Comments on crewless trains are submitted to FRA

SMART Transportation Division President John Previsich submitted comments May 7 in response to a Federal Railroad Administration (FRA) request for comment on autonomous trains.

“Safety must be first and foremost when discussing the future of automation of our nation’s railroads,” Previsich wrote. “It would be unethical and would violate the mandate of Congress to...

Lesniewski retires; Leonard elevated

John Lesniewski, vice president and successor president of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers, has retired, effective July 1, 2018. Lesniewski, a member of Chicago Local 1534, started

SMART Army members take action

Newark, N.J.

New Jersey Transit conductors and assistant conductors squared off in a basketball game April 14 at the JFK Rec Center in Newark, N.J., as part of the SMART Army Month of Community Action.

Players from Hoboken prevailed, 62-51, in their third yearly game against Newark, said Scott F. Spratt, secretary of LCA-610 (New Jersey Transit — New York Division).

Proceeds from the game, organized by Brother Elijah Ingram of Local 60, benefited Covenant House, a shelter in Newark for homeless teens.

SMART Army Transportation Division and Sheet Metal members participated in the first Month of Community Action all around the U.S. in April.

For more coverage, see Page 3.

Sheldon Brown, left, and Jeremiah Rivers of Local 60 have some fun on April 14 during Hoboken’s 62-51 win over fellow New Jersey Transit conductors that raised money for the Covenant House, a Newark shelter for homeless teenagers. Photo is courtesy Roger Richardson of the BLET.
Local 303, Springfield, Mo.

Jeff Nichols, the local’s legislative representative and a BNSF conductor, was able to catch U.S. Sen. Claire McCaskill (D – Mo.) right before dinner during the Dem Days event in Springfield to get an event picture with the senator. He also passed her a letter detailing the importance of S.2360, the national two-person crew legislation, and asked her to look at it when she had the opportunity.

“She claims to still remember ‘the train guy,’ ” said Nichols, who had blown a train horn at the senator in a previous encounter (see more on Page 3). “So hopefully that will get it a read. She didn’t pass it off to an aide or anything, and I saw her put it in her purse. Fingers crossed.”

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 1031, Savannah, Ga.

Lisa Ring, the wife of SMART TD Local 1031 member John Ring, won her Democratic primary election with a huge victory, earning 68 percent of the vote. Lisa now advances into the general election to face off against U.S. Rep. Buddy Carter (R – Dist. 1) in November.

Local 1245, Atlanta, Ga.

GO 049, CSX (former B&O)

SMART TD B&O General Committee of Adjustment GO 049 has announced that its general email address has changed to smartgc049@gmail.com.

Local 1263, Valdosta, Ga.

Patrick Folsom, standing, participates in a debate during his successful campaign for county commissioner in Brooks County, Ga.

“There are no better public servants than union members because we believe in helping our fellow people, and that is what public service is all about,” Campbell said. “Way to go, Patrick!”

Local 1704, Kansas City, Mo.

Local 1704 Secretary and Treasurer Tonya Stokes reports that member Sharon Barr lost everything in a fire this spring.

Stokes is asking that members help their union sister out in her time of need. Monetary donations can be sent to the local, where they will be distributed to Barr, since she was displaced from her home in Kansas City, Mo.

Checks should be made out to Sharon Barr and mailed to SMART TD Local 1704, 4047 Bales Ave., Kansas City, Mo. 64130.

Local 1704 represents bus operators employed by First Student Inc.

GO 049, CSX (former B&O)

SMART TD B&O General Committee of Adjustment GO 049 has announced that its general email address has changed to smartgc049@gmail.com.

Local 1582, Albany, N.Y.

Wes Wohl, past local president and Local 1582 Adirondack Trailways Committee member, got his 2-million-mile safety award May 15. GC Russell S. Gaillard received a million-mile safety award.

Take a shot to get in the TD calendar!

We’re looking for photo submissions from SMART TD members and alumni of buses, light rail, planes or trains for the 2019 alumni calendar. Email your high-resolution horizontal photos to news_TD@smart-union.org or by mail to the TD office along with details about the photo. If your pic is chosen, you get copies of the alumni calendar to share. The deadline is Sept. 28. Be sure to observe all rules and regulations regarding photography on your property.

www.smart-union.org/td • www.utuia.org
**SMART Army members take action nationwide**

From left are Jim Tyson of SM Local 36; Brad Slaughter of Local 303; Missouri State Legislative Director Jason Hayden; Billy Elbert of Local 303; Doug Plant of SM Local 36; and Legislative Representative Jeff Nichols, Jason Newberry and Local President Tim Latham, all of Local 303.

**Greene County, Mo.**

Members from SMART TD Local 303 and Sheet Metal Local 36, both in Springfield, Mo., co-hosted a hospitality room and informational booth at the Greene County Democratic Central Committee’s "Dem Days of the Ozarks" on April 6 as part of their SMART Army’s Month of Community Action. After the opening ceremonies, SMART Army members hosted a screening of the movie "The Sandlot" for local families.

SMART TD Missouri State Legislative Director Ronnie Hobbs, who volunteered in the effort, recalled an encounter he had at the ceremony.

"One of the kids walked up to me with his mother," he said. "She said, 'Excuse me, railroad man — this is the best opening day we've ever had here. This was like Christmas for these kids. "Just to see parents' and kids' smiles — it made the drive worth it. This was a great day.'"

**Around the SMART TD...**

**Local 61, Philadelphia, Pa.**

General and Local Chairperson Bernard Norwood reports that on April 16, the 2018 FRA Confidential Close Call Reporting System (C’RS) User Group Workshop was held in Scranton, Pa., at the Steamtown National Historic Site.

