Szabo gives oversight of passenger, freight rail safety

Federal Railroad Administrator Joseph Szabo addressed members of the House Committee on Transportation and Infrastructure’s Subcommittee on Railroads, Pipelines, and Hazardous Materials Feb. 26, providing them with an overview of oversight and freight rail safety and responding to questions.

Szabo said FRA’s top priority is safety and Fiscal Year 2012 was the safest year on record, with preliminary data from Fiscal Year 2013 indicating it will be even better than the previous year.

He reported that since 2004, total train accidents have declined by 47 percent, total derailments have declined by 44 percent and total highway-rail grade crossing accidents have declined by 35 percent.

“Those safety improvements resulted in 1 percent fewer fatalities overall, 59 percent fewer employee fatalities and nine percent fewer injuries over 10 years. These improvements are improvements of our own right especially if you consider the regulatory workload that FRA received from the Rail Safety Improvement Act of 2008 and passenger and freight rail’s growth during this same time,” Szabo said.

“As we use data and research to drive continuous safety improvement, we learn from every accident. FRA investigators focus on identifying an accident’s root causes so we can further eliminate risk and take appropriate enforcement action. This is one more facet of our comprehensive approach to rail safety.”

According to Szabo, the Department of Transportation, including the FRA, has responded aggressively to recent accidents that have received widespread attention.

As a result of several accidents on Metro-North Commuter Railroad, FRA issued Emergency Order (EO) 29 on Dec. 11, 2013. EO 29 required Metro-North to take immediate action to prevent excessive train speeds by identifying and prioritizing high-risk areas, modifying its existing signal system to ensure speed limits are obeyed, and ensuring a higher level of engagement and communication among operating crewmembers in higher risk locations.

In response to recent train accidents in the United States and Canada involving tank cars carrying crude oil, DOT, including FRA and the Pipeline and Hazardous Materials Safety Administration (PHMSA), has taken action on multiple fronts to mitigate risks and ensure the safe transportation of crude oil, ethanol and other hazardous materials by rail.

Crude oil transportation by rail has increased because of increased production in the Bakken region of North Dakota and yet, accident rates in North Dakota have fallen over the past three years, even with increased traffic.

Szabo said the FRA’s vision for the next generation of rail safety requires a comprehensive strategy designed to eliminate risk and its strategy is founded on three pillars: Continuing a rigorous regulatory and inspection program based on strategic use of data; advancing proactive approaches for early identification and reduction of risk; and capital investment, including robust research and development.

Continuing a rigorous regulatory and inspection program

“Safety overall has improved; however, accidents related to human error and track defects account for more than two-thirds of all train accidents, and five percent of highway-rail grade crossing accidents account for approximately 95 percent of all rail-related fatalities. We will allo

Ten-year Downward Trend for Train Accident Reductions (FY04-FY13)

N.Y. reps. urge settlement of LIRR dispute

Twelve members of the U.S. House of Representatives have signed a letter to the chairman of New York City’s Metropolitan Transportation Authority, urging the MTA to reach a settlement with union employees of the Long Island Railroad and avert a possible strike by using the findings from PEB 244, we respectfully request the MTA call for another Presidential Emergency Board … to avoid a work stoppage.”

The board rejected MTA’s demand that workers accept three years of net zero wage increases, followed by two, two-percent increases over five years and rejected MTA’s demand for major concessions in pensions, including a permanent five-percent employee contribution.

“I no consensus can be reached using the findings from PEB 244, we respectfully request the MTA call for another Presidential Emergency Board … to avoid a work shutdown.”

The U.S. representatives from both sides of the political aisle representing constituents who may be affected by a work stoppage on the LIRR said “the recommendations issued by PEB 244 may not have included everything that either side had hoped; however, we believe that it could serve as a model for the types of concessions that can be made to move an agreement forward.”

On Jan. 15, the MTA announced that it was rejecting a proposed series of wage increases for unionized employees on LIRR totaling 18.4 percent over six years (2.9 percent per year) and that employees begin contributing to health insurance premium costs. The board’s wage recommendations are retroactive to the first year of the contract dispute, which has been ongoing for more than three years.

“The board rejected MTA’s demand that workers accept three years of net zero wage increases, followed by two, two-percent increases over five years and rejected MTA’s demand for major concessions in pensions, including a permanent five-percent employee contribution.

Continued on page 10

Robert D. Kerley, the senior vice president of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers, has retired, effective Feb. 28. The vice president vacancy in the Transportation Division will be filled by the elevation of Alternate Vice President Jeremy Ferguson by action of the Transportation Division’s board of directors.

Kerley is a member of Local 303 at Springfield, Mo. He began his railroad career as a brakeman for the former St. Louis, San Francisco in 1971. He was promoted to conductor in 1973, fireman in 1977 and locomotive engineer in 1978. He served the members of his local as firemen’s local chairperson in 1977, 1979 and 1983. He was elected full-time associate general chairperson on BNSF Railway (GO 2011) in 1983 and re-elected to the post until 1999, when he was elected general chairperson.

While continuing to serve as general chairperson, Kerley was elected alternate vice president West by delegates at the United Transportation Union’s convention in 2003, and served as secretary of the UTU District No. 1 General Chairperson’s Association for two terms. Since 2004, he has served on the UTU National Negotiating Committee. He also was a member of the UTU Wage and Rules Panel, which works to address ongoing collective bargaining issues at the national level. He was elected full vice chairperson.

Continued on page 10

Ten-year Downward Trend for Train Accident Reductions (FY04-FY13)
Local 240, Los Angeles, Calif. All railroaders and their friends and relatives are invited to participate in the 14th Annual FSC/SMART-UTU Rail Classic golf tournament at 1 p.m. Monday, May 19, at Sierra Lakes Golf Course in Fontana, Calif., according to Local Chairperson Harry J. Garvin Jr. The cost of the four-person scramble, shotgun-start tournament is $75 per person and includes a tri-tip or chicken dinner, great prizes and great fun. Participants should commit and remit to Frank Carmona at 3020 Pebble Beach Dr., Sun City, CA 92586, by May 5. Contact Carmona at (951) 301-6525, (909) 770-3366 or by email at FSRailHotmail.com. The tournament is sponsored by Carmona’s Collision Repair and Local 240. In other news, Garvin reports that retired conductor William A. Hicks died Feb. 9 at the age of 70 and that conductor Robert J. Dominguez retired on Feb. 28 after 41 years of service.

