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# UTU News

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The Official Publication of the United Transportation Union

## UTU urges FRA to revise conductor certification

WASHINGTON – As the Jan. 1, 2012, effective date for conductor certification approaches, the UTU and Brotherhood of Locomotive Engineers and Trainmen are urging the Federal Railroad Administration to revise certain portions of the proposed certification rules.

Chief among areas of concern is the lack of a streamlined appeals process when railroads move to decertify a conductor. The UTU and the BLET are asking the FRA to amend existing engineer certification rules with such a streamlined appeals process that will also require appeals to run their course before a conductor may be decertified.

Conductor certification is one dozens of actions required by Congress in the Rail Safety Improvement Act of 2008 (RSIA).

Other worker-positive safety advances ordered by the RSIA, also being advanced by the FRA, are mandatory availability of breathing apparatus for train and engine workers,



implementation of positive train control, and hours-of-service reform. In each case, the UTU and the BLET also are working to refine those rulemakings in line with concerns of UTU and BLET members.

Conductor certification will be published as a new Part 242 of Chapter 49 of the Code of Federal Regulations. Engineer certification, implemented by the FRA in 1991, is published as Part 240.

“Conductor certification has long been an objective of the UTU, as it enhances the pro-

fessionalism and indispensability of the craft,” said UTU International President Mike Futhey. “One of the most sought after provisions of conductor certification, contained in the FRA’s proposed rulemaking, enables a conductor to refuse to violate operating rules and federal regulations even if demanded by a carrier officer.

### Streamlining decertification process UTU’s highest priority

“We also are pleased that the FRA proposes uniform training for conductors, which includes a requirement for territorial testing and qualification that must be preceded by face-to-face classroom training and territorial training with a pilot,” Futhey said.

“Railroads must also provide conductors with a map and listing of all safety hazards, and must keep a list of conductors qualified on each territory,” Futhey said.

“The proposed rule also makes it unlawful to require a conductor to work on territory where the conductor is not qualified, and provides

*Continued on page 10*

## 2010: A good year for railroads\$

How did major railroads perform in 2010? One wouldn’t know they were operating in the midst of a recession.

Profits soared, stock dividends were raised and operating ratios improved. (Operating ratio – a railroad’s operating expenses expressed as a percentage of operating revenue – is considered by economists to be the basic measure of carrier profitability.)

Wall Street analyst Ed Wolfe reports the level of freight car and intermodal loadings for the year registered “the best” year-over-year growth in more than 50 years.

Wolfe and other analysts also point to the railroads’ pricing strength – the ability to raise rates on shippers with limited effective alternatives to railroad transportation. Many long-term contracts for hauling coal are expiring, and substantial rate increases on that traffic already are reflected in new contracts.

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## UTU, carriers continue to negotiate

Following an eighth negotiating session in mid-January with the National Carriers’ Conference Committee (NCCC), UTU International President Mike Futhey said, “We continue to make progress through interest-based bargaining toward developing a common framework recognizing the needs of both sides, and we are prepared to reach a voluntary agreement with the carriers.”

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.

Three additional dates for national negotiations have been scheduled between the UTU and the NCCC in February, March and April.

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; UTU International Vice Presidents Robert Kerley and Delbert Strunk; National Legislative Director James Stem 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.

One, which includes the Transportation Communications Union, the American Train Dispatchers Association, the International Association of Machinists, the International Brotherhood of Electrical Workers, and the Transport Workers Union, previously applied for services of the National Mediation Board (NMB), and a mediator was assigned.

A second coalition, which 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, requested the services of the NMB Jan. 11.

That leaves only the UTU in voluntary negotiations with the NCCC.



## Delegate info coming

The UTU International is receiving questions about the quadrennial convention, Aug. 8-12, at the Westin Diplomat, Hollywood, Fla.

Delegates will receive, by early April, a packet explaining room reservation procedures and other convention details.

Room reservations will be handled by the UTU International. Room reservations will not be accepted until after the packets have been mailed.



# Around the UTU

## Local 168, Chicago, Ill.

Member **Richard Lent** has notified *UTU News* that this local's website address has been changed. The new address is [www.utu168.org](http://www.utu168.org).

## Locals 195 & 1423, Galesburg, Ill.

At their annual Christmas party Dec. 10, the members of these BNSF locals, along with the members of BLET Division 644, collected \$1,100 to purchase Christmas gifts for underprivileged children, Local 195 President **Bryan Roberts** reported. The collected money was taken to the Galesburg Wal-Mart where it was used to purchase gifts for 20 children who had placed their Christmas wishes on the store's Angel Tree. "In light of the generosity shown by UTU and BLET members, Wal-Mart increased the original donation by 10 percent. It's great to get these locals together for a night of dinner and dancing, but the most rewarding part of the evening was the generosity shown by our members and retirees," Roberts said.



Pictured, from left, are Local 1423 Chairperson David Stevens, BLET Secretary & Treasurer Cory Williams, Wal-Mart employees Terry Colby and Linda Howarter, Local 195 Chairperson Steve Davis and Local 195 President Bryan Roberts.

## Local 240, Los Angeles, Calif.

On Jan. 8, conductor and brakeman **Joe M. Rivera** retired after 45 years of service with Southern Pacific and Union Pacific, Local Chairperson **Harry Garvin Jr.** reported. "From all the members and officers of Local 240, we wish Joe and his wife, Karen, many long years of happiness," Garvin said.

## Local 277, Hartford, Conn.

Amtrak conductor **Jason Downes** has published his first novel, according to a report received at the UTU International. The novel follows the daily struggles of the title character, *Pony Fleming*, during his time as an employee of Irish Rail in Dublin, Ireland. Downes was born in Ireland and spent 11 years as an employee of Irish Rail before moving to the U.S. to be with his wife. The book is available from Xlibris.com and Amazon.com.



Downes

## Local 312, Madison, Wis.

Retired member **John H. Wilcox**, 86, died Dec. 15 following complications from a stroke, Wisconsin State Legislative Director **Tim Deneen** reported. Wilcox was employed as a fireman and engineer for Chicago & North Western from 1946 until 1985. He is survived by a son and daughter. "I have many fond memories of working with John," Deneen said.

## Local 367, Omaha, Neb.

This UP local held its annual raffle for charity in December to raise money for the Heart Min-



Local President Jim Contreras, left, and former UTUIA Field Supervisor Roger Sparks, right, present a check to Heart Ministry Center Executive Director John Ely.



Members of Team United First, above, will bicycle 565 miles to support AIDS patients and prevention.

## School bus operators unite in battle against HIV, AIDS

Twenty-four members of Local 1741 at San Francisco have volunteered to participate in AIDS/LifeCycle 10 (ALC), a 565-mile bicycle trek to raise funds for support services for those suffering from HIV/AIDS and for HIV prevention, General Chairperson **Paul Stein** reports.

UTU member and team captain **Beau Thomson** has participated in the annual event since 2005, and this year, found himself with 27 fellow UTU members, former members and friends forming their own cycling team.

The seven-day ride from San Francisco to Los Angeles will take place June 5-11 and the school bus operators and other team members of "Team United First" have pledged to raise \$100,000 for the cause.

United First comes from a combination of United Transportation Union and First Student, the company that employs the drivers. Thousands of riders on other teams will also participate.

Most of the members of Team United First will actually ride bicycles, but others will serve as roadies, helping riders train and providing support services for the full week of the trip.

"In 2005, I was someone who smoked two packs of cigarettes a day," Thomson said. "I was overweight and hadn't done anything athletic in years. This year, I will train and ride with co-workers I've known for years. To see them experience this first hand will be priceless."

"I enjoy helping people and this ride seems like a good way to join the fight against AIDS, and to experience with some of my co-workers the fulfillment of working together on a fun and productive project," said Local President **Sharon Wheatley**.

Added member **Shonara Rivas**: "I have wanted to do ALC since 2005, and this is finally the year for me. I went to closing ceremonies for ALC 9 and was so moved, I signed up on the spot."