Peer Review Team (PRT) members from SEPTA, New Jersey Transit, Metro-North, Long Island Rail Road, Metra and Strasburg Railroad all gathered for a meet and greet at P.U.’s in the Hilton hotel.

Representatives from FRA Human Performance Division were on site. Each PRT presented a slide show of their work and accomplishments from the previous year. Information and questions were shared during and after each PRT’s presentation.

"This was SEPTA’s first year participating in the C’RS User Group Workshop. It was a very good experience for the group and we learned a lot of valuable information to carry back to our entire group," Norwood said.

**Bill introduced to protect passenger crews**


"The senseless shooting in 2017 of Michael Case, a SMART TD brother out of Local 1525, that inspired the senators to craft this bill is just one example of the crime against rail crewmembers that happens all too often," SMART TD President John Previsich said.

"Making such incidents felony-level offenses throughout the U.S. would be a step in making our nation’s rails a safer place to work and travel."

**New monthly assessment levels are set for DIPP**

As a result of the continued increase in claims volume and associated costs, the SMART Transportation Division Discipline Income Protection Program (DIPP) is increasing its monthly assessments from 81 cents to 96 cents per $1 of daily benefits, effective July 1, 2018.

Members may elect to reduce their benefit level or cancel coverage at any time by submitting the appropriate form to SMART TD. If a member chooses to keep his or her coverage as is, the current benefit level will remain in place, and members who pay their monthly assessments by payroll deduction will have the higher monthly assessments automatically deducted from their paychecks.

DIPP trustees are SMART General President Joseph Sellers Jr., SMART General Secretary-Treasurer Richard L. McClees and SMART TD President John Previsich.

A chart showing the new schedule of benefits and additional information about SMART TD DIPP is available at www.smart-union.org/dipp.
Every working person has a fundamental right to come home from work each day, safe and sound. Safety is at the heart of the modern labor movement. Working women and men want not only decent wages and benefits that provide for their families, but to have a safe workplace so they can enjoy their families, community and live on the fruits of their labor.


Assaults on bus and transit operators occur daily, threatening the safety of working members and the riding public. Every day there is more news of incidents where unprovoked passengers have spit on, threatened, beaten, stabbed or even shot some of our brothers and sisters while they are just doing their jobs.

Equality in safety
The act is nothing more than common sense — the same treatment for our members as for workers in other modes of transportation. Since 9/11, we protect airline pilots behind strong, locked cockpit doors, and taxicab drivers a feature to protect drivers from beleaguered passengers. We deserve no less, yet our members are exposed to the general public and to the risk of harm. The new legislation supports responses including physical barriers, better visibility and situational training in how to de-escalate conflict.

Members on national railways face these threats. Brother Michael Case from SMART TD Local 1525 spent 10 weeks in the hospital after being shot in May 2017. It is one of 73 recorded cases of assault on Amtrak employees since 2015. A year later, Brother Case is still recovering. In response, we have worked with U.S. Senators Tammy Duckworth (D-Ill.) and John Hoeven (R-N.D.) to craft the Passenger Rail Crew Protection Parity Act, which would make it a felony to assault or intimidate passenger rail crew members. It will therefore help in securing members involved in the transport of our nation’s passengers.

How you can help
Text the word SAFETY to 21333 to take part in our campaign in support of bus and transit operator safety. Once you take that simple action, you will be asked to help your union brothers and sisters by contacting your legislators in support of the Rail Crew Protection Parity Act as well. (*Message and data rates may apply.)

SMART TD members serve as a vital part of our nation’s transportation infrastructure. Whatever the work might be, safety is paramount — and it is non-negotiable.

Join us in a campaign to pass this legislation. Text the word SAFETY to 21333 to join our effort. In the meantime, do your part this election year to elect those who will respect our safety by ensuring it is protected.

Be safe and thank you,
Joseph Sellers Jr.
General President, SMART
These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART"). The SMART Transportation Division, formerly the United Transportation Union, is an organization representing approximately 125,000 transportation employees with active rail members working in all operating crafts including engineers, conductors, trainmen, switchmen and yardmasters. This is in response to the FRA requesting information and comment on the future of automation in the railroad industry – FRA 2018-0027.

General comments

As the FRA considers the future of rail automation it must not forget its mandate from Congress, "[in carrying out its duty the Administrator shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation]" 49 U.S.C. § 103(c). As such, safety must be first and foremost when discussing the future of automation of our nation’s railroads. It would be unethical and would violate the mandate of Congress to sacrifice safety for potential profits. With the guiding principle of safety in mind, SMART submits the following comments.

**Safety and security must be our number one priority**

As noted, safety must be the highest priority when considering the introduction of autonomous rail operations in the United States. In considering issues of automation in the American rail system, it is important to examine: (1) the essential job functions performed by humans that cannot be replaced by automation, (2) automation in other countries and distinguishing characteristics between those nations and the United States, and (3) the ever-present threat of hostile actors looking to inflict mayhem on our nation’s railroads.

**Essential Job Functions of Human Railroad Employees Cannot be Automated**

In valuing safety as the highest priority, it is important to understand the essential roles that human employees play in the safe operation of trains. There are countless essential functions that humans perform, using their perception and judgment that cannot be replaced by automation, especially on America’s vast rail system that covers an incredible geographical and weather diversity. Railroad crews are responsible for detecting issues before they become dangerous. They do so by inspecting trains in rolling inspections and by walking the length of a train to determine if there are issues with couplers, wheels, brakes, handholds, steps and doors, etc. Employees also monitor conditions, both in yards and on the road, to check for misaligned switches, track obstructions and weather-related damage. Finally, employees also observe traffic at crossings, including the speed at which vehicles are moving, in order to determine whether it is safe to proceed at normal speed or if there exists the potential for a collision requiring immediate action. While responsible for their own trains, rail crews also observe other trains for any noticeable defects, including shifted loads and mechanical failures. Additionally, it requires two employees to separate a train to open a blocked road crossing and to make sure it clears.

