WASHINGTON – The U.S. Department of Transportation’s Federal Railroad Administration April 9 announced its intention to issue a proposed rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations. The FRA also intends to advance a rulemaking on train securement and shipping routes,” said U.S. Transportation Secretary Anthony Foxx. “The proposed rulemaking on crew size is the latest effort in our comprehensive strategy to ensure crude oil is transported as safely as possible.”

The announcement follows the deliberations of three Railroad Safety Advisory Committee (RSAC) Working Groups on Appropriate Train Crew Size, Securement and Hazardous Materials issues. All three working groups were created at DOT’s request last summer in response to the Lac-Mégantic detailment. The emergency meeting was held to evaluate and consider wide-ranging proposals to further enhance railroad safety, including the safe shipment of crude oil by rail. Two of the working groups produced recommendations that were adopted by the full RSAC for consideration in future rulemakings. In light of the working group’s failure to move forward with a rulemaking.

“We believe that safety is enhanced with the use of a multiple-person crew – safety dictates that you never allow a single point of failure,” FRA Administrator Joseph C. Stobo said. “Ensuring that trains are adequately staffed for the type of service operated is critically important to ensure safety redundancy. We commend the RSAC’s efforts and will use the valuable input received to formulate a proposed rule that protects the public and recognizes the nuances of rail-road operations.”

“The FRA’s RSAC process confirmed that rail operational safety is enhanced with the use of a multiple-person crew,” said SMART Transportation Division President John Previsich. “Both the conductor and locomotive engineer are certified and licensed under federal regulations and work cooperatively as a team. During this working group process, the committee also confirmed that there are many required tasks that are performed by our train crews each day in normal operations that a single crew member cannot perform by themselves.

“It takes two skilled and qualified employees to perform a normal brake test, to separate a train at a highway-rail crossing, to receive and acknowledge the final rule requiring each Class I railroad, intercity passenger railroad and commuter railroad to establish and implement a critical incident stress plan for certain employees who are directly involved in, witness, or respond to, a critical incident. “Critical incidents have the potential to affect each and every one of us who work in the transportation industry,” said SMART Transportation Division President John Previsich. “The requirement that railroads develop and submit a plan to address such incidents is an important first step to help our members, not only in the rail industry, but also those who work for bus and air carriers. The effects of a critical incident on our members can be devastating, no matter the industry, and we will do everything in our power to extend and improve these programs whenever possible.”

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FRA moves on critical incident stress plans

The Federal Railroad Administration issued a final rule requiring certain major railroads to develop critical incident stress plans that provide for appropriate support services to be offered to their employees who are affected by a “critical incident.”

Critical incidents refer to events such as a highway-rail grade-crossing accident or a train striking another employee or pedestrian. Railroad employees who witness such incidents are often affected psychologically and some suffer issues of post-traumatic stress disorder.

The final rule contains a definition of the term “critical incident,” the elements appropriate for the rail environment to be included in a railroad’s critical incident stress plan, the type of employees to be covered by the plan, a requirement that a covered railroad submit its plan to FRA for approval, and a requirement that a railroad adopt and comply with its FRA-approved plan. It is effective June 23, 2014.

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Continued on page 10

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Although the FRA has never regulated critical incident stress plans, many railroads have had some form of critical incident stress plan in place for many years. This rulemaking responds to the Rail Safety Improvement Act of 2008 mandate that the secretary of transportation establish regulations to define “critical incident” and to require certain railroads to develop and implement critical incident stress plans.

The FRA wants all relevant railroad personnel to be aware of the relief available, pursuant to a railroad’s plan.

The FRA reviewed the applicable science and information received through the Railroad Safety Advisory Committee (RSAC) – in which the SMART Transportation Division participates – in its final rule. The final rule defines a “critical
Local 240, Los Angeles, Calif.

All railroaders and their friends and relatives are invited to participate in the 14th Annual FSCSMART-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 3025 Pebble Beach Dr., Sun City, CA 92586, by May 3. Contact Carmona at (951) 301-6525, (909) 770-5360 or by email at FSCRailHotmail.com. In other news, brakeman John T. Pickering, who retired Feb. 28, 2002, after 45 years of service, died April 13, and retired conductor and Vice Local Chairperson John Pivovarnik died March 29. Also, Danny J. Brimecombe retired March 27 after 43 years of service.

Local 277, Hartford, Conn.

Animal conductor Jason Downes has written his second book entitled, “The Barn,” a historical horror story set in New Jersey that spans 200 years and focuses on an old farm that contains a very dark and ancient evil captured and made quiet by the original native people in the area. “It’s quite a long way from my first book, which was a comedy drama set in Dublin, Ireland,” Downes said. The book was published by Post Mortem Press. To learn more about Downes and his book, enter “Jason Downes The Barn” in the Google search engine.

Local 933, Jefferson City, Mo.

Jeff is seven years old and a first grader in St. Louis, Mo. He is also the Missouri State Legislative Board’s #1 rail fan, Missouri State Legislative Director Ken Menges reports. Jack is autistic and coming anxiety in social settings. Besides trains, his hobbies include reading, building Legos, riding his bike and listening to music. Trains are his favorite thing in the world, especially Union Pacific’s Big Boy. If someone has any railroad items that they would like to donate to Jack, contact Menges at moutu@embarqmail.com.

Local 1138, Miami, Fla.

Members of this CSX local attended a South Florida railroaders’ picnic March 29 at Oleta State Park in North Miami, sponsored, in part, by the firm of SMART Designated Legal Counsel Charles H. Baumberger, Local Chairperson Yvonne Hayes reports. A great beach with kayaking, paddle-boarding and bicycling opportunities made the food and camaraderie even more enjoyable, Hayes said. Also in attendance were members of BLET Division 49, BRS Local 16 and members from BMWE.

Local 1526, Michigan City, Ind.

Former Northern Indiana Commuter Transportation Portion General Chairperson Anthony Woyasinski, who served in that position for 14 years, has retired, Local Secretary & Treasurer Lane Scott reports. He also held the positions of local vice president, alternate delegate, delegate and alternate legislative representative during his railroad career of more than 39 years. Tony was determined to improve the quality of life for his fellow union brothers and sisters. He would take calls at all hours of the day or night, often taking time away from his own family to help out his union family. The dedication he gave was tremendous and he leaves big shoes to fill. We thank him for his drive and dedication to Local 1526 and wish him a happy retirement,” Scott said.

