UTU reaches deal with carriers to end “cramdown” in mergers

Deal gives union right to pick which labor contract will apply

CLEVELAND – The United Transportation Union (UTU), North America’s largest rail-transportation union, has reached an historic agreement with the nation’s major railroads for legislation that will provide better protection for workers affected by railroad mergers. The UTU and the Class I railroads represented by the National Carriers’ Conference Committee (NCCC) have agreed to end “cramdown” during railroad mergers. “Cram-
down” is the practice of railroads overriding or modifying collective bargaining agreements in the implementation of consolidations, mergers, and acquisitions of control under Section 11323 of the Interstate Commerce Act. The agreement and statute will give the union the right to pick which contract applies. “This is the real thing and we believe it will act as the template for other unions interested in ending cramdown,” said Charles L. Little, UTU International president. “Now unions cannot be beaten out of favorable collective bargaining agreements by the railroads using the exemption provision in the Interstate

Hearing set on rail mergers

WASHINGTON – In the wake of the proposed Canadian National (CN) Railway merger with Burlington Northern Santa Fe Corp. (BNSF), the Surface Transportation Board (STB) is holding an unprecedented four-day public hearing beginning March 7 on consolidation of the North American railroad industry. Never before has any announced railroad merger met with so much early opposition. More than 160 witnesses have asked to participate in the hearing, including other Class I railroads, shippers, and unions. The UTU, which is the only rail-transportation union to announce its opposition to the merger, will present testimony. Opposition is also mounting in Canada.

BNSF cancels maligne policy

CLEVELAND – Burlington Northern Santa Fe Railway Company (BNSF) announced in early February that it has canceled its Availability Policy. BNSF said it has taken this action after more than two months of discussions with the United Transportation Union and the Brotherhood of Locomotive Engineers. The BNSF is instead implementing a new amenity program in which it will cover the cost of railroad vacations or other forms of entertainment for its employees. The UTU is not pleased with the new program, which it believes is not as generous as the old one.

NMB decision

As this issue of the UTU News goes to press, the special three-person panel of labor-relations experts at the National Mediation Board is preparing to release its decision regarding a representation election on the Union Pacific Railroad. The decision was expected to be released on March 1. As soon as the decision is made public, it will be posted on the UTU website at <www.utu.org>.

The UTU is preparing to print a special edition of the UTU News which will contain the NMB decision and comments from International President Charles L. Little on the matter.

Check the UTU website daily for the latest information.

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Local 1462, Boston, Mass.

Members offer their best wishes to conductor Earl L. Fiske, who has decided to take a well-deserved retirement, said Secretary and Treasurer Dave Bowe. Meanwhile, the local is co-sponsoring with Local 262 (Boston) the Third Annual Billy Flaherty Railwaymen’s Hockey Championship on April 22, pitting Amtrak MFTA Commuter employees against Amtrak InterCity workers to raise funds for Amtrak employees battling cancer and other diseases. This year’s game is dedicated to Local 262’s Dave Fowkes and others who recently passed away. Those interested in playing or helping out should contact E.B. Radovich (L-1462) at (617) 823-4407, or Paul Torosian at (508) 526-3965. Donations should be made payable to BF HOCKEY and sent to 420 Chestnut St, Franklin, MA 02038.

Local 1582, Albany, N.Y.

Custodians, building maintenance personnel and operations and parking employees of the AGC group overwhelmingly ratified a new three-year agreement last month that brings a 3-1/2-hour wage increase retroactive to December 1999 and a similar increase over the next two years, as well as pension enhancements, safety payments and other improvements.

Local 1778, N. Vancouver, B.C.

Members recently ratified a three-year pact along with others working under the Council of Trade Unions (CTU) banner, said Secretary and Treasurer David Moorhouse. The pact, retroactive to December 31, 1997, came in the wake of a nine-day lockout that ended January 5, 2000, when BC Rail came to terms with the CTU, whose Chairperson Robert Sharpe also serves as UTU general chairperson and UTU alternate to Canadian Representative.

Local 1957, Silsbee, Tex.

Among the roughly 100 who attended the local’s recent barbecue, raising more than $400 for the Silsbee Fire Department, were General Chairperson Lawrence Chappell, Assistant Vice President Kermit, and Auxiliary president from 1967 through 1994, Larry Timkar, who retired after 42 years of rail service, according to Local Presi- dent Billy Montgomery. Timkar began working on the Rock Island Railroad in 1958. Best wishes are extended to Timkar and his wife Jo.

Local 324, Seattle, Wash.

A tentative agreement for part-time bus operators at Everett Green Trains was put out for ratification as this edition reached deadline. The agreement places part-time operators in the same contract with full-time operators, according to Vice President and Bus Depart- ment Director Bernie McNelis, who noted negotiations will re-open in September.

Local 1413, Jersey City, N.J.

