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.

“Getting home safely

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

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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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 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...
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.

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 888.”

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.

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.


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 and scroll down, enter their address and their elected officials will be listed.”

Local Chairperson Wesley Griffin of Local 1970 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 $1,515,214.83.

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

Continued from Page 1

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 encourage 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 lead- ership, 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 Previsch 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 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 confirmation 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.
Continued from Page 1

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 assaults — 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 Assessments and 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 protection of drivers,” Collins said. “They need to present to them the options we have that can be used to protect them.”

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 to the effort,” Collins said. “We need to present to them the options we have that can be used to protect them.”

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 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. 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

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 those are the ones 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 with 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.

“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

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

Continued from Page 4

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. Sen. 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.
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 toilettries 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 never did. “I’d 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 handi 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 get out, get jobs and become independent. She told local Fox affiliate FOX 48 that, “If you don’t have a place to stay, 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 48, Franklin says he has received donations of toiletries for the homeless. Franklin then received the donations from the locals when he’s in the area for meetings and deliveries to Franklin. “If I can’t get a bus, maybe I can get an abandoned building and convert it into a shower room,” she said.

Raytheon gets air traffic technology refresh contract

The Federal Aviation Administration (FAA) has awarded $57 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 – hydrocodeone, hydromorphone, oxymorphone 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.

“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.

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).

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 Guyly, unfurling a banner high above the crowd (see inset).

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 Sla-haan, 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 Leichliter.

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 Sla-haan, 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 Leichliter.

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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 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

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.
**RR RETIREMENT:** Answering questions about taxes

Railroad Retirement beneficiaries need information about the tax statements issued by the Railroad Retirement Board (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 apply: 1. The total of half of a beneficiary’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 income 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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**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 909-481-7281 or 909-261-8878. Entries also can be mailed care of Garvin to P.O. Box 8396, Alta Loma, CA. 91701.

**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.
The Railroad Retirement Board (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 (worldwide.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/inservice/conferences/LocalInServiceConferencePrograms or by mail to the RRB.

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

Conferences with parking fees are marked with *.

- **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 27:** Holiday Inn Columbus North, 1400 Unverstiy Ave., Columbus, Ohio
- **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:** 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 annually. 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/HRDivision/LocalInServiceConferencePrograms or 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:** IEBC Local 714 Union Hall, 1800 Commerce Drive, Bismarck, N.D.

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

**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 SSBE portion of Tier I, Tier II, and/or Tier III amounts. 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 withholding 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 557, Social Security and Equivalent Railroad Retirement Benefits.

The other statement, Form RRB-1099-R (for both U.S. citizens and nonresident aliens), shows the SSBE 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 SSBE 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 pension 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 SSBE portion of Tier I, Tier II, and Tier III amounts deducted from Social Security and Equivalent Railroad Retirement Payments, and/or RRB-1099-R.

The tax year for both of these types of statements depends on the years to which the repayment applies and its taxability in those years. To determine the tax year, and may show an employee contribution amount.

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

Yes, the amounts withheld are subject to federal income tax. The RRB does not report these amounts on Form RRB-1099-R.

**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 1099-G to individuals, showing the total amount of railroad unemployment benefits paid during the previous year.

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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.

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.

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 Kaly Andrijewych; Treasurer Tim Burns IV (Local 322); Secretary & Treasurer Twinia Pern (Local 638); Secretary & Treasurer Christian Ohmeng (Local 1588); Secretary & Treasurer Jamie Stauffer (Local 1902); Secretary & Treasurer Matt Davis (Local 1083); Secretary & Treasurer Greg Walk (Local 453); Secretary & Treasurer Verda McBarrett (Local 1270); Secretary & Treasurer Keyvon Barbee (Local 1183); Treasurer James Klingel (Local 577); and Field Auditor & Treasurer Justin Fougerousse. Pictured in back, from left, Secretary & Treasurer Mike Russell (Local 1066); Secretary & Treasurer Josh Hook (Local 785); Secretary & Treasurer Ray Burton (Local 665); Secretary & Treasurer Mike Taylor (Local 524); Treasurer Jason Ott (Local 1391); Secretary & Treasurer Chad Roseman (Local 198); Secretary & Treasurer Mike Mashburn (Local 1526); Secretary & Treasurer Steve McEneny (Local 653); Secretary & Treasurer Jesse Woluba (Local 1397); Secretary & Treasurer Mark Holldraum (Local 1198); and Secretary & Treasurer John Stough (Local 1709).

AT RIGHT: SMART TD field auditors John Purcell and Justin Fougerousse 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.
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 operating 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 increase 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://www.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 Retirement 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, helping 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 nonfederally-related sequesters were repealed, but a representative from the RRB confirmed later that RRB unemployment and sickness benefits are categorized as direct, not discretionary, 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 $8 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.

An online fundraising effort has been started for a SMART 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/dave-bens-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 1568 member who didn’t want to be named said he went to visit the accident site and couldn’t 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.

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

The Federal Railroad Administration (FRA) last month, acting upon the agency’s findings in two ongoing railroad accident investigations. In the combination photo that was posted on GoFundMe.com, conductor Ben Garland and engineer Dave Tobey are shown.

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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 appreciated across all levels of our organization.

However, exceptions do occur, and we have seen cases 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 submited false claims for time and expenses in excess of that for which the membership gave approval. In both cases, the officers were found guilty in internal union charges under our Constitution, were removed from office, or suspended or expelled from membership, or to any fund or committee administered or trusted in whole or in part by a local, or re-fusing, 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:

• 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 not only lose the benefits 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 a year or imprisonment for up to five years. There is no “de minimis” or “petty” theft under federal law. Any misap- propriation 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 banned 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.