

UTU News

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The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

“Are we willing to invest less than the price of two gallons of gasoline per month to return to the AFL-CIO, keep our defenses strong and advance our agenda of improving wages, working conditions, job safety and job security?” – *UTU International President Paul C. Thompson*

Negotiations update

To keep current on national rail negotiations between the UTU and the National Carriers' Conference Committee, go to www.utu.org and click on the "Rail Contract Negotiations" link toward the bottom right-hand side of the page.

News & Notes

Health care info sent

UTU members should have received their annual re-enrollment information outlining the health plans and health benefit provider options available under the NRC/UTU Health and Welfare Plan and The Railroad Employees National Health and Welfare Plan. This information was mailed by United Healthcare (UHC) on behalf of the plans.

As in the past, if all of the information on the re-enrollment material is correct, or if you do not want to change your benefit plan or benefit administrator, then you do not need to do anything.

If any corrections to the information are necessary, or if you want to change your benefit plan or benefit administrator, be sure to make the changes in the appropriate area(s) and return the form to UHC using the return envelope provided.

IMPORTANT: Those employees who have opted-out of coverage for 2005 are reminded that they MUST complete and return the opt-out form, along with the HIPPA form, in order to renew their opt-out election for 2006.

Be sure to review the re-enrollment information carefully to assure proper benefit application in the coming year.

Local 23 members strike

SANTA CRUZ, Calif. – UTU-represented bus operators here went on strike Sept. 26 after the Santa Cruz Metropolitan Transit District board rejected an agreement that would have staved off a work stoppage.

The UTU and transit negotiators had earlier agreed on several temporary cuts in other benefits to fund a reduction in monthly health insurance premiums.

But the transit district's board rejected what its own negotiators agreed to, and voted to impose new work rules that even the board's negotiators had agreed were too harsh. The UTU responded with a walkout. Some 145 UTU-represented bus operators are on strike.

“In one of the wealthiest communities in America, where bus operators struggle to support their families, the transit board thumbed its nose at these loyal employees and then drove home in their SUVs,” said UTU Local 23 Chairperson Bonnie Morr.

To get the latest news, go to www.utu.org and click on the “Bus” tab at the top.

Dues hike sought to rejoin AFL-CIO, defend attacks

As the UTU prepares to re-enter the AFL-CIO, and simultaneously fend off anti-union attacks by the Bush administration, conservatives in Congress and employers – plus raiding of our members by the BLET and the Teamsters – the UTU is seeking a \$5 per month dues increase effective Jan. 1.

Delegates will be asked to approve the dues increase.

“We are being challenged as never before,” said UTU International President Paul Thompson.

“We haven't raised International dues since 1999,” Thompson said, “and while we have taken every possible measure to control costs, the price of everything we do on behalf of members has risen substantially. Protecting jobs continues to be the number-one objective of this organization, and our return to the AFL-CIO will be of tremendous benefit to our membership.”

“The question each of us must ask ourselves,” Thompson said, “is: Are we willing to invest less than the price of two gallons of gasoline per month to return to the AFL-CIO, keep our defenses strong and advance our agenda of improving wages, working conditions, job safety and job security?”

“The Bush administration, supported by conservative majorities in the House and Senate, is the most anti-labor in modern history.”

“Our employers, emboldened by the administration's attacks on labor, are adopting vicious anti-union policies that include an increased number of discipline cases and court actions against us.”

“The Brotherhood of Locomotive Engineers and Trainmen, as well as the Teamsters, are raiding our rail and bus properties.”

“In addition to defending our union and defending our jobs as never before, we are fighting for improved training, fighting to preserve Amtrak, and fighting every day at the bargaining table to protect jobs, improve wages, improve our health-care plans, and ensure safety is not compromised by employers who put profits first.”

“All of these challenges are being met successfully, but the costs are significant.”

“The International's employees deserve fair wages and adequate health-care insurance,” Thompson said. “The UTU continues to file – and win – more grievances than most organiza-

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Bargain at table, not in the media

UTU International President Paul C. Thompson is warning union officers and members to negotiate at the bargaining table, not in the media.

The warning came after two incidents where UTU officers aired grievances in the local media, and not through proper channels.

In one instance, a well-meaning officer in Canada went to the local newspaper with allegations that the CN was running unsafe trains. The carrier quickly fired back in the press, not over the negotiating table, and things turned ugly. The carrier went to the media with misrepresentations and a personal attack on the UTU representative, indicating this individual was in trouble with his union.

Nothing could have been further from the truth.

Continued on page 10

FRA echoes UTU remote concerns

WASHINGTON, D.C. – The Federal Railroad Administration has put the nation's carriers on notice that UTU safety concerns about remote control operations and remote control operator training are valid and must be addressed promptly.

Responding to a Senate Commerce Committee study made at the request of the UTU, the FRA told the nation's railroads it shares the UTU's safety concerns as they “relate to the use of remote control locomotive (RCL) technology in main line movements.”

More specifically, those shared UTU/FRA concerns relate to the suitability of RCL technology in non-incident main line train movements and the adequacy of training being provided remote control operators (RCOs).

The UTU was the first to alert Congress and

Continued on page 10

Around the UTU

News from around the U.S. and Canada

Local 161, Seattle, Wash.

Members of this local working as bus operators for Evergreen Trails recently began a fundraising drive to assist the Northwest Chapter of the Salvation Army in its local efforts, said Local Chairperson **Brian Donald**. More about the effort can be read on the local's website at www.utulocal161.org. Also, members recently honored former longtime General Chairperson **Dan Bentley** for his services and dedication to the local.

Local 202, Denver, Colo.

Best wishes go to **J.P. "Pat" Fondy**, who recently retired from the BNSF Railway after working 46 years in engine service. Brother Fondy served as vice local chairperson and local chairperson for many years.

Local 226, Moberly, Mo.

This Norfolk Southern local, in conjunction with the Wabash Hospital Association, will be hosting a flu shot clinic on Nov. 21, said Secretary & Treasurer **Richard Duley**. Shots will be given at the Best Western Moberly Inn from 7 a.m. to 9 a.m. The service is free to members of the hospital association. For information, call Duley at (660) 263-4916.

Local 262, Boston, Mass.

Secretary & Treasurer **Marty Murphy** will be inducted into the International Veterans Boxing Association (IVBA) Hall of Fame on Oct. 30, said Treasurer **Dave Bowe** of Local 1462 in Boston. Murphy is being recognized for his many years in the boxing community, during which he served as sparring partner for five world champions. He also serves as chairman of the IVBA Scholarship Fund, which he helped develop, and is currently the boxing commissioner for Massachusetts.

Locals 200 & 286, N. Platte, Neb.

Members of these two Union Pacific locals recently presented a charity with donations while challenging other UTU locals to step up to the plate. To support the Lincoln Connection, a homeless shelter, Local 200 President **Mack McConahay** handed the charity's representative \$500, while Local President **Steve Coleman** and Secretary & Treasurer **John Hasenauer** of Local 286 handed over \$1,000. Local 286 Chairperson **Paul Fitzpatrick**, who helped spearhead the effort, said his local's donation included 10 individual gifts of \$50 each.

Local 343, Hamilton, Ont.

This Canadian National Railways and RailAmerica local recently passed a motion to donate \$500 to the UTU's Hurricane Relief Fund and challenged those locals with 35 or more members to meet or beat their donation, said Local President **Scott Montani**. Along with **Mark Olejnik**, Montani is now handling Discipline Income Protection Plan requests and sales for the local.

Local 471, Eugene, Ore.

Former Union Pacific conductor **Mark Kroeger**, 59, recently succumbed to cancer at Veterans' Hospice in Vancouver, Wash., said Local Chairperson **Greg Boam**.

Local 1241, Richmond, Calif.

