Bill with bus safety, 2PC mandates wins approval of U.S. House Committee

After a session that began the morning of June 9 and carried on overnight into the pre-dawn hours of June 10, the INVEST in America Act passed out of the U.S. House Transportation and Infrastructure Committee with two-person crew and other provisions important to SMART Transportation Division members intact. “We are one step closer to success,” SMART Transportation Division National Legislative Director Greg Hynes said. “This was a marathon session, but one that had the best possible outcome for our members. We thank the committee members for their work and now turn our focus to getting the legislation’s passage in the full House.”

The bill, H.R. 3684, a five-year, $547 billion surface transportation reauthorization bill, now moves to the full House for consideration after passing the committee 38-26. Two Republicans, Brian Fitzpatrick of Pennsylvania and Jennifer González-Colón of Puerto Rico, voted along with 36 Democrats on the committee to pass the bill.

“I commend my colleagues for their hard work helping craft these two bills to deliver what Americans expect and deserve: safe roads and bridges, reliable transit options and a robust passenger rail network, wastewater systems that aren’t on the brink of failure, and a commitment to address the existential threat of climate change,” said Chair Peter DeFazio (D-Ore.). “In many ways, the choice couldn’t be easier—because the best part of rebuilding our infrastructure for the modern era is the incredible opportunity for our nation that comes with the INVEST Act.

Representatives by a bipartisan 38-26 vote. (Screen capture from House T&I Committee YouTube.)

Continued on Page 2

Alt. National Legislative Director Cassity now heads safety team

As the SMART-TD restructuring to better serve our membership, the National Safety Team (NST) now has a new director. SMART-TD Alternate National Legislative Director Jared Cassity (Local 1377 in Russell, Ky.) has taken over as director for SMART-TD Chief of Staff Jerry Gibson (Local 313 in Grand Rapids, Mich.).

“I have the utmost faith that Jared has the knowledge, experience and passion to lead this team,” Gibson said. No stranger to the NST, Cassity joined the team in 2014 and served as an alternate director from 2016 to 2019. He has also served on the CSX Safety Model Executive Board.

Cassity started his railroad career with CSX in September 2005, and was promoted to engineer in 2008. He has held numerous positions within the union, including vice local chairperson, secretary and treasurer, legislative representative, local chairperson, assistant general chairperson and Kentucky state legislative director.

“Safety is our priority, as it should be, but unfortunately we work in an industry that prioritizes profit before anything else. So, we must be vigilant to not just watch out for ourselves, but also to protect the backs of our brothers and sisters,” Cassity said. “As a union, we cannot let down our guard, and I pledge to maintain the necessary level of dedication and aggression that this job requires to get the job done. “Our goal is simple: ‘to get you home the way you came to work.’ I know that is an old saying, but it’s true.

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- LEADERSHIP MESSAGES: The latest updates from SMART GP Joseph Sellers and TD President Jeremy Ferguson, Pages 5-6.
- STATE WATCH: Check out what legislative boards nationwide are working on, Pages 6-7.
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H.R. 3684: The INVEST in America Act at a glance

**H.R. 3684**

| Triplet funding to $32 billion, allowing for enhanced service, ADA upgrades and investments to renew and support service on the NE Corridor, long-distance and state-supported routes. |
| Bus Creates a Federal Transit Administration (FTA) training center modeled on the successful National Transit Institute, but with a frontline employee mandate to focus on training for new technologies, safety and emergency preparedness. |
| Expands FTA’s safety plan to include a focus on passenger and personnel injuries, assaults and fatalities; a risk management process to address transit worker assaults; a joint labor-management safety committee empowered to approve the safety plan; and a comprehensive frontline workforce training program on safety and de-escalation. |
| Prevents a transit agency from deploying an automated vehicle that duplicates, eliminates or reduces the frequency of existing public transportation service or a mobility-on-demand service. Transit agencies considering transit automated vehicles and mobility on demand services are required to develop a workforce development plan describing how the automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle or mobility-on-demand service. |
| Authorizes FTA research on redesigning bus driver compartments to improve driver visibility, expand driver functionality and reduce driver assault. |
| Directs the transportation secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses. |
| Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems. |
| Directs the secretary to conduct research and testing on fire prevention and mitigation standards—including firewalls, fire suppression systems and interior flammability and smoke emissions characteristics—for large school buses and consider issuing updated standards. |

**INVEST in America Act takes step ahead to the full U.S. House**

Continued from Page 1

We’re thankful for the representatives’ work, and we support this effort to move the transportation industry ahead. The bill triples funding for Amtrak to $32 billion, allowing for enhanced service, ADA upgrades, and investments to renew and support service on the Northeast Corridor and long-distance and state-supported routes. Similar to a 2020 version of the bill, provisions of the legislation mandate two-person freight crews and take steps to address the problems of bus operator and transit worker assault as well as other issues faced by SMART-TD’s bus, rail and transit members. U.S. Rep. Scott Perry of Pennsylvania, who attempted to get the two-person crew provision removed from the 2020 version of the bill, was at it again. Perry eventually withdrew Amendment 091 that would have struck the two-person crew freight requirement in the 2021 version. Before his withdrawal, the Republican argued in a glitchy video that Positive Train Control and technology made regulations to create a federal crew standard unnecessary. “It should be one or the other, not all the technology and then also with all the manpower. All the money is not additional cost to the freight system and the cost to consumers,” he said. Perry’s 71 other amendments to the bill included eliminating Amtrak funding and prevailing wage requirements. All were rejected.

