Rails withdraw staffing and consolidation proposal

NCC: We encourage the exploration of opportunities for mutually beneficial solutions

A month after the UTU filed a lawsuit in federal court to block a railroad demand to bargain over “staffing and consolidation,” the carriers have withdrawn that demand from their Railway Labor Act Section 6 notices.

In a letter to UTU International President Mike Futhey, the National Carriers’ Conference Committee (NCCC), which represents most major railroads in national contract negotiations, said it “will withdraw, without prejudice, the proposal set forth in the paragraph entitled ‘Staffing and Consolidation’” in exchange for the UTU dismissing, “without prejudice,” its lawsuit.

“Voluntary agreements are always in the parties’ best interests.”

“These undertakings,” said the NCCC, “are made in connection with each party’s desire to facilitate pursuit of a successful resolution of the 2010 bargaining round without further litigation and are without prejudice to their respective positions.”

The UTU interpreted the demand regarding “staffing and consolidation” as a renewed attempt by the carriers to seek one-person crew operations. A federal court had ruled in March 2006 – during the previous round of national negotiations – that the UTU had no obligation to bargain nationally over a carrier demand to eliminate conductor and brakeman positions on all through-freight trains.

The UTU position – then, and now – is that existing agreements relating to minimum train crew size are negotiated on a railroad-by-railroad basis through UTU general committees of adjustment, and any attempt by the carriers to change those agreements must be handled at the general committee level and not in so-called national handling where the major railroads coordinate their bargaining through the NCCC.

The agreement by the NCCC to withdraw its “staffing and consolidation” demand – in exchange for the UTU withdrawing its court action – followed a meeting between Futhey and the NCCC’s chief negotiator, Ken Gradia, on Dec. 8.

Said the NCCC in its letter to Futhey withdrawing the demand, “During our Dec. 8, 2009, initial conference on our respective Section 6 proposals for the 2010 bargaining round, we had a candid discussion about the parties’ respective concerns and goals.

“In the course of that exchange, we affirmed our shared conviction that voluntary agreements are always in the parties’ best interests and our joint desire to facilitate and encourage the exploration of opportunities for mutually beneficial solutions to each side’s needs without restraint. In particular, we discussed the benefits to both parties of eliminating potential impediments to successful negotiations where feasible,” said the NCCC.

Bus safety bill moving forward in House, Senate

WASHINGTON – Bus safety legislation is inching forward in the House and Senate, and proponents are pushing Congress to complete the legislation by mid-2010.

The Senate Commerce Committee in December voted to send to the Senate floor for a vote a bill (S. 554, the Motorcoach Enhanced Safety Act of 2009) requiring passenger lap and shoulder belts on long-distance buses, as well as improved firefighting equipment and stronger roofs and seats and advanced window glazing to keep passengers from being ejected.

Additionally, the Senate bill would require:

- Motorcoach operators to undergo periodic safety reviews;
- A training curriculum and certification for each driver seeking a commercial driver's license (CDL) passenger endorsement;
- Tougher CDL testing;
- Installation of on-board electronic data recorders that also track driver hours of service and monitor tire pressure warning systems;
- Drivers of buses that transport between nine and 15 passengers to hold a CDL;
- Safeguards preventing the use by CDL applicants of invalid or fraudulent medical certificates;
- Annual review of state medical examination procedures by states;
- Creation of a national registry of medical examiners;
- State annual commercial bus inspection programs as a prerequisite to receiving federal motor carrier safety grants.

A similar bill (H.R. 1396) awaits action by the House Transportation & Infrastructure Committee. The bill would additionally require minimum performance standards for pretested motorcoach tires.

The American Bus Association says some 750 million passenger trips are made annually by some 34,000 long-distance motorcoaches operated by nearly 3,700 motorcoach companies.

Member, pinned by rail car, dies

MINNEAPOLIS – BNSF conductor Samuel W. Lundy, age 44 and a 17-year member of Local 1003, was killed Dec. 29 when, during a switching operation, a rail car jumped its tracks and pinned him against a building.

Lundy was the eighth UTU member killed in 2009 in an on-duty rail accident. He leaves behind a wife and three children.

The National Transportation Safety Board and the Federal Railroad Administration are investigating. A member of the UTU Transportation Safety Team is assisting the NTSB.
Local 64, Huron, S.D.

