AKRON, Ohio – The UTU has asked a federal district court here to prohibit further financing by the Sheet Metal Workers International Association (SMWIA) of activities intended to weaken the UTU financially and which are seen as furthering an “immeasurable divisiveness” within the UTU.

The UTU on Feb. 13 asked the court to rule that the SMWIA is violating the Labor Management Reporting and Disclosure Act (LMRDA), which prohibits an “interested employer,” which defines the SMWIA, from directly or indirectly financing or encouraging the institution of an action by a union member against his or her union.

SMWIA should “man up” and file lawsuits in its own name

The UTU also has asked the AFL-CIO to sanction the SMWIA for attempting to raid the UTU membership.

While the UTU’s funds have doubled since January 2008 when the Furhey administration took office, the expenditures encountered due to these SMWIA-financed lawsuits have reduced the UTU’s bottom line by some half million dollars.

Recall that the federal district court in which this complaint was filed previously halted a merger between the UTU and the SMWIA.

The court ruled that UTU members were not properly informed of conflicts between the two unions’ constitutions prior to the ratification vote. The merger would have created the combined International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers.

The court urged that a new SMART constitution be negotiated and written and precede a fully informed ratification vote.

Unbeknownst to UTU members when they originally voted on the merger the fact that it would have resulted in a takeover by the SMWIA of all UTU general committee decision making.

In fact, there were dozens of conflicts in the two unions’ constitutions, even though UTU members were told by former UTU President Paul Thompson that no conflicts existed.

But rather than negotiate a new SMART constitution with the UTU, the SMWIA financed a lawsuit brought by seven UTU international officers, as intervenors, to force implementation of the merger in spite of the flawed merger process.

Amtrak back pay now assured

Unlike freight railroad workers, whose paychecks have included on-time wage increases and cost-of-living adjustments as provided by contract, Amtrak workers have been collecting promises that wage increases owed will be paid.

But back-pay wages are now assured for conductors, yardmasters and other Amtrak employees represented by rail labor unions.

The economic stimulus package – formally known as the American Recovery and Reinvestment Act – contains a provision assuring priority funding for back pay owed Amtrak workers.

Specifically, the stimulus bill provides that DOT “shall withhold such sums [from Amtrak federal subsidies] as shall be necessary for the costs associated with the second retroactive wage payments to Amtrak employees and shall transmit such funding to Amtrak for the sole and exclusive purpose of making such payments.”

As background, following recommendations of a presidential emergency board, Amtrak agreed to a wage-increase and lump-sum retroactive payment package totaling $573 million.

Because Amtrak did not have the funds to pay the entire amount in a single fiscal year, Amtrak agreed to pay it out over two fiscal years.

If Amtrak could not make the payments as promised, it agreed to reopen negotiations with its unions in 2009.

Amtrak, so far, has funded some $428 million of the $573 million contract settlement, said Amtrak President Joseph Boardman, leaving a balance of $145 million. He said Amtrak had sufficient funds to pay $31 million of that by Sept. 30, 2009, but would have to rely on Congress for the remaining $114 million.

That money is now assured as a result of the stimulus package passed by Congress and signed into law by President Obama.

Plies to Congress to assure payment of the retroactive funds were made by UTU National Legislative Director James Stem, others in rail labor, and by Boardman, who told Congress in a Feb. 17 letter:

“Amtrak is committed to meeting our agreements, and holds to the skills of its employees and the dedication they bring to their job in high esteem. To that end, we are meeting and intend to continue to meet, on a quarterly basis, with the unions’ leadership to ensure that we are communicating frankly and clearly with them. We hope that this will improve an already open and productive relationship.”

Boardman has long been a friend of organized labor and Amtrak.

In 2005, as federal railroad administrator, Boardman told Railway Age magazine, "Railroads must invest in human resources by hiring talented people and training and motivating them, as well as measuring the quality of that training and motivation to ensure incremental and continual involvement."
Local 239, Oakland, Calif.

The “Oakland Old Rats” will hold a dinner and get together at 12 p.m. on Sunday, April 19, at Dino’s Restaurant, 3600 Castro Valley Blvd., in Castro Valley, retired member Richard Scholl reported. Tickets are available by writing club secretary Gilbert Sanchez at 5030 Trask St., Oakland, CA 94601, or by calling Sanchez at (510) 533-4838.

Local 306, Eagle Grove, Iowa

This Union Pacific (former C&NW) local has established a Web site at http://0306.UTU.org. The site has links to local news, numerous local agreements, contact information for local officers and more.

Local 338, Chattanooga, Tenn.

On Feb. 17, the officers and members of this local presented Brother W.D. “Denny” Elliott with a gold pocket watch in appreciation of his 20 years of service as local chairperson and to commemorate his pending retirement. Pictured below, from left, are Tommy Pierce, Dale Cureton, Elliott, Juliane Holland and Blake Gholston, who was installed as local chairperson.

Local 656, N. Little Rock, Ark.

Brother Charles N. “Porky” Porter passed away Feb. 17 at the age of 72, retired UTU Field Supervisor Joe Cunningham reported. “He was a Union Pacific trainman for 41 years and served as a local officer for 25 years. He also was a local insurance representative during most of his days on the railroad and was a hard worker in the legislative department,” Cunningham said. “He will be greatly missed.”

Local 974, Nashville, Tenn.

Secretary & Treasurer Tony Garcia told UTU News that this CSX local is celebrating 40 years of representing the train- and engine-service members in the Nashville area. Garcia has ordered cigars with a custom UTU logo-Local 974 band on them and hopes to discuss a possible social event commemorating the anniversary at the next local meeting.

Local 1000, Minneapolis, Minn.

Members of this RNSF Railway local held a dinner recently honoring retiring local officers George Joyce, Tom Lyman, Bill Fish and Blake Begnud (with more than 75 cumulative years of local service) and welcoming the newly elected local officers, State Legislative Director Phil Qualy reported. “Local 1000 recently signed more than 40 new UTU PAC contributors, thanks to the efforts of the Texas AFL-CIO United Labor Legislative Committee (ULLCO). This committee meets daily one hour before the state House or Senate convenes to discuss legislative matters of the day.

