

# SMART<sup>®</sup>

## Transportation Division News

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International Association of Sheet Metal, Air, Rail and Transportation Workers



SMART Transportation Division Bus Department Vice President Calvin Studivant, left, speaks to attendees during a workshop on driver safety during the SMART TD Regional Meeting last summer in New York City, N.Y.

## Batory sworn in to lead the FRA

After months of waiting, Ronald L. Batory was sworn in on Feb. 28 as the new administrator of the Federal Railroad Administration (FRA).

“This day could not have happened soon

enough,” Batory said in remarks delivered during the ceremony administered by



Batory

U.S. Department of Transportation Secretary Elaine Chao. “Those of you familiar with railroad work rules will appreciate (this): While I was ‘held away from home terminal’ from August 2nd to November 19th of last year and on ‘initial terminal delay’ until today, so needless to say, I’m ready to release the brakes and throttle out.”

The former COO and president of Conrail was nominated by President Donald Trump in July 2017 to lead FRA. However, U.S. Sen. Chuck Schumer (D - N.Y.), the Senate minority leader, placed a hold on Batory’s nomination in an attempt to work out federal funding for

# Getting home safely

## An update on union efforts to stop assaults on our bus operators

In a column published late last year on the Huffington Post website, Larry Willis, president of the Transportation Trades Department (TTD) of the AFL-CIO, discussed the dangers faced by members of the SMART Transportation Division bus department and transit operators nationwide.

“Hundreds of transit operators are assaulted every week in this country.

Drivers have been spat upon, punched, stabbed, shot and made to suffer other indignities while on the job. Injuries run the gamut from black eyes, bruises and broken bones to more serious and life-altering outcomes,” Willis wrote. “Verbal abuse and threats of physical violence have also become an all-too-common reality for transit workers.

“The unnecessary risk to workers and the fear and physiological stress that is placed on transit employees for simply reporting to work should be unacceptable to policymakers and management alike.”

Your SMART TD leaders continue to work to make sure that protections for bus and other transit operators improve.

“There is no higher priority than operator safety. On a daily basis, we see reports of drivers getting as-

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# Around the SMART TD

## Local 1626, Anchorage, Alaska



From left, Alaska Railroad President & CEO Bill O'Leary poses with dispatchers Ryan Diehl, Benjamin Bowen, Joshua Robinson, Vern Bashor, Steven Tennison and Caitlin Elison. Lauren Shinn and Bryan Sooter are not pictured.

SMART Transportation Division members out of Local 1626 were among recipients of the Gold Spike award from Alaska Railroad in late January.

Members **Benjamin Bowen, Ryan Diehl, Caitlin Elison, Joshua Robinson, Bryan Sooter** and **Steven Tennison** received a team award for "a sustained level of excellent performance and team-driven professional development, which in turn, improved train transportation performance."

SMART TD trainman/brakeman **Kyle Bergner** was also a Gold Spike recipient.



The Bergner family celebrates Kyle Bergner's Gold Spike award with his family, from left, daughter, Elizabeth; wife, Patricia; daughter, Makayla; son, William and Kyle.

## GC Mark Cook of GO 898 retires

On Feb. 28, after 38 years of service, Alternate Vice President and GO 898 General Chairperson **Mark Cook** has switched his union hat for a retirement one.

A member of Local 783 in Salisbury, N.C., Cook hired on with Southern Railroad in Linwood, N.C., in September 1979. Cook served his local as vice president, vice local chairperson, local chairperson and as alternate delegate.

He was elected assistant general chairperson of NS GO 898 in 2003 and re-elected in 2007. In 2011 and 2015, he was elected and re-elected to the office of general chairperson. In 2013, Cook was elevated to alternate vice president after the retirement of **Larry Barrilleaux**, then elected to the position at the 2014 SMART TD convention.

"I guess one of the most important things to me was bringing our committee from one of the poorest committees financially in the UTU/SMART, to the most financially sound without any dues increases. That was achieved by our office working together diligently," Cook said. "I am most proud to have been able to represent this committee, GCA 898."



Cook

Cook also moderated regional meeting workshops on whistleblowers, arbitration, FRA hours of service and federal certification.

He was instrumental in achieving the inaugural contract agreement for employees of the Birmingham Terminal Railway and also helped negotiate the contract with Terminal Railroad Alabama State Docks.

"Our Committee achieved flow back, guaranteed extra boards, organized and negotiated agreements for our short lines," Cook said of the committee's accomplishments while he was general chairperson.

He was also a member of the negotiating team for the 2017 national rail contract.

As for what's next for Cook? He says that he plans to spend his retirement with his wife, Danette, and hopes to do some travelling and spend time with his new granddaughter, Delaney Ann Cook.

"Working on the railroad, you don't always get to see your children growing up and the many important things that they do. You can never make that up, but I hope to spend a lot more time with family," Cook said.

Cook leaves this counsel to the next generation: "Advice that I would give young officers in the new generation railroader, is to get involved early in your career. I know what little time you get off you don't want to spend it working on union business, but if you don't protect your rights and your working agreement, no one else will. In the next eight to 10 years, the railroad will change tremendously, and we have to adapt and we have to have young, intelligent individuals to lead us into the future."

Effective March 1, **Thomas Gholson** of Local 573 (Danville, Ky.) took over as general chairperson for GO 898.

SMART TD congratulates Cook on his retirement and Gholson on his new position and wishes them both well.

## Locals 1033 and 1971, Atlanta, Ga. and Local 1970, Fitzgerald, Ga.



At left, Local Chairperson **Vincent Thomas** of Local 1033 shows off a cooler that he won at his local's December meeting. Georgia State Legislative Director **Matt Campbell** reports that the Georgia state legislative board awards these coolers to members at local meetings. To be eligible to win, the member has to be able to name their U.S. congressperson and agree to help educate their local on important issues.

"Many members do not know who their elected officials are, and this must change for our mission to be accomplished," Campbell said. "Members can go the Legislative Action Center (LAC) on the SMART TD website at [http://www.congressweb.com/smart\\_transportation](http://www.congressweb.com/smart_transportation) and scroll down, enter their address and their elected officials will be listed."

Local Chairperson **Wesley Griffin** of Local 1790 and General Chairperson **Billy Moye** (1971) also have won coolers.

## Local 1973, Chicago, Ill.

**Kevin McNamara**, SMART TD Local 1973 member and a yardmaster at the CSX 59th Street Yard in Chicago, raised \$480 for the Special Olympics Chicago at the 2018 Chicago Polar Plunge. The event raised a total of \$1,515,214.63.

At the time of the March 4 plunge, the water temperature of Lake Michigan was 39 degrees.

"It was colder than last year," McNamara said.



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**Around the SMART TD continued...**

**Local 1422, Los Angeles, Calif.**



**Robert Resendez Jr.** of Local 1422, who served on the SMART Transportation Division Executive Board, has retired after 44 years of service, says Local Chairperson **Edward Campos**. A retirement party was held Feb. 17 in Anaheim Hills, Calif., for Resendez, who also served as a local chairperson, local trustee and as an alternate to the executive board. Among the many attendees at Resendez's party was former SMART TD President **Mike Futhey**.

Resendez hired out in May 1973 as a switchman with Union Pacific before becoming an engineer in 1980. SMART TD wishes him well in his retirement.