Members of this BNSF Railway local are mourning the death of former Local Chairperson **Matthew David Borer**, who passed away on Sept. 9, said Local Chairperson **C. M. Schultz**.



Massachusetts Bay Transportation Authority conductor **Joseph "Jay" Marsden** (left), a fourth-generation railroader, recently retired just as his daughter **Lisa** began her career as a conductor. Both are members of Local 898 in Boston, Mass.

Passengers honor retiring conductor

One day last June, with his 36-year rail career drawing to an end and his train making the last stop of the run, conductor **Joseph "Jay" Marsden** discovered it was payback time.

"For once, instead of me being in charge," Marsden said, "the passengers took over!"

During his 17 years on the Massachusetts Bay Transportation Authority's (MBTA) Lowell Line, Brother Marsden had built a reputation for himself by wearing a leprechaun's hat on St. Patrick's Day, dressing as a werewolf on Halloween, leading sing-a-longs and learning enough about each passenger to make the ride a personal experience.

The man who assured a safe and secure commute and offered a sympathetic ear suddenly found himself surrounded by regular riders, past and present, who had secretly conspired to take him to dinner and celebrate his career.

For Marsden, now 60 and a member of Local 898 in Boston, Mass., time spent on the Lowell Line wasn't just a job. "Every day, I'd see the same people, and it became like a family on wheels," he said.

Marsden began his rail career at age 24 after spending five years selling insurance. When the insurance company was hit by a strike, his father suggested Marsden might want to join him on the Boston & Maine.

Marsden joined the Brotherhood of Railroad Trainmen and jumped back and forth between freight and passenger runs on the same property where his father, an uncle and his brother worked. "I'm a fourth-generation railroader," he said. "My great-grandfather and my grandfather also were conductors, and my daughter **Lisa** is a fifth-generation conductor and a proud member of Local 898."

Retirement feels strange, Marsden said, but he's ready. "I spent some of my finest hours in a caboose, looking out over the Mohawk Valley at a full moon," he said, "but I look forward to sitting on a little lake in New Hampshire, doing some fishing and reading and taking a couple day trips."

Local 1313, Amarillo, Texas

A pair of special seminars set for Oct. 10 and 11 for members and their spouses has been canceled, Local President **Joe Romo** said. The events, *Know Your Rights Under Federal Law*, likely will be held at a later date when scheduling conflicts can be reconciled. For information, contact Romo at (806) 622-2265.

Local 1558, Bergenfield, N.J.

Nineteen members of this Rockland Coaches local volunteered last month to head to the Gulf Coast and operate buses in the evacuation of Hurricane Katrina victims, said General Chairperson **Rich Deiser**, who also serves as alternate vice president-bus-east. While none were assigned to go, their offers to help remain in effect.

Local 1697, Lubbock, Texas

Nine bus operators from this Texas, New Mexico & Oklahoma (Panhandle Trailways) local last month participated in the evacuation of Hurricane Katrina victims from New Orleans, taking them to Mesquite, Texas, said Local President **Richard Kritselis** and General Chairperson **Leon B. Davis Jr.** Three of the nine were members of the bargaining unit, but management would not supply their names as this issue reached deadline.

Local 1741, San Francisco, Calif.

Members of this bus local are working to build "brand recognition" for the UTU through a "marketing committee" that will network, participate in community events and make available bumper stickers, business cards, UTU apparel and other items to increase awareness of the union and its value, said Local President **Ange Belay**. Also, newly minted Vice Local Chairperson **Nellie Morales** recently has assumed her duties with the local.

Local 1765, Grand Rapids, Mich.

Members of this CSXT local are mourning the death of **John T. Rupp Jr.**, said Local Chairperson **Steven Kauffman**. The 33-year-old conductor from Lowell, Mich., a railroader since 1995, succumbed to a heart attack on Sept. 13.

Local 1785, Santa Monica, Calif.

Local Chairperson **Adhi Reddy** enjoyed a special 45th-birthday present on Sept. 16: His local ratified a new three-year contract with the Santa Monica Municipal Bus Lines. (See story on Page 11.)

Local 1778, N. Vancouver, B.C.

The fall issue of the joint newsletter, *The Meeting Point*, issued by this local and Local 1923 in Prince George, B.C., is now available on the website shared by these two CN Railway locals, said Secretary & Treasurer **David Moorhouse** of Local 1778. Visit the website and take a look at www.utubc.com.

Local 1823, St. Louis, Mo.

At its September meeting, this Union Pacific local honored conductor **Jerry Riggins**, who recently retired after 34 years with the Missouri Pacific and the UP, said State Legislative Director **Larry Foster**. Among those at the event were Foster, UTUIA Field Supervisor **Joe Cunningham**, UTUIA Assistant Field Supervisor **Jed Emert**, Secretary & Treasurer **Tom Fitzgerald**, Legislative Rep. **Stan Adams**, conductors **Charles Woodley**, **Jake Biermann** and **John Ramirez** and retired conductor **Norbert Shacklette**.

Local 1951, Albany, N.Y.

Five yardmasters from District 1, all working in Massachusetts, retired during the summer, according to Local Chairperson **M. E. O'Donnell**. They include **Larry Colletin**, **Brian Lampson**, **H. Butch Cross**, **Joe Fernandes** and **R. Rusty Haymer**.

UTU Gear for your holiday shopping list

It's not too early to begin your holiday shopping and the UTU website is just the place to start, without ever leaving your home or going to a busy shopping mall. Just visit the UTU website at www.utu.org and click on the **UTU Gear** button.

All of the UTU items featured there are sold through American Products and are either union-made or are made in America.

All items carry a 100 percent quality guarantee against defects in materials and workmanship and volume discounts on customized orders are available to UTU locals. Watches and clocks carry a two-year manufacturer's warranty against defects.

All of the featured items can be ordered by credit card directly through the company's secure website, or by calling the company's toll-free telephone number: **(800) 272-5120**.

UTU members may also download and print a custom order form that can be mailed to UTU Merchandise.com, 1600 North Clinton Ave., Rochester, NY 14621.

All orders will be processed within days of receipt.

Prices are shown in U.S. dollars. Canadian members should make payment by check in U.S. funds. When using credit cards, transactions will automatically be billed in U.S. funds.

In maintaining the UTU's commitment to unionism, all of the warehouse staff employed by American Products are proud members of International Association of Machinists Local 1868.

Apparel prices may vary depending on size. Visit the UTU online store for complete details about prices and available sizes.



These are just some of the items you can purchase when you visit the UTU online store or call (800) 272-5120



Cleveland Cap



Embossed Denim Jacket



Tradition Golf Shirt



Golf Balls



Monroe King Louie Jacket



Long-Sleeve Henley



UTU Clock



Clipper Watch



Crewneck Sweatshirt



Brass Lantern



Pad Print Watch



Racing Hat



Fleece Blanket



Hooded Sweatshirt



Rally T-shirt



Patriot Golf Shirt



Knit Cuff Hat



Pocket Knife



Pocket Watch



Long-Sleeve Denim

Happy Holidays from UTU!

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Five dollars can buy you a better job, security

You can't buy much for five bucks these days.

Five bucks won't get you even two gallons of gasoline, and only a couple of beers if it's happy hour.

But what if you could make your employment more secure with five bucks?

Sounds like a pretty good investment.

With President Bush and conservatives in Congress doing all they are able to cripple labor unions, with employers fighting us with every tool at their disposal, and with the BLET and Teamsters raiding our members in an attempt to gain control of our contracts, we are under attack as never before.

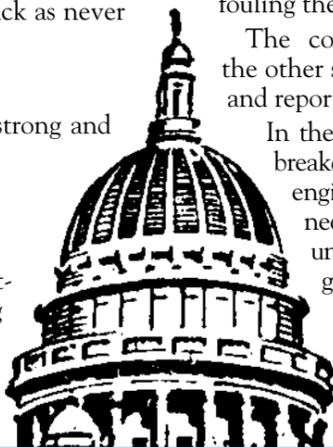
It's our jobs they are after – our livelihoods.

