NMB backlog broken

Additional funds get cases moving in arbitration system

With the help of some additional funds, what had been a stubborn clog in the Section 3 arbitration process has loosened, and now nearly 550 SMART TD members whose cases had been stuck in a backlog at the National Mediation Board (NMB) have had them moved along.

In May, Congress voted to release an added $570,000 to the NMB’s normal funding to help the board resolve more than 6,000 cases that had been scheduled at the start of the 2016 fiscal year. As of last month, all of those cases had been assigned to arbitrators and were being worked through.

Had a brother or sister found their case trapped in that backlog, he or she could find themselves in an economic limbo. Bills could accumulate as their work - ing lives were, in essence, on hold for months or years in the most extremes cases, until those cases were scheduled and then resolved.

“This is a huge deal because many of our members had been waiting for upwards of two years for resolution,” GO 001 General Chairperson Mike LaPresta said.

In August and September combined, a total of 3,600 Public Law Board (PLB) and National Railroad Adjustment Board (NRAB) cases, including 544 involving SMART TD members, seeking arbitration were funded by that additional appropriation, which was secured through the efforts of several unions, the Transportation Trades Department of the AFL-CIO and SMART TD Legislative Director John Risch, said Dave Wier, SMART TD international vice president.

The NMB was formed in 1934 by an amendment of the 1926 Railway Labor Act in an effort to facilitate the resolution of disputes and to help mitigate strikes. After it was established that rail labor would seek arbitration rather than striking when an impasse was reached between carriers, the federal government agreed to pay for the expenses incurred by going to arbitration for “minor disputes” known as Section 3 cases.

Two years later, when the airlines were included in coverage under the NMB, no such provision was made, so airline labor unions pay for use of NMB’s services.

Arbitration decisions made under Section 3 are final and binding, with very limited grounds for judicial review.

But just because those cases involved in the backlog have been scheduled doesn’t mean NMB’s plate ever gets cleared. As of Oct. 31, its website listed close to 8,400 cases to be heard in fiscal year 2018.

### Pending/closed Section 3 cases

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Pending at FY’s start</th>
<th>Pending at FY’s end</th>
<th>Closed cases in FY</th>
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<td>2016</td>
<td>6,247</td>
<td>7,590*</td>
<td>2,824*</td>
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</table>

* Estimates from National Mediation Board

### Reps seek examination of effects of long trains

After derailments, blocked crossings and other complications, two members of the U.S. House of Representatives’ Committee on Transportation and Infrastructure have asked for the federal Government Accountability Office to study the effects of longer freight trains.

In the letter dated Nov. 7, ranking members Peter DeFazio, D-Ore., and Michael E. Capuano, D-Mass., made the request after referencing the derailment Aug. 2 of a CSX train in Hyndman, Pa.

The derailment of 32 cars from the train that consisted of five locomotives and 178 rail cars caused the evacuation of about 1,200 residents and destroyed a house in the small town. The representatives noted in their letter that the average freight train consists of about 70 cars.

“Recent press reports indicate...”

Continued on page 3
Amtrak conductor and Local 1933 member Amanda "Mandie" Brillhart has been in the hospital for nearly two months and continues to recover after Florence, S.C., sheriff’s deputies said her husband, Charles Durell Nethercutt, poured gasoline on her and set her on fire in their home in late September. As a result of the attack, Brillhart received severe burns to her torso, arms, legs and feet and has had extensive surgeries. Online fundraisers at GoFundMe.com continue to help her family with medical costs. In an update on the crowdfunding site posted this month, Brillhart’s mother, Annette Brillhart, said that Mandie, 27, the mother of a one-year-old son, was walking with assistance and had undergone 19 surgeries at last count. “I cannot tell you how grateful that we as a family are for the support that you all have shown for her and us as well. I am reading all the wonderful thoughts and prayers for her and I am overwhelmed," Annette posted. “Please continue to pray for her and leave your well wishes on this site or you may send a card or letter of encouragement to our home. “When she finally gets out of ICU, I can bring them to her and she can read them and get a better understanding of how much she means to people, even the ones she does not know." To contribute online, visit https://www.gofundme.com/yasvcw-support-for-mandie. To send cards or letters, address them to: Annette Brillhart 102 Red Coat Lane, Columbia, SC 2922 Nethercutt was taken into custody by police in November after fleeing to Yonkers, N.Y., and was awaiting extradition to South Carolina to face the charges against him.

