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 bullhorn” 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 them of two specific incidents in his state.

Nothing was done.

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.

Continued on 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 selflessness 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 popup 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 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 journeyperson 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 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 organization 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 July 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

Continued from Page 1

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 for days and even years.

The stunning visage 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 Eastern 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 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.

“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.

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 Studvent; 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 Modestti; Vice President David Wier Jr., Vice President Joe Lopez and Bus Department Vice President Aivy Hughes.

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

SMART General Secretary/Treasurer Joseph Powell; TD President Jeremy Ferguson; GP Sellers; Vice President Brent Leonard; Vice President Jamie Modestti; Vice President David Wier Jr., Vice President Joe Lopez and Bus Department Vice President Aivy Hughes.
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 Sens. 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 when moving America’s railroads forward:

- “Sen. Brown has seen that track running through them follow the QR code above.

- 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 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.

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.

Using the LAC online is quick and easy. Just visit the SMART website and click on “Take Action” or follow the QR code above.

Learn more about UTUIA by scanning the QR code at right or visit www.utuio.org Email: info@utuio.org

NEW RATES! NOW 4% ANNUAL!

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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, my father was before me. 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 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 our industries. The American Rescue Plan put workers back on the agenda, including pension relief. I am particularly proud of the strides we 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 Railroading 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 himself 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

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By Joseph Sellers Jr.

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 goals and withstand obstacles. 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 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-Da 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,

Alvy Hughes
Vice President
Bus Department
SMART-TD
ahughes@smart-union.org
216-287-3059
TRANSPORTATION DIVISION PRESIDENT’S COLUMN

We can make change happen — if we will it

By Jeremy Ferguson

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 has been involved in, two sustain decisions on the case referenced below are of significant interest:

**In NRAB First Division Award No. 1215 (Deinhardt, 2023), York Railway Co. terminated a conductor for purportedly riding the side of his train through an area designated as a high-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 capitulate 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 Osicka progressed this case.**

**In NRAB Fourth Division Award No. 5184 (Valle, 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 actions. Moreover, noting that the carrier thwarted the organization’s attempt to introduce evidence into the record of the investigation, the board concluded that the investigative hearing was procedurally deficient. Because the board found that the carrier failed to satisfy 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 reinstated 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**

Public Law Board 7569, Award No. 27 (Deinhardt, 2023), Norfolk Southern terminated a locomotive engineer for allegedly failing to maintain crew and 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 Jeremy Ferguson, GO-898 Assistant General Chairperson Jason Roberts, and International Vice President David B. Wier Jr. handled this case.

*Continued on Page 6*

www.smart-union.org
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. 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 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 event occurred in another yard, 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. The witness was 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 safety, 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 should have the claimant back pay for his lost wages during the time period of his unjust dismissal from service. GO-898 General Chairman Thomas Gholson, GO-898 Assistant General Chairman Jason Roberts, and International Vice President David B. Wier Jr. handled this case.

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 synopses include:

- Provides five paid sick days with an option to convert two personal days to paid
- Unpaid 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 to industry-wide arbitration
- Service crew members who work as a reduced crew (with a brake/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 $30 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.
- Service crew members who work as a reduced crew (with a brake/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 $30 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 Jere-my 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.”

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 event occurred in another yard, 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. The witness was 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 safety, 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 should have the claimant back pay for his lost wages during the time period of his unjust dismissal from service. GO-898 General Chairman Thomas Gholson, GO-898 Assistant General Chairman Jason Roberts, and International Vice President David B. Wier Jr. handled this case.
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 reversed two conceivable aspects 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 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 safety and 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 bipartisanship 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 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.”
Class I rail carriers file fourth-quarter, annual earnings reports

4th Quarter 2022
Net Earnings: Decreased 13% to $1.47 billion
Earnings Per Share: n/a – BNSF is not publicly traded
Revenue: Increased 5% to $6.6 billion
Operating Income: Decreased 15% to $2.1 billion
Operating Expenses: Increased 17% to $4.5 billion
Operating Ratio: Worsened to 67.8% from 60%

2022 Annual Earnings
Net Earnings: Decreased 1% to $5.95 billion
Earnings Per Share: n/a – BNSF is not publicly traded
Revenue: Increased 11% to $26 billion
Operating Income: Decreased 2.1% to $8.6 billion
Operating Expenses: Increased 19% to $17.29 billion
Operating Ratio: Worsened to 65.9% from 60.9%

