



www.utuia.org

# UTU News

www.utu.org

The Official Publication of the United Transportation Union

## Futhey: 'Not today. Not tomorrow. Never!'

SAN FRANCISCO – In response to UTU International President Mike Futhey announcing the flawed merger attempt with the Sheet Metal Workers International Association “dead,” some 800 UTU members at the western regional meeting here July 8 responded with thunderous applause, foot-stomping, cheering and whistling.

“There will not be a merger today. There will not be a merger tomorrow. There will never be a merger with the Sheet Metal Workers,” Futhey told the loudly supportive International vice presidents, general chairpersons, state legislative directors, delegates, local officers and leaders in training while delivering his state of the union message.

Futhey described 18 painful months of frustrating talks with the Sheet Metal Workers International Association (SMWIA) leadership, and hundreds of thousands of dollars in court costs incurred as a result of the flawed merger that was initiated by a previous administration.

Implementation of the merger was halted by a federal district court in December 2007, prior to Futhey taking office.

In issuing, first, a temporary restraining order against the merger, and then a preliminary injunction, the federal court ruled that the UTU membership had not been permitted an informed vote when the merger question first was put out for ratification in mid-2007.

If the merger were to be restarted, said Federal Judge John Adams, a constitution for the merged organizations would have to be written and then



International President Mike Futhey tells UTU members at the San Francisco regional meeting, “There will never be a merger with the Sheet Metal Workers.”

submitted to the UTU membership for ratification – a process that was ignored when the initial merger ballot was sent to the membership in 2007 by a previous administration.

Among crucial facts withheld from the membership was that UTU’s cherished craft autonomy

my would be eliminated upon implementation of the merger.

In an attempt to lawfully restart the merger process – as suggested by the federal court – Futhey sought to engage the SMWIA to write the constitution that would govern a merged SMWIA and UTU.

“I have gone to the SMWIA time and time again to put a constitution together and protect the interests of UTU members,” Futhey said. “I met a stone wall each time.” He said the UTU’s insistence that craft autonomy be preserved in any merger was met by a SMWIA response that craft autonomy “can’t be accepted.”

Futhey said that when he took the UTU Board of Directors to a meeting with the SMWIA leadership in Washington – asking, “What will it take to put the constitution together” – the UTU was again rebuffed.

The UTU board “overwhelmingly” said, “let’s walk away,” Futhey reported.

The federal court injunction against the merger is currently on appeal before the U.S. Sixth Circuit Court of Appeals, with no time limit on when a decision might be reported out.

## Rail pension, jobless funds robust

The Railroad Retirement Board (RRB) reports that, barring a sudden, unanticipated, large drop in railroad employment or substantial investment losses, the Railroad Retirement system will experience no cash-flow problems during the next 22 years.

As of Sept. 30, 2008, total Railroad Retirement system assets, comprising assets managed by the National Railroad Retirement Investment Trust and the Railroad Retirement system accounts at the Treasury, equaled \$26.7 billion, the RRB said.

The cash balance of the railroad unemployment insurance system was \$115.7 million at the end of fiscal year 2008, according to a recent RRB financial report.

The report did not recommend any change in the rate of tax imposed by current law on employers and employees.



The RRB’s 2009 railroad unemployment insurance financial report was also generally favorable. Even as maximum benefit rates increase 43 percent (from \$61 to \$87) from 2008 to 2019, experience-based contribution rates are expected to keep the unemployment insurance system solvent, except for small, short-term cash-flow problems in 2010 and 2011 under the moderate and pessimistic assumptions.

Unemployment levels are the single most significant factor affecting the financial status of the railroad unemployment insurance system.

However, the system’s experience-rating provisions, which adjust contribution rates for changing benefit levels, and its surcharge trigger for maintaining a minimum balance help to ensure financial stability in the advent of adverse economic conditions.

## News and Notes

### UTU member killed

ALBERTVILLE, Ala. – UTU member **Dustin Moles**, 33, a conductor on short line Alabama & Tennessee River Railroad, was killed June 24 when the tank car on which he was riding derailed while being switched.

Moles was a member of Local 1972, Birmingham, Ala. He started working as a conductor in 2005. Before that, he was a police officer at Glencoe Police Department.

Moles was riding on the rear of the 75-car train being pushed into a chemical facility when the derailment occurred.

By the time police and fire officials arrived, Moles was discovered, crushed between the derailed tanker car and a pile of scrap metal, according to the assistant fire chief.

### Hazmat workshop set

A hazardous materials awareness training class will be held at the upcoming New Orleans regional meeting. This valuable training session will held Sunday, Aug. 16, from 8:30 a.m. to 5 p.m., at the Sheraton New Orleans. There is no additional charge for this workshop. Participants will be provided a wide range of written and other materials. If you have questions, please see the “Meetings” page of the UTU Web site or e-mail North Carolina State Legislative Director **Dickie Westbrook** at doubletrk@aol.com.



Three new UTU logos – representing the union’s aviation, bus and railroad departments – were unveiled at the San Francisco regional meeting. Each logo is now available on a variety of UTU gear sold by American Products, which has a link on the UTU Web page ([www.utu.org](http://www.utu.org)). Said UTU International President Mike Futhey, “These three new logos recognize the strength of the UTU’s representation in the bus and rail industries, and our continued expansion into the airline industry. The distinct logos also recognize the commitment of this organization to its core value of craft autonomy.” Locals, general committees and state legislative boards wishing to use one or more of the new logos should contact the UTU Public Relations Department at [pr@utu.org](mailto:pr@utu.org).



# Around the UTU

## Local 40, Denver, Colo.

On June 11, Colorado State Legislative Director **Rick Johnson** attended the local meeting of Great Lakes Airlines pilots and flight attendants to present the newly formed local with its official UTU charter.



Local President **Kyle Thigpen**, center, holds Local 40's new official charter. Pictured, from left are Trustee **Chris Johann**, member **Rick Aguillar**, Legislative Rep. **Tony Lopez**, **Thigpen**, **Johnson**, Vice President **Janel Davis** and Secretary & Treasurer **Mike Stawicki**.

## Local 161, Seattle, Wash.

Local President **Brian Donald** reported that this Grayline bus local will hold its annual barbecue Aug. 22 from 11 a.m. to 7 p.m. at the Grayline terminal at 4500 W. Marginal Way S.W. "We look forward to seeing all our members for some wonderful food and good times," Donald said.

## Local 426, Spokane, Wash.

Conductor **Terrance "Ed" Carlson** was named one of BNSF's Safety Employees of the Year for 2008 for his outstanding contributions in support of an injury-free and accident-free workplace. As chairperson of the Lakeside Subdivision local site-safety committee and co-chair of the division safety committee, a subdivision that had the highest number of injuries of any subdivision at BNSF, Carlson helped reduce the subdivision's injuries from 11 in 2007 to two in 2008.

## Local 432, Champaign-Urbana, Ill.

Local meeting dates for this CN (Illinois Central) local have been changed to the second Wednesday of each month, according to Legislative Rep. **Grady Crippin**. Meetings are still being held at Rock's, 25 E. Springfield Ave., in Champaign at 7 p.m. Crippin added that the meeting location may also be changed in the future due to some permanent remodeling changes at the current meeting location.

## Local 650, Minneapolis, Minn.

Member **David Riehle**, a local labor historian for the Twin Cities, is scheduled to lead a walking tour Aug. 6, visiting sites important to the 1934 strike at the former Market District (now Minneapolis Warehouse District). The tour will leave the Downtown Central Library's Central Hall at 300 Nicollet Mall in Minneapolis at 6:30 p.m.

## Local 768, Decatur, Ill.

Secretary **Christopher DeJaynes** reported that this Norfolk Southern local recently donated \$100 to each of its furloughed members. "We in Local



Ray Bottles, left, speaks with CSX Chief Operating Officer **Tony Ingram** after being presented with a pin commemorating 50 years of rail service.

## UTU member celebrates 50-year service milestone

UTU member **Ray Bottles** bills himself as "the last active brakeman on the New York Central's 20th Century Limited," and now he has reached another highlight in his railroading career – 50 years of railroad service.

