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UTU News

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The Official Publication of the United Transportation Union

UTU serves contract amendments on railroads

UTU general chairpersons on Nov. 2 served on railroads represented by the National Carriers' Conference Committee (NCCC) the UTU's intended amendments to agreements affecting rates of pay, rules and working conditions.

Such notices are required by Section 6 of the Railway Labor Act and are served on each other by parties to existing agreements.

The national rail contract between the UTU and railroads represented by the NCCC becomes amendable on Jan. 1.

The existing contract will remain in force as amended and ratified by UTU members under the craft autonomy provisions of the UTU Constitution.

More than 40,000 UTU members are affected by these national contract talks.

During this round of national contract negotiations, the NCCC will be the chief bargaining representative for BNSF, CSX, Kansas City Southern, Norfolk Southern, Soo Line, Union Pacific and numerous smaller railroads.

Other railroads, including Amtrak and U.S. operations of Canadian National, negotiate individually with the UTU.

More than 40,000 UTU members are affected by these national contract talks with the NCCC, and the resulting agreements frequently set patterns for other negotiated rail agreements.

UTU International President Mike Futhey, who headed the UTU team that negotiated the most recent member-ratified amendments to the existing agreement, will lead the UTU negotiating team in this round of collective bargaining.

Members of the negotiating team will be selected later in November.



A committee of general chairpersons from the Association of General Chairpersons, District 1, reviewed and fine-tuned members' contract amendment recommendations before submitting them to the entire association for approval and a vote. Seated, left to right, are Norfolk Southern (GO 680) General Chairperson Pate King; CSX (GO 049) General Chairperson John Lesniewski, and CSX (GO 247) General Chairperson Rich DeGenova. Standing, left to right, are Port Terminal Railroad Association (GO 803) General Chairperson Carl Farnie; UP (GO 953) General Chairperson Rich Draskovich and BNSF (GO 001) General Chairperson Steve Green.

Other rail labor unions will negotiate their own agreements with the NCCC.

UTU Section 6 notices were developed beginning with recommendations offered by UTU members.

A committee of general chairpersons from the Association of General Chairpersons, District 1,

reviewed and fine-tuned those suggestions, which were then approved by the entire Association of General Chairpersons, District 1.

To read both the UTU's and carriers' Section 6 notices, log onto www.utu.org.

Major elements of UTU Section 6 notices

- Complete and permanent **elimination of existing service scale** (entry rates of pay).
- Complete and permanent **elimination of the two-tier pay system**.
- A series of **general wage increases**, effective Jan. 1, 2010, and every six months thereafter.
- Cost of living adjustments**.
- A **crew calling window structure** or no less than a 10-hour call.
- A process to **resolve fatigue issues** relative to cross-craft utilization, inaccurate line-ups and manipulation of pool crew boards caused by paper deadheading and dropping of turns.
- Compensation for certifying as a conductor** (certification to be established by the FRA as directed by the Rail Safety Improvement Act of 2008).

- Peer-related craft **pay for training periods**.
- Carriers to give **first employment consideration to qualified conductors** furloughed from other railroads.
- Furloughed employees called back to work will be **guaranteed a minimum of 60 days of work and pay**.
- Increased meal allowances**.
- Restrictions on transferring**, consolidating, combining or centralizing **yardmaster assignments**.
- Establishment of a formula for **yardmaster extra boards**.
- Enhanced benefits** under the NRC/UTU Health and Welfare Plan and the Railroad Employees' National Health and Welfare Plan (GA-23000).

The entire list of intended amendments is at www.utu.org.

Health insurance premiums to rise

For rail employees covered under the health and welfare provisions of the national railroad agreement, health care insurance cost contributions rise beginning Jan. 1, from the current \$170.96 per month to \$200 monthly, owing to increases in health care costs under the plan.

The carrier monthly payment rate for other than non-duty injury health care insurance also will rise Jan. 1, from \$1,073.76 per employee per month to \$1,273.41 per month.

Carriers pay 100 percent of the plan's administration costs.

The 15 percent of health care insurance costs for medical, dental and vision benefits paid by employees in 2010 will reach the 2010 monthly cap on employee health care insurance contributions.

Without that cap, employee costs per month would be higher in 2010.

Owing to the rise in health care costs nationwide, the national rail plan's health care costs will rise by 18.8 percent in 2010 compared with 2009, while costs of the dental plan will rise by 1.8 percent, and the vision plan by 2.5 percent.

Around the UTU

Local 95, Rensselaer, N.Y.



Tirador

Staff Sgt. Amy Seyboth Tirador, 29, the daughter of member **Gerard J. Seyboth**, died from non-combat-related injuries in Iraq on Nov. 4, Local President **John Conte** reported. The 1998 graduate of Colonie High School was working as an Arabic-speaking interrogator on her second tour of duty in Iraq. Tirador had seen action and was credited with saving an American soldier who had been shot, while on her first tour in 2004, as a medic.

Local 168, Chicago, Ill.

Local President **Tim Harrigan** reports that this Amtrak local will hold its holiday extravaganza for all active and retired members on Dec. 14 at Ricobene's, 252 W. 26th St. in Chicago. Harrigan also noted that the local took action recently to name the local "the Honorary L.T. Channing Local 168," in memory of deceased former Secretary & Treasurer **Lee T. Channing**. For more information, contact Harrigan at tjharrigan@comcast.net.

Local 202, Denver, Colo.

Active and furloughed members of this combined BNSF Railway/Union Pacific local who attend the Nov. 19 (10 a.m.) or Dec. 1 (7 p.m.) local meetings will receive one \$25 turkey voucher, Local Secretary **Rick Johnson** reported. "The local decided to help members during the holiday season by providing the main course to their holiday fare," Johnson said.

Local 240, Los Angeles, Calif.

Conductor **Ralph J. Lee**, former president and current trustee of this local, retired Oct. 8 after 45 years of service with former Southern Pacific and Union Pacific railroads, Local Chairperson **Harry Garvin Jr.** reported. "All the members and officers of Local 240 wish him many long years and good health in his retirement," Garvin said.

Local 298, Garrett, Ind.

Members and their families are invited to attend the local's Christmas party on Dec. 14, from 2 p.m. to 7 p.m., Local President **Rick L. Mitchener** reported. The party will be held at the Garrett Eagles' Home at 220 S. Randolph St. in Garrett. Mitchener added that Santa would be arriving at the party at approximately 5 p.m.

Local 329, Boone, Iowa

Local Chairperson **Jon R. Emery** reported that the local's Web site at <http://0329.utu.org> topped 30,000 hits on Oct. 31. The site, providing information on agreements, current local events, assistance with claims and other items, has averaged 72.12 hits per day and about 325 per week since it went online Oct. 28, 2008, Emery said.

Local 469, Madison, Ill.

Retired member **Kenny Euge**, a former employee of the Terminal Railroad Association of St. Louis, was presented the Presidential Unit Citation by President Barack Obama at a White House ceremony last month. The citation – the nation's highest military honor – is given for "gallantry, determination and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions." Obama awarded the Presidential Unit Citation to more than 80 members of the Alpha Troop, 11th Armored Cavalry Regiment, for their heroism during the Vietnam War.

Local 587, Greenfield, Mass.

The members of this Pan Am Railways local have "reluctantly allowed" Local Chairpersons **Paul A. Russom** and **Thomas D. Bergeron** to retire, newly elevated Local Chairperson **James Falandes** reported. Falandes wrote: "Known for his relentless efforts to protect his members, Russom has a deep knowledge of the local agreement, UTU Constitution and various rail labor laws. Oftentimes, we referred to him as 'The Don,' because he wielded a great amount of influence over management and earned



Norfolk Southern trainman Donald Lamont of Local 1031 at Savannah, Ga., displays the award and plaque he received after likely saving a fellow employee's life.

Brotherly concern boosted by first responder training

UTU member **Donald Lamont**, 32, was recognized on Sept. 17 by Norfolk Southern Railway and his fellow employees for his life-saving action taken on behalf of a fellow employee.

Lamont and **Willie Jackson** were preparing trains on adjacent tracks in NS's Dillard Yard in Savannah, Ga., earlier this year when Lamont heard Jackson cry out. Lamont proceeded to Jackson's location and found him with his leg severed.

"We were on two separate yard crews, working on trains on separate tracks. He was about 10 cars away, and he yelled out. When I ran to him, I saw his leg was crushed at the knee," Lamont said. "I had just talked to him a few minutes earlier."

A former volunteer fireman for the Southside Fire/EMS Ambulance service, Lamont sprang into action.

"I used his belt to make a tourniquet to slow the bleeding, as much as I could," Lamont said, "and I stayed with him until an ambulance arrived. They told me that probably saved his life."

Lamont credited his quick thinking to the first-responder training he received while volunteering as a fireman.

Lamont was awarded NS's Spirit Award, which recognizes the exceptional accomplishments of NS employees. A luncheon was also held in his honor, where he received a second award from NS Superintendent of Terminal Daniel J. Bostek and his fellow workers.

"It was a total surprise," Lamont said. "When they called me, I thought it was for a safety class."