2022 Annual Earnings
Net Earnings: Increased to C$1.50 billion from C$1.21 billion
Increased 22% to C$2.04 billion
Revenue: Increased 5% to $6.6 billion
Operating Income: Increased 4% to C$3.33 billion from C$3.21 billion
Operating Expenses: Increased 15% to C$5.50 billion from C$4.80 billion
Operating Ratio: Worsened by 230 basis points from 62.2% to 59.9%

4th Quarter 2022
Net Earnings: Increased to $1.02 billion from $934 million
Diluted Earnings Per Share: Increased 17% to $0.49 from $0.42 per share
Revenue: Increased 9% to $3.73 billion from $3.43 billion
Operating Income: Increased 7% to $1.46 billion from $1.37 billion
Operating Expenses: Increased 10% to $2.3 billion from $2.1 billion
Operating Ratio: Worsened to 60.9% from 60.1%

2022 Annual Earnings
Net Earnings: Increased to C$1.4 billion from C$1.2 billion
Diluted Earnings Per Share: Increased 24% to C$2.10 from C$1.70 per share
Revenue: Increased 21% to C$4.5 billion from C$3.9 billion
Operating Income: Increased 22% to C$1.9 billion from C$1.6 billion
Operating Expenses: Increased to C$2.6 billion from C$2.2 billion
Operating Ratio: Slightly improved by 0.4 points to 57.9% from 58.3%

2022 Annual Earnings
Net Earnings: Increased to C$5.1 billion from C$4.9 billion
Diluted Earnings Per Share: Increased 8% to C$7.44 from C$6.90 per share
Revenue: Increased 18% to C$17.1 billion from C$14.5 billion
Operating Income: Increased 22% to C$8.6 billion from C$6.6 billion
Operating Expenses: Increased to C$10.3 billion from C$8.9 billion
Operating Ratio: Improved 1.2 points to 60.0% from 61.2%

4th Quarter 2022
Net Earnings: Increased 139% to C$31.30 billion from C$632 million
Diluted Earnings Per Share: Increased 84% to C$3.17 from C$0.74 per share
Revenue: Increased 21% to C$2.46 billion from C$2.04 billion
Operating Income: Increased 19% to C$989 million from C$832 million
Operating Expenses: Increased 22% to C$1.50 billion from C$1.21 billion
Operating Ratio: Worsened 60 basis points to 59.8% from 59.2%

2022 Annual Earnings
Net Earnings: Increased 23% to C$3.52 billion from C$2.90 billion
Diluted Earnings Per Share: Decreased 10% to C$3.77 from C$4.18 per share
Revenue: Increased 10% to C$8.81 billion from C$8.0 billion
Operating Income: Increased 4% to C$3.33 billion from C$3.21 billion
Operating Expenses: Increased 15% to C$5.50 billion from C$4.80 billion
Operating Ratio: Worsened by 230 basis points from 62.2% to 59.9%

4th Quarter 2022
Net Earnings: Increased to $1.02 billion from $934 million
Diluted Earnings Per Share: Increased 17% to $0.49 from $0.42 per share
Revenue: Increased 9% to $3.73 billion from $3.43 billion
Operating Income: Increased 7% to $1.46 billion from $1.37 billion
Operating Expenses: Increased 10% to $2.3 billion from $2.1 billion
Operating Ratio: Worsened to 60.9% from 60.1%

2022 Annual Earnings
Net Earnings: Increased to $4.17 billion from C$3.78 billion
Diluted Earnings Per Share: Increased 16% to $1.95 from $1.68 per share
Revenue: Increased 19% to $14.9 billion from $12.52 billion
Operating Income: Increased 8% to $6.02 billion from $5.6 billion
Operating Expenses: Increased 27% to $8.83 billion from $6.92 billion
Operating Ratio: Worsened to 59.5% from 55.3%

4th Quarter 2022
Net Earnings: Decreased 33% to $400 million from $595.1 million
Diluted Earnings Per Share: n/a, see note
Revenue: Increased 16% to $864.5 million from $747.8 million
Operating Income: Decreased 63% to $298.2 million from $810.6 million
Operating Expenses: Increased 100% to $566.3 million from -$62.8 million
Operating Ratio: Worsened 73.9 points to 65.5% from 8.4%

