



LACMTA creates security force

The media publicity and outrage surrounding violent events aboard Los Angeles County Metro Transportation Authority and the outspokenness of our union members and leadership finally helped to turn the tide with the people who could make the workplace safer.

On June 27, LACMTA's board voted unanimously to create an "in-house" police agency called the Transit Community Safety Department to serve and protect SMART-TD members and people who use LACMTA.

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SMART-TD officers attend the board meeting June 27 when the LACMTA board approved the creation of a Transit Community Safety Department. From left are: Local 1563 Chairperson Jaime Delgado; Local Chairperson 1607/GCA-875 Secretary Julio Mejia; GCA-875 General Chairperson John M. Ellis; Vice General Chairperson and Local 1565 Chairperson Quintin Wormley; Local 1564 Chairperson Andy Carter and Local 1605 Chairperson Juan Gonzalez, who represents rail members. (Not pictured is Edgar Menendez, Local 1608 chairperson.)



Our presence is felt in D.C.

Both bus/transit and rail representatives visited Capitol Hill to get politicians to understand our issues, see [Page 3](#).

- **HISTORICAL FIRST:** Minnesota becomes first state to legislate hours of service for yardmasters, [Page 3](#).
- **WHAT YOUR UNION IS DOING:** Roundup of our case victories, [Page 5](#).
- **UNDER ATTACK:** Labor member warns that some in Congress are seeking to squeeze RRB's finances, [Page 10](#).



Transportation Division President Jeremy Ferguson addresses the audience at the National Training Seminar on July 9.

Gathering at NTS

Educational sessions gives 700 officers tools to serve membership, advocate for our issues

CLEVELAND — The SMART Transportation Division's National Training Seminar (NTS) at the Cleveland Hilton Downtown ran through the second week in July.

"Whether it be through educational offerings or superior representation for the people the union serves and contracts, SMART-TD will stay ahead of the game," TD President Jeremy Ferguson said.

The 2024 NTS follows a series of Regional Training Seminars, each designed to provide key training for union officers working in the legislative, chairperson and local levels.

At the Cleveland session, more than 700 officers chose specific courses tailored to their roles, many for the first time.

"The training is going to be intense," President Ferguson said in

his opening statement. "No matter what training you are going through, no matter what craft you are representing, you are going to leave here confident in what you are tasked to do in your position, and you are going to be able to go back and represent your members at the highest quality level."

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Officers gather at National Training Seminar in Cleveland to build skills to serve our membership

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“Don’t be overwhelmed if you think it’s too much,” he assured newer attendees, reminding them that many union resources are all available when needed. “Everybody is going to be here to support you in the learning process.”

Remembering fallen members

President Ferguson led attendees in observing a moment of silence for the recent loss of two active members.

Local Vice President **Colin Nichols** of Local 486 (Glendive, Mont.) died July 1 as the result of an accident at his home at age 44.

Member **Justin Pender** of Local 577 (Northlake, Ill.), died July 6 at the Proviso Yard near Chicago in an accident. Brother Pender, 27, a Union Pacific conductor, is the first on-duty loss for our organization in 2024. The accident is being investigated by the National Transportation Safety Board.

A drive to provide the best possible representation

The past five years have been a time of substantial transformation for SMART-TD and for rail labor, Ferguson noted.

“Over the past five years, it’s not what I did as president. It’s not what we did as an administration. It’s what



Members of the SMART-TD Bus and Transit Assault Prevention and Safety (BTAPS) Committee deliver their presentation at the National Training Seminar in Cleveland in July.

we all did as a union,” he said. “Whatever the case may be, we did it better than everybody else, and we did it to win.”

SMART-TD’s ability to get results for their members has not gone unnoticed. Recent friction with the new leadership of another labor organization has emerged, as properties ready for a strong representation switch to SMART-TD.

Officers from a pair of the new properties that are new to the SMART-TD — the Louisville & Indiana and Montana Rail Link were also recognized. Local Chairperson **Zach Cochran** and Local 426 members **Ryan Burns, Joshua Olson** and **Bryan Trimbo** were all attending their first SMART-TD training session.

“We have a duty and an



TD President Jeremy Ferguson, South Carolina State Legislative Director Will Ferguson (Local 970) and Vice President Brent Leonard pose for a photo after Will Ferguson donated his 50/50 raffle winnings to the SMART-TD Disaster Relief Fund.

obligation to do what’s right for you all, for our members and for this union,” Ferguson said. “We are not desperate for members. We are rebounding. Who’s desperate are the members who are looking for good representation. That’s what the national officers, the general committees, the state

boards and you as local officers have been putting out. That’s why members are coming over in droves.”

The effort has led to the creation of engineer-focused “E-committees” in many locals, which provide focus and attention for the rail engineers who prefer to stay with SMART-TD.

Legislation to protect 2PC develops

National Legislative Director **Greg Hynes** then updated those in attendance of the Railway Safety Act’s progress in Congress.

U.S. Rep. Troy Nehls (R-Texas), chair of the House Railroads, Pipelines and Hazardous Materials Subcommittee, introduced a bill that maintains the two-person crew provision. This mirrors the Railway Safety Act of 2023 that has already passed committee in the U.S. Senate. SMART-TD’s legislative department will continue to monitor and support this legislation.

Additional speakers during the event included Transportation Trades Department, AFL-CIO President **Greg Regan**, the STB’s **Robert Primus** and **Karen Hedlund**, Railroad Retirement Board Labor Member **John Bragg** and Federal Railroad Administrator **Amit Bose**.

Ohio State Legislative Director **Clyde Whitaker** began the seminar by taking special note of the long history that the union and railroad industry have in the city, noting that many of SMART-TD’s predecessor unions had headquarters in Cleveland and the surrounding area, a tradition that continues today.

LACMTA moves to create dedicated police force for transportation, install retrofitted barricades

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“It’s a victorious day,” General Chairperson **John Ellis** of GCA-875 said in a letter to members announcing the board’s actions. “Too often incidents aboard Metro vehicles have compromised your lives and dissuaded residents from riding the bus and rail services. Maintaining the status quo was NOT an option.”

Our biggest bus/transit property

GCA-875 represents workers for both LACMTA bus and train services and stands as SMART-TD’s largest bus/transit property.

Saying that the thousands of people in those five locals represented by GC Ellis and his team have been through things that people should not have to go through while on the job would be an understatement.

This year, a LACMTA bus operator has been held at gunpoint by a hijacker, with the incident ending with a crash.

Members have been stabbed

while in service. Passengers have been killed aboard LACMTA buses and trains and on agency property. Riders and workers couldn’t deny that getting from here to there could be an apprehensive experience.

Enough was enough.

Union effort brings true security back for our members

Meetings by union leaders with L.A. County Superintendent Janice Hahn and Los Angeles Mayor Karen Bass spelled out precisely what the union’s stance was. A dedicated department focused on security was needed to ensure safety for everyone aboard.

The agency serves 900,000 passengers daily and is the third-largest transit agency in the U.S.

Change will take time and collaboration between union and LACMTA

To that end, rather than LACMTA depending on support from the LAPD and county Sheriff’s Depart-

ment, the Transit Community Safety Department would fully control safety priorities and better commit resources to where our members and agency leadership say they are needed the most. More than 400 sworn-in transit safety officers would be in the department and collaborate with LACMTA’s transit ambassadors, as well as with specialists in crisis intervention and homeless outreach.

Earlier in the year, LACMTA’s board activated emergency procurement procedures to expedite the installation of protective barriers for bus operators. The intended date for the agency to follow through on installation is by the end of the year.

“I anxiously await the retrofit buses to start making headway for the safety of our transportation heroes — it can’t happen fast enough,” Ellis said.

An example other agencies and unions can follow

Transportation Division President **Jeremy R. Ferguson** congratulated

GCA-875 on their success. But the need to improve safety in Los Angeles or at the other bus and transit properties the union represents isn’t going to disappear.

