Labor tells FRA, ‘Put PTC safety first’

As the Federal Railroad Administration works toward having effective safety regulations in place for the operation of positive train control prior to its 2015 congressionally mandated implementation, the agency is reaching out for feedback to its early proposals.

In fact, many PTC operations likely will commence prior to the 2015 mandatory date.

In response, the UTU and five other rail labor organizations jointly responded with regard to permissible use of certain locomotives, required equipment on non-PTC equipped or functional trains on PTC-required track, and use of unequipped trains and failed PTC trains.

The location of PTC-equipped locomotives in the engine consist: The FRA asked how a railroad is to handle a situation where an engine that is PTC-equipped is positioned with long hood forward or has a broken air conditioning unit.

Responsible operating personnel recognize that operating a North American cab locomotive in the long hood forward position is patently unsafe and should only be permitted for short distances and then only in emergency situations, said the labor organizations.

Operating trains with the long hood forward Continued on page 10

Risch named ANLD; other officers elevated

North Dakota State Legislative Director John J. Risch III, age 50, has been appointed by the UTU Board of Directors to be the UTU’s alternate national legislative director.

In other unanimous action taken by the UTU board: • Michael N. Anderson (local 1570, Roseville, Calif.) was elevated to the UTU Executive Board under provisions of Article 2 of the UTU Constitution. He fills a vacancy created by the election of Risch to be alternate national legislative director.

• Troy L. Johnson (Local 594, Mineola, Texas) was elected alternate on the UTU Executive Board, filling the alternate position vacated by Anderson.

• Calvin Studvant (Local 759, Newark, N.J.) was elected alternate international vice president—East for the Bus Department, filling a vacancy created by the election of Richard Deiser to International vice president, Bus Department.

• Alvy Hughes (Local 1344, Bismarck, N.D.) was elected to a vacant Bus Department position on the Board of Appeals.

Risch (Local 1344, Bismarck) fills a position that has been vacant since James Stem was elected to national legislative director in December, following the death of James Brunkenhofer.

Risch will work out of the UTU’s legislative office on Capitol Hill in Washington, D.C.

Two officers, Jobe and Thigpen, die

Two young UTU officers – Kyle Thigpen and Brian C. Jobe – have died recently.

Thigpen, age 33, was president of the newly formed Local 40, which represents pilots and flight attendants on Great Lakes Airlines. He died Aug. 17. He is survived by his wife, Di, and young daughter, Sophia. A snowboarder, he loved all sports.

A memorial service was held Aug. 22 at the Front Range Airport in Watkins, Colo. The family has established the Kyle Thigpen Memorial Fund at Key Bank, 3607 South Tower Rd., Aurora, CO 80213, for Sophia’s college expenses.

Jobe, vice local chairperson of Local 206 at Peru, Ind., was killed in an automobile accident Aug. 4 while coming home from work.

Jobe, 28, is survived by his wife, Jessica, sons Alexander and Jansen, ages 5 and 3, his parents and sister. He was a conductor on the Norfolk Southern.

Jobe’s local has established a fund to assist the family. Contributions can be made to the Brian Jobe Memorial Fund at P.O. Box 472, Peru, IN 46970, or at any Wells Fargo Bank nationwide.

News and Notes

Board resolves ‘no merger’

By unanimous vote, the UTU Board of Directors on July 24 passed a resolution that a merger between the UTU and the Sheet Metal Workers International Association (SMWIA) “cannot and should not proceed.”

“The UTU Board of Directors fully supports and concurs in the position of International President Mike Futhy that the merger certification vote conducted in 2007 did not approve a merger with the SMWIA because a critical document, the SMART constitution, was not provided to the UTU membership; that a material misrepresentation was made to the UTU membership when it was represented that there were no conflicts between the SMWIA constitution and the UTU Constitution, and therefore the merger with the SMWIA cannot and should not proceed.”

Stillwater runs to UTU

OKLAHOMA CITY – Train and engine service employees of the Stillwater Central Railroad, a subsidiary of Watco, have voted overwhelmingly for UTU representation.

Stillwater Central operates over 275 miles of track in Oklahoma. Its main line runs north from Snyder to Sapulpa, with trackage rights over BNSF Railway to Tulsa.

The short line also operates a branch line from Stillwater south to Pawnee. Its primary business is mineral and industrial products.

President Mike Futhy thanked UTU Director of Strategic Planning John Nadalin and retired General Chairperson Warner Biedenharn for their efforts in this victory.

ONE Bus extends pact

The members of Local 710, employed by ONE Bus in Newark, N.J., voted on Aug. 10 to extend their present contract by one year, Vice President Rich Deiser reports.

Deiser thanked and congratulated General Chairperson Nelson Manzano, Local President Jose Rivera and Alternate Legislative Rep. James Powell for their hard work and dedication during negotiations.
Local 48, Norfolk, Va.
Kaitlin Williams, daughter of UTU member Seth J. Williams, was one of 133 high school students representing 41 unions to receive a college scholarship from Union Plus. Kaitlin, who fell seriously ill during her senior year, wrote in an essay: “Without the union’s steadfast negotiations for affordable health care, my family would have been unable to bear the cost of my education. The cost of my medication alone would have been insurmountable.” For more information on this and other Union Plus benefits, visit www.utu.org and select Promotions.