That five bucks will help in this fight to keep our union strong and effective.

It will also allow the UTU to return to the AFL-CIO.

It's been six years since the UTU International raised dues.

Five bucks more per month seems a pretty reasonable investment to return to the House of Labor, keep our defenses strong and advance our progressive agenda of improving wages, working conditions, job safety and job security.



WASHINGTON WATCH

By James M. Brunkenhoefer

Taxes, union dues pay for what we need

When we see a train wreck about to happen, we do all we can to stop it. It appears that our nation is headed for a fiscal train wreck.

Bill Clinton was called many things – one of which was a tax-and-spend liberal. But when the moving vans left the White House in 2001, it marked the first time in almost 30 years that our federal budget was balanced and we were on a glide path to reducing our enormous national debt which then was \$5 trillion.



Brunkenhoefer

In this second Bush administration, the national debt is now galloping toward \$7 trillion.

The Bush administration likes to curry favor by promising lower taxes because many think that with lower taxes – as with lower union dues – you can get something for nothing.

Well, there are no free lunches. If you want services from government or from unions, we know in our heads we have to pay taxes and union dues.

The continuing response to 9/11, policing the world and, now, rebuilding the Gulf Coast after Katrina and Rita are going to add untold billions more to our national debt.

The bills must be paid, and if the Bush administration continues its drive to lower taxes – too often mostly for the benefit of the wealthy – then the bill will be paid by cutting other government programs such as eliminating Medicare benefits.

A ferocious fiscal storm is approaching.

Safety comes first

By Rick Marceau
Assistant President

Swiss cheese has fewer holes than the railroads' claim they can run trains safely with single-person crews.

Carriers say positive train control (PTC) can prevent collisions with automatic brake applications; and PTC can automatically ensure compliance with speed restrictions and provide enhanced protection for roadway workers. Thus, claim the carriers, only one person is needed in the cab.

Even if true, there is still good reason for a conductor on board. No single train-crew member, who must make the right decision every time to avert catastrophic accidents, can mentally process and act on all information all the time. The second crew member provides a redundant safety system – vital given today's terrorist threats and hazmat loads.

Following a derailment, crossing collision or other event that incapacitates one crew member, the second crew member must notify the dispatcher, who halts traffic in both directions, as a portion of a derailed train might be fouling the roadway.

The conductor also watches the other side of the right-of-way and reports suspicious activity.

In the event of a mechanical breakdown or incapacitated engineer, a conductor is needed to cut the train to unblock highway/rail grade crossings used by emergency vehicles, and to interact with emergency responders.



Marceau

Given the high density of today's main line rail operations – where a 30-minute delay backs up traffic for hundreds of miles – the need for two crew members is essential, especially as the industry moves toward scheduled operations.

As for PTC, it remains mostly wishful thinking.

An experimental PTC system is being tested on less than 1 percent of BNSF Railway – and one of every three trains so equipped is experiencing a braking failure. No other Class I railroad is testing a PTC system. A joint project the AAR, FRA and the Illinois DOT are testing is also years from reality.

As for more complex PTC, which relies on global positioning satellites, it is still largely experimental, says the FRA. Freight rail operating officers say even a basic PTC system is probably six to eight years away, with an immediate minimum investment of up to \$5 billion that they say is probably cost prohibitive.

Most important, each PTC system now on the drawing board anticipates the presence of a well-trained, redundant crew member while the train is in main line operation.

The UTU does not oppose new technology that improves workplace safety. So far, the carriers have failed to demonstrate experimental PTC technology works and can be implemented safely. Instead, the carriers are making false claims in an effort to reduce jobs while rolling the dice on safety.

That is unacceptable.

Remember: There are no free lunches.

Do we really want, for example, a nation where senior citizens must choose between food on the table and medical care – or health care and rent?

It is outrageous that we have leaders in Washington, D.C., who brag what great fiscal managers they are when the reality is quite different.

It does not take a Harvard economist to recognize that serious fiscal storm clouds are gathering.

On the horizon is more suffering for the poor and middle class, who will be faced with higher health care, energy prices and other bills they may not be able to pay.

If predictions hold for a colder-than-normal winter, heating bills over most of the Midwest and Northeast are going to force millions of Americans to choose between food and heat.

Seniors and others on fixed incomes especially will suffer.

How much longer can we continue to believe that which is not true – that we can lower taxes while increasing spending?

Whether the fiscal issue is union dues or taxes, we cannot get more for less.

A ferocious fiscal storm is approaching. Who is going to stop this train wreck?

State Watch News from UTU State Legislative Boards

Kentucky



International, general committee and local officers and members recently attended an annual picnic sponsored by UTU Local 376 (CSX; Louisville). Attendees included International President Paul Thompson and Vice President Roy Boling. The event featured a presentation honoring retired Kentucky State Legislative Director Bobby Marshall. Above, State Legislative Director David Miracle, left, presents Marshall with a plaque of appreciation from the UTU National Association of State Legislative Directors for his years of service to the organization.

Michigan

David Brickey, former state director and chairperson of the UTU National Association of State Legislative Directors, retired Oct. 1 after a lengthy career that spanned more than 44 years in the rail industry.



Brickey

In 1961, after serving in the U.S. Army, including service in Korea, Brickey hired out on the Wabash Railroad (now Norfolk Southern) and soon became involved in union activities. In 1966 he was elected vice president of Local 454 of the Brotherhood of Railway Trainmen. He continuously held elected offices including local president, local chairperson, legislative representative, delegate and secretary of the

Maryland



The Maryland State Legislative Board held its annual fundraiser for the James E. Major Jr. Memorial Scholarship recently. Major, a member of Local 610 in Baltimore, was killed seven years ago in the head-on crash of an Amtrak train with a MARC commuter train at Silver Spring. Winning the golf tournament were Malcolm "T-Bone" Morrison and his wife Sybil. "The event was a success in obtaining the funds necessary to continue the scholarship," State Legislative Director Larry Kasecamp said. "Earning the scholarship for 2005 was Alicia Anderson, a student at West Virginia University and the daughter of Michael Anderson, a member of Local 600 in Cumberland."

general grievance committee. In 1980 he was elected full time assistant state legislative director and in 1981 succeeded to the position of Michigan state legislative director and served in that capacity until his retirement.

New Jersey

In addition to recommending U.S. Sen. Jon Corzine for governor, the New Jersey State Legislative Board recommends to all New Jersey UTU members the following candidates for election to the General Assembly:

Frank Blee (R-2nd); Joseph Roberts (D-

Nebraska



This motorized caboose, constructed on a Chevy van frame, was built by members of UTU Locals 305 (BNSF, Lincoln), 367 (UP, Omaha), 646 (UP, Council Bluffs) and 872 (BNSF, Omaha) and used in this year's Labor Day parade in Omaha. Pictured above are (front row, left to right) Assistant State Legislative Director Bob Borgeson and Kevin Kresl, legislative rep. of Local 367. Back row, left to right, are Tim Engler (local chairperson, L-872); Joe Brown (secretary/treasurer, L-367); Bill Price (local chairperson, L-646); Dick Casey (local chairperson, L-367), and John Vaughan (local chairperson, L-367).

5th); Herb Conaway (D-7th); Jack Connors (D-7th); Christopher Connors (R-9th); Samuel D. Thompson (R-13th); Linda Greenstein (D-14th); Reed Gusciorra (D-15th); Bonnie Watson-Coleman (D-15th); Joseph Egan (D-17th); Upendra Chivukula (D-17th); John Wisniewski (D-19th); Joseph Vas (D-19th); Linda Stender (D-22nd); Joseph R. Malone (R-30th) and Kevin O'Toole (R-40th).

