Emergency order request made to FRA

Field reports indicate that faulty air brake valves prevent train emergency mode

SMART Transportation Division President Jeremy Ferguson has requested that the Federal Railroad Administration issue an emergency order to carriers that train cars valves prone to leakage during cold temperatures be replaced and/or repaired immediately.

“The FRA and the AAR have known about this issue for too long and have done too little to address it in a timely fashion. The safety of the public and all railroaders should never be compromised for the sake of productivity,” he said. “Our organization will not tolerate such behavior, nor will it go unchecked.”

The malfunctioning main air brake control valves on cars prevent trains from going into emergency braking mode during cold weather. The Association of American Railroads (AAR) has been aware of cold-weather operation issues for New York Air Brake valve model DB-10 since at least October 2013. It sent out a maintenance advisory to all members of an inspection and repair procedure at that time.

In a letter to FRA Administrator Ron Batory sent Dec. 20, President Ferguson expressed his strong disappointment that a known safety issue has not been

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Schedule, team set for rail contract talks

The team negotiating the next National Rail Contract which will affect more than 40,000 SMART Transportation Division members has been finalized by the union’s leadership.

The team will be led by TD President Jeremy Ferguson with the assistance of Vice Presidents Brent C. Leonard; John J. Whitaker III; Chadrick J. Adams; Jamie C. Modesitt; Joe M. Lopez and David B. Wier Jr.

Also part of the team are five General Chairpersons: Mike LaPresta (BNSF); Gary Crest (Union Pacific); Roger Crawford (Illinois Central); Thomas Gholson (Norfolk Southern) and}

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Member runs for House

Vance Snider, a member of Local 1313 in Amarillo, Texas, places a campaign sign in a yard in the 13th District of Texas. He is one of 15 candidates competing in the Republican primary.

“My hands are rough, my boots are dirty, and I’m not a career politician” is the quote that introduces Local 1313 SMART Transportation Division member Vance Snider on his campaign website.

He has the background to prove that — working his way up from sweeping floors in his dad’s parts shop in Texas and fighting for our country on foreign soil.

Snider, 30, is a veteran of the U.S. Army, a father of two and a BNSF conductor. He’s also running for Congress to represent Texas’ 13th District, an open seat

Continued on Page 3

2 members lose lives in switching accidents

December was a deadly month with two SMART Transportation Division members losing their lives in switching accidents within the span of 11 days.

Brother Chris Seidl of Local 1227 (Wichita, Kan.) was struck and killed by a train car the night of Dec. 3, while performing service in a yard in north Wichita.

He was an employee of Wichita Terminal Association, which is jointly owned by BNSF and Union Pacific. He had been a member of SMART-TD since October 2018.

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Inside this issue of the SMART TD News

- ARGUSD SMART TD: Contract ratified by LNW workers and other news from TD locals, Page 2.
- LEADERSHIP MESSAGES: The latest updates from GP Joseph Sellers and PTD Jeremy Ferguson, Pages 4-5.
- GUEST COLUMNS: Retired member’s daughter and Indiana SLD talk the importance of unions and legislative reps, Pages 8, 9.
- STATE WATCH: Carriers in N.J. must keep vegetation under control, other legislative news, Page 5.
- DENIED: Carriers’ motion to dismiss case against the FRA shot down by court, Page 12.
Local 60, Newark, N.J.
Local President Jerome Johnson sadly reported the unexpected passing of Jermaine Jenkins Dec. 5.

Jenkins, 44, was a former local vice president and vice local chairperson and joined the union in September 1998. He worked as a conductor for New Jersey Transit. More than 400 conductors, assistant conductors, engineers and supervisors attended Jenkins’ funeral services in Trenton Dec. 12, Johnson said.

“Jermaine had a great impact on our membership,” he said.

Local 1381, Hammond, Ind.
Treasurer Jacob Lewis and other members of the local were deserving of some special recognition for their efforts in organizing a holiday toy drive, General Chairperson Justin Wolters (GO-449) said.

Wolters learned of the project by Lewis and the local while attending one of their meetings and said that he came away from the experience “inspired and humbled” by the work that was being done by TD members to collect and to distribute the toys to patients at a local children’s hospital.

Local 656, North Little Rock, Ark.
Brother D.A. “Danny” Anderson reports that he and other members of the Union Pacific Retired Black Net Work made a substantial donation of Bibles and memorial contributions to the Watershed in Little Rock, a nonprofit community agency that provides assistance and outreach to people in the area.

Anderson himself officially retired after 42 years of membership with the union. He hired on as a brake man in 1977 and held seniority in Poplar Bluff, Mo. He remains active with Net Work activities and also has been involved with NARVRE.

Local 61, Philadelphia, Pa.
General Chairperson Bernard Norwood (GCA-LNW) and the rest of the local celebrated the holidays (above) in December. Among the successes that were being acknowledged by the local in 2019 was a recent victory in reaching an agreement that establishes a SEPTA crewroom area in the Trenton Transportation Center after a lengthy negotiation with management.