Locals 78, 265, Pocatello, Idaho
A joint picnic of these Union Pacific locals was attended by 300 members and family, who enjoyed slow-roasted barbecued beef, pork shoulder, hamburgers, hotdogs, hot water, water slides and inflatable toys. Alternate Legislative Rep. Nathan Millard (2626) reports. The highlight of the picnic was a round-table discussion on the impact of other gifts and door prizes. Vice General Chairperson Brent Leonard Sr. of Topка, Kan., attended to explain the new FRA worktest rules, and Vonna Ward of the RRB and Kevin Potter of the UP Hospital Association were present to assist members with their questions. “We want to really thank Shane Yanger and Dan Staples and the designated legal counsel they represent for all they did in assisting with our picnic,” Millward said.

Local 195, Galesburg, Ill.
On the final day of the Galesburg Railroad Days, retired member William Smith donated a 99-year-old chair and watch box to the Galesburg Railroad Museum. The chair and box had five owners over those years, since a member of the UTU-predessor Board of Broad Transfers purchased them and decided to pass them from one railroad man to another upon retirement. Over the years, Smith never used the chair and box. “I just kept it for safekeeping. I had it framed,” Smith said. “It is a special thing to get in the museum,” said Museum Director Jim Clayton.

Local 240, Los Angeles, Calif.
Eric J. Malone, a Union Pacific conductor with 36 years of service, retired July 1. Local Chairperson Harry J. Garvin Jr. reports. “All the members wish him well and many long happy years of retirement,” Garvin said.

Local 322, Milwaukee, Wis.
Retired member James W. Hutchison, 86, died June 14, 2008. Signers for American Central Insurance reported. He worked for the Chicago & Northwestern Railroad as a switchman, retiring in 1988 after 30 years of service. He was survived by his wife, Doris, and three children. Memorials would be greatly appreciated to HospiceCare, Inc., 3001 W. Memorial Dr., Janesville, WI 53545.

Local 376, Louisville, Ky.
CSX employee Kenneth Scott Williams died March 21 after sustaining injuries in an auto accident. Local Chairperson Jack Leffler reports. “He left behind a lot of friends and family,” Leffler said. Memorial gifts may be made to Bellewood Presbyterian Church for Children.

Local 412, Kansas City, Kan.
Active and retired BNSF and former AT&SF employees in the Emporia, Kan., area are invited to a picnic coordinated by retired member Terry Coffelt on Sunday, July 19, from 11 a.m. to 4 p.m. at the Peter Pan Park in Emporia. “The Big Four Club, named for the four predecessor unions of the UTU, was started back in the 1920s, and club picnics were held beginning in 1927,” Coffelt said. “Then the club kind of broke up in the late 1980s, when there was a realignment of jobs in the area.” All active and retired operating-employee members in the Emporia area are invited to attend. There is no charge, and food and beverages will be available. For more information contact Coffelt at (620) 341-9165 or email at colldent1@yahoo.com.

Local 904, Evansville, Ind.
Member Johnathan Miller, who serves as the webmaster for this CSX local’s Web site, advises his fellow members that the Web site has a new URL. “The local’s Web site can now be found at www.utu904.org.”

Local 1440, Staten Island, N.Y.
Local Secretary & Treasurer Vincent LaBella notes that four members employed by the Staten Island Railway retired recently, all with more than 30 years of service. They are: former Vice President Dennis Jackson (trainmen), James Maloy (general mechanic, building & bridges dept.), Terry Roche (foreman – track dept.) and Zach Erkman (foreman – building & bridges dept.). “We wish them all good luck,” Labella said.

Local 1524, Houston, Texas
The members of this Union Pacific local congratulated President Steve Parker after 41 years of injury-free service and 20 years of union service as local chairperson and local president, according to Local Chairperson James McDaniel. Parker, who was presented with a watch from his fellow members, became a career as a clerk on the Houston Belt & Terminal Railroad. He retired to make a difference to Chip, we were able to do it. It’s nice when you can make someone’s dream come true, and, for a few minutes, we did just that,” Shearer said.

The next day, Shearer and Mr. Parker’s dad took Mr. Parker to the Tuscaloosa and Space Museum.

Local 607’s Third Annual Family Day in Thayer, Mo.
More than 50 members and guests attended this year’s family fun day at the Thayer city pool. All were treated to pizza, soft drinks, ice cream and, of course, swimming. Guests included Paul Bonham, Mo. Legislative Director, Kent Menges, Auxiliary International President Carl Menges, and Auxiliary General Chairperson Mike LaPeruta.

UTU member, DCL help boy’s dream take flight

A young man suffering from a degenerative eye condition is now flying high, thanks to the kindness of his UTU member great-uncle and a UTU designated legal counsel.

Derick Biles, 13, and his younger brother were both born deaf. Derick also suffers from a condition known as progressive hearing loss. The disorder makes it difficult to see fine details and at night causes near blindness.

When his great-uncle Dave Shearer, legislative representative and vice local chairperson for Local 807 at Tucson, Ariz., heard Derick’s family would be in town, he wanted to make Derick’s visit an extraordinary one.

During a casual conversation with Local Chairperson Gary Crest, Shearer mentioned Derick’s upcoming visit and lifelong love of airplanes. “I was telling him how Derick always wanted to be an Air Force pilot, but because of his hearing loss and eyesight, his dream wasn’t going to happen. It was Crest who said, ‘Why don’t you ask Chip to take Derick for a ride in his plane?’ Shearer said.

Crest was referring to longtime UTU Designated Legal Counsel Lloyd “Chip” Rabb. Left, Derick Biles and his father, Greg, stand by Rabb’s twin-engine Beech Duke BE60 at the Marana, Ariz., airport.