Local 303 President Tim Latham bats for his team.

Legislative Representative Jeff Nichols reports that the local came up just short in defending its championship from last year in a charity softball tournament against other unions. The local played as part of the union bracket of the Springfield Central Labor Council’s 2017 Pay it Forward Softball Tournament on Sept. 23 at Summers at the River Sports Complex. Local 303 ultimately fell to Springfield City Utilities Water and Gas Workers/IBEW 753 and ended up taking second of eight teams, Nichols said. The tournament raised more than $1,300 with proceeds benefiting the AFL-CIO United Way of the Ozarks Partnership.

Amtrak conductor and Local 1933 member Amanda "Mandie" Brillhart has been in the hospital for nearly two months and continues to recover after Florence, S.C., sheriff’s deputies said her husband, Charles Durell Nethercutt, poured gasoline on her and set her on fire in their home in late September. As a result of the attack, Brillhart received severe burns to her torso, arms, legs and feet and has had extensive surgeries. Online fundraisers at GoFundMe.com continue to help her family with medical costs. In an update on the crowdfunding site posted this month, Brillhart’s mother, Annette Brillhart, said that Mandie, 27, the mother of a one-year-old son, was walking with assistance and had undergone 19 surgeries at last count. “I cannot tell you how grateful that we as a family are for the support that you all have shown for her and us as well. I am reading all the wonderful thoughts and prayers for her and I am overwhelmed," Annette posted. “Please continue to pray for her and leave your well wishes on this site or you may send a card or letter of encouragement to our home. “When she finally gets out of ICU, I can bring them to her and she can read them and get a better understanding of how much she means to people, even the ones she does not know." To contribute online, visit https://www.gofundme.com/yasvcw-support-for-mandie. To send cards or letters, address them to: Annette Brillhart 102 Red Coat Lane, Columbia, SC 2922 Nethercutt was taken into custody by police in November after fleeing to Yonkers, N.Y., and was awaiting extradition to South Carolina to face the charges against him.

Warning signs of domestic violence

Domestic violence can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Some of the signs of an abusive relationship include a partner who:

- Embarrasses you with put-downs
- Controls who you see or talk to, where you go or what you do
- Takes your money or refuses to give you money for necessary expenses
- Prevents you from working or attending school
- Pushes, slaps, chokes or hits you
- Tells you you’re a bad parent and threatens to harm or take away your children
- Intimidates you with weapons

If you or someone you know is a victim of domestic violence, call the National Domestic Violence Hotline for help at 1-800-799-7233 or for the hearing impaired TTY 1-800-787-3224. Visit the National Domestic Violence Hotline website at www.thehotline.org.
Long trains’ effects

As expected, control of the National Mediation Board (NMB) has changed from Democratic to Republican hands with the confirmation by the U.S. Senate early this month of a pair of President Donald Trump’s appointees.

By Senate vote Nov. 2, Kyle Fortson, of Washington, D.C., was confirmed to serve a term lasting until July 2019 and fellow Republican Gerald Fauth of Virginia was confirmed to serve a term lasting until 2020.

In the same vote, the sole Democrat on the board, Linda Puchala, also was reappointed to a term lasting until July 2018.

Fauth becomes chairman of the NMB and replaces longtime fixture on the board Harry Hoglander, a Democrat who had served on the board since being appointed in 2002 by then-President George W. Bush. Fortson replaces Republican Nicholas Gaei, who took a Labor Department position.

The NMB is tasked by the federal Railway Labor Act to mediate disputes between management and labor over collective bargaining issues when negotiations cannot reach an agreement.

Just last December, the board stepped in by mediating the latest talks between the Coordination Bargaining Group, including SMART TD and five other unions, and rail carriers.

That mediation resulted in the tentative National Rail Agreement that was being voted on this month.

If that proposed agreement is rejected by members, the now-Republican-controlled NMB would determine what would happen next in the bargaining process.

Members helping members: Locals help recovery from Hurricane Harvey

In the aftermath of Hurricane Harvey in August, members of Locals 1886 (Houston), 1904 (Houston) and 1974 (Fort Worth, Texas) all came together to help Local 1886 member Will L. Davis.

Brother Davis lost everything during Hurricane Harvey and was eventually rescued from his roof top after the storm struck. Brother Davis reached out to Port Terminal Railroad Association (GCA 803) General Chairperson Chris Alston for any volunteers to help with cleanup. Brother Alston reached out to members and had within two, 25 members plus some relatives of members from the three aforementioned locals showed up to lend a hand to help Brother Davis start the cleanup.