Local 1545, Monroe, La.

UTU Alumni Association member Floyd Bonner reports that former Local Vice President and Legislative Rep. Jeff M. Gollifer retired January 21 after more than 54 years of service. “He had a spotless record, never having been injured or losing any time. Jeff is one of those rare men that once you meet him, you will never forget him. He always talked up his union and encouraged the new hires to get involved. As the old saying goes, Jeff will be missed, but never forgotten,” Bonner said.

Local 1951, Albany, N.Y.

On April 21, Local 1951 Chairperson Michael Doherty ran in his 11th consecutive Boston Marathon to raise money for the Dana-Farber Cancer Institute. “I was elected as a board member with the Dana-Farber Institute last year as I was recognized for my commitment and passion to help Dana-Farber find a cure for cancer. One hundred percent of funds raised go directly to cancer research,” Doherty said. “It’s one of the only programs you will find that puts 100 percent into one single program.” Doherty said. “My family was at the finish line across from the first explosion last year. Thankfully, they were not injured, but they were traumatized from the events. My wife, Shannon, and daughters Hanna, 15, and Sadie, 11, will be out there again cheering everyone on.” To contribute, send checks payable to Dana-Farber Marathon Challenge (DFMC)/Michael Doherty, 76 Pike St., Tewksbury, MA 01876, or visit www.rundfmc.org/2014/maked. Donations can still be made after the marathon has been completed.

Local 1910, Macon, Ga.

Members of this Norfolk Southern local held their second annual Informational Conference and Cookout March 2 in Macon, Ga. Local President and Chairperson John Pitts reports. The event was co-sponsored by the law firms of SMART Designated Legal Counsel Charles H. Baumberger and UTU Alumni Association member Lendberg Bond.

Retired conductor and Local Chairperson Richard “Dick” Foringer made a seniority move before his final trip so he could surprise engineer son, Justin, as his conductor.

Foringer’s final train trip is first and last trip with son

On former CSX conductor and Local Chairperson Dick Foringer’s last day of work, he wasn’t hoping to receive a retirement gift. He wanted to give one.

Foringer, 61, wanted to surprise his son, Justin, a CSX locomotive engineer, by being the conductor on his final trip, with Justin at the helm.

“Right before my retirement, I made a seniority move from Syracuse to Albany to be in the same freight pool as my son. I marked off for union work. I wanted it to be a total surprise, but he knew about it a couple of days ahead of time,” Foringer said.

Foringer hired out with Conrail in 1976 and later became a CSX employee. While he said the trip was uneventful, it was nonetheless special.

He and I are pretty close, and I thought it would be appropriate to go out that way,” said Foringer, a member of Local 212 at Albany, N.Y. Father and son made their first trip together and a layover, made a return trip together as well.

“The trip was pretty good each way. It was our first and last trip together. He trained with me a little bit when he was a conductor, but that was our first trip together,” Foringer said.

“We both had that back-and-forth about who is the boss, you or me. It was the perfect ending to my career,” Foringer said.

Foringer said he served as local chairperson of his local for the past five years.

“I always tried to stay active in the union during my career and finally, I felt I wanted to give something back if I could,” Foringer said regarding his union office. “Justin is very union-oriented. He was raised in a union household. My dad was a graver for the trucking union he belonged to and Justin’s other grandfather was a railroad worker. My wife grew up in a railroad family.”

“I’ve always wanted to help Justin in his career, but he is doing great by himself. I’m really proud of him. We took a photograph together during that trip and he framed the photo and gave it to me for Christmas.”

I would like to thank General Chairperson Steve Mavity (CSX GO 049). He is a close friend and when he became general chairperson, it was really a pleasure to deal with his office. We could not get along better.”
Unions are a luxury born of necessity

Today’s modern society lives a life of luxury. We have the luxuries of choice and abundance in all aspects of our daily lives, from comforts like entertainment in all of its many forms, to nourishing food, clean water, warm clothing and a safe and secure place to call home. But what happens when these luxuries suddenly disappear without warning? What do we do? We need only ask the people of West Virginia who woke up one recent morning and found that the water coming out of their taps was not safe. They were put in a very vulnerable situation overnight and they were not happy. Belonging to a union is another one of those luxuries in life that we take for granted. We pay our union dues, so we believe we have a right to expect certain things to happen, out of our sight and without our involvement. Sometimes, it appears that some union members don’t know what a union is, how it functions or what purpose it serves.

Yet, we need only ask a nonunion worker what life is like without the luxury of belonging to a union – it’s a life without a safety net. Lower and often minimum wages, no benefits, no guaranteed weekly hours and no job security. People who work nonstandard jobs don’t work any less hard than we do. They just have a lot less to show for it.

These facts are just as real and important today as they were 100 years ago. Corporations are doing all that they can to stop unions from organizing at new work sites and they are working very hard and spending a lot of money to get rid of unions where they do exist.

If we think and act in unity, we can stop them. If we exercise our collective power as union members, we can stop them. It’s not complicated or difficult. We, the membership, are the union and we need to get involved and stay involved.

If we don’t like the way things are being run, we need to speak up. We need to ask our union meeting meetings, meet our officers and get to know them. We shouldn’t wait until we are brought up on charges and the officer who shows up to represent us is a complete stranger.

Being a member of a union is a modern world luxury that was born out of necessity, and it remains a necessity. We cannot allow ourselves to wake up one morning without potable water while the corporation responsible just abandons us. We have only ourselves to trust and to look out for our interests and protect our family members.

Our unions are not faceless entities like “the government” or “the company.” Unions have a face, and that face is yours.

The contract negotiated by the J.D. Martin Council of Yardmaster General Chairpersons.

Legislative Department, state legislative directors continue garnering support for two-person crews

Officers of the SMART Transportation Division National Legislative Office and state legislative directors from around the country continue to lobby members of the House of Representatives for their support of H.R. 3040, legislation that will require all railroads to use two-person crews. As this issue of the SMART TD News went to press, 70 members of the House have signed on as cosponsors of the legislation. Pictured above, from left, are Florida State Legislative Director Andres Trujillo, Illinois State Legislative Director Robert Gray, Pennsylvania State Legislative Director Paul Pokrowski, National Legislative Director James Stem, Nevada State Legislative Director Jason Doering, Georgia State Legislative Director Matt Campbell and Alternate National Legislative Director John Risch while meeting with U.S. representatives and staff in March on Capitol Hill.