Local 867, Des Moines, Iowa
A SMART Army effort along with BLET members and carrier cooperation set up a gift collection effort. At the Des Moines short-line office, a tree was set up for recipients of the Angel Tree program run by the Salvation Army. The effort gathered food, clothes and gift donations in advance of the holiday season, former Iowa State Legislative Director Jonathan Todhunter reported.

GET YOUR LOCAL ONLINE!
SMART’s affiliation with the AFL-CIO allows TD locals to set up a free website with hosting through the AFL-CIO. The TD office gets it going and then the local trains to maintain the site. Contact Ben Nagy in the TD office at 216-228-9400 or bnagy@smart-union.org for details.
Vance Snider of Local 1313 makes a run for the U.S. House

Continued from Page 1

with the announced retirement of Rep. Mac Thornberry at the conclusion of the 116th Congress. See him serve in the Senate. Get after enlisting in the Army in December 2007 after his high school graduation. After completing a large part of the political BS while working in the huge district. It means a lot more ground to cover than 13 states and one of the most rugged districts in the country, so putting a few miles on my truck doesn’t bother me. “I ain’t scared to get up at 6 a.m. and doing something about it. Politicians need to start working harder.”

“I want to go forth and create a platform that can tell you what can and can’t be done – those are the same is by donating to the TD PAC. You really can help by donating to the PAC,” he said. “It really helps out and allows candidates like me to go forward.”

To find out how you can help Snider’s campaign, visit www.vancesniderforcongress.com search Vance Snider for U.S. Congress on Facebook or email vancesniderforcongress@gmail.com.

For more information about TD PAC, email TD PAC at www.smart-union.org/td/washingtontdpac or visit https://smart-union.org/td/

Two members lose lives

Continued from Page 1

He is survived by his parents, Steve and Kathy, brothers Chuck, Corey and Chad. He is the father of three children: Wyatt, Adison and Brody. He was engaged to fiancée Jody Hagen.


McConihay, 32, was a U.S. Marine veteran and lived in Southside, W.Va., with his wife, Megan, and their two daughters, Madalynn and Alexis. He joined SMART-TD in May 2015 and was a conductor for CSX.

A memorial fund was set up for McConihay’s two daughters at https://www.paypal.com/palme/mccconihay.

“We will keep his memory alive by remembering the good times as we are better people for knowing him. God bless his wife Megan and his precious daughters.”

The Transportation Division lost three members in 2019 to accidents at work, with all three deaths occurring as a result of switching accidents. This represents a 66% increase in switching fatalities for our union in comparison with 2018.
By Joseph Sellers Jr.

This year we must ask — are we all better off?

It was only two short years ago that American working families were told they would share in the benefits of the 2017 Tax Cuts and Jobs Act along with those at the top rungs of the American income ladder. Supporters claimed the elimination of deductions for work-related expenses and lower caps on deductions for state and local taxes would be made up for with an increase in the standard deduction and would benefit taxpayers who work every day for a living.

Last year’s tax season, we saw the first test of these claims. Many SMART members, especially those who travel on a regular basis, say they saw significantly lower tax refunds, mainly due to a substantial loss of deductions in 2018, while others say they ended up owing money.

One key change under the new tax law was the elimination of nearly all formerly allowable deductions for unreimbursed employee expenses. That means along with other things, that railroad, production and transit workers could no longer itemize and deduct unreimbursed work-related expenses such as clothing required for work, hotel stays during employer-required out-of-town assignments, and meals during those work-related assignments.

On top of that, the new tax laws also limited the ability to deduct state and local taxes for many Americans. All this occurred while the corporate tax rate was cut from 35 percent to 21 percent.

The nation’s Class I railroads, for example, reaped immediate benefits. According to earnings reports, Union Pacific (UP) received a $5.8 billion boost in 2018 because of the cuts. CSX saw $3.6 billion, Norfolk Southern (NS) about $3.4 billion and Kansas City Southern (KCS) $489 million. None of these boosts seem to have translated into worker benefits or additional jobs as furloughs have spread across the United States affecting many of our brothers and sisters, further eroding the loss of family sustaining, middle class jobs.

SMART is working to gather detailed information on how the tax changes signed into law in December 2017 have been affecting members. Many are commenting on the effect the tax laws had on them at the site located on the other end of the QR code accompanying this column. You can also visit the site through https://smart-union.org/news/did-you-see-a-change-in-tax-liability? and comment. Hitting closer to home, we have found that the National Transportation Safety Board (NTSB) has failed to respond to a series of recent accidents that have cost the lives of three of our railroad brothers. I want to make sure you know we are working hard right now to address this issue.

Brother Jeremy Ferguson has been heavily involved in making sure our concerns are addressed. The safety and livelihood of every member and railroader must be held paramount and we are making that clear to the NTSB and current administration.

In the spirit of hearing the thoughts and concerns of your fellow members, we are soliciting your input and questions regarding any topic you would like to ask about. We have launched a new podcast called Talking SMART where you can ask me any question that is on your mind. You can submit your questions by calling 844-984-0947.

Remember, this is your Union, and your Union works best when your leaders hear from you. I look forward to your input and answering your questions.

Fraternally,

Joseph Sellers Jr.
General President, SMART

Federal agencies announce drug test rates

Federal agencies have announced their random drug testing rates for the new calendar year.