On May 29, at Cleveland's CSX Collinwood Yard, Bottles was presented with a gold, diamond-encrusted pin by CSX Executive Vice President and Chief Operating Officer **Tony Ingram** – who arrived in a Pullman railcar – to commemorate those 50 years.

"They brought this train out here to give me that pin," Bottles said. "It had to cost a lot of money to do that."

Bottles, 68, began his railroading career May 29, 1959, as a fireman with the New York Central in Toledo, Ohio. On April 1, 1960, he became a trainman/conductor and has worked in that capacity ever since with the NYC, the Pennsylvania Central, Conrail and CSX.

He served in the U.S. military from 1963 to 1965, but his years of service continued to accrue.

A former legislative representative and secretary of the grievance committee for Local 2 in Toledo, Bottles said he plans to retire on Sept. 30. "When I leave railroad service, I will be the last New York Central system employee in Cleveland," he said.

"People ask how I can stand it, but it was just my life," Bottles said of his 50 years on the railroad. "If you love something like I did, you keep doing it."

Bottles came from a railroad family. In fact, Bottles said, 13 family members were, at one time or another, employed by the New York Central system, from switchman (grandfather) to police lieutenant (father) to house-keeping (mother) to ticket office attendant (sister) to maintenance of way (brother).

He learned to love railroading at an early age, something that was passed on to him by his father and grandfather.

"I have done one thing my father and grandfather never did. I accomplished 50 years on the railroad. My grandfather only had 49," he said.

Bottles and his wife, Cathey, have a son who is a Cuyahoga County deputy sheriff and daughter in medical school.

"When I go, that's it. I'm the last of my family to work on the railroad," Bottles said.

To learn more about Bottles visit his Web site at [www.raybottlestrain26.com](http://www.raybottlestrain26.com).

768 would like to do the best we can to help out those employees that have been affected by the slowdown in the economy," DeJaynes said.

## Local 974, Nashville, Tenn.

Members of this CSX local held a cookout on June 28 at Henry Horton State Park in Chapel Hill in honor of **Larry Pigg**, who is nearing retirement, Tennessee Legislative Director **Jerry Anderton** reported. Pigg has served as local chair-

person for the last 20 years, and has also served the local as president and delegate. He was secretary of General Committee GO 513 for eight years.



Some of those attending the cookout, from left, were Vice Local Chairperson **Matt Foster**, International President **Mike Futhey**, **Anderton**, Local President **Joey Minatra**, UTUIA Field Supervisor **Steve White**, **Pigg** and GO 513 General Chairperson **Johnny Willis**. **Anderton** and **Pigg** wore T-shirts designed by Florida State Legislative Director **Andres Trujillo** to promote a national UTU PAC fund drive.

## Local 982, Rochester, N.Y.

The members of Local 982, as well as all railroaders, are reminded to claim all penalty payments before departing their terminal, said Local Chairperson **David Murphy**. "Remember that when you submit claims and they are processed ... It's just like money in the bank," Murphy said. He also asks all members who see unsafe acts or practices to fill out an "Unsafe Practice Reporting Card" and return it to a local officer for processing. "These situations need to be documented. When such a situation is reported and a follow-up is done, we are all contributing to protection of a fellow member."

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

Members of this Staten Island Railway local congratulate **Joe Palmieri** on his election to the position of secretary of General Committee SIR, Local Secretary & Treasurer **Vincent LaBella** reported. Palmieri has been employed by the railway's signal department since 2003. LaBella also reported that the local has established a Web site at <http://1440.utu.org> to provide more timely information to its membership.

## Local 1529, Walbridge, Ohio

**Michael B. Pietrowski**, 60, died Monday, July 6, at the University of Toledo Medical Center following a motorcycle accident June 27, Michigan State Legislative Director **Jerry Gibson** reported. Pietrowski was a CSX conductor and new hire mentor. He retired in January 2009 after 36 years of service. A U.S. Army veteran, Pietrowski is survived by his wife Patti, sons Michael and Mark, and grandchildren Michaela, Mariah, Megan and Ryan. "We lost a great man whose smile, infectious laugh and big heart touched many. His legacy will be in those that knew him, those that he trained and mentored, and those he loved," Gibson said. Memorial donations are suggested to Hospice of Northwest Ohio, the Multiple Sclerosis Society or the American Diabetes Association.

## Local 1918, El Paso, Texas

Conductor **Bob "Beetle" Bailey** and engineer **Jim Taylor** retired recently and they will be greatly missed, reported Local President **Paul Casares**. Bailey started 39 years ago on the Texas/Louisiana Line that was absorbed by the SP, and later the UP, and enjoyed all 39 years injury-free. He had only one investigation and was not disciplined. Taylor began his career 37 years ago with the SP.

## Local 1951, Albany, N.Y.

The home and possessions of yardmaster **Salvador Ruiz** and his family were lost to a fire on June 8, Amtrak GO 342 General Chairperson **Bob Keeley** reported. Following a report on the UTU Web site seeking assistance for the family, Keeley said "the family is extremely grateful for the support they received and the show of fraternalism from fellow members." Anyone wishing to assist the family can contact Keeley at (917) 412-5027.

## Wis. safety summit a success

UTU Wisconsin State Legislative Director **Tim Deneen** reported that the third annual Rail Workers' Safety Summit held in Stevens Point, Wis., on June 29, was a great success, with more than 60 employees from the UTU, BLET and BMWE in attendance. The event included workshops on the National Labor College's hazmat program, OSHA whistleblower protection and an FRA review of the new rail safety legislation. "It was great having railroad workers from all different crafts come together in solidarity to discuss safety on a pro-active basis," Deneen said. Also, the Wisconsin Legislative Board's Web site address has changed to <http://wisconsin.utu.org>.



# UTU begins to formulate Section 6 notices

The UTU is beginning the process of formulating Section 6 notices to be served on rail carriers negotiating under the umbrella of the National Carriers' Conference Committee (NCCC), which will include proposals to increase wages, benefits, improve working conditions and update operating rules.

As mandated by the Railway Labor Act and the current national agreement, these Section 6 notices will be served on most of the nation's rail carriers on or about Nov. 2, 2009, to become effective no earlier than Jan. 1, 2010.

The serving of the Section 6 notices is the first step in reaching a new national agreement with railroads represented by the NCCC.

The carriers represented by the NCCC also have been working on their own wage and rule

notices which they will serve at or about the same time the UTU notices are served.

All officers and members are invited to submit proposals for the Section 6 notices to the UTU International.

The UTU International will be cataloging the numerous proposals submitted by members during the months of August and September.

A committee of general chairpersons from the Association of General Chairpersons, District 1, will review the proposals submitted and begin to fine-tune those suggestions into proposals for the carriers.

The union will then convene the full Association of General Chairpersons, District 1, which will review and finalize the union's Section 6 notices.

Soon thereafter, the Section 6 notices will be reproduced and mailed to all U.S. general chairpersons for serving on the affected railroads Nov. 2.

Under the Railway Labor Act, the current national agreement between the UTU and NCCC will remain in effect until a new agreement is reached.

As specified in the current national agreement, cost-of-living adjustments will be paid as agreed therein during the process of reaching a new agreement.

"All members will be kept up to date regarding the Section 6 notices and developments in negotiations, when possible, through the *UTU News* and the UTU Web site," UTU International President Mike Futhey said.

## Four UTU officers elevated to vice president

CLEVELAND – Four UTU officers have been elevated to the position of International vice president to fill vacancies created when their four predecessors were removed from office by the UTU Executive Board after being found guilty of violating the UTU constitution.

Elevated to International vice president were **Richard Deiser**, **William W. Lain Jr.**, **Delbert Strunk** and **Paul W. Tibbit**.

The filling of such vacancies is governed by Article 2 of the UTU constitution.

Deiser, age 69, of Dumont, N.J., began his bus operator career with Rockland Coaches in northern New Jersey in 1983. He was elected steward of UTU Local 1558 in 1986, as secretary of his general committee in 1988, and as general chairperson of Rockland Coaches in 1998. In 2007, he was elected alternate vice president-East of the UTU Bus Department.