**Local 947, Chaffee, Mo.**

Hailey Thompson, 13-year-old daughter of BNSF conductor **Zach Akridge** and his wife, Alyssa, won the Miss Teen Northeast Arkansas Pageant and competed in the Miss Teen Arkansas pageant in early March. Hailey has established an anti-bullying club at Piggott High School in Arkansas and is working to raise funds for PACER's National Bullying Prevention Center. For more information about PACER's, visit [www.pacers.org](http://www.pacers.org).



Hailey

**Local 265, Pocatello, Idaho**



Local officers arranged food and refreshments for their late summer picnic held near the Portneuf River in South Pocatello, Idaho. Pictured here, from left, are retired conductor Brent Cutler, Vice Local Chairperson Sam Butler, Local Trustee Jon Lamb Jr. and Local Chairperson Adam Lamb. Photo was submitted by retired local President Joe Richmond.

**Ron Batory is sworn in as new administrator of the Federal Railroad Administration**

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the multi-billion-dollar Gateway Tunnel project between Schumer's home state and New Jersey.

As the delay on his confirmation dragged on, Batory began working in November as a special assistant to Chao, advising on rail matters. He was finally confirmed Feb. 13 by unanimous voice vote in the U.S. Senate after Schumer lifted his hold.

Now that he's in, Batory said he'll be focusing on safety and technology – how to improve the former and the application of the latter.

"Rail safety is first and foremost. Its practice is non-compromising and non-negotiable," he said. "Safety is embedded into our lives. It is the keystone of the railroad industry."

Batory said FRA safety efforts will extend beyond the industry to the general public, noting that his agency launched a \$4.3 million campaign Feb. 26 in conjunction with the National Highway Traffic Safety Administration (NHTSA) to educate people about the dangers of rail grade crossings, something Batory experienced firsthand aboard locomotives that collided with vehicles at crossings.

In addition, Batory also said that his agency will explore technology that decreases the amount of risk and danger on the nation's rails.

"FRA will continue with renewed urgency in seeking ways to foster and encour-

age the railroad industry's use of technology to bring about continued safety improvements and increased efficiency in railroad operations and maintenance," he said. "We have many fields of opportunity awaiting us to harvest change whether it be safety, technology, infrastructure or a combination thereof."

SMART and SMART Transportation Division leadership, which had supported Batory's nomination from the outset, reacted positively to the long-awaited installation of the new administrator, who has more than 45 years of rail industry experience.

"Ron Batory's swearing-in brings real-world experience and a solid background in railroad operations and safety to the FRA that all stakeholders can respect,"

SMART Transportation Division President **John Previsich** said. "In remarks ... he mentioned that 'Rail safety is first and foremost.' We agree wholeheartedly with that statement, and we look forward to working with Administrator Batory and his agency to reduce risk and enhance safety on our nation's rails."

"We are pleased to have Ron Batory as the administrator of the Federal Railroad Administration." SMART General President **Joseph Sellers** said. "Ron Batory is knowledgeable and experienced in the railroad industry. We look forward to collaborating with him on PTC and other safety initiatives."

**John Risch**, SMART TD's



SMART Transportation Division National Legislative Director John Risch, right, poses with newly sworn-in FRA Administrator Ron Batory on Feb. 28 in Washington, D.C.



In this photo from the U.S. Department of Transportation, Raymond B. Martinez (left) is sworn in on Feb. 28 as the new administrator of the Federal Motor Carrier Safety Administration by Transportation Secretary Elaine Chao, right. In the center is Martinez's wife, Marin Gibson.

national legislative director, also highlighted the new administrator's experience and looks forward to working with Batory.

"This is very good news that Ron Batory was sworn in today. We have been very supportive of him becoming FRA administrator, because he knows the railroad industry and because he has always been fair in his dealings with our membership."

Risch said. "We look forward to working with Ron and his FRA team in improving safety on our nation's railroads."

While Batory's confirmation remained in political limbo, the FRA was being described as "rudderless" in some media reports.

Deputy Administrator Heath Hall, who had been leading the agency on an interim basis, resigned mere days before Batory's confir-

mation after allegations surfaced in the media that Hall was working a second job.

Hall had been on a leave of absence from the agency since late January, and Juan D. Reyes III had stepped in to oversee the FRA.

**Martinez now FMCSA chief**

Also on Feb. 28, Chao swore in Raymond B. Martinez to lead the Federal Motor Carrier Safety Administration (FMCSA), which regulates large trucks and buses.

"Ray's years of experience promoting traffic safety at the state level, as well as his knowledge of the commercial motor vehicle industry, will help FMCSA fulfill its critical mission of improving truck and bus safety," Chao said.

Martinez most recently served eight years as the New Jersey Motor Vehicle Commission's chairman and chief administrator, where he oversaw the agency's 2,500 employees and a \$330 million annual operating budget with more than \$1 billion in annual revenue.

"It's an honor and privilege to serve my fellow Americans in this capacity, and, under Secretary Chao's leadership, I look forward to working with all commercial vehicle stakeholders to effectively reduce the number of truck and bus crashes on our nation's roads," said Martinez, a former commissioner of the New York State Department of Motor Vehicles.

## Getting home safely: An update on union efforts to stop assaults on bus, transit operators

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saulted and having their lives irreversibly changed because they were behind the controls just doing their jobs,” said **Calvin Studivant**, Bus Department vice president. “The FAST Act was a step in the right direction to protect transit operators, but there is a lot more that can be accomplished to make sure our members get home safely to their loved ones every day.”

The bipartisan Fixing America’s Surface Transportation Act, known as the FAST Act, was passed by Congress in December 2015 and signed into law by then-President Barack Obama. One of its key provisions requires that the federal Department of Transportation’s (DOT) Federal Transit Administration (FTA) put into effect regulations to protect public transportation operators from assault — a direct result of a lobbying effort by SMART TD and other unions.

### Application effort

In his November 2016 column in the SMART TD News, Studivant announced that Countermeasures Assessment & Security Experts LLC (CASE LLC), a firm specializing in security for transit and rail, had won a competitive federal bidding process to research and develop applications and software tools that bus companies can use to help stop operator assault.

“The tools are customizable templates for assessing and reporting assaults, situational measures and technologies and executable activities or countermeasures that can be taken to address this important safety and security issue,” Studivant wrote.

Daniel Collins, project lead and consultant for CASE LLC, worked with Studivant and SMART TD members on the tools.

One set is intended to improve how transit operators assess policies, procedures, training and security, including tracking assault reports.

A second, used on bus routes, determines the level of vulnerability along the routes, allowing for properties to make improvements to help minimize the possibility of drivers getting assaulted.

“Calvin was very instrumental in developing these tools,” Collins said. “These

are real-world tools — very real-world and very practical — something the companies can use to make improvements.”

SMART TD members from Local 1715 in Charlotte, N.C. with Transit Management of Charlotte Inc. helped test the tools, which come in the form of apps that can be used by management to perform risk analysis to help in decision-making.

“Management and local leaders were very receptive. We did a full-blown pilot test and used three routes,” Collins said. “It kind of helped us fine tune the instruments — we needed to get out in the real world.”

General Chairperson **Hasson Trent** (GCA - TMD) who represents drivers on the Charlotte Area Transit System (CATS) helped see the pilot testing through.