UTU Designated Legal Counsel Lloyd “Chip” Rabb, left, Derick Biles and his father, Greg, stand by Rabb’s twin-engine Beech Duke BE60 at the Marana, Ariz., airport.

“Chip was Derick’s co-pilot, and he got to fly the plane,” Shearer said. “He was apprehensive at first, but Chip had Derick put his hands on the wheel and, once in the air, theCraft landed, the gear down, and off we went.”

Derick’s flight lasted 30 minutes.

“Derick has always been special to me. I wanted to feel like a pilot, and because of Chip, we were able to do it. It’s nice when you can make someone’s dream come true, and, for a few minutes, we did just that,” Shearer said.

Shearer also not only expressed his gratitude to Rabb, but also his admiration for Derick’s parents. “Tracy (Shearer’s niece) and her husband, Greg, have two boys, but because of Chip, Derick’s brother has autism and needs 24-hour attention,” Shearer said. Though they’ve been through some turbulent times, he noted that they had recently renewed their wedding vows.

The next day, Shearer and Mr. Parker’s dad took Mr. Parker to the Tuscaloosa and Space Museum.

Local 1687, Belen N.M.
This BNSF Railway local has established a new Web site at www.local1687.org. New Mexico State Legislative Director Dennis Baca reports. The site was created by Local President Mike L. Berry and features a member forum, contact and other important information.

CSX GO 347, Flatwoods, Ky.
General Chairperson John L. Smith has been designated by UTU International President Mike Futhey to serve as the “employee producer of Public Law No. 617,” the recording former Vice Chairperson R. Scott Cunningham.

NS GO 687, Bellevue, Ohio
Tom Garvin was elected general chairperson of this Norfolk Southern general committee on the first ballot on July 31, Vice President Delbert Strunk reported. Also elected were Vice General Chairperson Jason Boswell, Senior Vice Chairperson Keith Murray and Junior Vice Chairperson Walt Howard.

www.utu.org / www.utuia.org
UTU seeks clarification of hours-of-service rules

In a joint submission aimed at improving safety and the security of member paychecks, the UTU and BLET have asked the Federal Railroad Administration to clarify and simplify its interim policies relating to, and interpretations of, the Rail Safety Improvement Act’s changes to hours-of-service limitations that went into effect July 16.

The sought-after clarifications and simplifications fall into three categories:

1) The Rail Safety Improvement Act’s (RSIA) prohibition of communication to employees during statutory off-duty periods.
2) The RSIA’s provisions pertaining to mandatory off-duty time following the initiation of an on-duty period for a specified number of consecutive days; and,
3) The maximum number of hours that may be worked in a calendar month.

The joint UTU/BLET comments observe that the hours-of-service provisions “produced the most far-reaching effects on hours-of-service of safety-critical railroad workers since enactment of the Hours-of-Service Act in 1908.” In fact, the FRA, itself, observes that the hours-of-service amendments “are extraordinarily complex and comprehensive.”

Because of the complexity, said the UTU and BLET, the parties fail to adequately address a number of important issues that will almost certainly have a substantial effect on our members. Moreover, FRA has been forced to provide “interpretations, in the absence of their goals that sometimes are in conflict. It is our sincere hope that these [joint UTU/BLET] comments will provide a basis for improvement of FRA’s policies and interpretations in a way that is faithful to the intent of Congress.”

The UTU and the BLET also asked the FRA “to further clarify their stated interpretations in plain language that is intended as clear and possible, so there is no room for debate concerning the application of those interpretations.”

The UTU and the BLET noted also that they were not commenting on each policy and interpretation “because we do not want unnecessarily burden the record. However, FRA should not conclude that we concur with each of the policies and interpretations with which we strongly disagree, but we are withholding comments because we think that the FRA’s position has been dictat- ed by the statute itself, and FRA cannot depart from statutory requirements, go on to comments concerning their subjects would be futile.

“The comments are intended to provide greater clarity to the sometimes confusing provisions of the law, and to assist UTU and BLET general commit- tees and their members to continue a better balance between maintaining earnings and the new require- ments,” said UTU International President Mike Futhey and BLET National President Ed Rodzewicz.

Senators question pilots’ living conditions

WASHINGTON – A Senate aviation panel last month questioned executives from Continental Airlines and Colgan Air about the living conditions of pilots, including what one senator described as “food-stamp-level pay” and the controversial industry housing known as “crash pads,” the Washington Post reports.

Both airlines are under intense scrutiny by Congress for safety practices after Continental flight 3407 crashed Feb. 12, killing 50, Colgan, a subsidiary of Pinnacle Airlines, provided the flight crew and the aircraft under a contract with Continental.

The accident has drawn attention to regional pilots’ $20,000 annual starting salaries, work rules, training, commuting habits and level of fatigue, and the impact of economic pressures on flight safety.

Sen. Byron Dorgan (D-N.D.), who chairs the Senate Commerce Subcommittee on aviation, called the hearing, the panel’s third on regional airline safety issues this year.

Responding to a question about pay practices, Phil Treany, Pinnacle’s president and chief executive, said regional pilot pay is “very much the same” as what it was 10 or 20 years ago.

He added, “I urge you please do not ever equate professionalism and competence with pay. Some make only $30,000 a year, some make less than that. They are all professionals.”

Treany added that compensation is based on what other regional airlines pay and is negotiat- ed with airline unions.