"A complete list of all General Assembly recommendations was mailed to all locals at the end of September," State Legislative Director Dan O'Connell said. "If you don't see your Assembly district above, check with your local legislative representative, local secretary or general/local chairperson."

"Please support these candidates who have supported us in the past so they can help us in the future."

Bus Department

By Roy Arnold, vice president-director

How can the union change your life?

Once upon a time, I made \$5 per hour driving a road grader down a dusty highway in Lazbuddie, Texas. On that, I fed a family of four, paid rent and utilities, drove a clunker of a car and barely had something left over for Monday.

I soon became a ticket agent, baggage agent and then a bus operator at 22 cents per mile – still starvation wages on which I had to feed a family of four, pay rent and utilities, doctor bills and a car payment – and I had nothing left over for Monday.

As a young man, I knew a lot about bills and being treated by the employer as a second-class citizen – but nothing about a union.

Then I became a union member. My life changed for the better.

Here are some of our people helping to change lives for the better. Having had recent success at the negotiating table are: Melvin Brown and the team at Local 1741 in San Francisco; Adhi Reddy and the team at Local 1785 in Santa Monica, Calif.; Roger Wagner and the team at Local 1908 in Buffalo, N.Y.; and Forlisa Wells, Tom Fortes and the team at Local 1584 in Palmdale/Lancaster, Calif. They all report improvements in their members' economic packages and quality-of-life issues.

We should never forget the millions of Americans still in the dark about the benefits of union membership. They receive minimum wage. They have no health-care insurance. They have no union to stick up for them against an abusive or biased boss.

We can provide the light for those who need the help a union can provide them.



Yardmasters

By J.R. (Jim) Cumby, vice president

FRA issues new work-rest rules

The FRA in August released Operating Practices Technical Bulletin OP-05-01, which contains two advisories from FRA's chief counsel.

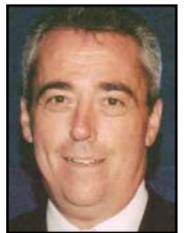
They respond to 18 questions from the UTU requesting the agency's application of the federal hours of service laws relating to specific yardmaster duties.

The UTU was seeking to gain equal application of the law to all yardmasters. We had found that hours of service laws were being misapplied – not only from railroad to railroad, but even at different locations on the same carrier.

This technical bulletin also serves as Operating Practices Agency Interpretation OPAI-05-01, and was distributed by the FRA to the Association of American Railroads, the UTU, the Brotherhood of Locomotive Engineers and Trainmen, the American Train Dispatchers' Association and the American Short Line and Regional Railroad Association for their further distribution to carriers.

FRA inspectors are to utilize the contents of this bulletin as guidance in their inspection and compliance-assurance efforts. Copies of the entire bulletin may be viewed on the UTU website at www.utu.org. Click on the "Yardmasters" link at the top of the website's home page. That will permit you to print out a copy of the bulletin. Otherwise, contact your general chairperson for assistance.

All yardmasters are urged to review this bulletin. FRA operating-practices inspectors will soon be enforcing this bulletin's contents. Application enforcement questions should be directed to your general chairperson and/or to my office in Cleveland.



Donations pour into UTU's Hurricane Relief Fund

Donations continue to pour into the UTU's Hurricane Relief Fund, assistance that will be used to help the many UTU members and other railroad and transportation workers adversely affected by Hurricanes Katrina and Rita.

A \$10,000 contribution from the UTU International, a \$25,000 donation from the Sheriff's Posse of DeKalb County, Ga., and \$10,000 donations from the Canadian Legislative Board and the Union Pacific general committee whose Gulf Coast-area membership has been hit hardest by the hurricanes and flooding, will be used to aid members all across the region.

"We as a union have always been there to assist our brothers and sisters in need," International President Paul Thompson said. "Disasters of this magnitude could happen to any one of us, so please be generous in your contribution, which will be tax deductible."

Contributions also will be accepted from non-UTU members, such as friends, neighbors and family of rail workers if they wish to contribute.

The UTU has contacted other railroad unions to ask for their cooperation in identifying rail workers living in the areas of devastation. "We are working with these other unions to assist rail and other transportation workers in overcoming these horrible disasters," Thompson said.

The UTU will absorb all administrative costs.

Seven-year-old Connor Moran, nephew of UTU International employee Bernie Moran-Zarefoss, baked cakes with his uncle and sold pieces to relatives and friends. He contributed his \$10 proceeds to the UTU Hurricane Relief Fund.



Need help?

As cash contributions from UTU members, their locals and general committees continue to pour into the UTU Hurricane Relief Fund, the International is in the process of creating equitable and timely procedures for the distribution of those contributions to affected rail workers in need – regardless of craft or union representation.

"The purpose of this fund is not immediate disaster relief as is being provided by the Red Cross and other organizations," said UTU International President Paul Thompson. "This fund is intended to help affected railroaders rebuild their lives."

The amount of assistance provided to each railroader will depend upon the number of those affected and the total amount donated. Clearly, the needs are great and the UTU continues to encourage its members, locals and general committees to contribute all they are able.

As soon as formal procedures are developed for those affected to apply for assistance, those procedures will be posted on the UTU website and provided to general chairpersons and local officers, Thompson said.



CSX offices in Mobile, Ala., were swamped after Hurricane Katrina.

Thanks to these donors:

Sheriff's Posse of DeKalb County	\$25,000
UTU International	\$10,000
Canadian Legislative Board	\$10,000
Union Pacific GO-953	\$10,000
CN/IC GO-433	\$5,000
Union Pacific GO-569	\$5,000
Louisiana State Legislative Board	\$5,000
Oregon State Legislative Board	\$5,000
Steve Young	\$5,000
BNSF Railway GO-001	\$2,500
CSX GO-347	\$2,500
Norfolk Southern GO-898	\$2,500
Union Pacific GO-225	\$2,500
Union Pacific GO-577	\$2,500
Missouri State Legislative Board	\$2,500
Texas State Legislative Board	\$2,500
UTU Local 202, Denver	\$2,500
CSX GO-049	\$2,000
Norfolk Southern GO-346	\$2,000
Kansas State Legislative Board	\$2,000
Dennis Baker/Bill Frenz	\$2,000
CSX GO-247	\$1,500
BNSF Railway GO-386	\$1,000
CN/IC GO-436	\$1,000
CSX GO-049	\$1,000
CSX GO-342	\$1,000
KCS GO-457	\$1,000
Norfolk Southern GO-346	\$1,000
Union Pacific GO-343	\$1,000
Arizona State Legislative Board	\$1,000
Florida State Legislative Board	\$1,000
Minnesota State Legislative Board	\$1,000
Tennessee State Legislative Board	\$1,000
Ontario Legislative Board	\$1,000
Quebec Legislative Board	\$1,000
UTU Local 194, Elkhart, Ind.	\$1,000
UTU Local 199, Creston, Iowa	\$1,000
UTU Local 283, Portland, Ore.	\$1,000
UTU Local 286, North Platte, Neb.	\$1,000
UTU Local 495, Salina, Kans.	\$1,000
UTU Local 811, San Bernardino, Calif.	\$1,000
UTU Local 1092, Teague, Texas	\$1,000
UTU Local 1291, Birmingham, Ala.	\$1,000
UTU Local 1348, Centralia, Wash.	\$1,000
UTU Local 1525, Carbondale, Ill.	\$1,000
UTU Local 1567, Corbin, Ky.	\$1,000
Lance Callis	\$1,000
James Brunkenhoefer	\$1,000
David Brickey	\$1,000
UTUIA Local Unit No. 8	\$1,000

(Only those donating \$1,000 or more are listed here. The actual list of hundreds of generous donors would fill this centerspread.)

What is the Sheriff's Posse of DeKalb?

What is the Sheriff's Posse of DeKalb County, Ga., the group that gave the UTU Hurricane Katrina Relief Fund \$25,000?

