



# UTU News

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The Official Publication of the United Transportation Union

## UTU sets up collective bargaining defense fund

A collective bargaining defense fund has been created by the UTU International to counter union-busting efforts in state legislatures throughout the country.

As widely reported, anti-union right-wing extremists are targeting labor unions for destruction by pushing legislation to revoke public-employee collective bargaining rights, prohibit payment of union dues through payroll deduction, curtail union-member PAC donations, and require that unions conduct union-treasury-draining annual representation elections.

"The attack on public-employee unions is not the end game," said UTU International President Mike Futhey. "The end game is destruction of all labor unions in America. Today's battle targets public employees. If the extremists succeed, airline, bus and railroad unions are next."

An assault on the Railroad Retirement System and its Tier II benefits also has been suggested by some union-busting advocates. One right-wing blog is predicting the end of labor unions in America, recklessly blaming collective bargaining for scores of society's economic ills.

"Right-wing extremists are terrified by our

*Continued on page 10*



Hero co-pilot Jeff Skiles, second from left, who was the co-pilot of the US Airways jet that safely crash landed on the Hudson River in New York in 2009, and two unidentified flight officers, join with UTU General Chairperson Jim Nelson (CP, GO 261) at a rally in Madison, Wis., in support of collective bargaining rights.

## NMB officials join negotiations

In an effort to facilitate a new national rail agreement between the UTU and most of the nation's railroads, two members of the National Mediation Board attended the ninth negotiating session between the UTU and the National Carriers' Conference Committee (NCCC) in late March.

NMB members Linda Puchala, a Democrat, and Elizabeth Dougherty, a Republican, met with both sides as facilitators.

The UTU is the only rail union not in mediation with the carriers, and the board members' appearance was not in a mediating role. Once the sides enter mediation, the NMB takes charge of negotiations.

"We continue to make progress through interest-based bargaining toward developing a common framework recognizing the needs of both sides, and we remain prepared to reach a voluntary agreement with the carriers," said UTU International President Mike Futhey.

"At the March session, the negotiations were focused on specific issues with participation by the NMB officials," Futhey said. "Non-referable proposals were exchanged and positions discussed." Non-referable proposals mean that proposals now on the table cannot be put before a third-party presidential emergency board were that to occur.

"A tenth negotiating session is scheduled for late April, and we have been promised continued assistance by the NMB," Futhey said.

The NCCC represents BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific

and many smaller railroads. Some 40,000 UTU members employed by those railroads are covered by the national agreement.

The national agreement came open for amendment Jan. 1, 2010, and remains in force until amendments are concluded under provisions of the Railway Labor Act.

The two sides have been pursuing interest-based bargaining in their talks. Interest-based bargaining involves joint problem solving whereby both sides seek to understand the needs of the other. It differs from demand-based bargaining, where each side's list is endless.

"Our negotiating team has been armed with a solid understanding of carrier economics and fact-based arguments justifying our Section 6 notice that was prepared by our general chairpersons," Futhey said.

In addition to UTU lead negotiator President Futhey, UTU officers on the negotiating team include Assistant President Arty Martin; National Legislative Director James Stem; UTU International Vice Presidents Robert Kerley and Delbert Strunk; and General Chairpersons **John Lesniewski** (CSX, GO 049), **Pate King** (NS, GO 680) and **Doyle Turner** (CSX, GO 347).

Negotiations also continue between the NCCC and two other rail-labor coalitions – both of which are in the mediation phase.

One coalition includes the Transportation Communications Union, the American Train Dispatchers Association, the International Asso-

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## Three killed when train rams crew van

KELSO, Wash. – A van shuttling BNSF workers to Vancouver, Wash., was struck by a BNSF freight train at a private crossing here March 23, killing two van passengers and the van driver, and critically injuring another passenger.

Killed were conductor trainee **Chris Loehr**, 28, of Seattle; engineer and BLET member **Thomas J. Kenny**, 58, a 22-year BNSF employee of Shoreline, Wash.; and the Coach America Crew Transport driver, **Steven Dean Sebastian**, 60, of Castle Rock, Wash.

Loehr signed on with BNSF in January after his honorable discharge from the U.S. Army. He was an Iraq combat veteran, according to his family.

Critically injured and hospitalized is UTU member and conductor **Dwight L. Hauck**, 51, of Auburn, Wash., a member and trustee of UTU Local 324 with 22 years of railroad service.

The *Longview Daily News* reported the shuttle van had just departed a BNSF yard at Kelso and was crossing the tracks at the private crossing when struck by a northbound freight train with a consist of three locomotives and 106 carloads of grain. The Seattle-bound train had originated in Crookston, Minn.

The BNSF operating employees in the van reportedly had brought a train from Seattle to Kelso and were being transported by Coach America Crew Transport to Vancouver for overnight lodging.



Puchala



Dougherty



Loehr

# Around the **UTU**

## Local 117, Vancouver, Wash.

Following a 36-year career with Union Pacific that began with working as a tie-gang foreman, Local Chairperson **Andy Traverso** retired March 31, Acting Local Chairperson **Jeff Cubley** reports. Throughout his career, Traverso served this local as secretary & treasurer, vice local chairperson, local chairperson and delegate. He also served as vice general chairperson of UP GO 953. Cubley said Traverso is looking forward to fishing, golfing and extensive travel with his wife, Carlene. Friends may contact him at [atraverso@hotmail.com](mailto:atraverso@hotmail.com).

## Local 340, Connellsville, Pa.

Members of this CSX local joined hundreds of other working men and women at a rally outside the Maryland State Capitol on March 21 to support organized labor and collective bargaining rights, Vice Local Chairperson **Ed DeMott** reports. Local Chairperson **Bill Conrad**, Vice Local Chairperson **Mike Lowery**, Treasurer **John Gladem**, **Jeff Weaver**, **Harry Landis**, **Al Pichura**, **Mike Bobb**, Local 340 Historian **Tom Kramer** and **DeMott** were in attendance, along with Maryland State Legislative Director **Larry Kasecamp**, Local 600 Chairperson **Dan Strang**, Local 631 Chairperson **Tom George**, Baltimore Division Safety Team Chairman **J.R. Wagner** and BLET member **Dave Everline**. "We are proud to say that we were the largest group of rail labor from the state of Maryland. This event was a reminder that, in addition to the daily fight we have at CSX to ensure our brothers and sisters are treated fairly, we must also join together to make our voices heard on the legislative front," **DeMott** said.

## Local 378, Cleveland, Ohio

Safety committee members at Cleveland's Collinwood Yard have teamed with the Cleveland Food Bank to support the 2011 Harvest for Hunger program, member **Jerry Lambert** reports. Members gathered outside the city's IX Center during the Autorama custom car show to collect nonperishable food items and \$800 in cash, held a safety cookout that netted \$1,000 from employees, and are selling discount coupons to various events to raise money for the Cleveland Food Bank. "We are also donating our 'doers for dollars' hours. After each employee donates 40 hours of service to the food bank, CSX will donate \$400 per person to the food bank," **Lambert** said.

## Local 407, Charleston, S.C.

The members of this joint Norfolk Southern/CSX local held its second annual Christmas party at the Holiday Inn Express in Summerville last December and admission required an unwrapped present for a young boy or girl, Local Secretary & Treasurer **Mike Corrigan** reports. More than 100 presents were collected and presented to the Omar Shriners, known for their charitable work with children, of which conductor **Bradley "Scott" Blalock** is a member. The party was sponsored by the designated legal counsel firm of **Rossman, Baumberger, Rebozo, Spier & Connolly** in Miami.



Guests at the Local 407 Christmas party included UTUIA Field Supervisor **Malcolm "T-Bone" Morrison**, **Danny Kelly**, **Scott Blalock**, **Howard Spier**, a Shriners representative and **Danny Cockrell**.



Amtrak conductor **Bruce Bachman**, in full uniform, tells kindergarteners at **Harvey Oaks Elementary School** about "The Little Engine That Could."

## Guest reader **Bruce Bachman** conducts classes his way

March was "back to school" month for Amtrak conductor **Bruce Bachman**.

Not only was he attending full conductor training last month – which he successfully completed – he was volunteering as a guest reader at his children's elementary school as part of the school's Read-A-Thon program.

Bachman, in complete uniform, read a book to two first-grade classes and a kindergarten class.

The book? "The Little Engine That Could," of course.

"This is a big deal for this school," **Bachman** said. "They usually invite local media personnel, or what we think of in little Omaha, Nebraska, as celebrities."

"They had a blast with this book, learning about the different trains and what each of them do," **Bachman** said. "I truly enjoyed answering questions from the kids about what my job involves and where I go when I am on the train."

Making his classroom debut even more special was the fact that **Bachman's** seven-year-old daughter, **Brooklyn**, was a member of one of the first-grade classes at **Harvey Oaks Elementary**. He and his wife, **Melanie**, also have a nine-year-old son, **Brandon**, and a five-year-old daughter, **Bailea**.