In December, the Federal Motor Carrier Safety Administration (FMCSA) announced a test rate increase from 25 percent to 50 percent of the average number of driver positions because of an increased number of positive test results in 2018.

In January, the Federal Transit Administration (FTA) announced that the minimum random drug testing rate will remain at 50 percent. The Federal Railroad Administration’s minimum drug test rate remains at 25 percent for railroad workers, excluding maintenance-of-way employees.

The random alcohol testing rate has been set for all three agencies at 10 percent. Maintenance-of-way employees are tested at a higher rate: 50 percent for drugs and 25 percent for alcohol.

UP says that it has implemented PTC

Class I carrier Union Pacific announced in mid-December that it has completed implementation of Positive Train Control (PTC) on all federally mandated freight and passenger routes requiring the collision avoidance technology.

The carrier still must achieve full interoperability, that is, its PTC system must be able to successfully interact with systems used by other carriers. Regardless of implementation status, if a member experiences an event in which PTC or other rail technology hinders the ability to perform his or her duties, he or she is encouraged to complete a Railroad Technology Event Report on the Transportation Division website.
Your input will help refine how we communicate

One thing that I pledged to the SMART-TD delegation in August after I was elected to be president in Las Vegas was that you would hear my voice and that I would hear yours.

The year, our union collectively — both Sheet Metal and Transportation Division — is continuing to embark on an ambitious strategic plan to reshape and adapt SMART so that it is poised to meet challenges, immediate and future, that come up. At the center of that plan, probably the most key component of it, is communication. It’s a plan that is going to need input from locals and their officers, general chairpersons and state legislative boards as it moves ahead.

I know that SMART-TD is not made up of quiet people. It is not made up of people who want to sit back and let things happen to them and to be taken advantage of by carriers. It’s not made up of brothers and sisters who don’t have something to say. The evidence for that is that leadership and staff hear from you on a daily basis about things going on, both good and bad.

We’re going to need your participation moving ahead. We’re looking at reshaping a number of things as a union — how communications are delivered, for one. It’s quicker and less expensive for us to put a message out electronically than to produce a newspaper, and we’re looking to switch to an opt-in publication model for the print edition. Retirees pay for a printed paper through the Alumni Association, so they’ll still get it, but we don’t know whether the current and newer generations of TD members want a paper or want information delivered another way. If you tell us you still want the printed edition, you’ll get it. If you want to go to the website and get TD news electronically, we can do that. Surveys that are being done as part of the strategic planning process will help us narrow things down, but we still need of all the input we can get. This union is not a top-down endeavor. I do not call the shots. You do as the dues-paying member. We need activism and we need you to talk to us, and we need all members — young and old, rail and bus — to get fired up for the work ahead this year. These days, we have carriers becoming more accident prone and leaving thousands of cars in service with air brake components that they aren’t fixing, potentially leading to emergency brake failures. We’re being loud about that and have already put the Federal Railroad Administration on notice that we are not going to let unsafe conditions like that, which the carriers knew about for years, slide.

Union Pacific made more job cuts in the Kansas City area and Kansas State Legislative Director Ty Drago called them out yet again for getting billions in tax breaks, but then cutting people’s jobs and putting their economic livelihoods at risk. Carriers got billions in corporate tax cuts as a result of the 2017 reform championed by President Trump while the Form 2106 deductions for our over-the-road workers went out the window.

I’m doing my part by telling to media outlets like The Washington Post and The Associated Press letting them know what kind of scoundrel Precision Scheduled Railroading is and how the carriers’ current course on one-man crews is unsafe. This is something I refuse to be silent about, and there are going to be more messages on our website from leadership about safety, calls to action and events organized through the SMART Army.

I said it in my last column, and I will say it again: We need to be loud in 2020, and we will get the word out through every way that we have at our disposal. I’m going to be out there — will you?

In solidarity,

President, Transportation Division

News from SMART TD State Legislative Boards

N.J. law holds carriers accountable to keep crossings clear

A rail-crossing maintenance bill S. 3425 was signed Jan. 9 by New Jersey Gov. Phil Murphy. Attendees at the signing included, from left, Sherry Mendez, SMART-TD Local 739 legislative representative; Victor Amo-Krah, SMART-TD Local 1413 legislative representative; 26th District Assemblywoman BettyLou DeCroce; 19th District Assemblywoman Yvonne Lopez; in the back is 14th District Assemblyman Dan Benson, the Assembly Transportation chairman; immediately behind Lopez is bill primary sponsor Sen. Pat Diegnan, the Senate Transportation Chairman; Gov. Murphy; N.J. DOT Commissioner Diane Gutierrez-Seacrest; SMART-TD General Chairperson Jerome Johnson (GCA-618); SMART-TD New Jersey State Legislative Director Ron Sabol; Dave Rasmussen, SMART-TD Local 60 legislative representative; and SMART-TD General Chairperson Gordon Harris (GCA-877).

New Jersey Gov. Phil Murphy signed S. 3425 into law Jan. 9, a bill requiring rail carriers to maintain vegetation near and around crossings in the state. The bill passed through the New Jersey Senate last May by a unanimous 35-0 vote and later in December was approved unanimously by the state’s Assembly.