This group, organized in 1963, once was made up of badge-carrying honorary deputies who helped with search and rescue missions, crowd control and staged fundraising rodeos in the Atlanta, Ga., area, that benefited disabled and underprivileged youth.

Since then, the membership has dwindled, but not their benevolence, according to treasurer Don Dysart, secretary/treasurer and local chairperson of Local 1261 in Atlanta who also serves as a UTUIA field supervisor.

"We have a good amount of money and we like to give it away," he said. "We are also donating to local shelters and families helping refugees. We are very active in the community and give a lot of money to various charities, especially those involved with disabled children."

"I am a railroader and field supervisor and that's my territory down there," Dysart said. "We did it because it's the right thing to do. We use the money to help whomever needs to be helped."

UTU waives dues; railroads offer assistance

Retired UTU members who belong to the UTU for Life Program and who are unable to receive mail because of Hurricane Katrina will be getting a little relief from the UTU International. The same courtesy will apply to members so affected by Hurricane Rita.

UTU for Life members who are unable to receive their bills for the \$9 annual dues because of U.S. Postal Service restrictions will have their annual dues paid by the International as part of the efforts to aid members.



Union Pacific employees affected by the storms should call the railroad's employee assistance hotline at (877) 877-2567, option 1. UP said employees who are unable to work because of the effects of Hurricane Katrina will continue to be paid for at least one month and are being offered additional financial aid.

Norfolk Southern Railway employees in storm-damaged areas are asked to contact the railroad's Human Resources Help Desk at (800) 267-3313. Employees affected by Hurricane Katrina may be able to benefit from interest-free loans and temporary job relocation programs. Information about the programs is available through the carrier.

CSX is permitting employees to donate vacation or leave time to assist fellow employees affected by the hurricanes.

Insurance carriers also are aiding the hurricane victims. See page 9 for details.

"Gulfport and Biloxi have, essentially, been wiped out, and about 50 UTU members work and live in the area. Many of their homes have been destroyed or badly damaged and they are unable to work because of the condition of the KCS and CN/IC tracks. It could be many months before these guys will be able to hold regular jobs and get regular paychecks. That is why donations to the Hurricane Relief Fund are so important."

– Bob Snow, Mississippi state legislative director

Checks should be made out to the
"UTU Hurricane Relief Fund"
and mailed to:

UTU HURRICANE RELIEF FUND
ATTN: CHERYL SNEED
UNITED TRANSPORTATION UNION
14600 DETROIT AVE.
CLEVELAND, OH 44107

Yes, I want to help!

I want to contribute to the UTU Hurricane Relief Fund to aid my brothers and sisters in their time of need.

Name _____ Local _____

Address _____

City/State/ZIP _____

Amount enclosed \$ _____

Mail to UTU Hurricane Relief Fund, 14600 Detroit Ave., Cleveland, OH 44107-4250. (Contributions are tax deductible.)

UTU for Life

Railroad widow marks 100 years

On Aug. 20, Celeste Shaver joined a very exclusive group. Of the roughly 602,000 people currently receiving benefits from the Railroad Retirement Board, she's one of only about 1,300 who have celebrated their 100th birthdays.



Celeste Shaver

"The Railroad Retirement Board sent a representative to visit me, and they gave me a certificate," Mrs. Shaver said. "But no cake."

Celeste Shaver's late husband, Charles Henry Shaver, was a railroader for almost 49 years, starting his career on the Denver & Rio Grande Western in 1919 and retiring as an engineer in 1968. A member of the Brotherhood of Locomotive Firemen and Enginemen (a UTU predecessor), he passed away in 1975.

"My husband was very involved in the union," Mrs. Shaver said. "And I was involved, too. I served a term as president of the organization's auxiliary. And I guess my son, Jack, was involved, too."

In fact, Jack Shaver, one of Mrs. Shaver's three children, including two sons and a daughter, served as UTU's Colorado state legislative director for 17 years before retiring in June 2000.

Celeste Shaver's plans? "No plans," she said. "I like things the way they are."

Health insurers ready Medicare drug plans

A number of major health-care insurers, including UnitedHealthcare, Medco and the C and O Employees' Hospital Association, will offer nationwide prescription drug coverage to Medicare beneficiaries, according to news reports. Dozens of other health-care insurers will sell the coverage in specific states. Premiums should average around \$32 monthly, said *The New York Times*.



Annual report to Congress shows RRB fund improving

By V.M. "Butch" Speakman, Jr.

The financial condition of the Railroad Retirement system, as recently reported to Congress, is "generally favorable" for the next 25 years.

Projecting the system's income and outgo under optimistic, moderate and pessimistic employment assumptions, the report concludes that, barring a sudden, unanticipated, large decrease in railroad employment or substantial investment losses, the system will experience no cash-flow problems through the year 2029.

This is an improved report over the one submitted in 2004, which indicated cash-flow problems as early as 2026 under the pessimistic employment assumption – but not under the optimistic and moderate employment assumptions.

Also, the Railroad Retirement system's pro-

jected account balances are higher than in last year's report. This is due largely to investment results and stepped-up hiring by the railroads.

There are some \$26 billion in the Railroad Retirement Trust Fund.

The 2005 report does not recommend any Railroad Retirement financing changes. However, the report makes clear that under the current financing structure, actual levels of railroad employment and investment return over the coming years will largely determine whether corrective action is necessary.

The RRB's 2005 Railroad Unemployment Insurance financial report was also generally favorable.

The Railroad Retirement Board's 2005 financial reports are available in their entirety on the board's website at www.rrb.gov.

V.M. "Butch" Speakman Jr. serves as labor member of the U.S. Railroad Retirement Board.



V.M. Speakman

Distinguished retired officers pass away

Retired former UTU International Vice President Clifford "Cliff" Bryant, 73, passed away on Aug. 27, and retired former UTU Oklahoma State Legislative Director Kenneth W. Minard, 59, died Sept. 18 following a lengthy illness.



Bryant

Brother Bryant, a member of Local 27 in Cleveland, Ohio, was born in Chapmanville, W. Va., and came to Ohio as a teenager. He began his railroad career in 1950 as a locomotive fireman for the River Terminal Railway in Cleveland. He was promoted to locomotive engineer in 1952 and joined Brotherhood of Locomotive Firemen and Enginemen Lodge 709.

Bryant served as local secretary, treasurer and vice chairperson of the general grievance committee from 1958 to 1962, and as general chairperson and legislative representative from 1962 to 1979. He was elected alternate vice president of the UTU at the 1975 convention, advanced to

vice president in 1979, and was re-elected to the post at the 1979, 1983, 1987, 1991 and 1995 conventions.

Bryant, who was preceded in death by his wife Mary, is survived by a son, two daughters and seven grandchildren.



Minard

Brother Minard, a member of Local 1042 in Oklahoma City, began his railroad career in 1969 in Oklahoma City as a switchman on the St. Louis-San Francisco Railroad (now part of BNSF Railway). He subsequently held conductor and yardmaster seniority.

Minard held membership in Local 1042 for 36 years and served the UTU in numerous elected capacities. For 13 years, until his retirement last year, he was state legislative director.

His late father, Alan Minard, was a conductor on the Frisco and also was an active UTU member.

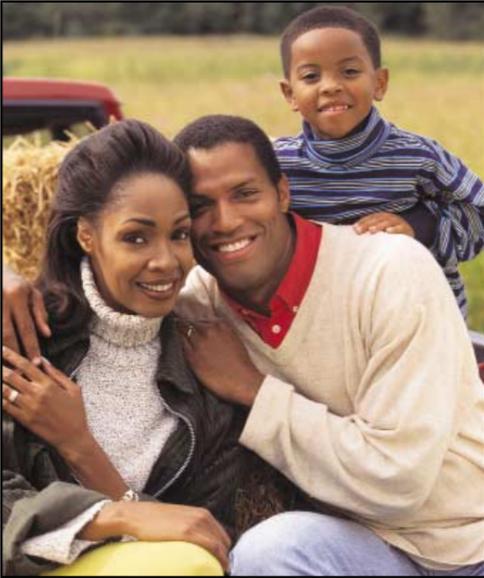
Minard is survived by his wife Marsha, his son Matt, and grandchildren.