“LACMTA is a huge property with a lot going on and a lot to track — there are only two others in the country that are bigger operations,” he said. “The headlines that we’ve seen coming out of Los Angeles have been hard to stomach, and sadly the violent incidents that have happened there aren’t exclusive to there. They happen all around the country on multiple properties we represent. It’s why we’ve had to create an internal Bus and Transit Assault Prevention and Safety committee.”

“John Ellis and his team have shown that our union gets things done for our bus and transit members. We all know that it’s not going to get better for our people unless we as a union lead the way and make it better. I congratulate GCA-875 on this accomplishment and being an example of great leadership.”

Minnesota first to legislate yardmaster hours

We scored another win as Minnesota Gov. Tim Walz signed four bills into law on the final day of the 2024 legislative session.

Minnesota State Legislative Director (SLD) **Nick Katich** and the State Legislative Board worked tirelessly to provide a 12-hour cap on yardmaster shifts, new insurance requirements, a complaint procedure for crew van services, and a state-run review of wayside detector operations.

“The 2023-24 Minnesota legislative biennium has been quite the ride. We passed 2PC last year and now are bringing more wins to the

members,” SLD Katich said.

This groundbreaking law defines new hours-of-service rules (HOS) that limit a yardmaster’s shift to 12 hours. Similar rules already protect conductors and engineers.

SMART-TD is pursuing this goal in multiple states, with an eye toward a national policy.

This win protects railroaders throughout Minnesota as the yardmaster is at the center of everything that happens in a railyard.

Due to investor-led business practices, yardmasters have been forced to cover multiple yards remotely, and work up to 16-hour

shifts. This law will allow the overworked yardmasters to gain much needed rest which can potentially save lives.

SLD Katich and the SLB assisted in getting a crew van law passed that doubles the required amount of uninsured/underinsured coverage to \$2 million.

It also creates a complaint process that is sent directly to the Minnesota Department of Transportation Rail Safety Office for crews regarding cabs hired by the railroad.

MNDOT will investigate the complaints and enforce any penalties.

This law will give our crews more control over their safety while transported by cab companies.

A third victory mandates MNDOT to study the technologies and inspection practices of railroad wayside detectors. The study will support future legislation intended to protect all Minnesota residents from derailments and other unsafe railroad operations.

Finally, Minnesota passed legislation that helps railroad police officers uphold the law and investigate accidents without the influence of railroad managers.

BUS/TRANSIT & RAILROAD DAYS ON THE HILL



ABOVE: Thirty-eight SMART-TD representatives from 20 states led the way during Railroad Safety Day on the Hill. In total, SMART held 130 meetings to highlight rail worker issues and pending legislation. AT RIGHT: In July, representatives from the Bus Department, Bus and Transit Assault Prevention and Safety Committee and D.C. Legislative Department met with the offices of 13 members of the House of Representatives, two U.S. senators, and the staff director of the House Subcommittee on Highways and Transit.



House committee holds hearing on rail safety bill

The United States Congress is not known for its ability to agree on anything. Anything, that is, except for the fact that large railroad companies are 100% incapable of self-regulation.

Giving labor’s perspective

SMART-TD’s National Legislative Director **Greg Hynes** represented all rail operating crafts before the House Transportation and Infrastructure committee July 23.

He joined NTSB Chair Jennifer Homendy, FRA Administrator Amit Bose, Deputy Administrator of PHMSA Tristan Brown, and David Arouca, national legislative director of the Trans-

portation Communications Union (TCU) in testifying. The topic: Answer questions related to the current state of rail safety.

Can railroads be trusted?

Republican and Democratic congressional representatives, along with three members of the Biden/Harris administration, all put the Class I railroads on notice with a collective “NO!”

When Brother Hynes was asked the direct question of whether big railroads can be trusted to self-regulate, he answered definitively: “Absolutely not, and I have a 150-year record to prove it!”

At one point in his line of questioning, Rep. Derrick

Van Orden (R-Wisconsin) asked for everyone on the panel who works for the railroads to stand up and be recognized.

He paused and followed it up with, “Let the record reflect that no one stood up, because they didn’t bother to show up, even though they were invited to this hearing! BNSF, Union Pacific, and Canadian National were all invited to this hearing, and they are not here, and that is shameful. That is NOT OK.”

Time for action is coming

The hearing was not a close call — railroaders won big. The carriers not only lost, but they looked bad



National Legislative Director Greg Hynes faces the House Transportation and Infrastructure Committee on Capitol Hill on July 23.

doing it!

Everyone in the room knew what needed to be done: Pass the Railroad Safety Enhancement Act of 2024 and make the carriers accountable for improving rail safety.

We will continue to follow this story and stay alert as Congress throttles up its attention on these sister rail safety bills — the Railroad Safety Enhancement Act of 2024 and the Senate’s Railroad Safety Act of 2023.

SMART GENERAL PRESIDENT'S COLUMN

Visit to NTS was educational, inspirational

Brothers & sisters:

I had the privilege of attending the Transportation Division's National Training Seminar in my hometown of Cleveland, Ohio, in July.

Events like the NTS, as well as the Regional Training Seminars that have taken place regularly in recent years, are vital to the future of our union.

They help ensure that SMART-TD officers, from general chairpersons to local chairs and secretary & treasurers, are equipped with the tools and knowledge needed to best represent you, the essential workers who keep freight and passengers moving across our nation.

And for me, the NTS confirmed what I already know: Your union is ready to fight to the bitter end for the membership.

Throughout the training, I heard about the huge variety of challenges SMART-TD members face across crafts and positions. And while those challenges differ in size, scope and details, it demonstrates an important



By Michael Coleman

fact.

We are in a fight, every single day. The attacks are relentless.

It was only two years ago that the freight rail carriers said, on the record, that "labor does not contribute to profits."

Management is unacceptably slow to react to threats on operator safety, and they rarely take the expertise of our local unions into account when searching for solutions to violence on public transit.

Billionaire shareholders constantly seek to undermine working conditions and safe staffing in their pursuit of "efficiency" and profit in the transportation industry, no matter the craft or sector.

I said this at the NTS, and I'll say it again: I don't know why these companies and their ultra-rich benefactors choose to attack the workers whose labor generates their profits. I don't know why they constantly antagonize SMART.

Is it because we fight for safety and dignity in the workplace?

Is it that we advocate for members to get the compensation that you and your families deserve?

Is it because we think railroaders, bus operators, yardmasters and workers in every other transportation craft should be able to retire with dignity?

I've yet to hear a satisfying answer. Brothers and sisters, there is no one I'd rather fight alongside than with the hundreds of SMART-TD officers and elected representatives who traveled to Cleveland to give you the best union representation possible.

SMART-TD leadership's determined focus on training helps fortify every level of our union, empowering locals

across our nation and leaving no member isolated or unmoored. That sets the foundation for you, the members, to get involved: attending union meetings, making your voices heard in contract negotiations, filing grievances and holding management accountable. The end result? A strong, fighting union, with members and leaders aligned as we secure the safety, protections and dignity that is our right.

I'm so proud to stand alongside you under the banner of SMART: the International Association of Sheet Metal, Air, Rail and Transportation Workers. Because that's who we are: We are one union, bonded across industry and craft by our unbreakable solidarity.

I look forward to standing and fighting along with you.

Michael Coleman
General President, SMART

Bus Department News

A message from your Bus Department leadership

Union family,

These past few months have been busy, but we've made significant progress. We've successfully fought to reinstate many members' jobs, ratified historic contracts and advocated with decision-makers in our nation's capital to enhance workplace safety. Additionally, we've worked with the Federal Transit Administration to successfully push for innovative policies that incentivize transit agencies to make our workplaces safer.

I want to address the pressing challenges in our bus industry: automation, micro-transit, and assaults.

Firstly, fully autonomous buses pose a significant threat to our jobs and public safety. These buses are being piloted across the country, often at the expense of our employment and road safety. In California, we pushed for legislation mandating a qualified bus operator for vehicles over 10,001 pounds, regardless of automation. Despite a veto last year, an identical bill is now back on the table, and we are working tirelessly to see it passed. I urge you to engage with your local, state, and federal rep-



By James Sandoval

resentatives, emphasizing the dangers of automation and the importance of our jobs.

