



FTA gives labor a voice

On-property safety won't be tilted toward the management

In April, the Department of Transportation (DOT) and the Federal Transit Administration's (FTA) published its final rule on a National Public Transportation Safety Plan and the formation of Public Transportation Agency Safety Plans.

The plan serves as FTA's primary guidance document to improve transit safety.

It's long past time that transit agencies be held more accountable for the safety of the workers and the riding public whom they've serve.

Incidents of attacks on operators, stabbings, assaults and shootings aboard buses and on properties where our members work have grabbed headlines.

In late March, one of our members had his bus hijacked on Los Angeles County Metropolitan Transportation Agency. The incident ended with a crash into a downtown hotel, a bystander in a vehicle injured

[Continued on Page 2](#)

FRA mandates the Rule of Two



Members of the SMART Transportation Division and the Transportation Trades Department of the AFL-CIO stand with U.S. Transportation Secretary Pete Buttigieg and Federal Railroad Administrator Amit Bose on April 2, 2024, at the announcement of the FRA's two-person crew regulation.

Decades-long effort to get a national regulation establishing minimum freight crew size succeeds

Railroad history was made by our union the first week of April. The U.S. Department of Transportation issued a final rule stating that freight trains in this country cannot be safely run with fewer than two certified railroaders in a locomotive cab.

We have led this fight for more than two decades. The FRA received over 13,000 public comments on this rule. Only 64 of those were against it. That is an amazing, concerted effort on the part of our members and allies that shows the power of solidarity.

YOU beat the railroad executives and their deep pockets. It wasn't even close.

The rule was announced April 2 by Transportation Secretary Pete Buttigieg and Federal Railroad Administrator Amit Bose on behalf of the Biden administration. SMART-TD President **Jeremy Ferguson** then spoke of the efforts of rail families, concerned members of the public and, most importantly, the experiences of our union members inside the locomotive cab.

The quality of what you wrote, not just the raw number of responses, is what truly moved the needle. Your personal experiences opened the eyes of the FRA to the lives that were saved and the potential disasters averted by the presence of a second person in the cab. Your experiences could not be denied. Thank you, from your union brothers and sisters, and on behalf of every American who lives, works or plays near a set of tracks.

[Continued on Page 2](#)



GP COLEMAN ON 2PC:

"Your relentless drive and pursuit of two-person crews has resulted in pro-worker federal action that will make our country safer."

[COLUMN ON PAGE 4](#)



HOW WE WON:

Our efforts to get 2PC legislated in Congress go on — see how our persistence got the regulation done.

[ON PAGE 3](#)

In union victory, FRA regulates the Rule of Two aboard freight trains

Continued from Page 1

We also would like to thank **Wes Ekstedt**, out of Local 445 in Galesburg, Illinois, who formed the “Fight For 2-Person Crews” Facebook page and website. **Justin Wolters**, from Local 1381 and general chairperson of the Indiana Harbor Belt Railroad, and **Nick Greficz**, local chairperson from Local 278, were among the leaders of a page called “We the Union” that helped coalesce union efforts.

These leaders never missed an opportunity to advocate safety to the public. They helped create a movement.

The 2PC effort helped unite all 12 rail labor organizations under the umbrella of the Transportation Trades Department of the AFL-CIO. The message was also echoed by our friends in other labor unions outside of the rail industry. The rule announcement was introduced by David Hoagland, President of the District of Columbia Fire Fighters Association. Experienced first responders know on whom to rely when there is a rail-related accident. The International Association of Fire Fighters strongly advocated for this ruling, and we express gratitude for their assistance.

Thanks also to The National League of Cities who provided unwavering support and advocacy for safe rail operations in our country.

SMART-TD Auxiliary President **Kathryn Seegmiller** and Secretary and Treasurer **Denise “Niki” Wallace** do amazing work advocating for this and many other legislative movements. On the issue of 2PC, they raised awareness and led action through many routes, including text messages to members to bolster both national level and state legislation.

It would be remiss not to thank the state legislative directors in every state who have pushed for 2PC



In this photo courtesy of the Transportation Trades Department of the AFL-CIO, SMART Transportation Division President Jeremy Ferguson addresses the audience April 2 at the announcement of the FRA's two-person crew regulation.

legislation. As we all know and have celebrated, 12 states achieved the governor's signature on legislation or had regulations on minimum crew size on the books before the FRA's historic announcement. Unquestionably, whether a bill passed or not, the efforts made in the state houses were instrumental in the push.

Every time one of our SLDs presented legislation on the matter, it created public discussion and awareness of the critical role conductors play in protecting their communities.

For all the state directors who fought the good fight for rail safety, we thank you and congratulate you on winning this battle.

All in all, there are too many people to thank to have any hope of mentioning everyone.

Our union is stronger than ever, the community we have built around us is active and engaged, and together we put the rail bosses on

notice. We are watching, and we will use our collective strength to protect public and worker safety however inconvenient that becomes for the profit-at-all-cost railroads and their owners.

We thank all of our members and advocates for everything they did to bring the fight this far.

Your efforts have been seen, and we have seen the results, but there is work left to do. Every new administration brings the risk of new regulations. We need to protect the progress that we have made.

Now that the FRA's 2PC rule is a reality, it is time to focus on getting national legislation done.

Carriers' response

A bit more than a week after the Rule of Two was announced, some of the railroads already were trying to reverse the regulation.

On April 11, Union Pacific and BNSF, along with short lines Florida

East Coast Railway and Indiana Railroad filed lawsuits in separate federal appeals courts to challenge FRA's decision.

According to SMART-TD legal adviser **Larry Mann**, the cases likely will be consolidated.

Legislatively, five U.S. representatives also began an effort to enact a review of the 2PC regulation.

Rep. Eric Burlison of Missouri, whose re-election campaign has received donations from multiple carriers introduced House Joint Resolution 130.

Four others had signed on after its April 19th introduction.

Those representatives are:

- Scott Perry, R, Pa. 10th District;
- Randy Weber, R, Texas 14th District
- Brad Finstad, R, Minn. 1st District
- David Rouzer, R, N.C., 7th District.

Federal Transit Administration gives labor a voice in creation of agency safety plans

Continued from Page 1

and a suspect in custody.

According to data cited in the plan, in the six-year period from 2016 to 2021, the country experienced an average of nearly 9,500 “major events” per year. A major event is defined as one involving a fatality, transport for medical attention, property damage of \$25,000 or more, collisions or evacuations.

In addition, an annual

average of 284 fatalities and more than 21,000 injuries over that same period show that transit agencies nationwide have room for improvement.

The latest revision to the plan establishes performance criteria for all recipients that must develop Agency Safety Plans under FTA's Public Transportation Agency Safety Plan (PTASP) regulation. In addition to including safety performance measures

related to the PTASP safety risk reduction program, the agencies will also need to create voluntary minimum safety standards and recommended practices to support mitigation of safety risk and to improve safety performance.

Labor will be given a voice in the process to counterbalance the dictates of management.

The standards will include:

- Recommendations issued by the National Transporta-

tion Safety Board (NTSB),

- Recommended practices and standards developed by the transit industry, and
- Recommended precautionary and reactive actions to ensure public and personnel safety and health during an emergency established in consultation with the Secretary of Health and Human Services.

“Our union has been calling for years for FTA to address the epidemic of violent assaults facing our bus and

transit members,” SMART-TD President **Jeremy Ferguson** said. “This union has been out in front of this issue raising awareness of the problem with transit carriers, legislators and by directly reaching out to FTA with a laundry list of proposed solutions to the problem. Internally, the union has established the Bus/Transit Assault Prevention and Safety (BTAPS) Committee aimed at focusing the strength of our union on this life-and-death issue.”



WE ARE THE SMART-TD
THE BIGGEST AND BEST RAIL UNION IN THE UNITED STATES
WE ARE STRONGER TOGETHER



2PC TIMELINE: OUR EFFORT HAS TAKEN MORE THAN THREE DECADES

May 28, 1992: A regulation in Arizona is adopted stating railroads in the state “shall maintain a minimum of two operating employees in the control compartment of the lead locomotive unit of a train.”

May 12, 1993: West Virginia Gov. Gaston Caperton (D) signs a bill amending a 1931 state law. The new law states “no railroad may permit or require any crew controlled locomotive power unit, including helper units, that is not attached to a train to be operated by a crew of fewer than two persons.”

Dec. 15, 1997: A two-person crew (2PC) law, the first in the U.S., is backed by the United Transportation Union and referred to by Wisconsin Gov. Tommy Thompson (D) as “the UTU bill.” The legislation is signed, making Wisconsin the first to legislate crew size thanks to our union’s efforts.

March 2000: Wyoming’s Legislature passes a 2PC bill in the state. It is vetoed by Republican Gov. Jim Geringer.

July 6, 2013: The brakes are disengaged on a train with a single-person crew in Lac-Mégantic, Quebec, Canada. The train, carrying crude oil, derails and explodes in the middle of the town with 47 people killed.

July 23, 2013: Transport Canada bans all single-person crews from trains carrying any amount of hazardous materials in the country.

Aug. 2, 2013: A federal 2PC bill, H.R. 3040 is introduced by initial sponsors Reps. Michael Michaud and Chellie Pingree in the U.S. House. It gains 82 co-sponsors before the congressional session concludes.

Aug. 29, 2013: FRA’s Railroad Safety Advisory Committee (RSAC) convenes an emergency working group to examine appropriate freight rail crew sizes.

Spring 2014: SMART Transportation Division and the BLET announce a joint effort, including model bill language, to get legislation passed to maintain two-person crews on the state level.

April 9, 2014: FRA announces its intent to create a rulemaking on train crew staffing in the future.

Sept. 10, 2014: Sens. Richard Blumenthal and Charles Schumer (both Ds) introduce S. 2784, the Rail Safety Improvement Act of 2014 with a 2PC provision.