Lain, age 55, of St. Louis, began his career in 1973 as a locomotive fireman on Alton & Southern Railway, and was promoted to engineer in 1974. He was elected vice president of UTU Local 1929, East St. Louis, Ill., in 1984, and as vice local chairperson for Local 1929's engineers in 1985. He was elected Alton & Southern general chairperson in 1998, and as second alternate UTU vice president-East in 2007.

Strunk, age 59, of Bellevue, Ohio, hired out as a brakeman on Norfolk & Western Railway (now part of Norfolk Southern) in 1973, and was promoted to conductor in 1977. He was elected legislative representative of UTU Local 225 in 1975, as Local 225 chairperson in 1980, and as general chairperson of GO 687 in 1989. He has served on the UTU National Negotiating Committee and the UTU National Wage/Rules Panel, was elected vice chairperson of District 1 of the UTU Association of General Chairpersons, and was elected in 2007 as chairperson of the UTU Constitution Committee. He was elected first alternate UTU vice president-East in 2007.

Tibbit, age 62, of Temple, Texas, hired out as a conductor with Atchison, Topeka & Santa Fe

## UTU agreements protect laid-off workers

The adverse impact of furloughs will be lightened for some CSX workers under an innovative furlough retention board agreement negotiated by General Chairperson **John Lesniewski** (GO 049) with assistance from General Chairperson **John Hancock** (GO 851).

This furlough retention board agreement also is being offered by CSX to other UTU general committees.

The agreement is voluntary between general committees and CSX, but first must be offered by railroad management. If offered, CSX general chairpersons will discuss with local chairpersons whether to place it into effect.

The agreement is similar to a continuous employment board agreement negotiated with UP by UTU Assistant President Arty Martin while he was an International vice president.

Attempts are being made to gain similar agreements with other railroads, including BNSF and Norfolk Southern.

These agreements do not impact the operation of extra boards.

Under the CSX agreement, furloughed employees placed on each furlough retention board will be guaranteed four days of work each bi-weekly pay period, will retain health-care insurance, will continue building seniority and Railroad Retirement credits, will remain current for rule examinations and qualifications, and will be recalled to active service under a pre-determined formula.

Lesniewski said the CSX furlough retention board is an attempt "to lighten the impact upon our cut-off and furloughed brothers and sisters to the extent possible, given that the carrier literally does the hiring and firing."

In negotiating these agreements, UTU officers have stressed to the carriers that short-term economic gains from furloughs could backfire during the peak vacation season and implementation July 16 of new hours-of-service regulations –

both of which will limit availability of qualified operating crews.

Agreements such as UP's continuous employment boards and CSX's furlough retention boards lessen the likelihood that younger employees will depart the railroad permanently, triggering, eventually, an expensive search for new hires who then must be trained from scratch.

UTU members placed on continuous employment boards or furlough retention boards also are able to pursue part-time employment elsewhere, with knowledge that their families are protected, until the recession ends.

### A&GC workers choose UTU

Maintenance of way employees on RailAmerica-owned Alabama & Gulf Coast Railway have chosen the UTU as their collective bargaining representative, joining train and engine service employees there who also are UTU represented.

UTU International President Mike Futhey praised the work of organizer Warner Biedenharn and UTU Director of Strategic Planning John Nadalin for their work in the organizing effort.

Alabama & Gulf Coast Railway operates more than 400 miles of track, including a mainline from Pensacola, Fla., north through eastern Alabama to Columbus, Miss., and a branch line from Mobile to Kimbrough, Ala. The shortline railroad interchanges with BNSF, CSX, Illinois Central, Kansas City Southern and Norfolk Southern.

Its principal commodities are chemicals, coal, iron and steel, limestone, pulp and paper, and scrap iron.

### Four officers have been removed from office: John W. Babler, Victor Baffoni, James R. Cumby and Constantino A. Iannone.

Railway (now part of BNSF) in 1971. He was elected secretary/treasurer of UTU Local 331 in 1982, and local chairperson in 1986. He was elected general chairperson of GO 393 in 1997 and as UTU alternate vice president-West in 2007.

The four International vice presidents who were removed from office by the Executive Board were **John W. Babler**, **Victor Baffoni**, **James R. Cumby** and **Constantino A. Iannone** after the board found them guilty of acting "in opposition to the established policy of the UTU" and having "usurped the authority of the [UTU] President in violation of [their] duty as a UTU officer."

The four Executive Board members, who were unanimous in their decision, included **James A. Huston**, chairperson; and members **Joe A. Boda**, **John Risch** and **Stephen T. Dawson**. The board said it reached its decision after reviewing 1,065 pages of transcript and other documents, recordings and exhibits.

The charges were brought Feb. 29, 2008, by numerous rank-and-file members.

Identical charges were filed against two other International vice presidents and a former UTU national legislative director, but those charges were not heard by the Executive Board.

Former International Vice Presidents Roy G. Boling and John D. Fitzgerald retired prior to the charges being heard, and former National Legislative Director James R. Brunkenhoefer died prior to the charges being heard.



# We are a union on the move

**W**e are a union on the move, growing stronger financially and adding new members through aggressive organizing.

In addition to organizing 300 pilots and flight attendants at Great Lakes Airlines, we have authorization cards from a majority of the 110 pilots at Lynx Aviation. We are talking with pilots and flight attendants at other airlines, as well as bus operators on unorganized properties and employees of shortline railroads.

Indeed, we are a union on the move – in organizing, defending existing agreements, and having our voice heard in Washington and state capitols.

It is unprecedented for a president of the United States to look to a single union for two key players in his administration. The choosing by Barack Obama of UTU Illinois State Legislative Director Joe Szabo



## International President's Column

By Mike Futhey, International President

to be federal railroad administrator, and of UTU Associate General Counsel Dan Elliott to be chairperson of the U.S. Surface Transportation Board is evidence of the strength of the UTU PAC.

We expect President Obama to choose other UTU individuals for other key appointments.

While the Rail Safety Improvement Act is not everything we sought, we were able to achieve conductor certification, a deadline for implementation of positive train

control, and a provision for general chairpersons to negotiate a better balance between new hours-of-service limitations and earnings.

I have appointed a UTU team to work with the FRA, other labor

Through the AFL-CIO, we are pushing for changes in commercial driver's license regulations that subject bus operators to loss of their jobs if they receive citations while operating personal automobiles.

We also are working to gain legislation requiring improved crash-resistant buses, uniform driver-training standards, and required training in dealing with abusive and threatening passengers.

The UTU is growing financially stronger owing to new cost containment controls and conservative investment policies, with our general fund balance up 90 percent since

**“New labor solidarity is sending an important message to carriers and lawmakers: The UTU is a union on the move.”**



utunews@utu.org

**Mike Futhey, International President**

president@utu.org

**Arty Martin, Assistant President**

asstpres@utu.org

**Kim Thompson, General Secretary and Treasurer**

gst@utu.org

**James Stem, National Legislative Director**

jamesastem@aol.com

**Contact the UTU:**

Phone (216) 228-9400; fax (216) 228-5755

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

organizations and carriers in drafting conductor certification standards.

I have created a UTU Rail Transportation Safety Team to deal directly with the FRA in the face of an unacceptable spike in on-duty employee fatalities and career-ending injuries.

Jointly with the BLET, we filed a petition with the FRA seeking an emergency order prohibiting the use of one-person crews in conventional and remote-control operations.

We are working with others in transportation labor to gain legislation eliminating flight-crew fatigue and to bring flight attendants under protections of OSHA.

January 2008. UTUIA earnings have been growing each quarter, and the UTUIA has a \$23 million surplus.

And our DIPP claims no longer exceed premiums.

Officers at every level are benefiting from iLINK features, and the UTU University is providing members with online educational opportunities that will continue to be expanded.

This administration remains true to its pledge of two-way communication. We invite your comments and suggestions and we will continue to provide leadership messages posted at [www.utu.org](http://www.utu.org).

# UTU working to ease pilot, flight attendant fatigue

**F**atigue is a serious problem for pilots and flight attendants. Flight attendants additionally are without protections afforded under the 1970 Occupational Safety and Health Act (OSHA).

The UTU, working with the Transportation Trades Department of the AFL-CIO, as well as the Air Line Pilots Association and the Association of Flight Attendants, is focused on both of these issues on behalf of UTU's airline industry members.