Along with his book and his tales from the rails, **Bachman** also gave all the students junior conductor caps, courtesy of Amtrak.

**Bachman** hired out with Amtrak in April 2010. He had worked as an assistant conductor on the extra board and is looking forward to his promotion as full conductor with the completion of his training last month. A member of UTU Local 1525 at **Carbondale, Ill.**, **Bachman** said he is looking forward to serving as a volunteer reader again.

"My husband has never been so excited about a job as he is with being an Amtrak conductor," **Melanie** said. "When he talks about the railroad, he just lights up! He was very proud to participate in the Read-A-Thon and is proud to work for Amtrak. They are a great employer."

## Local 504, Wheeling, W. Va.

A fund has been established at the Victory Baptist Church to assist member **David Archer**, who was injured in a rail collision Aug. 10, 2010, fellow member **Norbert "Steve" Carroll** reports. Following surgery to repair a herniated disc in his neck, **Archer** has suffered from sleep deprivation, memory loss and other ailments and is still unable to return to work. A married father of three, **Carroll** said **Archer** is "admired by everyone who has worked with him. He is a hard worker, always on time, always in a good mood, and willing to go the extra mile to get the job done." To assist the **Archer** family with bills and expenses, send contributions to the Victory Baptist Church, P.O. Box 807, **Grantsville, WV 26147**, or call **Carroll** at (304) 639-7016.

## Local 756, San Antonio, Texas

Local Secretary & Treasurer **Mike Araujo** advises all members that this Union Pacific local's website address has been changed to <http://0756.utu.org>.

## Local 768, Decatur, Ill.

The Cornerstone Tavern and the Brennan Law Offices, P.C. (designated legal counsel), are sponsoring **Larry-Palooza**, a tent party to benefit member **Larry McVay**, an NS conductor who lost his right arm and leg in a switching accident Jan. 3, Secretary & Treasurer **Dan Calhoun** reports. The event, which will be held from noon to 7 p.m., April 30, outside the Cornerstone Tavern at 1190 Southside Dr. in Decatur, Ill., will feature a silent auction, 50/50 raffles, food and entertainment. The Cornerstone is owned by UTU member **Craig "Woody" Wilson**. For more information, or to make a donation, call **Calhoun** at (217) 454-5040. **Calhoun** also noted that at the local's February meeting, members collected \$320 for Vice Local 1216 Chairperson **Matthew Crawford**, who has been unable to work for an extended period due to illness. In other news, Local Legislative Rep. **Carl Draper** was a guest on radio station **WZUS's** Labor's Voice radio show Friday, Feb. 25. The show is dedicated to working people and their issues and discusses everything from community outreach to charity to workers' rights.

## Local 1440, Staten Island, N.Y.

Former Local President and Secretary & Treasurer **John P. Burman** died March 12, according to Secretary & Treasurer **Darrell Jicha**. A 38-year employee of the Staten Island Railway, **Burman** was a third-generation worker on the railroad. His grandfather and mother both worked at what was originally the B&O on Staten Island, which later became the MTA's Staten Island Railway. A memorial railroad run is being planned for April, **Jicha** said. In other news, Secretary & Treasurer **Vincent LaBella** noted the retirements of **Norman Gilby**, **Thomas Poggi** and **Stephen Cyriacks**, who were honored at the local's second annual holiday and service-recognition awards dinner in December. Also recognized were Union Members of the Year **Bill Crocco** (vice president) and **Jerry Ruggiero** (vice general chairperson). International Vice President **Delbert Strunk** and Staten Island Railway management were also in attendance.

## Local 1608, Chatsworth, Calif.

The members of this LACMTA local congratulate recent retirees **Raymond Andrews** and **Patricia DeArmond**, whose careers began on June 29, 1973, and Nov. 13, 1983, respectively. "Our local wishes them the best of luck in their retirement," said LCA Secretary **Jack Dedrick**.

## Local 1951, Albany, N.Y.

On April 18, Vice Local Chairperson **Michael Doherty** will once again be participating in the Boston Marathon to raise money for the Dana-Farber Cancer Institute. Over the past eight years, **Doherty** has raised more than \$55,000 for cancer research at the institute. He said he has already raised \$8,000 toward his goal of \$10,000 for 2011. To contribute, send checks payable to Dana-Farber Marathon Challenge (DFMC) to **Michael Doherty**, 76 Pike St., **Tewksbury, MA 01876**, or visit [www.runDFMC.org/2011/miked](http://www.runDFMC.org/2011/miked).

## CSX GO 851, Jacksonville, Fla.

General Chairperson **John Hancock** retired March 31 after 33 years of service. Prior to his 12 years as general chairperson, **Hancock** also served five years as vice general chairperson and nine years as chairperson of Local 1011 at **Hamlet, N.C.** "Brother **Hancock** was, and still is, a great mentor, and I am fortunate in being able to rely on his counsel and advice," said newly elected General Chairperson **John D. Whitaker**. The members of the general committee and office staff wish **Hancock** and his wife, **Sandy**, the very best during his retirement.



*Hancock*



# Rail labor seeks remote limits, better cabs

Federally mandated improvements to locomotive cab security and comfort, along with enforceable remote control operation (RCO) regulations, are being sought by the UTU and the BLET in joint comments filed with the Federal Railroad Administration.

Significantly, the FRA is being asked to ban remote control operation on mainline track.

The two organizations responded to an FRA Notice of Proposed Rulemaking to update, consolidate and clarify existing locomotive safety regulations.

Following are the requests made by the two organizations to the FRA:

## Locomotive cab security

A fatal shooting of a conductor, and wounding of the engineer, by a street thug in New Orleans in June 2010 highlight the imperative of enhancing crew member cab security. But sealing the locomotive cab also requires adequate air conditioning and improved window glazing (bullet-resistant material).

Extreme heat in the cab can accelerate crew fatigue, slowing reaction time and compromising train safety.

Requested of the FRA is a requirement that all newly purchased and reconstructed locomotives – as well as locomotives already equipped with air conditioning – maintain an interior cab climate of between 60 degrees and 80 degrees Fahrenheit.



As for window glazing, the two organizations said, "If a glazing is available that can protect operating employees from most of the firearms available to common criminals, then FRA should require the installation of such glazing on the locomotives."

The UTU and the BLET note that the FRA has yet to issue enforceable regulations for the

operation of remote control locomotives. It is time to do so, they said, and the regulation should include a prohibition of RCO on mainline track.

"The manufacturers of the remote control locomotive technology in use today designed the software and equipment for switching operations, not mainline movements," the organizations said.

Additionally, the organizations seek a regulation mandating remote control operator units "be as simple in design and uncluttered with any function not necessary for safe operations."

The UTU and the BLET also asked the FRA to develop an improved electronic record-keeping

## Rail labor asks FRA to develop system to track on-duty hours

system for employee on-duty hours in remote control service. Under the FRA's current record-keeping, they said, it is difficult to compare accurately the number of employee hours worked in remote control switching versus conventional switching.

"Switching hours must be accurately recorded so that the number of accidents, incidents and fatalities can be compared on an apples-to-apples basis," the UTU and the BLET said.

Improved locomotive seats also are requested. The organizations said railroads continue to scrimp on proper seating on new locomotives without regard for the safety or health of crew members – an effort to save a mere \$220 on a \$2.2-million locomotive.

"Improper and unsafe seats have caused many injuries and illnesses to operating crews in the past decades, and now is the time for FRA to accept the scientific facts and offer requirements for specifications of locomotive seats on occupied locomotives," said the UTU and the BLET.

Said UTU International President Mike Futhey: "Safety regulations with real teeth in them are long overdue. The cooperative effort of the UTU and the BLET is much more likely to secure meaningful safety regulations than if we acted separately, because the task before us is just too difficult for either of us to work independently."

Said BLET National President Dennis Pierce: "BLET and UTU remain united and unwavering in our commitment to the safety and security of our members."

## Commuter rails seek to delay PTC

Some 24 commuter railroads, members of the American Public Transit Association (APTA), have asked Congress to delay for three years implementation of the life- and limb-saving technology offered by positive train control (PTC).

Los Angeles Metrolink and Chicago Metra are the only two commuter lines opposing the delay.

The APTA asked that the deadline for implementation of PTC on commuter rail routes be delayed for three years – from Dec. 31, 2015, to Dec. 31, 2018.

PTC can prevent train-to-train collisions, unauthorized train movement into a work zone, halt movement of a train through a switch left in the wrong position, and stop speeding trains.

Also testifying was rail labor, which supports the 2015 implementation date.

Emphasizing that many deaths – passenger and crew – could have been saved and will be saved by PTC, the rail labor organizations told the subcommittee, "There is no such thing as federal regulatory overreach when it comes to returning our members safely to their families."