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**State Watch**

**News from SMART TD State Legislative Boards**

Kansas State Legislative Director Ty Dragoo reported that the hard work of his legislative board has paid off with the Kansas Legislature passing and Republican Gov. Jeff Colyer signing the House Substitute for SB 391, creating the Joint Legislative Transportation Vision Task Force and helping to formulate a 10-year plan for the state’s transportation planning for this state.

"This is the first time in our board’s history that our union will be recognized and enshrined in Kansas statute as a stakeholder in transportation planning for this state. "Brothers and sisters, that is not by accident. That is our hard work paying off."

A PDF of the final version of the bill is available on the Kansas State Legislature website (kslegislature.org). Colyer also signed H.B. 2148 into law April 26, which increases workers’ compensation benefits as part of employment benefits negotiated by labor and fall under FELA, Dragoo said. "Today was a great victory for labor, and I am proud that SMART TD was seen as instrumental in H.B. 2148’s passage," Dragoo said.

Certain minimum and maximum benefits payable for other individuals wholly dependent upon a deceased employee’s earnings also were boosted. The maximum benefit was increased from $18,500 to $100,000. In situations where a deceased employee leaves behind persons who were partially dependent, the minimum benefit increases from $2,500 to $25,000 and the maximum benefit also increases from $18,500 to $100,000.

"Most Class I railroads have life insurance policies as part of employment benefits negotiated by labor and fall under FELA," Dragoo said. "However, this raises minimum amounts substantially to the new levels in the act. It is important to know that all our brothers and sisters in the labor movement, including all our Sheet Metal brothers and sisters, that don’t have these benefits will now have reasonable minimum benefits."
The text of SMART T&D’s response to the FRA’s request for comment on autonomous trains

Continued from Page 5

most federally required air-brake tests.

The above is a small sampling of the duties of railroad crews that impact safety and security. A more exhaustive list is attached to these comments. See Attachment 1, List of Duties of Railroad Crews. (Editor’s note: This attachment is available on the TD website at https://smart-union.org/wp-content/uploads/2018/06/SMART_TD_FRA_2018_06_STFT_Final_Domain_Attachment.pdf). The integration of autonomous operations should focus on supporting these human functions to increase safety rather than replacing them. As explained in more detail below, humans cannot be replaced by autonomous operations in the performance of many essential functions.

Autonomous operations in other countries and American infrastructure

In its Request for Information, questions pertaining to both autonomous operations in other countries and infrastructure were raised. SMART believes that the two issues go hand-in-hand with safety considerations.

All can agree that upgrading our nation’s infrastructure is of critical importance in America remaining an economic leader and improving our quality of life. But the reality is that the United States lacks adequate infrastructure to fully support our current rail operations, much less autonomous trains. In addition to inadequate infrastructure, the rail industry’s initial implementation of train automation in the form of Positive Train Control (PTC), plus Leader and Trip Optimizer has added to the complexities of operating trains. This puts additional strain on the human crews that operate these trains, which would be compounded further with automated operations.

Trains in the United States are significantly longer than in countries where limited autonomous operations exist. Many U.S. trains stretch for more than two miles long, with some over three miles in length. This creates a number of complications that are not present in other countries. For example, most railroad crossings in the United States are “at grade,” meaning they are at street level. These crossings are struck at a high rate, resulting in thousands of collisions and over 200 deaths per year. Since roads are commonly built on sections that are one mile apart, and trains are usually longer than one mile, blocked crossings result in limited access by emergency crews in the event of a collision. Without a conductor to pull the pin to separate rail cars at the crossing and an engineer to move the train, access to accidents is significantly impeded, resulting in a delay of life-saving care. Additionally, trains frequently derail or strike automobiles under passing trains that are difficult-to-access areas.

Care would be further delayed if an employee had to be transported to the accident site in order to conduct the above-described functions. Any autonomous operations would need to account for these deficiencies, and the additional strain such operations will put on local emergency personnel, resulting in preventable loss of life due to delayed response times at accidents.

In the event that issues presented above, the explosive length of American trains results in significantly heavier trains than seen in other countries and thus limited autonomous operations. As a result, trains in the U.S. suffer more equipment failures and break-in-tows that cannot be addressed by an autonomous operation. Humans are needed on the scene to address these and other mechanical failures that require immediate action to potentially avert disaster.

Humans play an essential role in thwarting hostile actors and terrorism

Railroads also are subject to dangers that go beyond the standard safety issues such as derailments and collisions. Dangers like terror attacks and cyberattacks continue to loom, as trains are a prime target for hostile actors due to the potential colossal damage that can be inflicted. Humans have the ability to perceive threats and take action in a manner that autonomous operations cannot.

Where there is the possibility of out-of-control trains carrying thousands of tons of hazardous materials, it is critical for discussions regarding train automation address these concerns in a substantial way, or the threat to life and property would be substantial.

Unfortunately, trains are prime targets for terrorists or other hostile actors seeking to inflict massive damage on both life and property. News reports are rife with reports of both successful and unsuccessful attacks on rail systems. The role of human engineers and conductors in such incidents simply cannot be replaced by an automated system. For example, in October of 2017, an individual with allegedly terrorist goals attempted to take control of an Amtrak train and pulled the emergency brakes.2

There the train’s conductor stepped up to subdue the perpetrator before any loss of life occurred. In the 2015 Thalys train attack, a man wielding an AK-47 opened fire on a crowded train.3 While the perpetrator was famously halted by passengers on-board, witnesses stated that the actions of the conductor were heroic as well.4 While these are stark examples, they clearly show that a human presence can mean the difference between life and death when terrorists try to take lives. This is the world we live in, and when the development of autonomous rail systems is considered, such stories need to remain at the forefront of our thinking.