A driver himself, Trent said the six- to eight-month testing phase last year went through some of the rougher city routes.

Operators participating in the pilot testing went through their normal course of business as data was gathered.

Trent said he hasn’t seen much come from the safety effort yet — a plan in conjunction with the city to have compartments or shields in buses to partition drivers from unruly passengers hasn’t happened. He also said he has concerns about the effectiveness of the tools in making his job safer.

“I don’t think they’re going to go far enough,” Trent said.

Collins said that management will need persuasion from Bus Department members to improve their operations and protection of drivers.

“It’s going to take the labor organizations on the properties to mobilize this effort. They need to present to their management the fact that these tools exist and they need to undertake them to deal with this,” Collins said. “It points out areas that they need to look at and shows them what other properties have done to improve.”

Collins conducted educational programs, including well-received workshops at the 2017 SMART TD regional meetings in New York City and San Antonio on bus operator safety. At the workshops, Collins showed the assessment tools and emphasized the need to make



### SUGGESTIONS TO MAKE THINGS SAFER

Bus Department’s safety suggestions, with comments from **Vice President Calvin Studivant**:

**1) Partitions:** “Some operators have said they feel trapped with the enclosure, but there are those who feel secure when operating buses that have them.”

**2) DNA kits on buses:** “A lot of operators are spat on, and if they have the kit, they could preserve the saliva, which could possibly lead to an arrest of the perpetrator.”

**3) Operator side doors:** “If an operator is under an attack, he or she could escape via a left side door. Being confined and strapped in the seat is a disadvantage that is hard to overcome.”

**4) Stop terminations for operators who defend themselves:** “In the bus industry, the overwhelming majority of carriers have a standing policy that drivers are not to leave the seat, once operators leave the seat, they are no longer considered the victim, but now they have become the aggressor, which usually means automatic termination.”

**5) Mandate that carriers must provide de-escalation training,** especially those that apply and receive FTA grants.

**6) Placards alerting possible perpetrators of the severe penalty for any type of assault on any transit worker:** “These placards should be placed just outside the entrance doors and various locations inside the bus, making it visible to all who ride. They should also be placed in and around transit stations and at street bus shelters.”

**7) A permanent ban for the perpetrator from all methods of transit** in the jurisdiction that the assault took place in.

**8) Equip all buses with emergency call buttons** that can alert local police.

**9) Mandatory jail sentences for offenders,** regardless of misdemeanor assault or felony assault on operators.



Studivant



**“Everyone who came to the regional meetings had a story to tell. Your drivers are the ones getting beaten up. The company needs to start doing more to protect them.”**

**Dan Collins,**  
project lead and consultant, CASE LLC

company management aware that these tools are out there, and persuade them that they should perform the analysis and that they should enact the abundantly proven best practices.

“Everyone who came to the regional meetings had a story to tell,” Collins said, remembering two members approaching him after a workshop in San Antonio and describing how they were assaulted. “Your drivers are the ones getting beaten up. The company needs to start doing more to protect them.”

Collins said that CASE LLC is continuing to gather more data using the apps

for further study. Once more properties apply the tools to their systems, Collins said the recommendations and best practices to ensure operator safety will improve as well.

But out in the real world, the improvements can’t come soon enough. Trent said one of his chairpersons was driving during a 2016 incident when a CATS passenger was shot on a bus, and the suspect in the passenger’s shooting was then shot and killed by police outside the bus. He has his own ideas for best practices.

Atop his list would be a system where drivers don’t have to ask for fares. CATS riders drop their fares into a

box on the bus, but he said operators still must ask riders for fares at times, and that could set off a conflict.

“I’ve told my drivers not to argue with people about the fare,” Trent said.

The driver partitions — second on his list — have not yet been installed. An email from SMART TD to CATS asking about the partitions did not receive a response by the time of this article’s publication.

It all leaves serious safety concerns to be addressed with management during upcoming negotiations, Trent said.

“They’re going to have to listen to some of these concerns because they are not going away,” Trent said.

### National legislative effort

Even after the FAST Act’s passage, there’s more to be done at a federal level, and SMART TD National Legislative Director **John Risch** and his Washington, D.C.,

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## Getting home safely: An update on union efforts to stop assaults on bus, transit operators

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office staff have been advocating for legislation to enhance safety measures.

With the input of both Studivant and Bus Department Vice President **Adhi Reddy**, Risch and his staff have presented before DOT about the need for enhanced measures to protect bus operators (see the accompanying “Suggestions to Make Things Safer” box on Page 4).

The SMART TD National Legislative Department is working on creating new legislation, and a united effort with other unions with larger bus memberships, similar to the one that got the FAST Act passed, is needed, Risch said.

But the nature of the legislation also matters – some prior attempts at the federal level have fallen short, including a bill proposed by U.S. Sen. Tammy Duckworth (D – Ill.) to increase bus operator assault to a felony-level crime nationwide. Other senators pushed back on that idea, he said.

And there’s no guarantee that tougher penalties would be effective.

New Jersey increased bus operator assault of any kind to a felony-level offense, but while

the punishments were harsher and signs were placed alerting riders to the penalties, the number of prosecutions went down in the state, Risch said. The problem remained.

“It was like a 1990s feel-good thing, but what actually happens is that the perpetrators don’t get prosecuted,” Risch said.

And the perpetrators of operator assaults often aren’t going to pay attention to what a sign says to begin with because of mental health or other issues, Risch said.

Requiring that transit companies protect operators with a physical barrier is an alternative, but DOT must make sure that it evaluates the best options available, Risch said. For instance, the shielding can produce glare that impedes an operator’s ability to use the bus’s side mirror.

To help guide the next step, SMART TD political consultant Dean Mitchell of DFM Research in Minnesota is working on a survey to gather data on bus operator safety. Those results will be used to help direct further efforts to get policy changed.

When contacted for comment, an FTA spokesperson said that safety on the nation’s transit systems is the agency’s top priority and that FTA will continue to look

at all approaches for transit agencies to address operator safety issues.

The spokesperson said that publication of a proposal on operator safety for public comment is anticipated by June 29.

The agency has not had a confirmed administrator since well before the FAST Act became law, with a series of acting and deputy administrators at the helm dating back to January 2014 when Peter Rogoff’s nearly five-year tenure ended.

In February, President Donald Trump nominated former U.S. Rep. Thelma Drake, who led Norfolk, Va.’s transit system, to head the agency. At the time of publication, a timetable for the U.S. Senate to evaluate her nomination hasn’t been scheduled.

The spokesperson said that the agency has fulfilled numerous safety provisions of the act without a Senate-confirmed administrator and that the vacancy has not hampered FTA’s efforts to meet those provisions.

Upon its signing in late 2015, the FAST Act set a deadline of 90 days after becoming law for a notice of proposed rulemaking from DOT on protecting public transit operators from the risk of assault.

### Some state legislative efforts

While the FAST Act’s provisions apply on a national level, SMART TD state legislative directors continue to work with lawmakers in various states to strengthen the penalties against those who assault bus and transit operators and to improve safety protections:

**New York** passed a law in 2016 that made assaults on transit workers a felony offense punishable by up to seven years in prison.

**California** passed a law in July 2017 that requires transit companies to take into consideration recommendations and best practices by organizations that represent bus operators for the purpose of reducing the risk of driver assault.