Said UTU National Legislative Director James Stem: "Implementation of PTC is a small price to pay for saving lives and limbs. PTC, long advocated by the National Transportation Safety Board, will become an integral part of the safety overlay protecting passengers, the public and train crews."

## UTU, BLET ratify pacts on MBCR

UTU-represented conductors and assistant conductors on Massachusetts Bay Commuter Railroad (MBCR) have ratified a four-year agreement covering wages, benefits and working conditions.

The agreement is retroactive to July 2009, and may be reopened for amendment in July 2013 under provisions of the Railway Labor Act.

BLET-represented engineers on MBCR also ratified a new four-year agreement. The UTU and the BLET negotiated jointly to reach those separate craft agreements, with the expectation that a better agreement for each craft would result if negotiations were held jointly.

Included in the UTU amended agreement with MBCR are retroactive pay, a signing bonus, a 13.7 percent overall increase in wages by July 2013, certification pay for conductors, a cap on healthcare cost-sharing, and a provision that discipline records will not be retained beyond a maximum of 36 months (other than substance abuse violations, which are subject to record-keeping under federal law).

The deal also includes an increase in compensation for release time – from the decades-old 50 percent of the full-time rate to 62.5 percent.

UTU International Vice President John Previsich, who assisted with the negotiations, commended General Chairperson **Roger Lenfest** and Assistant General Chairperson **Dirk Sampson** (both, Amtrak, GO 769), along with Local 898

Chairperson **Don Wheaton** "for their participation in securing substantial improvements to wages and working conditions in today's difficult economic environment."

"It is through their extraordinary efforts that the negotiating team was able to add groundbreaking enhancements such as conductor certification pay and increased pay for release time," Previsich said.

The Transportation Communications Union and shopcrafts previously were released from mediation with MBCR by the National Mediation Board, but the sides have returned to the bargaining table.

MBCR, operated under contract by Veolia Transportation, transports more than 131,000 riders daily between Boston and outlying areas.



## Mother of UTU president dies

MEMPHIS, Tenn. – Coy Marie Bradshaw Futhey, age 89, mother of UTU International President Mike Futhey, died April 3 in a nursing home here.

She was active in the Auxiliary of the UTU and its predecessor, Brotherhood of Railroad Trainmen, and served as president and legislative representative for UTU Auxiliary Lodge 755 in Memphis.

Active politically as a precinct official, she also taught Robert's Rules of Order to high school students, was a PTA president, a softball coach, held numerous offices in her church and was a member of the Order of the Eastern Star.

In addition to son Mike Futhey, Mrs. Futhey had three daughters – Bette Little and Gloria Crawford, both of Memphis, and the late Nancy Bass – as well as 13 grandchildren, 22 great-grandchildren and two great-great-grandchildren.

Her husband, Malcolm Futhey Sr., who died in 2003, was a member of BRT Lodge 489 at Memphis, later UTU Local 1420. He served as his local's secretary and treasurer and local chairperson, serving more than 1,000 members. He also served as his local's insurance representative.

The elder Futhey also served as deputy president under UTU predecessor Brotherhood of Railroad Trainmen President Parke Kennedy.



Futhey

### Online bill payers: Update UTU address

To ensure timely payment of your UTUIA premiums and UTU Alumni Association dues, be sure to update your online bill-payment account to reflect the UTU's and UTUIA's new address: 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. After May 1, use of the former 14600 Detroit Ave., Cleveland, OH, address may cause your payment to be returned by the post office.

"We must all hang together or most assuredly we shall all hang separately." - Benjamin Franklin

## We must fight for safer rail-crew vans

As reported in this issue of *UTU News*, a conductor trainee and a locomotive engineer were killed in a horrendous accident when the carrier-provided shuttle van in which they were riding was struck by a moving train at a private highway-rail grade crossing.

A second conductor was critically injured and the van driver also was killed.

An investigation will determine the cause of this tragedy.

The UTU has long fought for better shuttle-van safety, and we have been successful in only a few states in gaining passage of legislation to improve shuttle-van safety.

As tragic as this accident was, it may be the spark to convince more state legislatures of the need to reg-



### International President's Column

By Mike Futhey, International President  
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appeared to be under the influence of alcohol or other drugs.

In states where we have gained laws regulating shuttle vans, minimum driver-hiring qualifications and disqualification standards have been imposed, along with maximum hours-of-service limitations, driver drug-testing requirements, annual state DOT inspections of the vans, and state DOT certification of vehi-

eral chairpersons whether their state has legislation regulating shuttle-van service, and to include details to

Even in states without shuttle-van safety regulations, reports of unsafe conditions and driver actions should be reported to state legislative directors to assist them in convincing lawmakers for the need to pass appropriate safety legislation.

If accidents or injuries do occur while a passenger in a carrier-supplied shuttle van, contact a UTU designated legal counsel for advice.

The names and contact information for UTU designated legal

### We will continue lobbying Congress for federal regulation of shuttle vans

assist our operating crews in making appropriate reports of safety violations that can be pursued with state authorities.

counsel can be obtained at [www.utu.org](http://www.utu.org), or from local officers, general chairpersons, or state legislative directors.

### Bald tires and drivers so tired they fall asleep at the wheel

ulate shuttle-van service.

As our state legislative directors have documented time and again, shuttle-van drivers are almost always non-union and required to work long hours under horrendous working conditions.

Understandably, driver turnover is substantial, which has frustrated previous efforts to organize these drivers.

We have documented far too many shocking incidents of shuttle vans with bald tires, van drivers so tired they fell asleep at the wheel or

cle maintenance inspections and repair records.

We have also been successful in gaining requirements for fully functioning heat and air conditioning, secure locations for baggage and fully operational seat belts.

Our national legislative office will continue lobbying for federal regulation of shuttle vans, as vans carrying eight or fewer passengers are exempt from laws and regulations applying to larger passenger vehicles.

I am asking state legislative directors to advise local officers and gen-



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**For the latest news, visit [www.utu.org](http://www.utu.org); also, sign up on the UTU website to receive news alerts via e-mail.**

## We need your ideas to reduce accidents, injuries

The Federal Railroad Administration's Risk Reduction Program is a voluntary industry-wide initiative to reduce accidents and injuries and build a strong safety culture by expanding the toolkit to analyze and manage risk.

Eventually, these assessments will complement other programs such as safety inspections of railcars and injury reporting.

We are currently drafting a regulation requiring railroads to develop comprehensive risk reduction programs.

The FRA Risk Reduction Program affects every railroader through timely reporting of employee injuries and illnesses.

Additionally, an FRA team is collecting data on current practices and is seeking ways to prevent harassment and intimidation of injured railroad employees.

The data is collected from FRA complaint and enforcement records and directly from rail labor organizations.

The FRA also is working with outside sources, including the Occupational Safety and Health Administration (OSHA), to gain a clearer



### A message to UTU members from FRA Associate Administrator for Safety Jo Strang

understanding of that agency's whistleblower regulation for railroad employees, and other factors that can contribute to solving harassment problems.

remove the punitive policies and practices that invite or induce retaliatory harassment and intimidation.

Amtrak is one railroad that has taken strides in this direction.

### We encourage railroads to remove punitive policies that invite or induce retaliatory harassment and intimidation

Using what they have learned, our Risk Reduction Program team conducted numerous presentations for UTU members on their rights regarding work-related injuries. The team learned a tremendous amount about current conditions railroad employees face daily.

The FRA also is strongly encouraging railroads to take actions that

In implementing its Safe 2 Safer program, Amtrak has taken positive steps to improve its safety culture. The FRA Risk Reduction Program team noted that, as a result, the number of injuries reported by Amtrak employees has risen as expected, and the number of OSHA whistleblower cases reported by employees has decreased.

The FRA hopes this indicates that injured Amtrak employees are now seeking and receiving appropriate care; and that other railroads will learn from Amtrak's success and implement similar programs.

The FRA appreciates the UTU's assistance in providing this invaluable data and input to the investigation team. When and where the team is successful in mitigating risks and hazards identified, safety is improved for railroad employees and the public.

An Advanced Notice of Proposed Rulemaking was published in the Federal Register in December, and we are currently reviewing the comments received. However, in order to obtain as much stakeholder input as possible, we plan to conduct a public hearing.

In the meantime, we would appreciate receiving comments and suggestions from UTU members, which should be sent to the UTU National Legislative Office, which will collect and forward them to the FRA's Risk Reduction Program team.

Thank you for your involvement in building a strong rail safety culture.

# State Watch News from UTU State Legislative Boards

## Missouri



Pictured, left to right, are Local 349 (Kansas City) Legislative Rep. **Delayne Wilson**; retired UTU Auxiliary President **Carol Menges**; **Ken Menges**; **Kander**; Local 1403 (Kansas City) Legislative Rep. **John Jancek**, and Local 1216 (Kansas City) Legislative Rep. and Trustee **J.J. Watson**.

