**The Voice of Transportation Labor**

“We cannot stop and enjoy our victory. We must continue to work. If we are to continue to be successful, it is imperative that we contact the members of the Ways and Means Committee and ask that they vote out H.R. 1140 without amendment.” – UTU National Legislative Director James Brunkenhoefer

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**News & Notes**

**State directors to meet**

CLEVELAND, Ohio – David H. Bricker, chairman of the National Association of State Legislative Directors, reminds all state legislative directors attending this year’s Regional Meetings that they will convene on Tuesday at 8 a.m. at each meeting. In Greensboro, the directors will meet in the Carolina Room of the Sheraton Greensboro Hotel on June 26. No meeting room has yet been assigned for the Winnipeg meeting. Other legislative board officers are welcome to attend, but space is limited.

**Cumby named to post**

CLEVELAND, Ohio – The UTU Board of Directors last month elected J.R. Cumby by acclamation to the position of Alternate Assistant to the President-Yardmasters, effective June 1, 2001. Cumby will fill the position formerly held by Jerry D. Martin, who in March succumbed to cancer at age 56. “We look forward to welcoming Brother Cumby to UTU Interna
tional headquarters in Cleveland,” said UTU International President Byron A. Boyd, Jr. “UTU-represented yardmasters will find they have a dedicated and extremely talented repre
sentative in J.R. Cumby.” Cumby, 43, is a member of Local 830 in Harrisburg, Pa., is currently a local president, and for seven years served as local chairperson. He has held the position of general chairperson on CSX since January 1995, and is coordinator for the UTU Transportation Safety Team. “I’m very grateful for this opportunity to serve UTU members, and want to thank the members of the UTU Board of Directors for this vote of confidence,” said Cumby. “I look for
ward to the challenges of helping usher the craft of yardmaster into this new century, and pledge to commit myself to work equally with all the general committees to which I’m assigned.”

**Member hurt in hijacking**

LOS ANGELES – A UTU-represented bus dri
ver was injured May 2 when a shooting suspect hijacked her MTA bus, held a gun to her head and forced her to drive. Police chased the bus several blocks until it crashed into a minivan, killing the driver’s wife. Seven others were injured. The bus driver, Emma Gutierrez of Local 1607, Los Angeles, Cal, suffered cuts to her face, scrapes and multiple trauma. She was admitted to the hospital in serious condition.

**UTU, BLE, BN work for safety**

KANSAS CITY, Mo. – At an unprecedented
“safety summit” held here April 30, 2001, the United Transportation Union, Brother
hood of Locomotive Engineers (BLE) and the Burlington Northern Santa Fe Railway Co. (BNSF) agreed to establish an Executive Safety
Committee empowered to recommend solu
tions to improve safety issues on the carrier.

The Executive Safety Committee will be
charged with developing a state-of-the-art safety plan and process by August 1, 2001.

The settlement should not be viewed as a pattern in either wages and or health care issues,” Boyd said, “as it dealt solely with areas of bargaining that are peculiar to BMWE members only and their working conditions. It certainly is unacceptable to the UTU.”

Meanwhile, Boyd noted that the date of elimination of entry rates of pay has yet to be agreed to by negotiators.

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**Railroad Retirement measure moves through Congress**

WASHINGTON, D.C. – Legislation to improve the Railroad Retirement System is progressing smoothly through Congress, in
spite of many hurdles.

On May 16, the legislation, H.R. 1140, the Railroad Retirement and Survivors’ Improvement Act of 2001, was approved by unani
mous voice vote of the full Transportation and Infrastructure Committee of the U.S. House of Representatives.

The measure now goes before the House Ways and Means Committee for considera
tion. Assuming the Ways and Means Com
mittee approves the measure, it would then pass through the House Rules Committee and, finally, to the floor of the House for a vote by all representatives.

UTU National Legislative Director James Brunkenhoefer was cautiously optimistic
about the progress of the legislation. “We can
not stop and enjoy our victory,” he said. “We must continue to work. If we are to continue to be successful, it is imperative that we con
 tact the members of the Ways and Means Committee and ask that they vote out H.R. 1140 without amendment. Let me repeat: the message that must be repeated over and over is that we want H.R. 1140 moved out of the House Ways and Means Committee, as soon as possible, without amendment.”

Continued on page 8

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**Labor, carriers discuss H&W**

CLEVELAND, Ohio – The National Carrier’s Conference Committee and the rail labor organizations participating in national handling, except for the Brother
hood of Maintenance of Way Employees (BMWE), were scheduled to meet and dis
cuss issues pertaining to the health and welfare provisions of the pending national rail contract as this issue of the UTU News reached deadline.

UTU International President Byron A. Boyd, Jr., said he remained optimistic that the railroads would understand that the health and welfare provisions in the pro
posed BMWE contract would not be accepted by UTU members.

“The BMWE settlement should not be viewed as a pattern in either wages and or health care issues,” Boyd said, “as it dealt solely with areas of bargaining that are peculiar to BMWE members only and their working conditions. It certainly is unacceptable to the UTU.”

Meanwhile, Boyd noted that the date of elimination of entry rates of pay has yet to be agreed to by negotiators.

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**Members halt runaway train**

KENTON, Ohio – A pair of UTU members played key roles in halting a 47-car CSX freight train hauling toxic materials that rolled across more than 60 miles of northwestern
Ohio for two hours last month with no one aboard.

In a daring maneuver, trainmaster Jon Hos
dell, a member of Local 830, Harrisburg, Pa., jumped aboard the moving train at a crossing near Kenton, Ohio, entered the locomotive and turned off the power.

