DOT announces proposed rules for crude transport

WASHINGTON — The U.S. Department of Transportation, July 23 released the details of its comprehensive rulemaking proposal to improve the safe transportation of large quantities of flammable materials by rail — particularly crude oil and ethanol — in the form of a Notice of Proposed Rulemaking (NPRM) and a companion Advanced Notice of Proposed Rulemaking (ANPRM).

The NPRM proposes enhanced tank car standards, a classification and testing program for mined gases and liquids and new operational requirements for high-hazard flammable trains (HHFT) that include braking controls and speed restrictions. Specifically, within two years, it proposes the phase out of the use of older DOT 111 tank cars for the shipment of packing group I flammable liquids, including most Bakken crude oil, unless the tank cars are retrofitted to comply with new tank car design standards. The ANPRM seeks further information on expanding comprehensive oil spill response planning requirements for shipments of flammable materials. Both the NPRM and ANPRM are available for review on www.regulations.gov and will now be open for 60 days of public comment. Given the urgency of the safety issues addressed in these proposals, PHMSA does not intend to extend the comment period.

“Safety is our top priority, which is why I’ve worked aggressively to improve the safe transport of crude oil and other hazardous materials since my first week in office,” said U.S. Department of Transportation Secretary Anthony Foxx. “While we have made unprecedented progress through voluntary agreements and emergency orders, today’s (July 23) proposal represents our most significant progress yet in developing and enforcing new rules to ensure that all flammable liquids, including Bakken crude and ethanol, are transported safely.”

The July 23 NPRM is based on an ANPRM published by the Pipeline and Hazardous Materials Safety Administration (PHMSA) last September, and reflects feedback from more than 152,000 commenters. Specifically, PHMSA will seek comment on the following provisions:

Defining the term “high-hazard flammable train” (HHFT):

- Proposes a definition of HHFT as a train carrying 20 or more tank cars of flammable liquids (including crude oil and ethanol).

Continued on page 10

Member dies in collision of UP trains in Arkansas

Two Union Pacific Railroad employees were killed and two others were injured when two UP trains collided early in the morning Aug. 17 in Hoxie, Ark. SMART Transportation Division member and conductor Roderick A. Hayes, 31, and engineer Chance Gober, 30, were both killed on the southbound train, according to a report by the Arkansas Democrat-Gazette.

Injured on the northbound train were SMART Transportation Division member and conductor Aaron P. Jeffery and engineer Michael Zompakos.

Hayes and Jeffery both belonged to SMART Transportation Division Local 656 at North Little Rock, Ark.

Details on the conditions of Jeffery and Zompakos are not yet available.

The National Transportation Safety Board is now investigating and General Chairperson James Herndon and Georgia State Leg...
Local 2, Toledo, Ohio
Local Chairperson James P. Curcio made his final trip as a road conductor of the Norfolk Southern Division 240 Local 530, July 12, after 49 years of service. All members gratefully acknowledged his commitment and dedication to the SMART TD and the railroad. His contributions to the union, and the success of SMART TD, were recognized by Curcio during his retirement ceremony, which was attended by many of his friends and former colleagues. Curcio thanked SMART TD leadership and all SMART TD members for their support and encouragement during his career. He also expressed his gratitude to SMART TD for their help in making his retirement transition as smooth as possible.

Local 240, Los Angeles, Calif.
Local Chairperson Harry Garvin Jr. reports that the 12th annual rail reunion and retirement dinner for employees of UP, SP, Pacific Electric, Metrolink, Amtrak and ATSF (Locals 32, 240, 1422, 1972, and 1975) will be held Nov. 7, at the Redondo Beach Inn, Redondo Beach, Calif. This event is an opportunity for retired members and their families to come together, share experiences, and enjoy each other's company. SMART TD members and their families are encouraged to attend and participate in the festivities.

Local 250, Los Angeles, Calif.
Local Chairperson Rusty Beam is also decked out his old pickup truck with SMART signage and drove it through the Norfolk Southern safety annual meeting in 2013, celebrating more than 40 years of injury-free service. Beam is a consummate labor professional, having represented the men and women of Local 2 as vice local chairperson, president and delegate. Upon his retirement, he was the associate general chairperson of GO-678 representing the former Conrail Lines. His contributions to the union and the success of SMART TD were recognized by Beam during his retirement ceremony, which was attended by many of his friends and former colleagues. Beam thanked SMART TD leadership and all SMART TD members for their support and encouragement during his career. He also expressed his gratitude to SMART TD for their help in making his retirement transition as smooth as possible.