Guests urged to register for SMART TD convention

Members planning to attend the 2014 SMART Transportation Division Convention, June 30-July 2, in San Diego, as a guest are asked to please complete the guest registration form found on the SMART TD website. It is requested that all persons attending the convention as guests (non-delegates) register themselves and their family members so that convention planners have an accurate count of the number of individuals attending.

Please complete the entire form, including arrival and departure dates, and mail to:
SMART Transportation Division
2014 Convention Registration
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070-5331

The guest registration form can be found on the SMART website at www.utu.org by clicking on the “2014 Conventions” tab at the bottom of the homepage, then selecting “Guest registration for the SMART TD Convention.”

Start-time variability contributes to fatigue

A new report published by the Federal Railroad Administration concludes that high variability in shift start times is found to contribute to human fatigue, which is known to increase the probability of accidents. Train and engine employees working in road freight service often do not have predictable work schedules, and they may be more likely to experience fatigue on the job.

Read the complete report at www.fra.dot.gov by entering “start-time variability” in the Search box.

Chicago Rail Link members approve six-year agreement

Trainmen and engineers represented by the SMART Transportation Division and employed by Chicago Rail Link have ratified a new six-year agreement that provides a 95 percent of the affected employees voting in favor of the deal.

The agreement provides for annual wage increases with full back-pay, retroactive to Oct. 1, 2010; limits employee health and welfare contribution rates; freezes co-pays and deductibles in the life of the contract; improves working conditions; provides bereavement leave, pay for training, release of employees from military service, andvdeterrents to layoffs; guarantees preserved extra boards.

Transportation Division Vice President Dave Wier, who assisted with the negotiations that were conducted in mediation, congratulated GO-CRL General Chairperson Bob Campbell, Vice Chairperson Chris O’Connell and Secretary-Rail Truszowski for “the exceptional effort put forth over the past three and one-half years in presenting the members’ concerns at the bargaining table and negotiating an agreement with improvements in wages, working conditions and the health and welfare package. The wage increases provide the membership with outstanding rates that are 46 percent higher than the daily straight time increases of $28.24 over the life of the contract.”

Chicago Rail Link provides switching and terminal services over 12 miles of trackage in Chicago and customized intermediate switching services through the Chicago Terminal Complex. In addition to serving the Port of Chicago, it is the contract-switching operator for CSX at the Bedford Park Intermodal Facility and also provides storage to railcar owners such as Chicago Freight Car and Helm. It is owned by OmniTRAX, Inc.

UJT’s Reilly: ‘Nobody ever talks to us about safety’

At a meeting during which New Jersey Transit voted to hire Rail Safety Consulting of Pittsford, N.Y., to review its rail inspection, maintenance procedures, work practices and overall safety culture, and that “an on-time train is an on-time train,” NJT’s Reilly said April 8 that there is no culture of safety at the New Jersey Transit GO-610 General Chairperson Michael J. Reilly addressed his concern over safety practices at the agency.

Reilly noted that the poor conditions at a rest facility in Manhattan are of constant concern to members and a constant source of complaints, as well as out-of-date phones and no radios.

“Employee morale is pretty low, especially since we’ve been working without a contract for three years,” Reilly said.

The rail line has recently formed a committee of 17 employees to review rail safety after the FRA criticized that being on time trumps safety at Metro-North. “Safety starts at the top or it doesn’t start, and I can tell you that I’m committed to safety,” State Transportation Commissioner Jim Simpson said. “And you’ve got a new sheriff in town, Ronnie Hakim, who’s totally committed to safety.”

He asked Reilly and union members to alert him when they see safety lapses. “We’d like to know how many employees are getting hurt, and obviously there’s no room for any employee to be assaulted by a customer or anybody else,” Simpson said.
As one union, we will only be as strong as we make it

The SMART General Executive Council met in Maryland the week of March 31 to April 4 to identify opportunities and challenges in developing a five-year plan to move SMART forward. Representatives from the Sheet Metal and Transportation Divisions participated in the strategic planning sessions facilitated by FMI consultants, who have worked with SMART in the past.

Officers and staff members delved into the challenges facing the organization and how it could combine its resources to advance the merger process. While SMART members in construction have suffered from the acute effects of the Great Recession on construction industry activities, members on the transportation side have faced with the challenges posed by rival unions using cutthroat tactics to offer substandard services to our members.

One of the takeaways from our planning session was the need to re-examine the way we communicate within and outside SMART. I understand that the goal of jam-packed union meetings is to become better informed, but there are some cases, due to the pace of day-to-day schedules and the demands placed on all of us through work and family obligations.

What we may say more and more people are connecting with each other online or through mobile communications. These avenues of communication are useful, but don’t forget the value of face-to-face relationships formed through union meetings.

Seventy years ago, during the New Deal, there were more than 2,000 labor-related newspapers published in local communities throughout the United States. That number dwindled during the post-war era to a low today of just a few dozen that are regularly published.

In order to fill that gaping hole, numerous online and social media websites have risen to fill that gap. In just a couple of years, SMART expanded its online infrastructure to not only inform members of what is going on in their union and their industries, but also enabled members to talk to and connect with one another and with their leadership.

As one union, we are only as strong as we make it by working together. Every idea and every contribution is valued, and an idea that may seem outlandish today might be the spark that ignites a fellow member somewhere else. I strongly encourage you to follow our social media sites on Twitter and Facebook (both listed on our homepage at www.smart-union.org) and subscribe to updates from the SMART Action Team (www.smartaction.org) in order to remain informed about the issues we need to address together in advancing our cause. I want you to say something if you know something that makes us stronger and smarter.

The key to the success of our efforts is having members fully informed and involved. As we prepare for the upcoming conventions of the SMART Transportation Division and SMART’s General Convention, I want you to make sure you understand the provisions and proposed changes to the constitution.

I want you to be involved in selecting your delegates, who will be representing your interests in amending and adopting SMART’s Constitution, which will guide our operations for the next five years. To help keep you up to date, please visit our website at www.smart-union.org for breaking news and other vital information for our members and their family.

Fraternally,

Joseph J. Nigro
SMART General President

John Previsich,
SMART Transportation Division National Legislative Director
president_td@smart-union.org

James Stem,
SMART Transportation Division National Legislative Director
president_td@smart-union.org

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

As one union, it will only be as strong as we make it
Last February in Olympia, Wash., passengers on a city bus witnessed their driver being brutally beaten in an attack that was caught on video for the world to see. The footage, which is startling in its clarity and sickening, was not uncommon. Other cities see the same level of hostility against drivers, meaning it is time to address this problem at the national level.