The train, which sometimes hits speeds of about 50 mph, was slowed to 10 mph after another engine, giving chase under the control of engineer Jesse Knowlton and conductor

Continued on page 8
Local 4, Charny, P.Q.
Members voted last month to raise local dues by $1 per member per month, said Secretary and Treasurer Louis-François Garceau, who noted the local recently finished organizing the Railway Colloquium on Safety and Security Matters in Ste. Foy, P.Q.

Local 18, El Paso, Tex.
Members are hosting the UTU Wes-Tex Mini-Regional Meeting on June 13 at the El Paso Airport Hilton, said Pete Sandoval, who noted the guest speaker will be UTU International President Byron A. Boyd, Jr. The free event begins at 9 a.m. and includes lunch and an evening dinner and dance. To make reservations for the dinner and dance, call (915) 532-1818 and leave your name, local number, and number attending.

Local 23, Santa Cruz, Cal.
Members employed by the Santa Cruz Metropolitan Transit District are currently involved in the second round of “online bidding updates” via their recently revamped website at <http://www.local23.org>, said Steve Paulson. Meanwhile, members are supporting efforts to build a new operating facility by spreading the word and gathering signature cards to be presented to city council and the district’s board of directors.

Local 212, Albany, N.Y.
CSX employee Brian Hotaling, pinned between two rail cars last March, lost the battle to retain his left leg, which was recently amputated above the knee, said Vice General Chairman (Yard) Rick Manell. A fund to aid Hotaling and his family has been set up, and the local is sponsoring a number of fund-raisers. To help out, contact Manell by calling (518) 281-6541 or by writing to him at 30 Tatertown Lane, Albany, NY 12205-4031.

Local 338, Chattanooga, Tenn.
At last month’s regular meeting, G.M. “Greg” Chambers was elected secretary and treasurer, filling the slot vacated when T.D. Pierce stepped down to focus on his duties as local legislative representative. Meanwhile, Chambers said he and Local Chairperson W.D. Elliott have made plans to attend the Regional Meeting in Greensboro, N.C.

Local 343, Hamilton, Ont.
Members working for Canadian National recently resorted to withdrawing from the Oakville Interfunctional Committee to protest the carrier’s failure to respect union activities, said Local Chairperson (YTD&M) and Vice President Scott Montani, who noted similar problems at Locals 483 (Toronto) and 344 (Sarnia). Montani said Ontario Legislative Board Director Glenn King and Canadian Legislative Director Tim Secord have been instrumental in helping to straighten out company officials.

Local 469, Madison, Ill.
The annual Spring Crappie Tournament, sponsored by the Midwest Railroaders and UTU Designated Legal Counsel Lance Callis, was a resounding success, said Secretary and Treasurer John I. Payer. First place was won by Sidney Riedinger (L-219) and his son, second place by Tom Wemhoener (L-195) and his son; third place by Gerald Ebmeyer (L-1229) and his wife, and last place went to Jim McKinstry (L-1388), who caught a fish weighing three ounces.

Local 706, Roanoke, Va., is alive and on the job because of the concern of conductor Greg King (left), a member of the Brotherhood of Locomotive Engineers.

Co-worker’s concern bridges membership
With 30 years of rail service, CSX employee James R. Stultz, Sr., chairperson of Local 706, Roanoke, Va., believes that “we need everybody in the same union.” But on the job, he’d be the first to talk about a fraternity of safety, compassion and concern that takes precedence over everything.

A recent experience underscored that reality for the 53-year-old Stultz, who carpools to the job with other rail workers, including conductor Greg King, a member of the Brotherhood of Locomotive Engineers (BLE), who Stultz thinks is probably in his early 30s.

On a recent afternoon before work, sitting in his car with King and waiting to pick up the others, Stultz found King questioning his physical condition. Though they had only known each other for about six months, King knew Stultz had gotten a heart stent in 1998 and suffered a heart attack in 1999.

“He asked if I felt okay,” Stultz said. “I told him I felt fine, but he said I didn’t seem to be myself. He asked again a few minutes later, when I lit a cigarette. I took two puffs, put it out, and said, ‘Greg, you’re right. I’m going to the hospital to get myself checked out.’”

Though Stultz was prepared to drop off his friend and drive himself to the hospital, King wouldn’t hear of it and insisted on driving. When they arrived, Stultz took a few steps into the hospital and collapsed in the grip of a major heart attack.

Doctors found Stultz was suffering from a 99% blockage in the right aorta and performed a life-saving angioplasty.

“The doctors told me later that if I had driven myself, I probably wouldn’t have made it,” Stultz said. “And despite the loss of pay, Greg didn’t leave the hospital until 9 p.m., and he was back there again in the morning.”

Stultz said King has received a letter of recognition from the railroad for his efforts. “You can’t get any better buddies than we’ve got right here on the job,” Stultz said. “Because that’s a buddy!”

Local 866, Rawlins, Wyo.
Union Pacific engineer Bobbie Moon and conductor Juan Leyva have been hailed as heroes by State Legislative Director George Bagby, who said their quick actions saved the life of a two-year-old boy who was struck by the train they were operating. After hearing an unusual sound and seeing something roll off the right-of-way, they put the train into emergency. Leyva found the injured child along the tracks and kept him warm while Moon called 911, actions that saved the boy’s life.

Local 977, Pasco, Wash.
Members recently hosted a town hall meeting, with guest Cong. Doc Hastings (R-Wash.) present to answer questions about the Railroad Retirement and Survivors’ Improvement Act, said Legislative Representative Mitchell J. Newell.

Local 1397, Columbus, Ohio
The 52nd Annual Fish Fry and Old-Timers Party followed last month’s meeting, featuring food, friends and fun, said Secretary and Treasurer Robert L. Smith, who thanked head cook Jon Larkin and UTU Designated Legal Counsel Tom Wood and Bob Thompson, who helped make the event possible. Smith noted that a UTU Brass Lantern and a cash prize were raffled off this year to help raise funds for the annual Christmas party.

