



The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

“The Federal Employers’ Liability Act (FELA) is a powerful advocate for encouraging railroads to maintain a safe workplace.” – Assistant President Rick Marceau (see column, page 4)

UTU blue-ribbon panel issues statement

The UTU blue-ribbon committee, appointed by UTU President Paul Thompson in 2004, and most recently asked to make recommendations regarding financial streamlining of the union, met in Cleveland Dec. 1-2 and issued the following statement: “The committee had a productive two-day session and its members will continue to communicate with each other as the committee finalizes and formalizes its recommendations. Those recommendations will then be delivered to the International president. The committee has not established a timetable for presenting those final recommendations.”

News & Notes

Two UTU members killed

Two UTU members were killed recently in separate accidents.

Michael Sanderson, 48, a member of Local 1011 at Hamlet, N.C., was killed Nov. 16 when he was crushed between rail-car couplers.

Keith Myers, 34, was killed Dec. 4 after he fell from a ladder on the outside of a boxcar at Alliant Energy, about three miles south of Burlington, Iowa, according to the Des Moines County Sheriff’s Department. Myers was a member of UTU Local 195 at Galesburg, Ill.

Sanderson and his fellow crew members were working a sand plant in Lugoff, S.C., on the Florence Division of CSXT. He had hired out in 2004. He planned to retire within two years.

Myers, a brakeman for BNSF Railway, was positioning a coal car. He may have been hit by a beam that the train had passed, according to the sheriff’s department.

Paychecks get boost, hit

Effective Jan. 1, 2006, cost-of-living adjustments will be applied to paychecks of UTU members covered by the national rail agreement. Pay will be hiked by 31 cents per hour or \$2.48 per day. Also, members who pay part of their health-care premiums under the national health and welfare plan will see their premiums increase \$25.85 per month.

Holidays affect operations

The National Paid Holiday Agreement provides that “[W]hen any of the...holidays falls on a Sunday, the day observed by the State or Nation shall be considered the holiday.”

Inasmuch as Christmas Day and New Year’s Day fall on Sundays, those holidays will be observed nationally on Monday, Dec. 26, and Monday, Jan. 2, 2006, respectively. The Christmas Eve holiday will be observed Sunday, Dec. 25, and the New Year’s Eve holiday will be observed Sunday, Jan. 1, 2006.

DOT urges FRA to get tough on grade-crossing accidents

WASHINGTON, D.C. – The Department of Transportation’s inspector general said Dec. 1 that the Federal Railroad Administration isn’t inspecting enough highway-rail grade-crossing accidents or imposing on railroads sufficient fines for defective safety equipment.

As *The New York Times* on Dec. 2 interpreted the IG report, “The FRA should stop accepting the word of railroads when they blame drivers for most collisions at grade crossings and should instead do more of its own research into the accidents.”

In fact, a Pulitzer Prize-winning series on railroad safety that appeared in *The New York Times* earlier this year reported evidence that Operation Lifesaver, “tightly bound” to the railroad industry, had produced messages intended “to blame the public” for many highway-rail grade-crossing accidents.

The New York Times also reported evidence of railroads “destroying, mishandling or simply losing evidence” and “not reporting the crashes properly in the first place.” *The New York Times’* investigation found that over an eight-year period, more than 750 fatal highway-rail

grade-crossing accidents were not reported promptly to the FRA, preventing “a timely investigation” from being conducted.

But FRA Administrator Joseph Boardman says the number of highway-rail grade-crossing accidents is decreasing, that fines have tripled, and his agency intends to take even more

aggressive steps in the fight to cut down on one of the most deadly of rail accidents, which killed 368 people in 2004.

Highway-rail grade-crossing accidents also involve other victims

who are rarely identified – the innocent crew members of trains involved in those accidents, who frequently suffer a variety of medical conditions in the aftermath of horrific fatal accidents they are mostly powerless to avoid or prevent.

Of more than 3,000 highway-rail grade-crossing accidents in the U.S. in 2004, the FRA investigated fewer than 1 percent, the DOT IG said.

The IG study was requested by Rep. Jim Oberstar (D-Minn.), who said upon its release,

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Report says FRA studies fewer than 1 percent of crossing accidents

NTSB issues fatal rail-crash reports

WASHINGTON, D.C. – The National Transportation Safety Board has issued reports on the fatal rail crashes at Graniteville, S.C., and on Chicago’s Metra.

In its report on the 2005 crash at Graniteville, S.C., where a Norfolk Southern through freight train rammed into a parked train on a siding, the agency determined that the crew of the parked train failed to return a main line switch to the normal position after the crew completed work at an industry.

In that incident, a NS freight train encountered an improperly lined switch that diverted the train from the main line onto an industry track where it struck an unoccupied, parked train.

The collision derailed numerous locomotives and freight cars. Among the derailed cars

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Bush flip-flops, funds Amtrak

Amtrak has its money – at least until Sept. 30, 2006.

President Bush, who had vowed to eliminate federal subsidies to Amtrak, flip-flopped after Congress thumbed its nose at the president’s proposal. On Nov. 30, Bush signed legislation to provide Amtrak with \$1.3 billion in operating subsidies for the federal fiscal year that began Oct. 1.

The \$1.3 billion amount is about \$100 million more than Amtrak received for the 2005 fiscal year.

The president and congressional conservatives have been hell-bent on eliminating Amtrak subsidies, breaking up the national intercity rail passenger network and privatizing the Northeast Corridor between Washington, D.C., and Boston.

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Around the UTU

Local 168, Chicago, Ill.

This Amtrak local's annual holiday party is on Dec. 21 at Ricobene's Pizzeria at 252 W. 26th St. in Chicago, said Secretary & Treasurer **Mike McKenna**. The local's monthly meeting will be held at 6 p.m., and the party starts a half hour later. Members laying over can bring a cab receipt for reimbursement at the meeting, McKenna said. All UTU members, spouses and their children are invited.

Locals 265, 78, Pocatello, Id.

This UP local and Local 78 (another UP local in Pocatello) have invited the members of UTU for Life Chapter 2 to be their special guests at the Christmas party set for Dec. 20. The event will be at the Ramada Inn at 133 W. Burnside in Pocatello, said UTU for Life Local Coordinator **Francis "Mac" McCarty**. For party information, contact Local 78's Vice Chairperson **Matt Millward** at (208) 406-7488. To learn what UTU for Life Chapter 2 offers retired members, contact McCarty at (208) 637-0310.

Local 283, Portland, Ore.

Union Pacific switchman **Donovan Harding** was recently presented a USDA Forest Service Category II award, "Director - Senior, Youth and Volunteer Programs - Exemplary Volunteer Service," said Secretary & Treasurer **Jack Coryell**. Brother Harding was nominated by the Clackamas River Ranger District, Mt. Hood FF, R6, in the Group Volunteer category.

Local 298, Garrett, Ind.

This CSXT local is holding its Christmas party on Dec. 19 from 3 p.m. to 8 p.m. at the Garrett Eagles Club, said Secretary **R. L. Mitchener**. Santa Claus will be on hand for the chili cook-off, which will determine the hottest, mildest and wildest recipes.

Local 367, Omaha, Neb.

This UP and Nebraska Central local held its annual barbecue Sept. 28, said Secretary & Treasurer **Joe Brown**. Legislative Rep. **Kevin Kresl** announced the winners of the local's scholarships, including **Briana Sutton**, daughter of conductor **Bob Sutton**, and **Brandon Price**, son of conductor **Mike Price**. The next day, the local's annual golf outing drew more than 60 members and their guests to an event capped by a raffle in which conductor **Tim Kinsella** won a gas grill. The event raised \$1,245 for charity.

Local 464, Arkansas City, Kan.

This BNSF local held its annual holiday dinner for active and retired members on Dec. 12, said Local Chairperson **J.L. "Jim" McDaniel**.

Local 465, Gillette, Wyo.

Members are mourning the Nov. 14 death of conductor and Navy veteran **Bryan Lolley**, who started railroading in May 1971 on the BNSF, held union offices in Edgemont, S.D., and served two terms as president of the Northeast Wyoming Labor Council. He also helped establish the local's scholarship program, said Local President **Billy Montgomery**.