Micro-transit threatens the foundation of mass transportation. Transit agencies are replacing "underperforming" routes with services similar to Uber or Lyft, paying drivers less and saving money at our expense. We must ensure micro-transit does not eliminate our routes. It's crucial that we advocate for protecting our jobs and the integrity of mass transit systems.

Assaults on bus operators have reached unprecedented levels. We are fully committed to making our working environment safer. We recently went to Capitol Hill to share our stories and emphasize the crisis. We've also collaborated with the Fed-

eral Transit Administration on a new directive that financially incentivizes transit agencies to enhance safety measures. This directive, known as the Public Transit Agency Safety Plan (PTASP), mandates certain agencies to form committees with labor representatives to set and achieve safety targets. Failure to meet these targets results in a loss of FTA funding. Our colleagues at LACMTA set a remarkable example by securing agreements to retrofit every bus with full enclosures and hire dedicated security officers.

Engagement and active participation are essential during these challenging times. We cannot afford to be passive. The day we take our foot off the gas pedal is the day when the other side gets their way. Each of us must contribute to addressing the issues affecting our Bus Department. Knowledge is power, so if you haven't already explored SMART University, please do so to equip yourself with



the knowledge and resources you need to be successful at the local level. Follow this QR code to educate yourself (Member Portal login required).

I also offer remote chairperson training if you or your team have trouble attending our in-person training seminars. Let me





know if you ever want to schedule a training session.

Automation, micro-transit, and assaults are formidable challenges, but together we can address them. Our unity and solidarity are our greatest strengths.

By standing together, we can protect our jobs, ensure our safety and maintain the quality of life we deserve. I am just one phone call away if you ever need any assistance.

In solidarity,
James Sandoval

Vice President,
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TRANSPORTATION DIVISION PRESIDENT'S COLUMN

Our momentum is building where it matters

As the president of the strongest labor union in the transportation industry, I can honestly tell you that unique and important issues come to my attention daily.



By **Jeremy Ferguson**

No issues are as pressing to the well-being of this union and its membership as safety, the strength of our contracts/agreements, the education of our local officers to serve you, and the overall health of this union as an organization.

Without a doubt, SMART-TD is at an important crossroads with all these core issues.

I have made no secret about my and this organization's level of concern regarding the epidemic of violence against our bus and transit members. This disturbing, and frankly disgusting, trend has churned up from coast to coast. There is much to be done, but in 2024, SMART-TD and our Bus and Transit Assault Prevention Safety (BTAPS) committee have made significant strides to protect our men and women.

General Chairperson **John Ellis** and his GCA-875 team

have led a charge in Los Angeles with two significant improvements on this front for thousands of members. First, they achieved an agreement with the Los Angeles County Metropolitan Transit Authority (LACMTA) to install full-coverage partitions to keep our members shielded from passengers on their bus. GCA-875 also accomplished a major victory when they successfully advocated for LACMTA's board to create its own in-house security force focused on system safety. These two improvements will keep worker and rider alike significantly safer in years to come!

Building on this momentum, SMART-TD's National Legislative Department has done an outstanding job of leveraging the union's talent from across the country and harnessing it to further con-

versations on our issues in Washington, D.C. The department hosted two events that have been tremendously successful. The first, in May, was Railroad Day on the Hill, and the second was this union's first-ever Bus/Transit Day on the Hill in June.

Both brought local leaders from across the country to Capitol Hill to discuss the important legislative concerns held by SMART. The firsthand experiences our brothers and sisters shared with these officials and their staff were invaluable to our cause! Minds definitely changed in our direction as a result of the work we did. I want to thank all of the state legislative directors, general chairs, local officers and our BTAPS committee prioritizing these events and showing up with preparation and passion. Your efforts were more effective than you could know, and I appreciate each and every one of you!

As this union looks to the future, we are quickly approaching 2025 and the beginning of the next round of national negotiations for

Both Railroad Day on the Hill and Bus/Transit Day on the Hill brought local leaders from across the country to Capitol Hill to discuss the important legislative concerns held by SMART.

our Class I freight rail members. I would like to remind all our members that our union is dedicated to a bottom-up organizational model.

Our negotiating team and I, as president, aren't able to advocate for quality-of-life improvements that we are not made aware of.

It is my hope that each affected freight rail local throughout our union distributed my personal request to all members to propose what they would want to see prioritized in our Section 6 notices. We are as strong as our collective members, and silence does no one any favors.

In addition to our need to keep our members out of harm's way and push for the best contracts we can get, we also focus on educating our officers at all levels.

These efforts, through Regional and National Train-

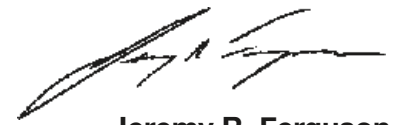
ing Seminars, keep our local chairs/presidents/legislative reps and secretary & treasurers up to date and ready to defend.

I would be remiss if I didn't take this opportunity to thank every officer and member who came to Cleveland in early July for our NTS. Your input was pivotal for your brothers and sisters, and the enthusiasm at this training was contagious!

No matter what you have on your plate this summer, please be sure to concentrate on your safety and that of your coworkers.

We are our brothers' and sisters' keepers. In the transportation industry, that could not be more true.

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. 31658** (Radek, 2024), Rapid City, Pierre, & Eastern Railroad, a subsidiary of Genesee & Wyoming, terminated a conductor for allegedly failing to restore a mainline crossover switch for mainline movement. After the carrier convened and concluded the formal investigation, it discovered that the recording device it used to record the investigation malfunctioned. Although

the carrier already concluded the investigation, it reconvened the formal investigation over the vehement objection of the organization. The initial investigation was held and completed on May 12, 2022. In a letter dated June 17, 2022, the carrier notified the claimant that he was found guilty of the charges brought against him and assessed termination from service. Pursuant to the collective bargaining agreement, the contractually fixed timeframe for notifying a charged employee of the results of a formal investigation is within thirty (30) days from the completion of the investigation. In this case, the carrier failed to notify the claimant of the results of the formal investigation within thirty (30) days from the completion of the formal investigation held on May 12, 2022. Based on this contractual impropriety, the

board sustained the claim in full. Accordingly, the claimant was reinstated to service with full back pay. GO 13 General Chairperson **William "B.J." Shillingstad** and GO 13 Vice General Chairperson **Mike Decker** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 31668** (Vaile, 2024), Union Pacific terminated a conductor for purportedly violating its attendance policy. Union Pacific's attendance policy is a points-based system that assesses points to employees for non-compensated layoffs. If an employee is assessed twenty-eight (28) points or more, they are deemed to have violated the policy. After reviewing the record of the instant case, the board concluded that the carrier failed to introduce substantial evidence into the

record of the formal investigation to support its conclusion that the claimant should have been assessed twenty-eight (28) points during the review period. Moreover, the board maintained that the carrier abused its discretion by relying upon absences that were medically excused. Based on these findings, the board sustained the claim in full. For that reason, the claimant was reinstated to service with compensation for all his lost earnings. GO 887 General Chairperson **Todd Campbell** and GO 887 Vice General Chairperson **Kurt C. Berg** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 31748** (Shea, 2024), Grand Elk Railroad, a subsidiary of Watco, terminated a locomotive engineer for allegedly violating its

rules with respect to reporting for duty and attendance. Based on a review of the evidentiary record of the instant case, the board concluded that the quantum of discipline that the carrier assessed to the claimant was not in conformity with its discipline policy. In juxtaposing the claimant's prior work history with the carrier's discipline policy, the board concluded that the claimant should have been assessed a written warning – not termination from service. Based on its findings and conclusions, the board ruled to convert the claimant's termination to a written warning. Accordingly, the claimant was reinstated to service, compensated for all his lost earnings and assessed a written warning. GO 49 General Chairperson **Rick Lee** and GO 49 Vice General Chairperson **Kevin**

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State Watch

News from SMART-TD State Legislative Boards

Arkansas SLD's efforts help preserve gun rights

In 2020, conductor **Randy Franklin**, a member of SMART-TD Local 656 in North Little Rock, Arkansas, took his call to work from Union Pacific like he had been doing for the prior 20 years.