Local 1397, Columbus, Ohio

This CSX local will host its 60th annual Old Timers’ Fish Fry on May 13, at 7 p.m., immediately following the union meeting at 6 p.m., said Secretary & Treasurer Robert Smith. Members of the C&O/CSSY Veterans’ Club, as well as all active and retired UTU members, are invited to attend free of charge, with food and beverages supplied. Frying the fish will be Director of Strategic Planning John Nadalin and retiree Jon Larkin.

Local 1440, Staten Island, N.Y.

Gerard McGovern, a UTU member employed by the MTA Staten Island Railway since October 1984, passed away Feb. 6, Secretary & Treasurer Vincent LaBella reported. “McGovern was a true roadrailer, known for following all of the operating rules to the letter and able to lend a helping hand to anyone in need concerning any train service situation,” LaBella said. “He will be missed by the Staten Island Railway and SIR Local 1440 families.”

Local 1567, Coral, Ky.

This CSX local presented engraved UTU pocketknives to five members who retired during the past year, Secretary & Treasurer Donnie Head reported. The presentation was made by Local President Jonathan Jones at the local’s February meeting at the Shoney’s Restaurant in Corbin.

Pictured, from left, are Gary Davis, David Maloney, David Ingle, Jones, Charlie Gray and Kenneth Irwin.

Local 1900, Miami, Fla.

Local Vice President Manuel Ruiz and fellow employees of PARSEC are asking UTU members and others to try to wear red shirts on Fridays in honor of U.S. troops, both at home and overseas. “This is in no way meant to support a war or to make a political statement. It is just an attempt to show support for our men and women in uniform,” Ruiz said.

CSX GO-513, Jacksonville, Fla.

General Chairperson Barry A. Hogan announced his retirement, effective March 3. “I have enjoyed my 39 years of service to the UTU. It has been an honor and pleasure to work with the knowledgeable staff and officers of this organization during my tenure,” Hogan said.

Md. legislative board hosts golf tournament

The Maryland State Legislative Board will hold its tenth annual James E. Major Memorial Golf Classic on Friday, May 5, at the Forest Park Golf Course in Baltimore. All proceeds raised from the tournament will be used to support the James E. Major Memorial Scholarship Fund. The registration fee is $75. Fee includes a putting contest, green fees, cart, continental breakfast, beverages before, during and after the tournament, a catered dinner and prizes. For more information, or to obtain a registration form, visit the board’s Web site at www.utu.org and select “James E. Major Jr. Memorial Scholarship Program and Golf Outing.”

Around the UTU

Call to service makes meeting a success

Living up to the UTU Insurance Association’s pledge to “facilitate community outreach through volunteer activities,” the wives of UTU officers and field supervisors, on Feb. 18, turned these words into deeds with a visit to Phoenix’s Ronald McDonald House.

On the first day of the UTU’s annual sales meeting in Phoenix, the ladies of the UTU traveled to the Ronald McDonald House there, where they spent the day cleaning and preparing one of the facility’s 45 family units for painting.

Ronald McDonald Houses around the world offer families of seriously ill or injured children a way to stay together, in proximity to their treatment hospital, and to be comfortable and cared for during their stay.

Participating in the volunteer duties and pictured above were: top row) Colene Dyman, Angela Fry, Sybil Morrison, UTU International Updating Dept. Director Marilyn Spangler, Marie Decoste, Cindy Martin, Anita Rayner, (bottom row) Connie Thompson, Linda White, Janis McElhiney, Elaine Skidmore and April Furhey.

In addition to the volunteer service, UTU-IA members and staff attending the sales meeting donated $260 to the Ronald McDonald House and another $120 toward the cost of dinner for families staying at the facility that day. “It was just a wonderful experience and I wish we could have done more,” said Janis McElhiney, wife of UTU Field Supervisor Dan McElhiney, who helped Spangler organize the service and ensure that we had the opportunity to help other people that really needed help.”

In 1994, 17 UTU local units were established throughout the United States for the purpose of engaging in fraternal activities that benefit both UTU and UTU members and the communities in which they live.

Spangler, who was honored as the UTU’s volunteer of the year in 2006 and serves as president of UTU Local Unit 1 in Cleveland, reminds all UTU and UTU members that the local units are still active today and encourages them to get involved.

Spangler, who has worked with Ronald McDonald House Charities previously, said assisting a Ronald McDonald House near you is as simple as collecting aluminum tabs from your beverage cans. “Thousands of dollars are collected each year to help defray costs to families staying at these homes by just removing the tabs,” she said. For more information, visit www.mhcs.org and select “How You Can Help.”

Legislative Rep. Tom Lyman and Wayne Newton. The torch is passed and the membership remains in good hands,” Qualy said. “Thanks for all of their work on behalf of our membership.”

Local 1313, Amarillo, Texas

Congratulations to Assistant State Legislative Director and Local Legislative Rep. David Arbetburn, who has been elected as recording secretary

www.utu.org / www.utuia.org
NS again rebuffed on walkway safety

CHICAGO — A federal appeals court in Illi- nois has turned back a second Norfolk Southern at- tempt to evade an Illinois regulation requiring safe walkways in its yards, holding that the NS legal challenge was as slippery as some of the walkways it provides its employees.

Since the Illinois Commerce Commission imposed the requirement for safe walkways in 2004, the carrier has been seeking to overturn the requirement.

In December 2007, a federal district court rejected the NS appeal and gave Illinois regula- tors the go-ahead to begin enforcing the 2004 “safe walkways” regulation, which mandates that all newly constructed and reconstructed yard tracks within Illinois include safety features that prevent employees from losing their footing while working on the ground.

The regulation also gives the state authority to order walkway improvements for existing tracks where conditions are shown to be hazardous.