Bus chairperson earns her stripes

General Chairperson **Bonnie Morr** is still coming to grips with events that turned the lives of some 145 bus operators upside-down this autumn.

She led Local 23 in Santa Cruz, Calif., through a 35-day strike, courted the media, helped galvanize unprecedented community support, successfully secured a three-year pact (see story on Page 6), and in the words of UTU International President **Paul Thompson**, provided "a lesson to us about what being trade union members is all about."

"I always knew myself to be an activist, but I never saw myself in this role," said Morr.

The roadmap that led Morr to the Santa Cruz Metropolitan Transit District (Metro) reads like a prescription for predestination. Her mother, who passed away this year at age 99, was "one of the women out of the sweatshops who put together the International Ladies' Garment Workers union," said Morr.

"I was a typical child of the 1960s," Morr said. "In 1969, I got in my red-white-and-blue Volkswagen in New York City and headed west."

After holding a succession of jobs, she began driving a school bus 21 years ago, then landed a job as a Metro driver in 1989.

"I immediately got involved with the union and was mentored in labor history by retired former chairperson **J. David Lyall**," Morr said. "We started educating fellow members about what it meant to be in a union, how to enforce our contract and what we stood to lose in negotiations."

Over time, Morr found herself elected to various offices, including legislative representative, alternate delegate and vice chairperson. As a general chairperson, she has now presided over the negotiation of three contracts.

She insists the membership kept her going through the recent strike, contrary to observations that her energy and leadership sustained morale and momentum. "Local President **Carol J. Moore** and so many others played such strong roles," Morr said. "I just couldn't be prouder of our membership."



Morr

Local 469, Madison, Ill.

Members employed by the Terminal Railroad Association of St. Louis and Conrail held their annual Christmas party Dec. 13, with numerous prizes distributed, said Secretary & Treasurer **John I. Payer**. Also, special recognition goes to General Chairperson **David B. Wier**, who led a drive raising more than \$20,000 for the UTU Hurricane Relief Fund.

Local 483, Toronto, Ont.

This CN local will participate in a Christmas party with those from the Toronto South and North Terminals on Dec. 17, said Local President **Pierre Labbé**. The event begins at 6:30 p.m. at Strate's Banquet Hall, 365 Evans Ave., Etobicoke, Ont. For information or tickets, contact Brother Labbé at (416) 735-0454

Local 556, Tacoma, Wash.

Members of this BNSF and Tacoma Municipal Belt Line local held their holiday party and raffle on Dec. 10, said Legislative Rep. **Thomas C. Smillie**.

Local 783, Spencer, N.C.

This NS local offers best wishes to Local Chairperson **Paul Martin Jr.**, who recently retired after 30 years of leadership, said Secretary & Treasurer **Dave Lannon**.

Local 933, Jefferson City, Mo.

This Union Pacific local, along with UTU Auxiliary Lodge 933, held its annual fish fry, barbecue and health and welfare seminar on Sept. 16-17, said Legislative Rep. **Kenneth R. Menges**. Special thanks goes to Local President **Denny Menges**, Trustee **Charlie Kramer** and Local 1823 (St. Louis, Mo.) Legislative Rep. **Stan Adams** for assisting Ken Menges in the kitchen.

Local 934, Alliance, Neb.

This BNSF Railway local is paying travel expenses allowing **Rob Placek**, son of Secretary & Treasurer **Bob**

Placek, to go to the National Youth Leadership Forum on Medicine in Boston, Mass., said Local Steward **J.W. Bunce**. Rob is aiming for a health-care career, maintains a 4.0 GPA in high school and has been a summer intern for two years at Box Butte General Hospital.

Local 1221, Tampa, Fla.

Members of this CSXT local are mourning the Nov. 10 death of retired conductor **Robert E. McFail Sr.** Meanwhile, in the thoughts and prayers of members is Field Supervisor and Local Chairperson **Frank Snyder**, who is battling liver cancer, said **Robert E. McFail Jr.**

Local 1375, Philadelphia, Pa.

Active and retired members of this NS local offer their gratitude to the sponsor of their annual holiday celebration, held Dec. 10 at the Gladwyne VFW Post, said Local Chairperson, Secretary & Treasurer and Delegate **Eric Feld**.

Local 1608, Chatsworth, Calif.

The LACMTA's new Orange Line busway recently opened to acclaim, thanks in large part to this local's members, Local Chairperson **Victor Baffoni** said. General Chairperson **James A. Williams** supervised coordination of the busway's introduction, Baffoni said, to ensure the opening would be a success.

Local 1741, San Francisco, Calif.

Members of this school bus operators' local worked to get out the vote to help defeat the anti-labor propositions on the state's ballot, reports **Brock Estes**. Meanwhile, Local President **Ange Beloy** married **James Wesley Jr.**, a former member of the local, on Nov. 12. Beloy's mother, **Jackie Schar**, and Wesley's brother, **Hugh K. Wesley**, are active members of the local.

Local 1760, Detroit, Mich.

Active and retired members of this CSXT local and coworkers from all crafts are invited to the annual Christmas party. Set for 8 p.m. on Dec. 20 at the Disabled American Veterans' Hall at 6117 Chase Road in Dearborn, Mich., no reservations are required, and food and beverages will be provided. For information, contact Secretary & Treasurer **Jerry D'Ortenzio** at (734) 522-1043.



New local: Swearing in officers of the newly created CP Railway Local 887 in Harvey, N.D. is (far right) International Vice President **Arty Martin**, with General Chairperson **Dennis Baker** (far left) observing. Taking the oath are (from left) Local President **Randy Carrick**, Local Chairperson **Tim Baird**, Vice Local Chairperson **Steve Lesmeister**, Board of Trustees member **Ryan Hager** and Legislative Rep. **Don Filler**. The growing local now counts more than 55 members.

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We need your help to spike one-crewmember trains

With railroads carrying some of the deadliest chemicals known to mankind – including nuclear weapons and nuclear waste – lawmakers are becoming increasingly concerned about the railroads' desire to operate trains with one-person crews.

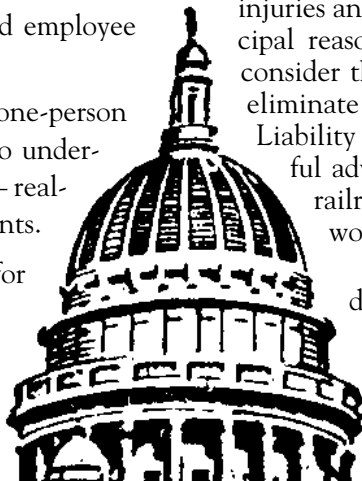
Lawmakers are asking, for example, "What if the lone operator of a train has a heart attack or other serious medical problem? What if nature calls? What about a derailment or other accident? Why are carrier operating officers and FRA officials saying the technology required for safe single-person train operations is seven to 10 years away from being perfected?"

FRA data show train accidents, collisions, derailments and employee fatalities climbing.

Dispatching deadly cargo through populated areas with one-person crews is unacceptable to many lawmakers, who are coming to understand that what the railroads – already awash in record profits – really seek are even larger profits at the risk of more deadly accidents.

As more lawmakers understand the facts, the railroads' grab for more profits at the expense of safety will be derailed.

It makes good sense for UTU members to help distribute the facts.



WASHINGTON WATCH

By James M. Brunkenhoefer

Bush failures spotlight need for change

We were told by Republicans during the 2000 presidential campaign that we had to fire the "tax, tax, spend, spend" Clinton administration that actually had balanced the federal budget.

What we got in exchange is a "borrow, borrow, spend, spend" Bush administration whose idea of tax cuts is to reserve them for the rich.



Brunkenhoefer

Meanwhile, energy prices are rising so rapidly that middle-class families are seeking public assistance just to keep their homes warm.

It gets worse.

Daily we read of more jobs being exported overseas, employers demanding more wage and benefits givebacks, and the cutting of company pensions to retirees.

And, have you noticed that those leading the cheers for the Bush administration used to talk about the lack of morals in the Clinton administration?

Today, they don't want to talk about their friends named Tom DeLay, Bill Frist, Jack Abramoff and "Scooter" Libby.