Brother Franklin was hauling freight on a train between Arkansas and Texas when, due to faulty wiring, his truck caught fire and needed the local fire department's help.

Brother Franklin's troubles were just beginning.

While fighting the fire in the Union Pacific parking lot, emergency responders and UP management discovered Brother Franklin's handgun secured within the vehicle.

His pistol was properly registered

with the state and safely stored in his locked truck.

UP promptly deadheaded Franklin back to Little Rock, fired him, and had him escorted off their property.

Despite what the Arkansas Supreme Court would later describe as Randy's "Perfect work history" and the locked truck, the carrier insisted they could fire Brother Franklin for bringing firearms onto their property.

Carrier denies firearm rights

Franklin decided to challenge the carrier's decision and reached out to his union officers.

Local 656 Chairperson **Mike Pawelko** and SMART-TD Arkansas State Legislative Director **Gerald**

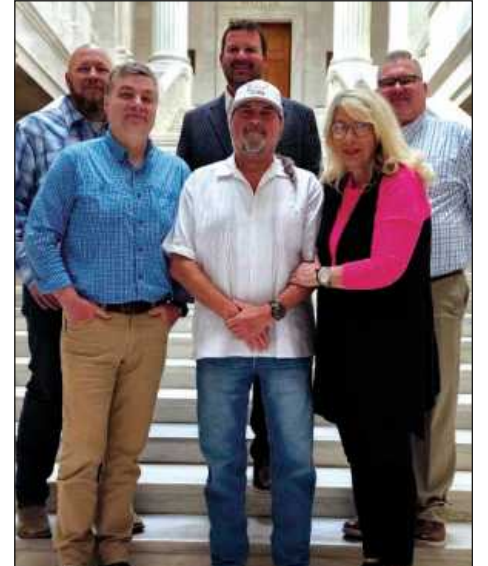
Sale recognized that this case had wide implications. Not just the state's ability to protect Franklin's rights legislatively as an employee, but also his Second Amendment rights protected by the U.S. Constitution were at stake.

"Mike is one of our most seasoned LCs and was a great partner on this case," Sale said. "We built a foundation in the initial investigation to support arbitration and legislation."

After Sale helped to frame a potential legislative solution in the initial investigation, General Chairperson **Joe Cornelius** and Pawelko took the issue to arbitration.

Not unexpectedly, Franklin had a

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Front row, from left, Arkansas SLD Gerald Sale, Randy Franklin (Local 656) and his wife, Linda Franklin. Back row, from left, Fred Fouche, Rep. Justin Gonzales and General Chairperson Joe Cornelius.

Kansas SLD hosts legislators on spring train ride

On a beautiful Kansas spring day, legislators, their families, and community members gathered for a special train ride hosted by SMART Transportation Division and the Rock Island Railroad.

The event provided an opportunity for advocacy and education on rail safety legislation, community involvement and the development of industry partnerships.

SMART-TD Kansas State Legislative Director **Ty Dragoo** spoke with the legislators at the historic

Baldwin city train depot. Once a safety briefing by the train crew was presented, everyone came aboard.

As the train rolled through the scenic countryside, legislators engaged in discussions with TD representatives, learning about the importance of rail safety and the need for comprehensive legislation.

SLD Dragoo shared his firsthand experiences and emphasized the crucial role of rail safety in protecting both workers and the public.

The train ride also show-

cased the strong community involvement in rail safety. Leaders from state-wide organizations representing first responders and firefighters attended and demonstrated their readiness to respond to any emergency situation. Their presence highlighted the importance of collaboration between rail workers and emergency services to ensure the safety of everyone involved and the need for common-sense minimum rail safety legislation.

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Kansas State Legislative Director Ty Dragoo talks with one of the riders aboard a Rock Island excursion ride. Dragoo helped to host the event this spring to raise awareness among legislators about rail safety.

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

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Serres progressed this case to the NRAB First Division.

Public Law Boards Report

■ In Public Law Board 7680, Award No. 228

(Radek, 2024), Amtrak terminated a conductor for allegedly abandoning his job without authorization and falsifying his time ticket. In this case, the claimant was working his assigned rest day on a holiday, and he made an arrangement with a supervisor for his crew to claim twelve (12) hours pay for their shift. In the middle of the shift, another supervisor relieved the aforementioned supervisor. The claimant communicated the arrangement that had been agreed upon to the supervisor who took control of the operations, and the supervi-

sor expressed the following comment to the claimant regarding the arrangement, "Ok, that's good." Several hours later, the claimant assumed that his crew completed all of their assigned tasks. Based on that assumption, the claimant released his crew and they went home. After the claimant departed the carrier's property, the supervisor contacted him on his cellular phone, informing him that his crew had an additional move to complete. In response, the Claimant informed the supervisor that he had already released his crew and he was unfamiliar with the normal workload of the job in question because he did not normally work that particular assignment. The supervisor assigned the uncompleted move to

another job. Thereafter, the supervisor modified the time for the claimant's crew to ten (10) hours and thirty (30) minutes and he charged the claimant with the above-listed allegations. After reviewing the evidentiary record of the instant case, the board found that the carrier's allegation that the claimant falsified his time ticket was meritless because an arrangement had been agreed to by the claimant and carrier management to allow the crew to claim twelve (12) hours of pay. Turning to the carrier's assertion that the claimant abandoned his job, the board did not ratify this allegation because the supervisor did not communicate a direct order to the claimant to return to the property. Based on these reasons,

the board reinstated the claimant to service with compensation for his lost earnings. GO 769 General Chairperson **Rick Pauli** handled this case before Public Law Board 7680.

• • •

■ In Public Law Board 7680, Award No. 234

(Radek, 2024), Amtrak terminated the employment of a conductor for allegedly leaving work without permission from his supervisor and falsifying a timecard. The carrier exclusively based the charges it brought against the claimant on two (2) video recordings. The carrier alleged that the video recordings showed the claimant driving away from the carrier's property without permission on two (2) separate dates. Based on its review of the video re-

cordings, the board concluded that it is impossible to identify any individual or vehicle on the video recordings. For that reason, the board concluded that the video recordings did not establish that the claimant vacated the carrier's property on the dates in question without permission. In light of that fact, and given that the claimant provided unwavering testimony that he did not depart the carrier's property early on either date without permission, the board determined that the charges the carrier brought against the claimant were meritless. The board reinstated the claimant to service with compensation for his lost earnings. GO-769 General Chairperson **Rick Pauli** handled this case.

New directors lead in Idaho, New England, Ore.

New legislative directors have taken charge of the boards in Idaho, New England and Oregon.

Idaho

The new Idaho state legislative director is **Nathan Millward** of Local 265 (Pocatello, Idaho). Brother Millward took the office April 8.



Millward

Millward, a member of the union since 2007, has served two terms as his local's legislative representative and as a trustee. He works as a conductor for Union Pacific.

Safety will of course be a huge focus of his board, he said.

"We're working on grade-crossing safety and awareness," he said. "We will be tackling and working on bringing back Operation Lifesaver."

Other outreach will go out to improve safety awareness and reporting on the local level.

"We are creating our own safety program within the locals as well. We also plan on working on more rail safety within the state and working closely with our state legislators and communities to establish a good connection with constant communication."

New England

Dave G. Stevenson of Local 898 (Boston, Mass.) is the new leader of the New England regional board which encompasses Delaware, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Brother Stevenson has been a member of SMART-TD since 2007



Stevenson

and has a number of priorities.

"We've been busy pushing back against one-man crew RCOs implementation in Portland, Maine, and have been actively informing lawmakers and community leaders about the necessity of two-person freight crews," he said.

In Massachusetts concerns include the extension of worker protections for commuter rail workers and regional passenger service growth.

