



UTU News

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The Official Publication of the United Transportation Union

UTU implores court to stop SMWIA meddling

AKRON, Ohio – The UTU has asked a federal district court here to prohibit further financing by the Sheet Metal Workers International Association (SMWIA) of activities intended to weaken the UTU financially and which are fueling an atmosphere of immeasurable divisiveness within the UTU.

The UTU on Feb. 13 asked the court to rule that the SMWIA is violating the Labor-Management Reporting and Disclosure Act (LMRDA), which prohibits an “interested employer,” which defines the SMWIA, from directly or indirectly financing or encouraging the institution of an action by a union member against his or her union.



SMWIA should “man up” and file lawsuits in its own name

The UTU also has asked the AFL-CIO to sanction the SMWIA for attempting to raid the UTU membership.

While the UTU’s funds have doubled since January 2008 when the Futhey administration took office, the expenditures encountered due to these SMWIA-financed lawsuits have reduced the UTU’s bottom line by some half-million dollars.

Recall that the federal district court in which this complaint was filed previously halted a merger between the UTU and the SMWIA.

The court ruled that UTU members were not properly informed of conflicts between the two unions’ constitutions prior to the ratification vote. The merger would have created the combined International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers.

The court urged that a new SMART constitution be negotiated and written and precede a fully informed ratification vote.

Unbeknownst to UTU members when they originally voted on the merger was the fact that it would have resulted in a takeover by the SMWIA of all UTU general committee decision making.

In fact, there were dozens of conflicts in the two unions’ constitutions, even though UTU members were told by former UTU President Paul Thompson that no conflicts existed.

But rather than negotiate a new SMART constitution with the UTU, the SMWIA financed a lawsuit brought by seven UTU International officers, as interveners, to force implementation of the merger in spite of the flawed merger process.

The court acknowledged allegations that the seven UTU International officers who brought the SMWIA-financed lawsuit are “agents of a competing union.”

Additionally, the SMWIA financed a separate lawsuit by these same seven UTU International officers against the UTU after those UTU officers were charged internally for engaging in dual unionism. That lawsuit, rejected by the court, sought to halt internal trials, which began Feb. 3, and are now in recess until May.

“Agents of a competing union.”

The UTU said in its latest pleading, “As this court is well aware, the SMWIA’s purpose is, through its proxies, to further resist this court’s injunction and to force a hostile takeover of the UTU without any further vote of the UTU membership on a fully formed SMART constitution.

“Because of the divisiveness fostered by the SMWIA in their continued financial support of the International officers [acting as SMWIA agents], the UTU has been unable to settle the costly SMART merger litigation and the split UTU Board of Directors has been unable to fulfill its functions under the UTU Constitution.”

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News and Notes

Three members die in mishaps

Three UTU members, **Michael Wilcox**, **Saxton Haselwood** and **Gregory Blevins**, have been killed in separate incidents.

Wilcox, a member of Local 113 in Winslow, Ariz., was killed Feb. 7 when he was hit by a train on BNSF trackage near Holbrook, Ariz. He was 43 and had a wife and three children. “He was a good family man and a real good guy. But, the truly sad part was that the engineer who hit him was his best friend,” General Chairperson William Young III said.

Haselwood, 26, a member of Local 1227 in Wichita, Kan., was killed early the morning of Sunday, Feb. 8, at Union Pacific’s Herrington Yard outside Herrington, Kan.

Blevins, 56, president of Local 1168 in Clovis, N.M., died early Feb. 28 in a train accident, according to reports. He was at the end of a string of cars being backed onto a siding when he fell off and was killed. He had more than 35 years of rail service.

Wage and rules panel to meet

A national wage and rules panel will meet March 17-18 in Jacksonville, Fla., to consider the dispute over entry-level rates of pay, as provided by a Jan. 22 arbitration decision. Representing the UTU, in seeking an equitable solution, will be International President Mike Futhey, Assistant President Arty Martin, International Vice President Robert Kerley, and General Chairpersons John Hancock, John Lesniewski, Jim Huston, and Alternate Vice President – East Delbert Strunk. The carriers will be represented by their chief labor negotiators.

Amtrak back pay now assured

Unlike freight railroad workers, whose paychecks have included on-time wage increases and cost-of-living adjustments as provided by contract, Amtrak workers have been collecting promises that wage increases owed will be paid.

But back-pay wages are now assured for conductors, yardmasters and other Amtrak employees represented by rail labor unions.

The economic stimulus package – formally known as the American Recovery and Reinvestment Act – contains a provision assuring priority funding for back pay owed Amtrak workers.

Specifically, the stimulus bill provides that DOT “shall withhold such sums [from Amtrak federal subsidies] as shall be necessary for the costs associated with the second retroactive wage payments to Amtrak employees and shall transmit such funding to [Amtrak] for the sole and exclusive purpose of making such payments.”

As background, following recommendations of a presidential emergency board, Amtrak agreed to a wage-increase and lump-sum retroactive payment package totaling \$573 million.

Because Amtrak did not have the funds to pay the entire amount in a single fiscal year, Amtrak agreed to pay it out over two fiscal years.

If Amtrak could not make the payments as promised, it agreed to reopen negotiations with its unions in 2009.

Amtrak, so far, has funded some \$428 million

of the \$573 million contract settlement, said Amtrak President Joseph Boardman, leaving a balance of \$145 million. He said Amtrak had sufficient funds to pay \$31 million of that by Sept. 30, 2009, but would have to rely on Congress for the remaining \$114 million.

That money is now assured as a result of the stimulus package passed by Congress and signed into law by President Obama.

Pleas to Congress to assure payment of the retroactive funds were made by UTU National Legislative Director James Stem, others in rail labor, and by Boardman, who told Congress in a Feb. 17 letter:

“Amtrak is committed to meeting our agreements, and holds the skills of its employees and the dedication they bring to their job in high esteem. To that end, we are meeting and intend to continue to meet, on a quarterly basis, with the unions’ leadership to ensure that we are communicating frankly and clearly with them. We hope that this will improve an already open and productive relationship.”

Boardman has long been a friend of organized labor and Amtrak.

In 2005, as federal railroad administrator, Boardman told *Railway Age* magazine, “Railroads must invest in human resources by hiring talented people and training and motivating them, as well as measuring the quality of that training and motivation to ensure incremental and continual involvement.”



Around the UTU

Local 239, Oakland, Calif.

The "Oakland Old Rails" will hold a dinner and get together at 12 p.m. on Sunday, April 19, at Dino's Restaurant, 3600 Castro Valley Blvd., in Castro Valley, retired member **Richard Scholl** reported. Tickets are available by writing club secretary Gilbert Sanchez at 5030 Trask St., Oakland, CA 94601, or by calling Sanchez at (510) 533-4338.

Local 306, Eagle Grove, Iowa

This Union Pacific (former C&NW) local has established a Web site at <http://0306.UTU.org>. The site has links to local news, numerous local agreements, contact information for local officers and more.

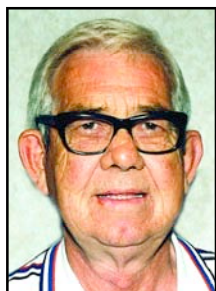
Local 338, Chattanooga, Tenn.

On Feb. 17, the officers and members of this local presented Brother W. D. "Denny" Elliott with a gold pocket watch in appreciation of his 20 years of service as local chairperson and to commemorate his pending retirement. Pictured below, from left, are **Tommy Pierce**, **Dale Cureton**, Elliott, **Julianne Holland** and **Blake Gholston**, who was installed as local chairperson.



Local 656, N. Little Rock, Ark.

Brother Charles N. "Porky" Porter passed away Feb. 17 at the age of 72, retired UTUIA Field Supervisor **Joe Cunningham** reported. "He was a Union Pacific trainman for 41 years and served as a local officer for 25 years. He also was a local insurance representative during most of his days on the railroad and was a hard worker in the legislative department," Cunningham said. "He will be greatly missed."



Porter

Local 974, Nashville, Tenn.

Secretary & Treasurer **Tony Garcia** told *UTU News* that this CSX local is celebrating 40 years of representing the train- and engine-service members in the Nashville area. Garcia has ordered cigars with a custom UTU logo-Local 974 band on them and hopes to discuss a possible social event commemorating the anniversary at the next local meeting.

Local 1000, Minneapolis, Minn.

Members of this BNSF Railway local held a dinner recently honoring retiring local officers **George Joyce**, **Tom Lyman**, **Bill Fish** and **Blake Begnaud** (with more than 75 cumulative years of local service) and welcoming the newly elected local officers, State Legislative Director **Phil Qualy** reported. "Local 1000 recently signed more than 40 new UTU PAC contributors, thanks to the efforts of



The greatest rock and roll band in the world, or the members of Local 1000 at Minneapolis, Minn.?