April 13, 2015: U.S. Rep. Don



Young (R-Alaska) introduces the Safe Freight Act (H.R. 1763), which would establish a minimum crew size. It gains 69 co-sponsors prior to the session’s conclusion.

Sept. 8, 2015: California Gov. Jerry Brown (D) signs 2PC legislation..

March 15, 2016: FRA, under Obama-appointed Administrator Sarah Feinberg, issues a Notice of Proposed Rule Making (NPRM) to set a minimum freight crew size and opens comments.

August 15, 2016: Comment period closes on the NPRM. More than 1,500 comments were received in favor of the rule while 36 were received against.

Jan. 3, 2017: Rep. Young re-introduces the Safe Freight Act (H.R. 233). It gains 120 co-sponsors. A companion bill is introduced in the Senate by Sen. Heidi Heitkamp (D) of North Dakota and gains 13 co-sponsors.

June 8, 2017: Gov. Brian Sandoval (R) of Nevada vetoes a 2PC bill after its passage.

May 25, 2018: Gov. Larry Hogan (R) of Maryland vetoes a 2PC bill after its passage in the state General Assembly.

March 2019: Rep. Young again introduces a version of the Safe Freight Act (H.R. 1748). It gains 141 co-sponsors in its lifetime. A companion bill (S. 1979) is introduced in the Senate by Sen. Edward Markey (D) and gains 15 co-sponsors.

March 21, 2019: Colorado Gov. Jared Polis (D) signs 2PC legislation into law for his state.

May 14, 2019: Nevada Gov. Steve Sisolak (D) signs a 2PC bill.

May 23, 2019: FRA and its Trump-appointed administrator, former Conrail CEO Ron Batory, announce the withdrawal of the NPRM seeking to set a minimum freight crew size. FRA also declares state 2PC legislation pre-

empted.

July 16, 2019: FRA’s decision to withdraw the crew size NPRM is challenged in court by SMART-TD and multiple states.

Aug. 9, 2019: Defying Batory’s order of pre-emption, Illinois Gov. J.B. Pritzker (D) signs a bill requiring two-person crews.

Oct. 30, 2019: Indiana Railroad, a shortline that uses single-person crew operations, sues the state of Illinois over its 2PC law with the backing of the Association of American Railroads and the American Short Line and Regional Railroad Association, nullifying the law.

June 11, 2020: Washington state’s two-person crew law takes effect. It was signed by Gov. Jay Inslee (D) earlier in the year after nearly seven years in limbo.

June 23, 2020: Presidential candidate and former Vice President Joe Biden (D) pledges to maintain two crewmembers aboard freight trains in a video to SMART members.

July 27, 2020: Gov. Laura Kelly (D) and the Department of Transportation in Kansas announces the state’s intent to establish a minimum crew size. Implementation of this regulation is blocked by a Republican attorney general.

Feb. 23, 2021: After a legal battle, a Ninth Circuit Court of Appeals victory for the union is achieved. The Trump-era FRA’s decision to throw out the crew-size NPRM and the declaration of pre-emption is reversed. The Rule of Two is sent back to the DOT/FRA.

June 4, 2021: U.S. Rep. Peter DeFazio (D) introduces the INVEST in America act, which contains a 2PC provision that passes the U.S. House. During the reconciliation process with the GOP-controlled Senate, the 2PC element is removed from the bill.

May 31, 2022: A 2PC bill passes

both houses of the New York Legislature, but Gov. Kathy Hochul (D) fails to act.

July 28, 2022: In response to the court order that remanded the NPRM back to FRA, President Biden’s FRA Administrator Amit Bose reopens the docket and solicitation for public comments on the NPRM.

Dec. 12, 2022: FRA hosts a public hearing regarding the crew size NPRM. TD President **Jeremy Ferguson** and SMART members provide in-person testimony in support of the Rule of Two.

Dec. 21, 2022: Comment period closes for the crew size NPRM. More than 13,000 comments are received in favor of the rule, with only 64 against.

Feb. 2, 2023: A Norfolk Southern derailment in East Palestine, Ohio, draws national attention to matters of railroad safety.

March 1, 2023: The 2023 Railway Safety Act is introduced by U.S. Sens. Sherrod Brown (D) and J.D. Vance (R) of Ohio, which would establish a two-person crew throughout the country, among other safety measures.

March 31, 2023: Ohio Gov. Mike DeWine (R) signs a rail safety bill requiring two-person crews aboard freight trains.

May 2023: Kansas Gov. Laura Kelly (D) and the state Department of Transportation again announce the state’s intent to regulate a minimum crew size.

May 24, 2023: Minnesota Gov. Tim Walz (D) signs a rail safety bill requiring two-person crews aboard freight trains in the state.

June 29, 2023: The Association of American Railroads sues for the carriers to challenge Ohio’s law.

Oct. 11, 2023: Kansas implements its regulation requiring a minimum train crew size.

Dec. 8, 2023: The New York Legislature passes 2PC legislation for the second straight year. Given a second opportunity, Gov. Kathy Hochul signs the bill.

March 8, 2024: Virginia Gov. Glenn Youngkin (R) vetoes a two-person crew bill after it was passed by the Legislature.

April 2, 2024: Biden appointees Transportation Secretary Pete Buttigieg and FRA Administrator Amit Bose announce a rule establishing 2PC in the United States with a very narrow path for carriers to receive an exception and permission to go below that minimum.

SMART GENERAL PRESIDENT'S COLUMN

One battle has been won, let's win this fight

Brothers and sisters,

As you all know, United States Department of Transportation (DOT) Secretary Pete Buttigieg announced the long-awaited finalization of a Federal Railroad Administration (FRA) regulation requiring two-person crews on freight trains earlier this spring. That's right: There will be a minimum of two certified rail crew members assigned to the cab of freight trains in our nation. This is a huge win!

I want to give my enthusiastic congratulations to SMART-TD President **Jeremy Ferguson**, National Legislative Director **Gregory Hynes**, Alt. National Legislative Director **Jared Cassity** and – most of all – to every railroader in this union. SMART members submitted 13,000 comments



By Michael Coleman

to the FRA explaining the need for such a regulation, and that clearly made a difference.

As President Ferguson said during an event at U.S. DOT headquarters the day the regulation was announced, this is a monumental decision for TD members, rail labor, communities across our nation and the railroad industry at large. This regulation makes good on this DOT's promise to our members.

More importantly, it demonstrates a new set of priorities at the federal level

when it comes to America's railroad industry. The 2017-2020 FRA not only withdrew proposed federal two-person crew regulation, but actually tried to violate the rights of individual states that passed their own two-person crew rules. This administration's FRA asked for our input, received it, listened to it and acted accordingly.

From union leadership to the members who keep our nation functioning, your relentless drive and pursuit of two-person crews has resulted in pro-worker federal action that will make our country safer. I salute you for winning this battle. Now, let's continue the fight.

SMART-TD members have mobilized at an unprecedented level in recent years. It started with

electing pro-union candidates in 2020, but it didn't end there. Together, from the railroad to the bus terminal, you ramped up the pressure and raised public understanding of the challenges transportation workers face in this country.

The results speak for themselves: a pro-union FRA that has our backs against the carriers; federal funding for high-speed rail projects that create jobs for SMART-TD railroaders; massive investments in public transit and Amtrak; and much more.

The subject of politics is one that many of us like to avoid – myself included. But this isn't about right or left, or the political party to which a given candidate belongs. This is about fighting back against the CEOs

and Wall Street shareholders of the world, who would rather have single-person crews, self-propelled freight and self-driving buses than real safety and family-sustaining jobs. Politics can feel like a chore, but when we work collectively to win pro-union politicians and policies, we materially benefit our jobs, our families and our futures.

So I urge you to do just that. Whether it's a phone bank, a labor walk or simply telling your friends and family to show up to the ballot box, join me in getting involved in the political process this year.

In solidarity,

Michael Coleman
General President, SMART

Bus Department News

A message from your Bus Department leadership

Brothers and sisters,

As seen on the front page of this newspaper, the Federal Transit Administration (FTA) has finalized its rule creating a National Public Transportation Safety Plan and governing the formation of Public Transportation Agency Safety Plans.

The SMART Transportation Division was among many labor organizations that gave public feedback on strategies to combat the growing safety concern of on-the-job assault upon transit employees.

This national directive serves as a catalyst for change and a unifying force, bringing transit agencies, government bodies and the public together to prioritize the safety and well-being of our transit professionals.

The recognition of risks faced by our members and transit workers nationwide due to their public interactions and policy enforcement roles is long overdue. The rule builds on previous FTA efforts to use safety risk management processes to identify and mitigate risks to transit workers.



By Alvy Hughes

As advocates for our members, safety must prevail while providing an essential service for our communities and the nation.

While protective barriers, surveillance and de-escalation training, to name a few, help in some ways, they're not enough to satisfy the ever-growing concerns transit workers face.

In addition, agencies must adopt operating policies and procedures that protect our members. We deal with the narrative from agencies that the passenger is always right while there's a lack of concern for the operator's safety.

Enforced action is needed from the FTA to ensure consistent protection when agencies have brushed aside safety. Our time is now, and we must not lose sight of our objec-

tive.

On another note, we extend our warmest congratulations to our newly elected local officers. Your position is critical whether you're embarking on another term or stepping into a leadership role for the first time. Your role as a local advocate and the broader political landscape is crucial.

The journey ahead may seem unnerving, but it is a path we can navigate successfully with the proper support. For those needing guidance, SMART University offers comprehensive online training to help you confidently meet your responsibilities. We also hold both National and Regional Training Seminars on a regular basis for face-to-face training for our officers.

I am proud of our past accomplishments and know we will be prepared for future challenges.

As always, stay safe and well,

Alvy Hughes
Vice President






SMART-TD Bus Department
ahughes@smart-union.org
216-287-3059

'Every single thing' must be done to protect bus and transit operators

The hijacking of a Los Angeles County MTA bus in March reinforced our union's demands that bus and transit carriers from coast-to-coast speed up efforts to protect their workers.

