Retiree attends inauguration of Delaware governor

Charlene Payne, a longtime UnitedHealthcare representative for Railroad Accounts, passed away unexpectedly Saturday, December 17, 2016. Payne was a dear friend to many at SMART Transportation Division, and her passion and dedication in serving all railroad members was remarkable.

In 1987, she joined one of United Healthcare’s legacy companies, The Travelers Insurance Company, as a member services consultant for Railroad Accounts. She continuously served our railroad members in various roles, most recently as the manager of member relations.

Payne traveled extensively throughout the country meeting with union leaders and their dependents. She shared her expertise by explaining railroad health benefits and eligibility provisions for both active employees and retirees. Over the years, Payne developed close relationships with many railroad members by answering their questions and resolving their problems with care and compassion.

“Charlene was my go-to person whenever our members had problems with their health care issues,” said SMART TD National Legislative Director John Risch. “Beyond her years of dedication to our members, Charlene was a wonderful person and a good friend. We share with her family in the sorrow of her passing.”

Everyone who knew Charlene will miss her knowledge, professionalism, friendliness and unwavering dedication to assist SMART TD members and retirees.

Donations may be made in Payne’s memory to the Humane Society of Ohio, P.O. Box 573659, Murray, UT 84157-3659; or, to the American Red Cross – Donations, 555 East 300 South, Ste. 200, Salt Lake City, UT 84102.

Send your submissions to SMART Transportation Division by emailing: news_td@smart-union.org

Are you your brother’s keeper?

By Ricky Mason, Local 219 in Hannibal, Mo.

It was a bitter cold February night in Galesburg, Ill., and I had just gotten off an empty coal train from Centralia, Ill. The round trip was a long one – in excess of 48 hours. I was not in the mood for car trouble. I managed to catch my engine, Aaron Newton (Local 196 in Beardstown, Ill.), on the phone before he got too far from the yard office, and luckily he had a set of jumper cables. He came to my aid and managed to give my van a jump, but it immediately died again, which sounded like a faulty alternator to both of us. Without skipping a beat, he offered to drive me to the hotel so I could get some rest and figure it out in the morning.

Here I was, two hours away from my home, with no idea when I would get back to my family. Before hitting the sack for the night, I looked at the boards and saw that a friend of mine, Darren Vogel, who was also from Galesburg, Ill., was just getting off of a train. I gave him a call and he agreed to help me out in the morning. The next day, we grabbed a new battery and put it in, which got me to a shop that could install a new alternator that day. I arrived home later that evening to my son, who was extremely happy to see me—and for this reason alone, I am indebted to those two brothers.

Why is this story important? Brotherhood.

Brotherhood is a word that is akin to those who join us in the trenches of life: war, sports, careers, etc. We value the term, yet too many times we don’t live it. The engineer I was working with did not have to turn around and help me out. My other union brother didn’t have to drive me all over Galesburg the next day. But they did. They were my keepers and without their help, then I’m sure that I would not have gotten home to my family that day.

Too often in train service we are preoccupied with our own lives: our job, our family, our careers. Why is this story important? Brotherhood. Why is this story important? Without skipping a beat, he offered to drive me to the hotel so I could get some rest and figure it out in the morning.

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Too often in train service we are preoccupied with our own lives: our job, our family, our problems.

Are you your brother’s keeper?
Local 20, Beaumont, Texas

Local 20 member Robert Joseph Rossi Sr., 70, died Dec. 10, 2016. Rossi served in his local as local chairperson and as delegate at the 2011 convention. He also served his union as general chairperson of GO 577 for 35 years. In his free time he enjoyed watching the Dallas Cowboys, John Wayne and old Western movies.

He is survived by his wife Cindy Rossi; sons Robert (Felicia) Rossi Jr. and Jarrod Rossi; daughters Tammie Rossi, Hayley Rossi, Misty Watson, Brandy (Bradley) Walker, and Lacy McCoy; brothers Leonard Rossi and David Rossi; numerous nieces, many grandchildren and a great-granddaughter. Rossi was preceded in death by his parents Marie Lovenia Stout Rossi and Joseph Rossi; wife Linda Rossi; sons Kevin and Joshua Rossi; sisters Bertha Taylor and Sandra Touchet; and brothers Walter Rossi and Ken Rossi.

Memorial contributions may be made in Rossi’s memory to St. Jude Children’s Hospital, 501 S. Jude Place, Memphis, TN 38105; or, to the Humane Society of Southeast Texas, P.O. Box 1629, Beaumont, TX 77704.

Local 202, Denver

Local Secretary and Treasurer Kevin Lavante reported that Local 202 donated nearly 70 turkeys for holiday dinners.

“What we do for Thanksgiving is that we had a little extra money that was used to purchase turkeys to give to our fellow members,” Local President Michael Bose told The North Platte Telegraph. “Some members actually said, ‘Hey, I don’t need a turkey, so just donate it to whoever.’”

With 68 turkeys left over, the local decided to donate them to four charity organizations: Rape/Domestic Abuse Program of North Platte, Hastings, the Salvation Army and the North Platte Senior Center.

“We divided those up with these organizations,” Bose said. “We also gave some of them [the turkeys] to some of our guys who are furloughed.”

Local 446, Cheyenne, Wyo.

Local 446 Treasurer Tyler Thompson reported that his local held informational sessions Oct 25-27, 2016, for their membership.

“We had local politicians running for office speak, as well as representatives from the Railroad Retirement Board, the Federal Railroad Administration and Union Pacific Hospital Association,” Thompson said.

“UTUIA Field Supervisor David Landstrom and Auxiliary of the UTU President Kathryn Hastings were also on-hand to give presentations,” Thompson continued.

Local 1405, St. Louis

On Dec. 12, 2016, Local 1405 held a Christmas party for their members and retirees. The event had a good turnout with around 50 members, retirees and family that were in attendance at the event.

“Santa Claus came by to visit the children and brought them each a small gift,” reported Missouri State Legislative Director Jason Hayden. “The local would like to thank everyone that came out to celebrate the Christmas season and enjoy in the fellowship.”

Local 1105, Wilmington, N.C.

Local 1105 Alternate Legislative Representative Chris Lienhop shows off his union pride while on vacation in Nassau, Bahamas, with a SMART sticker that he added to a collection of other stickers.