Brother Davis did not have flood insurance and was loaned a travel trailer to live in by member Josh Crocker, who has been a TD member of Local 1886 for less than a year.

“This tragic event has brought together our union brothers to represent the true meaning of brotherhood and unity,” Alston said.

Retired VP W.W. Lain passes away

W.W. Lain

Retired UTU Vice President William W. Lain Jr., 63, died Monday, Oct. 9.

Lain Jr., born July 5, 1954, started his career with the Alton & Southern Railway (A&S) in 1973 as a locomotive fireman.

He was promoted to locomotive engineer the following year.

He became interested in the affairs of his union in 1984 when he was elected vice president of Local 243 in Fort Worth, Texas, for 19 years. He served the local as president since 2007 and local chairperson since 2012 and was also the local’s delegate.

In his free time, Beckman enjoyed extreme couponing, Black Friday shopping, Royals and Rangers games, gambling and smoking cigars.

Beckman is survived by his mother, Bonnie Jean (Flin) Beckman; children Jordan Beckman, Nick Beckman and Christian Cumro; and siblings Kate (Lee) Reith, Sherri (Brent) Polson, Jennifer (Corey) Woodyard, Gary Beckman, Kelly (Paul) Jay and Kim (Clinton) Day.

He was preceded in death by his father, Mardell LeRoy “John” Beckman. Beckman’s family and all who knew him.

Union Pacific switchman Jon Paul Beckman, 48, was killed when he was struck by a train Sept. 20. He was working in Arlington, Texas, when the accident occurred.

Beckman hired out with UP in 2001 where he held the positions of conductor, foreman, brakeman and switchman over the years.

Beckman was a member of Local 243 in Fort Worth, Texas, for 19 years. He served the local as president since 2007 and local chairperson since 2012 and was also the local’s delegate.

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Looking ahead, listening closely

The phrase “This is your union” is used in many connections, all linked to the value you bring and how it adds to our collective strength. It can be easy to lose sight of the simple, literal truth that your union is part of your life every day, helping you receive fair pay and good benefits and giving you the representation and the collective voice at your workplace.

Another truth is that you are part of the union every day. Your thoughts and opinions matter. I want you to know that your voice can be heard — and is part of the life of our Union, from the smallest local union to the highest levels of our International Association. As you may have seen in our monthly videos, I have been making myself accessible, reaching out to talk with members of the Transportation Division and our other crafts where they work or at the local union hall. I have these conversations as my travel permits, but I want to reach more of our membership.

Going live, taking questions

To give more of you an opportunity to take part, we have added an online expansion of those conversa-
tions — live streaming video of “Town Hall Forums” (scan the QR code at the end of this column) where I respond to questions that members send in.

Our first forum was early this month. Several hundred members registered to stream the session, and some formed viewing sessions of their own at their locals. Among the questions I answered during the broadcast was an update on the national carrier negotiations.

While I was only able to cover a fraction of your many topics “on air,” any member who submitted a question and provided their contact information will get a response — not necessarily from me, but from an appropriate member of the leadership or senior staff.

One of my highest priorities is to identify and develop new ways to increase our strength and be even more effective in how we address the needs and interests of each and every member. We need you, an active member, to pursue that goal. Your energy fuels our collective power and our progress at every level. I want to know what your priorities are and make sure they are part of the planning and decision-making across our organization.

I encourage each of you to sign up at SMARTaction.org and to text SMART to 90975 so that you’ll receive alerts about upcoming online forums. In almost every state, we have a TD and SM member helping us coordinate and message our efforts.

Join the discussion about how we are responding to today’s issues and preparing for the challenges ahead. I want to hear from you. Make your voice heard.

This is your union.

Fraternally,

Joseph Sellers Jr.
General President, SMART

Aviation Department News

Outgoing Huerta praises general aviation safety progress

Outgoing Federal Aviation Administration (FAA) Administrator Michael Huerta touted progress that has been made in reducing the number of aircraft-related fatalities in the United States at a meeting last month. At the fifth annual General Aviation Safety Summit in Washington, D.C., on Oct. 24, Huerta announced “it looks like 2017 will be our safest year yet,” in regard to general aviation (GA) fatalities.

The number of fatalities is well below the target of 1 per 100,000 flight hours, Huerta said.

“This is a significant accomplishment,” he said.