The plaque read: "It is with heartfelt gratitude that we the employees of Norfolk Southern Dillard Yard, present with pride and great appreciation, this plaque honoring your heroic and unselfish act demonstrated on April 16, 2009. Your service has not been forgotten. Therefore, we take this time to recognize you for your act of bravery and for being a devout humanitarian."

Lamont said he has tried to stay in touch with Jackson. "The last time I spoke with him, he was doing well and getting fitted for his prosthetic leg. His spirits are up," he said.

Fellow employee and UTU member **Tyrone J. Wright** notified UTU News last month about Lamont's decoration.

"Due to his fireman's training and the quick action taken by Donald Lamont, a tragedy was prevented. What he did was very heroic and needed to be recognized," Wright said.

the trust and respect of his members. Russom plans to continue to research railway labor agreements and laws and said he would like to do all that he can to assist his former co-workers. He has established 'UTU Trackside Service 24/7' in order to be of assistance to all UTU members. Bergeron has also dedi-

cated countless hours representing, supporting and defending his fellow UTU brothers. He has the ability to help people on both sides of the table to see reality and use common sense. All members – current, past and future – will benefit from the vast knowledge and experience of these two hard-working men. Their love for their job and their co-workers will be difficult to replicate." Cards or letters to either Russom or Bergeron can be forwarded by sending them to: James Falandes, 640 State Rd., North Adams, MA 01247.

Local 622, Birmingham, Ala.

The members of this Norfolk Southern local will hold their annual Christmas party Dec. 11, at 6 p.m., at the Irondale Café (The Original Whistle Stop Café), 1901 1st Ave. N., in Irondale. If attending, please notify **F. Neal Elders** at (205) 281-3365 or **Randy B. Simpkins** at (205) 281-3368.

Local 982, Rochester, N.Y.

The local will be holding a 50/50 drawing to benefit the Upstate Medical University Foundation at the Children's Hospital at University Hospital, which treats pediatric cancer patients in the Central New York area, Local Chairperson **Dave Murphy** said. Any others wishing to donate can send their contribution to: Children's Hospital at University Hospital, 750 East Adams St., Syracuse, NY 13210-2375. E-mail Murphy at DMM123@aol.com to receive a donation form by fax or e-mail.

Local 1190, Ludlow, Ky.



The members of this Norfolk Southern local held their annual picnic on Aug. 29, when they presented a brass lantern to Ronnie Kallmeyer upon his retirement, State Legislative Director David Miracle reported. Pictured above, from left, are Local Chairperson Jeff Mitchell, Kallmeyer, Secretary & Treasurer Dan Hein, Local Chairperson Bob Munch and Legislative Rep. Andy Volpenhein, kneeling.

Local 1202, Fort Wayne, Ind.



This Norfolk Southern local held a membership appreciation cookout on Sept. 18 and 19 and hope to make the occasion an annual event, according to Local President Frank Doster. "A good time was had by all. We also passed out hats to all who attended to show our appreciation for their support of UTU," Doster said. In the photo, from left, are Vice President Mark Coleman, Vice Local Chairperson Tim Pendergast, Doster, Vice General Chairperson Jason Boswell, Local Chairperson Steve Dehoff, Local Chairperson Mark McKee, International Vice President Delbert Strunk, General Committee Secretary Rich Ross, General Secretary and Treasurer Kim Thompson, Local Vice Chairperson Randy Tumamak and Legislative Rep. Andy McKeeman. Kneeling are Indiana State Legislative Director Kenny Edwards, General Chairperson Tom Garvin and Vice Local Chairperson Gary Robinson.

Local 1440, Staten Island, N.Y.

Local 1440 has developed a social networking site for its members to voice their concerns and to make recommendations, similar to Facebook and Twitter, Secretary & Treasurer **Vincent LaBella** reported. Members should e-mail LaBella at utu1440treasurer@gmail.com for more information.

UTU, BLET challenge HOS interpretations

The Rail Safety Improvement Act of 2008 made the first significant amendments to hours-of-service laws in nearly 40 years.

In response, the FRA issued an interim statement of agency policy and interpretation, which poses significant problems for train- and engine-service employees with regard to employee safety and earnings.

The UTU and BLET now have jointly asked the FRA to reconsider portions of its interim statement of agency policy and interpretation. The new rules would impact more than 85,000 train- and engine-service employees who are members of the UTU and BLET.

Significantly, the UTU and BLET are asking the FRA to revisit its interpretation of how to determine whether an employee has received the required amount of off-duty time as prescribed by the Rail Service Improvement Act (RSIA).

The RSIA amended the statutory off-duty period by eliminating the option of eight consecutive off-duty hours, and requires that the minimum statutory off-duty period be 10 consecutive hours in all cases (except in intercity passenger and commuter service).

The UTU and BLET assert that, "on its face, this change did nothing to force FRA to change is longstanding interpretation of how sufficient off-duty time is determined."

Under the existing FRA method, a railroad is required to look back 24 hours at the employee's on-duty time and determine if the employee had 10 hours of undisturbed rest in that window. If the answer is yes, then the employee can work a full 12 hours. That approach is called the "fresh start look back" analysis.

But the FRA, in its interim statement of agency policy and interpretation, proposes to scrap the "fresh start look back" analysis and sub-

The FRA's proposed "continuous look back" approach not only adversely impacts an employee's earnings, but interferes with a railroad's need to maximize employee productivity.

In fact, the "continuous look back" approach also could result in more employees being forced to remain at away-terminal locations rather than returning home, which adversely impacts family life and imposes greater costs on a railroad.

For example, if an employee has a three-hour

UTU and BLET have asked the FRA to revisit its interpretation of how to determine whether an employee has received the required amount of off-duty time according to the Rail Service Improvement Act.

stitute what is called a "continuous look back" analysis.

A "continuous look back" analysis would require the railroads to look back at every moment during a duty tour to determine if the employee has had 10 consecutive hours of undisturbed rest in the 24 hours prior to that particular moment.

This new "continuous look back" approach would prohibit an employee from working the full 12 hours that are permitted by the law if they were to have more than a two-hour call.

call – and this is generally necessary in large metropolitan areas where commute times are long – the employee could only work 11 hours, because when the first minute of the 12th hour arrives, the railroad could not look back 24 hours and find 10 consecutive undisturbed hours off duty. (11 hours of work + 3 hour call + 10 hours rest = 24 hours) Thus, the longer the call time, the less work the employee can legally perform.

For assignments with an interim period of rest, the most an employee could ever work is 10 hours. For an unassigned (extra board) employee who is working on call, the call time further reduces the amount of work time proportionally. If they get the typical two-hour call, the interim period of release is rendered moot.

The better solution would be to require a 10-hour call, which would permit 12-hour on-duty shifts, the UTU and BLET told the FRA. "It is obvious that an employee who is aware that they will be required to report for work in 10 hours is best able to schedule their rest so that they arrive at work in the most alert condition possible.

"The best medical evidence available establishes what the labor organizations have known for years: that employees will be most alert just after they wake up," the UTU and BLET told the FRA. "We contend that an employee who sleeps or naps as close to their reporting time as possible, within reason, is the best rested employee and therefore the safest."

Most UTU members to receive automatic disability insurance

The UTU has selected Anthem Life Insurance Co. to provide a voluntary national group short-term disability plan for all rail members. Coverage will be automatic unless members opt out.

A disability insurance plan for UTU Bus Department members will be announced prior to Dec. 1. There is no coverage contemplated for UTU Airline Department members.

UTU delegates voted overwhelmingly in June to amend the UTU Constitution to permit offering such a plan to members.

This selection of Anthem Life Insurance Co. concludes almost two years of effort by UTU International officers, the UTU Board of Directors, general committees, and multiple insurance brokers and insurance carriers.

Information packages have already been mailed to all UTU rail officers, with the enrollment process established in three phases:

• **Phase 1 enrollees (those members employed by BNSF, Kansas City Southern, and Union Pacific) will have their disability insurance made effective Jan. 1, 2010.**

• **Phase 2 enrollees (those members employed by Amtrak, CSX, Norfolk Southern, and Paducah & Louisville) will have their disability insurance made effective Feb. 1, 2010.**

• **Phase 3 enrollees (all other UTU members, including bus members) will have their disability insurance made effective March 1, 2010.**

A mailing to the UTU membership is underway for Phase 1 enrollees, and mailings to Phase 2 and Phase 3 enrollees will follow and be completed by year end.

The mailing will describe the plan in greater detail, and also provide frequently asked questions and answers.

View the plan brochure, FAQs and the waiver form by logging onto www.utu.org.

Members are not required to complete any paperwork to enroll in the plan, as enrollment will be automatic.

The Anthem rail disability insurance plan provides a basic "safety net" of coverage for UTU members, and was designed to work in combination with Railroad Retirement sickness benefits.

The Anthem plan pays up to \$346 per week for up to 52 weeks a year, and provides 24/7 coverage for accidents and sickness. The 24/7 means on- and off-duty coverage for accidents and sickness.

The cost is \$31 per month, and is collected through payroll deduction.

Everyone is guaranteed enrollment during the initial enrollment period.