Local 1895, Chicago

SMART TD Organizer Rich Ross (front) poses with Santa and the kids at the Saint Blasé Service Center.

Local 1138, Miami

Pictured from left: Luis Sierra presents a hand-made crossbuck to retiree Jim Buckner at the CSX Hialeah Yard.

Local 1138 Chairperson Yvonne Hayes submitted this picture of new member Luis Sierra presenting a hand-made homage to 40-year member Jim Buckner at the CSX Hialeah Yard. Buckner retired Jan. 1, 2017.

Sierra constructed the crossbucks from entirely recycled materials, including two birdhouses for the light housings and plastic from two red pails for the lenses. Small battery packs power the LED lights that flash.

“The only item that Luis included that you probably won’t find on railroad crossbucks is a bottle opener!” Hayes said.

Co-workers signed the back for Buckner with well wishes and thanked him for his years of brotherhood and mentorship. Buckner started on the Florida East Coast Railway in 1976, but spent most of his career working for CSX in Hialeah, Fla.

“He’s respected as superior switchman, RCO trainer and steadfast union man,” Hayes said. “His contributions will be sorely missed.”

Quote of the Month

“Yes, I am my brother’s keeper. I am under a moral obligation to him that is inspired, not by any maudlin sentimentality but by the higher duty I owe myself. What would you think me if I were capable of seating myself at a table and gorging myself with food and saw about me the children of my fellow beings starving to death.”

- Eugene V. Debs

Want your local to be featured on this page? Email your submissions to: news_td@smart-union.org
Local 303 participates in ‘Union Day of Bell Ringing’ for charity

Local 303 (Springfield, Mo.) took part in the annual Union Day of Bell Ringing for the Salvation Army, Saturday, Dec. 3, 2016.

“The event is in conjunction with the United Way of the Ozarks and the AFL-CIO,” Local Legislative Representative Jeff Nichols said. “This is our fourth year participating in the event.”

Members, along with their families and friends, manned the red kettles and rang the bells during the 10-hour event held at the Battlefield Mall in Springfield. Local auto- mobile dealership Don Wessel Honda of Springfield field matched all $20 bill donations with $100 up to a total of $100,000.

“Because of the 20/100 event, it was important that as many red kettles as possible be staffed,” said Nichols. “The participation of the local unions made it a huge success.”

SMART TD Human Rights Committee Update

In an effort to improve efficiencies and provide enhanced, more cost-effective service to our members, the SMART Transportation Division has recently conducted a review of its in-cab distractions. One of the areas identified for restructuring is the process for providing assignments to the SMART TD Human Rights Committee (HRC).

As a result, effective January 1, 2017, the point of contact for the Human Rights Committee will be Tracey Neighbors in the SMART TD legal department in Cleveland. Tracey will intake the initial inquiries, and after consultation with the HRC and legal counsel, will assign the assistance deemed appropriate to the request. This change is intended to provide a more uniform method of intake and handling while preserving the excellent service and professionalism provided by our HRC representatives.

SMART TD established the Human Rights Committee in February, 2000, as part of a broad-based effort to educate SMART TD Members and employers, to promote diversity within our union, and ensure that every voice is heard and respected.

Our union shares the same dream as Dr. Martin Luther King Jr. – that men and women should not be judged by race, religion, gender, age or sexual preference -- and only by the content of their character.

To contact Tracey Neighbors, please email: tneighbors@smart-union.org

SMART TD submitted comments to FRA on in-cab distractions

SMART Transportation Division submitted comments Jan. 3 protesting in-cab distractions to the Federal Railroad Administration (FRA). Our comments were made as a result of the FRA’s request for information to address the issue of in-cab distractions.

In our comments, we urged the FRA to consider alternative methods for reducing in-cab distractions. We also pressed them to take action by requiring two-person crews in all locomotive cabs.

“We have been concerned about the increase of in-cab distractions for some time and have submitted letters and comments to the FRA with our concerns. Two examples are Trip Optimizer and Leader, which are computer-generated devices located in locomotive cabs that are allegedly being used to save fuel,” SMART TD’s National Legislative Director John Risch said in the comments.

“In addition, PTC implementation is causing greater cab distractions than we had hoped it would. Instead of the PTC system simply stopping trains when necessary, they are constantly messaging the engineer to take some minor corrective action and requiring the engineer to interact immediately, which takes the crews’ focus off the track ahead and on the cab electronic device.”

To read the comments in their entirety go to www.smart-union.org/new/smart-td-comments-fra-regarding-cab-distractions

FRA releases 2017 drug and alcohol testing rates

The Federal Railroad Administration (FRA) has determined that the minimal annual random drug and alcohol testing rate will remain the same for 2017, as positive test rates have remained below the set threshold.

The testing rates will continue to be 25 percent of covered service employees for drug testing and 10 percent of covered service employees for alcohol testing.

As per a recent final rule, maintenance-of-way (MOW) employees will become subject to the FRA random drug and alcohol testing beginning June 12, 2017.

The FRA notes that when they originally set drug and alcohol testing rates in 1993, the FRA had set its initial minimum random drug testing rate at 50 percent, and its alcohol testing rate at 25 percent.

Since the FRA does not yet have data on MOW employee drug and alcohol testing rates, the initial minimums established in 1993 - 50 percent for random drug testing and 25 percent for random alcohol testing for the period starting June 12, 2017, and ending Dec. 31, 2017.

FMCSA establishes national drug and alcohol testing clearinghouse

The U.S. Department of Transportation’s (DOT) Federal Motor Carrier Safety Administration (FMCSA) announced a final rule, Friday, Dec. 2, that establishes a national drug and alcohol clearance program for commercial truck and bus drivers. The clearinghouse database will serve as a central repository containing records of violations of FMCSA’s drug and alcohol testing program by commercial driver’s license (CDL) holders.

Once the clearinghouse is established, motor carrier employers will be required to query the system for information concerning current or prospective employees who have unresolved violations of the federal drug and alcohol testing regulations that prohibit them from operating a commercial motor vehicle (CMV). It also requires employers and medical review officers to report drug and alcohol testing program violations.