The members of Team United First include Thomson, Marina Acosta, Chris Alexander, Kelly Beardsley, Sheila Bickerstaff, Marilyn Brown, Rosalie Carrico, Gerry Cooper, Lois Correa, Barb Donovan, Kathleen Duffy, Shelby Hall, Shane Hoff, Chris King (former member), Sherrie Klein, David Kush, Terrance Livingston, Rina Luna, Gerardo Martin, Mario Ortiz, John Reardon, Rivas, Renee Roberts, Gabe Rocha, Julio Ruano, Emily Taormina, Dexter Thomas and Wheatley.

For additional information, or to make a donation, visit [www.aidslifecycle.com](http://www.aidslifecycle.com). Select "Find a Participant" and enter "United First" in the team name space.

"No donation is too small," said Stein. "Although a daunting task, the team has already raised more than \$11,000 and must reach their goal by the beginning of the ride."

istry Center, Legislative Rep. **Kevin Kresl** reported. Kansas City Chiefs football tickets, a Toshiba Netbook computer and a \$50 gift certificate to Nebraska Furniture Mart were awarded to **Roger Bergantzel**, **Joe Brown** and **Dan Jamrozy**. In the past several years, Local 367 has donated more than \$10,000 to the Heart Ministry Center, which provides assistance to the disadvantaged, Kresl said. The raffle was coordinated by Local

President **Jim Contreras** and the prizes were donated by the designated legal counsel firm of Holtsclaw & Kendall.

## Local 807, Tucson, Ariz.

Local 807 announced the retirement of former officer **Thomas F. Moore Jr.**, who pulled the pin in November. Moore, who joined predecessor union SUNA Lodge 60 in 1966, had at various times served as local chairperson, vice local chairperson, delegate, legislative representative and most recently, secretary & treasurer. He also served as chairperson of the Arizona State Legislative Board, vice chairperson and secretary of UP general committee of adjustment GO 887, and two terms as an Arizona state senator. Moore said he looks forward to extensive travel with his wife, Marie. Friends may contact him at [mooretjr@aol.com](mailto:mooretjr@aol.com).

## Local 980, Enderlin, N.D.



Myhre

Retired member **Charles Myhre** died Jan. 15, North Dakota State Legislative Director **Marc Halvorson** reported. Myhre, 76, was employed as a Soo Line conductor for 27 years. He is survived by his wife, Billye, four daughters and a son. "Charlie was a good rail and friend of the UTU. He will be deeply missed," Halvorson said.

## Local 1138, Miami, Fla.

A week's stay at a secluded North Carolina cabin and a block of tickets to a Miami Heat/Atlanta Hawks basketball game were raffled by this local to raise money for a member who is unable to work after suffering from heat stroke, Florida State Legislative Director **Andres Trujillo** reported. On Jan. 11, Local Chairperson **Yvonne Hayes** and Secretary & Treasurer **Susan Derby** presented a check in the amount of \$1,020 to **Gene Grey**, representing the proceeds from the raffle. "Gene has been unable to return to work and was extremely touched by this, as were his parents and brother, who were also present," Trujillo said. "Gene's father noted that it is not only a financial help, but a psychological boost for Gene to know that we are thinking of him." Grey extended thanks to all who contributed, including Designated Legal Counsel Charles Baumberger, who donated the basketball tickets, and Trujillo, who donated the use of the cabin.

## Local 1570, Roseville, Calif.

Amateur photographer and retired former Local Chairperson **Daryl Stinchfield** had his work displayed at a National Photography Exhibition at the Blue Line Gallery in Roseville on Jan. 15, according to Local Chairperson **Brad Elkin**. "After 46 years of railroad service and 32 years as a union officer, Daryl went back to school and is working toward a second degree," Elkin said. Stinchfield is currently enrolled at Sierra College.

## Railroaders to picnic in St. Petersburg, Fla.

Retired member **Joe Alenduff** is again organizing an annual picnic for railroaders in the vicinity of St. Petersburg, Fla. The event, scheduled for Saturday, March 19, will run from 11 a.m. to 3 p.m. at Shelter 15 in Ft. DeSoto Park in St. Petersburg. Coffee and iced tea will be furnished. Participants are urged to bring two covered dishes to share, their own place settings and cups. All railroaders, their friends and relatives are welcome and encouraged to pass the word, Alenduff said. Take U.S. 19 South, or Exit 17 on I-275 at St. Petersburg and follow the signs. For more information, contact Alenduff at (727) 522-6808 or send e-mail to him at [jalenduff@tampabay.rr.com](mailto:jalenduff@tampabay.rr.com).





# UTU continues negotiations on Amtrak

The following update on Amtrak negotiations comes from UTU General Chairperson **Roger Lenfest** (Amtrak, GO 769), who is the UTU lead negotiator.

The UTU International is not participating in the talks. Under the UTU's guarantee of craft autonomy, the UTU International participates in on-property negotiations only when requested to do so by general chairpersons.

The existing UTU agreement with Amtrak remains in force until amendments are concluded under provisions of the Railway Labor Act.

According to Lenfest:  
"Here are some of the reasons why we have not yet reached a settlement.

"So far, none of the crafts who have settled have come close to a net 3 percent increase in pay for their members any year for the next five years.

"In fact, in the last three years of those agreements, the single-employee contribution to health and welfare could be \$230 per month.

"On the other hand, there are several important issues specific to our craft that we are serious

about resolving. Certification and the attendant pay for certification is important, as is the issue of the treatment of single-day vacations.

"Furthermore, the meal allowance for conductors who are required by Amtrak to be away from home must be addressed.

"Another important issue to our members is to achieve an adequate amount of time off for those members who work long hours.

"In the meantime, there are several economic reports coming in that inflation and increased costs for fuel and groceries are right around the corner.

"It is our goal to reach a reasonable and honorable settlement with Amtrak in the near term; however, we must be vigilant that any settlement is equitable and that we meet our responsibility to place our members in a better economic situation.

"Presently, we are not the only major craft negotiating with Amtrak. The Brotherhood of Locomotive Engineers and Trainmen and the Brotherhood of Maintenance of Way Employees have yet to reach a settlement with Amtrak.

"In fact, the BMWE recently polled its Amtrak-employed members concerning the acceptance of a contract with Amtrak under similar terms and conditions as those accepted by the crafts who have already signed.

"We understand that more than 2,000 ballots were sent out to BMWE members; and 85.5 percent of the respondees voted to continue to bargain for a better settlement.

"I shall provide further updates as negotiations continue."

*(Editors' note: In May 2010, Amtrak clerks and carmen represented by the Transportation Communications Union ratified five-year agreements with Amtrak that, according to the TCU, provide for a 15 percent general wage increase over five years.)*



## UTU member shot; another loses limbs

UTU members **Timothy Council** suffered a gunshot wound and **Larry McVay** lost two limbs in separate incidents recently.

In DeSoto Parish, La., KCS conductor Council and engineer Paul Griffin were wounded when a gunshot came through their locomotive window Dec. 20, according to the *Shreveport Times*.

Griffin, 44, was inside the cab of his locomotive when a bullet struck him in the face. The bullet then struck the hand of conductor Council, a member of Local 781 in Shreveport, La.

Police told KSLA television news that the shot was fired by a man who had just purchased a gun and was checking his aim when the gun fired.

Griffin, said KSLA, was some 400 yards away when hit.

The *Times* reported Griffin's wound as "non-life threatening." Council was treated and released.



McVay

In Lafayette, Ind., Norfolk Southern conductor and Local 768 member Larry McVay, 43, lost an arm and a leg in a switching accident the morning of Jan. 3, and is recovering at an Indianapolis hospital.

A benefit fund for McVay has been established at Land of Lincoln Credit Union, 2890 N. Oakland Ave., Decatur, IL 62526. For more information call (217) 875-1300.

