div>Revenue: Increased 21% to C\$2.46 billion from C\$2.04 billion</div><div>Operating Income: Increased 19% to C\$989 million from C\$832 million</div><div>Operating Expenses: Increased 22% to C\$1.50 billion from C\$1.21 billion</div><div>Operating Ratio: Worsened 60 basis points to 59.8% from 59.2%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased 23% to C\$3.52 billion</div></div>	<div><div>4th Quarter 2022</div><div>Net Earnings: Increased to \$1.02 billion from \$934 million</div><div>Diluted Earnings Per Share: Increased 17% to \$0.49 from \$0.42 per share</div><div>Revenue: Increased 9% to \$3.73 billion from \$3.43 billion</div><div>Operating Income: Increased 7% to \$1.46 billion from \$1.37 billion</div><div>Operating Expenses: Increased 10% to \$2.3 billion from \$2.1 billion</div><div>Operating Ratio: Worsened to 60.9% from 60.1%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased to \$4.17 billion from \$3.78 billion</div><div>Diluted Earnings Per Share: Increased 16% to \$1.95 from \$1.68 per share</div><div>Revenue: Increased 19% to \$14.9 billion from \$12.52 billion</div><div>Operating Income: Increased 8% to \$6.02 billion from \$5.6 billion</div><div>Operating Expenses: Increased 27% to \$8.83 billion from \$6.92 billion</div><div>Operating Ratio: Worsened to 59.5% from 55.3%</div></div> <div>...</div> <div><div>4th Quarter 2022</div><div>Net Earnings: Decreased 33% to \$400 million from \$595.1 million</div><div>Diluted Earnings Per Share: n/a, see note</div><div>Revenue: Increased 16% to \$864.5 million from \$747.8 million</div><div>Operating Income: Decreased 63% to \$298.2 million from \$810.6 million</div><div>Operating Expenses: Increased 1002% to \$566.3 million from -\$62.8 million</div><div>Operating Ratio: Worsened 73.9 points to 65.5% from 8.4%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased 87% to \$982.2 million from \$525 million</div><div>Diluted Earnings Per Share: n/a, see note</div><div>Revenue: Increased 14% to \$3.37 billion from \$2.95 billion</div><div>Operating Income: Increased 39% to \$1.227 billion from \$883.8 million</div><div>Operating Expenses: Increased 4% to \$2.14 billion from \$2.06 billion</div><div>Operating Ratio: Improved 6.4 point to 63.6% from 70%</div></div> <div>...</div> <div><div>4th Quarter 2022</div><div>Net Earnings: Increased 4% to \$790 million from \$760 mil-</div></div> <div></div>	<div><div>4th Quarter 2022</div><div>Net Earnings: Increased 10% to \$3.42 from \$3.12 per share</div><div>Revenue: Increased 13% to a record \$3.2 billion from \$2.9 billion</div><div>Operating Income: Increased 5% to a record \$1.2 billion from \$1.13 billion</div><div>Operating Expenses: Increased 19% to \$2.1 billion from \$1.7 billion</div><div>Operating Ratio: Worsened to 63.5% from 60.4%</div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased 9% to \$3.3 billion from \$3 billion</div><div>Diluted Earnings Per Share: Increased 15% to \$13.88 from \$12.11 per share</div><div>Revenue: Increased 14% to a record \$12.7 billion from \$11.1 billion</div><div>Operating Income: Increased 8% to a record \$4.8 billion</div><div>Operating Expenses: Increased 19% to \$7.9 billion from \$6.7 billion</div><div>Operating Ratio: Worsened to 62.3% from 60.1%</div></div> <div>...</div> <div><div>4th Quarter 2022</div><div>Net Earnings: Decreased 4% to \$1.6 billion from \$1.7 billion</div><div>Diluted Earnings Per Share: Increased 0.4% to \$2.67 from \$2.66 per share</div><div>Revenue: Increased 8% to \$6.2 billion from \$5.7 billion</div><div>Operating Income: Decreased 1% to \$2.41 billion from \$2.44 billion</div><div>Operating Expenses: Increased 14% to \$3.8 billion from \$3.3 billion</div><div>Operating Ratio: Worsened 360 basis points to 61.0% from 57.4%</div></div> <div></div> <div><div>2022 Annual Earnings</div><div>Net Earnings: Increased 7% to \$7 billion from \$6.5 billion</div><div>Diluted Earnings Per Share: Increased 13% to \$11.21 from \$9.95 per share</div><div>Revenue: Increased 14% to \$24.9 billion from \$21.8 billion</div><div>Operating Income: Increased 6% to \$9.9 billion from \$9.3 billion</div><div>Operating Expenses: Increased 20% to \$15 billion from \$12.5 billion</div><div>Operating Ratio: Worsened 290 basis points to 60.1</div></div> <div><div>Notes:</div><div><div>• 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.</div><div>• All comparisons are made to 2021’s fourth quarter and annual financial results respectively for each railroad.</div><div>• All figures for CN &amp; CP are in Canadian currency, except for earnings per share for CP</div><div>• On Dec. 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. The carriers officially merged April 14, 2023, and will be known as CPKC.</div></div></div>
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SMART  
TD