Sen. Mike Johanns (R-Neb.) said the pay lev- el for regional pilots means that some could “put their family on food stamps.” Throughout the hearing, Dorgan said he was troubled that larger carriers such as Continental might not play

enough of a role in ensuring that their regional partners maintain high safety standards.

“My question is, if the network carrier decides to put their colors and their brand and their logo on the fuselage, what is their responsibility?” he asked.

Another industry witnesses at the hearing includ- ed Gunther, vice president of safety at Continental; Peter M. Bowler, president and chief execut- utive of American Eagle Airlines, and Steve Dickinson, senior vice president of flight operations at Delta Air Lines.

The executives said the responsi- bility to regulate regional air carrier safety should remain with the Federal Aviation Administration. Otherwise, they said, regional carriers with contracts from multiple airlines could face different requirements from each air- line. They said they are involved in multiple FAA safety programs.

The Washington Post published an article that described how some regional pilots share crash pads near their duty stations to save money and have a place to rest between flights.

Some have complained that they cannot afford to move their families to live near the hub airports where they work.

Asked by Dorgan about the practice, the air- line executives repeatedly said that where pilots live is their own business and their own responsibility.

Members of families who lost loved ones on the flight said they were unimpressed by the perform- ance of executives at the hearings. “The fact that majors don’t have a commuter program so believable to me,” said Kenneth Mellert of McLean, whose 34-year-old son, Coleman T. Mellert, died in the crash. “There seems to be truly an indifference to commuting, to pay, to fatigue.”

Former vice pres. Gene Lyden dies

Retired Vice President Eugene F. Lyden died Aug. 10. He was a member of Local 1400, South Port- land, Maine, and lived in Standish, Maine.

Lyden, 83, had been a member of the UTU and the predecessor unions to the UTU since 1956.

He began his rail career as a yard brakeman for the Port- land Terminal Company in 1952. He was promoted to yard conductor in 1957.

Lyden became interested in the affairs of his union and was elected local chairperson of Brotherhood of Railroad Trainmen Lodge 417 (now Local 1402) in 1958. He was elected general chairperson for the Maine Central general committee in 1962, the position he held when elected alternate vice president for the UTU at its 1969 convention.

He became a full vice president in 1980 and was re-elected to that post at the 1983 and 1987 UTU conventions. He retired in 1991.

R&S members ratify agreement


The agreement covers train, engine service and maintenance-of-way employees, as well as those in the railroad’s mechanical department. The employees belong to Local 982 at Rochester.

More than 90 percent of the ballots cast were in favor of the agreement.

The new contract includes retroactive wage increases. Also, employee contributions to the health-and-welfare plan, which includes prescription drugs and dental care, are capped for the life of the agreement.

The contract also includes a receipt-based protective-clothing allowance for mechanical department employees, which includes the existing shoe allowance already in effect for all employees.

Murphy said that there are minimal rule changes that impact the employ- ees in the transportation, mechanical and engineering departments and that modifications in the investigation and discipline rule “will be beneficial.”

“I want to give credit to UTU International Vice President David Wier, who undertook this assignment and was of great help in obtaining an agreement with Genesee & Wyoming manage- ment,” Murphy said.

“In my opinion, this agreement provides a great deal of stability for the employees and will allow Rochester & Southern to project its labor costs for the next three years.”

www.utu.org / www.utui.org
Stand and fight in the belly for what is right

We accept that managing employees isn’t a popularity contest. But it needn’t be an unpopularity contest. I share with each of you the concern over ratcheted-up harassment, intimidation and excessive discipline. There is no more economic sense to make out of this than there is common sense.

I was recently told of an incident where an experienced conductor’s work was interrupted no fewer than 18 times over a six-hour period to quit him while he was operating rules. Such unjustifiable scrutiny contributes to an unsafe workplace, as the results are used to punish rather than to educate. When employees in safety-sensitive positions are put in a position where their primary focus at work is defending themselves, their ability to do their jobs efficiently and safely is jeopardized. That is not in the offending carrier’s best interest, certainly not in the customers’ best interest, and absolutely not in the best interests of running an efficient and safe operation.

We are putting a coalition together with other labor organizations to stop this unwarranted activity. First, we want to hear from you. This page is contact information for each of the International’s vice presidents and other senior officers.

Please tell us the problems, with examples and details. Help us to teach the carriers we are going to represent our members and are not going to be silent while our members continue to be harassed, intimidated and excessively disciplined to the point of putting their limbs and lives in jeopardy. These members cannot focus on doing their jobs efficiently and safely.

No member should constantly have to look over his or her shoulder.

As the carriers attempt tortured interpretations and applications of our agreements, we will fight them in the courts in Fort Worth, we will fight them on the properties from Jacksonville to Norfolk to Omaha, and we will not go quietly into the night. We will stand and fight.

Separately, the UTU has created a rail safety task force, headed by Alternate Arizona State Legislative Director Greg Hynes, to gather information and make recommendations regarding employee safety. The task force has an interactive Web page accessible from the UTU home page at www.utu.org. I encourage you to view that Web page and engage in a dialogue with the safety task force. Other task force members include Arizona State Legislative Director Steve Evans, Michigan State Legislative Director Jerry Gibson, and Arizona State Legislative Director Scott Olson.

Also, I have appointed Local 1470 member David Brooks to head the UTU contingent to an FRA Rail Safety Advisory Committee to work toward a carrier/labor/FRA consensus on certifying conductors as provided by the Rail Safety Improvement Act of 2008.

Others working toward this effort are General Chairperson (GO 349) John Lesniewski, UTU Training Coordinator and Local 528 Legislative Officer James Kerley, and Alternate Western States Legislative Director Greg Hynes.