It requires vegetation to be cleared by at least 300 feet from crossings by rail carriers. If the carriers do not comply within 15 days of receiving written notice that a crossing must be cleared, then the state Department of Transportation will clear the vegetation and charge the carriers for the cost of doing so.

“Excessive vegetation has the potential to cause harm to commuters, railroad workers, and many others,” said SMART-TD New Jersey State Legislative Director Ronald Sabol. “Thank you to the governor for signing this important legislation that will improve safety across our statewide rail system.”

Sen. Patrick J. Diegnan, Jr. of New Jersey’s 18th District was the bill’s primary sponsor.

Help 2PC efforts

- **Florida**: Legislation is in the works.
- **Missouri** (H.B. 2229): Let Speaker Elijah Haahr know the bill needs to be assigned to a House committee.
- **New York** (S. 7151): Contact your state senators.
- **Ohio** (H.B. 186): Tell state reps that two on the crew means safer operations.
- **Virginia** (H.B. 440): Tell state senators that two on the crew is safer.
- **Wyoming** (H.B. 79): Tell your state reps that two-person crew legislation makes for safer operations.

State Watch

Georgia

SMART Transportation Division was well-represented at a meeting of the Georgia Senate Democratic Caucus. From left are Georgia State Legislative Director Matt Campbell; Ga. Senate Minority Leader Steve Henson; General Chairperson Joe Bennett (GQ-851); Sen. Elena Parent; General Chairperson Bill Mey (GCA-772); and Sen. Ed Harbison.

Utah

Salt Lake County Council passed a resolution in support of H.R. 1748 in December.

“In Utah we have a growing grassroots movement for two-person crews,” said State Legislative Director Jay Seegmiller.

2019 / 2020 SMART TD News
On-the-job safety is our top priority

The SMART Transportation Division National Safety Team (NST) is made up of 20 members of the SMART-TD who are spread out geographically and are called upon to assist in determining the facts in rail accidents and fatalities. Each member is picked with the approval of the TD president based upon their knowledge and experience as well as geographical location.

National Safety Team members are assigned to each rail incident by the co-directors (Willie Bates and Jerry Gibson) and assist the National Transportation Safety Board (NTSB) in determining the actual causes of an accident, all while not speculating as to what happened.

NST Team members are spread out geographically. The SMART Transportation Division National Safety Team (NST) is made up of 20 members of the SMART-TD who are spread out geographically.

The photo above, courtesy of the NTSB Fluke account, shows the investigation of a grade-crossing accident in California.

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GUEST COLUMN

Legislative representatives begin terms of service

Beginning January 1st, 2020, more than 500 duly elected Legislative Representatives (LRs) took their oath of office to serve our great organization. They have chosen to faithfully serve their membership as SMART-TD officers in the areas of workplace safety, legislation, public representation and retirement issues. Many will be first-time LRs with little or no knowledge of what the position entails. That’s perfectly OK. Every experienced and effective LR began with little or no idea as to how he or she should execute the duties of the job. Know this: The LR is a very important position. All active and retired members depend upon his/her LR to serve them. Nearly every issue an LR discovers or engages has its origin at the local level. As an LR identifies and progresses through finding remedies to local problems, they will find that these issues are not exclusive to just one location. Most issues that an LR must tackle exist across our industry and nationwide. This is why working as a team and becoming a team-member locally and within the SMART-TD hierarchy is vital as we render service to the membership. How does an LR begin performing the job? First and foremost: Have a positive mindset. Do not be scared or intimidated. I promise: YOU GOT THIS. There are many successful styles and approaches. Find one that fits you and your skill set. Identify your strengths and weaknesses and make it a point to improve upon both. It is imperative that an LR contact his or her state legislative director (SLD) as soon as possible after taking office. It is the LR’s responsibility to have a functioning relationship with the SLD. Conversely, it is the responsibility of every SLD to have a functioning relationship with every LR in their state. If an LR fails to establish a working relationship with their SLD, there are two persons at fault. Newly elected LRs are encouraged to be proactive and find a mentor to help. Experienced LRs coming back to serve another term absolutely need to become a mentor and make it a point to help others. Learning is a two-way street that educates both the student and the teacher. Patience is a vital part of the job. Learning the basics of the role will not come overnight. It is no different than learning how to safely perform the job. Learning how to perform the job of LR the right way from the beginning. Local officers are the backbone of this organization. There is an expectation for LRs to take their oath, take it with pride and take the responsibilities that come with the position seriously. Every word is the foundation of the position. Never forget that the LR is an integral part of the SMART-TD. We are our brother’s and sister’s keeper, and I speak for every SMART-TD officer at every level when I say we want every LR to grow and succeed. Please enjoy every minute of service the next four years!

Kenny Edwards is chairperson of the Association of State Legislative Directors and the SMART-TD Indiana State Legislative Director.

Members gather in Iowa in support of 2PC

National Legislative Director Gregory Hynes addressed a rally Dec. 15 in Keokuk, Iowa, to draw attention to the necessity of having two people in the cab of freight trains and the Safe Freight Act, national legislation in both chambers of Congress to ensure that a certified engineer and certified conductor remain where they belong.