NS appealed that federal district court deci- sion, and the Seventh Circuit Court of Appeals on March 11 agreed to hear the case and to put the safety of its employees first.

The railroad argued that federal law super- sedes any state laws or regulations regarding railroad safety. But, in a decision affirmed by the appellate court, determined that the Federal Railroad Admin- istration has not adopted any regulation “cov- ering the subject matter that justifies “railroad tracks and that the Illinois regulation does “not conflict” with any federal safety laws or objectives.

Said the appellate court: “Illinois allows the railroads considerable discretion over the size, placement, and materials for the walkways,” and if its construction materi- als or methods of walkway construction interfere with track drainage and track stability, then “Norfolk Southern must try to work these details out with the [Illinois Commerce Commission].”

More specifically, Illinois requires that employees wishing for a walkway to be provided must have a minimum width of two feet, and any ballast used must be no bigger than three-quarter inch in diameter, and must be spread in a uniform mian. Additionally, walkway slopes can rise or fall no more than one inch in height for every eight inches in length or width, and walkways must be free of obstacles, including rocks, equip- ment and debris.

The UTU began lobbying for the walkways regulation in 2002 over the objection of NS, with the UTU providing state regulators with evidence of tripping and falling acci- dents on walkways.

Assisting in the defense of the regula- tion was the Brotherhood of Mainte- nance of Way Division’s director of educa- tion and safety, Michael O’Malley, who served as an expert witness on behalf of the state without any personal compensation.

American Products to offer new items, faster Web site

A revamped American Products Web site has just made online purchasing of new UTU apparel and other items faster and easier. American Products is the manufacturer and distributor of UTU clothing, timepieces and other novelty items and the company’s exclu- sive UTU licensed Web site can be found at www.utumerchandise.com.

With the company’s new “CartSteward” Web software, shopping for UTU merchan- dise online has never been quicker.

American Products has recently added new polo-style shirts, caps and its Kendall jackets to their Web site, so UTU members should visit the store to check out the new convenience. Use the Web site address provided above, or select the “UTU Gear” tile on the UTU home page.

Customize local items

UTU locals should also note that American Products can produce a variety of items cus- tom-made just for their local. “We can create T-shirts, hats, jackets, and other items with local numbers and custom designs,” said com- pany representative Sherry Schirripa. “We have a creative graphics department at Ameri- can Products and we will work with your local to personalize your garments or other items.”

She added that locals interested in purchas- ing custom-made products are not limited to the items featured at the UTU store. “As American Products, we work hard to find or create quality goods that eliminate the compe- tition. Our merchandise and apparel proudly offers ideas and services that are a cut above the rest. With our own textile division, in-house screen printing, in-house embroidery and 20,000 square feet of fulfillment center, American Products is positioned to produce and deliver customized products faster than anyone else,” Schirripa said.

Schirripa said she has worked with a number of UTU state directors, general committees and locals over the last five years, during which time American Products has been the exclusive provider of UTU apparel. For custom orders, e- mail Schirripa at schirripa@comcast.net.

Union-made in America

All of the UTU items featured by Ameri- can Products are union-made and a are made in America. All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts and cus- tomized orders are available to UTU locals.

Watches and clocks carry a two-year manufac- turer’s warranty against defects.

All of the T-shirts and other apparel ordered by credit card directly through the company’s secure Web site, or by calling the company’s toll-free telephone number: (800) 272-5120.

UTU members may also order and print a custom order form that can be mailed to UTU Merchandise.com, 1600 N. Clinton Ave., Rocherster, NY 14621.
**Predictable crew schedules not a radical idea**

For more than a year I care to count, we have been telling the carriers that if we couldn’t come up with a mutually acceptable solution at the bargaining table to the problem of availability policies and train-crew fatigue that we were going to ask Congress to impose a solution.

And still the carriers dithered, placing profits ahead of safety and ignoring the quality of life and safety threats of 30-day availability policies, seemingly surrendering limbo time, rolling the dice on circadian rhythms with wild swings in start times, and assuming human beings could maintain situational awareness as their cumulative sleep deficits mounted.

We provided the carriers with exhaustive evidence of train crews being called to work in a fatigued condition; and reminded the carriers that sleep scientists have concluded that going to work fatigued is equivalent to going to work drunk.

Even in the face of horrific accidents involving deadly hazmat releases and NTSB findings with regard to crew fatigue, the carriers continued to ignore our pleas to negotiate a solution to the fatigue problem.

The carriers refused to negotiate.

So we went to Congress, which in the fall of 2008 passed the most far-reaching rail safety bill in decades. It was our only avenue of relief. The law didn’t give us everything we wanted, but it is a good, overdue and necessary law.

Most troubling now is that even with the new safety law’s changes in hours-of-service and limbo-time elimination, the carriers continue to resist providing train and engine service employees with predictable starting times.

How can it be that an industry so fully computerized can’t provide its operating crews with predictable starting times?

The fact is, the railroad industry can. In fact, on Canadian National, which Wall Street analysts say is the most efficient North American railroad, senior management is committed to train scheduling.

**International President’s Column**

*By Mike Futhey, International President*

We are working to improve bus-safety bill

**Officers’ Column**

*By Bonnie Morr
Alternate Vice President - Bus Dept.*

*By Calvin Studviert
General Charperton, Community Transportation*

Legislation (H.R. 1135, the Bus Uniform Standards and Enhanced Safety Act of 2009) has been introduced in Congress to improve bus safety. It is a good start, but the bill requires considerable work for the legislation to more fully benefit bus operators and bus-passenger safety.

For example, while the bill focuses on bus-root strength and fire suppression – which is good – its section on window glazing is weak because it fails to require additional safeguards to ensure neither passengers nor drivers are ejected through windows during a crash.

A bus safety bill also should require new bus construction standards that protect drivers, passengers and the public from hazards posed by alternative fuels, which are growing in popularity.

And needed in bus safety legislation is a beefed-up section on driver training, requiring, for example, that bus operators – newly hired as well as experienced operators — be trained in defensive driving skills and methods to deal with hazardous driving conditions that include abusive and threatening passengers, gang activity and bus evacuations.