Brakemen and conductors working a BNSF combination extra box are reminded by Douglas R. Gordon, editor of their newsletter, Eureka and News, that monthly meetings are held the first and third Tuesdays of the month at the Tri-State Alanon Club Bldg., 801 B Street in Needles, Calif. Members also can stay abreast of developments by accessing the local’s website, maintained by Larry Timkar, who credits development to the input of unionists from various crafts that BNSF workers soon will be voting.

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State Watch

**Arizona**

State Legislative Director Scott Olson reported that the following UTU members were elected to the state’s legislative board at its quadrennial meeting in January: Assistant State Director David Sharer (1629), Chairperson Joe Coffey (1081), Vice Chairperson Charlie Louden (1800) and Secretary and Engineer Service Officer Mark Marquet (131). Greetings at the meeting included Vice President Dan Johnson, U.S. Rep. Ed Pastor, State Attorney General Janet Napolitano, State Senate Assistant Minority Whip Chris Cammack, Arizona AFL-CIO Secretary Chuck Huggins, and U.S. Congressional candidates Stuart Starky (D) and David Mendoza (D).

Also present at the meeting was UTU Designated Legal Counsel Lloyd Rabh, who presented information on law pertinent to UTU members and the importance of TPEL.

A legislative manual by the UTU State Director’s Association was issued to all in attendance, as was a directory of all state office holders.

Olson gave credit to Loud for his time and effort in forming a guide with information on TPEL, alcohol and drug testing, and recommendations for families of members injured on the job. Copies of the guide were provided to legislative representatives to be distributed to members throughout the state.

**Ohio**

On January 17, the Iowa Legislative Board sponsored a reception and informational meeting with U.S. Secretary of Transportation Rodney E. Slater aboard a special coach car at the Boone and Scenic Valley Railroad station in Boone, Iowa.

Louder presented Slater with a “UTU and Proud” baseball cap and several UTU lapel pins.

“This was a rare opportunity for our members to meet with a member of the cabinet of the President of the United States,” said Hendricks.

**Tennessee**

The 2000 Missouri Legislative Board reorganization meeting was held January 26-27 in Jefferson City, Mo., and the following UTU members were elected to office: Legislative Director Charlie Loud, Assistant UTU Director Curt Jones (5), Chairperson Andrew L. Kinne (1403), Vice Chairperson Donald F. Davis (198), Alternate Vice Chairperson Kenneth D. Backes (1216), Secretary Steve W. Loucks (947) and Alternate Secretary Harold D. Davidson, Jr. (1780).

**Iowa**

On January 17, the Iowa Legislative Board sponsored a reception and informational meeting with U.S. Secretary of Transportation Rodney E. Slater aboard a special coach car at the Boone and Scenic Valley Railroad in Boone, Iowa.

The two-hour session was attended by members and officers of three Iowa locals, who were provided the opportunity to ask questions of Slater and to discuss these concerns. They presented Slater with a “UTU and Proud” baseball cap and several UTU lapel pins.

“This was a rare opportunity for our members to meet with a member of the cabinet of the President of the United States,” said Hendricks.

Bus Department

By Bernie McNells

Proposed rule toughens testing

As recently reported, the Transportation Department issued a notice of proposed rulemaking that attempts to screen out poor lab tests and expand the number of drugs that could disqualify safety-sensitive employees from their jobs.

The new rules would detect substitute drugs and make medical personnel who perform the tests accountable for their actions.

Under the new rules, medical personnel who do not perform the substance abuse tests according to federal standards would be barred from doing tests in the future.

The new drug-testing rules are aimed at safety-sensitive workers who try to get around the testing rules by using substitute drugs. The new tests also will find adulterants, which refer to chemicals similar to traditional drugs but with a slightly different composition which, as a result, do not show up in laboratory tests.

The Transportation Department’s drug and alcohol advisor reported recently that the rate of attempts by safety-sensitive workers to use substitute drugs has increased. According to the Transportation Department, both new applicants and employees are doing adulteration. Adulteration of a specimen, as seen as a refusal to test and subjects the employee to the same consequences as an employee who tests positive.

The United States Department of Transportation and the Department of Health and Human Services have authorized all laboratories to test for adulteration and foreign substances.

If you need help with a drug or alcohol problem, get it. Using adulterants to hide a problem won’t work anymore, and could cost you your job.

Yardmasters ratify contract

Amtrak yardmasters have ratified the proposed contract. Part of the new contract is the establishment of yardmaster positions at locations where Amtrak has opened package-handling facilities. These new positions are a direct result of an experimental agreement the committee entered into with Amtrak at Toledo, Ohio. The experimental agreement proved to be successful for the membership and Amtrak. We should never be reluctant to seize an opportunity to expand work opportunities for our members.