Last fall, the Transportation Trades Department, AFL-CIO, called on the Department of Transportation and Federal Transit Administration to hold a summit on bus driver assaults. At that time, the TTD said, “Too often, our nation’s interstate bus drivers face unique health and safety challenges that are not being addressed by employers and policymakers at all levels. Bus driver assaults are on the rise, causing unacceptable rates of injury and worker anxiety. Other cities see the same level of hostility against drivers, meaning it is time to address this problem at the national level.”

“Attacks on drivers are now commonplace and transit operators face physical dangers every day when they show up to work. Violent attacks include assaults with a deadly weapon, sexual assault, punching, spitting and verbal abuse. They may be precipitated by cutbacks in bus frequency, elimination of routes, fare evasions, passenger complaints, service problems or rules enforcement (for example, an operator may ask a rider not to smoke). To make matters worse, bus drivers often work alone, which leaves them exposed to the worst abuses often without the ability to identify witnesses to the crimes.”

These assaults do not simply cause physical and emotional hardship for bus drivers. The violence can quickly spread within the closed confines of a bus and passengers are also often harmed. Assaults that occur while a bus is moving may cause the driver to lose control of the vehicle, putting pedestrians, passengers and other vehicles in imminent danger.

“A variety of solutions have been proposed including vehicle design changes and more police. The installation of Plexiglass partitions would separate drivers from passengers and make it difficult for potential assailants to attack or spit on operators. In some cities, driver assaults are no longer on the road, but in the workplace and have saved drivers’ lives. Better enforcement is also essential. The presence of uniformed police officers would decrease the likelihood of dangerous passenger behavior. Penalties should be increased and the courts should enforce sentencing guidelines. All too often, the judicial system allows defendants to avoid serious penalties for infractions that frighten or injure operators.

“To put a national spotlight on this problem, we urge the Department of Transportation and Federal Transit Administration to hold a summit on bus driver assaults with TTD, transit unions, public transportation leaders and the Department of Justice, Labor and Homeland Security.”

“Bus operators also face serious occupational health problems because many transit agencies do not provide suitable time or facilities to take bathroom breaks. Many operators now begin their day in a login and end in a location with restrooms. When they do, the facilities are not always safe or hygienic. During the route, it can be difficult to pull over on the side of the road and run into an unfamiliar building to use the bathroom.”

“This situation creates serious health problems for operators. Due to the stress caused by mandatory schedules and inadequate bathroom access, bus operators often face a variety of medical issues, including urinary tract infections, incontinence and even bladder cancer. Nobody should be forced to tolerate a working environment that creates health issues for operators.”

“Public transportation agencies must provide their employees the appropriate time and facilities to use the bathroom. Along bus lines, it is not uncommon for transit agencies to make arrangements with private businesses, including convenience stores and small shops, to address this issue. However, these arrangements are often cut short or eliminated. Budget cuts and other economic issues often have priority. We urge transit agencies to continue to explore these types of alternatives to provide for drivers’ most basic human needs.”

“Worse, no employee should have to worry about long term physical problems caused by their occupation and no employer should allow employees to face these risks. The time has come for labor and management, in coordination with the federal government, to sit down together and tackle the tough problems before anyone else is injured, killed or faces a serious health problem.”

The TTD said transit agencies must evaluate new measures and new technologies being used successfully in parts of our country and abroad to protect drivers and their passengers, who often get drugged into the fray. Other steps include video surveillance and better training for drivers. In New York City, for example, police officers who assist drivers on their routes provide rewards of up to $2,000 for information that leads to the arrest and indictment of these would-be assailants.

The solutions to curb violence against bus drivers are out there – we have simply lacked the will to implement them. This must change, and we can start by holding a national summit with transit unions, public transportation leaders, local law enforcement and the appropriate federal government agencies. The men and women who help keep America moving deserve better.”

**FMCSA seeking electronic logbooks for interstate bus operators’ records**

The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration announced March 13 a proposal to require interstate commercial truck and bus companies to use electronic logging devices (ELDs) to electronically record information on certain objectives and standards. Is this not what our union, and all of organized labor around the world, is truly about?

“The term “solidarity” became well-known in the early 1980s from a Polish shipyard-workers’ union under the leadership of Lech Walesa. It grew into an anti-bureaucratic social movement, using methods of civil resistance to advance the causes of workers’ rights and societies.”

Nearly 35 years later, solidarity is what we need more of today.

It is important that all of our union brothers and sisters understand the meaning of solidarity.

Think of solidarity as all of our working families and future working families standing in unity for the protection of all working families. This applies to not only our fellow SMART members, but workers in all crafts in all labor unions.

At the heart of a union, we know the benefits of a union contract. Or do we? Do you think your employer provides you with the benefits you and your family have out of the goodness of his or her heart? Those wages and benefits came about from our predecessors standing tall and strong. It is our duty to continue that stand.

We must remain active in protecting ourselves and our families from the assaults of groups and corporations that are trying to downsiz e us. We must stand together to support the team and be part of the team.

A recent article on the SMART Transportation Division website entitled “More Americans see middle class status slipping” notes that “many Americans’ sense of belonging to the middle class is that they are no longer part of it.”

Your union officers are working hard for you and are trying to do the best they can. They need you and they need your support. Stand together. Stand strong. Solidarity!”
Arizona Legislative Board

Indiana Legislative Board

Last summer, the SMART Transportation Division’s National Legislative Office sponsored a UTU PAC contest, which was won by James E. Carriero Jr., at local 331 in North Vernon, Ind. A total of $8,660 was raised for UTU PAC, and Carriero’s efforts raised the Indiana Legislative Board’s total campaign contributions to $260,000.

The grand prize was roundtrip travel expenses to Washington, D.C., for two for three days and two nights, along with tours of the U.S. Capitol, Supreme Court and Union Station.

State Director Keny Edwards reports that Carriero chose to donate the prize to the Indiana State Board to raise additional funds. “In a random drawing, our board selected Local 1518 of Indianapolis to do with the prize as they wish,” Edwards said. “Local 1518 in turn had a second PAC drive, raising its contributions from $367.16 per month in August 2013 to $469.60 in February 2014, a 28 percent increase.”

