FRA overreach is challenged

A strong response to the Federal Railroad Administration’s abdication of its safety responsibilities was promised as I made my concluding remarks in July at the Transportation Division Regional Meeting in San Diego. Some of that response has occurred in the Ninth Circuit Court of Appeals in Nevada, where that state, along with your union, three other states and the Brotherhood of Locomotive Engineers and Trainmen all have filed petitions asking the court to review FRA’s attempt in late May to nullify two-person crew laws.

Seven states have passed this important railroad safety legislation. In addition to Nevada, the sixth state to sign two-person crew legislation into law, the states of Illinois, Washington and California also joined the challenge. Illinois’ governor, J.B. Pritzker, signed a two-person crew bill into law Aug. 9 (see related story on Page 5). The filings seek that the FRA’s attempt at pre-emption of state legislation contained in its May 23rd withdrawal of Notice of Proposed Rule Making (NPRM) on two-person freight crews be set aside and that states be free to regulate in matters of public safety.

Continued on Page 9

General Convention presentations

Recognized for a job well done (twice)

Maryland State Legislative Director Larry Kasecamp receives a Gold Star award from Transportation Division President-elect Jeremy Ferguson, left, and National Legislative Director John Risch during the SMART General Convention at the Mirage Hotel & Resort in Las Vegas last month. Kasecamp has had two successful two-person crew bills passed in his state, only to see them vetoed by Gov. Larry Hogan on both occasions. Kasecamp plans an effort to have the latest veto overridden in 2020.

See Pages 6 and 7 for additional photos from the Second SMART TD and General Conventions.

Autumn brings nominations and elections for locals

SMART Transportation Division members are reminded that legislative representative and alternate legislative representative elections are scheduled to be held this autumn, with nominations to be taken in October and elections conducted in November.

Locals must solicit for the nomination of candidates in October seeking the four-year legislative offices. Those eligible to hold office as a legislative representative or alternate legislative representative must be qualified voters, meaning they are registered to vote in public elections. The duties of a legislative representative are listed in SMART Constitution Article 21B, Section 66. Members are also reminded that any existing local vacancies should be addressed during these elections. Local secretaries and secretary-treasurers should take steps and treasurers should take steps

Continued on Page 3

Inside this issue of the SMART TD News

- **AROUND SMART TD**: Member killed in Beaumont, Texas, accident; fundraiser for member who was shot in Charlotte, Page 2.

- **STATE WATCH**: Illinois’ governor signs a two-person crew bill into law, Page 5.

- **WHISTLEBLOWER**: Long, successful fight an example of union support, Page 10.

- **CENTERSPREAD**: Photos from the TD and General Conventions, Pages 6-7.
Local 1947, Lake Charles, La.

Travis “Bowie” Andrepont, the secretary and treasurer of Local 1947, was killed before dawn Aug. 20 in a rail accident in Beaumont, Texas. Andrepont, 39, of DeQuincy, La., had worked for Union Pacific for 16 years, a UP company spokesman told The Associated Press.

Brother Andrepont became a member of SMART Transportation Division in January 2006 and had been the local’s S&T officer for 10 years. He also was secretary of LCA 577 (Union Pacific-MP).

His love for his wife and his children, surpassed everything else,” his obituary read. He was survived by the love of his life, Paiton Andrepont; one son, Riley; two daughters, Shiloh and Amelia; his mother, and stepfather; grandparents; one brother and two sisters.

“He was a great guy and friend,” said Louisiana State Legislative Director Chris Christianson. “I always looked forward to visiting his local to help him with treasurer issues. “The news really hit close to home.”

An online fundraiser has been established at www.gofundme.com/for-our-fallen-brother-travis-quotbowiequot-andrepont

SMART TD expresses great sorrow at this tragic loss and extends condolences to Brother Andrepont’s family, friends, local and all who knew him. An investigation was under way into the accident.

Local 1715, Charlotte, N.C.

Karen Taylor continues to recuperate after four surgeries following her shooting on July 22 in Charlotte, N.C. On July 22, member Karen Taylor was shot five times in broad daylight while her Charlotte Area Transit Systems (CATS) bus was stopped to unload passengers.

...just as the last person stepped off of her bus, a man appeared out of nowhere and shot five times into her bus,” Taylor’s daughter, Latavia Clark, wrote on a GoFundMe page opened for Taylor. “All five shots struck my unsuspecting mother in her head, neck, shoulder and ear. One bullet and bullet fragments are still lodged in her skull.”