The INVEST in America Act moves to consideration by the entire U.S. House with a potential July 4 target date.

Cassidy becomes leader of SMART-TD National Safety Team

Continued from Page 1

The safety of our brothers and sisters is worth fighting for, and the NLT will do just that. Lastly, I would like to thank Brother Jerry for all the years he has dedicated to this team. What a difference for the better he has made. Brother Gibson was co-director of the NST since 2013 and will remain actively engaged to consult on safety matters.

“Safety has always been a passion of mine and something I worked diligently to improve my entire railroad career. I have always believed that, as a fraternal organization, the safety of our fellow brothers and sisters must top all other priorities as one loss or injury is one too many. I know with the leadership and commitment to safety President Ferguson and General President Sellers have, and the skills and ability Jared possesses, this team will receive the support it needs to be successful therefore, the time was right to hand over the baton. While I am stepping back, I am not walking away and will always be a resource and advocate ... willing to assist at any time,” he said.

No exceptions

A train must be operated by a two-person crew (no exception).

It is transporting one or more loaded cars carrying material toxic by inhalation.

It is transporting 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block.

It is transporting any one or more loaded tank cars of a Class 2 or Class 3 flammable liquid throughout its consist.

The train is 17,500 feet in length or longer.

The train has a length and crossing limit.

The train does not exceed a maximum speed of 25 mph on territory with an average track grade of less than 2%, with the exception of one location where one-person operations were being utilized.

The train is 7,500 feet in length or longer.

The line does not exceed a maximum speed of 25 mph on territory with an average track grade of less than 2% for any segment that is at least two continuous miles.

Operations are not on a main line.

In addition, a train may be operated with a reduced crew, if the carrier has fewer than 400,000 total employee work hours annually and an annual revenue of less than $20,000,000.

The train is 7,500 feet in length or longer.

The train is 17,500 feet in length or longer.
Local 17 VP Pohle succumbs to injuries from accident

Brother John Pohle, vice president of Local 17 (Marshalltown, Iowa), passed away in the hospital May 25, nearly a month after he suffered a critical injury while working April 30 in Union Pacific’s Marshalltown Yard.

Brother Pohle, a member of the union for more than 13 years and a local officer since 2012, had been in a medically-induced coma in the weeks since the accident amputated his right leg.

L-953B established an online fundraiser for Pohle, his wife and their three sons after Brother Pohle’s injury. That fundraiser remains open to continue to assist them in this time of devastating loss. Please follow the QR code at right to donate if circumstances allow.

SMART Transportation Division extends its deepest condolences to Brother Pohle’s family, his friends, and especially his brothers and sisters of Local 17, which he helped to lead for nearly a decade.

L-1978, New York, N.Y.

Members of SMART-TD Local 1978 LCA-340A (Long Island Rail Road yardmasters) in late April unanimously ratified a proposed agreement that provides for general wage increases of 2%, and 2.25%, respectively.

Zero concessions in work rules and benefits were made in the two-year agreement, retroactive from April 16, 2019.

The contract was made on a non-precedent basis on the part of the carrier thanks to federal funding intended to offset operating losses incurred by LIRR because of the COVID-19 pandemic.

“This agreement could not have been achieved without the tactful negotiations and tireless effort by Brother Anthony Simon — Alternate Vice President and General Chairperson of GCA-505,” said General Chairperson Michael Miele of GCA-340. “Brother Simon has always looked out for all SMART-TD members on the property, as well as other union members without fail. I truly commend him for his efforts.”

L-1892, Houston, Tex.

Former local officer Daniel Holak, who served for years as a legislative representative and a local chairperson, retired May 14, 2021, after 42 years of service.

Brother Holak hired out in April 1979, and retired as a switchman for Union Pacific.

“Local 1892 is losing a great union brother with a wealth of knowledge, but it’s a well-deserved retirement nonetheless,” Local S&T Robert Maldonado said.

L-324, Seattle, Wash.

Member Henry Clay Dennison accompanied a reporter from The Militant newspaper to visit picket lines in Brookwood, Ala., in May to talk with striking coal miners about their fight and show solidarity from his local.

About 1,000 workers from Warrior Met have been on strike since April 1 over labor practices, wages, working conditions and safety concerns.

Dennison, a coal miner for the better part of two decades before becoming a switchman for BNSF, had in-depth conversations with picketing workers, The Militant reported.

“I came to Brookwood to bring a solidarity message from Pete Gushwa, president of my union, SMART-Transportation Division Local 324,” Den- nison was reported as saying by journalist John Benson.

“Workers in many industries face attacks by the bosses. My co-workers agree we have to stand together and use our unions to strengthen each other.”

Dennison received 5,970 votes in a run for Washing- ton’s governor in 2020 as the Socialist Workers candidate. He is running for mayor of Seattle as a socialist candi- date against 15 others. The mayoral primary is Aug. 3.

At press time, the strike in Alabama continued.

L-807, Tucson, Ariz.

Local Chairperson Liz Knepp (LCA-887B) had a letter published in the Arizona Daily Republic stating her opposition to right-to-work for-profit any more. The economy is depleting cash and food for the local held food drives for the local food pantries.

Local 17 VP Pohle succumbs to injuries from accident

Local 17’s second vice president, Brother Pohle, succumbed to injuries he suffered April 30 in Marshalltown, Iowa.