Member Bruce D. Matthews won the prize and took two girls, Linda, on the trip to Washington to celebrate their 25th wedding anniversary. “We had a wonderful trip,” Linda said. “It was an amazing way to spend our 25th anniversary.”

Florida Legislative Board

State Legislative Director Andres Trujillo met with congressional staff members on 25 different appointments over a period of three days in Washington, D.C., in an effort to gather support for H.R. 1045, the two-person train crew bill. Trujillo also attended meetings with the Federal Railroad Administration and the Surface Transportation Board.

“We particularly need the support of Republicans of the House of Representatives, only three of whom are co-sponsors of H.R. 1045,” Trujillo said. “This should not be a partisan issue. We are attempting to improve upon our Republican representatives so that an American public overwhelmingly supports having two certified operators in the cab of a freight train.”

In other news, Trujillo and Assistant Director David E. Meadows (1312) were seeking support for the passage of a memorial filed in the Florida House of Representatives and Senate that empowers the Environmental Protection Agency and the White House to respect the role of the state’s EPA in promulgating rules regarding coal-powered plant emissions. Meadows had been distributing information packages among state representatives and speaking to staff to drum up support for the memorial.

Iowa Legislative Board

State Legislative Director Jim Garrett reports that Iowa asked another small victory for railroaders when Gov. Terry Branstad (R) signed S.F. 2290 into law, legislation that clarifies that railroaders do not need to provide a driver’s license in cases of work accidents or incidents.

“Although common sense would dictate that one is not required, our members in the past have been arrested when they refused to display their license, or that state insurance rates have increased when they have,” Garrett said. “With this law now part of the Iowa Code, it will be taught at the law enforcement academy and should end these unfortunate events.”

Kansas Legislative Board

At the Kansas Democratic Party Washington Day dinner held March 8 in Topeka, former Kansas Gov. John Carlin presented State Legislative Director Ty Dragoo with the Dennis M. Langley Award, presented each year by the par- ty to an individual it recognizes for support and leadership.

“Ty represents all the determination that labor has in keeping its interests and issues at the forefront of Kansas politics,” Carlin said. The guest speakers for the event were former Michigan Gov. Jennifer Granholm and Virginia State Rep. John Cumanich. Both SMART Transportation Division and Sheet Metal Division members were in attendance.

Missouri Legislative Board

The Missouri State Legislative Board March 26 presented Missouri Attorney General Chris Koster with a UTU PAC donation in support of his run for the state’s attorney general office in 2016.

“Chris Koster has been a great supporter of labor,” State Legislative Director Ken Menges said. “Helping Chris Koster become the next governor will be a great asset to our continued fight to keep right-to-work legislation out of Missouri. Elections have consequences and it is our duty to elect labor-friendly candidates that we can count on to continue to protect our jobs and our retirement.”

Missouri Secretary of State Jason Kander also received a PAC donation at the Missouri Legislative Board office from Sheet Metal Division Local 16 on March 27. “Secretary Kander has been a great supporter of labor and working individuals to make voting easier for Missourians,” Menges said.

In other news, about 20 SMART members from across Missouri participated in a labor rally held March 26 to show support for keeping right-to-work legislation out of Missouri. Their efforts paid off April 19.

While the bill passed on a perfect 27-68 – it only needed a simple majority – it will take a constitutional majority to pass on a third reading. 85 votes before it can move to the Senate. If we can hold the votes of our friends, we will have broken back the political and corporate powers that have been trying to influence state legislatures the past few years,” Menges said.

“Today, April 19 was a culmination of 12 years of work by a lot of good people. The vote shows that the majority of the legislators want to work on the real issues of creating jobs and making our schools better, rather than spending time on issues that hurt our state,” Menges said.

“A special thank you to all our members who took the time to call or write their representatives. Those calls and letters for the past few days were a great help to our friends who needed to know that if they support us, we will have their backs. The win is not over, but we do a major setback to the right-to-work movement in Missouri.

“It has been great to see all of labor come together and work this battle in.”

Nebraska Legislative Board

Pennsylvania Legislative Board

SMART Transportation Division Pennsylvania State Legislative Director Paul Pokorski is calling on all members to help stop legislation introduced here that bona fide Pennsylvania Transportation Authority employees from striking.

H.B. 1219, introduced by State Rep. Kate Harper (R), would add SEPTA workers to the list of public employees prohibited from striking in the state, including “employees directly involved with and necessary to the functioning of the courts of this Commonwealth,” last week. Meanwhile, the bill would amend Section 1001 of 56. No.195, stating that “strikes by employees of the Southeastern Pennsylvania Transportation Authority (SEPTA), guards at prison or mental hospitals, or employees directly involved with and necessary to the functioning of the courts of this Commonwealth, are prohibited at any time. If a strike occurs the public employer shall forthwith institute in the court of common pleas of the jurisdiction where the strike occurs, an action for appropriate equitable relief including but not limited to injunctions,” Pokorski is asking all members and their family members to contact their representatives in the Pennsylvania General Assembly and ask them to vote “no” on H.B. 1219. “This legislation manipulates on the rights of workers. If this bill is passed, what group of workers will be surprised next?” Pokorski asked.

Wisconsin Legislative Board

State Legislative Director Craig Peachy reports that the Wisconsin State Legislature recently approved A.B. 19, also known as the asbestos bill, despite bipartisan opposition.

A.B. 19 limits the action that a victim of asbestos exposure at work can take and creates timelines that will hurt victims of asbestos exposure and their families. Peachy said that the bill can still be stopped with a gubernatorial veto.

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Retiree is out as conductor, but not as college baseball coach

Retired member Phil McCowen is entering his 35th year as an assistant baseball coach for the Colorado Mesa University Mavericks.

A member of SMART Transportation Division Local 500 at Grand Junction, Colo., who was employed by Denver and Rio Grande Railroad, McCowen has been helping to coach the Mavericks team since 1984.

While working as a conductor, McCowen met fellow Local 500 member David G. Mantlo, who was involved with the Grand Mesa Little League. Mantlo invited him to come and help out as coach. In 1994, the two men were invited to play in a charity softball game against the Denver Broncos and McCowen met Byron Wiehe, coach of the Colorado Mesa baseball team.

Nothing came of the meeting at that time, but when McCowen’s wife, Diana, took a class taught by Wiehe, the former charity game teammates were reunited.