Training in methods of dealing with passenger threats — as well as special needs of passengers — is of growing concern, as drivers are accountable for the safety and security of all passengers they transport. This is especially so on school buses, where the driver is often the only authority figure on board.

Surely the authority of school bus drivers to discipline unruly students and enforce conduct codes should be clarified and standardized. And uniform laws should be in place to treat as criminal conduct — with severe penalties — any attacks by student passengers on bus operators.

Additionally, a more perfect bill would establish minimum standards for driver training, plus standardized national reporting requirements so that medical and background information is readily available for driver licensing nationwide.

UTU members may be called upon to write or call their congressional representatives to ask them to support amendments to the bill.

This bill is also an excellent vehicle for inclusion of the provision fixing the commercial driver’s license (CDL) problem that currently puts a bus operator’s career at risk for relatively minor moving violations while driving personal automobiles.

We are now negotiating with CN in the hope we can reach agreement permitting CN and the UTU jointly to petition the Federal Railroad Administration for a pilot project — under provisions of the new safety law — to demonstrate every railroad can efficiently provide train- and engine-service employees with start and stop times within a predictable range of hours.

We stand willing to negotiate with any carrier a similar joint petition to the FRA for such a pilot project if that carrier is agreeable to structured start times.

“**We stand willing to negotiate with any carrier a similar joint petition to the FRA for such a pilot project if that carrier is agreeable to structured start times.**

Our objective is a changed culture that reduces employee fatigue, fully eliminates limbo time, assures situational awareness of all crew members, improves our members’ quality of life, boosts customer service, and contributes positively to each carrier’s bottom line.

It is high time to bring the railroad industry into the 21st century.

This pilot project has the potential to do just that.

Also, the bill should remove existing legislative barriers restricting drivers cited for minor traffic infractions from clearing their records through training and education at privately owned and operated driving schools.

Finally, a more perfect bill would address security and terrorism. A bus operator — especially one driving the same route each day — is the eyes and ears of a community and often is in a position to notice a need for a law enforcement response. Yet, the legislation, as now written, provides no language requiring training in recognizing, reporting and dealing with terrorist threats and natural disasters.

UTU National Legislative Director James Stem understands how this legislation can be improved, and he will be working with our friends in Congress to gain improvements to the bill’s language.

UTU Bus Department officers will be assisting in this effort, and bus members may be called upon to write or call their congressional representatives to ask them to support amendments to the bill.

(Bonnie Morr, general chairperson on the Santa Cruz Metropolitan Transit District, is the Bus Department’s alternate vice president — West. Calvin Studviert is general chairperson on Community Transportation in North—ern New Jersey.)
State Watch

News from UTU State Legislative Boards

Maryland

From left, State Legislative Director Kasemacp, International President Futhey and National Legislative Director Stem.

State Legislative Director Lawrence Kasemacp, Local 454 (Baltimore) Chairperson Joe Rasa and Legislative Rep. Brian Shaw recently attended the memorial service for former National Legislative Director James Brunkenhoefer. Kasemacp (above left), on behalf of the Maryland State Legislative Board, presented International President Mike Futhey (center) and National Legislative Director James Stem (right) with a plaque for the union’s national legislative office in honor and memory of Brunkenhoefer “for all he had done for the legislative department of the UTU,” Kasemacp said.

Montana

UTU in the House: The UTU is well represented in the state’s 61st legislature, State Legislative Director Fran Marcceau reports. “The chairperson of the House Business and Labor Committee Representative is Bill Wilson (in photo at left), Wilson is a retiree from Local 730 (Great Falls) and past president of that local. Wilson was elected from House District 22 in Great Falls. He served in the Senate from 1993-2000 and in the House since 2003. In addition to being chairperson of the House Business and Labor Committee, he also serves on the Transportation Committee. On the right is Dennis Getz, a member of Local 486 (Glendale) and past local president. This is Getz’s first term. He was elected from House District 38 in Glendale and is serving on the Appropriations Committee.”

Florida

While the Northeast part of the nation shoveled out and the Midwest shivered, UTU members on CSX in Jacksonville worked under a warm winter sun.

From left, Local 1971 (Atlanta, Ga.) yardmaster and Vice Local Chairperson Bobby Gibson; conductor Joey Williams (Local 903, Jacksonville), Local 903 Chairperson James West, and Local 903 conductor and Vice Local Chairperson James Burt.

Foundation offers aid to railroad daughters

The John Edgar Thomson Foundation offers financial assistance to daughters of deceased railroad parents.

The foundation, established in 1882 and endowed by the will of Thomson, the third president of the Pennsylvania Railroad, is now accepting applications for aid.

Thomson (Feb. 10, 1808 – May 27, 1874; shown at left) was an American civil engineer, railroad executive and industrialist.

He was president of the Pennsylvania Railroad from 1852 to 1874 and oversaw the railroad’s conversion from wood to coal as a fuel for its steam locomotives.

The deceased parent must have been in the active employ of any railroad in the United States at the time of death, although the cause need not be work related.

Eligibility is dependent upon the daughter and surviving parent remaining unmarried.

The monthly allowance made under the grant may cover the period from infancy to age 18; under certain circumstances to age 22 to assist grantees who are pursuing higher education goals.

The foundation also offers special health-care benefits.

For further information, contact Sheila Cohen, Thomson Foundation, 201 S. Eighteenth St., Ste. 318, Philadelphia, PA 19103. Phone (215) 545-6083 or (800) 888-1278 toll free. Email: sjethomson@aol.com.

Biden greets Futhey at AFL-CIO meeting

Vice President Joseph R. Biden Jr. gave organized labor, especially UTU International President Mike Futhey, an extremely warm embrace last month at the AFL-CIO’s executive council meeting in Miami Beach. Vice President Biden and Futhey discussed, privately, issues of concern to UTU members. The vice president also assured Futhey that there would be more dialogue and that the UTU has good friends in both President Obama and himself.

