



'The gate is already open. The bull is coming out'



Committee formed to stop assault epidemic on our bus, transit members

The SMART Transportation Division has formed a new committee to address the growing problem of assaults on bus and transit operators. The Bus and Transit Assault Prevention and Safety committee (BTAPS), was founded at the recent SMART Leadership Conference in Washington, D.C.

The idea for the committee was raised by **Christine Ivey**, a legislative representative from Local 1785 out of Santa Monica, Calif. Ivey spoke during a TD breakout session about the need for a union-led effort to address the issue of assaults on bus and transit operators.

"The gate is already open. The bull is coming out. We've already had drivers stabbed. We've had drivers shot. We're still having drivers that are being assaulted and we're still dragging our feet on creating laws that protect the drivers," Ivey said from the



TOP: SMART Transportation Division Local 1785 Legislative Representative Christine Ivey urges SMART TD officers Aug. 2 to establish a group to advocate for better protections for bus and transit members.

ABOVE: As National Legislative Director Gregory Hynes, left, and Ivey, right, look on, SMART-TD President Jeremy Ferguson declares the Bus and Transit Assault Prevention and Safety (BTAPS) Committee created.

floor of the leadership meeting. "My question is, 'How do I get on a team that will propose a bill that will change the status quo?'"

SMART-TD President **Jeremy Ferguson** was impressed by Ivey's presentation and called her up

to the podium to address the entire crowd from the stage. When Ivey finished making her points about the need for SMART to consider developing a committee to address these concerns, Ferguson stepped to the mic and surprised everyone in the room, including Sister

Ivey, with what came next.

President Ferguson called for a point of order and all eyes locked on him. He then said that in his opinion, what Sister Ivey had just said to the leadership of SMART-TD consti-

IN MEMORIAM



VP John Whitaker passes away

Vice President **John D. "J.D." Whitaker III**, whose vital and key roles in negotiating numerous contracts on the general committee and national levels that improved the lives of many SMART-TD rail members, passed away July 27, 2023, of cancer.

VP Whitaker was 50 years old.

"It is a tremendous loss for John's family — his wife, Melissa, and their three sons — to his friends and to the SMART Transportation Division," TD President **Jeremy Ferguson** said.

"Brother John was a trusted and tireless leader for the membership and had an absolute passion about what he did for everyone we represent. Our hearts are broken and there is a great loss caused by his untimely passing. Yet the legacy he

[Continued on Page 3](#)

[Continued on Page 2](#)

Bus Vice President Studivant retires

Calvin Studivant, who has been a vice president of the SMART-TD Bus Department since 2014, announced his retirement from service, effective Sept. 30. For more details on who will succeed him and his farewell to the members whom he represented, see [Page 2](#).



Bus Department Vice President Calvin Studivant, left, addresses membership during a regional meeting workshop in 2017.

Inside this issue

- **LEADERSHIP MESSAGES:** Updates from SMART GP **Michael Coleman** and TD President **Jeremy Ferguson**, [Pages 4-5](#).
- **WHAT YOUR UNION IS DOING:** Roundup of recent cases and victories by the union for members, [Page 5](#).
- **AROUND SMART-TD:** News bites from our locals, [Pages 10-11](#).

Bus Department VP Studivant retires; Alternate VP James Sandoval elevated

After a long and distinguished career fighting for the rights and well being of SMART Transportation Division Bus Department members, Vice President **Calvin Studivant** retired on Sept. 30.

"It's been a pleasure serving with Brother Calvin in many capacities going back many years," SMART-TD President **Jeremy Ferguson** said. "I am very happy for Calvin and his wife and wish them well and thank him for all his years of service."



Studivant

Brother Studivant had served as a vice president for the Bus Department since Oct. 1, 2014, and had the following message to share:

"It has been an honor and privilege to serve you, as I embark on this next chapter of my life, please know that I will continue to pray that you all will be able to do your jobs without the fear of being assaulted. I know that TD President **Jeremy Ferguson** has the Bus Department's best interests at heart and will supply the necessary resources to ensure your safety.

"I hope that I represented you well. My only interest was ensuring that you were treated with dignity and respect and received the compensation you deserved. I will always be proud of the bus operators, because I, too, am one, and I

know all too well the challenges that you face daily. I pray that God will continue to bless you all. I thank you for that opportunity. SMART forever."

Fellow Bus Department Vice President **Alvy Hughes** said that Studivant has been a stabilizing force in the progress the department has made.

"He has always put the bus department's membership first," Hughes said. "His sacrifice and leadership to this organization have been second to none."

"I have had the pleasure of knowing Brother Studivant since my union career began, and he has been a great mentor, brother and true friend. I salute him for all he's done. He will be truly missed."

Studivant, a member of Local 759, Newark, N.J., served in the U.S. Army from 1982 to 1986, then moved to Clifton, N.J. He was employed at Community Coach starting in June 1993.

He was named alternate vice president — bus-East by the United Transportation Union's Board of Directors in August 2009 and re-elected in 2011. He was elevated to vice president — bus by the Transportation Division Board of Directors Oct. 1, 2014. At the Second SMART-TD Convention on August 11, 2019, he was elected again by acclamation.

Studivant is married to Michelle, and the couple has three children and two grandchildren.

His commitment to the union fulfilled, he said he

will now enjoy time with his family in his retirement years.

The SMART Transportation Division wishes Brother Studivant a long and happy retirement.

James Sandoval, who has served as an alternate vice president of the SMART-TD Bus Department, joined Hughes as a vice president Oct. 1 after being elevated by the SMART-TD Board of Directors.

Brother Sandoval has been a bus operator at the Santa Cruz Metropolitan Transit District for more than a decade.

He's been intensely engaged with labor efforts after joining SMART-TD as a member of Local 23 in Santa Cruz, first as a local officer at a national level.

He assumed his first officer roles as general chairperson of GCA-SCM, alternate legislative representative and local chairperson of LCA-SCM in January 2019.

In February 2022, he assumed the position of Local 23's legislative representative.

Brother Sandoval joined the California State Legislative Board as a legislative chairperson in June 2022, became an organizer in January 2021, and in August 2022 became alternate vice president of the Bus Department-West.



Sandoval

VP John Whitaker passes away after battle with cancer

Continued from Page 1

leaves behind is one of strength, bravery and accomplishment. The union would not be what it is today without his contributions."

In his position as TD vice president, Brother Whitaker engaged in the national rail contract negotiations that began in November 2019. He also proudly fulfilled his duties as a General Vice-President on the SMART General Executive Council (GEC).

"His absence leaves a profound void, for he dedicated his entire life to representing and advocating for the members he served," SMART General President **Michael Coleman** said. "Throughout his career, he achieved remarkable success, always putting the well-being of those he represented above all else. Our hearts and thoughts are with his family as they navigate through this challenging period of loss."

Brother Whitaker was born Nov. 16, 1972, and began his railroad career in 1997 with CSX Transportation as a conductor. He was promoted to engineer in 2002. A member of Local 1106 in Rocky Mount, N.C., he was elected to the position of local chairperson for



SMART Transportation Division Vice President John D. "J.D." Whitaker III addresses the Second SMART General Convention at the Mirage in Las Vegas, Nevada, in 2019. VP Whitaker passed away on July 27 after a battle with cancer.

engineers in 2002.

He ran for vice general chairperson for CSX General Committee of Adjustment GO-851 and was elected effective January 2006. Whitaker maintained that position through March 2011, at which time he was elected general chairperson for GO 851, representing approximately 2,000 members on the former Seaboard Coast Line, CSX Transportation, Florida East Coast Railway, Winston-Salem Southbound Railway, High Point Thomasville & Benton Railroad, Georgia Railroad, South Carolina Public Railway Commission and South Carolina Central Railroad, covering six states.

In October 2013, Whitaker was appointed alternate to the TD executive board and was elected by delegates

for another term in 2014. In December of that year, he was elevated to the position of Transportation Division alternate vice president. Whitaker was elected to the board of the SMART TD Association of General Chairpersons (Dist. 1) in 2016. He was then elevated to the position of vice president in April 2019 upon the retirement of **Dave Wier** and was elected by acclamation to that position at the Second Transportation Division Convention in August 2019.

The board room in the TD's Cleveland office has been renamed and a plaque has been installed in the room in his memory.

Vice President Whitaker is survived by his wife, Melissa, and their three sons, Russel, Chase and Nick (Nicholas).

Gary Crest elevated to vice president

In mid-September, SMART-TD's Board of Directors elevated Alternate Vice President **Gary Crest**, general chairperson of SMART-TD GO 887 (Union Pacific Western Lines) to vice president.



Crest

Brother Crest started his railroad career in 1993 with Copper Basin Railway as a trainman and was promoted to engineer in 1994. He continued to work there as an engineer until December 1997 when he was hired by Union Pacific (UP).

Brother Crest has been a general chairperson on UP since January 2015 with an unprecedented level of success, including obtaining paid sick time for the first time for employees. Prior to serving as GC of GO 887, Crest served as a vice local chairperson, local chairperson, delegate, vice general chairperson, chairman of the Western General Chairpersons' Committee and has been a member of the SMART TD Executive Board.

Vice President Crest has also served on the Federal Railroad Administration's Rail Safety Advisory Committee

(RSAC).

Crest's new role as vice president was made official Sept. 18. He began his duties Oct. 1.

SMART-TD President **Jeremy Ferguson** spoke with confidence that Crest will ably fill the role.

"Gary has been a leader in this union for a long time. J.D. Whitaker left big shoes to fill, but the fact of the matter is that GC Crest is the right man for the job," he said. "Gary has been invaluable in our fight to get paid sick leave and other quality-of-life improvements on the UP. Him becoming a vice president in this organization is a natural fit. We all have absolute faith in both his ability to lead and his drive to improve the lives and well-being of our members."

Brother Crest said he'll bring the same confidence and intensity as a vice president as he's had as a GC.

"I thoroughly enjoyed the work I did and the progress we were able to make in my time as a general chair at 887," he said. "I look forward to bringing that experience and the same fight to my role as a VP."