Anyone choosing to opt out of the plan – requiring they submit a waiver form to the UTU International – may apply for coverage at a later date, but they will be required to make application to Anthem at that time, be subject to full underwriting, and have no guarantee that Anthem will approve their application.

Henceforth, new UTU members will be enrolled automatically and have the same opportunity to waive coverage if they choose. Should they choose to opt out, they also would need to make application to Anthem to join the plan at a later date and have no guarantee of acceptance.

Once enrolled, everyone is subject to a so-called 12/12 pre-existing condition provision. This provision excludes, for the first 12 months that a member is covered, any disability claims relating to treatment, diagnoses or existing condition that existed in the 12 months just prior to the enrollment date. After the first 12 months that an enrollee is covered, the pre-existing condition limitation expires.

Members choosing NOT to participate must complete and submit to the UTU International a waiver post card (included with the mailing). Remember that anyone choosing to opt out of automatic enrollment is not guaranteed entry at a later date.

Anthem 

UTU seeks new merger ruling

Following an inconclusive decision Oct. 23 by a three-judge panel of the U.S. Court of Appeals for the Sixth Circuit in the case involving a ruling by a federal district court to enjoin the failed UTU/SMWIA merger, a petition was filed for rehearing by the panel or by all 15 judges of the Sixth Circuit.

The petition was filed by the plaintiffs – whose initial complaint in 2007 led to a restraining order against the UTU/SMWIA merger – as well as by the UTU.

Two of the three judges on the panel who ruled Oct. 23 found that the federal district court did not abuse its discretion in issuing the preliminary injunction against the merger.

Further, two of the three members of the appellate court panel found the district court did have jurisdiction, but the alignment of the judges on these issues produced an inconclusive result.

In fact, one of the three appellate judges involved in the Oct. 23 inconclusive ruling recommended that, "in light of the competing rationales and potential for confusion, the panel might have been better advised to have permitted this appeal to be reassigned to another panel, in lieu of deciding it, in the hope that another panel might have been capable of producing a two-judge majority."

In asking for the rehearing, the plaintiffs cite an "exceptional public importance concerning the jurisdiction of the federal courts to hear claims by union members under the Labor-Management Reporting and Disclosure Act."

I am optimistic about the upcoming negotiations

As we begin this new round of bargaining with the railroads to amend our national rail contract, I am optimistic we will reach an equitable outcome – an agreement that benefits both parties.

The carriers and their contract employees cannot thrive without each other, meaning it is in both parties' interest to jointly and harmoniously produce an outcome assuring competitive, world-class and safe railroads as well as a just wage, benefit and rules package.



International President's Column

By Mike Futhey, International President
(216) 228-9400; president@utu.org

Web site at www.utu.org, and click on the "National Rail Contract" link, where you may read the UTU's desired amendments as well as those of the carriers.

ment is in the best interest of both parties.

Our negotiating committee, which is in the process of being selected, will have a single objective

that, under the Railway Labor Act, there is no contract expiration date, and the right to engage in self-help (strikes, lockouts and arbitrary management changes to contracts) is severely restricted.

Our contract continues until amended.

Although we hope contract amendments can be negotiated quickly, there is no time limit on Railway Labor Act negotiated agreements.

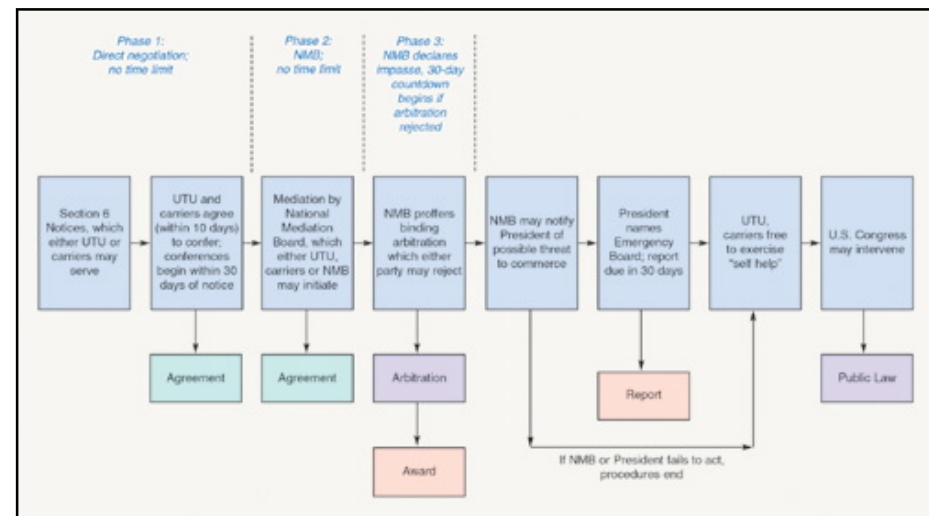
Thus it is also important to recog-

"We will produce a tentative agreement acceptable to our general chairpersons and our membership."

Of course, there will be difficult issues to address along the way. The carriers are tough negotiators, as are we.

To understand those difficult issues, I urge you to visit our UTU

As difficult as these negotiations may be, I am confident the carriers share our view that it is not in the interests of either side to have a third party decide our contract terms. A voluntarily reached agree-



at each negotiating session: to produce a tentative agreement acceptable to our general chairpersons and our membership.

As is our proud and cherished guarantee under the UTU Constitution – a guarantee I will never surrender – each craft will exercise its autonomy in choosing whether to ratify the tentative agreement.

For benefit of our newer rail members, it is important to understand

nize that only the UTU contract provides that, during contract negotiations, the carriers must pay twice yearly cost-of-living adjustments – payments that protect against inflation – beginning July 1, 2010.

As the collective bargaining process moves forward, I pledge we will update the membership on a timely basis through postings at www.utu.org.



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Contact the UTU:
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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.

Vice chair of House Transportation Committee stands "shoulder to shoulder" with UTU

Union members deserve America's respect

By Rep. Nick Rahall (D - W. Va.)

Transportation has always been a very important issue to me. The House Transportation and Infrastructure Committee was the first committee assignment I sought over 32 years ago when I first became a member of Congress. Now, as vice chairman of the committee, I will be riding shotgun when we write the Surface Transportation Authorization Act this year.



Rahall

We must support further construction and maintenance of a seamless, national transportation system, and with investments in our rail infrastructure we can address our nation's economic, energy, environmental and transportation challenges.

Efforts to build and maintain our transportation system are simply not keeping pace with today's demands.

Concerns continue over how we deal with road congestion, how to reduce our dependence on foreign oil, rising gas prices, and global economic competition. Now, more than ever, we must look for opportunities to expand passenger and freight rail service.

Investments in high-speed rail and broadened rail service will have a significant impact on America's highways and airways, alleviating congestion in and around our communities. Just one 75-foot wide rail corridor can carry the same number of people per hour as a 16-lane expressway, and consume less energy per passenger mile.

"I am a strong supporter of workers' rights and freedoms, and co-sponsored the Employee Free Choice Act to ensure all employees, anywhere in America, can freely form and join labor organizations."

Increased rail use stimulates economic activity and spurs private investment in areas around passenger rail stations and freight yards. Connecting rail to our local economies is a catalyst for jobs, and decreased transportation costs are a win for consumers.

The Heartland Corridor Clearance Project, for example, which I supported, will increase tunnel clearances and modify other overhead obstructions to enable transport of double-stacked international maritime and domestic containers by rail between the Hampton Roads region of Virginia and the Midwest.

Successful improvement of our nation's transportation system depends on the people who will make it happen.

Our great nation has been built on the back of labor in American. I am proud of my record in support of labor, and will continue to work to improve the lives of working families and ensure economic justice in the workplace.

Congress must follow the courageous path of our forebearers, who forged landmark legislation

such as the Davis-Bacon Act, to continuously protect and enhance the welfare of our nation's workforce.

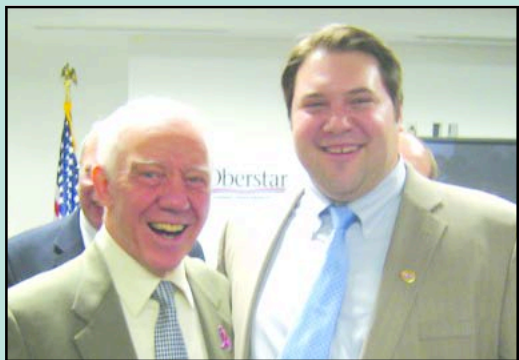
I am a strong supporter of workers' rights and freedoms, and co-sponsored the Employee Free Choice Act to ensure all employees, anywhere in America, can freely form and join labor organizations.

No matter your age or membership, on the job or in retirement, each of you deserves America's respect, care, and thanks, and know that I stand shoulder to shoulder with you to ensure all that you have worked so hard to achieve will be there for you when you need it, and for generations to come.

State Watch

News from UTU State Legislative Boards

Kansas



Assistant State Legislative Director **Ty Dragoo**, a member of the UTU Switching Operations Fatalities Analysis (SOFA) working group, was in Washington, D.C., recently on a UTU safety assignment and met with Rep. Jim Oberstar (D-Minn.), left, chairperson of the House Transportation & Infrastructure Committee. "We talked about the Railroad Safety Improvement Act and Oberstar expressed his deep thanks to the UTU for its support and commitment to make the railroad industry safer for everyone," Dragoo said. Dragoo is scheduled to become state legislative director Jan. 1.