Our message to the carriers is simple: We want our members properly treated and then we expect the carriers to leave us alone and let us do our work efficiently and safely.

On behalf of our members, we will – in the words of former President ATW Jerry Chess – “Stand and fight with fire in the belly for what is right.”

Discipline Income Protection Program aids members

One of the valuable UTU benefits provided our members is the Discipline Income Protection Program, or DIPP.

The DIPP provides payments for a specific amount and period of time to an employee suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that the violations do not come within the list of exceptions not covered by the program. The DIPP aids in meeting day-to-day needs when earnings are halted.

Participants choose the level of benefits they desire, from $6 to $250 per day. The term of benefits depends on the length of time the participant is enrolled, and extends from 250 days to a maximum of 365 days.

Monthly assessments are paid through dues check-off, and all UTU members may enroll on a voluntary basis.

The DIPP is a pooled-risk fund whose financial survival depends on a broad base of participants making contributions in order that benefits are available for payment. In fact, the DIPP is the essence of brother and sister helping brother and sister. Participation is protection for you and your UTU brother or sister.

To participate, members should contact their field supervisor or local insurance representative. More information is also available at www.utu.org (click on the “Discipline Income Protection Program” link in the red tile at the left of the home page). You may also download a membership application at the UTU Web site.

The DIPP is available only to UTU members and is unique in that it has remained steadfast in looking for ways to pay claims of participants while non-UTU plans are known to look for ways to avoid paying claims.

The value to members of the DIPP has soared as many carriers, in recent years, have accelerated the discipline they impose (see President Futhy’s message on this point above).

To better ensure the DIPP is meeting our members’ expectations, we want to hear from those who participate. If you have been disappointed in any way, we want to know about it so we can improve the plan. Constructive criticism will help us improve our performance and serve members better.

By the same token, excellence should be rewarded. If you have enjoyed outstanding service through the efforts of a local officer, or if you personally know of some exceptional service by a UTU officer, please let us know so that individual may be commended.

We want the DIPP to continue to protect UTU members from payless paydays during a difficult time.

To provide constructive criticism or commend an officer for their efforts in helping you collect benefits, communicate those thoughts to us by e-mail, at dipp@utu.org, or write a note addressed to DIPP, United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44107-4250.
The power of a unified voice! The power of the pen! The power of UTU PAC? All are displayed in the two photos above.

“Before the UTU got involved, this was the most unsafe rail yard in the nation,” State Legislative Director Jerry Gibson said. “After the UTU got involved, well, you can see for yourself.”

For years, members of Local 1075, which represents CN workers in the Flat Rock area, were forced to work in the trash-transfer yard shown above. “Guys were walking on top of trash that was four or five feet deep,” Gibson said.

Gibson said Secretary/Treasurer John Parcell “was instrumental in getting this problem solved. I also give a lot of credit to Local Chairpersons and Delegate Jason Rineke, Legislative Rep. Scott Kline and Alternate Legislative Rep. Sean Carney for their hard work on this problem.”

West Virginia
State Legislative Director Mark Mewshaw is seeking comments from members in the Mountain State on walkway safety.

“In a few weeks the West Virginia Legislative Board will be participating in a study to consider what improvements or changes are needed on the railroad walkways where our members are required to walk on a regular basis,” Mewshaw said.

“There have been very few changes in the rules and regulations of the West Virginia Public Service Commission in the last 30 years that govern railroad working conditions. It is our hope this study will educate our legislators about the dangers and conditions we face daily.”

If any members have information that could help with this study, please forward them to Mewshaw at RR 5 Box 180, Grafton, WV 26354-9610, or dmewshaw@comcast.net.

“This industry had a long-running history of problems until these newly elected UTU officers decided this was not a place for their peers, friends, brothers and sisters to work in. They made phone calls, picked up pens and used the legislative process to get results.

“They say that a picture says a thousand words but, in this case, some words are much louder heard than others. Those words are ‘Progress though Unity’ and ‘Power through PAC.’ Without our needed UTU PAC donations, we would not have had the DOT regulations that required a safe yard walkway,” Gibson said.

Gibson noted that Carney is now a Double Diamond Club member because of the power demonstrated by UTU PAC.”

LACMTA recognizes UTU members for years of service

The Los Angeles County Metropolitan Transportation Authority (LACMTA) recently honored Metro bus operators and UTU members Donald Due and Jack Bailey for their 50 years of service.

Due, 73, a member of Local 1564, Los Angeles, hired on Nov. 1, 1958, intending to stay at the wheel for six months or until he could afford to return to college to become an aeronautical engineer. His job as a bus operator turned into a career that extended well into his golden years.

“It’s been a pleasure for me to work here and I’d like to stay on quite a few more years,” Due said.

In the same year the Los Angeles Dodgers won their first pennant in their new hometown, 1959, Jack Bailey came on board LACMTA. Also a member of Local 1564, he went to work at the West Hollywood Division and never looked back.

A line instructor for 49 years and a mentor to new employees and trainees, he has never had a miss-out (a bus used twice for later) in his 50-year career.

“It’s been wonderful to have 50 years of steady employment,” said Bailey.

LACMTA General Chairperson James Williams praised the two longtime operators, congratulating both for their “outstanding service to this agency and the outstanding manner in which they have given us proven results.”