Local 506, Herrington, Kan.
The Tri-County Fair was another success this year and SMART TD was there. Amidst this fun and fanfare, Local President Rusty Beam is and his family and fellow members July 12 represented SMART at an exhibitor tent. They distributed SMART stickers, pens, bags, paper fans and other various goodies. They also got the word out, informing fairgoers of SMART’s role and importance in this long-standing railroad community. Beam also decked out his old pickup truck with SMART signage and drove it through the downtown parade route.

Local 1413, Jersey City, N.J.
Approximately 1,500 people attended the funeral of SEPTA trolley and train operator Kelly Morris, who died July 12 of a coronary embolism. According to a report in the Philadelphia Inquirer, his employer had to use two buses to bring co-workers to the services. “He truly had a servant spirit,” said his brother, Troy Morris. “He was beloved by the younger passengers, teenagers and ones in their early 20s. He related to them.” Beside his mother and brother, Troy, he is survived by brothers Kevin Jay and Michael, and a sister, Jamie.

Local 1422, Los Angeles, Calif.
The members of the University of California local congratulated conductor Ray F. Hodges, who retired Aug. 1 after 49 years of service. All members of Local 1422 with him well and hope he has many fruitful years in retirement.

Local 1701, Montebello, Calif.
SMART Transportation Division Local 1701 bus members July 9 picketed outside Montebello City Hall prior to and during a meeting of city council to bring attention to their dispute with the city over wages, rest periods, meal periods and payment of pension contributions. Approximately 30 members attended the picket that was organized by Local President Rachel Burciaga and Local Chairperson Cecilia Lopez. “The city of Montebello doesn’t want to change to improve the quality of life for either its full-time or part-time transit employees,” said General Chairperson Tom Pate. “Local 1701 is still a young organization within SMART, but I can feel the momentum building among its membership.”

Tribute to late John Denver takes ‘country boy’ home
For conductor and Norfolk Southern GO-680 Vice General Chairperson Robert C. “Bubba” Chandler III, the rhythm of the rails is in his bones. Long before he began riding the rails, the rhythm of the music was in his soul. A self-taught six-string guitar picker for more than 35 years, Chandler is an accomplished professional musician and will release his latest release, Another Evening with the Music of John Denver, is his unique and heartfelt tribute to one of his greatest musical influences, the late John Denver. A member of Transporation Division Local 363 at Roscoe, Va., Chandler was born near Farmville, Ala., and his southern musical influences run deep.

He recalls listening to his parents’ records, primarily Great Old Opry artists such as Paty Clay, Hank Williams and the Carter Family. This exposure awakened his interest in bluegrass, country and folk styles, ultimately leading to his current study of the two Johns: John Prine and John Denver.

After high school, he moved to Kirksville, Mo. “It was there I was introduced to John Prine’s music and decided to get a guitar and learn a few chords. After seeing that I did better with the ladies with a guitar in my hands, it kind of stuck,” Chandler said.

His musical interests broadened to include southern rock artists such as the Allman Brothers and Lynyrd Skynyrd.

Denver’s music is melodic. It is about the beauty in country living, love, hope and joy. There is nothing down about it,” he said.

On his John Denver tribute album, the vibe is laid back and the arrangements are true to the originals. True to Denver’s music, there is nothing down about Chandler’s playing.

Chandler has performed and recorded with the highly acclaimed bluegrass group Lost and Found (Allen Mills, Gene Parker, Roger Handy and the late Dempsey Young). When Handy quit the band, Chandler filled in from 1979 to 1983.

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During his time with Lost and Found, he toured Europe, had a public television show and released two albums that helped produce “Denver’s music is melodic. It is about the beauty in country living, love, hope and joy. There is nothing down about it,” he said.

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Auxiliary’s Edythe Walter dies
Edythe Mae Walter, former international president of the Auxiliary of the United Transportation Union, passed away peacefully July 30. She was 78.

She is survived by her husband, Bob Walter, with whom she celebrated 60 years of marriage on June 21. They also shared their birth date of April 28, 1936. She is also survived by children, Cindy (Denny) Robish, Tom (Tammie) Walter and Amy (Andy) Fox, and grandchildren Aleasha Robish, Erica and Nathan Walter, and Logan, A.J. and Parker Fox.

Walter was interred at Westwood Cemetery in Woodville, Ohio.