UTUIA volunteers let their fraternal light shine at the Ronald McDonald House in Phoenix while attending the UTUIA's 2009 annual sales meeting.

Call to service makes meeting a success

Living up to the UTU Insurance Association's pledge to "facilitate community outreach through volunteer activities," the wives of UTUIA officers and field supervisors, on Feb. 18, turned those words into deeds with a visit to Phoenix's Ronald McDonald House.

On the first day of the UTUIA's annual sales meeting in Phoenix, the ladies of the UTUIA traveled to the Ronald McDonald House there, where they spent the day cleaning and prepping one of the facility's 45 family units for painting.

Ronald McDonald Houses around the world offer families of seriously ill or injured children a way to stay together, in proximity to their treatment hospital, and to be comfortable and cared for during their stay.

Participating in the volunteer duties and pictured above were (top row) Celeste Dysart, Angela Fly, Sybil Morrison, UTU International Updating Dept. Director Marilyn Spangler, Marie Decoste, Cindy Martin, Anita Rayner, (bottom row) Connie Thompson, Linda White, Janis McElley, Elaine Skidmore and April Futhey.

In addition to the volunteer service, UTUIA members and staff attending the sales meeting donated \$260 to the Ronald McDonald House and another \$120 toward the cost of dinner for families staying at the facility that day.

"It was just a wonderful experience and I wish we could have done more," said Janis McElley, wife of UTUIA Field Supervisor **Dan McElley**, who helped Spangler organize the service day. "It felt great to help other people that really needed help."

In 1994, 17 UTUIA local units were established throughout the United States for the purpose of engaging in fraternal activities that benefit both UTU and UTUIA members and the communities in which they live.

Spangler, who was honored as the UTUIA's volunteer of the year in 2006 and serves as president of UTUIA Local Unit 1 in Cleveland, reminds all UTU and UTUIA members that the local units are still active today and encourages them to get involved.

Spangler, who has worked with Ronald McDonald House Charities previously, said assisting a Ronald McDonald House near you is as simple as collecting aluminum tabs from your beverage cans. "Thousands of dollars are collected each year to help defray costs to families staying at these homes by just removing the tabs," she said. For more information, visit www.rmhc.com and select "How You Can Help."

Legislative Rep. **Tom Lyman** and **Wayne Newton**. The torch is passed and the membership remains in great hands," Qualy said. "Thanks for all of their work on behalf of our membership."

Local 1313, Amarillo, Texas

Congratulations to Assistant State Legislative Director and Local Legislative Rep. **David Arterburn**, who has been elected as recording secretary

of the Texas AFL-CIO United Labor Legislative Committee (ULLCO). This committee meets daily one hour before the state House or Senate convenes to discuss legislative matters of the day.

Local 1397, Columbus, Ohio

This CSXT local will host its 60th annual Old Timers' Fish Fry on May 13, at 7 p.m., immediately following the union meeting at 6 p.m., said Secretary & Treasurer **Robert Smith**. Members of the C&O/CSX Veterans' Club, as well as all active and retired UTU members, are invited to attend free of charge, with food and beverages supplied. Frying the fish will be Director of Strategic Planning **John Nadalin** and retiree **Jon Larkin**.

Local 1440, Staten Island, N.Y.

Gerard McGovern, a UTU member employed by the MTA Staten Island Railway since October 1984, passed away Feb. 6, Secretary & Treasurer **Vincent LaBella** reported. "McGovern was a true railroader, known for following all of the operating rules to the letter and able to lend a helping hand to anyone and everyone in need concerning any train service situation," LaBella said. "He will be missed by the Staten Island Railway and SIR Local 1440 families."

Local 1567, Corbin, Ky.

This CSX local presented engraved UTU pocketknives to five members who retired during the past year, Secretary & Treasurer **Donnie Head** reported. The presentation was made by Local President **Jonathan Jones** at the local's February meeting at the Shoney's Restaurant in Corbin.



Pictured, from left, are Gary Davis, David Maloney, David Ingle, Jones, Charlie Gray and Kenneth Irvin.

Local 1900, Miami, Fla.

Local Vice President **Manuel Ruiz** and fellow employees of PARSEC are asking UTU members and others to try to wear red shirts on Fridays in honor of U.S. troops, both at home and overseas. "This is in no way meant to support a war or to make a political statement. It is just an attempt to show support for our men and women in uniform," Ruiz said.

CSX GO-513, Jacksonville, Fla.

General Chairperson **Barry A. Hogan** announced his retirement, effective March 3. "I have enjoyed my 39 years of service to the UTU. It has been an honor and pleasure to work with the knowledgeable staff and officers of this organization during my tenure," Hogan said.

Md. legislative board hosts golf tournament

The Maryland State Legislative Board will hold its tenth annual James E. Major Memorial Golf Classic on Friday, May 8, at the Forest Park Golf Course in Baltimore. All proceeds raised from the tournament will be used to support the James E. Major Memorial Scholarship Fund. The registration fee is \$75. Fee includes a putting contest, greens fees, cart, continental breakfast, beverages before, during, and after the tournament, a catered dinner and prizes. For more information, or to obtain a registration form, visit the board's Web site at www.utumd.org and select "James E. Major Jr. Memorial Scholarship Program and Golf Outing."

LaHood meets transport chiefs

WASHINGTON – U.S. Transportation Secretary Ray LaHood last month met with leaders of state departments of transportation from across the country to discuss projects that might be funded by the congressional stimulus package.

"The upshot of these meetings is that we have thousands of worthwhile transportation projects that are ready to go, LaHood said. "They've cleared all the hurdles and just need the funding. DOT is ready to get the money out the door."



LaHood

LaHood said the stimulus package would provide some \$46 billion for transportation infrastructure, including up to \$30 billion for highways, \$12 billion for transit, \$3.1 billion for passenger rail and \$3 billion for airports.

Eligible projects include highways and bridges, public transit, passenger and freight rail transportation and port infrastructure.

LaHood said accountability would be one of his highest priorities and that his Transportation Investment Generating Economic Recovery (TIGER) team would be closely monitoring all aspects of the recovery funding.

The so-called TIGER team is composed of officials from across DOT's operating administrations and offices. The team is co-chaired by Lana Hurdle, deputy assistant secretary for budget and programs, and Joel Szabat, deputy assistant secretary for transportation policy.

LaHood previously was a Republican congressman from Illinois (1995-2008), and before that was elected to the Illinois House of Representatives.

Earlier in his career, he was an aide to Rep. Robert Michael (R-Ill.).

LaHood was one of only three Republican candidates who did not sign on to the "Contract with America," Newt Gingrich's manifesto for a Republican majority.

He is the only Republican currently serving in President Barack Obama's Cabinet.

NS again rebuffed on walkway safety

CHICAGO – A federal appeals court in Illinois has turned back a second Norfolk Southern attempt to evade an Illinois regulation requiring safe walkways in its yards, holding that the NS legal challenge was as slippery as some of the walkways it provides its employees.

Since the Illinois Commerce Commission imposed the requirement for safer rail-yard walkways in 2004, the carrier has been seeking to overturn the requirement.



In December 2007, a federal district court rejected the NS appeal and gave Illinois regulators the go-ahead to begin enforcing the 2004 "safe walkways" regulation, which mandates that all newly constructed and reconstructed yard tracks within Illinois include safety features that prevent employees from losing their footing while working on the ground.

The regulation also gives the state authority to order walkway improvements for existing tracks where conditions are shown to be hazardous.

NS appealed that federal district court decision, and the Seventh Circuit Court of Appeals on Feb. 11 again told the railroad to comply and to put the safety of its employees first.

The railroad argued that federal law supersedes any state laws or regulations regarding railroad safety. But the district court, in a decision affirmed by the appellate court, determined that the Federal Railroad Administration has not adopted any regulation "covering the subject matter" of paths adjoining railroad tracks and that the Illinois regulation does "not conflict" with any federal safety laws or objectives.

Said the appellate court:

"Illinois allows the railroads considerable discretion over the size, placement, and materials for the walkways," and if its construction materials or methods of walkway construction interfere with track drainage and track stability, then "Norfolk Southern must try to work these details out with the [Illinois Commerce Commission]."

More specifically, Illinois requires that employee walkways covered by the regulation must have a minimum width of two feet, and any ballast used must be no bigger than three-quarter inch in diameter, and must be spread in a uniform

manner. Additionally, walkway slopes can rise or fall no more than one inch in height for every eight inches in length or width, and walkways must be free of obstacles, including rocks, equipment and debris.

The UTU began lobbying for the walkways regulation in 2002 over the objection of NS, with the UTU providing state regulators evidence of tripping and falling accidents on walkways.

Assisting in the defense of the regulation was the Brotherhood of Maintenance of Way Division's director of education and safety, Rick Inclima, who served as an expert witness on behalf of the state without any personal compensation.