**In New Jersey**, Assembly Bill 616 was introduced in January to increase penalties for those who assault bus and transit operators and cause serious bodily injury to up to 10 years in prison and a fine of up to \$150,000.

**In Maryland**, SMART TD is a member of a coalition promoting House Bill 28, introduced by Delegate Angela Angel (D – Dist. 25) in January, that would make assault of a bus, train or light-rail operator a second-degree felony punishable by up to 15 years in prison and includes a \$5,000 fine. The bill is currently in committee.

**In Ohio**, H.B. 496 has been introduced in the state House of Representatives to increase criminal penalties for those convicted of assaulting bus operators.

## Union members know their rights—like the right to lend a hand for



## BUILDING BETTER COMMUNITIES

We’re doing it every day—in our work, our families and our neighborhoods. It’s on our new SMART Army shirt. And April is a “Month of Community Action,” for rebuilding parks, helping good causes, advocating for workers and more.

So sign up. Join your brothers and sisters in the SMART Army and build a better community where *you* live.

When you join the SMART Army you get more than a cool shirt. You get the pride of showing your hometown the kind of people—the kind of union—we are.



Sign up online at  
**SMARTaction.org**



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# Local 1715 bus operator drives charitable effort

Charlotte Area Transit Systems (CATS) bus operator and Local 1715 GCA TMD Vice Chairperson **Debra Franklin** has been collecting and handing out toiletries to the homeless population in Charlotte, N.C., since November 2016.

"I just noticed that when I went into the public bathrooms that women were washing up in the bathroom," Franklin said. "I noticed that they were using the bathroom pump soap. So I started collecting toiletries and handing them out or leaving them bags of toiletries by their things in the bathrooms. I would also get other bus drivers to tell me where these women were or I'd walk the streets looking for them."

As a bus operator, Franklin also received frequent complaints from other passengers about how the homeless riding her bus would smell and they'd ask her to kick them off the bus, but she couldn't just kick someone off of her bus because they smelled bad.

"There's that saying that 'You can be part of the problem or part of the solution,' and I want to be part of the solution," Franklin said. "I started out just helping women, but then I saw that a lot of these women had families with sons. So I started handing out blue bags for the men along with the pink ones for the women."

Franklin estimates, based on the number of bags she's given out, that she has prob-

## HOW TO HELP DEBRA

Want to help Debra Franklin reach her goal? Checks can be made payable to "The Shower Bus 'N Charlotte" and sent to Franklin, 222 S. Church St., Ste. 100, Charlotte, NC 28202. A GoFundMe account has also been set up at <https://www.gofundme.com/CharlotteBathroom>.

Franklin's charity is considered a 501 (c)(3) corporation by the IRS and all donations are tax deductible. Members can also show their support for Franklin's efforts by following her at [www.facebook.com/CharlotteBathroom](http://www.facebook.com/CharlotteBathroom) or on Twitter at [twitter.com/CLTBathroom](https://twitter.com/CLTBathroom).



An example of the toiletries collected by Debra Franklin to help the homeless population of Charlotte is shown. The blue bags are for men and the pink for women.

**"There's that saying that 'You can be part of the problem or part of the solution,' and I want to be part of the solution."**

**Debra Franklin of Local 1715**

ably helped around 800 people.

But she has a bigger project in mind: to renovate two retired buses into mobile shower and laundry facilities.

She heard about a person who converted an old bus in San Francisco into a shower bus and about a man in St. Louis who turned a bus into laundry facilities for the homeless in that city. Franklin thought she would combine the two ideas and create a shower bus with laundry facilities – pointing out that it's not enough for people to be clean, they need their clothes to be clean if they are going to go out, get jobs and become independent.

She told local Fox affiliate

FOX 46 that, "if you don't have a place to stay and a place to shower, how are you going to maintain a job? If you look like me and you – bathed, have your hair done, clean clothes – you can get a job and maintain a job."

After her story went public via FOX 46, Franklin says the donations of toiletries have come pouring in. "Right now everyone's giving me donations for the showers, but they've forgotten about the bus. I feel good that people are donating the products for the shower."

For her, it's about helping them take steps to get jobs, not about giving a handout and making them dependent on that handout.

But her bigger goal – that

of converting the bus to a mobile shower facility – carries a big price. Her online fundraising effort estimates a \$200,000 cost to acquire and convert the two buses.

SMART TD North Carolina State Legislative Director **Ron Ingerick** has also been helping Franklin.

He's made SMART TD North Carolina locals aware of Franklin's cause and has asked that they contribute toiletries.

Ingerick then picks the donations up from the locals when he's in the area for meetings and delivers them to Franklin.

"Debra is a vital member of our NCLB and Local 1715. If there's anything that needs to be handled, Debra is always there to complete

the task," Ingerick said.

Once she gets the funds to buy the buses, Franklin, who also is a local legislative representative, legislative secretary and vice local chairperson, says that the North Carolina AFL-CIO has offered to help her find union volunteers to help her renovate the buses. She's already had some plans drawn up.

In the meantime, Franklin is trying to get area laundromats to donate free laundry days for people to wash their clothes and has a backup plan if she can't raise the funds for a bus.

"If I can't get a bus, maybe I can get an abandoned building and convert it into a shower room," she said.

And looking further down the road, Franklin says she plans on renovating a truck or bus into a place where Charlotte's homeless can get their makeup and hair done.

## Aviation Department News

*News affecting our aviation membership*

### Raytheon gets air traffic technology refresh contract

The Federal Aviation Administration (FAA) has awarded \$73 million to Raytheon Company in order to perform a technical refresh of the Standard Terminal Automation Replacement System (STARS) – the system air traffic controllers currently use to manage airspace.

The update allows for future Terminal NextGen air traffic control tools to be incorporated into STARS and enhance the safety and efficiency of the system. Some of the additional tools under consideration are analytics for improved terminal area weather, performance-based navigation for

more precise flight paths and unmanned aircraft system services.

STARS is the automated air traffic control system operated by both the FAA and the Department of Defense to manage airspace in large, complex terminal areas as well as small, security-sensitive airspace.

Raytheon Company is a technology and innovation leader specializing in defense, civil government and cyber-security solutions.

### New testing standards for opioids also include air traffic controllers

In an effort to make sure that the nation's air

traffic controllers remain alert on the job, they have been included in a new rule by the federal Department of Transportation that took effect Jan. 1.

SMART TD's bus operators are also subject to the new rule, which established standards for opioid testing. The rule added four semi-synthetic opioids – hydrocodone, hydromorphone, oxycodone and oxycodone – to DOT's drug testing regimen. Further details about the new drug-testing rule is available in the February 2018 issue of the SMART TD News or by visiting our website at [www.smart-union.org/td](http://www.smart-union.org/td).



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# State Watch

## News from SMART TD State Legislative Boards

### Minnesota



Members of a number of unions turned out Feb. 24 to the Statehouse in St. Paul as part of the Working People's Day of Action. SMART TD members took a top spot, as seen by this picture submitted by Minnesota State Legislative Director Phillip Qualy, unfurling a banner high above the crowd (see inset).

### Ohio

State Legislative Director **Stuart Gardner** is working to mobilize SMART TD members in his state to fight efforts by state Reps. John Becker (R - Dist. 65) and Craig Riedel (R - Dist. 82) to resurrect Right to Work for Less legislation.