Considerations for memorial contributions are to Ohio State Grange-Youth Division, 16303 Township Rd. 608, Fredericktown, Ohio 43019 or Auxiliary of UTU Scholarship Fund, 2153 N. Hwy 99, Emporia, KS 66701. Those wishing to express a word of encouragement, share a memory, or photo, may do so at mbalfuneralhomes.com.

www.utu.org / www.utuia.org
RRA proposes testing for maintenance-of-way employees

In response to Congress’ mandate in the Rail Safety Improvement Act of 2008 (RSIA), the Federal Railroad Administration is proposed to expand the scope of its alcohol and drug regulations to cover employees who perform maintenance-of-way (MOW) activities.

In addition, the proposal contains several substantive amendments that either respond to National Transportation Safety Board (NTSB) recommendations or update and clarify the alcohol and drug regulations based on a retrospective regulatory review (RRR) analysis.

“This NPRM addresses the application of drug and alcohol testing for maintenance-of-way employees that are not now covered by those

SMART convention videos are available on our website

The theme of the SMART Transportation Division’s Convention in San Diego was “Strong, Proud, I plan to retire”, which was presented to the delegates and attendees each day during the convention that embodied those concepts.

SMART convention videos are available on our website

AFL-CIO’s Trumka: ‘We won’t be turned aside’

AFL-CIO President Richard L. Trumka drew several standing ovations during an electrifying speech to delegates and guests on the fourth day of the SMART Convention Aug. 14.

The former United Mineworkers’ president began his speech by addressing the merger of the former Sheet Metal Workers’ International Association and the former United Transportation Union into SMART saying, “A merger like yours isn’t easy, it’s hard for tremendous, tremendous value.”

“I know how hard it is to unite a movement, how hard it is to unite a diverse membership, it’s difficult to strike the right balance. But it’s worth the struggle—that’s how you achieve greater strength. The merging of cultures for greater power, for greater strength—that’s called unionism, that’s the power of unionism—plain and simple.”

Trumka said that the AFL-CIO and its affiliates plan to help more working families, through our unions, to build stronger careers and a stronger future for the United States.

“The best way to fair pay, the best way to retirement security, and the best way to a better tomorrow, so you can get your family a decent life and

Member dies in UP train collision in Arkansas

Continued from page 1

Regressive Director Matt Campbell of the SMART Transportation Safety Team have been assigned to assist in the investigation.

Hayes was a SMART member for 20 months and Jeffery has been a SMART member for approximately 10 years.

Hayes grew up in Chicago and attended East-West University and Chicago State University. He was an avid runner and enjoyed cars.

He is survived by his wife, Sheree; children Quentin, Rashawn Jones, Roderick Jr. and Yahara; parents Sybil and George; brother Stephan Hayes (Monica), and sister, Linda. He was preceded in death by his sister, Vonda Farmer.

AAR issues safety appliance alert

An act of apparent malicious intent was discovered on July 30, 2014, when a Union Pacific carman report-

ed finding two razor blades glued to the air valve of an Amtrak car during a routine repair. Association of American Railroads Assistant Vice President — Technical Services James P. Grady said no injuries were reported, nor were any suspects observed at the UP San Bernardino Subdivision in Bloomington, Calif.

“Please give this information widespread distribution to co-workers, contractors, customers and all who deal with freight cars, and be on the lookout for any similar acts of vandalism. We also ask that anyone who makes any other such discoveries report it to me or any other AAR employee, including MID inspectors. This will enable us to broadcast alerts to all who may be affected,” Grady said.
Through education, strength and unity, we will fulfill our mission

Thanks to all of the delegates, members, guests and staff that made the First SMART General Convention a resounding success.

I have been involved in this union for 45 years. There has never been a more outspoken, honest, and hardworking General Executive Council than the one we have now. They do what is right for this membership. They make this union. It also helps having a great partner, a general secretary-treasurer who has your back and who makes you proud every day. Joe Sellers is a great leader.

We are one union. I know that some differences of opinion among the membership remain as in any democratic organization that respects the right of each and every member to speak freely. I will always continue to encourage discussion, debate and your input on where we go in the future.

This union’s leadership will not tolerate anyone who doesn’t represent their members. You don’t have to like Joe Nigro, but you do have to like and work for your membership.

As I told the convention delegation, we are going to fight some, and we are going to bleed some. But in the end, we’ll all bleed the same blood.

We closed the convention on Aug. 15 as one union. We are not divided and we will not let anything divide us. A house divided will fall and we will never go that way. We have a combined legacy of 270 years. We must build on what previous generations have passed to us by furthering our mission to make this union even stronger in servicing our members.