Current Federal Aviation Administration regulations permit lengthy and irregular shifts across multiple time zones. There are numerous instances of flight crews being given only eight hours of rest between shifts, and that includes travel to and from the airline terminal, which frequently permits as few as three to five hours of actual sleep.

As we know too well in the rail-

**“There are numerous instances of flight crews being given only eight hours of rest between shifts.”**

road industry – and as has been documented by sleep scientists at major universities – going to work fatigued is like going to work drunk. The difference is that an intoxicated person sobers up; but a fatigued transporta-

tion worker only becomes more fatigued.

Federal regulation and enforcement is needed, and additional help is on the way with the recent confirmation by the Senate of former airline pilot Randy Babbitt to be the federal aviation administrator. Prior to his nomination by President Obama to head the Federal Aviation Administration (FAA), Babbitt served on an independent review team examining and making recommendations to improve the FAA's aviation safety system.

In fact, Babbitt said in June that the FAA will propose, by fall, new limits on how many hours airline pilots can fly. Babbitt said the new limits will take into consideration that pilots flying routes with numerous takeoffs and landings experience

more fatigue than pilots on longer flights with only one takeoff and landing.

Current FAA regulations permit

**“The UTU and others are working in support of legislation requiring the FAA to establish regulations to provide a safe cabin environment.”**

pilots to be on duty up to 16 hours, with eight hours of scheduled flight time, and airlines can order them back to work with as few as eight hours between shifts.

The February crash of a commuter plane near Buffalo, N.Y., which killed 50 people, gives greater urgency to revising aviation hours-of-service rules because it was determined that the co-pilot of the doomed flight commuted overnight from near Seattle.

Babbitt said, also, that he wants airlines – including commuter carri-

ers – to participate in two safety programs studying airline safety.

As for flight attendants, they are currently under FAA safety-rules jurisdiction rather than OSHA rules. Yet, the FAA has never prescribed or enforced safety and health standards or regulations, which are the core of OSHA regulations. The administration of George H.W. Bush refused to impose specific workplace protections in the aircraft cabin that had been informally agreed to by airlines.

So it is that the UTU, the AFL-CIO Transportation Trades Department, the Air Line Pilots Association and the Association of Flight Attendants are working jointly in support of legislation requiring the FAA to establish regulations to provide a cabin environment free from hazards that can cause physical harm.

It is expected that Babbitt will move to set such rules, although legislation would ensure they could not be tampered with by future administrations less concerned with workplace safety.



# State Watch

## News from UTU State Legislative Boards

### Florida

State Legislative Director **Andres Trujillo**, working in collaboration with the South Florida Rail Transportation Authority, which operates the financially troubled TriRail commuter-rail system, is fighting to help save the popular system and the jobs of the people who operate it.

The UTU and SFRTA met with members of the Florida congressional delegation, from both sides of the aisle and from all points across the state, urging them to stress to Florida's Gov. Charlie Crist and others the importance of Tri-Rail's survival to Florida's hopes and plans for rail-based commuter and passenger solutions.

All this activity and much more still to come, comes at a political price. The UTU has spent, and will spend, considerable political capital in this fight, and UTU PAC makes this all possible.

Without UTU PAC, friends and leaders who share our concerns would not be helped in their election and re-election bids. The upcoming Florida senatorial and gubernatorial races pres-



SFRTA Government Affairs Manager Vicki Wooldridge, left, and State Legislative Director Andres Trujillo, right, meet with Rep. Ileana Ros Lehtinen to urge her support for Tri-Rail.

ent UTU members with a new challenge and opportunity to influence the process and ensure UTU members' concerns are well represented for many years to come.

"If we want to operate politically at the high level our members' need and demand, a lot more Florida UTU members must step up and join UTU PAC. Our collective future depends on it," Trujillo said.

### Minnesota

The UTU's Minnesota Legislative Board is compiling and distributing the names of furloughed UTU members looking for side work.

The lists are being posted at crew-change points and terminals throughout the area, State Legislative Director **Phil Qualy** said.

"If you have work at your home or business that you need to get done, or you have friends and family with service needs or projects to be completed, please give one of our UTU furloughed members a call," Qualy wrote in a note distributed with the list of members.

The members offer a wide variety of skills, from construction to mechanical trades, residential heating and air conditioning, automobile repair and welding.

If you are a UTU member who wants to be listed on the "Brakemen's Register," call Qualy at (651) 222-7500.

### Nevada

State Legislative Director **Rod Nelms** has mixed emotions over a recent announcement that a huge landfill is planned for a rural area in northern Nevada.

San Francisco-based waste-hauling company Recology is seeking permits to turn land it owns in Jungo into the state's largest landfill.

Ninety-nine percent of the trash would be from California and primarily from San Francisco, says George McGrath of Recology. The company plans to bring the waste to the site by 45-car trains.

He says the material would be sealed in rail containers until arriving at the location.

"As state director, I will thoroughly investigate this plan," Nelms said. "From the outset it appears that it will not add to the crew bases in Sparks or Winnemucca, but could increase jobs in Portola, Calif."

"However, as a private citizen, I am concerned as to the environmental impact this landfill might create. The location proposed is 30 miles from Winnemucca and is used by a variety of outdoor enthusiasts."

### Indiana

Effective Aug. 1, **Kenneth Edwards** is the new state legislative director in Indiana.



Edwards

He takes over from **Thomas Hensler**, who will be retiring.

Edwards, who serves as local chairperson, delegate and legislative representative for Local 744 in Frankfort, works out of Lafayette as a locomotive engineer with CSX. He began railroading in 1991.

Edwards has served as alternate state director since 2004.

**Kyle Brooking**, vice local chairperson and legislative representative of Local 1548, Indianapolis, will be the new assistant state director.

"I am ready to offer top-notch service to the members in Indiana," Edwards said. "My members are number one."

### South Dakota

**Vaughn "Rick" Davids**, long-time UTU South Dakota state legislative director, died June 4. He was 60 years old.



Davids

Davids served as state director in South Dakota for more than 20 years. He was elected to the post in 1988 and re-elected most recently in 2008. He retired in 2009.

He was a member of Local 375, Edgemont, S.D., since 1974.

**DONATE TO UTU PAC!**



**IT DOESN'T COST, IT PAYS!**

## Bus Department

By **Richard Deiser**, vice president/director  
and **Bonnie Morr**, alternate vice president

## We are keeping close watch on proposed bus legislation

The Surface Transportation Authorization Act, introduced by House Transportation and Infrastructure Committee Chairman Jim Oberstar (D-Minn.), includes provisions of interest to bus operators.

The proposed law would:

- Require interstate motor coach carriers to demonstrate knowledge of safety, accessibility and financial responsibility prior to being granted operating authority, and place a priority on safety audits.
- Require safety fitness determinations, assignment of safety ratings, regular monitoring of safety performance, and annual inspection programs for motor coaches.
- Require electronic on-board recorders to track hours-of-service compliance.
- Require minimum driver training requirements, including behind-the-wheel instruction. We would also like to see required training in dealing with passenger threats and hazardous driving conditions.
- Establish unique medical exams and certification forms for commercial drivers.

President Futhey also has directed our National Legislative Office to support H.R. 1135, the Bus Uniform Standards and Enhanced Safety Act, which would require increased bus-roof strength and fire suppression.

We are also seeking improvements to that bill to set window glazing requirements, construction standards to protect against hazards from alternative fuels, and authority of school bus drivers to discipline unruly students.



## Veolia members ratify pact

CONCORD, N.C. – Local 1596, representing UTU bus members employed by Veolia Transportation here, have ratified a new three-year agreement with the carrier.

The agreement provides for pay increases on each anniversary of the three-year agreement, an additional paid holiday, vacation protection language and a new bonus schedule.

UTU Bus Department Vice President Vic Baffoni congratulated General Chairperson **Alvy Hughes**, Local Chairperson **Kimberly Bell** and Local Secretary **April Rodgers** "for their hard work and determination in negotiating this agreement. It was a job well done under difficult economic circumstances."

## Rails to pay for FMLA violations

The nation's four largest railroads have been ordered to pay a basic day's wage to each employee who was required by the carriers to substitute paid vacation and/or paid personal leave for unpaid leave allowed under provisions of the Family Medical Leave Act (FMLA).