"I would say everything is on the table right now," SMART-TD Vice President **James Sandoval** told KTLA while discussing the incident. "We need to try every single thing we can to make it safer."

One of our union brothers was hurt in the March 21 incident, where he was held at gunpoint. The incident also led to at least one bystander being injured and the bus crashing into the Ritz-Carlton Hotel downtown. While he has been treated and released, our member's experience has put him through physical and mental trauma, which adds him to the list of recent victims of senseless violence while using our nation's transit systems.

<p>SHEET METAL AIR RAIL TRANSPORTATION</p>  <p>news_td@smart-union.org Phone: 216-228-9400 Fax: 216-228-5755</p>	 <p>Michael Coleman SMART General President mcoleman@smart-union.org</p> <p>John Daniel SMART General Secretary-Treasurer jdaniel@smart-union.org</p>	<p>Jeremy R. Ferguson SMART Transportation Division President president_td@smart-union.org</p> <p>Gregory K. Hynes SMART Transportation Division National Legislative Director ghynes@smart-union.org</p>
<p>SPRING 2024 ISSN 2470-0304</p> <p>SMART Transportation Division News (ISSN 2470-0304) is published quarterly in the months of April (Spring), July (Summer), October (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.</p> <div style="display: flex; justify-content: space-between; align-items: center;">    </div> <p>Please recycle</p>		

TRANSPORTATION DIVISION PRESIDENT'S COLUMN

Stage is set for our important advancements

Brothers and sisters,

We're building something great here.

In May 2019, months before I took office, the Federal Railroad Administration under Donald Trump appointee Ron Batory tried to toss out more than two decades of our members' and officers' work to preserve two-person freight crews.

Just days after my administration took office in October, the big rail carriers sued in an attempt to challenge our crew-consist agreements to further open the gates for railroads to get what they wanted — cutting workers in the cab so they could make more money at the expense of safety and common sense.

When both these challenges emerged, we rose up as one union, and we engaged.

The carriers' lawsuit was resolved in court and through on-property contract negotiations, then our general chairpersons dug in on crew-consist matters. Since that attack in October 2019, we've not only pre-



By Jeremy Ferguson

served the current state of crew consist in the cab, but we have opened, for the first time, paid sick leave and attendance to negotiations so we can make the lives of our members better.

On April 2, Transportation Secretary Pete Buttigieg and FRA Administrator Amit Bose announced a rule cementing freight train crew size in the country. As a result, carriers will need to carry a very heavy burden of proof in the future if they want the federal government to permit them to cross the line we have drawn on rail safety and crew size. Predictably the railroads have gone to court to challenge the rule because they can't leave well enough alone.

The final piece of our puzzle will be getting federal legislation passed to preserve the current safe level

If 2023 has taught us anything, it is that we are the leader in U.S. transportation labor and our influence grows daily. However, all of this progress can be lost if we sit on our laurels or stop working as a collective group.

of staffing inside the cabs of the freight locomotives we operate. The Rail Safety Act of 2023, has long been stationary in Congress.

Together, we can get it moving. We will need to work for it, but we can do it. When the 2PC rule was up for public comment, this union rallied together and created enough pressure in Washington D.C. that we could not be ignored. SMART-TD can and must do the same for the bipartisan RSA.

We also must work with equal focus to resolve the current state of danger that our bus and transit members have faced for far too long. Employers have made safety a low priority when solutions are staring the bosses right in the face. Things in Washington are moving in the right direction, but not fast enough.

The Federal Transit Administration (FTA) heard

and heeded our comments in April when it ruled on the creation of on-property safety plans and on an overall national safety plan for public transportation. Our practical solutions — protective barriers for operators, not making them deal with money matters, adding security on buses and transit, tougher punishments for attacks on the members we represent and all other bus and transit workers — can be done. There's no rational reason for these public transit agencies not to join forces with us on protecting our members.

Most importantly, FTA's rule states that our men and women will have seats at the table to make decisions on safety measures being taken at their respective workplaces. They will have a level playing field.

Employers or managers will not be able to dominate on

matters of safety, and if their bosses don't follow through on the plans our members help form, FTA will step in and enforce them or take away their federal funding.

We in this union refuse to shy away from challenging injustice. It is an energy that we have worked to reignite and stoke the past five years. The results we've achieved on the two-person crew, elsewhere in the halls of power on the national and state levels, in negotiations and all around our union speak for themselves.

The same positive outcomes won't be long in coming to enhance the safety of our bus and transit members. The FTA rule moves us forward. Together we can face all that is ahead for our organization with confidence.

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. 31552** (Drucker, 2024), Union Pacific terminated the employment of a conductor for allegedly failing to properly protect a shove movement. In assessing the claimant termination from service, the carrier concluded that he violated General Code of Operating Rules (GCOR) Nos. 1.6 and 6.5. Although the board found that the evidentiary record supported a finding that the claimant transgressed GCOR

6.5, it did not find that the claimant breached GCOR 1.6. Moreover, the board found that the carrier failed to demonstrate that the quantum of discipline assessed to the claimant — termination from service — was justifiable. In light of this finding, the board reinstated the claimant to service, reduced his discipline from termination to a MAPS Training 1 status, and compensated him for all time lost. GO 887 General Chairperson **Todd Campbell** and GO 887 Vice General Chairperson **Kurt C. Berg** progressed this case to the NRAB First Division.

• • •

■ **In NRAB First Division Award No. 31581** (Lalka, 2024), Union Pacific dismissed a conductor from service for allegedly failing to ensure that switches were properly lined for a shove movement. Based on an overall study of this case, the board concluded that,

although the carrier proved a rule violation occurred, the level of discipline assessed to the claimant was not warranted. Finding that the discipline the carrier assessed to the claimant was arbitrary, the board converted his termination to a suspension of twelve (12) months. Accordingly, the board ruled to reinstate the claimant to service and directed the carrier to compensate him for all lost time in excess of (12) months out of service. GO 953 General Chairperson **Luke Edington** and GO 953 Senior Vice General Chairpersons **Kurt Christensen**, **Ian Reynolds**, **Mike Moore** and **Zach Nagy** progressed this case to the NRAB First Division.

• • •

■ **In NRAB First Division Award No. 31583** (Lalka, 2024), Union Pacific terminated a yardman for purportedly driving a company rented truck carelessly while transporting a coworker. The

coworker removed their seat belt while the vehicle was still in motion, and when the claimant brought the vehicle's movement to a halt, the coworker sustained an injury to their head. After subjecting the case to detailed scrutiny, the board determined that the quantum of discipline assessed to the claimant was not commensurate with the alleged offense. By reason thereof, the board ruled to reinstate the claimant to service and ordered the carrier to compensate him for all lost time in excess of six (6) months out of service. GO 953 General Chairperson **Luke Edington** and GO 953 Senior Vice General Chairpersons **Kurt Christensen**, **Ian Reynolds**, **Mike Moore** and **Zach Nagy** progressed this case to the NRAB First Division.

Public Law boards

■ **In Public Law Board 7244, Award Nos. 313 and**

315 (Binau, 2023), Norfolk Southern terminated a locomotive engineer and conductor for engaging in unnecessary delay that resulted in overtime pay. Approximately ten (10) months following the claimants' termination from service, the carrier reinstated both claimants to service without compensation for their lost wages; however, the organization still retained the right to appeal the balance of both claimants' claims for lost wages and removal of the discipline entry from their career service records. After reviewing the record of the instant cases, the board concluded that the carrier failed to satisfy its burden of proof in these cases. Therefore, the board required the carrier to compensate both claimants for their lost wages and remove the discipline entries from their work records. GO 898 General Chairperson **Tommy**

Continued on Page 6

N.M. RTS hosts exclusive bus training

An exclusive training session put the needs of bus and transit members front and center at the Transportation Division Albuquerque Regional Training Seminar (RTS) in March.

Bus Department Vice President **James Sandoval** (Local 23, Santa Cruz, Calif.) led the class.

“We went over all the basics,” VP Sandoval said. “Empowering our officers to stand up and protect their contracts, defending our members from employer overreach, effective communications, transparency.”

The regional seminar model was established in 2021 to widen training opportunities across the union. Officers who participate report substantial boosts in members’ win rates on claims against the carriers.

By focusing on bus and transit, SMART-TD is able to emphasize and address the hazards faced by the thousands of our members who work in passenger transport.

Christine Ivey, chair of SMART-TD’s newly formed Bus and Transit Assault Prevention and Safety (BTAPS) Committee said the focus on how the union functions will be essential going forward.



Officers who took part in the bus/transit educational flight of the Albuquerque Regional Training Seminar in March pose for a photo.

Ivey also is vice local chairperson of Local 1785.

“It was insightful and really showed how all the units work together in the organization – how we work together but at times have our own separate individual

concerns on our properties,” Ivey said. “I enjoyed it immensely.”

“People are super happy with what they learned,” VP Sandoval said. “As long as we have enough participants, this will continue at

other RTS and the National Training Seminar. It’s a great foundation for local officers.”

Bus Department Alt. Vice President **Markeisha Haynes** and General Chairperson **Justin Schrock**

(GCA-020) also presented in Albuquerque.

SMART-TD represents numerous bus and transit properties in Los Angeles, across California, New Jersey, Philadelphia and Chicago, among others.

What your union is doing for you: Arbitration victories achieved by the SMART Transportation Division

Continued from Page 5

Gholson and GO 898 Assistant General Chairperson **Jason Roberts** handled these cases before Public Law Board 7244.

...