I am telling you what I told the assembled delegates at the convention. All business managers, business agents, general chairpersons and local chairpersons must realize that service to the membership must come first. Whether they are representing airline, rail, transportation or sheet metal members, our leaders must continue their duty to represent the membership to the best of their ability.

This union’s leadership will not tolerate anyone who doesn’t represent their members. You don’t have to like Joe Nigro, but you do have to like and work for your membership.

Through education, strength and unity, we will fulfill our mission to make SMART the strongest union in North America.

As I noted in my column here last month, I was never as proud of our members as I was to see our sheet metal brothers and sisters standing in front of the transportation membership at a rally held by employees on the Long Island Railroad.

It was outstanding to see sheet metal workers and transportation workers getting together and fighting together on behalf of their brothers and sisters. When I walked into that parking lot with more than 3,000 people, I was so proud.

Our membership was successful in obtaining a fair agreement with the New York Metropolitan Transportation Authority.

In closing, I believe “knowledge is power.” I urge you all to stay informed and participate in your union by attending meetings and running for elected office. By hanging together and working through our union, you and your co-workers can benefit as well as the CEO and in our union. But it’s up to you as a member to make some effort at staying informed.

How you and our union react to future changes will directly impact your safety, your work environment and your paychecks. I’m convinced that when our members are involved and work with other members through our union, we are up for the challenge.

The good news is we already have a strong legislative presence in Washington and in every state capital and capable contract-negotiation teams on our general committees and at the national level.

In closing, I believe “knowledge is power.” I urge you all to stay informed and participate in your union by attending meetings and running for elected office. By hanging together and working through our union, you and your co-workers can benefit as well as the CEO and corporate investors when changes do occur.

I’m “pulling the pin” and I’m able to retire because of our union’s efforts to establish and maintain the best pension in America, Railroad Retirement. While I will be retired, I will be paying close attention from the sidelines.

Thanks to all of you who have made my career so enjoyable. Farewell.

James S. Stem Jr.
National Legislative Director
SMART Transportation Division

James A. Stem Jr.
National Legislative Director
SMART Transportation Division

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State Watch

Georgia

SMART Transportation Division Georgia State Legislative Director Matt Campbell, right, testifies at a U.S. Environmental Protection Agency hearing July 29 in Atlanta regarding the agency’s proposed Clean Power Plan.

SMART Transportation Division Georgia State Legislative Director Matt Campbell testified before the U.S. EPA July 29 in Atlanta, addressing the concerns of the union and its members regarding the agency’s proposed Clean Power Plan.

The rule seeks to reduce carbon dioxide emissions from existing fossil-fueled power plants in the United States.

“We are concerned and we care about this issue because of the impact this plan will have on our jobs and our future. There are 25 freight railroads in Georgia that employ thousands of people. These are not temporary jobs — they are careers. These people’s — my co-workers’, your neighbors’ — precious careers are in jeopardy because of the hit being taken by the coal industry,” Campbell said.

Campbell noted that nearly 40 percent of all freight railroad cars in the United States are coal cars, accounting for 25 percent of the freight rail industry’s revenue and 20 percent of all freight rail jobs.

Campbell went on to provide SMART Transportation Division’s suggestions for amending the proposed Clean Power Plan, including providing states with credit for prior carbon dioxide reductions and delaying implementation of the plan by several years to allow states and affected sources adequate time to prepare and submit state plans.

“I love our environment and I am thankful for the clean air we breathe. That being said, I value my career on the railroad that allows me to provide for my family.

“As a middle-class worker, speaking on behalf of other middle-class workers, I plead with the EPA to listen to our recommendations and work to find a sensible, common sense solution that works for everyone.”

Indiana

State Legislative Director Stu Gardner, right, greets Ohio gubernatorial candidate Ed Fitzgerald (D) at a recent fundraiser in Norwalk, Ohio. The executive committee of the Ohio State Legislative Board has endorsed Fitzgerald for the state’s top office noting, “Ed will work for the middle class. He will fight against the right-to-work legislation that is again being contemplated for movement in the legislature. Our union brothers and sisters and their households need to stand firm with Ed at the voting box this Nov. 4 and support Fitzgerald for Governor. He has our backs,” Gardner said.

Ohio

State Legislative Board Executive Committee members John Ball, Stu Gardner, James Tichauer, Jeffrey Brandow, David Otten and Designated Legal Counsel Tom Wood present a PAC contribution to retired member and State Rep. Michael Sheby of Ohio’s 46th District.