Autumn brings election period for TD locals

SMART Transportation Division members are reminded that local president, vice president, secretary and treasurer, board of trustees (3), legislative representative, alternate legislative representative, delegate and alternate delegate elections are scheduled to be held this autumn, with nominations to be taken in October and elections conducted in November 2023.

Locals must solicit for the nomination of candidates in October seeking to fill the three-year local officer positions described by the SMART Constitution's Article 21B, Section 56. Positions include president, vice president, secretary and treasurer, collector (where applicable) and the three-member board of trustees. Locals must also solicit for the nomination of candidates in October seeking to fill the four-year legislative offices. Those eligible to hold office as a legislative representative or alternate legislative representative must be qualified voters, meaning they are registered to vote. The duties of a legislative representative are listed in SMART Constitution Article 21B, Section 66.

Also this autumn, locals must solicit for the nomination of candidates in October seeking to fill the positions of delegate and alternate delegate. The delegate will represent their Transportation Division local at the SMART Transportation Division Convention. That convention immediately precedes the SMART General Convention. Locals entitled to additional delegates to represent them at the General Convention will elect those additional delegates in June 2024.

Members are also reminded that any existing local vacancies should be addressed during these elections.

Local secretaries and secretary and treasurers should take steps now to ensure their records reflect accurate membership listings and mailing addresses.

As per the constitution's Article 21B, Section 57, nomination meetings must be in October, with election tabulations conducted in November. Winning candidates generally will assume their offices on Jan. 1, 2024. Those filling a vacancy, however, take office immediately.

SMART Constitution Article 21B, Section 58, contemplates an installation ceremony for officers named in Article 21B, Section 56. Those elected officers who must present themselves at a regular or special meeting for installation within 60 days following their election include president, vice president, secretary, treasurer (or secretary and treasurer), and trustees. Section 58 does not apply to LCA committee persons, delegates, alternate delegates, legislative representatives or alternate legislative representatives.

In most cases, candidates must garner a simple majority of valid votes cast to win election to a Transportation Division office. (A simple majority means more than half.) In the case of the board of trustees, winning candidates must obtain a majority of the ballots cast.

The process begins

For the Local's secretary or secretary and treasurer, the election process begins with an effort to update the membership roster, ensuring accurate addresses are on file for each member. Our constitution requires each member to keep the local secretary and treasurer advised of their current home address. At the same time, U.S. Department of Labor regulations and the

Labor-Management Reporting and Disclosure Act (LMRDA) require the local to take steps to update addresses in advance of an election.

Members can update their address by contacting their local secretary, secretary and treasurer, or treasurer, or can do so themselves using the SMART App.

Nominations

The local secretary must post a notice at least 10 days in advance of the October nomination meeting indicating when and where nominations for affected positions will take place. The notice should include which positions are open for nominations, and should indicate how nominations can be made, especially by those who cannot attend the nomination meeting. Notices should be placed in as many locations as needed to ensure it can reasonably be concluded that all members had an opportunity to see the notices.

All locals have been mailed instructional packets that include samples of the nomination notices which must be conspicuously posted where it can be reasonably calculated to inform all affected members. While nomination notices are not required by law to be mailed directly to all affected members, it is highly recommended that the postcards available for this purpose be obtained from the TD Supply Department and mailed to all members.

Nominations may be made by any member in good standing from the floor at the nomination meeting. Nominations do not require a second. Any member may self-nominate. If a member wishes to self-nominate or nominate someone else, but can't attend the meeting, nominations can be entered through a petition. A nomination petition must state

the name of the nominee, the position for which the member is being nominated and must carry at least five signatures of members eligible to vote. No nominations can be accepted following the close of the nomination meeting.

Those currently in a position are NOT automatically renominated for that position. Anyone wishing to be a candidate in an upcoming election must be nominated by petition or at a nomination meeting.

If only one member is nominated for a position, that member can be declared elected by acclamation.

Those in so-called E-49 status are eligible to run for office, but they cannot self-nominate or nominate others and they cannot vote. If elected, acceptance of pay from the company or the union creates a dues obligation.

In all cases, a notice of the election must be mailed to all members, including those in E-49 status (but not including retirees). If your local is conducting its election by mail, the mailed ballots can serve as the required notice of election, but such ballots must be mailed at least 15 days in advance of the date of tabulation, and must be mailed to those in E-49 status. (The tellers will determine on the day of tabulation whether a member is in E-49 status and his or her vote should be counted.) The Department of Labor does not count the day of mailing as part of that 15-day window, but it does count the day of tabulation.

Those conducting floor votes can obtain postcards notifying members of the time, date and place of the election from the TD Supply Department. These notices must be mailed at least 15 days in advance of the date

of tabulation.

Eligibility

To be eligible to vote, all dues and assessments must be paid within the time frame specified by the constitution. Article 21B, Section 49, indicates dues are to be paid in advance, before the first day of the month in which they are due. Eligibility to make nominations or to be nominated is similar. This means, for example, for a nomination meeting in October, the nominator and the nominee must have paid all dues obligations prior to October 1. To vote in November, the voter must have paid all dues obligations prior to November 1.

More information

Members are encouraged to consult Article 21B of the SMART Constitution for information regarding elections. Unless an item within Article 21B directs you to a further stipulation outside of Article 21B, only the provisions found within Article 21B are applicable to Transportation Division elections. The local election process is addressed directly by Article 21B, Section 57.

Members can consult their local officers to examine the election guidance material distributed by this office.

Questions?

There are many provisions not covered by this article, including those which address candidates' rights and permitted means of campaigning. Those with election questions are urged to call the Transportation Division office at (216) 228-9400 and follow the prompts for the President's Department. It's always easier to address issues in advance than after the fact.

Union forms dedicated committee to stop assault epidemic on bus, transit workers

Continued from Page 1

tuted a motion on the floor. Ferguson then called for a second on the motion to officially form the committee and immediately called for a voice vote. The motion passed unanimously, and with a spontaneous standing ovation, the Bus and Transit Assault Prevention and Safety Committee was founded.

Ferguson named Ivey chairperson of the committee with no objections.

Ivey is a highly experienced union leader and advocate for bus and transit operators. She is well-respected by her peers and is known for her passion for safety.

The BTAPS committee will be tasked with developing and implementing strategies to reduce the number of assaults on bus and transit operators. The committee will also work to raise awareness of the issue and advocate for policies that will make bus and transit operators

safer, including lobbying in Congress and state legislatures to urge that punishments for the crime of assault on a transit worker be heightened to a felony.

"This is a historic moment for the SMART-TD union," said Ferguson. "We are committed to doing everything we can to protect our members from violence. The Bus and Transit Assault Prevention and Safety committee will be a powerful tool in our fight for safety. Christine

Ivey is driven, intelligent and determined to make this committee successful. I have full confidence that SMART will be proud of what this committee will achieve through Sister Ivey's leadership."

The committee will meet regularly and report its findings to the SMART-TD Board of Directors. The committee will also advocate for safety measures at the federal and state levels through the Federal Transit Administration (FTA).

SMART GENERAL PRESIDENT'S COLUMN

Our predecessors gave us a solid foundation

Brothers and sisters,

We stand on the shoulders of giants. Generations ago, the founding members of our immediate predecessor unions — the Sheet Metal Workers' International Association (SMWIA) and the United Transportation Union (UTU) — came together around the principles of solidarity and equality for all, uniting with their fellow workers for safety on the job, fair pay, quality health-care and a stable retirement. Our union has fought on behalf of members, our families and workers all over the United States and Canada ever since. Together with our fellow sisters and brothers in labor, we are part of a movement that has been at the forefront of justice and equality, from the fight against railroad robber barons in the early history of this country to the March on Washington for Jobs and Freedom.

The legacy established by the trade unionists who



By Michael Coleman

came before us continues to this day. Whether passing two-person crew legislation in states across America or securing federal grant money to provide the training our members deserve — and haven't received from the carriers — we have built upon the progress that our predecessors won.

Now, our time has come to seize this moment and grow our union.

We live in an era of opportunity — the kind we have not seen in generations. Media attention on railroad and transit safety is bringing our issues to the American public, providing our union with new momentum as we fight to protect members.

We are winning our battles



SMART General President Michael Coleman, standing, right, visits a SMART-TD session at the Leadership Conference over the summer. GP Coleman offered a message of solidarity and united strength among Sheet Metal and Transportation Division members as he addressed the leaders in attendance.

on the state level, with railroaders in Colorado pushing the nation's first-ever long train legislation, and we are forcing the carriers to negotiate on matters they once swore were off the table, including paid sick leave.

Despite the high-profile obstacles we have faced in recent years, we have grown — proving that the short-sighted greed of those

who oppose us stands no chance against our unrelenting solidarity

So, brothers and sisters, let's take advantage of this moment. Just like the founders of our unions fought for the basic rights and protections we enjoy today, let's organize. Let's bring everyone into our union, no matter their gender, their race or their creed.

Let's elect leaders who act on our behalf. And let's secure the future for those who will remember us tomorrow.

In solidarity,

Michael Coleman

Michael Coleman
General President, SMART

Bus Department News

A message from your Bus Department leadership

Sisters and brothers,

Our District 3 meeting was held in Cleveland this past June. General chairpersons set the agenda for the next four years.

We also concluded our SMART Second Annual Leadership Conference in Washington, D.C., where representatives of all crafts from transit, school bus, charter and maintenance were represented. There were three full days of training and uniting with our fellow brothers and sisters. On Day 1, officers experienced an enhanced presentation on filing grievances, collecting information, properly investigating potential grievances and the Duty of Fair Representation presented by General Counsel Kevin Brodar from our TD Legal Department.

After requests from committee officers throughout our crafts, we intro-



By Alvy Hughes

duced a new class, Chairperson Toolbox, which equipped officers with the latest technology and communication methods. This session was designed to make the chairperson's job easier. It included tips on how to reach members through social media and adapting fundamental programs to assist with representation.