■ **In Public Law Board 2105, Award No. 784** (Moreland, 2022), Union Pacific terminated the employment of a switchman for purportedly failing to ensure that his train had the proper amount of air to control his train during a switching operation, resulting in his train colliding with another train. In assessing the claimant’s termination from service, the carrier opined that he transgressed GCOR Rule Nos. 6.28 and 1.47. In this case, the claimant’s crew was tasked with switching cars from Track No. 11 to Track No. 14 at the carrier’s East Yard in San Antonio, Texas. As the claimant’s crew was pulling cars out of Track No. 11, he provided the locomotive engineer with radio instructions indicating the number of cars needed to clear the switch for Track No. 14. Ultimately, the claimant provided the locomotive engineer with radio instructions for the cessation of the train’s movement once it cleared the switch for Track No. 14. Nonetheless, the locomotive engineer was unable to halt the move-

ment of the train and eventually collided with the rear end of another train. Based on a review of the record of this case, the board determined that the locomotive engineer failed to adequately respond to the claimant’s car counts and was unable to thwart the movement of the train when directed to do so by the claimant. Based on the totality of the circumstances involved in this case, the board maintained that the carrier failed to bolster the charges it brought against the claimant with substantial evidence. For that reason, the board ruled to reinstate the claimant to service and directed the carrier to provide him with compensation for his lost earnings. GO 927 General Chairperson **Joseph “Scott” Chelette** handled this case before Public Law Board 2105.

...

■ **In Public Law Board 2105, Award Nos. 785, 786, 787, 788, 790, 791 and 801** (Moreland, 2022), Union Pacific terminated the employment of the claimants in each case for allegedly violating the carrier’s attendance policy. Nonetheless, after examining the evidentiary record of each case, the board determined that the termination of each claimant was without just cause. Reaching that conclusion in each case, the board

ruled to reinstate each claimant with compensation for their lost wages. Significantly, the favorable rulings the organization achieved on these termination cases over alleged violations of the carrier’s attendance policy resulted in \$942,039.37 worth of back pay being paid to the claimants. GO 927 General Chairperson **Joseph “Scott” Chelette** handled these cases before Public Law Board 2105.

Bus Department

Vice Presidents **Alvy Hughes** and **James Sandoval** report that the Bus Department has received favorable arbitration and mediation awards. Below are case references:

■ **In the matter of SMART-TD Local 1715 and Transit Management of Charlotte (TMC) case # 230703-07369**, a contract dispute arose regarding the number of representatives required to conduct the run assignment bid at a location.

The organization argued that the language was clear and was adopted in negotiations without a dispute, allowing an additional representative to be present. The agency stated that the language of “alternate” was considered in place of one representative, but not two representatives. The arbitrator ruled in part, denying the procedural vio-

lation but accepting the organization’s argument that an alternate representative must be present to assist with the bidding. This arbitration was advanced by General Chairperson **Christy Kiser** (GCA-TMD) with the assistance of Vice President **Alvy Hughes**.

...

■ **In the matter of SMART-TD Local 172 and First Student**, there were a couple of successful mediations.

First Student refused to compensate an operator for conducting additional work as outlined in the collective bargaining agreement. After deliberation and arguments by the organization, it was agreed to pay the operator for a period of time work was performed.

First Student terminated an operator for refusing to operate a run after being assaulted by a student en route. The organization argued about the operator’s well-being and its discontent with protecting the operator’s safety. First Student agreed to reinstate the operator with seniority rights immediately.

Both mediations were advanced by General Chairperson **Kathleen Sitongia** (GCA-First Student) with the assistance of Vice President **Alvy Hughes**.



Representatives from the SMART Transportation Division appear at the announcement of the Confidential Close Call Reporting System (C3RS) pilot program with Norfolk Southern CEO Alan Shaw and FRA Administrator Amit Bose in May.

Major win as union reaches deal with NS on C3RS pilot

SMART Transportation Division began a new era in rail safety and worker protection by working with Norfolk Southern to accept and act on anonymous safety reports.

How it works

The one-year pilot program, called the Close Call Reporting System (C3RS), is similar to one airline personnel use to hold their airlines accountable. Rail workers will share safety concerns through a secure website. NASA, acting as an independent party, will organize, anonymize and share the reports with the FRA. Under FRA guidance, improvements will be made by a joint committee including SMART-TD representatives, other rail labor and Norfolk Southern management.

Long time coming

C3RS first came to the rail industry in 2007 when SMART-TD predecessor UTU and Union Pacific participated in an early version, running until 2013. They piloted the system in Bailey Yard, North Platte, Nebraska, the largest rail yard in the world. The program was highly successful; it increased safety, reduced critical incidents and rule violations. The program also greatly reduced employee discipline. Other Class III and passenger rail carriers began to benefit from the system around the same time.

The program requires voluntary agreement among the rail carrier, labor and the federal government. Despite the program's success, UP refused to renew



General Chairperson Thomas Gholson speaks at the signing ceremony for the C3RS pilot program agreement with Norfolk Southern in May.

the program, effectively killing it. SMART-TD has engaged in an ongoing effort to reintroduce the program at all Class I carriers.

We have only begun to fight

After our 17-year effort, Norfolk Southern has decided to take the lead on rail safety and this C3RS agreement shows that CEO Alan Shaw is serious in his commitment to making NS the safest railroad by partnering with rail labor. SMART-TD President Ferguson, and General Chairpersons **Tommy Gholson, James Ball, David Phillips, Dan Weir and Joe Borders** began making real progress with NS executives in 2023, resulting in a signed agreement Feb. 15, 2024.

"For years we've watched the successes of the several short lines that have practiced under C3RS and because of that, for years, we've long been advocates," said Gholson.

Gholson also praised the efforts of the four other general chairpersons for their roles in constructing the

C3RS framework.

Alt. National Legislative Director **Jared Cassity** provided leadership by facilitating the process and coordinating with FRA.

SMART-TD out in front

In a speech soon after the agreement's signing, SMART-TD President **Jeremy Ferguson** said: "Rail labor has been out in front since the beginning. We have always advocated for the right to have a protected avenue to report safety concerns and injuries without fear of harassment, intimidation or retribution.

"For far too long, this nation's rail carriers have been complacent with their approach to safety.

Obviously, this is something that can't be reversed overnight, but we are hopeful that the corrective process can begin with a program like C3RS.

"There is no higher priority for SMART-TD or the workers we represent than safety, not just for their own welfare but also for the communities in which they operate."

VIEW FROM THE TOWER



From left, Secretary/Treasurer **Matthew Burkart**, Arbitrator Kitty Grubb, Chairperson **Christopher Bartz** and Vice Chairperson **Michael Miele** attend the Professional Yardmasters Association's annual meeting in April in New Orleans.

Yardmasters convene to discuss craft issues

The Professional Yardmasters Association of America convened for their annual meeting in New Orleans April 8 and 9. This two-day conference included all general chairpersons that represent the yardmaster craft.

A wide array of guest speakers were present. Three arbitrators gave presentations and followed that up with question-and-answer sessions.

This unique experience gave perspective as to what arbitrators look for in rendering decisions for both contract disputes and discipline.

United Healthcare, Aetna Dental and two investigators for the SMART-TD Designated Legal Counsel also gave presentations.

These conferences allow



By **Christopher Bartz**

the committees to network and share information and ideas that have been successful on other properties for the yardmaster craft and laid the foundation for success.

Yardmasters were also featured in a segment of the SMART News video program where our yardmasters talked about the carriers forcing the craft to do more with less.

Alt. Vice President **Christopher Bartz** is general chairperson of GCA-256 and president of TD Local 1976 in St. Paul, Minn.

SEPTA job security protected

Our brothers and sisters working on the Southeastern Pennsylvania Transit Authority (SEPTA) recently won a new level of job security.

SEPTA is the only property where our members operate commuter rail, bus, and trolleys. These three classifications have different job duties with unique challenges. Unfortunately, our men and women working for SEPTA could be reassigned to any of the three crafts without a say. If they didn't pass the tests after being trained for a new job, the employee got fired.

General Chairperson **Anthony Petty** of Local 1594, which represents our SEPTA members, set out to change this.

GC Petty and Bus Department Vice President **James**

Sandoval were aware that the contract was not under negotiation, but they were determined to change the policy. They took the fight directly to SEPTA as a stand-alone issue and got the win they were after!

SEPTA sent GC Petty a formal side letter on March 18 informing him that language had been added to Local 1594's contract stating that any employee outside of their initial training who "fails the rail portion of training will be permitted to transfer to bus operations."

This victory will preserve our men and women's careers. Our SEPTA bus operators now have a safety net ready to catch them when their boss orders them to learn how to be railroaders in the middle of their careers as bus operators.

State Watch News from SMART-TD State Legislative Boards

Longtime N.Y. SLD Sam Nasca passes away

Sam Nasca, the dean of active SMART Transportation Division state legislative directors, who led union efforts for at least 32 years in the state of New York, passed away on Feb. 14, 2024, at the age of 90.

Brother Nasca first joined the union in 1959 and was in his 64th year as an active member of our organization. He hired out as a trainman and worked for the Erie, Erie Lackawanna and Conrail railroads. He was the last active SMART-TD officer who had been a member of the union prior to the merger that created the United Transportation Union (UTU) in 1969.

“Brother Nasca was a reliable and trusted leader since well before some cur-

rent national officers had even hired on,” National Legislative Director **Gregory Hynes** said. “He had a major effect on the progress our union has made in New York.”

SLD Nasca’s noteworthy longevity resulted in him being a well-respected advocate for labor in the state capital of Albany and in his hometown. In December 2023, Nasca was honored for his three decades of leadership with the Hornell City Democrats in the town where he lived.

Three days later, on Dec. 8, 2023, Gov. Kathy Hochul signed a two-person crew bill, fulfilling a long-term goal of the union in the Empire



Nasca

State. New York was the third state last year to pass and put into law a two-person crew provision.

Having had the opportunity to sign similar legislation in 2022, Nasca and his SLB’s persuasive effort toward Hochul undoubtedly had an influence in making the 2PC bill into law the second time around.