Organized by Local 445 LCA Secretary and Philan- thropy Chair Wes Eskstedt, members stood outside the Hy-Vee stores in Marshalltown on Feb. 26, and in Fort Madi- son April 23 and 24 and col- lected cash and food for the pantries.

“In the help of Hy-Vee, we collected a total of $1,670.57 and 962 pounds of food for the local food pantries,” Boone said.

The local gave 561 pounds of food and $812.22 to the local Galesburg food pantry. In Fort Madison, the local collected $585.35 and donated 401 pounds of food to the local pantry, UFCW Local 617 of Fort Madison heard the cause and donated $500 to the Iowa community effort.

Ekstedt and Boone were joined by Vice President Scott Lester, Local Trustee Michael Rankin, member Pete Weldon, member Chad Hocker, member Josh Gordon and Local Chairperson Richard Gustin at both locations, along with many Hy-Vee employees at the food pantry.

“It was great to see our union members volunteering their time for such a needed cause during this pandemic. The food pantries were blown away by the success we had,” said Boone.
It’s time to review the timebooks!

Members have been able to spend half a year now with the 2021 SMART-TD bus and rail timebooks that were revised last year with members’ input. We’re sure there are things you like about the revisions and things that you would want to have changed about the timebooks so they are of the best use to you. Now through August is your chance to make suggestions for any changes or improvements to the books. Mid-September will be the deadline for local officers to place their orders for the 2022 edition. Please send improvement suggestions to in to Dora Wolf, at dwoff@smart-union.org.

L-974, NASHVILLE, TENN.

Members from four locals gathered May 20 for a joint meeting that included a meal and a visit from TD President Jeremy R. Ferguson.

Officers from Locals 974 (Nashville, Tenn.), 904 (Evansville, Ind.), 1308 (Bruceton/Hollow, Tenn.), and 1346 (Nashville) gathered in Brentwood, Tenn., for a meeting May 20 to review the state of affairs at the CSX properties they represent.

“President Ferguson has been champing at the bit to get out there with the membership, but the pandemic had made that difficult,” said GCA-433 (Illinois Central) Vice Chairperson Andy Goecnker, who attended the meeting in his role as an organizer. “This was his first opportunity to talk about membership retention, national negotiation and issues specific to CSX.”

Tennessee SLD and General Chairperson Adren Crawford attended – as did a representative from Wetemark and Keyes, a SMART-TD Designated Legal Counsel firm that provided dinner to the gathering.

Also collaborating to help organize the meeting were Craig Spangler and GC Brian Killough.

“I think it went very well – we all were very happy with the turnout,” Brother Goecnker said.

L-23, SANTA CRUZ, CALIF.

The mission of a union not only involves protecting members, it also requires the courage and solidarity to stand together and speak truth to power when necessary.

While the contract of Santa Cruz Metro CEO/General Manager Alex Clifford was being considered by the carrier’s board of directors in late May, members of our union made it clear that improvements were necessary.

“As you know, we have serious concerns about Alex Clifford’s behavior as the CEO of Metro and we’re asking you not to renew his contract,” General Chairperson James Sandoval (GCA-SCM) told the board. “In a survey put out to all of our members at both SEIU and SMART, 83% of our members said they have no confidence in Alex Clifford’s leadership.”

A petition expressed concerns about Clifford’s lack of cooperation and “harmful choices.” Clifford was seeking a five-year extension with guaranteed step raises, but the concerns brought to the board’s attention resulted in a three-year contract extension and raises contingent upon a review of Clifford’s performance.

L-1741, SAN FRANCISCO, CALIF.

Members of SMART-TD Local 1741, representing bus drivers for the San Francisco Schools, took part in a May Day rally organized by Bay Area labor councils. More than 2,000 union members & community supporters participated, calling for passage of the labor-friendly PRO Act, the support of a just recovery for working families and communities, and for people to stand against racism. Local President Meghann Adams was interviewed by a reporter from KTVU Fox 2 and appeared on an evening news broadcast speaking about the importance of worker solidarity.

L-710, NEWARK, N.J.

Members of the local who are employees of Coach USA unanimously ratified a new three-year agreement that provides for yearly wage increases, reduces the cost of health care while expanding coverage and calls for the largest gain ever in members’ 401(k) plans.

The agreement adds another two personal/sick days and three more months of leave if needed by the operators.

“They will be joining the union without going through a probation period,” Studlivant said.

Welcome to our new members in Local 710 who joined the union in mid-June!
COVID vaccines essential to protect yourselves

The past year has been one of the most painful in the recent history of the United States, Canada and the world. The shutdowns caused by the COVID-19 outbreak put the brakes on our economy, on jobs and on our children’s educations as millions were forced to stay at home.

Today, the light at the end of the tunnel is getting brighter as we begin to slowly make our way to the other side of the dark times this pandemic brought us. To finish that journey, it is up to each of us to get vaccinated as soon as possible, for ourselves, our families and our communities.

The Biden Administration has proposed “The American Jobs Plan,” which is an investment in America to rebuild our decaying infrastructure and create millions of new jobs. Included in the plan is a proposal to modernize highways, roads and bridges, strengthen workers’ rights and provide protection against future pandemics. The administration is seeking bipartisan support without using reconciliation to achieve a deal.

As designed, this plan will significantly enhance health care and pension rights, and provide protection against future pandemics. The administration is moving back to open lodges in all areas.