Huerta highlighted other progress made by the agency in the realm of safety, including rewrites of Part 23 — the rules that cover small aircraft — that went into effect on Aug. 30. He also mentioned a streamlining of the approval process for non-required safety enhancing equipment.

“These actions will ensure that new GA aircraft can benefit from innovative, performance-based technologies — while making it easier for the existing fleet to modernize and install life-saving equipment,” Huerta said.

One challenge still ahead for FAA is meeting the Jan. 1, 2020, deadline of equipping GA aircraft with the Automatic Dependent Surveillance — Broadcast technology. Right now, Huerta said, there are only about 31,000 aircraft compliant with that mandate.

“We’re just not where we want to be a little more than two years out from the deadline,” Huerta said.

The deadline will arrive under new leadership. Huerta’s five-year term is up in January.

“In aviation, we’re always chasing the perfect,” Huerta said. “And as long as general aviation accidents keep occurring, we must stay vigilant and keep finding new ways to advance our shared safety mission.”

Bus Department News

Dear Bus Members:

I have been updating you as much as possible on the ever-evolving Department of Transpor-
tation (DOT) and Federal Motor Carrier Safety Association (FMCSA) positions on obstructive sleep apnea (OSA). I recently wrote and informed you that FMCSA had scrapped its plans to issue a guidance on OSA, but unfortunately that may be changing soon. The reason for that change involves one owner with one bus.

On Oct. 23, 2016, on Interstate 10 near Palm Springs, Calif., USA Holiday, a privately-owned company that was transporting passengers from the Los Angeles area to Red Earth Casino in Salton Sea Beach, Calif., ran into the back of a truck trailer, killing 13 and injuring more than two dozen others. The driver, who was also the owner of the bus, was also killed in the accident.

The National Transportation Safety Board (NTSB) recently found that the accident was caused by the inadequate transportation management plan for stopping highway traffic near utility work by the California DOT. They also cited fatigue related to undiagnosed obstructive sleep apnea and inaction by the driver due to fatigue.

NTSB is using the driver’s extreme obesity for its ruling, which has been our concern that this issue can be discrimina-
tory. As you recall, I wrote that FMCSA had pulled back its guidance, but several members of Congress voiced their dis-
plesure with this ruling. As a result of this accident, the NTSB has requested that FMCSA make the 2016 Medical Review guidelines on screening for OSA easily accessible to certified medical examiners, and instruct the examiners to use the recom-
mendations as guidance when evaluating commercial drivers for OSA risks.

I will try to keep you informed as accurately and as quickly as possible, because any subsequent ruling will impact our lives and livelihoods.

Also, the holiday season is upon us and I would like to take this opportunity to wish all of you and your loved ones a safe and joyous holiday season.

In solidarity,

Calvin Studviant

SMART TD Bus Vice President
973-800-7995

cstudviant@smart-union.org

Contact us:

news_td@smart-union.org
Phone: 216-228-9400
Fax: 216-228-5755

Joseph Sellers Jr.
SMART
General President
jsselers@smart-union.org

Richard L. McClees
SMART
General Secretary-Treasurer
rmcclees@smart-union.org

John Provisich
SMART Transportation Division President
president_td@smart-union.org

John Risch
SMART Transportation Division National Legislative Director
jrisch@smart-union.org

November 2017 SMART TD News
In a world with the internet and cellphones, it might be a breeze to get in touch with someone, but the face-to-face approach gets things done.

Just ask Matt Campbell, SMART TD’s Georgia state legislative director and a member of the SMART TD National Safety Team. Campbell visited Capitol Hill in Washington, D.C., Oct. 11 and 12 along with members of SMART TD’s national legislative office and met with several members of his state’s congressional delegation to drum up support for H.R. 233 – two-person crew conditions.”

A couple of weeks later, Campbell got word that U.S. Rep. John Lewis, (D - Dist. 5) also would sponsor the bill.

“It goes to show that being active by meeting and talking to lawmakers about issues important to members, regardless of political party, is worth the effort and makes more of an impact,” Campbell said. “These congresspeople work for us. It’s important to reach out to them and let them know who you are.”

Campbell plans another trip to Washington in the coming months to secure more support for the legislation.

New Jersey

State Legislative Director Ron Sabat (left) and New Jersey Transit General Chairmanperson (GCA 610) Steve Burkert (right) endorsed Democratic candidate Phil Murphy (center) in the Nov. 7 election for governor. Murphy won the election.