Taylor has already had four surgeries and is facing more in the future. The road to recovery is expected to be a long one, and the bills are adding up as Taylor’s worker’s compensation claim has been denied. To assist Taylor as she continues her recovery from this attack, visit www.gofundme.com/b CITY-BUS-Driver-shot.

Local 313, Grand Rapids, Mich.

SMART Transportation Division President-elect Jeremy Ferguson pledged support for the miners in Harlan County, Ky., who blockaded a coal train because they did not receive payment from their bankrupt employer, Blackjewel.

“Only by speaking out, organizing and building a strong union can workers shield themselves from injustices such as what is happening in Kentucky to the former Blackjewel workers. “Pay the miners. They worked for it. They deserve it.”

After posting the message and photo on social media, SMART TD received a note of thanks from Facebook from the Harlan County Community Action Agency.

Local 262, Boston, Mass.

From left, engineer Paul Chaput, Local Chairperson John McLaugh, retiring New England Legislative Director George Casey, Alternate New England Legislative Director Christopher Weldon and conductors Edward Boudreau, Colleen Powers and retired conductor Thomas Driscoll celebrate Casey’s retirement after 50 years of working on the railroad.

Local 1892, Houston, Texas

Secretary and Treasurer Robert Macdonald (bottom row, in red) attended a meeting coordinated by the local AFL-CIO in late August and talked to U.S. Rep. Lizzie Fletcher about the Safe Freight Act and the current rail labor working climate that our brothers and sisters are experiencing with the carriers. “This was my opportunity to represent SMART TD and voice our concerns as well. Local 1892 officers are also planning here in the near future, on visiting other elected officials in our area,” Macdonald said.

How a train sparked U.S. environmental awareness with Cuyahoga River fire

Many know of and/or remember the infamous fire on Cleveland’s Cuyahoga River that occurred June 29, 1969, but did you know that the fire is believed to have been started by a train from Norfolk & Western Railroad?

Old news reports said a spark came from a diesel locomotive travelling across a trestle near the Republic steel mill, and it ignited a five-foot-square oil slick on the river’s surface, sending flames up to five stories high.

According to an official report from the Cleveland Fire Department, the train crew unsuccessfully tried to put the fire out, but it flared, buckled the tracks and burned the timbers of two trestles—one owned by Norfolk & Western and the other owned by the Newburg & South Shore Railroad—causing about $50,000 ($5,000 to Newburg and $45,000 to Norfolk) worth of damage.

When the crew was unsuccessful in containing the fire, a worker ran down to a nearby train yard and called the fire in. With the use of a boat, the fire was out in about 30 minutes.

Retired UTU Vice President Peter Patsouras was on the Norfolk & Western train that day when the fire began. Patsouras related his recollection of what happened.

“It was late morning. It was a very hot day. We had gone to work the night before and we had a five-man crew. It was a very hot day. It was such a dry day that day. There were weeds all dried up along the banks of the river. We used fusees (railroad flares) for signals back then. We didn’t have radios at the time,” Patsouras said. “If he (the flagman using the fusee) had thrown the fusee in the weeds to put it out, then the banks would’ve caught on fire and there wouldn’t’ve been a huge fire up and down the banks. He probably thought throwing it in the river was the best thing to do. It was a very large fire.”

Patsouras said that as a fireman, he was working in the locomotive of the train and couldn’t see the fire start from his position. He said by the time they had come back around to the yard, the Anthony J. Celebrezze (the fire department’s boat) was already there working to put out the fire. Patsouras says he’s not sure if any of the railroaders in the yard actually tried to put out the fire or who called fire crews that day.

The 1969 fire was the 13th time the river had been ignited and it drew national attention when Time Magazine ran a story Aug. 1, 1969, about the fire (with a large picture from a 1952 river fire). The 1952 fire caused over $1.3 million in damage and is considered to be one of the largest seen on the river while the deadliest was a 1912 fire in which five perished. Even though the ’69 fire did not cause the most damage nor was the deadliest, it garnered the most media coverage due to the Time story.

The national interest that the article drew to pollution in the Cuyahoga and other rivers inspired a public outcry for Congress to do something.

As a result, Congress passed the National Environment Policy Act (NEPA), which helped to...
The local’s summer gathering in August featured special guest Chris Boudoin, a UTUIA field supervisor and member of Local 773 in Galveston, and General Chairperson — now vice president-elect — Chad Adams. All members and families from the Temple Terminal were invited to the gathering that followed the regular monthly union meeting with many of the local’s elected officers dedicating their time and efforts to making it a successful union day.