State Legislative Director **Ken Menges** recently welcomed State Rep. Jason Kander into the ranks of the UTU. "Jason is the state representative from the 44th District, in Kansas City," Menges said. "He has been a good friend of the UTU since he came to Jefferson City. Jason serves on a number of important state committees. Jason also is very active in veterans' affairs and serves as a captain in the Missouri National Guard.

"This photo was taken in February in Kander's office after the UTU had delivered packets of information about Amtrak, high-speed rail and the economic benefits of freight and passenger rail in the state to each of the 163 representatives and 34 senators," Menges said.

## Kentucky



State Legislative Director **David Miracle**, right, and retired Local 573 (Danville) member **James P. Doss** recently protested legislative efforts to reduce union members' collective bargaining rights at a MoveOn.org rally at Phoenix Park in Lexington.

## Wisconsin

Helen Deneen, 88, mother of Wisconsin State Legislative Director Tim Deneen, died March 28. Tim's son, Brendan, had been caring for her at her home. The family asks that remembrances be made in Helen Deneen's name to hospice care or a charity of the donor's choice. Tim Deneen's office address is: Suite 320, 7 Pinckney St., Madison, WI 53703-4262.

## Arizona



Left to right are **Shearer**, **Rahall**, **Hynes** and **Pastor**.

State Legislative Director **Greg Hynes** and Assistant State Legislative Director **David Shearer** (L-807, Tucson) recently met with Reps. Ed Pastor (D-Ariz.) and Nick Rahall (D-W.Va.). Rahall serves as the ranking Democrat on the House Transportation and Infrastructure Committee. The group discussed the technical clarification amendments to the Rail Safety Improvement Act of 2008 that the UTU has suggested.

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## Bills to increase bus safety introduced in Congress

WASHINGTON – Bipartisan legislation to improve motorcoach safety has been introduced in the House and Senate.

Sen. Sherrod Brown (D-Ohio) and Sen. Kay Bailey Hutchison (R-Texas) jointly introduced S. 453, the Motorcoach Enhanced Safety Act, which is co-sponsored by Senators Kristen Gillibrand (D-N.Y.) and Chuck Schumer (D-N.Y.).

In the House, Rep. John Lewis (D-Ga.) has introduced identical legislation, H.R. 873.

The Motorcoach Enhanced Safety Act would:

- Require safety belts and stronger seating systems to ensure occupants stay in their seats in a crash.
- **Require improved commercial driver training.** Currently, no training is required by federal regulation.
- **Require anti-ejection glazing windows** to prevent passengers from being easily thrown outside the motorcoach.
- **Require strong, crush-resistant roofs** that can withstand rollovers.
- **Require improved protection against fires** by reducing flammability of the motorcoach interior.
- **Require better training for operators in the event of fire.**
- **Create a national commercial motor vehicle medical registry** to ensure only medically qualified examiners conduct physical examinations of drivers.
- **Require a medical certificate process** to ensure that all certificates are valid and no unqualified operator is allowed to drive.
- **Strengthen motorcoach vehicle safety inspections**, including roadside inspections, safety audits, and state and motor carrier programs for identifying vehicle defects.
- **Require electronic on-board recorders (EOBRs)** with real-time capabilities to track precise vehicle location that cannot be tampered with by the driver.

At a recent Senate Transportation Subcommittee hearing in Washington, the chairperson of the National Transportation Safety Board testified that her five-year-old soccer-mom van contains safety technology more advanced than is integrated into many motor coaches.

NTSB Chairperson Deborah Hersman chided Congress and the Federal Motor Carrier Safety Administration for dragging their feet on bus safety legislation and regulation.

She said that available technology, if installed on motor coaches, could prevent many accidents and save many more lives. NTSB recommendations to this end have been ignored by Congress and federal regulators for years, Hersman said.

The American Bus Association reports that there are more than 720 million passenger trips by motorcoach annually, and bus travel has outpaced air and rail as the fastest growing mode of passenger transportation.

## Bus Department

By Calvin Studivant, alternate vice president - bus  
mcooperator2@yahoo.com

### Non-union drivers need our help

A tragic bus accident in New York City in March, which killed 15 passengers, has put an unfriendly spotlight on low-fare tour bus drivers.

The driver of the ill-fated low-fare tour bus reportedly had previously been charged with driving on a suspended license, and it will be up to investigators to determine the facts of this accident.

What we do know is that many low-fare tour bus companies that are non-union force their drivers to work under horrendous conditions at low pay – and often with little sleep.

It is common for non-union drivers employed by low-fare tour bus firms to sleep in their coaches between driving assignments. Many of these bus companies have been cited for safety violations.

*The New York Times* reports that low-fare tour buses transport millions of passengers annually and regulators rely on handwritten logbooks to determine if drivers are working with insufficient rest.

An official of Advocates for Highway and Auto Safety called the logs "comic books" and alleged they are often falsified or not filled in at all.

### Non-union driver logbooks called 'comic books'

In fact, reported *The New York Times*, the owner of the low-fare tour bus involved in the New York City accident had been cited previously by regulators for "several logbook violations."

As proud union members, we must continue to organize the unorganized because the entire transit industry takes a hit when something goes terribly wrong.

As union drivers, we cannot be forced to violate federal hours-of-service regulations. And we can refuse to operate a bus that is unsafe without fear of losing our jobs.

It is our duty as union brothers and sisters to educate fellow drivers who may think it okay when pressured to work multiple shifts without proper rest, or to operate an unsafe vehicle.

Above all, we must inform non-union drivers that the UTU negotiates good contracts with competitive wages, health care and working conditions, allowing drivers to operate within the law.

If we do not, their faults become our faults, as we are all viewed the same by the public. We cannot afford to be looked upon that way.

The UTU has set the standards for the transit industry. We will continue to raise the bar because we represent the finest transit and school bus operators in America.



# UTU DESIGNATED LEGAL COUNSEL



## You are injured at work. What should you do?

**First, report the injury, even if it is minor.** Call your boss and tell him or her about the injury, then complete the appropriate forms provided by the company as soon as possible. Your UTU local chairperson can assist you if you wish.

**Do not fear discipline or retaliation; you are protected by law.**

Federal law states that a railroad may not discharge, demote, suspend, reprimand or in any way discriminate against an employee who notifies or attempts to notify the railroad of a work-related injury or illness.

**Next, get medical treatment.** You have the right to see the doctor of your choice. You do not have to see the company doctor for any reason, including a second opinion.

A railroad may not deny, delay or interfere with medical or first aid treatment of an employee who was injured during the course of employment.

**Your railroad manager has no right to enter your examination room unless you allow it.**

Your medical bills will be paid by your health-insurance plan, except for co-pays.

Do not give a recorded statement to the railroad's claim agent.

**If you believe your injury was caused by the railroad's negligence, or even if you are unsure, you should contact a UTU Designated Legal Counsel.**

If you are injured on the job, you have powerful rights under the Federal Employers' Liability Act (FELA).

That is why the UTU has chosen experienced attorneys to be its designated legal counsel, and recommends these lawyers to its members and their families.

These lawyers are specialists in handling FELA claims and are experienced in dealing with trained railroad claim agents and railroad lawyers. They also know the railroad industry.

**You should seek their counsel and advice at the earliest opportunity if you feel you have a potential FELA case.**

Remember that the railroad claim agent is an agent for the railroad. A UTU Designated Legal Counsel is YOUR agent, and their job is to represent you.

For more information, go to [www.utu.org](http://www.utu.org) and click on the "Designated Legal Counsel" link.

**Mark Allen**  
Coordinator of  
Designated Legal  
Counsel  
Cordova, Tenn.  
(901) 201-6846

**Ronald J. Barczak**  
St. Paul, Minn.  
(612) 333-6371

**P. Matthew Darby**  
Baltimore, Md.  
(410) 769-5400

**Richard J. Dinsmore**  
Omaha, Neb.  
(402) 341-2020

**Daniel J. Downes**  
Chicago, Ill.  
(312) 781-1852

**Bradley M. Lakin**  
Wood River, Ill.  
(618) 254-1127

**E.J. Leizerman**  
Toledo, Ohio  
(419) 243-1010

**Cortney S. LeNeave**  
Minneapolis, Minn.  
(612) 339-4511

**John T. Papa**  
Granite City, Ill.  
(618) 452-1323

**F. Daniel Petro**  
Chicago, Ill.  
(312) 332-9596

**R. Edward Pfiester Jr.**  
Los Angeles, Calif.  
(323) 662-6400

**Anthony S. Petru**  
Oakland, Calif.  
(510) 451-6732

**George Thornton**  
Seattle, Wash.  
(206) 621-0600

**Stephen M. Tillery**  
Swansea, Ill.  
(618) 277-1180

**James K. Vucinovich**  
Bellevue, Wash.  
(425) 646-8003

**Michael Warshauer**  
Atlanta, Ga.  
(404) 892-4900

“Not every injury will require legal action, but it is worthwhile to get an opinion from a competent FELA lawyer soon after you are injured to understand your rights and to see if you have a FELA claim.”