Becker announced in January that he is trying to take the matter to Ohio voters in the 2020 presidential election with six proposed constitutional amendments on union-related issues, including measures to prohibit private-sector union membership as a condition of employment, repeal Ohio's prevailing-wage

requirements and ban union political spending without workers' consent, Gardner reports.

Unions and Democrats are already pushing back against the resolutions, saying Ohioans already voiced their opinion on the matter by repealing a 2011 law – S.B. 5 – that limited collective bargaining for public employees.

"People like Mr. Becker and Riedel need to be stopped yet again, and the public needs to remember people like this come the November 2018 elections," Gardner said.

### Texas

State Legislative Director **Kamron Saunders** in early February announced SMART TD's endorsement of Democratic U.S. Senate candidate Rep. Beto O'Rourke in his challenge of Texas U.S. Sen. Ted Cruz.

"We are proud to endorse Congressman Beto O'Rourke to serve as the next U.S. Senator from Texas. Beto has been a tireless advocate on behalf of our nation's transportation and railroad workers in the House of Representatives voting consistently to support Amtrak funding, improve our nation's transit systems, and support rail safety legislation to mandate two-person crews on America's freight trains," Saunders said in his endorsement announcement.



Saunders, left, poses with U.S. Rep. Beto O'Rourke, who won the Democratic primary this month and will go on to face U.S. Sen. Ted Cruz in November.

First elected to the U.S. House of Representatives in 2012, O'Rourke has been an advocate for SMART TD's legislative priorities, notably as a three-time cosponsor of the Safe Freight Act (H.R. 233).

### Washington, D.C.



In this photo by Chief of Staff Jenny Miller, some of SMART Transportation Division's crew for the annual Railroad Day outreach effort on Capitol Hill pose outside the National Legislative office in Washington, D.C., on March 6. From left are: Erick Siahhaan, government affairs associate; Assistant National Legislative Director Greg Hynes; Georgia State Legislative Director Matt Campbell; Pennsylvania State Legislative Director Paul Pokrowka; Ohio State Legislative Director Stuart Gardner; National Legislative Director John Risch; Illinois State Legislative Director Bob Guy and Ohio Assistant State Legislative Director Ralph Lechliter.

SMART TD's Washington legislative offices have moved from this building at 304 Pennsylvania Ave. into the building that is home to our SMART Sheet Metal brothers and sisters at 1750 New York Ave., NW. The April print edition of the SMART TD News will feature pictures from the Railroad Day meetings.

## Help keep the momentum going for the Safe Freight Act!

**We've gained a number of cosponsors for the Senate two-person crew bill, but more support is needed!**

Contact your state and congressional representatives through the **SMART TD Legislative Action Center (LAC)** to tell them to DO THEIR JOBS and PROTECT AMERICAN WORKERS by voting:

**YES to S.2360 - The Safe Freight Act**

Using the LAC online is quick and easy: Just visit the SMART TD website at [www.smart-union.org/td](http://www.smart-union.org/td) and click on the Legislative Action Center (LAC) button at the bottom right of the page.

You can access the LAC directly at: [http://www.congress-web.com/smart\\_transportation](http://www.congress-web.com/smart_transportation)

Your voice matters, and our collective voices are stronger than any corporate agenda. We must work to protect our union and safeguard labor rights for SMART TD and all workers.

## So ... what's news to you?

All members and officers are invited to submit items to the SMART TD News. Whether it's a tidbit from your local, the latest legislative success, a fundraiser or charity effort or a brother or sister who has a great story, we're here to get the word out. Email your items to [news\\_TD@smart-union.org](mailto:news_TD@smart-union.org) and we'll be in touch!





**News and information for members of the SMART TD Alumni Association**

**Becoming a member costs just \$9 a year!** For more information, call 216-228-9400, email [kcashin@smart-union.org](mailto:kcashin@smart-union.org) or visit [www.smart-union.org/td/alumni](http://www.smart-union.org/td/alumni).

**RR RETIREMENT: Answering questions about taxes**

Railroad Retirement beneficiaries needing information about the tax statements issued by the Railroad Retirement Board (RRB) each January or about federal tax withholding from their benefits, should contact an RRB office. For further federal income tax information, Railroad Retirement beneficiaries should contact the nearest office of the Internal Revenue Service (IRS). The following are some common questions about taxes and RRB annuities.

**Q. How are annuities paid under the Railroad Retirement Act treated under the federal income tax laws?**

A Railroad Retirement annuity is a single payment comprised of one or more of the following components: a Social Security Equivalent Benefit (SSEB) portion of Tier I, a Non-Social Security Equivalent Benefit (NSSEB) portion of Tier I, a Tier II benefit, a vested dual benefit and a supplemental annuity.

In most cases, part of a Railroad Retirement annuity is treated like a Social Security benefit for federal income tax purposes while other parts are treated like private pensions for tax purposes. Con-

sequently, most annuitants are sent two tax statements from the RRB each January, even though they receive only a single annuity payment each month.

**Q. Which Railroad Retirement benefits are treated as Social Security benefits for federal income tax purposes?**

The SSEB portion of Tier I (the part of a Railroad Retirement annuity equivalent to a Social Security benefit based on comparable earnings) is treated for federal income tax purposes the same way as a Social Security benefit. The amount of these benefits that may be subject to federal income tax depends on the beneficiary's income. (To determine if any amount of a SSEB benefit is taxable, please refer to IRS publication 915, Social Security and Equivalent Railroad Retirement Benefits.) Generally, up to 50 percent of a beneficiary's benefits will be taxable. However, up to 85 percent of his or her benefits can be taxable if either of the following situations applies:

1. The total of half of a benefi-



ciary's benefits and all his or her other income is more than \$34,000 (\$44,000 if a beneficiary is married filing jointly).

2. A beneficiary is married filing separately and lived with his or her spouse at any time during the year.

**Q. Which Railroad Retirement benefits are treated like private pensions for federal tax purposes?**

The NSSEB portion of Tier I, Tier II benefits, vested dual benefits and supplemental annuities are all treated like private pensions for federal income tax purposes. In some cases — primarily those in which early retirement benefits are payable to retired employees and spouses between ages 60 and 62, some occupational disability benefits, and other categories of unique RRB entitlements — the entire annuity may be treated like a private pension. This is because Social Security benefits based on age and service are not payable before age 62, Social Security disability benefit entitlement requires total

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**States cannot tax RR annuities**

According to Section 14 (45 U.S.C. Section 231m) of the Railroad Retirement Act, the Railroad Retirement Board (RRB) advises that retirement annuities are not taxable for individual state income tax purposes.

"Both of our primary enabling statutes — the Railroad Retirement Act and the Railroad Unemployment Insurance Act — specifically exempt the benefits paid under them from state income taxes," said the RRB's Bruce Rodman. "However, if a person doesn't know this — and sometimes this might stem from people using free tax-prep software or obtaining volunteer assistance in filing their returns — and declares it as taxable income, the state tax collection agencies probably won't know any better."

Railroad Retirement, unemployment and sickness benefits paid by the board are taxable at the federal level.

Tax preparers and even states may not be aware of these statutes and may attempt to tax your annuities. It is up to us to make sure that our annuities are not taxed by the states in which we live.