Local 1413, Jersey City, N.J.
General Chairperson Ray Arenas and his committee last month went through intensive training focused on commuter rail operations with Director of Strategic Planning John Nadalin, Associate General Counsel Kevin Brodar, National Legislative Director James M. Brunkenhoever and New Jersey State Legislative Director Dan O’Connell.

“We’re very grateful we had this opportunity and want to thank International President Byron Boyd and Vice President Tony Lannone for making this training possible,” said Arenas.

Local 1594, Upper Darby, Pa.
The regular meeting this month will be moved to the third Tuesday, said Local Chairperson and President Ron Koran, who said Vice Chairpersons Tom Bisignani, Bob Ellingworth and Ed Scott, along with Treasurer Stan Savchuck, will be joining him at the Greensboro Regional Meeting. He also noted Carmen Hall, discharged by SEPTA, has been returned to service with full back pay, benefits and seniority as a result of the successful progression of a grievance. Meanwhile, the AA-sponsored annual picnic will be held at Dorney Park in Allentown, Pa., on Father’s Day, June 17.

Monthly winner
This month’s lucky winner of his choice of any item of apparel bearing the UTU logo is James F. Smith of Local 1393, E. Buffalo, N.Y., who represented workers on Consol. These items are awarded every month by random drawing as a show of appreciation to the many members who have been supportive of the UTU throughout the years.
Massachusetts

In response to a 1999 endeavor by the Massachus- 
ets State Transportation Authority that would have opened various commuter rail operations to the lowest bidder, the UTU and other rail labor organizations have sponsored a bill before the state's legislature requiring full labor protections for all employees engaged in the maintenance and operation of commuter rail services owned by the state.

H. 947 and S. 1785 will, if passed, afford the full protection of all federal labor, pension and safety laws pertaining to railroad employees under the Railway Labor Act, the Railroad Retirement Act, the Federal Employers’ Liability Act and other federal statutes to all state commuter rail employees, regardless of which entity operates the service.

“This bill is supported by all of rail labor and will require all future bidders who may operate these services to maintain all labor protections,” Massachusetts State Legislative Director George Casey said.

H. 947 was scheduled to have its first reading on May 17 and Casey said supporters of the legislation had already lined up 20 co-sponsors, including the chairman of the state’s House Transportation Committee.

Casey is encouraging all UTU members and their families to contact their state legislators and ask for their support of the measure.

H. 947 was sponsored by Rep. Martin Walsh in the House of Representatives, and its Senate counterpart, S. 1785, was sponsored by Sen. Steven Tolman, whose father was a UTU conductor.

Arizona

Governor Jane Dee Hull, on April 14, signed into law S.B. 1408, amending the Joint and Several Liability statutes which regulate Federal Employers’ Liability Act claims against railroads, reported State Legislative Director Scott Olson.

Changes in the statutes now allow a railroad to sue third parties to recapture losses resulting from FELA lawsuits. However, the law excludes “co-employees” from being sued by a railroad and requires the railroad in question to settle FELA claims prior to filing suit against third parties.

“This was a major victory for the UTU because, as originally introduced, it would have had both portions of the trial going on at the same time, and that would have prolonged the trial and discovery for our injured members,” Olson said.

In other news, Olson commended Assistant Director David Shearer and Board Chairperson Steve Coffey for their assistance in getting two U.S. representatives from the state to sign on as co-sponsors of the Railroad Retirement and Survivors’ Act of 2001.

 Olson said that two more co-sponsors are near signing on, but Sen. John McCain is not yet on board. Olson is encouraging all UTU members to telephone McCain’s office in Phoenix at (602) 952-2410 or in Washington at (202) 224-2235 and ask for his support on this issue.

Also, the Arizona Legislative Board office has moved and Olson said members should note the new address and fax number. The office is now located at 528 W. El Caminito Dr., Phoenix, AZ 85021. The new fax number is (602) 997-0732.

West Virginia

Gary Olson, former UTU State Legislative Director of West Virginia, reported on H. 947, the Labor Protection bill, which was introduced by Rep. Steve Crandall and Sen. Sandy Allen. The bill before the state’s legislature requiring full labor protections for all employees engaged in the maintenance and operation of commuter rail services owned by the state.

Changes in the statutes now allow a railroad to sue third parties to recapture losses resulting from FELA lawsuits. However, the law excludes “co-employees” from being sued by a railroad and requires the railroad in question to settle FELA claims prior to filing suit against third parties.

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Wyoming

Former Wyoming State Legislative Director Glenn Sweem passed away on May 8, 2001, at the Sheridan V.A. Medical Center in Sheri- dan, Wyo., reported retired Legislative Director Titus Shelby. He was 82.

Sweem, a Burlington Northern conductor for more than 40 years, served as the UTU’s Wyoming legislative director from 1969 to 1971 and from 1976 to 1981.

He was active in Democratic Party politics, serving as a delegate to the Democratic National Convention in 1974 and as a member of Wyoming’s Electoral College in 1976.

Nebraska

Nebraska Legislative Director Ray Lineweber reports that L.B. 185, the two-person train crew bill, remains a “speaker’s priority” bill and is only two steps away from passage.

The bill was also unanimously endorsed by the Nebraska Public Service Commission.

“While it was chosen as a speaker’s priority, it, like the rest of the speaker’s priorities, fell behind redistricting, taxes, the budget and teacher salaries,” Lineweber said.

Also, L.B. 432E, a bill that would prevent genetic testing of employees by employers, is on final reading and is awaiting the appropriations bill to “catch up,” said Lineweber, who added that appropriations are generally addressed in the last few days of a legislative session.

“This bill has a lot of diverse support, includ- ing the governor, and we anticipate it will be signed into law no later than June 8,” Lineweber said.