UTU members are rallying behind their union brother, Cam Brock Jr., who on Nov. 12, lost his home and contents to fire. Brocks' UTU brothers and sisters have set up a relief fund to help him purchase the immediate need for clothing, food and other essentials. Donations can be made to the “UTU Local 64 Cam Brock Jr. Relief Fund” through Round Bank of Wacora, 202 2nd St. N.E., Wacota, MN 56093. “Brother Brock is a U.S. Marine veteran and one of UTU’s finest,” Minnesota State Legislative Director Phil Quady said.

Local 367, Omaha, Neb.

More than 100 members and attendees attended this local’s annual fall barbecue, sponsored by the Yeager, Jungbauer & Baratz and Dinmore law firms, Legislative Rep. Kevin Kresl reports. The dinner concluded with the awarding of three Chuck Faudler Scholarships to Kaelyn Kerwin (daughter of Kevin), Kegan Casey (son of Dave), and Tracey Johnson (daughter of Daniel). Since 2005, the local has presented 12 scholarships to members’ children. The following day, 65 people participated in the local’s gold tournament at Shoreline Golf Course in Carter Lake, Iowa.

Local 432, Champaign-Urbana, Ill.

The regular monthly meetings of this CN (IC) local will continue to be held on the second Wednesday of each month at 7 p.m., but the location has changed to the upstairs at Jupiter’s at the Crossing, 2511 Village Green Pl., in Champaign, Legislative Rep. Grady Crippin reports.

Local 477, Newton, Kan.

Secretary & Treasurer Brian Stephens reports that the local has received a fund to benefit fellow member Sidney Unruh, who is currently on disability due to treatments and surgeries for esophageal cancer. Send contributions to the Sidney Unruh Fund at Midland National Bank, 527 N. Main, P.O. Box 427, Newton, KS 67114.

Local 607, Thayer, Mo.

More than 50 guests attended this local’s annual Christmas dinner on Dec. 8, sponsored by the Hubbard, Peach, O’Neal, Nanning (law firm) and Inzul Hahn (law firm in Kansas City, Mo., according to Local President Chris Skagg) Guests included General Chairperson Steve Green, Associate General Chairperson Mike Walestra and Missouri State Legislative Director Ken Menges.

Local 792, Cleveland, Ohio

This Norfolk Southern local, along with BLET Division 607, collected $5,120 from union employees, salaried workers and volunteers to purchase Giant Eagle grocery store gift cards for their fellow furloughed or injured employees during the Christmas season, Local Chairperson Alan Thompson reports. “Our goal was to hopefully collect $2,000. The money was divided evenly for each employee and the cards were purchased so that they could be used for groceries, other gift cards or even gasoline for their vehicles. There were 34 UTU and nine BLET members not working for the season. I would like to thank all of the employees that participated,” Thompson said.

Local 934, Alliance, Neb.

Local President Brian Heitz reminds all members that this BNSF Railway local has a Web site at http://bnsf934.weebs.com.

Local 1053, Selma, Ala.

This Norfolk Southern local and the Alabama State legislative board of directors have established a fund to assist a Norfolk Southern conductor who was critically injured in an automobile accident Sept. 6, State Legislative Director Ronnie Clements reports. Josh Greenhull, 20, sustained fractures and internal injuries. Anyone interested in contributing to a fund to assist Greenhull should send a check payable to Roger Roberts (local chairperson), in care of the UTU Alabama State Legislative Board, 402 F South Decatur St., Montgomery, AL 36104.

Local 1183, Miami, Fla.

Local chairperson Alfredo Pena died in a motorcycle accident on Dec. 4. A memorial service was held Dec. 6, in the homestead of family friend, Debra Durden. After being employed by the Florida East Coast Railway for 18 years, Pena is survived by his wife, Telma, 14-year-old son, Alifie, and nine-year-old daughter, Janysy. The UTU Auxiliary’s Magno- lia Lodge in Jacksonville, Fl., has donated $500 to Telma Pena and the children.

Local 1183, Port Huron, Mich.

Legislative Rep. Fred Beidler and his family lost their home and all their possessions to a late-night fire on Dec. 11, Michigan State Legislative Director Jerry Gibson reports, and the Michigan State Legislative Board is seeking assistance from fellow UTU members. “The Beidlers lost everything but the clothes on their backs,” Gibson said. To assist the Beidler family, send a check or money order to the Beidlers at 835 Virginia Ave., Marysville, MI 48040.

Local 1440, Staten Island, N.Y.

Local Secretary-Treasurer Vincent Labella thanks all 194 guests that attended the local’s first annual retirement/holiday awards dinner on Dec. 4. “This was the first time that Local 1440 was able to recognize the hard work of its retirees,” Labella said. Members also congratulate track- worker Thomas Poggi on his retirement. “He will always be remembered for his leadership skills and cooperative demeanor,” Labella added.