Carriers affected are BNSF Railway, CSX, Norfolk Southern and Union Pacific. Other carriers, however, are expected to abide by the ruling.

The UTU and 11 other rail labor organizations pursued the successful arbitration decisions.

To qualify for payment from the carriers under this binding arbitration award, employees must have filed a timely and procedurally valid claim based on their request for unpaid leave under the FMLA that was denied by their carriers. The carrier payment will be at the then-effective straight time rate, and for each day the carriers improperly required the substitution of paid vacation and/or paid personal leave time for unpaid FMLA leave.

Under the FMLA, employees may elect to take up to 12 weeks of unpaid leave to deal with a family emergency, or a personal serious health condition.

In their December 2008 award, arbitrators John E. Sands, William H. Holley Jr., and Jerome H. Ross said that collective bargaining agreements guarantee employees "a set number of paid vacation days" annually, with management restricted from administering the granting of guaranteed vacation days.

The arbitrators also ruled that collective bargaining agreements similarly guarantee paid personal leave days.



# San Francisco regional meeting photo highlights



San Francisco regional meeting local committee members (clockwise, from top) Paul Stein (L-1741, San Francisco); Liz Heller (L-239, Oakland, Calif.); Bonnie Morr (L-23, Santa Cruz, Calif.) and Vantrese Curry (L-100, Los Angeles).



From left are Jessica and Ty Drago (L-1503, Marysville, Kan.); South Dakota State Legislative Director B.J. Shillingstad and National Legislative Director James Stem.



These members conducted a one-day hazmat awareness training seminar at the regional meeting. They are, from left, Dale Barnett Jr. (L-762, Montgomery, Ala.); Glenn Lamm (L-1129, Raleigh, N.C.); Yvonne Hayes (L-1138, Miami, Fla.); Dickie Westbrook (L-1129) and Billy Moye (L-1971, Atlanta, Ga.).



New National Mediation Board member Linda Puchala, left, confers with Assistant President Arty Martin and Great Lakes Airlines general committee officials Stephanie Wagner and Jeff Gaines.



Ohio State Legislative Director Joe Boda and wife Kathy (left) and General Secretary and Treasurer Kim Thompson and his wife Connie.



Idaho State Legislative Director George Millward (center) with sons Matthew (left, L-78, Pocatello, Idaho) and Nathan (L-265, Pocatello).



Greg Boam (L-471, Eugene, Ore.) with friend Lea Nash and his former general chairperson, Jack Leimenger (L-471), who served as a union officer 21 years and retired as vice president.



Vice President John Previsich and wife Kathie talk with Director of Strategic Planning John Nadalin.



Larry Pearson (L-306, Eagle Grove, Iowa) buys the first T-shirt bearing the new UTU Rail Department logo from American Products' Sherry Schirripa.



Wayne Newton (L-1000, Minneapolis, Minn.) and Jimi Greene (L-1564, Los Angeles).



Vice President Paul Tibbit (left) with Dave Hayes (L-1629, Phoenix) and Darrell Jones (L-564, Cleburne, Texas).



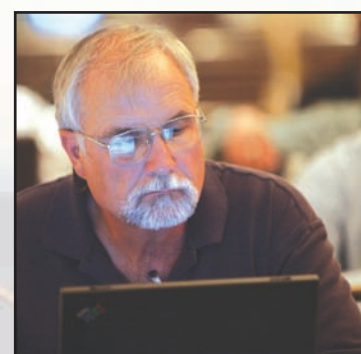
Florida State Legislative Director Andres Trujillo (left) with Arizona State Legislative Director Scott Olson (right) and his assistant state director, Greg Hynes. Hynes also chairs the UTU Railroad Safety Task Force.



From left are Butch St. John (L-1557, Memphis, Tenn.), Vice President W.W. Lain Jr. (L-1929, E. St. Louis, Ill.) and Steve Evans (L-950, W. Memphis, Ark.).



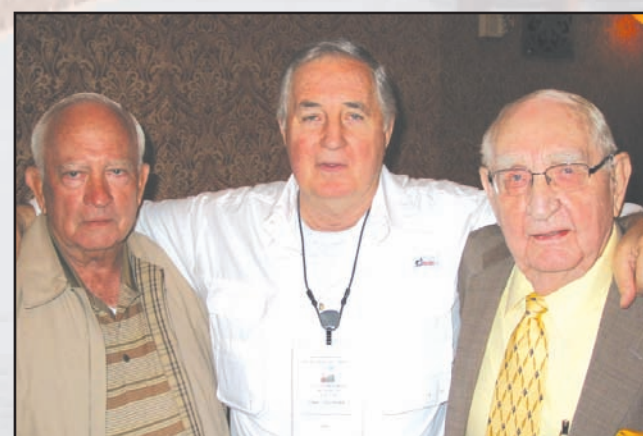
Marco Gudino (L-1565, W. Hollywood, Calif.); David Ojeda (L-1563, El Monte, Calif.); Lisa Arredondo (L-1607, Los Angeles); Ernie Martinez (L-1607) and Teresa Love (L-1607) enjoy tailgating before the Giants/Marlins baseball game. All are employed on the Los Angeles County Metropolitan Transportation Authority.



Norm Lucas (L-1570, Roseville, Calif.) at the secretary/treasurer workshop.



Local 1741 (First Student Bus, San Francisco) members Tammy Flores, Auria Viera, Frank Lemon and Alicia Bonilla ferried UTU members to the baseball game.



Former presidents G. Thomas DuBose (left) and Al H. Chessler (right) flank UTU Alumni Association Coordinator Carl H. Cochran. "There's about 120 years' worth of railroading experience in this photo," Cochran said.



The meeting of the UTU Auxiliary at the San Francisco regional meeting was well attended.



UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

# UTU offers “Old West” tour

UTU Alumni Association members have spoken, and the UTU has listened.

The association’s travel agent, Landfall American Express Travel, recently conducted a survey of association members, asking them where they would like to vacation.

The results are in, and now Landfall has put together a trip of a lifetime for UTU members, “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix, Ariz., May 9, 2010. The next day, travelers take off from Scottsdale, Ariz., to Sedona, Ariz., and the Montezuma Castle National Monument and spectacular Oak Creek Basin.

The next day participants will ride the Grand Canyon Railway through Grand Canyon National Park. That night, accommodations will be at the National Park Lodge.

On day four, participants will travel along Desert View Drive before entering Navajo Country. Then it’s off to Monument Valley in southwestern Utah and Lake Powell.

On the fifth day, participants can enjoy the many amenities of Lake Powell at their leisure. Accommodations are at the Lake Powell Resort.

The next day participants will travel to Zion National Park, where the towering cliffs and massive walls of Zion Canyon will take their breaths away. They also will travel to Bryce Canyon National Park for more fun.

Day seven is spent discovering Bryce National Park, with its fabulous pink, orange and red sandstone spires. That evening participants will enjoy dinner at the Bryce Canyon Country Rodeo.

On the final day, participants will travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas, where the tour ends.

If sufficient numbers of Alumni Association and UTU members sign up for this tour, a deluxe motorcoach will be assigned them exclusively.

The rate is only \$1,525 per person based on double occupancy. Airfare is additional.

The price includes seven breakfasts and three three-course dinners, as well as airport transfers, hotel taxes, tips for baggage handling and a sight-seeing program.



Rafting through the Grand Canyon



Bryce Canyon



The Grand Canyon Railway

Landfall Travel can also help arrange lodging and other amenities in the days before departure from Phoenix or after in Las Vegas.

A \$200 deposit per person is due within one week of reservations. Final payments are due March 1, 2010.

For more information contact Landfall American Express Travel at (800) 835-9233, email

travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, [www.landfalltravel.com/UTU.html](http://www.landfalltravel.com/UTU.html).

This tour, arranged through internationally known travel provider Brendan Vacations, is open to all UTU Alumni Association members, although other UTU members are welcome to join them.

# UTU member, almost recordholder, dies

June E. Austin, who was almost immortalized in the Guinness Book of World Records as the world’s oldest mayor when he was 101, has passed away at age 108.

Austin, a member of Local 1074, Freeport, Pa., was a conductor on the Pennsylvania Railroad from age 18 until his retirement at age 66. While working, he met such celebrities as Greta Garbo, Bing Crosby and President Harry Truman.