Cyberattacks are a growing threat to railroads

In addition to traditional terror attacks, cyber threats grow more prominent every day. The response of autonomous operations to these threats would be severely limited in such events. An automated rail system would be a prime target for a cyber-attack, as potential threats have made clear. For example, recently, the San Francisco Municipal Transportation Agency was subjected to a ransomware attack where hackers took control of a number of devices and demanded a ransom in return.5 While the hackers did not take control of any rail operations, the attack was a stark reminder of potential new avenues of disruption and danger through attacks on railroad computer systems. All systems that use a computer network are susceptible to hacking, but in an autonomous rail operation, the results could become catastrophic. In the event of a ransomware attack, human crews are able to take control of a fully autonomous hazardous material train, no human would be present to manually intervene to stop a catalytic event. With the increasing frequency and severity of reports regarding cybercriminals, we think any serious consideration of this technology is at the least premature until such threats can be addressed through solid preventative measures can be taken to ensure safety.

Workforce viability in an autonomous world

FRA also asks for information regarding the impact automation may have on workers. The automation of train operations has the potential to cause the loss of tens of thousands of good-paying union jobs across America. The potential for the dislocation of workers in the event automated rail operations become common practice is catastrophic. The technology on the workforce has already been seen, as remote-control operations in railroad yards have led to substantial job losses for locomotive engineers and yard switchmen. Automation...
The text of SMART TD’s response to the FRA’s request for comment on autonomous trains

Continued from Page 6

tion is having a substantial impact on the craft of yard- masters shall. Unfettered train automation would af-
flect significantly more em-
ployees and make the com-
unities in which trains travel even more vul-
nerable to all sorts of po-
tential hazards. Add to this
the potential automation in
transit and the trucking in-
dustry, and we will have a
vast loss of opportunity for
people without college de-
gress to secure a job that
pays a decent wage, fur-
ther increasing income in-
equality in our country.

Regulatory issues and implemen-
tation hurdles

The FRA also inquired as to regu-
larity hurdles that may arise
garding au-
tonomous operations. It
must be noted that the cur-
rent regulatory framework
governing rail safety is pri-
marily built around a two-
person crew operating
trains. These two
crewmembers interact con-
stantly and double-check
every decision that is made
in the workplace. The regu-
lations currently in place
are designed with this type
of operation in mind, and
govern matters such as air
tests, cab communications, double-checking proce-
dures, and cutting cross-
ings, among a host of oth-
er functions. In the event
autonomous operations be-
come widespread, a com-
plete rewrite of most, if not all,
of these regulations will be
required. The same
goes for railroad operating
rules. They would need to
be significantly rewritten to
account for automated op-
erations. Any rewrite of fed-
eral regulations must also
comply with Congress’
mandate regarding safety
as the number one priority
of the Federal Railroad Ad-
ministration. Also, many
regulations have been
mandated by Congress, which
would necessitate
legislative enactments.

Railroads have been re-
ducing the size of crews for
decades, even when those
reductions lead directly to
accidents that could have
been prevented with larger
human crews. Being unable
to self-regulate is the basis
for the entire federal code
of regulations that governs
railroads. As such, railroad
operators cannot be trust-
fully regulated when they
come to the implementa-
tion of this technology, as a
race to eliminate all paid
positions for the sake of profit
could lead to cata-
strophic results.

Even where new technol-
ogy is regulated, railroads
have demonstrated an in-
ability to comply. The per-
formance-based PTC rule
is a good example of the
significant shortcomings of
the industry when it comes
to the timely implementa-
tion of safety technology.

Furthermore, the Federal
PTC systems were mandated
by Congress in 2008 to be
fully implemented by De-
cembe r 2015. When
unable to implement the
PTC rule by said date,
the railroads were granted
an extension by Congress
in 2018-2020. As of this
time, less than 10 of the
37 railroads required to install
PTC have fully done so,
with many lagging woefully
behind on meeting the ex-
tended deadline. In addi-
tion to the cost, one major
issue that has arisen is the
difficulty in integrating the
PTC software into currently
existing railroad systems.

Railroad conductors and
engineers who have experience
with PTC can attest that, even
when fully integrated, the
PTC system does not work
perfectly, sometimes insti-
tuting brake applications
unexpectedly and without
cause. Such technology is
only useful when it works,
even where it can increase
danger where it is
relied on with no additional
safeguards. The difficulty
railroads have in imple-
menting PTC technology
and the uneven results
that have so far been obtained
must be considered when
examining feasibility of au-
tonomous operations.

Conclusion

We thank you for the op-
portunity to present our
comments on behalf of our
125,000 members. Again,
we wish to reiterate that
safety must be the number one
priority when considering
the integration of au-
tonomous technology into
the current American rail-
road system. The functions
of human crewmembers
cannot be fully auto-
mated in a way that main-
tains safety at its current
level, let alone increases
safety. In this industry, we
are beset by challenges
from all sides, and it is criti-
cal that at this juncture
we take all of these challenges
into consideration when it
comes to automation, to
keep railroads moving
efficiently, profitably, and
most importantly, safely.

Thank you for the oppor-
tunity to comment.