“The Designated Legal Counsel's understanding of the culture and unique nature of railroading, coupled with their proven track records and the many resources available through the UTU, make them uniquely qualified to represent your interests when injured.”

**Charles H. Baumberger**  
Miami, Fla.  
(305) 373-0708

**Michael D. Blalock**  
Hoover, Ala.  
(205) 823-8088

**Edward F. Brennan**  
Belleville, Ill.  
(618) 236-2121

**Donald S. Britt**  
Sacramento, Calif.  
(916) 447-8800

**F. Tucker Burge**  
Birmingham, Ala.  
(205) 251-9000

**Edward S. Cook**  
Atlanta, Ga.  
(404) 876-8100

**James L. Farina**  
Chicago, Ill.  
(312) 939-1212

**Robert E. Harrington Jr.**  
Chicago, Ill.  
(312) 332-8811

**Brent O. Hatch**  
Salt Lake City, Utah  
(801) 363-6363

**Michael L. Herzik**  
Houston, Texas  
(713) 654-7800

**Rick D. Holtsclaw**  
Kansas City, Mo.  
(816) 221-2555

**Mitchell A. Kaye**  
Bala Cynwyd, Pa.  
(610) 668-9800

**William W. McVay**  
Pittsburgh, Pa.  
(412) 854-3250

**Willard J. Moody Jr.**  
Portsmouth, Va.  
(757) 393-4093

**Gene C. Napier**  
Kansas City, Mo.  
(816) 221-5666

**Robert T. Naumes**  
Boston, Mass.  
(617) 720-1333

**Frederick L. Nelson**  
Oakland, Calif.  
(510) 451-6732

**David R. Paoli**  
Missoula, Mont.  
(406) 542-3330

**Lloyd L. Rabb**  
Tucson, Ariz.  
(520) 888-6740

**Samuel J. Rosenthal**  
Philadelphia, Pa.  
(215) 923-8900

**John J. Rossi**  
Denver, Colo.  
(303) 759-3500

**Jerome J. Schlichter**  
St. Louis, Mo.  
(314) 621-6115

**Michael F. Tello**  
Anoka, Minn.  
(763) 427-0159

**James H. Wettermark**  
Birmingham, Ala.  
(205) 933-9500

**Thomas C. Wood Jr.**  
Columbus, Ohio  
(614) 337-2427

**Steve Young**  
Houston, Texas  
(713) 333-3070

**Sara Youngdahl**  
Houston, Texas  
(281) 996-0750

**Larry Mann**  
Rail Safety Coordinator  
Bethesda, Md.  
(202) 298-9191

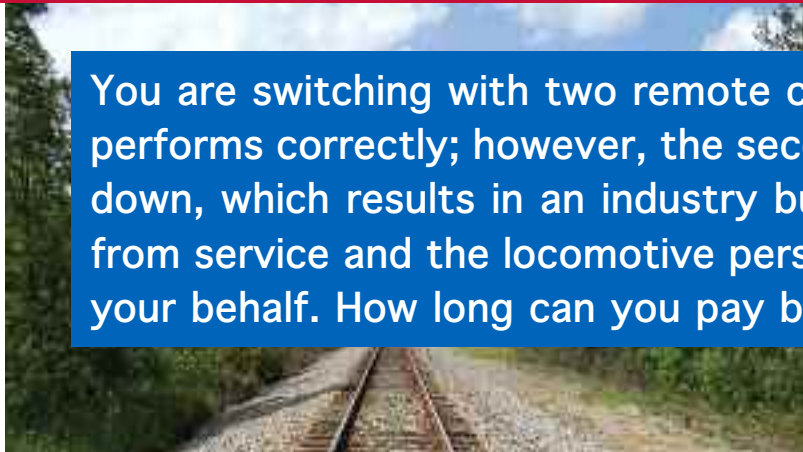


# It can happen to anyone

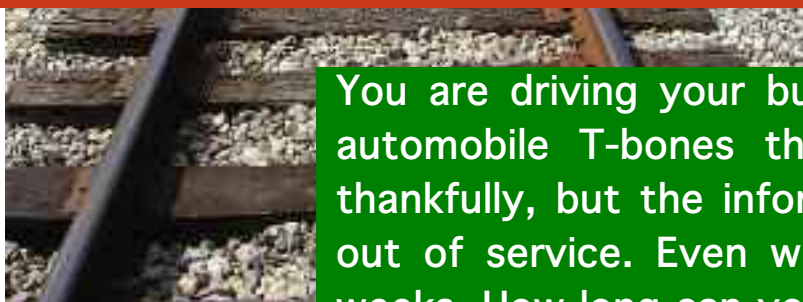
**You are shoving into a clear track at night, but the mechanical department forgot to remove the blue flag and derail protection device, and your train derails. You are removed from service and the mechanical personnel are not at the investigation to testify on your behalf. How long can you pay your bills until your discipline appeal is heard?**



**You are switching with two remote control locomotives. The controlling locomotive performs correctly; however, the second unit fails to drop amperage when throttling down, which results in an industry bumper post being destroyed. You are removed from service and the locomotive personnel are not at the investigation to testify on your behalf. How long can you pay bills until your discipline appeal is heard?**



**You set out bad-ordered locomotives on an incline and set hand brakes on each of the locomotives. Several hours later the locomotives roll out of the train onto the main line, causing power switch damage. The most likely cause is defective hand brakes. You are removed from service and the locomotive personnel are not at the investigation to testify on your behalf. How long can you pay bills until your discipline appeal is heard?**



**You are driving your bus and, out of nowhere, an automobile T-bones the bus. Nobody is injured, thankfully, but the informal company hearing results in you being taken out of service. Even with the help of your union, arbitration can take weeks. How long can you pay bills until your case is heard?**



## Protect yourself from the unexpected with job insurance from the UTU

**What is the Discipline Income Protection Program?** This program pays you a specific amount over a length of time if you are suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that such violations are not on the list of exceptions not covered.

**What benefits are paid?** You choose the level of benefits paid, from \$6 to \$200 per day, all at low monthly assessments. The term of benefits, from 250 to 365 days, depends on how long you have been enrolled in the program.

**Who sponsors the program?** The UTU International sponsors the Discipline Income Protection Program.

**Who is eligible for coverage?** UTU members may enroll as members on a voluntary basis.

**How do I get more information?** Contact your field supervisor or local insurance representative, or write to: UTU, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, or email "dipp@utu.org" or check out the Discipline Income Protection Program page on [www.utu.org](http://www.utu.org).



UTU  
Alumni

# UTU Alumni Association

News, information for members of the UTU Alumni Association

## Retiree served as S&T of sleeping car porters union

UTU Alumni Association member **Winfred Seymour**, 94, a member of Local 202 in Denver, recalled recently his days as secretary/treasurer of the Brotherhood of Sleeping Car Porters, the first union formed and operated by African-Americans.



Fanning

Under the direction of its first president, A. Philip Randolph, the union, founded in 1925, served as the representative of 20,000 Pullman car porters.

The union also played a major role in the civil rights movement, helping organize marches on Washington.

Seymour was born in 1916 in Pueblo, Colo. He started working for The Atchison Topeka and the Santa Fe Railway part-time in 1940. He worked as a chair car attendant on Colorado & Southern (part of BNSF) from Denver to Texline, Texas.

He rose to the rank of conductor. He couldn't serve as a Pullman porter because he didn't meet

the height requirements; porters had to be tall enough to pull down the upper berth of a sleeping car and change the sheets.

Seymour spent 46 years as a conductor on the railroad, mostly working on freight trains hauling coal, wheat and Coors beer out of Golden on the Denver-to-Pueblo run.

While working for Santa Fe, he got involved with the Brotherhood of Sleeping Car Porters as a local secretary/treasurer.

Winfred was elected and served as the International secretary/treasurer of the brotherhood for 10 years, working with Randolph, William H. Bowe, C.L. Dellums.

Seymour retired in 1986, just before his 70th birthday and after 46 years of service to the railroad.

The Brotherhood of Sleeping Car Porters declined as the jet age changed the way Americans traveled. By the 1960s, only 3,000 porters worked the rails; the union merged with the Brotherhood of Railway and Airline Clerks in the

late 1970s (now the Transportation Communications Union).

"I wonder how many members of the brotherhood are still around," he said. "That's a good question. Maybe others will contact the UTU when they read this."

"Working for the railroad was the best," Seymour said. "I'm proud of those times. The union played an important role."