Autumn brings nominations and elections for local legislative representatives and alternate LRs

Continued from Page 1

now to ensure their records reflect accurate membership listings and mailing addresses.

As per the constitution’s Article 21B, Section 57, nomination meetings must be held in October, with election tabulations conducted in November. Winning candidates generally will assume their offices on Jan. 1, 2020. Those filling a vacancy, however, must present themselves at a regular or special meeting for installation within 60 days following their election. Notices should be placed in as many locations as needed to ensure it can reasonably be concluded that all members had an opportunity to see the notices. All locals have been mailed instructional packets that include samples of the nomination notices which must be conspicuously posted where it can be reasonably calculated to inform all affected members. While nomination notices are not required by law to be mailed directly to all affected members, in light of recent court rulings, it is highly recommended that the postcards available for this purpose be obtained from the TD Supply Department and mailed to all members.

Nominations may be made by any member in good standing from the floor at the nomination meeting. Nominations do not require being seconded. Any member may self-nominate. If a member wishes to self-nominate or nominate someone else, but can’t attend the meeting, nominations can be carried at least five signatures of dues-paying members in good standing. No nominations can be accepted following the close of the nomination valid. If only one member is nominated for a position, the notice should include which positions are open for nominations, and should indicate how nominations can be made, especially by those who cannot attend the nomination meeting. Notices should be placed in as many locations as needed to ensure it can reasonably be concluded that all members had an opportunity to see the notices. All locals have been mailed instructional packets that include samples of the nomination notices which must be conspicuously posted where it can be reasonably calculated to inform all affected members. While nomination notices are not required by law to be mailed directly to all affected members, in light of recent court rulings, it is highly recommended that the postcards available for this purpose be obtained from the TD Supply Department and mailed to all members.

Nominations may be made by any member in good standing from the floor at the nomination meeting. Nominations do not require being seconded. Any member may self-nominate. If a member wishes to self-nominate or nominate someone else, but can’t attend the meeting, nominations can be entered through a petition. A nomination petition must state the name of the nominee, the position for which the member is being nominated, and must carry at least five signatures of dues-paying members in good standing. No nominations can be accepted following the close of the nomination meeting. A nominee need not be in attendance at the nomination meeting for the nomination to be valid.

If only one member is nominated for a position, that member can be declared elected by acclamation.

Members in E-49 status are eligible to run for local offices, but they cannot make nominations and they cannot vote. If elected, acceptance of pay from the company or the union creates a dues obligation. In all cases, a notice of the election must be mailed to all members, including those in E-49 status (but not including retirees). If your local is conducting its election by mail, the mailed ballots can serve as the required notice of election, but such ballots must be mailed at least 15 days in advance of the date of tabulation and must be mailed to those in E-49 status. (The tellers will determine on the day of tabulation whether a member is in E-49 status and his or her vote should be counted.) The Department of Labor does not count the day of mailing as part of that 15-day window, but it does count the day of tabulation.

Those conducting floor votes can obtain postcards notifying members of the time, date and place of the election from our Supply Department. These notices must be mailed at least 15 days in advance of the date of tabulation.

Eligibility

To be eligible to vote, all dues and assessments must be paid within the time frame specified by the constitution. Article 21B, Section 49, indicates dues are to be paid in advance, before the first day of the month in which they are due. Eligibility to make nominations or to be nominated is similar. This means, for example, for a nomination meeting in October, the nominator and the nominee must have paid all dues obligations prior to October 1. To vote in November, the voter must have paid all dues obligations prior to November 1.

More information

Members are encouraged to consult Article 21B of the SMART Constitution for information regarding elections. Unless an item within Article 21B directs you to a further stipulation outside of Article 21B, only the provisions found within Article 21B are applicable to Transportation Division elections. The local election process is addressed directly by Article 21B, Section 57.

Members can consult their local officers to examine the election guidance material distributed by this officer, or they can visit the SMART website at www.smart-union.org, click on “Transportation,” then click on “S&T Tools,” and scroll down to the election guidance materials.

Questions?

There are many provisions not covered by this article, including those which address candidates’ rights and permitted means of campaigning. Those with election questions are urged to call the TD office at 216-228-9400.
SMART GENERAL PRESIDENT’S COLUMN

General Convention lays groundwork for future

At the Second SMART General Convention in August, we discussed the challenges and opportunities we face together, and we made tough decisions that will guide the direction of our union in the years to come.

First, let me thank you for the honor of being your general president; I congratulate all the elected officers that will represent and serve our membership.