Norfolk Southern (NS) yardmasters are negotiating on a system agreement to cover the territories under the jurisdiction of former Southern Railway and Nickel Plate committees, as well as the portions of the former Conrail territory acquired by the NS. Southern Railway General Chairperson W. B. Headrick, Jr., (GO-146) and Nickel Plate General Chairperson R. J. Cooper, (GO-146) held negotiating sessions with the NS in Norfolk, Va., February 15-17. Negotiations will be continued March 16 and 17. The goal of these negotiations is to enhance contractual benefits and establish uniform handling of yardmasters system-wide.

The UTU National Negotiating Committee held sessions with the National Carriers’ Conference Committee on February 23 and 24. Additional negotiating sessions are scheduled for March 13-15, 2000.

We are looking forward to the Regional Meetings this year. The International has developed a curriculum of educational and informative workshops for attending officers of the Regional Meetings. Meetings should be at the top of your priority list this summer. The UTU leads transportation labor in training officers and educating its membership. Make plans to attend the meeting near you.
Historic cramdown deal

Too often the word “historic” is used when nothing “historic” really happens. But in the case of the agreement the UTU reached with the National Carriers’ Conference Committee (NC CCC) in mid-February to end cramdown in mergers, “historic” is the right word.

What makes this deal special is that it will give the union the right to pick which contract applies. That means the carrier can no longer choose the contract that is better for them but worse for union members. In effect, the carrier can no longer “cramdown” the thrusts of UTU members inferior contracts. And if the union fails to select an agreement with a certain time frame, an impartial arbitrator will pick the agreement most beneficial to employees with regard to rates of pay, rules, working conditions, and work agreements.

What also makes this deal special is that all of the American railroads belonging to the NC CCC – Union Pacific, BNSF, CSX, Norfolk Southern, Kansas City Southern – have agreed to be bound by its terms until Congress approves a statute to turn this into the law of the land. That means we are protected, beginning now.

Ending cramdown is a major issue for rail labor. After an agreement late last year between the Association of American Railroads and some unions providing for a cramdown moratorium collapsed within a day, it became imperative to do something positive to solve this impasse. This agreement between the UTU and NC CCC is the right way to do the specific concerns of different historical crafts, goes far beyond a moratorium and takes us to the finish line. It is our hope that it will be a template for other rail unions, and will lead to quick action by Congress.

STB hearings on mergers

The merger announcement between Canadian National Railways and Burlington Northern Santa Fe Corp. has spawned an unprecedented hearing before the Surface Transportation Board (STB). More than 160 witnesses have asked to testify, including the UTU, the only union to announce its opposition to the merger.

It’s a good move for the STB to take a serious look at the consolidation of the North American railroad industry and what it means to the future. It’s a good sign that both the U.S. and Canadian governments are taking a good, hard look at this deal and what it means to working railroaders and their families.

Embrace the future

It is time to quit talking about what is bad and to start focusing on what is good.

It is time to quit all of the “trash talking” that is still going on after the last two years specifically – as well as the last 30 years generally – about either the UTU or the BLE.

It is time to stop inciting and to start educating about the real issues that threaten our way of life and our jobs.

It is time to talk about the real issues we will be facing in the next 30 years.

It is time that everyone – UTU and BLE – opens their minds to what one strong, united union can do to provide a better and more secure future working on your behalf.

The bottom line is that one union does need to exist representing all historical railroad operating crafts, as well as other transportation workers.

All of the heated rhetoric is nothing more than red herrings that are keeping us from focusing on the real issue – the very issue of maintaining our way of life working in the transportation industry.

We are all justifiably proud of the unions, and crafts, we belong to. I am proud to be a locomotive engineer. We can all proudly say we are members of the UTU and BLE, but it is now more important to protect our jobs and our families by understanding that we all should be represent. By one union with the power to stand up against the carriers in the 21st Century.

It is very clear that rail labor cannot continue down the same dysfunctional and antiquated path of splintered union representation that benefits nobody other than the carriers.

Only by joining together under one union can we avoid strangling the railroads in their efforts to whip the UTU and BLE into bidding against each other.

Unifying all historical crafts – locomotive engineers, conductors, switchmen, trainmen – under one union banner will help maintain a way of life that pays well and supports the families of tens of thousands of union members who embrace dangerous and gritty work that tests the human spirit.

By unifying, we will help each craft maintain true autonomy while protecting each other against the creeping technolog. That should be more important than propping up organizations whose best days are better left to the history books.

It is time to put aside past animosities and to embrace the possibilities of a unified future.

The more important issue is what the railroads will continue to do to two separate operating craft unions in the future, and what one union unified in solidarity can do for all operating craft employees in the 21st Century!

Rail executives could learn from young Mary Jones

To Mr. Railroad CEO:

As you are aware, there will be a hearing soon on major railroad consolidations at the Surface Transportation Board. Among the topics will be the downstream effect of the Western railroad mergers. I

You see, the members of ATA don’t have to build the highway system, they don’t have to maintain that system and they don’t have to pay taxes on it. Your friendly national, state and local governments provide it all. And although truckers do pay a pittance of taxes for the right to tear up our roads, while polluting much more than any car or train, the owners of the automobiles, who are trying to keep out of their way, pay for almost all of it. Look out the window of your chauffeur-driven limo and see your competition buzz by fueled with their enormous government subsidy while you sit back and rail against government intervention. Your business continues to refuse to accept one penny of federal support, while your competition comes to Washington every day and carries home billions.