UTU seeks info on members, families in military

The United Transportation Union is seeking to honor its members, or their children or spouses, who are serving in any branch of the U.S. military. The UTU News plans to publish these names, and any photos received, in a future edition.

Please send or e-mail the name and rank of the individual, the branch and unit of the military in which they serve, where they are currently stationed, along with the UTU member’s name and local number.

UTU News also welcomes photographs of these military personnel, in uniform, for publication. Photos can be returned if requested.

Names and photographs (JPEG format) should be e-mailed to utunews@utu.org or sent to UTU News, United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44117-4250.
San Francisco, Calif., July 6-8
Westin St. Francis
335 Powell St.
San Francisco, CA 94102
www.westinstfrancis.com

Hotel reservations: (800) 850-N101 toll free; (415) 397-7000 direct; (415) 774-0124 fax
Reservation code: “United Transportation Union”
Daily room rate: $139 single/double, plus tax; rates good for three days before and after the meeting, depending upon availability
Reservation deadline: June 4, or until all rooms being held for the UTU are reserved
Parking: Valet parking: $49 per night. (See other parking options on www.utu.org)
Golf outing: The regional meeting golf outing will be held Sunday, July 5, at the Chuck Corcia Golf Complex in Alameda. The cost is $80 per golfer, which includes transportation, golf, lunch and more. Watch www.utu.org for details.

New Orleans, La., Aug. 17-19
Sheraton New Orleans
500 Canal St.
New Orleans, LA 70130
www.sheratonneworleans.com

Hotel reservations: (888) 627-7033 toll free; (504) 525-2500 direct; (504) 595-5552 fax
Reservation code: “United Transportation Union”
Daily room rate: $99 single/double, plus tax. Room rates are good three days before and after the meeting, based upon availability.
Reservation deadline: July 17, or until all rooms being held for UTU are reserved.
Parking: $30.00 per day
Golf outing: The regional meeting golf outing will be held Sunday, Aug. 16, at the Stoneridge Country Club in Gretna. The cost is $80 per golfer, which includes transportation, golf, lunch and more. Watch www.utu.org for details.

The 2009 UTU Regional meetings have been designed to provide a grand sense of formalism, lots of worthwhile education and tons of fun for the whole family.

As before, each regional meeting will run for 2 1/2 days, ending early on the afternoon of the third day. The evening of the first day has been left unscheduled so you, your family and friends will be free to explore and enjoy the many offerings of the regional meeting cities.

UTU meeting registration and hotel reservations can be made online by visiting www.utu.org and clicking on the “Meetings” tile in the blue menu bar at the left-hand side of the UTU homepage.

All those attending the regional meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary. The registration form is printed on the right.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 10 days prior to the scheduled start of the meetings or the registration will be charged an on-site registration fee of $200.

The pre-registration fee for the 2009 regional meetings is $150 per member, spouse or child over age 11. Additional fees apply for the golf outings. You must make your own room reservations, and certain deadlines apply.

The $150 registration fee covers all workshop materials; a welcoming reception the night before the meeting; three lunches and one evening meal. Those wishing to attend only the workshops do not need to pay the registration fee. No one-day registrations are offered.

You may cancel your regional meeting registration 10 days prior to the first day of the meeting or the golf outing without penalty. Please fax any changes or cancellations immediately to the UTU International Headquarters at (216) 228-5755.

UTU Regional Meeting Registration Form

Registering before the regional meetings speeds sign-in procedures, helps organizations plan more accurately, and saves on meeting costs. Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2 1/2 days and conclude on the afternoon of the third day. Registration fees are $150 per person, children 11 years of age and under are complimentary. On-line registration is $200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received at the UTU International 10 days prior to the start of the meeting to be considered pre-registered.

Which regional meeting will you be attending? San Francisco | New Orleans

Member registration
Name: ____________________________
Home address: ________________________
City/State/ZIP: ________________________
Phone number: ________________________
Email: ____________________________

Transportation type: ____________________
( ) Automobile ( ) Bus ( ) Air ( ) Other

Spouse registration: ____________________
San Francisco | New Orleans

Spouse name: __________________________
Title (if any): ________________________

Meals: Day 1 Lunch No meal Dinner Both No meals
Day 2 Lunch No meal Dinner Both No meals
Day 3 Lunch No meal Dinner Both No meals
Spouse/guest tour: Sunday or Monday (825 per registered spouse; $60 per unregistered spouse)
Child registration: San Francisco | New Orleans

Child name: __________________________
Age: __________________________

Meals: Day 1 Lunch No meal Dinner Both No meals
Day 2 Lunch No meal Dinner Both No meals
Day 3 Lunch No meal Dinner Both No meals

Child name: __________________________
Age: __________________________

Meals: Day 1 Lunch No meal Dinner Both No meals
Day 2 Lunch No meal Dinner Both No meals
Day 3 Lunch No meal Dinner Both No meals

Guest registration: San Francisco | New Orleans

Guest name: __________________________
Relationship to member: __________________________

Home address: ________________________
City/State/ZIP: ________________________

Meals: Day 1 Lunch No meal Dinner Both No meals
Day 2 Lunch No meal Dinner Both No meals
Day 3 Lunch No meal Dinner Both No meals

Tour: Sunday or Monday (835 per registered child; $60 per unregistered child)
No. attending: __________________________

Utuspo golf registration: San Francisco | New Orleans

Name: __________________________
Handicap: __________________________

Meals: Day 1 Lunch No meal Dinner Both No meals
Day 2 Lunch No meal Dinner Both No meals
Day 3 Lunch No meal Dinner Both No meals

Spouse/guest tour: Sunday or Monday (835 per registered spouse; $60 per unregistered spouse)

Golf registration: San Francisco | New Orleans

Name: __________________________
Handicap: __________________________

Payment options
Check/money order enclosed (U.S. funds only) $________________________
Credit card: ( ) Visa ( ) MasterCard
Card number: __________________________
Exp. date: __________________________
Total charged $________________________

Signature: __________________________

Additional space needed, please use space below.