Pennsylvania

State Legislative Director Paul Poleswka, right, joins his predecessor Donald Dansberry at the “Coal Fairness” rally organized by the United Mine Workers of America July 31 in Pittsburgh. Thousands of union workers protested the Environmental Protection Agency’s Clean Power Plan, which could significantly impact the rail industry and cost an estimated 65,000 jobs.

New England States

SMART members Aug. 23 attended a fundraiser at the Gorham, Maine, home of State Rep. Michael Shaw in support of U.S. Rep. Mike Michaud (D-Dist. 2), who is running for the office of governor of the state. Pictured, from left, are Local Legislative Rep. Don Derwasser (483), New England Legislative Director George Casey (1473), Michaud, Shaw (95) and Sheet Metal Division Local 17 Labor Management Rep. Donald Nezaoff. Shaw is a SMART member and conductor on Amtrak’s Downeaster service.

Virginia

State Legislative Director Patrick Corp meets with U.S. Sen. Mark Warner in Salem, Va., Aug. 2. “We discussed H.R. 3040, along with other rail safety issues the senator has been active in promoting in respect to oil train movements through the commonwealth,” Corp said. “We certainly endorse Sen. Warner for re-election this fall!”

Washington

Attendees to the Washington State Labor Council Convention in Wenatchee, Wash., July 22-24, unanimously endorsed a resolution supporting legislation for two-person rail crews on train operations throughout the state, SMART Transportation Division Washington Legislative Director Herb Krohn reports.

“The council also passed a resolution calling for additional legislative efforts related to railroad workplaces and public safety.

Krohn said the SMART Transportation Division had its largest delegation from the organization in attendance at the convention in about 50 years. “We were also instrumental in advancing a resolution in support of limiting project development studies to 18 months to advance the proposed export terminals in Washington State,” Krohn said.

“The two-person crew resolution “steadfastly opposes any actions to permit one-person train crew operations on Class I railroads operating in our state and elsewhere.”

Pictured, from left, are SMART-TD Washington State Legislative Board Secretary Jorden Marshall (117), Local Legislative Rep. Shane Sadler (1238), International Longshore and Warehouse Union Lobbyist Gordon Baxter, Washington State Legislative Board Vice Chairperson Clyde Rosa (1637), Local Legislative Rep. Tracey Council (845), Local Legislative Rep. Darren Volland (426), Washington State Legislative Board Assistant Director Steve Mazda (855), Washington State Labor Council Secretary-Treasurer Lynne Dodson, Washington State Labor Council President Jeff Johnson, Washington State Legislative Board Chairperson Gary Howell (877), Krohn (1348), member Dan Kallka (426), member Kevin Drake (117, seated), member Steve Damero (1305), member Taro Suyematsu (1348), Local Legislative Rep. Dwight Hawkins (1713) and Brotherhood of Locomotive Engineers and Trainmen Lobbyist Mike Elliott. (Not pictured was member Jarell Danuevar of Local 945.)
First SMART General Convention Photo Highlights

More than $185,000 was raised for the St. Jude’s Ranch for Children by contributions and pledges from various SMART councils, general committees and locals, as well as delegates in attendance during the convention.

Transportation Division President John Previsich addressed the convention delegates on a variety of topics including Constitutional amendments, general committee autonomy and two-person crew legislation.

General Secretary-Treasurer Joe Sellers advises delegates on the use of Kindle computer tablets following the convention’s opening ceremonies. The tablets were provided to each delegate and were updated daily with documents pertinent to the day’s work.

Transportation Division Local 577 Delegate Charles Horan and his wife, Tammy, inspect a 6,000 lb. partial steam locomotive constructed by Sheet Metal Local 104 members in Northern California.

Local 1608 Vice President, Delegate and Legislative Rep. Laura Corley served as the chairperson of the SMART Convention’s Transportation and Bus Committee. Here, she is presenting the committee’s report to the delegates.

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Transportation Division Local 577 Delegate Charles Horan and his wife, Tammy, inspect a 6,000 lb. partial steam locomotive constructed by Sheet Metal Local 104 members in Northern California.

SMART General President Joe Nigro, center, greets Transportation Division Delegate Harry J. Garvin Jr. of Local 240 at Los Angeles, left, and Don Davis of Local 1388 at St. Louis, Mo., at a banquet Thursday, Aug. 14, at the Paris Las Vegas Hotel and Casino.