John Previsich
President,
SMART
Transportation Division

Notes:
1 http://oio.org/about-
us/news/collisions-casualties
2 http://time.com/5089950/
taylor-michael-wilson-
supremacist-amtrak/
3 http://www.theguardian.
world/2015/aug/21/
amsterdam-paris-train-gun-
man-france
4 http://www.lefigaro.fr/
cinema/2015/08/24/
00300220150824ARTFG00
083-thalys-jean-hugues-
anglade-nuance-ses-pro-
pos.php (French)
5 https://www.sfmta.
blog/update-sfmta-
ransomware-attack
6 http://abcnews.go.com/
Politics/railroads-meet-pos-
itive-train-control-dead-
lines-officials/story?id=5311
0861

Bill introduced to protect passenger rail crew members

Continued from Page 2

Case spent 10 weeks in the hospi-
tal after being shot May 16, 2017,
and his shooting is one of 73
recorded cases of assault on
Amtrak employees since 2015. A
year later, Case said he is still
recovering.

“I am working very hard to get my
strength, flexibility, endurance
and mental health back to 100 percent.
I have my struggles, but I count my
blessings that I am alive,” Case
said. “My family has been through a
lot this past year — we look forward
to better days ahead!” Case
said.

Case’s shooting, as well as other
incidences of assault, inspired
Duckworth to introduce a bill,
which would mandate an exten-
sion of the FRA’s mandate
by Congress to
regulate themselves when
performing self-regulatory func-
tions while the crime happens, if the
offense was committed on the
line crewmember falls
under the laws of
the local jurisdic-
tion in which the crime occurs, is
considered an inequality in justice for
assault victims. This legislation levels
the playing field, and victims can expect
to receive the same justice, no mat-
ter where the crime happens, if the
bill becomes law.

This “bipartisan legislation is wel-
come and overdue,” Previsich
said. “SMART Transportation Divi-
ション applauds Duckworth’s
and Sen. Hoeven’s efforts to
bring federal protections of rail workers
in line with those of the airline
industry. We urge the U.S. Senate
Congress to support this bill to bring
inches against railroad employees under
the umbrella of federal law.”

Case also supports the bill and
the same protections
to passengers
rail personnel as air-
line crewmembers.

“I pray that my co-workers NEVER
have to go through what my family
and I have endured this past year!”
Case said. “A safe and secure envi-
ronment will allow my co-workers
to focus on the task at hand —operate
and administer their equipment up
and down the railroad safety.”

In the release from Duckworth’s
office, Illinois State Legislative
Director Bob Guy also offered his
support.

“Given the interstate nature of
passenger rail service, it only makes
sense to provide the same federal
protections that aviation employees
enjoy to employees in the passenger
rail industry, and that’s just what
the Passenger Rail Crew Protection
Parity Act would do. I want to thank
Senators Duckworth and Hoeven
for their commitment to rail safety and
working together to protect our
members the federal protections they
deserve,” he said.

S. 2861 has been referred to the
U.S. Senate Committee on Com-
merce, Science and Transportation
of which Duckworth is a member.

Matt Campbell
chosen to serve on Executive Board

Matt Campbell, the Georgia
state legislative director, has
been elected to serve on
the SMART Transpor-
tation Divi-

Campbell, of Local 1031, has
been Georgia state legislative
director since June 2012, and
has served as a local legislative
representative and local chair-
person.

He joined SMART TD in March
2001 as a conductor, is a mem-
ber of the National Safety Team
and helps lead the SMART TD
Rail Safety Task Force.

All members and officers are invited to submit items to the
SMART TD News. This is your publication, and we are here
to get the word out. Email items to news_TD@smart-union.org
and we’ll be in touch!

Matt Campbell has served as a local legislative
representative and local director since June 2012, and
has served as the National Safety Team and helps lead the SMART TD
Rail Safety Task Force.

June/July 2018 SMART TD News

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What’s new?

```csharp
public enum Role { Conductor, Engineer, Foreman, Dispatcher, Mechanic, Attendant }
```
**Local 240, Los Angeles, Calif.**

Chairperson Harry Garvin reports that Local 240 is grieving after three losses.

- ■ Brother Garvin’s wife, Susan Francis Garvin, passed away March 2 at home in Alta Loma, Calif., with her husband, her dog and two good friends at her side.
- Harry and Susan were married for more than 44 years before her death from cancer.
- ■ Donald Michael O’Neill, 77, died peacefully March 16 at Windsor House in Canfield, Ohio, with his family at his side. Brother Donald was a conductor for the Southern Pacific and later for the Union Pacific Railroad before retiring in 2001.
- ■ Jack E. Haile, 76, of Forsyth, Mo., died Feb. 3, 2018, at his residence. A veteran of the U.S. Army, Brother Haile was honorably discharged in 1962 with the rank of specialist. He was employed as a conductor for the Southern Pacific Railroad and Union Pacific Railroad before retiring in 2001.

**Local 303, Springfield, Mo.**

A fundraiser has been established for the wife and two daughters of Josh Williams, a BNSF conductor who died of a heart attack in May. Brother Williams, 35, joined SMART TD in 2005. To donate, visit www.gofundme.com/josh-williams-family-fund.

**Local 324, Seattle, Wash.**

Members of Local 324 were mourning the death of Treasurer Kerry Naff, who passed away April 24 at age 54 after a battle with cancer. "Kerry was the beacon of light that guided our local through its darkest hour," said Local 324 President Peter Gushwa. "He was a great man, friend, brother, ally and mentor." He is sorely missed by us all and has left a void that may never be filled.

Becoming a member costs just $9 a year! For more information, call 216-228-9400, email kcashin@smart-union.org or visit www.smart-union.org/td/alumni.

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**Local 240, Los Angeles, Calif.**

Chairperson Harry Garvin reports that Local 240 is grieving after three losses.