Arizona



Retiring State Legislative Director **Scott Olson** and incoming director, Assistant State Director **Greg Hynes**, recently attended a state Democratic Party meeting where they discussed issues of importance to UTU members. "We discussed the UTU's legislative agenda, including the importance of passage of the Employee Free Choice Act, the taxation of health-care insurance provided by our UTU contracts and other agendas," Olson said. Above, Olson (second from left) and Hynes (right) are pictured with Rep. Ann Kirkpatrick (D – 1st Dist.) and Rep. Ed Pastor (D – 4th Dist.).

Idaho



The UTU bested 37 other unions to be named "union of the year" by the Canyon County Democrats, State Legislative Director **George Millward** reports. He recently accepted the honor on behalf of the three locals in the state: 78 and 265 in Pocatello, and 1058 in Nampa. There are more than 14,000 union members in the state, Millward said, but the UTU was selected for its active support of unionism in the state. Les and Mary Peck, he of the Bakery, Confectionery, Tobacco Workers and Grain Millers Union, were named "labor leaders of the year." "The UTU has always been the leading force here in Idaho: politically, fraternally and in protecting the well-being of all labor in the state. This is an honor for all UTU members in Idaho and we accept this award with gratitude," Millward said.

Michigan

Members from across the state recently were brought up to date on the latest trends in rail safety at the state legislative board's third-annual FRA safety summit, State Director **Jerry Gibson** reports.

"The meeting was held much later than normal because we wanted to gauge the impact of the new Railroad Safety Improvement Act and corresponding FRA regulations," Gibson said.

"FRA presenters provided factual answers to questions from the field. The meeting proved beneficial to the FRA as well because they received valued input from the ballast level.

"UTU officers and members from across the state participated in the meeting, including Local 886 Legislative Rep. **Pat McLaughlin** and

member **Chip Duquette**, who drove all the way down from Marquette in the Upper Peninsula.

"I want to publicly thank the FRA officers who presented our organization with factual and relevant information that will assist us with ensuing our membership is educated on the values of working safety and within the regulations.

"This will provide our members with the confidence needed to improve and maintain their situational awareness, something that has led to several of the unfortunate fatalities this past year.

"I also want to thank the many UTU officers and members that attended, all on their own dime, proving that safety does not have a price tag nor a value that can be attached to it, other than going home to our families, safe and sound," Gibson said.

Minnesota

In the wake of a rash of trespasser fatalities on railroads in the state (three in two days, 11 so far this year, the highest number in a decade), State Director **Phil Qualy** has been working with the Minnesota Department of Transportation's Rail Division to increase safety and protect rail crews.

"We need to remind the public that trespassing on rail property is a crime," Qualy said.

"From UTU's first-hand witnesses to other evidence, I can only draw one conclusion: 'People make mistakes.' It is that simple, and that tragic. These terrible incidents are never pleasant for our train crews."

Bus Department

By **Richard Deiser**, vice president / director

Distracted drivers pose increased safety risk

One of the most important issues facing the motor carrier industry is distracted driving.

Safe driving requires total concentration – but not just on our part. We must also worry about other drivers not paying attention to what they are doing.

In fact, distraction can occur also in the locomotive cab and on the airplane flight deck.

As I write this column, the hot topic in the media is the airline crew that overflew its destination by more than an hour. At first it was alleged that the captain and first officer were asleep. But, they later said they were using their laptops in an attempt to figure out the new method of crew scheduling.

The flight crew apparently was paying so little attention that they may as well have been asleep.

There have been incidents causing death and injuries on the rails as well, such as when the locomotive engineer of a commuter train was on a cell phone and failed to see a signal.

In the past few months, there have been numerous bus accidents when either the operator or the other motorist was on a cell phone. The majority of states have now passed legislation barring the use of hand-held phones while driving.

Massachusetts has gone so far as to ban any and all electronic device use by bus operators.

However, in an emergency, cell phones and communication devices can be useful, and even aid in assuring the safety of passengers.

We will be carefully monitoring legislation and policies affecting our membership and others engaged in providing transportation.

In the interim, be safe and use common sense in the use of any communication device, whether personal or company provided.



Unemployment benefits extended for all workers

WASHINGTON – President Obama signed a \$24-billion economic stimulus bill into law Nov. 6, providing additional jobless benefits to those idled by the business slump, the Associated Press reports.

The bill includes similar benefits for railroad and other workers covered by Railroad Retirement.

The law provides another 14 weeks of benefits to all out-of-work people who have exhausted their benefits or will do so by the end of the year, estimated at nearly two million. Those in states where the jobless rate is 8.5 percent or above get an additional six weeks.

The extra 20 weeks could push the maximum a person in a high unemployment state could receive to 99 weeks, the most in history. Unemployment checks generally are for about \$300 a week.

The bill signing came a day after the House, displaying rare bipartisan agreement over the troubling employment picture nationally, voted 403-12 to pass the measure. The Senate had approved it unanimously Nov. 5.

"The need for such a measure was made clear by the jobs report that we received this morning," Obama said, citing a government report that the jobless rate hit 10.2 percent in October, the highest since 1983.



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 mail 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 should be e-mailed to utunews@utu.org or sent to UTU News, United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44107-4250.

UTU retirees: More active than ever

Retiree Robert Lee turns back yard into rail yard

Retired locomotive engineer **Robert F. Lee** went from working on the railroad for pay to working on the railroad for fun.

Lee, a member of Local 198 in Peoria, Ill., started with the Toledo, Peoria & Western in 1963 as a fireman. He retired four years ago. Now he runs the B&L (Bob and Linda) Railway, a nearly 300-foot G-scale line that snakes through his back yard and gardens in Washington, Ill., outside Peoria.

"I started this right after I retired," he said. "I went from a big railroad to a small one."

G-scale model trains and accompaniments come in several scales, but most common are one inch on the model equaling 22 inches on the real equipment. Lee's G-scale locomotives are more than a foot long and weigh upwards of 20 pounds. All are electrically powered, even if they look like steam engines.

Over the past three years, Lee has acquired some 20 locomotives and about 35 pieces of rolling stock, including passenger coaches and boxcars. He even has three doodlebug models. (Doodlebug was the common name for a self-propelled railroad car. Such a coach typically



had a gasoline-powered engine which provided electricity to traction motors on the vehicle, which drove the axles. They were popular with some railroads during the first part of the 20th century to provide passenger and mail service on lightly-used branch lines.)

The whole operation, which includes two huge loops of brass track running almost 600 feet (at \$32 per five feet!), is powered by two transformers and remotely controlled. "I can walk anywhere in my back yard and control the whole thing," Lee said.

The roundhouse? His garage, where the rolling stock is housed, and his house, where the locomotives, some costing upwards of \$800, are stored. His most valuable is a Uintah Mallet steam locomotive in the 2-6-6-2 configuration, which comes complete with chuff-chuffing and bell sounds.

"I can pull between 25 and 30 cars with



one engine," Lee said. "My buddy, who also is into garden railroading, came over a few weeks ago and we ran 66 coal cars behind two models of a GE Dash-9 44CW locomotive. Those 66 cars made a train about 66 feet long." The Dash-9 engines include working directional headlights, detailed and lit cab, smoke, metal grab irons, handrails and lift rings.

Lee's setup also includes two train stations, houses, a school house, bank, church and a couple of barns. "You are never done building these things," he said. "My wife does all the gardening, plants the flowers. We even have miniature trees that she bought from somewhere in Oregon."

How much have the Lees spent on their new hobby. "I don't want to think about it; probably a small fortune," Linda says. "But we are going to another garden railroad show soon and I have already picked out some new buildings I want to buy. It will never end."

"Just like on the real railroad, everyday there is something to do," Lee said.



UTU retirees work as conductors at railroad museum

John Crawford, a retiree from Local 453 in Clinton, Ill., retired from railroad work in 2006 so he could work on the railroad.

Crawford, along with Local 453 retirees **Paul Bundy** and **Rick Harper**, volunteers weekends at the Monticello (Ill.) Railway Museum, helping to run excursion trains over three miles of former Illinois Central trackage.

Crawford, 63, started railroading in 1968 on the IC, which is now part of the CN.

In fact, one of his last real jobs was helping to deliver an old IC GP11 locomotive to the museum. Now he helps run trains powered by the locomotive. "I have a working relationship with that locomotive at both jobs; I delivered it to the museum when I was working," he said.

Besides the excursion trains, the museum has a display of old passenger equipment and railroad memorabilia, and volunteers also are reviving a 2-8-0 Southern Railway steam locomotive built in 1907.

This old coal burner is being converted to burn biodiesel fuel. "We want to be a good

neighbor to the residents of Monticello; we don't want to smoke them out," Crawford said.

The old steamer was scheduled to be fired up, under the watchful eyes of FRA inspectors, as this issue of *UTU News* went to press.

