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UTU News

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The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

“Since government expenses don’t go down when railroads avoid paying taxes, that leaves ‘guess who?’ to make up the difference.” – *UTU International President Paul Thompson (See column, page 4)*

News & Notes

Treasurer workshop set

The UTU International is making arrangements to conduct a treasurers’ workshop and Winstabs training session May 17-18 in Sacramento, Calif. Those interested in attending the meeting should contact UTUIA Field Supervisor Dan McElley at (970) 434-3594.

The training will be held at the Holiday Inn Capital Plaza, 300 J Street. The room rate is \$156 per night, but McElley said the UTU is currently trying to negotiate a lower rate. To make a reservation, call (916) 446-0100.

Because space is limited (the meeting room will accommodate approximately 20 people), interested treasurers should register as soon as possible.

McElley said the hotel is approximately a 15-minute drive from the Sacramento International Airport and that shuttle service is available from the airport for a nominal fee.

The UTU will cover the costs of the workshop meeting facilities and workshop materials.

Expenses connected with attendance may be reimbursable if pre-approved at a local meeting as an allowable expense of the local.

Auxiliary raffles quilt



The UTU Auxiliary is raffling off a quilt to raise money for breast-cancer research. The queen-size quilt, in the Auxiliary’s “Rose Album” pattern, has been donated by UTU Vice President Kim Thompson’s mother-in-law, Eunice Birkhead, who is a five-year cancer survivor. Raffle tickets can be obtained through the UTU Web site. Select “UTU Auxiliary” in the red menu bar on the left side of the UTU home page. Under “Auxiliary News” click on “Auxiliary Cancer Research Raffle Tickets.” A sheet of six raffle tickets can be printed out. The tickets are six for \$5 or 13 for \$10. The quilt will be on display at both UTU/UTUIA regional meetings, with the drawing held at the Pittsburgh meeting. Donations are also welcomed. Make checks payable to the “UTU Breast Cancer Fund” and mail to the UTU Auxiliary, 14600 Detroit Ave., Cleveland, OH 44107-4250.

UTU working to increase FRA safety inspections

What’s the next worst thing to the fox guarding the hen house? It is a severe shortage of competent guards, of course.

According to the U.S. General Accountability Office – Congress’ watchdog – the Federal Railroad Administration is so short of resources that it lacks enough inspectors to adequately verify railroads are complying with federal safety laws and regulations.

With just 400 safety inspectors for 1.3 million freight cars and 165,000 miles of track, FRA inspectors are able to examine less than 0.2 percent of total rail operations annually.

That’s not two percent (or two out of 100); it is one-fifth of one percent, or two out of every 1,000.

Scientists call that a trace amount, and such total lack of federal oversight sends the wrong signal to railroads – that the odds are strongly in their favor to get away with blatant violations of federal safety laws and regulations.

Such expectations on the part of a rail-

road may well be why, when FRA inspectors performed a surprise inspection on a CSX yard in Jacksonville, Fla., in February – at the urgent request of UTU officials – the inspectors immediately took 170 freight cars out of service for brake and safety-appliance defects.

The UTU is calling for tighter FRA oversight of railroad operations and better protections for rail workers who report safety violations

The GAO, in a March 15 report to House Rail Subcommittee Chairman Corrine Brown (D-Fla.), said that FRA safety initiatives “rely to a great extent on voluntary actions by the railroads,” which is the equivalent of the fox guarding the hen house.

As President Reagan said, “trust, but verify.”

Yet, for more than a decade, a conservative-led Congress has starved the FRA of sufficient resources to perform any meaningful verification.

The GAO said, in response to Brown’s

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UTU pushes back CN contract vote

The UTU has extended, until April 9, the date by which ratification ballots on a tentative contract settlement with CN Rail must be received.

The vote was delayed to give all members the opportunity to vote. Some CN employees had not received their ballots in a timely manner, so delaying the vote two weeks was the best way to make sure all votes are counted.

All ratification ballots will be counted in the UTU Canada national office in Ottawa, on April 10, and the result will be announced at 5 p.m. EST.

Observing the vote count will be Acting General Chairperson **John Holliday** (L-1778, North Vancouver, B.C.); Local Chairperson **Bill Dance** (L-1874, Winnipeg, Man.); Local Chairperson **Nelson Beveridge** (L-1872,

Continued on page 10

Court upholds FMLA benefits

The UTU and others in transportation labor scored a major court victory March 2 in the fight to protect workers’ contractually obligated vacation and personal-leave rights.

A three-judge panel of the U.S. Court of Appeals in the Seventh Circuit unanimously upheld a lower court ruling that the nation’s rail carriers cannot force their workers to use their vacation and personal-leave days in place of those guaranteed by the Family and Medical Leave Act (FMLA).

The court held that in order to do that, the carriers first have to bargain changes in the agreements under the Railway Labor Act.

“In short, the FMLA does not allow the carriers to violate contractual obligations protected by the Railway Labor Act (RLA) regarding paid vacation and personal leave time,” the court ruled.

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Around the UTU

News from around the U.S.

Local 202, Denver, Col.

State Legislative Director **Rick Johnson**, who also serves as this Union Pacific/BNSF Railway local's secretary, delegate and legislative representative, is looking for feedback about the new Web site for the local and the state legislative board. View www.utulocal202.org and share your opinion with Johnson by calling him at (303) 877-6530 or by sending him e-mail at utusldco@aol.com.

Local 239, Oakland, Calif.

This Union Pacific local's retirees include plenty of veterans of the Southern Pacific Lines who can be found congregating under the banner of *The Oakland Old Rails*. The group meets on the second Tuesday of each month from 11 a.m. until 2 p.m. at the Sons of Norway Center at 2258 MacArthur Boulevard in Oakland, said **Charlie Haynes**, editor of the group's newsletter. For information, or to receive a copy of the newsletter via e-mail, contact Haynes at (510) 223-0283 or send e-mail to hayneselsob@aol.com.

Local 303, Springfield, Mo.

This BNSF local recently honored retired members **Wayne Brake**, who worked as a conductor, and engineer **Wayne Porter**, said Secretary **Moon J. Taylor** and Local President **Joe Russell**. The retirees began their careers on the St. Louis-San Francisco Railway and remain strong union supporters.

Local 471, Eugene, Ore.

This Union Pacific local's 33rd annual Railroad Retirees' Banquet is set to begin at 4 p.m. on May 20 at the Oregon Electric Station, located at 27 East 5th Avenue in Eugene, said Local Chairperson and Legislative Rep. **Greg Boam**. For information, contact Secretary and Treasurer **Mark Brown** at (541) 689-8745 or send him e-mail at Mark_brown3930@msn.com.

Local 598, Mobile, Ala.

Members of this local, which includes Norfolk Southern employees working for the Alabama State Docks as well as CSXT employees, are mourning the recent deaths of retired members **W. A. Malone**, **W. L. Childs** and **G. L. Cody**, said retired Field Supervisor **Jim Russell**, who served the local as chairperson, secretary and treasurer.

Local 773, Galveston, Texas

Members of this local, which represents BNSF Railway and Texas City Terminal employees, are mourning the deaths of **Sammy Martin** and **Billy Ray Warren**, said Local Chairperson **J.L. Stubbs**. Brother Martin, a retiree who passed away in late 2006 after a long illness, had served as local chairperson during the 1970s and early 1980s.

Local 982, Rochester/Syracuse, N.Y.

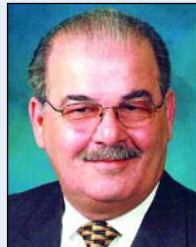
The March issue of the local's newsletter offers CSXT employees a review of rules, and notes the formation of classes to explain the proper way to submit a claim and how it progresses through its different stages. For a copy of the newsletter, or to find out more about the classes, contact Local Chairperson **Dave Murphy** at (315) 468-1867 or send e-mail to him at dmm123@aol.com.

Local 1393, E. Buffalo, N.Y.

Members employed as conductors on the South Buffalo Railway approved a four-year

DOT appointment a plus for members with CDLs

Grabbing the baton in a relay race of sorts, **Vic Baffoni** is realistic enough to consider the pace more akin to riding a glacier, but optimistic enough to see his efforts for the team leading to equitable and professional treatment of UTU members whose jobs are tied to a Commercial Driver's License (CDL).