The final rule requires motor carriers, medical review officers, third-party administrators, and substance abuse professionals to report information about drivers who:

• Test positive for drugs or alcohol;
• Refuse drug and alcohol testing; and
• Undergo the return-to-duty drug and alcohol rehabilitation process.

Additionally, motor carriers will be required to annually search the clearinghouse for current employees, and during the pre-employment process for prospective employees, to determine whether a driver violated drug or alcohol testing requirements with a different employer that would prohibit them from operating a CMV.

Federal safety regulations require employers to conduct pre-employment drug testing and random drug and alcohol testing. Motor carriers are prohibited from allowing employees to perform safety-sensitive functions, which include operating a CMV, if the employee tests positive on a DOT drug or alcohol test.

In accordance with the Privacy Act of 1974 (5 U.S.C. § 552a), a driver must grant consent before an employer can request access to a driver’s clearinghouse record and before an employer can request access to a driver’s clearinghouse record. The clearinghouse database will serve as a central repository containing records of violations of FMCSA’s drug and alcohol testing program by commercial driver’s license (CDL) holders.

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Negotiations update on the National Rail Contract

On December 5, 2016, SMART Transportation Division issued a press release to announce that the unions participating in the Coordinat ed Bargaining Group (CBG) had requested that the National Media tion Board (NMB) mediate the group’s negotiations with the National Carriers Conference Committee (NCCC).

The decision to move the process forward with a request for mediation was made after our last negotiating session with the NCCC, when it became apparent that the prospect of reaching a voluntary agreement had grown significantly less likely, due in large part to the outcome of November’s elections. During negotiations, the organizations submitted a proposal that would provide the framework of an improved wage, work rule and benefit package that we believe our members have earned.

“We stand firm in our conviction that our members deserve a better outcome than the carrier’s proposal and we will exhaust every avenue available to achieve a contract settlement with equitable compensation and benefit improvements that reflect the employees’ contributions to the carriers’ success.”

The carriers responded with an offer that was significantly less in every regard. Your negotiating team found the carriers’ demands for significant cuts to our health care benefits, long work hours, and intolerable levels of unpredictability and rest deprivation that our members currently endure.

“We will not accept or propose a contract that adds to the already intolerable levels of unpredictability and rest deprivation that our members currently endure.”

Moving through the Railway Labor Act to a strike is a long and arduous process, and requires the parties exhaust every opportunity for settlement before a work stoppage disrupts the nation’s transportation system. However, the right to strike is a part of the process and the only person who can take away your right to strike is the President of the United States, who may intervene and appoint a Presidential Emergency Board.

In the event that we reach that point, I will be calling on all of our members to reach out to the White House and request that our newly elected President not interfere with our right to exercise self-help in our quest for a fair and equitable contract settlement.

To better explain the process that governs from this point forward, an abridged version of a more detailed explanation of the Railway Labor Act can be found on the next page of this newsletter or by visiting our website at: https://smart-union.org/railway-labor-act.

Fraternally,

John Previsich
President, Transportation Division

See next page for Railway Labor Act

Aviation Department News

FAA issued final rule on small airplane safety certifications

The U.S. Department of Transportation’s Federal Aviation Administration (FAA) issued a final rule that overhauls the safety standards for small general aviation airplanes. This rule will reduce the time it takes to move safety enhancing technologies for small airplanes into the marketplace and will also reduce costs for the aviation industry.

“The FAA’s rule replaces prescriptive design requirements with performance-based standards, which will reduce costs and leverage innovation without sacrificing safety,” said U.S. Transportation Secretary Anthony Foxx.

FAA’s new Part 23 rule establishes performance-based standards for airplanes that weigh less than 19,000 pounds with 19 or fewer seats and recognizes consensus-based compliance methods for specific designs and technologies. It also adds new certification standards to address general aviation loss of control accidents and in-flight icing conditions.

“The rule is a model of what we can accomplish for American competitiveness when government and industry work together and demonstrate that we can simultaneously enhance safety and reduce burdens on industry,” said FAA Administrator Michael Huerta.

The rule responds to the FAA Modernization and Reform Act of 2012 and the Small Airplane Revitalization Act of 2013, which directed the FAA to streamline the approval of safety advancements for small general aviation aircraft. It also addresses recommendations from the FAA’s 2013 Part 23 Reorganization Aviation Rulemaking Committee, which recommended a more streamlined approval process for safety equipment on small general aviation aircraft.

The rule affects airplane manufacturers, engine manufacturers and operators of affected equipment.

This regulatory change is a leading example of how the FAA is transforming its Aircraft Certification Service into an agile organization that can support all aviation innovation in the coming years. The rule is a model of what we can accomplish for American competitiveness and safety.”

By John Previsich

Bus Department News

A message from your bus department leadership

Dear brothers and sisters of SMART TD:

I wish you all a happy and safe winter, and a happy New Year.

A lot of bus contracts are open for negotiation. We are making progress in the contract negotiations for the Gardena First Student School Bus local in California, and the Los Angeles County Metropolitan Transportation Authority (LACMTA). General Committee 875 is helping with negotiations and we are working to put together a proposal of contract negotiations in early 2017.

This Rule will have an impact on all of our bus operators who hold a CDL license. The rule affects you if you are upgrading your CDL from class B to class A, or seeking endorsement for P, S or H for the first time. The rule will have an impact on all of our bus operators who hold a CDL license. The rule affects you if you are upgrading your CDL from class B to class A, or seeking endorsement for P, S or H for the first time.

This Rule will have an impact on all of our bus operators who hold a CDL license. The rule affects you if you are upgrading your CDL from class B to class A, or seeking endorsement for P, S or H for the first time.

Road conditions are at their worst this time of year. Please allow yourself extra time, be aware of your surroundings and reduce your speed when necessary. Do NOT let your schedule take control over your safe driving speed.

Sleep apnea is a major problem in the bus industry. Please make time for your health and make that appointment for a medical check-up. Make sure to exercise and take a nap during your split shifts when you’re tired. Cutting overtime to rest can also improve your health.

If you need assistance or have questions, I can be reached at 216-287-9324. Until next time, God Bless America.