**News from alumni**



Kansas City Southern retirees from multiple crafts and unions came together Feb. 19 for their 10th annual luncheon.

"This group of New Orleans railroaders, both active and retirees, remain a close family. We had a great turnout and it was enjoyed by all," said yardmaster **Thomas J. Schmitt** of Local 1974 (Fort Worth, Texas).

**Railroader golf outing scheduled in California on May 21**

**Harry J. Garvin**, local chairperson of Local 240 in Los Angeles, has announced that the 18th annual Rail Classic golf tournament for railroaders is scheduled for 1 p.m. May 21, at Sierra Lakes Golf Course in Fontana, Calif.

The tournament is a shotgun-start, four-person scramble and at least one member of the foursome must be a railroader.

The \$75 per person (\$300 per team) entry fee, due by April 30, includes a tri-tip barbecue banquet.

To enter, call Garvin at 909-481-7261 or 909-261-8878. Entries also can be mailed care of Garvin to P.O. Box 8396, Alta Loma, CA. 91701.

**T H E F I N A L C A L L**

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.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
17	Meisel, Richard A.	Marshalltown, Iowa	645	Brookins, Linda G. P.	Jamaica, N.Y.	1168	Price, Wayland E.	Clovis, N.M.
195	Paul, Virgil	Lewistown, Ill.	830	Hooven, Jennings F.	Mechanicsburg, Pa.	1299	Hitzeroth, Douglas J.	Geneva, Ill.
196	Featherstone, Dale K.	Centralia, Ill.	832	Cordts, Carl	Foxboro, Wis.	1366	Frantz, Arch L.	Salt Lake City, Utah
200	Smith, Drexel J.	Mountain Grove, Mo.	835	Harbin, Paul E.	Bakersfield, Calif.	1383	Wolf Jr., James A.	Waukegan, Ill.
318	Hicks Jr., William	Port Jervis, N.Y.	835	Koch, Richard L.	Fresno, Calif.	1524	Haynie, Lester E.	Alto, Texas
340	Brothers, Charles H.	Dunbar, Pa.	904	Damm, Harold W.	Evansville, Ind.	1524	Tate, Thomas R.	Pasadena, Texas
376	Stuart, Tommy H.	Prospect, Ky.	931	Houston, Sam W.	Spartanburg, S.C.	1574	Johnson, Carrol E.	Newport, Ore.
445	Colwell, Kenneth D.	Chillicothe, Ill.	941	Anthony Jr., Paul D.	Buena Vista, Ga.	1918	Lewis, William F.	El Paso, Texas
446	Crowder, Benjamin H.	Glenwood, Iowa	945	Bellar, John D.	La Junta, Colo.	1973	Casey, James T.	Hickory Hills, Ill.
511	Griner, Joseph N.	Eatonton, Ga.	1007	Kettell, Richard O.	Shortsville, N.Y.			
598	Amos, Claude W.	Mobile, Ala.	1059	Kirsch, John L.	Bull Shoals, Ark.			

# RRB sets schedule for conference, seminar sessions

The United State Railroad Retirement Board (RRB) has issued its schedule of informational conferences and pre-retirement seminars for local officers and for members respectively. Registration for both of these types of programs is required and available at the RRB website ([www.rrb.gov](http://www.rrb.gov)).

## RRB informational conferences

The RRB's informational conference program was started by the Office of the Labor Member in 1957 to provide local union officers comprehensive information about the benefits available to rail employees and their families under the railroad retirement and unemployment insurance systems. Union officers who attend can become better prepared to share accurate and reliable information with their members.

Union officials planning to attend an informational conference program must register either online by going to <https://www.rrb.gov/index.php/OurAgency/LaborMember/InformationalConferenceProgram> for a local conference listed below or print a paper form from the RRB website, then complete and return the registration form to your local RRB field office.

If you plan on attending with your spouse or another guest, please indicate so in the designated fields on your registration form.

If you register for a conference and become unable to attend, inform the RRB.

Bring photo identification for entry to Federal buildings; no weapons allowed.

Conferences with parking fees are marked with \*.

- **April 13:** Hilton Garden Inn - Richmond Airport, 441 International Center Drive, Sandston, Va.

- **April 13:** Drury Inn & Suites (St. Louis Forest Park), 2111 Sulphur Ave., St. Louis, Mo.
- **April 20:** Huntington Center, 23rd Floor Conference Room, 525 Vine St., Cincinnati, Ohio\*
- **April 20:** Jacob K. Javits Federal Building, 6th Floor Conference Room A/B, New York, N.Y.\*
- **April 27:** Holiday Inn Romulus, 8400 Merriman Road, Romulus, Mich.
- **April 27:** Eugene T. Mahoney State Park, 28500 West Park Highway, Ashland, Neb. \*
- **May 4:** Sheet Metal Workers Local Union No. 2, 2902 Blue Ridge Boulevard, Kansas City, Mo.
- **May 4:** Corporate Conference Center, 180 E. Fifth St., 2nd Floor, St. Paul, Minn.\*
- **May 11:** Hampton Inn

Altoona, 180 Charlotte Drive, Altoona, Pa.

- **May 11:** Comfort Inn & Suites Presidential, 707 Interstate 30, Little Rock, Ark.
- **May 18:** Sheet Metal Workers Local Union No. 33, 12525 Corporate Drive, Parma, Ohio.
- **May 18:** Holiday Inn Denver (Lakewood), 7390 West Hamden Avenue, Lakewood, Colo.

## Pre-retirement seminars

Designed for railroad employees and spouses planning to retire within five years, the pre-retirement seminars familiarize attendees with retirement benefits available to them, and also guide them through the application process. Sponsored by the Office of the Labor Member, seminars are held at a number of locations an-

nually. Registration is required.

If you are interested in signing up for a seminar, please print and complete the appropriate registration form from the RRB at <https://www.rrb.gov/OurAgency/LaborMember/Pre-RetirementSeminars> for one of the seminars listed below. Submit completed forms by mail or fax to the RRB office shown on the form.

- **April 13:** Robert A. Roe Federal Building, 200 Federal Plaza, 5th Floor (Room 527), Paterson, N.J.
- **May 11:** Roanoke South County Library, 6303 Merriman Road, Roanoke, VA
- **May 11:** Hampton Inn Altoona, 180 Charlotte Drive, Altoona, Pa. May 23: IBEW Local 714 Union Hall, 1800 Commerce Drive, Bismarck, N.D.

## Railroad Retirement Board answers questions about annuities and federal income taxes

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disability, and the Social Security Administration does not pay some categories of beneficiaries paid by the RRB.

### Q. What information is shown on the Railroad Retirement tax statements sent to annuitants in January?

Form RRB-1099 for U.S. citizens or residents (or Form RRB-1042S for nonresident aliens), shows the SSEB portion of Tier I or special minimum guaranty payments made during the tax year, the amount of any such benefits that an annuitant may have repaid to the RRB during the tax year and the net amount of these payments after subtracting the repaid amount. The amount of any offset for workers' compensation and the amount of federal income tax withheld from these payments are also shown. Illustrations and explanations of items found on Form RRB-1099 and Form RRB-1042S can be found in IRS Publication 915, Social Security and Equivalent Railroad Retirement Benefits.