Sisters and Brothers,

The proposal specifies improvements in transit systems by replacing some diesel transit vehicles while investing in clean electric vehicles and repairing aging light rail lines. There is also an effort to provide affordable transportation options to underserved communities. The proposal would also allocate jobs for the transportation industry and create more job opportunities for transit and rail operators if the plan is implemented.

Auxiliary sticks together and keeps connected through pandemic

By Kathryn Seegmiller
President,
SMART-TD Auxiliary

Since receiving our first charter in 1888, we continue to push through hard times, and this pandemic has been no exception. We’ve been able to help in local communities with fundraisers, a blood drive, school drives, mask donations, hygiene kits to a local school, and made masks to SMART-TD locals. The fundraisers we participated in were with the Leukemia and Lymphoma Society and Autism Speaks. We also hosted a blood drive with the American Red Cross right after the pandemic hit.

Among our many efforts, we have also supported schools in getting them through this crisis. We have been active in supporting for SMART-TD locals in their area, and members made and donated masks to SMART-TD locals. The fundraisers we participated in were with the Leukemia and Lymphoma Society and Autism Speaks. We also hosted a blood drive with the American Red Cross right after the pandemic hit.

Six lodges made masks for SMART-TD locals in their area, and members made get-out-the-vote calls for the election this past fall. One lodge collected items for hygiene kits that were donated to a local school and another lodge collected school supplies, getting the support of several candidates. The effort presented a great opportunity to spread the word about the TD Auxiliary.

 Auxiliary Scholar- ship Fund Board gave 15 $1,000 scholarships. That is in addition to the many scholarships that are given out annually. As we continue these efforts to connect with our members, we recently held a virtual game night and will be hosting an online shop-

To save resources and get your news faster, active members can have the SMART Transportation Division News delivered electronically instead of waiting for the newsprint edition to arrive in the mail. You’ll get an email linking directly to a digital copy many days before the paper arrives for others. Just follow the QR code to the right with a smart device to opt in!
A national contract takes time

By Jeremy Ferguson

The first day focused on the LCs for the CSX northern properties. Speakers and instructors included General Chairperson Rick Lee, Vice President Jamie Modesitt and Ohio SLD Clyde Whitsaker.

The second day gave more LCs who could not attend the first day the chance to learn and develop their talents in their new positions.

The local chairpersons courses gave new and current LCs the opportunity to understand the claim appeal system, hours of service and the Federal Employers Liability Act (FELA).

The third day was geared toward legislative representatives. Speakers included ALT National Legislative Director Jared Cassity and National Legislative Director Greg Hynes. Other speakers included DLC Robert Harrington from the Dunn-Harrington law firm; UTU’s Regional Insurance Manager Matt Tolliver (Local 1921); Operation RedBlock System Coordinator Michael Jackson (Local 1374) and TD President Jeremy Ferguson.

Legislative representatives were given hands-on courses to help them to better use their positions in the local to address safety concerns to the carrier and how to elevate those concerns. “With the cancellations of the Regional Meetings, we needed to act upon finding a way to safely get the local chairpersons and legislative representatives the training they need to better understand their role and to represent their members,” Whittaker said. “We thought long and hard about how, under the current climate and restrictions, we could achieve this.”

The meeting proved to be a success, judging from the feedback Whittaker received from the attendees.

“We hope to do more in the future and expand on the curriculum,” Whittaker said.

Jeremy R. Ferguson
President, Transportation Division

State Watch

Ohio

The state legislative board held a "mini regional meeting" to help train new local chairpersons and legislative representatives in April. The three-day-long Buckeye in-Person Regional Meeting focused on claims, investigation practices and reporting and handling safety concerns with both in-person and virtual presentations taking place.

Local chairpersons and legislative representatives from both the Norfolk Southern and CSX properties attended.

News from SMART-TD State Legislative Boards

“We, the 10-union coalition, won’t negotiate via the media and will keep our game plans private within the union negotiating team.”

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FROM THE DESK OF RRB LABOR MEMBER JOHN BRAGG

BA-6 service records have been sent

Brothers & sisters:

It is hard to believe that we are already approaching the mid-point of 2021. The Federal Railroad Retirement Board (RRB) is still operating in a remote capacity with field offices closed to the public. Hopefully, in the not too distant future, I will be writing to advise you of plans for getting back to normal operations. Today, however, I am writing to share a friendly reminder with you about an annual reminder which every active employee should take on an annual basis — and may be of particular importance this year to some, in light of the possible adverse health outcomes many encountered.

Each year, on or before the last day of February, employers must report service and compensation for each employee who performed compensated service in the preceding calendar year. The RRB, in turn, credits the service and compensation records of individual employees based upon these reports and in June of every year, RRB releases Form BA-6 to each employee for which compensated service in the preceding calendar year was reported. The Form BA-6 contains the information recently reported for the preceding year, as well as the information reported for three preceding years. Regardless of the amount earned, the amount of compensation shown on the Form BA-6 will always be limited by the maximum creditable Tier I compensation amount for the calendar year. For the years 2017 through 2020, the maximum amounts creditable are $127,200, $128,400, $132,900 and $137,700, respectively. In addition to showing the creditable compensation for the years 2017 through 2020, the Form BA-6 issued in June 2021 will show the months for which the employer reported railroad service for the employee during the years 2017-2020.