McCowen, a member of SMART Transportation Local 1637 at Wishram, Wash., was the conductor’s griever for General Committee of Adjustment GO 386. Born Dec. 27, 1919, in Portland, McCowen proudly served in the U.S. Navy during World War II. He worked for the Spokane, Portland & Seattle Railway as a conductor and brake-man, and later became involved in the affairs of his union. He loved baseball and pitched for the Portland Babes.

McCowen was preceded in death by his wife, Hope, his brother, Leo, and his grandson, Steve Olin. He is survived by daughters Shirley Carstens and Janet Sattler, four grandchildren and three great-grandchildren.

Former Burlington Northern Railroad Associate General Chairperson Harold “Jack” Carstens, 94, died March 19.

Carstens was a member of SMART Transportation and was a conductor in the 1940s. He later became chairperson of his union. He loved baseball and pitched in his name to the Wounded Warrior Project at the university and currently works under Coach Chris Hanks. All three coaches worked around McCowen’s railroad schedule up until he retired in 2010. Since then, he has not missed a practice, and even travels with the team on road trips. And oddly enough, he isn’t paid a cent.

When McCowen started helping out, Wiehe talked to him about getting paid, but McCowen refused. “I told him, I got a job. Plus, I’m not going to be able to be here every day,” McCowen said. “I don’t care about the money. I got my own job. I’d be tickled to death to throw (batting practice) and be a part of the program.”

“If someone has that strong kind of passion to be around the kids and to help out, especially voluntary, I certainly wouldn’t send them away,” Hanks said. “Since he retired, he’s here every day now.”

“The tough thing about coaching baseball is there is a lot of batting practice to throw and a lot of fungoes to hit,” McCowen said. “I have three rules for the players: hustle, don’t lie and hit the cutoff man.”

“My wife has been very gracious to let me do this,” McCowen said. “She knows how important it is for me to do this. She knows this is a passion for me. I thank her, my mom and dad for steering me in the right direction.”

His wife also allows him to devote a lot of his time to working on another hobby – a model train set. He has been building a 1,500-square-foot train set in his basement that includes several locomotives and cars he built and painted. “It’s a love of the hobby,” McCowen said. “I treat it as a hobby. It takes a long time. It will always be a work in progress. There are a lot of different aspects to it.”

“My dad loved railroads,” McCowen said. “He grew up in an era where the steam engine was dominant, before diesel engines came. He always liked how the steam engine worked. My dad bought me a little train set to go around the Christmas tree,” McCowen said. “My dad and I had a hobby together.”

Railroad Retirement Investment Trust Issues report

The National Railroad Retirement Investment Trust has issued its quarterly report on the trust’s operations and activities relating to its investment operations for the quarter ending Dec. 31.

As of Dec. 31, the trust had received a total of $21.3 billion from the Treasury for investment. Trust-managed assets and Railroad Retirement Board assets held in reserve totaled $26.7 billion as of Sept. 30, 2013, and $27.5 billion as of Dec. 31, 2013.

The trust originally deployed assets received from Treasury into a diversified and balanced portfolio of U.S. and non-U.S. equity and U.S. fixed-income securities. Over time, the trust has furthered that diversification by allocating a percentage of the portfolio to non-U.S. fixed income securities, private equity, real estate and commodities.

As mandated by its statute, the trust has avoided undue concentration of investment in any asset class, type of security, or market sector. This policy of broad diversification is intended to serve the trust well in strong markets and to protect its assets from disproportionate market shocks in volatile periods, such as those in recent years.

As part of this diversification process, the trust holds tens of thousands of different securities selected by its investment managers for its portfolio.

Copies of the trust’s Annual Management Report and each quarterly update are available on the website of the RRB at www.rrb.gov.
Conductor’s CPR effort on platform saves life of passenger in distress

Swift and crucial response offered by a SMART Transportation Division member to a woman in distress on a passenger platform in South Florida Feb. 15 likely resulted in life-saving action by the Tri-Rail conductor.

Thomas E. Baker, a member of Local 30 at Jacksonville, Fla., and an employee of Veolia Transportation, noticed a 65-year old woman collapsed and lying on the transfer station platform. He scrambled to reach her and discovered that she had no pulse and was not breathing. Without hesitation, he began performing CPR for more than 15 minutes until emergency medical service personnel arrived. The EMS personnel indicated that, because of his actions, Baker was able to successfully revive the woman and maintain her weak pulse, ultimately saving her life.

“This was a call to duty and I can only hope that someone would do the same for me or my family members if the situation ever arises,” Baker said.

Baker learned his CPR skills in the U.S. Air Force, where he served five years and nine months. He is a Gulf War veteran and participated in Operation Desert Storm. He then worked in Southern Florida law enforcement for more than 15 years. In 2010, he joined Veolia Transportation as an operations supervisor and was promoted to conductor two years later.

He said that this incident is proof that CPR training really does save lives.

On March 28, in recognition of his heroic deed, the South Florida Regional Transportation Authority (SFRTA) presented Baker and two custom protection officers with its first ever “Distinguished service award” at a meeting of the authority’s governing board. The agency said the awards are inspired by transit heroes who have gone above and beyond the call of duty to protect and aid Tri-Rail passengers.

In presenting the award, SFRTA Chair Commissioner Steven L. Abrams praised Baker and the two CPO officers saying, “These three heroes are indicative of the quality and caliber of the men and women who serve our Tri-Rail passengers every day. We are honored to have them as part of the SFRTA team.” Congratulations, and well done, Brother Baker.

UTUIA’s Cancer Hospital Indemnity policy offers:

- $300 per day for hospital confinement
- $600 per day in extended stay benefits
- $100 per day for home recovery
- $2,000 first diagnosis benefit for internal cancer
- $15,000 bone marrow transplant benefit

Cancer is often a lingering disease that strikes all age groups. It may require repeated, extensive treatment, resulting in the person being unable to work, high hospitalization bills and loss of income.

The National Cancer Institute reports that cancer will strike in three out of four families.

UTUIA’s Cancer Hospital Indemnity policy offers peace of mind. The benefits are paid directly to the policyholder to use as he or she sees fit: to help meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings. Some benefits may vary based on state of residence.

With monthly premiums starting as low as $9 per month, this plan fits into any budget.

“I sold UTUIA cancer plans for years because I believed in the product and thought everyone should have the protection. Then, all of a sudden, there I was, confronted with cancer in my own family. Even with our great medical insurance, the out-of-pocket costs of cancer were significant. Now, having experienced cancer first hand, I believe even more strongly that everyone should include cancer insurance in their family’s protection portfolio.”