In Solidarity,

Adhi Reddy
SMART TD Bus Vice President
216-287-9324

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December 2016/January 2017 SMART TD News
Abridged version of the Railway Labor Act

The Railway Labor Act, as it is applied today, is the culmination of over a century of experience with federal legislation governing labor relations of employers and employees engaged in the rail industry. Its primary purpose is to promote and maintain peace and order in those relations as a means of avoiding interruptions in interstate commerce. During this period, Congress developed a comprehensive policy for dealing with transportation labor problems. The Railway Labor Act is intended to impose positive duties on both carriers and employees alike, define the rights of the parties and make provisions for the protection of such rights. The Act also prescribes measures for the settlement of disputes of a collective nature, and sets up agencies for adjusting differences.

To better understand the Railway Labor Act, it is important to briefly review the legislation that preceded its enactment.

Arbitration Act

The first federal legislation dealing with railroad labor relations was enacted by Congress in 1888. The law provided: (1) for voluntary ad hoc arbitration when both parties to the dispute agreed; and, (2) the President could establish boards of inquiry to investigate labor disputes that threatened to interrupt interstate commerce. The boards of inquiry were to make a public report of the findings and to make recommendations. During the 10 years of the law’s existence, arbitration provisions were never used, and the investigation provisions were used only once, and then without effect on a strike which was already in progress.

Erdman Act

The Erdman Act of 1898 was the first law to place reliance upon the policy of mediation and conciliation by the government for the prevention of railroad labor disputes, with a temporary board for each case. The investigation features of the Arbitration Act were repealed, but voluntary arbitration was retained as a second-line resolution procedure if mediation failed. In 1899, a union requested mediation pursuant to the act, but the involved railroad refused to participate. The act was not used again until 1906. Between 1906 and 1913, 61 cases were settled under the act, mostly by mediation.

Newlands Act

In 1913, several changes were made in the Erdman Act which emphasized the importance of mediation. These amendments later became known as the Newlands Acts of 1913. The Newlands Acts established a full-time Board of Mediation and Conciliation, and definitively placed the main reliance for settlement of disputes upon mediation. The board was also required, if dispute arose relative to the meaning or application of any agreement reached through mediation, to render an opinion when requested by either party to the dispute. When mediation failed, improved arbitration procedures were available.

Adamson Act

The Adamson Act of 1916 was an attempt to settle disputes with respect to the basic eight-hour day by direct congressional action, when mediation failed and arbitration was refused and a nationwide rail strike was imminent. The courts have held that the basic eight-hour day may be varied by union contract or individual agreement, if there is no union on the property for the craft involved.

Government seizure of the railroads during World War I

During World War I, the federal government took complete control of the nation’s railroads. Labor-management relations were placed under the supervision of the Federal Railroad Administration and its director general. National Boards of Adjustment were created to settle, by arbitration, all disputes which arose due to interpretation of existing agreements.

The standard labor unions supported the national boards since grievance arbitration was taken out of the hands of local, company-dominated unions. The carriers did not favor the national boards since they had little control over unions at the national level. During this period, there was relative labor-management peace and few arbitration cases.

The Transportation Act

The Transportation Act of 1920 created the United States Railroad Labor Board of nine members (there to represent, respectively, management, labor and the public) with authority to hear and decide disputes not disposed of in conferences between representatives of the carrier and the employees. Compliance with decisions of the board was not made obligatory, and therefore the board became ineffective.

The Railway Labor Act

The next and last major law enacted to deal with rail labor was the Railway Labor Act of 1926. In this period, Congress developed a comprehensive policy for dealing with transportation labor problems, which included the binding arbitration provisions of the Newlands Acts.

The Railway Labor Act, as it is applied today, is the culmination of over a century of experience with federal legislation governing labor relations of employers and employees engaged in the rail industry. Its primary purpose is to promote and maintain peace and order in those relations as a means of avoiding interruptions in interstate commerce. During this period, Congress developed a comprehensive policy for dealing with transportation labor problems. The Railway Labor Act is intended to impose positive duties on both carriers and employees alike, define the rights of the parties and make provisions for the protection of such rights. The Act also prescribes measures for the settlement of disputes of a collective nature, and sets up agencies for adjusting differences.

State Watch

**Illinois**

Pictured from left: Illinois State Director Bob Guy; Former Illinois State Director and former FRA Administrator Joe Szabo; Assistant State Director Joe Ciemny; 49-year SMART TD Local 1525 member and ILHS nonreeve Milton L. McDaniel Sr., a 49-year member (Local 1171 Legislative Representative Cedrick Fuller; and Illinois Board Chairperson John O’Brien.

On Dec. 2, 2016, the Illinois State Legislative Board co-sponsored the Illinois Labor History Society’s (ILHS) annual Union Hall of Honor dinner and induction ceremony.

“The annual dinner’s theme this year was the 100th anniversary of the Great Migration and included the induction of Milton L. McDaniel Sr., a 49-year member (Local 1525) of SMART TD and the first African American locomotive fireman north of the Ohio River on the Illinois Central Railroad,” State Legislative Director Bob Guy said.

**Nebraska**

State Legislative Director Bob Borgeson and Chayse Johnson present a UTUPRC to John Synowiecki (D-Dist. 7). Synowiecki was running for a seat in the Nebraska State Senate he lost the seat to Tony Vargas (R). Chayse is the daughter of Local 626 President Jon Johnson.

**Washington**

State Legislative Director Herb Krohn reported that Republican candidate for governor, Bill Bryant, advocated for up to four crewmembers on all freight trains during his final debate with incumbent Governor Jay Inslee. Bryant also advocated for restrictions on oil train lengths and increased inspections of cars and tracks. Gov. Inslee also sought support of mandated inspections, staffing and braking systems for oil trains.

Inslee won his re-election and all eyes will be on him to see if he will pass any new oil train safety regulations as promised.

Submit your legislative stories and photos to SMART Transportation Division by emailing: news_td@smart-union.org

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Hard fought victories: a history of railroad labor

100 years of railroad history: Strikes marked early days as workers organized unions

1866: After several attempts were made as early as 1865, the Brotherhood of the Footboard became the first craft union of rail labor on May 8 in Marshall, Mich. The organization changed its name to the Brotherhood of Locomotive Engineers (BLE) within a year of forming.

1868: T.J. “Tommy” Wright and a small band of Illinois Central Gulf Conductor formed the first conductors’ union known as “Division Number 1 Conductor Brotherhood.” The union’s first convention was held in Columbus, Ohio, where conductors from U.S. and Canada adopted the name, “Order of Railway Conductors of America” (ORC).