American Products to offer new items, faster Web site

A revamped American Products Web site has just made online purchasing of new UTU apparel and other items faster and easier.

American Products is the manufacturer and distributor of UTU clothing, timepieces and other novelty items and the company's exclusive UTU merchandise Web site can be found at www.utumerchandise.com.

With the company's new "CartSteward" Web software, shopping for UTU merchandise online is now quicker.

American Products has recently added new polo-style shirts, caps and its Kendall jackets to their Web site, so UTU members should visit the site at their earliest convenience. Use the Web site address provided above, or select the "UTU Gear" tile on the UTU homepage at www.utu.org.

Customize local items

UTU locals should also note that American Products can produce a variety of items custom-made just for their local. "We can create T-shirts, hats, jackets, and other items with local numbers and custom designs," said company representative Sherry Schirripa. "We have a creative graphics department at American Products and we will work with your local to personalize your garments or other items."

She added that locals interested in purchasing custom-made products are not limited to the items featured at the UTU Web store. "At American Products, we work hard to find or create quality goods that eliminate the competition. Our skilled and experienced staff proudly offers ideas and services that are a cut above the rest. With our own textile division, in-house screen printing, in-house embroidery and 20,000 square feet of fulfillment center, American Products is positioned to produce and deliver customized products faster than anyone else," Schirripa said.

Schirripa said she has worked with a number of UTU state directors, general committees and locals over the last five years, during which time American Products has been the exclusive provider of UTU apparel. For custom orders, e-mail Schirripa at sschirripa@comcast.net.

Union-made in America

All of the UTU items featured by American Products are union-made and/or are made in America. All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts on customized orders are available to UTU locals. Watches and clocks carry a two-year manufacturer's warranty against defects.

All of the featured items can be ordered by credit card directly through the company's secure Web site, or by calling the company's toll-free telephone number: (800) 272-5120.

UTU members may also download and print a custom order form that can be mailed to UTU Merchandise.com, 1600 N. Clinton Ave., Rochester, NY 14621.



AMERICAN PRODUCTS, INC.

Court to hear drug-test challenge

WASHINGTON – The now-departed Bush administration's invasive and degrading strip-search drug-testing regulation affecting rail and transit workers, which is opposed by the UTU, other rail unions and BNSF Railway, is now headed for a review by an appellate court here, with a hearing scheduled for March 26.

The U.S. Court of Appeals for the District of Columbia previously issued a delay in implementing the rule, which will remain on hold pending the appellate review.

The rule, as written by the Bush administration DOT last year, would require strip searches of rail and transit workers during certain mandatory drug testing.

The UTU and the other rail unions maintain the rule violates the Constitution's Fourth Amendment prohibition against unreasonable searches.

The Bush administration's DOT wrote the rule to require direct observation of urine specimen collection in all cases involving a return-to-duty test following a positive drug test and a follow-up test after a positive drug test.

This rule initially was scheduled to take effect last August, but DOT voluntarily, and only temporarily, delayed implementation, and then the appellate court issued its further delay pending its ruling that will occur after the March 26 hearing.

Under current and still-effective rules, a rail carrier has the discretion to require direct obser-

vation during an individual return-to-duty or follow-up test, but is not required to do so.

The Bush administration's DOT sought to replace this discretion with the mandatory-observation rule.

The rule, on hold pending the court decision, would require a strip search in all instances of direct observation.

Specifically, the currently delayed DOT rule would require that a same-sex observer employed by the railroad "request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show, by turning around, that they do not have a prosthetic device [that could be used to deliver a substituted urine specimen]."

After the observer has "determined that the employee does not have such a device, [it] may permit the employee to return clothing to its proper position for observed urination," according to the challenged rule.

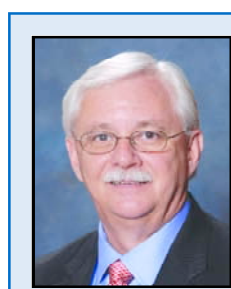
Other rail unions opposing the rule include the American Train Dispatchers Association, the Brotherhood of Locomotive Engineers and Trainmen, the Brotherhood of Maintenance of Way Employees Division, the Brotherhood of Railroad Signalmen, the International Brotherhood of Electrical Workers, the National Conference of Firemen & Oilers, and the Transportation Communications International Union.

Predictable crew schedules not a radical idea

For more years than I care to count, we having been telling the carriers that if we couldn't come up with a mutually acceptable solution at the bargaining table to the problem of availability policies and train-crew fatigue that we were going to ask Congress to impose a solution.

And still the carriers dithered, placing profits ahead of safety and ignoring the quality of life and safety threats of 30-day availability policies, seemingly never-ending limbo time, rolling the dice on circadian rhythms with wild swings in start times, and assuming human beings could maintain situational awareness as their cumulative sleep deficits mounted.

We provided the carriers with exhaustive evidence of train crews being called to work in a



International President's Column

By Mike Futhey, International President

fatigued condition; and reminded the carriers that sleep scientists have concluded that going to work fatigued is equivalent to going to work drunk.

Even in the face of horrific accidents involving deadly hazmat releases and NTSB findings with regard to crew fatigue, the carriers continued to ignore our pleas to negotiate a solution to the fatigue problem.

The carriers refused to negotiate.

So we went to Congress, which in the fall of 2008 passed the most far-reaching rail safety bill in decades. It was our only avenue of relief. The law didn't give us everything we wanted, but it is a good, overdue and necessary law.

siders this good business, safe business and appropriate labor/management policy.

We are now negotiating with CN in the hope we can reach agreement permitting CN and the UTU jointly to petition the Federal Railroad Administration for a pilot project – under provisions of the new safety law – to demonstrate every railroad can efficiently provide train- and engine-service employees with start and stop times within a predictable range of hours.

We stand willing to negotiate with any carrier a similar joint

“We stand willing to negotiate with any carrier a similar joint petition to the FRA for such a pilot project if that carrier is agreeable to structured start times.”

Most troubling now is that even with the new safety law's changes in hours-of-service and limbo-time elimination, the carriers continue to resist providing train and engine service employees with predictable starting times.

How can it be that an industry so fully computerized can't provide its operating crews with predictable starting times?

The fact is, the railroad industry can. In fact, on Canadian National, which Wall Street analysts say is the most efficient North American railroad, senior management is committed to train scheduling.

CN CEO Hunter Harrison con-

petition to the FRA for such a pilot project if that carrier is agreeable to structured start times.

Our objective is a changed culture that reduces employee fatigue, fully eliminates limbo time, assures situational awareness of all crew members, improves our members' quality of life, boosts customer service, and contributes positively to each carrier's bottom line.

It is high time to bring the railroad industry into the 21st century.

This pilot project has the potential to do just that.



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For the latest news, visit www.utu.org regularly; also, sign up on the UTU Web site to receive news alerts via e-mail.

We are working to improve bus-safety bill

Legislation (H.R. 1135, the Bus Uniform Standards and Enhanced Safety Act of 2009) has been introduced in Congress to improve bus safety. It is a good start, but the bill requires considerable work for the legislation to more fully benefit bus operators and bus-passenger safety.


For example, while the bill focuses on bus-roof strength and fire suppression – which is good – its section on window glazing is weak because it fails to require additional safeguards to ensure neither passengers nor drivers are ejected through windows during a crash.

A bus safety bill also should require new bus construction standards that protect drivers, passengers and the public from hazards posed by alternative fuels, which are growing in popularity.


And needed in bus safety legislation is a beefed-up section on driver training, requiring, for example, that bus operators – newly hired as well as experienced operators – be trained in defensive driving skills and methods to deal with hazardous driving conditions that include abusive and threatening passengers, gang activity and bus evacuations.

Training in methods of dealing with passenger threats – as well as special needs of passengers – is of growing concern, as drivers are accountable for the safety and secu-

Officers' Column



By **Bonnie Morr**
*Alternate Vice President -
Bus Dept.*



By **Calvin Studivant**
*General Chairperson,
Community Transportation*

rity of all passengers they transport. This is especially so on school buses, where the driver is often the only authority figure on board.

Surely the authority of school bus drivers to discipline unruly students

would establish minimum standards for driver training, plus standardized national reporting requirements so that medical and background information is readily available for driver licensing nationwide.

UTU members may be called upon to write or call their congressional representatives to ask them to support amendments to the bill.

and enforce conduct codes should be clarified and standardized. And uniform laws should be in place to treat as criminal conduct – with severe penalties – any attacks by student passengers on bus operators.

Additionally, a more perfect bill

Also, the bill should remove existing legislative barriers restricting drivers cited for minor traffic infractions from clearing their records through training and education at privately owned and operated driving schools.