Baffoni

Brother Baffoni was recently appointed by Secretary of Transportation Mary E. Peters to the Commercial Motor Vehicle Advisory Committee, a body created by Congress to offer expert advice on transportation legislation.

"Nothing happens overnight," Baffoni said of the UTU's efforts to amend the law. "But if we don't keep working at it, it doesn't happen at all."

Legislative changes in the past decade have put those with CDLs in a peculiar spot. The average motorist with a Class 3 license can get a speeding ticket, then attend traffic school and have penalty points removed from his record. Such is not the case for someone holding a Class 2 license (for buses and large, straight-body trucks) or Class 1 license (big-rig semi-trucks), and those penalty points put jobs in peril.

Even worse, a driver with a Class 1 or 2 license caught in a speed trap – while away from the job and in a private vehicle – can be subject to a 60-day suspension of the CDL, again imperiling employment. In the past, states and courts could grant provisional licenses allowing drivers with blemished personal records to drive to work, and to operate a vehicle on the job. There are no such allowances today.

Baffoni hopes to help remedy these situations and others faced by UTU-represented drivers. "Alternate Vice President-Bus East Rich Deiser and Santa Cruz Metropolitan Transit District General Chairperson Bonnie Morr get a lot of credit for working on these issues," Baffoni said. "They paved the way, while the AFL-CIO Transportation Trades Department, National Legislative Director Jim Brunkenhoefer and the UTU's state legislative directors lobbied for my appointment."

A member of Local 1608 (Chatsworth, Calif.), Baffoni has operated buses for 23 years for the former Los Angeles Regional Transit District and its successor, the L.A. Metro. He began his career in 1974, and today is a local chairperson, legislative representative, vice general chairperson of GO-875 (LACMTA) and chairperson of the California State Legislative Board. He figures 6,000 or more UTU members need CDLs in their jobs.

"We have to take advantage of this opportunity and the changed political landscape," Baffoni said. "We have a lot of members to protect."

collective bargaining agreement as this issue went to press, said General Chairperson **Rich Borrello**. The pact includes pay raises and improvements in working conditions.

Local 1397, Columbus, Ohio

This CSXT local will host its 58th annual Old Timers' Fish Fry on May 9, with the 7 p.m. event immediately following the union meeting, which starts at 6 p.m., said Secretary and Treasurer **Robert Smith**. Members of the

C&O/CSX Veterans' Club, as well as all active and retired UTU members, are invited to attend free of charge, with food and beverages supplied. Frying the fish will be Director of Strategic Planning **John Nadalin** and retiree **Jon Larkin**.

Local 1440, Staten Island, N.Y.

Members of this Long Island Rail Road local offer their congratulations and support to new Local Chairperson **Thomas Wilson**, said Secretary **Kevin Hughes**, and give their sincere thanks to Past Chairperson **Dee Vandenburg** for all her efforts on their behalf. Meanwhile, members are mourning the death of car maintainer **Robert Yarbrough**.

Local 1570, Roseville, Calif.

This Union Pacific local, along with UP Local 492 in Sacramento, honored recent retirees at a buffet dinner held at the Elks Lodge in Roseville, said Secretary and Treasurer **Norman J. Lucas**. The event, held for the past 30 years, drew nearly 140 attendees.

Local 1594, Upper Darby, Pa.

Members of this local, who operate buses, trolleys and the Norristown high-speed line on SEPTA's Suburban Division, are seeking solutions to a looming financial crisis on SEPTA that threatens layoffs and service cuts, said General Chairperson **Ron Koran**. Vice Chairperson **Michael Meighan**, working with State Legislative Director **Don Dunlevy**, is circulating a proposal in Harrisburg that Koran said is inspiring lawmakers to consider a number of new approaches.

Local 1846, W. Colton, Calif.

Members of this Union Pacific local have a new Web site for its trainmen and enginemen at www.utu1846.com, said Secretary and Treasurer **John Barrios**. To register a password for the site, send a request to webmaster@utu1846.com.

GO-245, BNSF Railway

This general committee of adjustment now has a Web site that features news, an online directory of local committees, agreements, rates of pay, productivity fund reports, a virtual new-hire packet and a variety of useful links, said General Chairperson **Randy Knutson**. Visit the site at www.utugca.org.

N. Dakota locals plan informational meetings

North Dakota locals will be holding informational meetings in early May. Active and retired members are invited to attend any of the meetings at their convenience, regardless of local affiliation. For information, call (701) 223-0061, or send e-mail to utu@bis.midco.net.

May 1: Local 1344

1 p.m. meeting, free lunch to follow;
China Star, Bismarck

May 2: Locals 887, 980, 1137

1 p.m. meeting, free lunch to follow;
Country Inn & Suites, Fargo

May 2: RRVW, Local 1137

6 p.m. free dinner, meeting to follow;
Fry'n Pan Restaurant, Wahpeton

May 3: Local 1059

1 p.m. meeting; 6 p.m. social hour;
7 p.m. retirement banquet;
Vegas Motel, Minot

Members on Conrail lauded for professionalism

Under ideal circumstances, working on a railroad is a tough job, with no room for error regardless of the time of day or how long a crew has been active.

But in extreme weather conditions, the punishing demands can push the envelope of what's humanly possible.

Yet, when temperatures in the Northeast plunged to zero degrees Fahrenheit in February, a highly professional Conrail crew of three, including two UTU members, so impressed an FRA inspector, he not only issued an inspection report noting the flawless performance of duties, but was moved to make sure the railroad's chief knew about it.

FRA Operating Practices Safety Inspector Richard M. Green sent a short message to Conrail President and Chief Operating Officer Ronald L. Batory on Feb. 5 that means a lot to the crew, the railroad and to UTU-rep-

resented rail workers everywhere who take pride in their efforts.

The crew he observed included UTU members Nick Fallace of Local 1390 in Trenton, N.J., and Dan Mathias of Local 1447 in Newark, N.J.

"I went down to Brown's Yard today," Green wrote of his inspection at the facility near South Amboy, N.J. "I was impressed by the drill crew on the CSX 4412. I watched them kicking cars and switching. They did an excellent job despite the bitter cold. Very professional."

Taking note of the praise, Batory issued a letter of thanks to each member of the crew.

"Your professional work performance is most respected," Batory wrote. "It is a sincere pleasure to be affiliated with such fellow railroaders. Thank you."



During February, when temperatures in the northeast part of the United States were dipping below 0 degrees Fahrenheit, the Federal Railroad Administration's Operating Practices Safety Inspector Richard Green "was impressed" by this Conrail crew doing "an excellent job despite the bitter cold." Those cited for their professionalism included (from left) engineer Neil Cavalier, Nick Fallace (Local 1390, Trenton, N.J.) and Dan Mathias (Local 1447, Newark, N.J.).

SOFA statistics show year-round awareness vital

Safe operating practices never go out of season in the unforgiving environment of the railroad, although statistics show more switching-related fatalities and serious injuries occur in the winter months than at any other time.

The Switching Operations Fatalities Analysis (SOFA) working group noted recently that, of the seven fatalities recorded by the FRA in 2006 that met the SOFA criteria, two occurred in December. Two others were recorded in August, and one each occurred in April, September and October.

But the numbers also indicate that seven-too-many deaths occurred during switching operations, despite the progress being made in promoting constant situational awareness.

The 2006 statistics also underscore the fact that, despite the odds of an accident happening in any given month, a mentality geared toward awareness of safe operating practices is a year-round requirement.

Analysis revealed that only one fatality could be viewed in terms of the five life-saving safety recommendations developed by the SOFA working group, while the other six involved situations that fall under the umbrella of "special switching hazards."

Whether a worker is relatively new to the industry or blessed with decades of experience, danger lurks where vigilance slips. In one of the seven cases recorded in 2006, the fatality involved a 57-year-old conductor with 39 years of experience.

Watch these hazards

The SOFA working group, comprising representatives from the UTU, other labor organizations, the FRA and the carriers, again reminds rail workers to constantly be alert to the following special switching hazards which can take limbs and lives:

- Close clearances;
- Shoving movements;
- Unsecured cars;
- Free-rolling rail cars;
- Exposure to mainline trains;
- Tripping, slipping or falling;
- Unexpected movement of cars;
- Adverse environmental conditions;
- Equipment defects;
- Motor vehicles or loading devices;
- Drugs and alcohol.