1872: Laborers in New York City went on strike to obtain an eight-hour workday.

1873: The Brotherhood of Locomotive Firemen (BLF) was organized by Joshua Leach.

1877: Several railroads cut wages 10 percent, setting off strikes and riots. Over 100 strikers were killed and several hundred were wounded. Federal troops, under order of President Hayes, quelled the disturbances. The stage was set for stronger organization of railroad labor.

1880: Eugene Victor Debs was elected as president of the Brotherhood of Locomotive Firemen.

1881: The American Federation of Labor (AFL) formed from its predecessor, the Federation of Organized Trades and Labor Unions.

1883: The Brotherhood of Railroad Brakemen was formed in June. At the time, rail workers earned a little more than $1.00 a day while working one of the most dangerous jobs in the U.S. An estimated 70 percent of all train crews could expect injury within five years.

1885: The ORC directed its leaders to aid in negotiating agreements with employers, a revolutionary idea for the time.

1886: Switchmen met in Chicago and formed the Switchmen’s Mutual Aid Association.

1887: The Order of Railroad Trackmen organized in Demopolis, Ala. It soon changed its name to the current-day Brotherhood of Maintenance-of-Way Employees (BW).

1889: A lockout on the Chicago Northwestern Railroad, and a disastrous strike in 1888 on the Chicago, Burlington and Quincy Railroad, ended the Switchmen’s Mutual Aid Association in July 1894.

1889: The Brotherhood of Railroad Brakemen changed its name to the Brotherhood of Railroad Trainmen (BRT) to reflect its expansion into 14 different trade classifications.

1890: The ORC adopted a strike clause and began a militant policy of fighting for the welfare of its members.

1893: Official counts showed 18,343 railroad workers were injured on the job and another 1,657 were killed that year. There was no legal redress for injuries or deaths resulting from negligence on the part of their employers.

1893: The first target of railroad labor’s legislative campaign, begun in 1889, was safety. Its first victory was the enactment of the Safety Appliance Act of 1893. Among other things, the act outlawed the “old-man-killer link and pin coupler” which alone was responsible for 310 deaths and 8,753 injuries to railroad workers that year.

1893: The American Railway Union (ARU), the nation’s first industrial union, was founded June 20 to unite all rail workers into a single organization.

1894: Led by Eugene V. Debs, the ARU endorsed the Pullman Strike and declared a boycott against Pullman equipment. This paralyzed many carriers across the U.S. Federal, state and local militia patrolled Chicago yards as hundreds of cars were burned. Tricops killed about a dozen strikers and wounded scores. About 14,000 law agents guarded Chicago railroads and thousands more stood duty along 41,000 miles of U.S. track before the strike was finally broken that summer. Debs and other ARU leaders were jailed and the union was destroyed.

1894: The Switchmen’s Mutual Aid Association regrouped and the Switchmen’s Union of North America (SUANA) was formed.

1898: The Boardman Act provided for mediation and voluntary arbitration on the railroads. It made criminal offense for railroad property to discriminate against employees or to discriminate against prospective employees because of their union membership or activity. The Act also allowed for legal protection of employees’ rights to membership in a labor union, a limit on the use of injunctions in labor disputes, lawful status of picketing and other union activities, and requirement of employers to bargain collectively.

1906: The BLF changed its name to Brotherhood of Locomotive Firemen and Enginemens (BLF&EE).

1908: The Federal Employers’ Liability Act (FELA) passed on April 22. Most railroad workers fall under FELA when injured on the job.

1910: The Accident Reports Act passed on May 6. A 10-hour workday and standardization of rates of pay and working conditions were won by the Railway Brothers.

1911: The Locomotive Inspection Act passed on Feb. 17.

1916: The First Round of Wage Increases. The Brotherhoods continue with their strike plans and struck for two days. They won their first round of wage increases.

1920: The National Labor Relations Board (NLRB) was established by an amendment to the Railway Labor Act (RLA).

1922: The National Labor Relations Relations Act of 1926 was the first federal law to regulate the organization of workers on employers’ property. It was the most important law enacted to protect workers’ rights and interests.

1926: The National Labor Relations Act of 1926 became known as the Wagner Act. It established the National Labor Relations Board (NLRB) to oversee the representation election process.

1935: The National Labor Relations Act of 1935 followed the example of the Railway Labor Act, and clearly established the right of all workers to organize and to elect their representatives for collective bargaining.


1946: The Railway Employee Retirement System (REPS) Act passed. It provided retirement benefits for railroad workers.

1956: The Railway Retirement Act (RRA) was amended to allow workers to retire at age 62 with 30 years of service.

1966: The Railway Retirement Act (RRA) was amended to increase the retirement age to 65 and the minimum years of service to 30.

1971: The Employee Retirement Income Security Act (ERISA) was enacted to protect the retirement savings of workers by establishing minimum standards for employee benefit plans.

1980: The Employee Retirement Income Security Act (ERISA) was amended to establish a critical illness and disability benefit program for railroad workers.

1986: The Employee Retirement Income Security Act (ERISA) was amended to establish a critical illness and disability benefit program for railroad workers.

1990: The Employee Retirement Income Security Act (ERISA) was amended to establish a critical illness and disability benefit program for railroad workers.

1996: The Employee Retirement Income Security Act (ERISA) was amended to establish a critical illness and disability benefit program for railroad workers.

2000: The Employee Retirement Income Security Act (ERISA) was amended to establish a critical illness and disability benefit program for railroad workers.
Retirees should be aware of the railroad retirement laws governing benefit payments to annuitants who work after retirement.

A railroad retirement annuity is not payable for any month in which you work for a railroad or railroad labor organization. This rule applies to all beneficiaries, including retired employees and their spouses, regardless of age or amount of earnings. You can work for a nonrailroad employer and still receive retirement benefits from the Railroad Retirement Board (RRB). However, your benefits may be reduced, regardless of the amount of your earnings or for your last pre-retirement nonrailroad age (FRA). Once you attain FRA, there are special rules for your earnings. However, if you work for your last pre-retirement nonrailroad employer, your benefits may be reduced, regardless of the amount of your earnings or your age.