Alumni

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

Are you getting close to retirement? You can get the TD News & other benefits for \$12 a year!  
Call 216-228-9400, email [arayner@smart-union.org](mailto:arayner@smart-union.org) or visit [www.smart-union.org](http://www.smart-union.org).

RRB sets pre-retirement seminar schedule

Union officials, auxiliary members and their spouses as well as rail employees and spouses within five years of retirement are welcome to attend a Railroad Retirement Board (RRB) pre-retirement seminar.

While most of the program focuses on various aspects of Railroad Retirement benefits, each seminar closes with a brief presentation on railroad unemployment and sickness benefits to help prepare union officers for sharing reliable information with members.

How to register

Online registration is required to ensure accommodations and materials for all attendees.

Security screening is required for seminars hosted inside any federal buildings. Bring a current, valid photo ID (issued by state/federal government); no weapons permitted.

Attendees are encouraged to bring original records (or certified copies) of documents required to file a Railroad Retirement application (such as proof of age, marriage, or military service), along with an additional copy of each

Date	Site
May 5, 2023	AJC Federal Building, 1240 E. 9th Street, 31st Floor Auditorium, Cleveland, Ohio
May 12, 2023	Eugene T. Mahoney State Park, 28500 West Park Hwy., Ashland, Neb.
May 19, 2023	US Customs House, 721 19th Street, First Floor Room 181, Denver, Colo.
June 9, 2023	Richard Boling Federal Building, 601 E. 12th Street, Room G-64 (Cafe Conference Room), Kansas City, Mo.
June 23, 2023	Tinley Park Convention Center, 18451 Convention Center Drive, Tinley Park, Ill.

item to leave with field service staff.

Visit [RRB.gov/PRS](http://RRB.gov/PRS) to register.

Select your local seminar from the schedule listed, click the register button, enter your information, and hit submit.

To RSVP on paper instead: select your local seminar from the schedule listed, find the blank registration form (PDF) to print and complete, then

mail or fax it to your local RRB field office. Contact information for each office hosting a seminar is accessible through the Field Office Locator at [RRB.gov](http://RRB.gov).

Event details and registration will be available approximately 70 days in advance of each seminar, and registration will be closed for any seminar that reaches capacity.



REMEMBER

The SMART-TD office has moved!  
Automatic/electronic payments through your bank for your annual Alumni Association dues should go to the SMART Transportation Division's new mailing address:

6060 Rockside Woods Blvd.  
N., Suite 325  
Independence, OH  
44131-2378

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
2	Bottles, Raymond C.	Grafton, Ohio	407	Lambert, Tyler A.	Moncks Corner, S.C.	1011	Locklear, Delton	Maxton, N.C.
6	Rutledge, Jack L.	Celina, Ohio	446	Harmych, Frank J.	Laramie, Wyo.	1092	Dillon, Jack B.	Teague, Texas
9	Brown, Claude A.	Lubbock, Texas	469	Skelton, Richard J.	Collinsville, Ill.	1106	Watkins, Paul H.	Raleigh, N.C.
9	Kerr, Roger V.	Kirbyville, Texas	489	Gray, Christopher N.	San Antonio, Texas	1241	Valentine, William A.	Oliverhurst, Calif.
11	Carrington, Robert C.	Houston, Texas	490	Bishop, James L.	Patoka, Ind.	1301	Nanney, Jesse L.	Knoxville, Tenn.
14	Howland, Terry L.	Dayton, Ohio	498	Hynes, Harry E.	Wilkes Barre, Pa.	1328	Culver, Phillip J.	Corydon, Ind.
14	Pyles, John	Church Hill, Tenn.	508	Daigle, Tad A.	Austin, Texas	1358	Kirkpatrick, James A.	Fithian, Ill.
31	Dickie, Robert F.	Watsonville, Calif.	527	Sturgess, Trent	Mannford, Okla.	1388	Mitchell III, John	Black Jack, Mo.
61	Washington, Anthony E.	Lansdowne, Pa.	577	King, Asante J.	Aurora, Ill.	1402	Brennan, Ryan J.	Swansea, Ill.
84	Flores, George R.	Los Angeles, Calif.	582	Filtz, Robert J.	Rosholt, Wis.	1418	Verterano, John B.	Bessemer, Pa.
95	Hellus Jr., Henry F.	Dummerston, Vt.	587	Johnson, David M.	Northfield, Mass.	1494	Gifford, Ronald M.	Silver City, N.M.
145	Huebner, J.F.	Columbus, Ohio	601	Tinch, Royal B.	Galion, Ohio	1526	Kloss Jr., Leroy	New Carlisle, Ind.
166	Cartwright, John W.	Lakewood, Colo.	662	Harris, Jovon	Baltimore, Md.	1557	Bramlett, Donald K.	Cordova, Tenn.
167	Cipriani, Anthony	Cobleskill, N.Y.	662	Harris, Sean O.	Glen Allen, Va.	1563	Isom, William G.	Chatsworth, Calif.
168	Garcia, Jose F.	Chicago, Ill.	722	Brunson, Larry	Jamaica, N.Y.	1573	Clawson, Harold E.	Klamath Falls, Ore.
171	Richards Jr., William A.	Oswego, Ill.	722	Lindlau, Eugene T.	New Hyde Park, N.Y.	1574	Baldwin Jr., John D.	Portland, Ore.
171	Thedford, Scott A.	Chicago, Ill.	730	Carman, Denita	Billings, Mont.	1574	McDonald, Russell L.	The Dalles, Ore.
243	Veazey, Billy J.	Lone Oak, Texas	759	Johnson Jr., Carson	Irvington, N.J.	1589	Dowling, Robert M.	Linden, N.J.
256	Poquette, Rolland E.	Alburgh, Vt.	771	Andrews, Robert W.	Needles, Calif.	1589	Ford, Donald P.	Union, N.J.
284	Nelson, Everette	Quaker City, Ohio	807	Hicks, Daniel V.	Tucson, Ariz.	1594	Flynn, John M.	Folsom, Pa.
305	Onnen, Gerhard E.	Humboldt, Kan.	811	Durbin, Jean L.	Pomona, Calif.	1626	Glover, Matthew H.	North Pole, Alaska
311	Café, Frederick W.	Holmen, Wis.	911	Swafford, Kevin L.	Monticello, Minn.	1687	Ayers, William E.	Rio Rancho, N.M.
324	Holland, Matt	Sumner, Wash.	934	Pyatt, John J.	Alliance, Neb.	1770	Vasquez, Jose C.	El Monte, Calif.
331	Fowler, Roy D.	Belton, Texas	951	Bowkett, Marvin J.	Sheridan, Wyo.	1862	Tackett, Jeffrey	Belfry, Ky.
331	Scheel, John	Temple, Texas	951	Dannels, Frank F.	Sheridan, Wyo.	1904	Cooper, Vince	La Porte, Texas
386	Reichert Jr., Harry G.	Temple, Pa.	1000	Bischoff, Michael M.	Ramsey, Minn.	1908	France Jr., James	Amherst, N.Y.
407	Kline, Paul V.	Goose Creek, S.C.	1033	Teasley, Richard K.	Soddy Daisy, Tenn.	1951	Jones, David A.	Watervliet, N.Y.
						1976	Fox, James R.	Bethel, Minn.



# Around the SMART-TD

## Be sure to keep your contact information current!

Many members miss opportunities when their address and contact information on file is not current. To keep things up to date, this can be accomplished through the SMART mobile app, via the SMART Member Portal on the SMART website or by just letting your TD Local secretary know.

It's no secret that we and the carriers do not often see eye to eye and there is a false narrative that we share member/employee information with each other. The carriers have zero obligation to voluntarily share any change in your personal information with your union. Even in this age of easy communication, maintaining good labor relations isn't the strong suit of many carriers, and that includes notifying the union when a member has moved or changed their contact information.