Local 607, Thayer, Mo.

Local Secretary & Treasurer Ryan King, left, and Local Chairperson Michael Kings, right, present a check in the amount of $500 to the Martin Middle Board of Trustees in Thayer, Mo., for being inducted into the Colorado Bowling Hall of Fame.

Hostler Wood strikes gold as youngest Hall of Famer

Hostler Randy Wood of Local 202 at Denver, Colo., was inducted into the Colorado Bowling Hall of Fame by members of the Colorado State U.S. Bowling Congress at a ceremony held Feb. 22.

At age 47, he is currently the youngest inductee to ever be installed into the hall.

Wood got his first taste of bowling as a child, when he would accompany his dad to the local lanes. “My dad used to bowl all the time and I would go with him,” he said. “I started to bowl then and found that I really enjoyed it.”

Like your average Friday night league, Wood had no formal instruction in bowling. He started to improve his game when he began working at a bowling alley after graduating from high school. “I worked there for about 14 years. Whenever I could practice, I would practice. I just learned on my own.”

Currently, Wood is a member of five leagues and bowls five nights a week. He’s been a member of the U.S. Bowling Congress — which sanctions league bowlers around the country — for 25 years. He has had 13 three-game series of higher than 800, with a career-high series of 878. An 800 series, he explained, is an average of 266 per game in leagues. He’s also held at least a 213 average for the past 13 years and has bowled 37 300-games.

“The last five years have been the best of my life, because I’ve been averaging 234 in almost every league I’ve been in,” Wood said.

He has bowled in 13 championship tournaments, including Reno, Nev., Baton Rouge, La., Billings, Mont., Nashville, Tenn., and Las Vegas, but has yet to win one.

Professional bowlers such as Pete Weber, Walter Williams Jr. and Jason Belmonte inspired Wood. “I used to watch them bowl on TV. It was a goal of mine to try to go professional, but it didn’t work out.”

As a yard hostler, Wood works nights but still has plenty of time to enjoy his favorite game. “I sleep during the day, bowl at 6:30 with the leagues, then go right to work. Right now, I’m a setback engineer and it will be a couple more years until I become a full-time engineer. I’ll probably have to give up bowling when I become an engineer, but until then, it will be fun.”

“T’d also like to thank fellow bowler Adam Freisly for being the messenger. He’s the one who nominated me for the hall of fame,” Wood said.

Local 1221, Tampa, Fla.

Member Shawn Montgomery was killed in the early morning of Feb. 22 following a single-vehicle accident while on his way to work. He was a son, brother, husband and father of two young girls, ages five and one. Shawn served as a member of the Florida National Guard and the U.S. Army from 2007 to 2013. To make a donation to his children, visit www.youcaring.com/other/fundforthemontgomerygirl/144216. Contact Shawn’s local, the Martin Middle Board of Trustees in Thayer, Mo., for donations, and has been serving continually elected Local 924 Local 924 Chairperson Jason Mannillo. This type of unsual act personifies Brother Chapman’s character, always placing the organization ahead of himself. He is one of the hardest working individuals in this union due to his love for and belief in the SMART Transportation Division Local 1563 at El Monte, Calif. Kate Manillo reports that Local 1563 has been a member since 2012, working for Los Angeles County Metropolitan Transportation Authority (MTA). Before becoming a bus operator, Manillo sold cars for CarMax and Toyota of Pasadena, a real estate loan officer and a dialysis assistant at Mohawk Dialysis Center. He was active in the community by volunteering for the Glendora Police Department as an auxiliary policeman and as a reserve for the Pasadena Police Department. He was survived by his wife, Connie, and daughter, Virginia.

CSX GO 851, Jacksonville, Fla.

CSX General Committee of Adjustment GO 851 announces the retirement of SMART-UTU General Chairperson Jimmy Chapman, who was vice local chairperson of Local 924 at Richmond, Va., for six years, local chairperson for 25 years, local delegate for six terms and has been mentoring newly elected Local 924 Local Chairperson Jason Mannillo. This type of unsual act personifies Brother Chapman’s character, always placing the organization ahead of himself. He is one of the hardest working individuals in this union due to his love for and belief in the SMART Transportation Division. For further information, call (701) 223-0001 or send email to utu4nd@gmail.com. The schedule is as follows:

- Wednesday, April 23, Local 887, 980, 1137 and 1137-RRVW, 1 p.m. meeting at the Fargo Howard Johnson Inn at 801 11th Ave. N., in Fargo; (701) 232-8850.
- Thursday, April 24, Local 525, 2 p.m. meeting at the Hilton Garden Inn, 430 James St. N. in Grand Forks; (701) 775-6000.
- Friday, April 25, Local 1059, 1 p.m. at the Vegas Motel, 2315 N. Broadway Ave. in Minot; (701) 839-1020.

North Dakota locals holding meetings in April

North Dakota locals will hold their annual Spring Swing meetings April 23-25, State Legislative Director Joe Faundez reports. These meetings provide an excellent opportunity to learn about your benefits as a member and to visit with SMART Transportation Division officers, general chairpersons and representatives from UTU, the Railroad Retirement Board, designated legal counsel and health-and-welfare benefit providers. All members and their spouses are welcome to attend any of the three meetings and lunch will be served at the conclusion of each meeting.