It is critical that individual employees review their annual Forms BA-6 to make sure that all the information contained on the form is accurate. For example, in addition to validating the creditable compensation, it is important to check to see if the employer properly reported the months for which credit was given by the employer for a month of railroad service. Every month for which you believe you should have credit for railroad service should be coded with a “1.” If the code is “0,” you will not receive credit for any railroad service for that month. If the code is “D” then you will receive credit for railroad service pursuant to the rules governing the deeming of service months.

Employees who received pay for time lost through arbitration proceedings, during the years 2017 through 2020 are reminded of the importance of checking their Forms BA-6.

Charles Wowkanech said, “It’s been a year of unprecedented hardship for workers who put themselves at risk every day so that New Yorkers were cared for, protected and educated, and so that essential services vital to our citizens continued to be delivered. This law ensures that the families of those who paid the ultimate price due to the nature of their jobs have greater financial security.” A-3998 provides a cost-of-living increase annually from workers compensation to the dependents of certain essential workers who contracted COVID-19 on the job and later died of the coronavirus. At least three SMART-TD members from New Jersey: Joseph Hansen, George Appiah-Kumi and Ramadan “Remy” Jennings died from COVID-19.

Nevada

Gov. Steve Sisolak issued a proclamation praising America’s railroad workers that declared April 28 as “A Day In Honor of Railroad Workers.” SMART-TD’s Nevada State Legislative Board and BLET Nevada State Legislative Board worked jointly to lobby Sisolak regarding the proclamation. The two boards issued a joint statement, which read in part:

“Every day, front-line railroad workers report for duty as required and perform the tasks of their jobs in a manner which ensures that the movement of freight and passengers by rail, which is needed to keep this nation’s economy functioning is accomplished. In spite of various objectives and circumstances which create hurdles to be crossed in providing this vital service, the work which you do continues to deliver for those counting on it... On this special day, we salute and thank you for the work that you do, while encouraging you to stay focused on safety in the course of your work. We also ask that you join us in remembering those workers who have passed on before us, some in the line of duty, while committing to continue fighting for all still among us with whom we share struggles.”

SMART-TD President Jeremy R. Ferguson and BLET National President Dennis R. Pierce said, “Our unions thank Governor Sisolak for honoring railroad workers with this proclamation and for recognizing the important role SMART-TD and BLET members play in keeping our economy strong. We also thank Jason Doering, SMART-TD Nevada state legislative director, and Matt Parker, BLET Nevada State Legislative Board chairman, for their efforts in helping to secure this proclamation and for their dedication to railroad safety.

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STB head to carriers: You’ve cut workforce too deep

The chair of the federal Surface Transportation Board (STB) Martin J. Oberman reached out to all Class I CEOs May 27 asking them whether the carriers are prepared to reverse the workforce cuts they have made in anticipation of handling an economic rebound as the coronavirus pandemic wanes.

“I am specifically request- ing you to advise us whether you have any long-term plans, including your hiring plans for 2021 and 2022, to reverse any of the diminish in workforce levels, which have resulted from your strategies in recent years,” Oberman said in his letter.

Rail employment data collected by the board indicate that since the onset of the COVID-19 pandemic in March 2020, that overall Class I employment has declined by 127,867 to 115,485, a reduction of 12,382 jobs. Train and engine personnel employment has been reduced by Class Is by nearly 5,000 workers from 51,801 in March 2020, to 46,951 in April 2021, the latest month for which STB data is available.

Oberman expressed concern that recent rail service problems reported by some shippers may relate to that broader trend of rail labor reductions over the last several years in addition to the furloughs and quarantines brought about by the COVID-19 pandemic.

“I recognize that these rail service challenges, at least to some extent, have been related to workforce reduc- tions resulting from COVID-19 cases, quarantines and furloughs based on the tem- porary decline in demand and the train schedules made by railroads in nearly every facet of their businesses,” he wrote. “But I am also concerned by the extent to which these service issues may be related to or exacerbated by a broader trend of rail labor reductions that has been occurring over the past several years.”

Precision Scheduled Rail- roading (PSR), adopted by CSX under the helm of the late E. Hunter Harrison, has become an acceptable oper- ating scheme among the largest U.S. railroads focused on reducing operat- ing ratios by lengthening trains and emphasizing cost reductions by slashing employment, reducing the time available for inspections and mothballing equipment, as reported by The Associat- ed Press and VICE Maga- zine.

From an economic per- spective, Oberman said the STB has received some sig- nificant reports of flaws in the Class Is’ service model. “Although many shippers have reported that railroads are providing consistent and dependable service, the STB Board has also received concerns reporting from a meaningful number of rail customers of subpar performance, including missed switches, railcars delayed at intermediate yards or interchanges, extended out-of-route movements, and prolonged dwell at origin for some unit trains,” Oberman observed. “Additionally, we have been made aware of instances of significant congestion at various intermodal facilities which has resulted in delayed train arrivals and disruptions to container availability.”

A review of share prices since Harrison was placed atop CSX by a hedge fund in March 2017, shows that shares for most of the Class I carriers have more than doubled, except for Canadi- an National and BNSF (which is privately owned). Conversely, STB rail employment data from April 2021, indicates that overall Class I employment has declined by nearly 34,000 jobs from 149,323 in March 1995. While the agent adjustor and engine personnel employment has gone down by 12,240 jobs from 59,191 in March 2017.

SMART Transportation Division President Jeremy Ferguson said he was pleased to see STB Chair- man Oberman and the board taking an active role in protecting rail shippers and making sure T&E crews are properly staffed.

“This is a good first step in getting people back to work and getting the rail workforce to an adequate level,” Presi- dent Ferguson said. “Let’s get our members some relief so they’re able to receive adequate rest and a quality of life they deserve.”