“You do not accomplish things legislatively by giving in after a single setback,” Alt. National Legislative Director **Jared Cassity** said. “He and the New York State Legislative Board took Gov. Hochul’s failure to sign in 2022 to heart and got the bill

signed the year following.”

As a sign of respect, Nasca was among the final people to be named to the SMART-TD Executive Board at the 2019 TD Convention in Las Vegas prior to the board’s dissolution. He also took part in multiple negotiations during his long, distinguished career on the bus and rail properties in his state to achieve just contracts for workers.

He had also contributed to the union’s political efforts from his first day as a member of the Brotherhood of Railway Trainmen. He remained a contributor to TD PAC until his death.

Brother Nasca served in the U.S. Air Force from 1952-1957, based primarily in Texas and Germany, and

received a Good Conduct Medal and the National Defense Service Medal.

He is survived by two daughters and two sons; eight grandchildren and a great-grandson. He is also survived by two brothers; several nieces and nephews; and his companion, Judy Masti.

The SMART Transportation Division offers its heartfelt condolences to SLD Nasca’s family, friends the New York SLB and our membership in the state.

He has been succeeded as New York State Legislative Director by **Luke Deleskiewicz** of Local 318, also Nasca’s home local, who has been vice chairperson of the state legislative board since 2016.

Quadrennial state board reorganization photos

Kansas



Indiana



Illinois



Illinois State Legislative Director Bob Guy reports that 31 local legislative representatives attended the state legislative board’s three-day meeting in February. Guests included National Legislative Director Greg Hynes and former state director and FRA Administrator Joe Szabo. All officers were re-elected, including SLD Guy, who returns for a new term. Others returning include Joe Ciemny, assistant state director; Legislative Chairperson Jeff Votteler; Secretary Dennis Neve; Vice Chairperson Jarrod Hudson and Alternate State Director Jordan Boone.

California



Texas



The Texas State Legislative Board held its quadrennial meeting on Feb. 6 and 7 in Austin. Vice President Chad Adams, front with back to camera, administered the oath of office to, from left: State Legislative Director Kamron Saunders (Local 508); Legislative Chairperson Bobby Bradford (Local 923); Legislative Secretary Kenneth Friend (Local 508); Assistant State Legislative Director Bruce Schaaf (Local 331), Vice Chairperson Brian McMasters (Local 1313) and Vice Chairperson George Avila (Local 18).

D.C. Legislative Department honored for lobbying

The SMART Transportation Division's National Legislative Office was recognized by D.C. publication *The Hill* for the second consecutive year as being part of a group of key grassroots lobbyists shaping policy in the nation's capital.

National Legislative Director **Gregory Hynes** and Alt. National Legislative Director **Jared Cassity** were listed along with representatives from nine other labor-oriented groups such as AFL-CIO, UAW and SEIU for their ability to get the word out about legislation serving the interests of their respective memberships in 2023.

SMART-TD was the sole freight

rail organization on the list.

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

"All our efforts have at their foundation the members' contributions to TD PAC," Cassity said. "We are not able to get the audience with the people in power or to raise awareness without member support."

It's a well-repeated truth that if

every TD member gave a dollar a day to the SMART TD PAC that the union would have more funding than the typical carrier lobbyist.

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

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



SMART Transportation Division National Legislative Director Gregory Hynes, left, and Alt. National Legislative Director Jared Cassity, along with Chief of Staff Jenny Miller, Representative Daniel Banks and consultant Dean Mitchell were named in a list of key grassroots lobbyists by publication *The Hill*.

State Watch/quadrennials, continued

Virginia / Washington, D.C.



Both the Virginia and Washington D.C., Legislative Boards convened March 3 and 4 for their quadrennial reorganizational meetings in Williamsburg, Va. The incumbent legislative directors Ronnie Hobbs and Jarad Jackson both were re-elected to lead their respective boards.

Florida

The Legislative Board held its reorganizational meeting in Lake Mary, Fla., Feb. 12-14.

The meeting was heavy on training for all participants. Guest speakers from a large contingent of Federal Railroad Administration representatives, the GO 851 office and SMART-TD Designated Legal Counsel provided additional information.

Workshops on how to

perform the duties of the Local Legislative Rep., TD PAC fundraising, Critical Incident/Part 272, registering to vote in Florida, legislative calls to action response and the like, will help the board better carry out its mission.

State Legislative Director **Andres Trujillo** and the entire executive committee were elected by acclamation for new four-year terms.

New directors take charge in Ala., Conn. and Ga.

Three new state legislative directors have taken charge of the boards in Alabama, Connecticut and Georgia during the first part of 2024.

Alabama

The new Alabama state legislative director is **William Wayne "W.W." Jackson Jr.**, of Local 622 (Birmingham, Ala.).

Jackson has held numerous leadership positions in the union since joining in September 2003. In addition to his new role as SLD, Brother Jackson serves as local chairperson for LCA-898D, local

president, local delegate and local legislative representative.

SLD Jackson has also announced that the headquarters for the state legislative board also has changed.

The new address is:

SMART-TD Alabama
State Legislative Board
Montgomery Office
c/o Alabama AFL-CIO
435 S. McDonough St.
Montgomery, AL
36104-4225

Connecticut

Guy Milazzo of Local 1672 (New

London, Conn.) is the new SLD for the state. Brother Milazzo has been a member of SMART-TD since 1988 and also serves as secretary of GCA-663 and chairperson of LCA-663A.

Georgia

Patrick Folsom has taken charge in Georgia. A member of Local 1263 (Valdosta, Ga.), Folsom wears many hats, including as an engineer on the Norfolk Southern, a county commissioner and as a representative for his local membership

Described by his predecessor, Matt Campbell, as "a dang hard

worker," Folsom has served on Georgia board's executive committee for over a decade and was assistant state legislative director beginning in early 2020.

"I'm proud of the work he's done and excited about the work he will do on behalf of the railroad workers and retirees of Georgia," Campbell said.



Folsom

Wisconsin

Wisconsin's S.B. 460 was signed March 21 after hard work by the legislative board, TD Auxiliary and other labor groups.

The law increases penalties for certain traffic violations committed where workers are present in a railroad construction or maintenance area and are at risk from traffic. It also expands legislation that prohibits inattentive driving, specifically the use of a wireless telephone while driving a motor vehicle where persons are engaged in work to now include railroad workers.

SLD **Andy Hauck** also donated a historical document in early March at a kick-off fundraiser held at Lambeau Field for the National Railroad Museum.



SMART-TD officers and state officials appear at the March signing of S.B. 460. From left, Railroad Commissioner Don Vruwink; Heather Graves; former state Sen. and lobbyist Gary Goyke; capital staff; BLET Auxiliary members; Steve James of TD Local 590; Chris Tassone of TD Local 581; and TD Auxiliary Secretary & Treasurer Niki Wallace and Gov. Tony Evers.

Kansas

The legislative board, led by State Legislative Director **Ty Dragoo**, resulted in the signing of H.B. 2501.

The law establishes a minimum distance for standing equipment that railroads must adhere to.

"This is a component of the Kansas Rail Safety Act. We will not stop until ALL components of the Safety Act are enshrined in statute," Dragoo said.

Next up are long train, lighting and walkway standards, Dragoo said.

"I want to thank all of you who helped and thank you to our members for believing in what we do every day in Kansas politics."



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

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

In memoriam: Former alternate VP ‘Pate’ King, ‘a real warrior,’ has passed away at age of 80

Luther Peyton “Pate” King Jr., who served the SMART Transportation Division on the local, state and national levels for more than three decades, passed away Friday, March 22, 2024, at age 80.

Brother King joined our union as a member of the Brotherhood of Railroad Trainmen on Jan. 1, 1968. Just one year later, he became a local officer, elected as secretary & treasurer of Local 1172 in Mullens, W.Va. He served as a convention delegate from 1975 to 2014 before his retirement on Halloween 2014.

“The passing of Brother King is weighing hard on his former committee GO 680,” wrote General Chairperson **David**



King

Phillips. “However, as we reflect on his time of 37 years as general chairperson and 50-year railroad career, we celebrate his contributions.”

Brother King was signatory to two crew-consist agreements in 1984 and 1991, served twice as a representative on the union’s national railroad negotiating team and countless on-property memorandum agreements.

And while his negotiating skills were highly regarded, even those paled to his incomparable ability to argue before a Public Law Board.

“He was so good that an engineer who was charged with a stop-signal violation and was a member of another organization said if Pate would represent him, he would change his mem-

“At Pate’s last PLB, we witnessed him go paperless and win what seemed unwinnable cases. In fact, in one case on a rebuttal after the carrier’s argument, Brother King said there was one word to sum up the carrier’s argument: ‘bulls—.’”

— General Chairperson David Phillips

bership to the UTU — now SMART-TD,” Phillips said. “Brother King took the NEW member’s claim to a PLB and won the case with back pay and the member remained a SMART-TD member for the rest of his career.”

Phillips and retired former Vice President **Doyle Turner** both were present when Brother King unleashed his uncanny ability to make an argument from his memory the likes they had never seen.

“At Pate’s last PLB, we witnessed him go paperless and win what seemed as unwinnable cases,” Phillips said. “In fact, in one case on a rebuttal after the carrier’s argument, Brother King said there was one word to sum up the carrier’s argument: ‘bulls—.’”

Phillips said he and Turner then watched King give a 10-minute rebuttal without notes or even a pen and paper that eventually prevailed with the arbitrator returning the employee to work.

Officers contemporary to Brother King

described him as an exemplary credit to the union.

“A real warrior has found rest,” retired former UTU President **Mike Futhey** said.

“His knowledge and understanding of union matters and dealing with carriers were unmatched,” said former Vice President **Delbert Strunk**, who served with Brother King for 30 years as a union officer.

“He might have been small in frame, but was a giant among men,” said retired Vice President **Troy Johnson**. “Everyone respected him, especially me.”

GC Phillips said that Brother Pate King’s legacy of service to the members will endure in his general committee.