For further information, call (701) 223-0001 or send email to utuf4nd@gmail.com.
Freight rails join Sec. Foxx in rail safety initiative

WASHINGTON – The nation’s major freight railroads on Feb. 25 joined the leadership of the Federal Railroad Administration (FRA) and the US Department of Transportation (DOT), including the chairman of the US House of Representatives’ Committee on Transportation and Infrastructure, in announcing a rail safety initiative that will institute new voluntary operating practices for moving crude oil by rail. The announcement follows consultations between railroads represented by the Association of American Railroads (AAR) and the US Department of Transportation (DOT), including the leadership of the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

The announcement came just over a month after the tragic June 2013 CSX derailment in Lac-Megantic, Quebec, that killed 47 people and destroyed the town. The Lac-Megantic disaster highlighted the need for a new tool that railroads can use to assess the safety and security of rail routes. The Department of Transportation (DOT) has introduced the Rail Corridor Risk Management System (RCRMS) to aid in the determination of the safety and most secure rail routes for trains with 20 or more cars of crude oil. The tool takes into account 27 risk factors – including volume of commodity, trip length, population density along the route, local emergency response capacity, train weight, and other factors – to assess the safety and security of rail routes.

Use of Rail Traffic Routing Technology – No later than July 1, railroads will begin using the Rail Corridor Risk Management System (RCRMS) to aid in the determination of the safest and most secure rail routes for trains with 20 or more cars of crude oil. The tool takes into account 27 risk factors – including volume of commodity, trip length, population density along the route, local emergency response capacity, train weight, and other factors – to assess the safety and security of rail routes.

Increased Track Safety Technology – No later than July 1, railroads will begin installing additional wayside wheel bearing detectors if they are not already installed in place every 60 miles on tracks with trains carrying 20 or more crude oil cars, as other safety factors allow.

Increased Emergency Response Capability Planning – Railroads will by July 1 develop an inventory of emergency response resources for responding to the release of large amounts of crude oil along routes over which trains carrying 20 or more cars of crude oil operate. This inventory will include locations for the staging of emergency response equipment and, where appropriate, contacts for the notification of communities. When the inventory is completed, railroads will provide DOT with information on the deployment of the resources and make the information available upon request to appropriate emergency responders.

First Transit enters pact with Red Apple drivers

First Transit, Inc., and members of the SMART Transportation Division have agreed on mutually acceptable terms and conditions of employment and signed a collective bargaining agreement following a six-month long negotiation by the National Labor Relations Board.

The transportation management company, which operates throughout the United States, opened a new contract in 2011 to operate Red Apple Transit, a passenger bus company in Farmington, N.M. All the full-time and regular part-time drivers at Red Apple Transit were represented by the SMART TD.

On May 13, 2013, the board authorized NLRB Region 28 to pursue an injunction against First Transit Inc. for withdrawing recognition from the union.

First Transit also made unilateral changes in the terms and conditions of Red Apple Transit drivers’ employment – including cuts in wages and benefits – without giving the union an opportunity to bargain over the proposed changes. In addition, they failed to provide relevant information the union requested for the purpose of carrying out its representation duties.

On June 13, 2013, after the Section 102 petition had been filed in the district court, the parties agreed to a settlement, with First Transit agreeing to cease and desist its unfair labor prac- tices to recognize the union’s status as the bargaining representative and to provide the requested information to the union and to rescind the unilateral changes they had made in terms and conditions of employment of Red Apple Transit’s drivers.

Lower Speeds – No later than July 1, railroads will operate trains with 20 or more tank cars carrying crude oil that include at least one older DOT-111 car not faster than 40 mph in the federally designated high-threat-urban areas (HTUAs) as established by DHS regulations.

Community Relations – Railroads will continue to work with communities through which crude oil trains move to address location-specific concerns that communities may have.

H.R. 3040 currently has 64 co-sponsors in the House. They are, by date of sponsorship:

- Rep. Michael H. Michael (D-Maine)
- Rep. Chellie Pingree (D-Maine)
- Rep. Tom A. Severi (D-Ah)
- Rep. Dan Kildee (D-Mich)
- Rep. Peter T. King (D-N.Y.)
- Rep. Ami Bera (D-Cal)
- Rep. Ed Perlmutter (D-Colo.)
- Rep. Bruce L. Braley (D-Iowa)
- Rep. Keith Ellison (D-Minn.)
- Rep. Katherine M. Clark (D-Mass.)
- Rep. Richard M. Nolan (D-Minn.)
- Rep. Carolyn M. McCarthy (D-N.Y.)
- Rep. Gwen Moore (D-Wis.)
- Rep. Robert A. Brady (D-Pa.)
- Rep. Jared Huffman (D-Calif.)
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- Rep. Dan Kildee (D-Mich)
- Rep. Peter C. King (R-N.Y.)
- Rep. B. Mark E. Souder (R-Ind.)
- Rep. Jim Himes (D-Conn.)
- Rep. Tim Ryan (D-Ohio)
- Rep. Peter J. Visclosky (D-Ind.)
- Rep. Niki Tsongas (D-Mass.)
- Rep. Timothy H. Bishop (D-N.Y.)
- Rep. John Garamendi (D-Calif.)
- Rep. Ron Barber (D-Ariz.)
- Rep. Joe Donnelly (D-Ind.)
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Transportation delegates must attend both conventions

In this issue, we celebrate the 100th birthday of former President Al Chesser, the very first elected president of the United Transportation Union. This is a remarkable achievement for a remarkable man! Brother Chesser’s history of commitment and dedication to this organization and all of organized labor is legendary, and serves as an inspiration to all who are involved in today’s labor movement.

It was a pleasure to be able to attend this event in person and to extend my congratulations. We wish Al a very happy birthday, with many more to follow.

All delegates properly seated at the Transportation Division Convention will be seated as delegates at the SMART General Convention. It is imperative that they attend the SMART General Convention in order to properly cast their votes on any and all amendments.

In prior columns, I have touched on the upcoming conventions for both the SMART Transportation Division and the SMART International. In order to keep our membership updated, I am summarizing here the information recently communicated to our SMART Transportation Division delegates.

All delegates to the SMART Transportation Division Convention from June 30 - July 2 in San Diego have been advised of the importance of attending both of this summer’s conventions and have been informed to also make arrangements to attend the SMART General Convention in Las Vegas from Aug. 11-15.

Propositions or actions taken by delegates at the Transportation Division Convention with regard to proposed amendments to Article 21B of the SMART Constitution must be properly referred to the delegates at the SMART General Convention for handling before any proposed amendments can become effective. Additionally, all delegates attending the SMART General Convention will be acting upon all proposed constitutional changes properly submitted to the full SMART Constitution, including Article 21B.