Extensively studying switching accidents, and reviewing and analyzing switching fatalities, the SOFA group has identified practices that help switching employees avoid death and injury.

Two of the SOFA life-saving tips are particularly significant in preventing fatalities: safety briefings before switching operations begin or when the nature of work changes, and the mentoring of less-experienced employees. Statistics prove UTU members have everything to

Five life-saving tips

- ✓ Secure equipment before action is taken;
- ✓ Protect against moving equipment;
- ✓ Discuss safety at the beginning of the job and when the work changes;
- ✓ Communicate before action is taken;
- ✓ Coach less experienced employees to perform service safely.

gain from observing these practices, which promote situational awareness.

The combination of new hires and the retirement of thousands of rail workers is leading to a new generation of employees. Because safety is everyone's responsibility, UTU members, whether seasoned or green, are reminded that they hold each others' lives in their hands every working hour of every working day.

By together reviewing the five life-saving tips, and by remaining aware of the special switching hazards they face, UTU members can increase the odds that everyone goes home alive and well.

Medco to expand use of Usual Daily Dose (UDD)

Medco, the company that handles the mail-order prescription drug needs for most UTU members and their families, is urging that, when getting a prescription from a physician, members or family members ensure that the physician writes the specific directions for use and the specific quantity needed on the prescription.

Starting Feb. 20, 2007, Medco by Mail began using Usual Daily Dose (UDD) calculations to determine dispensing quantities for prescriptions written with physician directions such as "use as directed" or "take as needed" that do not indicate a specific quantity to be dispensed.

The purpose of this policy is to provide more uniform pharmacy practice standards and better dispensing precision, Medco said.

The use of UDD will affect new prescrip-

tions where the directions and quantity are not specific, according to Medco.

As a result of using UDD calculations, Medco says members may receive different quantities of certain medications than they have received in the past from home delivery. Affected members will be notified of the quantity adjustment upon receipt of their medications with a statement-of-benefits message: "DESCR: Medication Adjustment. The amount of medication has been adjusted based on the current dosing guidelines."

Medco notes that not all members will be affected by this dispensing change. Those members whose prescriptions are written for a specific amount of medication to be dispensed will not be impacted by Medco's enhanced dosing calculation methodology, it said.

It is only those members whose prescription

does not specify specific directions for use and a specific quantity to be dispensed who may notice a difference in the amount of medication they receive going forward, Medco said.

In instances where the physician is not clear on specific directions and quantities, Medco will use the UDD calculation to determine the quantity to be dispensed, it said.

Medco reminds members and their families to be sure to have their physician be specific when writing directions and quantity on prescriptions.

If members or their families currently have a prescription at Medco and the doctor did not clearly state the directions and quantities, please have the doctor write a new prescription and send to Medco by Mail, the company said.

Please contact Medco at (800) 842-0070 with any questions.

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Mind over matter

There was an Army basic training sergeant who told recruits, "It's a case of mind over matter: I don't mind, and you don't matter."

That's the mood of rail CEOs these days – the folks UTU International President Paul Thompson says have "lost their moral compass."

How else does one explain the treatment by CEOs of their employees, who produce the labor making the record profits possible?

BNSF Railway paid CEO Matt Rose \$13 million in compensation in 2006; NS paid CEO Wick Moorman \$12 million.

This, we are told, is justified by their companies' significant profits.

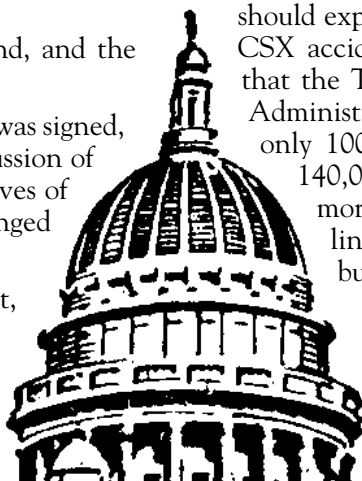
So why are these railroads – and others with similar CEO pay scales and profits – opposed to boosting entry-level pay once an employee earns the skills necessary to do the job efficiently and safely?

It's just a case of mind over matter: The CEOs don't mind, and the employees don't matter.

Ditto training. When the contract we currently work under was signed, the carriers pledged to make the first order of business a discussion of training – that they recognized safety problems created by waves of new hires handling deadly hazmat, employee fatigue and a changed post-9/11 work environment.

After almost three years of negotiations on a new agreement, the carriers still refuse to discuss service scale and training.

Yep: They don't mind, and we don't matter.



WASHINGTON WATCH

By James M. Brunkenhoefer

The Democratic machine is starting to hum

The Republicans are known on Capitol Hill for their ability to organize opposition to Democrats. Over the past 12 years, the GOP consistently maintained party discipline to win close votes.

Now, after 12 years, Democrats are back in power – and they have Republicans to thank for teaching lessons on party discipline.



Brunkenhoefer

In my two decades on Capitol Hill, I have never seen a better run Democratic machine than that now led by House Speaker Nancy Pelosi (D-Calif.), House Majority Leader Steny Hoyer (D-Md.) and Majority Whip Jim Clyburn (D-S.C.). They are giving their committee chairpersons legislative agendas and timetables for moving legislation.

Any member of Congress may introduce legislation, which is then referred to the appropriate committee. Typically, up to 10,000 bills are introduced in each two-year congressional session.

But before any proposed legislation receives a subcommittee or committee hearing, it must be cleared with the Democratic leadership, which explains why fewer than 300 of the 10,000 introduced survive to be signed into law. For every 50 bills introduced, 49 of them will die.

The UTU does not take a position on every bill introduced. It would be a monumental waste of time, because 49 of every 50 introduced will not survive. What the UTU

**We are watching bills
on railroad safety,
Amtrak and security**

National Legislative Office does is to confer with the leadership to determine which bills are likely to receive subcommittee and committee recognition – and, then, we go to work.

The bills that generally "move" forward are those with support of subcommittee and committee leaders.

What we are watching now are bills on homeland security, rail safety, Amtrak and railroad regulation. We expect the House to take the initial leadership, followed by Senate consideration.

Recently, the House Democratic leadership told labor that it is essential all labor interests work cooperatively, and approach the Democratic leadership with one agenda.

Any division in labor's position likely will cause that subject to be ignored by the Democratic leadership.

Clearly, labor's obligation on behalf of our members is to work diplomatically to advance a one-labor agenda – and that will require our own internal patience and discipline.

The UTU will be working cooperatively with others in rail labor through the AFL-CIO Transportation Trades Department to achieve a one-labor agenda.

As members of Congress must adhere to party discipline in order to advance successfully an agenda in the 535-member Congress, so must labor. It is that way, or the highway – and failing to heed advice of our friends who now control Congress would be doing a grave disservice to our members.

Blind to responsibility

By Paul Thompson
International President

If taxes are what we pay for a civilized society, then why are railroad CEOs doing their damndest not to pay taxes?

Rail CEOs are asking Congress to grant them a \$400-million annual tax rebate – in fact, a federal subsidy to invest in plant expansion in order to earn higher profits.

Since government expenses don't go down when railroads avoid paying taxes, that leaves "guess who?" to make up the difference.

Norfolk Southern CEO Wick Moorman should discuss this matter with Vicki Readling of Salisbury, N.C., who suffers from cancer, can't afford health insurance and had to stop taking her expensive medication.

How can railroads, awash in record profits and paying million-dollar bonuses to executives, feel justified in not paying taxes that could help provide innocent cancer victims, who are without health insurance, the medicine they desperately require?

CSX Chairman Michael Ward should explain – after four major CSX accidents – why it is okay that the Transportation Security Administration has money for only 100 specialists to inspect 140,000 miles of track, 7,000 more miles of urban transit lines and 165,000 miles of bus routes in the U.S.

BNSF CEO Matt Rose and former UP Chairman Dick



Thompson

Davidson – among the biggest contributors to George Bush's re-election campaign – should explain to U.S. Marines in Iraq why it is okay that they go into battle without sufficient personal armor to protect against roadside explosive devices, or why medical treatment for the severely wounded at Walter Reed Army Hospital is in short supply.