### 2017 Earnings Limits

Like social security benefits, railroad retirement Tier I benefits and vested dual benefits paid to retired employees and their spouses are reduced if you are under FRA. We count your earnings from both railroad and non-railroad employment to determine if you earn more than the exempt amount. FRA extends from age 65 for beneficiaries born before 1938, to age 67 for those born in 1960 and later.

#### Special One-Year Rule

A special rule applies to earnings for one year, usually the first year of retirement, if you are under FRA. Under this rule, you can receive a full annuity for any month you are "reemployed" and your monthly earnings do not exceed a certain limit, regardless of your annual earnings. Different rules apply to self-employed individuals subject to the monthly test. The amount of time spent in self-employment during a month, as well as the nature of work performed, is considered in determining whether the special one-year rule applies. In 2017, a person under FRA is considered eligible for:

- **Hearing aid low price guarantee** •
- **Risk-free 60 day trial** •
- **Three year warranty** •
- **Free batteries** •
- **No enrollment fees**

If you are under FRA in all of 2017, you can earn up to $16,920 in 2017 with no reduction in your railroad retirement benefits. If you earn more than that, $1 in benefits is withheld for every $2 you earn over $16,920. If you attain FRA in 2017, you can earn up to $44,880 in the months before you reach FRA with no reduction in your railroad retirement benefits. If you earn more than that amount, $1 in benefits is withheld for every $3 you earn over $44,880.

If you also receive monthly social security benefits, your social security benefits are reduced if you earn more than the exempt amount, but your Tier I railroad retirement benefits are not reduced because of your earnings.

#### Railroad Retirement Board: Rules for working after retirement

Contact the RRB

For more information on limitations to working after retirement visit the RRB’s website at www.rrb.gov or call toll-free 877-772-5772.

Save money on your hearing health!

Visit Amplifon’s website at www.amplifonusa.com/smartTD or call 1-888-402-4716 for discount details.

### Railroad Retirement Board: Rules for working after retirement

If you work for someone else, your gross wages count when we calculate your earnings deductions. If you are self-employed, we count only your net earnings from self-employment. We count your earnings from both railroad and non-railroad employment to determine if you earned over the annual exempt amount. We do not count non-work income such as investment earnings, interest, pensions, gifts, inheritances and capital gains.

# Follow-up:

SM ART TD Alumni Association

News, information for members of the SM ART TD Alumni Association

**Local Name**  
City/State

<table>
<thead>
<tr>
<th>Local Name</th>
<th>City/State</th>
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<tr>
<td>445 Wargo, Milan J.</td>
<td>Streator, Ill.</td>
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<td>446 Borkowitzy, James R.</td>
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<td>489 Vermeking, Weldon G.</td>
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<td>1732 White, Frederick A.</td>
<td>Stagg, Calif.</td>
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<tr>
<td>1949 Clark, Simon W.</td>
<td>Big Pool, Md.</td>
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<tr>
<td>1963 Harris, Richard G.</td>
<td>Henryville, Ind.</td>
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<tr>
<td>6666 Ambicki, Fern E.</td>
<td>Tucson, Ariz.</td>
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Abridged version of the Railway Labor Act

Continued from page 5

with rail-labor relations was the 1926 Railway Labor Act. The act has been amended sever-

al times but remains the hallmark of labor relations in the rail industry and the oldest con-
tinuous federal collective bargaining legis-
lation in the nation’s history.

The act has five major functions:
1. To prevent the interruption of rail service;
2. To allow employees to organize their own unions;
3. To provide complete independence of or-
   ganizations by both management and labor;
4. To assist in prompt settlement of dis-
   putes arising regarding rates of pay and
   working conditions; and
5. To assist in prompt settlement of any dis-
   putes or grievances which arise as a
   result of conflicting interpretations or
   application of existing agreements.

As the various sections of the Railway Labor Act (RLA) are studied, it is obvious that it has
embodied provisions of the earlier acts to incorpo-
rate and mandate certain basic prin-
ciples that are implied in the labor relations
in the air and rail industries. Sections of the Act
that are pertinent to this explanation of the
processes involved in national rail con-
tract negotiations are excerpted below:

§152. First. “It shall be the duty of all carri-
ers, their officers, agents, and employees to
exert every reasonable effort to make and
maintain agreements concerning rates of pay,
rules, and working conditions...”

The RLA imposes a positive duty upon all

 carriers and their employees subject to the
act to make and maintain written agree-
ments. The relations between the carrier and
employees are not to be governed by the
arbitrary will or whim of management or the
employees, but by written rules mutually
agreed upon and equally binding on each.

§152. Sixth. “In case of a dispute...arising out of griev-
ances or out of the interpretation or appli-
cation of agreements concerning rates of pay,
rules, or working conditions; or disputes among
employees as to who shall be their duly designated and author-
ized representative (‘representation dis-
putes’ docketed as “R” cases).

Interpretation of mediation agreements
where controversy has arisen over the
meaning or the application of such agree-
ments (involving completed “A” cases).

Emergency boards
Under the terms of Section 10 of the Railway
Labor Act, if a dispute between a carrier and
its employees is not adjusted through media-
tion or the other procedures prescribed by the
act, and should, in the judgment of the National
Mediation Board, threaten to inter-
rupt interstate commerce to a degree such as
to deprive any section of the country of
essential transportation service, the board
shall notify the President, who may there-
upon, in his or her discretion, create an emer-
gency board to investigate and report to him
or her respecting such dispute.

An emergency board may be composed of
such number of persons as the President
designates (usually three), and persons so

designated shall not be pecuniary or other-
wise interested in any organization of

Kathryn Hastings, International President of
the Auxiliary of the UTU, reported that the
Auxiliary opened four new lodges in 2016.

Lodge 854 opened Oct. 7 in Chesapeake,
Va.; Lodge 782 opened Oct. 9 in Asheville,
N.C.; Lodge 218 opened Nov. 16 in Proc-
tor, Minn.; and Lodge 446 opened Dec. 10
in Cheyenne, Wyo.

The benefits of joining are:
• Union - Bring spouses and family
members together with fun activities.

• Support - Provide assistance for Auxiliary
members and help in local communities.

Hold fundraisers for furloughed employ-
ees, scholarships or local charities.