Thanks to all who “Focused on the Future” and led SMART during the convention, your SMART General Convention Chairperson, your SMART General Convention Treasurer, your SMART General Convention Legislative Director, your SMART General Convention Executive Council, and your SMART General Convention Executive Council (GEC).

We will work hard to see the creation of the Bus Safety Task Force (BSTF), which will be a diversified group of our members who will be selected from the Bus Department.

The plan is to have two groups of four persons each group along with two alternates who will be on both the east and west coasts. Our intent is to make sure we prevent as many assaults as possible and to ensure that local officers get the training that they deserve to better serve their respective locals.

I would also like to say congratulations to the members of Local 1908 in Buffalo N.Y. who on Sept. 14, 2019, voted to ratify a new agreement overwhelmingly with more than 80% of the vote. The new agreement calls for more than 25% in wage increases over the next four years, an additional holiday, increases to their 401(k) and other incentives based on attendance and safety. I would like to say thank you to General Chairperson Debbie Orlowski and Vice-Chairperson Genevieve Crabtree for their work in obtaining this agreement. They were also assisted by New York State Legislative Director Sam Nasca.

On Nov. 12, all bus general chairpersons will convene at the District 3 meeting in Cleveland. I look forward to meeting with you as you go through your reorganization process and other tasks.

I encourage you to make your voices heard at the District 3 meeting and to start putting into place the recommendations made by the Bus/Transit Committee at the convention.

With that, I remain, Fraternally,

By Joseph Sellers Jr.

Train sparks environmental movement

Continued from Page 2

establish today’s Environmental Protection Agency (EPA) and spurred the 1972 Clean Water Act.

“That was the trigger they needed to clean up the environment. It (the river) was terrible. The oil and all the chemicals that were just thrown in there by a number of businesses, you wouldn’t want to put a finger in for fear of pulling back a stunk,” Patsouras said. Ironically, Patsouras, who was on the train that started the city’s most infamous fire, says his son works for the Cleveland FD today and is qualified to operate the Anthony J. Celebrezze boat, which put the blaze out. Patsouras retired at the end of 2003 at the age of 60.
Illinois becomes third state this year to enact 2PC law

On Aug. 9, Gov. J.B. Pritzker signed Senate Bill 24 — the state’s two-person crew bill — into law. “I want to thank and commend Governor Pritzker for honoring the commitment he made as a candidate to sign legislation requiring a crew of at least two individuals on a freight train, and that’s just what he did in signing Senate Bill 24 into law,” Illinois State Legislative Director Bob Guy said.

Illinois State Sen. Terry Link, who sponsored the bill, had this to say in a press release: “With federal bureaucrats failing to act to protect public safety, it is clear states must act on their own. This is simply a matter of protecting the general public. Two-person crews can react more efficiently to mechanical failures or equipment malfunctions and can potentially save lives in a serious situation.”

“At the FRA abdicating its safety oversight duties and choosing to protect rail-road profits over public safety, it’s more important than ever for states to take over that role to protect its citizens from corporate greed,” said Guy. “At a time when freight trains are increasingly longer and carrying the most hazardous of chemicals through our communities, common sense tells us that response time deployed, which is already the industry norm today and should be well into the future. “On behalf of our Illinois SMART TD members, I say thank you, Governor, for seeing through the opposition’s tired arguments and FRA’s unprecedented submission that flies in the face of public safety. Your signature on S.B. 24 sends a clear message that Illinois, the rail hub of the nation, is not ready to jeopardize its citizens’ safety while railroads continue their pursuit of the almighty dollar,” Guy said.

The new law goes into effect January 1, 2020.

Nevada SLD’s op-ed on rail safety published

Nevada State Legislative Director Jason Doering submitted the following column, which was published by the Nevada Independent news website on Aug. 31:

Advocates for rail safety in Nevada achieved a great victory in May as the state became the second this year to put into law a mandate that two people — a certified conductor and a certified engineer — operate freight trains through the Silver State.

When Gov. Steve Sisolak signed AB 337 on May 15, he aligned himself with the continued safe operation of freight trains that rumble through Nevada and the country 24/7, 365 days a year. A dedicated coalition of environmen-

Continued on Page 10
2019 TD and General Conventions photo recap

Delegates line up to submit their nominations for Transportation Division president as the Second SMART TD Convention gets underway Aug. 11.

Nevadans elected TD officers, members of the SMART Transit/Bus Committee, delegates of TD locals and others in the TD Bus Department get together for a group photo during a break in proceedings at the SMART General Convention.

Bonnie Man, a TD organizer and legislative representative for Local 23 in Santa Cruz, Calif., at left, talks with AFL-CIO Secretary-Treasurer Liz Shuler during a lunch meeting on the second day of the SMART General Convention.