Pursuant to Article 33, Sec. 1 (e), lines 19-20, a two-thirds majority of the delegates present at the SMART General Convention is required to enact such amendments.

All delegates properly seated at the Transportation Division Convention will also be seated as delegates at the SMART General Convention, and as such, it is absolutely imperative that they attend the SMART General Convention in order to properly cast their votes on any and all proposed SMART Constitution amendments.

If, for any reason, a local delegate is not able to attend the SMART General Convention in August, it is respectfully requested that measures be taken to allow for the alternate delegate to attend. If neither the delegate nor alternate delegate is able to attend both conventions, it may be necessary to elect a new delegate who will be able to attend both conventions. This will allow for consistent balloting of all proposed amendments to Article 21B at the SMART General Convention, as well as making a local’s voice – and the efficiency of total operations of SMART, and the SMART Constitution must be properly referred to the delegates at the SMART General Convention for handling before any proposed amendments can become effective. Additionally, all delegates attending the SMART General Convention will be acting upon all proposed constitutional changes properly submitted to the full SMART Constitution, including Article 21B.

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I thank all local officers for their dedication to the organization and all delegates for taking the time to serve our membership at both the Transportation Division Convention and the SMART General Convention.

It is important to remember that the outcome of these conventions will be a constitution that will govern the International Association of Sheet Metal, Air, Rail and Transportation Workers for years to come. The responsibility of preserving the principles on which the organization was founded rests with the officers, delegates, and alternates who will attend our full participation at both conventions.

Contact us: news.tdl@smart-union.org
Phone (216) 228-9400; fax (216) 228-5765
John Previsich, SMART Transportation Division President
president_tdl@smart-union.org
James Stem, SMART Transportation Division National Legislative Director
jstem@smart-union.org

For the latest news, visit www.utu.org; also, register on the SMART TD website to receive news alerts via email.

Moving forward: Amending the SMART Constitution

As we move forward, it’s extremely important for our members to receive reliable information about the new SMART Constitution that will govern the organization’s future activities.

In August, there will be a Constitutional Convention to put the final touches on our merger.

In order to provide more timely responses over the next several months, we will include questions and answers on the SMART website at www.smart-union.org/constitution-faq. The most frequently asked questions will be highlighted as well as included in both of our publications.

This process will only be as good as what you contribute through your questions, which you are encouraged to submit. Nothing is off limits, as I want the greatest possible transparency applied to this organization and to the process.

I urge you to submit your questions as soon as possible to members@smart-union.org, or by mail to SMART Constitution FAQ, 1750 New York Ave., N.W., 6th Floor, Washington, DC 20006.

Below, I have highlighted a few questions that have already been asked, with answers that will also be made available here and on the website at www.smart-union.org/constitution-faq.

I work for the UTU at the Cleveland office and have been told by my supervisors that I will be cut out of a job when SMART takes over. Is SMART going to move my job to D.C.?

It has never been the intention of SMART to randomly eliminate jobs. What has been discussed from the beginning of the merger process has been the efficiency of total operations of SMART, and how these efficiencies can best be achieved both operationally and financially. The Cleveland office performs a number of functions very important to our operations, as does the Washington D.C. office. As these are fully examined, the two criteria listed will be used to determine where these operations are performed.

Why can’t UTUIA partner with SMART and expand the UTUIA market to other SMART union workers?

As you may or may not be aware, UTUIA and SMART are separate organizations and are not appointing any officers of the merger agreement and is not a part of SMART. It is a separate insurance carrier that provides services to Transportation Division members.

With that said, it is recognized that while SMART and UTUIA are separate organizations, there is a very important partnership between our members and the insurance organization.

We plan to support UTUIA and help it expand its products and services where they offer added benefit to the full membership of SMART.

Is the election process for Transportation Division officers and committee persons protected under the SMART Constitution?

Yes. The provisions of Article 21B, Section 2, list the Transportation Division officers who will be elected by the Transportation Division delegates at the SMART Transportation Division Convention in July of this year. Article 21B, Section 82, covers the general committees of adjustment.

Does the general president have the power to eliminate Transportation Division vice president positions?

No. Transportation Division vice presidents are elected positions and are not appointed by the general president. Vice presidents within the Transportation Division and general vice presidents of SMART can only be removed if they are charged with an offense and found guilty by an International trial board.
Arizona

Arizona State Legislative Director Greg Hynes introduced keynote speaker Ed Shute at the Arizona Advocacy Network’s 3rd Annual “Reclaiming Government for the People” dinner Feb. 22 at Pointe Hilton Squaw Peak Resort in Phoenix. Shute hosts a nationally syndicated talk radio show and is the host of an MSNBC television news talk show. “The Arizona Advocacy Network is a group that supports clean elections and government for the people and by the people,” Hynes said. “I had the honor of introducing Mr. Shute to the audience that night. We had a private meeting beforehand to discuss H.R. 3040.” Pictured, from left, are Legislative Rep. Scott Jones (103), Legislative Rep. Dale Thomas (113), Shute, Transportation Division Alternate Vice President Danny Young and Hynes.

North Dakota

Jim Chase, North Dakota State Legislative Director of the SMART Transportation Division, submitted a letter to the editor of The Bismarck Tribune that was published Feb. 28. The letter read, in part: “Since the 1880s, North Dakota’s railroads have played an essential role in developing our state and our economy. Today’s railroads continue to provide vital passenger service and freight transportation across our state, and in the past two years, have been the primary way we ship Bakken crude oil to market.”

“Amtrak, our state’s only rail passenger service provider, has been providing that service since 1970. A recent statewide survey conducted on behalf of our union, SMART Transportation Division, found that a strong majority of North Dakotans are very supportive of: 1) Amtrak and 2) taking action to assure railroads continue to operate safely.”

“North Dakotans are not alone in their support for Amtrak; nearly identical poll results across the country reflect its growing popularity.”

“Rail ridership is at an all-time high, reaching 31.6 million last year. Indeed, one of the only places where Amtrak is not enjoying increasing favor is Washington, D.C., where some congressional leaders are still pushing to defund or privatize Amtrak. It is a position clearly out of step with Americans of all political persuasions.”