The Bush forces spoke of restoring values to our education system. What we need is a better education for our children because every day we hear how children in other nations are scoring better in math, science, foreign language skills and reading comprehension. America is losing to other nations

Rail safety on skids

By Rick Marceau
Assistant President

The president of the Association of American Railroads told the media recently that 2005 could be a banner year for U.S. rail workers' safety. Hardly.

Federal Railroad Administration safety data tell quite a different and chilling story of train accidents, collisions, yard accidents, derailments and employee fatalities.

FRA data show train collisions increased by more than 42 percent over the past three years, yard accidents climbed some 14 percent, train accidents are up some 13 percent and derailments rose 12 percent. Most troubling is that employee fatalities over the past three years are up some 17 percent.

For January-September 2005, the FRA recorded more than 2,200 train accidents, some 1,200 yard accidents, almost 200 train collisions, 1,655 derailments and 21 rail-employee fatalities.

No industry in America is more dangerous than the rail industry. Injured rail employees suffer amputations, other career-ending injuries and death. That is a principal reason Congress refuses to consider the railroads' request to eliminate the Federal Employers' Liability Act (FELA) – a powerful advocate for encouraging railroads to maintain a safe workplace.

Rail officials say accidents and collisions are up because they are running more trains.

But the FRA

accounts for this by also computing safety data based on millions of train miles and hundreds of thousands of employee hours.

These numbers are equally chilling. The rate of train accidents over the past three years is up more than 4 percent; and the yard-accident rate rose more than 7 percent.

Every major railroad – BNSF, CSX, KCS, NS and UP – has posted an increase in the number of train accidents over the past three years.



Marceau

Positive train control (PTC) may or may not be effective in improving rail safety. We don't know because it is in the experimental stage. On the very few miles it is being tested, the technology's failure rate is significant. Yet carriers are pushing for one-person crews in the face of a deteriorating safety record and no evidence that new technology can protect employees and the public from more accidents, collisions and death.

In addition to wanting one-person crews, railroads are rushing new hires through training programs, promoting employees to more complicated and dangerous tasks before they master previous tasks, and continuing to create fatigue by limiting rest days and demanding employees work the maximum number of hours permitted by law.

As we talk with congressional lawmakers, we are finding similar concern about public safety were railroads to operate one-person crews. For sure, railroads can't outrun the facts.

Voting will help put our nation back on the track we desire

its edge in inventions and new patents.

We are facing a future where our only means to compete will be on the basis of lower labor costs.

A nation often is judged on how it treats its most vulnerable citizens. The Bush administration wants to pay for the rebuilding of the Gulf Coast by cutting benefits to the truly needy and not disturbing tax cuts promised the wealthy.

And while we are on the subject of hurricane damage, we cannot ignore the utter failure of the Bush administration in dealing with Hurricane Katrina. Its Federal Emergency Management Agency (FEMA) operated in the aftermath of Katrina as if it were run by the Three Stooges.

We all would like the bad news to stop and solutions to our many national problems appear.

We also would like to buy a box of Cracker Jack and find at the bottom a certificate for a lifetime of health and happiness.

In a democracy, it is up to the people to determine the direction of their nation by choosing a government best able to achieve the collective objectives of the people.

Next Election Day, every seat in the House of Representatives, and one-third of the Senate seats, will be at stake.

By registering to vote and voting on Election Day we can help to put our nation back on the track we most desire.

State Watch *News from UTU State Legislative Boards*

Iowa



Iowa State Legislative Director Pat Hendricks and wife Amy recently attended the 28th annual Harkin Steak Fry, a fundraiser for Sen. Tom Harkin (D). Special guest at the event was former vice presidential candidate and North Carolina Sen. John Edwards (D). "Sen. Harkin has been a champion for UTU families for more than three decades in the U.S. House of Representatives and the U.S. Senate," Hendricks said. "He has been 100 percent for UTU families on all the major issues. The UTU was well represented by more than 30 individuals." Pictured above, left to right, are Edwards; Pat and Amy Hendricks, and Tom and Ruth Harkin.

Washington

Washington State Legislative Director **Tom Retterath** is praising several members of the Washington State Legislative Board for their contributions towards safer working conditions for operating railroad employees nationwide.

Retterath said Pasco Local 977 Legislative Rep. Mitch Newell and Alternate Legislative Rep. Fred George worked to eliminate two unsafe working conditions.

The first unsafe condition was in regard to 303 BNSF refrigeration cars which were built during the third quarter of 2004. The problems included insufficient clearance for boots on the bottom ladder rung and problems with the sill step design. The railroad has already completed

most of the necessary repairs, Retterath said.

The second problem involved the release of hazardous fumes and gases when some batteries on Dash 8 and Dash 9 locomotives overcharged and exploded.

"Fred and Mitch discovered that incidents occurred in Revelstoke, B.C.; Glasgow, Mont.; Pasco, Wash.; Brookfield, Mo.; Hauser, Idaho, and Maupin, Ore.," Retterath said.

"As a result of this excellent investigative work by these local officers, General Electric has upgraded the battery charging software of BNSF's fleet of Dash 8 and Dash 9 locomotives. This has changed the process of charging to prevent overcharging and overheating. In addition, they completely sealed the locomotive cab from the battery box to protect crew members.

"This field modification has been expanded to include all applicable locomotives on other railroads throughout North America. The information collected during the investigation by the FRA will be presented to the Railway Safety Advisory Committee for investigation and action.

"In addition, Tacoma Local 556 Legislative Rep. Tom Smillie has been working with Washington State Utilities and Transportation Commission (WUTC) staff to develop a standard form for reporting and correcting unsafe walkway conditions. When the form is finalized it should be an excellent tool to report and correct walkway conditions which do not conform to walkway rules which were passed by the WUTC about five years ago," Retterath said.

Minnesota

The UTU Minnesota Legislative Board has begun a UTU PAC fundraising drive, according to State Legislative Director **Philip Qualy**.

Members in Minnesota will soon be receiving letters with pledge forms and return envelopes enclosed, Qualy said.

"Once a member sends in his or her form with an amount of their choice, the contribu-

Montana



Montana State Legislative Director Fran Marceau recently presented Rep. Bill Wilson, a UTU-represented locomotive engineer and member of Local 730 in Great Falls, with a UTU brass lantern for his efforts aiding the working men and women of Montana and their unions and especially for his assistance in passing Senate Bill 375 during the 59th session of the Montana Legislature. In 1997, after several attempts, railroad companies were successful in their efforts to limit where an injured railroad worker could file a lawsuit under FELA in state court. Senate Bill 375 restored those rights and allows an injured Montana railroad worker to bring action under FELA in any county in which a railroad does business. The legislation restores rights that injured railroad workers in Montana had for more than 80 years. Above, Local 730 Local Chairperson Brent Michel (left) and Marceau (right) present Wilson with his lantern.

tion will automatically be deducted.

"All members should be reminded that, with the way our country is today, a UTU PAC contribution is the best investment you can make in your own and your family's future. Our UTU PAC is non-partisan and supports our right of free speech with all friends of railroad labor.

"For the price of a couple cups of coffee, a six-pack, or a DVD each month, UTU members can join in one of the most respected PACs in America. It's real simple: If you want to complain – fine; at least make it heard and contribute today."

Bus Department

By Roy Arnold, vice president-director

Union freeloaders enjoy our benefits



President Eisenhower said, "Only a fool would try to deprive working men and working women of their right to join the union of their choice."

Sadly, labor unions today are struggling against an anti-union White House, conservatives controlling Congress and big business demanding worker givebacks while outsourcing jobs.

Our goal is to continue to improve our employment contracts and extend the benefits of UTU membership to the unorganized. Our struggle is even more difficult in so-called "right-to-work states," where those who enjoy the fruits of union efforts can avoid paying the costs.

If every worker were a freeloader, anti-union forces surely would win because we would have no means to fund our efforts. Indeed, union freeloaders play into the hands of politicians and employers who seek to crush unions as if they were bugs on a sidewalk.

We must do better educating our brothers and sisters in right-to-work states that opting out of union membership, while enjoying the fruits of union efforts, undercuts their fellow workers and themselves.

Some won't realize how important the union is until they get into trouble and must look to the union to save their job. We must convince them to sign the membership application sooner by explaining how our workplace gains resulted from hard-fought struggles in the past. Employers do not give raises, offer health-care insurance and provide paid vacations and pensions out of the goodness of their hearts. Those gains were achieved primarily by unions.