### Former C&NW chairperson dies

**Donald F. "Monk" Markgraf**, a former UTU general chairperson on Chicago & North Western Railway (now part of Union Pacific), died March 3 at age 81. A native of Antigo, Wis., Markgraf hired on at C&NW as a switchman in Milwaukee. He later became a member of Local 322, Milwaukee, and was elected its chairperson in 1960. In 1983, he was elected vice general chairperson of GO 225, and general chairperson in 1983. He retired in 1991.

### New Alumni Association chapter to meet

Rail retirees in the Richmond, Va., area are invited to the inaugural meeting of UTU Alumni Association Chapter 15.

The meeting will be held at 11 a.m. on Tuesday, April 19, at the Golden Corral Restaurant, 4050 Gaskins Rd., Glen Allen, Va.

Organizing the event is **John Hines**, a retired member of Local 924. His address is 3520 Carolina Ave., Richmond, VA 23222. His telephone number is (804) 329-1086. He is being assisted by **Ray Cunningham**, a retired member of Local 1933. You may contact Cunningham by calling (804) 262-9303 or e-mailing mcunnin736@verizon.net.

"UTU Alumni Association chapter meetings are an interesting and very enjoyable way to bring together those with whom you worked for so many years. We know you will enjoy it," UTU International President Mike Futhey said.

### UTU offers tours, cruises for Alumni

One of the benefits of membership in the UTU Alumni Association are discounts on tours. Here are the latest offerings:

**Cruise to Alaska, July 28 – Aug. 7:** This Holland America Cruise Line cruise to Alaska runs 11 days (four days land; seven days cruising). Itinerary includes Denali National Park (McKinley Explorer Rail), Fairbanks, Anchorage, Seward, Ketchikan, Juneau, Skagway, Glacier Bay National Park, and College Fjord Scenic Cruising. The cost is \$2,140 per person.

**Post-convention cruises:** UTU members and retirees can enjoy a Royal Caribbean Cruise Line cruise following the UTU Quadrennial Convention in Hollywood, Fla.

**Three-day weekend cruise, Aug. 12 – 15:** Aboard the "Majesty of the Seas." Itinerary includes Cocoy and Nassau, Bahamas. The cost is \$450 per person.

**Seven-day Caribbean cruise, Aug. 13 – 20:** Aboard the "Oasis of the Seas." Itinerary includes Nassau, Bahamas; St. Thomas, Virgin Islands, and St. Maarten. The cost is \$1,375 per person.

**British Isles cruise Aug. 16 – 28:** This Princess Cruise Line cruise of the British Isles aboard the "Crown Princess." Itinerary includes London/Southampton (departure port), St. Peter Port, Cobh, Dublin, Liverpool, Belfast, Greenock, Invergordon, South Queensferry, Paris. The cost is \$1,923 per person.

**Cruise of Hawaii, Oct. 15 – 22:** This is a seven-day Hawaiian cruise aboard Norwegian Cruise Line's "Pride of America." Itinerary includes Honolulu, Maui, Hilo, Kona and Kauai. The cost is \$1,217 per person.

Call Landfall at (800) 835-9233; check out the Alumni Association page on [www.landfalltravel.com](http://www.landfalltravel.com) or email "travel@landfalltravel.com" for more information. These tours are open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join them as space permits.

## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
7	Graves, Virgil C.	North Platte, Neb.	792	Sliwinski, Eugene J.	Cleveland, Ohio	1393	Jowdy, Samuel J.	Walland, Tenn.
72	Charkowski, Earl T.	Kalamazoo, Mich.	811	Hemerling, Joseph	San Bernardino, Calif.	1458	Creduer, Spurgeon J.	Duson, La.
145	Marker, Daniel L.	Cincinnati, Ohio	823	Griffith, Jay M.	Big Spring, Texas	1501	Dooley, Jimmy L.	Simpson, La.
201	Beaty, Raymond L.	Trinidad, Colo.	830	Wagaman, Harry M.	Chambersburg, Pa.	1534	Golden, Marlin C.	Woodville, Ala.
238	Bundy, Charles I.	Portola, Calif.	838	Hall, Warren J.	Wilmington, Del.	1544	Estes, George M.	Whittier, Calif.
240	Hansen, Nick	Murphy, Texas	891	Gregg, J.R.	Whitefish, Mont.	1607	Wilson, Ellis E.	Los Angeles, Calif.
305	Gesch, William F.	Lincoln, Neb.	904	Graham, Jack G.	Evansville, Ind.	1637	Holbrook, Douglas E.	Wishram, Wash.
322	Markgraf, Donald F.	Milwaukee, Wis.	934	Faustman, Robert W.	Bellevue, Neb.	1722	Abel, Harold M.	Columbia, Pa.
324	Woitte, Dale L.	Edmonds, Wash.	1031	Henderson, Patrick	Richmond Hill, Ga.	1722	Cramer, Paul D.	Millersville, Pa.
333	Vance, Everett L.	North Vernon, Ind.	1074	Marocco, Elmer D.	Aliquippa, Pa.	1722	Kuhn, Guy X.	York, Pa.
418	Beacom, Thomas A.	Somers, Iowa	1088	Somerville, William	West Monroe, La.	1780	Melichar, Ken	Kansas City, Mo.
464	Baker, John E.	Tulsa, Okla.	1137	Stenberg, J.C.	Bullhead City, Ariz.	1790	Turner, Marcus	Fitzgerald, Ga.
556	Province, David E.	Lacey, Wash.	1221	Lambert, James M.	Parrish, Fla.	1883	Lambert, Ronald H.	Antioch, Ill.
587	Hart, Edward	East Longmeadow, Mass.	1238	Bylund, Bennett E.	Eugene, Ore.	1948	Husband, Benjamin F.	Dawson, Pa.
706	Dorton Jr., Daniel F.	Roanoke, Va.	1315	Bellamy Jr., Fred	Independence, Ky.	1949	Galloway, Charles A.	Bear, Del.
753	Phillips Jr., Cecil B.	Cape Coral, Fla.	1374	Stephens, Shalmer J.	Youngstown, Ohio			
772	Grisham, Harry T.	Sheffield, Ala.	1389	Edwards, H.E.	Russell, Ky.			
773	Muesse, Edgar F.	LaMarque, Texas	1390	O'Connell Jr., Michael	Mount Laurel, N.J.			





# Accidents can happen to anyone, at any time

**Protect yourself and your family from accidents, on and off the job, for less than \$1 per day**

The UTUIA's new accident indemnity plan provides you with money when you need it most: when you've had an accident and cannot work.

Benefits are paid for emergency treatment; hospital confinement; exams; physical therapy; ambulance service, and more.

Use the money for whatever you want: mortgage payments; car payments; medical expenses. The choice is yours.

The UTUIA offers two levels of benefits; you choose the level of protection you and your family desire.

- ▶ All benefits are paid directly to you.
- ▶ Benefits are paid at full value, regardless of any other insurance you have.
- ▶ Benefits will never be reduced.
- ▶ Your premium does not increase with age.
- ▶ You will never be singled out for a rate increase.
- ▶ Guaranteed renewable to age 80.
- ▶ No physical required.



**Call or email today:  
(800) 558-8842  
utuiasales@utu.org**

Call the toll-free number above, email the address above, or send in the coupon at right to request a plan benefit brochure. Certain conditions and exemptions may apply.

## Information, please

I would like more information on UTUIA's accident indemnity plan.

Please print



Full name _____		Date of birth _____	UTU local number _____
Address _____	City _____	State _____	ZIP _____
Telephone number with area code _____		Sex Male <input type="checkbox"/>	Female <input type="checkbox"/>

Mail to: UTUIA, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333

04/11

## UTU seeks tougher hazmat protections

A doubling in the number of damaged or leaking hazardous materials containers shipped by rail has prompted the UTU and six other rail labor organizations to petition the Federal Railroad Administration for enhanced safety standards to protect rail workers and the public.

Rail labor is concerned that the FRA routinely grants special permission for railroads to transport damaged hazardous materials containers on mainline tracks to repair facilities.

In fact, the number of such requests has more than doubled since 2007, subjecting rail workers and the public to an unacceptable risk of exposure, the labor organizations told the FRA.

"Railroads and shippers must do more to reduce the incidence of non-conformance," the organizations told the FRA.

Among changes sought by rail labor is advance notification to rail workers and necessary protection when workers are in the vicinity of damaged containers transporting hazmat.

Current federal regulations provide no requirement that safety devices be provided to protect rail workers from exposure to hazmat.

The labor organizations told the FRA that operating crews should be provided emergency breathing apparatus when involved in the movement of hazmat containers.

Although there have been no injuries or known exposures, the risk of employee exposure will only increase if the current rate of movement approvals continues, the FRA was told.

"Railroads and shippers have a business interest in timely review and approval of movement requests," the labor unions told the FRA.