– Retired UTUIA Field Supervisor Don Dysart
GO UNION And Save With AT&T Wireless

Union members: Support your union brothers and sisters and get the savings you deserve by choosing wireless service from AT&T. With 45,000 union workers, AT&T is the only national unionized wireless provider to other wireless companies can say that. Not Verizon. Not Sprint. Not Credit. Not T-Mobile.

Members can learn more at UnionPlus.org/ATT

FRA moves on critical incident stress plans

Continued from page 1

Incident as either “an accident/incident reportable to FRA under 49 CFR part 222 that resulted in a fatal outcome or for a person or serious bodily injury; or...a catastrophic accident/incident reportable to FRA under part 222 that could be reasonably expected to impair a directly-involved employee’s ability to perform his or her duties safely.”

“...the required set of minimum standards for critical stress plans will allow a directly-involved employee to obtain relief from the remainder of the tour of duty, for the duration of the emotional resilience period for the directly-involved employee’s transposition to the home terminal (if applicable), and offering a directly-involved employee appropriate support services following a critical incident. This final rule requires that each railroad subject to this rule submit its plan to FRA for approval.

The rule requires minimum standards for leave, counseling and other support services. These standards would help create benefits by providing employees with knowledge, coping skills and services that would help them recognize and cope with symptoms of normal stress reactions that commonly occur as a result of a critical incident; reduce their chance of developing a disorder such as depression, post-traumatic stress disorder or acute stress disorder as a result of a critical incident; and recognize symptoms of psychological disorders in themselves or others as a result of a critical incident and know how to obtain prompt evaluation and treatment of any such disorder.

The FRA anticipates that implementation of this final rule will lead to a reduction in the long-term healthcare costs associated with treating PTSD, ASD, and other stress reactions, and costs that accrue either when an employee is unable to return to work for a significant period of time or might leave railroad employment due to being affected by PTSD, ASD, or other stress reactions. In addition, the safety risks posed by having a person who has just been involved in a critical incident performing safety critical functions is also reduced.

The majority of the quantifiable benefits identified by the Final rule are associated with railroad employee retention and a reduction of long-term healthcare costs associated with PTSD, ASD, and other stress reactions, and costs that accrue either when an employee is unable to return to work for a significant period of time or might leave railroad employment due to being affected by PTSD, ASD, or other stress reactions. In addition, the safety risks posed by having a person who has just been involved in a critical incident performing safety critical functions is also reduced.

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The FRA finds that the value of the anticipated benefits would justify the cost of implementing the final rule. To view the complete final rule as published in the Federal Register, enter “critical incident” in the Search box at www.fra.dot.gov.

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 members.

Training will be conducted at the Houston Fire Department’s Val Jakins Training Facility, 5050 Braniﬀ 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.fra.dot.gov website by entering “RWHMTP” in the Search box. Complete the application and email it to rwhmtp2day@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.

FRA to issue proposed rule on train crew size

Continued from page 1

are very disappointed that the Association of American Railroads and some short line railroads continue to keep their head in the sand when confronted with critical safety concerns. AAR continues to ignore the preventable accident that occurred less than 2 miles north of our bor-

The FRA is planning to issue an additional NPRM based on the consensus recommendations of the Securitization Working Group and approved by the full RSAC that would prohibit certain unattended freight trains or standing freight cars on main track or sidings and require railroads to adopt and implement procedures to verify secured and unattended equipment for emergency responders.

It would also require locomotive cabs to be locked and reversers to be removed and secured. Railroads would also be required to obtain advance approval from FRA for locations or circumstances where unattended cars or equipment may be left.

The full RSAC also approved four recommendations of the Hazardous Materials Issues Working Group relating to identification, classiﬁcation, operational control and handling of certain shipments.

The four recommendations, directed to the Pipeline and Hazardous Materials Safety Administration (PHMSA), include amending or revising the definitions of “residue” and “key train,” and clarifying its regulatory jurisdiction over the loading, unloading and storage of hazmat before and during transportation. PHMSA is now continuing to advance a rulemaking addressing the integrity of DOT Speciﬁcation 111 tanker cars and the safe shipment by rail of ﬂammable materials such as crude oil.

On Aug. 29, 2013, the ﬁrst-ever emergency session of the RSAC was held in response to the July 6, 2013, derailment of an unattended Mont-real, Maine & Atlantic Railway freight train containing crude oil in Lac-Mégantic, Quebec, Canada.

Building upon Fox’s February agreement with the rail and petroleum industries, the FRA’s Emergency Order 28 and Safety Advisory 2013-01, PHMSA’s Operation Safe Delivery, Safety Alert, and a DOT Emergency Order, the three RSAC working groups reviewed existing regulations and standards to identify and mitigate the risks posed by such shipments and prevent future accidents.

“The unfortunate tragedy in Lac-Mégantic highlighted the need for safety in intercity rail operations,” said SMART Transportation Divi- sion National Legislative Director James Stern.

“Operating a long freight train through the communities that our industry serves with only one person on a crew is not only unsafe, but is also unsustainable.

“The safety improvements in our industry are directly linked to the training and certiﬁcation of the two professionals on the locomotives and the other professional employees and their managers that are operating, repairing and maintaining our rail network throughout the United States.”

“Our rail industry today is enjoying record proﬁts, record productivity, and every stock bro- ker is recommending a ‘buy’ on all railroad stocks. There is no argument that the current regulatory scheme in place today is a critical component of that productivity, and thus the high level of proﬁtability.”

www.utu.org / www.utuia.org
Amtrak celebrating National Train Day

WASHINGTON – Amtrak invites America to celebrate the many benefits trains bring to the nation during the seventh annual National Train Day on May 10, 2014. Trains are an integral part of daily American life and connect communities, provide jobs and economic development, support local businesses and attract funds for infrastructure improvement. From big cities to small towns, coast to coast and border to border, trains matter.

In addition to events in Philadelphia, Washington, D.C., Chicago and Los Angeles, Amtrak is supporting events in many local markets across the country served by America’s Railroad. Event offerings will vary to include train equipment displays, family-friendly activities and local dignitaries.

“Trains have long been important to the growth and prosperity of our nation and today, Amtrak supports our national economy and connectivity by moving America where it wants to go,” said Amtrak President and CEO Joe Boardman.