“With Congress preparing to rewrite the law that governs Amtrak and rail safety legislation, now is the time for elected officials to listen to their constituents and provide adequate funding for Amtrak and to ensure that our nation’s railroads operate at the highest levels of safety. Seventy-one percent of North Dakotans favor federal legislation requiring a minimum of two-person crews on trains, which is one of the most effective ways to prevent accidents.”

“In the past, Amtrak was never a partisan issue. In fact, Amtrak enjoys no greater friend and supporter than former Republican U.S. Senator Mark Andrews of Casselee, N.D. As and current pellagin and the largest independent legislators, Democrats and Independents alike strongly support Amtrak in almost equal numbers.”

“Congress can help secure safe rail service across our country by adequately funding Amtrak and by passing The Safe Freight Act, H.R. 3040, a bill to require every freight train to have two crew members on board.”

Wisconsin

State Legislative Director Craig Peacock, Board Secretary Christopher Tassone and Local 32 member Larry Markow testified in support of state bills S.B. 388 and A.B. 799. If enacted, the identical Assembly and Senate bills will impose additional safety measures for pedestrians and cyclists at railroad crossings.

“A.B. 799 addresses public safety at railroad crossings and will indeed save citizens’ lives and at the same time will help educate the public when crossing railroad tracks,” Peacock said about the bill.

“The bills will make it illegal for pedestrians to cross at railroad crossings when signals are activated and allows for law enforcement to impose fines on pedestrians.”

“Pedestrians will often misjudge the train’s speed and proximity to the crossing and therefore put themselves in a deadly situation,” Tassone testified.

Let’s send a message to our politicians: ‘Improve our wages’

As I travel around the country working on grievances, arbitrations, negotiations, labor agreements, as well as the health and well-being of our locals and our members, one underlying issue is always present: wages. Our wages are not keeping up with what our lives and our families’ livestock are costing us. Food prices are up, the cost of milk is up, and gasoline and energy prices continue to rise. But why are we losing our standard of living? Why am I shopping for food in Target? What happened to fresh food from our local grocery store? Why do I turn my heat down in the house and wear a jacket in the house now? Why are energy companies seeing the highest profits that they have ever seen? Why is it costing so much more to do less than what I was doing 10 years ago?

Since 1997, according to The Economic Policy Institute, 100 percent of the wage growth in the American economy has gone to the top 10 percent of the income structure. The bottom 90 percent has seen income decline, adjusted for inflation. As the rich get richer, the working class continues to struggle. Economic inequality did not just happen accidentally or by an act of God.

At the AFL-CIO Executive Council meeting in Houston, I was told it is the predictable result of decisions made by people with power over the past generation. The key decision, the AFL-CIO says, was to use the power of government to help corporate America push down wages by destroying workers’ collective bargaining power. Those decisions can be reversed.

In Houston, I was told working people have the opportunity to shape the national conversation on this issue in ways that will work hard to help workers win real economic improvements and build a true working class movement.

The AFL-CIO says the purpose of the labor movement is to give voice to working people, so we can improve our lives. All too often, people do not realize that they are voting against their own best interests. It is important that we work together, now, to spread the word. Support the union movement by joining together with a strong message to all our politicians: ‘Improve our wages!’

Workers at three shortline railroads go SMART

The employees at three Genesee & Wyoming-owned shortline railroads opted for SMART Transportation Division representation in elections held March 4-6, SMART TD Director of Organizing Rich Ross reports.

“I would like to thank Norfolk Southern/CX new hire instructor Justin Humphries for his help in this ongoing project,” Ross said. “His success in our union’s new hires was very helpful here.”

The Concho Valley Railway operates over 12 miles of track southwest from Gosheem, Ala., to Troy, Ala., where it interchanges with CSX and handles about 2,000 cars per year. It transports poultry feed ingredients, plastic, lead, vegetable oil and food products. The Three Notch Railroad operates over 34 miles of track southeast from Andalusia, Ala., to Georgiana, Ala., where it interchanges with CSX and handles about 3,000 cars per year, shipping chemicals, polypropylene, fertilizer and agricultural products. The Wiregrass Central Railway operates 20 miles of track in Alabama, west from Watertford to Enterprise. It handles around 8,200 cars per year, carrying poultry feed ingredients, peanut products and seed.
Al Chesser, seated, is joined by SMART Transportation Division officers and Federal Railroad Administration for 50th birthday festivities.

Al Chesser speaks after receiving the Eugene V. Debs Award.

Standing, from left, are Texas State Legislative Director Connie English, SMART Transportation President John Previsich, SMART TD National Legislative Director James Stern, SMART TD Alternate National Legislative Director John Rick, Snyder, Colorado State Legislative Director Carl Smith and New Jersey State Legislative Director Dan O’Connell.

Al Chesser attended by family and colleagues during his 100th birthday celebration.

Chesser with former U.S. Sen. Ted Kennedy.

Chesser with former U.T.U. Designated Legal Counsel Larry Marks at the March 1 birthday celebration.

Chesser and family at the celebration of his 100th birthday.

Chesser testifies before a congressional committee.

Chesser speaks after receiving the Eugene V. Debs Award.

Chesser addresses family, friends and colleagues during his 100th birthday celebration.

Chesser with former U.S. Sen. Ted Kennedy.

Chesser with former U.T.U. Designated Legal Counsel Larry Marks at the March 1 birthday celebration.

Chesser marks his home in Denver, Colo.

Chesser with his family at the celebration of his 100th birthday.

www.utu.org / www.utuia.org

Founding father, former President Chesser celebrates 100 years

Al Chesser celebrates his 100th birthday Feb. 26. He was honored at birthday celebration by family, friends and colleagues March 1 at the Palazzo Verdi Event Center in Greenwood Village, Colo.

Former United Transportation Union President Alfred H. Chesser celebrated his 100th birthday Feb. 26. He was honored at birthday celebration by family, friends and colleagues March 1 at the Palazzo Verdi Event Center in Greenwood Village, Colo.

Al Chesser is a man whose mark can be found on legislative achievements that will continue to resonate long after we all follow him into our own retirements, and our own children are contemplating their retirements. He is personally responsible for the passage of more labor legislation for his union than any other person in labor history.