“To Brother King’s wife and family, our prayers and thoughts are with you, and we are so sorry for your loss,” GC Phillips wrote. “Remember that the impact of Pate will, for generations, be felt for rail labor ... which Pate dedicated his life to as we all well know.”

Phillips expressed his appreciation to Local 1172’s **Mark Workman** for his outreach to and care for the family in this time of loss.

The SMART Transportation Division expresses its sincere condolences to Brother King’s family and friends. His contributions to the union will not be forgotten.

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
1	Clancy, Raymond E.	Hamburg, N.Y.	564	Few, Clifford E.	Alvarado, Texas	1290	Garzon, Marco A.	Itasca, Ill.
7	Clow, Stewart J.	North Platte, Neb.	630	Vallance, Harold V.	Catlettsburg, Ky.	1313	Gay, Myron	Port Arthur, Texas
30	Searles, James L.	Folkston, Ga.	650	Anderson, Robert M.	Titonka, Iowa	1334	Turner, Doyle T.	Vicksburg, Miss.
30	Wade, Jeffrey R.	Lake Butler, Fla.	663	Davis, Malcolm E.	Houlton, Maine	1358	Pendleton, John L.	Danville, Ill.
60	Stoukas III, Plato	Pompton Plains, N.J.	674	Dickerson, Michael L.	Evans, Ga.	1374	Olenick, Francis E.	Youngstown, Ohio
94	Bailey, Ralph O.	Excelsior Springs, Mo.	722	Calandrino, Jeffrey A.	Medford, N.Y.	1393	Lee, Donald R.	E. Aurora, N.Y.
113	Kemether, Kristina	Conchas Dam, N.M.	722	Trinder, James	Lindenhurst, N.Y.	1409	Farris, Keith R.	Ottawa, Kan.
168	Warden, Ronald M.	Auburndale, Fla.	750	Witt, Allen E.	Corryton, Tenn.	1477	McDonald, Charles L.	Monroe, Mich.
195	Danner, Stan L.	Canton, Ill.	823	Parsons, Jake	Abilene, Texas	1477	Morgan, Robert F.	Southgate, Mich.
200	Beckius, Christopher P.	North Platte, Neb.	830	Casner, James R.	Mifflintown, Pa.	1502	Richarde, William B.	Oak Hill, Fla.
202	Repstine, Robert R.	Littleton, Colo.	911	Zdroik, Richard E.	Plover, Wis.	1524	Schiller, David W.	Livingston, Texas
265	Duffin, Deven E.	Blackfoot, Idaho	923	Silvestre, Randolph B.	Amarillo, Texas	1563	Bueras, Pete M.	La Puente, Calif.
265	Hall, Dana F.	American Falls, Idaho	934	Descharme, Austin J.	Scottsbluff, Neb.	1565	Savage Jr., Alfonso	Los Angeles, Calif.
265	Hugues, Grant	Pocatello, Idaho	934	Hanna, Cindy S.	Casper, Wyo.	1570	Noah, Jimmie R.	Tracy, Calif.
265	Nate, Kim W.	Weston, Idaho	950	Nicholson, LeMar B.	Judsonia, Ark.	1574	Russ, Randy L.	Welches, Ore.
265	Jones, Kenneth S.	Pocatello, Idaho	971	Presson, James E.	Suffolk, Va.	1589	Murphy, David D.	South River, N.J.
324	Cohaley, John W.	Tacoma, Wash.	998	Jacob, Curtis	Alma, Ga.	1706	Collier, Anita M.	Kansas City, Mo.
386	Fritzinger, Jason C.	Brockton, Pa.	1000	Keeley, Robert H.	Isanti, Minn.	1706	Thompson, Mary E.	Kansas City, Kan.
469	McClenton, Sherman L.	St. Louis, Mo.	1105	Jones, George T.	Leland, N.C.	1732	Gumbert, John P.	Oakdale, Calif.
493	Kemphorne, Wayne C.	Freeport, Ill.	1183	Frizzle, Daniel R.	Port Huron, Mich.	1741	LeMon, Frank H.	San Francisco, Calif.
495	Irwin, Reggie L.	Salina, Kan.	1190	Hill, Ronald M.	Alexandria, Ky.	1908	Mukundi, Jeremie	Buffalo, N.Y.
496	Pence Jr., Herbert	Manchester, N.H.	1190	Lay, Austin E.	Loveland, Ohio	1910	Horne III, Frank	Warner Robins, Ga.
498	Tierney, Thomas G.	Northampton, Pa.	1216	Achterberg, Dennis M.	Lansing, Kan.			

ON THEIR PATH TO RETIREMENT



Over the winter, retiring members of SMART-TD Local 1413 (Jersey City, N.J.) who worked for the Port Authority Trans Hudson Corporation were recognized for their many years of service. Among the brothers and sisters recognized were Anita Aguilar (35 years); Dave McQuillan (35 years); Eduardo Fajo (31 years); Thomas Esposito (30 years); Rahim Muhammad (29 years); Martin Ryan (28 years); Kenneth Hicks (28 years) and Christopher Chan (10 years). Congratulations and SMART-TD wishes you all long and happy retirements!

HISTORY-MAKING SEPTA CONDUCTOR RETIRES



In this photo courtesy of SMART-TD Alumni member Terry Tasker, members of Local 61 (Philadelphia, Pa.) gathered to honor Patricia Riley, the first woman conductor hired by SEPTA in 1984. Sister Riley served for 38 years and joined the TD Alumni Association. From left are Khalicia Sullivan, Johnell Jackson, Keith English, Scarlett Banks, Samala Wysinger, Tynell Williams, Divine Jenkins, Riley, C.J. Ermack, Raymond Boyer, Ronald Martin, Erica Cartagena, Doris Dawa, Robert D'Andrea and Eric Washington.

IN MEMORIAM



Randy Russ, then-state legislative director of Oregon, at left, tours the Transportation Technology Center Inc. (TTCI) testing and training site near Pueblo, Colo., in 2018 with six fellow SLDs and a Federal Railroad Administration official.

Former Oregon SLD Randy Russ passes away at age 71

Randy Russ, a retired state legislative director in Oregon and a longtime member of our union, passed away Feb. 15, 2024, as a result of complications from heart surgery.

Russ was a member of Local 1574 (Portland, Ore.) and prior to that Local 283, also in Portland. He began his railroad career for Union Pacific in 1997 and worked as a conductor/trainman for the carrier until his retirement in March 2019.

He served for more than a decade as a local chairperson, was Local 283's legislative representative for more than 10 years and

served as the Oregon State Legislative Board's secretary for seven years before becoming SLD in 2012.

After retiring as SLD and from active service, Russ also served as an investigator for SMART-TD Designated Legal Counsel Rossi Vucinovich.

Brother Russ is survived by his wife, Marti Bowne, and her children, grandchildren and great-grandchildren.

The SMART Transportation Division offers its condolences to his family, friends and all who knew Brother Russ.

TD alumnus takes a liking to our new mascot

We received the following message from Alumni member **Steven Phares**, retired from Local 240 in Los Angeles, Calif.

Hello SMART-TD,

I'm a retired Southern Pacific (Union Pacific) conductor/brakeman that served over 41 years from June 1973 to September 2014.

I was a member of UTU Locals 1770 and 1813 switchmen, 1336 Pacific Electric conductors & brakemen and currently 240 conductors & brakemen as an alumni! Over the course of 41 years and beyond, I've watched and experienced the total downfall of the employee/management system and it just breaks my heart to see how my Brothers and Sisters in the operating department are being treated. I retired as soon as I turned 60 on account of the daily



Brother Steven Phares of Local 240 is shown here while serving as a volunteer guest conductor during a private railroad car event on the rear of Amtrak's Coast Starlight in 2017.

harassment from Union Pacific managers.

Testing, birdogging and managers hiding in the weeds was something I never experienced as a Southern Pacific conductor/brakeman.

My level of confidence, work ethics and a stress-free environment disappeared once Union Pacific took over the Southern Pacific.

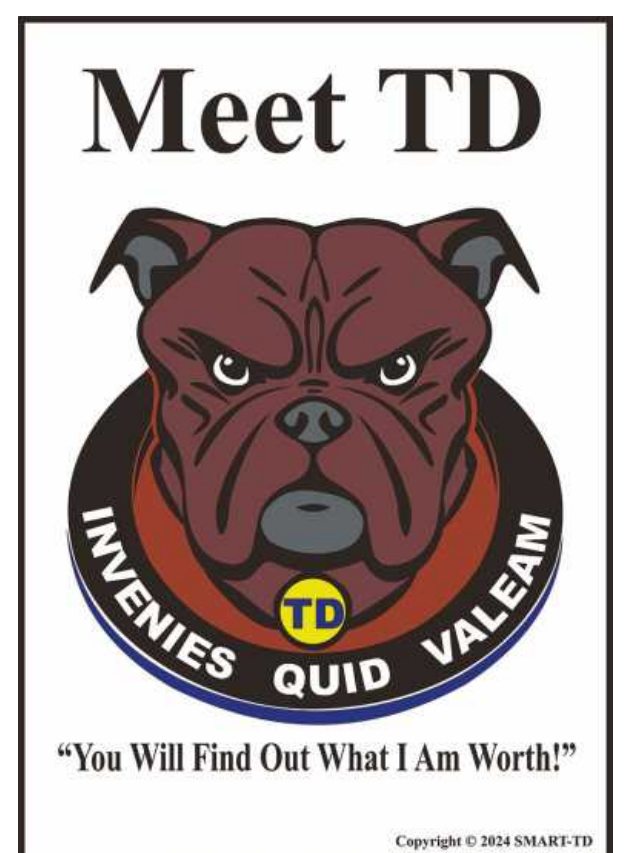
Thank God for the United Transportation Union and SMART-TD, I was able to make it to 60 years old and retire.