The mediation-arbitration session concluded our third day of training. The session explained the process of non-binding mediation, as well as constructing arguments, gathering evidence and successfully conduct-

ing a hearing as the organization's advocate in an arbitration.

But one of the most significant things that was accomplished at the leadership conference was the establishment of a Bus/Transit Assault Prevention and Safety (BTAPS) Committee.

We're ecstatic that the formation of this committee can bring our voices to agencies and local legislators while continuing our efforts in demanding change for the safety of our members from the Federal Transit Administration (FTA).

Getting the committee up and running will take some time, but kudos to sister **Christine Ivey** and President **Jeremy Ferguson** for bringing this committee to life, and we all should be excited about the future the committee will bring.

Finally, I would like to wish fellow

Vice President **Calvin Studivant** all the best as he moves on to a well-deserved retirement this autumn.

At the same time, I welcome and look forward to working alongside incoming Vice President **James Sandoval**, who has served as an organizer, general chairperson on the Santa Cruz, California, Metro property, an alternate VP and now becomes a top officer of the TD Bus Department.

As we plan our direction for the years to come, I am proud of what we have accomplished so far in 2023.

As always, stay safe and well.

Fraternally yours,

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FALL 2023
ISSN 2470-0304

SMART Transportation Division News (ISSN 2470-0304) is published quarterly in the months of March (Spring), June (Summer), September (Fall) and December (Winter) by SMART Transportation Division, 6060 Rockside Woods Blvd. N., Ste. 325, Independence, OH 44131-2378. Periodicals postage paid at Cleveland, Ohio, and additional mailing offices. POSTMASTER: Send address changes to: SMART Transportation Division News, 6060 ROCKSIDE WOODS BLVD. N., SUITE 325, INDEPENDENCE, OH 44131-2378. • Jeremy R. Ferguson, SMART Transportation Division President.

UTU News

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TRANSPORTATION DIVISION PRESIDENT’S COLUMN

For all members, safety should be top of mind

Brothers and sisters,

Unions have championed the cause of workplace safety since the beginning of the movement. In the 1870s, organized labor took up the cause of what were known at the time as “State factory safety and health laws” that served as the predecessor of what we now refer to as the Occupational Safety and Health Act of 1970 a century later. Whether we are talking about freight rail, bus or transit members, workplace safety remains the foundation of everything we strive toward.

Our organization and labor have made tremendous headway, but as was clear over the summer, there is progress yet to be made, and fights left to be won. We had two trainmen trainees killed in Maryland railyards.

What you might not be aware of is that your union is screaming louder than ever that training and safety shortfalls be addressed. We have been informing FRA, STB, NTSB, Congress, the White House, people in the media — frankly anyone — that we will not stand for the current state of the training programs on America’s Class I railroads. Please see Page 15 for a statement regarding the safety of our trainmen trainees as well as the safety advisory we issued to our newly hired brothers and sisters as well as to the conductors who are mentors or trainers to them.

It is our hope that these internal Safety Advisories will be used as a jumping-off point to inspire productive conversations between



By Jeremy Ferguson

trainees and the conductors to whom they are assigned. We all know that railroad carriers are not in the business of looking out for the well-being of our members, especially not the trainees who aren’t technically protected by our union yet and, from an experience standpoint, have the most need of protection.

They might not technically be members until they mark up and start hauling freight on their own. However, they are our brothers and sisters the day they step on the property. If these railroads think they can get away with insufficient and unsafe training without SMART-TD opposing it, they are very much mistaken. Please take the time to read these advisories as knowledge is power.

While on the topic of safety, I want to proudly announce the formation of a new committee at SMART-TD focused on ending the epidemic of physical assault on our bus and transit membership. A Bus/Transit Assault Prevention and Safety (BTAPS) Committee was established at the SMART Leadership meeting in Washington D.C. It was born from the courage of Legislative Representative **Christine**



“We have been informing FRA, STB, NTSB, Congress, the White House, people in the media — frankly anyone — that we will not stand for the current state of the training programs on America’s Class I railroads.”

Ivey out of Local 1785 (Santa Monica, Calif.).

Sister Ivey brought up the long overdue idea that SMART-TD needed to form a committee to lead the charge for the transportation workers of this country to research workable solutions to the rising number of violent assaults on on-duty members.

I agreed with the message Ivey eloquently and passionately shared at the leadership meeting and called for a vote on the formation of the committee right then and there, naming Sister Ivey chairperson of the BTAPS Committee. It is not in this union’s DNA to sit idly by while our members’ safety on the job and personal well-being are at risk.

The BTAPS Committee and Chairperson Ivey have my full support and confidence as they start their task of lobbying for increased mandatory sentences for those who assault transit workers and taking the lead on crafting the legislative language that will make our brothers and sisters significantly better off in their day-to-day work activities. I thank Christine for her leadership on this important topic.

On another positive note, I

am happy to announce the retirement of SMART-TD Vice President **Calvin Studi-vant** the senior VP from our Bus Department. Calvin has dedicated his life to advocating for the safety, compensation and respect our bus operators and mechanics all deserve. He has led the department since being elected VP in 2014. Along with VP **Alvy Hughes**, Studi-vant has led SMART-TD’s Bus Department to unparalleled success. I would like to personally wish Brother Studi-vant a long and happy retirement, and I thank him for all his years of dedicated service to our members.

As we wish Calvin the best, we are encouraged that he leaves our Bus Department in the capable hands of VP Hughes and **James Sandoval** from Local 23 in Santa Cruz, California, who has been elevated to fill the position vacated by Brother Studi-vant. Brother Sandoval has played multiple roles within the Bus Department, and I have every confidence in his abilities. The TD Board of Directors has also approved Sister **Markeisha Haynes**, General Chairperson of Local 1785 from Santa Monica, as our new Alternate Vice President of the Bus Department. Sister Haynes has made SMART-TD history with her appointment. She is the first Black woman to serve our

union at this level of leadership. I am very proud to have Sister Haynes in the SMART-TD leadership team!

October began the season for elections in most SMART-TD locals. These positions of leadership are of vital importance. Not only does this union need these positions to be filled to function well, but they need to be filled with dedicated brothers and sisters willing to do the work to better the lives and careers of our members. From local trustees to local chairpersons and local presidents, the men and women who fill these roles play key parts in how this union and its initiatives work at all levels. This is not a top-down organization — it supports and maintains its strength from the bottom up. The local leaders of today will be spearheading the future of this organization and this movement. The first step is getting involved.

Please engage in your local and become well-informed about who is running for every position. Make wise decisions in your leadership — these leaders have a hand in your safety as well as your family’s well-being.

Thank you for your continued support, and I want you all to have a great fall. Please don’t let the distractions of this time of year take away from your focus on safety.

In solidarity,

Jeremy R. Ferguson
President,
Transportation Division

What YOUR UNION is doing for YOU

Here is a list of recent arbitration victories reported to SMART Transportation Division’s leadership.

General chairpersons who wish to report a recent success should email Vice President **Alvy Hughes** (ahughes@smart-union.org) for Bus Department victories and Vice President **David B. Wier Jr.** (dwierjr@smart-union.org) for rail victories.

SMART-TD Vice Presidents **David B. Wier, Jr.** and **Jamie C. Modesitt** report that the organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of the many cases that the organization received sustaining decisions on from the First Division, the cases referenced below are of significant interest:

■ **In NRAB First Division Award No. 31399** (Vonhof, 2023), Union Pacific terminated a yard foreman for allegedly improperly lining a crossover switch. When the discipline in the instant case was assessed, the highest ranking carrier official in the terminal did not render the decision to impose the disciplinary action against the claimant. As interpreted by NRAB First Division Award No.

30957 (Neumeier, 2022), the parties’ agreement requires the highest ranking carrier official in the terminal to serve as the reviewing officer in disciplinary cases. Because the highest ranking carrier official in the terminal did not serve as the reviewing officer in this case, the board concluded that the carrier committed a fatal procedural error. Based on its findings and conclusions, the

Board reinstated the Claimant to service with compensation for lost earnings. GO 887 General Chairperson **Gary Crest** and GO 887 Vice General Chairperson **Todd Campbell** progressed this case to the NRAB First Division. . . .

■ **In NRAB First Division Award No. 31400** (Vonhof, 2023), Union Pacific terminated a switchman for allegedly breaching the red

zone without obtaining proper protection. Based on its review of the record of this case, the board observed that the offense for which the claimant’s termination was based upon concerned a testing event conducted under the carrier’s COMMIT policy, and since testing events conducted under the COMMIT policy are barred from resulting in discipline, the

Continued on Page 6

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SMART



What your union is doing for you: A list of arbitration victories achieved by SMART Transportation Division

Continued from Page 5

board therefore found that the discipline administered to the claimant was unjustifiable. Having reached this conclusion, the board reinstated the claimant to service and directed the carrier to compensate him for all his lost earnings. GO 887 General Chairperson **Gary Crest** and GO 887 Vice General Chairperson **Todd Campbell** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 31402** (Vonhof, 2023), Union Pacific dismissed a trainman for purportedly transgressing its attendance policy. Based on its evaluation of the record of the instant case, the board determined that the carrier failed to support the charges it brought against the claimant with substantial evidence. In reaching this conclusion, the board reinstated the claimant to service and mandated the carrier to make him whole for his lost earnings. GO 887 General Chairperson **Gary Crest** and GO 887 Vice General Chairperson **Todd Campbell** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 31403** (Vonhof, 2023), Union Pacific terminated the employment of a trainman for allegedly violating its attendance policy. The record of the instant case disclosed that the claimant had only three (3) absences during the review period. Although the carrier initially terminated the claimant's employment, it reinstated the claimant without backpay and allowed him to progress the balance of his claim through the dispute resolution process. After analyzing the record of the subject case, the board rationalized that the carrier had no reasonable basis to assess discipline to the claimant. Accordingly, the board ruled to make the claimant whole for his lost earnings and removed the imposed discipline from his work record. GO 887 General Chairperson **Gary Crest** and GO 887 Vice General Chairperson **Todd Campbell** progressed this case to the NRAB First Division.