He’s more than simply a breakman from Wellington, Kan., who worked his way through every conceivable union position, ultimately proving himself to be a born leader. He is more than the former president of the leading transportation union in North America. And he is much more than a retina and avil fisherman who makes his home in Denver, Colo.

The House of Service, the Railway Safety Act, the former Council, Amtrak, better retirement benefits, better working hours and conditions, job-protection—all these things bear the stamp of a man who knew instinctively that success is not a destination, but a continuing journey.

Chesser first served the former Brotherhood of Railroad Trainmen as secretary & treasurer of Lodge 608 in 1945. His instinctive interest in legislative and political matters led to his election as local legislative representative. From there, he became secretary of the Texas State Legislative Board, and then director, serving as chief legislative spokesman for his union in Texas.

During that time, he became involved in numerous community and civic affairs, garnering the political savvy that would serve him well in the years ahead.

From his three terms as chairman of the Amarillo Labor Political Council, he earned the skills to win appointments by the governor to serve as a member of the Texas Industrial Commission, just one of the commission appointments he enjoyed.

By 1960, Chesser was influencing events on the national level as alternate national legislative representative for the BRT. In 1962, he became national legislative representative, remaining in that position until Jan. 1, 1969, when the UTU was founded. There was never any question that he was the man to do the monumental work as principal legislative spokesman in the nation’s capital.

While in Washington during the 60s, he served as a member of the Task Force on Railroad Safety, a body that created the most comprehensive and far-reaching safety program ever adopted for any industry. From 1964 through 1969, he served on the president’s Consumer Affairs Council. He became active with the Democratic National Committee and served as a member of its board of directors.

While all this was occurring, the president of the United States appointed Chesser as a member of the National Defense Executive Reserve, a member of the Interstate Commerce Commission, and made him an honorary staff member of the U.S. Army Transportation School.

At the UTU’s First Convention in 1971, Chesser was elected president, a post he would win again by acclamation at the second UTU Convention in 1975. He was elected vice president and member of the AFL-CIO’s Executive Council in 1972, and served as chairperson of the Congrass of railway Unions from 1972 until it was dissolved with the Railway Labor Executives’ Association in 1975.

All this would be more than enough for most men, but Chesser apparently felt he had much more to give than the average man. He also was a member of the Transportation Study Group of the Domestic Affairs Task Force, and was appointed to the National Labor Committee for U.S. Savings Bonds, the Federal Energy Administration’s Transportation Advisory Board, and the Railroad Safety Research Board, which he also served as co-chairman.

And still, there was more. Chesser was appointed a member of the Advisory Panel to the Office of Technology Assessment of the U.S. Congress in 1976, and became honorary co-chairperson of International Guiding Eyes, an organization which furnishes guide dogs for the blind.

He is an author, a statesman, a negotiator, a politician, a unionist, a natural and respected leader, and beyond all that, a gifted and mesmerizing speaker.

The members of the SMART Transportation Division wish you ‘Happy birthday,’ Brother Chesser.

The UTU’s National Legislative Office in Washington, D.C., was dedicated to Al Chesser. This photograph was taken while Chesser visited the office during the UTU’s regional meeting in Washington in 2002.

The members of the SMART Transportation Division wish you ‘Happy birthday,’ Brother Chesser.

Please join us as we celebrate

Al Chesser’s 100th Birthday

Saturday, March 1, 2014

Cocktails Dinner Dessert
Five Thirty in the Evening

Palazzo Stelt
6363 South Fiddler’s Green Circle
Greenwood Village, Colorado 80111

Arturo Cost & the Nudoouple Please

The members of the SMART Transportation Division wish you ‘Happy birthday,’ Brother Chesser.

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As part of Palmetto GBA’s role as the Railroad Medicare specialty administrative contractor (RRB-SMAC), the agency is charged with examining the reasonableness and medical necessity of the services being billed, a process called “medical review.” Medicare and Railroad Medicare use data analysis and information from other Medicare contractors to find claim types with high billing error rates.

“Billing errors” can mean the claims are not filed correctly, the services were not reasonable and medically necessary, or the services have not been documented correctly.

According to Palmetto, the medical review process works like this: the contractor conducts data analysis and creates an action plan outlining what types and how many claims the unit proposes to take on for the year. The plan is approved by the Centers for Medicare and Medicaid (CMS) or the Railroad Retirement Board. Some of the topics of Palmetto’s medical review unit examined in the past year were chiropractic services, radiology (chest X-rays), ambulance transports, drugs and biologicals, doctors’ office visits and several other claim types.

A computer program chooses a random sampling of claims and letters are sent to the providers requesting documentation to support the claims. Doctors have 30 days to respond to these letters. If they fail to respond by the 45th day, their claim is automatically denied. When this happens, the provider has 120 days to submit the requested documentation for review.

Once the medical review team has the documentation needed to examine the claim, they have to determine if the services were covered, if they were medically and necessary, and if the documentation meets the standards required by CMS. If all of these criteria are met, the claim is processed to pay. If they are not met, the claim is denied and the provider has 120 days to file an appeal.

If you see that a claim for a service you have been denied, read your medical summary notice (MSN) carefully. If the service is not covered by Medicare, or is determined to not be medically reasonable and necessary, then the patient is responsible. If the service was denied because the provider failed to supply the necessary documentation, then the claim is denied and the provider is liable. If the provider is liable, he or she cannot charge you or collect payment from you for that claim.

If you don’t agree with the denial, you can file a first-level appeal with Palmetto called a readetermination. A readetermination must be requested within 120 days from the date you received your MSN. To file an appeal, follow the instructions on your MSN and sign and return the notice to Palmetto’s office at the following address:

**Railroad Medicare – Palmetto GBA**

**Attn: Redeterminations**

**P. O. Box 10066**

**Augusta, GA 30999**

**If you have questions about your Railroad Medicare claims, you can call Palmetto’s toll-free Customer Service Line at (800) 833-4455, Monday through Friday, from 8:30 a.m. to 7 p.m. ET.** Palmetto also encourages beneficiaries to visit their website at www.PalmettoGBA.com/RRA."
WASHING TON – During 2014, Amtrak plans to move forward on key improvement projects, including continued installation of positive train control safety technology, the start of major construction to upgrade Northeast Corridor high-speed rail and expansion of station accessibility for passengers with disabilities.