When railroads avoid paying taxes, military heroes who defend our freedom and way of life suffer.

The railroads' chief labor negotiator, Bob Allen, who refuses to negotiate minimum training standards, should explain to the families of innocent victims of horrific rail hazmat accidents in Graniteville, S.C., and Macdonia, Texas, why

it is okay for railroads to crew trains with engineers and conductors who, between them, have only two years experience; why conductors are not being trained on the territory to which they are being assigned, and why railroads steadfastly refuse to stop keeping crews on trains as long as 16 hours, and then give them fewer than eight hours rest, before calling them back to work in a fatigued condition.

For sure, UTU members benefit when railroads are profitable. But when profits take precedence over employee and citizen safety and national security, something is rotten.

It is a national shame that railroad CEOs are blind to their civic responsibility.

Railroads have, indeed, lost their moral compass.

State Watch

News from UTU State Legislative Boards

Colorado

State Legislative Director **Rick Johnson** has come out swinging at Gov. Bill Ritter's recent veto of important amendments to the Colorado Labor Peace Act.

Johnson said the veto has strengthened labor's resolve to get the measure passed and that the UTU is working with the state AFL-CIO to reverse the wrong.



Johnson

"H.B. 1072 was an attempt to amend the Labor Peace Act when a union organizes a work unit," Johnson said. "Today, the law requires a second election, and mandates approval of a 75 percent super majority, to approve whether a union is able to negotiate an all-union clause (security clause) in a contract. All that H.B. 1072 proposed was to abolish the second election and allow the union to freely discuss a security clause when negotiating an agreement with an employer.

"The business community blew up and condemned the legislation and ultimately forced Gov. Ritter to fold like a cheap suit and veto the bill. Even though the governor promised many times to sign the bill if it hit his desk, he turned his back on working men and women in Colorado to appease, as usual, big business.

"Gov. Ritter's actions deserve our strongest condemnation," Johnson said. "Ritter publicly supported the reform legislation while running for office and actively seeking the support of Colorado's working families.

"His veto at the behest of moneyed interests is a betrayal of the working men and women who devoted countless hours to help elect him."

Johnson said as a first step in supporting the Colorado labor movement, the AFL-CIO Executive Council will send a top-level delegation to meet with Gov. Ritter to discuss this and other issues of crucial importance to working families in Colorado.

"We intend to pass the legislation again and secure a clear commitment from the governor to sign it," Johnson said.

Kansas

State Legislative Director **Don Lindsey** congratulates **Vince Wetta**, recently retired member of Local 794, Wellington, for his recent election to the Kansas House of Representatives.

"UTU families, as well as all working families in Kansas, are fortunate to have not only Vince but **Jan Pauls**, wife of **Ron Pauls**, member of Local 477, Newton, Kan., representing them in the Kansas House," Lindsey said.



Wetta

"In 2004, Rep. Pauls was named an honorary member of the Kansas State Legislative Board for her hard work and dedication to helping make Kansas a safer and better place to live."

Lindsey said that Wetta hired out on the ATSF as a brakeman and earned promotion to conductor. In 1994, he entered the BNSF engineer training program and worked as an engineer until his retirement in September 2006 after 41 years of service.

"Vince was active in local union activities for more than 20 years. He served on the executive board of the Kansas State Legislative Board for eight years.

"In 1996, Vince went back to college and earned his degree in political science," Lindsey said.

"He ran for and was elected to the Kansas House of Representatives this last November to represent the citizens of the 80th District.

"Vince looks forward to being a strong advocate for the working men and women and their families in his district, as well as all Kansans, and making a positive difference in their lives," Lindsey said.

Nevada

State Legislative Director **Jack Fetters** is worried about toxic trains and the overworked men and women who operate them.

In a recent *Las Vegas CityLife* article, Fetters was quoted extensively about his concerns.



Fetters

Interviewed in the wake of another newspaper story where the reporter easily gained access to hazmat tank cars in plants and yards across the country, Fetters said, "You can walk right into the yards and walk around. You can spend the day in there, if you want. You can watch the trains go by, watch the guys switch cars, whatever. There's no such thing as security in the rail yards."

Fetters also complained that airline pilots can only work 80 hours a month. Some conductors and engineers, he said, work 80 hours a week. "When you get on a train," said Fetters, "you never know when you're going to get off work. You never know when you're going to come home.

"It's not fun," he said. "A lot of guys are tired, real tired. It's the schedule. A lot of guys try to have normal lives, but it's tough when you don't know when you're going to work. We all knew what we were signing up for. There were no illusions about the schedule and how hard it would be, but it's still tough."

Maryland

State Legislative Director **Larry Kasecamp** is reminding members in "The Old Line" state of scholarships being offered by the state board. The program is dedicated to the memory of passenger conductor **James E. Major Jr.** (L-610, Baltimore), who died in 1996 in the head-on collision of a MARC commuter train and an Amtrak train. There is a June 1 deadline for the submission of completed scholarship application forms. Get more information at the state board's Web site, www.utumd.org.

Bus Department

By Roy Arnold, vice president/director

Viewing obstacles as challenges

"Success," said Booker T. Washington, "is to be measured not so much by the position that one has reached in life as by the obstacles overcome."

Washington overcame slavery, poverty and prejudice to become a successful educator, author and leader of the African-American community.

Union leaders, following the Washington role model, view obstacles merely as challenges to be conquered in negotiating better contracts for members, administering those contracts, pursuing grievances against the employer and defending members against wrongful discipline.

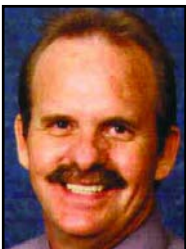
We see that resolve in Lubbock, Texas, where Local 1697 is making progress toward an improved agreement with TNM&O Coaches; and, in San Francisco, where Local 1741 is fighting hard on behalf of a member wrongfully terminated.

The UTU is defined by the quality of contracts it negotiates and its perseverance in administering those agreements.

There is no better sight than the looks of joy and relief on the faces of members when the UTU wins an arbitration allowing them to return to the jobs from which they were wrongfully terminated.

Whether the challenge is dealing with wrong-headed legislation or regulations, or carrier management that abuses its employees, the UTU must be ready to act quickly and decisively on behalf of its members.

As Booker T. Washington said, "I have begun everything with the idea that I could succeed, and I never had much patience with the multitudes of people who are always ready to explain why one cannot succeed."



Yardmasters

By J.R. "Jim" Cumby, vice president

Negotiations await coalition ratification

As a member of the national negotiating team, I have received inquiries regarding progress of contract talks with the National Carriers' Conference Committee.

The UTU (with BLET officers in attendance at the invitation of International President Paul Thompson) last met with the NCCC Jan. 23-25. When the NCCC arrogantly refused to acknowledge their previous commitment to address training and service scale, talks broke off even though we were close on other issues.

Subsequently, the NCCC reached a tentative agreement with the Rail Labor Bargaining Coalition (which includes seven labor organizations.)

No more meetings between the UTU and the NCCC are expected until after the coalition ratification process, perhaps in early May.

It is deplorable that the carriers – which had to be taken to court to force them to drop an improper demand to negotiate single-person crew – now refuse to discuss training and service scale, which they pledged to do in a side letter to the existing national agreement.

The carriers are swimming in record profits, paying million-dollar bonuses to executives, using their monopoly power to gouge customers and demanding federal subsidies from Congress. Yet the carriers arrogantly refuse to acknowledge their commitment to address training and service scale.

The UTU will not abandon its new hires, who deserve equitable wages – and not concessionary wages – once trained to do the job. And the UTU will not ignore the pressing need for improved training of new hires, and retraining of veteran employees, who daily work with hazmat in a dangerous and unforgiving environment.



UTU members on a run from the border

Rail: Laredo and San Antonio, Texas

Laredo, Texas, is the busiest U.S.-Mexico rail crossing point, with 24 trains daily moving north and south across the single-track International Bridge that spans the Rio Grande River. Almost 600,000 loaded and empty freight cars move annually in both directions across the bridge. Within Laredo, there are some 110 highway-rail grade crossings through which Union Pacific and Kansas City Southern trains must move after entering the U.S. enroute to classification yards.