Public Law Boards

■ **In Public Law Board 7680, Award No. 187** (Brent, 2023), Amtrak terminated a conductor for refusing to wear a face mask on the carrier's property. In consideration of the claimant's pristine work record, his length of service with the carrier, and the record of the case not affirmatively showing that the claimant was cognizant of a newly revised policy requiring employees to wear face masks, the board determined that the quantum of discipline assessed to the claimant was arbitrary and excessive. In light of that finding, the board reinstated the claimant to service and reduced his termination to a suspension of fifteen (15) days. For that reason, the claimant received compensation for his lost earnings, minus fifteen (15) days. GO 769 General Chairperson **Rick Pauli** handled this case before Public Law Board 7680.

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■ **In Public Law Board 7680, Award No. 192** (Brent, 2023), Amtrak dismissed a conductor based on its allegation that she cheated on a characteristics of territory examination. After subjecting the record of the instant case to detailed scrutiny, the board observed that the evidentiary record did not sufficiently demonstrate that the claimant engaged in cheating on an examination. Moreover, the board noted that in the event that the claimant failed the examination that she was accused of cheating on, she would have been able to retake the test without penalty or discipline. Given these circumstances, the board maintained that the carrier failed to satisfy its burden of proof in the instant case. Thus, based on those findings, the board reinstated the claimant to her former position and required the carrier to compensate her for her lost earnings. GO 769 General Chairperson **Rick Pauli** handled this case before Public Law Board 7680.

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■ **In Public Law Board 7680, Award No. 195** (Brent, 2023), Amtrak dismissed a conductor based on its allegation that he cheated on a characteristics of ter-

ritory examination. The carrier claimed that the claimant engaged in cheating on the examination because the testing manager noticed him looking at his cellular phone; however, as the board held, the testing manager had not placed the claimant on notice that the examination had started when he was observed viewing his cellular phone. Based on its evaluation of the evidentiary record of this case, the board determined that the carrier did not substantiate its allegation that the claimant cheated on the examination simply because he was observed looking at his cellular phone. Critically, the board concluded that the record of this case neither established that the claimant was informed by the testing manager that the test had begun when he was looking at his phone nor did it demonstrate whether the testing manager ever instructed him to stow his phone away. Based on its finding that the record did not establish that the claimant engaged in cheating on the examination, the board reinstated the claimant to service with compensation for all his lost earnings. GO 769 General Chairperson **Rick Pauli** handled this case before Public Law Board 7680.

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■ **In Public Law Board 7680, Award No. 199** (Brent, 2023), Amtrak terminated a conductor on account of him allegedly failing to place his train in the clear of adjacent tracks on a track at the CSX Newport News Yard in Virginia. Although the record shows that the claimant may not have initially placed his train in the clearance of adjacent tracks on the track in question, it demonstrated that an extenuating circumstance existed. In this regard, the record of the instant case established that the claimant momentarily vacated the area where his train was located to retrieve and use his inhaler to relieve symptoms related to his contraction of long-term COVID. As the board pointed out, the carrier was aware of the claimant's breathing condition due to his contraction of long-term COVID. Based on these mitigating circumstances, the board found that the quantum of discipline administered

to the claimant was arbitrary and excessive. In exercising its remedial discretion, the board converted the claimant's termination to a suspension of ten (10) days. Based on its stated findings, the board reinstated the claimant to service and ordered the carrier to compensate him for his lost earnings, minus the initial ten (10) days he was withheld from service. GO 769 General Chairperson **Rick Pauli** handled this case before Public Law Board 7680.

Bus/transit report

SMART-TD Vice Presidents **Alvy Hughes** and **Calvin Studivant** report that the Bus Department has received a favorable arbitration award. Below is a reference to the settlement from the Federal Mediation & Conciliation Service (FMCS).

In the matter of SMART Local 1715 and Transit Management of Charlotte (TMOC) case #231202-01558, an operator was discharged for violating the agency Standards of Excellence (SOE) work rules:

- T-10 – Employee found to have knowingly made untrue, dishonest or misleading reports, dishonesty
- T-18 – Theft of property or other dishonest violations

An operator sustained an injury while on duty and was placed on workers' compensation. Once reporting back to duty after the injury, workers' compensation payments continued by the third-party administrator.

TMOC alleged the operator violated the Standards of Excellence by not immediately reporting the overpayment. The organization argued that termination lacked "Just Cause" and laid out the facts that there was no violation of the SOE. Once the arbitration concluded, TMOC reached out to the organization with a settlement to return the operator back to duty with no repayment of the overage before an award was rendered.

The operator accepted the settlement and was returned to duty. This arbitration was advanced by General Chairperson **Joseph Paglia** (GCA-TMD) with the assistance of Vice President **Alvy Hughes**.

Legacies of late VP and GC include ratified agreement

SMART-TD General Committee of Adjustment 261 representing our members working on the CP-Soo property were dealt a blow when General Chairperson **Gerald Wallace** passed away July 16. Less than two weeks later, on July 27, Vice President **John (J.D.) Whitaker III**, who served as their advocate assigned to work on their behalf at the SMART-TD national level, passed away.

These two men were tireless champions for rail labor. Their loss will be felt by SMART-TD as a whole and especially by the men and women of CP-Soo for years to come. However, their legacy and the benefits that are the product of their

aggressive leadership will stay with the members as well.

Our brothers and sisters in the seven terminals SMART represents on the CP-Soo properties resoundingly cemented the legacy of these two men by ratifying the agreement that was the last project brothers Wallace and Whitaker collaborated on.

The agreement received a solid majority of 65% voting to ratify the agreement.

This vote to ratify was not



Wallace

based on sentiment. The agreement brothers Wallace and Whitaker pounded out for GO 261 warranted this mandate of support. With the ratification of this agreement, our brothers and sisters on the CP-Soo properties agreed to a three-year agreement that compounds over the life of the agreement to roughly a 15.5% raise in wages. The raises for 2022 and 2023 come complete with retro pay, so the immediate impact of this agreement will be substantial.

For 2022, the raise is 7%, with 4% raises in 2023 and 2024. In addition to the rise in financial compensation, this agreement also came complete with an additional

personal leave day starting in 2023.

When talking to the acting general chairperson for GCA-261, **Vince Ramirez**, he told SMART News that he would like to dedicate this win to these two men and their legacies.

"It is with immense pride that I acknowledge the hard work, dedication and commitment that the committee demonstrated throughout this whole process. In this moment of triumph, we are acutely aware of the absence of former General



Whitaker

Chairperson Gerry Wallace, as well as SMART-TD Vice President John D. Whitaker," Ramirez said. "The unwavering visions and leadership of these men were instrumental in bringing this endeavor to fruition. Their absence is deeply felt, and their legacy resonates in the success of this agreement. We will honor their memory with every step we take forward."

SMART-TD echoes the sentiments of Acting GC Ramirez and would like to add that we have every confidence that he and the team of professionals in GCA-261 will be successful in carrying forward the legacy left to them by the passing of Whitaker and Wallace.

Small property takes big step forward with new contract

SMART Transportation Division represents roughly 100,000 members across the United States. With much of our time and efforts focused on helping large properties that affect thousands of members at a time, it is easy to understand how our brothers and sisters who work for smaller outfits and short line railroads could feel that their accomplishments are overshadowed by the events happening on a more national scale involving the behemoth Class I carriers.

The reality is that SMART-TD is the biggest and best labor union in transportation, and we have the capacity to focus on many issues and areas simultaneously. An example of the commitment this union has to even its smallest groups of members occurred Thursday, July 20 in the Baltimore, Md. area.

The Canton Railroad Co. is a small freight operation outside of Baltimore that services the shipping docks there. Under their current contract, transportation operating craft workers were given nothing but 2% annual increases. These "raises" didn't do much to take the edge off the cost of living in a major metropolitan area on the East Coast.

As these members were up for a new contract, SMART-TD General Chairperson **Tommy Gholson** (GO-898) went to Baltimore and was enlisted to fight on their behalf.

In his words, when General Chairperson Gholson got to the property, he couldn't help but notice that for an operation with four front-line employees, it had three executives on the property to negotiate on behalf of the carrier. Not only did this indicate to Brother Gholson that the organization was obviously top-heavy, but it indicated that the Canton Railroad Co. was doing just fine financially.

Other crafts on the property had negotiated for 8% raises over the next four years, which was signifi-



A conductor watches Canton RR locomotive 1906 pull forward on July 3. (Photo courtesy George Pitz of the Canton Railroad Past & Present Facebook group).

At the conclusion of the rather one-sided negotiations, Brother Gholson and the SMART-TD Local 610 members had obtained a tentative agreement offering them a 15.83% compounded wage increase over the life of the agreement.

cantly higher than the increase the company was offering our SMART-TD members and had agreed to in the recent past.

Needless to say, when the carrier attempted to explain how they could not afford to agree to higher wage increases because they were in hard times, Brother Gholson did not accept their story.

At the conclusion of the rather one-sided negotiations, Brother Gholson and the SMART-TD Local 610 members had obtained a tentative agreement offering them a 15.83% compounded wage increase

over the life of the agreement. In addition, our members also had locked in a cap to their health and welfare costs in their agreement that froze their employee contribution for four years. Not only was this new agreement a massive increase from the historical trend, but it also roughly doubled the pay increases negotiated by other unions for the other crafts working on the Canton Railroad Co.

The tentative agreement was quickly ratified by a unanimous vote.

General Chairperson Gholson wanted to make sure that all Local

610 members appreciated how vital a role their local representatives played in this successful negotiation.

"From starting off with the Section 6 process to the ratification of this agreement, Local Chairperson **Rob Levine** was instrumental in getting his members a fair deal," Gholson said. "He wasn't willing to take 'no' for an answer on the issues that meant the most for his crew base. From wages to health and wellness, Brother Levine fought the good fight and knocked it out of the park."

SMART-TD would like to congratulate the Local 610 members of the Canton Railroad Co., and we would also like to thank General Chairperson Gholson and Local Chairperson Levine for their efforts in making sure that all the hard-working men and women in this organization are well represented.