The other statement, Form RRB-1099-R (for both U.S. citizens and nonresident aliens), shows the NSSEB portion of Tier I, Tier II, vested dual benefit and supplemental annuity paid to the annuitant during the tax year, and may show an employee contribution amount. The NSSEB portion of Tier I along with Tier II is considered contributory pension amounts and is shown as a single combined amount in the Contributory Amount Paid box (Item 4) on the statement. The vested dual benefit and supplemental annuity are considered noncontributory pen-

sion amounts and are shown as separate items on the statement. The total gross paid amount shown on Form RRB-1099-R is the sum of the NSSEB portion of Tier I, Tier II, vested dual benefit and supplemental annuity payments. Also shown is the amount of federal income tax withheld from these payments. The statement also shows the amount of any of these prior year benefits repaid by the annuitant to the RRB during the tax year. This amount is not subtracted from the gross amounts shown because its treatment depends on the years to which the repayment applies and its taxability in those years. To determine the year or years to which the repayment applies, annuitants should contact the RRB. Illustrations and explanations of items found on Form RRB-1099-R can be found in IRS Publication 575, Pension and Annuity Income.

If the annuitant is taxed as a nonresident alien of the United States, Form RRB-1042S and/or Form RRB-1099-R will show the rate of tax withholding (0 percent, 15 percent or 30 percent) and country of residence for income tax purposes. Nonresident aliens may receive more than one set of original tax statement Forms RRB-1042S and/or RRB-1099-R in a tax year if there was a change in the country of residence for income tax purposes or in the rate of income tax applied to annuity payments. Nonresident aliens who resided in the United States for part of a tax year may receive a set of original U.S. citizen tax statement Forms RRB-1099 and/or RRB-1099-R and one or more sets of nonresident alien tax

statement Forms RRB-1042S and/or RRB-1099-R.

The total Medicare premiums deducted from the Railroad Retirement annuity may also be shown on either Form RRB-1099 (Form RRB-1042S for nonresident aliens) or Form RRB-1099-R. Medicare premiums deducted from Social Security benefits paid by the RRB, paid by a third party or paid through direct billing are not shown on RRB-issued tax statements.

Copy B and/or Copy 2 of Form RRB-1099-R must be submitted with the annuitant's tax return. Annuitants should retain copy C of all statements for their records.

### Q. Are residual lump sums, lump-sum death payments or separation allowance lump-sum amounts paid by the RRB subject to federal income tax?

No. These amounts are nontaxable and are not subject to federal income tax. The RRB does not report these amounts on statements.

### Q. Are federal income taxes withheld from Railroad Retirement annuities?

Yes, and the amounts withheld are shown on the statements issued by the RRB each year. However, an annuitant may request that federal income taxes not be withheld, unless the annuitant is a nonresident alien or a U.S. citizen living outside the 50 states or Washington, D.C.

Annuitants can voluntarily choose to have federal income tax withheld from their SSEB payments. To do so, they must complete IRS Form W-4V, Voluntary Withholding Request, and send it to the RRB. They can choose withholding from

their SSEB payments at 7, 10, 15 or 25 percent.

Annuitants who are taxed as U.S. citizens and who do not live outside the 50 states or Washington, D.C., and wish to have federal income taxes withheld must complete a tax withholding election on Form RRB W-4P, Withholding Certificate For Railroad Retirement Payments, and send it to the RRB.

### Q. Are unemployment benefits paid under the Railroad Unemployment Insurance Act subject to federal income tax?

All unemployment benefit payments are subject to federal income tax. Each January, the RRB sends Form 1099-G to individuals, showing the total amount of railroad unemployment benefits paid during the previous year.

### Q. Are sickness benefits paid by the RRB subject to federal income tax?

Sickness benefits paid by the RRB, except for sickness benefits paid for on-the-job injuries, are subject to federal income tax under the same limitations and conditions that apply to the taxation of sick pay received by workers in other industries. Each January, the RRB sends Form W-2 to affected beneficiaries. This form shows the amount of sickness benefits that each beneficiary should include.

### Q. Does the RRB withhold federal income tax from unemployment and sickness benefits?

The RRB withholds federal income tax from unemployment and sickness benefits only if requested to do so by the beneficiary.

# Training and outreach sessions for locals



## LACMTA LOCALS HOST THREE-DAY WORKSHOP

SMART TD administrators and staff traveled to California to meet with members of Locals 1563, 1564, 1565, 1607 and 1608 who work with Los Angeles County Metro Transit Authority (LACMTA) for three days of workshops in early February. The LACMTA local officer training touched on topics such as local officer responsibilities and maintaining member records.



At left, SMART TD President John Previsich, standing at left, and Vice President John England, next to Previsich, talk with attendees at the local officer training.



ABOVE: Attendees and instructors of the SMART Transportation Division's secretary and treasurer workshop held at the TD office in North Olmsted, Ohio, posed for a picture after the Feb. 23 session Feb. 23. Pictured are, front, from left: SMART TD Field Auditor John Purcell; SMART TD Field Audit & Support Coordinator Katy Andrijowych; Treasurer Tim Burns IV (Local 322); Secretary & Treasurer Tywina Penn (Local 838); Secretary & Treasurer Christian Ohemeng (Local 1589); Secretary & Treasurer Jamie Stauffer (Local 1962); Secretary & Treasurer Matt Davis (Local 1083); Secretary & Treasurer Greg Walk (Local 453); Secretary & Treasurer Venita McBarnett (Local 1370); Secretary & Treasurer Keyvon Barbee (Local 1183); Treasurer James Klingel (Local 577); and Field Auditor & Treasurer Justin Fougousse. Pictured in back, from left, Secretary & Treasurer Mike Russell (Local 1066); Secretary & Treasurer Josh Hook (Local 785); Secretary & Treasurer Ray Burton (Local 656); Secretary & Treasurer Mike Taylor (Local 524); Treasurer Jason Ott (Local 1381); Secretary & Treasurer Chad Rossman (Local 198); Secretary & Treasurer Mike Mashburn (Local 1526); Secretary & Treasurer Steve McEneny (Local 653); Secretary & Treasurer Jesse Wotruba (Local 1397); Secretary & Treasurer Mark Holderbaum (Local 1188); and Secretary & Treasurer John Stough (Local 1709).

AT RIGHT: SMART TD field auditors John Purcell and Justin Fougousse present to a group of more than 30 secretaries and treasurers on the second day of a three-day workshop at the SMART TD offices.



## SECRETARIES AND TREASURERS TRAIN IN OFFICE AND ONLINE

More than 30 secretaries and treasurers took part in a three-day work session Feb. 21-23 at the SMART Transportation Division office in North Olmsted, Ohio, while many others participated via YouTube. Among subjects covered at the meeting: local officer responsibilities, budgeting, record keeping, using WinStabs and organizational skills.

# NTSB issues three urgent safety recommendations

The National Transportation Safety Board (NTSB) issued three urgent safety recommendations to the Federal Railroad Administration (FRA) last month, acting upon the agency's findings in two ongoing railroad accident investigations.