The International Bridge is owned by KCS. UP, which generates almost 80 percent of the cross-border rail traffic, pays KCS trackage rights for bridge access. Although UP holds a

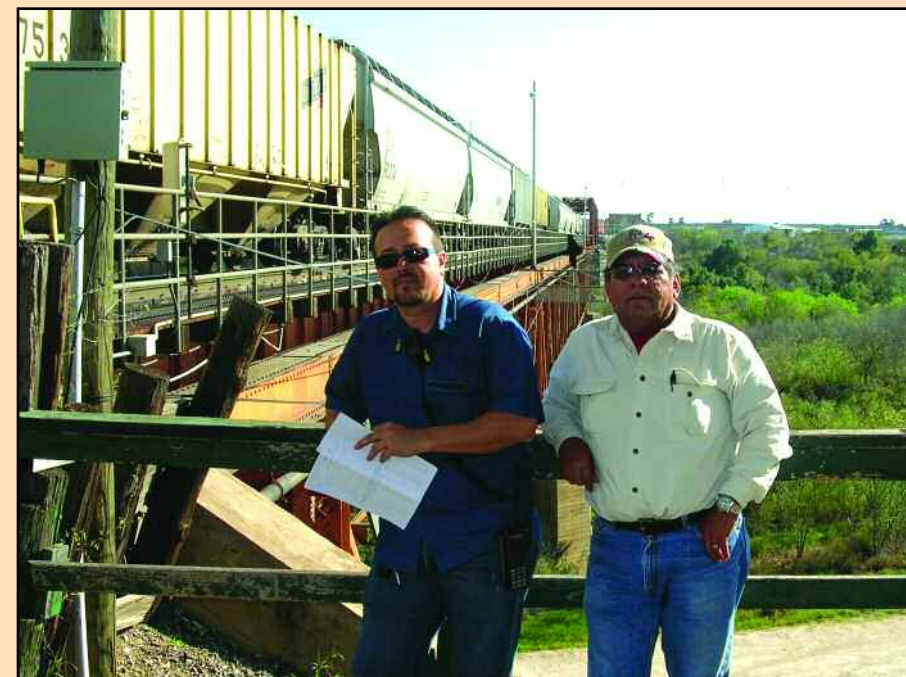
permit from the Mexican government to build a second rail bridge, no such effort is known to be underway.

UP traffic moves to a 1,500-car Port Laredo yard, 12 miles north of the International Bridge. KCS operates a smaller Laredo yard 10 miles north-east of the bridge.

The UTU twice has successfully stopped efforts by UP to gain a waiver from the Federal Railroad Administration to perform mechanical safety inspections inside Mexico rather than in the U.S. Had the UTU not been successful, UP would have gained authority to run trains originating in Mexico for 1,500 miles inside the U.S. before mechanical

safety inspections were performed by U.S.-trained inspectors. UP-employed inspectors perform safety inspections at Port Laredo, while KCS performs them at the International Bridge.

Some 160 miles north of Laredo, at San Antonio, are a number of classification yards whose traffic has grown dramatically as a result of increased cross-border trade and enlargement of a Toyota factory that produces 700 Tundra pick-up trucks each day. Eight of every 10 Tundras assembled in San Antonio move by rail. Intermodal volume also is growing at San Antonio after UP constructed a \$90-million, 300-acre intermodal yard there.



Local 756 (San Antonio) Local Chairperson and conductor Mario Valadez, right, with Local 756 conductor Samuel Whips on the U.S. side of the International Bridge where Customs and Border Patrol agents are inspecting a Union Pacific freight train crossing north from Mexico.



Laredo pool engineer and Local 756 Chairperson (enginemen) John Dunn, left, with UTU Local 489 conductor John Ledford at San Antonio's Sosan Yard. Ledford and Dunn, who also is Local 756 vice legislative rep., have 59 years of service combined.



Reviewing switch lists at UP's Sosan Yard in San Antonio are, from left, Local 857 (San Antonio) conductor Arthur Grajeda; Local 857 Chairperson and conductor Bill Jones; Local 756 new hire Jonathan Hardee and Local 756 Chairperson (enginemen) John Dunn.



Conductor and Local 756 Vice President Ronnie Garcia, approaching 30 years of service, boards a locomotive at UP's Sosan Yard in San Antonio where he works in pool service to and from Laredo.

Bus: El Metro, Laredo, Texas

UTU Local 1670 represents 114 municipal bus operators, para-transit vehicle operators and mechanics employed by El Metro in Laredo, Texas.

El Metro operates daily city-wide bus service with 47 coaches, two trolleys and 18 specially equipped vans providing curb-to-curb, on-demand transportation service for the handicapped.

Some four million rides are provided annually by El Metro over 22 bus routes. In recent years, and largely the result of increased cross-border trade, Laredo bus ridership has grown at about twice the national average.

General Chairperson and Legislative Rep. Bill Koehn, a Midwest transplant and also a member of the UTU U.S. Board of Appeals, is self-taught in Spanish and, especially, the area's Tex-Mex dialect.

Koehn was praised by the International in 2006 for returning three wrongly terminated drivers to work without use of expensive and time-consuming arbitration that could have cost the local thousands of dollars.

In another, more difficult case, Koehn convinced an arbitrator to



side with the UTU on virtually all counts in returning a 17-year driver to work with back pay, benefits and payment of medical bills.



Bus operator Enrique Diaz, with 15 years of service, says he will never forget the day he found a little girl alone on his bus – and his successful efforts to reunite the child with her mother, who simply forgot her.



From left, UTU Local 1670 General Chairperson Bill Koehn, Texas State Legislative Director Connie English, and bus operators Javier Medina and Filberto Euresi Jr.



El Metro bus mechanics Javier Juarez, left, and Alfredo Amezcua, service the engine on an El Metro municipal bus.

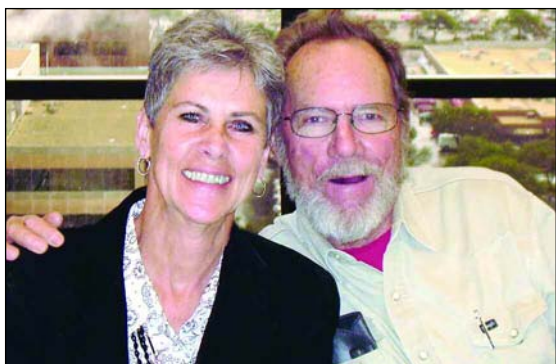
Texas State Legislative Director



English

"NAFTA significantly boosted rail traffic across the U.S.-Mexico border at Laredo and out of San Antonio, the closest rail hub. In Laredo, there is increased demand for public transportation, provided by UTU-represented bus operators. Trade growth also created transportation safety concerns at the local, state and federal levels, requiring increased contact with elected officials and regulators on behalf of our members."

UTU for Life



Retiree M.J. "Butch" Shoemaker of Local 756 in San Antonio, Texas, and his wife, Juanita, were among those who came to the aid of primates suffering from unusually cold weather.

Local 756's retirees aid primate shelter

When it comes to helping others, UTU members don't monkey around. Three members of Local 756 in San Antonio, including Secretary/Treasurer **Mike Araujo**; retirees **M.J. "Butch" Shoemaker** (and wife Juanita), and **Ray Reyes**, along with Araujo's wife, **Yolanda**, are being lauded for coming to the aid of primates living near the Texas town.

Christel Sherman, wife of Norfolk Southern engineer trainee **John Sherman** of Local 363, Roanoke, Va., learned through friends that chimpanzees, gibbons and other primates confined to the Primarily Primates reserve near San Antonio were in distress because the facility had run into financial difficulties.

Due to unusually cold weather, the primates were in need of hay and other materials (such as sweatshirts, blankets and comforters) that could be used as bedding, Sherman said.

Through the UTU, Sherman got in touch with Brother Araujo, who made some calls.

"I called Mike Araujo out of the blue, gave him a rundown of the situation, and he said he would help," Sherman said. "He really came through. This guy is fantastic."

"I asked some of my members who are ranchers if they had hay to donate," Araujo said. "Butch Shoemaker donated three round bales of hay, and Ray Reyes donated three more. And my wife, Yolanda, gathered up a lot of the other stuff and took it out there to help."

"Hay is scarce and expensive in Texas because we've had two years of drought," Araujo said. "But I figured if a UTU member was involved, it was a worthy cause."