“Driving a bus in the Los Angeles area is not easy and that they have accomplished this in over a half century is an amazing accomplishment of which we are very proud.”
Scott Belden Memorial Ride

Local Secretary Mark Reese (2) and General Chairman Tim Gavins (2) were two of 12 riders and six passengers that participated in the 4th annual Scott Belden Memorial Motorcycle Ride, in honor of the UTU’s former Washington office chief of staff. Participants rode along the Mississippi River through Antebellum country.

Citizen Journeys – East Calvin Studivant.

International Officers

UTU International President Mike Futhey presents his “state of the union” address to meeting attendees at the closing of the New Orleans regional meeting. Risch is now working out of the UTU’s Washington, D.C., office.

Democratic Senate Legislative Director Cheryl Miralle (left) was joined at the UTU’s right, by Senator National Legislative Director John Bick of North Dakota. Bick is now working out of the UTU’s Washington, D.C., office.

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New Orleans

UTU/UTUIA 2009 Regional Meeting

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Local Secretary Mark Reese (2) and General Chairman Tim Gavins (2) were two of 12 riders and six passengers that participated in the 4th annual Scott Belden Memorial Motorcycle Ride, in honor of the UTU’s former Washington office chief of staff. Participants rode along the Mississippi River through Antebellum country.
the premiums which are often deducted from Social Security and Railroad Retirement payments, are scheduled to go up slightly.

Cost-of-living adjustments are pegged to inflation, which has been negative this year, largely because energy prices are below 2008 levels. Advocates say older people still face higher prices because they spend a disproportionate amount of their income on health care, where costs are rising faster than inflation. Many also have suffered from declining home values and shrinking stock portfolios just as they are relying on those assets for retirement security.

More than 32 million people are in the Medicare prescription drug program. Average monthly premiums are set to go from $28 this year to $30 next year, though they vary by plan. Millions of people with Medicare Part B coverage for doctors’ visits also have their premiums deducted. Part B premiums are expected to rise as well. But under the law, the increase cannot be larger than the increase in the Social Security and Railroad Retirement benefits for most recipients.

There is no such hold-harmless provision for drug premiums. Social Security and Railroad Retirement recipients received an increase in January 2009, after energy prices had started to fall. They also received one-time $250 payments in the spring as part of the government’s economic stimulus package.

Consumer prices are down from 2008 levels, giving Social Security and Railroad Retirement recipients more purchasing power, even if their benefits stay the same, said Andrew O. Biggs, a resident scholar at the American Enterprise Institute, a Washington think tank.
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
• $30,000 for dismemberment

Intensive care confinement benefits of:

• $600 per day
• $60 per day for family lodging
• $30 per day for family meals
• Up to $1,800 for air 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.

Breaking news as it happens:
Register for UTU News alerts

Information is power and your UTU is trying to give you as much information as it can, as soon as possible. Savvy members have learned to log on to www.utu.org at least once daily to check the latest transportation news and any important new happenings within the UTU.

We want important UTU news to reach you even faster. So we are updating our special e-mail list by which UTU members may voluntarily sign up to receive e-mail on important UTU events.

Register for e-mail alerts by visiting www.utu.org and clicking on the “E-mail Alerts” tile on the UTU homepage. Be sure to double check the information for accuracy before sending your e-mail registration.

Your e-mail address will be kept confidential. It will not be sold, traded nor given to anyone else.

UTU employees enjoy baseball game

Employees of the UTU International, many of them members of the Office and Professional Employees International Union (OPEIU) Local 17, recently were treated to a tailgate party and a Cleveland Indians baseball game. At right, OPEIU member Rob Zanath of the Public Relations Department is shown at the game with his wife Lynn, daughter Holly and son John.

THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

KIM DISSELL

Kim Dissell is the lead data-entry operator in the Updating Department. She started with the organization in 1997 in the UTUIA Sales Department. Ninety percent of my day is entering information from UTUIA membership applications, Discipline Income Protection Program applications and UTUIA insurance applications onto the computer. I also contact, and am contacted by, local treasurers to confirm some of the information. I also enter data onto the mainframe computer for use by billing auditors. I also serve as secretary/treasurer for UTUIA Unit 1, which keeps me busy. There are never two days the same, and I like that.

JERRY PALMER

Jerry Palmer is director of records administration. He also serves as associate director of human resources for both the UTU and UTUIA. He started in 1978 in the supply department. “I split my days between the records department and human resources. In the records department we handle membership and insurance records. I also research and code correspondence involving the president and his staff. Most of my time in human resources is spent on day-to-day matters. It’s an interesting and varied job.”

IRMA COLLAZO

Irma Collazo serves as direct-billing administrator for the UTUIA. She started in 1999 in the Billing/Audit Department, then worked as an underwriting assistant before attaining her current job. “I answer telephone calls from members who have questions about their insurance bills,” she said. “I also send out insurance forms, deduct funds from policyholders’ checking accounts at the end of the month, type up bills and mail them out, cancel insurance policies, and lots of other tasks. I love this job because it is very challenging.”
DOT rule requires direct drug-test observation

The Department of Transportation has reinstated its 2009 final rule subjecting transportation industry workers in safety-sensitive positions to direct observation for all return-to-duty and follow-up drug tests, according to a notice published in the Federal Register.

The rule took effect Aug. 31.

The UTU, other labor organizations and BNSF Railroad had appealed the DOT rule; that appeal was rejected May 15 by a federal appeals court.

Labor seeks safe PTC systems

Continued from page 1

presents safety concerns because the engineer has a limited view of the railroad with that configuration.