Finally, a more perfect bill would address security and terrorism. A bus operator – especially one driving the same route each day – is the eyes and ears of a community and often is in a position to notice a need for a law enforcement response. Yet, the legislation, as now written, provides no language requiring training in recognizing, reporting and dealing with terrorist threats and natural disasters.

UTU National Legislative Director James Stem understands how this legislation can be improved, and he will be working with our friends in Congress to gain improvements to the bill's language.

UTU Bus Department officers will be assisting in this effort, and bus members may be called upon to write or call their congressional representatives to ask them to support amendments to the bill.

(Bonnie Morr, general chairperson on the Santa Cruz Metropolitan Transit District, is the Bus Department's alternate vice president – West. Calvin Studivant is general chairperson on Community Transportation in north-eastern New Jersey.)

State Watch

News from UTU State Legislative Boards

Maryland



From left, State Legislative Director Kasecamp, International President Futhey and National Legislative Director Stem.

State Legislative Director **Lawrence Kasecamp**, Local 454 (Baltimore) Chairperson **Joe Rassa** and Legislative Rep. **Brian Shaw** recently attended the memorial service for former National Legislative Director James Brunkenhoefer. Kasecamp (above left), on behalf of the Maryland State Legislative Board, presented International President Mike Futhey (center) and National Legislative Director James Stem (right) with a plaque for the union's national legislative office in honor and memory of Brunkenhoefer "for all he had done for the legislative department of the UTU," Kasecamp said.

Montana



UTU in the House: The UTU is well represented in the state's 61st legislature, State Legislative Director **Fran Marceau** reports. "The chairperson of the House Business and Labor Committee Representative is **Bill Wilson** (in photo at left). Wilson is a retiree from Local 730 (Great Falls) and past president of that local. Wilson was elected from House District 22 in Great Falls. He served in the Senate from 1993-2000 and in the House since 2003. In addition to being chairperson of the House Business and Labor Committee, he also serves on the Transportation Committee. On the right is **Dennis Getz**, a member of Local 486 (Glendive) and past local president. This is Getz's first term. He was elected from House District 38 in Glendive and is serving on the Appropriations Committee."

Florida



While the Northeast part of the nation shoved out and the Midwest shivered, UTU members on CSX in Jacksonville worked under a warm winter sun.

From left, Local 1971 (Atlanta, Ga.) yardmaster and Vice Local Chairperson **Bobby Gibson**; conductor **Joey Williams** (Local 903, Jacksonville), Local 903 Chairperson **James West**, and Local 903 conductor and Vice Local Chairperson **James Burt**.



Tennessee

State Legislative Director **Jerry Anderton** reports that **Julianne Holland**, legislative representative of Local 338 at Chattanooga, was recently installed as the first woman to serve on the Tennessee State Legislative Board.

Holland is a yard person and RCO at NS's DeButts Yard in Chattanooga.

"This is Holland's first union office," Anderton said. "She's hard working and intelligent and I look forward to working with her."

Pictured, left to right, all members of Local 338, are **Denny Elliott** (vice general chairperson, delegate); Holland; **Blake Gholston** (local chairperson); **Rick Blevins** (president); Anderton; **Dale Cureton** and **Greg Chambers** (secretary/treasurer).

Foundation offers aid to railroad daughters

The John Edgar Thomson Foundation offers financial assistance to daughters of deceased railroad parents.

The foundation, established in 1882 and endowed by the will of Thomson, the third president of the Pennsylvania Railroad, is now accepting applications for aid.



Thomson (Feb. 10, 1808 – May 27, 1874; shown at left) was an American civil engineer, railroad executive and industrialist.

He was president of the Pennsylvania Railroad from 1852 to 1874 and oversaw the railroad's conversion from wood to coal as a fuel for its steam locomotives.

The deceased parent must have been in the active employ of any railroad in the United States at the time of death, although the cause need not be work related.

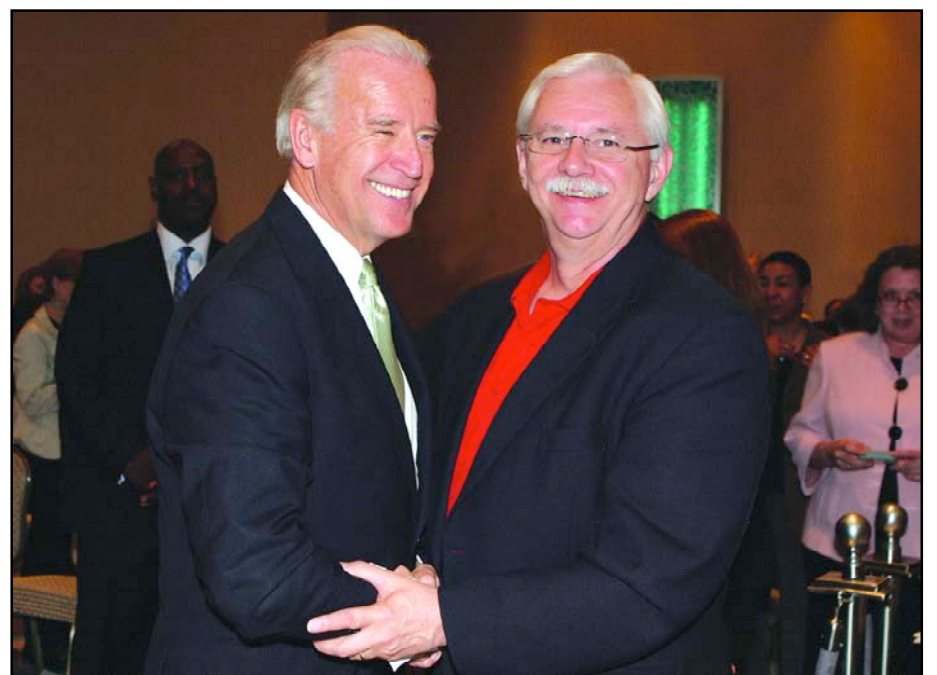
Eligibility is dependent upon the daughter and surviving parent remaining unmarried.

The monthly allowance made under the grant may cover the period from infancy to age 18; under certain circumstances to age 22 to assist grantees who are pursuing higher education goals.

The foundation also offers special health-care benefits.

For further information, contact Sheila Cohen, Thomson Foundation, 201 S. Eighteenth St., Ste. 318, Philadelphia, PA 19103. Phone (215) 545-6083 or (800) 888-1278 toll free. E-mail: sjethomson@aol.com.

Biden greets Futhey at AFL-CIO meeting



Vice President Joseph R. Biden Jr. gave organized labor, especially UTU International President Mike Futhey, an extremely warm embrace last month at the AFL-CIO's executive council meeting in Miami Beach. Vice President Biden and Futhey discussed, privately, issues of concern to UTU members. The vice president also assured Futhey that there would be more dialogue and that the UTU has good friends in both President Obama and himself.

UTU seeks info on members, families in military

The United Transportation Union is seeking to honor its members, or their children or spouses, who are serving in any branch of the U.S. military. The *UTU News* plans to publish these names, and any photos received, in a future edition.

Please send or e-mail the name and rank of the individual, the branch and unit of the military in which they serve, where they are currently stationed, along with the UTU member's name and local number.

UTU News also welcomes photographs of these military personnel, in uniform, for publication. Photos can be returned if requested.

Names and photographs (JPEG format) should be e-mailed to utunews@utu.org or sent to UTU News, United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44107-4250.

SEE YOU AT THE 2009 REGIONAL MEETINGS!

The 2009 UTU/UTUIA regional meetings have been designed to provide a grand sense of fraternalism, lots of worthwhile education and tons of fun for the whole family.

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

UTU meeting registration and hotel reservations can be made online by visiting www.utu.org and clicking on the “Meetings” tile in the blue menu bar at the left-hand side of the UTU homepage.

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

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International Headquarters, 14600 Detroit

Ave., Cleveland, OH 44107, 10 days prior to the scheduled start of the meetings or the registrant will be charged an on-site registration fee of \$200.

The pre-registration fee for the 2009 regional meetings is \$150 per member, spouse or child over age 11. Additional fees apply for the golf outings. You must make your own room reservations, and certain deadlines apply.

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

You may cancel your regional meeting registration 10 days prior to the first day of the meeting or the golf outing without penalty. Please fax any changes or cancellations immediately to the UTU International Headquarters at (216) 228-5755.

SAN FRANCISCO, CALIF., JULY 6-8

WESTIN ST. FRANCIS
335 POWELL ST.
SAN FRANCISCO, CA 94102

www.westinstfrancis.com

Hotel reservations: (800) WESTIN1 toll free; (415) 397-7000 direct; (415) 774-0124 fax
Reservation code: “United Transportation Union”

Daily room rate: \$139 single/double, plus tax; rates good for three days before and after the meeting, depending upon availability

Reservation deadline: June 4, or until all rooms being held for the UTU are reserved

Parking: Valet park: \$49 per night (*see other parking options on www.utu.org*)

Golf outing: The regional meeting golf outing will be held Sunday, July 5, at the Chuck Corcia Golf Complex in Alameda. The cost is \$80 per golfer, which includes transportation, golf, lunch and more. Watch www.utu.org for details.