CSX GOs 513 and 851 ratify tentative agreement

General Chairpersons **Joe Bennett** (GO 851) and **Brian Killough** (GO 513) announced August 31 the ratification of a tentative agreement granting paid sick leave their members working for CSX.

The ratified agreement synopsis is as follows:

- Provides five paid sick days with the 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 is only subject to amendments under the provisions of the Railway Labor Act.
- Allows conductors to carry over up to 100 personal days from year to year rather than carrying over just 30 and losing the rest.
- 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.

- Reintroduces the Safety Boots program for Transportation Employees.
- Allows local officials to be reimbursed for missed trip rates when they mark off for union business rather than just a basic day’s pay rate.
- Permits train service employees, when practicable, to drive themselves or their own crew within defined terminal switching limits under limited conditions.

The ratification continues



A CSX conductor rides a locomotive in a yard in the autumn of 2022. Two SMART-TD GOs have ratified a new agreement with the carrier.

the progress made by rail labor on the matter of quality-of-life issues that were the center of the last round of national negotiations that concluded in 2022.

Out-of-the-box thinking helps fight UP’s cuts

E. Hunter Harrison has been dead since Dec. 16, 2017. His legacy known as Precision Scheduled Railroading (PSR) is still alive and kicking.

Some of the railroads have said publicly that they are trying to steer away from PSR. But in an unexpected twist, the specter of Harrison is rearing its ugly head in the lives of all our Union Pacific members with the recent ascension of new CEO Jim Vena.

Vena is a known student of Harrison. When UP employees, some stockholders and SMART-TD general chairpersons expressed alarm at Vena’s hiring, the carrier put out a well-polished piece of propaganda along the usual carrier-friendly channels about how Vena 2.0 was a changed man.



From left, General Chairperson Luke Edington (GO 953), Nebraska State Legislative Director Andy Foust and Local Chairperson Amanda Snide (Local 200, North Platte, Neb.) are photographed last year when Snide was honored with the inaugural “Star” award from the Midwest Nebraska Central Labor Council.

loughs and cuts to every department in transportation, which resulted in the crew shortages we have yet to recover from,” the GCs wrote.

This second point came into play almost immediately upon Vena taking over Aug. 14. Less than a week into his reign, Vena proved our GCs to be absolutely correct by announcing UP was going to cut 94 positions across four crafts and 13 terminals.

These men and women whose jobs were erased through no fault of their own were represented by the IBEW, IAM, NCFO and SMART Mechanical Division. Many of these fellow railroaders worked in remote locations where the UP terminal was the largest

employer. As a result, many of them were going to have to uproot their families and pursue new career opportunities.

SMART-TD Local Chairperson **Amanda Snide** (Local 200, North Platte, Neb.) didn’t like what she was hearing. She was frustrated and confused why these railroaders, though from different crafts and unions, were being thrown to the wolves while her terminal was desperately looking to find candidates to fill their posted openings for conductor positions.

Sister Snide took matters into her own hands at that point. She successfully brokered the idea with the local management at the North Platte terminal to offer 11 employees slated

to be let go in the mechanical crafts positions as conductors.

After giving the workers affected by Vena’s malicious cuts at her home terminal the chance to preserve their income, health benefits and retirement, Snide turned her attention to the 83 other casualties of Vena’s short-sighted greed. Snide contacted Nebraska State Legislative Director, **Andy Foust** as well as General Chairperson **Luke Edington** from GO 953. Brother Edington, who was already on the record with UP about not being on board with UP’s “new vision,” took it from there.

Edington took Snide’s plan straight to UP’s Human Resources Department. SMART-TD is very

proud to announce that Brother Edington succeeded in reaching an agreement with UP that at all terminals where they are simultaneously attempting to hire conductors and laying off other craft employees will give the same opportunity to transfer to conductor positions that Snide had enacted in North Platte.

As of Aug. 30, 50% of the affected employees in eligible terminals had applied for transfers to conductor positions — quite a few salvaged railroad careers.

SMART-TD is very proud of the initiative taken by Sister Snide, SLD Foust and GO 953 GC Edington to make this happen.

There can be no better example of the value of the labor movement and of being the keeper of your fellow brothers and sisters than what these three accomplished for these fellow railroaders and their families. We thank you for defending our rail labor brothers and sisters against the corporate greed that threatened everything they had worked to build.

There has always been and will always be Hunter Harrison and Jim Vena types in the rail industry. What is important is that we commit ourselves as a union and as individuals to make sure we can match them with the wits, fight, solidarity and humanity exhibited by members of SMART-TD that the union spirit embodies.

State Watch

News from SMART-TD State Legislative Boards

California



WE WILL REMEMBER

Locals and members of the California State Legislative Board marched on the state Capitol to urge Gov. Gavin Newsom to support a bill limiting vehicle automation. Disappointingly, he vetoed it. His choice won't be forgotten.



North & South Carolina



TD members from both North and South Carolina got together for a late summer clay shoot at DeWitt's Sporting Clays in Ellerbe, N.C.

About 57 people participated – including President **Jeremy Ferguson** and Alt. National Legislative Director **Jared Cassity**.

North Carolina State Legislative Director **Ron Ingerick** organized the event and took part, as did SLD **Will Ferguson** from South Carolina.

General Chairperson **Thomas Gholson** (GO 898) and Vice General Chairperson **Matthew McCrary** (GO 851) as well as reps from UTUIA, the Railroad Retirement Board, TD Auxiliary and families and spouses attended the first of what Ingerick hopes will be an annual event.

"This was something to build solidarity and open communications between the



local members across the two states for bus and rail," Ingerick said. "We're just trying to pull things back together since COVID. Hopefully it'll be a bigger event going forward and next year we'll have an even bigger crowd."

Michigan



Pictured, from left, are Eric D. McPherson, business agent of SM Local 80; Michigan State Legislative Director Donald Roach (Local 1760); Alt. State Legislative Director Eric Stanger (Local 1709, Pontiac, Mich.); Bryan McConnell, business agent of SM Local 80; Tim Mulligan, business manager of SM Local 80 and David Hartsuck, SM Local 80 organizer.

SMART representatives attended this year's Mackinac Policy Conference on Mackinac Island, Mich. Every year, elected leaders and guest speakers converge on Mackinac Island in Northern Michigan to discuss the state's future. SLD **Donald Roach** and Asst. SLD **Eric Stanger** met with SMART-SM members to lobby lawmakers together as a team on rail safety bills and increase the weeks of unemployment benefits for sheet metal workers.

The state's Legislative Board reports that the following bills of interest to

members are under consideration in the state House:

HB 4915 - Allows for a union representative to attend any and all safety inspections held with the state DOT (NS tried to ban SLD Roach from attending one last year).

HB 4916 - House version of a two-person crew bill introduced as SB 100 in the Senate.

HB 4917/HB 4918 - Amtrak worker assault bill amending the code of criminal justice making an assault on a bus/train worker a felony that is punishable by five years in prison.

Wisconsin



Wisconsin State Legislative Director Andy Hauck made a donation of a vintage railroad lamp and took part in a fundraiser for the Bethany Recovery Center, a drug treatment center in Oconomowoc. SLD Hauck also provided support to the center's motorcycle ride and other events.

New Jersey

State Legislative Director **Ron Sabol** reports that a bill supported by the union and by Operation Lifesaver was passed by the state's Legislature.

Coinciding with the national observance of Rail Safety Week by Operation Lifesaver, the third week in September will be New Jersey Rail Safety Week.

Around the SMART-TD

L-1381, HAMMOND, IND.

John Trembczynski, vice local chairperson of LCA 623/IHB, and former three-term local president of Local 1381 (Hammond, Ind.) has been forced into early retirement due to cancer.

Brother Trembczynski has been on the railroad as a conductor and engineer for Chicago Rail Link, Norfolk Southern and Indiana Har-

bor Belt since his honorable discharge from the United States Navy in 1988.

In addition to his formal roles, John has always been known as a strong union brother. He has gone out of his way to shepherd new conductors and engineers and has given all of himself to this union.

John has already faced kidney cancer in 2022, as well as a brain tumor that was removed in the spring of 2023.

Fellow Local 1381 member Brother **Justin Skripac** has started a GoFundMe campaign to assist John and his loved ones in his time of need, please follow the QR code to help.



Trembczynski



Scan me

L-1846, WEST COLTON, CALIF.



Fellow railroad workers, including members of Local 1846 in West Colton, Calif. pose near a memorial they helped to create for fallen brother Zach Lara, engineer Stephen Brown and two others killed near the site.

On Sept. 8, 2022, SMART Transportation Division Local 1846 in West Colton, Calif., lost a brother in a tragic accident when he and his engineer were ordered into Bertram siding. Brother **Zach Lara**, and engineer Steven Brown both were fatally injured in a collision with cars in the siding.

At the time of the accident this tight-knit local, along with Locals 1422, (Los Angeles) and 1813 (West Colton), helped Lara's family by establishing and contributing to a GoFundMe account. Yet to the men and women of UP's West Colton crew base, this didn't feel like enough.

Recently, two of Brother Lara's coworkers, John Kosiba and **Dan Wagner**, were discussing Lara and his memory, and took matters into their own hands. They assembled members from Locals 1846 and 1813 and went to the site of Lara and Brown's accident.

This group of SMART-TD members put in the time and effort to dig a hole as a foundation and then constructed a permanent memorial to Lara and Brown using their own money and funds contributed by other railroaders.

At the conclusion of their



work, in time for the one-year anniversary of their deaths, a brief service was held in honor of their fallen brothers as a celebration of their lives.

By all accounts, Brother Lara was a dynamic personality to work with. Still, the fact that his coworkers, a year following his untimely death, had committed to preserving his memory speaks to just how special an individual he was.

In addition to the names of Lara and Brown, the names of two additional railroaders were commemorated on the memorial. Joe Artino and J.P. Walker were killed in 2007, also in the Bertram siding, while on duty for UP.

SMART-TD honors and remembers Brother Lara on

this first anniversary of the tragedy that took him from us and thanks Brothers Wagner and Kosiba and all of the railroaders who contributed money, time and talent to constructing the memorial.