The museum also owns a Wabash F7 locomotive built in 1953; CN Alco FA unit from the 1940s; the IC GP11, and a Milwaukee Road EMD NW1 switch engine built in 1947. All are in operating condition.

"Mostly I work as a flagman," Crawford said. "We run a push/pull operation, so for half the trip I am the eyes and ears of the train. I stand on the platform of an old



Monticello Railway Museum conductor John Crawford enjoys his retirement job. Here, left to right, are wife Lucretia Crawford, John Crawford, and passengers Whitney Siltman and Kaitlyn Siltman.

caboose and communicate with the engineer via radio and blow an old train-line powered horn that's been installed on the caboose roof."

"Even at a museum, it's safety first," Crawford said.

"I could hardly wait to retire, but this is fun; I will do it as long as I can," Crawford

UTU retirees White, Marinelli are still swinging

Two UTU retirees, **Bobby White** and **Mike Marinelli**, are still swinging for the fences...and connecting.

Both are on an over-60 slow-pitch softball team that recently won a national tournament sponsored by the Independent Softball Association.

Both are members of Local 14, which represents CSX workers in the Cincinnati area.

Both retired in 2006, White from his job as a yard conductor, Marinelli from his job as a road conductor.

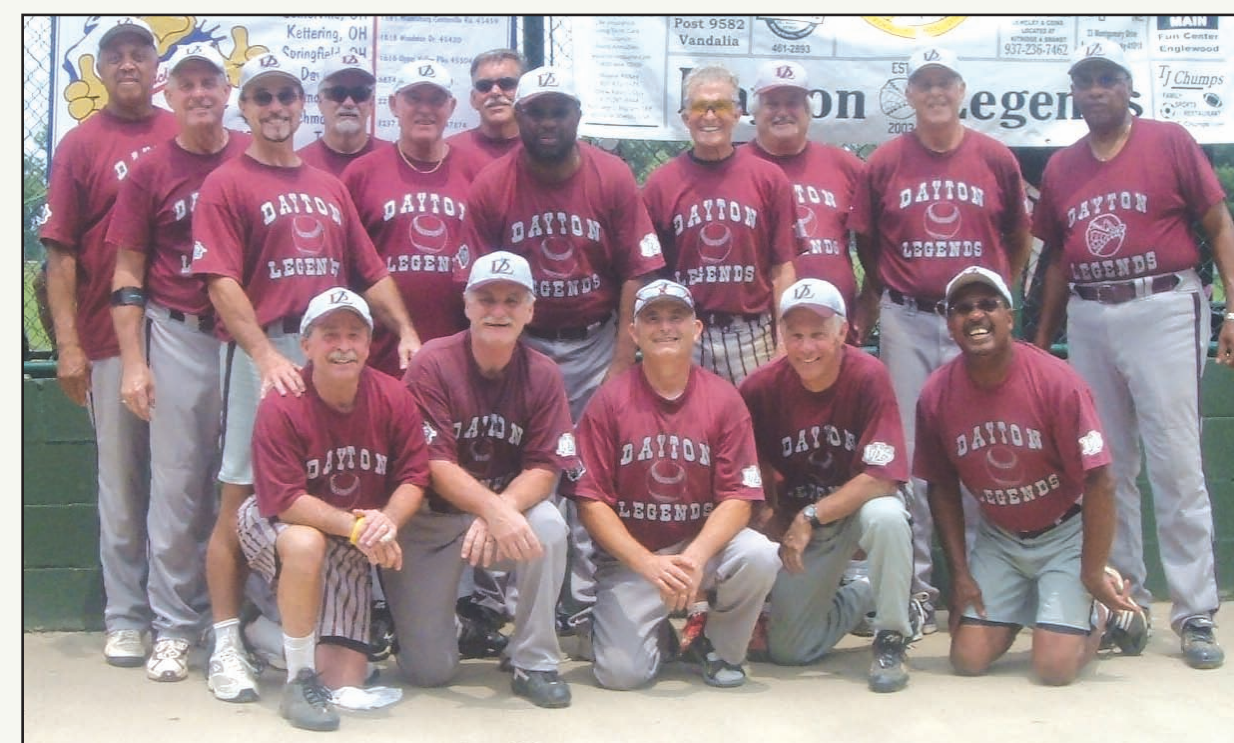
Both play in local softball leagues, but both also play on teams that travel throughout the nation to compete with similar teams.

Their team is called the Dayton Legends. (White lives in Lawrenceville, Ind., and Marinelli in Dayton, Ohio.)

"Our travel team plays one or two tournaments a month. We have traveled to Virginia, North Carolina, Georgia, Michigan, Indiana and Illinois to compete," White said.

"The tournament we won was in Gallatin, Tenn.," White said. "There were teams there from all across the country."

"There are different age brackets, from 50-year olds to 75-year olds, and various skill



UTU retirees Bobby White (standing, fifth from left) and Mike Marinelli (kneeling, first on left) were part of a softball team that won a national championship.

levels, like AA, AAA, Major and Super Major," he said.

White plays the outfield, Marinelli both the infield and outfield.

"I have been playing softball all my life," White said. "It's an excellent way to stay in shape. I will keep playing as long as I am

physically able.

"That's the secret: Staying active, not sitting around eating and watching television and getting fat and sloppy."

"When winter comes, a lot of these guys head south to play winter ball in Florida. I hope to do that some day," he said.

UTU retiree Kongsrude keeps steam locomotive rolling

Many UTU retirees worked on steam locomotives. Local 1453 (Jasper, Alta.) member **Sverre Kongsrude** still does.

A retired trainman from the Canadian National Railroad in Western Canada and 30-year member of the UTU, Kongsrude is a steam locomotive engineer for the Edmonton, Yukon & Pacific Railway, which operates a short line theme railroad at Fort Edmonton in Alberta.

"The engine I work is a 2-6-2 Baldwin, built in Pennsylvania in 1919. It was built for the Industrial Lumber Company in Oakdale, La.

"Originally, it was a wood-burning engine but it has been converted to burn used motor oil.

"The engine was completely rebuilt at Fort Edmonton in 1978," Kongsrude wrote.

"It is 51 feet long, 14 feet high and almost 10 feet wide. It generates about 1,100 horsepower with a boiler pressure of 180 psi.

"Traction effort is 21,350 lb. at 75 percent boiler pressure. The weight on drivers is 80,000 pounds, locomotive weight is 112,000 pounds, tender weight is 60,000 pounds, so the total weight is around 172,000 pounds.

"It has a water capacity of 2,500 gallons, and a fuel capacity of 900 gallons.

"The train is operated by a chief steam locomotive engineer, four steam locomotive engineers and firemen, and approximately eight to 10 conductors.

"The train runs under Canadian and Alberta Board of Transportation Rules and Regulations," Kongsrude said.

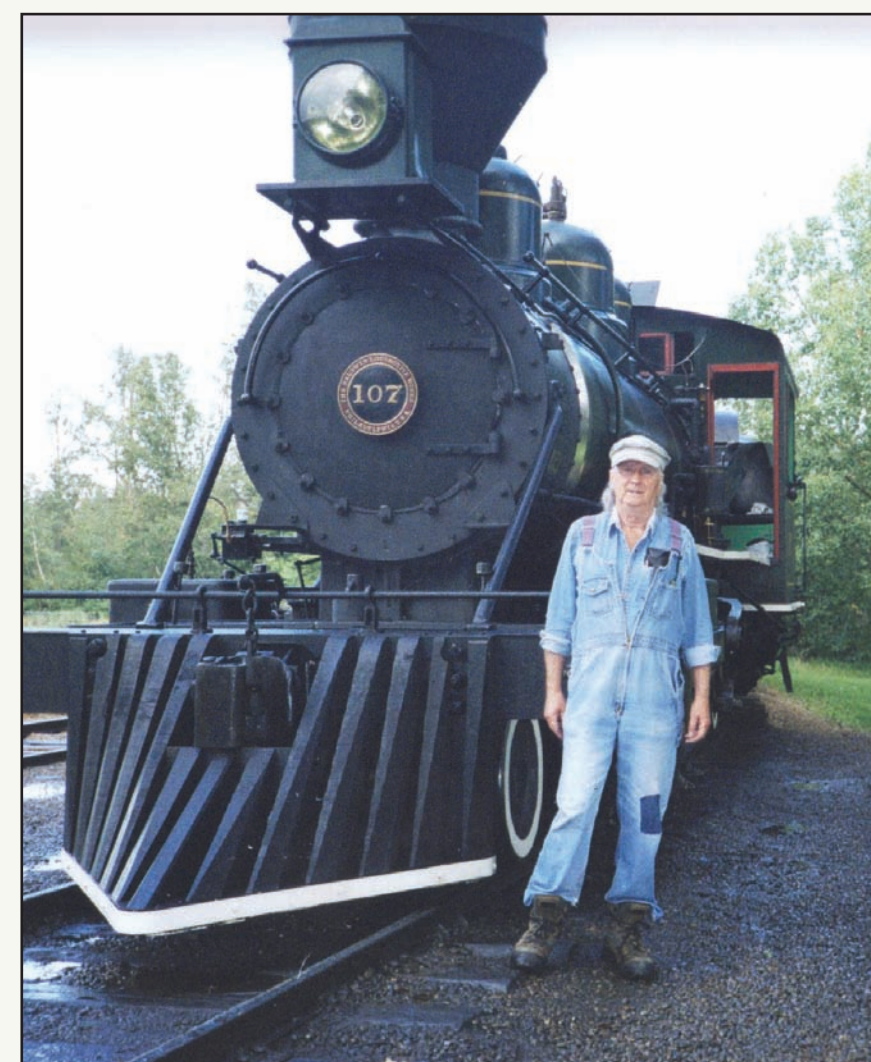
"This steam locomotive pulls three coaches and a caboose. We haul approximately 70,000 passengers a year at Fort Edmonton Park. Fort Edmonton is located on the North Saskatchewan River.