Members who have PayPal accounts may also make a contribution through the PayPal website by sending funds to the e-mail address "benefit-larry@yahoo.com."

## Illinois, Amtrak, UP agree on fast trains

Some \$1.1 billion in federal grants for high-speed rail between Chicago and St. Louis are about to flow to the State of Illinois after the Illinois DOT, Amtrak and Union Pacific reached an agreement on how to accommodate freight and passenger trains on the affected track, reports the *Springfield State Journal-Register*.

The Illinois DOT predicts that when the high-speed rail line is completed in 2014, the passenger train trip between Chicago and St. Louis will be four hours, 10 minutes – about a 30 percent reduction in the current passenger-train time.

## UTU reaches agreements on FEC

Two tentative four-year agreements have been reached between the UTU and Florida East Coast Railway (FEC).

One of the tentative four-year agreements covers FEC conductors, engineers, trainmen and yardmen represented by the UTU.

The second tentative four-year pact covers FEC yardmasters represented by the UTU.

The tentative agreements, retroactive to Jan. 1, 2009, and extending through Dec. 31, 2012, cover wages, benefits and working conditions. The tentative agreements must be ratified by the crafts, and include retroactive pay.

Town hall meetings, to explain the tentative agreements prior to a ratification vote, were conducted across the property during January.



UTU negotiators included General Chairperson **John Hancock** and Vice General Chairperson **John Whitaker** (CSX, GO 851), Local 903 (Jacksonville, Fla.) Chairperson **Jim Bush**, and Local 1138 (Miami) Chairperson **Jim McCorkle**. The UTU negotiating team was assisted by UTU International Vice President Robert Kerley.

FEC is a Class II railroad, operating more than 350 miles of mainline track along Florida's east coast.

In November, FEC completed 2,000 consecutive days of on-time service to UPS – a record for any transportation company serving the logistics giant. During that almost 5-1/2 year period, FEC delivered 125,000 on-time intermodal loads for UPS, consisting of more than 200 million packages.

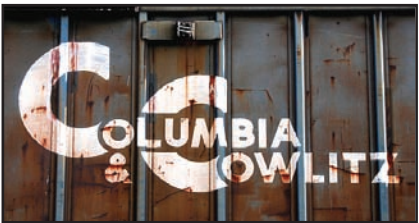
## UTU-represented shortline has new owner

LONGVIEW, Wash. – UTU-represented train and engine employees of Columbia & Cowlitz Railroad here have a new employer in Patriot Rail Corp. after Patriot completed purchase of the shortline from paper manufacturer and forest products supplier Weyerhaeuser.

Also included in the sale is Weyerhaeuser Woods Railroad (a non-UTU property) that connects with Columbia & Cowlitz.

The two are slated to be consolidated into one shortline by Patriot, a shortline holding company whose properties include UTU-represented Louisiana & North West Railroad.

UTU Assistant President Arty Martin has



met four times in recent months with the UTU train and engine employees on Columbia & Cowlitz, and has assigned International Vice

President Paul Tibbit to work in conjunction with General Chairperson **Sean Kibee** to monitor the transfer of ownership, which includes protection of seniority and work assignments.

"As the nation's largest rail union, the UTU has a long history of successful experience in processing grievances governed by the Railway Labor Act, and the UTU will work diligently on behalf of our Columbia & Cowlitz members to ensure a smooth and properly protected transition," Martin said.

## T&E numbers up for 2010, but not evenly

All railroads increased the number of train- and engine-service workers in 2010, but at quite different rates, according to data released by the U.S. Surface Transportation Board.

Overall, the number of train- and engine-service workers increased in 2010 by 9.21 percent – 62,067 in December 2010 versus 56,833 in December 2009. Here are the numbers:

Railroad	December 2010	December 2009	Percent change
BNSF	15,529	13,580	+14.4%
CSX	10,584	10,441	+1.3%
KCS	1,237	1,218	+1.6%
NS	11,415	10,580	+7.8%
UP	19,433	18,142	+7.1%
CN*	2,439	1,934	+26.1%
CP*	1,430	938	+52.4%
Amtrak	3,490	3,408	+2.4%
*U.S. operations only			

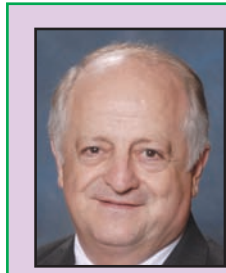
# For equal protection there can be no 'me' in 'union'

As I travel the nation attending local and regional meetings, I am often asked, "What has the union done for me?"

Brothers and sisters, there is no "me" in "union." Your union cannot make agreements for one individual, or a small sector of the seniority roster.

It has long been the practice of the UTU to make agreements that protect all members – from the youngest to the oldest on the seniority roster.

In unity, there is strength in num-



## Officers' Column

By Assistant President

**Arty Martin**

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tively in a single and strong voice – we have achieved gains that could not be possible otherwise.

A union is about the collective

will, ensuring the right to a given job as defined by the collective bargaining agreement, and providing health and retirement benefits beyond what is found in other industries.

As we face inevitable change from technological discoveries and economic cycles, our membership has specific needs that the union works to satisfy at the bargaining table, in grievances, and before regulatory agencies, state legislatures and Congress.

Assuring equal protection for all members is the objective. As elected officers at all levels strive to achieve that objective, we must consider the entire membership and not one

er violations by making detailed notes of events, the exact location, who said what and witnesses.

By attending union meetings our members gain a better understanding of how a union works on behalf of its members.

It is the carrier that attempts to reduce or eliminate jobs, benefits and improved working conditions. Without the UTU, carriers would have a free hand in replacing you with someone willing to work for less, for fewer benefits and under less-safe working conditions.

The next time you hear a disgruntled union brother or sister say "What the heck has the union done for me?" please respond in support of your union.

Together, through preparation and hard work, we must continue – with fire in the belly – the fight for what is right. But we must do it collectively with one voice and on behalf of every member.

The UTU is unique in the labor movement. We are structured from the bottom up, meaning that you, as a member, vote for and elect your

## A union is about the collective power of strength

bers. Union is about bringing together, unifying, combining and blending.

By working together – mobilizing, collecting facts and speaking collec-

power of strength on behalf of all its members – protecting all members from discrimination of any form, making each of us a contractual employee rather than an employee at



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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.**

## UTU is unique in being structured from the bottom up

individual or a small group on the seniority roster.

The more active and involved local members are, the stronger the local, general committee, state legislative board and UTU International will be.

It is essential that every member be active in their local, understand our collective bargaining agreements and learn to document carri-

local representatives, who, in turn, elect general committee officers, state legislative directors and UTU International officers.

This form of representation has served our members well. Moving forward, we must continue to have solid, active members and locals to continue to provide the quality jobs, wages, benefits and protections that the UTU is known for.

# Conductor certification improves the craft

Conductor certification for freight, passenger and yard conductors (foremen) goes into effect Jan. 1, 2012.

Conductor certification was one of the 44 specific improvements in rail safety for rail employees contained in the Rail Safety Improvement Act (RSIA) of 2008.

The certification process applies only to conductors and does not apply to yard helpers, utility persons, flagmen or brakemen.

Certification of conductors will



## Officers' Column

By National Legislative Director

**James Stem**

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to be properly trained and tested prior to being issued a federal license.

This certification process will help stop the verbal encouragement

• Basic vision, hearing and medical exams.

• FRA-approved training programs for certification and recertification.

• A certified conductor on every assignment.

• Continued consistent application of drug and alcohol prohibitions.

Safety in the airline industry was significantly enhanced when airline mechanics received a federal license and could no longer be coerced by management pressure to allow unsafe planes to fly. Similarly, this process will improve safety and help sustain the craft of conductor.

Let me also provide an update on positive train control.

PTC will be deployed on 40 percent, or 69,000 miles, of U.S. main-

line track by Dec. 31, 2015, as a requirement of the RSIA.

These lines carry at least five million gross tons; tank cars containing poisonous inhalation gases; and intercity and commuter passengers.