John L. Walker, delegate of Local 610 in Baltimore, addresses officers and delegates of the SMART General Convention.

When the doors opened to the team heading the Second TD Convention at the Mirage Hotel and Resort in Las Vegas on Aug. 11, the scramble was on for delegates to find prime spots near the microphones or voting machines.

SMART Transportation Division President John Previsich addresses delegates during a discussion of a committee report during the SMART General Convention.

When the doors opened to the team heading the Second TD Convention at the Mirage Hotel and Resort in Las Vegas on Aug. 11, the scramble was on for delegates to find prime spots near the microphones or voting machines.

SMART Transportation Division delegate Michael Nowell, left, from Local 877 in Passaic, N.J., and Travis Harms, the delegate of Local 857 (Harry, Mo.), talk as the atrium fills up with their fellow delegates before the Second SMART TD Convention on Aug. 11.

Christopher Bond, the delegate for Local 513 in Gainesville, Texas, completes registration Aug. 10 before the Second SMART TD Convention.

Nevada State Legislative Director Jason Dowling welcomes attendees of the Second SMART General Convention to his home state Aug. 12.

National Legislative Director-elect Gregory Hynes, left, pins retiring NLD John Risch with a Gold Star for his decades of service to the union on the closing day of the General Convention.

Delegates applaud after Vice President Jeremy Ferguson delivered his candidate speech Aug. 11.

SMAR T Transportation Division President John Previsich addresses delegates during a discussion of a committee report during the SMART General Convention.

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Retirees in Georgia stay active with group

Pre-retirement seminar schedule set by RRB

Designed for railroad employees and spouses planning to retire within five years, the pre-retirement seminars offered by the Railroad Retiree Board are designed to familiarize attendees with the 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 to attend.

Unless otherwise noted, pre-retirement seminars begin at 8:30 a.m. and are held over the course of four hours. (Doors open for attendees 30 minutes before the seminar start time.)

Security screening is required for seminars hosted inside any federal buildings. Bring a current, valid photo ID (issued by state/federal government); no weapons permitted.

Attendees are encouraged to bring original (or certified copies) of documents required in order to file a Railroad Retirement application (such as proof of age, marriage or military service), along with an additional copy of each item to leave with field service staff. Please let the RRB know if you sign up for a seminar and become unable to attend.

Can’t join the RRB for a seminar, but still interested in learning about the Railroad Retirement program and application process? Please contact the RRB via its Field Office Locator or by calling toll-free 877-772-5772 for pre-retirement information or to schedule an appointment for individual retirement counseling at your local RRB field office.

Oct. 18: Southwest Regional Library, 9725 Dixie Highway, Louisville, Ky. (10 a.m. start time)
Oct. 18: Sheet Metal Workers #19 Union Hall, 1301 South Christopher Columbus Boulevard, Philadelphia.
Oct. 25: William S Moor-Head Federal Building, 100 Liberty Avenue, Room 1310, Pittsburgh, Pa.

To RSVP on paper instead, print a registration form to complete from www.rrb.gov, then mail or fax to your local RRB field office.