You will never win this game if you continue to wear rose-colored glasses and live in an unrealistic world of competition. Some would question whether or not your ideas of competition with the truckers are drug-induced. Hello? All of your competition in this country gets a lot of subsidies from the government: the airlines, the barge lines, as well as the railroads.

And although truckers do pay a pittance of taxes for the right to tear up our roads, while polluting much more than any car or train, the owners of the automobiles, who are trying to keep out of their way, pay for almost all of it. Look out the window of your chauffeur-driven limo and see your competition buzz by fueled with their enormous government subsidy while you sit back and rail against government intervention. Your business continues to refuse to accept one penny of federal support, while your competition comes to Washington every day and carries home billions.

You will never win this game if you continue to wear rose-colored glasses and live in an unrealistic world of competition. Some would question whether or not your ideas of competition with the truckers are drug-induced. Hello? All of your competition in this country gets a lot of subsidies from the government: the airlines, the barge lines, as well as the railroad lines. Even Mary lets her parents pay for her raw materials.

Wall Street has been watching you. They don’t believe that you are going to get on the line and move into an exciting new millennium. They act like you are on the verge of the 1970s. You do not impress any one with your efforts to drive your stock up through buybacks and cutting your investments in capital expenditures. We know your next move; you have done it before. It will be to cut everything, including us.

Don’t wait too long to call young Mary. She seems to understand a lot about the real issues that threaten our way of life and our jobs. By unifying, we will help each craft maintain true autonomy while protecting each other against the creeping technolog. That should be more important than propping up organizations whose best days are better left to the history books.

It is time to put aside past animosities and to embrace the possibilities of a unified future.

The more important issue is what the railroads will continue to do to two separate operating craft unions in the future, and what one union unified in solidarity can do for all operating craft employees in the 21st Century!
Consider these points in representation election

Here is a letter written by Pat M. of all, U T U Local 305 local chairperson for locomotive engineers, to all BN SF and other concerned locomotive engineers.

A BLE local chairman on the Union Pacific Railroad says on the BLE website that, after the UTU wins the election on the UP, there will be no union contract and locomotive engineers will only make $20,000 a year. When the UTU wins the representation election on the Union Pacific and if the world does not end as the BLE predicts, can we assume the BLE didn’t understand this process, or were they misleading us?

The National Mediation Board (NMB) and the UTU tell us that all contracts will remain in effect. That is the last of the law under the Railway Labor Act. The difference is that only the UTU will be allowed to enforce past BLE contracts and sign new ones for locomotive engineers. That is how it was done in previous cases. This would be vise versa if the BLE wins.

The day after the election will not bring the end of the world, as the BLE claims, and, in fact, most of us will not even notice a twitch of difference. The expectations are for improved future negotiations with the railroads, and an end to separation, backstabbing, blame, and scapegoating.

This vote is about our long-term future. I support one union with historical craft autonomy. Consider this:

1. Railroads will still be required to present contracts to the historical crafts for a vote, that the checks and balances stay there. All crafts will still be separately hammering away at the railroads’ indifference. But the backstabbing will be replaced with a united front. I support unity.

2. President Little, and most of the pre-85 UTU members, could easily just wait out their remaining years until retirement playing golf and hanging out. This vote is not about Little; it is about your future. The benefits of this vote will show long after President Little and most of the current International officers are gone. Any argument about how they are just trying to take care of themselves is off base. They could easily skate right into an easy retirement at our expense. Instead, however, they are putting all it on the line and acting like “visionaries.”

3. Two of the three top UTU International officials are locomotive engineers. We have more vice presidents who are locomotive engineers than the BLE. Also, the UTU’s political action committee, TPEL, is headed by a locomotive engineer. The general chairperson of one of the largest UTU committees on the UP which represents trainmen is a locomotive engineer. The UTU could have replaced the BLE committee chairpersons that head trainmen committees. Would they be out to destroy their own craft? It’s a matter of trust, and I trust unity, with craft distinction.

4. Ebb and flow between crafts is the UTU position with the NMB. Don’t be misled by our BLE brethren. Just as airport flight engineers, co-pilots, and pilots are different crafts, they flow from one position to another as their seniority allows. Locomotive engineers will still do locomotive engineers’ work. Ebb and flow is the argument. I support unity and one railroad union. The FRA recognizes each separate historical craft, as does the Railway Labor Act, and on none of the previous railroads where this has been done has any railroad been successful in using the BLE NMB rules on representative issues to consolidate historical crafts. The BLE’s argument is based on “what if?” The UTU is based on precedent and documentation. Each union blaming the other; secret and separate negotiations. But the BLE has not been able to better enhance their union’s position to obtain the other union’s members. When the “marriage” was called off things were said and done by both unions that cannot be taken back. We are faced with this NMB action, like it or not. It cannot be erased. I am not comfortable with this turn of events either, but I believe we must deal with it. I support one union, with historical craft distinction.