Transportation Division Local 577 Delegate and Division Allocated State Legislative Director Joseph Ciemny addresses the convention delegation Aug. 12.

AFL-CIO President Richard L. Trumka received several standing ovations during a speech to convention delegates and guests on the fourth day of the SMART Convention. See complete article on page 3 of this publication.

Transportation Division Delegate Jamie Delgadillo (1563), Michael Miller (1338) and Eric Goodwin (1594) get together at the convention welcome reception Sunday, Aug. 10.

Transportation Division Delegate Jamie Delgadillo (1563), Michael Miller (1338) and Eric Goodwin (1594) get together at the convention welcome reception Sunday, Aug. 10.

SMART General Executive Council members and International staff pose for a group photograph immediately following the close of the First SMART General Convention Aug. 15.
As pedestrians stroll along the two-mile Wildwood Boardwalk on the New Jersey shore, they are likely to encounter amusements of all sorts: roller coasters, waterparks, the pleasant smell of popcorn and sweet cotton candy, and one seemingly ubiquitous tape-recorded female voice sternly announcing, “Watch the tram car please,” resonating from speakers on a passing yellow tram packed with happy passengers.

The pleasant and smiling driver of a golf cart, who shadows the progress of the tram, is clad in a bright yellow jacket and baseball cap. The license plate number on his golf cart is “Gig 1” and it is he who is really in charge of the tram.

His name is John Gigliotti, but he is affectionately known as “Gig.”

John “Gig” Gigliotti, 84, a retired UTU conductor from Local 1375 at Philadelphia, enjoys his days as supervisor of the eight, five-mph electric trams that transport boardwalk-goers along that two-mile stretch and he has become a beloved icon and fixture. His gig as tram supervisor is much different than the one he had before retirement.

Gigliotti is a U.S. Army veteran who served in the infantry during the Korean Conflict. Upon leaving the Army after being stationed in Germany, he hired out in 1952 with Reading Railroad, where he was a freight conductor during summer months and a passenger conductor during winter months. Conrail later hired him.

His retirement was short-lived, however, as boredom propelled him back to work after only two weeks. He applied for and was offered a position as tram supervisor at Wildwood and has been there ever since.

His position is seasonal, but his schedule of 16-hour days—seven days a week, April through September—is grueling.

“I’m just going to do it until I can’t do it anymore,” said Gigliotti, who just recently received his 55-year UTU membership pin.

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New rail hazmat training programs being offered

Members of the Rail Workers Hazmat Training Program Advisory Board, including SMART Transportation Division National Legislative Director James Stem, met July 10, 2014, to review and discuss the offerings and progress of the program since the transition from the Rail Hazards Material Training (SMART) program to the Rail Workers Hazardous Materials Training Program (RWHTP).

The SMART Transportation Division is seeking quality railroad, bus and airline photos, taken by its members, for placement in its annual calendar and other uses.

The calendar is mailed annually to members of the UTU Alumni Association as one of the benefits of Alumni Association membership.

High-resolution digital photographs should be emailed to “news_TD@smart-union.org.”

Printed photographs should be mailed to SMART-TD News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. To be included in the 2014 calendar, photos must be received by Oct. 1.

Be sure to include the photographer’s name and local number, the name(s) of the person(s) in the photograph (left to right) and any other pertinent information, such as the date and location where the photograph was taken.

Due to federal or state regulations or company restrictions on employees’ use of personal electronic devices, including camaras, on company property or while on duty, all members are advised to always follow their employers’ guidelines on the use of such devices.

All members whose photographs are selected for use in the calendar will be named underneath the picture and will also receive copies of the calendar.

For more information about the UTU Alumni National Labor College (NLC) to the International Brotherhood of Teamsters (IBT).

The board discussed issues related to dealing with rail carriers and ways in which the rail program can continue providing quality hazardous materials and instructor training to rail workers.

The SMART Transportation Division website also provides course information about all of the training courses being provided.

The website also provides an application for training which can be completed and submitted online.

For additional information on course dates and locations, visit the Rail Hazmat website at http://railworkertrainingsprogram.org, or contact Training Manager Henry Jajuga by email at bsafe2day@gmail.com, or by telephone at (281) 812-6436 Monday through Friday from 10 a.m. to 3 p.m. CST.

Got Stress?

UTUIA’s Disability Income Replacement Insurance Can Help

When you are faced with an illness or accident, the last thing you need is the worry over how you will pay the mortgage, car payments, credit cards and other necessities. Sure, your health insurance will cover the medical bills, but how will you pay everything else?