Truthfully, if you update information with the carrier, it might not even be in their best interest to share that information — they may prefer that the bad information stays in our system as it means one more member is left in the dark. It makes SMART-TD one member weaker as they wonder why the union is perceived as being silent and inactive, never trying to share information or contact them but collect their dues anyway.

That couldn't be further from the truth. The union sends out daily emails that share the latest union and transportation industry news via the SMART-TD Newswire. Communication is absolutely essential with our membership, whether it be through social media, our website, email or other ways of connecting.

For instance, information about military veterans' service is used so that your service may be honored with an annual gift. We are also in the process of targeting craft-specific information out to the membership, so it's important to have that properly listed on your member profile as well.

To avoid missing out, please fulfill your SMART constitutional duty (Article 21B, Section 49) and make your union one member stronger through the app, website or contacting your local leadership to ensure that your address, phone number and email, as well as your craft, military service and emergency contact info are current.

Together we are stronger!

### INDEPENDENCE, OHIO

The whole foundation of unionism is the idea of putting the needs of other people in a situation similar to yourself — your union brothers and sisters — above the needs of the individual with the intent that things will improve for all through that collective effort.

It's the big motivator as to why officers spend hours of their own time and massive amounts of energy to resolve and help support causes both big and small.

The same commitment can be said of many of the support staff in the Transportation Division's Cleveland-area office. Without them, the union would not operate at an optimal level.

One key member — Carl Morgano — has worked for SMART-TD since 1999 in the Accounting Department, rising to become payroll administrator at the TD office. Recently he and his husband of 10 years, Gerard Kreutzer, have been coping with a major health challenge for Gerard that requires a liver transplant.

"We're at the point where we need a living donor," Morgano said.

— it is the first step to resolving a second health issue involving his pancreas. A mass of cysts has formed on that organ, and doctors do not want to perform the partial pancreatectomy Gerard needs before he receives the transplant.

"The doctors basically want to perform the liver transplant and the pancreatectomy during the same surgery," Morgano said. "The looming threat of pancreatic cancer is what makes the transplant exceptionally urgent."

The multi-step procedure requires a potential donor aged 18-59 with a compatible blood type (Gerard is type O) to first go through an extensive battery of tests to determine whether he or she is a matching donor. The tests would be performed by Gerard's health care provider, the Cleveland Clinic, and then his insurance would cover the costs of the tests and procedure when a match is found.

"I understand that this is a very altruistic act, which takes a very selfless person to undertake," Gerard, an Army veteran, wrote in his American Transplant Foundation profile. "Gratitude for such an act cannot be expressed in words. Your choice to commit such an act has my grateful appreciation from the depths of my heart."

Morgano said that the donor doesn't even have to be in the northeast Ohio region — if a suitable donor is found, the foundation can assist with accommodations and travel. Once the transplant is done, both the livers in the donor and Gerard's bodies would both regenerate into whole organs, Morgano said.

The surgery would be performed at Cleveland Clinic's main transplant center. For potential donors to receive more information, contact the clinic directly at 216-444-1976.

"Words cannot convey our gratitude for the opportunity to share Gerard's story," Morgano said. "It offers us hope."



Carl Morgano, left, payroll administrator of SMART-TD, and his husband Gerard Kreutzer take a photos together. Gerard needs a liver transplant.



### IN MEMORIAM

#### Tori Brianna White, daughter of GC Richard Finley, passes at 28

The daughter of General Chairperson **Richard Finley** (GCA-RCL), **Tori Brianna White**, passed away at the untimely age of 28 on Feb. 26, leaving a huge void in the lives of Brother Finley, her mother, Stephanie L. Brown, and members of SMART Transportation Division Local 1558 in Bergenfield, N.J.

GC Finley says Tori helped local members with run and vacation picks on many occasions and that, despite contending with illness and health issues for years, his daughter had lived a very full and happy life.

"Tori will be missed by all. Remembering Tori will always bring a smile to your face and warmth in your heart," the family wrote in her obituary. "As God's angel, she will watch over all of us."

Her favorite pursuits included taking after her mom in a great enjoyment of karaoke. She was a huge fan of celebrity chef Bobby Flay and enjoyed watching both cooking and crime/suspense shows on television.

Brother Finley and Tori made it a point to spend time together, sit down and watch "The Masked Singer" as appointment viewing every week.