THE FINAL CALL

Following are the names of recently deceased retirees who maintained annual membership in the *UTU For Life* program (formerly known as the *UTU Retiree Program*), according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow *UTU for Life* members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
1	Gulick Sr., Charles A.	Magnolia, Del.	495	Thompson, Roy B.	Alamo, Texas	1075	Baden, Donald W.	West Melbourne, Fla.
2	Clapsaddle, Gene J.	Millbury, Ohio	528	Houser, Charles C.	Mount Prospect, Ill.	1075	Twitty, Dalton E.	Springfield, Ill.
2	Urban, Franklin L.	Dunedin, Fla.	569	Blakley, Vaughn R.	Ennis, Texas	1138	Hills, Harmon C.	Frankfort, Ky.
5	Keesee, William G.	Kansas City, Mo.	577	Ressetar, Pete	Chicago, Ill.	1161	Williams, James H.	North Bay, Ont.
27	Bryant, Clifford	Richfield, Ohio	622	Baggett, Miles J.	Birmingham, Ala.	1202	Leonard, Ronald D.	New Haven, Ind.
94	Brawner Jr., Willard V.	Kansas City, Kan.	626	Wesch, Floyd H.	McCook, Neb.	1378	Shaw Jr., Elwood	Salisbury, Md.
94	Walker, L.E.	Claremore, Okla.	631	Brillhart, Franklin L.	Spring Grove, Pa.	1388	Suarez, David	St. Louis, Mo.
98	Swain, Arthur D.	San Luis Obispo, Calif.	643	Porter, Russell E.	Cameron, Mo.	1390	Smith, Kenneth W.	Bayonne, N.J.
200	Bomberger, Dolan C.	North Platte, Neb.	768	Tate, Floyd W.	Mount Zion, Ill.	1393	Brinkel, Edward J.	Lancaster, N.Y.
226	Fennel, Robert A.	Moberly, Mo.	792	Smith, William C.	Akron, Ohio	1393	Jacobson, Robert W.	Blasdell, N.Y.
265	Bissegger, Lyle A.	Pocatello, Idaho	811	Harmon, Earl J.	Booneville, Ark.	1393	Swanick, David R.	Niceville, Fla.
298	Eicher, Carl J.	Ft. Wayne, Ind.	835	Parmelee, Kenneth E.	Casper, Wyo.	1438	Brumlow, Alva R.	Hazel Green, Ala.
300	Fullerton, Howard	West Grove, Pa.	838	Mark Jr., T.W.	Lincoln University, Pa.	1529	Neikirk, Edward L.	Cape Coral, Fla.
320	Montney Sr., Robert E.	Otter Lake, Mich.	931	Robinson Jr., Gary N.	Greenville, S.C.	1544	Smith, Richard T.	Yuma, Ariz.
333	Walters, Garland W.	Cincinnati, Ohio	951	Demchok, Frank B.	Sheridan, Wyo.	1765	Rupp Jr., John T.	Lowell, Mich.
338	Compton, Raymond D.	Ooltewah, Tenn.	1042	Minard, Kenneth W.	Midwest City, Okla.	1770	Eimers, J.V.	La Habra, Calif.
446	Blay, Wilford O.	Blackwell, Okla.				1928	Merrill, John H.	Toledo, Ohio
						1928	Reeder, Lawson G.	Toledo, Ohio
						1977	Lavering, Hugh L.	Gresham, Ore.

Protection for your loved ones Peace of mind for you



The answer is life insurance. Life insurance – especially term insurance – is very inexpensive at young ages and, while you're young and insurable, you stand the best chance of getting the best rate possible.

We can provide the peace of mind you're looking for. **Contact us toll-free at 1-800-558-8842.**

Young families have very little discretionary cash. In fact, most young families rely on the income of both spouses to make ends meet.

You've thought about how your family would carry on if something happened to you. But you put the thought out of your mind because, after all, you're young. Nothing's going to happen to you. Right?

What if something were to happen to you? Would there be enough money to provide for even the barest of necessities, especially since it takes both incomes to make ends meet?

If you could protect the financial well-being of your loved ones for just a few dollars a month, wouldn't you do whatever it takes to set aside those few dollars to ensure the financial well-being of your family? Of course you would!

Information, please

I would like more information on UTUIA's Ultimate Term Insurance.

Please print



Full name of member

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

10/05

Health and welfare plans bend to storm relief

UTU-represented rail employees and their families covered by certain health and welfare plans and affected by Hurricane Katrina can now access a toll-free, 24-hour crisis hotline serving their health and welfare needs, and the coverage plans these members and their families rely on have announced special provisions to ease the difficulties many may be facing.

Hotline for H&W and NRC/UTU Plans

To support the health, emotional, financial, and legal concerns of members in the affected areas, a toll-free, 24-hour crisis hotline can be reached at (866) 615-8700.

This hotline is available to members and their families who participate in the Managed Medical Care Program (MMCP) and the Basic Health Care Benefit (BHCB) plans available through the Railroad Employees National Health and Welfare (H&W) Plan and the National Railway Carriers and United Transportation Union Health and Welfare (NRC/UTU) Plan.

Customer-care professionals staffing the hotline are assisting individuals in locating network doctors and hospitals when members have been able to call for support.

However, some members have needed immediate access to care from the closest doctor or hospital offering services, while others have been displaced or have no access to a telephone.

As a result, claims for services rendered to UnitedHealthcare enrollees from the FEMA-designated disaster areas will be reimbursed using the enrollees' network benefit differential level regardless of the physicians' or facilities' affiliation with UnitedHealthcare. For example, if an enrollee's network co-insurance amount is 10 percent, that co-insurance percentage will be used even on out-of-network claims. This change will include dates of service from Aug. 27, 2005, through Sept. 30, 2005.

Plans adapt to circumstances

Meanwhile, the H&W and NRC/UTU plans have adopted the following four arrangements to help participants who, on Aug. 7, resided in any ZIP code that started with the three digits 393, 394, 395, 396, 700, 701 and 704. These arrangements will stay in effect through the end of October 2005, and will apply retroactively to Aug. 27, 2005.

Eligible dependents

The plans will treat as eligible dependents an employee's unmarried children between 19 and 25 who were registered students in regular full-time school attendance during the spring or summer of 2005 but who will not be registered full-time students during the fall of 2005 due to the damage and disruption wrought by Katrina. Please bear in mind, however, that to be eligible dependents, these children must be dependent for care and support mainly upon you and wholly, in the aggregate, upon themselves, you, your spouse, and scholarships and the like, and have their legal residence with you.

Benefits paid at in-network level

The Managed Medical Care Program (MMCP) under each plan will pay

benefits at the in-network benefit level whether or not covered health services are obtained from an in-network provider. This means that the yearly deductibles and out-of-pocket maximum that apply to out-of-network services won't apply to covered health services obtained from out-of-network providers and that the plans will pay 100 percent of eligible expenses after any applicable co-payment is made.

Mental health and substance abuse benefits

Each plan's Mental Health and Substance Abuse Care Benefit will pay benefits at the in-network benefit level whether or not covered health services are obtained from a ValueOptions provider or a non-ValueOptions provider. This means that the yearly deductibles and out-of-pocket maximum that apply to out-of-network services won't apply to covered health services obtained from a non-ValueOptions provider and that the plan will pay 100 percent of in-patient benefits and, except for a \$15 co-payment for each office visit, 100 percent of outpatient benefits. The outpatient benefits will be payable as long as the provider is a licensed or certified psychiatrist, psychologist, psychiatric social worker or other licensed or certified mental health practitioner. No certification by ValueOptions will be needed for the first 10 outpatient visits. ValueOptions' certification will still be needed for inpatient or alternative levels of care.