Hynes opened by giving special recognition to a cross-union Facebook group “Fight for Two Person Crews” that has emerged organically to advocate for the national 2PC legislation and to increase public understanding of the issue. “We need more of that across the country,” Hynes said. “[The general public] have no idea how many people run trains to begin with. They think there’s more than two. Our polling has found that most people think there’s three, four or more on these monster trains that they see going through their neighborhoods.”

When people find out that trains usually have two people on the crew and that carriers are only putting a single pilot on airliners, he said, “It’s that concern and outrage that is going

Southeastern states

A number of leaders from the Transportation Division were in attendance in Atlanta in early December at a meeting of the Federal Railroad Administration’s Region 3. From left are General Chairperson Billy Mote (GCA SCL); South Carolina Assistant State Legislative Director Will Ferguson; Georgia State Legislative Director Matt Campbell; General Chairperson Joe Bennett (GCA 85); South Carolina State Legislative Director Stephen Cov; General Chairperson Brian Kilgour (GCA 513); Mississippi State Legislative Director T. Wayne Carpenter, and Tennessee State Legislative Director Adren Crawford.

Minnesota

From left: Brent Kist, Local 1000 legislative representative; State Legislative Director Philip Quay; Sam Beason, Local 1177 alternate legislative representative; State Legislative Board Secretary Brian Humphard of Local 1177; Nick Suter, Local 1292 legislative representative; Doug McClean, Local 176 legislative representative; Brandon Jenny, Local 1175 local chairperson; Sen. Dibble; Assistant State Legislative Director Nick Katch of Local 1067; Rep. Hornstein; Kurt Olson, Local 650 legislative representative; Robert Dickerson, Local 64 legislative representative; Lucas Baughman, Local 911 local chairperson; and Kurt Davies, Local 1000 alternate legislative representative. Board members not pictured are Matt Kras, Local 1000 legislative representative and Dan Castonguay, Local 1614 president.

At year’s end, the State Legislative Board reviewed its accomplishments and presented state Sen. Scott Dibble and Rep. Frank Hornstein brass lantern awards for their service as chairs of their respective transportation committees, reports State Legislative Director Phillip Quay.

State Watch continued…
By Adrienne McCauley

“M y daughter and her friend work for Grub Hub and live off tips,” said Donna, “and they live with me because there is no way that they can afford to live on their own.”

Donna’s story hit me hard and here is why. My dad made a choice at 18 that if he was going to make a decent living, he could never do so off our family’s struggling cattle ranch in Arizona. So he hired on the railroad, and with that he joined a union.

The first 15 years of Dad’s career were rocky. He was often laid off, sometimes for six months at a time (priority in scheduling went to railroaders with more seniority). The trick was to get a job. Dad would create a side hustle — working for his father’s plumbing business, hauling freight in a semi-truck, working the family ranch, selling pipe for corrals as I remember — and my parents would nervously piece together their $250 weekly meager income to cover their bills for a family of five.

As the years went on, Dad rose in the ranks. With more seniority, he gained more “trips,” and in time our family benefited from the expansion of “alternative work arrangements,” like that of Donna’s daughter and her friend. According to federal employment numbers, the U.S. economy grew 94 percent from 2005-2015 — not in union jobs but in freelance and subcontractor jobs, with temp agencies, and in what is hilariously yet tragically called “the gig economy.” There is a straight line from the decline of unions to the rise in crappy jobs. Union members do not have “gig” jobs.

In January 2019, The New Republic magazine reported that Elwood, Ill., (population 2,000) near where I live and work as a community organizer with an affiliate of the Metro Industrial Areas Foundation, had been completely taken over by entrepreneurs whose “business plan” was to staff warehouses surrounding Warren Buffett’s Center Point Intermodal Freight Terminal for retailers such as Wal-Mart, IKEA, Home Depot and Amazon. Elwood was promised a bill of goods: Good jobs being the main one. Instead, the temp agencies have consistently hired people (in situations similar to Donna’s daughter and her friend) on 90-day trials, most of which never lead to full-time employment. These non-unionized workers are often “let go” and then hired for another 90 days by one of the temp agencies in Will County (which are sometimes owned by the same ‘entrepreneurs’). They never land that full-time job with benefits they need and crave that part of the American dream that my parents achieved.

Here is what makes me so angry: The same railroad that once protected us from the same railroad that stops at Warren Buffet’s Intermodal Freight Terminal in Elwood, loading and unloading large heavy freight cars, running back and forth across warehouses the size of five football fields, and then driving it to our house — in two days or less — for our personal convenience. And many of us think that this is great! It’s not great. It is wrong. Period. Marilyn Robinson in her book, “The Death of Adam,” writes that worker protections, the two-day weekend and the living wage with benefits were “largely willed and reformed into existence” following the carnage of slavery and the Industrial Revolution. Is another revolution needed to help us see that our instant consumer gratification has a human cost? Is another revolution needed to stir the imagination of American workers to see the inherent value of organizing and collective bargaining? I personally believe so. I think you do too. Let’s do something about it.