• Legislative - Receive updates on issues that
affect SMART TD jobs and members.

• Scholarship - Minimum of eight $1000 scholar-
ships are granted each year that renew for a
maximum of four years.

• Resources - Provide information on
Dissolved Legal Co's. so
families know what to do if some-
things happens to a spouse while
at work. Other resources avail-
able such as railroad retirement
and medical information.

Discounts - Variety of discounts
on travel, phone, computers, mov-
ing, entertainment & much more.

Visit the Auxiliary’s website at
www.auxiliaryutu.org or call
216-521-2522 for more information
on how you can join or open a lodge.

http://www.house.gov/hrbfindrepid

“The nationwide fight over operating crew size is far from over, and we are urging all BLET and
SMART TD Brothres and Sisters to contact their member of Congress on this extremely
important issue,” BLET President Dennis R.
Pierce said. “In spite of what the railroads might
say, technology has not advanced to the point
that it can replace the eyes and ears of railroad
professionals. Please do your part as the job
you save may be your own.”

“We will continue our tireless and years-long
work of supporting a minimum of two crew
members on all trains. An overwhelming
majority of Americans from both political par-
ties support this measure; the American peo-
ple have spoken and are in favor of this bill. It
is past time for our government to get on
track, do the right thing and support H.R. 233.
This measure is a matter of domestic safety
and security for railroad workers, passen-
gers, our cities, towns and our entire nation,”
said SMART TD President John Previsich.

H.R. 233 can be viewed at: https://www.con-
gress.gov/bill/115th-congress/house-
bill/233/text?r=61

The SMART Transportation Division has set the dates and locations of the union’s two 2017 regional meetings.

San Antonio
Hotel Information:
The western regional meeting will be held June 12-14, at Grand Hyatt San Antonio Hotel in San Antonio. The cost for rooms in San Antonio is $185 per night for standard single/double sleeping rooms.
To make your room reservations at the Grand Hyatt San Antonio hotel, call 1-800-233-1234 and mention reservation code: SMART or 2017 Union Transportation Division Regional Meeting.
To make your reservations online visit: https://aws.passkey.com/go/SmartUnion2017
Parking:
- Self-Parking - $14.50 (regularly $29.00)
- Valet Parking - $39.00

United Airlines Discount:
- Valid Dates: 06/07/17 - 06/17/17
- Offer Code: ZY4D10745
- Z code: ZY4D
- Agreement Code: 810745
- Book online: www.united.com
- Phone reservations call: 800-426-1122

New York City
Hotel Information:
The eastern regional meeting will be held July 10-12 at Sheraton New York Times Square Hotel in New York City. The cost for rooms in New York City is $189 per night for standard single/double sleeping rooms.
Call 1-888-627-7067 for reservations and mention reservation code: SMART or 2017 Union Transportation Division.
To make your reservations online visit: https://www.starwoodmeeting.com/Book/SMART2017
Parking:
- Self-Parking: not available
- Valet Parking: $65.00

United Airlines Discount:
- Valid Dates: 07/05/17 - 07/15/17
- Offer Code: ZY4D10745
- Z code: ZY4D
- Agreement Code: 810745
- Book online: www.united.com
- Phone reservations call: 800-426-1122

The Transportation Division’s officers and director of meeting management will continue to finalize details of both meetings in the coming months.
Check www.smart-union.org/td/ regularly for meeting updates.

SMART TD releases 2017 Regional Meeting details

Anyone working in a cold environment may be at risk of cold stress. Some workers may be required to work outdoors in cold environments and for extended periods, for example, snow cleanup crews, sanitation workers, police officers and emergency response and recovery personnel, like firefighters, and emergency medical technicians. Cold stress can be encountered in these types of work environments.

**WHAT IS THE RESPONSIBILITY OF YOUR EMPLOYER?**

Although OSHA does not have a specific standard that covers working in cold environments, employers have a responsibility to provide workers with a place of employment that is free from recognized hazards, including cold stress, that are causing or are likely to cause death or serious physical harm to them (Section 5(a)(1) of the Occupational Safety and Health Act of 1970). Employers should, therefore, take into account the hazards of the job and safety measures to use, including engineering controls and safe work practices, that will protect workers’ safety and health.

OSHA’s cold stress guide: Hypothermia

Hypothermia occurs when body heat is lost faster than it can be replaced and the normal body temperature (98.6°F) drops to less than 95°F. Hypothermia is most likely at very cold temperatures, but it can occur even at cool temperatures (above 40°F), if a person becomes chilled from rain, sweat or submersion in cold water.

**WHAT ARE THE SYMPTOMS OF HYPOTHERMIA?**

Mild symptoms:
- An exposed worker is alert.
- He or she may begin to shiver and stomp their feet in order to generate heat.
- Moderate to Severe symptoms:
  - As the body temperature continues to fall, symptoms will worsen and shivering will stop.
  - The worker may lose coordination and become confused and disoriented.
  - He or she may be unable to walk or stand, pupils become dilated, pulse and breathing become slowed, and loss of consciousness can occur. A person could die if help is not received immediately.

**WHAT CAN BE DONE FOR A PERSON SUFFERING FROM HYPOTHERMIA?**

Call 911 immediately in an emergency; otherwise seek medical assistance as soon as possible. Move the person to a warm, dry area. Remove wet clothes and replace with dry clothes, cover the body (including the head and neck) with layers of blankets, and with a vapor barrier (e.g., tarp, garbage bag). Do not cover the face.

If medical help is more than 30 minutes away:
- Give warm sweetened drinks if alert (no alcohol), to help increase the body temperature.
- Place warm bottles or hot packs in armpits, sides of chest and groin.
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**WHAT IS HYPOTHERMIA?**

Hypothermia happens when the body is too cold. It occurs when body heat is lost faster than it can be replaced and the normal body temperature (98.6°F) drops to less than 95°F. Hypothermia is most likely at very cold temperatures, but it can occur even at cool temperatures (above 40°F), if a person becomes chilled from rain, sweat or submersion in cold water.

**WHAT ARE THE RISK FACTORS THAT CONTRIBUTE TO COLD STRESS?**

Some of the risk factors that contribute to cold stress are:
- Wetness/dampness, dressing improperly and exerting yourself.
- Predisposing health conditions such as hypertension, hypothyroidism and diabetes.
- Poor physical conditioning.