Grand Trunk, UP ordered to pay whistleblowers

The U.S. Department of Labor’s Occupational Safety and Health Administration has found Grand Trunk Western Railway Co. and Union Pacific Railroad Co. in violation of the Federal Railroad Safety Act for suspending and/or disciplining five workers following the reporting of workplace injuries or illnesses.

“When employees are disciplined for reporting workplace injuries, safety concerns or illnesses, worker safety and health are clearly not the company’s priority,” said Nick Walters, OSHA’s regional administrator in Chicago. “More than 60 percent of the FRSA complaints filed with OSHA against railroad companies involve an allegation that a railroad worker has been retaliated against for reporting an on-the-job injury. This is unacceptable and a culture that must be changed.”

The department has ordered the companies to pay back wages, along with interest, punitive and compensatory damages, and attorney’s fees, and to remove disciplinary information from the employees’ personnel records.

OSHA has ordered Grand Trunk Western Railway Co., a subsidiary of the Canadian National Railway, to pay four workers a total of $85,580.

“Amtrak is America’s Railroad. Trains came first, long before the interstate and the airport,” said Mayor Todd Barton of Crawfordville, Ind. “From a presidential candidate campaigning in the state, to giving the country to a young scholar leaving home for school, trains are the only way to go. They are important and should be celebrated.”

Boardman added that rail travel is a vital transportation alternative that is cost-efficient, environmentally friendly and in high public demand. In addition, intercity passenger trains matter because they connect rural communities with major metropolitan areas and afford passengers more than 500 destinations – an option that has become increasingly important as airline and bus companies reduce service to significant regions of America.

Details on National Train Day events and information on how to host a National Train Day event are available at www.nationaltrainday.com.

Rails to hire 12,000 in 2014, spending $26B on network

WASHINGTON – The nation’s freight railroads this year project they will spend approximately $26 billion to build, maintain, and upgrade their nationwide rail network, according to an estimate released March 12 by the Association of American Railroads. Railroads also expect to hire more than 12,000 people in 2014 for jobs throughout all areas of the industry and located all across the U.S.

“This year’s projected record investments continue a decades-long trend of private railroad dollars that sustain America’s freight rail network, so taxpayers don’t have to,” said AAR President and CEO Edward R. Hamberger.

“The result is a rail network that is the envy of the world, serving both freight and passenger railroads, and this massive private financial commitment is a demonstration of the industry’s resolve to never stop improving,” Hamberger noted that freight railroads have invested approximately $550 billion of their own money into the rail network since 1980, including $115 billion in the past five years alone. From upgrades to bridges and tunnels to new tracks and facilities, freight rail infrastructure is constantly maintained and upgraded to meet the demands of an evolving economy.

“The rail industry is committed to safety and we’re investing record amounts to implement safety enhancing technology across the network,” Hamberger said. “Railroads are working to deliver a safe, modern and efficient rail network that can reliably serve our customers and communities. And at the same time, this spending creates jobs for more American workers.”

The freight railroads estimate they will hire more than 12,000 employees in 2014, up from a projected 11,000 new hires in 2013. Company job postings can be found at www.aar.org/jobs.

“Freight rail is a great industry for a potentially life-long career with one of our great railroad companies,” Hamberger said. “America’s railroads also have a long history of hiring veterans, and railroad careers rank among the best for military veterans and their families.”

“News of record investments and steady hiring demonstrates how America’s economy rides the rails,” Hamberger said. “That’s a message we’re eager to share.”

SMART General Executive Council met in March

Members of the SMART General Executive Council, along with invited Sheet Metal Division business managers and Transportation Division general chairperson, assembled March 30-April 4 at the Gaylord National Resort and Conference Center in National Harbor, Md., for “think tank” and executive sessions.

On the first two days of the meeting, those in attendance heard a presentation by a representative of the marketing and communications firm Mosaic regarding members’ perceptions of SMART, the branding of SMART as a labor organization and improving communication with the SMART membership.

The Mosaic presentation was followed by “think tank” sessions presented by the management consulting firm FMI, which included brainstorming sessions among attendees on how to “organize and grow” and “structure to survive.”

The remaining three days of the sessions were devoted to executive action by the GEC, which includes the SMART general president, SMART general secretary-treasurer, Sheet Metal Division vice presidents, and the members of the Transportation Division’s board of directors.

Also participating in the “think tank” sessions representing the Transportation Division were BNSF Railway GO 001 General Chairperson Randy Knuston, Union Pacific GO 953 General Chairperson Brent Leonard, CSX GO 049 General Chairperson Steve Mavry and Norfolk Southern GO 898 General Chairperson Mark Cook.
International Association of Sheet Metal, Air, Rail and Transportation Workers

WASHINGTON – President Barack Obama, March 20, signed an executive order creating a second Presidential Emergency Board to help resolve an ongoing dispute between the Long Island Rail Road and some of its unionized employees.

The appointment of a second PEB means that a strike by members of the International Association of Sheet Metal, Air, Rail and Transportation Workers and other union employees that could have come as early as March 21 was put off until July at the earliest.

PEB 245 will provide a structure that allows the two sides to attempt to resolve their disagreements. In the 60 days following its establishment, the PEB will obtain final offers for settlement of the dispute from each side, and then produce a report to the president that selects the offer that the board finds to be the most reasonable.

The board’s report is not binding, but the party whose offer is not selected would be prohibited by law from receiving certain benefits if a work stoppage subsequently occurs. If the two sides fail to reach a compromise based on the recommendations of the second PEB, LIRR workers can legally strike as early as July 19.

“I am obviously disappointed that New York’s Metropolitan Transportation Authority rejected the findings of PEB 244,” said SMART Transportation Division President John Previsich. “While the board’s recommendations did not include everything our members on the LIRR were seeking, I do think they provided an equitable framework for resolving this matter without a work stoppage.”

The first PEB recommended that the LIRR pay wage increases totaling 18.4 percent over six years (2.9 percent per year) and that employees begin contributing to health insurance premium costs. After factoring in the recommended employee health insurance contributions, the board’s recommendations would have produced net wage increases of 2.3 percent per year.

The recommendations were retroactive to June 2010.

Full-text scanned articles can be seen on pages 6 and 7.

Foringer’s final train trip is first and last with son. See page 2.

Time for sunsets to shine spotlight on bus operator attacks. See page 5.

News from the SMART Transportation Division’s State Legislative Board. See pages 6 and 7.

Conductor’s CPR effort on platform saves life of passenger in distress. See page 9.