Clockwise from above: A trolley car at Fisherman's Wharf; Victorian homes on Alamo Square; the San Francisco skyline.

TWO SPOUSE TOURS SET

The UTU is arranging **two different tours of local attractions** at both regional meetings.

The tours will take place the day before, as well as the first day of, each regional meeting. Tour fees are \$35 per registered spouse, guest or child, or \$60 per unregistered spouse, guest or child.

In San Francisco, there will be a Sunday bus tour of China Town, Fisherman's Wharf, North Beach, the Financial District and Golden Gate Park, or a Monday bus tour of Muir Woods, Sausalito and Golden Gate Park. There will be shopping opportunities on both tours. Check out www.utu.org for complete details.

NEW ORLEANS, LA., AUG. 17-19

SHERATON NEW ORLEANS
500 CANAL ST.
NEW ORLEANS, LA 70130

www.sheratonneworleans.com

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.

Reservation deadline: July 17, or until all rooms being held for UTU are reserved.

Parking: \$30.00 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. Watch www.utu.org for details.



Clockwise, from left: New Orleans skyline; Bourbon Street at night; New Orleans, a city of contrasts.



UTU ARRANGES DISCOUNT AIRFARES, CAR RENTALS

Continental Airlines is offering discounts of 2 percent to 15 percent off published fares to UTU members and others attending the San Francisco and New Orleans regional meetings. To receive the discount, call your travel agent or Continental Airlines MeetingWorks at (800) 468-7022 and provide the Z Code **ZEYZ** and Agreement Code **DPJDTS**. There will be \$15 service fee collected, per ticket, for all tickets issued through MeetingWorks reservations or any Continental Airlines ticketing facility. The service fee is non-refundable and applies to all itineraries, one-way or roundtrip. To avoid a service fee and receive an additional 3 percent discount, book your reservations online at www.continental.com. Enter both the UTU's Z Code and Agreement Code (**ZEYZDPJDTS**, with no space) in the Offer Code box. The additional 3 percent discount applies to published fares only.

The UTU also has arranged with Avis Rent-a-Car to offer discounted rates to UTU members attending the 2009 regional meetings. To reserve a car, contact Avis at (800) 331-1600 and use the UTU's Avis Worldwide Discount (AWD) number: **D150699**. Or reserve online at www.avis.com.

UTU REGIONAL MEETING REGISTRATION FORM

Registering before the regional meetings speeds sign-in procedures, helps organizers plan more accurately, and saves on meeting costs. **Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2 1/2 days and conclude on the afternoon of the third day.** Registration fees are \$150 per person; children 11 years of age and under are complimentary. On-site registration is \$200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received at the UTU International 10 days prior to the start of the meeting for the member/spouse to be considered pre-registered.

Which regional meeting will you be attending? ☐ San Francisco ☐ New Orleans

Arrival date: _____ Departure date: _____

Transportation type: ☐ Automobile ☐ Air ☐ Other

Member registration

Name _____ Local _____ Title (if any) _____

Home address _____

City/State/ZIP _____

Phone number () _____ Email _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse registration ☐ San Francisco ☐ New Orleans

Spouse name _____ Title (if any) _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35 per registered spouse; \$60 per unregistered spouse)

Child registration ☐ San Francisco ☐ New Orleans

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Tour: ☐ Sunday or ☐ Monday (\$35 per registered child; \$60 per unregistered child) No. attending _____

Guest registration ☐ San Francisco ☐ New Orleans

Guest name _____ Relationship to member _____

Home address _____

City/State/ZIP _____

Meals: Day 1 ☐ Lunch ☐ No meal
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35 per registered spouse; \$60 per unregistered spouse)

Golf registration ☐ San Francisco ☐ New Orleans

Name _____ Handicap _____ Name _____ Handicap _____

Name _____ Handicap _____ Name _____ Handicap _____

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

Payment options

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

Credit card ☐ VISA ☐ MasterCard

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

Signature _____

Should additional space be needed, make copies of this form and attach to the original. This form and payment of \$150 per person over the age of 11, plus golf registration fees of \$80 per golfer (if applicable) and spouse/guest tour fees (if applicable), must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107-4250, 10 days prior to the regional meeting for the member/spouse to be considered pre-registered. Make checks or money orders payable in U.S. funds to "UTU Regional Meeting." Those who do not pre-register for the regional meeting but choose to register at the meeting site will be charged a \$50 penalty fee.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

RRB can appoint representative payee

By V.M. "Butch" Speakman Jr.
Labor member, Railroad Retirement Board

The Railroad Retirement Board's policy is that every annuitant has the right to manage his or her own benefits.

However, when physical or mental impairments make a Railroad Retirement annuitant incapable of properly handling benefit payments, or where the Railroad Retirement Board determines that the interests of the annuitant so require, the board may appoint a representative payee to act on the annuitant's behalf.



Speakman

A representative payee may be either a person or an organization selected by the board to receive benefits on behalf of an annuitant.

The Railroad Retirement Act gives the board authority to determine whether direct payment of benefits, or payment to a representative payee, will best serve an annuitant's interest.

The board may appoint a representative payee regardless of whether there has been a legal finding of incompetence or commitment; and, depending on the circumstances in a particular case, the board may select someone other than the individual's legal representative to be the representative payee.

The board provides 15 days' advance notice to an annuitant of its intent to appoint a representative payee, and the name of the payee, in order to allow the annuitant a period of time in which to contest the appointment.

For more information about representative payees, call the board's automated toll-free Help Line, at (800) 808-0772, or go to the agency's Web site at www.rrb.gov.

Mr. UTU celebrates 95th birthday

Former UTU International President Al Chesser celebrated his 95th birthday Feb. 26 in Denver.

UTU International President Mike Futhey observed, "Al says he will not consider himself a senior citizen until he turns 100. That year, Barack Obama will be in his second term as president of the United States, and Al will certainly be receiving a birthday card from the White House. This year, UTU members helped Al celebrate with cards wishing him many more years of good health. He has earned, in deed and spirit, the fitting honorific title of 'Mr. UTU.'"

Chesser hired out with the Atchison, Topeka & Santa Fe Railway (now part of BNSF Railway) in 1941 as a brakeman in Amarillo, Texas.

Four years later, the 800 members of his local in the Brotherhood of Railroad Trainmen (BRT, now part of the UTU) elected him secretary-treasurer, and then legislative representative.

Al was elected the BRT's Texas state legislative



director in 1956, developing a personal friendship with then-U.S. Congressman Lyndon Johnson.

When Al was elected the BRT's national legislative director in 1961 – a post he held through creation of the UTU in 1969 – his personal friendship with Congressman, Senator, Vice President and then President Johnson proved invaluable to UTU members.

In 1971, Al was elected UTU International president, a post he held until retiring in 1980.

His efforts helped to create Amtrak, which preserved the rail-passenger network and tens of thousands of passenger-rail jobs, as well as the creation of Conrail from the failed Penn Central, which also saved thousands of jobs.

Former General Chair Dan Bogen passes

Former UTU General Chairperson Donald J. "Dan" Bogen Jr. passed away Feb. 19 at Morristown, N.J. He was 69 years old.

He was a member of Local 60, Newark.

Bogen's railroad career began in 1956 on the Lackawanna Railroad. He transferred to the Erie Railroad in 1957. In 1970, he was elected local chairperson.

Bogen was elected general chairperson in 1986. He retired from that position in 2003, and is remembered as a dedicated, honorable, union man who was proud of his many accomplishments and victories.

During the years immediately following the passage of the Staggers Act, Bogen, with other local officer's assistance, was instrumental in combining the UTU rail locals that made up the newly formed New Jersey Transit commuter rail service and successfully merged them all into a single rail commuter local which became UTU Local 60. The local is made up of approximately 1,100 conductors and trainmen.

Remember to fill out travel questionnaire

The UTU is asking its Alumni Association members to please fill out an online questionnaire about their travel wants and needs.

The UTU recently signed a deal with Landfall American Express Travel to offer Alumni Association members great deals on travel. As part of that deal, Landfall is asking what types of travel (cruises, rail tours, etc.) interest members the most.

Access the questionnaire at www.landfalltravel.com.