Jim Cummy elected to post

Yardmaster General Chairperson James R. Cummy has been elected to the office of Alternate Assistant to the President-Yardmasters.

The International Board of Directors, by unanimous vote, elected Brother Cummy to fill the vacancy left by Jerry D. Martin. Yardmaster Department general chairpersons overwhelmingly supported Cummy’s election and placed their recommendation before the Board of Directors for consideration.

Jim began his rail career as a Penn Central brakeman in 1976 and became a yardmaster in 1977. He comes from a UTU rail family. His father, Charles Cummy, retired in 1990 as a member of Local 1477 at Dear- born, Mich., and his brother, Dave, is a yardmaster and member of Local 1962 at Toledo, Ohio.

Jim brings to the department a wealth of experience. He has been an elected yardmaster representative for more than 13 years, president of Local 1962 since its creation in 1980. International organizer and serves as coordinator of the UTU Transportation Safety Team that works closely with the National Transportation Safety Board investigating rail accidents.

As assistant director of the Yardmaster Department, Jim will assist our general committees with negotiations, contract issues, insurance problems and dispute resolution.

Jim and his wife, Linda, have a daughter, Amanda.
Providing the tools

Bravery, courage, morale, and brains

I enjoy reading military history. Believe it or not, many of the military battle tactics are similar to the approaches that we use in legislative strategy. The Turkish Army in WWI attempted to fight the first airplanes by shooting at them with Entfield rifles while riding on horses. Needless to say, the planes won. The Polish Army met Hitler's Blitzkrieg and his tanks shooting at them with Enfield rifles while riding on horses. Needless to say, battle tactics are similar to the approaches that we use in legislative strategy. However, it is as effective as the horse cavalry against the tank. We have to have a battle strategy that is effective against the enemies we face. The two people in the local upon which each member must depend are the local chairperson and the local legislative representative. The local chairperson handles all claims and grievances that are submitted; the local legislative representative handles all safety issues and violations of federal laws, such as Hours of Service violations. Each will present the grievances or complaints first with the carrier. If unsuccessful, the local chairperson will forward the issues to the general chairperson, or the local legislative representative will forward the complaint to the state legislative director.

Every item that is handled first must come from the individual member that has first-hand knowledge of the grievance and complaint. In the year we all have found it easier to pick-up the telephone and call the local chairperson or local legislative representative and get the information that will be used to progress any grievance or safety issue. It is you, the member, who will take the lead and make the decisions about your case when we have enough facts to support the claim or the claim has no merit.

Some union members appear to encourage the type of leadership that is strong on the heavy use of rhetoric. I can assure you that rhetoric and threats do not scare railroads or transit companies. These efforts receive applause and cheers, but seldom victories. Here in Washington, you can build a reputation of always fighting, always proving you are tough, and almost always losing. Once you have the reputation of being a constant loser, no one considers you much of a threat; they either beat you or go around you. That is not the case with your union. The UTU picks its battles and uses courage, planning, bravery, courage, and the will to fight against those who want to weaken our industry. To be feared and respected, we must do more than just say we will do the right thing. We must do the right thing. That is what we will do. That is what we must do.

When you experience a violation, make sure you know the rule that was violated. If not, ask your local chairperson. Many times we handle claims that have no merit and when we do this, we take away from our ability to handle good claims, and they have merit. Our system is bogged down with many claims that either lack sufficient information to support the claim or the claim has no merit.

If each of you will help out by following the above guidelines, we will have the necessary tools to successfully progress your claims, grievances and complaints. Try and attend a Regional Meeting; you will not be disappointed.
I want to take this opportunity to thank the association and its members for inviting me to remark upon the vital interest UTU, its members, and the nation's railroads have in ensuring safe and efficient operations on the rail carriers of this nation.

We appreciate the interest of the carriers in safe operations and the good intentions behind the Harriman Award. As a long-time operating employee of the Union Pacific, I became familiar with the worker-friendly "Harriman tradition" in the early years of my career.

To be clear, no one has a greater interest in safe rail operations than a carrier's employees, many of whom UTU represents. It is their lives and livelihoods that are literally at stake.

Over the years, both the carriers and UTU have worked hard, on their own, towards achieving safer rail operations. The carriers' operating departments have worked on their operating rules and their enforcement. The UTU representatives, and particularly our Legislative Department, have lobbied the Congress to pass safety legislation, the safety agencies to promulgate regulations, and the courts and arbitrators to enforce those laws and regulations. We have also championed new approaches with the carriers to achieve safe rail operations, such as RSAC and SACP at the FRA.

We believe in cooperative efforts to address safety. Today the UTU, in partnership with the American Short Line Railroad Association, is working to establish training programs for operating employees via the internet. This will be the first time, to my knowledge, that an endeavor of this nature has been undertaken.

A well-trained employee is a safe employee, and both labor and management have an equal and fundamental obligation to provide a safe-as-possible work environment. I want to thank Frank Turner, president of the American Short Line Association, for his vision.

However, despite the efforts of the parties on their own to achieve a safer workplace, the personal injuries and deaths of our members and your employees have not abated. As a result, UTU has become interested in another approach, in use on CSX and parts of UP. Just this past Monday I attended and participated in a Safety Summit at Kansas City, Missouri, between BNSF, UTU and BLE, which marks the beginning of an interest-based approach to resolving safety issues on that carrier.

I believe it is time for the parties to begin a real and substantial dialogue concerning working conditions in general, and their potential impact upon the safety of operations in particular. This new dialogue needs to take place with new ground rules because, to be frank, without casting aspersions on anyone, there are opinions out there that the various joint committees that have met in the past have been expensive endeavors without any enduring results.