Ohio


Virginia

The Virginia State Legislative Board put on a breakfast to show support for Democratic Lt. Gov. Ralph Northam’s ultimately successful campaign for governor.

“We invited all rail labor unions to the breakfast meeting to show our support together for his campaign,” Virginia State Legislative Director Ronnie Hobbs said.

Retired State Legislative Director Cornelius “Connie” M. English Jr., 74, died Oct. 14 at his home of congestive heart failure.

A veteran of the Army National Guard, English joined the Army in 1962 and was stationed in Fort Polk, La.; Bergstrom Air Force Base in Austin, Texas; and in Okinawa, Japan, from 1962 to 1965. Upon his retirement from the Army, English went to work for Southern Pacific Transportation Co. After seven years, he hired out with Southern Pacific Railroad as a brakeman and later as a conductor.

From 1999 until his retirement in 2015, English served as state legislative director of Texas. His son, Brian English, currently serves on the Texas state legislative board as assistant state legislative director.

SMART TD extends its condolences to English’s family and all who knew him.
When there’s an accident on the rails, the national Safety Team is there to assist

The SMART TD National Transportation Safety Team is comprised of 21 members, each of whom is on call 24 hours a day to assist in the investigation of any rail-related accidents.

Team members are chosen by the SMART Transportation Division based on their experience, knowledge of operating rules, passion for safety and geographic location. Being selected is an honor, but being an active SMART TD member is a requirement. Each member receives extensive training from the National Transportation Safety Board. One of the prime reasons for the team’s establishment is workplace safety.

“By utilizing our operating expertise to develop facts as to the cause of an accident, we are able to further this agenda by playing a vital role in making safety recommendations to avoid future occurrences,” said NSTB Co-Director Jerry Gibson.

Since these accidents and investigations can happen anywhere at any time, team members can get a call in the dead of night and must be ready to travel at a moment’s notice.

“Our safety is our priority.”

SMART Transportation Division has no higher priority than fighting for laws, regulations and work rules that ensure our members go home to their families,” he said. “While the need is out there for more members to become involved, a co-director assigns one or more team members, who immediately head to the scene.

An NSTT Co-director also notifies the SMART TD general chairpersons in the region and the respective state legislative director, as well as the NTSB.

The principal government agency the team works with is the NTSB. On a collateral basis, team members may also work with other agencies, including the Federal Railroad Administration (FRA), railroad carriers, local police, fire and EMS departments and others.

In an NTSB investigation, there are no sides and no adversarial relationship — the investigation is strictly for the purpose of developing facts as to the cause of an accident, as well as making safety recommendations to avoid future occurrences.

“W e also enhanced our training, equipment and rewrote our manual — all positive steps in our attempts to eliminate these tragic events and get our fellow brothers and sisters home safely,” said Gibson.

“As a fraternal organization, our duty is to be our brothers’ and sisters’ keeper, and it starts with safety. We need special people with a special skill set and I am proud to work alongside my fellow NSTT members.”

Jerry Gibson,
National Transportation Safety Team co-director
Kevin L. Smith named to appeals board

Kevin L. Smith, general secretary of Union Pacific Western Lines General Committee GO 887, will replace the retiring David W. Patenaude on the SMART TD Board of Appeals after a vote Oct. 3 by the union’s board of directors.

Smith began his career as a switchman with UP in April 2006. In 2007, he was voted in as legislative representative of Local 1813 in West Colton, Calif., a position he held through 2015. In 2010, Smith was elected vice local chairperson for the local until 2014, when he was elected local chairperson — a position he still holds. He’s also served his local as a delegate at the 2011 and 2014 SMART TD conventions. At GO 887’s quadrennial meeting in 2015, Smith was elected general secretary.

In 2014, Smith was appointed to the SMART TD National Transportation Safety Team by SMART TD President John Previsich. Smith continues to be a member of that team.

“Being elected to the board is pretty heady stuff for a simple switchman,” Smith said in an email. “It is a great honor to serve on the SMART Transportation Division Board of Appeals representing yardmen. I look forward to working with the members of the board and contributing my skills and knowledge to the membership.”

In 2009, Smith became interested in potential dangers posed to members who were transporting hazardous materials on a daily basis. As a result, he worked to become a Rail Workers Hazardous Material Training Program staff peer trainer. He continued his training in hazardous materials and became an authorized trainer for the Occupational Safety and Health Administration and a Hazardous Material Instructor Trainer for the Department of Transportation. He also became a Modular Emergency Response Radiological Transportation instructor for the Department of Energy’s Transportation Emergency Preparedness Program.