5. If the BLE wins, they have no craft distinction, no craft autonomy. The BLE offers simple majority rule with no craft protection, no united crafts. The UTU already had in place that protects each craft’s autonomy, but unites us into one union. I support unity with craft distinction.

California endorsement

California State Legislative Director J.P. Jones urges members in the Golden State to vote for the following candidates on March 7 [incentives dented with *; no reappointment in districts not listed]:

**President**

Al Gore (D) 10 Ellen Tauscher (D)* 13 Barbara Lee (D)* 14 Anna Eshoo (D)* 15 Mike Honda (D) 17 Sam Farr (D)* 18 Susan Davis (D) 19 Fortney “Pete” Stark (D)* 20 Cal Dooley (D)* 22 Lois Capps (D)* 24 Brad Sherman (D) 25 Maxine Waters (D) 26 Adam Schiff (D) 27 Adam Schiff (D) 29 Henry Waxman (D)* 30 Darrell Issa (R) 31 Hank Goodman (R) 32 Julian Dixon (D) 33 Mel Levine (D) 34 Grace Napolitano (D)* 35 Henry Waxman (D)* 36 Karen Bass (D) 37 Juanita McDonald (D) 38 Joe Baca (D) 39 Raul Ruiz (D) 40 Loretta Sanchez (D)* 41 Mike Honda (D) 42 Bob Filner (D)
Cramdown
Continued from page 1
Commerce Act.”

The agreement, which other rail unions are studying, will be presented to Congress in the form of a statute for approval. Until it becomes law, however, the Class I carriers belonging to the NCCC have agreed to be bound by its terms. These railroads include Union Pacific, Norfolk Southern, CSX Transportation, Burlington Northern Santa Fe, and Kansas City Southern.

“We believe that other forward-thinking rail unions will sign on,” said Little. “This goes way beyond a moratorium on cramdown and takes us to the finish line in one bold stroke.”

“There is more than one collective bargaining agreement that the union is not the carrier – will pick which contract applies,” said Little. “If the union tailors to select an agreement within the time frame for negotia-
tions contained in the New York Dock condi-
tions, an arbitrator will pick the agreement most beneficial to employees with regard to rates of pay, rules, working conditions, and crew consist agreements.”

In regard to seniority, while seniority dis-
trect/territory boundaries will be subject to modification, that modification “shall not, however, cause employees who were in service on the effective date of the consolidation or coordination to lose their seniority date on any territory where they previously held seniority and they shall be permitted to exer-
cise such seniority.”

“However, employees cannot be forced to a new location until they exhaust all seniority at their home location,” according to the agree-
ment. For the operating crafts, the agreement also states: “Provisions relating to seniority of all employees involved in the consolidation or coordination shall be integrated by agreement between the involved carrier(s) and organiza-
tion(s) with disputes resolved by an arbitration.”

Train service rosters and engine service rosters shall not be consolidated with each other.

Rail mergers
Continued from page 1

where UTU Canadian Legislative Director Tim Secord has asked that hearings be held on the proposed merger. “We have asked the Canadian government to actively look at the repercussions of the merger and how it will affect our members,” Secord said.

The Hearings Committee of an important Canadian parliamentary committee studying the planned CN/BNSF merger said that, despite comments by CN’s CEO Paul Tellier, the deal is not fair. Winnipeg South mem-
ber of Parliament Reg Alcock said that his committee will give the deal a lengthy exami-
nation and will recommend legislation to block the deal if he sees fit.

Alcock said he was concerned about recent statements Tellier made that suggested the deal was as good as approved. Said Alcock, “These rails run under Transport [Canada] legislation that’s passed by [the House of Commons]. That company [CN] acts under a mandate granted by this House. To suggest the government of Canada is powerless in this is silly.”

No Legislative Roadblocks

Tellier, a former clerk of the Privy Council, the highest bureaucratic position in the coun-
try, said he had assurances from Transport Canada that there would be no legislative roadblocks to scuttle the deal. Alcock called Mr. Tellier’s comments “arrogant” and said they reflect their “disregard for the relationship between CN and the department.”

In the U.S., CN and BNSF have asked that the STB handle their merger application in 15 days. The two railroads filed a petition with the STB proposing the 365-day schedule for the agency’s review. They told the board that their application will be filed as soon as practicable after March 20.

In scheduling the March 8 hearing, the STB noted that it did not intend to prejudice the as-
eyet-unified BNSFCN merger application, but would provide a forum for discussion of broad-
er matters that have arisen since the merger was proposed last month.