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
60	Bogen Jr., Donald J.	Stanhope, N.J.	610	Shanahan, J. J.	Inglis, Fla.	1375	McCartney, Robert W.	Hanover, Pa.
194	Withers, Marion E.	Brazil, Ind.	656	Porter, Charles N.	Malvern, Ark.	1383	Anderson, Allen O.	Sarasota, Fla.
198	Rea, Leroy B.	East Peoria, Ill.	770	Roop, Thomas A.	Oklahoma City, Okla.	1383	Conn, Irving D.	Merrillville, Ind.
204	Jaeger, Emil E.	Murray, Utah	771	Stearns, Donald L.	Umpqua, Ore.	1386	Trager, H. C.	Newark, Ohio
204	Mecham, Paul L.	Salt Lake City, Utah	781	Greathouse, James E.	Shreveport, La.	1388	Dodson, Jack A.	Ozark, Mo.
204	Rasmussen, Owen H.	South Jordan, Utah	847	Durie, William E.	Birmingham, Ala.	1409	Becker, Robert V.	Gladstone, Mo.
239	Sayre, Melvin F.	Castro Valley, Calif.	904	Blackburn, Jerry Lee	Evansville, Ind.	1413	Hamm Jr., Edward	Largo, Fla.
240	McMillian, Jack E.	Fullerton, Calif.	915	Bostic, Wilford J.	Jackson, Miss.	1447	Schroeder, Andrew	Whiting, N.J.
258	Wince, John W.	Muscatine, Iowa	923	Taylor, Clyde R.	Chapman, Kan.	1477	Cesarz, Norman J.	Howell, Mich.
265	Jones, Pervis	Pocatello, Idaho	924	Sturgill Jr., Harold D.	Richmond, Va.	1503	Valentine, Michael E.	Manhattan, Kan.
376	Ward, James I.	Louisville, Ky.	947	Bond, Gordon W.	Chaffee, Mo.	1548	Leslie, Richard M.	Indianapolis, Ind.
377	Adamson, Wayne A.	New Castle, Pa.	951	Fox, Lester G.	Sheridan, Wyo.	1557	Armbruster, H. B.	Arlington, Tenn.
386	Bortzel Jr., Frederick J.	Mohnton, Pa.	971	Shorter, Jean C.	Crewe, Va.	1564	Flowers, Hansel	Henderson, Nev.
412	Williams, Stephen J.	Emporia, Kan.	982	Hart, Ronald T.	New Hartford, N.Y.	1582	Exstrand, Carl A.	Lake Katrine, N.Y.
453	Dunham, Delbert L.	Clinton, Ill.	1000	Gilbertson, Francis H.	St. Paul, Minn.	1770	Goziker, Harry B.	Calabasas, Calif.
486	Lehman, Clyde F.	Forsyth, Mont.	1043	Coates, David A.	Sparks, Nev.	1775	Huston, Robert C.	Elko, Nev.
486	Lunde, Norman B.	Glendive, Mont.	1043	Partridge III, John H.	Klamath Falls, Ore.	1813	Bosman Jr., John	Pinole, Calif.
490	Jenkins, Dennis W.	Oakland City, Ind.	1074	Finnerty, John F.	Pittsburgh, Pa.	1929	Dunne, Edward F.	Mineral Point, Mo.
496	Bandy, Daniel G.	Noblesville, Ind.	1074	McCallen, George W.	Altoona, Pa.	1948	Zettlemoyer, Herbert A.	Schnecksville, Pa.
507	Watson, Melvin E.	Central City, Ark.	1221	Howard, Keith J.	Canton, Ga.	1949	Fulton, John J.	Philadelphia, Pa.
524	Hyden, Cecil B.	Bryan, Texas	1263	Woodard Jr., Angus E.	Macon, Ga.	1963	Bruce, Charles S.	Cincinnati, Ohio
528	Witkowski, Charles	Camdenton, Mo.	1328	Lauyans, Robert J.	Louisville, Ky.			
586	Stanfield, Gehrett E.	Punta Gorda, Fla.	1366	Hickman, Douglas G.	Bennion, Utah			

Accidental Death and Dismemberment

New UTUIA policy offers guaranteed approval for active transportation employees!

UTUIA's new Accidental Death and Dismemberment policy includes all the following benefits:

- \$180,000 for death caused by common carrier
- \$90,000 for death caused by automobile
- \$60,000 for accidental death
- \$30,000 for dismemberment
- Intensive care confinement benefits of:
 - \$600 per day
 - \$60 per day for family lodging
 - \$30 per day for family meals
 - Up to \$1,800 for air ambulance
 - Up to \$300 for surface ambulance
- Optional rider for spouse/children

This policy provides benefits for accidents and not sickness. Some benefits provided to the policy owner are greater than those provided under the optional family rider. Some benefits may vary by state of residence.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at 1-800-558-8842.

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



Information, please

I would like more information on the Accidental Death and Dismemberment plan.

Please print



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

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250

03/09

UTU pact halts CSXT double jeopardy

CSX Transportation and the UTU have reached an agreement assuring that UTU members working for passenger and commuter carriers operating over CSXT track will no longer be subject to double jeopardy when disciplined for rules violations.

Prior to the agreement, UTU members operating Amtrak or commuter trains over CSXT track were subject to double jeopardy.

For example, a UTU member employed by Amtrak, and who was disciplined by Amtrak for a rules violation, often found that at the end of the disciplinary period and return to service, CSXT, as the owner of track, barred that employee from again working over CSXT track.

This effectively caused the employee to be fired even though Amtrak or a commuter carrier, such as Florida TriRail, cleared the employee to return to work.

CSXT maintained that, as owner of the track, it was lawfully permitted to bar an Amtrak or commuter-rail employee from operating trains over CSXT track – and there was no avenue for appeal.

This was in spite of the fact that Amtrak and commuter-carrier employees work under collectively bargained agreements with Amtrak and commuter carriers providing protection against arbitrary or capricious disciplinary action, and further providing that their disciplinary action may be reviewed by a public law board or arbitrator.

"I cannot overemphasize the importance of UTU PAC. CSXT and other railroads fear its power."

Nonetheless, CSXT, as owner of the track used by Amtrak and commuter carriers, was denying these Amtrak and commuter-carrier employees their contractual rights under their Amtrak and commuter-carrier agreements.

Following more than a year of difficult negotiations, CSXT agreed to end its practice of barring Amtrak or commuter-carrier employees from working over CSXT track after Amtrak or the commuter carrier cleared that employee to return to service.

The successful negotiations were conducted by CSXT General Chairperson **John Hancock** (GO 851), Amtrak General Chairperson **Al Suozzo** (GO 769), and Florida State Legislative Director **Andres Trujillo**.

The breakthrough came when Trujillo applied political pressure and created obstacles to a pending CSXT deal with the State of Florida over commuter operations. In exchange for the UTU ending its opposition to CSXT's deal with the state, CSXT agreed to end its imposition of employee double jeopardy.

"The bottom line is that UTU PAC contributions, which give the UTU substantial political influence at the state and national level, created the necessary leverage to negotiate the end to employee double jeopardy by CSXT," said UTU International President Mike Futhey.

"Henceforth, CSXT will not impose a second and more harsh discipline on Amtrak or commuter-carrier employees who are disciplined initially by Amtrak or the commuter carrier and later returned to service," Futhey said.

National Legislative Director James Stem said, "This process once again demonstrates the value of UTU PAC and why dollar-per-day UTU PAC contributions pay handsome dividends to our members."

Said Trujillo, "The UTU/CSXT agreement means CSXT is now bound by the decision of whatever internal or external appeal process is employed by the UTU and the UTU member's passenger or commuter-service employer, so long as CSXT is given third-party standing in the proceedings. The agreement further improves our members' job security."

Hancock, a Diamond UTU PAC member (\$100 monthly), said that, "Without UTU PAC, the agreement with CSXT could not have been accomplished. I cannot overemphasize the importance of UTU PAC. CSXT and other railroads fear its power."



Hancock



Suozzo



Trujillo

Two sets of ears, eyes make safer train cab

WASHINGTON – "The best baseball closing pitchers blow saves, off-duty policemen receive speeding tickets, and human beings make mistakes," said UTU International President Mike Futhey, responding to National Transportation Safety Board revelations March 3 of text messaging by a locomotive engineer and the engineer's permitting unauthorized people to operate a train.

"The most effective means of reducing the probability that train-crew members make mistakes or violate federal and carrier safety rules and maximize situational awareness is to have two sets of qualified eyes and ears – an engineer and conductor – in each locomotive cab," Futhey said.

The NTSB was investigating a commuter-rail crash in Chatsworth, Calif., last Sept. 12 that killed 25 persons and injured 130.

The NTSB said the engineer of that commuter train, Robert Sanchez, was planning to let a railroad fan operate the locomotive the day of the accident; and had sent and received 57 text messages while on duty that day, including one sent just 22 seconds before the head-on crash with a Union Pacific freight train.

The texts indicate Sanchez allowed the fan to ride in the cab days before the crash, and was planning to let the fan run the train the evening of the crash.

"All the evidence is consistent with the Metrolink engineer failing to stop at a red signal," investigator Wayne Workman told the NTSB.