I received my copy of "SMART-TD News Winter 2023" in March. The article "MEET TD" got my blood boiling a tad reading how management is still treating the operating employees (rail & bus) with such disrespect. The graphic image of your new logo "TD" is awesome. So I just had to copy, draw and recreate "TD" in my drawing program so I could help spread the word of the "worth" of my fellow Brothers and Sisters in the operating departments.

Attached to this message is the graphic I did of "TD" and I hope it's OK for me to use to help spread the word.

Thank you!
Steven Phares

Local 240, Los Angeles - Alumni



Color version of TD courtesy Steven Phares

GROUND BROKEN FOR BRIGHTLINE WEST



The build site for the Las Vegas Brightline West passenger route is shown on April 22, the same day of a groundbreaking ceremony for the project.

A brighter future is seen out west for passenger rail

The 2024 calendar listed Monday, April 22, as Earth Day, but with the groundbreaking ceremony in Las Vegas, Nevada, for what will become 218 miles of new high-speed rail line, SMART Transportation Division and the rest of rail labor see it as Jobs Day!

Brightline West broke ground on a state-of-the-art high-speed rail line that will link Southern California with Las Vegas.

The line will run from the southern end of the famous strip in Las Vegas and run to Rancho Cucamonga, California, just outside of Los Angeles.

Brightline West is partnering with SMART-TD to staff their trains to run the line's fleet of electric locomotives.

Rail labor is getting an immediate shot in the arm from this project.

Thousands of jobs in multiple crafts will be created by the building and maintaining of these lines.

The United States has long been the only industrialized country without viable high-speed rail service and the completion of Brightline West would end that.

A large portion of the funding for this project came from the Biden administration through the bipartisan infrastructure legislation commonly referred to as the Infrastructure Investment and Jobs Act.

As a stipulation of receiving the federal dollars, it



Attendees, including Secretary of Transportation Pete Buttigieg, third from right in photo above, take part in the groundbreaking ceremony for the Brightline West project in Las Vegas.

was agreed that Brightline West would use an entirely union workforce to build the infrastructure and to staff the trains, putting other union brothers and sisters and our members, to work.

With trains planned to originate every 30 minutes in both directions, there will be a significant number of SMART-TD members put to work upon the completion of this project.

SMART-TD's National Legislative Director **Greg Hynes** and SMART Rail-

Mechanical Department Director **Peter Kennedy** were at the groundbreaking as was U.S. Department of Transportation Secretary Pete Buttigieg.

The trains will travel up to 200 miles per hour and will get people between Los Angeles and Las Vegas in about two hours — less than half the time it currently takes to drive between the two cities.

The project is scheduled to be ready for passenger service in 2028.

FROM THE BALLAST

When it comes to our support, we consider votes, not just quotes

Any of us who has had a conversation in a locomotive about politics knows that there is a 50% chance things could get really awkward in a way that'll take more than a couple of absolute signals to clear the air. When in a 10-square-foot metal box with another alpha personality for 12 hours and another 12 hours to look forward to the next day, it's good practice to avoid getting into the vortex of politics or religion.

Most of us have learned the hard way and have some colleagues we don't like seeing our name lined up with on the board because of it. Fact is, politics should have no place in railroading. What should matter in the locomotive (as well as when rail issues are discussed on Capitol Hill) are safety, common sense and getting the job done.

Your union agrees with you on this topic 100%. Our true north is keeping our members safe and properly compensated for the essential role they play in this nation's economy. To accomplish these two goals, we keep as close an eye on Congress and the state legislatures as you used to keep on the next signal before PTC.

Unlike some unions that simply choose a party and support those candidates blindly, SMART-TD is laser-focused on analyzing campaign promises and voting history when we choose to endorse a candidate in any race. The conclusion could be that the Democratic candidate for a given office is more in line with the values and goals of SMART-TD on rail, bus and transit issues. That's NOT always the case.

Just like you take a serious approach to your daily tasks, SMART-TD's national and state legislative teams do the same.

SMART-TD breaks down each race pragmatically and without predetermined outcomes. A study SMART-TD's political consultant presented in last year's SMART Leadership Conference showed that our Political Action Committee, (PAC) had a breakdown of 80% donations to Democrats and 20% to Republicans. As a frame of reference, a similar rail labor group's ratio was 96% Democratic support to only 4%

Republican.

No political party has a monopoly on common sense or a focus on doing the right thing by railroad workers, the nation's economy, or the safety of the communities our tracks run through.

As U.S. Sen. and co-author of the Railway Safety Act of 2023, J.D. Vance (R-Ohio) said in *The Hill*, (a D.C. newspaper) "These rail lines pass frequently through Republican areas, small towns with a lot of Republican voters. How can we look them in the eye and say, we're doing a good job by you? If we choose the railroads over their own interests, we can't."

Missouri U.S. Sen. Josh Hawley is a polarizing national figure. However, he was one of just a half-dozen Republicans in the Senate who voted to give seven days of paid sick leave to all railroad employees in 2022.

He is in support of the Sherrod Brown/Vance Railway Safety Act of 2023.

Hawley also has signed on as a cosponsor to the Railroad Employee Equity and Fairness (REEF) Act to stop the practice of targeted federal taxes on furloughed railroaders or those who can't work because of a medical disability.

Hawley has stood with SMART-TD members on these three things that hit close to home for all of us. When he signed on as a cosponsor to the REEF Act, SMART emailed the news to members in Missouri along with a prewritten thank you to send.

SMART-TD, unlike some other unions, is always open to supporting legislators whose prime motivation is people — looking out for your safety and that of the communities where you live and work.

Please keep this in mind when considering whether to donate to SMART-TD's PAC and when considering what union you should belong to in the first place.

Additionally, this is a good perspective to keep in mind when SMART-TD does endorse a candidate in a political race. There is no need for skepticism. We are unapologetically on the side of YOU and YOUR LOVED ONES who rely on you.

FROM THE DLC Information about legal matters for rail workers

How CPKC tried to strip seniority from an injured worker

Carisa G. Oden

Designated Legal Counsel,
Poolson | Oden in Louisiana

Recently, an injured employee from Canadian Pacific Kansas City Railroad (CPKC) received a charge letter threatening an investigation for failure to comply with Rule 5, Article 4 of his collective bargaining agreement. The carrier accused him of failing to update the railroad on his medical status. After calling the employee to an investigation, CPKC then decided to cancel the investigation days before, and instead put the employee on unapproved leave of absence and told him that he forfeited his seniority and was resigned from service effective immediately.

tive immediately.

Please read those words carefully again — the carrier, in this case CPKC, tried to strip that worker's livelihood, all the years worked and resign him from service over a clerical issue.

This employee of 11 years consistently kept KCS in the loop with his medical status, completing the required medical work status forms. However, after the merger, CPKC required a new work status form and would not accept the old one. Despite the claim being in litigation, and the railroad's counsel knowing that the employee was attending physical therapy after back surgery, the carrier still tried to strip the employee of seniority rights. If successful, the carrier



would effectively cripple the employee's livelihood and his FELA claim for injuries. The only saving grace for

this employee was a 10-day period given by CPKC to turn in the work status form.

This seems to be the new trend with carriers to retaliate against employees marked off due to a personal injury regardless of union or craft.

Here's how you can protect yourself: Do not ignore letters, emails, text messages, phone calls and/or voicemails from your carrier asking for a medical status update.

Any correspondence that you receive from your carrier, send it to your DLC immediately!

Do not assume that your lawyer is getting the same correspondence from the railroad. Even though as DLC we inform the railroad

that you are represented, the railroad still sends employment-related correspondence directly to the employee.

Make sure you bring a work status form from your carrier to your doctor's office to be completed. It will take 7-14 days for a doctor's office to complete the form, and that is a good turnaround time! Typically, it will take longer! Protect yourself and get the form to your doctor's office in enough time to complete it by the deadline provided by the carrier.

Communication is key! Make sure to keep your DLC in the loop so he or she can help you navigate these issues and protect your seniority and livelihood.

USE YOUR UNION'S RESOURCES



RAIL HOURS OF SERVICE REPORT



ON-PROPERTY SAFETY REPORT



RAIL TECH EVENT REPORT

JOIN OUR TEAM AS A LOCAL INSURANCE REPRESENTATIVE



Are you looking for a great way to positively impact union families by providing the service and support our families deserve? We're looking for an exceptional individual to join our team.

For over 155 years, UTUIA has dedicated itself to serving our members and their families by offering a range of insurance solutions tailored to their needs and fostering higher education through our college and trade scholarships. You'll play a crucial role in expanding our reach and ensuring that our union families receive the support and coverage they deserve.

- Serve your fellow Union members where they live and work.
- Help our union families by protecting their future with vital coverage.
- Have a positive impact on your family and your community.

Fraternalism is at the heart of everything we do. You'll have the opportunity to foster deeper connections within our membership, promoting the values of solidarity and mutual support. Your efforts will contribute to building a stronger, more cohesive community within our union families.

If you're ready to embark on a rewarding journey and positively impact the lives of others, we want to hear from you! Apply now and be part of something special and help us shape the financial future of our union families.

Contact UTUIA President Ken Laugel for more information

klaugel@utuia.org

www.smart-union.org

www.utuia.org

Around the SMART-TD

Safety alert warns of potential chain binding

The following alert was issued by National Safety Team Member and Dakotas State Legislative Director **Jim Chase**. Special thanks are due to **Thomas Starr** out of Local 1000 (Minneapolis, Minn.) for his vigilance.

MORE THAN 1,300 SPINE CARS ARE IDENTIFIED TO HAVE POTENTIAL CHAIN SNAGGING HAZARD WHEN APPLYING HANDBRAKE

A number of spine cars have been identified as having the potential to experience handbrake chain interference at the bolster web when applying the hand brake.

As a result, it may appear the hand brake is fully applied but actually is not. When handling these types of cars, it is imperative that when applying the hand brake, the chain is inspected within the bolster web area as to ensure the hand brake is fully applied and the brake rigging does not bind or foul.