Speculation has been rife since the announcement that the CN/BNSF deal, if approved, would lead to another round of con-
solidation, ultimately resulting in just two North American transcontinental railroad systems.

Explore all options

Cong. Bud Shuster (R-Pa.), chairman of the House Committee on Transportation and Infrastructure, and Cong. James Oberstar (D-
Minn.), the committee’s ranking Democrat, wrote the STB, urging it to “promptly explore all options within the time frame for negotia-
tions” on whether the “downstream” effects of the proposed BNSFCN transaction are in the public interest.

The STB said it wanted to hear from all interested parties about their concerns over the BNSFCN deal’s potential for sparking fur-
ther consolidation, and about the way the industry is regulated. It also invited interested parties to address whether these developments would be good for large and small railroads and their shippers.

The Interstate Commerce Commission Ter-
mination Act, the law that created the STB, gives the agency 15 months to reach a decision from the time the application is filed. It is also within the STB’s rights to extend the proposed schedule. Indeed, other railroads and some shippers are said to be seeking an extend-
ed schedule, and lawyers who are experts in the field say the agency can waive the 15-
month requirement.

The proposed schedule, which is substantial-
ly longer than the schedules adopted for some recent STB merger proceedings, anticipates a full discussion of all issues relevant to the BNSFCN transaction, including its cumula-
tive and any potential crossover effects on the North American rail industry, the companies said in a statement.

Merger timetables

The Interstate Commerce Commission han-
dled the merger between the North Southern Railroad and Atchison, Topeka and Santa Fe Railway – which created BNSF in 1995 – in seven months, but that came after a four-
month suspension in processing the applica-
tion while BN and Union Pacific Railroad fought for control of Santa Fe. The STB took just eight months to approve UP’s acquisition of Southern Pacific Rail Corp. in 1995-96.

The division of Conrail property and opera-
tions following the joint purchase of the Northeastern rail system by Norfolk Southern Corp. and CSX Corp. took the STB 13 months, following an additional month while the two carriers submitted plans to deal with safety issues.

Unsure that they can successfully block the BNSFCN combination on its merits, oppos-
ing shippers and other major railroads have indicated in recent weeks that they will seek to delay the proceeding as long as possible.

While Ottawa currently has no legislation in place that allows it to review such rail mergers, sources have previously told The Toronto Globe and Mail that legislation aimed specifically at the proposed merger between CN and BNSF is being contemplated. The Canadian Transportation Act is due for its five-year revision this sum-
mer, and the source said the proposed amend-
ments would give the federal government the power to review and possibly prevent deals such as the CN/BNSF merger.

BNSF policy

Continued from page 1

members of the BNSF community. Each TY&E employee has a responsibility to the other members of our community to be a full-
time employee. Each TY&E employee also has a right to reasonable time off,” said BNSF’s Dave Deal by a message to BNSF supervisors.

Here is a summary of BNSF’s attendance guidelines:

• TY&E employees in unscheduled service will be considered full-time employees if they lay off no more than 25% of weekdays and weekends, and during a continuous three-
month period.

• Continuous compliance with these guide-
lines for 12 months will clear an employee’s record of any previous attendance issues addressed under these guidelines.

• Any time an employee is not marked off, as well as time marked off for jury duty, bereave-
ment leave, engineer recertification, or layoff union or company business, is considered the same as on-duty time.

• Vacation, personal leave, leave on miles, foot of board, bump board and any other paid leave is considered neither on-duty nor off-
duty time.

• Supervisors of TY&E employees are empowered to consider employees’ individual circumstances.

• Local union leaders are encouraged to become part of the process of applying these guidelines.

• Prearranged layoffs are encouraged. Employees may request a layoff up to 90 days in advance, and will receive a prompt response. BNSF cannot cancel a prearranged layoff without the employee’s consent.

Monthly winner

This month’s lucky winner of his choice of any item of apparel bearing the UTU logo is Richard Wirt of Princeton, W. Va. Brother Wirt is a retired member of Local 655 in Bluefield, W. Va., which represents workers employed by the Norfolk Southern (NS&WR). These items are awarded every month by random drawing as a show of appreciation to the many members who have supported the UTU throughout the years. Congratulations to Brother Wirt!
The UTU International has received tele-
phone calls from active and retired members
inquiring about the notice of life insurance
change which appeared on the front page of
the January 2002 UTU News.

The notice explained that, with the imple-
mentation of the new NRC/UTU health and
welfare plan in January, the life insurance ben-
efits, which include accidental death and dis-
memberment benefits, of active and retired
employees of BNSF, Conrail, CSXT, Kansas
City Southern, Norfolk Southern and Union
Pacific would now be handled by Minnesota
Mutual.