- ■ Brother Garvin’s wife, Susan Francis Garvin, passed away March 2 at home in Alta Loma, Calif., with her husband, her dog and two good friends at her side.
- Harry and Susan were married for more than 44 years before her death from cancer.
- ■ Donald Michael O’Neill, 77, died peacefully March 16 at Windsor House in Canfield, Ohio, with his family at his side. Brother Donald was a conductor for the Southern Pacific and later for the Union Pacific Railroad before retiring in 2001.
- ■ Jack E. Haile, 76, of Forsyth, Mo., died Feb. 3, 2018, at his residence. A veteran of the U.S. Army, Brother Haile was honorably discharged in 1962 with the rank of specialist. He was employed as a conductor for the Southern Pacific Railroad and Union Pacific Railroad before retiring in 2001.

**Local 303, Springfield, Mo.**

A fundraiser has been established for the wife and two daughters of Josh Williams, a BNSF conductor who died of a heart attack in May. Brother Williams, 35, joined SMART TD in 2005. To donate, visit www.gofundme.com/josh-williams-family-fund.

**Local 324, Seattle, Wash.**

Members of Local 324 were mourning the death of Treasurer Kerry Naff, who passed away April 24 at age 54 after a battle with cancer. "Kerry was the beacon of light that guided our local through its darkest hour," said Local 324 President Peter Gushwa. "He was a great man, friend, brother, ally and mentor." He is sorely missed by us all and has left a void that may never be filled.

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Nebraska
An inaugural workers summit April 6 in North Platte, Neb., drew about 100 members from various unions to discuss labor and rail issues during two sessions at the North Platte Quality Inn and Suites.
SMART Transportation Division Nebraska State Legislative Director Bob Borgeson was in attendance and gave a presentation at the meeting.
“I was happy to do it,” said Borgeson. “We were all very happy with the turnout, which had all kinds of folks from different unions show up.”
Topics of discussion included S. 1451 – the Railroad Advancement of Innovation and Leadership with Safety Act; S. 2360 and HR 233 – the Senate and House versions of the Safe Freight Act – and cuts to the Occupational Safety and Health Administration’s budget. Strategies about how to better mobilize to have union workers’ voices heard were also discussed.
Jim “Doc” Moore, a retired associate professor of labor history at Cornell University’s School for Industrial and Labor Relations, moderated the meeting, which was organized by Terry Sigler, a retired legislative representative of SMART TD.
Local 286 in North Platte.
“The purpose of the labor summit was to unite all the unions and to better inform our members of the issues that are important for our safety and welfare,” said Sigler.
Dean Mitchell, a political consultant with DFM Research who works with SMART TD, was among the presenters. Mitchell pointed out during his address that 13 percent to 18 percent of voters in Lincoln County, Neb., are railroad workers and their spouses – the highest concentration in any city or county in the U.S.
“Seeing that figure, it is easy to see that if all the other unions work together too, there is absolutely no reason why we can’t carry an agenda in the election process,” Mitchell said.
Nebraska AFL-CIO President Sue Martin spoke about apathy in union ranks and the importance of electing people who support union issues and working families.
“The people who represent us make the rules for us, so we need to get people who are friendly to working families elected,” Martin said. “We will support those who support our issues.”
Sigler said that he plans to make the summit a regular event.

Maryland
Two wins in the General Assembly turned into a win and a loss at the hand of Gov. Larry Hogan, reports Maryland State Legislative Director Larry Kasecamp.
HB-312, a bill that increased the penalty for assaults on transit operators to a year imprisonment, was passed and signed into law by the governor.
However, a bipartisan two-person crew bill, HB-180, was vetoed by Hogan and the veto cannot be overridden at this time. Kasecamp, disappointed by the veto, will return to his 2PC efforts.

Local’s alumni come back as guests for annual meeting
Local 1258 out of Elgin, Ill., had a number of guests for its fourth annual alumni meeting in May. Pictured, seated from left at the table, are retired members Ron Norton, Larry Vicars, John Hensley and Paul Hegge surrounded by the local’s members.

Louisiana
Chris Christianson became the state’s legislative director, effective May 1. Christianson, of Monroe, La., a conductor for Union Pacific, had been assistant state legislative director since January 2016.
“I’m diving in head-first in the middle of regular session, so I have some challenges ahead and look forward to overcoming them one step at a time,” Christianson said. “I also look forward to knocking on doors, making calls and shaking hands, building new relationships.”
Christianson, a member of Local 1545, joined SMART TD in April 2003 and has served in multiple posts including as the local’s secretary and treasurer and as legislative representative.
“There’s nothing more important than being a state director and having great relationships with the ones that write the laws.”

Georgia
Georgia State Legislative Director Matt Campbell, at right, was invited by state Rep. Darshun Kendrick to moderate the April 18th Georgia Economic Bill of Rights hearing at the State Capitol in Atlanta.
Pictured with Campbell are Rhonda Briggs (Metropolitan Atlanta Rapid Transit Authority) and Kimberly King (Georgia Department of Transportation).

Ohio
The Ohio Legislative Board’s office has moved. Its new address is 750 Cross Pointe Road, Suite E in Gahanna, OH 43230, and the new office phone number is 614-604-6731.

Washington, D.C.

Rail retirement Q & A
Continued from Page 8
If a retired railroad employee with 30 or more years of service is 60, the employee’s spouse is also eligible for an annuity the first full month the spouse is 60.
Certain early retirement reductions are applied if the employee first became eligible for a 60/30 annuity July 1, 1984, or later, and retired at ages 60 or 61 before 2002. If the employee was awarded a disability annuity, has attained age 60 and has 30 years of service, the spouse can receive an unreduced annuity the first full month she or he is 60, regardless of whether the employee annuity began before or after 2002, as long as the spouse’s annuity beginning date is after 2001.