By the same token, the atmosphere of this dialogue must be free of blame-game tactics on either side. The approaches of the past have not met the mutual interests of the parties in safe operations and have not led to effective long-term solutions.

I believe the parties have a real opportunity to address each other's interests, to determine their mutuality, and to come up with mutually satisfactory resolutions of them in such a setting.

The parties' positions to date have not yielded this kind of desirable result. We invite all the members of the association to consider this new approach so that together we can go about the business of seeing that the carriers' operations are safe and efficient, which is in the best interest of all concerned.
Sunday, July 22, 2001

10 a.m.–4 p.m.: Registration
6:30 p.m.–8:30 p.m.: Welcoming reception, with cocktails, hors d’oeuvres and entertainment

Monday, July 23, 2001

7 a.m.–4 p.m.: Registration
8:30 a.m.–10:30 a.m.: State of the Union Address. International President Byron A. Boyd, Jr., address to the membership.

Tuesday, July 24, 2001

7 a.m.–4 p.m.: Registration

Wednesday, July 25, 2001

11 a.m.–1:30 p.m.: Iowa Reception, with cocktails, hors d’oeuvres and entertainment

UTU Auxiliary offers tours

The UTU Auxiliary will offer tours of local attractions at both the Greensboro and Winnipeg Regional Meetings.

All registered guests, family members and guests are welcome to enjoy these tours free of charge as part of their Regional Meeting package, but space is limited and only those planning on taking the tour must pre-register by checking the appropriate box on the registration form.

In Greensboro, the UTU Auxiliary tour will take place on Tuesday, June 26, 2001. Participants will travel to the faithfully restored German Moravian congregational town of Old Salem, founded in 1766. Those who choose to walk will be able to walk streets virtually unchanged in 200 years and see costumed interpreters re-enact how ordinary people lived, worked and shopped. Lunch will be at the Old Salem Tavern.

In Winnipeg, on Tuesday, July 24, 2001, participants will travel from the host hotel by motorcoach to a leisurely paced boat tour to Lower Fort Garry National Historic Park, a restored 1830s trading post where modern voyagers re-enact the days of the fur trade. Lunch will be aboard the 400-passenger paddlewheeler as it returns to dock.
Register now for the Regional Meetings!

The UTU/UTUIA Regional Meetings scheduled for this summer promise fraternity, education and fun. Each Regional Meeting lasts a full three days, with the President’s Banquet on the evening of the third day.

Each attendee at the meeting MUST be registered in order to attend any planned social functions. Pre-registration speeds the registration process at the meeting, helps organizers plan more accurately and saves on the meeting cost. These savings are being passed on to each pre-registered attendee.

For immigration purposes, U.S. citizens attending the Winnipeg Reservation deadline: June 19, 2001
Parking: C$4.50 per day
Reservation code: UTU
Hotel direct reservations: (800) 665-0569;
190 Smith St., Winnipeg, Manitoba R3C1J8

Place Louis Riel All-Suite Hotel
Reservation deadline: June 19, 2001
Parking: C$8.50 per day
Room rate: C$109 single/double; C$124 deluxe king/two queens
Reservation code: UTU
Hotel direct reservations: (800) 463-6400;
161 Donald St., Winnipeg, Manitoba R3C1M3

These savings are being passed on to each pre-registered attendee.

For your convenience, payment by credit card is suggested.

Notice of cancellation of your Regional Meeting attendance or golf tournament participation must be received at the UTU International Headquarters 10 days prior to the first day of the Regional Meeting for a full refund without penalty. Please fax any changes or cancellations immediately to the UTU International Headquarters at (216) 228-5735.

You should make your own room reservations at one of the Regional Meeting hotels listed below. Please note certain reservation deadlines apply at each hotel.

June 25-27, 2001, Greensboro, N.C.
Sheraton Greensboro Hotel at Four Seasons 3121 High Point Rd., Greensboro, NC 27407
Hotel direct reservations: (800) 242-6556
Call between the hours of 6 a.m. and 11 p.m. EST
Reservation code: UTU
Room rate: $119 single/double; Parking: Free, self parking
Reservation deadline: HAS PASSED

July 23-25, 2001, Winnipeg, Manitoba
Delta Winnipeg Hotel (host hotel) 350 St. Mary Ave., Winnipeg, Manitoba R3C3J2
Hotel direct reservations: (800) 288-1133;
Reservation code: UTU
Room rate: C$125 single/double; Parking: C$9 per day
Reservation deadline: June 19, 2001
Sheraton Winnipeg Hotel (first overflow hotel) 161 Donald St., Winnipeg, Manitoba R3C1M3
Hotel direct reservations: (800) 483-6400;
Reservation code: UTU
Room rate: C$125 single/double; Parking: C$9 per day
Reservation deadline: June 19, 2001
Place Louis Riel All-Suite Hotel (second overflow hotel) 190 Smith St., Winnipeg, Manitoba R3C1J8
Hotel direct reservations: (800) 665-0569;
Reservation code: UTU
Suite rate: C$120 to C$135, single/double; Parking: C$4.50 per day
Reservation deadline: June 19, 2001

For immigration purposes, U.S. citizens attending the Winnipeg Regional Meeting should have with them proof of U.S. citizenship.

Golf outings at Regional Meetings

The UTU will hold golf outings the Sunday morning before both the Greensboro and Winnipeg Regional Meetings. The fee, $80 per golfer, includes transportation from the host hotel, greens fees, a golf cart for every two golfers, lunch and much more.

In Greensboro, golfers will play the beautiful and challenging Grandover Golf Course, 1000 Club Rd., Greensboro, N.C. In Winnipeg, golfers will play The Links at Quarry Oaks, Steinbach, Manitoba.