As of June 18th, all seven of the U.S. Class I carriers, had responded to Oberman’s letter. Most of the responses from the carriers centered around reporting the recall of workers furloughed as a result of the COVID-19 pandemic.

New officers might come across different challenges as they take over the adminis- trative and financial responsibilities of their local, workforce levels which include filing reports to meet federal or organiza- tional deadlines or questions about how their local meeting should be run.

From the local’s president to the trustees, questions about how to run a local and to best serve the member- ship can arise almost non- stop. One of the most vital officer positions is the local secretary & treasurer (S&T). What do the local secre- tary and the local treasurer do?

According to the SMART Constitution Article 21B, Section 63: “The Secretary shall keep an accurate record of all proceedings, receive all communications, conduct the correspondence, and shall have charge of the seal and records of the local. They shall notify all officers of their election or appointment and notify other locals of action taken by their local which might affect interest, or concern them.”

Helping local S&Ts do their jobs

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The Treasurer shall receive all money due to be collected by the local and give their receipt for the same. They shall hold and keep secure all local funds and shall be bonded as provided in Sec- tion 71 of Article Twenty-One B (21B). They shall sign all papers requiring their signature and perform other duties required by Arti- cle Twenty-One B (21B) and the bylaws of the Local. They shall keep an accurate account for all receipts and expenditures of the local on forms provided for that pur- pose. These records shall be open at all times for inspection and audit by offi- cers of the International or their representatives."

The treasurer duties are fiduciary — tracking, recording, filing, reporting any- thing that has to do with the local’s money in an honest and clear manner.

Because there may be substantial overBag, secreta- tion and the treasurer duties can fall on the same person in some locals or be split in others depending on the structure set forth by the local charter.

One of the important duties of the treasurer is to communicate with the Field Support Team and assist the local S&T if necessary.

How does the SMART Transportation Division assist the local S&T?

A big focus for the Transporta- tion Division is to edu- cate and assist the local S&T. Among other things, the Field Support Team has been working to expand its online trainings which can be accessed by the local S&T.

What if an S&T really needs to discuss an important matter?

There’s a repository of documents maintained on the SMART-TD website called the Local Toolbox, and both in-person and online trainings are held to educate them on their responsibilities and assist them with some of the tools available to them, such as how to use the union’s propriety software. The Field Support Team has also been working to expand its online trainings which can be accessed by the local S&T.

What can any member do if they have a question?

The best way to get quest- ions taken care of is to ask your local officers first. Regarding disciplinary mat- ters, contact your local chairperson. Regarding safety, contact your legisla- tive representative. Regarding change-of-address or other membership-related information, contact your local secretary. There also is a Members Toolbox section on the SMART-TD website that you can access in the right direction with some common issues.
What YOUR UNION is doing for YOU

Here is a list of recent arbitration victories reported to SMART Transportation Division’s leadership.

General chairpersons who wish to report a recent success should email Vice President Alyv Hughes (ahughes@smart-union.org) for bus department victories and Vice President David B. Wier Jr. (dwierg@smart-union.org) for rail victories.

SMART-TD Vice Presidents David B. Wier Jr. and Jamie C. Modestii report that the organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of the many cases that the organization received sustaining decisions on from the First Division, the cases referenced below are of significant interest:

- In NRAB First Division Award No. 30530 (Simont, 2021), CSX terminated a trainman for purportedly misusing FMLA leave. At the formal investigation, the claimant tendered an absences from work into the record of this case, the claimant was subjected to.F. the board concluded that just cause necessitates an objective assessment of the quantum of discipline was unjustified. The board found that the carrier’s newly implemented attendance policy is a “no fault” attendance policy, meaning that employees are automatically assessed penalizing points against their record for absences from work, regardless of whether the absences were excusable. The board found that the claimant was reinstated to service and awarded him compensation for all lost wages, and the board further awarded him runaround pay from the conclusion of the investigation to the claimant’s termination to a 60-day suspension from service. According-ly, the claimant was reinstated to service and awarded back pay for his lost wages, minus 60 days. GO 449 General Chairperson Justin Wolters processed this case to the NRAB First Division.

- In NRAB First Division Award No. 30567 (Bass, 2021), Indiana Harbor Belt Railroad dismissed a trainman for allegedly causing two railcars to derail. Although the board found that the record of the formal investigation contained substantial evidence to corroborate the charges brought against the claimant, the board sustained the claimant’s assertion that the quantum of discipline was unjustifiable. Recognizing that the assessed penalty of termination was not commensurate with the alleged offense, the board mitigated the claimant’s termination to a 60-day suspension from service. Accordingly, the claimant was reinstated to service and awarded back pay for his lost wages, minus 60 days. GO 449 General Chairperson Justin Wolters processed this case to the NRAB First Division.