June/July 2018 SMART TD News
www.smart-union.org/td • www.utuia.org
Transportation Division policy concerning fees objects

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who seeks to be a non-member has the right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

2. The objecting non-members shall provide notice of objection to the Transportation Division within the categories specified in Section 3. The amount of the escrow amounts maintained pursuant to Section 17, and later will be reduced by the reduced fees.

3. The Transportation Division shall provide a list of appellants to the American Arbitration Association. The appropriate arbitrator shall be provided with a list of all exhibits intended to be introduced for rebuttal. The arbitrator shall have jurisdiction to determine the correct purpose of the expenditures and other costs of economic action, agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employee representative organizations, benefits, and internal governance; collective bargaining rights; and internal governance; no petition objections will be honored.

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and the accounts of the Transportation Division postmarked no later than thirty (30) days after issuance of the appeal with the President, Transportation Division. Such appeal shall be made by sending a copy to the President, Transportation Division and the appellant(s) of the appeal. Such appeal shall be made by sending a copy to the President, Transportation Division and the appellant(s) of the appeal. Such appeal shall be heard on the merits and a decision shall be issued within sixty (60) days of the issuance of the appeal. The arbitrator shall have jurisdiction to determine the correct purpose of the expenditures and other costs of legal action, agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employee representative organizations, benefits, and internal governance; collective bargaining rights; and internal governance.

5. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who seeks to be a non-member has the right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

6. Each month thereafter for all objectors, an amount shall be charged to the reduced fees.

7. After the close of the appeals period, the President, Transportation Division shall provide a list of appellants to the American Arbitration Association.

8. The arbitrator shall have jurisdiction to determine the correct purpose of the expenditures and other costs of political action, agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employee representative organizations, benefits, and internal governance; collective bargaining rights; and internal governance.

9. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who seeks to be a non-member has the right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

10. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who seeks to be a non-member has the right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

11. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who seeks to be a non-member has the right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

12. Fourteen (14) days prior to the start of the first hearing, the President, Transportation Division shall provide a copy of the case and a list of all exhibits to the arbitrator. As a result of the hearing, and shall be permitted to file written statements with the arbitrator instead of appearing in the arbitration. The statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in any case no later than thirty (30) days after the hearing closes.

13. The Transportation Division shall file a notice of establishing the reduced fees set forth in the arbitrator's report.

14. The arbitrator shall determine whether there are reasonable fees.
DISTRICT 1


DISTRICT 2

Kyle Dobbins, son of Preston Cyrus of Local 1390, Trenton, N.J.; Hannah Farley, granddaughter of Charles Cellini of Local 60, Newark, N.J.; Stephanie Krakowski, daughter of John Krakowski of Local 1413, Jersey City, N.J.; Justin Williamson, son of Thomas Williamson of Local 1470, Edmonston, Md.

DISTRICT 3

Bryce Bennett, son of Joe Bennett of Local 998, Waycross, Ga.; Abigail Brasington, granddaughter of Davis Bragg of Local 762, Montgomery, Ala.; Brittany Clayton, daughter of Audry Clayton Jr. of Local 1545, Monroe, La.; Emily Coppedge, granddaughter of Thomas Coppege of Local 971, Crewe, Va.; James McClanahan, grandson of James Cruise of Local 338, Jackson, Tenn.; Colleen Tracy, granddaughter of John Tracy of Local 991, Steubenville, Ohio; Alysssa Onis Scholle, granddaughter of Wallace Thornton of Local 1042, Oklahoma City, Okla.

DISTRICT 4
Ind., Mich., Ohio

Alexandria Collins, daughter of Tommy Collins of Local 1383, Gary, Ind.; Brock Goley, grandson of Donald Goley of Local 14, Cincinnati, Ohio; Brian McNeely, daughter of Robert Moneer of Local 586, Willard, Ohio; Zachary Miller, grandson of William Briggs of Local 225, Bellevue, Ohio; Hannah Shank, granddaughter of Samuel Hale of Local 1290, Chicago, Il.

DISTRICT 5
Ark., La., Okla., Texas

Paige Dubs, daughter of Matthew Dubs of Local 1929, East St. Louis, Ill.; Adrien Hernandez, great-grandson of Warren Johnson of Local 1292; Proctor, Minn.; Alec Lester, son of Scott Lester of Local 445, Nola, Ill.; Alyssa Orion, daughter of David Orona of Local 1865, Chicago, Ill.

DISTRICT 6
Ark., La., Okla., Texas

Wilson Bernard, grandson of Marvin Corzine of Local 1501, Baton Rouge, La.; Tucker Hoobler, grandson of Ralph Robertson of Local 1313, Amarillo, Texas; Trinti Love, daughter of Fancy Love of Local 594, Mineola, Texas; Casey Sartor, grandson of Terry Sartor of Local 1092, Teague, Texas; Makena Schroeder, granddaughter of Dennis Scholle of Local 1042, Oklahoma City, Okla.; Jaela Washington, daughter of Shedrick Dudley of Local 11, Houston, Texas.

DISTRICT 7
Iowa, Kan., Minn., Mo., Neb., N.D., S.D.

Kendra Englund, granddaughter of Billy Englund of Local 477, Newton, Kan.; Gunnar Fandrich, grandson of David Fandrich of Local 1344, Mandan, N.D.; Alexis Howard, step daughter of Garrett Poulette of Local 363, Springfield, Mo.; Brandon Kankelkritz, grandson of Darald Kankelfritz of Local 1137, Fargo, N.D.; Natalie Mecham, grand-daughter of Raymond Birch of Local 1923, St. Louis, Mo.; Paige Nichols, daughter of Clinton Nichols of Local 418, Sioux City, Iowa; Trevor Rimmer, son of Matthew Rimmer of Local 1760, Kansas City, Mo.