Adrienne A. McCauley is lead organizer for DuPage United and the Fox Valley River Initiative in the Chicago suburbs and exurbs of Illinois which are fiercely non-parti-

ational, institutionally lead, region-
al-power affiliates of the Metro Industrial Areas Foundation (IAF). Her father, Kelley McCauley, is a retired member of SMART-TD Local 113 in Winslow, Ariz.
Medicare number required for filing medical claims

Whether you're new to Railroad Medicare or starting a new year with Railroad Medicare, it's important to know about the changes Medicare identifies you with. In 2020, Medicare providers must use your new Medicare number. The old Social Security-based number can no longer be used for claims filing, no matter what date your provider furnished a service to you. This means if you had a doctor's visit Jan. 15, 2019, the provider must file the claim before Jan. 15, 2020 and use your new Medicare number. If your provider does not have your new number, you need to give that to them. Claims filed without the new number will be rejected by Medicare and cannot be processed for any payment.

If the provider is not able to get with you to get your new number, they can Palmetto's Medicare number lookup tool on www.palmettoga.com. We would hope this would be the exception, not the norm. In order to use the Medicare lookup tool, the provider must have your Social Security number (SSN). If you do not want to give your SSN to a provider, make sure to ask to see Medicare's Medicare number.

Additionally, you will also need to use your new Medicare number if you call customer service at Railroad Medicare or 1-800-MEDICARE. Medicare contractors cannot accept any other form of identification over the phone except for SSN to verify claims. Your provider can also use an online portal if they have your Medicare number but don’t know if it’s a Railroad Medicare number.

If you have a provider who may be confused, have them call Palmetto at 888-355-9165. Customer service representatives are available 8:30 a.m. to 4:30 p.m., Monday through Friday, in all time zones with the exception of the Pacific time zone, which receives service from 8 a.m. to 4 p.m. Pacific.

Medicare number: • It will have 11 characters. • The numbers will be generated randomly. Medicare considers them “non-intelligent” numbers that don’t have any hidden or special meaning. • It will be unique to each patient. It will contain 83 characters (all letters with the exception of S, L, O, I, B and Z) and numbers (0-9). • The 2nd, 5th, 8th, and 9th characters will always be a letter, while characters 1, 4, 7, 10, and 11 will always be a number. The 3rd and 6th characters will be a letter or a number. • There will be no dashes in the numbers on the card. Providers can’t always tell the difference between a Social Security Medicare patient and an RRB patient. They may submit your claims to regular Medicare instead of Railroad Medicare. To help providers know what patient they have, the new cards will have the RRB logo on them when applicable, so your doctor’s office will know where to submit claims. Your provider can also use an online portal if they have your Medicare number but don’t know if it’s a Railroad Medicare number.

The new Medicare number starts on Jan. 15, 2020 and use your new Medicare number for dates of service on or after Jan. 1, 2020. The new Medicare number will be required for dates of service on or after the effective date of the new maximum. For 2020, this amount will be $4,700.

The Final Call

Following are the names of 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

473 Grabbe, Scollie O. Hermiston, Ore.
477 Callert, Ronald E. Newton, Kan.
498 Kallbach, Robert J. Willow Grove, Pa.
506 Longabaugh, Keith D. Herington, Kan.
544 Mooney, Eldon J. Havre, Mont.
597 Lewis Jr., Harry C. Clinton, Iowa
610 Augustine, Gildo P. Abingdon, Md.
650 Bauch, Paul H. St. Paul, Minn.
663 Adams, Robert L. Holden, Maine
830 Welke, Steven M. St. Clair, Pa.
867 Westendorf, Clair E. Des Moines, Iowa
941 Detloff, Stephen K. Dadeville, Ala.
1000 Jakubic, Philip J. Cambridge, Minn.
1006 Windell, Hugh H. Oxford, Fla.
1059 Boeve, Charles A. New York City
1106 Cross, Carl W. Tarboro, N.C.
1230 Back, Gary H. Bigger, SK
1233 Wall, David Duncan Edmonton, AB
1261 Nealis, Darryl G. Hampton, GA

Local Name City/State

1200 Wolke, Hank R. Manhattan, Ill.
1311 Wilke, Charles E. Amarillo, Texas
1366 Mitchell, Thomas Taylorsville, Utah
1370 Zimnoch, Robert E. Langhorne, Pa.
1373 Duncan, Earl M. West Chester, Pa.
1374 Walters, Paul T. Henderson, Nev.
1447 Foran, Larry Sanford, N.C.
1502 Lambert, Philip W. Oxford, Fla.
1522 Peterman, Francis C. Deltona, Fla.
1545 Bagwell, James Centerpoint, Ind.
1597 Bahret, William Monte, La.
1601 Wolfe, Harold L. McGeehee, Ark.
1620 Wolfe, Hugh Appalachian, W.Va.
1732 Holyoak, Melvin J. Apache Jct., Ariz.
FMCSA clearinghouse that shares test info is open for registration

As part of background requirements to change jobs, CDL holders must consent to queries Voluntary registration with the Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver’s License Drug and Alcohol Clearinghouse is open and available online. The Clearinghouse was created as part of new CDL employer background check requirements that took effect Jan. 6. The Clearinghouse is a database maintained by FMCSA that will hold real-time information about any reported violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals, for prospective employers to access. In addition to employers, consorts/third-party administrators (C/TPAs), medical review officers (MROs), substance abuse professionals (SAPs) and law-enforcement personnel all will have access to this database containing operator data.