Both courses require soft golf spikes and proper attire. Golf club rentals are available at both courses and should be reserved ahead of time by calling the Grandover Golf Course at (336) 294-1800, or The Links at Quarry Oaks at (204) 326-9864. All play will be Texas scramble, as four golfers play. Register for the golf outings in the space provided on the registration form. Be sure to include your golf fee with your registration fee.

Golf fees are $80 per golfer (include in total payment)

Payment Options

Check/Money Order (U.S. funds only) $_____
Credit Card (please indicate type):
☐ VISA ☐ MasterCard
Card number ____________
Expiration date ____________
Total amount charged $_____
Signature ____________

Those who do not pre-register for the Regional Meeting but instead choose to register at the meeting site will be charged a $50 penalty fee. For your convenience, payment by credit card is suggested.

UTU Regional Meeting Registration Form

Registering before the Regional Meetings speeds sign-in procedures at the meeting site, helps organizers plan more accurately, and saves on meeting costs. These savings are being passed on to each pre-registered attendee.

Each person attending the Regional Meeting, including family members and guests, MUST be registered in order to attend any planned social functions. Pre-registration fees are $125 per person (U.S. currency), children 11 and under are complimentary. All pre-registration fees must be paid in U.S. currency. Canadian currency WILL NOT be accepted. If you have questions, consult your checking or banking institution. Forms and payments must be received 10 days prior to the Regional Meeting. On-site registration will be $175 per person (U.S.).

Which Regional Meeting will you be attending?
☐ Greensboro ☐ Winnipeg

Member Registration
Name ____________________________
Home Address ______________________
City/State/ZIP ______________________
Daytime telephone number _________
How would you like your Regional Meeting materials? (Choose one)
☐ Printed ☐ CD-ROM

Spouse Registration
Name ____________________________
Title (if any) ______________________
Will attend the Auxiliary tour? Total number on tour? ☐ Yes ☐ No

Child Registration
Child name ________________________ Age ______
Child name ________________________ Age ______
Child name ________________________ Age ______

Guest Registration
Guest Name ________________________
Guest Address ______________________
City/State/ZIP ______________________
Relationship to member ______________________

Golf Registration
Name ____________________________
Handicap _________________________

Golf fees are $80 per golfer (include in total payment)

Notice of cancellation of your Regional Meeting attendance or golf tournament participation must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 10 days prior to the Regional Meeting. Make checks or money orders payable to “UTU Regional Meeting.” Those who do not pre-register for the Regional Meeting but instead choose to register at the meeting site will be charged a $50 penalty fee. For your convenience, payment by credit card is suggested.
**Retirement**

Continued from page 1

Brunkenhoefer urged all members and their families to contact the members of the Ways and Means Committee, who are listed on the UTU’s website (www.utu.org).

“Please write, call, email, fax and schedule meetings in their district offices,” Brunkenhoefer stressed. “Please do this every day until this legislation is favorably voted on and moved out of committee without amendment. You have proven how effective you can be over the last 18 months. Please continue your hard work. It is working.

H.R. 1140, also introduced as S. 697 in the U.S. Senate, currently has more than 350 cosponsors in the House and 60 in the Senate. Included in that total are 32 members of the House Ways and Means Committee, 15 Republicans and 17 Democrats.

Support for this legislation has actually grown since last year. During the last session there were only 106 cosponsors. The number of organizations supporting this legislation has also grown. Additionally, the state legislatures of Arkansas, Colorado, Illinois, Missouri, Oregon and West Virginia have passed measures of support for the legislation.

H.R. 1140, the product of two years of negotiations between rail management, labor and retirees. Finally, the legislation was an outgrowth of an agreement that was approved by the House of Representatives last year by a vote of 391 to 25. It includes all the benefits and funding improvements agreed to last year by the parties.

If enacted into law, the measure would result in an expansion of retirement benefits, fixing an inequity that prevents parity with similar benefits paid by the Social Security System.

H.R. 1140 also promises unreduced retirement benefits at age 60 for those with 30 years of service; five-year vesting in the Railroad Retirement System for newer employees; a repeal of artificial caps on benefits for long-term employees; and includes a guarantee that the railroads will ensure the future solvency of the pension fund by absorbing any necessary future tax increases.

In addition, H.R. 1140 will enhance and modernize the system by allowing for investment of its assets in a diversified portfolio, with the anticipated increase in returns to be used to provide improved benefits to retirees and lower taxes on railroads.

Separate but attached to the measure is a collective bargaining agreement that will provide continued health and welfare coverage until age 65 for those who retire at age 60.

The Bush White House, however, is voicing concerns about the measure. President Bush last month appointed a Commission to Strengthen Social Security, has been instructed to make recommendations to strengthen and modernize Social Security according to six reform principles. One of those principles is that, “Government must not invest Social Security funds in the stock market.”

“Under H.R. 1140, the reserves in a federal retirement trust fund would be invested in the private equities market, and the proceeds from those investments would be used to pay for federal entitlement benefits,” National Economic Council Director Lawrence Lindsey, speaking for Bush, wrote in a letter to congressional leaders.

“While we are concerned about this fundamental shift in trust fund policy, we are sympathetic to some of the goals of this legislation, such as its provision to increase widows’ benefits in the Railroad Retirement System,” the letter read.

“At first reading, it would appear that the letter was not helpful,” Brunkenhoefer responded. “At first reading, it appears that someone at the White House is misinformed, to say the least. The correspondence actually concerns the investment of Social Security trust funds, and includes a guarantee that the safety of our members and BNSF is a top priority,” Marceau said.

“The labor movement in this country was proving to be successful. BNSF is willing to acknowledge the situation. Interest-based bargaining techniques, usually included as part of the UTU Regional Meeting program, are the best tools for reaching consensus quickly, especially when the issues are contentious,” Marceau said.

“The Bush Administration is proving that the safety of our members and BNSF is a top priority,” Marceau said.