Cars currently identified with potential concerns include TTRX 370000 – 371148 (1,129 cars) BNSF 300500 – 300699 (193 cars)

L-1605, LOS ANGELES, CALIF.



The SMART Transportation Division's newest local, established for rail members working for the Los Angeles County Metropolitan Transportation Authority, held its first meeting and chose officers over the spring.



L-1202, FT. WAYNE, IND.



From left, Pete Ulery (Local 206), Indiana Assistant State Legislative Director Andy McKeeman and fellow Local 1202 member Tyrice Mitchell attend the Excellence in Labor awards dinner.

As part of the Northeast Indiana AFL-CIO's Excellence in Labor awards dinner in February, Assistant Indiana State Legislative Director **Andy McKeeman** was presented the Next Generation Award for his activism in the local and state labor movement.

In addition to his state position, Brother McKeeman serves as a local chairperson, legislative representative and also is the delegate for his local.

"This award was very much deserved and reflects very positively on our organization," Indiana State Legislative Director **Kenny "K.O." Edwards** said.

VARIOUS LOCALS IN CALIFORNIA



Local officers on the West Coast convened at the DoubleTree by Hilton in Rosemead, Calif., for a four-day training for local secretaries, treasurers and presidents.

L-583, FOND DU LAC, WIS.



Over the winter, Canadian National installed memorial signs at a control point memorializing late conductor John Thornton, a nearly 20-year member of our union who was killed Aug. 31 of last year in a crew van accident.

Board room dedicated for VP Whitaker

In early April, the board room in the SMART-TD office in Independence, Ohio, was dedicated in the name of late Vice President **John D. "J.D." Whitaker III**, who passed away last year from cancer.

TD officers and staff welcomed members of Whitaker's family to be present at the formal dedication April 2.

"John was obviously a great friend to many of us in this room and became very close to all of us when he was elected as vice president," SMART-TD President **Jeremy Ferguson** said. "We voted last October as a board unanimously that, in John's memory, we dedicate this board room to him and to remind us all that he is here with us — he fights on. And he will always be here."

In addition to a portrait mounted on the wall of the board room, a sign designates it as "The John 'J.D.' Whitaker Memorial Board Room."



At left, General Chairperson Joe Bennett (GCA-851), late Vice President John D. Whitaker III's sons and SMART-TD President Jeremy Ferguson, right, formally dedicate the board room in the SMART-TD headquarters in Whitaker's name April 2.

"We know it is a sign. We know it is a picture," President Ferguson said to the members of VP Whitaker's family in attendance. "It is a token here to all of us as one big family that we will love and

remember John for many, many, many years to come."

Whitaker passed away July 27, 2023, from cancer at 50 years old. He had been a vice president since April 2019.

L-1596, CHARLOTTE, N.C.

A mobilization effort by the local helped preserve jobs and prevent management from whittling personnel levels down in technically oriented fields at the Charlotte Area Transit System (CATS).

Transit Management of Charlotte (TMOC) issued a formal notice early in the year that they would eliminate the jobs of eight electronic specialist technicians, two center tech positions and a brake specialist position.

Electronics specialist technicians repair fareboxes, destination signs and automatic vehicle location (AVL) systems on the CATS bus fleet and service ticket vend-

ing machines on the city's Lynx light rail line.

The center tech positions fill a similar role — making quick repairs to fareboxes and destination signs and to buses as they pull into the Charlotte Transportation Center. Brake specialists cut brake drums to fit and rebuild brake shoes for the transit's bus fleet.

All those jobs had been performed by unionized labor for a decade or more, but the city sought to internalize the Electronics Department and hire replacement workers. They also wanted to worsen members' working conditions by

making them work as mechanics. The brake specialist position would disappear thanks to outsourcing.

"Our local immediately acted and began the process by filing grievances and filing charges through the NLRB to stop the company from making said changes. We also notified TD Vice President **Alvy Hughes** who immediately put us in contact with the SMART-TD Legal Department," said General Chairperson **Michael Jenkins** (GCA-879).

Thanks to the union's attorneys and the force exerted by the local,

TMOC had to abandon its plans to eliminate the positions in a matter of about three weeks from when union leaders learned of the plan.

"The members would like to thank **Erika Diehl-Gibbons, Kevin Brodar,** and TD Vice President **Alvy Hughes,**" Jenkins said. "We are grateful for their advice and expertise they have shown in this matter and we appreciate their assistance in this fight."

"We will continue to fight for our rights! We will continue to fight for our voices to be heard! We will continue to fight for our great union and the workers' rights!"

L-1557, MEMPHIS, TENN.

Jonathan Hickerson wears many hats in our organization, including assistant state legislative director in Tennessee, legislative representative and delegate for his local and local chairperson for LCA-433B.

You can add a Santa hat and a bike helmet while you're at it.

He and a number of fellow Canadian National conductors and other T&E employees for the carrier united to provide 134 bicycles to Binghamton Development Corp. in Memphis.

The program, which helps disadvantaged youth, spreads well beyond the confines of Memphis with workers in Baton Rouge and New Orleans, La.; Jackson, Miss.; Fulton, Mich.; and Champaign, Ill. All spread the word, well exceeding



Participants in the Local 1557 holiday bike drive pose with some of the bicycles they were able to collect for children in time for the holidays.

the goal Hickerson had set of 100 bikes.

Other contributors included **Wil-**

liam Winfrey of Local 753 (Memphis) and **James Bernard** also of 1557.



DIPP assessments reduce this summer

SMART Transportation Division and the trustees of the Discipline Income Protection Program (DIPP) are pleased to announce a reduction in monthly assessments for participants.

Effective July 1, 2024, the monthly assessment for participants has been reduced from 50 to 32 cents per \$1 of daily benefit coverage. This reduction and a 90% + approval on all new claims make DIPP the premier option in the industry.

DIPP protects a member suspended, dismissed or removed from service by the carrier for alleged violations of rules or operating procedures.

In the past year, DIPP trustees have eliminated the graduated benefit day structure and reduced the waiting period for benefit increases. Additionally, the program has paid participants over \$4 million in benefits in members' time of need.

Another improvement in the program is it's more convenient to enroll. New participants can enroll online either on their own or with the assistance of their local Regional Insurance Manager or DIPP representative.

DIPP is all about members helping other members. The program looks for reasons to support its participants facing the loss of income due to a carrier's heavy-handed attempts to punish them.

In 2023, DIPP paid out in excess of \$4 million to participants with a 91% claim approval rate.



Plan	\$100 Daily Benefit	\$150 Daily Benefit
SMART DIPP	\$32.00/mo.	\$48.00/mo.
BRCF	\$32.50/mo.	\$48.75/mo.
LECMPA (No. 16)	\$44.63/mo.	\$65.63/mo.
Plan	\$200 Daily Benefit	\$250 Daily Benefit
SMART DIPP	\$64.00/mo.	\$80/mo.
BRCF	\$65.00/mo.	\$81.25/mo.
LECMPA (No. 16)	\$87.94/mo.	\$110.25/mo.

Featured photo showcase



From left, Mark Hoch (Local 1393); Andrew Allsop (Local 194); Josh O'Brien (Local 194); Kurt Schwamberger (Local 1528); Ohio State Legislative Director Clyde Whitaker (Local 145); Samantha MacKenzie (Local 281); Hughey Anthony Ray (Local 1422); and Adam "Batman" West (Local 744) all take part in the Rail Workers Hazardous Materials Training Program in Houston. The group learned detailed ins-and-outs of hazardous materials from grouping, to ERG knowledge, NIOSH, OSHA and FRA regulations.

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.

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.

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

— Presidential Emergency Board 250, page 32 of 119

Class I rail carriers file their first-quarter earning reports

Net earnings: Declined 7% to \$1.7 billion from \$1.84 billion.

Revenue: Declined 6% to \$5.66 billion from \$6.02 billion.

Operating income: Declined 7% to \$1.72 billion from \$1.86 billion.

Operating ratio: Worsened by 1.1 points to 69.5%.

...

Net earnings: Declined 1% to \$4.249 billion from \$4.313 billion (Canadian).

Revenue: Declined 1% to \$4.14 billion from \$4.22 billion (Canadian).

Operating income: Declined 7% to \$1.55 billion from \$1.66 billion (Canadian).

Operating ratio: Worsened 2.1 points to 63.6%.

...

Net earnings: Declined 3% to \$775 million from \$800 million (Canadian).

Revenue: Increased 55% to \$3.5 billion from

\$2.27 billion (Canadian).

Operating income: Increased 39% to \$1.15 billion from \$829 million (Canadian).

Operating ratio: Worsened 4 points to 67.4%.

...

Net earnings: Declined 9.5% to \$893 million from \$987 million.

Revenue: Declined 1% to \$3.68 billion from \$3.71 billion.

Operating income: Declined 8% to \$1.35 billion from \$1.46 billion.

Operating margin: Decreased from 39.5% to 36.8%.

...

Net earnings: Declined 89% to \$53 million from \$466 million.

Revenue: Declined 4% to \$3 billion from \$3.13 billion.

Operating income:

Declined 70% to \$213 million from \$711 million.

Operating ratio: Worsened 15.6 points to 92.9%.

...

Net earnings: Stable at \$1.6 billion.

Revenue: Declined 10% to \$5.94 billion from \$6.57 billion.

Operating income: Increased 3% to \$2.37 billion from \$2.29 billion.

Operating ratio: Improved 1.4 points to 60.7%.

—
Notes:

Operating ratio is a railroad's operating expenses expressed as a percentage of operating revenue, and is considered by economists to be the basic measure of carrier profitability. The lower the operating ratio, the more efficient the railroad.

CSX has decided to stop reporting operating ratio and instead reports operating margin.

All comparisons are made to 2023's first quarter financial results for each railroad.