Even with 60 percent of mainline mileage exempt from this requirement, the railroads are working overtime to try to delay or remove the requirement for PTC.

The cost to railroads from injuries, fatalities, destroyed equip-

## The certification process will improve safety and help sustain the craft of conductor

enhance the professionalism of the craft and provide improved training on rules and operating practices for all conductors.

Certification helps establish the conductor's necessary role in switching and the movement of trains across America.

The certification process will be very similar to that of locomotive engineers.

Each conductor will be required

and instructions from management to disregard operating rules and regulations.

Conductor certification will require:

• Conductors be qualified on the territory they are working.

• Each railroad to maintain a list of conductors qualified on each territory, eliminating attempts to require conductors be responsible for working over territory they have never seen.

## Railroads will not dodge PTC requirement

ment, evacuations and accident gridlock over the past four decades has cost them an estimated four times the cost of installing a state-of-the-art PTC system.

Although railroads continue to try to dodge the RSIA requirement for installing PTC on just 40 percent of their mainline track, I predict they will not be successful.



# State Watch

## News from UTU State Legislative Boards

### Arizona



As Rep. Gabrielle Giffords (D-Ariz.) recovers from the horrendous act of domestic terrorism in Tucson in January, UTU members in Arizona have her in their thoughts and prayers. Says UTU Arizona State Legislative Director **Greg Hynes**: "She has always been very accessible to me and her voting record has been consistently pro-labor. She has voted consistently for us with regard to retirement issues, health care reform and Medicare." Above, in a photo taken in August 2010, are Giffords with, from left, Local 807 (Tucson) Legislative Rep. **Dave Shearer**, Local 807 Delegate **Tom Moore Jr.** and Local 807 Chairperson **Gary Crest**.

### Colorado

Railroads in the Centennial State could lose business if truckers are allowed to increase the size and weight of their rigs under proposed federal legislation.

State Director **Rick Johnson** is promoting the passage of the Safe Highways and Infrastructure Preservation Act, which has been introduced in Congress. "If passed, it will freeze the maximum truck weight at 80,000 pounds – the limit set in 1982.

"Increasing the size and weight of trucks will cause rail to see large decreases in traffic volumes as freight traffic is diverted to our highways. Diversion of freight off of rail and onto our highways is irresponsible and does a disservice to our state's residents or our environment," Johnson said.

### New Jersey

The state law that gives workers the opportunity to take off up to six weeks with compensation to care for newborn babies or adopted children, or for an ailing spouse, parent, child or other family member, has proven beneficial for UTU-represented bus members in the Garden State.

The law was passed in 2008 after a 14-year battle between competing interests.

"Despite the business community decrying the sky-is-falling defense when this legislation was enacted, the reality has proven to be the exact opposite," State Director **Dan O'Connell** said.



## Bus Department

By Bonnie Morr, alternate vice president - bus  
bonniemorr@sbcglobal.net



## Bus operators: Please help the UTU to help you

The Federal Motor Carrier Safety Administration (FMCSA) is seeking comments on proposed new rules affecting drivers of commercial motor vehicles, which includes bus operators.

The rules cover revocation or disqualification of a commercial driver's license (CDL) for traffic violations received while operating a personal automobile, and a ban on cell phone use while

### The proposed disqualification rules are flawed

operating a commercial vehicle, which also can result in CDL revocation or disqualification.

The disqualification rules proposed are flawed, especially with regard to not providing a right of appeal or to contest disqualification. This strikes to the heart of job security, because any CDL revocation means a loss of employment.

As proposed by the FMCSA, states would lose federal highway funding if they fail to enact the proposed rules.

The UTU's National Legislative Office, assisted by the Bus Department, is making the following comments to the FMCSA:



- The final rule should remove any process for civil penalties against drivers.

- The rule should contain an appeal process for the levels of disqualification.

- If cell phone use is to be banned, then other appropriate

and effective electronic communication devices must be made available by employers for use by drivers – and they must be sanctioned by the FMCSA.

- Violations of the cell phone ban should be separate from traffic violations that lead to disqualification, and should not be allowed to progress to a lifetime disqualification.

- Electronic communication devices should be placed so that they can be used by the driver without having to take one's eyes off the road to use them.

- Employers should be subject to periodic review of their procedures in communicating with drivers in emergency situations. Employers should also be subject to fines for non-compliance.

The problem of distracted driving goes

beyond the bus operator, and involves employers, who have an obligation to provide effective communications devices in the vehicles we operate.

As a professional driver, I receive calls from my employer on my cell phone, with the company knowing that I am driving. These calls often inform me that I must work overtime or cover an additional shift. I am required to take the call.

### Employers should be subject to periodic review

Moreover, it is important to have the ability to use a cell phone in an emergency situation, which includes reporting dangerous situations involving passengers or abuse of the driver by a passenger.

I have been a commercial driver of school buses and public transit buses for 28 years, and I know that trained professional drivers are among the safest on the highway. We, as an organization representing trained and safe professional drivers, must make our voice heard within the FMCSA.

## San Francisco school drivers ratify new contract

San Francisco school bus drivers represented by the UTU recently voted to ratify a new contract with First Student by a 72-percent majority. All are members of Local 1741, San Francisco.

"Our strategy was to keep negotiations limited to economics because the work rules in our contract are the standard by which most other school bus drivers measure their contracts: by any measure it is one of the best contracts for school bus drivers in the country," General Chairperson **Paul Stein** said.

"Also, our health insurance benefits far exceed most San Francisco city workers.

"Negotiators for the local were able to hold on to our health insurance plan without premium increases.

"We asked for wage increases for ourselves and a series of raises for the office staff and dispatchers that would bring them up to the level of the drivers. The increases we got for the staff was very nearly what was asked for, and was viewed by most as a victory.

"The unity of drivers and staff and the hard work of the members of the local committee of adjustment who did the hands-on work of negotiations is a tribute to the abilities of working people willing to fight for what they deserve," Stein said.



# UTUIA: YOUR union-owned insurance company

## Insurance for unionized transportation employees, managed by labor-represented employees FOR labor-represented workers

### UTUIA's PROMISE TO YOU:

Invest in any of the UTUIA's accident and/or health insurance policies, to protect you and your family members, and the UTUIA makes these promises to you:

- ▶ All benefits will be paid directly to YOU
- ▶ Only YOU can cancel your insurance policy – it is guaranteed renewable
- ▶ No physical required
- ▶ Your premium does not increase with age
- ▶ You will NEVER be singled out for an increase in premiums
- ▶ Benefits will always be paid at full value, regardless of any other insurance you may own

Call toll-free:  
**1-800-558-8842**

#### Disability income replacement

During your working years **you are 3.5 times more likely to be injured and need disability coverage than to die and need life insurance.** This does not suggest you should abandon life insurance to purchase a disability policy, but it does highlight the importance of disability insurance in any financial plan. **Your most valuable asset is your ability to earn a living – protect it with a UTUIA disability plan.**

If you already participate in the Anthem or Lincoln plans, you have taken an important first step. While owning a group plan like Anthem or Lincoln is important, it is just as important to supplement those plans with additional UTUIA coverage so that your family is fully protected. Do not forget: **UTUIA benefits are never offset against your Anthem or Lincoln coverage.** UTUIA pays 100 percent, in addition to any group plans.

#### Cancer insurance

**Fighting cancer is a battle in the best of circumstances and can take a toll on even the most financially stable families with great health care coverage.** Statistics tell us that one out of three individuals will be diagnosed with cancer in their lifetime and that cancer will affect three of every four families. A two-parent family and all of their children (children under 18 or 23 if full-time student) **can typically be covered by the UTUIA against cancer expenses for less than \$1 per day.**

The UTUIA offers a multi-benefit cancer plan that can make the difference when cancer strikes. Join the thousands of other UTUIA members who have already purchased a cancer plan and protect your family today.

Visit us on the Internet at  
**www.utuia.org**

Call us, toll-free, at **(800) 558-8842** for complete details on any of these products.