Avoid overpayments, penalties by reporting events to RRB

By V.M. "Butch" Speakman Jr.

Entitlement to benefits under the Railroad Retirement Act carries the responsibility for reporting events that may affect the payment of these benefits. If these events are not reported, benefit overpayments can occur that have to be repaid – sometimes with interest and penalties.

Railroad retirement annuitants must notify the RRB if they:

- work for any railroad employer;
- work in any type of employment, including self-employment, after their annuity begins;
- have changes in employment earnings;
- file for any Social Security benefits or there is a change in the amount of those benefits (except for the annual cost-of-living adjustment);
- begin to receive a federal, state, or local government pension or certain other payments not covered by Railroad Retirement or Social Security, such as from a non-profit organization or from a foreign government or employer;
- are receiving a disability annuity and their condition improves or are told by their doctor that they are able to work;
- receive worker's compensation payments, or



V.M. Speakman

any other public benefit based on disability, or if the amount of those payments changes;

- are imprisoned or confined;
- change their address;
- want to use direct deposit for their payments, or
- receive an age and service annuity and become disabled before age 65.

Survivors of an annuitant must notify the RRB in the event of the annuitant's death.

Auxiliary beneficiaries, such as spouses, or those receiving benefits on behalf of minor or disabled children, must also report any change in their marital status or if a qualifying child leaves their care.

To notify the RRB about the events described above, you can call, visit or write to the nearest RRB field office. In most cases, reporting can be completely handled by telephone.

You can find the address and phone number of the office serving your area by calling the automated toll-free **RRB Help Line** at **(800) 808-0772** or by consulting the agency's Web site at **www.rrb.gov**.

V.M. "Butch" Speakman Jr. serves as labor member of the U.S. Railroad Retirement Board.

UTU for Life offers discounts on tours

Two exciting travel opportunities lie in store for members of the UTU for Life program, including a trip aboard the *Rocky Mountaineer* train across Canada and a U.S. national parks tour.

The *Rocky Mountaineer* trip includes two days aboard the spectacular train, including passage through the Fraser Canyon and incredible Rogers Pass; a motorcoach tour of Banff and Banff National Park; a visit to Vancouver; Yoho National Park, and a visit to beautiful Calgary, Alberta.

Tour start dates from Vancouver (eastbound) begin Mondays, Wednesdays and Saturdays from April 2 through Oct. 12.

The U.S. national park tour includes Las Vegas; the Grand Canyon National Park; Monument Valley; the Painted Desert; Lake Powell and the Glen Canyon Dam; Bryce Canyon National Park;

Rainbow Bridge; Zion National Park, and the Mormon Temple at St. George, Utah.

The opportunity to take discounted trips with fellow UTU members is one of the many benefits of membership in the UTU for Life program. The trips are coordinated by *Gone With the Wind Travel*, the program's official travel agency, and are available only to UTU for Life program members. If the trips do not sell out, other UTU members will be permitted on a first-come, first-served basis.

All first-time travelers will receive a rebate of their annual UTU for Life dues (\$9) plus an additional \$9.

For more details, call Marcia Naso at **Gone With the Wind Travel** toll free at **(800) 886-4989**, or at **(216) 221-2121**; or send e-mail to **marcia@gwtw.webmail.com**, or click on the UTU tile at **www.gonewiththewindtravel.com**.

THE FINAL CALL

Following are the names of recently deceased retirees who maintained annual membership in the *UTU For Life* program (formerly known as the *UTU Retiree Program*), according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow *UTU for Life* members.

Local	Name	City/State
6	Puterbaugh, Kenneth J.	Richmond, Ind.
20	Nelson, Glynn L.	Lumberton, Texas
28	Mast, Sherman L.	Laramie, Wyo.
185	Serfass, Wilson S.	Brookfield, Mo.
225	Kavka, Michael J.	Cleveland, Ohio
259	Hancock, William L.	St. Joseph, Mo.
265	Jensen, Cyrus K.	Pocatello, Idaho
278	Harrington, Stephen R.	Jackson, Mich.
293	Miller, Claude	Centerville, Texas
298	Christopher, Ronald B.	Peru, Ind.
309	Hricko, Elmer F.	Riverview, Fla.
407	Irving, James W.	Laramie, Wyo.
492	Crowder, R.A.	Roseville, Calif.
511	Hendrix, Roy T.	Douglasville, Ga.

Local	Name	City/State
533	Coffelt, Basil D.	Osawatomie, Kan.
586	Demich, Stanley	Amherst, Ohio
598	Childs Sr., William L.	Mobile, Ala.
598	Cody, Gerald L.	Mobile, Ala.
598	Malone, William A.	Mobile, Ala.
605	Ward, John S.	West Milford, W. Va.
631	Mumma, Thomas J.	Hagerstown, Md.
645	Farnsworth, C.S.	East Quogue, N.Y.
653	Davenport, Robert C.	New Lenox, Ill.
792	Swit Jr., Mickey	Gardnerville, Nev.
811	Mills, Ora L.	La Verkin, Utah
832	Palm, Raymond	N. Fond du Lac, Wis.
832	Powell, Charles T.	Superior, Wis.
950	Straub, Loren D.	Southaven, Miss.

Local	Name	City/State
1245	Owens, Alfred	Rydal, Ga.
1361	Fransen, Harold I.	Vernon, Conn.
1374	Durrett, William A.	Esterro, Fla.
1382	Feyrer, Ronald L.	Slinger, Wis.
1390	Cuvo, Salvatore	Easton, Pa.
1393	O'Donnell, Richard G.	Depew, N.Y.
1397	Howard, Lawrence M.	Junction City, Ohio
1413	Butkowsky, Walter M.	Hackettstown, N.J.
1433	Mika, Chester A.	Elkhart, Ind.
1491	Haas, Russell L.	N. Smyrna Beach, Fla.
1582	Shufelt, Milton C.	Mesa, Ariz.
1801	Wood, Prim O.	Eagle, Idaho
1895	Rice, Alvin H.	Crown Point, Ind.
1947	Roche, Raymond A.	Breaux Bridge, La.

If only knowing the future was this easy...

Prepare today, provide for tomorrow

Some say there are no guarantees in life. But there is one guarantee in life for all of us; we will all one day breathe our last breath. Nobody knows when this inevitable event will occur. But it's going to happen whether you choose to think about it or not.

Are you prepared?

By securing a life insurance policy **TODAY**, you're providing for tomorrow. You're preparing for final expenses that will need to be paid and providing financial security for your loved ones upon your demise.

At UTUIA, we know about preparing. Our agents have devoted months to studying the ins and outs of life insurance so that they can assist you in determining which policy would most benefit you and your loved ones. Our agents will take the time to explain the different types of life insurance available at UTUIA. They will discuss and calculate, at no cost or obligation, an insurance plan prepared exclusively for you.

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4/07



UTU BUS LINES

News items culled from the UTU's Daily News Digest, posted every morning on the UTU Web site, www.utu.org.

Oberstar holds hearings on motorcoach safety

The House Transportation and Infrastructure Subcommittee on Highways and Transit recently held hearings on safety issues regarding long-distance, charter and curbside bus services.

Chairing the hearings were Rep. James L. Oberstar (D-Minn.), chairperson of the Transportation and Infrastructure Committee, and Rep. Peter A. DeFazio (D-Ore.), chairperson of the subcommittee.

Oberstar was critical of the Federal Motor Carrier Safety Administration, which he said "has come up short in its mission to gather accurate data on bus companies; routinely check that companies comply with federal safety regulations, and put those companies who do not comply out of business unless and until they change their ways.

"The public places its trust in the federal government to monitor bus companies," Oberstar said.

"Regulators are charged with providing proper safety oversight to give travelers a pool of safe carriers that employ well-qualified drivers and utilize a fleet of well-maintained vehicles."

SEPTA says fare hikes, service cuts possible

The Southeastern Pennsylvania Transportation Authority would raise fares an average of nearly one third, cut service by 20 percent, lay off 300 to 400 employees and expect to lose about 40 million passengers a year unless it can get an additional \$100 million from the state, according to reports.

Regional rail riders would pay a peak one-way fare of \$5.50 for a Zone 3 trip, up from \$4.50, and the base cash fare for bus and subway riders would increase to \$2.50 from the current \$2 if SEPTA does not receive \$100 million in addition to the \$300 million it currently receives, Faye Moore, SEPTA general manager, announced.