Therefore this measure speaks to our members’ values and includes something for all rail workers and their families,” said UTU International President Byron A. Boyd, Jr., after the Safety Summit. “We are committed to increasing the same level of energy and resources as we did last year to get this bill passed into law.”

**Safety summit**

Continued from page 1

McPherson.

The original call for the BNSF Safety Summit came on March 14 from UTU International President Byron A. Boyd, Jr. After BLE International President Edward Dubroksi applauded the safety initiative, Boyd proposed that both unions participate in the summit together, along with BNSF President & CEO Melvin McPherson.

“By taking these first steps today to create a high-level Executive Safety Committee and committing to a 90-day timeline to develop a plan,” Boyd said, “we are telling our members and the railroad industry that this Safety Summit is about getting real results. Safety goes beyond rivalries between unions and rivalries between those unions and a company. We must do everything in our power to make sure our members go home safe each and every day from their work.”

“We each said what was on our minds and then we all came to a meeting of the minds, that the safety of our members and BNSF operating employees must be a top priority,” said Dubroksi. “We expect this Executive Safety Committee to develop a real-world plan that will work on the BNSF and that accomplishes our major goals. Working together with BLE at the UTU safety summit, showed BNSF just how serious we are.”

“The labor movement in this country was established primarily to deal with workplace injuries. The situation at BNSF does not differ significantly from conditions existing in the workplace at the turn of the last century,” Marceau said. “Our BNSF brothers and sisters are suffering injuries; the policies causing those injuries must be identified and the peril must be eliminated.

“The Executive Safety Committee is empowered to recommend solutions to improve safety issues on the BNSF. It goes without saying that, in order to suggest remedies, there must be an understanding of the issues and there must be an agreement between the parties as to the cause,” Marceau said.

The cause may be something that local managers have not been willing to admit, eager to address or capable of fixing. It is encouraging to find that top management at BNSF is willing to acknowledge the situation. Interest-based bargaining techniques, usually included as part of the UTU Regional Meeting program, are the best tools for reaching consensus quickly, especially when the issues are contentious,” Marceau said.

The BNSF Safety Summit and resulting Executive Safety Committee, both established by President Byron A. Boyd, Jr., are examples of the evolution of a process, new techniques intended to move an agenda rapidly, rather than reliance on the same old stuff that does not work anymore,” Marceau said.

After three years of tensions between the UTU and BLE, Boyd characterized the safety summit as “a new beginning” between the BLE and BNSF. Dubroksi said that the BLE “should seize upon this opportunity, and others that are sure to come about in the coming months, to mutually advance the causes of our memberships.”

**Runaway**

Continued from page 1

Terry Forson, linked up with the back of the runaway in a dramatic coupling maneuver and applied the brakes.

Two of the train’s tank cars contained thousands of gallons of the hazardous material molten phenol acid, a toxic ingredient of paints and dyes harmful when it is inhaled, ingested or comes into contact with the skin.

They never said nothing about this during training,” Forson said. “I was a member of UTU Local 1397, Columbus, Ohio, who had been in the conductor for just about a year when faced with catching the runaway train. “It was definitely a once-in-a-lifetime thing. It was just a conductor for just about a year when faced with training,” said Forson, a member of UTU Regional Vice President Jim Marceau.

In 1999, Forson was caught by an explosive that ingested or comes into contact with the skin. Paints and dyes are harmful when it is inhaled, applied the brakes. The National Transportation Safety Board, the Federal Railroad Administration (FRA) and CSX are continuing to investigate the incident, which began in Toledo, where CSX said the train was being halted.

According to CSX, the train was set loose when an unidentified engineer accidentally pulled a throttle on engine No. 8888 instead of a brake.

“Prior to disconnecting the locomotive to line a switch, he (the conductor) intended to engage the three types of brakes on the locomotive,” the CSX release said. “He applied two brakes, but then inadvertently grabbed the throttle lever instead of the first acting lever. By the time he realized the error, he was already off the locomotive, and it was moving too quickly for him to climb aboard to stop the movement.”

A number of questions remain about the incident. Initially, the police believed someone awoke the train was incapacitated by a medical emergency. Authorities didn’t learn the train was unmanned until local police officials climbed aboard the stopped train.

Another question remaining is why various safety mechanisms didn’t stop the train. A CSX spokesperson said the locomotive was equipped with an alarm system, under normal circumstances, would have applied the train’s brakes. Whether that didn’t happen, or whether the train was running with so much power that it overpowered the brakes, is being investigated, he said.
Use caution when signing railroad releases

A recent decision from a Federal appeals court highlights a danger in signing railroad releases after on-the-job injuries are sustained.

In SeaLand Service, Inc. v. Sellan, 231 F. 3d 848 (11th Cir. 2000), the United States Court of Appeals for the eleventh circuit held that a worker could release the employer even for future injuries if he is not careful in reviewing the release signed.

The SeaLand case was a Jones Act case for a seaman, but such cases use the same federal principles of law applying to railroad workers under the Federal Employers’ Liability Act (FELA).

In this case, the worker sustained an injury that appeared to be disabling. He signed a settlement release acknowledging that he was disabled, and stating that if he returned to work, he would “do so at his own risk, and the company will bear no responsibility for any illness and/or injuries he may suffer.” He then returned to work, re-injured his back, and filed a new claim.

To the surprise of most people following this case, the Court of Appeals held that the release was valid. This upset people who fight for the rights of railroad workers, because part of the FELA statute, 45 USC §55, states that the railroad cannot use a release to “exempt itself from any liability” under the FELA.

The Court of Appeals tortured this language to find that the law permits a release of a known risk, even though this re-injury had not yet occurred.