The Final Call

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

Local Name City/State
60 Stevens, John F. Rockaway, N.J.
117 Pearson, Ray H. Billings, Mont.
171 White, Albert W. Bolingbrook, Ill.
194 Donnell, Thomas J. Elkhard, Ind.
202 Stan, John J. Denver, Colo.
204 Sloan, Andrew J. Pueblo, Colo.
228 Kellen, Hassan Cedar Rapids, Iowa
259 Alden, George T. St. Joseph, Mo.
265 Armstrong, William Pocatello, Idaho
293 Spinks, Thomas E. Robinson, Texas
299 Goings, Michael J. Kendallville, Ind.
296 Siger, Kenneth P. Ft. Wayne, Ind.
298 Sweet, Richard J. Garrett, Ind.
305 Berg, Neil E. Lincoln, Neb.
309 Sharp, Roger G. Lincoln, Neb.
311 Storey, George S. La Crosse, Wis.
313 Terrien, Francis X. Muskogee, Mich.
320 Steiner Jr., James A. Saginaw, Mich.
363 Stilson Jr., Ira J. Corona, N.C.
407 Frailey, Herbert A. Charleston, S.C.
496 Denning, Paul R. Minford, Ohio
498 Grube, James A. Lehigh, Pa.
535 Beavell, Wayne A. Cereal Springs, Ill.
762 Henry, Reginald L. McKenzie, Ala.
762 Skipper, John D. Dothan, Ala.
762 Trull, Rupert L. Asheville, N.C.
830 Martz, Martin W. Etten, Pa.
830 Rizzo, Pasquale D. Harrisburg, Pa.
830 Shenk, Charles L. Hummelstown, Pa.
832 Skorich, Dan Grand Rapids, Minn.
911 Fanning, Donald W. Bloomington, Minn.
1000 Taylor, Norman V. Minneapolis, Minn.
1035 Murphy, Pat H. Lakeland, Fla.
1042 Moseley, Philip L. Guthrie, Okla.
1043 Wakefield Jr., Robert M. Portola, Calif.
1074 Dyer Jr., Charles T. Pittsburgh, Pa.
1105 Caines, Ollie L. Wilmington, N.C.
1166 Earl, Robert W. Bessemer City, N.C.
1245 Stedman, Ralph L. Hiram, Ga.
1292 Stafford, Robert L. Duluth, Minn.
1313 Sanchez, Pablo Amarillo, Texas
1314 White, David E.
1328 Miller, James L.
1337 Miller Jr., Elvery J.
1381 Hasler, Carl R.
1402 Ball, Richard F.
1406 Hall, Glenn F.
1407 Beckner, Darwin K.
1525 Ficor, Frank C.
1525 Ficor, Frank C.
1534 Asch, Donald V.
1579 Woodman, Richard R.
1598 Stewart, Teddy R.
1629 Bennett, J. C.
1677 Lyons, L. G.
1695 Jennings, Samuel D.
1717 Casper, Harold D.
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Members in Ohio testify before House committee

COLUMBUS — Propo-
nents of H.B. 186, a compre-
henlive railroad safety bill being considered in the Ohio
Legislature, stated their case in
force Sept. 10 during a
meeting of the state House’s
Transportation and Public
Safety Committee.

Representatives from
SMART Transportation Divi-
sion, the Brotherhood of
Locomotive Engineers and
Trainmen (BLET) and others
testified before committee
members for more than two
hours about why legislators
should back the bill.

“I cannot discuss our effort
to secure H.B. 186 — the
two-person crew, proper light-
ing, proper walkways within
rail yards and blocked cross-
ing legislation in Ohio without
addressing safety,” Ohio State
Legislative Director Stu
Gardner told the committee.

“The safety of my members
and the people who live in the
communities that our rail
yards are located in and
through which our trains trav-
el and operate will always be
my top priority.”

Gardner and nine others
discussed the safety implica-
tions of the bill and the fact
that technology would never
substitute for the presence of
two people in the cabs of
freight trains, especially
as the rail industry continues
to embark on a strategy of
lengthening trains while
deferring on reinvestment for
the sake of increasing the
returns of Wall Street
investors.

H.B. 186, sponsored by
Ohio Reps. Mike Sheehy, a
retired rail worker and mem-
ber of the SMART TD Alumni
Association, and Brent Hillyer
covers the following safety
issues:

• Two-person freight train
crews
• Proper walkways in rail-
road yards
• Railroad yard lighting
• Blocked crossings

Terry Forson of Local 1397
in Columbus, whose experi-
ence with the infamous 2001
“Crazy 88s” runaway incident
in Ohio helped to inspire the
2010 Hollywood film “Unstop-
pable,” testified that having
two people in the cab avoided

“If there had not been two
crewmembers on my train
day that we would not have
been able to stop the run-
away train; and, given the fact
that we were also hauling
hazardous materials, who
knows how many deaths
would have resulted from the
train’s ultimate derailment?”
he said. “The nightmare sce-
nario has happened.”

Ohio Alternate State Leg-
islative Director Clyde
Whitaker of Local 145 in
Columbus went into more
detail about a conductor’s
role, especially when describ-
ing the tasks performed dur-
ing a rail emergency, as well
as the hazards posed by
inadequate lighting and per-
lous walkways in the state’s
rail yards.

“We’re not asking for a golf
course,” he said. “Railroads
have always been an out-of-
sight, out-of-mind type of
industry. You never know
where we’re going to be
between the 6 and 7 o’clock
news. This is a common-sense
piece of legislation — it would
ensure the safety of commu-
nity and co-workers.”

And while the adoption
of technology, especially Posi-
tive Train Control,

There’s a lot to be desired
regarding railroad crew size.
A pending motion before the
court would combine all the
peti-
tions into a single case. We will
file a brief before an Oct. 4
deadline with an FRA response expected 30
days after the filing. A reply from
the state(s) and unions would be
due two weeks following FRA’s
response.