**HOW DOES THE BODY REACT TO COLD CONDITIONS?**

In a cold environment, most of the body’s energy is used to keep the internal core temperature warm. Over time, the body will begin to shift blood flow from the extremities (hands, feet, arms and legs) and outer skin to the core (chest and abdomen). This shift allows the exposed skin and the extremities to cool rapidly and increases the risk of frostbite and hypothermia. Combine this scenario with exposure to a wet environment, and trench foot may also be a problem.

**WHAT IS THE RESPONSIBILITY OF YOUR EMPLOYER?**

Although OSHA does not have a specific standard that covers working in cold environments, employers have a responsibility to provide workers with a place of employment that is free from recognized hazards, including cold stress, that are causing or are likely to cause death or serious physical harm to them (Section 5(a)(1) of the Occupational Safety and Health Act of 1970). Employers should, therefore, take into account the hazards of the job and safety measures to use, including engineering controls and safe work practices, that will protect workers’ safety and health.
In the event of a lack of eligible applicants for any district, all remaining applicants will be added to a sub-district scholarship pool. Visit www.utuia.org after the March 31 deadline for submission of applications.

**ELIGIBILITY**

Requirements of a UTUIA scholarship applicant are that he or she be a U.S. citizen, at least a high school senior or equivalent, and age 25 or under.

Applicants must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder. Scholarship applicants must also be associated with the SMART Transportation Division by belonging to the union, or by being the child or grandchild of an active or lifetime SMART Transportation Division member.

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time SMART Transportation Division officers are not eligible.

Applications must be received no later than March 31, 2017. Please submit only one application per student. Incomplete or duplicate applications will not be accepted.

The application form is only available at www.utuia.org by clicking on ‘scholarship information’ and ‘scholarship application.’

**AWARDS**

Scholarship winners are selected through a random drawing. A UTUIA scholar is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

**ADMINISTRATION**

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA secretary & treasurer.

**CONTACT**

Further questions may be directed to Beth Thomas by calling 216-227-5254, or by emailing ethomas@utuia.org.

Visit www.utuia.org for full details and official rules.

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**UTUIA Scholarship Districts**

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<tr>
<th>District</th>
<th>Scholarships</th>
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<tbody>
<tr>
<td>1</td>
<td>Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont</td>
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<td>2</td>
<td>Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania</td>
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<tr>
<td>3</td>
<td>Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia</td>
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<td>4</td>
<td>Indiana, Michigan, Ohio</td>
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<td>5</td>
<td>Illinois, Wisconsin</td>
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<td>6</td>
<td>Arkansas, Louisiana, Oklahoma, Texas</td>
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<td>7</td>
<td>Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota</td>
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<tr>
<td>8</td>
<td>Arizona, California, Colorado, Nevada, New Mexico, Utah</td>
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</tbody>
</table>

*In the event of a lack of eligible applicants for any district, all remaining applicants will be added to a subsequent drawing after winners have been drawn. A random drawing will then take place until such time that all scholarships have been given away.

*Official rules and full details are available at www.utuia.org.

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**John Edgar Thomson Foundation**

John Edgar Thomson Foundation offers financial assistance to daughters of deceased railway employees.

The John Edgar Thomson Foundation was established in 1882, endowed by the will of Mr. Thomson, third president of the Pennsylvania Railroad. The Foundation provides financial assistance for orphaned daughters of deceased railroad employees. The parent, regardless of gender, must have been in the active employ of a railroad in the U.S. at the time of death. The cause of death need not be work related and the parent, while on the active role of the railroad, may have been receiving disability or sick leave benefits. Eligibility is dependent upon the daughter and parent remaining unmarried.

The monthly grant, under continued eligibility, may cover the period from infancy to age 18. If attending college, assistance may extend to age 24 to assist with higher education. The Foundation also provides special health care benefits to the daughter.

Funding for the work of the Foundation is completely independent of any railroad. Applications are accepted year-round. For more information, visit www.jethomsonfoundation.com or call 1-800-888-1278.

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**Other transportation scholarships**

Below is a list of some other transportation industry scholarships that you or your children/grandchildren may be eligible for.

- **Union Plus Scholarship** - Application due by 12:00 p.m., January 31. Visit www.unionplus.org to apply.
- **Frank J. Richter Scholarship** - This $1,000 scholarship is sponsored by the American Association of Railroad Superintendents. Application must be postmarked by July 7, 2017. Visit www.supt.org/FrankJRichter for more information and to apply.
- **ABA Foundation Scholarships** - The American Bus Association Foundation (ABA) offers scholarships to full-time employees and their children, whose employer is a member of the ABA. Employees of Coach USA, among others, are eligible. Applications are being accepted between January and April at www.buses.org/aba-foundation/scholarships.
- **RAA Scholarship** - $3,500, for high school graduates studying for a career in aviation. Go to http://www.raa.org/page-RAA_Scholarship_for_more_information.

For other available scholarships visit: https://www.scholarships.com
The Federal Railroad Administration (FRA) proposed updates for the passenger train safety standards used in the United States as the country looks to add high-speed trains that can travel up to 220 miles per hour and replace its aging passenger fleet. The proposed updates represent nearly a decade of work by FRA’s passenger rail division.

“As several regions of the United States build faster passenger rail service, the trains on those tracks must keep passengers safe,” said U.S. Transportation Secretary Anthony Foxx. “To do that, we want to allow manufacturers and other stakeholders to have an opportunity to provide feedback and comment on the proposed rules during the next 60 days. In addition to measuring a train’s crashworthiness based on whether it meets current precriptive strength standards, the proposed changes would allow a train’s crashworthiness to be evaluated based on it meeting an equivalent level of safety achieved through crash energy management technology or other innovative engineering methods. “We look forward to hearing from everyone on how this proposal can help our country build a stronger passenger rail network — one that is not only faster but allows for new technologies to make passenger trains even safer,” said FRA Administrator Sarah E. Feinberg. Although Tier III trains will be required to have exclusive track to operate at speeds above 125 mph, the new standards will allow Tier III trains to safely share track with current Tier I and Tier II commuter, intercity and Acela trains. Compatibility between equipment types is a key strategy to allow trains to share existing corridors to reach downtown stations.