Or, complete, clip and mail the coupon at right; someone from the UTUIA will contact you.

#### Accidental death & ICU

UTUIA's accidental death and dismemberment policy offers **guaranteed approval for all active transportation employees and their family members.** Unlike most accidental death plans, the UTUIA's plan also **covers confinement in an intensive care unit** as a result of any accident. UTUIA offers plans that start at only \$6.50 per month; our most popular plan is only \$19.50 per month and offers up to \$180,000 of accidental death benefits and up to \$18,000 for ICU confinements. **This plan is a must for anyone working in the transportation industry.**

#### Accident indemnity

**Each year, more than one in nine persons seek medical attention for an injury.** Each year, some 1.5 million people are hospitalized and 27.7 million people treated in hospital emergency rooms. A fact that few consider is that **57 percent of all injuries occur in the home.**

Out-of-pocket costs like deductibles and co-pays, out-of-network charges, missed work days not covered by disability plans, missed work days by loved ones caring for an injured person convalescing at home can all add up. **Our accident indemnity plan pays cash directly to you** to use as you see fit when accidents occur. You are covered 24/7 **both on and off the job**, and family members can be added to coverage for less than \$1 a day.

This comprehensive plan not only covers hospital confinements, but emergency treatment, dislocations and fractures, burns, eye injuries, lacerations, diagnostic exams, physical therapy, ambulance and much more.

## UTUIA offers protections you and your family deserve

### 'Insurance is the foundation of a sound financial plan'

By Tony Martella

UTUIA Director of Insurance & Marketing



Martella

The foundation of a sound financial plan is to assure sufficient income to protect our loved ones in the event of an untimely death, catastrophic illness or long-term disability.

The United Transportation Union Insurance Association (UTUIA), owned by its policy holders, offers top-quality insurance products for every stage of life and family circumstance, geared specifically for transportation industry members and their families.

UTUIA is all about dedicated trade unionists assisting dedicated trade unionists in a not-for-profit company.

#### UTUIA offers life insurance

##### Whole life insurance

Permanent life insurance offers guaranteed premiums, a guaranteed death benefit, guaranteed cash values and may pay dividends. It provides coverage up to age 121.

Loan provisions allow you to borrow up to 90 percent of the cash value in your policy. Other benefits include supplements (called "riders") to cover your spouse and dependents, an accidental death benefit provision and a waiver of premium if you become disabled.

##### Term life insurance

Term life insurance offers substantial insurance coverage at a low cost. It also provides coverage for a specific period of time, up to age 95. Conversion privileges guarantee your approval to a whole life insurance policy without medical review.

With more than \$24 million in surplus, UTUIA is financially sound and offers a broad portfolio of competitive products.

And unlike so many private insurance companies, the union-friendly UTUIA doesn't engage in anti-union activities, such as lobbying for corporate-favored public policies.

To learn more about UTUIA products, contact a UTUIA field supervisor. The list of field supervisors and their contact information is shown below.

The first person you should pay on payday is yourself. Invest in yourself and your family; let the UTUIA help you.





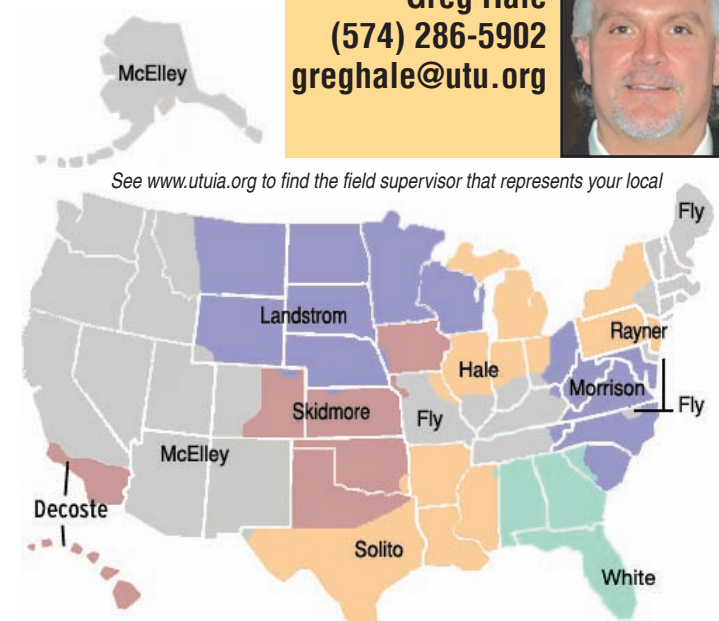






#### UTUIA helps fund your retirement

**The UTUIA offers three investment vehicles that offer guaranteed returns** and can be used to ensure a more secure retirement. With more than \$85 million invested, the UTUIA's retirement products are doing just that for your friends and family.

The UTUIA offers **Individual Retirement Accounts (IRAs), Roth IRAs and an annuity plan.** Depending on your income level, some or all of your contributions to an IRA may be tax deductible. If you invest in a Roth IRA, your future payouts will be tax free. With all three plans your year-to-year earnings will grow tax free. **Why pay Uncle Sam more than you have to?** Begin investing in tax-deferred growth today and let the tax laws work in your favor.

The UTUIA also offers several payout options when you do decide to withdraw your funds. Also important is that, since our annuity is an insurance product, your beneficiary will receive your annuity value upon your death while avoiding the time, expense and frustrations of probate.

### These UTUIA field supervisors are ready to help you

<p><b>David Landstrom</b> (307) 630-2927 d_landstrom@utu.org</p> 	<p><b>Greg Hale</b> (574) 286-5902 greg_hale@utu.org</p> 	<p><b>Chris Fly</b> (252) 813-7319 cfly@utu.org</p> 
<p><b>Dan McElley</b> (970) 260-1631 danmcelley@utu.org</p> 	 <p>See <a href="http://www.utuia.org">www.utuia.org</a> to find the field supervisor that represents your local area.</p>	
<p><b>Serge Decoste</b> (909) 292-7361 fs136@msn.com</p> 	<p><b>Art Rayner</b> (724) 699-1233 art_rayner@utu.org</p> 	<p><b>Malcolm Morrison</b> (910) 995-6720 tbone@utu.org</p> 
<p><b>Charlie Skidmore</b> (303) 564-5616 charlieskidmore@utu.org</p> 	<p><b>Joe Solito</b> (504) 914-0008 joesolito@utu.org</p> 	<p><b>Steve White</b> (864) 379-4062 s_white@utu.org</p> 

#### Information, please

I would like more information on UTUIA's products. (Please print)

Full name \_\_\_\_\_ Sex \_\_\_\_\_ Date of birth \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Telephone number with area code \_\_\_\_\_ UTU local number \_\_\_\_\_  
Complete and mail to: UTUIA, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333 02/11





UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

# Retired bus operator honored for years of service

UTU Alumni Association member **Robert Beard**, a retired bus driver and member of former Local 1699, Washington, D.C., is a driving force.

He was recently recognized for his years of safe driving and passion for the occupation by Trailways, which named in his honor a mini-museum which he helped create at its corporate headquarters in Virginia.

“My membership with the union began with (UTU predecessor) the Brotherhood of Railway Trainmen in 1961 and continued into 1987. I worked for Trailways out of the District of Columbia until most of the system was bought out by Greyhound in 1987,” Beard said.

“Not long after that, my local, 1699, gave up its charter.

“During my proud years with the UTU, I served as vice chairperson of the grievance committee, local legislative representative and delegate to a number of conventions.

“I also had the unique (for a bus member) opportunity to serve a number of years as the District of Columbia legislative director, the home city of our national legislative office. I do not believe a bus man ever held the office of state legislative director.”

## Thank you, alumni!



Some 225 UTU Alumni Association members recently donated almost \$9,500 to the UTU's political action committee, UTU PAC. The retirees received a UTU PAC business-reply envelope in their 2011 wall calendars, and, wow, did they reply. UTU PAC Administrator Wendy Conrad holds just a few of the donations.