Our respect goes out to our union brothers and sisters who keep the torch of hope lit and daily dedicate themselves to solidarity, for solidarity is our strength, our guidepost and our future.

Yardmasters

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

New Amtrak chief needs new ideas



Amtrak is searching for a new president following the firing of David Gunn.

The next Amtrak president must understand freight, intercity passenger and commuter railroading and be able to effectively deal with lawmakers to ensure sufficient subsidies to maintain our national intercity rail passenger network.

Above all, the new Amtrak president must recognize that turning Amtrak into another Wal-Mart will not transform Amtrak into a profitable operation. Federal, state and local subsidies will have to continue – and all those except within the Bush administration seem to understand that.

For sure, Amtrak's rank-and-file employees have made significant concessions in order to keep Amtrak operating. The current targeting of assistant conductor and yardmaster positions by Amtrak management for elimination only risks the safety of passengers and further compromises on-time and efficient service.

Here are 10 qualities I think a new Amtrak president should possess: (1) Be a rail with an understanding of all types of rail operations; (2) Be a hands-on leader; (3) Support a national intercity rail passenger network; (4) Have credibility on Capitol Hill and an ability and desire to lobby federal, state and local governments for funds; (5) Have and continue to hold the respect of freight railroad CEOs and COOs; (6) Have and continue to hold the respect of labor union officers and the rank and file; (7) Be open to new ideas from rank-and-file employees; (8) Have a demonstrated passion for safety; (9) Have and continue to hold the respect of FRA and other government agencies; (10) Possess a willingness to control costs at all levels – not just rank-and-file employee costs.

UTU agreements, elections roundup

In the past several weeks, the UTU has resolved two strike actions, organized the train and engine service employees on two short line railroads, and has reached long-term agreements with two other railroads and a metropolitan transit provider. This fall, the UTU truly has been a "union on the move." A synopsis of some of the union's activities can be found below.

SEPTA

Members of UTU Local 1594 in Upper Darby, Pa., on Sunday, Nov. 20, ratified by an 8-to-1 margin a new four-year agreement with the Southeastern Pennsylvania Transportation Authority. Local 1594 members operate buses, trolleys and the Norristown high-speed line on SEPTA's Suburban Division.

The new contract replaces an agreement that expired in April 2004. That contract was initially extended to April 2005, then two more times until members were forced to strike at 12:01 a.m. on Oct. 31.

General Chairperson Ron Koran praised his committee, consisting of Waverly Harris, Thomas Toland and Treasurer Brian Caldwell, for what he called "a job well done." Koran also applauded the members "for their support and solidarity." He offered separate thanks to UTU International President Paul C. Thompson "for providing all available resources, especially the UTU Legal Department, to win this agreement for the membership."

Pennsylvania State Legislative Director Don Dunlevy and UTU International Vice President Tony Iannone also assisted the negotiations.

Effective in January, the contract will deliver a 3 percent wage increase each year for four years. Members also will maintain the same level of health and welfare benefits with a minimal increase in copays. The new agreement also significantly improves pensions while it protects the benefits of retired members, increases the tool and clothing allowances, and improves life insurance benefits.



UTU Local 1594 President and Chairperson Ron Koran addresses a UTU/TWU rally attended by more than 500 SEPTA employees, retirees and family members in Upper Darby, Pa., where the two unions pledged "to work together, now, and in the future." TWU Local 234 President Jeff Brooks (at left, behind Koran) also addressed the rally and reaffirmed his commitment to hold the line with UTU.

Santa Cruz Metropolitan Transit Dist.

UTU-represented bus operators in Santa Cruz, Calif., overwhelmingly ratified on Oct. 31 a contract that returned them to work after 35 days on the picket line. By a 108-to-14 vote, the drivers said "yes" to a three-year agreement.

As part of the settlement, the city's transit authority agreed to hire an additional 12 drivers.

Some 145 UTU-represented bus operators walked off the job Sept. 27 after the transit board vetoed a tentative contract agreement.

Throughout the strike, local citizens, county workers belonging to other unions and local college students demonstrated loudly and often on behalf of the striking bus operators. These supporters also made contributions to the UTU strike fund.

International President Paul C. Thompson praised the efforts of Vice President Arty Martin in assisting the negotiating team.

"I want especially to congratulate General Chairperson Bonnie Morr, who provided exceptional leadership during very trying times," Thomp-

UTU scores two representation election victories

Alabama & Tennessee River Railway

Train and engine service employees on the 120-mile Alabama and Tennessee River Railway have overwhelmingly chosen the UTU as their collective bargaining agent. The vote was certified by the National Mediation Board.

The Alabama and Tennessee River Railway, headquartered in Gadsden, Ala., operates via lease over former CSX trackage.



Elders

"A debt of gratitude is owed UTU Local 622 President Neal Elders, who proved that all organizing is local and requires a strong grassroots effort," said UTU International President Paul C. Thompson.

"Neal, who lives in Ashville, Ala., worked closely with our UTU Assistant Coordinator of Organizing Keith Trout and UTU Director of Strategic Planning John Nadalin," Thompson said. "Neil, Keith and John demonstrated to each of the train and engine service employees on the Alabama and Tennessee how the UTU uses interest-based bargaining to deliver progressive agreements that protect jobs, wages and benefits, works for improved training and employee safety, and leads

the pack in pursuing successful grievances."

The Alabama and Tennessee is a combination of the remnants of three former lines, all of which eventually fell under the ownership of CSX.

Alabama & Gulf Coast Railway

Train and engine service employees on the Alabama & Gulf Coast Railway (AGR), by a better than 3-to-1 margin, have chosen the UTU as their collective bargaining representative, according to the National Mediation Board.

The AGR operates over 140 miles of former BNSF Railway track and runs from Kimbrough, Ala., to Pensacola, Fla.

"A lot of effort went into this victory," International President Paul C. Thompson said, "and a great deal of the credit for this success goes to Regional Organizing Coordinator Mike Lewis."

Lewis was quick to cite the roles played by two AGR employees who were key to the effort. "Greg Till and Kenny Pendleton, who are both 30-year employees on the railroad, deserve recognition for the long hours and hard work they put into this achievement," Lewis said.

The AGR is the ninth RailAmerica property where operating employees have chosen the UTU to represent them, Director of Strategic Planning John Nadalin said.

son said. "Local 23 members displayed courageous solidarity, and their efforts to reach out to help each other during this trying period provide a lesson to us all about what being trade union members is all about."

Providence & Worcester Railroad

The UTU and the Providence & Worcester Railroad have reached agreement on an eight-year contract.

The contract is retroactive to July 1, 2004, and runs through 2011, said UTU General Chairperson William Beebe of CSX GO-663, which represents about 50 train-service employees on the New England short line.

"This deal includes 'pure' cost-of-living increases annually," Beebe said.

The contract also maintains vacation provisions that provide five weeks of paid vacation after 10 years of service and six weeks of paid vacation after 30 years, in addition to the 11 employer-paid holidays, three personal days and five sick days to which employees are entitled. And, Beebe said, "They have terrific benefits."

He also praised UTU Local 679 Chairperson Robert Gibbons Jr., with whom he worked side by side throughout the lengthy negotiations.

SPARTA

UTU-represented mass transit bus operators working for the Spartanburg Area Regional Transit Agency (SPARTA) in Spartanburg, S.C., by majority vote ratified a new three-year contract retroactive to Nov. 1, 2005.

The bus operators, who belong to Local 1596 in Charlotte, N.C., will receive a 7.75 percent increase in wages while sick leave and benefits will be boosted, said International Vice President Roy Arnold, director of the UTU Bus Department.

Special thanks for their efforts in this successful round of negotiations go to Local 1596 General Chairperson Craig Patch, Local 1596 Vice

Chairperson Alvy Hughes and Alternate Vice President-Bus-East Rich Deiser, Arnold said.

Canadian National (Wisconsin Central)

The UTU has negotiated tentative agreements with the Canadian National/Wisconsin Central covering yardmasters and conductors.

The union has reached a tentative eight-year agreement covering some 300 conductors employed on CN's former Wisconsin Central trackage in Illinois, Northern Michigan and Wisconsin.

Details of the agreement will be released at a series of town hall meetings.