Smith, 55, is qualified as a switchman/brakeman with Southwestern Pacific Transportation Company (now UP) in Los Angeles. He was promoted to conductor in 2003. In 2007, he was voted in as legislative representative of Local 1570 in Roseville, Calif., he has served as both vice local chairperson and local chairperson from 1999 to 2009, as well as delegate for the local at the 2011 and 2014 conventions.

Patenaude was elected as 1st vice general chairperson in September 2009, then re-elected in 2011 and 2015. He was elected to the TD Board of Appeals at the 2014 convention.

SMART TD congratulates Brother Patenaude and wishes him well in his retirement.

2018 railroad paid holiday schedule

Rail employees working under the national agreement between SMART Transportation Division and the National Carriers’ Conference Committee will receive 11 paid holidays in 2018:

- New Year’s Day, Monday, Jan. 1
- Presidents Day, Monday, Feb. 19
- Good Friday, Friday, March 30
- Memorial Day, Monday, May 28
- Independence Day, Wednesday, July 4
- Labor Day, Monday, Sept. 3
- Thanksgiving Day, Thursday, Nov. 22
- Day after Thanksgiving, Friday, Nov. 23
- Christmas Eve, Monday, Dec. 24
- Christmas Day, Tuesday, Dec. 25
- New Year’s Eve, Monday, Dec. 31

Happy Holidays!
RR RETIREMENT: Adjust public service pensions to avoid overpayments

A public service pension is any periodic benefit payment, as well as lump-sum payments made in lieu of periodic payments, based on an individual’s own employment with a federal, state or local government unit. Examples are pensions paid to teachers, police officers and civil service personnel on the basis of age or disability.

Most military service pensions and payments from the Department of Veterans Affairs will not cause a reduction. A pension paid by a foreign government or an interstate instrumentality also has no effect.

Q. How is the public service pension reduction applied to railroad retirement spouse or widow(er)’s annuities?

For spouses and widow(er)s subject to the public service pension reduction, the tier I reduction is equal to 2/3 of the amount of the public pension. The amount of the public service pension is the current gross amount, before any deductions for income tax withholding, Medicare premiums, health insurance or other benefits.

Q. Are there any provisions that would exempt railroad retirement spouse or widow(er) annuitants from the public service pension offsets?

In order to be exempt from a public service pension reduction, federal, state and local government workers must be covered by Social Security throughout their last 60 months of employment with the pension-paying government entity.

The public pension reduction also does not apply to a spouse or widow(er) who filed for and became entitled to a railroad retirement annuity before December 1977 or to a spouse or widow(er) whose public pension is not based on her or his own earnings.

For more information, contact an RRB field office using the Field Office Locator at https://www.rrb.gov/Field-OFFice-Locator or call 877-772-5772. Most field offices operate 9 a.m. to 3:30 p.m. local time on weekdays, except for Wednesdays, when offices are open 9 a.m. to noon.

Follow the names of recently deceased members who maintained annual membership in the SMART TD Alumni Association, according to reports received at SMART TD Headquarters. These brothers and sisters will be missed by their many friends and by fellow SMART TD Alumni Association members.


Shelley became an active member of the then UTU Retiree Program upon his retirement from Burlington Northern in January 2001. Former UTU President Byron Boyd expanded the UTU Retiree Program and renamed it UTU for Life in 2003. Part of the expansion included adding local chapters to retirees to stay in touch. Shelley opened the very first chapter in Seattle, Wash., in 2003. Chapter 1 is still active today and coordinated by Shelley in March of the same year. Shelley became the first national coordinator of UTU for Life.

Current SMART TD Alumni Association Coordinator Carl Cochran took over for Shelley as national coordinator in March 2006. SMART TD congratulates the Shelleys on this important milestone and wishes them both well.

Retired local chairperson commits to UTU PAC

Following are the names of recently deceased members who maintained annual membership in the SMART TD Alumni Association, according to reports received at SMART TD Headquarters. These brothers and sisters will be missed by their many friends and by fellow SMART TD Alumni Association members.
Retired local chairperson commits to UTU PAC

Continued from page 9

A. Brooks recently signed up for automatic contributions to UTU PAC at the Gold Club level. “After serving 30 years as a local chairperson before retiring, I understand the important role the Political Action Committee plays in the everyday working conditions of railroad employees,” said Brooks, a former Local 1470 (Edmonton, Mo.) chairperson.