After 30 years of retirement, Austin became mayor of Oakdale, Pa., in 1994, at age 95, and was famous for cruising around town in a maroon



Austin

Cadillac. He ran for re-election in 1997 and won his second term.

In 2001, friends tried to have Austin entered in the records book, but their bid was thwarted when his birth date could not be substantiated by railroad records, records from the State of Virginia or a home Bible.

Austin, a 32nd Degree Mason, attributed his longevity to good living, abstinence from alcohol and tobacco and the fact that he only had “one girlfriend his entire life,” his wife Emma, who died in 1987.

## THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association (formerly known as the UTU for Life Program), 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
1	Burch, Elwin K.	Erie, Pa.	533	Crumpley, Robert H.	Paola, Kan.	1043	Barredo, Alfred	Carlin, Nev.
2	Drath, Gene F.	Sylvania, Ohio	626	Sliger, James O.	Chickasha, Okla.	1200	O'Neill, Norman G.	Portola, Calif.
118	Mann, Omer B.	Ballard, W. Va.	632	Burkhart, Howard A.	Gallitzin, Pa.	1202	Steinacker, Edward J.	Fort Wayne, Ind.
194	Novotney, Paul J.	Terre Haute, Ind.	632	Wright, Donald F.	Altoona, Pa.	1258	Boaz, Harry A.	Charleston, Ill.
211	Stella, Mark J.	Susquehanna, Pa.	645	Brymer, Arthur E.	Port Orange, Fla.	1310	Baker Jr., Walter S.	London, Ky.
221	Rouse, Houston O.	Sherwood, Ark.	653	Burnett, Henry L.	Evergreen Park, Ill.	1328	Deitsch, Ted T.	Floyd Knobs, Ind.
238	Clark, Thomas L.	Hooper, Utah	662	Manuel Jr., Albert D.	Midlothian, Va.	1348	Sturgill, Frank S.	Vancouver, Wash.
239	Cowan, Clifford A.	Pleasanton, Calif.	663	Buck, Herbert E.	Old Town, Maine	1378	Acker Jr., Alexander	Clayton, Del.
239	Stickever, Lawrence V.	Oakland, Calif.	694	Maiocco, Ernest L.	Corning, Calif.	1378	White, Emmette L.	New Castle, Del.
257	Toliver, Arlis L.	Spearfish, S.D.	706	Buck, Milton L.	Roanoke, Va.	1383	Burch, Burlin	Valparaiso, Ind.
283	Vanslyke, Jerry G.	Vancouver, Wash.	759	Vannatta, Robert	Punta Gorda, Fla.	1390	Wall Jr., Charles F.	Collingswood, N.J.
298	Burgin, James P.	Fort Wayne, Ind.	768	Ricketts, Sidney M.	Forrest, Ill.	1518	Bugle, H.C.	Anna, Ill.
300	Vincent, Donald	Nanticoke, Pa.	769	Battle, Linwood E.	Wilson, N.C.	1524	Vinson, Wade C.	Houston, Texas
320	Coombs, Allen R.	Saginaw, Mich.	773	Spiller, Wiley D.	Galveston, Texas	1526	Bunton, Laurel A.	Michigan City, Ind.
328	Sullivan, Edward L.	East Haven, Conn.	821	Connolly Jr., James E.	Orlando, Fla.	1529	Burke, Gordon D.	Holland, Ohio
330	Bezak, Stanley	New Athens, Ill.	832	McDonough, John C.	Superior, Wis.	1545	Humphreys, Archie E.	Watson, Ark.
367	Jansen, Peter V.	Scottsdale, Ariz.	832	Tribbey, Herbert W.	Superior, Wis.	1597	Crowell Jr., Thomas H.	Oak Lawn, Ill.
421	Brail, Reed A.	Pensacola, Fla.	835	Mitchell, Ronald D.	Fresno, Calif.	1620	Mann, Russell J.	Elkhart, Ind.
440	Budd, John W.	Cincinnati, Ohio	847	Hall, Edward R.	Villa Rica, Ga.	1638	Wise, Robert D.	Eastlake, Ohio
462	Burgess Jr., Pat E.	Conway, Ark.	997	Rider, Vernon C.	Harrisburg, Pa.	1780	Matthews Jr., John W.	Bonner Springs, Kan.
489	Garrett, McAdoo F.	New Braunfels, Tex.	997	Yinger, Russell S.	Lewisberry, Pa.	1813	Britton, Guinn H.	Lowell, Ark.
496	Neal, Jewel B.	West Lafayette, Ind.	1007	Medlong, Charles A.	Manlius, N.Y.	1949	Heaney, William F.	Bonita Springs, Fla.
498	Bukavich, Alfred C.	Wilkes Barre, Pa.	1033	Morris Jr., John E.	Villa Rica, Ga.			





# UTUIA Cancer Hospital Indemnity

**UTUIA's new Cancer Hospital Indemnity policy offers you and your family members the following protection:**

- ☒ \$300 per day for hospital confinement
- ☒ \$600 per day in extended stay benefits
- ☒ \$100 per day for home recovery and convalescence
- ☒ \$2,000 first diagnosis benefit
- ☒ \$15,000 bone marrow transplant benefit



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

Cancer is often a lingering disease that strikes all age groups. It may require repeated, extensive treatment, resulting in the person being unable to work, high hospitalization bills, and loss of income. The National Cancer Institute reports that cancer will strike in three out of four families.

UTUIA's Cancer Hospital Indemnity\* policy offers peace of mind. The benefits are paid directly to you to use as you see fit — to help meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings.

*\*Some benefits may vary based on state of residence.*

## Information, please

I would like more information on UTUIA's Cancer Hospital Indemnity policy.



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 Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250

08/09

# UTU opposes taxing health care benefits

WASHINGTON – The UTU and 30 other trade unions have jointly written members of Congress in opposition to any proposal that would pay for health care reform “by altering the tax treatment of employer-provided health care.”

“We believe this would be a step in the wrong direction that could jeopardize the overall reform effort,” wrote the 31 trade unions.

“More than 160 million Americans receive their health coverage through the workplace, either as an employee, dependent or retiree. Both Congress and the president have said health care reform will build on what works and have assured Americans they can keep the coverage they have if they like it. This makes good political and policy sense.

“Eliminating or capping the tax exclusion for employer-provided health care benefits – based

on income, the premium level or a combination of the two – would threaten to undermine this primary source of health care coverage for most Americans.

“First, it would remove a key incentive that employers have in providing the benefit. This could lead employers either to change substantially or eliminate health care plans.

“Second, if workers have to pay what amounts to a tax increase at possibly both the federal and state levels, that could lead younger, healthier workers to pass up employer-sponsored coverage for less comprehensive plans. This would drive up the cost of coverage for older, less-healthy workers, leading to the unraveling of employer-sponsored coverage.

“Contrary to the arguments put forward by proponents of proposals to eliminate or cap the

tax exclusion for employer-provided health care benefits, this would not be an effective means for containing health care utilization and costs and curbing so-called ‘Cadillac’ health care plans.

“Instead, it would simply penalize persons who happen to be in plans that have higher costs because of factors beyond their control – that is, plans with more older workers, plans covering geographic areas with higher costs or plans sponsored by small businesses that have higher administrative costs.

“It’s obvious the American people want health care costs lowered, not increased. They expect the Congress to make coverage more affordable, not less.

“Any result to the contrary may undermine their support for the program.”

# THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

## TIM RASGAITIS

Tim Rasgaitis is the senior records administrator in the president’s file room. He started in 1995 in the Supply Department and has held a variety of jobs in various departments. Tim is responsible for the accurate and timely updating of members’ files. “I update the members’ files with any changes that come through, like local changes, transfers or insurance updates. I also handle the filing of correspondence from the president and International officers, filing via general committees, locals, state legislative boards and various subject matter as well as doing various research projects. I always have something to keep me busy.”