Local 1554, Ogden, Utah

The officers and members of this Union Pacific local have financed and commissioned a memo- rial to honor three local members who have lost their lives at the railroad’s 21st St. yard since 1977, Local Chairperson Pat Winslow reports. The memorial, which honors Michael Wagner, Jimmie Autry and Anthony Peterson, was erected on Sept. 14, 2009, the sixth anniversary of Autry’s death. “Although it has taken almost a year to complete, we would like to thank Brother Randy Browne, who piloted the project through completion, for a job well done,” Winslow said.

Local 1789, Santa Monica, Calif.

The members of this Big Blue Box local are mourning the death of Sergio Lopez, 48, Local Chairperson Adhi Reddy reports. Lopez served the local as delegate and legislative representative.

BNSF Railway GO 017, Chino, Calif.

William “Butch” Young retired as general chair- person of this BNSF Railway General Committee of Adjustment on Dec. 1. As previously reported, he was succeeded by his son, Danny Young. On Dec. 4, former UTU Coastlines General Chair- persons John Easley and Al Deleya joined UTU Assistant President Al Merritt at a retirement party honoring Young at Fleming’s Prime Steakhouse & Wine Bar in Rancho Cucamonga.
WASHINGTON – The Federal Railroad Administration has denied a joint UTU/BLET petition for an emergency order prohibiting the use of one-person crews in conventional and remote control yard switching operations. In denying the joint UTU/BLET petition, the FRA cited lack of evidence that the high-priority safety concerns raised, said it had "no factual evidence to support the prohibition against one-person crew operations at this time. Switchmen, trainmen, and RCOs routinely perform tasks alone, even when on a two-person or no-person workday," said the FRA.

Although the UTU has collective bargaining agreements in force in many major railroads requiring at least one conductor on each train start, there are no federal safety regulations prohibiting use of one-person crews in yard or road operations. Said the agency in denying the joint UTU/BLET petition, which was filed in early June: "The FRA does recognize that, since these particular one-person operations are ad hoc and infrequent, any data with which to compare conventional operations and have little prior experience with these operations. Accordingly, we intend to monitor these one-person operations very closely. "As technology advances, FRA is also aware that the transfer of certain additional tasks and responsibilities to a single individual may result in a reduction of certain responsibilities. In the near term, the FRA intends to monitor and review these operations very closely."

The FRA also said that the conductor certification requirement, part of the Rail Safety Improvement Act of 2008, "when implemented, will provide additional support for the training and qualification of [remote control operators]."

"No conditions exist where one-person operations are safe."

Concluded the FRA, "Because of the advances in technology, we are seeing significant changes in the railroad industry that never existed before. FRA will continue to look very closely at these changes when they occur."

UTU International President Mike Futhey said the fight against one-person crews "will remain the UTU's top priority -- before the FRA and before Congress. We know, and the BLET agrees, having stated jointly with us in the petition for the emergency order, that no conditions exist where one-person operations are safe."

The FRA study documents relationship between work schedules, alertness

A new Federal Railroad Administration report released in December is the latest confirmation that train and engine service employees with variable start times report being more likely to fall asleep than do those with fixed start times.

The study analyzed work/sleep and rest patterns of U.S. railroad train and engine service personnel and the relationship between these schedules and alertness.

Members of the UTU and BLET assisted with the study, providing a log that each participant updated daily for two weeks.

Some two-thirds of the logs were kept by train and engine service workers with variable start times and what the study terms "significant start time variability." The other third of the logs were kept by workers with fixed work start times.

The study reveals that while train and engine service workers report longer daily sleep than most U.S. adults, they suffer poor sleep quality and high stress levels -- particularly those with variable start times.

Some eight percent of train and engine service workers surveyed reported they suffer from a medical condition called "sleep apnea" -- a rate twice that of the general population.

Delegates ratify amendments to UTU Constitution to accommodate the closure of Canadian locals

UTU delegates have voted to make numerous amendments to the UTU Constitution to accommodate the demographic changes brought about by the required closure of all Canadian locals.

Although some Canadian members remain, all are assigned to U.S.-based locals.

Ballots were returned by 62 percent of delegates, with the number of amendments to the UTU Constitution. The ballot proposal, having received well in excess of the required two-thirds majority, becomes effective Jan. 27, 2010.

None of the amendments affect any rights conferred upon UTU members by the UTU Constitution, nor do the amendments make any change to representation or process.