DISTRICT 8
Ariz., Calif., Colo., Nev., N.M., Utah

Arthur Alvarado, son of Magaly Dorado of Local 1565, West Hollywood, Calif.; Alexandra Jensen, granddaughter of Kenneth Harman of Local 204, Pueblo, Colo.; Hunter Jones, grandson of Patricia Hampton of Local 238, Ogden, Utah; Lorena Lara, daughter of Pedro Lara of Local 1563, El Monte, Calif.; Justin Martinez, son of Latoria Martinez of Local 1608, Chatsworth, Calif.; Car- son Park, grandson of Patricia Hampton of Local 238, Ogden, Utah; Tatiana Sandoval, daughter of George Sandoval of Local 1608, Chatsworth, Calif.; Nathan Valles, grandson of Patricia Garcia of Local 1563, El Monte, Calif.

DISTRICT 9

Griffen Boe; son of Kyle Boe of Local 257, Montil, Neb.; Alexandra Gould, step daughter of Ryan Hedgcocck of Local 891, Whitefish, Mont.; Colton Richards, son of Kenneth Richards of Local 1713, Everett, Wash.

Trade School Scholarship winners

Ashlan Marcantel, daughter of Carban Marcantel of Local 1947, Lake Charles, La.; Tyler Parker, grandson of Samuel Parker of Local 453, Clinton, Ill.; Colin Weidauer, son of Gregory Weidauer Local 911, Minneapolis, Minn.

UTUIA wishes all winners luck in all of their future endeavors.

Congratulations!

What if?...

What if you could find an insurance company that:

- Pays the membership back rather than paying stockholders and greedy CEOs
- Provided over 200 college scholarships yearly to the children and grandchildren of members
- Provided up to 100 Trade School scholarships to help build America’s skilled labor force
- Had highly affordable plans and flexible payment options
- Gave thousands of hours of volunteer work and matched member donations for charities in the communities they serve
- Financially Supported Disaster relief to assist Union members and their families in dire times of need
- Paid claims in days, not months
- Was established over 150 years ago by Trade workers like yourself

What if I told you that UTUIA is that insurance company and as a Union member, you had access to some of the best benefits available today? To find out more information as to how we can help you protect your family and yourself, simply go to www.UTUIA.org/information, fill out the form and submit or contact a Field Supervisor Direct. You can find your Field Supervisor at www.utui.org /map
Warnings issued by FRA and DOT on consumption of CBD products

From the FRA: CBD (cannabidiol) is one of more than 100 chemical constituents called cannabinoids unique to the marijuana plant. Another well-known cannabinoid is delta-9 tetrahydrocannabinol (or more commonly known as THC), which is the major intoxicating component of marijuana.

CBD is sold in ingestible forms as well as ointments and oils designed to be applied to the skin. Marketers like to associate CBD with hemp products, which is a term loosely defined to include any plant with little or no THC. However, CBD products have some risk since their manufacture is not controlled or overseen by any state or federal government agency, nor are they produced for prescription use by any major pharmaceutical company in the country.

CBD products can definitely be a “buyer beware” concern in terms of product content and quality control. In addition, CBD products may be innocently or purposefully sold with varying amounts of THC present.

A number of states indirectly or directly allow the sales of CBD-based products, either because it is specifically identified in state law or by virtue of its derivation from the marijuana plant for states with medical or recreational marijuana laws. CBD is illegal to possess or use under federal law. CBD is considered by the federal government to be a byproduct of marijuana, and therefore is a Schedule I drug under the federal Controlled Substances Act (CSA). It is therefore the position of the DOT that the possession or use of any CBD product is a violation of 49 CFR 219.101.

DOT drug tests target the principal urinary metabolite of marijuana THC-COOH, which appears in urine after use of a THC-containing product. Since CBD is not a chemical constituent or byproduct of THC, it will not cause a federal positive test for marijuana. However, the risk is that the CBD product could also contain THC. If THC is present in sufficient amounts, that could potentially be the source of a positive federal drug test.

A regulated employee claiming that the source of their marijuana positive test is any “hemp” product will still have the test verified by the Medical Review Officer (MRO) as positive regardless (see 49 CFR 40.151(f)).

From the DOT: Recently, some states have passed initiatives to permit use of marijuana for so-called “recreational” purposes. We have had several inquiries about whether these state initiatives will have an impact upon the Department of Transportation’s longstanding regulation about the use of marijuana by safety-sensitive transportation employees.

We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation’s regulated drug testing program. The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used “recreational marijuana” when states have passed “recreational marijuana” initiatives.

We also firmly reiterate that an MRO will not verify a drug test negative based upon information that a physician recommended that the employee use “medical marijuana” when states have passed “medical marijuana” initiatives.

It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation’s drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be.

Photo of the month

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

SMART TD seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to SMART TD, 3490 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in JPEG format and emailed to news@smart-union.org. We prefer horizontal photos.

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

All photos submitted become property of SMART.

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

United Transportation Union Insurance Association
As of December 31, 2017: amounts as reported in annual statement filing to Ohio Department of Insurance, unaudited

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<th>Assets</th>
<th>Liabilities &amp; surplus</th>
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As of December 31, 2017: amounts as reported in annual statement filing to Ohio Department of Insurance, unaudited

Ohio revised code provides that, not later than the first day of June of each year, UTUA shall mail to each benefit member, or publish in its official publication, a synopsis of its annual statement.

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