“Drivers are not required to register for the Clearinghouse,” FMCSA said. “However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver’s Clearinghouse record.” After registration with the Clearinghouse, CDL holders will be able to: • View their own driver record electronically. • Provide electronic consent to release detailed drug and alcohol program violation information to a current or prospective employer. • Identify a substance abuse professional (SAP) so the SAP may enter specific information regarding the driver’s return-to-duty (RTD) activities. Even if a CDL holder has not registered for access to the Clearinghouse, the clearinghouse will associate any alleged drug or alcohol violation that has been reported with a CDL holder’s information. Any changes to the CDL holder’s record in the Clearinghouse will be relayed via the preferred method the holder indicated during the registration or, if the holder is not registered to access the database, via mail to the address associated with the CDL.

FMCSA’s final rule for the Clearinghouse was published Dec. 5, 2016. FMCSA says that implementation of the Clearinghouse “will improve road safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV.”

Bargaining team has been chosen
Continued from Page 1
Christopher Bartz (yardmasters). “We are prepared to do whatever it takes to get the most out of this round of national contract talks,” President Ferguson said. “It will be a challenging process and it could be quite contentious at times. However, we on the negotiating team are confident that as we work through the process we can achieve a positive result.” The opening meeting of negotiations is scheduled for February 26 and 27 in Washington, D.C., with talks occurring in Cleveland, Omaha, Washington, D.C. and Chicago as the year progresses. SMART-TD is part of a Coordinated Bargaining Coalition that consists of it and nine other unions representing rail labor. Carriers BNSF, CSX, Kansas City Southern, Canadian National, Norfolk Southern, Soo Line, Union Pacific and numerous smaller railroads are represented by the National Carriers’ Conference Committee (NCCC) during negotiations. In related news, CSXT will not be part of national bargaining, except for health and welfare issues. For the wages and rules portion, SMART-TD and CSX have agreed to begin bargaining locally on behalf of trainmen starting Jan. 21, 2020. A joint meeting for the negotiating parties regarding facilitated bargaining was scheduled in Jacksonville, Fla., Jan. 22 and 23. Additional meeting dates for these negotiations are currently under discussion, and a tentative schedule will be set in the near future. Neither the SMART-TD nor CSX have exchanged any proposals, and an agenda for the subjects to be discussed during these contract talks, which are separate from the National Rail Contract negotiations, has yet to be finalized.

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It’s time to apply for UTUIA scholarships!

UTUIA scholarships remain at $2,000 per student per year for 2020!

50 two-year Trade School Scholarships and 50 four-year College Scholarships available for 2020! This year, UTUIA has committed once again to supporting the children and grandchildren of our members by continuing to offer 50 four-year college scholarships and 50 two-year trade school scholarships, both at $2,000.00 per student, per year. Currently, UTUIA is paying out on almost 200 scholarships! We encourage all members of SMART TD to support these ongoing fraternal benefits by becoming a member of UTUIA through ownership in our uniquely designed insurance plans.

“For over 150 years, we have served the members of SMART-TD by providing insurance protection and fraternal benefits and we are expected to maintain a satisfactory academic record to keep the scholarship for the full four years. Applicants must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder. Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time SMART Transportation Division officers are not eligible. Applications must be received no later than March 31, 2020. Please submit only one application per student. Incomplete or duplicate applications will not be accepted. The application form is only available at www.utuia.org by clicking on 'scholarship information' and 'apply online today.'

College & Trade School Scholarship Program Rules

DISTRIBUTION Fifty continuing $2,000 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of members in each of nine districts. The names of the 50 scholarship winners for the academic year 2020/2021 will be drawn at UTUIA headquarters in North Olmstead after the March 31 deadline for submission of applications.

ELIGIBILITY Requirements of a UTUIA scholarship applicant are that he or she be a U.S. citizen, at least a high school senior or equivalent, and age 20 or under.

Applications must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder. Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time SMART Transportation Division officers are not eligible. Applications must be received no later than March 31, 2020. Please submit only one application per student. Incomplete or duplicate applications will not be accepted. The application form is only available at www.utuia.org by clicking on 'scholarship information' and 'apply online today.'

AWARDS Scholarship winners are selected through a random drawing. A UTUIA scholar is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

ADMINISTRATION The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA secretary & treasurer.

CONTACT Further questions may be directed to Beth Thomas by calling 216-227-5254, or by emailing ethomas@utuia.org. Visit www.utuia.org for complete rules and to apply.
Have a camera? Get your photo featured on this page of the TD News – details below

SMART Transportation Division is always looking for great photos and your picture can be featured on this page.

SMART 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 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 44070-5313. High-resolution digital photographs should be in JPEG format and emailed to news@smart-union.org. We prefer horizontal photos. Be sure that your camera is set to the large resolution setting when taking the photo or it might not reproduce well in print.