Tori is survived by her mother, Stephanie L. Brown; Brother Finley, who helped raise her since the age of 8; three grandparents; two brothers; four sisters; numerous nieces and nephews; dozens of cousins and so many friends. Tori also is survived by her pride, joy and life companion Lola, her Chihuahua, and Camron, the love of her life. Tori was looking forward to getting better and being with Camron.



White

#### L-257, MORRILL NEB.

The photography of **Alan "A.J." Nash** has been featured in an exhibit at the Campbell County Rockpile Museum by the Rockpile Museum Association. "My Corner Office: Views and Reflections from the Powder River Basin" highlights rail photos shot by Nash, an engineer out of Local 257 who shows a rarely seen regional perspective.



Nash

#### L-1892, HOUSTON, TEXAS

**Happy retirement to Brother Leroy Washington, who retired in March after 19 years of service. From left are Justin Johnson, Butch Boggess, Carlos Sanders, Jim Boehm, Jan Yates, Washington, Keith Green, Justin Macias, David Perez, Dandra O'Neal and Robert Maldonado.**





L-1715, CHARLOTTE, N.C.

Bus operators of SMART Local 1715 in Charlotte, N.C., on Feb. 4 ratified a new collective bargaining agreement with a vote margin of 20 to 1.

The new contract for the operators for the Charlotte Area Transit System (CATS) calls for a significant wage increase, double-time for holidays and the additional holiday of Juneteenth. It also provides for night differential pay and an increase in the pension cap. There are also changes to the bidding of work process that favor operators who may be unable to bid when the process starts. All wage increases are retroactive to July 1, 2022.

“I would like to thank the negotiations committee consisting of General Chairperson **Joseph Paglia**, Vice General Chairperson and Local President **Christy Kiser**, Local Chairperson **Stanley Valentine**, Secretary & Treasurer **Chris Johnson** and Local Committee of Adjustment Secretary **Sabrina White** for their hard work and tireless effort to deliver a package that the members would accept,” SMART Transportation Division Bus Department Vice President **Calvin Studivant** said. “The negotiations took more than nine months to complete, but the committee stayed focused on the task at hand and they delivered.”

L-7, NORTH PLATTE, NEB.

The 14th annual SMART Day at the Races is scheduled to take place 3 p.m. May 5 at Fonner Park Racetrack in Grand Island, Neb.

Guests who RSVP will receive a free breakfast at the host hotel, free shuttle transport to the racetrack, free clubhouse seating and programs at the track and a free post-race buffet back at the hotel.

A discount rate has been secured at Ramada Midtown Hotel, 2503 S. Locust St., in Grand Island. Call the hotel at 308-384-1330 to book a room.

To RSVP for the event, contact Local 7’s **Cliff Gordon** at 308-530-5766 or **Jaide Sutton** at 308-650-1916.

L-1470, EDMONSTON, MD.

On Feb. 2, Railway Age magazine released its annual list of young people creating waves within the rail industry known as “Fast Trackers, 25 Under 40.” SMART Transportation Division is proud to say that one of our own has made the list!

Member **Phil Martin** of Local 1470 works as an Amtrak conductor and represents our union as the only craft employee chosen by the publication on this year’s list. Looking back at previous Railway Age lists, it appears that Brother Martin is the only craft employee who has been recognized on any of the publication’s Fast Trackers lists dating back to 2016.



Martin

As the article on Martin lays out, he’s not only a solid conductor — getting commuters and travelers alike to their destinations, but also goes above and beyond to better the experience for Amtrak riders with disabilities.

Brother Martin has served as chairperson of Amtrak’s Employees with Disabilities Resource Group. In this role he has pushed the carrier toward policy changes to improve the riding experience and accessibility for riders with disabilities beyond the federal guidelines put out by the Americans With Disabilities Act (ADA).

Martin is a shining example of SMART-TD and the wide variety of talents and leadership our members bring to the industry.

SMART-TD would like to thank Railway Age magazine for celebrating the success and activism of Brother Martin. As an organization, we take pride in his accomplishments and look forward to seeing what lies in store for the rest of this young man’s career in railroading.

L-113, WINSLOW, ARIZ.

SMART Transportation Division’s own **Gary Hayes**, vice local chairperson of Local 113 (Winslow, Ariz.), played a very special role in making this year’s big game possible. A conductor and engineer for BNSF, Hayes wears many hats. In his case, one of them happens to be a Stetson.