2022 Annual Earnings
Net Earnings: Increased 87% to $982.2 million from $525 million
Diluted Earnings Per Share: n/a, see note
Revenue: Increased 14% to $3.37 billion from $2.95 billion
Operating Income: Increased 39% to $1.227 billion from $883.8 million
Operating Expenses: Increased 4% to $2.14 billion from $2.06 billion
Operating Ratio: Improved 6.4 point to 63.6% from 70%

4th Quarter 2022
Net Earnings: Increased 4% to $790 million from $760 million
Diluted Earnings Per Share: Increased 10% to $3.42 from $3.12 per share
Revenue: Increased 13% to a record $3.2 billion from $2.9 billion
Operating Income: Increased 5% to a record $1.2 billion from $1.13 billion
Operating Expenses: Increased 19% to $2.1 billion from $1.7 billion
Operating Ratio: Worsened to 63.5% from 60.4%

2022 Annual Earnings
Net Earnings: Increased 9% to $3.3 billion from $3 billion
Diluted Earnings Per Share: Increased 15% to $13.88 from $12.11 per share
Revenue: Increased 14% to a record $12.7 billion from $11.1 billion
Operating Income: Increased 8% to a record $4.8 billion
Operating Expenses: Increased 19% to $7.9 billion from $6.7 billion
Operating Ratio: Worsened to 62.3% from 60.1%

4th Quarter 2022
Net Earnings: Decreased 4% to $1.6 billion from $1.7 billion
Diluted Earnings Per Share: Decreased 4% to $2.67 from $2.66 per share
Revenue: Increased 8% to $6.2 billion from $5.7 billion
Operating Income: Decreased 1% to $2.41 billion from $2.44 billion
Operating Expenses: Increased 14% to $3.8 billion from $3.3 billion
Operating Ratio: Worsened 360 basis points to 61.0% from 57.4%

2022 Annual Earnings
Net Earnings: Increased 7% to $7 billion from $6.5 billion
Diluted Earnings Per Share: Increased 13% to $11.21 from $9.95 per share
Revenue: Increased 14% to $24.9 billion from $21.8 billion
Operating Income: Increased 6% to $9.9 billion from $9.3 billion
Operating Expenses: Increased 20% to $15 billion from $12.5 billion
Operating Ratio: Worsened 290 basis points to 60.1%

Notes:
• Operating ratio is a railroad’s operating expenses expressed as a percentage of operating revenue, and is considered by economists to be the basic measure of carrier profitability. The lower the operating ratio, the more efficient the railroad.
• All comparisons are made to 2021’s fourth quarter and annual financial results respectively for each railroad.
• All figures for CN & CP are in Canadian currency, except for earnings per share for CP
• 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.
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 helping their 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 item to leave with field service staff.

Visit RRB.gov/PRS to register.

To RSVP on paper instead: select your local seminar from the schedule listed, click the register button, enter your information, and hit submit.

Mail or fax to your local RRB field office. Contact information for each office hosting a seminar is accessible through the Field Office Locator at 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.

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### 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.

<table>
<thead>
<tr>
<th>Name</th>
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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 or visit www.smart-union.org.

www.smart-union.org
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-TD 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 info — 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’ services 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!

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 Brothers 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, her 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.

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 rare perspective.

L-1892, Houston, Texas

Happily 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, Jon Yates, Washington, Keith Green, Justin Macias, David Perez, Dandra O’Neal and Robert Maldonado.

Morganaro 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 lives in the donor and Gerard’s bodies would both regenerate into whole organs, Morganaro 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 216-444-1796.

“Words cannot convey our gratitude for the opportunity to share Gerard’s story,” Morganaro said. “It offers us hope.”

www.smart-union.org
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 was the result of 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 Studvant 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 legal employee who has been recognized on any of the publication’s Fast Trackers lists dating back to 2016. 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 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 on 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 second 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-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.

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 Schwonik, 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 Hedge; President Josh Ginthier; Treasurer Rich Sego; Local Chairperson Jerrold 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.
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. 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.

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 1968 as a narrow-gauge excursion railroad that operates in Alaska and Canada.

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 know as Canadian Pacific Kansas City (CPKC).

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<th>Monthly premium</th>
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Benefits included:

- Initial treatment
- Hospital confinement
- ICU confinement
- Major diagnostic exams
- Physical therapy
- Prosthesis benefit
- Ambulance benefit
- Dislocations
- Eye Injuries
- Care
- Burns
- Ears
- Dental
- Concussion
- Lacerations
- Paralysis
- Skin grafts
- Fractures

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