### Rail workers should be warned of damaged hazmat containers

"As soon as the backlog impacts their bottom line, railroads and shippers will pressure FRA to accelerate the approval process.

"Such acceleration will undoubtedly diminish the level of detail and due diligence now afforded each request, resulting in an increased probability of unintended consequences such as fire, explosion or chemical exposure," rail labor said.

In addition to the UTU, rail labor organizations jointly providing the comments to the FRA include the American Train Dispatchers Association, the Brotherhood of Locomotive Engineers and Trainmen, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, the Transport Workers Union, and the Transportation Communications Union.

## Arbitrator named in SMWIA merger dispute

Pursuant to a March 4 ruling of a federal district court judge, an arbitrator has been named to determine whether the merger agreement between the UTU and the Sheet Metal Workers International Association (SMWIA) is an enforceable agreement.

Georgetown University law professor Michael H. Gottesman has been named by AFL-CIO President Rich Trumka as the arbitrator – a choice approved jointly by UTU International President Mike Futhey and SMWIA National President Mike Sullivan.

In his ruling, Federal Judge John Bates said a separate action brought by several UTU members, challenging the validity of the merger – alleging violations of Titles I and V or the Labor Management Reporting and Disclosure Act – is not within the arbitrator's jurisdiction and that he would delay a ruling on that complaint pending the outcome of the arbitration.

Arbitrator Gottesman earned an undergraduate degree at the University of Chicago and his law degree from Yale University.

He teaches labor law, constitutional law and civil rights at Georgetown University.

Gottesman's latest article, "The Role of Labor in the 21st Century," will be published later this year by the Columbia University Law Review.

As matters develop, further information will be posted at [www.utu.org](http://www.utu.org).

### Breaking news as it happens: Register for *UTU News* alerts

The UTU International is trying to give members as much information as it can, as soon as possible. The UTU has created a special email list so that UTU members may voluntarily sign up to receive e-mail on important UTU events.

Register for email alerts by visiting [www.utu.org](http://www.utu.org) and clicking on the "Email Alerts" tile on the UTU home page. Be sure to double check the information for accuracy before sending your email registration.

# UTU sets up collective-bargaining defense fund

Continued from page 1

boots-on-the-ground and knock-on-the-doors activism that helps elect labor-friendly lawmakers from both the Democratic and Republican parties," said UTU Assistant President Arty Martin.

"By destroying labor unions, right-wing extremists will control legislatures and Congress, with an expectation of imposing lower wages and fewer benefits on working families, while further increasing corporate profits and tax breaks for the

most wealthy," Martin said. "Without a right of collective bargaining, a labor union becomes a hollow social club."

"The only people who have the capacity – organizational capacity and muscle – to keep, as they say, the barbarians from the gate, is organized labor," said Vice President Joe Biden recently to an AFL-CIO audience.

With approval of UTU state legislative directors and general chairpersons, the UTU International created the UTU Collective Bargaining Defense Fund. The UTU Board of Directors

approved an expenditure of \$150,000 from the union's Education Fund to begin this effort.

Since its inception in March, thousands of dollars have been contributed by state legislative boards, general committees, UTU locals, UTU retirees, designated legal counsel and rank-and-file members.

More is needed to help organize rallies, launch recall efforts of those voting to destroy organized labor, and for signs, bumper stickers, T-shirts with slogans, and other activities to increase public support for preserving workplace democracy and the union movement in America.

"Our great-grandfathers fought with blood, sweat and tears to gain laws assuring our rights to join a labor union of our choice and engage in collective bargaining," Futhey said. "To sit idly by as a minority of right-wing zealots seeks to eliminate those rights is to mock the sacrifices and gains of our forebears."

"For labor, this may be our finest hour as we protest the most coordinated union-busting efforts since the early 1900s."

## Negotiations

Continued from page 1

ciation of Machinists, the International Brotherhood of Electrical Workers, and the Transport Workers Union.

A second coalition also negotiating with the NCCC includes the Brotherhood of Locomotive Engineers and Trainmen, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, the Brotherhood of Boilermakers and Blacksmiths, the National Conference of Firemen and Oilers, and the Sheet Metal Workers International Association.

### Why donate to the collective bargaining defense fund?

"All Americans should have the option of coming together to discuss wages and rules with their employer, if they desire to do so. It's the democratic way." — **Rick Johnson, Colorado SLD**

"It is put up or shut up for union members. We must stand up and fight for collective bargaining rights before they are gone forever." — **David Miracle, Kentucky SLD**

"It is my responsibility to help those fighting for our rights." — **Gregory Farris, retired, Local 78, Pocatello, Idaho**

"It is very important to protect all that has been fought for – by us and by our forefathers. We must protect the benefits, wages and protections that we have earned." — **General Chairperson Randy Pullen (CSX, GO 025)**

"Labor is what made this country great. Labor is what made the middle class. I believe in what the UTU is doing." — **Designated Legal Counsel Steve Young**

"The attack is aimed not just at public employees or unions, but intended to weaken or destroy the two-party political system that has served this country so well. Every citizen is at risk." — **General Chairperson Mike Reedy (UP, GO 225)**

"When I saw what the Gov. John Kasich administration was trying to do to working families in Ohio, and then that the UTU had established this fund, I knew my money would be well spent." — **Thomas Szykowny, outside counsel to UTUIA**

"It's very important that we help our brothers and sisters while we help ourselves at the same time. It's the right thing to do." — **General Chairperson James Williams (LACMTA)**

"The existence of organized labor will depend on what working men and women do in the near future." — **UTU International Past President (1991-1995) Tom DuBose**

### Yes, I want to contribute to the UTU Collective Bargaining Defense Fund

Enclosed is my check to help organize rallies, launch recall elections, and purchase T-shirts, signs and bumper stickers to help increase public awareness of union-busting activities.

Amount:  \$10  \$25  \$100  \$1,000  Other

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Email address \_\_\_\_\_

Send this form and your check to: UTU Collective Bargaining Defense Fund, United Transportation Union, Suite 340, 24950 Country Club Blvd., North Olmsted, OH 44070-5333

## Motorcycle ride set for San Antonio

The sixth annual Scott Belden Memorial Motorcycle Ride, in honor of the deceased Utah state legislative director and national legislative office chief of staff, will be held Sunday, June 19, at the San Antonio regional meeting.

Advance registration is suggested by calling Local 857 (San Antonio) member **Jerald Howell** at (210) 846-9217 or email to "jhowell0227@aol.com." On-site registration will also be available at the Hilton Placio del Rio. Howell also has information on motorcycle rentals.

## Meet your UTUIA independent directors

Your United Transportation Union Insurance Association (UTUIA) offers a wide variety of insurance and investment products to transportation industry families at affordable rates. The UTUIA is governed day to day by an executive committee and overall by a board of directors. UTU International Presi-

dent Mike Futhey, Assistant President Arty Martin and General Secretary & Treasurer Kim Thompson serve on both bodies. Four independent directors also serve on the board of directors. Two are introduced below; two more will be featured next month.



**NICHOLAS J. DICICCO JR.**  
Longboat Key, Fla.

Nicholas J. DiCicco Jr. holds a bachelor of science degree from John Carroll University (1955), is a Life Insurance Management and Research Association (LIMRA) Leadership Institute Fellow (LLIF), a former Certified Senior Advisor (CSA), and a former registered principal with the National Association of Securities Dealers. He is the retired chief executive officer of Midwestern National Life Insurance Company of Ohio and is currently the chief executive officer of Corporate Benefits Advisors, LLC, a business consulting firm. "As a director of UTUIA for a number of years, I have seen great progress being made by the company in creating an operation based upon financial stability and concern for its members and their families. It continues to be able to offer them quality, competitive products with the assurance that promises made are promises kept," DiCicco said.



**WILLIAM J. THOMPSON**  
Cuyahoga Falls, Ohio

William J. Thompson, retired Ohio state legislative director, is a member of Local 792 at Cleveland. Thompson, a member of the UTU Alumni Association, held the posts of assistant Ohio state legislative director and then state legislative director from 1981 through his retirement in 2002. He hired out with the Akron, Canton & Youngstown Railroad in 1961, before it was acquired by Norfolk & Western Railway (now part of Norfolk Southern), and was elected to posts of general chairperson, local chairperson and legislative representative of UTU predecessor Brotherhood of Railroad Trainmen Local 432. "I have always recommended that UTU members purchase insurance and investment products from the UTUIA because it is their company. UTUIA is union owned, union operated and union proud. Few other companies can say that," Thompson said.



# Regional meetings offer education, fraternalism

The 2011 UTU/UTUIA regional meetings have been designed to provide a grand sense of fraternalism, lots of worthwhile education and tons of fun for the whole family.

As before, each regional meeting will run for 2-1/2 days, ending early on the afternoon of the third day. The evening of the first day has been left unscheduled so you, your family and friends will be free to explore and enjoy the many offerings of the regional meeting cities.