"The original fort was built in 1846 for the fur trade. The present fort is a replica of the original. The site comes complete with a native Cree village, a cowboy wrangler camp, farms, barns, horses, cattle, sheep, chickens and more.

"This locomotive was

featured in the movie 'Assassination of Jesse James' starring Brad Pitt," Kongsrude said.

"Come on up and see me," Kongsrude said.



UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

Alumni Association members, friends enjoy cruise

Some 60 UTU Alumni Association members, family and friends recently cruised from New York to Canada aboard Princess Cruise Lines' *Caribbean Princess*. Participation on the UTU-sponsored tour is one of the many benefits of Alumni Association membership. Other tours planned include a motorcoach tour of the Southwest U.S. in May 2010 and an Alaskan cruise in August 2010. Watch the *UTU News* and UTU Web site for details, or check out the UTU Alumni Association page on www.landfalltravel.com.



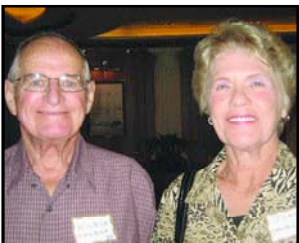
Earl (L-1378) and Mary Ann Sterling of Crisfield, Md.



Roy (L-1366) and Pauline Walker of Midvale, Utah.



Edward (L-1370) and Elwira Bowman of Commack, N.Y.



Wilbur (L-199) and Joan Chubick of Creston, Iowa.



James (L-528) and Jane Zorbas of Elk Grove Village, Ill.



David (L-1183) and Gail Bond of Clyde, Mich.

No RRB, SS benefit hikes in 2010

Railroad Retirement annuities, as Social Security benefits, will not increase in January 2010 as there was no increase in the Consumer Price Index (CPI) from the third quarter of 2008, the Railroad Retirement Board reports.

Since there is no cost-of-living adjustment (COLA), there will be no increase in the amounts Social Security and Railroad Retirement beneficiaries may earn in 2010 without having their benefits reduced.

For those under full retirement age throughout 2010, the exempt earnings amount remains at \$14,160. For beneficiaries attaining full retirement age in 2010, the exempt earnings amount, for the months before the month full retirement age is attained, remains at \$37,680 in 2010.

For employee and spouse annuitants, full retirement age ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later.

For survivor annuitants, full retirement age ranges from age 65 for those born before 1940 to age 67 for those born in 1962 or later.

Special work restrictions continue to be applicable to disability annuitants in 2010. The monthly disability earnings limit will increase to \$780 in 2010 from \$770 in 2009.

Regardless of age and/or earnings, no railroad retirement annuity is payable for any month in which an annuitant (retired employee, spouse or survivor) works for a railroad employer or railroad union.

Medicare hikes Part B premiums

The Centers for Medicare and Medicaid Services has announced that the standard monthly Part B premium will be \$110.50 in 2010.

However, most Medicare beneficiaries will not see an increase in their monthly Part B premiums in 2010 because of a "hold-harmless" provision in current law. Monthly premiums for most beneficiaries protected by the "hold-harmless" provision will be \$96.40, the same monthly Part B premium as in 2009.

Those Railroad Retirement and Social Security Medicare beneficiaries affected by the 2010 Part B income-related premiums will receive a mailing in December.

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
2	Ferguson, James R.	Elyria, Ohio	662	Pittman Sr., William P.	Newport News, Va.	1374	Hayes, Franklin D.	New Castle, Pa.
2	Schell, Norman A.	Maumee, Ohio	679	Murphy, Cornelius R.	Hartford, Conn.	1390	Hance, John H.	Trenton, N.J.
6	Gwinn, Raymond K.	Zionsville, Ind.	733	Cornett, Harold	Texarkana, Ark.	1390	Lotkowitz, Wm. P.	Redington Bch., Fla.
60	Francis, Russell A.	Kenansville, N.C.	771	Hayes, Stanley D.	Carson City, Nev.	1402	Ingram, Russell J.	Dupo, Ill.
84	Henderson, Ronald D.	Romoland, Calif.	783	Coble, Ernest H.	Lexington, N.C.	1458	Peterson Sr., Milton C.	Madison, Ala.
113	Taggart, Thomas R.	Cottonwood, Ariz.	792	Galbraith, Glen M.	New Philadelphia, Ohio	1470	Irwin, William H.	Vienna, Va.
201	Sawaya, Robert M.	Trinidad, Col.	832	Allen, Clifton W.	Neenah, Wisc.	1518	Walls, Robert E.	Greenfield, Ind.
206	Hults, Jerry J.	Carmel, Ind.	832	Hustad, Severt J.	Deer River, Minn.	1581	Boyle, Edward	Santa Barbara, Calif.
243	Garvin, Larry D.	Denison, Texas	898	Fox, Charles E.	Attleboro, Mass.	1594	Martino Jr., Frank V.	Folcroft, Pa.
283	Jaynes, William D.	Mesa, Ariz.	898	Ritz, Patrick	Bridgewater, Mass.	1687	Clevenger, Bonnie E.	Albuquerque, N.M.
284	Barker, Astor W.	Cleveland, Ohio	904	Combs, William B.	Henderson, Ky.	1949	Poltrock, Thomas R.	Drums, Pa.
284	Bryant, Ralph C.	Grafton, Ohio	904	Rankin, Edward W.	Evansville, Ind.	1962	Brant, Leonard M.	Lakeview, N.Y.
284	Pickens, Carroll S.	Mantua, Ohio	997	Bartles Sr., Albert H.	Hagerstown, Md.	1972	Hart Jr., Frank	Cataula, Ga.
309	Marlett, Russell C.	Altoona, Pa.	1006	Gribble Jr., William E.	Brownsville, Pa.	1974	Doucet, Sidney	Beaumont, Texas
318	Betzer, John J.	Marion, S.C.	1011	Preast, William E.	Hickory, N.C.	1978	Calderbank, Hubert J.	Bronx, N.Y.
318	Kamholtz, John K.	Canandaigua, N.Y.	1043	Johnston, William A.	Carlin, Nev.	1978	Heater, Edward R.	New Port Richey, Fla.
386	Rebuck, John C.	Schuylkill Haven, Pa.	1059	Allen, Clifford	Minot, N.D.	1978	Inness Jr., William H.	Beacon, N.Y.
446	Sengbusch, Donald M.	Cheyenne, Wyo.	1106	Hadnott, Alton H.	Wilmington, N.C.	1978	Meyer, William C.	Venice, Fla.
446	Teers, John N.	Chandler, Ariz.	1117	Lewis, Earl J.	Las Vegas, Nev.	1978	Paddick, Stephen A.	Branford, Conn.
471	Johnson, Duane D.	Winston, Ore.	1172	Compton, Milton R.	Lewisburg, W. Va.	1978	Pusterla, Charles A.	Boonton, N.J.
556	Johnson, A.E.	Bonney Lake, Wash.	1290	Janes, Marvin	Mattoon, Ill.	1978	Quinn, William J.	Honesdale, Pa.
577	Cvitichanin, Michael	Oak Brook, Ill.	1337	Carbo, Ronald E.	Donaldsonville, La.	Correction: Local 298 member Robert W. Clark, Deland, Fla., was erroneously listed in the "Final Call" last month. UTU News regrets the error.		
587	Patalano, Giro R.	Bellows Falls, Vt.	1365	Tarbet, Gerald L.	Minerva, Ohio			
590	Thomas, Norman J.	Mauston, Wisc.	1370	Eckstein, Albert R.	Vancouver, Wash.			

UTUIA Cancer Hospital Indemnity

Plan sets sales record! Policies sold increase 400% over 2008.

The UTUIA announces record sales results for its **NEW** cancer plan, which was first introduced to UTU members in 2008. After an extensive updating of benefits and features to better protect against today's medical realities, the plan has been extremely well received. With monthly premiums starting as low as **\$9 per month**, this plan fits into any budget.

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.*

"I have sold UTUIA cancer plans for years because I believed in the product and thought everyone should have the protection. Then, all of a sudden, there I was confronted with cancer in my own family. Even with our great medical insurance, the out-of-pocket costs of cancer were significant! Now having experienced cancer first hand, I believe even more strongly that everyone must include cancer insurance in their family's protection portfolio."

– UTUIA Field Supervisor Don Dysart



The American Cancer Society reports that more than 93 million Americans alive today will be diagnosed with cancer during their lifetimes. That is the equivalent of every man, woman and child living in the red-shaded states above.