Larry Mann, who helped to
draft the Federal Railroad Safety Act
of 1970 and is a rail safety coordinator
into the SMART TD Designated
Legal Counsel, will be arguing on
our behalf as the case proceeds.

The FRA and the Federal Motor
Carrier Safety Administration
(FMCSA) have stepped away from
duties of overseeing the safety
of communities and of the
nation’s transportation workers.
In order to protect ourselves, we
must all support the national legis-
lation to mandator two-person
crews and we must continue our
efforts to enact similar legislation
at the state level. Concurrently, we
must all support the bill in Con-
gress to protect bus operators and
rail crews from violence and
assault. But, in order to gain sup-
port for these efforts, senators and
representatives alike must be edu-
cated about the importance of
these issues for the safety of both
the employees and the American
public. Each and every member
should reach out to their elected
representatives, in person if possi-
ble, and speak directly to them
about the need for this essential
legislation. By speaking out, you
are helping your union help you.
Our voices together, speaking in
unity, will help ensure that our mes-
sage is heard at every level.
As my term as your president
comes to a close, I want to express
my sincere appreciation to all for
the opportunity and privilege that
you have extended to me over the
years. It has truly been an honor to
serve this union and our members
and I wish you all the best in the
times ahead.

In solidarity,

<Signature>
President,
Transportation Division

We have challenged FRA’s overreach in appeals court
Continued from Page 1

Louisiana
State Legislative Director Chris Christian-
son reminds members that November brings
an important election with not only the gover-
norship, but all state representative and sen-
ate seats on the ballot with more than half of the state
legislators term-limited.

“Members are encour-
aged to get out and vote on
the real issues that pertain
to the membership, like
two-man crew bill, retire-
ment, safety, etc.,” he said.

“We will have a big turnover
of new faces in the Legislature.

It is very important that we get out and vote
each member should check their voter
registration.”

Louisiana’s primary elections are Oct. 12
while the general election is Nov. 16. The
online voter registration deadline for the
November election is Oct. 26.
Whistleblower reminds membership: At all levels, union is here to back you

By Richard C. Beall
Retiree, Local 30
(Jacksonville, Fla.)

Brothers and sisters, I am a locomotive engineer who started out in freight service in 1969 with the Florida East Coast Railway and moved over to commuter operations with the Tri-Rail (South Florida Railroad Authority) commuter railroad in South Florida until my retirement in August 2018 after 49 years of operating trains. My father was an engineer with FEC for 45 years until he retired in 1985. My sister is an engineer with Tri-Rail as well, so to say I come from a railroad family is an understatement.

Tri-Rail is the “entity” or figurehead that contracts out operations, maintenance, signaling, and a host of other jobs literally around the world. When I started with Tri-Rail, I worked under a very good company called Herzog Transit Services inc., who had bonfide quality railroaders comprise their managers, supervisors and office personnel. They ran the system very well for many years until the antics of the “entity” drove them from the property when they no-bid the contract in 2007. Enter Veolia Transit Servic-es, now Transdev, who were awarded a 10-year contract in 2007 with a complication of ex-Amtrak castoffs. Employees basically were already in place and ran the trains as if no transition had taken place until the new management intervened. Being a very sea-soned and conscientious railroader, staunch union man and member of various safety teams, I would always do my best to get problems solved and safety issues addressed as best I could through one-on-one meetings with management or by writing up issues (with suggestions) to better the work environment.

Continued on Page 11
**MARKING LABOR DAY**

**Illinois**
TD Locals 195 and 445 in Galesburg, Ill., participated in the 127th annual Galesburg Labor Day Parade on Sept. 2. Guests at this year’s parade were Illinois Legislative Director Bob Guy as well as Alternate National Legislative Director-elect Jared Cassity.

**Kansas**
Kansas State Legislative Director Ty Dragoo, left, listens as Gov. Laura Kelly addresses attendees at the Working Kansas Alliance Labor Day rally in Topeka, Kan.

**Minnesota**
Members from SM Local 10 and State Legislative Director Philip Qualy joined brothers and sisters of the AFL-CIO and other unions at the fair to show solidarity on Labor Day.

**Virginia**
State Legislative Director Ronnie Hobbs was interviewed by WDBJ-TV in Roanoke, Va., as he and other members participated in a Labor Day parade. “We’ve got great weather, great family, friends,” Hobbs said. “All union brothers and sisters and all employees are out celebrating the fact that today, we’re not only celebrating what’s happening but we’re celebrating the future to come.”