This life insurance benefit, which is $10,000
for eligible active employees and $2,000 for
eligible retired employees, is part of both the
national health and welfare plan (GA-
23000) and the NRC/UTU health and wel-
fare plan. For those eligible UTU members
either actively employed or retired from the
railroad carriers listed above participating in
the NRC/UTU health and welfare plan, this
benefit is now being administered by Min-
nnesota Mutual.

This is the only change in the life insurance
benefits.

For those employees covered under the
national health and welfare plan, this benefit
continues to be administered by MetLife.

Minnesota Mutual and MetLife are cooper-
ating to assure prompt and proper handling of
any life-insurance claims received.

Further information can be obtained by call-
ing Minnesota Mutual toll-free at (800) 328-
9442 and/or MetLife toll-free at (800) 310-
7770. 
Annual visit boosts TPEL's effectiveness

Each February, UTU Ohio State Legislative Director W. J. Thompson can count on the appearance in Pennsylvania of a groundhog heralding Spring's arrival, and the appearance of Retiree Program member H. R. Weaver who invariably brings a $100 contribution for the Transportation Political Education League (TPEL) fund. "Brother Weaver started making his yearly visits before his retirement," said Thompson. "Those visits span 15 years now."

In fact, Weaver reveals his annual visits to the legislative board's Columbus, Ohio, office have occurred for better than two decades. "To tell the truth, I can't remember exactly when I began dropping off my donations," said Weaver, a member of Local 1176 in Columbus, Ohio, where the generous retiree lives. To the best of his recollection, Weaver first began delivering his contributions well before he retired from Conrail in 1982. "I have a wife and raised six children, and if it weren't for the union, I probably wouldn't have had a job," Weaver said. "I like to show my appreciation in return."

Weaver spent 41 years on the rails, beginning as a brakeman with the Pennsylvania Railroad in 1941. During World War II, Weaver left to spend a couple years with the U.S. Marine Corps, but then returned to railroading, earning his promotion to conductor in 1947. Weaver went on to work for Conrail, a predecessor company to Conrail in 1976, and retired from Conrail in 1982. Weaver said, "It was a good job," Weaver said, "and that's one of the reasons I support TPEL, to help keep today's railroaders working. It wouldn't have hurt for everybody to give a little."

Uniprise, a UniteHealthGroup company, recently announced that it will be withdrawing as a contractor for administration of the Medicare Part A, Part B and Durable Medical Equipment programs. This means that UnitedHealthCare will no longer serve as the Medicare Part B administrator for railroad retirees and their dependents receiving benefits from the U.S. Railroad Retirement Board (RRB). The Health Care Financing Administration and the RRB will negotiate agreements with new contractors to administer these programs, and the UTU will work to ensure a smooth transition to all affected beneficiaries. 

The following questions and answers about the pending change have been supplied by Uniprise:

Q. Who will be the new contractor and when will they take over?
A. This has not yet been determined. The RRB will select the new contractor and give the date the transition will occur. We expect that these decisions will be made within the next few months. Railroad beneficiaries and providers will be notified when these decisions are made.

Q. What will happen to my Medicare benefits?
A. Your Medicare benefits will not be affected. Your claims will be processed and paid by the new contractor according to the same coverage and reimbursement rules that we have been following.

Q. Will I need to do anything special because of the change in contractors?
A. Yes. We will transfer all our Medicare beneficiary and provider files to the new company at the time of transition.
Regional Meetings 2000

The UTU/UTUIA’s Regional Meetings scheduled for this coming summer promise fraternalism, education and fun. Each Regional Meeting lasts a full three days, with the President’s Banquet on the evening of the third day. The $125 advance registration fee per member or guest includes: Sunday welcome reception; Monday lunch and evening buffet dinner and entertainment; Tuesday lunch and evening dinner and entertainment; Wednesday lunch and evening Presidential reception and banquet, as well as all training workshop materials. On-site registration is $175 per person or guest.

This year are one-day registrations for those members who would like to attend the Regional Meetings but can’t spare the time away from work or family. The cost of a one-day registration for any day is $50. Payments for individual events, such as lunches and tours, can be made at each meeting.

Also new this year are registration procedures, with separate registration forms for members and guests. Additionally, credit cards are now being accepted for payment of Regional Meeting fees. At this time registration is not available on the UTU website.

Details on the UTU/UTUIA golf outings, which are held the Sunday morning before the first day of each Regional Meeting, will be announced soon. Each outing will cost $80, which includes greens fees, golf carts and transportation from the host hotel. All courses require soft spikes and proper attire. Deadline for registration is two weeks prior to the outing.

Contact: UTU Meetings, 14600 Detroit Ave., Cleveland, OH 44107-4250. You may cancel seven full days prior to arrival with no penalty. Please fax any changes or cancellations immediately to the UTU International at (216) 228-5755.