Having a Disability Income Replacement insurance policy can provide you and your family peace of mind should a tragedy strike. It replaces lost income when you are unable to work due to an accident or sickness, helping you on your road to recovery.

Apply for Disability Income replacement insurance today.

Information, please

I would like more information on UTUIA’s Disability Income Replacement Insurance.

Please print

Full name

Date of birth

UTU local number

Address

City

State

ZIP

Telephone number with area code

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**DOT announces proposed rules for crude transport**

Continued from page 1

Better classification and characterization of mined gases and liquids

The process development and implementation of a written sampling and testing program for all mined gases and liquids, such as crude oil, to address:

- Frequency of sampling and testing; 2. sampling at various points along the supply chain; 3. sampling methods that ensure a representative sample of the entire mixture; 4. testing methods to enable better classification, and characterization of material; 5. statistical justification for sample frequencies; and, 6. duplicate samples for quality assurance.

- Proposes that offers be required to certify that sampling and testing program is in place, document the testing and sampling program, and makes program information available to DOT personnel, upon request.

- Rail routing risk assessment

- Proposes that carriers be required to perform a routing analysis for HHFT that would consider 27 safety, security, and performance indicators and select a route based on findings of the route analysis.

**Notification to State Emergency Response Commissions**

**LIRR contract approved by SMART, severance and pensions**

Continued from page 1

The vote concluded more than four years of battling with New York’s Metropolitan Transportation Authority during a difficult and highly publicized contract dispute.

The MTA has been seeking net-zero wage increases, major pension reform, large health care contributions, work rule give-backs and excessive concessions for new hires.

The settlement provided in excess of 18 percent in total net increases for over six and-a-half year commitment to labor.

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- Mo. Supreme Court rules FELA awards not taxable

In cases brought by the law firm of Schlitzker, Bogard & Denton, L.L.P. of St. Louis on behalf of injured railroad workers, two courts have ruled favorably to workers that Federal Employers’ Liability Act (FELA) awards are not subject to tax withholding under the Railroad Retirement Tax Act (RRTA).

The Missouri Supreme Court in Mickey v. BNSF Railway Co., No. SC93591 (July 8, 2014), strengthened a trend toward state supreme court rulings that held FELA judgments for injured railroad workers were reduced to less than the full amount they awarded the injured railroad workers.

In a detailed opinion, the court explained that the contrary decisions of the Nebraska and Iowa courts were based on an incomplete analysis of the law, and that under a proper analysis of the law, FELA judgments are not subject to tax withholding, but must be paid in full.

This decision came one day after the United States District Court for the District of Missouri also ruled that FELA judgments are not subject to RRTA taxes (Cowell v. BNSF Railway Co., No. 08-1354, Doc. 289 (E.D.Mo. July 7, 2014)).

The decisions should end the railroads’ recent attempts to short-change employees of the personal-injury damages jury has awarded them with this now twice-repudiated, tax argument.

- Proposes to codify DOT’s May 2014 emergency order that requires trains containing one million gallons of Bakken crude oil to notify State Emergency Response Commissions (SERCs) or other appropriate state delegated entities about the operation of these trains through their states.

**Reduced operating speeds**

- Requests comment on three speed restriction options for HHFTs that contain any tank cars not meeting the enhanced tank car standards proposed by this rule:
  1. A 40-mph maximum speed restriction in all areas; 2. A 40-mph speed restriction in high threat urban areas; and, 3. A 40-mph speed restriction in areas with a population of 100,000 or more.

**HMSA also will evaluate a 30-mph speed restriction for HHFTs that do not comply with enhanced braking requirements.**

**Enhanced braking**

- Proposes to require all HHFTs to be equipped with alternative brake signal propulsion systems. Depending on the outcome of the tank car standard proposed, and safety and performance timing, HHFTs would be operated with either electronic controlled pneumatic brakes (ECP), a two-way end of train device (EOT), or distributed power (DP).

**DOT expands program to help vets get bus ops jobs**

The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) announced today that its waiver program that helps experienced veterans and active duty personnel transition into civilian jobs as commercial truck and bus drivers has been expanded to all 50 states and the District of Columbia.

“Our nation’s veterans deserve good-paying jobs when they return home from serving overseas and we are proud to help,” said U.S. Transportation Secretary Anthony Foxx. “Thousands of active duty service members and veterans have already transferred their skills to jobs driving trucks and buses through the Military Skills Test Waiver Program and we look forward to helping even more now that we’ve expanded to all 50 states.”