In speaking to **John Davis** from Local 1422, he pointed out that as crews come by the recently constructed memorial, they often blow their horn in a salute to Lara and Brown. He went on to say, "Sometimes, the smallest gestures can go a long way toward healing."

SMART-TD hopes this memorial and the fact that Brother Lara will be in their thoughts every day as they blow the horn and tip their hats to him can bring them closer to healing.

L-278, JACKSON, MICH.



SMART-TD members out to support the UAW strike include, front, Local 278 Legislative Representative Tom Dillon, and from back left, Local 278 President Dave Firlik, Local 278 LCA687E Secretary Jason Tackett, Local 278 member Nick Huberts and GO 687 Vice General Chairperson James Reid. The "Wingman" at right was unidentified.

Members of SMART-TD Local 278 (Jackson, Mich.) and General Committee GO 687 hit the picket line in Detroit, heart of the auto industry on Sept. 20. Our members were on the line supporting the proud men and women of United Auto Workers (UAW) Local 900 outside of Ford's Michigan Assembly Plant, better known as MAP.

The SMART Transportation Division is proud to see our members publicly joining the fight in this historic movement known as the UAW "Stand Up" strike.

TD members showed up on the strike's first day, then again four days later on Day 5 to deliver bottled water and to show support, Local 278 Legislative Representative **Tom Dillon**

said.

"A common conversation I had with most UAW workers both days was that this fight wasn't just for them It was for all of us... all of us working middle class people trying to live a great life. A life that our parents enjoyed through the fruits of their labor," he said.

"Yet here we are today, and the folks that build these cars and trucks can't even afford to buy one, let alone our children. It's invigorating to be out there supporting this fight to say the least and I'm hoping to get out there again with our union brothers and sisters to show more support."

Thank you to all our members throughout the country who are doing the same.



Local Chairperson Nathan Hatton, center, gives a thumb's up with Local 278 Legislative Representative Tom Dillon to his right in the photo as they support United Auto Workers Local 900 members in Detroit on Wednesday, Sept. 20.

L-581, GREEN BAY, WIS.

Six-year-old Mason Clark's dream of becoming a train conductor came true on July 22, 2023.

Young Mason was diagnosed with a rare form of childhood brain cancer called DIPG.

When employees and transportation managers in Gladstone, Mich., heard about Mason and his dream, they jumped into action. Equipped with his newly acquired CN gear, PPE, a chest pack and radio, and his very own CN identification card, Mason, with his dad and brother, boarded the L552 and assisted the crew of conductor **Justin Johnson** of Local 581 and engineer **Dave Robinette** as they made their run from Gladstone to Quinnesec, Mich.

The train made a stop at Bark River where Mason was greeted by family, friends and supporters from the community.

Mason has been undergoing radiation treatment at the University of Michigan in Ann Arbor.



Conductor Justin Johnson of Local 581 works with Mason Clark and Mason's younger brother on July 22.

GO 505, LONG ISLAND RAIL ROAD

Leadership and members have led the way in securing and delivering impactful service for events in the busy New York area, including service to the U.S. Open.

Long Island Rail Road transports millions of customers per year to Madison Square Garden, Barclays Center, Citi Field, UBS Arena/Belmont Park, Forest Hills Stadium, USTA Billie Jean King National Tennis Center and, with a short subway connection, Yankee Stadium. Whether it's the Knicks, Rangers, Islanders, Nets, Mets, Yankees, horse racing, tennis stars or music and entertainment superstars: SMART members get people there.

LIRR currently has station stops at multiple venues for a short walk to attend events, including Penn Station (NY), Atlantic Terminal (Brooklyn), Mets/Willets Point (Queens), Elmont UBS Arena (Nassau), Belmont Park (Queens) and Forrest Hills (Queens). SMART has fought for sufficient train crews to provide extra service for events as well as led the way in



Long Island Rail Road employees represented by GO 505 worked through a busy weekend of events including pro baseball and the U.S. Open, serving nearly 12,000 fans.

implementing successful ticket gating collector assignments at Mets/Willets Point to service Citi Field and the Tennis Center.

This past year, a gating program was added at Elmont UBS Arena for Islander games and countless concerts so needed revenue is collected, as well as the program at Forrest Hills continuing for small concerts and shows.

LIRR is averaging over 10,000 riders each day to the U.S. Open, which drew over 200,000 fans over Labor Day weekend.

On Sept. 1, members served tennis and Mets fans on the same day, delivering safe and seamless service to close to 12,000 sports fans.

"I could not be prouder of our membership who sacrifice their summer days to deliver to the public during these major events," said Alt. Vice President/General Chairperson **Anthony Simon**. "From train crews, maintenance of equipment personnel and maintenance of way workers, they step up and handle the volume of work time and time again."

LOCAL 933, JEFFERSON CITY, MO.

In October, Local 933's Jorge Moralez had a hand in two "rebirths" — one public and one personal.

First is that of a Missouri Pacific caboose that had been out of service for decades. Sitting neglected in the middle of the town of Pleasant Hill, Missouri, its destiny seemed to be a slow, gradual rot as oxidation and moisture both took their toll following years of neglect.

Yet Moralez, a Union Pacific conductor who formerly served as a trustee at Local 1409 in Kansas City, found himself at his new local in Jefferson City, Missouri, saw potential there and acted to do something about it.

"It sat there for 20 years," said Moralez, who's been a railroader for 16 years. "People didn't want to see it fade away — we had the community and the support."

So Moralez spent his own time coordinating dozens of volunteers, getting supplies, spreading the word to a national audience, getting the project rolling and maintaining the momentum so that, in time, the caboose would be fixed.

"At the end of the day, I was just looking for sup-



Jorge Moralez, right, of Local 933, has led the effort to restore a Missouri Pacific caboose, seen in the background.

port," he said. "We had an amazing turnout. Twelve volunteers a day — the city came out in force. The union came out, and so did Union Pacific. Nothing says community more than the fact that UP, SMART-TD and the city of Pleasant Hill could pull together to accomplish this. Everything got done in six days."

While balancing the amount of food needed to keep volunteers happy was challenging during the work period, Moralez said the resulting job well done on the exterior and a collective experience shared by many people who might never have been united in such a

common purpose was a special thing.

"Everything worked out perfectly," he said.

And while the bright red caboose will not be returning to the rails, Moralez himself has experienced a rebirth of sorts himself.

In addition to leading the project, his own personal circle came around on Oct. 4 — seven years after he had last been an officer, he once again stepped up to lead. At a Local 933 meeting held at the caboose, he was nominated and elected by acclamation to serve as his local's vice president.

"All the stars aligned," he said. "Everything just fell



SMART-TD President Jeremy Ferguson, right, observes as a large group of volunteers work to restore a Missouri Pacific caboose as part of a community effort.



Volunteers clean the primed caboose during a work session on Oct. 4 in Pleasant Hill, Mo.

into place."

He reports that there's still work to be done on the caboose's interior. To pitch in, contact him at jorge.moralez@gmail.com.

L-23, SANTA CRUZ, CALIF.

Prior to his elevation to Bus Department Vice President, General Chairperson **James Sandoval** announced the successful conclusion of contract negotiations over the summer for the two properties he represented for members working for Santa Cruz Metro.

“We successfully negotiated the highest pay raise our local has seen since we were established in 1980,” Sandoval said.

The raises of 5%, 4% and 4%, a cumulative 13% over a three-year contract, “is one of the biggest pay raises our union has gotten,” he said and applies to both the road and Paracruz drivers for Santa Cruz Metro.

Congratulations to the members of Local 23 on this success!

GCA-610, NEW JERSEY TRANSIT

The SMART Transportation Division and New Jersey Transit (NJT) have reached a new agreement, effective July 1, 2024, through June 30, 2027. This is the first time in two decades that SMART-TD has reached an agreement with NJT prior to the current one’s expiration.

The agreement includes a 9.27% cumulative wage increase over three years.

GCA 610 General Chairperson **Jerome Johnson** is most proud that there was no increase in the cost to members for medical care for the three-year agreement. This makes it seven consecutive years with no increase in health and welfare costs to members.

Additionally, Johnson secured an additional on-demand sick leave day per year, as well as re-establishing Veterans Day as a holiday.

“This is a great victory for SMART-TD members, and it is a testament to the strength of our union. I am proud of the work that our negotiating team did to

secure this agreement, and I am grateful to the members for their support.” Johnson said. “I would like to thank our General Committee Vice Chairperson **Greg Roberts**, GCA Secretary **Rashonda Brown**, and Local Chairperson **Rob Milan** for working tirelessly with myself and the carrier to solidify a contract extension,” he said. “I would like to thank all the brothers and sisters for participating in our voting process with the understanding that all of us want more, but we understand reality.”

LOCAL 305, LINCOLN, NEB.

Local member **Benson Akridge** and his wife, Michaela, have run the Food Fort non-profit to help children in need since 2016.

With a mission to provide respect, love, relationships and a constant support system for children, their mission has expanded to include education with tutoring and a scholarship program.

TD Local 305 recently donated \$1,000 to the Food Fort Feeding Our Future Scholarship Fund. For more information, visit Lincoln-foodfort.com.



From left, Local 305 Secretary and Treasurer McLain Dorsey, President Josh Horn, Michaela Akridge and member Benson Akridge are pictured as Local 305 provides a donation to the Food Fort non-profit.



The Food Fort deploys a bus and mobile classroom to three target areas weekly in Lincoln, Neb., to help fulfill its mission to help support underserved children.

SMART Leadership Conference

Leaders from the Transportation Division and the Sheet Metal sides of SMART convened July 31-Aug. 2 in Washington, D.C., for a three-day-long session of workshops targeted toward educating state legislative board officers as well as GC officers.

Among the many guests were Department of Transportation Secretary Pete Buttigieg, Federal Railroad Administrator Amit Bose, National Transportation Safety Board Chairwoman Jennifer Homendy, Surface Transportation Board Chairman Martin Oberman and Acting Secretary of Labor Julie Su.