“With limited federal capital funding we are doing the work that needs to be done to keep the railroad operating and taking action where we can to achieve safety, operational and passenger travel improvements,” said President and CEO Joe Boardman. “However, to truly realize the mobility and economic benefits offered by passenger rail, there must be dedicated federal funding to support a multi-year planning and construction program.”

In 2014, Amtrak is continuing its aggressive program to install PTC on an additional 1,200 track-miles beyond the approximately 530 track-miles where it is already in operation on some Amtrak-owned sections of the Northeast Corridor and all of its Michigan Line. Amtrak is also taking action to obtain needed radio spectrum to transmit data critical to make PTC operational in the new areas. PTC safety technology can control train movements to prevent train-to-train collisions, derailments caused by excessive speed and certain human-caused incidents such as misaligned track switches. Amtrak is on target to meet a 2015 federal deadline.

In 2014, Amtrak is beginning major construction activities on a 23-mile section of the Northeast Corridor between Trenton and New Brunswick, N.J., to increase top train speeds to 160 mph from 135 mph and improve reliability along this heavily used section. The project will upgrade track and various elements of the electrical and signal systems to support the higher speeds and reconfigure track switches at Penn Station New York to mitigate congestion issues.

In 2014, Amtrak will advance its Accessible Stations Development Program with continuation of existing construction work at eight stations in three states and new construction activities at 21 stations in eight additional states. In addition, necessary ADA-related design work will be completed for 61 stations in 20 states.

Amtrak will also move forward in 2014 on other infrastructure projects including: various planning elements of the Gateway Program to expand track, tunnel and station capacity between Newark, N.J., and Penn Station in New York; ongoing construction of a concrete casemate through the Hudson Yards commercial development project to preserve a possible pathway for a future Hudson River Tunnel into Manhattan; and design work for replacing major Northeast Corridor and century-old assets such as the Susquehanna River Bridge (Md.), the Pelham Bay Bridge (N.Y.), the Connecticut River Bridge (Conn.) and the B&P Tunnel (Md.).

By the end of its 2014 maintenance program, Amtrak expects to install or replace nearly 165,000 cross ties, 23 miles of rail and several dozen track switches, turnout and interlockings. The railroad is also upgrading numerous sections of its electrical and signal systems along the Northeast and Keystone Corridors, and performing various maintenance projects on property it owns in Chicago, New Orleans and elsewhere in the country.
Continued from page 1

In its recommendations issued Dec. 22, the PEB said the wage increases were comparable to recent settlements in large cities like Chicago and Boston. “If no consensus can be reached using the findings from PEB 244, we respectfully request the MTA call for another Presidential Emergency Board as a means to bring all parties closer together to an agreement to avoid a work stoppage,” the representatives wrote. “We firmly urge the MTA to reconsider its insistence on a wage freeze or concessions to fully pay for wage increases. According to findings from PEB 244, we simply cannot be convinced that the MTA’s current financial position is one in which it is unable to pay for wage adjustments.” Rep. Steve Israel (D-Dist. 3) said in a statement that the PEB “has already found that a contract can be negotiated without increasing fares.”

The letter to the MTA was signed by Reps. Israel, Peter King (R-Dist. 2), Timothy Bishop (D-Dist. 1), Carolyn McCarthy (D-Dist. 4), Gregory Meeks (D-Dist. 5), Grace Meng (D-Dist. 6), Hakeem Jeffries (D-Dist. 8), Yvette Clarke (D-Dist. 9), Jerrold Nadler (D-Dist. 10), Michael Grimm (R-Dist. 11), Carolyn Maloney (D-Dist. 12) and Joseph Crowley (D-Dist. 14).

“Due to the MTA’s unwillingness to accept the recommendations of PEB 244, and without their request for a second board, labor coalitions is prepared to strike as early as March 21. While we have said time and time again that this is not what labor wants for the riders at the MTA, it will be the sole result of the MTA’s unwillingness to take the next step,” said SMART President, GO 505 General Chairperson Anthony Simon.

The New York Daily News reported March 5 that LIRR President Helena Williams had written the White House last November to request a second Presidential Emergency Board to mediate the labor dispute. That request automatically extends the earliest date that the SMART TD and other unions can legally strike under the Railway Labor Act from March 21 to July 19.

TD VP Robert Kerley retires, Ferguson elevated

Continued from page 1

president in 2007 and re-elected to that position in 2011. He also has served on the UTU Board of Directors since 2005 and was a member of the SMART General Executive Council. Reflecting on his career with UTU and SMART, Kerley said, “I have thoroughly enjoyed every aspect of both my railroad and union careers and truly appreciate the many opportunities this organization has given me to provide for my loved ones and to serve the membership. I will certainly miss the many friends and colleagues I leave behind, and I wish you all the best in your continued efforts on behalf of working people.” Ferguson, a member of Local 313 in Grand Rapids, Mich., was born in 1970. He started railroading in 1994 as a conductor on CSX at Grand Rapids. He was promoted to engineer in 1995. Ferguson was elected local legislative representative in 1995, local chairperson in 1996, and secretary for the SMART General Executive Council. In 1999 and 2003, he was elected second vice general chairperson in 2008 and first vice general chairperson in 2011. He has also served as the railroader’s alternate representative for the UTU International starting in 1997. He is the father of two children and resides in Jacksonville, Fla.

To fill the vacancy created by Ferguson’s elevation, the board of directors has appointed Long Island Rail Road GO 505 General Chairperson Anthony Simon to the office of alternate vice president. Simon was born June 11, 1963, and raised in the Richmond Hill neighborhood of Queens, N.Y.