"This may be one of the most balanced agreements in the rail industry," said UTU Vice President Pat Drennan, who assisted with the negotiations. "The agreement improves wages, offers job protection, makes significant improvements in fatigue abatement and work/rest cycles, and has improved vacation, dead-head and extra-board arrangements. It also brings conductors under the railroads' national health and welfare agreement," Drennan said.



Drennan praised the efforts of UTU Local 581 General Chairperson John Larson and Vice General Chairperson Ken Flashberger "for an agreement that makes tremendous strides in quality-of-life improvements."

The UTU also has negotiated a tentative agreement with CN/WC covering yardmasters.

The eight-year agreement – with guaranteed wage increases each year – provides yardmasters with an eight-hour day and overtime after eight hours, which is a significant improvement over the 12-hour straight-time days they were working. Also included is a signing bonus, vacation pay, holiday pay, and personal and bereavement leave.

The deal was negotiated by J.R. (Jim) Cumby, vice president and director of the Yardmaster Department; Doyle Turner, alternate vice president, and Assistant President Rick Marceau.



UTU fights for what is right

Arbitration saves UTU bus members' benefits

The bus operator members of Local 1697 in Lubbock, Texas, and the company that employs them have agreed to an arbitration settlement regarding the continuation of medical benefits for employees on extended medical leave.

As a result of the settlement, Texas, New Mexico & Oklahoma Coaches, Inc., has agreed to continue to provide its bus operators with up to six months of health insurance coverage following a medical leave of absence.

The arbitration came about after a member of the local, bus operator John Fritsch, was diagnosed with cancer. After leaving service to

continue treatment for the disease, Fritsch found that his medical benefits were terminated by the company after 12 weeks and that he would have to pay his own insurance premiums to continue his health insurance coverage.

Fritsch notified his local at which time Local Chairperson Leon Davis filed a grievance with the company under the grievance procedures provided for in the local's contract.

When the two sides failed to reach agreement on the matter, the Federal Mediation and Conciliation Service was notified and a mediator was assigned to the case.

Vice President Roy Arnold said that just pri-

or to the two sides meeting with the mediator, TNM&O agreed to extend health-care coverage to employees out of service for medical reasons for six months.

Arnold said that the local also obtained total reimbursement of the insurance premiums Fritsch had paid to maintain his coverage. The reimbursement was about \$3,500.

"All of the members of our local are extremely happy with the outcome in this matter," said Arnold, who is also a member of Local 1697. "I would like to commend Local Chairperson Leon Davis for the fine job he did in bringing this matter to a successful conclusion."

NLRB ruling favors UTU; CLS Nevada drivers rehired

LAS VEGAS, Nev. – The UTU has won a ruling from the National Labor Relations Board requiring a Nevada company to post a notice to its employees regarding their rights to unionize.

Employees of CLS Nevada, L.L.C., operate shuttle vans and buses at the McCarran International Airport in Las Vegas, Nev.

The ruling requires CLS Nevada to post a notice to its employees alerting them to their rights to "form, join or assist a union" and to "act together with other employees for your benefit and protection."

Earlier this year, some employees of CLS Nevada signed "authorization cards" with the UTU indicating their desire to have UTU represent them as their collective bargaining agent.

When CLS Nevada management discovered that the employees had signed the cards, those employees were promptly fired, according to Vice President Roy Arnold, director of the Bus Department.

Following their dismissal, Arnold filed an unfair labor practice charge with the NLRB against CLS Nevada on the employees' behalf.

In a letter to CLS Nevada dated Nov. 1, the NLRB stated that the company should post a

notice of employees' rights to unionize "so that all employees can see." The letter also stated that the notice be posted for a full 60 days.

After noting employees' rights to "form, join or assist a union," the notice goes on to list five statements by which the company pledges to abide. Those statements include the following:

- We will not do anything that interferes with these rights. More particularly:
- We will not ask you about employee support for the United Transportation Union, or any other union.
- We will not ask you to spy on other employees' union activities.
- We will not threaten to terminate or replace you because you refuse to spy on the union activities of other employees.
- We will not in any similar way frustrate your exercise of any rights stated above.

Arnold said that since the unfair labor practice charge was filed, several of the dismissed employees have been rehired.

"These employees were not UTU members, but we filed the unfair labor practice charge on their behalf," Arnold said. "It was the right thing to do. I felt a responsibility to try to correct the injustice that was done to them."

UTU arbitration success sends L-167 members back to work

ALBANY, N.Y. – Two UTU Local 167 members have been returned to service with back pay and benefits totaling more than \$75,000 as a result of two successful arbitrations shepherded by UTU's New York State Legislative Director Sam Nasca.

The UTU members are employed by Albany International Airport where the UTU represents workers in parking and passenger-shuttle operations, custodial services, facility maintenance and other occupations.

Nasca thanked Alternate Vice President-Bus-East Rich Deiser and three officers of Local 167 – Chairperson Harry Moreash, President Phil Britt and Secretary & Treasurer Chuck Donnelly – for their preparation of the cases.

"These decisions were a great victory for the UTU and the members of Local 167, and emphasize how active and effective union representation delivers benefits," Nasca said.

FELA Update

What are my rights if I'm injured in a hired van?

By Mark Allen
Coordinator of UTU Designated Legal Counsel

Railroad workers sometimes jokingly say they spend more time in vans than trains as railroads transport their workers using contract limousine services. As agents of the railroad, these companies may be held to the same legal standard as the railroad if their negligence causes injuries. It is therefore important to look for all details of the incident that might point to fault on the part of the van driver (*i.e.* eating or talking on a cell phone while driving.)

But, what if the van driver is not at fault? Where the van driver is not at fault in causing the collision, there is NO claim against the railroad or the van service company to compensate the injured railroad worker for any injuries. The claim or lawsuit must be brought against the other driver who caused the collision. In this example, the railroad worker usually makes his claim against an insurance company. Insurance companies for drivers usually limit the amount of coverage to a per-person and per-accident

basis. So where another driver is at fault, the insurance coverage may be small and insufficient to cover all of the railroader's expenses. Or, even worse, the other driver may have no insurance at all.

If a driver who hits a hired van is totally at fault but is not insured or is underinsured, the railroader may be required to look toward the van company's uninsured/underinsured motorist policy or possibly the railroad worker's own vehicular policy (if it has uninsured/underinsured provisions). There may also be off-track vehicle insurance by agreement between the UTU and the railroad that may provide benefits, as well. It is worthwhile to review your own vehicle policy NOW to determine if it provides you with appropriate benefits for uninsured and underinsured motorist claims.

Contact a UTU designated legal counsel for specific advice on all injury questions. Go to www.utu.org and click on "Designated Legal Counsel" on the left side of page; or ask your local union officers for the list.

UTU for Life

GA-46000 lifetime maximum to climb

As of Jan. 1, 2006, the lifetime maximum benefit for each individual covered under The Railroad Employees National Early Retirement Major Medical Benefit Plan (UnitedHealthcare's Policy GA-46000) will increase from \$92,400 to \$96,400, UnitedHealthcare said.

The \$4,000 in additional benefits payable applies to expenses incurred on or after Jan. 1, 2006. The lifetime maximum benefit is adjusted each year based on the medical cost component of the Consumer Price Index.

An important consideration for individuals thinking about retirement is health coverage after retirement. If you are eligible for GA-46000, you can also purchase supplemental coverage under GA-23111, Plan E. When you retire, your railroad will not report you to UnitedHealthcare as a retiree eligible for GA-46000. You must enroll yourself and your family with UnitedHealthcare.

For information, call UnitedHealthcare at (800) 842-9905.

Medco mails Rx drug information

Information about Medco's Medicare Part D prescription drug program, known as YouRx Plan, has been mailed to UnitedHealthcare GA-23111 plan participants, Medco said.

The Medco program has been designed to replace the GA-23111 Plan D benefit that is ending Jan. 1, 2006. Medco said its plan's basic monthly premium of \$87 allows participants to access more than 40,000 pharmacies.

For information, call Medco toll free at (800) 590-6802 (TTY/TDD users should call (800) 716-3231) Monday through Friday from 8 a.m. to 8 p.m. Eastern Time, or on Saturdays from 8 a.m. to 6 p.m. Eastern Time, or visit www.medco.com/medd/railroad.