In what has become a tradition at the SMART Leadership Conference for TD officers, representatives from Black Swan, who were former hostage negotiators, taught about negotiating techniques.



Dan Bonawitz of Local 1409 (Kansas City, Kan.) addresses the audience after accepting the SMART Army TD Member of the Year Award with SMART General President Michael Coleman, left, and General Secretary-Treasurer Joseph Powell at right.



Transportation Secretary Pete Buttigieg is interviewed by Transportation Division President Jeremy Ferguson and SMART General President Michael Coleman.

SMART
TD

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

Alumni

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.

Earnings limits have been increased for retirees

Railroad Retirement annuitants subject to earnings restrictions can earn more in 2024 without having their benefits reduced due to increased limits indexed to average national wage increases.

Like Social Security benefits, some Railroad Retirement benefit payments are subject to deductions if an annuitant's earnings exceed certain exempt amounts. These earnings restrictions apply to those who have not attained full Social Security retirement age. For employee and spouse annuitants, full retirement age varies depending on an individual's year of birth, and is age 67 for those born after 1959. For survivor annuitants, full retirement age also varies, and is age 67 for those born after 1961.

For those under full retirement age throughout 2024, the exempt earnings amount rises to \$22,320 from \$21,240 in 2023. For beneficiaries attaining full retirement age in 2024, the exempt earnings amount for the months before the month full retirement age is attained increases to \$59,520 in 2024 from \$56,520 in 2023.

For those under full retirement age, the earnings deduction is \$1 for every \$2 of earnings over the exempt amount. For those attaining full retirement age in 2024, the deduction is \$1 for every \$3 of earnings over the exempt amount in the months before the month in which full retirement age is attained.

When applicable, these earnings deductions are assessed on the Tier I portion of Railroad Retirement employee and spouse annuities and the Tier I and Tier II portions of survivor annuities.

All earnings received for services rendered, plus any net earnings from self-employment, are considered when assessing deductions for earnings. Interest, dividends, certain rental income, or income from stocks, bonds or other investments are not considered earnings for this purpose.

Retired employees and spouses, regardless of age, who work for their last pre-retirement non-railroad employer are also subject to an additional earnings deduction in their Tier II and supplemental annuities of \$1 for every \$2 in earnings up to a maximum reduction of 50%.

Alumnus marks 70 years with union

Larry Harper, an Alumni Association member out of Local 1571 (El Paso, Texas) has celebrated a milestone with his 70th year of continual membership as a member of the SMART Transportation Division and its predecessor unions.

After initially hiring out in 1951, he had his career interrupted by being drafted to serve in the Air Force during the Korean War.

He spent his entire 43-year rail career with the Atchinson, Topeka and Santa Fe Railroad and served a host of roles — brakeman, switchman, a fireman on steam locomotives, yardmaster, over-the-road conductor and then being promoted to engineer. He even served as a new-hire trainer as well.

Harper said at one point in his career, there was a massive exodus of more than 400 yardmasters in the Santa Fe system who decided to walk away from the union, but Harper steadfastly maintained his membership.

His career concluded in 1995 and he's been happily retired ever since.

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Harper

"I was happy to say that I never had any problems or troubles," Harper recalled. "Thankfully, I was able to get along with everyone."

Harper has spent his nearly 30-year retirement helping out on a family pecan farm in New Mexico and stays active in his local church when not spending time with his family.

Congratulations to Brother Harper on his seven decades as a strong union backer and for your continued support!

BACK TO ENGINEERING (KIND OF)



Alumni Association member and retired National Legislative Director John Risch of Local 1344 (Mandan, N.D.) has made a return to the rails of sorts, helping out by operating the train at the Dakota Zoo in Bismarck. Here he is in some vintage engineer gear holding his granddaughter, Salma. "It's the first train I've ever operated that has a steering wheel," Risch remarked.

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
--	Joseph, Louis T.	Emmalena, Ky.	631	Faith, Donald L.	Hagerstown, Md.	1374	Marino, Samuel J.	New Castle, Pa.
5	Straight, Ray E.	N. Kansas City, Mo.	674	Glover Jr., James A.	Augusta, Ga.	1375	Bush, Andrew J.	Trenton, N.J.
30	Strickland, Robert W.	Waxhaw, N.C.	722	Kurtz, Harry F.	Citrus Springs, Fla.	1393	Nocek, Joseph F.	Fredonia, N.Y.
113	Thomas, Dale C.	Winslow, Ariz.	772	Amerson, Enoch E.	Burnsville, Miss.	1501	Iles, Terence K.	Baton Rouge, La.
202	Warne, Donald T.	Lakewood, Colo.	783	Sprinkle Jr., Talmadge	Winston-Salem, N.C.	1529	Adamski, Kenneth C.	Ottawa Lake, Mich.
202	Wright, Richard D.	Brush, Colo.	807	Walker, Daniel	Sahuarita, Calif.	1548	Hunter, Donald E.	Plainfield, Ill.
243	Truelove, Kenneth M.	Bedford, Texas	830	Snyder, Howard L.	Gordon, Pa.	1557	Dickson, Billy C.	Lakeland, Tenn.
265	Murray, John E.	Pocatello, Idaho	835	Wahl, Gregory	Bakersfield, Calif.	1565	Vasquez, Jose	Fillmore, Calif.
284	Adkins, Archie	Cleveland, Ohio	891	Weyh, William H.	Whitefish, Mont.	1590	Kosek, Emil J.	Citrus Hts., Calif.
286	Mohr, Edward F.	Lincoln, Neb.	934	Schoup, Dennis G.	Stratton, Neb.	1593	Neal Sr., Garland R.	Temple, Texas
324	Lawson, Bruce R.	Lynnwood, Wash.	1042	Iler, Herbert W.	Reno, Nev.	1593	Hampton, Douglas M.	Brownwood, Texas
528	Cooper, Charles L.	Oak Lawn, Ill.	1053	Galloway, Jack	Selma, Ala.	1628	Gilliland, John L.	Arona, Pa.
586	Sisler, Neal	Terra Alta, W.Va.	1059	Severson, Richard F.	Minot, N.D.	1813	McManaman, John B.	Upland, Calif.
590	Reynolds, Robert "Bob"	Portage, Wis.	1175	Hickman, Franklin R.	Superior, Wis.	1840	Damstrom, Richard F.	Missoula, Mont.
622	Crownover, Billy N.	Adamsville, Ala.	1227	Callaway, Franklin A.	Newton, Kan.	1962	Steele, Willard L.	Belle, W.Va.
630	Sloan, Carl E.	Ashland, Ky.	1344	Lahren, Terry W.	Mandan, N.D.	1972	Crews, George H.	Port St. Joe, Fla.

IN MEMORIAM

General Chairperson Wallace passes away from cancer

General Chairperson **Gerald Wallace** (GCA-261 — Canadian Pacific, Soo Line), a stalwart leader of our union and the husband of SMART Transportation Division Auxiliary Secretary & Treasurer **Denise “Niki” Wallace**, died July 16 after a long, courageous fight with cancer. He was 56.

Brother Wallace joined our union in 2005 and, after six years of membership, began a period of 12 years of leadership, first as a vice local chairperson of LCA-261A (Milwaukee Road). Starting in 2011, he began eight years as a local chairperson.

He served three years as the trustee of Local 590

(Portage, Wis.), once as the local’s alternate delegate to the UTU Convention in 2011 and then as delegate to the SMART-TD Conventions in 2014 and 2019.

Concurrently, Brother Wallace worked his way up the leadership ladder in GCA-261 as well, serving as GCA secretary, vice chairperson and acting general chairperson before becoming general chairperson in 2019.

Local 590 Legislative Representative **Steve James** expressed his sadness at his union brother’s passing.

“A great man can now rest and be at peace,” James said. “He became one of my best friends ever.”

Brother Wallace and Niki frequently attended union functions and were often enthusiastic participants in the regional meetings.

He is survived by his wife, his children, Dustin A. Wallace, Sierra M. Hall and Dylan T. Hall; two grandchildren; his parents; his sister; his in-laws; nieces, nephews, other relatives and many friends.

SMART Transportation Division is saddened by this loss and sends our deepest condolences to Sister Wallace, his family and friends, his brothers and sisters in GCA-261 and Local 590, and all who knew him.



General Chairperson Gerald Wallace (GCA-261) is shown here with his wife Denise “Niki” Wallace in this family photograph. Brother Wallace passed away from cancer over the summer.

Two CSX trainees in Maryland die while on job within weeks

Trainees from two Maryland locals were killed while on the job within weeks of one another in late June and in early August.

CSX conductor trainee **Travis Bradley**, 40, of Local 600 (Cumberland, Maryland), died before midnight Aug. 7 in an incident involving close clearance in a yard track.

Brother Bradley referred to his new career in railroading as his dream job. Unfortunately, his career and life were both tragically cut short in Cumberland Yard.

Bradley is survived by his wife Nichole, and his three young daughters.

Similarly, **Derek Scott “D.S.” Little**, 28, of Local 610 (Baltimore) was days away from marking up for the first time as a certified conductor with CSX and officially begin his career as a SMART-TD member July 1.



Bradley

Little

Engaged to be married, he also was two weeks away from the due date for his first child.

While working at Seagirt Marine Terminal in Baltimore, Brother Little was involved in an accident while riding on equipment.

He didn’t survive to see the birth of his son Logan Matthew Little, or to be married to his fiancée, Kaytee Burns.

On Aug. 16, the Federal Railroad Administration (FRA) put out a notice entitled, “Safety Bulletin 2023-05 in regard to Bradley’s accident with the subject

line of “Shoving Movement Close Clearance Fatality.”

But these two fatalities are more proof that the industry needs to do more to educate or protect new hires.

“I’ve got two conductor trainees, both in the same state working for the same carrier whose lives have been cut short. The current condition of all railroad training programs is clearly in need of scrutiny,” President **Jeremy Ferguson** said.