By walking the halls of Congress to rally for votes to keep Amtrak funded and through his work with the Maryland state legislative board, Brooks said he personally saw the strength that UTU PAC gave to our causes. “I saw the power of PAC when we legislated in Congress to change railroad retirement to 60/30 (reirement at age 60, with 30 years of service). I don’t think there’s a better retirement in the United States than Railroad Retirement. My personal experience has shown me how important UTU PAC is in carrying on its operations by making contributions to PAC,” Brooks said. “Please help by pledging a donation— it could make a great impact on the future of the railroad industry.”

To receive a donation form for UTU PAC, email SMART TD’s PAC Administrator Wendy Miller at wmill@smart-union.org. You may also send your donation by check made out to “UTU PAC” and mail it to SMART TD, c/o UTU PAC, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333.

For more information, please call 216-228-9400.

Final figures for fees objectors for 2016

Percentage of chargeable fees determined by analysis for calendar year 2016

Transportation Division 77.1 percent

The item in red is the final figure. It was previously estimated in the July/August 2017 issue of the SMART Transportation Division News to be 78.6 percent. All other reported numbers have stayed the same as originally reported.

SUMMARY ANNUAL REPORT OF THE SMART DISCIPLINE INCOME PROTECTION PROGRAM

This is a summary of the annual report of the SMART Discipline Income Protection Program, EIN: 34-1031303, for the period January 1, 2016 through December 31, 2016. The annual report has been filed with the Employee Benefits Security Administration as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was $2,395,869 as of December 31, 2016, compared to $1,961,558 as of December 31, 2015. During the plan year, the plan experienced a decrease in net assets of $434,311. This decrease includes unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had total income of $8,413,458; participant contributions of $15,148,640 and earnings from investments of $254,848. Plan expenses were $15,837,399. These expenses included $1,361,098 in administrative expenses and $14,476,301 in benefits paid to participants and beneficiaries.

YOUR RIGHTS TO ADDITIONAL INFORMATION

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant’s report;
2. A statement of the assets and liabilities of the plan and accompanying notes; or a statement of income and expenses of the plan and accompanying notes, or both.
3. A statement of change in net assets, if any, together with an analysis of the predecessor and successor net assets.
4. Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the Plan Sponsor:
SMART
Plan Sponsor
1750 New York Avenue, Suite 600
Washington, DC 20006
34-1031303 (Employer Identification Number)
216-228-9400

You also have the rights to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. These portions of the report are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan:
SMART
1750 New York Avenue, Suite 600
Washington, DC 20006

and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to:
When it comes to safety, it’s time to lead

In early 1998, a federal task force was created to examine railroad switching fatalities. Coordinated by the Federal Railroad Administration, this working group consisted of representatives from rail labor and carrier industry management.

For 22 months they pored over data from the 76 switching deaths that occurred between 1992 and 1998, as well as reviewed the limited data collected from similar fatal events from 1975-1991. Every conceivable factor involving each member’s fatality was charted, analyzed and examined in this exhaustive effort to determine the factors that contributed the deaths of railroad workers.

On Oct. 28, 1999, the very first Switching Operations Fatalities Analysis (SOFA) report containing the 22 months of their work was released. Coordinated by the Norfolk Southern Railway, the report’s fatality was charted, analyzed and examined in this exhaustive effort to determine the factors that contributed the deaths of railroad workers.

The aftermath of the Sept. 7, 2015, collision between a pair of Union Pacific trains is shown in Texarkana, Texas.

NTSB says sleeping workers a cause of collision, plans to hold hearing on fatal Amtrak collision

The National Transportation Safety Board (NTSB) announced Oct. 12 that it ruled that a collision between a pair of Union Pacific (UP) trains in Texarkana, Texas, in September 2015, was probably caused by crewmembers who did not respond to a signal indicating they had fallen asleep.

The board also said that the lack of a functioning positive train control system was a contributing factor in the collision.

An Amtrak locomotive bears damage after it struck a backhoe, killing a pair of track workers, in Chester, Pa., in April 2016. COURTESY NTSB

At 12:34 a.m. Sept. 8, 2015, a westbound UP engine on the Pine Bluff Subdivision struck a northbound UP train that was traveling on the Little Rock Subdivision, the board said.

Data from the locomotive event recorder of the striking train showed that the train slowed from 19 to 6 mph after the engineer applied emergency brakes.