**UTU meeting registration and hotel reservations can be made online by visiting [www.utu.org](http://www.utu.org) and clicking on the "Meetings" tile in the blue menu bar at the left-hand side of the UTU homepage.**

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. The registration form is printed on the right.

The pre-registration fee for the 2010 regional meetings is \$150 per member, spouse or child over age 11. Additional fees apply for the golf outings and spouse tours. You must make your own room reservations, and certain deadlines apply. Tours are booked first come, first served.

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

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, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, 10 days prior to the scheduled start of the meetings or the registrant will be charged the on-site registration fee of \$200.

You may cancel your registration by June 6 for San Antonio or June 20 for New York without penalty. Please fax any changes or cancellations immediately to the UTU International Headquarters at (216) 228-5755, or call (216) 228-9400.

**SAN ANTONIO, JUNE 20-22**  
**HILTON PALACIO DEL RIO**  
**200 S. ALAMO ST.**  
**SAN ANTONIO, TX 78205**  
**WWW.HILTON.COM**

**Hotel reservations:** (800) HILTONS toll free; (210) 222-1400 direct; (210) 270-0761 fax  
**Reservation code:** UTU  
**Daily room rate:** \$139 single/double, plus tax; rates good for three days before and after the meeting, depending upon availability  
**Reservation deadline:** May 18, or until all rooms being held for the UTU are reserved  
**Parking:** Valet: \$35.50 per night; Self: \$22  
**Golf outing:** The regional meeting golf outing will be held Sunday, June 19, at the Pecan Valley Golf Club. The cost is \$80 per golfer, which includes transportation, golf, lunch and more.

**NEW YORK CITY, JULY 4-6**  
**GRAND HYATT NEW YORK**  
**109 E. 42ND ST. AT GRAND CENTRAL**  
**NEW YORK, NY 10017**  
**WWW.GRANDNEWYORK.HYATT.COM**

**All rooms being held for the UTU at the Grand Hyatt New York have been reserved.**

The overflow hotel is the Roosevelt Hotel, 45 East 45th St., New York, NY 10017 (a seven-minute walk to the Hyatt). Telephone (888) 833-3969; mention UTU when reserving rooms. Rates are \$199 single/double, \$239 triple, \$279 quad. Room rates are good July 1 to July 9. Cut-off date for reservations is June 11 or until all rooms being held for the UTU are taken. Parking is \$55 per 24 hours.

**DISCOUNT AIRFARES, CAR RENTALS**

Continental Airlines is offering discounted airfares to UTU members and others attending the San Antonio and New York regional meetings. See the "Meetings" page of the UTU website, [www.utu.org](http://www.utu.org), for details.

The UTU also has arranged with Avis Rent-a-Car to offer discounted rates to UTU members attending the 2011 regional meetings. To reserve a car, contact Avis at (800) 331-1600 and use the UTU's Avis Worldwide Discount (AWD) number: **D150699**. Or reserve online at [www.avis.com](http://www.avis.com).

**TWO SPOUSE TOURS SET**

The UTU is arranging **two different tours of local attractions** at both regional meetings. The tours will take place the day before, as well as the first day of, each meeting. Fees are \$35 per registered spouse, guest or child, or \$75 per unregistered spouse, guest or child in San Antonio, \$50 per registered spouse, guest or child, \$90 per unregistered spouse, guest or child in New York. Check out [www.utu.org](http://www.utu.org) for complete details.

## UTU REGIONAL MEETING REGISTRATION FORM

Registering before the regional meetings speeds sign-in procedures, helps organizers plan more accurately, and saves on meeting costs. **Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any 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 is \$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 at the UTU International by June 6 for the San Antonio meeting or June 20 for the New York meeting for the member/spouse to be considered pre-registered.

**Which regional meeting will you be attending?**     San Antonio     New York

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    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

**Spouse registration**     San Antonio     New York

Spouse name \_\_\_\_\_ Title (if any) \_\_\_\_\_

Meals: Day 1     Lunch     No meal    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

Spouse/guest tour:     Sunday or  Monday (\$35 per registered spouse, \$75 per unregistered spouse in San Antonio; \$50 per registered spouse, \$90 per unregistered spouse in New York)

**Child registration**     San Antonio     New York

Child name \_\_\_\_\_ Age \_\_\_\_\_

Meals: Day 1     Lunch     No meal    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

Child name \_\_\_\_\_ Age \_\_\_\_\_

Meals: Day 1     Lunch     No meal    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

Child name \_\_\_\_\_ Age \_\_\_\_\_

Meals: Day 1     Lunch     No meal    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

Tour:     Sunday or  Monday (\$35 per registered child, \$75 per unregistered child in San Antonio; \$50 per registered child, \$90 per unregistered child in New York) No. attending \_\_\_\_\_

**Guest registration**     San Antonio     New York

Guest name \_\_\_\_\_ Relationship to member \_\_\_\_\_

Home address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

Meals: Day 1     Lunch     No meal    Any dietary restrictions?  
 Day 2     Lunch     Dinner     Both     No meals  
 Day 3     Lunch     No meal

Spouse/guest tour:     Sunday or  Monday (\$35 per registered spouse, \$75 per unregistered spouse in San Antonio; \$50 per registered guest, \$90 per unregistered guest in New York)

**Special needs?** (Circle appropriate responses): Registrant / spouse / child / guest is:  
 hearing impaired / visually impaired / in wheelchair / other: \_\_\_\_\_

**Golf registration**     San Antonio

Name \_\_\_\_\_ Handicap \_\_\_\_\_ Name \_\_\_\_\_ Handicap \_\_\_\_\_  
 Name \_\_\_\_\_ Handicap \_\_\_\_\_ Name \_\_\_\_\_ Handicap \_\_\_\_\_  
 (Golf fees are \$80 per golfer; include in total payment. Please provide names of others if foursome.)

**Payment options**

Check/money order enclosed (U.S. funds only) \_\_\_\_\_ \$

Credit card     VISA     MasterCard

Card number \_\_\_\_\_ Exp. date \_\_\_\_\_ Total charged \$ \_\_\_\_\_

Signature \_\_\_\_\_

This form and payment of \$150 per person over the age of 11, plus golf registration fees of \$80 per golfer (if applicable) and spouse/guest tour fees (if applicable), must be received at the UTU International, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, by June 6 for the San Antonio meeting or June 20 for the New York meeting for the member/spouse to be considered pre-registered. 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 choose to register at the meeting site will be charged a \$50 penalty fee. Space on the tour is limited; reservations are first-come, first-served.



## The Official Publication of the United Transportation Union

# Working families are under attack

By Robert Kerley  
UTU International vice president

America's soldiers and their families are sacrificing to preserve liberty and ensure justice throughout the world.

As labor unionists, we can follow their example of service by remaining resolute in our struggle against injustice and the denial of human rights and dignity here at home.



Kerley

Liberty means freedom from tyranny at home. Justice must be demanded in corporate boardrooms and the workplace.

Working men and women are under attack in states throughout America. It is an attack on all that unions have fought so long and hard to achieve – the right to organize and bargain collectively for good wages and safe working conditions.

The attack is by those who cannot make their case at the bargaining table. Working families, whose purchasing power sustains our economy, absolutely did not cause the economic collapse that has driven states into the red.

Yet those families are now told that their breadwinners don't deserve a seat at the table when the elimination of

their jobs and reduction of their negotiated wages and health care and retirement plans are discussed.

A half century ago, Americans of every color, creed, faith and age stood shoulder-to-shoulder in the fight against racial and social injustice and made America a better place for us all.



We must renew that spirit, reaffirm that message and reignite that flame of righteous indignation against this denial of democracy and dignity in the workplace.

We must reach out to young people for whom the American dream is becoming a legendary paradise lost, and to the unorganized, because their future depends on our success.

Without strong labor unions and labor laws, America's middle class will disappear into a nation of masters and servants.

America is better than that. Our cause is just. Our motives and our actions must be honorable, but unequivocal.

We must prevail, because the loss of these precious rights will dishonor all who came before us, and resign the generations who follow to lives of meager toil without the just rewards of honest labor.

## Inside this issue of the UTU News:



UTU establishes collective bargaining defense fund. See front page.



Amtrak conductor Bruce Bachman gets kids to read. See page 2.



UTU seeking limits on use of remote-controlled trains. See page 3.



Retiree Fanning served as GS&T of porters' union. See page 8.

## Photo of the month



This photo was provided by retired member **Bill Wolf** of Local 1780, Kansas City, Mo.. It was taken at the Brunswick, Maine, station of the Maine Eastern Railroad, which runs scenic excursions along the Maine coast.

The UTU International is always looking for good photos, and awards UTU gear to monthly photo winners.

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

Printed photographs should be mailed to UTU News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

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.