Alumni Association member Robert Beard is shown with some of the Trailways memorabilia he helped collect for the company's mini-museum, recently named for him.

Between 1961 and 1987, Beard drove nearly 2 million miles for Continental Trailways along his scheduled route between Washington and New York City. That is the equivalent of 80 trips around the equator of the earth.

Beard then drove for Greyhound after its 1987 purchase of Continental Trailways.

Retiring in 1990, Beard was quickly back in the drivers' seat, first for the Washington Flyer, a shuttle service between Washington and Dulles Airport, then as a paratransit driver, transporting elderly and disabled riders in Prince George's County, Md.

In 1990, Beard and Stanley Scholem co-founded the Trailways National Retirees Association and organized a series of Trailways reunions throughout the nation.

Over the years, Beard also coordinated the collection of thousands of dollars worth of Trailways memorabilia, which is proudly showcased in the company's new offices in Fairfax, Va. The company made Beard curator of the museum, and recently dedicated the museum as the “Robert J. Beard Room.”

According to the 77-year-old Beard, “I'm just a bus driver; but when I pass away, they'll never be able to wipe the smile off my face.”

## UTU Alumni Association members enjoy Opryland



Some 30 UTU Alumni Association members, their spouses and friends recently enjoyed the holidays at Opryland in Nashville, Tenn., on a tour arranged as one of the benefits of membership in the organization. Shown aboard the General Jackson showboat are (left) Barbara and Roy Seamans of Lancaster, N.Y., with Mary and Gene Miori of Depew, N.Y. Roy and Gene are retired members of Local 1393, East Buffalo, N.Y. (The Mioris also went on the Alumni Association's New England and Alaska cruises.)

## Railroad retirement benefits go electronic

Come May 1, Social Security and Railroad Retirement checks for new recipients no longer will be mailed.

The Social Security Administration and the Railroad Retirement Board are going paperless – sending payments electronically (direct deposit) to those receiving retirement, disability and survivor benefits.

Those already receiving Social Security and Railroad Retirement benefits will have until March 1, 2013, to establish direct deposit at a financial institution, or arrange for the benefits to be credited to a debit card.

An exception will be made for those at least 90 years old and those living in remote areas.

Beneficiaries who do not have bank or credit union accounts may obtain a Direct Express debit MasterCard.

For more information and assistance, go to [www.GoDirect.org](http://www.GoDirect.org), or call, toll free, (800) 333-1795.

## 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	Hiltabidel, Clifton A.	North Platte, Neb.	601	Beck, Paul E.	Crestline, Ohio	1279	Good, Lawrence W.	Greybull, Wyo.
14	Betscher, Walter A.	Eaton, Ohio	610	Piker, Melvin B.	Sparrows Point, Md.	1292	Cherro, Harvey P.	Duluth, Minn.
14	Ford, Fred T.	Springfield, Ohio	630	Flannery, William E.	Martin, Ky.	1293	Falk, William T.	St. Charles, Ill.
20	Martin, Robert G.	Shawnee, Kan.	643	Burris, Jess R.	Marceline, Mo.	1312	Booth, Doyle G.	Pensacola, Fla.
113	Pfeiffer, Elmer E.	Raton, N.M.	645	Godek, Stephen	Floral Park, N.Y.	1313	Towery, Mack A.	Lakeside, Texas
118	Burdette, Clifford P.	Chesapeake, Ohio	674	Fouche Jr., Samuel A.	McDonough, Ga.	1348	Yokota, Roger A.	Beaverton, Ore.
168	Livolsi, Thomas M.	Woodstock, Ill.	694	Daw, Reuben C.	Weed, Calif.	1366	Nelson, Keith L.	Bellevue, Neb.
194	Bennington, Harry G.	Terre Haute, Ind.	744	Michaels Jr., John H.	Lafayette, Ind.	1370	Dudek, Joseph C.	Glen Oaks, N.Y.
194	Piker, Walter J.	North Canton, Ohio	763	Jones, Jack D.	Pittsburg, Kan.	1374	Burnett, Albert R.	Williamsfield, Ohio
225	Halpin, Charles J.	North Olmsted, Ohio	772	Frederick, I.J.	Hackleburg, Ala.	1388	Fulton, Billy D.	Barnhart, Mo.
228	Peta, William J.	Ottumwa, Iowa	792	Ambrose, Ernest	Cleveland, Ohio	1422	Lueth, Herschel H.	Rosemead, Calif.
239	O'Brien, William E.	San Lorenzo, Calif.	832	Geving, Howard O.	Ashland, Wis.	1445	Frazzetta, Santo	Butler, N.J.
278	Gee, Thomas G.	New Port Richey, Fla.	891	Fredenberg, Duane H.	Dayton, Mont.	1447	Landon, Neil J.	Milford, Pa.
318	Adams, Richard A.	Elmira, N.Y.	903	Graham Jr., Willie I.	Jacksonville, Fla.	1477	Antal, Barna E.	Detroit, Mich.
330	Smith, John Z.	Scott City, Mo.	977	Pallis, J.G.	Kennewick, Wash.	1518	Deisher, Melvin	Evansville, Ind.
331	Sheppard, William H.	Temple, Texas	1007	Howard, James A.	Central Square, N.Y.	1532	Kelley, Harry T.	Basehor, Kan.
339	Pulliam, Tillman M.	Jackson, Tenn.	1053	Mosley III, Felix L.	Daphne, Ala.	1534	Zorn, William E.	Chicago Ridge, Ill.
367	Price Sr., William R.	Omaha, Neb.	1059	Ellingson, Mervin E.	Minot, N.D.	1672	Fortiguerra, Angelo	Warwick, R.I.
386	Fogarty, James G.	Bloomsburg, Pa.	1066	Surcouf Sr., Thomas F.	New Orleans, La.	1814	Shehan, Fred L.	Spartanburg, S.C.
445	Augustine, James J.	Streator, Ill.	1075	Dudek, Michael J.	Carleton, Mich.	1929	Owens, Lawrence	Midland, Texas
500	Mendicelli, Joseph E.	Grand Junction, Col.	1075	Simcox Jr., Ellison A.	Springfield, Ohio	1949	Wild, Harold J.	New Bern, N.C.
528	Stratford, John T.	Roswell, N.M.	1258	Helgesen, Bernard	Cotter, Ark.	1976	Nelson, Gordon W.	Dilworth, Minn.



# PATH celebrates first female general chairperson

UTU member **Patricia Smith**, a conductor with the Port Authority Trans-Hudson Railway (PATH), has been elected general chairperson (GO 795, Local 1413, Jersey City, N.J.), the first female general chairperson in the 103-year-history of PATH.

A subsidiary of the Port Authority of New York and New Jersey, PATH – which began operations in 1908 – today transports more than 72 million commuters annually between the New Jersey cities of Newark, Hoboken and Jersey City and two terminals in New York City, via tunnels under the Hudson River.

Among members of GO 795 are genuine 9/11 heroes – conductors credited with saving hundreds of lives the morning of Sept. 11, 2001, when terrorists caused the destruction of the twin towers of the World Trade Center, which stood above the PATH station. With the PATH World Trade Center station filling with smoke, PATH conductors held their outbound train's doors



Patricia Smith with UTU International Vice President Delbert Strunk

open and ensured every passenger on the platform was aboard before departing the station. It was the last train out before the collapse of the towers.

Smith, who lives and breathes the principles of trade unionism – and especially the UTU – hired on at PATH in September 1989, and previously was secretary of GO 795. Rather than comment on her elevation to general chairperson in January, she asked that the hard work and dedication of PATH GO 795 vice chairpersons **Sean Smith**, **Dave McQuillan** and **Kevin Wendolowski**, and secretary **Anita Aguilar**, be recognized.