- In NRAB First Division Award No. 30594 (Wesman, 2021), San Joaquin Valley Railroad Company, a subsidiary of Genesee & Wyoming, terminated a conductor for allegedly occupying a main track without authority. While the claimant was removing his crew’s bags from their locomotive to get them into a waiting taxi, his conductor released their track warrant to the train dispatcher while their locomotive was still occupying the main track. However, the claimant was neither privy to the radio communication between the conductor and train dispatcher, nor had knowledge of the conductor’s intention to release the track warrant. After analyzing the case, the board found that the carrier failed to establish that it had a reasonable basis to assert discipline against the claimant in this case. Based on that determination, the board reinstated the claimant to service and directed the carrier to make him whole for all of his lost wages, and the board further awarded him compensation for all lost wages, and the board further awarded him runaround pay from the conclusion of the investigation. The board found that the carrier failed to satisfy its burden of proof, the board reinstated the claimant to service and awarded him compensation for all lost wages. GO 687 General Chairperson James Ball, GO 687 Assistant General Chairperson Brian Sharkey, GO 687 Secretary Nicholas Greifcz, and International Vice President David B. Wier Jr. handled this case before Public Law Board 7579.

- In Public Law Board 7579, Award No. 144 (Capone, 2021), Norfolk Southern dismissed a conductor for allegedly engaging in improper behavior in a verbal altercation with a co-worker and causing a verbal altercation with the operator en route. During the argument, the passenger threw a drink at the operator. TMOC believed that the event could have de-esca-

- In the matter of SMART Local 1715 and Transit Management of Charlotte (TMOC), the organization accused TMOC of violating the current report in procedures for extra board operators. The organization advanced its case with the assistance of Vice President Alyv Hughes.

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Biden budget proposal increases RRB staffing

The 2022 fiscal year budget proposal by the Biden administration seeks $28 million for the Railroad Retirement Board (RRB) to cover accumulating administrative costs and to improve customer service. The White House’s budget request represents a little over $125 million for RRB, if approved by Congress, would result in a gain of $11 million for RRB to cover staffing needs to better serve railroad workers nearing retirement, retirees and their survivors.

In its budget request to U.S. House leadership and to Vice President Kamala Harris, RRB reported that it has a staffing deficit of 12% from its minimum levels and that the RRB’s programs office has been operating at a reduced capacity because funding for the agency has been nearly flat for five years. Its workforce also is aging, with nearly a quarter of its workers now eligible to retire and 231 employees eligible to retire in the next year. The added funding will allow RRB to increase its ranks to 801 full-time employees at a time when it needs workers to take care of retirement, survivor claims and numerous other customer-facing duties that had been hampered by the COVID-19 pandemic and chronic understaffing. In its budget request, RRB reported that just 35% of the 1.2 to 1.3 million calls its Bureau of Field Services received were answered in FY2020.

“We are operating in a transitional state that requires a sufficient investment in staffing to sustain benefit determination and payment operations, which still rely heavily on manual processing, while ensuring that the agency retains the knowledge of our laws and systems critical to modernizing benefit payment systems,” the agency stated. The RRB believes that an increase in staffing is critical to the success of the agency over the next few years.”

The budget request is not the only way the current administration is working to improve RRB. The agency’s years-long project to upgrade its IT infrastructure finally received full funding through Biden and Congress’s American Rescue Plan. The agency said that the modernization of RRB’s systems also should help to open the door to better service and more efficiency once fully implemented.

“We are grateful to the Congress for providing annual and supplemental appropriations that have fully funded RRB’s IT Modernization program,” RRB stated.

Local 771 ‘oldhead’ gives advice before retiring

Local 771 in Needles, Calif., took time to celebrate the career of FT. “Teddy” Rockwood, who hired out at age 18 and retired after 48 years of service.

A second-generation railroader, his early career was closely linked to that of his father, George Rockwood. His first student trip was with his dad, and he and his father worked together for the last three years of George’s career. Promoted to conductor in 1978, Brother Rockwood was a regular attendee of his union meetings and a local trustee.

Teddy said he learned his place in a union meeting and got a clearer picture of the roles each member of the crew filled. Brother Rockwood said he always felt an obligation to his brothers and sisters to help them along.

As an oldhead to the younger generation, he had this advice:

“I don’t care what you get called for — pack a 24-hour lunch for a one-way trip because Mother Nature and derailments don’t care what train you’re on,” he said. Come out with a 16-hour attitude and, if you make it in under 10 hours, consider it an excellent day.”

Another key to success, he said: triple check everything.

In retirement, he plans to spend time working on his home and restoring a 1963 Chevy and a 1951 Ford truck.

Congratulations to Brother Rockwood on a long career — your retirement packet from SMART-TD is on its way!
He’s Dunn — and his career’s been a great one

After 44 years with Union Pacific and Missouri Pacific, John Dunn of Local 756, a great advocate for members in the great state of Texas in which he lives, has called it a career.

Dunn joined our union back in November 1977, after hiring on with Missouri Pacific in July 1977. That began a long association where Brother Dunn served six years as a vice general cohort of GCA-927, 16 years as local chairperson for LCA-927, 13 years as an alternate legislative representative and two years as his San Antonio local’s legislative representative. He served as the assistant Texas state legislative director starting in February 2020, and even had a stint on the SMART-TD Executive Board prior to his retirement, effective May 31.

“I guess I’m well-known because I’ve represented so many. Just when Dunn was talking, people would drop what they had in their pocket to listen. ‘I’ve been doing this for so long… my reputation preceded myself.’

Brother Dunn became an engineer in 1980 and started a notable streak of union activism in 1987 after his uncle, the local delegate, suggested he run for an alternate delegate. Dunn ended up attending his first convention in Miami Beach, Fla., to start a streak of nine conventions that “Big Bad John” attended as Local 756’s delegate, taking the time to kick off his opportunities to speak with a reminder to all that he hailed from the great State of Texas.