"We're fortunate to have **Chris Tyrrell** as the assistant director on the board. New England covers a large region, and he's been a great partner in promoting safety and driving positive changes in our workplaces," he said.

Oregon

Daniel Garrison has taken charge in Oregon.

A member of Local 471 in Eugene, he served a bit more than two years as assistant SLD as well as his

local's trustee, legislative representative and assistant legislative representative.

"Myself and (Assistant State Legislative Director) **Dallas Johnson** have two or three major goals that we would like to get done soon," Garrison said.

"First and foremost would be to get a two-person crew bill passed in Oregon. Secondly, we want to get a train length bill passed, he said.

"Then, working with **Gabe Christenson**, the SLD of Nevada, we want to get a firefighting bill passed for crews being used to fight forest fires."

The SMART Transportation Division wishes the best for these officers in their new roles!



Garrison

Arkansas SLD's work helps preserve member's gun rights in case that went to Supreme Court

Continued from Page 6

setback in the arbitration hearing. The team appealed the ruling. Then, as planned, the union took its case to the Arkansas Legislature.

"(They) were tenacious and left no stone unturned," said Franklin.

New gun law moves ahead

As the fight progressed, Franklin found himself out of service for more than a year.

Franklin and Sale successfully created a bill that gave all residents of Arkansas an explicit right to have a properly registered and stored firearm in their locked vehicle, despite any policy their employer may have.

State Rep. Justin Gonzales and Sen. Alan Clark co-sponsored S.B. 555. Excerpts and quotes from Franklin's arbitration and appeal were quoted on the House floor. Their struggle with Union Pacific was used to explain why passing the bill was necessary and urgent.

"Both sponsored the bill in each respective chamber and stood by Randy and

our organization throughout the process," Sale said.

The bill passed with unanimous support with both Democrats and Republicans coming together. Franklin's bill, Act 809, was then signed into law on April 22, 2021, by Gov. Asa Hutchinson. Hutchinson also sent a letter in support of Franklin's employment being reinstated after he was targeted by UP's unfair policy.

Union Pacific ignores the law

This would have been the end — if a railroad hadn't been involved. UP refused to accept that it was wrong.

When the new law went into effect, Franklin's lawyer, W. Whitfield Hyman from Fort Smith, Arkansas, formally informed Union Pacific that Franklin would not be fired for exercising his newly reaffirmed right and should be back on the job.

UP didn't care what the state said and stood by their company policy. UP then filed a lawsuit in federal court to officially ignore the law written explicitly as a response to their treatment of Franklin, still out of

work with his pension in jeopardy.

"They were basically spitting in the face of the state Constitution," Sale said.

Supreme Court shoots UP down

Franklin and his attorney had come too far to roll over and give up. They took Franklin's case all the way to the state Supreme Court, which ruled against Union Pacific.

A lifelong member of the National Rifle Association (NRA), Franklin tried repeatedly to reach out to them for support after he was fired. The NRA did not have his back when needed. He also contacted the Gun Owners of America (GOA). They had no interest in aiding his efforts.

SMART-TD, literally and figuratively, did. When the chips were down, and his rights were being taken from him, the union had his back.

Franklin now is back on the job, and though he has not yet been compensated by the carrier for the time missed, the expectations are that there will be a settlement at some point for the clear violation of his

rights.

'This union never leaves one of its own hanging out to dry'

SMART-TD would like to recognize Brothers Franklin and Pawelko, the officers of Local 656, Joe Cornelius, general chairperson of GCA-569, SLD Sale and attorney Hyman for their accomplishment. They represent the fighting spirit and solidarity of our union, and our shared commitment that every member in every local deserves respect, justice, and fair treatment under the law. When we stand together and stay focused on the fight, we win.

Sale emphasized the degree of collaboration and unity it took from Local Chairperson Pawelko and GC Cornelius, as well as Franklin's determination to stand up to the carrier.

"As a state director, I'm proud to have the type of relationship with all of the local chairs across the state where we all take the all-hands-on-deck approach," Sale said. "This was a case of everyone from the local office to my office and the

general chairperson's office working together to get Randy back to work and run pro-worker, pro-Second Amendment legislation to support his case."

Franklin expressed great appreciation for the union's efforts to resolve the matter.

"Gerald (SLD Sale) was there for me and my family when we needed him. I never thought I would be in a situation where the career I had built for 20 years and the retirement my family was counting on was taken away from me like this," Franklin said. "Everybody knows the union represents us when we have a hearing and will put in an appeal for us. I had no idea how committed these guys were to making sure I was OK, and my rights weren't taken from me."

"Nobody ever goes to work expecting their round trip to end in pushing legislation through the state House and fighting the bosses all the way to the Supreme Court. It's good to know that when things get weird out here, this union never leaves one of its own hanging out to dry."

Kansas State Legislative Director Dragoo helps to host legislators on a spring train ride

Continued from Page 6

Key to the event was the partnership between SMART-TD's Kansas contingent and the Rock Island Railroad in Baldwin City.

"Rock Island provided the historic train and the tracks, creating a

unique and memorable experience for all participants," Dragoo said.

"The partnership demonstrated the commitment of both organizations to rail safety community engagement and a shared interest in advancing rail safety legislation.

"It was an awesome event. Spe-

cial thanks go to the crew members and Robert Riley, CEO of the Rock Island Railroad, for their dedication and hard work in making the legislative train ride a success. Their contributions ensured a safe and enjoyable event for everyone involved."

Dragoo said that he hopes that the excursion becomes a regular event because it can educate and strengthen understanding among legislators about the industry in a practical way.

Around the SMART-TD

Organizing win at Louisville & Indiana Railroad

The SMART Transportation Division achieved an organizing win May 1 with the National Mediation Board's (NMB) certification of a representation vote for the Louisville & Indiana Railroad, which operates 106 miles of track running between Louisville, Ky., and Indianapolis, Indiana.

Organizer **Andy Goeckner** of Local 453, who led the effort, took some time to detail the process that brought new members and a new property to the union.

What initiated the process?

Contrary to what some have incorrectly claimed online, this was 100% unsolicited on SMART-TD's part. Multiple L&I employees had been reaching out to people in the industry expressing their disappointment with

the representation they'd been receiving. This had been happening since the end of 2023, and it wasn't just one disgruntled employee — it wasn't until we heard from multiple people that we decided to sit down and talk to the group.

What were some of the issues?

Substandard representation, wages and agreements. Feeling that their property lacked support at the local level. Rather than encouraging or assisting their local union leadership to stand against the carrier and fight in disciplinary matters, the previous organization's general committee and international took the path of least resistance, encouraging members to fold and sign waivers. Almost as if they couldn't be

bothered by a smaller group to do what needed to be done.

They also stated that pay and penalty claim issues were ignored when assistance was requested. Phone calls and emails were not returned. Enough was enough, so they decided it was time to make a change and come to SMART-TD.

How long had the prior organization represented the property?

L&I had been under the representation of the BLE for 20 years — since May 2004.

What are some of the steps/improvements?

The first thing SMART-TD did was to allow the new

members to select what local they wanted to join. They chose Local 1518 in Indianapolis, and a new Local Committee of Adjustment (LCA) was created within. They were also placed into General Chairperson **Rick Lee's** committee, as L&I was a prior B&O property before being short-lined.

The L&I members held an election and **Zach Cochran** is the new local chairperson. Brother Cochran has hit the ground running and is doing all he can to get great returns for people working at the L&I.

Our focus has been on improving communications and responsiveness, which were a weak point with the previous union. We are also in the process of training and assisting the local officers and addressing

membership issues, including prepping for their next contract, which expires this fall.

Has there been any feedback?

I've been staying in touch with them to make sure the transition is smooth. A group of L&I members went to the 1518 meeting as soon as they were eligible to do so, and they were blown away by the reception that they got from Local 1518 officers and members. They welcomed them with open arms and gave them a standing ovation and applause at the local union meeting. They said they had not felt welcomed or included on any union level like that in a long, long time.