The engineer and conductor of the westbound train were treated for minor injuries and there were no injuries to the crew of the northbound train, the report said.

Both of the westbound train’s locomotives derailed, spilling 4,000 gallons of diesel fuel, while seven cars of the train that was struck left the tracks.

The NTSB said damage to the trains was

This chaos imposed upon a good portion of our membership affects all of us. Couple this with today’s prevailing political philosophy against the supposed evils of regulatory oversight of corporations, especially concerning industrial occupational safety, and we find that protecting ourselves on the job is up to us — now more than ever!

Further, it’s a pretty safe bet that all of us know someone who was injured or worse while railroadiing. We all understand the hazards associated with our line of work, and we are all familiar with the old saying “the rules are written in blood.” Contrast this with those reports mentioned above that exhibit a blatant intentional disregard of safe working procedures that have been beaten into our conscience from our first day in railroad training, and we have no choice but to lead.

Our union’s structure is built upon the ability to look out for each other, and each local has a legislative representative (LR) who is our first line of safety. Legislative representatives were around long before the carriers started forming company-run safety committees. We do not oppose these safety committees, and we do rely on the carriers to live up to their responsibility for safety. But remember: We are the leaders in safety — always have been, always will be!

Your Safety Task Force encourages and urges you to work through your local LRs to ensure unsafe conditions and practices are documented, reported and corrected. Email us any question, condition, unsafe trend etc., and we will work to find a resolution.

It is time to lead.

SMART Rail Safety Task Force email: s_taskforce@smart-union.org https://smart-union.org/safety /smart-rail-safety-task-force

Hazmat training schedule is set in Houston

The Rail Workers Hazardous Materials training program has scheduled five-day hazmat/chemical emergency response programs that will fulfill OSHA and DOT training requirements. The program also goes over procedures, different levels of response and worker protection in a hazardous materials emergency or release, weapons of mass destruction awareness and the incident command system training, and completes the OSHA 10-hour general industry outreach requirements.

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The training program, which consists of interactive classroom instruction, small group activities, hands-on drills and a simulated hazmat response in full safety gear, is funded by a federal grant from the National Institute of Environmental Health Sciences (NI EHS). This course will provide rail workers essential knowledge, skills and response actions in the case of an unintentional release. These tools are intended to allow rail workers to protect themselves, their co-workers and their communities.

Funding provides for students’ air travel, lodging and meals. In addition, an incentive of $175 per day is available to all training participants of these programs, except those who are able to secure regular pay through their employer or are paid union members.

Remaining dates of the training class are:

- Jan. 7-12, 2018
- Feb. 11-16, 2018
- March 18-23, 2018

Training will be conducted at the Houston Fire Department’s Val John Training Facility, 8030 Braniff St., Houston, TX 77061.

Programs begin at 5:30 p.m. Sunday and conclude 1 p.m. Friday. Students may be asked to travel on Saturdays to meet program start times or where substantial reductions in airfare warrant.

When registering, select dates in order of preference.

For more information, call 202-624-6963 between 9 a.m. and 5 p.m. Eastern Monday through Friday.
Brother Greg M. Cosner (Local 240) – fourth from left – celebrates his retirement Nov. 3 with his crew out of City of Industry, Calif. Among those pictured are Ernie Diego (Local 1422), Steve Cornie, Brad Olson, Harry Garvin (Local 240) and Karl Wilson. Cosner hired out as a brakeman with Southern Pacific on May 20, 1977, and was promoted to conductor in 1979. He retired off the San Gabriel Road Switcher Day-Light at City of Industry on Sept. 4 with 40 years of service in the Los Angeles Hub Service Unit with Union Pacific.

Photo by retired Local Chairman and conductor Brian N. Black and provided by Garvin, to the right of Cosner.

SMART Transportation Division is always looking for good photos and your picture can be featured on this page as a Photo of the Month.

SMART TD seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America moving. High-resolution digital photographs should be in JPEG format and emailed to news_td@smart-union.org. We prefer horizontal photos.

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

All photographs submitted become property of SMART. Remember to review your employer’s policies regarding use of cameras on the property or during work hours.

Is your local involved in a charity? Or perhaps one of your brothers or sisters is doing something unique outside of work? Is something happening legislatively in your state? Retirees, are you doing something interesting with your retirement, or have a second career, or perhaps you’ve won an award? We’d like to know about it! To have your story featured, submit your stories and photos to SMART Transportation Division by email to: news_td@smart-union.org.