This form and payment must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107-4250, 10 days prior to the regional meeting for the member/spouse to be considered pre-registered. Make checks or money orders payable in U.S. funds to “UTU Regional Meeting.” Those who do not pre-register for the regional meeting but choose to register at the meeting site will be charged a $50 penalty fee.
Mr. UTU celebrates 95th birthday

Former UTU International President Al Chester celebrated his 95th birthday Feb. 26 in Denver.

UTU International President Mike Futhey observed, “Al says he will not consider himself a senior citizen until he turns 100. That year, Barack Obama will be in his second term as president of the United States, and Al will certainly be receiving a birthday card from the White House. This year, UTU members helped Al celebrate with cards wishing him many more years of good health. He has earned, in deed and spirit, the fitting honorific title of ‘Mr. UTU.’”

Chester grew up with the Atchison, Topeka & Santa Fe Railway (now part of BNSF Railway) in 1941 as a brakeman in Amarillo, Texas. Four years later, the 800 members of his local in the Brotherhood of Railroad Trainmen (BRT, now part of the UTU) elected him secretary-treasurer, and then legislative representative. Al was elected the BRT’s Texas state legislative director in 1956, developing a personal friendship with then-U.S. Congressman Lyndon Johnson.

When Al was elected the BRT’s national legislative director in 1961 – a post he held through creation of the UTU in 1969 – his personal friendship with Congressman Lyndon B. Johnson and President and then President Johnson proved invaluable to UTU members.

In 1971, Al was elected UTU International president, a post he held until retiring in 1982. His efforts helped to create Amtrak, which preserved the rail-passenger network and tens of thousands of passenger-rail jobs, as well as the creation of Conrail from the failed Penn Central, which also saved thousands of jobs.

Remember to fill out travel questionnaire

The UTU is asking its Alumni Association members to please fill out an online questionnaire about their travel wants and needs.

The UTU recently signed a deal with Landfall American Express Travel to offer Alumni Association members great deals on travel. As part of that deal, Landfall is asking what types of travel (cruises, rail tours, etc) interest Alumni Association members. Access the questionnaire at www.landfalltravel.com.
Accidental Death and Dismemberment.

New UTUIA policy offers guaranteed approval for active transportation employees!

UTUIA’s new Accidental Death and Dismemberment policy includes all the following benefits:
- $180,000 for death caused by common carrier
- $90,000 for death caused by automobile
- $60,000 for accidental death
- $10,000 for dismemberment

Intensive care confinement benefits of:
- $60 per day
- $60 per day for family lodging
- $30 per day for family meals
- Up to $1,800 for their ambulance
- Up to $300 for surface ambulance
- Optional rider for spouse/children

This policy provides benefits for accidents and not sickness. Some benefits provided to the policy owner are greater than those provided under the optional family rider. Some benefits may vary by state of residence.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at 1-800-558-8842.

Call toll-free: 1-800-558-8842

Information, please
I would like more information on the Accidental Death and Dismemberment plan.
Please print

Full name ___________________________ Date of birth __________

Address __________________ City ______ State ______ ZIP ______

Sex Male ______ Female ______ Telephone number with area code ______

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

UTU pact halts CSXT double jeopardy

CSX Transportation and the UTU have reached an agreement ensuring that UTU members working for passenger and commuter carriers operating over CSXT track will no longer be subject to double jeopardy when disciplined for rules violations.

Prior to the agreement, UTU members operating Amtrak or commuter carriers’ trains over CSXT track were subject to double jeopardy.

For example, a UTU member employed by Amtrak, and who was disciplined by Amtrak for a rules violation, often found that at the end of the disciplinary period and return to service, CSXT, as the owner of track, barred that employee from again working over CSXT track.

This effectively caused the employee to be fired even though Amtrak or a commuter carrier, such as Florida Tri-Rail, cleared the employee to return to work.

CSXT maintained that, as owner of the track, it was lawfully permitted to bar an Amtrak or commuter-rail employee from operating trains over CSXT track—and there was no avenue for appeal.

This was in spite of the fact that Amtrak and commuter-carrier employees work under collectively bargained agreements with Amtrak and commuter carriers providing protection against arbitrary or capricious disciplinary action, and further providing that their disciplinary action may be reviewed by a public law board or arbitrator.

“I cannot overemphasize the importance of UTU PAC, CSXT and other railroads for the job.”

Nonetheless, CSXT, as owner of the track used by Amtrak and commuter carriers, was denying these Amtrak and commuter-carrier employees their contractual rights under their Amtrak and commuter-carrier agreements.

Following more than a year of difficult negotiations, CSXT agreed to end its practice of barring Amtrak or commuter-carrier employees from working over CSXT track after Amtrak or the commuter carrier cleared that employee to return to service.

The successful negotiations were conducted by CSXT General Chairperson John Hancock (GO 851), Amtrak General Chairperson Al Suozzo (GO 769), and Florida State Legislative Director Andres Trujillo.

Two sets of ears, eyes make safer train cab

WASHINGTON — “The best baseball catching pitchers blow saves, off-duty policemen receive speeding tickets, and human beings make mistakes,” said UTU International President Mike Futhey, responding to National Transportation Safety Board revelations March 3 of text messaging by a locomotive engineer and the engineer’s permitting unauthorized people to operate a train.

“The most effective means of reducing the probability that train-crew members make mistakes or violate federal and carrier safety rules and maximize situational awareness is to have two sets of qualified eyes and ears—an engineer and conductor—in each locomotive cab,” Futhey said.

The NTSB was investigating a commuter-rail crash in Chatsworth, Calif., last Sept. 12 that killed 25 persons and injured 130.

The NTSB said the engineer of that commuter train, Robert Sanchez, was planning to let a railroad fan operate the locomotive the day of the accident; and had sent and received 57 text messages while on duty that day, including one sent just 22 seconds before the head-on crash with a Union Pacific freight train.