Investigators said the UP conductor also received and sent text messages while on duty, and tested positive for marijuana.

UTU International Vice President J.R. "Jim" Cumby, who chairs the UTU Transportation Safety Team, testified at the hearing, saying, "Without a second qualified person on the locomotive, the safety of commuter/passenger trains solely depends on the situational awareness of one person."



Cumby

LIRR passengers laud conductors, slam potties

NEW YORK – Ask a Long Island Rail Road conductor where a bathroom is located on a train, and you'll likely be delighted with the courteous response you'll receive, *Newsday* reports.

But once you enter the bathroom, you may not be so delighted.

That was the message of the LIRR's annual customer satisfaction survey report. It included its highest grade of 95 percent for crew courtesy, and its lowest marks for bathroom cleanliness.

About 60 categories concerning the LIRR's operations both on and off its trains were included

in the survey, which was completed by 9,000 LIRR riders.

Overall, the LIRR scored 89 percent in customer satisfaction and in the key category of on-time performance, riders gave the LIRR a 90.

Because the LIRR changed its survey methodology since last year, officials said it was difficult to compare results from this year to previous years. Last year, the LIRR scored a 6.7 on a scale of 1 to 10 in overall satisfaction. Crew courtesy scored a 7.6.

Like last year, the LIRR picked up its worst marks in the area of bathroom cleanliness, a 58 out of 100.

At a news conference at the Mineola train station, LIRR president Helena Williams thanked riders for recognizing "the good work done by Long Island Rail Road employees every day," and vowed to bring up all its numbers next year.

However, LIRR officials acknowledged, that could be tough to do if the MTA has to enact its "doomsday" operating budget, which calls for deep service cuts and scaling back on cleaning train bathrooms.

LIRR Commuters' Council chairman Gerard Bringmann questioned the new survey methodology, saying the findings were at odds in some categories with what he hears from commuters.

Anthony Simon, general chairman of the United Transportation Union, which represents LIRR conductors, said he "couldn't be prouder" of the high marks for their courtesy.

One commuter, Lois Bruce, called LIRR employees "very courteous" and train bathrooms "nasty." "I went in there one time," she said. "And I walked right out."

UTU seeks halt to SMWIA meddling

Continued from page 1

The UTU also told the court, "Rather than intervene directly in either of the cases before this Court, the SMWIA has instead chosen to achieve its ends through having its surrogate UTU members sue their own officers and union ... with the goal of requiring the UTU membership to submit to a merger that this Court has found was never properly ratified.

"The LMRDA was designed to regulate the relationship between a member and his union, and the [LMRDA] was intended to prevent interested outside parties [such as the SMWIA] from taking advantage of the provisions of the Act by using union members as proxies to indirectly attack a union.

"Plaintiffs and their attorney should be enjoined from receiving any funding from the SMWIA in support of this litigation, including but not limited to the payment of attorney's fees and costs," the UTU told the court in its Feb. 13 filing.

In a declaration attached to the lawsuit, UTU International President Mike Futhy said his numerous attempts to negotiate a SMART constitution, as urged by the court, were rejected by SMWIA General President Mike Sullivan. Said Futhy: "It is clear from my dealings with Mr. Sullivan that the funding by the SMWIA of the plaintiffs in [these cases] designed to weaken the UTU financially so that we will be forced to meet his terms."

Separately, the UTU has brought an action before the AFL-CIO, charging that the SMWIA is engaging in a raid of UTU members on a Southeastern Pennsylvania Transportation Authority (SEPTA) bus property in suburban Philadelphia, in violation of Article 20 of the AFL-CIO constitution.

UTU has asked the AFL-CIO to sanction the SMWIA

The UTU presented evidence that an SMWIA organizer has been instructing UTU bus members on SEPTA in how to switch their representation to the SMWIA, and that the SMWIA organizer pledged the raid had the support of Sullivan.

The UTU International officers engaged in the

SMWIA-financed lawsuits against the UTU include John Babler, Vic Baffoni, J.R. "Jim" Cumby and Tony Iannone. International Vice Presidents Roy Boling and John Fitzgerald retired Feb. 2, rather than face internal trials on dual unionism. UTU National Legislative Director James Brunkenhoefer died Dec. 19, prior to the start of his trial.

STB seeks to impose fines on rails that delay Amtrak

Freight railroads that cause delays for Amtrak passenger trains using their tracks could be fined under new authority for a U.S. rail oversight board.

The Surface Transportation Board, the regulator of some rail rates, is gaining power to ensure Amtrak trains are punctual under a law passed in October. Chairman Charles Nottingham said the

law – the Rail Safety Improvement Act of 2008 – allows it to levy fines to help meet that goal.

Officials want the service, which runs on freight-rail tracks in most parts of the U.S., to be on time in 80 percent of trips. Freight-train hindrances and so-called slow orders, where carriers reduce speeds on sections of track, were the main causes of Amtrak delays last year, Amtrak Chief Operating Officer William Crosbie said. "On-time performance of our trains is highly variable," Crosbie told the board at the hearing to discuss the new authority. "We want to make it very clear that the on-time performance of our trains is the linchpin of our success."

Amtrak runs 71 percent of its train miles on other railroad lines. The Washington-based carrier owns its track on the Northeast Corridor, from Washington to Boston. On time for Northeast Corridor trains, which compete with airlines for passengers, means arriving within 10 minutes of schedule, Crosbie said. On long-distance routes, an Amtrak train is considered on-time if it arrives within 30 minutes. Since the fiscal year started Oct. 1, the on-time rate system-wide for Amtrak has been about 77 percent, according to Cliff Black, a spokesman. The pace was 81 percent in the Northeast and less than 70 percent for long-distance trains.

"For Amtrak, this is vitally important to us," Crosbie said. "Every day that goes by where on-time performance is poor is money to us."

Determining who is to blame for delays may be difficult, said Mark Yachmetz, associate administrator for railroad development at the Federal Railroad Administration.

"It's not going to be one simple, easy cause," Yachmetz said. "It's going to be balancing a number of factors that may be assignable to more than one party."

Circuit court to hear merger arguments

CINCINNATI – The Sixth Circuit Court of Appeals will hear arguments April 21 in an appeal from a preliminary injunction halting implementation of a merger between the UTU and the Sheet Metal Workers International Association (SMWIA).

The preliminary injunction was issued last June by Federal Judge John R. Adams, who ruled that the merger could not be implemented pending conclusion of the case, including any appeals that might be filed.

The appeal of that injunction, financed by the SMWIA, was brought by seven UTU International officers, four of whom are now on trial on internal charges of engaging in dual unionism. Two retired prior to the start of their trials, and one died.

Judge Adams issued the preliminary injunction following a challenge to the merger brought by UTU rank-and-file members, who complained to the court that the UTU membership had not been given, for examination, a constitution for the proposed merged union.

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 and click on the blue tile, "Designated Legal Counsel."



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FELA protects the rights of rail employees and their families for an on-the-job injury, just as the UTU protects them in their daily work. As such, these rights (strict liability and comparative negligence) cannot be exercised unless competent attorneys are employed. Protection of these rights is the reason injured workers should contact a UTU Designated Counsel immediately. NEVER discuss your accident without UTU DLC.

The Federal Employers' Liability Act was enacted by Congress to provide compensation for railroad employees injured in the course of their employment. The Designated Legal Counsel program was created by rail labor to educate and provide expert services to employees in case of injury. Designated Legal Counsel are established, caring, competent attorneys who will answer your questions and obtain fair compensation for injured employees.

UTU members take pass on counterfeit money

Passenger-rail conductors see phony handbags and bogus Rolex watches every day, but it's rare they see counterfeit money.

What should conductors do if they are passed phony money? *UTU News* asked UTU officers from different passenger-rail systems about the problem.

"We are not supposed to take one-hundred-dol-

Stimulus law helps retirees, unemployed

The economic stimulus package contains provisions that will provide retirees with one-time payments of \$250, extend unemployment benefits an additional 13 weeks (including rail employees with fewer than 10 years of service), and subsidize employee-paid health-care insurance for laid off workers participating in COBRA.

Railroad Retirement and Social Security annuitants will be receiving a one-time \$250 payment. That \$250 one-time payment will not be considered as taxable income.

Additionally, the economic stimulus package extends unemployment benefits – including those paid under the Railroad Unemployment Insurance Act – for an additional 13 weeks.

Rail employees, regardless of years of service, already are eligible for unemployment benefits for up to 26 weeks. For employees with more than 10 years of service, benefits may be extended for up to 65 additional days. Those rail employees with fewer than 10 years of service were not previously eligible for the extension, but the stimulus package provides the additional 65 days for those with fewer than 10 years of service.

For more information, contact the RRB via its automated hotline at (800) 808-0772.