June 12-14, 2000

Minneapolis Hilton and Towers
1001 Marquette Ave., Minneapolis, Minn. 55403
Hotel direct reservations: (612) 397-4999
Reservation code: UTU Regional Meeting
Room rate: $139 single/double; $109 triple/quad
Reservation deadline: May 1, 2000
Self parking: free; valet parking: tip only

July 10-12, 2000

Sheraton Hotel
2101 Civic Center Blvd., Birmingham, Ala. 35203
Hotel direct reservations: (205) 324-5000
Reservation code: UTU Regional Meeting
Room rate: $129 single/double; $115 triple/quad
Reservation deadline: June 1, 2000
Parking: self $7 per day; valet $12 per day, both with in/out privileges

August 28-30, 2000

Reno Hilton
1101 Marquette Ave., Minneapolis, Minn. 55403
Hotel direct reservations: (775) 789-2126
Reservation code: UTU Regional Meeting
Room rate: $99 single/double; $109 triple/quad
Reservation deadline: July 20, 2000
Parking: self $12.50 per day; valet $20 per day, both with in/out privileges

Self parking: free; valet $12 per day, both with in/out privileges

Discount airfares available

By registering in advance for the UTU/UTUIA Regional Meetings, you will speed registration procedures at the meeting sites and help organizers plan more accurately. Additionally, personalized name badges and information kits will be waiting for you upon arrival.

Which Regional Meeting will you be attending?
- Reno
- Birmingham
- Minneapolis

UTU Local __________
Name ____________________________
Title (if any) _______________________
Name for Badge (if different) _______
Home address ______________________
City/State/ZIP __________
Daytime telephone number ( ) ______
How will you be paying? □ By credit card □ By enclosed check
Circle type of credit card VISA MasterCard
Credit card number __________________________
Expiration date ______ Amt. charged ______
Signature ____________________

On-site registration is $175 per member or guest

Guest Registration Form

To be used by spouses, children and guests of UTU members attending a Regional Meeting.

Which Regional Meeting will you be attending?
- Reno
- Birmingham
- Minneapolis

Name ____________________________
Name of Member __________________
Local ______
Relationship to member __________________
Address _________________________
City/State/ZIP __________

Golf Registration Form

Which golf outing will you be attending?
- Reno
- Birmingham
- Minneapolis

Name ____________________________
Address _________________________
City/State/ZIP __________
Handicap or average 18-hole score __________

For the lowest-possible fare, a Saturday night stay is required.

Members wishing to inquire about discount air fares to Reno, Nev., or Birmingham, Ala., should call Southwest Airlines toll-free at (800) 433-1769. Identify yourself as with the UTU and refer to I.D. code G0530 for Reno or I.D. code G0540 for Birmingham, Ala.

Those inquiring about discounts for trips to Minneapolis should call Northwest/Continental Airlines toll-free at (800) 328-1111 and refer to code: World File NMPFR.

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Each February, Ohio State Director W. J. Thompson can count on the appearance of Retiree Program member Herman R. Weaver, above, who invariably brings a $100 TPEL contribution.

Pat McFall, UTU local chairperson for locomotive engineers in Local 305, Lincoln, Neb., has written a letter to all BNSF and other locomotive engineers on the UTU/BLE vote. His call for unity is on Page 5.

A better lantern soon will be evaluated by railroad workers on the Burlington Northern Santa Fe, according to Bob Pearson of Local 1177 in Willmar, Minn. The full story on Page 2.

You Work Hard for Your Money...

Make your IRA contribution for the year 2000 and start earning 6% interest immediately.

Your contribution can be made to a Traditional IRA or the new Roth IRA, which permits your funds to accumulate tax free once certain minimum requirements are met.

A Flexible Premium Deferred Annuity also earns 6% interest and offers you tax-deferred savings on all of your contributions.

Start saving for your future today. Contact your UTUIA representative or mail the coupon below for more information on these outstanding tax-deferred and tax-free products.

Information, Please

I would like more information on the following UTUIA Annuity:

☐ Traditional IRA ☐ Roth IRA ☐ Flexible Premium Deferred Annuity

Full Name of Member

Address:

City

State

Zip

Telephone number with Area Code:

Date of Birth:

Are you currently employed? ☐ Yes ☐ No

Complete and mail to UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250.
While we can proudly say we are members of the UTU and BLE, it is now more important to say that we should all be represented by one union with the “Power of One” to stand up against the carriers in the 21st Century.

Rail labor can no longer continue down the same archaic path of splintered union representation which benefits nobody other than the railroads.

That's why the UTU is so committed to unifying all historical crafts under one union banner, where each craft will maintain true autonomy and help protect the other against technology.

What is really at stake is continuing a way of life — your life! — on the railroad, which pays well for tens of thousands of union workers who accept hard and dangerous work.

The true issue is not what the UTU and/or the BLE have done to, or for, members in the past. It is what one union can do for all operating employees in the future!

In the 21st Century, we need the Power of One union to stand strong and protect a way of life that provides for so many.

Special Unity Poster #4:
Display this poster to show your support for unity among UTU and BLE members.