Even with the additional \$100 million, SEPTA would still have to raise fares, but the overall increase would be only 11 percent, and base cash fares for bus and subway riders would stay at \$2, Moore said.

After public hearings, the SEPTA board is scheduled to vote on a budget May 24.

Changes would take effect July 1.

L.A. Metro, college work to train new bus drivers

In an effort to collaborate with local employers to give students a full-time occupation, the Valley College Job Center is working with the Los Angeles Metropolitan Transportation Authority (MTA) to train future bus operators.

The six-week course is designed to train bus operators and was initiated to fill the MTA's shortage of drivers. Operators need to have a Class B driver's license and pass an exam administered by the MTA, which traditionally has had very high failure rates.

"We had an immediate need to bring in as many people as we could, as quickly as we could, to fill 300 vacancies," said Don Ott, executive for the office of administration for MTA. "We've gotten that number down."

The service is designed for adults who are either unemployed or underemployed.

Successful thus far, the program has hired 198 of the 233 individuals who started training and 219 that completed it. That translates to a 70 percent success rate of people who go through the course being hired, with an additional 15 percent still in the hiring process.

AFL-CIO unions push six-point Amtrak plan

Amtrak must stop trying to solve its financial woes on the “backs of the company’s 20,000 employees,” the AFL-CIO member unions agree.

The AFL-CIO Transportation Trades Department, working with the UTU and other federation-member unions, has worked hard to develop a six-point Amtrak reform plan that addresses the carrier’s chronic lack of funding, unmet safety and security needs, its history of poor management decisions and a rogue board of directors.

Lawmakers and other opinion leaders and decision makers have been asked to support the plan.

Other nations around the world invest billions in passenger rail because they know that a robust economy is dependent on a strong transportation system and infrastructure, the AFL-CIO said.

Meanwhile, Amtrak juggles deferred maintenance, unmet security needs, outdated cars and

equipment, and fails to compensate its employees fairly, according to the AFL-CIO unions.

Highlights of the six-point Amtrak reform plan include:

- Congress must pass, and President Bush must sign, a long-term authorization bill that provides at least \$2 billion per year, to be fully funded by appropriators;
- Labor-management relations must be reformed. Amtrak must stop withholding reasonable wage increases from its loyal employees by blaming unpredictable federal financing for its financial woes. Most Amtrak employees are entering their eighth year with no general wage increase;
- A new Amtrak board of directors should be created with members – including a voice for employees – who actually believe in maintaining and strengthening a national rail passenger system;

Board members who pursue self-destructive policies for Amtrak do not serve in the interest

of the company, its workers or the 25 million passengers who depend on Amtrak service, the AFL-CIO member unions agree;

- After 30 years of underfunding, Amtrak has taken on substantial debt that should be paid down with federal assistance;
- The way Amtrak security costs are paid must be reformed. Specific expenses associated with the defense against terrorism should be borne by the Department of Homeland Security;
- To ensure independent oversight, the Inspector General of Amtrak should be separated from the company. It should not work as an extension of Amtrak management as it does today.

The UTU also strongly supports the efforts of Sen. Frank Lautenberg (D-N.J.), a long-time supporter of rail passenger service, who is seeking \$1.78 billion for Amtrak. That’s nearly twice what the Bush administration proposed for the train service and \$10 million more than the amount Amtrak requested.

FRA inspectors

Continued from page 1

inquiry, that the FRA “does not oversee railroads’ overall approach for managing safety risks on their systems.”

That is changing, as evidenced by recent actions of Brown and House Transportation and Infrastructure Committee Chairman Jim Oberstar (D-Minn.), who have replaced, in congressional leadership posts, conservatives who had so cozy a relationship with the carriers.

It was during the conservative leadership of Congress that Union Pacific’s chief lobbyist had her own cozy personal relationship with a former FRA administrator, who was pressured to resign following investigative reporting by *The New York Times*.

The UTU is currently working with Brown

and Oberstar to craft legislation tightening federal oversight of rail operations and give rail employees greater whistle-blower protection, so that when employees spot and report carrier safety lapses, the employees cannot be fired or otherwise disciplined, as too often is the case now.

The GAO observed that greater “oversight of railroads’ management of safety risks through their systems could provide FRA with greater reach and understanding of safety overall.” Specifically, the GAO said the FRA should:

- Do more to measure the direct results of its oversight, such as the extent to which identified safety problems are corrected; and
- Measure the effectiveness of its enforcement program.

The GAO suggested also that the FRA’s use of civil penalties be examined for effectiveness. Railroads generally negotiate lower civil penal-

ties. In fact, after former FRA Administrator Robert Blanchette was hired by the Association of American Railroads as its chief legal officer, he called FRA safety inspectors “meter maids,” in a belittling reference to their work. Railroads generally view FRA civil penalties as a minor cost of doing business – much like expired parking-meter fines.

Perhaps most telling of the limited federal oversight of rail safety compliance is the GAO’s observation that the number of FRA safety inspectors “is quite small compared to the size of the industry.”

(As mentioned earlier, just 400 FRA inspectors are responsible for 1.3 million freight cars and 165,000 miles of track.)

UTU National Legislative Director James Brunkenhoefer said the UTU “will continue to prod Congress, and work closely with Mr. Oberstar and Ms. Brown, to provide additional and necessary funding for more safety inspectors.”

CN Rail vote

Continued from page 1

Montreal, P.Q.) and Acting General Chairperson **Jacques Gagne** (L-1139, Montreal, P.Q.).

The UTU negotiated a tentative one-year contract settlement with CN Rail, narrowly avoiding federal back-to-work legislation and forced arbitration, in February.

The contract includes a three-percent wage hike and a C\$1,000 bonus.

“The settlement we will be voting on is a one-year collective agreement that leaves us better off, wages- and benefits-wise, than we were before,” Canadian Vice Presidents John Armstrong and Robert Sharpe said. “It avoids the Russian roulette trap of arbitration by final offer selection. And, it gives us all a chance to reflect

on what is best for our future while knowing that we will be back at the bargaining table with CN Rail in less than a year to deal with the long-term issues that concern us all.”

UTU members in Canada also are questioning the expenditure of some \$60,000 by former CN General Chairperson Rex Beatty.

In a message distributed across the country, UTU members are being asked, “**What happened to your \$60,000? Ask Beatty.**”

“Rex Beatty just spent \$60,000 of your hard-earned money on lawyers you didn’t need,” the message continues. “Beatty’s lawyers charged \$60,000 to argue that the recent strike was legal before the Canada Industrial Relations Board. And they want the bill paid out of your money.

“If Beatty had simply followed the UTU Constitution and asked for the assistance of the International President, the legality of the strike

would never have been in question. There would have been no need to pay lawyers \$60,000 and you would have received strike pay for your time on the picket line.

“But Beatty never asked UTU for assistance. Why not? Because he’s doing everything he can to turn you against UTU and hijack the membership for the Teamsters.”

“As if the government and our dispute with CN weren’t making our lives difficult enough, everything is further complicated by the fact that the international Teamsters union has tried hard to split our ranks. In our view, they have broken both the spirit of trade unionism and the tradition of the Canadian labor movement by conducting a raid during our legal strike,” Armstrong and Sharpe said.

The UTU has filed a formal protest with the Canadian Labour Congress, they noted.

FMLA benefits

Continued from page 1

The court turned back the carriers’ argument that reconciling the FMLA and the RLA meant that “the FMLA, being the newer and, in their view, the more specific act, trumps the RLA and controls the situation, thus giving the carriers authority to unilaterally institute its anti-stacking policies.”

In the court’s opinion, the more specific needs of the railroad industry, its “special characteris-

tics [and] unique problems,” and how Congress determined they should be addressed – through mandatory Section 6 bargaining – prevail over the FMLA provision that merely permits employers to require substitution.

“It would seem quite odd indeed,” the judges agreed, “that this elaborate process, and the decades of bargaining, can be wiped out by unilateral action on the part of the carriers, based on a statute which says they may require substitution, but which says nothing about the process for instituting a substitution requirement.”

“Rail labor came out on top this time,” UTU International President Paul Thompson said. “We worked together to earn this victory, another example of what unity and cooperation can achieve.