Prescription drug benefit

The mail order prescription drug program under the Managed Pharmacy Services Benefit of each plan will hold shipment of temperature-sensitive medications pending contact from you; and will replace lost or damaged prescriptions without any requirement that you pay a co-pay or shipping cost for the replacement prescription upon confirmation by the plans' vendor, Medco, that the order was lost or damaged. Further, mail orders can be shipped to a temporary alternate address by calling Medco's customer service at (800) 842-0070 and making the request. This will apply to new orders, refills or existing prescriptions on file with Medco and, in some instances, orders already placed.

If you are unable to receive your order by mail, Medco can transfer your prescription to a retail pharmacy for dispensing. If you are out of medications and have placed a mail order with Medco and its system indicates that the medication has been shipped, Medco will process up to a seven-day supply of medications through a retail pharmacy, at no cost to you.

If for some reason this can't be done but you are able to obtain your medication from a retail pharmacy, whether it is an in-network pharmacy or an out-of-network pharmacy, you will be reimbursed for that one-time transaction.

As Hurricane Rita pushed across Texas and Louisiana, Medco reviewed the current eligibility files for all railroad members living in areas that were ordered to evacuate. It identified some 17,000-plus members and dependents across all railroad populations (National Plan, NRC/TCU, Retirees, ERMA, and Labor Executives) that reside in areas that were ordered to evacuate. The company said it is prepared to assist these people in any way possible and will keep them advised of any changes in protocol that are made as they develop.

Dues increase

Continued from page 1

tions, and these costs, which include extensive travel, are increasing.

"We also must fight increased efforts by the carriers to eliminate crew-consist agreements and undo the Federal Employers' Liability Act.

"Meanwhile, we are faced with substantial costs to modernize our headquarters's computer network, which is more than 30 years old," Thompson said.

"And, if we return to the AFL-CIO, as we are seeking, we will be required to pay dues to the House of Labor."

Assistant President Rick Marceau observed, "Some members will say that when the 1999 dues increase of \$5 was imposed, it was to be used for a 'war chest' to fight the BLE. The BLE raids have not stopped. In fact, they have intensified. Plus we now must deal

with the anti-labor White House and Congress, emboldened employers, and our internal cost increases."

Thompson said that "UTU International dues have, for many years, been far less than those of other unions. Even with the proposed dues increase, the UTU International assess-

Dues hike sought to fight carriers, re-join AFL-CIO

ments are below the level of International dues of other bus/rail organizations.

"I assure you that austerity measures have and will continue to be implemented where possible without sacrifice to service and representation," Thompson said.

Thompson noted that under the UTU Constitution, International dues could be raised by \$2 monthly without a vote of delegates.

"If this \$5 increase is approved, I promise two things," Thompson said. "One is that the International will not place another \$2 dues increase into effect. The other is that I will present for the delegates' consideration at the 2007 UTU convention additional proposals to streamline our union with additional cost-saving items.

"With our continued austerity, the \$5 monthly dues increase will enable us to have available funds to fight the terrific battles that we are facing from the White House, from conservatives in Congress, from anti-union bus and rail carriers, and from the BLET and the Teamsters," Thompson said.

"This dues increase," Thompson said, "is essential to our returning to the AFL-CIO and ensures the financial stability of our organization and our ability to do the job you expect us to accomplish."

Remote concerns

Continued from page 1

the FRA that railroads were using RCL outside yards in main line operation – something the FRA said it was "surprised" to learn as the carriers had never notified the FRA they intended to expand use of that technology beyond its tested limitations.

Although the FRA said incidental main line track operations (such as using a main line for so-called tail room when switching within a yard) are "generally safe," the agency said "non-incidental movements over main line track by RCLs can pose an unacceptable safety risk and should be strictly limited. Further, it appears that remote control operator training provided to date is not sufficient to support non-incidental main line operations.

"The primary problem with the current state of the RCL technology," the FRA said, "is that it is inadequate to control in-train forces during heavy-haul operations; similarly, we are concerned that the way to operate the RCL over the main track, and its variously graded conditions, without pulling the train apart, may require manipulating the remote control device in a way that is counter-intuitive to the way it was designed to be used."

With regard to remote control operator training, the FRA said, "we have concluded that the typical 80 hours of remote control operator training that is specified in each railroad's locomotive engineer certification program is inadequate to prepare a remote control operator for operating an RCL over main line track."

The FRA said it agreed with the UTU that the "speed control feature on the remote con-

trol transmitter (beltpack) was originally designed for yard switching operations. When used for switching, such as limited number of cars on a yard-switching lead track with limited horsepower, the system works well," the FRA said.

"When this system is used to haul trains, however, the speed control feature must be circumvented at times to control in-train forces," the FRA said. "The computer is not programmed or designed to make train-handling decisions, such as taking into account the number of cars and tonnage that are in the train being moved or the topography of the track over which the train is operating."

The FRA also agreed with UTU concerns about the RCL braking system, which the agency said is "primarily designed for yard

room training as that provided for conventional train service engineers on each railroad when RCL equipment is used for main line operations.

- Each remote control operator should have a minimum of 120 hours of actual, documented hands-on operating experience, and training programs should "remain flexible and provide more than the minimum on-the-job training" to be determined on a "case-by-case basis" depending, for example, upon track profile and environment.

Restrictions on main line operations

The FRA recommended that where railroads do "choose to conduct RCL operations outside of yard switching operations," they:

- Establish standard operating procedures that limit RCL movements outside of yard switching operations;

FRA agrees with the UTU: Remote control training is inadequate

switching movements.... FRA does not believe that further modification of RCL technology could overcome these limitations while providing a level of safety equal to that of conventional operations on the main line."

While the FRA found that training of "experienced" conductors to operate RCL is "adequate," it found inadequacies in the training of less-experienced conductors. The UTU advocates significant additional training for new and less-experienced employees to ensure they are completely familiar with the physical plant, understand RCL operating procedures, and are otherwise qualified to operate the equipment.

More specifically, the FRA said:

- Remote control operators should be required to have the same or the equivalent level of class-

- Limit those operations to locomotive consists not exceeding 3,000 horsepower, utilizing no more than eight axles;

- Limit train length to no more than 1,000 feet (approximately 20 car lengths);

- Limit train speeds to no more than 15 mph;

- Prohibit operations on any grade of 0.5 percent or greater that extends for more than one-quarter mile.

UTU International President Paul Thompson said the FRA letter to carriers "validates what the UTU has been telling Congress, the FRA and railroads since the inception of RCL operations. In fact, these areas have been the subject of extensive discussion during recent mediated negotiations in response to the railroads' Section 6 notices," Thompson said.

Bargain at table

Continued from page 1

The UTU and Canadian National were already in the process of setting up a meeting of top union officers and carrier officers to address those safety issues, Thompson said.

"The purpose of a labor union is to gain for its members improved wages, benefits and working conditions," he said. "Most often, those objectives are achieved at the bargaining table, or through direct contact with carrier officials – right up to the office of the carrier CEO. Sometimes, we involve government regulators or lawmakers.

"Only as a last resort do we take unilateral

action – such as through legislative or court action or a work stoppage, or by contacting the media.

"When we take these issues first to the media – or take them to the media before allowing the International to become involved – we risk a situation where the carrier digs in its heels out of pride; or where the carrier, out of anger, reacts against the individual(s) who contacted the media, such as through a lawsuit or termination of employment.

"Arbitrarily attacking the carrier through the media also could result in adverse consequences at the bargaining table, where wages, benefits and work rules – and sometimes those very safety issues – are being negotiated.