“Pat Smith has a great attitude and is committed 24/7 to improving working conditions and job security for her PATH membership and moving the union spirit forward,” says UTU International Vice President Delbert Strunk, assigned to assist the general committee.

The UTU also represents tower operators on PATH (GO PAT).

## Advice from the UTU's medical consultant on how genetics affect your health

# Diseases run in families; learn from your parents, grandparents

By **Dr. Norman K. Brown**  
UTU medical consultant

UTU members and their families have access to excellent wellness programs through health-insurance providers that help control and eliminate many bad habits such as poor nutrition, smoking and lack of exercise.

But there are certain health-related matters we cannot control because they are part of our hereditary makeup – our genes.



Brown

From our parents we inherit a huge package of genes – both positive and negative. Our ability to repair machinery, play sports, solve math problems or communicate clearly are all partly inborn. Most of us are very good at some tasks, but not so good at others. Those abilities are, in large part, associated with our genes.

For example, genes have a lot to do with the fact that three brothers – Benji, Jose and Yadier Molina – are three brothers whose skills propelled them to major league baseball teams as catchers. Sandy Alomar Jr. and Roberto Alomar followed their father, Sandy, into major league baseball.

Sure, education, training and hard work also affect our abilities, but let's focus here on genes, that we share with our parents and siblings.

There is big value in studying and thinking about our parents, grandparents, siblings, even aunts and uncles, in planning for the best possible life for each of us.

When blood-related loved ones have illnesses or even die – as a result of diabetes, high blood pressure, heart attacks and strokes – I recommend learning all you can about what happened. We know some of the genetics for common dis-

## There are certain health-related matters we cannot control

eases, but knowledge in this area is exploding as I write.

It is not possible here to detail preventive steps in each instance, but here are a few general principals.

In some cases – such as obesity, which is partly genetic – we can take actions to counteract genes. Recent studies show that the amount of amylase, the enzyme in our saliva which splits up starches, varies based on our genetic makeup. As a result, the same food may taste much better to one of us than another, perhaps contributing to overeating, so resisting the tendency will need even more effort.

Here are other methods to counteract negative genes.

- Many drug stores have equipment to measure your blood pressure without charge.

- A canister of test strips can be purchased from a pharmacy to put in your urine to check for sugar. A twice-a-year check after eating a rich meal can detect potential diabetes.

- A family history of lung, breast or skin cancer would be an excellent reason to avoid smoking, schedule mammograms and avoid lengthy exposure to the sun.

- Cancers of the colon and prostate run in families, so ask your doctor how to monitor for these.

Please consider for your next doctor's visit bringing along a list of all the medical conditions among your family members to offer your doctor the opportunity to make recommendations for your better health in the short and long term.

Learn all you can about your own genes – your partners for life – so you can be your very best with them.

## Union Plus offers hardship grants

Two new hardship grants from Union Plus are available to help union members with union credit cards who are facing financial difficulties.

**Union Plus furlough grant:** Union members or their spouses who have been furloughed from their jobs for 15 days or more within a six-month period can receive a one-time \$250 payment made directly to their Union Plus credit card.

**Union Plus job-loss grants:** The time to apply for a \$250 job-loss grant has been expanded from six months to 12 months to allow members more time to learn of the grant and apply for it. Union Plus credit card holders who have been laid off in the preceding 12 months and who have been out of work for 90 days or longer may apply for a grant.

Learn more and find grant applications at [www.unionplus.org/unionsafe](http://www.unionplus.org/unionsafe).

## Discipline Income Protection Program: It Pays!

**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 United Transportation Union International sponsors the Discipline Income Protection Program.

**Who is eligible for coverage?** UTU members in the 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 e-mail “[dipp@utu.org](mailto:dipp@utu.org)” or check out the Discipline Income Protection Program page on [www.utu.org](http://www.utu.org).



## Payments not taxable

Members who received disability-claim payments from Anthem or Lincoln in 2010 will be receiving IRS W-2 forms from those insurers.

This does not mean that the benefits are taxable; it is merely a reporting requirement of the IRS.

The payments will be listed in Box 12 with a “J” and the amount received. This notifies the IRS that the disability income is non-taxable.



# Payroll tax cut will NOT weaken trust funds

The two percentage point reduction in payroll taxes for railroad workers covered by Railroad Retirement, and bus and aviation workers covered by Social Security, will NOT have a negative impact on either the Railroad Retirement or Social Security trust funds, as has been wrongly alleged by some.

Beginning Jan. 1, all workers saw an increase in their paychecks as a result of Railroad Retirement and Social Security payroll taxes being cut from 6.2 percent to 4.2 percent. The purpose of the tax cut is to stimulate the economy through consumer spending that will snowball into increased demand for products and new hiring by employers.

For workers earning \$50,000 annually, the additional take-home pay from the reduced payroll taxes will be some \$1,000 in 2011. For those earning the maximum Social Security and Tier I Railroad Retirement taxable income, the additional take-home pay will top \$2,000 in 2011.

The payroll tax deduction will NOT have a negative impact on the Railroad Retirement or Social Security trust funds because the legislation provides that the shortfall in the trust funds – as a result of the payroll tax cut – will be made up by a contribution to those funds from the U.S. Treasury's General Fund.

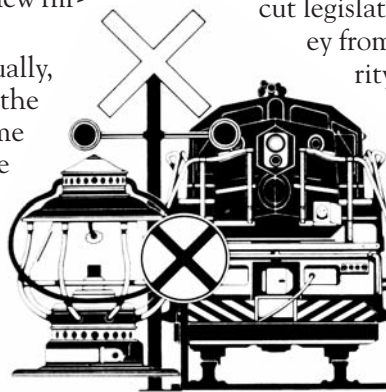
The legislation is absolutely clear on this point. In Section 601(e) of the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010, it is stated:

"There are hereby appropriated to [the Social Security Trust Fund] amounts equal to the reduction in revenues to the Treasury by reason of the application of [the payroll tax cut]."

This was confirmed by the Railroad Retirement Board, which advises that the payroll tax-cut legislation "provides for the transfer of money from the general fund to the Social Security Equivalent Benefit Account, one of the trust funds from which the Railroad Retirement Board (RRB) pays benefits, in an amount equal to the revenue lost due to the reduced payroll tax rate."

Separately, the Social Security systems' chief actuary, in a Dec. 10 letter to Treasury Secretary Timothy Geithner, said, "The law specifies that Social Security will receive every dollar it would have gotten even without the payroll tax cut."

Said President Obama in signing the legislation: "Social Security is a sacred compact that in return for a lifetime of hard work, America's seniors will have a chance to retire with dignity. We have an obligation to keep that promise and safeguard and strengthen Social Security for seniors, people with disabilities and all Americans, both now and in the future."



## Rail profits up

*Continued from page 1*

Indeed, railroad CEOs are predicting another strongly profitable year in 2011, which was reflected in year-end railroad stock prices, which were flirting with record highs.

Following are profit reports from the major railroads:

### Canadian National:

- Fourth-quarter profit increased 19 percent.
- Calendar-year 2010 profit increased 13.5 percent.
- Operating ratio improved four percentage points to 63.6.
- The stock dividend was raised 20 percent.
- The year-end stock price was up 38 percent.

Analysts predict CN's stock price will rise another 4 percent in 2011.

### Canadian Pacific:

- Fourth-quarter profit increased 34 percent.
- Calendar-year 2010 profit increased 39 percent.
- Operating ratio improved four percentage points to 77.6.
- The stock dividend was raised nine percent.
- The year-end stock price was up 45 percent.

Analysts predict CP's stock price will rise another eight percent in 2011.

### CSX:

- Fourth-quarter profit increased 46 percent.
- Calendar-year 2010 profit increased 35 percent.
- Operating ratio improved four percentage points to 71.1.
- The stock dividend was raised 26 percent.
- The year-end stock price was up 62 percent.

Analysts predict CSX's stock price will rise another six percent in 2011.