“SMART-TD is not prepared to lose more of our men and women while we sit around and wait for a palatable solution. Our trainees are dying. I appreciate the FRA putting out a list of recommended fixes to this problem in their Safety Bulletin, but suggestions aren’t going to keep my people alive. It is time for actions and time for enforcement against these unsafe practices.”

Samuel Marino — a leader at Local 1374 for many decades

Samuel “Sam” J. Marino, 77, a retiree from New Castle, Pa. Local 1374, passed away at his home Sept. 4, 2023, after a long illness.

He hired out with the B&O Railroad (now CSX) in December 1966 and he applied and was approved for membership in the United Transportation Union predecessor Brotherhood of Railroad Trainmen on July 22, 1967, as a member of Lodge 955.

Throughout his years of service as a stalwart union member and officer, he worked as a brakeman, flagman and conductor. He served the UTU (now SMART-TD) as a local chairperson for over 30 years and also as secretary and treasurer for over 20 years.

“Sam worked tirelessly to represent the members of Local 1374 and assisted



Marino

other newly-elected UTU local officers to educate them to represent their members,” said former Local Chairperson **Art Rayner**, also of Local 1374. “Sam was known for keeping the railroad’s feet to the fire when it came to agreement issues or representing Local 1374 members.”

Member dies, 2 other crew hurt when van struck by DUI suspect

SMART Transportation Division Local 583 (Fond du Lac, Wis.) suffered a tragic loss when member **John A. Thornton** was killed Aug. 31 after a suspected drunken driver smashed into his transport vehicle in Matteson, Ill., while en route to work.

Brother Thornton, 48, was a conductor for Canadian National (CN) and a member of our union for nearly two decades, joining in November 2005.

Two other members of the crew, fellow TD Local 583 member **Larissa Pondexter**, an engineer trainee, as well as engineer Tony Hargrow were hurt in the crash. Both were treated and released from the hospital, said General Chairperson **Kenneth Flashberger** of GO 987.



Thornton

Flashberger said the transport vehicle driver also was hurt, treated and released.

“John was a longtime employee and had a big effect on all of us,” said Wisconsin State Legislative Director **Andy Hauck**, who has known Brother Thornton for nearly 20 years.

Canadian National made grief counseling available to Brother Thornton’s co-

workers. SLD Hauck also said they have committed to covering the costs of our fallen member’s funeral.

“The CN Railroad really stepped up and has truly been extremely supportive and helpful,” he said.

Hauck said Thornton was an organ donor and it provides some comfort that he will live on.

“While he was with us, John provided real joy with his humor,” Hauck said. “Now he is living on in a last act of charity so that others may live. Let’s hope that the laughter also comes with his gift.”

Local 583 Chairperson **John Potter** is collecting donations for the Thornton family. Checks may be made out to John Thornton’s wife, Janelle Thornton, and sent to Potter at 314 Oak St., Rosendale, WI 54974.

Brother Thornton is survived by Janelle and two daughters.

“Please keep them in your thoughts and prayers,” GC Flashberger said.

The SMART Transportation Division extends its sincere condolences to the family, friends and the union brothers and sisters of Local 583 who will continue to cherish Brother Thornton’s memory.

Union issues safety alert in response to accidents

This safety alert is being issued in association with FRA Safety Bulletins 2023-04 and 2023-05, both regarding the two fatal accidents (see preceding page) that have occurred on CSX property over the summer, and in response to the subsequent reports of events involving trainees that have been received from the field.

As you are all well aware, on-the-job instructors (conductors) are often times not purposefully chosen. They are neither vetted nor selected with any specificity by the carrier, but rather selected simply by the randomness of the crew calling procedure(s).

In most cases, this can result in less-than-ideal situations, which includes the unacceptable practice of placing conductor trainees with newly promoted conductors (with less than one year's experience). This is not only a failure to the

trainees, but a failure to the men and women being tasked with the additional responsibility despite not being equipped by the carrier for a successful training opportunity.

Additionally, and equally concerning, is the lack of consistency during the on-the-job training (OJT) process. Practically every assignment for a conductor trainee is like a fresh start due to the non-existence of assigned OJT trainers.

Because there is no meaningful communication between conductors that have been assigned a trainee, there is no record or consideration of tasks experienced by the trainee while training in the field. This equates to no record of repetition or experience when it comes to the in-the-field experiences the trainee has been exposed to. The result is the unfortunate inability to reinforce areas of needed focus and/or introduction to practices that may not

otherwise be available on other job assignments.

Training in the railroad industry is being rushed. As trainees, you are not being properly exposed (while in a controlled environment) to the hazards you will encounter once in the field. And to the contrary, conductors have no knowledge of your experience, nor the progression of your training timeline.

As such, we all need to work together to overcome the shortfalls of the carriers' training programs.

Your union is and has been concerned for the deterioration of training in the railroad industry among Class I carriers since the implementation of Precision Scheduled Railroading. And while some railroads are making positive changes, the fact is that more needs to be done. We will continue to work diligently to see that appropriate action is taken and adequate change is made to

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TO READ ADVISORY**



 Scan me

demand and require a training program that is robust and sufficient enough to ensure the safest course. Until then, safety is on us.

It is for these reasons that we issue the points and recommendations contained within the Safety Advisory linked in the above QR code.

Please distribute the safety advisory and post where appropriate.

Nevada
SMART-TD's Nevada State Legislative Board had a presence at the Reno Labor-Fest.



MARKING LABOR DAY

Members all around the nation took part in the annual tradition of being visible at Labor Day parades and marching in solidarity with other labor organizations.

Here are some photos from the events.

California



Members of Local 23 in Santa Cruz, Calif., gather to celebrate Labor Day. The local had plenty to celebrate, having negotiated a substantial raise in a new contract over the summer (see Page 12).

Illinois



The union continued its annual tradition of being a fixture at the nation's longest continual Labor Day Parade in Galesburg, Ill., this Labor Day. Transportation Division President Jeremy Ferguson, who was in attendance with Alt. National Legislative Director Jared Cassity, came up with a unique distribution method for children who were spectating.

Virginia



SMART Transportation Division had a presence at the Labor Day parade in Roanoke, Va.

Nebraska



Members participated in a Labor Day parade in Omaha along with the SMART-TD-branded mini-locomotive.

Ohio



Members from TD Locals 2, 1529 and 1816 walked in the Toledo annual Labor Day parade with Sheet Metal members from SMART Local 33.



Ivan Lipetski, a member of Local 1440 in Staten Island, N.Y. caught this autumn scene of a maintenance of way vehicle working on the tracks on the Staten Island Railroad.

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. 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.

FROM THE DLC Information about legal matters for rail workers

Federal Employers’ Liability Act (FELA): What has it done for workers?

This piece has been contributed by Jim Vucinovich, a Designated Legal Counsel of Rossi Vucinovich.

The Federal Employers Liability Act (FELA) is the best worker safety law in the country!

The FELA is a federal statute that was passed in 1908 as a “remedial statute” intended to promote safety and safety improvements in what was then a highly dangerous railroad industry. At the turn of the century, the average life expectancy of a railroad worker was seven years after being hired, and these hard-working employ-

ees could be killed or badly maimed without any compensation or means to seek damages.

Congress stepped up and passed the landmark FELA, which forces the railroads to provide a reasonably safe place to work. Since then, railroad companies have been forced to make steady and constant improvements in what still remains a dangerous occupation.

Here are some of the major changes brought about by the lawsuits and injury claims of workers



making claims under the FELA:

- Bulletproof glass in locomotives
- Cabooses eliminated slack action injuries
- Personal Pro-

- Wide-body comfort cabs
- Fall protection
- Pre-trip exercises and warm-ups
- The list is exhaustive and impressive and directly the result of hard-fought claims and victories in the courtroom where the railroads were forced to pay injured employees fair and reasonable compensation. Rather than continue to pay claims for using unsafe equipment, dangerous work conditions and procedures, railroad companies were forced to clean it up and make improvements and changes like those above.
- Protective Equipment (PPE)
- Hours-of-service improvements
- Positive Train Control (PTC)
- Stop boarding and dismounting moving equipment
- Brake sticks
- Bow-handled switches
- Climate-controlled locomotive cabs to reduce exhaust fumes and noise
- Run through switches

Railroaders should be aware of health hazards of asbestos exposure

This piece has been contributed by Marc Zito, a Designated Legal Counsel of the Jones Granger law firm.

Railroad workers are and have been exposed to asbestos in the workplace for decades.

Whether active or retired, if you have been exposed to asbestos during your employment, you may be eligible to participate in the national asbestos trust fund program. As part of this program, simple medical testing can determine whether you may have an asbestos-related condition.

If you, a family member or friend have been diagnosed with cancer or died from cancer in the last three (3) years, it is imperative that you contact your SMART-TD designated law firm.

Medical studies have shown an increased incidence of various types of cancers in railroad workers due to occupational or on-the-job exposures. These studies confirm a direct link between asbestos exposure and lung cancer. Specifically, a diagnosis of mesothelioma is attributable to a worker’s prior asbestos exposure.

Lung cancer, adenocarcinoma, squamous cell carcinoma, large cell cancer and other lung-related cancers should be examined on a case-by-case basis.

Additionally, certain gastrointestinal cancers such as colon cancer, esophageal cancer, pharyngeal cancer, laryngeal cancer and throat cancer have also been linked.

If you have never been tested, tested negative or have been hesitant about participating, now is the time for you to take action and participate.



TD member wins first prize

On Labor Day, member David Dunn of Local 473 (La Grande, Ore.) won one of the big prizes in the Unions Power America sweepstakes.

Dunn received the \$25,000 first prize in part because of his work in assisting homeless people in his community and former drug addicts to recover. He and his wife along with volunteers give out hundreds of meals as well as clothing to fulfill the mission of Redemption Life Services.

Congratulations to Brother Dunn on a well-deserved prize, and thank you for all that you do to help others!

Scholarship period opens

Applications are being accepted for the 2024 Union Plus Scholarship.

Scholarship awards range from \$500-\$4,000 and are available to union members and their families to begin or continue their college education.

Visit www.unionplus.org by Jan. 31, 2024, to apply.