UTU designated legal counsel will be able to argue that this case is limited to a unique set of circumstances, because the worker had agreed in the release that he was totally disabled and stated that he would not return to work with the employer, so the Court of Appeals may have created a unique exception.

Nevertheless, this case highlights the importance of carefully reading the release from the railroad, recognizing that the railroad “form release” frequently attempts to get you to give up far more rights than you have discussed with the claims agent.

The review of your case by a qualified FELA attorney is always appropriate.

Thanks to Robert N. Peirce, Jr., designated legal counsel from Pittsburgh, Pa., for this month’s column.

Monte Bricker, coordinator
Designated Legal Counsel Program
888-241-7076 toll free
montebrick@aol.com
Some Railroad Retirement annuitants, like Social Security beneficiaries, can see a small increase in their monthly benefits, beginning with a retroactive payment in late July, the U.S. Railroad Retirement Board (RRB) said.

Because of a Department of Labor error in calculating the rise in the Consumer Price Index (CPI) during the 12 months preceding October 1999, the cost-of-living adjustment paid in January 2000 for Tier I and Social Security benefits was 2.4%, rather than the 2.5% due. Tier II Railroad Retirement benefits were not affected, as the 0.1% error in the CPI was too small to trigger a change in the Tier II cost-of-living increase of 0.8%, the RRB said.

About 92% of retired employees on the RRB’s rolls, along with 38% of spouse beneficiaries and 79% of survivor beneficiaries, are affected. About 95% of those affected were underpaid $1 a month or less since January 2000, while another 5% were underpaid up to $2 a month. The retroactive payments are expected to average $19 for those on the rolls since January 2000. Monthly payments in the corrected amounts will begin on August 1.

Missouri Pacific in 1956 and joined BRT Lodge 49 in N. Little Rock, Ark. (now UTU Local 211) several months later.

Newcomb was elected in 1974 to the office of general chairman of GP 569, a post he held until his retirement in June 1988.

The upcoming UTU Travelers Club Fall Foliage Cruise aboard the Princess Cruises Line’s Crown Princess, set for Oct. 19-29, 2000, has been sweetened with a number of complimentary items, making it an even more attractive and competitive package.

While traveling round-trip from Boston to Quebec and back, each participant will enjoy $75 in shipboard credit (with a maximum of $150 per cabin), as well as a complimentary group photo and an invitation to a private get-acquainted cocktail party. Because prices that start at just $1,335 per person already include all taxes, port fees and cancellation insurance, participants will enjoy nearly $500 in extras! For more information, call Brown at (812) 376-8273, or write to him at 3170 Flintwood Dr., Columbus, IN 47203.
Congratulations to the following winners of $500 annual scholarships from the United Transportation Union Insurance Association:

**District 1**

Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont


**District 2**

Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania


**District 3**

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia


**District 4**

Indiana, Michigan, Ohio


**District 5**

Illinois, Wisconsin

Jennifer M. Zolper, daughter of John J. Zolper of Local 1423, Galesburg, Ill.; Brett E. Shores, son of Randall E. Shores of Local 196, Beardstown, Ill.; Arika K. Guenther, granddaughter of Donald I. Crawford of Local 832, Superior, Wis.; Michael E. Kolar, son of Tom J. Kolar of Local 831, Milwaukee, Wis.

**District 6**

Arkansas, Louisiana, Oklahoma, Texas

Leah J. Henson, granddaughter of Ross S. Henson of Local 1092, Milwaukee, Wis.
**AT&T announces a special program for UTU members and their families!**

UTU members are eligible to receive discounts on rates and cellular equipment not available through AT&T retail stores!

**ALL PLANS INCLUDE:**
- **FREE** Caller ID
- **FREE** Voice Mail
- **FREE** Paging
- **FREE** Text Messaging
- **FREE** Call Waiting
- **FREE** Three-Way Calling

**PLUS,** you can choose two of the following three options on local or regional plans of $39.99 a month and higher:
- Receive 1,000 FREE evening and weekend minutes; FREE additional 200 daytime minutes; or FREE nationwide long distance. Nights begin at an early 8 p.m.!
- UTU members and families also receive a 20% equipment discount; 15% bonus minutes on most local and regional plans, and a 2% discount off monthly airtime charges!!

**Call AT&T Wireless at (800) 388-3235 and refer to Foundation Account 11988!**

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**Information, Please**

I would like more information on UTUIA’s ACCIDENTAL DEATH & DISMEMBERMENT policy. Please Print.

Full Name

Sex

Date of birth

Address

City

State

Zip

Telephone Number with Area Code

UTU Local Number

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250

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**$30,000 ACCIDENTAL DEATH BENEFIT FOR ONLY $5 PER MONTH**

**Q:** Am I eligible?

**A:** Yes, if you are presently a working UTU member and don't have the maximum $30,000 coverage.

**Q:** Is a physical exam required?

**A:** No.

**Q:** Do I have to answer any medical questions?

**A:** No.

**Q:** Are there any other benefits under this policy?

**A:** Yes. If you lose a hand, foot or eye in an accident, you will receive a $15,000 benefit payment.

**Q:** Is that all?

**A:** No. The policy will pay a $60,000 benefit if death is caused by a private passenger automobile and a $120,000 benefit if death is caused by common carrier while you are a farepaying passenger.

**Q:** Are there any exceptions under this policy?

**A:** Yes, any exception is listed in the policy. For instance, coverage is not provided for death or loss caused by intoxication, suicide or commission of a felony.

**Q:** This sounds great! How do I apply?

**A:** Complete the coupon below for more information, or call us toll-free at 1-800-558-8842 for assistance from your UTUIA representative.

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**No physical exam required and no medical questions!**

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**AT&T announces a special program for UTU members and their families!**

UTU members are eligible to receive discounts on rates and cellular equipment not available through AT&T retail stores!

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