UTUIA's new Cancer Hospital Indemnity policy offers:

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



11/09

NEW

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III. SLD named to panel

Illinois State Legislative Director **Bob Guy** has been appointed to an eight-state Midwest Governors' High Speed Rail Steering Committee.



Guy

The committee will coordinate the efforts of midwestern states that applied for a portion of the \$8 billion in high-speed rail development funds.

"Twenty-four states have submitted 270 applications totaling \$50 billion in funding requests for rail projects," Guy said. "That's six times more than the total amount of money available. This means the states must collaborate to make sure whatever funds we do receive are spent in a way that yields the best results."

SMWIA's Sullivan resigns from UTUIA board

Sheet Metal Workers' International Association (SMWIA) General President Michael J. Sullivan has resigned from the board of directors of the United Transportation Union Insurance Association.

Sullivan was elected to the UTUIA board before a federal court, citing a flawed voting process, halted implementation of a merger between the UTU and the SMWIA.

The UTUIA is one of the nation's few remaining union-friendly insurance companies. Where competing insurance companies frequently are engaged in anti-union activities, such as lobbying for corporate-favored public policies, the UTUIA is an insurance company owned by union mem-

bers, and it operates solely for the benefit of union families.

UTUIA board members now include:

UTU International President Mike Futhey, Assistant President Arty Martin, General Secretary and Treasurer Kim Thompson, National Legislative Director James Stem, and independent members Joyce Terbovich, a certified public accountant; Nicholas J. DeCicco, a registered principal with the National Association of Security Dealers and a former president of Midwest Life Insurance Co.; and Frank J. Riha, a certified public accountant and former insurance examiner supervisor for the State of Ohio Insurance Department.

THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

CARL MORGANO

Carl Morgano is a representative in the Accounting Department. He started in 1999 in the Billing/Audit Department and also has worked in the updating, sales, policyholders' service and president's departments. "I process vendor payments for general committees, locals, the International and the Washington, D.C., office," he said. "I also process refunds for general committees and others for overpayments of dues and such. I also take calls from officers to answer their financial questions. I enjoy the variety of work and the challenges that every day brings."



LAURIE BAKER

Laurie Baker serves as assistant director of marketing and sales for the UTUIA. She started in 1996 in the Policyholders' Service Department, then worked in the GS&T Department, the Updating Department and the Claims Department. "I do anything I can to make the jobs of the UTUIA field supervisors easier," she said. "I create advertising flyers, produce a monthly newsletter for the field supervisors to keep track of their sales quotas and inform them of anything new in the insurance industry. They are a really great group of guys and I want to help them any way I can. My job is interesting, creative and great."



CARY NITSCHKE

Cary Nitschke serves as network administrator in the Information Services Department. He started at the mail desk in 1979, then advanced to the mainframe computer operations department. He is responsible for the installation, maintenance and updating of the more than 100 computers at the UTU International, as well as countless other computers used by field supervisors, officers and others. He also oversees the the servers for the UTU Web site and e-mail. "I am currently spearheading our conversion from mainframe-computer operations to a Windows-based server platform," he said. "Every day is a new and exciting challenge."



UTU fights carrier attempts to alter contracts

In response to a lawsuit filed by the major railroads, the UTU has asked a court to rule that hours-of-service requirements of the Rail Safety Improvement Act of 2008 do not alter or amend the UTU's collectively bargained labor contracts with those carriers.

In advance of the July 16, 2010, implementation date for new hours-of-service regulations, railroads asked a federal district court in

In fact, said UTU International President Mike 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 filed by the carriers is not about assuring the safety of its employees," Futhey said.

The carriers acknowledged in the lawsuit that they intended to implement the new regulations as they see fit; and, in so doing, would violate existing labor agreements with respect to wage guarantees.

Fort Worth, Texas, to permit them to violate existing collective bargaining agreements as part of the implementation process. The railroads include BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific.

The carriers acknowledged in the lawsuit that they intended to implement the new regulations as they see fit; and, in so doing, would violate existing labor agreements with respect to wage guarantees.

The UTU told the court that such actions would violate the Railway Labor Act; that any changes to collectively bargained agreements that are needed to satisfy the new law must be collectively bargained, as well.

"The lawsuit is all about protecting the carriers' profits – an attempt by the carriers to put the entire burden of the new hours-of-service limitations on the backs, and pocketbooks, of their employees."

Specifically, the carriers 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, requiring binding arbitration.

In its response to the carrier lawsuit, the UTU said:

- Each of the carriers have one or more agreements with the UTU that provide guaranteed levels of compensation for some or all of the trainmen and conductors employed by the carriers.

- None of the agreements between UTU and any of the carriers provides that guaranteed levels of compensation can be reduced in the event of a change in federal law.

- No provision of the Rail Safety Improvement Act preempts, supersedes, or in any way overrides the provisions in the agreements that provide for guaranteed levels of compensation for trainmen and conductors.

- Since enactment of the Rail Safety Improvement Act, none of the carriers have served notice on the UTU to change any provision of its agreements providing for guaranteed levels of compensation for trainmen and conductors.

Therefore, the UTU told the court:

"The disputes are major disputes that must be resolved in accordance with the mandatory bargaining processes of the Railway Labor Act because the Rail Safety Improvement Act does not relieve the carriers of their obligation under the Railway Labor Act to exhaust the bargaining process before taking any action that would change the provisions of the agreements providing for guaranteed levels of compensation for trainmen and conductors represented by the UTU."

The carriers, said the UTU, "must honor their obligation under the Railway Labor Act to maintain their agreements providing for guaranteed levels of compensation for trainmen and conductors represented by the UTU."

NTSB seeks sleep apnea screening

WASHINGTON – The National Transportation Safety Board (NTSB) said last month that federal regulators should start screening train conductors and engineers, bus and truck drivers, commercial pilots and merchant sailors for sleep apnea, a disorder that is cropping up in transportation accidents, the Associated Press reports.

Sleep apnea causes pauses in breathing, which can interrupt sleep and increase fatigue.

Among the incidents cited by the NTSB:

- In January 2008, a motorcoach with passengers returning from a weekend ski trip went too fast around a curve on a rural Utah highway. The bus went careening down a mountainside, killing nine people and injuring 43 others. The driver suffered from sleep apnea and had trouble using a device to regulate his breathing while sleeping in the days before the accident.

- The same month, two go! airlines pilots conked out for at least 18 minutes during a mid-morning flight from Honolulu to Hilo, Hawaii, as their plane continued to cruise past its destination and out to sea. Air traffic controllers were finally able to raise the pilots, who turned the

plane around with its 40 passengers and landed it safely. The captain was later diagnosed with sleep apnea.

- When a trolley train crashed into another train in May 2008 in Newton, Mass., investigators said the driver likely fell asleep because she suffered from sleep apnea, but it could not be proved because she died.

- In November 2001, a train engineer drove through a stop warning in Clarkston, Mich., striking

pilot later diagnosed with sleep apnea. The ship was carrying about 2,200 people.

A 2002 study that found seven percent of adults have at least a moderate form of the disorder, but people often don't know they have it.

The Federal Motor Carrier Administration is already considering a rule to tighten its standards for medical certification of commercial drivers, DOT spokeswoman Sasha Johnson said.

The NTSB wants the feds to screen railroad workers, bus and truck drivers, pilots and merchant sailors for sleep apnea, which can interrupt sleep and increase fatigue.

ing another train and killing two crew members. He was found to be a high risk for sleep apnea, but had not been diagnosed or treated.

- In June 1995, a cruise ship maneuvering through Alaska's Inside Passage was grounded on a submerged, but charted and marked, rock by a

(UTU editors' note: In April 2004, the UTU's medical consultant, Dr. Norman K. Brown, alerted UTU members to the risk of sleep apnea, urging members with certain symptoms to seek testing and treatment by their physicians. He noted that treatment is generally covered by health-care insurance.)

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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info@hmnlaw.com

A rail employee who suffers an on-the-job injury should seek out a lawyer who specializes in the Federal Employers' Liability Act (FELA). These attorneys have extensive knowledge of railroad rules and practices, FRA regulations and the legal intricacies of the FELA. It is this experience and knowledge that allows Designated Legal Counsel like myself to obtain justice for injured UTU members.

Coming out of law school I knew that my career would best be served by representing individuals against the power of corporations. For 29 years I have worked for the oldest FELA firm in the West (Hildebrand opened in 1926) doing just that. UTU Designated Legal Counsels, such as Hildebrand, have the training, skill and passion necessary to take care of you and your family in times of need.

Medical marijuana off limits to transport workers

WASHINGTON – People who operate locomotives, trucks, buses and airplanes would still be in violation of DOT rules against drug use if they use marijuana for medicinal purposes, despite a reported shift by federal law enforcement against prosecuting medical use of the drug, the *Journal of Commerce* reports.

DOT's Office of Drug and Alcohol Policy and Compliance issued a clarifying notice Oct. 22, after getting queries about how the new policy stance by the Department of Justice might affect transportation workers.