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 and can be used in future projects.

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

President Jeremy Ferguson asks FRA for emergency order on brake valve replacements

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addressed by the agency or the carriers for more than six years.

"It is unacceptable that the malfunctioning valves remain in service after the better part of a decade without proper oversight and enforcement," Ferguson wrote. "It is equally unacceptable that the carriers, rather than fix the problem, issue stopgap remedies to solve what we have been informed is a basic issue of preventive maintenance that costs about $200 and as little as two hours to repair.

"It is our opinion that your agency has not done enough to ensure that the safety of rail workers and the public is protected by enforcing its own regulations."

SMART-TD informed FRA of suspected valve failure in a letter that was sent to FRA's Region 8 in February 2019 by Dakotas State Legislative Director Jim Chase. Former National Legislative Director John Risch followed up with a series of communications on the issue as well.

SMART-TD advised FRA that it is examining the issue and has made recommendations to carriers as to how to rectify the situation.

"I’m not real satisfied with what’s been done here," Chase said, talking about a pair of FRA rules appear to not have been stringently enforced for six years.

New York Air Brake valve DB-10 was initially approved for a finite useful life by FRA. At the behest of carriers, who raised concerns about the cost of replacing these valves on thousands to tens of thousands of private cars, the valve’s use has been extend ed, with a number in service having components being used beyond their useful period.

Each affected train car has a single valve on it that consists of two chambers, one that supplies air for service brake application for the train and one that supplies air for an emergency brake application. Any failure of this valve could conceivably affect a train’s stopping power while it is in motion.

"There is an expected life span on these valves which is being exceeded, and this has led to valves not going into emergency," Chase wrote in a memo to members last month, describing the suspected source of the malfunction.

Swapping out of the valves used to be a regular occurrence, according to a representative from the SMART Mechanical Department.

"They used to change these valves about every three months every eight years," said Larry Holbert, a SMART-MD international representative.

Changing the service or emergency portion of the valve involves the removal of three bolts and replacing gaskets, Holbert said. But now, according to reports Holbert’s been getting from the field, this maintenance is done on a catch-as-catch-can basis, rather than as a preventive measure, and a leaky valve is a tricky malfunction to track down, he said. The lubricants used for the pistons in the valves dry up over time, and the gaskets also can become brittle, leading to air escaping.

"One of the main concerns is the valve will fail in the winter months. The car will be brought into the shop and pass an air test as the O-rings and seats have warmed up," Holbert said.

SMART-MD members, who operate trains in cold-weather states, indicate that weather below 40 degrees Fahrenheit brings increased instances where these valves possibly fail. As a result, trains in an incident where cars have separated may not go into emergency. And, an emergency brake application by the crew during such an incident may fail because of insufficient air pressure.

In one instance, Chase said, a coal train broke in two near Dengate, N.D., and the detached cars rolled back ward for miles because the rear of the train did not go into emergency mode. He said another incident in Hettlinger, N.D., also involved a train splitting and cars rolling backward for a substantial distance after emergency mode failed.

Chase said he has experienced two occasions where emergency capability has been lost on trains he has operated.

"The public and employees have the right to be safe," Chase said. "I can think of nothing more important than having emergency capability."

A local chairperson from the Brotherhood of Locomotive Engineers and Trainmen reported Dec. 9 that a locomotive failed to go into emergency mode.

In-cab personnel are advised:

Evidence of the symptom begins with increased brake pipe air flow from the controlling (lead) locomotive after a brake application has been initiated. Increased head-end air flow is caused by leakage from the bottom cover exhaust port of the DB-10 service portion on the brake control valve.

When the air is set during an air test, if air is heard leaking out of the bottom of the valve, it is defective. If the person at the controls of the locomotive notes excessive air flow during application of the train brake, pay particular attention to an audible blow of air coming from the vent of any DB-10 service portion that may be in the consist.

Members should reach out to their state legislative directors, local legislative representatives of the SMART-TD National Rail Safety Team to report safety concerns surrounding this issue and any others.

Franklyn Cooke, a retired Los Angeles County Metro bus operator out of Local 1602 (Chatsworth, Calif.) and a member of the TD Alumni Association, took a shot of Metrolink locomotive 805 at Los Angeles Union Station on Track 12 in downtown Los Angeles.

Iowa 2PC rally

Continued from Page 8

members of SMART-TD and other unions. "We have the numbers. They have 200 lobbyists, we have 100,000 members, and we vote."

Getting the word out all the time and everywhere is going to be key this year.

"We need to talk to everyone — we need to talk to our neighbors. Talk to the people at your church, the parents of the kids on your Little League teams," Hynes said. "Everywhere you go you need to talk about the outrageous things the railroads are trying to do to put your communities and their communities in danger."

The meeting at Keokuk Labor Temple was followed by a rally held by Democratic primary candidate Bernie Sanders (I-Vt.), a co-sponsor of the Senate version of the Safe Freight Act (S. 1979) who pledged support for the advancement of railroad safety.

Legislative Representative Jordan Boone of Local 445 (Niantic, Ill.) and Wes Eckert, legislative secretary of 009b and also a Local 445 member, helped to coordinate the events.