"A better solution is first to permit each level

of the organization to solve the problem directly with the carrier, beginning with local officers and extending up to the International. When both parties voluntarily buy into a solution that is reached through negotiation, there is a far greater probability that the carrier will honor the agreement. If they fail to do so, then UTU will be forced to take further action, but not through the media.

"When individuals take it upon themselves to contact the media, they risk being misunderstood, being misquoted, or seeing our good intentions turned against us by savvy carrier officials using information that the individual did not have available.

"This is why it is the policy of the UTU that public and media comments are cleared through the International president," he said.

UTU policy concerning fees objectors

1. Any person covered by a UTU union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

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

2. The objecting non-members shall provide notice of objection by notifying the International General Secretary/Treasurer of the objection by first-class mail postmarked during the month of September each year or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:

- All expenses concerning the negotiation of agreements, practices and working conditions;
- All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- Convention expenses and other union internal governance and management expenses;
- Social activities and union business meeting expenses;
- Publication expenses to the extent coverage is related to chargeable activities;
- Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
- Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
- All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
- All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft represented by UTU;

4. The International shall retain a certified public accountant to perform an independent audit of the records of the International and subordinate units maintained by the International General Secretary/Treasurer. The International shall also retain a neutral referee for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The neutral referee shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

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

6. Each person entitled to receive the referee's report may challenge the validity of the calculations made by the neutral referee by filing an appeal with the International General Secretary/Treasurer. Such appeal must be made by sending a letter to the International General Secretary/Treasurer

Percentage of chargeable fees determined by neutral review for calendar year 2004

International	84.4*
General committees of adjustment¹, including locals under jurisdiction	
GO 001 Burlington Northern Santa Fe	100.0*
GO 049 CSX-B&O	98.9*
GO 769 Conrail	99.8*
GO 953 Union Pacific-Eastern	98.5*
State legislative boards²	
LO 018 Iowa	87.7*
LO 030 Nebraska	71.3*
LO 035 New York	87.2*
LO 038 Ohio	95.5*

¹ Unreviewed GOs will have the historical average of chargeable percentages of GOs audited of 99.6 applied to any new objectors.

² Unreviewed SLBs will have a 0% chargeable percentage applied to new objectors.

* Estimate. Final ratio forthcoming.

Since the UTU policy concerning fees objectors was not placed in the September 2005 issue of UTU News, the period for providing notice of objection by notifying the UTU International general secretary and treasurer of the objection has been extended through Nov. 30, 2005.

postmarked no later than thirty (30) days after issuance of the independent referee's report.

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

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

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

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

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

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

13. The International shall have the burden of establishing that the reduced fees set forth in the neutral referee's report are lawful.

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

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

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

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

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

Bus members on 'Big Blue' approve contract

SANTA MONICA, Calif. – UTU-represented bus operators working on the Santa Monica Municipal Bus line overwhelmingly approved a three-year contract last month.

In a 151-to-9 vote, members of Local 1785 in Santa Monica embraced a contract that delivers a 4 percent wage increase, preserves health and welfare benefits, enhances the retirement package to give members parity with the miscellaneous city employees, increases tuition reimbursement, boosts the uniform allowance, hikes the payment to training instructors and strengthens the language in the grievance and complaint policy, Local Chairperson Adhi Reddy said.

The new contract also includes a provision for leave of absence without pay for up to six months to protect a member's job and seniority in the event that he or she, while in a private vehicle, is convicted of a driving violation and subsequently has his or her license suspended.

Negotiations with the transit agency, known as "Big Blue," began in late February, and the old contract expired July 1. "The new contract is retroactive to July 1," Reddy said. "We're hoping to get a retro check before Thanksgiving."

Local President Reginald Stoner joined Reddy in praising the support received from the UTU International and Vice President Roy Arnold, director of the Bus Department. Both were also quick to underscore the efforts of the local negotiating committee.

"Our members did a great job," Stoner said. "A lot of our success is due to the work done by Reddy, Vice Local Chairperson Martin Guerrero and Treasurer Jabryan Donald. Their effort and ability to communicate their progress to the rest of the local played a major role in our success. Kenneth Johnson, an employee for 37 years who leads the seniority list, said this is the best contract he's ever seen."

LACMTA's Orange Line to roll

LOS ANGELES – The \$330-million Orange Line will open Oct. 29, with a weekend of free rides and community events to welcome riders to the San Fernando Valley busway, MTA officials announced last month.

The 14-mile long busway, the first of its kind in Southern California, has been championed by supporters as a model for bringing low-cost, congestion-busting mass transit to the region.

The line had initially been slated to open over Labor Day, but that debut was hampered by the winter's near-record rainfall and previous setbacks from a residents' lawsuit that halted work for nearly a month.

Free rides will be offered Oct. 29-30, and community events are scheduled the first day to herald the line. Beginning Oct. 31, tickets will be \$1.25 for a one-way ride or \$3 for a day pass, which allows access to all other MTA bus and rail lines.

This month's winning photo:

The UTU Public Relations Department awards UTU gear to the union member who submits the best photograph during the previous months.

The winning photo will be published in the *UTU News*. Exceptional photographs will be included on the UTU website.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250.

High-resolution digital photographs should be in the JPEG format and e-mailed to "utunews@utu.org".

With each photograph, please include your name and UTU local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of the UTU.

Remember to review your employer's policies regarding use of cameras on the property or during work hours.



This month's winning photograph was taken by **Patrick Douglas**, a retired locomotive engineer from Local 1626, Anchorage. It shows a Grand Canyon Railway engine in Arizona.



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UTU works to amend CDL law and improve bus driver jobs

WASHINGTON, D.C. – At the request of the UTU, Rep. Neil Abercrombie (D-Hawaii) has introduced legislation, H.R. 3725, to correct an unintended consequence of the Motor Carrier Safety Act of 1999 that exposes bus operators to loss of their livelihood for various traffic offenses committed in their private automobiles.

The law it would amend eliminated an option for those holding a commercial driver's license to attend traffic violator school while maintaining their commercial driving privileges.

The DOT's Federal Motor Carrier Safety Administration (FMCSA) crafted new regulations that could result in bus operators losing their jobs for non-job-related traffic offenses in any state.

The inequity is that a holder of a commercial driver's license stands to lose that license as well as their job for a traffic violation committed in their private automobile; but private vehicle operators face no such loss of license when they commit similar traffic offenses.

Thus, bus operators on vacation and caught, for example, in a speed trap, or wrongly accused of a traffic offense hundreds of miles from home, are at significant economic risk.

States also are barred by the current law from issuing a provisional license permitting the holder of a commercial driver's license to continue working while receiving remedial training.

"The purpose of the 1999 law was to improve highway safety through enhancing the methods of dealing with commercial drivers who receive certain moving violations," said UTU International President Paul Thompson. "The intent was not to eliminate the re-education and re-training of commercial drivers, and that is what the UTU and Rep. Abercrombie are seeking to correct."

The UTU has been alone in this fight on behalf of bus operators. Previously, UTU officials met with Transportation Secretary Norman Mineta and the head of the FMCSA. Although Mineta recommended the regulations be changed, the FMCSA declined to do so, citing its interpretation of the 1999 law.

UTU members can assist by urging their congressional representatives to support H.R. 3725. Holders of a commercial driver's license should not be singled out for special punishment that strips them of their license and their job.

"They should have the same treatment as the general public," said Mike Anderson, assistant California state legislative director. "The UTU's commitment to continue the fight on behalf of its bus operators demonstrates the will of our locals, general committees, legislative boards and the International."

**Union fights
to correct provisions
that threaten jobs**



Inside this issue of the UTU News:



One Marsden out, another Marsden in. See Page 2.



It's not too early to think about holiday shopping. See page 3.



Please help UTU hurricane victims. See pages 6 and 7.



Former Vice President Cliff Bryant dead at 73. See Page 8.