Those with questions about Medicare should call Medicare directly at 1-800-MEDICARE ((800) 633-4227), 24 hours a day, 7 days a week. TTY/TDD users should call (877) 486-2048.



RRB may appoint payee for an impaired annuitant

By V.M. "Butch" Speakman Jr.

When physical or mental impairments make a Railroad Retirement annuitant incapable of properly handling payments, or where the Railroad Retirement Board determines the interests of the annuitant so require, the RRB can appoint a representative payee – either a person or an organization to receive benefits and to act on behalf of an annuitant.

The board can appoint a representative payee regardless of whether there has been a legal finding of incompetence or commitment. Depending on the circumstances in a particular case, the board can select someone other than the individual's legal representative to serve as representative payee.

Generally, the board's local field offices deter-

mine the need for a representative payee and interview potential payees. The field office also advises the payee of his or her duties, monitors the payee, investigates any allegations of misuse of funds, and changes the method of payment, or the payee, when appropriate.

When a representative payee is needed, the board provides 15 days' advance notice to an annuitant of its intent to appoint a representative payee, and the name of the payee, in order to allow the annuitant a period of time in which to contest the appointment. If the annuitant is unsuccessful in challenging the appointment, he or she then has the right to appeal the decision.

For more information, visit www.rrb.gov or contact the nearest RRB field office by calling (800) 808-0772.

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



V.M. Speakman

Distinguished retired members pass away

Two distinguished retired UTU members recently passed away, including **Charles R.**



McGowan

"Chuck" McGowan, a pioneering UTU member who may have held a longevity record with the UTU, and retired former chairperson of the UTU Board of Appeals **Robert J. Kmiecik**.

Brother McGowan, a member of Local 1629 in Phoenix, Ariz., passed away Nov. 16, 2005. He was 85.

McGowan retired in 1998 at the age of 78, boasting 56 years of union membership. He also chalked up 48 years as a local chairperson.

At the 38th convention of the Brotherhood of Locomotive Firemen and Enginemen in St. Louis, Mo., on July 8, 1963, McGowan proposed a resolution urging the industry's operating crafts to unite as a single union. The resolution led directly to talks which, within half a decade, culminated in the Unification Agreement that forms the bedrock of today's UTU.

McGowan went to work for the Southern Pacific in February 1942 as a fireman. He left the

railroad in July 1942 to join the Marines. After serving his country and returning to the states, he went back to the SP, becoming an engineer in 1946. He was elected local chairperson in 1950, a post he held until his retirement. For seven years, he also served as the first SP committee vice general chairperson.



Kmiecik

Brother Kmiecik, who was diagnosed with pancreatic cancer in October, passed away on Nov. 24, 2005. He was 82.

Kmiecik worked as a bus operator for Adirondack Trailways for 37 years. In March 1954, Kmiecik joined Lodge 682 of the Brotherhood of Railroad Trainmen. The lodge became UTU Local 1582 in Albany, N.Y., after unification in 1969. Brother Kmiecik held a variety of positions in the local at one time or another, said Local President **Wesley M. Wohl**.

Kmiecik was elected to the Board of Appeals at the UTU Convention in 1979. He was re-elected to the post in 1983 and again in 1987. He served as the board's chairperson from 1983 to 1987, and retired at age 69 in March 1992.

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	Hagmier, Ellwood K.	Zephyrhills, Fla.	590	Manthey, Elmer J.	Wabeno, Wis.	1081	Sumner, William L.	Prescott Valley, Ariz.
1	Prybylski, Joseph K.	Buffalo, N.Y.	768	Tate, Floyd W.	Mt. Zion, Ill.	1126	Chinn, Jack D.	Pratt, Kan.
9	Fulfer, Elwyn L.	Weatherford, Texas	769	Bass, Merdock G.	Lumberton, N.C.	1221	McFail Sr., Robert E.	Tampa, Fla.
95	Giordano, Linda	Albany, N.Y.	771	Baldwin, Wayne E.	Needles, Calif.	1328	Whitlow, Joseph E.	Louisville, Ky.
117	Keller, Orvel J.	Seattle, Wash.	792	Terbrack Sr., Edward T.	Cleveland, Ohio	1344	Baumgartner, Arthur E.	Dickinson, N.D.
228	Tull, Roy	Cedar Rapids, Iowa	793	Webb Jr., Robert E.	White Rock, S.C.	1361	Hayes, Patrick A.	Meriden, Conn.
239	Morgan, Earl E.	Bellevue, Wash.	811	Case Jr., Stephen M.	Helendale, Calif.	1361	Hogan, P.M.	Peekskill, N.Y.
300	Cushman Jr., Thomas J.	Fullerton, Calif.	832	Pommerich, Glenn H.	Oakfield, Wis.	1366	Hoskins, Thomas D.	Murray, Utah
440	Jackson, Robert B.	Prudenville, Mich.	835	Quillen, Paul E.	Bakersfield, Calif.	1399	Anderson, Warren C.	Terre Haute, Ind.
446	Meister, James E.	Laramie, Wyo.	940	Prestage, Lewis G.	Wichita Falls, Texas	1422	Walker, Robert W.	Chattanooga, Tenn.
464	White, Warden B.	Arkansas City, Kan.	997	Heberlig, Clair E.	Enola, Pa.	1582	Kmiecik, Robert J.	Kingston, N.Y.
493	Taylor, John W.	Dixon, Ill.	997	Sprenkle, William G.	Middleburg, Pa.	1607	Curtis, Rowan M.	Beverly Hills, Calif.
498	Schwear Jr., Michael	Hollywood, Fla.	1006	Bruce, John R.	Charleroi, Pa.	1620	Wilson, Eugene	Granger, Ind.
500	Bailey, William C.	Grand Junction, Colo.	1007	Cavellier, Raymond H.	Watertown, N.Y.	1629	McGowan, Charles R.	Surprise, Ariz.
500	McLaughlin, John R.	Las Cruces, N.M.	1059	Braun, Herbert F.	Velva, N.D.	1841	Petersteiner, Bud A.	Klamath Falls, Ore.
587	Ross, Robert F.	Gorham, N.H.						

Parents, grandparents...

This Christmas, give a gift that will last a lifetime

Have you ever stopped to think about what you could have done with the money you spent on Christmas gifts in the past? If you're like most parents and grandparents, you go overboard. But what usually happens to those gifts? Do they end up in the corner, rarely played with — or worse yet, broken? Why not give your little ones a lasting gift this Christmas?



Retired UTU member Willis G. Croonquist and his wife, Rita, pose for their annual Christmas photograph with their seven grandchildren. The Croonquists gave each of their grandchildren a gift that will last a lifetime: a paid-up, \$25,000 life insurance policy from the United Transportation Union Insurance Association.

"The best thing I gave each of them was a paid-up \$25,000 life insurance policy."

Willis G. Croonquist
Local 1177, Willmar, Minn.

Permanent life insurance is a wonderful way to provide a lifetime benefit for your youngsters. What better way to show them you care? Permanent life insurance is very inexpensive at young ages, and premium-paying choices are endless, since premiums can be paid in one easy payment or over just about any period of time you select. Give a gift that **keeps on giving** by returning the coupon on the right, or by calling toll-free, (800) 558-8842, for assistance from your UTUIA representative.



Information, please



I would like more information on UTUIA's ULTIMATE PAR policy. **Please Print.**

Full Name of Member _____		Sex _____	Date of birth _____	
Address _____		City _____	State _____	ZIP _____
Telephone Number with Area Code _____		UTU Local Number _____		
Please provide full name, sex, date of birth, and relationship of the child for whom the information is requested on the line below.				
Full Name _____	Sex _____	Date of Birth _____	Relationship _____	

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250 12/05

Early booking bonus offered to UTU for Life members

Gone With the Wind Travel, the exclusive travel agent for the UTU for Life program, has announced a special "early booking bonus" for UTU members who reserve a rail vacation package on the Rocky Mountaineer prior to Jan. 15, 2006.

The bonus includes a free "Explore Vancouver" package, featuring a one-night hotel accommodation and a half-day city sightseeing tour in Vancouver, B.C., a deal valued at \$478 (U.S.) per couple.