The texts indicate Sanchez allowed the fan to ride in the cab days before the crash, and was planning to let the fan run the train the evening of the crash.

“All the evidence is consistent with the Metrolink engineer failing to stop at a red signal,” investigator Wayne Workman told the NTSB.

Investigators said the UP conductor also received and sent text messages while on duty, and tested positive for marijuana.

UTU International Vice President J.R. “Jim” Cumby, who chairs the UTU Transportation Safety Team, testified at the hearing, saying, “Without a second qualified person on the locomotive, the safety of commuter/passenger trains solely depends on the situational awareness of one person.”

Call toll-free: 1-800-558-8842

www.utu.org / www.utuia.org
NEW YORK – Ask a Long Island Railroad conductor where a bathroom is located on a train, and you’ll likely be delighted with the courteous response you’ll receive, Newsday reports.

But once you enter the bathroom, you may not be so delighted.

That was the message of the UTU’s annual customer satisfaction survey report. It included its highest grade of 99 percent for crew courtesy, and its lowest marks for bathroom cleanliness.

About 60 categories concerning the UTU’s operations both on and off its trains were included in the survey, which was completed by 9,000 LIRR riders.

Overall, the LIRR scored 89 percent in customer satisfaction and in the key category of on-time performance, riders gave the LIRR a 90 percent.

Because the LIRR changed its survey methodology since last year, officials said it was difficult to compare results from this year to previous years. Last year, the LIRR scored a 6.7 on a scale of 1 to 10 in overall satisfaction. Crew courtesy scored a 7.4.

Like last year, the LIRR picked up its worst marks in the area of bathroom cleanliness, a 38 out of 100.

**LIRR passengers laud conductors, slam potties**

The LIRR, however, has received praise from its passengers. According to the survey, 90 percent of riders said they would refer the LIRR to others.

**STB seeks to impose fines on rails that delay Amtrak**

Freight railroads that cause delays for Amtrak passenger trains using their tracks could be fined under new authority for a U.S. rail oversight board.

The Surface Transportation Board, the regulator of some rail rates, is gaining power to ensure Amtrak trains are punctual under a law passed in October. Chairman Charles Nottingham said the law – the Rail Safety Improvement Act of 2008 – allows it to levy fines to help meet that goal.

Officials want the service, which runs on freight rail tracks, to be on time 90 percent of the time.

STB headquarters is in Washington, D.C., and its members are the commerce secretary, the transportation secretary and the secretary of labor.

Riders say the train is often late, and that it is difficult to know when it will arrive.

**UTU seeks halt to SMWIA meddlesing**

The UTU also told the court, “Rather than intervene directly in either of the cases before this Court, the SMWIA has instead chosen to achieve its ends through having its surrogate UTU members sue their own officers and union – with the goal of requiring the UTU membership to submit to a merger that this Court has found was never properly ratified.”

“The LMRA was designed to regulate the relationship between a union and its members and the [LMRA] was intended to prevent interested outside parties [such as the SMWIA] from taking advantage of the provisions of the Act by using members as proxies to indirectly attack a union.”

The court ruled that the SMWIA must be dissolved or otherwise “terminated.”

**Circuit court to hear merger arguments**

CINCINNATI – The Sixth Circuit Court of Appeals will hear arguments April 21 in an appeal from a preliminary injunction halting implementation of a merger between the UTU and the Sheet Metal Workers International Association (SMWIA).

The preliminary injunction was issued last June by Federal Judge John R. Adams, who ruled that the merger could not be implemented pending conclusion of the case, including any appeals that might be filed.

The appeal of that injunction, financed by the SMWIA, was brought by seven UTU international officers, four of whom are now on trial on internal charges of engaging in dual unionism. Two retired prior to the start of their trials, and one died.

Judge Adams issued the preliminary injunction following a challenge to the merger brought by UTU rank-and-file members, who complained to the court that the UTU membership had not been given, for examination, a constitution for the proposed merged union.

**UTU has asked the AFL-CIO to sanction the SMWIA**

The UTU presented evidence that an SMWIA organizer has been instructing UTU bus members on SEPTA in the representation of the SMWIA, and that the SMWIA organizer pledged the rail had the support of Sullivan.

The UTU International officers engaged in the

---

**Meet your UTU Designated Legal Counsel**

There is no more dangerous work environment than on the railroads, where injuries too often are severe. The Federal Employers’ Liability Act (FELA) makes railroads accountable for unsafe working conditions. Railroads retain skilled attorneys to protect their interests. You also have access to skilled and experienced attorneys who understand the railroad industry, its safety hazards, and every aspect of the FELA. They are the UTU Designated Legal Counsel, chosen for their special knowledge and experience. Their job is to represent you. This continuing column introduces you to all of the UTU Designated Legal Counsel. For a complete list, go to the go to page utu.org at and click on the link below. **“Designated Legal Counsel.”**

**Michael L. Herzik**
Steinberg, Herzik & Prieto 1001 Farnam Street, Ste. 200 Houston, TX 77002 (713) 654-7800 (713) 654-7800 fax mthzirk@yahoo.com

FELA protects the rights of rail employees and their families for on-the-job injuries. Just as the UTU protects them in their daily work, so, too, these rights (strict liability and comparative negligence) cannot be exercised unless competent attorneys are employed. Protection of these rights is the reason injured workers should contact a UTU Designated Counsel immediately. Never discuss your accident without UTU DLC.

**F. Daniel Petro**
Petro & Petro, P.C. 100 N. LaSalle Street, Ste. 1600 Chicago, IL 60604 (312) 352-9596 (312) 352-9596 fax dpetro29@aol.com

The Federal Employers’ Liability Act was enacted by Congress to provide compensation for injured railroad workers. For injured employees, the program includes reasonable medical care and compensation for lost wages. The Program’s Designated Legal Counsel was created by rail labor to educate and provide special services to employees of the railroads in case of injury. The Designated Legal Counsel is established, caring, competent attorneys who will answer your questions and obtain fair compensation for injured employees.