## DORA WOLF

Dora Wolf serves as an administrative assistant in the Updating/Auditing Department. She started in 2002 as a clerk in the file room. Then she served a dual role as executive assistant to the assistant president and the Field Service Department. She also filled in as the UTU PAC administrator for several months. “I assist Updating Department Director Marilyn Spangler in a variety of roles, from working the E-49 billings and membership transfers, to researching direct-pay projects. I’d say that I am very well rounded because I have worked in so many departments and am able to address a variety of membership concerns.”



## DAN LOUGH

Dan Lough is the director of meeting management in the Public Relations, Education & Training Department. He started in 1977 as a computer operator. He now coordinates the majority of the meetings, workshops and conventions for the UTU International. He negotiates all hotel and convention center contracts, and handles negotiations with union printers for the UTU News and other UTU printing projects. He is also vice president of UTUIA Unit #1. “I am proud to have served at the UTU International for 32 years. I enjoy meeting and working with the members and officers who run this great union.”





# Nancy Drummond: UTUIA volunteer of the year

Nancy Drummond has been named the UTUIA's volunteer of the year for 2009.

Drummond, a resident of Sheridan, Wyo., is a member of UTU Auxiliary Lodge 801 in Sheridan and serves as the Auxiliary's state legislative director. She is the wife of Bruce Drummond, local chairperson of Local 951, Sheridan, who also serves as vice general chairperson of BNSF General Committee GO 245.

Drummond was born into an active Democratic family in Detroit and remembers going door to door as a young girl, handing out brochures on Election Day.

She married Bruce and moved to Wyoming, where her volunteering took new root.

For the next 30 years, her life evolved around volunteering:

- She was instrumental in helping to form Wyoming Cares, a charity that helps residents with unfunded medical expenses;
- She served on the board of the Wyoming Multiple Sclerosis Association for nine years;



Drummond

- She delivers meals through the Meals on Wheels program to needy seniors;
- She was named 2005 volunteer of the year by the Sheridan Chamber of Commerce for her 20-plus years of volunteering;
- Drummond was named person of the year by the Sheridan County Counsel of Social Agencies in 2005;

•She served as city council member for the City of Sheridan. She ran for mayor but was defeated by only 26 votes;

•She serves on the board of the North Main Revitalization Program;

•She served as vice chairperson of the state's Democratic Party executive board for six years (2003-2009). She currently serves as a committee member on the Wyoming Democratic State Central Committee. She represented the state as a super delegate at both the Democratic National Convention in Denver in August 2008 and the Democratic National Convention in Boston in July 2004.

"Although the UTUIA received many nominations for this prestigious award, your undying devotion to others exemplifies the true spirit of fraternalism," wrote International President Mike Futhey in congratulating Drummond. "Your involvement in community and charitable causes brings recognition not only to you but to the UTU/UTUIA and your brothers and sisters as well."

## Carriers seek to violate UTU agreements

The nation's major railroads have asked a federal court to permit them to violate existing collective bargaining agreements with the UTU and the BLET to coincide with July 16, which was the date railroads were required by law to implement new hours-of-service regulations.

The hours-of-service limitations are directed by Congress in the Rail Safety Improvement Act of 2008 (RSIA), whose intent is to reduce train-crew fatigue and improve their quality of life.

The lawsuit was filed in U.S. district court in Ft. Worth, Texas, and the UTU and the BLET intend to mount a vigorous defense.

The carriers acknowledge that they intend to implement the new regulations as they see fit; and, in so doing, may violate existing labor agreements with respect to wage guarantees.

"Quite simply, the railroads have asked the court to overturn their collective bargaining agreements with the UTU and the BLET," said UTU International President Mike Futhey. "The carriers want court approval to disregard collective bargaining agreements in violation of the Railway Labor Act.

"In fact," said Futhey "the Rail Safety Improvement Act provides expressly for collective bargaining on this issue, containing a provision permitting general chairpersons to negotiate a better balance between time off and earnings, while preserving guaranteed time off.

"This lawsuit is not about assuring the safety of its employees," Futhey said. "This lawsuit is all about protecting the carriers' profits. It is nothing more than the carriers' attempt to put the entire burden of the new hours-of-service limita-

tions on the backs and pocketbooks of their employees."

BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific have asked the court to declare that any dispute, arising out of their unilateral implementation of the new hours-of-service regulations, is a "minor" dispute under the Railway Labor Act, which requires binding arbitration.

"All railroads would benefit financially at the expense of employees and safety if this carrier lawsuit is successful," Futhey said.

## FRA seeks comments on PTC use

WASHINGTON – The Federal Railroad Administration has issued proposed rules designed to prevent train collisions through the use of Positive Train Control (PTC).

The Notice of Proposed Rulemaking (NPRM), which solicits comments from rail labor, carriers and others, prescribes how railroads must use PTC systems to prevent train collisions.

The Rail Safety Improvement Act of 2008 instructed major freight railroads and intercity and commuter rail operators to submit their plans for PTC to the FRA for approval by April, 16, 2010. PTC systems must be fully in place by the end of 2015. The proposed rules will specify how the PTC systems must function and indicate how FRA will assess a railroad's PTC plans.

The UTU has long supported the implementation of PTC, and it has long been one of the highest priorities of the National Transportation Board.

Because provisions of the new law will impose a cap on hours worked, the carriers want unilaterally to change existing contracts to put on employees the entire financial brunt of the hours-of-service changes. The carriers want to reduce the employees' guaranteed payments to, as they say in their lawsuit, "reflect the employee's unavailability."

The joint UTU/BLET reply to the lawsuit will be reported at [www.utu.org](http://www.utu.org) upon its filing with the federal district court.

Since passage of the Rail Safety Improvement Act last fall, numerous UTU officers have been working with others from rail labor, the carriers and the FRA to produce the Notice of Proposed Rulemaking on PTC.

The UTU will coordinate its comments to the FRA with the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Signalmen.

The UTU's Rail Safety Advisory Committee PTC working group also will then participate with their counterparts from the carriers and with the senior safety staff of the FRA to finalize the regulations.

UTU members should share their thoughts and concerns with regard to PTC with the UTU Rail Safety Advisory Committee PTC Working Group by e-mailing them to the National Legislative Office at [utunld@aol.com](mailto:utunld@aol.com).

## Meet your UTU Designated Legal Counsel

There is no more dangerous work environment than on the railroads, where injuries too often are severe. The Federal Employers' Liability Act (FELA) makes railroads accountable for unsafe working conditions. Railroads retain skilled attorneys to protect their interests. You also have access to skilled and experienced attorneys who understand the railroad industry, its

safety hazards, and every aspect of the FELA. They are the UTU Designated Legal Counsel, chosen for their special knowledge and experience. Their job is to represent you. This continuing column introduces you to all of the UTU Designated Legal Counsel. For a complete listing, go to the UTU home page at [www.utu.org](http://www.utu.org) and click on the blue tile, "Designated Legal Counsel."



### FREDERICK L. NELSON

Hildebrand, McLeod & Nelson, Inc.  
350 Frank H. Ogawa Plaza, 4th Fl.  
Oakland, CA 94612-2603  
(510) 451-6732  
(800) 447-7500 (U.S.); (800) 448-7575 (Calif. only)  
[basurto@hmnlaw.com](mailto:basurto@hmnlaw.com)



### JEROME J. SCHLICHTER

Schlichter, Bogard & Denton LLP  
100 S. Fourth St., Ste. 900  
St. Louis, MO 63102  
(314) 621-6115  
(800) 873-5297 toll free  
[jschlichter@uselaws.com](mailto:jschlichter@uselaws.com)

Access to the nationally recognized Designated Legal Counsel program is a valuable benefit of UTU membership. The union seeks out highly skilled lawyers with records of success and integrity. All members can, and should, contact Designated Legal Counsel if they are injured to determine their legal rights. The advice given is confidential and sensitive to the individual employee's circumstances.

When railroad employees go on duty, they risk injury at any time and need access to quick information from designated UTU counsel. A quick phone call for advice on filling out an accident report can make the difference between financial security and making a mistake that you could have to live with the rest of your life.





# Providers offer new wellness programs

The national railroad health plans are now offering wellness programs to promote healthier lifestyles.

**Now, at no additional cost, you have access to smoking cessation programs and healthy weight programs.**

Smoking and excess weight are substantial health risks that take a staggering toll on lives and resources. Tens of thousands of smokers die every year from lung cancer. Deaths and costs from other cancers known to be caused by smoking, such as pancreatic, larynx, bladder, cervix, stomach and kidney cancer, or related heart and lung disease, add thousands more to the mortality figures.