"It remains unacceptable," the notice said, "for any safety-sensitive employee subject to drug testing under DOT's drug-testing regulations to use marijuana."

Attorney General Eric Holder last month issued new guidelines for U.S. attorneys, advising them not to pursue people for prosecution who



use marijuana in clear compliance with state laws allowing medical use.

Afterward, DOT began receiving calls about whether that medical-use situation could exempt transportation workers, in states where it is legal. DOT requires that people who test positive for marijuana be removed from jobs that can affect safety pending a review and treatment.

"We want to make it perfectly clear that the DOJ guidelines will have no bearing on the Department of Transportation's regulated drug-testing program," wrote Jim Swart, director of the Drug and Alcohol Policy office. "We will not change our regulated drug-testing program based upon these guidelines to federal prosecutors."

His notice said the rules cover "safety-sensitive transportation employees, such as railroad conductors and engineers, school and transit bus

drivers, pilots, truck drivers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others."

DOT's drug and alcohol testing regulation, he said, "does not authorize 'medical marijuana' under a state law to be a valid medical explanation for a transportation employee's positive drug test result."

Board of Directors fills vacancies



Huston

The UTU Board of Directors, acting under authority of Article 2 of the UTU Constitution, has filled three vacant alternate vice president positions as well as two vacant positions on the UTU Executive Board.



Turner

Elected by the UTU Board of Directors to vacant alternate vice president positions were **James A. Huston** (Local 1532, Kansas City), **Doyle K. Turner** (Local 1962, Toledo, Ohio) and **John R. England** (Local 1674, Los Angeles).



England

Also, Idaho State Legislative Director **George Millward** (Local 78, Pocatello) and **Troy L. Johnson** (Local 594, Mineola, Texas) were elected to vacancies on the Executive Board.

Steven C. Mavity (Local 298, Garrett, Ind.) was elevated to the vacant post of alternate to the Executive Board.

UTU urges action on aviation bill

WASHINGTON – The UTU and other transportation unions in the AFL-CIO are urging congressional lawmakers to pass legislation that would protect pilots, flight attendants and ground crews from international joint ventures that give U.S. airlines additional ways to outsource jobs.

The AFL-CIO's Transportation Trades Department (TTD) said that "with unemployment still too high, we just can't support postponing overdue transportation legislation that would invest in America and create millions of jobs."

Evidenced by seven short-term funding extensions, Congress has been unable to complete



work on reauthorization of the Federal Aviation Administration, leaving many safety, infrastructure, technology and worker-rights issues unaddressed.

The TTD said that "some U.S. carriers are looking to exclusively outsource flight operations to their foreign partners to boost profit margins. Pilots, flight attendants and ground workers could see their employers become ticket agents for their foreign flying partners, and will see their work hours cut as foreign carriers turn to their own employees – or others – to perform the work."

"Congress must step in to protect U.S. aviation workers," TTD said.

Young elected general chair

Daniel L. "Danny" Young (L-1081) has been elected general chairperson of GO-017, representing more than 1,100 BNSF employees working over former Atchison, Topeka & Santa Fe Railway lines that connect Arizona with Southern California.

Danny Young succeeds his father, **William E. "Butch" Young** (L-113), who retired. Danny Young previously was secretary for the general committee.



Young

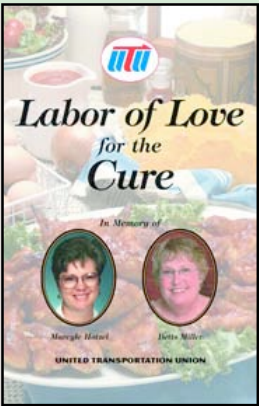
Elected secretary/treasurer of GO-017 was **Richard S. O'Connell** (L-1544), while **Glenn E. Bay** (L-1081) was elected vice general chairperson.

UTU cookbook a great stocking stuffer

Looking for a tasty gift for friends or family at the holidays? The UTU cookbook, "*Labor of Love for the Cure*," which was created to raise funds for breast cancer research, will fit in any stocking or under any holiday tree.

The book is a compilation of recipes and helpful household hints submitted by UTU members and others, collected by volunteers at the UTU International.

Proceeds from the sale of the book are being donated to



the Case Comprehensive Cancer Center of the University Hospitals of Cleveland and Case Western Reserve University for breast cancer research.

Just a few cookbooks remain. To clear the inventory the UTU is offering them this holiday season at \$7.25 each.

Contact **Tammy Kramer** at the UTU in Cleveland at (216) 228-9400, ext. 127, to order, or e-mail her at t_kramer@utu.org.

Medicare railroad beneficiary form available online

The Railroad Medicare Beneficiary Authorization Form is now available in Acrobat's Portable Document Format (PDF).

In this age of technology, privacy is important. To protect your privacy, Palmetto GBA Railroad Medicare will always ask certain questions before discussing your personal information.

Palmetto GBA is a national Part B Medicare carrier contracted by the Railroad Retirement Board to administer Medicare Part B health insurance for railroad workers and their families.

When calling, you will be asked to give your:

- Full name;
- Date of birth;
- Health insurance claim number;
- Telephone number.

While Palmetto understands it may seem inconvenient, federal law provides that Medicare cannot release specific information about your benefits to anyone but you unless you give your verbal or written permission.

If your spouse or anyone else calls for you, Palmetto will not be able to give any details about your Medicare unless it has your permission. Also, the same applies if you try to obtain details about your spouse. Therefore, it is important that both you and your spouse have an authorization form on file with Palmetto.

Verbal permission has to be given over the phone at the time of each call. Since written permission is more detailed and is used for future reference, it must include the following:

- The name of the person or group to whom information may be given.
 - The specific types of information (data or records) that may be released.
 - Your signature and date you signed your name.
 - Length of authorization (ongoing or one-time only).
- If Palmetto does not have your verbal or written consent, the only information it will release is:
- Claim has/has not been received;
 - Claim has/has not been processed;
 - A Medicare summary notice (MSN) can be expected by a certain date.
- To view, download and print this form, go to www.utu.org, then the "UTU Alumni" page; a link to the form is at the bottom of the "Your Retirement" column.

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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 **Patrick House**, a member of Local 770 in Heavener, Okla. "This is a photo of the Southern Belle that I took in September at the Petros crossing south of Heavener," House wrote. "The man waving is Joseph Fitzer, engineer with the Kansas City Southern and also a member of Local 770. He and conductor Steve Newcomer, also of Local 770, were bring the Southern Belle from Shreveport, La., to Kansas City."



The Official Publication of the United Transportation Union

SEPTA workers vote to stay UTU

PHILADELPHIA – In a resounding victory, bus and trolley operators at the South-eastern Pennsylvania Transportation Authority's Red Arrow Division here voted 190 to 78 to retain the UTU as their bargaining representative.

The vote came following meddling by the Sheet Metal Workers' International Association, which was found guilty by the AFL-CIO of violating Article 20 of the federation's constitution, which prohibits raiding of other AFL-CIO unions or seeking to persuade members to abandon their organization.

The UTU uncovered evidence SMWIA organizers were encouraging SEPTA employees to form an independent union. UTU Alternate Vice President-South R.W. "Red" Dare made the successful Article 20 case before an AFL-CIO arbitrator.

"The UTU owes a deep debt of gratitude to newly elected AFL-CIO President Rich Trumka for his support in the face of the SMWIA's aiding and abetting those



Celebrating the victory at SEPTA are, (front row, left to right) GS&T Kim Thompson; Dave Stinsman (L-1594, Upper Darby, Pa.); Organizer Billy Moye; (second row, left to right) Kimberly Bell (L-1596, Charlotte, N.C.); Grant Tanner (L-1594); International President Mike Futhey; Alternate Vice President-Bus Calvin Studevant; Paul Ventresca (L-1594); Alternate Vice President-Bus Bonnie Morr; Craig Patch (L-1596); (third row, left to right) Sherman Volkman (L-759, Newark, N.J.); Vice President Rich Deiser; Alvy Hughes (L-1596) and Organizer Mike Lewis.

seeking to turn these workers against the UTU," said UTU International President Mike Futhey. Trumka sent a letter to the Red Arrow employees in support of the UTU.

"I especially thank the courageous UTU members at Red Arrow who stood up for what is right and who recognized and aggressively refuted the misinformation that was being spread," Futhey said. "The UTU has long and successfully represented Red Arrow bus and trolley operators, providing support whenever they sought assistance. We will continue to be in their corner."

Futhey thanked organizers, led by **Mike Lewis**, who included **Kimberly Bell**, Pennsylvania SLD **Don Dunlevy**, **Alvy Hughes**, **John Nadalin**, **Bonnie Morr**, **Billy Moye**, **Craig Patch**, **Calvin Studevant**, **Sherman Volkman** and **Carlos Wallace**.

Futhey, GS&T Kim Thompson and Bus Department Vice President Rich Deiser also met with the SEPTA employees.

Inside this issue of the *UTU News*:



Donald Lamont honored for aiding his UTU brother. See page 2.



It's not always what you know, but who you know. See page 5.



Grass does not grow beneath the feet of these retirees. See pages 6/7.



You have been warned: Stay off the grass. See page 11.