Tours begin in Vancouver, B.C., on Mondays, Wednesdays and Saturdays and proceed eastbound. The 2006 tour packages are available from April 15 to Oct. 31, 2006.

The package includes two days aboard the

spectacular Rocky Mountaineer train in your choice of Red Leaf or Gold Leaf Service and a motorcoach tour of Banff, Alta., including a ride on the Banff Gondola.

Prices start as low as \$779 per person for Red Leaf Service and \$1,219 for Gold Leaf Service.

Rocky Mountaineer Rail Vacations include a rail journey, accommodations, attractions, sightseeing tours, luggage handling and transfers. Vacations are non-escorted, giving you the freedom to explore on your own with the comfort of knowing that all arrangements have been made for you.

For a more detailed itinerary, visit the UTU Web site at www.utu.org and click on UTU for Life, then Program Benefits, then on "excursions," or call Gone With the Wind

Travel toll-free at (800) 886-4989 or (216) 221-2121 locally.



Rocky Mountaineer

Two new items available at UTU online store

Two new UTU-logo clothing items are now available through the UTU's online store.

The new items are a pocketed T-shirt and a heavy-duty, four-pocketed lined jacket.

The T-shirt is 100 percent cotton with the UTU logo embroidered on the right sleeve and the words "United Transportation Union" embroidered above the breast pocket. It is priced at \$10 and is available in sizes S, M, L, XL, 2XL and 3XL. (Add \$1 for 2XL sizes and \$2 for 3XL sizes.)

The jacket is made of 100 percent 12 oz. cotton with a quilt lining for added warmth. It features an inside pocket, metal front snap buttons and a corduroy collar. It is also decorated with an embroidered UTU logo and "United Transportation Union" text. The price is \$75 for sizes M through 3XL. (2XL add \$5; 3XL add \$10.)

These items can be viewed and purchased online by visiting the UTU Web site at www.utu.org

and clicking on the UTU Gear button on the left-hand side of the page.

The UTU has arranged for American Products to supply union-made UTU wearing apparel and other merchandise.

You may reach American Products by telephone between 8 a.m. and 5 p.m. eastern time by calling, toll free, (800) 272-5120. You may also e-mail American Products at



Pocketed T-shirt

"info@utumerchandise.com."

All UTU online store products offered by American Products are warranted against defects for 90 days from the date of receipt. Watches and clocks carry a two-year manufacturer's warranty against defects.

If you wish to download, print and mail the order form, American Product's mailing address is:

UTU Merchandise.com
1600 N. Clinton Ave.
Rochester, NY 14621



Lined four-pocket jacket

DOT proposes tighter drug, alcohol testing

WASHINGTON, D.C. – DOT's office of Drug and Alcohol Policy and Compliance has published a 12-page notice of proposed rulemaking (NPRM) intended to strengthen current testing procedures affecting all modes of commercial transportation.

The NPRM appeared in the Oct. 31 Federal Register at pages 62276-62288. The proposed new rules would amend 49 CFR Part 40 and focus on so-called "specimen validity testing,"

which is the test for adulterants and substitutions in urine specimens.

Interested parties have until Dec. 30 to comment.

The NPRM would amend certain provisions of DOT's drug and alcohol testing procedures to change instructions to laboratories, medical review officers, and employers with respect to adulterated, substituted, diluted, and invalid specimen results.

The proposed changes, DOT said, "are intended to create consistency with specimen validity requirements established by the U.S. Department of Health and Human Services and to modify some measures taken in two of our own interim final rules."

The most notable change would make testing for adulterants and substitutions mandatory.

To view the proposed changes, go to www.dot.gov/ost/dapc/frpubs.html.

Crossing safety

Continued from page 1

"We can never be satisfied that the problem has been solved. Railroad crossing safety requires constant vigilance."

Among the IG's concerns was that of some 7,500 safety defects found by the FRA over 48 months ending in 2004, the FRA pursued only 347 violations against carriers and frequently agreed to negotiate lower fines paid by the railroads.

Boardman promised "the comprehensive and effective highway-rail grade-crossing safety oversight program of the FRA will be further strengthened."

"The (IG) report recognizes many of the aggressive actions taken by FRA in the past two years to improve our grade-crossing safety

inspection and enforcement capabilities," Boardman said.

"In particular, the FRA has implemented new procedures to ensure railroads make all required reports when a grade-crossing accident occurs; has more clearly defined to FRA regional offices when to conduct a grade-crossing accident investigation; and has instituted an enhanced data analysis process to better direct FRA grade-crossing safety enforcement activities.

"From 1995 to 2004, the number of grade-crossing collisions declined by 34 percent," Boardman said.

"The frequency of such collisions per million train miles decreased by 42 percent, and the number of fatalities fell by 36 percent. Further, the amount of civil penalties collected by FRA each year from railroads for violations of federal grade-crossing safety regulations has tripled since 2000."

Boardman has been on the job fewer than six months, taking over an agency whose former chief departed under a cloud of too chummy a relationship with the railroads.

As *Railway Age* magazine described Boardman's arrival in June: "There's a new railroad sheriff in town who says he's going to be a tough cop walking the safety and rail-policy beat."

Boardman also told *Railway Age*, "We must understand risk – from the standpoint of what is inspected, why it is inspected and how inspections translate to reduced accidents and injuries."

Meanwhile, the November issue of *Railway Age* magazine quotes new Deputy Federal Railroad Administrator Cliff Eby (on the job less than a month) as promising that safety goals will be set for railroads to achieve. Eby did not indicate what the penalties would be for failure to meet those goals.

Amtrak funds

Continued from page 1

But moderate Republicans refused to be intimidated by the president and his conservative allies. In part, these moderate Republicans responded to e-mails and phone calls from UTU members and other Amtrak supporters.

In the end, both the House and Senate voted overwhelmingly to continue Amtrak's federal subsidies and not break up our national intercity rail passenger network.

The legislation requires Amtrak to achieve savings by increasing its operational efficiency, including changes to food and beverage services

and first-class service. It also requires submission within 60 days of an approved comprehensive business plan to Congress to curb continual operating losses.

Amtrak also must find a new president. David Gunn was fired by the Amtrak board because, it said, he refused to bend to the Bush administration's plan to privatize the Northeast Corridor. The board that fired Gunn was handpicked by the Bush administration.

Meanwhile, in California, an arm of the North County Transit District Board in San Diego voted to recommend to the full board that Herzog Transit Services take over from Amtrak the operation of California Coaster trains over a 60-mile route between San

Diego and Orange County.

Amtrak has operated and maintained the Coasters since 1995, but its contract expires June 30 and Herzog is looking to succeed Amtrak under a five-year contract.

According to news reports, Amtrak offered to continue operating and maintaining the Coasters for \$48.6 million over five years, while Herzog, through its TransitAmerica subsidiary, bid under \$45 million.

Herzog already operates railroad passenger services in Florida (Miami Tri-Rail, where operating employees are represented by the UTU); between Ft. Worth and Dallas (Trinity Railway Express), and in Stockton, Calif. (Altamont Commuter Express).

NTSB rulings

Continued from page 1

were three tank cars containing chlorine, one of which was breached, releasing chlorine gas. The train engineer and eight other people died as a result of chlorine gas inhalation.

About 5,400 people within a one-mile radius of the derailment site were evacuated for several days, many of them complaining of respiratory difficulties.

The board determined that the crew of the train left on the siding failed to reline a switch back to the mainline after using it, leading to the subsequent and unexpected diversion of the through freight into an industry track where it struck a parked train and derailed.

The board also concluded that had the conductor of the parked train held a comprehensive job briefing at the industry track, as required by NS operating rules, the crew may have attended to the main line switch, and the accident may not have occurred.

In its report on the derailment of a commuter train in Chicago in 2003, the agency said that

the train's engineer failed to observe and comply with signal indications.

In that accident, a Metra train derailed its two locomotives and five passenger cars as it traversed a crossover on the Rock Island Line in Chicago. The train derailed at a recorded speed of 68 mph, where the maximum authorized speed was 10 mph.

Three of the 378 persons aboard the train were admitted to a hospital for observation. Damages from the accident exceeded \$5 million.

The board determined that the probable cause of the accident was the engineer's loss of situational awareness minutes before the derailment because of his preoccupation with certain aspects of train operations that led to his failure to observe and comply with signal indications. Contributing to the accident was the lack of a positive train control system at the accident location.