Excess body weight is also associated with a host of serious health problems including heart disease, Type II diabetes, high blood pressure and high cholesterol.

The medical costs for treatments associated with smoking and excess weight are astronomical – an estimated \$75 billion annually just for tobacco-related illness.

This results in substantially higher costs for every health insurance plan, including your own.

What is particularly troubling is that illnesses brought on by smoking and obesity are in large part preventable, and so is the human suffering and expense that is a part of it.

That's why the national railroad health plans want to join forces with you by offering the means to fight the powerful addiction that accompanies tobacco use, as well

as the frustration that inevitably results from unsuccessful dieting.

**These new programs provide tools to assist members who have an interest in better health, all at no cost.**

The smoking-cessation program includes motivational on-line and telephonic personal coaching, nicotine replacement therapy (gum, lozenges or patch) and support for up to a year. And if you don't totally quit or relapse, you can try again at no cost as many times as it takes. Because of certain risks that may apply to juvenile members, nicotine replacement therapy is not available to members under the age of 18.

The weight management program emphasizes good nutrition and increased exercise. A key objective is to reduce body mass index (BMI), which is a strong indicator of healthy weight. Weight loss counseling includes access to registered nurses, weight loss therapists and nutritionists.

The contact information for your benefit administrator under the national railroad health plans is:

**UnitedHealthcare:** (877) 201-4840;  
www.myuhc.com

**Aetna:** (800) 842-4044;  
www.aetna.com

**Highmark:** (800) 650-8442;  
www.highmarkbcbs.com

**ALL ABOARD FOR THE NEW ORLEANS REGIONAL MEETING!**  
**AUG. 17-19, SHERATON NEW ORLEANS**  
**WWW.SHERATONNEWORLEANS.COM**  
**REGISTER ON-LINE AT WWW.UTU.ORG**

**Hotel reservations:** (888) 627-7033 toll free; (504) 525-2500 direct; (504) 595-5552 fax  
**Reservation code:** "United Transportation Union"  
**Daily room rate:** \$99 single/double, plus tax. Room rates are good three days before and after the meeting, based upon availability.  
**Parking:** \$30 per day  
**Golf outing:** The regional meeting golf outing will be held Sunday, Aug. 16, at the Stonebridge Country Club in Gretna. The cost is \$80 per golfer, which includes transportation, golf, lunch and more. See www.utu.org for details.

## "Joie de Vivre"

The theme party at the New Orleans regional meeting will be "A Cajun Joie de Vivre" (joy of life). It will be held Tuesday, Aug. 18, at the Sheraton New Orleans and feature authentic Cajun décor, cuisine, music and fun.

# UTU policy concerning fees objectors

1. Any person covered by a UTU union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

**To the extent permitted by law, a non-member cannot participate in Union elections as a voter or as a candidate; attend Union meetings; serve as delegate to the Convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.**

2. The objecting non-members shall provide notice of objection by notifying the International General Secretary/Treasurer of the objection by first-class mail postmarked during the month of September each year or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:

- a. All expenses concerning the negotiation of agreements, practices and working conditions;
- b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- c. Convention expenses and other union internal governance and management expenses;
- d. Social activities and union business meeting expenses;
- e. Publication expenses to the extent coverage is related to chargeable activities;
- f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
- g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
- h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
- i. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft represented by UTU;

4. The International shall retain a certified public accountant to perform an independent audit of the records of the International and subordinate units maintained by the International General Secretary/Treasurer. The International shall also retain a neutral referee for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The neutral referee shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

5. The neutral referee shall complete the report no later than July 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the referee's report may challenge the validity of the calculations made by the neutral referee by filing an appeal with the International General Secretary/Treasurer. Such appeal must be made by sending a letter to the International General Secretary/Treasurer post-

Percentage of chargeable fees determined by neutral review for calendar year 2008	
UTU International	84.4*
General committees of adjustment <sup>1</sup> , including locals under jurisdiction	
GO 001 BNSF Railway	100.0*
GO 049 CSX-B&O	98.9*
GO 769 Conrail	99.8*
GO 851 Florida East Coast	99.2
GO 953 Union Pacific-Eastern	98.5*
State legislative boards <sup>2</sup>	
LO 011 Florida	77.5
LO 018 Iowa	87.7*
LO 030 Nebraska	71.3*
LO 035 New York	87.2*
LO 038 Ohio	95.5*

<sup>1</sup> Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.  
<sup>2</sup> Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.  
\* Estimate; final ratio forthcoming.

marked no later than thirty (30) days after issuance of the independent referee's report.

7. After the close of the appeals period, the International General Secretary/Treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the International General Secretary/Treasurer and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by UTU.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the International during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The International shall have the burden of establishing that the reduced fees set forth in the neutral referee's report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the neutral referee issues the report. As soon as possible after the issuance of the neutral referee's report, he/she shall pay the amount of the reduced fees calculated by the neutral referee. Persons objecting for the first time shall be sent a copy of the report prepared by the neutral referee for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the neutral referee may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the neutral referee's report as soon as practicable after its issuance. The appropriate unit of UTU shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the neutral referee, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.



Published monthly (except for combined months of December/January and July/August) by the UNITED TRANSPORTATION UNION, 14600 DETROIT AVE., CLEVELAND, OH 44107-4250 • 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, 14600 Detroit Ave., Cleveland, OH 44107-4250.**

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



Please recycle

## This month's winning photo:

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

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

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

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

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

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

All photographs submitted become property of the UTU.

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



This month's winning photograph was taken by **Jimmy Hardison**, vice local chairperson of Local 662, Richmond, Va. "I have been a Newport News yard conductor for more than 29 years. I was shooting the last cars of a coal train as it cleared the road crossing at milepost 25 on CSX's Peninsula Subdivision between Richmond and Newport News. I used an 11-second exposure. This is what appeared as the train cleared the crossing; I was left with a 'ghost train' effect," Hardison said.



The Official Publication of the United Transportation Union

## UTU attorney tapped to head rail reg agency

WASHINGTON – President Obama July 20 nominated UTU Associate General Counsel Daniel R. Elliott III to become a member of the three-person U.S. Surface Transportation Board, and to be designated the agency's chairman upon Senate confirmation.

Elliott, age 46, becomes the second UTU official to be selected for a senior position in the Obama administration.

Former UTU Illinois State Legislative Director Joe Szabo was nominated by Obama – and subsequently confirmed by the Senate – to head the Federal Railroad Administration.

"The selection by President Obama of Dan Elliott and Joe Szabo to head major transportation regulatory agencies is tribute to the political influence of the UTU, which flows from the UTU PAC," said UTU International President Mike Futhey.

"We have good reason to expect President Obama will reach into the UTU ranks for other appointments in the near future," Futhey said.

If confirmed by the Senate, Elliott would become the second Democrat on the three-member STB, joining Democrat Frank Mulvey (who has been acting chairman) and Republican Charles Nottingham.

Mulvey previously was the principal adviser on railroad issues to Democrats on the House Transportation and Infrastructure Committee.

Beyond regulating railroad pricing and service, the STB is the single federal agency from which railroads must seek approval to merge, abandon track and lease or sell lines. In regulating such transactions, the STB sets levels of labor protection.

Elliott has been the UTU's associate general counsel since 1993, representing interests of the UTU and its members before the STB, the National Mediation Board, the National Labor Relations Board, the Department of Labor and federal courts.

He earned an undergraduate degree in political science from the University of Michigan (1985) and a law degree from The Ohio State University (1989).

Earlier in his career, Elliott practiced law with a number of firms in Cleveland and Washington, D.C.

The Senate Commerce Committee must now set a date for a confirmation hearing.

If the committee votes in favor of Elliott, his nomination will move to the Senate floor for confirmation.



Elliott

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



CSX honors UTUer Ray Bottles for his longevity. See page 2.



"The Crossroads of America"? Ask Kenneth Edwards. See page 5.



See photos from the San Francisco regional meeting on pages 6 & 7.



Nancy Drummond: UTUIA volunteer of the year. See page 10.