Hayes

Hayes has been a member of the Hashknife Pony Express for nine years. This organization carries mail on horseback the 180 miles from Holbrook, Ariz., to Scottsdale, Ariz., in late January or early February every year to culminate with the beginning of the Parada Del Sol Rodeo in Scottsdale — the traditional start to the state’s rodeo season.

This year, the roughly 30 riders in the Pony Express carried about 20,000 pieces of mail in their three-day run. Unbeknown to the public, these riders had one very special delivery among their haul. The Super Bowl Host Committee had mailed the official Super Bowl LVII football to be hand-delivered to them in Scottsdale.

When they arrived to the Museum of the West in Scottsdale on the third day of their ride, Brother Hayes was chosen by the captain of the Pony Express to do the honors of delivering the football to Jay Parry, CEO of the Super Bowl Host Committee.

“This 180-mile special delivery was a little different than my normal run from Winslow, Ariz., to Belen, N.M., but I got it there on time,” Hayes said.

L-195, GALESBURG, ILL.



Local 195 member Troy Painter and his daughters Emmerson, 12, and Zhoe, 9, participated in the Polar Plunge at Lake Story in support of the Special Olympics on Feb. 26.

L-1409, KANSAS CITY, KAN.

President **Thad Owens** invites all members in the area to take part in a local SMART Army event will remember those who have served and given the greatest sacrifice so we as proud union members may work and live in freedom.

Participants will gather at 8 a.m. May 27 at Shawnee American Legion Post, 6521 Nieman Road, Shawnee, KS 66203.

All participants will be placing flags at burial sites as well as visiting the grave of a fallen brother from the union.

THESE LOCALS MADE HOLIDAYS HAPPIER

L-202, PUEBLO, COLO.



The local held a holiday toy drive benefiting the Boys and Girls Clubs of Metro Denver. In addition to members’ toy donations Local 202 made a match donation of \$500. In the photo are John Schwanik, LC Omar Ledesma, Secretary Brad Baker, CBS-4 anchor Karen Leigh and Colorado State Legislative Director Carl Smith.

L-1597, CHICAGO, ILL.



Local 1597 held a toy drive to benefit the Oak Lawn Children’s Hospital at their Christmas party. Over 50 gifts were collected to give to the children who were in the hospital during Christmas time.

L-195, GALESBURG, ILL.



From left, LCA Secretary Kari Cecil; Legislative Representative Jeremy Hodges; President Josh Ginther; Treasurer Rich Sage; Local Chairperson Jerrod Sammons; Ray Tucker and Shannon Loving donated and served holiday meals to the VFW Post 2257 in Galesburg.

L-303, SPRINGFIELD, MO.

The local participated for the 10th year in the Central Labor Council’s Union Day of Bell Ringing for the Salvation Army.

Donation totals for 2022 by the local and the 10 other participants exceeded those of 2021 with local members collecting \$736.07 (up from \$513) and the total collected by all the unions was \$6,376.54.

Participants from the local included **Brett Russell, Eddie Manuel, Trent Yarbrough, Mike Scott, Joe Taylor, Wes Darnell, Cory Stoker, Jason Cunningham** and **Steve Crane**.





Local 1626 (Anchorage, Alaska) member Ben Schlechter operates a train for the White Pass Yukon Railroad in this photo submitted by 1st Vice Local Chairperson **James Ogden**. White Pass Yukon Railroad was re-established in 1988 as a narrow-gauge excursion railroad that operates in Alaska and Canada.

## Featured photo showcase

SMART-TD seeks images of work-related scenes, such as railroad, bus or mass transit operations, equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America rolling.

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

With each photograph, please include your name, 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.

## Merger's approval by the Surface Transportation Board creates CPKC

On March 15, the U.S. Surface Transportation Board (STB) announced it will allow the merger of two of our nation's seven Class I railroads.

The Canadian Pacific Railway Limited (CP) was given

federal clearance to finalize its agreement to acquire the Kansas City Southern (KCS) Railway Company.

The merger of the two corporate giants, in effect April 14, has been in the works since the fall of 2021 and

has included an extensive amount of analysis by the STB on the ripple effects of the merger for rail workers and for the supply chain as a whole. In short, the board found the net result of this merger to be a positive both

economically and environmentally.

Expectation from the STB is that this merger will result in an addition of 800 new operating positions in the U.S.

In addition to that, the

board also put language into their approval that imposes New York Dock labor protective conditions for applicable workers.

The company will now be known as Canadian Pacific Kansas City (CPKC).

## Our new accident plan for SMART TD members and their families

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