A total of 23 T&E workers can now proudly call themselves members of SMART!

GCA-347, ALABAMA & TENNESSEE RIVER

General Chairperson **Brent Hamilton** (GCA-347) announced that members ratified an agreement with the Alabama & Tennessee River Railway (ATN) on June 22 with a 90% vote in favor of the agreement.

In addition to a wage increase, the new five-year agreement includes:

- An additional sick day and retro pay.
- PTO increased to payment at 10 hours from eight hours per event.
- New hires will have 40 hours PTO to use their first year.

GC Hamilton was assisted by Alternate Vice President **Christopher**

Bartz in negotiations and during a town hall meeting presenting the agreement.

ATN is a short line that operates over 120 miles of track from Birmingham to the Port of Guntersville in Alabama.

ATN interchanges with CSX and with Norfolk Southern.

LOCAL 1707, PERRIS, CALIF.

Sometimes employers will agree to a pay increase for new hires and then simply not pay it!

This happened to members of SMART-TD Local 1707 working for First Transit.

In 2022, General Chairperson **Justin Schrock** (GCA-020) and the local leadership team along with Bus Department Vice President **Alvy Hughes** negotiated a raise for newly hired bus operators who were on the first step of compensation with First Transit. Being that they were all new employees, our brothers and sisters had very little track record to compare their paystubs to and were under the assumption that they were all being paid correctly.

They were not.

First Transit was more than happy that no one had

forced this issue until the local chairperson of LCA-020U for SMART-TD, **Rickey Davis**, caught the error. Davis was looking into a different dispute surrounding the steps in pay rates when he discovered that members with the lowest seniority were being shorted in their pay.

Upon this discovery, Brother Davis contacted Schrock. Together the two pushed First Transit to do the right thing and make the pay for these men and women whole. Predictably, they did not.

Eventually, the combination of Davis, Schrock, and VP Hughes reached a settlement with First Transit over the summer. They are now paying our members a combined \$30,850.19 in back pay!

"This is the largest grievance amount I've recov-

ered for bus members in my career," Schrock said. "The money being recovered goes back to July 1st, 2023. In total, First Transit had shorted 75 of our members. Rickey, Alvy, and I weren't about to let that happen. It goes to show you that in this organization, we don't just concentrate on protecting our senior members. We look out for bus members starting at day one!"

The 75 brothers and sisters who are receiving this back pay represent all the different crafts in Local 1707 including customer service representatives, operators, dispatchers, trip edits, and vaulters. All members of Local 1707 will also be receiving their next scheduled pay increase starting in July as well.

L-1701, MONTEBELLO, CALIF.



Members of SMART-TD Local 1701 stand in front of a pair of MonteBello buses.

Cecilia Lopez, the general chairperson representing Local 1701, announced that 28 months of uncertainty ended when SMART-TD members ratified by a nearly unanimous vote a new contract with the city of Montebello. Lopez said the contract includes the largest pay increase she has seen in her career working for the city.

Since December 2021, the men and women of SMART-TD Local 1701 in Montebello, Calif., had been working without a contract. The team of Local Chairperson **Betty Vasquez**, GC Lopez and SMART-TD Vice Presidents **Alvy Hughes** and **James Sandoval** saw negotiations going down a dangerous path.

At one point, 27 of our members were placed on administrative leave and

faced termination, including Lopez and Vasquez.

Thanks in part to their training and experience and with the help of a new administration in Montebello City Hall, the SMART-TD negotiating team was able to put both the city and Local 1701 on the road to a much brighter future.

When the dust settled, the Bus Department and Local 1701 stood together.

As GC Lopez put it, "Without Montebello Bus, there is no Montebello. This isn't just a victory for us; it is a win for the people of this community."

She said she's very appreciative of the aid she received in this process from VPs Sandoval and Hughes, as well as support from Alternate Vice President **Markeisha Hayes**.

FROM THE BALLAST

When faced with carrier bullies, believe in YOU!

Joel Head Sr.
Local 489 (San Antonio, Texas)

There is such a thing as carrier bullies. We sometimes forget — we, the members, and our organization — the power that we truly possess, because the body has a heart and if the heart stops beating the body ceases to exist. Our industry, and the carrier officers that run them, believe that Rule 1.6 dealing with alleged insubordination places fear in us all. We, as the heart of this industry, must draw a line in the sand and give up convenience in exchange for compliance. The rules in the books we

are issued by each railroad carrier are black and white and written to protect the carrier, not the employee, contrary to what they may want us to believe. We, the employee, no matter which railroad we're employed by, must take ownership of these rule books. It's hard to lose a case against a carrier based on an employee's compliance. When, as workers, we take the compliance road, we must take care to be consistent every day. This is how we validate our case for our return to work and back pay



Joel Head Sr.

upon our return. This case was brought up during the Designated Legal Counsel's presentation at the National Training Seminar.

Case scenario: If you were instructed to take an engine that was bad ordered what would you do?

Reply: I would leave the bad order there.

Question: What If you were instructed to take an engine that was bad-ordered and threatened with rule 1.13 failure to comply, what would you do?

Reply: Still the same response, I would leave the

bad order there. **Response:** From the audience was, this would be a 1.6 violation insubordinate.

Here's a fact: Rules are written by a Rules Committee and not by the manager. They can only be changed and/or altered by said committee.

No manager can instruct you to violate a rule.

So, based on a case-by-case basis on what the bad order consists of and how it should be handled, follow the rules.

If I am instructed to do it now, I can always grieve later.

The premise of grievance is one's knowledge of clarity

and certainty of what rule applies. When you're uncertain, you comply now until you have clarity of what applies.

We can't give the carriers both convenience and compliance.

The line in the sand referenced earlier is how to defend your compliance of the same rules that they would use to fire us.

Know your rules, and SMART-TD is willing to support and fight with you all the way.

Believe in you...

Brother Head, a member of our union since 1995, is local chairperson of LCA-927A and has held that position since 2011.

Transportation Division policy concerning fees objectors

Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay reduced fees. In the public sector, nonmembers can elect to pay their fair share of the costs of collective bargaining by paying the agency fees, or they have the right to pay no fees.

To the extent permitted by law, a non-member cannot participate in union elections as a voter or as a candidate; attend union meetings; serve as delegate to the convention or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

2. Notification of objection procedures:
a. To be a non-member fee objector and pay reduced fees, the objecting non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the month of September preceding the calendar year to which s/he objects, or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

b. A non-member who is a public employee: To be a non-member fee objector and pay no fees, the objecting non-member shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail during the period agreed to in his/her Authorization for Fee Deduction form, if applicable. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored. Any new hire of a public employer who wishes to be a non-member should not fill out an Authorization for Fee Deduction form. Anyone who believes they are having dues improperly deducted must notify the President, Transportation Division in writing.

3. The following categories of expenditures are chargeable:
a. All expenses concerning the negotiation of agreements, practices and working conditions;

b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;

c. Convention expenses and other union internal governance and management expenses;

d. Social activities and union business meeting expenses;

e. Publication expenses to the extent coverage is related to chargeable activities;

f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance;

g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;

h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;

i. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft formerly represented by UTU, now SMART.