### Kansas City Southern:

- Fourth-quarter profit increased 47 percent.
- Calendar-year 2010 profit increased 82 percent.
- Operating ratio improved 8.8 percentage points to 73.2.
- The year-end stock price was up 74 percent.

Analysts predict KCS's stock price will rise another seven percent in 2011.

### Norfolk Southern:

- Fourth-quarter profit increased 31 percent.
- Calendar-year 2010 profit increased 45 percent.
- Operating ratio improved five percentage points to 71.9.
- The stock dividend was raised 11 percent.
- The year-end stock price was up 41 percent.

Analysts predict NS's stock price will rise another eight percent in 2011.

### Union Pacific:

- Fourth-quarter profit increased 31 percent.
- Calendar-year 2010 profit increased 47 percent. UP Chairman Jim Young said 2010 was the "most profitable year in Union Pacific's nearly 150-year history."
- Operating ratio improved 5.5 percentage points to 70.6.
- The stock dividend was raised 40 percent.
- The year-end stock price was up 60 percent.

Analysts predict UP's stock price will rise another eight percent in 2011.

**BNSF:** As BNSF is now privately held, it no longer reports detailed financial data.

## Obama: All-aboard for high-speed rail

In his state-of-the union speech Jan. 24, President Obama conspicuously singled out high-speed rail as "the most reliable way to move people," saying that "within 25 years, our goal is to give 80 percent of Americans access to high-speed rail, which could allow you go places in half the time it takes to travel by car."

"For some [high-speed rail] trips, it will be faster than flying – without the pat-down," said the president. "As we speak, routes in California and the Midwest are already underway."

The White House press office said the president will release more details on his desires for high-speed rail, transit and Amtrak improvements when he delivers his fiscal-year 2012 budget request to Congress in early February.

"Countries in Europe and Russia invest more in their roads and railways than we do," said the president. "China is building faster trains.... We have to do better. America is the nation that built the transcontinental railroad."

"Countries in Europe and Russia invest more in their roads and railways than we do," said the president. "China is building faster trains.... We have to do better. America is the nation that built the transcontinental railroad."

## UTU organizes rail properties

Employees of railroads in Alabama and Florida have chosen the UTU as their bargaining representative.

On South Florida Tri-Rail, a commuter railroad where the UTU already represents both sides of the cab, employees of the operations center have chosen the UTU as their bargaining representative.

In Alabama, train and engine workers on the Conecuh Valley Railroad, Three Notch Railroad and the Wiregrass Central Railroad, all owned by Gulf and Ohio Railways, voted "UTU, yes."

UTU organizer **Mike Lewis** worked with employees of both railroads to explain the UTU's history, structure and representation strength. Lewis praised the efforts of Local 762 (Montgomery, Ala.) Chairperson **Toby Mullins** and UTU Florida State Legislative Director **Andres Trujillo** for their assistance.

South Florida Tri-Rail operates over 71 miles for former CSX track linking West Palm Beach, Ft. Lauderdale and Miami. Owned by the South Florida Regional Transportation Authority, Tri-Rail is operated by Veolia Transportation.

The Conecuh Valley operates over former Central of Georgia (now Norfolk Southern) track between Troy and Gadsden, Ala. Three Notch operates over former CSX track from Andalusia to Georgiana, Ala. Wiregrass Central operates over former CSX track from Enterprise to Newton, Ala.



Lewis

## Certification

*Continued from page 1*

that a lone engineer must be certified as both an engineer and a conductor, or be accompanied by a certified conductor. Collective bargaining will determine additional pay for certified conductors," Futhery said.

In reviewing the FRA's proposed rule for conductor certification, the UTU and the BLET noted that "the FRA cannot deny that the railroads have repeatedly abused" their discretion in disqualifying engineers under the two-decade old engineer certification rule.

Thus, the UTU and the BLET urged the FRA to streamline the decertification appeals process for conductors as well as engineers.

Unacceptable, for example, is the appeals process for engineer decertification, which requires hiring of an attorney and can stretch on for years.

### UTU, BLET seek to have decertifications delayed

The UTU and the BLET also want decertification to be delayed until the appeals process has run its course. "We contend that the only legitimate reason to impose a suspension prior to the employee being provided due process is if the alleged violation is deemed a willful violation; otherwise, the suspension serves no useful purpose," the UTU and the BLET told the FRA. "The notion that someone will go right out and inadvertently commit additional 'cardinal sins' is preposterous."

The UTU and the BLET also asked the FRA to include, in the final rule, a requirement for FRA review of unilateral decisions by railroads to make conductor certification requirements more stringent than contained in the rulemaking. "It is not unreasonable to expect the railroads to identify those areas where each railroad will implement additional or more stringent requirements for its conductors," the UTU and the BLET told the FRA.







Published monthly (except for combined months of December/January and July/August) by the UNITED TRANSPORTATION UNION, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Mike Futhey, International President; Kim Thompson, General Secretary & Treasurer • This publication available on microfilm from National Archive Publishing, P.O. Box 998, Ann Arbor, MI 48106.

**POSTMASTER:** Send address changes to **UTU News**, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-

Periodicals Postage  
PAID at Cleveland, Ohio,  
and Additional  
Mailing Offices



## Photo of the month



Once upon a time in America there were wooden cabooses – of many colors, but a favorite for many was red. This photo, from the archives of the Library of Congress, was taken in 1943 of a Chicago & North Western (now Union Pacific) rebuilt caboose on a rip track at Proviso yard in Chicago.



The Official Publication of the United Transportation Union

## UP's close-call program gets high marks

NORTH PLATTE, Neb. – Union Pacific is four years into its five-year pilot Confidential Close Calls Reporting System (C3RS) and participants are giving it high marks for improving safety culture.

C3RS encourages engineers, conductors, trainmen and yardmasters to report close calls that may have resulted in accidents or injuries without fear of discipline or FRA enforcement action, even if rules violations are involved.

All C3RS reports by employees are collected anonymously and kept confidential.

The UP pilot program – one of four involving the UTU and the Brotherhood of Locomotive Engineers and Trainmen – is supported by the Federal Railroad Administration.

Once employee reports are submitted, they are examined confidentially by the U.S. DOT's Bureau of Transportation Statistics, which removes all identifying information.

That information is then transmitted to the carrier, where a C3RS peer review team recommends corrective action, such as improved training, changes in physical plant, changes in existing federal safety laws or regula-

tions, changes in carrier operating rules, improved training and/or education.

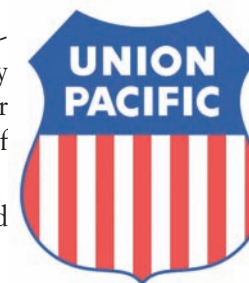
Examples of close calls include varying levels of risk, such as leaving pieces of equipment unsecured, improper blocking, operating trains beyond track authority, or violating operating rules.

Union Pacific says that such analysis "has spurred systemwide change," including "reformatting track warrants so they are easier to read."

A UP officer said that C3RS is helping UP move from a blame culture to one that bridges communication gaps between employees and management.

Other Confidential Close Calls Reporting System pilot projects are being conducted on Amtrak (systemwide), Canadian Pacific at Portage, Wisc., and New Jersey Transit (systemwide).

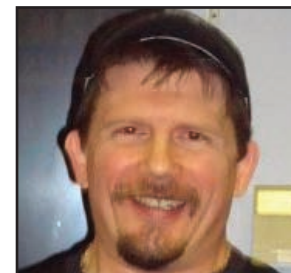
"Non-punitive reporting produces safety data that could not otherwise be obtained while helping to identify and mitigate risks before another serious incident occurs," said UTU International Vice President John Previsich, who has been helping to design and implement C3RS pilot programs.



## Inside this issue of the *UTU News*:



School bus operators ride bikes to fight AIDS, HIV. See page 2.



Fund set up for injured NS conductor Larry McVay. See page 3.



Rep. Gabrielle Giffords, a friend of the UTU. See page 5.



Patricia Smith is new PATH general chairperson. See page 9.