Also, the stimulus package provides a subsidy to help unemployed workers pay the costs of health-care insurance extended under COBRA. Under the package, workers laid off since September 2008 are eligible to receive, for a maximum of nine months, a 65 percent federal subsidy toward their payment of COBRA-extended health care insurance.

Government officials warn, however, that until the 65 percent federal contribution kicks in, unemployed workers electing COBRA continuation should continue to pay their premiums in full so as not to lose coverage.

For more information on COBRA, go to the following Department of Labor Web site: www.dol.gov/ebsa/faqs/faq_consumer_cobra.HTML.

You may also refer to the COBRA section of the current health-plan description book or contact United HealthCare at (888) 445-4379.

lar bills, only twenties and fifties," Long Island Rail Road Vice General Chairperson **Mike Lavin** said. "And, lately we have been seeing more and more phony twenties.

"If one of our members gets a phony bill, he or she is to take it to the New York MTA police, turn it in and get a receipt, and make out a police report. The member then takes the receipt for the phony bill, and a copy of the police report, and turns that in with his or her cash report, with the amount of the phony bill deducted from the total," Lavin said.

Lavin said the LIRR does not issue the counterfeit-detection pens. "I don't think they work; we would rather not have the pens and go the police-report route," he said.

New Jersey Transit General Chairperson **Pat Reilly** said the carrier has had a few problems with bogus cash. "We have had problems with bogus bills, but they have been taken care of (by the carrier)," he said. "We have been successful in getting the employees reimbursed if they were passed bad money."

The carrier does not issue counterfeit-money detection pens, Reilly said. "I don't think our people want those pens. We carry so much stuff already; I don't think my members want to carry one more thing."

"SEPTA makes us make up for the phony bill if we turn one in," Vice General Chairperson **Elliott Cintron** said. "They (SEPTA) will keep that ten and want another ten."

SEPTA does make available counterfeit-

detection pens, but it's up to the operator to ask for one, Cintron said.

"If you stop to detect every single bill, you will never make it through the day," Cintron said. "If a bill feels or looks funny, I will check it, but the quality of the bad bills is getting so much better it's getting harder and harder to tell."

SEPTA does not have a policy to discourage passengers from paying with large bills. "There is nothing that says we cannot accept big bills," Cintron said.

On the Chicago METRA, UTU-represented conductors are asked to trust, but verify.

"It's an unwritten policy, but they (METRA) do not want us scrutinizing large bills. They don't want us holding up a bill to the light. They don't want to make passengers think we don't trust them," Chicago METRA General Chairperson **Barry Abbott** said.

"If a METRA conductor gets a bad bill, and it has happened a couple of times, METRA will reimburse the loss. But, it's only happened a couple of times."

METRA does not issue counterfeit-detection pens, Abbott said. "Hey, we (conductors) are not money experts," he said.

Abbott also said METRA imposes a \$1 surcharge for \$50 bills and larger.

Both Amtrak General Chairpersons **Al Suozzo** and **Bill Beebe** said counterfeit money is not a problem on the national passenger railroad.

"It's never happened that I know of," Suozzo said.

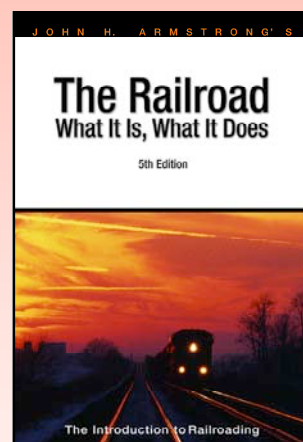


Book Review

Best-selling rail book explains it all

Since 1977, those seeking a primer or refresher course on what railroads do and how they do it have turned to the pages of what has become the best-selling railroad book ever: *The Railroad: What It Is, What It Does*.

The fifth edition, just published, is updated to include discussions on positive train control and electronically controlled pneumatic brakes. The new edition contains chapters on technology, track alignment and structure, motive power, signals and communications, classification and blocking, passenger service, labor relations, marketing and business development, and



administrative and management functions.

Edited by *Railway Age* magazine's editor-in-chief, William Vantuono, the book draws on contributions from industry authorities.

The book is dedicated to its original author, the late John Armstrong.

The easy-to-read narrative includes schematics and photos to aid in understanding of engineering principles. *The Railroad: What It Is, What It Does*, is 440 pages, with a comprehensive index.

It is available from Simmons-Boardman Books, 1809 Capitol Ave., Omaha, NE 68102-4972; (800) 228-9670.

THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

DAVE STRAUB

Dave Straub is the manager of the UTU/UTUIA print shop. He started in 1977 as a clerk in the Supply Department and learned the printing trade. "I am the in-house printer for the UTU and UTUIA," Straub said. "I do business forms, reply envelopes, UTU and UTUIA brochures, new-member kit letters, booklets, the regional meeting programs and handouts, the monthly GS&T reports, insurance policy covers, you name it. Serving the UTU and UTUIA's in-house printing needs keeps me busy, and it has been a pleasure serving the members all these years."



NANCY MILLER

Nancy Miller is the executive assistant to Assistant President Arty Martin and General Secretary and Treasurer Kim Thompson. She started with the UTU in 1998 as a word processor in the President's Department and became executive assistant to the general secretary and treasurer in 2001. "I deal with general chairpersons who are seeking assistance from the International on various matters and with treasurers needing constitutional advice," Miller said. "I try to facilitate their calls and e-mails, to solve their problems, as quickly and efficiently as possible. I also make sure Arty and Kim get what they need when they need it."



MICHAEL VEGA

Michael Vega serves the UTU and UTUIA as administrator of the directory and new member systems support. He started with the union in 1989 in the Supply Department, and has held a wide variety of jobs in different departments. He currently oversees the union's directory (i.e. the computerized database of names, addresses, phone numbers, e-mail addresses, titles) as well as acting as liaison between local treasurers and in-house software developers. "Besides overseeing all address and title changes in the directory, I handle a lot of the treasurers' web-application questions," he said. "Every day is different and challenging."



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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 **John Todd**, a Union Pacific switchman and member of Local 1629 in Phoenix. Todd took this photo of the Amtrak station at Walnut Ridge, Ark., while on a cross-country motorcycle ride to commemorate Harley-Davidson Motorcycle's 105th anniversary.



The Official Publication of the United Transportation Union

Kerley, Wier join UTU Board of Directors

UTU International Vice Presidents Robert D. Kerley of Ozark, Mo., and David B. Wier Sr. of Smithton, Ill., have been elevated to the UTU Board of Directors following the retirements of International Vice Presidents Roy Boling and John Fitzgerald.

Kerley, age 56 (Local 303, Springfield, Mo.), began his railroad career as a brakeman with the former St. Louis San Francisco Railway (now part of BNSF), was elevated to conductor in 1973, fireman in 1977 and locomotive engineer in 1978.

He was elected a local officer in 1977, and later served five terms as an associate BNSF general chairperson before being elected a BNSF general chairperson (GO 001) in 1999, with re-election in 2003 and 2007. In 2003, Kerley was elected an alternate International vice president-West, and was elected an International vice president in 2007.

Kerley also served two terms as secretary of the UTU Western General Chairperson's Committee, secretary of UTU District No. 1 General Chairperson's Association, and was appointed to the UTU National Negotiating Committee for the 2004 round of negotiations that led to the 2008 national agreement.

In addition to his International vice president assign-

ments, Kerley has a special assignment to coordinate with the UTU Information Technology Department and the National Mediation Board the development of a Web-based communications and training program. He also is assigned to assist general committees in the West on matters relating to implementation of the Rail Safety Improvement Act of 2008.

Wier, age 53 (Local 469, Madison, Ill.), began his railroad career in 1974 as a switchman on the Terminal Railroad Association of St. Louis (TRRA). He was elected a local chairperson and then general chairperson (GO 919). In 2003, Wier was elected alternate International vice president-East, and was elected an International vice president in 2007.

As a TRRA general chairperson, Wier won two representation elections against the Brotherhood of Locomotive Engineers, and later successfully negotiated trip rates for yard trainmen and engineers on the TRRA.

Wier also served as a member of the Auxiliary Board of the Tri-Cities Area Division of United Way of Greater St. Louis.

His son, David B. Wier Jr., is currently general chairperson of GO 919.



Kerley



Wier

Inside this issue of the UTU News:



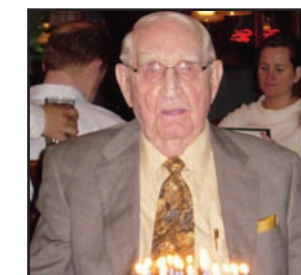
UTU volunteers assist at Ronald McDonald House. See page 2.



Maryland board honors former UTU officer with plaque. See page 5.



Get ready for the UTU/UTUIA regional meetings. See pages 6/7.



"Mr. UTU" celebrates his 95th birthday. See page 8.