“If any safety feature or safe practice is impaired, altered or compromised in any locomotive,” said the labor organizations, “it should not be in the lead or operating position of the train.”

If the engine is not equipped with air conditions or some other method of finding a fault, the railroad would have three choices, said the labor organizations: 1) Grant the crew the right to switch a fully compliant locomotive to the lead at the first location where this can be accomplished; 2) Do not operate the train at all; or, 3) Remove the engine from the consist entirely.

That approach, said labor, “would create the safest possible working environment for the employees. Obviously, the safest locomotive is the one with PTC, AC, and the short hood forward.”

Overspeed derailments: The FRA says that a requirement of a PTC system is to prevent “overspeed derailments, including derailments related to railroad civil engineering speed restrictions, slow orders, and excessive speeds over switches and through turnouts.”

The labor organizations point out that, while the term “prevent overspeed derailments” accurately reflects the language found in the Rail Safety Improvement Act of 2008, the FRA proposal “misses the congressional intent of the statute and it appears to be enforceable unless a derailment occurs in conjunction with a PTC system which fails to enforce an overspeed event.”

The labor organizations suggest the FRA amend the proposed regulation to establish that it is a violation of the regulation if the PTC system fails to enforce an overspeed condition which is not corrected by the locomotive engineer regardless of whether or not such overspeed results in a derailment. Since most overspeed occurrences do not result in a derailment, waiting for a derailment to happen before declaring the PTC system is not operating as intended is contrary to the purpose of the law.

Determinations of PTC-required track: The labor organizations told FRA that routing established by railroads before PTC was required establishes whether or not the railroad deemed the track and most direct routes for the transport of toxic inhalation hazard (TIH) and poison inhalation hazard (PIH) chemicals. The labor organizations said they oppose the railroads’ desire to remove hazmat traffic from densely populated areas and on tracks used by commuter trains, which greatly increases the risk of a catastrophic event.

“FRA,” said the rail organizations, “should avoid giving the railroads a financial incentive to route TIH and PIH through densely populated areas, onto commuter routes and onto our nation’s interstate highway system.”

Unequipped trains and failed PTC trains: “Any train invisible to the PTC system in PTC territory presents an unacceptable risk,” said the labor organizations. They suggested that the FRA “re-evaluate its position on these matters and take the safe course of action by reducing the maximum speed to restricted under such conditions or use other methods as temporal separation.”

Other comments: The UTU and five other labor rail organizations also observed that “in the haste to implement [new regulations governing PTC operations] it is possible and even probable that FRA has unintentionally traded some of the safety critical elements found [in existing regulations] for a streamlined process.” The labor organizations said the FRA “is very likely over looking safety critical elements whose deficiencies have yet to be identified.”

The labor organizations said the FRA “is very likely overlooking safety critical elements whose deficiencies have yet to be identified.”

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 listing, go to the UTU home page at www.utu.org and click on the blue tile, “Designated Legal Counsel.”

FELA claims are fact specific. The injured party must prove the railroad was negligent in causing their injuries. Railroads are generally unwilling to admit their negligence requires an expert to familiarize themselves with railroading practices and railroad law. I have actual railroad experience and more than 30 years of handling and trying railroad cases.

MICHAEL J. WARSHAUER
Warshawer, Poe & Thornton PC
3300 South Park Plwy., Ste. 2000
Atlanta, GA 30339
(404) 862-4900 (888) 879-7700 toll free
mjw@warpoce.com

I have been doing FELA work for 19 of my more than 26 years as a trial lawyer. I am not for the faint of heart. FELA cases are hard. Success depends on a willingness to go toe to toe, punch for punch, with one of the most powerful industries in America. I enjoy that challenge. UTU members get nothing less than my total commitment.

TOM WOOD
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tomwoood@yahoo.com
September 2009 UTU News

National Labor College offers hazmat training courses

The National Labor College is taking applications for classes in hazmat awareness and emergency response training, as well as training for hazmat instructors.

Each course is five days, and lodging is available at the college’s George Meany campus in Silver Spring, Md., just outside Washington, D.C.

The hazmat awareness training addresses OSHA and DOT procedures and different levels of response and worker protection in a hazmat emergency or release, weapons of mass destruction awareness, the incident command system, as well as components required to complete OSHA 10-hour outreach certification.

The training includes advanced classroom instruction, small group activities, intensive hands-on drills and a simulated hazmat response in full safety gear.

The instructors’ program teaches training techniques and is intended to build a nationwide pool of skilled peer trainers to deliver awareness-level hazardous materials training.

Known as the “train the trainers” program, it provides skills and knowledge necessary to deliver training at job sites, union meetings and in the community.

Only those who have successfully completed the hazmat awareness course are eligible.

Federal funding covers roundtrip transportation, lodging and meals for training participants. Those participants unable to secure regular pay through their employer or union are eligible for a stipend of $550.

On-line registration can be accomplished at www.hazmatgmc.org.

LIRR officers aid member

Long Island Rail Road car repairman Joseph Frigenti, a member of Local 722, Babylon, N.Y., was severely beaten recently when thugs attacked him outside his home.

With the aid and assistance of the UTU, Frigenti is recovering at home, safe in the knowledge that his job and family are secure.

Frigenti was home the night of July 4 when he went outside to move his car into his driveway. He was assaulted by a gang of young thugs and beaten. His injuries put him in the hospital with a broken jaw, brain swelling, broken left eye socket and fractured ribs.