In its report, the board again called on the Federal Railroad Administration to require positive train control (PTC) systems that would prevent this type of accident in the future.

As a result of the Graniteville crash, the FRA issued an emergency safety order targeting hand-operated main-track switches in non-signal

(dark) territory. Railroads were given until Nov. 22 to comply.

Any railroad, supervisor or employee who violates the emergency safety order is liable for a civil penalty up to \$27,000.

The emergency safety order mandated that railroads retrain and periodically test employees on switch operating procedures and increase communication among crew members regarding the position of the switch.

Specifically, employees now must be briefed on the use of switches and provide written documentation every time a switch is moved.

In addition, locomotive engineers must acknowledge that switches are properly set before trains can be operated.

The NTSB also recommended that to prevent train wrecks like Graniteville, railroads should equip tens of thousands of switches in the United States with devices that will "compellingly capture the attention of employees."

The board also recommended that railroads put tankers with materials that turn to poison gas toward the rear of trains, where they would pose less danger, and reduce speeds through populated areas to minimize impact forces.

UTUIA SCHOLARSHIP: THE KEY TO SUCCESS

**A message from UTU International
President Paul C. Thompson**

Education is the key to success, and the key to an education can be a United Transportation Union Insurance Association scholarship.

With college enrollment time upon us, we strongly urge all eligible persons to take a few minutes to fill out the UTUIA scholarship application form printed below and apply for a UTUIA scholarship. It will be one of the smartest things they ever do.



This is the 32nd year UTUIA is making available 50 continuing \$500 scholarships for its members, and the sons, daughters and grandchildren of its members. We are very proud of our scholarship program, a pride that comes from helping thousands of college students over the years.

We realize the amount awarded, \$500 a year, doesn't meet the full cost of the recipient's education, but in this way we can help a larger number of students with educational costs. They may use the scholarship money for tuition, learning materials or other related expenses.

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud also in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We also can point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: "If you think education is expensive, try ignorance."

Paul C. Thompson
International President



DISTRIBUTION

Fifty continuing \$500 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of UTU and UTUIA insurance members in each of nine districts. Names of the 50 scholarship winners for the academic year 2006-2007 will be drawn at UTUIA headquarters in Cleveland after the March 31, 2006, deadline for submission of applications.

ELIGIBILITY

Requirements for a scholarship applicant are that he or she be at least a high school senior or equivalent; age 25 or under; be a UTU member or UTUIA-insured member, the child or grandchild of a UTU member or UTUIA-insured member, or the child of a deceased UTU member or UTUIA-insured member. (If member is deceased please include date of death). UTU members or UTUIA-insured members must be U.S. residents.

Applicants also must be accepted for admittance or already enrolled for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time International officers are not eligible.

AWARDS

Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

ADMINISTRATION

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary and treasurer.

INVEST IN THE CHANCE OF A LIFETIME

The UTUIA Scholarship Program is an open program. All eligible students, regardless of previous grades or future plans that don't happen to include college, are strongly urged to apply, to take five minutes to invest in the chance of a lifetime, the chance for a better future.

UTUIA SCHOLARSHIP APPLICATION FORM 2006/2007

(PLEASE TYPE OR PRINT)

STUDENT'S NAME _____ BIRTH DATE ____/____/____
(LAST) (FIRST) (M.I.) (M/D/Y)

MEMBER'S NAME _____ UTU Local #
(LAST) (FIRST) (M.I.) or
UTUIA Local Unit #

ADDRESS OF MEMBER _____

OCCUPATION _____

EMPLOYER _____

STUDENT'S RELATIONSHIP TO MEMBER _____

COLLEGE YEAR, 2006-2007 FRESHMAN SOPHOMORE JUNIOR SENIOR

SIGNATURE OF STUDENT _____

SIGNATURE OF MEMBER _____

(Please include date of death if member is deceased; please leave address label attached to back of application)

Applications must be received **no later than March 31, 2006.**

Please submit **only one application per student.** Incomplete, photocopied or duplicate applications will not be accepted.

The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, request one from the address below. Please include your UTU local or UTUIA local unit number with your request.

Complete the form above, cut it out (leaving address label on reverse side, if possible), and mail to:

**UTUIA Scholarship Program
United Transportation Union Insurance Association
14600 Detroit Ave.
Cleveland, OH 44107-4250**

UTUIA SCHOLARSHIP DISTRICTS

District	Scholarships
1 Connecticut, Maine, Massachusetts, New Hampshire New York, Rhode Island, Vermont	4
2 Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania	5
3 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia	10
4 Indiana, Michigan, Ohio	5
5 Illinois, Wisconsin	4
6 Arkansas, Louisiana, Oklahoma, Texas	5
7 Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota	6
8 Arizona, California, Colorado, Nevada, New Mexico, Utah	8
9 Alaska, Idaho, Montana, Oregon, Washington, Wyoming	3



Best Wishes for a Happy Holiday Season



Paul C. Thompson

Paul C. Thompson
International President



R L Marceau

Rick L. Marceau
Assistant President



Dan E. Johnson

Dan E. Johnson
General Secretary/Treasurer

On Behalf of the Officers and Employees
of the United Transportation Union,

We Wish You and Your Family the Most Joyous of Holiday Seasons.



www.utu.org / www.utuia.org

DEC 2005/JAN 2006

ISSN 0098-5937

Published monthly (except for combined months of December/January and July/August) by the UNITED TRANSPORTATION UNION, 14600 DETROIT AVE., CLEVELAND, OH 44107-4250 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Paul C. Thompson, International President; Daniel E. Johnson, General Secretary/Treasurer • This publication available on microfilm from UMI, 300 N. Zeeb Road, Ann Arbor, MI 48106 • **POSTMASTER: Send address changes to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250.**

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12/05-1/06

Two UTU members lauded for heroism, benevolence

Two UTU members, Jeff Christensen and Kenneth Kill Sr., recently were recognized in the media for their heroism and benevolence.

Christensen, a member of UTU Local 1168 in Clovis, N.M., was spotlighted by the *Clovis News Journal* for his efforts to save a family of four's burning home.

Kill, a retired CSX conductor and member of Local 1529 in Walbridge, Ohio, was featured in the *Toledo Blade* for his efforts with the Old Newsboys Goodfellow Association of Toledo and the group's annual fundraising drive.

Christensen was letting his dog out the morning of Dec. 6 when he noticed flames shooting over the roof of a neighbor's home.

At the home, he spied a baby's crib through the front window. He also heard a whining sound, so the BNSF Railway worker told the newspaper he kicked open the front door and went inside to look for occupants.

"I ran to the house and heard things exploding. I wanted to check it out and see if I could help," Christensen told the press. He found the house unoccupied.

Using the cell phone of a citizen who had stopped to help him battle the fire, Christensen called 911, then he and two men used a garden hose in the back yard of the burning home to try to stop the fire from spreading to surrounding homes.

"We tried to soak the house as much as possible, but the wooden fence started going up and the fire jumped to the house next door," said Christensen.

Westerman said the three-bedroom, single-story home was fully engulfed when firefighters arrived at the scene.

A heater, set up outside by a shed to keep a dog warm, caught fire and spread through the back yard, according to investigators.

Christensen said he wasn't trying to be a hero and he would likely react the same if the situation arose again.

Kill and his fellow Old Newsboys were featured for their efforts to raise money for needy families at the holidays.

The Old Newsboys has given out \$978,000 since the turn of the millennium, mostly in the form of clothing vouchers distributed to high school principals and teachers to give to needy children in their classrooms.

The group gets most of its money from an annual newspaper drive, exchanging a copy of the paper for whatever people will give. Last year, the sale took in \$181,000, which was spread among 59 area schools and about 5,000 children. The group also awards scholarships to worthy students.

"Whatever I collect, I always write a matching check," Kill told the newspaper.

Christensen tries to save burning home; Kill raises money for needy



Inside this issue of the UTU News:



The UTU needs more like Bonnie Morr. See more on page 2.



Brotherly love? Whatever it takes, says SEPTA's Ron Koran. See page 6.



Was Chuck McGowan the father of the UTU? See page 8.



The UTU works to make you feel warm all over. See Page 9.