“I must caution, however, that the dispute is not yet over,” Thompson said. “It is possible the carriers could appeal this decision or take individual cases to arbitration. If they want to waste their money, and others, in this hopeless effort, they have that right.

“But we are confident we will prevail in any venue.”

Sign up to attend a UTU / UTUIA regional meeting!

The 2007 UTU/UTUIA regional meetings have been designed to provide education and fun for the whole family.

All those attending the regional meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 30 days prior to the scheduled start of the meetings or the registrant will be charged an on-site registration fee of \$200.

The pre-registration fee for the 2007 regional meetings is \$150 per member, spouse or child over age 11. Additional fees apply for the golf outings. You must make your own room reservations.

The \$150 registration fee covers the welcoming reception the night before the meeting, two lunches, one evening meal, a breakfast buffet and all workshop materials. Those wishing to attend only the workshops do not need to pay the registration fee. No one-day registrations are offered.

Kansas City, Mo. June 11-13

Hyatt Regency Crown Center 2345 McGee St. Kansas City, MO 64108 www.crowncenter.hyatt.com

Hotel reservations: (800) 233-1234 toll free or (816) 421-1234 direct to the hotel. Reservation code: UTU1. Room rate: \$105 single/double, \$130 triple/quad plus tax; rates good for three days before and after the meeting depending on availability. Reservation deadline: May 7, or as soon as all rooms being held for the UTU are reserved. Parking: Self park: \$13.50/night. Golf outing: The golf outing will be held at 8 a.m. on Sunday, June 10, at the Royal Meadows Golf Course, 10501 E. 47th St. The cost is \$80 per golfer, which includes transportation, golf, lunch and prizes.

Pittsburgh, Pa. July 16-18

Hilton Pittsburgh, Gateway Center, 600 Commonwealth Plaza, Pittsburgh, PA 15222 www.hiltondirect.com

Hotel reservations: (800) HILTONS toll free or (412) 391-4600 direct to the hotel. Reservation code: UER. Room rate: \$99 single/double, \$119 triple/quad. Room rates are good three days before and after the meeting, based upon availability. Reservation deadline: June 14, or until all rooms being held for the UTU are reserved. Parking: \$15 per day. Golf outing: The UTU Regional Meeting golf outing will be held Sunday, July 15, at 8 a.m. at the Grand View Golf Course, 1000 Clubhouse Dr., N. Braddock. The cost is \$80 per golfer, which includes transportation, golf, lunch and prizes.

UTU Regional Meeting Registration Form

Registering before the regional meetings speeds sign-in procedures at the meeting site, helps organizers plan more accurately and saves on meeting costs. These savings are passed on to each pre-registered attendee. Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any planned event. Please note that these meetings last 2 1/2 days and conclude on the afternoon of the third day. Registration fees are \$150 per person; children 11 years of age and under are complimentary. On-site registration will be \$200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received 30 days prior to the start of the meeting.

Which regional meeting will you be attending? Kansas City Pittsburgh

Arrival date: Departure date: Transportation type: Automobile Air Other

Member Registration

Name Local Title (if any) Home address City/State/ZIP Phone number () Email Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

Spouse Registration Kansas City Pittsburgh

Spouse name Title (if any) Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

Child Registration Kansas City Pittsburgh

Child name Age Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

Child name Age Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

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Child name Age Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

Guest Registration Kansas City Pittsburgh

Guest name Relationship to member Home address City/State/ZIP Meals: Day 1: Lunch No meal Day 2: Lunch Dinner Both No meals Day 3: Buffet breakfast No meal

Golf Registration Kansas City Pittsburgh

Name Handicap Name Handicap Name Handicap Name Handicap (Golf fees are \$80 per golfer; include in total payment.)

Payment Options

Check/money order (U.S. funds only) \$ Credit card VISA MasterCard Card number Exp. date Total charged \$ Signature

Should additional space be needed, make copies of this form and attach to the original. This form and payment of \$150 per person over the age of 11, plus golf registration fees of \$80 per golfer (if applicable), must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107-4250, 30 days prior to the regional meeting. Make checks or money orders payable in U.S. funds to "UTU Regional Meeting." Those who do not pre-register for the regional meeting but instead choose to register at the meeting site will be charged a \$50 penalty fee.

UTU arranges discount airfares, car rentals

Continental Airlines is offering discounted airfares to the regional meeting cities. Avis is offering discounted rental-car rates to those attending either regional meeting. Go to the "Meetings" page of www.utu.org for details.



This month's winning photo:

The UTU Public Relations Department awards UTU gear to the union member who submits the best photograph during the previous months.

The winning photo will be published in the *UTU News*. Exceptional photographs will be included on the UTU website.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250.

High-resolution digital photographs should be in the JPEG format and e-mailed to "utunews@utu.org".

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

All photographs submitted become property of the UTU.

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



This month's winning photograph was taken by Robert D. Clites, a CSX conductor and member of Local 631 in Brunswick, Md. This photograph, taken in October 2006, depicts a 1913 Baldwin steam locomotive pulling a Cumberland Scenic Railroad consist over the Potomac River at Cumberland, Md.



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UTU complaints prompt FRA to sideline 170 CSX railcars

Alerted by complaints from UTU, FRA safety inspectors found defects in about 170 CSX railroad cars at the company's Baldwin Yard in Jacksonville, Fla., during a focused inspection last month.

The cars, many of which are used to carry phosphate from the Bone Valley mining area near Tampa, were pulled from service to be fixed, disrupting shipments but potentially averting disaster.

The inspection began when UTU members called the federal rail agency with concerns about defective cars. That prompted the FRA to send out an inspection team.

As well as problems with the cars, the inspectors discovered that an outside contractor hired by the phosphate company to inspect the cars was not qualified to do the job and that some CSX inspectors needed to be better trained.

It is as yet unknown if the violations could lead to punishments, such as fines, for either the railroad or the outside contractor.

Among the defects found were problems with braking systems and safety appliances.

"This is your UTU at work," CSX General Chairperson John Hancock said. "The UTU works for its members every day in so many ways. With unsafe equipment on the rails, there is major potential for injury to our brothers and sisters and to the general public."

Hancock commended local chairpersons **Kenneth L. Knorr** and **Charles F. Parham Jr.** (Local 1031, Savannah, Ga.); Local Chairperson and Alternate Legislative Rep. **James V. West** (Local 903, Jacksonville, Fla.); Local Chairperson and Delegate **Pat H. Murphy** (Local 1035, Lakeland, Fla.); local chairpersons **Mike D. Mowery II**, **Ben C. Davis** and **Mac Swinson Jr.** (Local 1221, Tampa, Fla.) and UTU Florida State Legislative Director **Andres Trujillo** for their alertness and efforts to increase safety.

"All of these individuals worked as a team to get the carrier to operate safe equipment and to keep our people safe," Hancock said. "I want to especially thank Local Chairperson James West, who has jurisdiction over Baldwin Yard, for taking such a proactive stance on this issue."

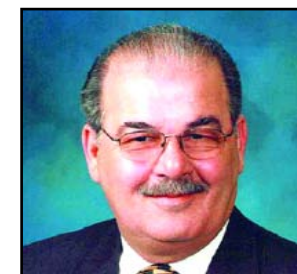
"These outside contractors were really not qualified to do the work," Trujillo said. "It is cheaper for the railroad, but safety is compromised. Thank goodness we were there. Our local officers alerted General Chairperson Hancock and myself of the problem and we went looking for a solution."

"There were obviously shortcomings on the training they (the outside contractors) were receiving. Cars and trains that were supposed to be inspected and ready to go were found with angle cocks closed and without air in the brake lines."

"This job was not being performed as it should have been," Trujillo said.



Inside this issue of the UTU News:



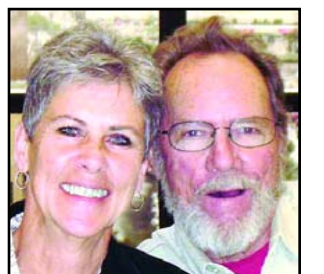
Vic Baffoni is driven to improve drivers' jobs. See page 2.



Conrail, FRA laud rail crew for professional manner. See page 3.



UTU members keep Laredo residents rolling. See pages 6 and 7.



Butch and Juanita Shoemaker don't mon-key around. See page 8.