According to retired UTU member John Keating, also a Local 722 member and Frigenti’s uncle, LIRR General Chairperson Anthony Simon, Local Chairperson and Delegate Stephen Valentinetti and Local Legislative Rep. Mike Deen went above and beyond to make sure that all has been taken care of for their injured union brother. They went to visit him at the hospital and assured him that all would be okay with his job and that all the paperwork was taken care of. They have made his recovery a lot easier.

“When I thanked them for all their help they said, ‘For what?’ He is a union brother, just like you were for 30 years.’ They continue to help in every way they can and I think they should be recognized for the great union brotherhood that they have shown.”

Keating also thanked union member Carl Plaia at the Richmond Hill facility for all of his help on the front lines. “When Mr. Plaia and Mr. Valentinetti retired, as they are planning next year, the UTU and Local 722 will be losing two fine members who will be missed.”

The hazmat awareness training programs will be conducted on the following dates:

- Oct. 25 - 20, 2009
- Nov. 1 - 6, 2009
- March 21 - 26, 2010
- April 25 - 30, 2010
- May 2 - 7, 2010

The hazmat instructors training programs will be conducted on the following dates:

- Nov. 29 - Dec. 4, 2009
- Feb. 21 - 26, 2010
- April 11 - 16, 2010
- May 16 - 21, 2010
- June 6 - 11, 2010
- June 20 - 25, 2010

Markers erected to honor fallen members

Members of Local 1168 in Clovis, N.M., along with family members and other co-workers, recently erected monuments to honor the memory of two members who were killed in tragic accidents earlier this year.

Lenny Noise, a locomotive engineer who had just celebrated his 59th birthday, was killed when he fell from a moving train at Ft. Sumner, N.M., on Jan. 16.

Greg Blevins, a conductor who was also president of Local 1168, was killed at Buchanan, N.M., on Feb. 28, while setting out cars. He was 56 years old.

“The shock and loss of these two brothers is still on the minds of us all and is a grim reminder that railroading is a dangerous job,” said Local 1168 Legislative Rep. Randy Dunson. “We continue to extend our heartfelt sympathies to their families.” The monuments were erected near the sites of the accidents.

There’s nothing like experience

There is 158 years of railroading experience in this photograph. This crew was working the Duluth, Missabe & Iron Range Railroad’s Proctor Road switch job on May 28. Left to right are W.D. Nelson (engineer seniority number one; seniority date: 1969); Arthur A. Maki (conductor seniority number one; seniority date: 1970); Leon W. Thielman (brakeman seniority number four; seniority date: 1971) and Thomas L. Jackson (brakeman seniority number two; seniority date: 1971). “The 158 years of service do not include the SD 18-2 locomotive, which was born in 1976,” Jackson said. Jackson, Maki and Thielman are all members of Local 1292, Proctor, Minn. Jackson serves as general chairperson of the DM&IR and as Local 1292’s legislative representative. “Local 1292 had 90 percent of members furloughed as of the date of the picture,” Jackson said.
This month’s winning photo:

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

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

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

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250. High-resolution digital photographs should be in the JPEG format and e-mailed to "utuwnews@utu.org".

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

All photographs submitted become property of the UTU.

Remember to review your employer’s policies regarding use of a camera on the property or during work hours.

This month’s winning photograph was taken by Dick Harrison, a retired switchman and conductor from the Denver & Rio Grande Western Railroad and member of Local 202, Denver, Col.

“This is a photo of the Lahaina, Ka’anapali & Pacific locomotive ‘Anaka’ taken at the Lahina, Maui, railroad station. I worked for 38 years and retired in 2002 and presently live in Kailua-Kona on the island of Hawaii,” Harrison said. The railroad’s narrow-gauge Sugar Cane Train sightseeing excursion runs along the Pacific Ocean between Lahaina and Ka’anapali.

Dr baggage and decades-long Local 1503 Secretary/Treasurer Nile Dragoo has been named by UTU International President Mike Futhey to chair and coordinate the UTU Transportation Safety Team.

The UTU Transportation Safety Team is a 13-member body that assists the National Transportation Safety Board in railroad accident investigations.

Dragoo, age 56, hired on with Union Pacific in Hastings, Neb., as a brakeman in 1971, and later was promoted to conductor.

He was first elected secretary/treasurer of Local 1503 in 1975, and has been a UTU delegate for more than 30 years.

Since 1982, Dragoo has been a regional UTU delegate representative.

He successfully completed an NTSB safety course, which is required of those assisting the NTSB in accident investigations.

Other members of the UTU Transportation Safety Team include David A. Brooks (Local 1470), James P. Herrdon (Local 565), Steve Revely (Local 117), Stephen T. Dawson (Local 811), John England (Local 1264), Greg Hynes (Local 1081), Greg Boam (Local 471), Gary Devall (Local 1501), Jerry L. Gibson Jr. (Local 313), Andres Trujillo (Local 1138), Lawrence E. Kasekamp (Local 600) and John Dunn (Local 736).

Dr. Baggage's name has been selected by the UTU Transportation Safety Team members to serve as a witness to what was said.

Dr. Baggage Transportation Safety Team members can also assist NTSB investigators in locating crew members and others familiar with the territory where the accident occurred, as well as operating rules in force, the motive power, equipment and signal systems in use, and characteristics of track and rail operations.

A UTU member involved in an accident can demand that a safety team member or union officer be present during questioning to serve as a witness to what was said.

UTU Transportation Safety Team members can also assist UTU members in ensuring that a UTU officer is present should railroad officials seek to question them and that railroad officials not violate terms of the UTU contract with that carrier.