As GO 505 general chairperson, he represents the crafts of conductor, track worker, builder and bridge worker, special service employee, yard supervisor, bridge repairman, and car appearance personnel on New York’s Long Island Rail Road. He also serves as the chairperson of the Transportation Division’s Association of General Chairpersons District 1.
Sen. Heitkamp honors SMART member from N.D. derailment

WASHINGTON – On the floor of the U.S. Senate, Sen. Heidi Heitkamp Feb. 10 shared the heroic story of Geoff Andersen, an engineer in training for Burlington Northern Santa Fe Railway, from Larimore, N.D., whose actions during the recent train derailment near Casselton, N.D., prevented the dangerous explosions from the crash from spreading farther.

Andersen is a member of SMART Transportation Division Local 525 at Grand Forks, N.D.

Here are Sen. Heitkamp’s floor remarks to honor the heroics of Geoff Andersen:

“*As a former civilian firefighter for the Grand Forks Air Force Base, Geoff was quick to think of a plan to unhook remaining oil cars and pull them safely away from the explosion. Donning fire-fighting gear he borrowed from the Casselton Fire Department, Geoff bravely walked towards the fire to connect the tanker cars in danger of exploding to the rear-facing locomotive and haul 25 cars away from the fire. Had it not been for Geoff, the explosions following the train derailment would have been much worse.*

"Mr. President – I rise today to honor the heroics of Geoff Andersen, an engineer in training for Burlington Northern Santa Fe Railway whose bravery following the recent train derailment near Casselton, North Dakota, prevented the dangerous explosions from the crash from spreading farther.

“For many of us in the Senate, the Casselton derailment has trained our focus on efforts to improve safety for the rail shipments of crude oil.

“From increased track inspections to updated tanker car standards to the consideration of new routing options for crude shipments—all angles for improving the safety of crude rail shipments are being considered.

“What should not be overlooked in our efforts, however, is the importance of skillful and well-trained railmen on the lines. Railmen like Geoff Andersen are the backbone of the industry, and when one goes above and beyond the call of duty to prevent a disaster from spreading, they deserve to be recognized.

“On December 30th, a grain train carrying soybeans to the Pacific Northwest derailed near Casselton, North Dakota.

“An axel broke on a car near the middle of the train, forcing the car off the rail and onto the tracks of the adjacent line carrying trains in the opposite direction.

“Conductor Bruce Anderson and Road Foreman of Engines Paul Douglas radioed the emergency to the oncoming train on the opposite tracks, but there was insufficient time to slow down the train heading their way.

“In the brief moments following the derailment, an eastbound train carrying crude oil collided with the soybean car laying over the tracks and exploded.

“Following the crash, Geoff and the entire crew from the westbound grain train sprang into action.

“Immediately following the derailment Conductor Bruce Anderson went back and pulled approximately 50 cars away from the fire.

“Recognizing the fire would soon spread to the remaining tanker cars, Geoff worked with Assistant Fire Chief Adrian Kieffer to hatch a plan to couple back onto the remaining oil cars and unhook the tanker cars and pull them away to safety.

“Geoff – a former civilian firefighter for the Grand Forks Air Force Base — borrowed two radios and fire protection gear from the Casselton Fire Department. His Engineer and trainer, Tom Cooks, jumped into the rear engine of the train to reverse the locomotive towards the fire and connect the train to the tanker cars in danger of exploding.

“Geoff, armed in fire protection gear, walked towards the fire to connect the train to the cars.

“He then walked even closer to the fire to pull the pin on the closest tanker car within a safe distance, getting 25 more cars away from the fire.

“One the pin was pulled, Geoff radioed to Tom to pull the cars away.

“Because of Geoff’s heroics, the dangers from the derailment were minimized and the explosions were isolated to the tanker cars adjacent to the derailments.

“Had it not been for Geoff, this disaster would have been much worse.

“I would like to take this time to thank not only Geoff Andersen—but all those involved in the response including Engineer Tom Cooks, Conductor Bruce Anderson, Road Foreman of Engines Paul Douglas, Casselton Fire Chief Tim McNamara and Casselton Assistant Fire Chief Adrian Kieffer—for their presence of mind and decisive action following the crash to minimize the damage from the derailment.”

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**Now what?**

**UTU Discipline Income Protection Program can help!**

**What is the Discipline Income Protection Program?** This program pays you a specific amount of money over a length of time if you are suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that such violations are not on the list of exceptions not covered.

**What benefits are paid?** You choose the level of benefits paid, from $6 to $200 per day, all at low monthly assessments. The term of benefits, from 250 to 365 days, depends on how long you have been enrolled in the program.

**Who sponsors the program?** The United Transportation Union International sponsors the Discipline Income Protection Program.

**Who is eligible for coverage?** All SMART Transportation Division members may enroll on a voluntary basis.

**How do I get more information?** Contact your field supervisor or local insurance representative, or write to: SMART Transportation Division/UTU, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, or email dipp_TD@smart-union.org, or check out the Discipline Income Protection Program page on www.utu.org.

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**Hazmat training programs being offered in Houston**

The Rail Workers Hazardous Materials Training Program announces three HazMat/Chemical Emergency Response Training Programs will be held this spring in Houston, Texas.

The programs are delivered using interactive classroom instruction, small group activities, hands-on drills and a simulated hazmat response in full safety gear.

The funding provides the following student expenses: air travel, lodging and meals. In addition, an incentive of $600 per week is available to all training participants of these programs, except those who are able to secure regular pay through their employer, or are paid union officers.

Training will be conducted at the Houston Fire Department’s Val Jahnke Training Facility, 8303 Brani St. Houston, TX 77061. Programs begin Sunday evenings at 7 p.m. and conclude Fridays at 1 p.m. An application can be found on the www.utu.org website by entering “RWHMTP” in the Search box. Complete the application and email it to bruze2day@gmail.com, or send by U.S. mail to: Henry Jajuga, Director, RWHMTP, 17530 Bering Bridge Lane Humble, TX 77346. Please make sure to select one of the following dates: April 27-May 2, 2014, June 1-6, 2014, or June 8-13, 2014.
This photo was taken by Utah State Legislative Director Jay Seegmiller of Local 166 at Salt Lake City, Utah. “This picture was taken at Salt Lake Central Station in Salt Lake City, the main intermodal hub in Salt Lake City. I thought it was a fun picture due to the three different locomotives in the same location,” Seegmiller said.