The Federal Railroad Administration (FRA) received one urgent safety recommendation based on NTSB findings in the agency's investigation of the Feb. 4

collision of an Amtrak train and a CSX train near Cayce, S.C. Conductor **Michael Cella** of Local 30 and the engineer of the Amtrak train died as a result of the collision. The NTSB also issued two urgent safety recommendations to the Metropolitan Transportation Authority (MTA) based on findings from its investigation of a June 10, 2017, Long Island Rail Road (LIRR) accident in which a roadway worker died near

Queens Village, N.Y. Investigators found in the Cayce collision that on the day before the accident, CSX personnel suspended the traffic control signal system to install updated traffic control system components for the implementation of positive train control (PTC). The lack of signals required dispatchers to use track warrants to move trains through.

The NTSB concluded additional measures are needed

to ensure safe operations during signal suspension and issued an urgent safety recommendation to the FRA seeking an emergency order directing restricted speed for trains or locomotives passing through signal suspensions.

"While the collision remains under investigation, we know that signal suspensions are an unusual operating condition, used for signal maintenance, repair and installation, that have the potential to in-

crease the risk of train collisions. Our recommendation, if implemented, works to mitigate that increased risk," NTSB Chairman Robert Sumwalt said.

During the investigation of the LIRR accident, the NTSB identified an improper practice by LIRR roadway workers.

The full safety recommendations are available online at <https://ntsb.gov>.

## Budget bill has benefits for short lines, carbon capture

The Bipartisan Budget Act of 2018, passed Feb. 9 by both houses of Congress and signed by President Donald Trump, provides some benefits to transportation workers and the industry.

"Discretionary spending for domestic infrastructure will see a \$20 billion increase, which could mean more funds for transit and/or Amtrak-related projects. The two-year budget provides a better opportunity to secure adequate funding for National Mediation Board arbitration and Railroad Retirement Board agency needs," said National Legislative Director **John Risch**.

The bill also includes a one-year (2017) extension of the short-line tax credit known as Section 45G, that helps Class II and III railroads pay for the maintenance of their infrastructure.

Finally, the tax credit known as Section 45-Q that encourages power companies to capture carbon emissions in coal-fired plants, help-

ing to keep coal a part of the United States energy mix, has been extended.

However, the bill does not exempt unemployment and sickness benefits provided by the Railroad Retirement Board (RRB) from the funding cuts known as sequestration. Some media reports said all nondefense-related sequesters were repealed, but a representative from the RRB confirmed later that RRB unemployment and sickness benefits are categorized as direct, not discretionary, spending and therefore still subject to being sequestered.

Sequestration has carved out 6.6 percent of the funding to these RRB benefits – which would translate to a total of \$9 million in the 2018 fiscal year. Restoration of these funds would reinstate the maximum of \$72 per day or \$720 per two-week or 10-day claim period for rail workers who claim unemployment or sickness benefits through RRB.

## Effort begins to raise money for 2 hurt in N.Y. derailment

An online fundraising effort has been started for a SMART TD conductor and an engineer who were severely injured Feb. 15 when their train derailed in Attica, N.Y.

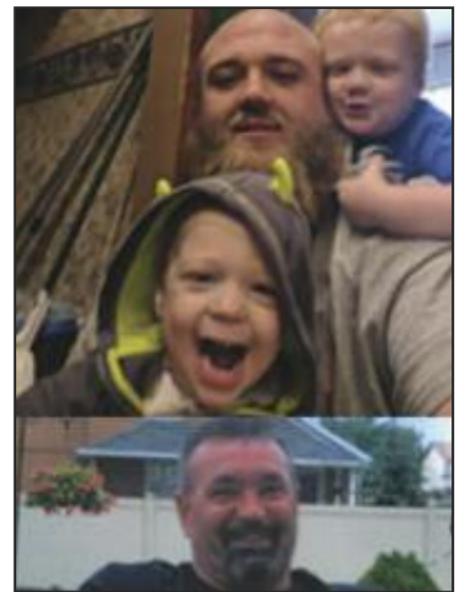
Conductor **Ben Garland** of Local 1566 out of Buffalo, N.Y., and engineer Dave Tobey were hospitalized after their Norfolk Southern locomotive left the tracks and caught fire.

The fundraiser is available here: <https://www.gofundme.com/davebens-railroad-medical-fund>

Proceeds from the fund will be divided evenly among the men's families as they recover from their injuries, which include fractures, spinal trauma and facial injuries.

Online video footage from a drone posted by WHAM TV Channel 13 out of Rochester, N.Y., shows a sinkhole underneath the tracks at the accident site. Local authorities said the cause of the derailment was under investigation.

A Local 1566 member who didn't want to be named said he went to visit the accident site and couldn't



In this combination photo that was posted on GoFundMe.com, conductor Ben Garland and engineer Dave Tobey are shown.

believe what he saw.

"I've never seen anything like it," he said.

Members have been pulling together to help the families of both men as they begin to recover from their injuries.

## Financial malpractice violates members' trust and will be punished

The vast majority of our officers do an excellent job of managing their members' funds, and this communication is not about them. The work that they do and the hours that they spend protecting the interests of our members is recognized and appreciated across all levels of our organization.

However, exceptions do occur, and we have seen occasions where the members' trust was violated by officers who suffered severe consequences for financial malpractice. For example, in one, an officer misappropriated a significant sum of money over an extended period through the use of union funds for personal expenses. In another situation, an officer submitted false claims for time and expenses in excess of that for which the member-

ship gave approval. In both cases, the officers were found guilty in internal union charges under our Constitution, were removed from office, fined and ordered to reimburse the money that was stolen, and then pleaded guilty in federal court. And in both cases, the losses produced bond claims that will result in an increased premium cost for every Transportation Division local and subordinate body in our organization.

The SMART Constitution prohibits financial misconduct. Article Seventeen, Section 1(i) states that any member or officer may be reprimanded, fined, suspended or removed from office, or suspended or expelled from membership, for:

*Committing any act of fraud, embezzlement, misap-*

*propriation, or appropriating to his or her own use any money, property, or thing of value belonging to this Association or any local union or council thereof, or to any fund or committee administered or trustee in whole or in part by a local union, or refusing, failing or neglecting to deliver at specified periods or on demand, in accordance with this Constitution a full and accurate accounting, all monies, properties, books and records for examination and audit.*

Misappropriation is fairly rare in SMART, but it happens just like in any other large organization. It can take several forms:

- Getting reimbursed for falsified expenses;
- Buying things for personal use but charging the Union;

- "Double dipping" — getting paid from different sources for the same thing, including expenses or lost time;
- Taking money or property belonging to the Union.

Those who yield to temptation may not realize the severity of the consequences. Careers and lives may be ruined. "Past practice" will be no defense.

Internal union discipline under Article 17 of the SMART Constitution is not the only thing that can happen. Theft from the Union is a criminal offense under both state and federal law. Federal law punishes this kind of conduct with a fine of up to \$10,000 and/or imprisonment for up to five years. There is no "de minimis" or "petty" theft under federal law. Any misappropriation of Union assets is

subject to the penalty of \$10,000/5 years in prison in addition to repayment of the amount taken.

But that is not all. Conviction of this crime, whether it is under state or federal law, results in the person being barred from any office or employment with SMART or any other union for 13 years following the date of conviction. If a jail sentence is imposed, the 13 years doesn't start until the person gets out of jail. The 13-year bar also applies to working for any employer in a labor-relations capacity as an employee or consultant.

We are proud that SMART is a clean organization. We are dedicated to keeping it that way. No one should think that they can steal from the Union and avoid the career-ending penalties for the violation of our members' trust.