In 1997, Brother Dunn began to get more involved in the representational aspect of things. “I was very lucky that they had regional meeting semi-annuals — I went to those,” Dunn said. “Education is vital to be a successful local chairperson.”

Dunn even had people from other rail labor organizations asking for representation. He also saw the sore spots where carriers needed to improve treatment of workers.

Dunn recalled having to defend one worker in a disciplinary hearing for an attendance violation years ago who took time off because his young child had died.

“We are going to happen to workers’ lives outside of work and there needs to be a change in attitude on the part of the carriers,” he said.

Dunn’s dependency and advocacy in defending and serving his fellow union brothers and sisters also earned him the respect of his peers.

“John was the go-to guy for everyone in and around San Antonio,” Texas State Legislative Director Kamron Saunders said. “He worked tirelessly for our membership.”

Often, his family life and union commitments crossed. His 25th wedding anniversary plans with wife Lisa were disrupted because Dunn was assigned to investigate a fatality.

He also remembered a time when he had his daughter, then 7, sit off to the side while he was engaged in an arbitration hearing. But all these served as signs of his commitment to represent and help his union brothers and sisters be treated fairly.

In addition to being honored by Local 1670, Brother Dunn’s career also was celebrated May 26 at the Local 756 monthly meeting as more than 50 people, including SMART-TD President Jeremy Ferguson, Vice President Chad Adams, Alt. Vice President Scott Chelette and Saunders, attended.

“There are so many accomplishments that Brother Dunn achieved throughout the years,” Chelette said. “But his drive, motivation and caring spirit will be missed the most. For the last 21 years or so, John has went to every ‘new hire’ class held in San Antonio and talked to them about the union and what to expect as a railroader.”

Post-retirement, Dunn said he’ll be spending more time with Lisa, his wife of 26 years; his daughter, Mallory, who is attending nursing school on a UTUIA scholarship; and his son, Jake, a pipelining apprentice.

Plans will include traveling and discovering his hobby of welding — Dunn has constructed a massive barbecue trailer in the shape of a steam engine and also has a computerized plasma cutter he might use to craft with as his wife continues to work.

SMART-TD thanks Brother Dunn for his decades of service and wishes him many years of a happy and healthy retirement.

IN MEMORIAM

Wade Carlisle, Local 113 member, former Ariz. Senate candidate, passes away after non-work accident

Wade Carlisle, a loyal member of Local 113 (Winslow, Ariz.), died in a non-work-related accident May 1 at age 50. He was a member of our union for six years, and worked as a trainman/brakeman for BNSF. He was vocal on worker safety issues and participated in an in-depth interview with the Arizona Daily Sun in 2018 regarding train automation and the importance of maintaining two-person crews.

Brother Carlisle ran for political office in 2018, narrowly losing a race for the Arizona State Senate, District 6 seat by a little more than 1,700 votes to a Republican incumbent. He also was a minister, small business owner, a city councilman and most importantly, husband to Sandy and father to Emma and Abby.

“Wade was very passionate about selfless service to his community,” Arizona State Legislative Director Scott Jones said. “One of his most-impressive qualities was how he kept a very calming demeanor when talking with constituents about issues they were very passionate about.”

Brother Carlisle is survived by Sandy, his wife of 22 years, his two daughters, his mother; and many nieces and nephews.

SMART-TD offers its heartfelt condolences to Brother Carlisle’s family and friends and his brothers and sisters of Local 113.

Local 225 President Jason Ruffing passes away from COVID-19

SMART Transportation Division Local 225 (Bellevue, Ohio) is mourning the passing of its president, Jason Ruffing, from COVID-19 at age 40 on April 21.

Brother Ruffing was the local’s president for more than six years, served as LCA-687C secretary president for more than six years, and served six years as a vice general cohort of GCA-927 Scott Chelette, attend a celebration for John Dunn’s retirement on May 26.

Local Chairperson Michael Bishop said, “Jason absolutely enjoyed helping anyone whether they needed it or not. He was the type of guy who would drop what he was doing to come help you out at any time. Jason will be missed dearly by his railroad brothers and sisters.”

“Godspeed, Jason,” President Ruffing loved to cook and grill during the local’s annual picnic, and never shared the secret ingredients of his special recipe spice mix. A favorite pastime was camping with Tall Timbers campgrounds in Port Clinton, Ohio, and he taught CCW classes in his spare time, his obituary stated.

He also served as a volunteer firefighter in Willard and Attica, was a supporter of Second Amendment rights and of the rights and freedoms we all have as Americans.

Brother Ruffing is survived by his parents, sisters, brothers and a number of other relatives.

Thurman Wheeler, Local 1348 member

Member Thurman Wheeler, 47, of Local 1348 (Centralla, Wash.) passed away April 30 after being hospitalized for nearly two weeks with COVID-19. He was a Union Pacific conductor on the Portland east to Hinkle, Ore., pool.

“Thurman was liked and loved by all, and his loss is being felt very hard here in Portland,” said member Jeff Cubley of Local 1574. “He was an excellent person to work with, and he worked his tail off to provide for his family.”
Featured photo showcase

SMART-TD seeks images of work-related scenes, such as railroad, bus or mass transit operations, 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. Be sure that your camera is set to the large resolution setting when taking the photo or it might not reproduce well.

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

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.

Nathan Hatton of Local 168 (Chicago, Ill.) took this picture of this former N&W caboose that has seen much better days as it is dragged westbound by NS B19 train through Dearborn Station toward Wayne Yard in Dearborn, Mich.

Have your photograph featured

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