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the President, Transportation Division. The Transportation Division shall designate an analyst for the purpose of determining the percentage of

Percentage of chargeable fees determined by analyst for calendar year 2023

| | |
|--|--------------|
| Transportation Division* | 79.4% |
| State Legislative Boards | |
| LO-005 California ¹ | 20.0% |
| LO-011 Florida ² | 35.5% |
| LO-025 Michigan ³ | 20.0% |
| LO-028 Missouri ⁴ | 74.8% |
| LO-048 Texas ⁵ | 61.6% |
| LO-051 Virginia ⁶ | 63.5% |
| LO-054 Washington ⁷ | 43.5% |
| Unreviewed boards ⁸ | 0.0% |
| General Committees of Adjustment, including locals under jurisdiction | |
| GO-049 CSX Transportation ⁹ | 100.0% |
| GO577 Union Pacific ¹⁰ | 100.0% |
| GO-851 CSX Transportation ¹¹ | 100.0% |
| GO-898 Norfolk Southern ¹² | 98.8% |
| Unreviewed committees ¹³ | 99.6% |

* Estimate; final ratio forthcoming.
¹ Estimate based on 2023 monthly activity reports.
² Estimate based on October-December 2023 monthly activity reports.
³ Estimate based on 2023 monthly activity reports.
⁴ Estimate based on 2023 monthly activity reports.
⁵ Estimate based on 2023 monthly activity reports.
⁶ Estimate based on 2023 monthly activity reports.
⁷ Estimate based on first quarter report and October-December 2023 monthly activity reports.
⁸ Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.
⁹ Estimate based on second, third and fourth quarter reports.
¹⁰ Estimate based on first, second and third quarter reports.
¹¹ Estimate based on 2023 monthly activity reports.
¹² Estimate based on 2023 monthly activity reports.
¹³ Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.

expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the analyst's report may challenge the validity of the calculations made by the analyst by filing an appeal with the President, Transportation Division. Such appeal must be made by sending a letter to the President, Transportation Division postmarked no later than thirty (30) days after issuance of the analyst's report.

7. After the close of the appeals period, the President, Transportation Division shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the President, Transportation Division and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting

the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by the Transportation Division.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The Transportation Division shall have the burden of establishing that the reduced fees set forth in the analyst's report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue the objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the analyst issues the report. As soon as possible after the issuance of the analyst's report, he/she shall pay the amount of the reduced fees calculated by the analyst. Persons objecting for the first time shall be sent a copy of the report prepared by the analyst for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the analyst may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the analyst's report as soon as practicable after its issuance. The appropriate unit of the Transportation Division shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the analyst, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.



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.

At NTS, RRB’s Bragg makes it clear: Board’s resources are being squeezed

CLEVELAND — A poor tradition was established in the 1980s when the Reagan administration attempted to meddle with the Railroad Retirement Board (RRB), proposing to merge the rail pension plan with Social Security.

It took labor’s concerted efforts to preserve RRB as a self-sufficient agency. It oversees rail workers’ pensions that provide a comfortable life once somebody pulls the pin.

And while the faces may have changed over the nearly four decades that have passed since Reagan’s ill-conceived plan was beaten back, it doesn’t mean that politicians have learned to leave what rail workers have earned well enough alone, RRB Labor Member John Bragg reminded the audience at the SMART-TD National Training Seminar.

These days, the descendants of Reagan, at least the people in his political party,



Railroad Retirement Board Labor Member John Bragg addresses a recent SMART-TD Regional Training Seminar. Bragg addressed the Cleveland National Training Seminar warning against House Republicans’ reduction in funding of his agency.

figure that it’s fine to underfund the RRB.

“We have something that everyone else does not — a superior pension system that gives our people financial security,” he said. “We know that we are going to be fine once we retire from the rail-

road.”

But games played by Congress have led to stresses on the agency and less-than-optimal service.

For fiscal year 2024, RRB, currently operating about 120 employees short, requested \$174 million for personnel

and IT upgrades. While the president’s and the Senate’s requests came below the request by RRB, the Republican-led House wanted to cut funding to \$103 million. The reconciliation process led to a cut of \$3 million to RRB’s budget, Bragg said.

Such underfunding has led to understaffed field offices and long wait times for callers, in addition to the continued use of an antiquated computer system.

“Right now we’re able to only answer about 50% of the calls that come in. So if we get 4,000 calls during the day, that means 2,000 people are going to have to call in the next day,” Bragg said.

A House subcommittee proposal in June would make it worse, leaving the agency with just \$100 million to operate with, taking it to pre-2008 funding levels.

“This would essentially put our agency into mission failure,” Bragg said. “We would not be able to pay your benefits. In the end it’s the retirees and the employees like you who are going to suffer.”

“Those politicians need to keep their damn hands off our retirement system and let it work as intended for you and I.”

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 |
|-------|--------------------------|-----------------------|-------|-------------------------|----------------------|-------|-----------------------|------------------------|
| -- | Olsen, Kathy | Greenville, Wis. | 577 | Frazier, Robert | Northlake, Ill. | 1316 | Allen, Raymond D. | Jackson, Ky. |
| 1 | Freeland Sr., Shlaine A. | Buffalo, N.Y. | 577 | Jones, Steven J. | Glenwood, Ill. | 1316 | Collins, Jimmy L. | Hazard, Ky. |
| 14 | Fussinger Jr., Lloyd | Taylor Mill, Ky. | 590 | Halverson, Gary A. | Portage, Wis. | 1334 | Wilson Jr., Tallie | Semmes, Ala. |
| 30 | Searles, James L. | Folkston, Ga. | 590 | Helfrich, H.E. | La Crosse, Wis. | 1377 | Elam, Louis E. | Seminole, Fla. |
| 60 | Dolejsch, Joseph R. | Egg Harbor Twp., N.J. | 630 | Horn, Ray | Langley, Ky. | 1400 | Moore, Carl E. | Lowell, Mass. |
| 94 | Fisher, Edgar W. | Basehor, Kan. | 656 | Beavers, Donald R. | N. Little Rock, Ark. | 1403 | Waggoner, Brent E. | Osawatomie, Kan. |
| 171 | Wilson, Daniel P. | Lockport, Ill. | 662 | Means, Robert J. | Newport News, Va. | 1422 | Baznette, Harold S. | Golden Valley, Ariz. |
| 194 | Simper, Ian | Granger, Ind. | 722 | Franco, Pat | E. Stroudsburg, Pa. | 1447 | Loewy, Lawrence | Moonachie, N.J. |
| 200 | Morris, Robert D. | Plattsmouth, Neb. | 722 | Pepin-Mercado, Abel J. | New York, N.Y. | 1458 | Ledet Jr., Wilmer J. | Sulphur, La. |
| 204 | Robles, Jerod A. | Pueblo, Colo. | 756 | Guajardo, Alex V. | San Antonio, Texas | 1501 | Hollis, Samuel K. | Baton Rouge, La. |
| 210 | Scherbarth, Charles | Floresville, Texas | 762 | Patrick, Joseph D. | Hampton, Ga. | 1503 | Berger, Benjamin D. | Barnes, Kan. |
| 258 | Bowman, Edward E. | Newton, Iowa | 783 | Safrit, Robin L. | Little River, S.C. | 1526 | Latinette, Linette M. | Michigan City, Ind. |
| 265 | Jackson, Jim H. | Pocatello, Idaho | 794 | Walker, Richard L. | Wellington, Kan. | 1574 | Repp, Thomas G. | Neotsu, Ore. |
| 265 | Walker, Malin O. | Pocatello, Idaho | 811 | Estrada, Brian K. | Redlands, Calif. | 1582 | Kuhmel, Mark | Kingston, N.Y. |
| 292 | Dundon, Collin J. | Utica, N.Y. | 816 | Cooke, Griggs F. | Gardners, Pa. | 1593 | Dotson Jr., Joe A. | Albany, Texas |
| 298 | Rathburn, Justin J. | Auburn, Ind. | 847 | Barfield, Ronnie L. | Warrior, Ala. | 1687 | Schofield, Harry J. | Albuquerque, N.M. |
| 311 | Farhud, Yazan | Lockport, Ill. | 857 | Bradley, Christopher S. | Greenbrier, Ark. | 1674 | Malveaux, Kelly T. | San Bernardino, Calif. |
| 439 | True, Johnny G. | Kilgore, Texas | 942 | Vereen, Joseph P. | Marion, S.C. | 1705 | Ciccione, Joseph T. | Manuet, N.Y. |
| 446 | Mendiola, Jalen A. | Cheyenne, Wyo. | 971 | Faith, William R. | Shreveport, La. | 1732 | Jordan, IV, Thomas | Lincoln, Calif. |
| 464 | Fetterhoff, James C. | Ponca City, Okla. | 974 | Yarbrough, James M. | Boaz, Ala. | 1732 | Muller, Malcolm J. | Riverbank, Calif. |
| 473 | Perrin, Ivan G. | Surprise, Ariz. | 1035 | Murphy II, Edward M. | Lakeland, Fla. | 1869 | Hensley, Jeffrey E. | Pikeville, Ky. |
| 496 | Colley, Shawn P. | Minford, Ohio | 1053 | Hopkins, Waike J. | Selma, Ala. | | | |
| 506 | Everhart, Charles R. | Olathe, Kan. | 1188 | Lyon, Dan | Norman, Okla. | | | |

VSTD change encourages addiction treatment

To cope with the irregular schedules, fatigue and stress from the essential job of moving people and things safely from place to place, transportation workers might turn to drugs or alcohol.