---

www.utu.org / www.utuia.org
UTU members take pass on counterfeit money

Passenger-rail conductors see phony handbags and bogus Rolex watches every day, but it’s rare they see counterfeit money.

What should conductors do if they are passed phony money? UTU News asked UTU officials from different passenger-rail systems about the problem.

“We are not supposed to take one-hundred-dol-

Stimulus law helps retirees, unemployed

The economic stimulus package contains pro-
visions that will provide retirees with one-time payments of $250, extend unemployment bene-
fits an additional 13 weeks (including rail employees with fewer than 10 years of service), and subsidize employee-paid health-care insur-
ance for laid off workers participating in COBRA.

Railroad Retirement and Social Security annuants will be receiving a one-time $250 payment. That $250 one-time payment will not be considered as taxable income.

Additionally, the economic stimulus package extends unemployment benefits – including those paid under the Railroad Unemployment Insurance Act – for an additional 13 weeks.

Rail employees, regardless of years of serv-
vice, already are eligible for unemployment benefits for up to 26 weeks. For employees with more than 10 years of service, benefits may be extended for up to 65 additional days. Those rail employees with fewer than 10 years of service were not previously eligible for the extension, but the stimulus package provides the additional 65 days for those with fewer than 10 years of service.

For more information, contact the RRB via its automated hotline at (800) 908-0712.

Also, the stimulus package provides a subsidy to help unemployed workers pay the costs of health-care insurance extended under COBRA. Under the package, workers laid off since Sep-

tember 2008 are eligible to receive, for a maxi-
mum of nine months, a 65 percent federal sub-
sidy toward their payment of COBRA-extended health care insurance.

Government officials warn, however, that until the 65 percent federal contribution kicks in, unemployed workers electing COBRA con-
tinuation should continue to pay their premiums in full so as not to lose coverage.

For more information on COBRA, go to the fol-

You may also refer to the COBRA section of the current health-plan description book or con-
tact United HealthCare at (888) 445-4179.

UTU International Staff: Here to Serve You

Dave Straub

Dave Straub is the manager of the UTU/UTUIA print shop. He started in 1977 as a clerk in the Supply Department and learned the printing trade. “I am the in-house printer for the UTU and UTUIA,” Straub said. “I do business forms, reply envelopes, UTU and UTUIA brochures, new-member kit letters, booklets, the regional meeting program and hand-
outs, the monthly G&ST reports, insurance policy covers, you name it. Serving the UTU and UTUIA’s in-house printing money is a pleasurable experience.”

Nancy Miller

Nancy Miller is the executive assistant to Assistant President Arty Martin and General Secretary and Treasurer Kim Thompson. She joined the UTU in 1988 as a word processor in the Pres-
ident’s Department and became executive assistant to the general secretary and treas-
urer in 2001. “I deal with gen-
eral chairpersons who are seek-
ing advice from the Inter-
national on various matters and with treasurer needing constitutional advice,” Miller said. “I try to facilitate their calls and e-mails, solve the problems, as quickly and efficiently as possible. I also make sure Arty and Kim get what they need when they need it.”

Michael Vega

Michael Vega serves the UTU and UTUIA as administrator of the directory and new member systems support. He started with the union in 1989 in the Supply Depart-
ment, and has held a wide vari-
ety of jobs in different depart-
ments. He currently oversees the directory’s database (i.e., the computerized database of names, addresses, phone num-
bbers, e-mail addresses, titles) as well as acting as liaison between local treasurers and in-house software developers. “Besides overseeing all address and title changes in the directory, I handle a lot of the treasurers’ web-application questions,” he said. “Every day is different and challenging.”
Inside this issue of the UTU News:

UTU volunteers assist at Ronald McDonald House. See page 2.

Maryland board honors former UTU officer with plaque. See page 5.

Get ready for the UTU/UTUIA regional meetings. See pages 6/7.

“Mr. UTU” celebrates his 95th birthday. See page 8.

UTU International Vice Presidents Robert D. Kerley of Ozark, Mo., and David B. Wier Sr. of Smithton, Ill., have been elevated to the UTU Board of Directors following the retirements of International Vice Presidents Roy Boling and John Fitzgerald.

Kerley, age 56 (Local 303, Springfield, Mo.), began his railroad career as a brakeman with the former St. Louis San Francisco Railway (now part of BNSF), was elevated to conductor in 1973, fireman in 1977 and locomotive engineer in 1978.

He was elected a local officer in 1977, and later served five terms as an associate BNSF general chairperson before being elected a BNSF general chairperson (GO 201) in 1999, with re-election in 2003 and 2007. In 2003, Kerley was elected an alternate International vice president-West, and was elected an International vice president in 2007.

Kerley also served two terms as secretary of the UTU Western General Chairperson’s Committee, secretary of UTU District No. 1 General Chairperson’s Association, and was appointed to the UTU National Negotiating Committee for the 2004 round of negotiations that led to the 2008 national agreement.

In addition to his International vice president assignments, Kerley has a special assignment to coordinate with the UTU Information Technology Department and the National Mediation Board the development of a Web-based communications and training program. He also is assigned to assist general committeees in the West on matters relating to implementation of the Rail Safety Improvement Act of 2008.

Wier, age 53 (Local 469, Madison, Ill.), began his railroad career in 1974 as a switchman on the Terminal Railroad Association of St. Louis (TRRA). He was elected a local chairperson and then general chairperson (GO 919). In 2003, Wier was elected alternate International vice president-East, and was elected an International vice president in 2007.

As a TRRA general chairperson, Wier won two representation elections against the Brotherhood of Locomotive Engineers, and later successfully negotiated trip rates for yard trainmen and engineers on the TRRA.

Wier also served as a member of the Auxiliary Board of the Tri-Cities Area Division of United Way of Greater St. Louis.

His son, David B. Wier Jr., is currently general chairperson of GO 919.

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 month.

The winning photo will be published in the UTU News. Exceptional photographs will be featured 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.

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), the location, 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.