Begun in 2011, the program grants state licensing agencies, including the District of Columbia, the authority to waive the skills test portion of the commercial driver’s license application for active duty or recently separated veterans who possess at least two years of safe driving experience operating a military truck or bus. Waiving the skills test expedites the civilian commercial drivers licensing application process and reduces expenses for qualified individuals and operating costs to state licensing agencies.

“Service members who have clocked countless miles safely working behind the wheel of a military vehicle will now have more time and opportunity to find long-term employment. Reducing the burden of finding civilian jobs is one of the best ways we can thank members of our military and their families for their service to our nation,” said FMCSA Administrator Anne S. Ferro.

Additional information, including a standardized application form accepted in all 50 states and the District of Columbia, is available at: www.fmcsa.dot.gov/registration/commercial-drivers-license/military.

**Let’s keep working together to protect, serve and build**

As I pondered about writing this column, the Labor Day holiday kept coming to mind. There is a reason we celebrate Labor Day, and this is what I want to say to you all: Do not forget your com m ount the jury awarded them.

Mo. Supreme Court in Mickey v. BNSF Railway Co., No. SC93 591 (July 8, 2014 ),

M issouri also ruled that FELA judgments are not subject to tax withholding under RRTA taxes (Cowden v. BNSF Rail -

I have been committed to the labor movement as an activist most of my life and I will continue to honor that commitment. I believe in organized labor and I believe in the power of one voice.

Let’s keep working together to protect, serve and build.

I know my term as an elected officer is ending, but I am not going away. I will always be here, ready to help. Contact me anytime. Let’s keep working together to protect, serve, and build.
Transportation Division policy concerning fees objectors

1. Any person covered by a UTU, now SMART, union shop or agency collaboration specifically to include the new agent or objecting party.

2. Estimate based on Second and Third Quarter reports; 1 Calculated by applying the lowest of previous reviews of the cards or other representative of choice. Appellants need not appear at the hearing and shall be paid the amount of non-chargeable money that is in the escrow account.

3. The analyst shall complete the report no later than August 31.

4. Fourteen (14) days prior to the start of the first hearing, the appellate record shall be made available to the arbitrator.

5. The analyst shall complete the report no later than August 31.

6. The analyst shall complete the report no later than August 31.

7. The analyst shall complete the report no later than August 31.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall issue a decision within forty-five (45) days after the submission of all required materials for arbitrator review.

9. Each party to the arbitration shall bear their own costs. The arbitrator shall award the prevailing party a reasonable amount of their attorneys’ fees and expenses shall be paid by the Transportation Division.
The NFAC issues recommendations for freight transport system

WASHINGTON – U.S. Transportation Secretary Anthony Foxx July 14 announced receipt of a report from the Department of Transportation’s (DOT) National Freight Advisory Committee (NFAC) that makes recommendations to improve the performance of the Nation’s freight transportation system.

These recommendations will be used to inform the development of the DOT’s National Freight Strategic Plan.

The report was submitted to the secretary ahead of a two-day NFAC meeting in Washington, D.C., beginning July 15.

The NFAC was established by Secretary LaHood in June 2013.

SMART Transportation Division President John Previsich is a member of the committee.

“Our nation’s economic competitiveness depends on a transportation network that can move freight safely and efficiently, especially as we are expected to move double the current amount by 2050,” said Secretary Foxx. “I appreciate the work of the advisory committee – their suggestions will help inform the department’s work improving our country’s future freight system.”

The 81 recommendations made by NFAC now under review by the department, include suggestions to improve safety and security across the freight rail network, highlight funding needs and challenges, and call for increased streamlining processes and better collection of data and research. The NFAC also proposed exploring ways to improve collaboration for multi-jurisdictional freight planning, developing goals related to freight safety, and addressing workforce development needs as the Department develops the National Freight Strategic Plan. A copy of the report may be found at www.dot.gov/policy-initiatives/national-freight-advisory-committee/recommendations-us-department-transportations.

Together, these recommendations highlight the need for increased transportation investment and greater certainty to support the kind of research and planning such projects would require. Earlier this year, Secretary Foxx submitted the GROW AMERICA Act for consideration by Congress. This Act will make critical investments to help improve the safe and efficient movement of freight across all modes of transportation – highway, rail, port and pipeline – by providing $10 billion over four years for targeted investments in the nation’s transportation system to improve the movement of freight and by giving shippers, transportation providers and freight workers a real seat at the table for making investment decisions.