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**A whistleblower’s reminder: The union is here to back you**

Continued from Page 10 and sending letters to not only my management, but to that of CSX Transportation as well since they controlled the trackage we operated on and we were governed under their rules. I wrote all concerned numerous times between 2008 and 2012. My requests and letters went unaddressed, and crews continued to get through those boards and into trouble. This happened again on Sept. 25, 2012, when a crew got through a workman’s boards and limbs. Luckily, there were no track machines or workmen in place at the time, but the crew pulled out of service, the train delayed and the crew received 90 days off.

The next day, as always, a combined CSX/Veolia efficiency test team was on property to test crews on related rules. We all know that this is going to happen, and are on a heightened sense of awareness of this possibly happening to your train. I worked an early morning train that day, and was arriving at my northern destination about 30 minutes after daylight, I immediately swapped ends with my train consist and made a brake test awaiting departure about 25 minutes later. My conductor received a call from a friendly trainmaster associated with the test crew and warned us that they were in the area and to “keep a close lookout and to watch our radio rules.” It was a nice gesture and was appreciated, but the truth was I was already on the lookout, so much so that my eyes were peeled on the entire area of the track and bushes ahead. I saw what I believed to be a company vehicle on a side road parallel to the track with someone inside. When we departed, I saw that the person in the vehicle was one of our not-so-friendly road foremen. When we got to West Palm Beach Station, I was called on the radio and informed not to move since we had failed an efficiency test and were out of service.

I knew for an absolute fact that we had violated nothing but we were told that we had passed a warning board without acknowledging it. THERE WAS NO BOARD THERE, and I was terminated for failing a warning board test. There were no photos or videos taken of the board in place or my train passing it and, in fact, that morning I was given the one and only train set with NO outward facing video cameras on board on either end of the train to corroborate the board being in place. With all of the numerous crews that had actually passed such boards over the years, what a coincidence that the one and only guy who kept pressing the issue was set up and fired for a fake, non-existing warning board test on the exact issues I had been propounding for years.

I naturally took the case to investigate where my Local Chairperson Andrew D’Egidio and Vice Local Chairperson did masterful jobs of placing everything needed into the record, a record that would ultimately bring doom and gloom upon Veolia/Transdev. It was obvious to all that this was a “set up” and everyone on property was watching to see what the ultimate outcome would be. Even though I won my job and wages back, what none of us knew is that it would take six years, three arbitration decisions, a Federal Railroad Administration decision, two federal court decisions and two appellate court decisions to ultimately win the case and receive my lost wages, personal day pay, holiday pay, 401(k) matching pay, unused vacation pay, employer contribution to Medicare premiums, reimbursement for Social Security impact, interest on back pay and the offset of additional tax liability for the entire back pay award.

The final remand arbitration award had reinstated me as of October 2016 wherein I returned to service, but as a retaliatory slap in the face I was returned as a Station Ambassador, a retaliatory move designed to humiliate me in front of my peers. I did this for seven months until Tri-Rail ushered in a new contractor, which happened to be Herzog, at which time I went back to work as an engineer.

Why am I telling you all this? It is because from day one, my union had my back! My local representatives yielded a stellar investigative transcript that came forth and was quoted in every union newsletter and the offset of additional tax liability for the entire back pay award. The union attorneys and representatives did a first-rate job to lay out a perfect case file for his case against the defendants.

At the same time I fought the dismissal through arbitration and the court system, I filed for federal whistleblower protection in court due to the railroad and the agency going after me for retaliation due to the reporting of safety issues. The same judge was assigned to both arbitrations and placed the whistleblower case on hold until the union case was settled. With that settlement in September 2018 dismissing the arbitration and back pay, the whistleblower action now has started in federal court wherein I sued Veolia/Transdev and South Florida Regional Transit Authority/Tri-Rail for knowingly allowing and participating in all of this. Florida State Legislative Chairperson Andres Trujillo heard about what was happening and recommended an attorney who agrees: Our union attorneys and representatives did a first-rate job to lay out a perfect case file for his case against the defendants. Our union and its Legal Department stood tall by me through this odyssey, and I had to write to tell the membership to always support your union because they are always there to support YOU!
SM ART Transportation Division is always looking for good photos and your picture can be featured on this page as a Photo of the Month.

SM ART 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, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

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

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

All photographs submitted become property of SMART.

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

Cole Czub, local chairperson of LCA 769A (Keolis Commuter Railroad) and alternate legislative representative for Local 898 in Boston, took this photo at sunrise of Labor Day, Sept. 2, as he reported for his shift.

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.utuia.org/map.