The SMART General Executive Council (GEC) has recognized this and took a step so that members who may be dealing with addiction

can break the cycle voluntarily by using the resources of the SMART-TD Voluntary Short Term Disability (VSTD) plan.

VSTD plan participants can use their VSTD coverage while going through voluntary and certified addiction recovery programs. Treatments imposed by an employer or a court are not covered.

This amendment to the VSTD plan also has a companion element. The elimination period between the first day of a disability and the date benefits begin is waived if a member is voluntarily undergoing a certified drug and alcohol treatment program.

“We hope this change in the VSTD encourages our union

brothers or sisters who might be struggling with addiction to make a change,” SMART-TD President **Jeremy R. Ferguson** said. “No one in this organization should feel as if they won’t have support if they choose to seek treatment. If this amendment encourages someone to go ahead with that step, then the change has done its job.”

IN MEMORIAM

Former Arkansas SLD Donald Beavers passes away

Former Arkansas State Legislative Director **Donald R. Beavers**, who served multiple terms leading the state’s legislative board, passed away May 19 at the age of 81.



Beavers

Beavers began his railroading career as a brakeman with the Missouri Pacific in 1962. He was later promoted to conductor.

He served in that capacity for more than 17 years before being elected to the office of the United Transportation Union’s Arkansas legislative director.

A member of Local 656 in North Little Rock, he noted that he was the UTU’s youngest legislative director at the time of his election and retired as the senior

member of the union’s legislative team after 21 years as SLD in 2000.

Brother Beavers was honored with a well-attended ceremony for his decades of service to the union upon his retirement in October 2000, receiving recognition from both union leadership and then-President Bill Clinton.

His engagement in labor matters extended beyond our union. Brother Beavers also was elected secre-

tary/treasurer of the state AFL-CIO, appointed to the Arkansas Economic Development Commission and served as chairman of the North Little Rock Civil Service Commission.

He was past president of the Arkansas Association of Lobbyists and active in politics representing Arkansas as National Democratic Committeeman.

He served as a delegate to six Democratic National Conventions and was a

proud Arkansas Traveler for Clinton, having been connected to the president since Clinton’s start in state politics in the 1970s.

Brother Beavers is survived by his wife of 57 years, Mary Frances, two sons and four grandchildren.

The SMART Transportation Division expresses its condolences to Brother Beavers’ family, friends, his union brothers and sisters and all who knew him.

Local 577 member killed in accident in Proviso Yard

Justin Pender, 27, a member of Local 577 (Northlake, Ill.) and a Union Pacific conductor, was killed early July 6, in an on-the-job accident.

Brother Pender died at Proviso Yard in Melrose Park, Ill. The National Transportation Safety Board was investigating his death.

“I am deeply saddened to hear of the passing of Justin Pender, a Union Pacific

Railroad employee who tragically lost his life in a work-related incident. I send my condolences to his family and his colleagues during this difficult time,” posted U.S. Rep. Jesus “Chuy” Garcia on X, formerly known as Twitter.

Brother Pender is the union’s first on-the-job fatality suffered by our union in 2024.

Retired GC David Haack, who served C&NW members, dies

Retired General Chairperson **David Haack**, a TD Alumni member from Local 322 (Milwaukee, Wis.) who served our membership on the Chicago & North Western, passed away July 13, at age 88.

Brother Haack joined our union in May 1959 and in addition to negotiating numerous contracts on behalf of his members,



Haack

contributed testimony in Presidential Emergency Board (PEB) 213 regarding the C&NW in 1988.

Brother Haack attended UW-Oshkosh and UW-La Crosse and served in the U.S. Army.

He worked with the Chicago and North Western Railroad as a conductor and the United Transportation Union as a general chairperson before his

retirement in 1998.

He is survived by his wife of 65 years, Mary Ellen Sage Haack; his children, Dawn and Brian Kennedy, Tim and Molly Haack; and eight grandchildren.

Memorials contributions can be made in Brother Haack’s name to St. Jude’s Hospital or Critter Junction Pet Rescue/Fond du Lac.

SMART-TD offers its sincere condolences to Brother Haack’s family and friends and his union brothers and sisters.

History-making LIRR conductors reunite at yard for photo

On July 13 in Ronkonkoma train yard on the Long Island Rail Road, a photo re-creation and reunion honored the trailblazing women on the LIRR.

In March 2000, a group of then-UTU women conductors were joined by some other crafts in transportation to recognize their hard work. The photo was taken in front of then-brand new engine 504.

This summer, those same women reunited to re-create the photo and to reminisce about the good old days.

The reunion was organized by retired conductor **Beverly Terrillion**, who organized the ladies and



The group photo of Long Island Rail Road conductors taken in 2000, left, even inserted photo pictures to include the few unable to be there. Engine 504 even came back for its close-up. “What a joyful reunion of the trailblazing women in



and the present-day re-creation, right, are shown.

Tessitore were there, joined by LIRR leadership, family and friends.

“It was amazing to reconnect with these great women whom I worked with

on the trains back in the 90’s and into the 2000’s. They were true railroaders who knew the job,” Simon said.

It was a historic day for all!

Featured photo showcase



Local 33 conductor **Eugene “Geno” Mehalik** took this photo of a Tri-Rail commuter train leaving the airport in Miami as it passed Hialeah Yard on its way north to West Palm Beach at sunset. Mehalik is a charter member of the local in Fort Lauderdale — once Local 30, now Local 33 — which was organized by the United Transportation Union two years after Tri-Rail started operating. These Tri-Rail trains are push/pull and operate over a 75-mile corridor between Miami International Airport and West Palm Beach.

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 second-quarter earning reports

Net earnings: Declined 3% to \$1.23 billion from \$1.26 billion.

Revenue: Declined 2% to \$5.7 billion.

Operating income: Increased 1% to \$1.8 billion.

Operating ratio: Remained stable at 68.2%.

...

Net earnings: Increased \$5 million to \$1.172 billion from \$1.167 billion (Canadian).

Revenue: Increased 7% to \$4.33 billion from \$4.06 billion (Canadian).

Operating income: Declined 3% to \$1.56 billion from \$1.6 billion (Canadian).

Operating ratio: Worsened 3.4 points to 64%.

...

Net earnings: Declined to \$905 million from \$1.324 billion (Canadian).

Revenue: Increased to \$3.6 billion



from \$3.17 billion (Canadian).

Operating income: Increased to \$1.27 billion from \$944 million (Canadian).

Operating ratio: Improved 5.5 points to 64.8%.

...

Net earnings: Declined to \$963 million from \$984 million.

Revenue: Stayed flat at \$3.7 billion.

Operating income: Declined 1% to \$1.45 billion from \$1.47 billion.

Operating margin: Decreased to 39.1%.

...

Net earnings: Increased 107% to \$737 million from \$356 million.

Revenue: Increased 2% to \$3 billion, up \$64 million.

Operating income: Increased 96% to \$1.1 billion from \$545 million.



Operating ratio: Improved 17.9 points to 62.8% from 80.7%.

...

Net earnings: Stable at \$1.7 billion.

Revenue: Increased 1% to \$6 billion.

Operating income: Increased 9% to \$2.4 billion.

Operating ratio: Improved 3 points to 60.0%.

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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 second quarter financial results for each railroad.