"The practical effect of the approved amendments is to be able to fulfill -- given the absence of Canadian members -- the requirements of the UTU Constitution with regard to the make-up of the Board of Directors, the Board of Trustees and the Executive Board," said the UTU General Secretary and Treasurer Kim Thompson.

UTU delegates approved amending Articles 2, 6, 10, 11, 12, 19, 21, 22, 32, 36, 37, 38, 41, 57, 59, 63, 64, 66, 73, 83, 91, 93, 96, 97, 98 and 99 to the UTU Constitution. In each of these articles, language referring to "Canadian" will be removed.

For example, the amendments now provide that the members of the Board of Trustees will be elected to the Executive Board in place of a position reserved for a Canadian member.

Also, the UTU national legislative director will become a member of the Board of Trustees -- a position formerly held by a Canadian officer.

Additionally, the amendments change the UTU Constitution to reflect the current number of International vice presidents (seven, including one from the Bus Department), as all attributes previously approved by delegates have taken place.

And the board of directors will be comprised of 11 members -- the International president, assistant president, OS&IT, national legislative director, and seven local directors (including one from the Bus Department).

Rail carloads, employment down sharply, data show

Train and engine service employment on the nation’s major, or Class I, railroads in November fell to its lowest point over the past 12 months, according to Surface Transportation Board data.

The number of Class I train and engine service employees fell by 7,800 from November 2008, to 36,477 in November 2009.

Total Class I rail employment has declined almost 10 percent since November 2008, to 141,477. The largest decrease was in the year for STB data collection, total Class I employment is down some 75 percent -- 147,047 in November 2008 versus 393,586 in 1967.
Within the UTU, we have three separate safety initiatives. This is in addition to our efforts at the negotiating table, initiatives with other labor organizations; communications with federal regulatory agencies, Congress and state legislatures; and our Designated Legal Counsel program.

Last year, I created the UTU Rail Safety Task Force, whose mission is to identify and communicate best practices and techniques to improve situational awareness and keep it at its highest level. Additionally, the UTU participates in the Federal Railroad Administration Administration-sponsored Switching Operations Fatalities Analysis (SOFA) working group, whose mission is to develop recommendations for reducing fatalities in switching operations.

The UTU also has a 13-member Transportation Safety Team to assist National Transportation Safety Board investigators in determination of facts in rail-related accidents. Members are selected based on knowledge of operating rules and understanding of general railroad operations, train movements and dispatching. They receive training in NTSB investigative techniques.

In Washington, the UTU National Legislative Office spends a considerable portion of each workday in meetings with FRA, Federal Transit Administration, Federal Motor Carrier Safety Administra-

Don’t be a night owl
People are hard-wired to be awake during the day and asleep at night. If possible, avoid driving during late night and early morning hours.

Stay healthy
See your doctor regularly, especially if you are having trouble sleeping or staying alert during waking hours. Ask your doctor or pharmacist to suggest non-drowsy prescription or over-the-counter medications for you to use when driving.

Don’t drive drowsy
Don’t start a trip if you are tired, and if you feel drowsy while driving, pull over. By the time you feel sleepy, you are probably already impaired. Naps and caffeine have been shown to have only a temporary benefit for alertness. Nothing beats a good night’s sleep.

Professional drivers are safe
It’s professionalism that distinguishes safe drivers from those who rely on luck.

As chairperson of the National Transportation Safety Board—and a licensed commercial driver—I have learned that two of the biggest safety issues we face are distraction and fatigue, ones that we have all experienced and can readily address. Two recent bus accidents that the NTSB investigated illustrate the possible tragic consequences when we overlook these factors.

Driver, distracted, crashes bus
In 2004, a class trip to Mount Vernon, Va., ended abruptly as the motorcoach in which the students were traveling struck an overpass. Eleven of the 28 passengers were injured. The driver, who was dialing a phone on a hands-free cell phone at the time, missed a sign advising vehicles of the 10-foot, 2-inch clearance in the right lane.

He also failed to notice that the motorcoach he was following had moved into the left lane, as the sign directed, to safely pass beneath the 13-foot, 4-inch clearance center of the arched bridge.

A common misconception is that hands-free cell phones are safer than handheld devices, and therefore acceptable for use while driving. But studies show that not only dialing, but also talking on a cell phone, regardless of the type, increases accident risk.

Among drivers of heavy vehicles, the crash risk is increased nearly six times when dialing, and more than 21 times when texting, compared with driving without these distractions. Because multitasking with a cell phone or other distractions frequently occurs without incident, the probability of a crash is increased, and not only the driver, but also other drivers on the road, are at risk.

Professional drivers are safe
It’s professionalism that distinguishes safe drivers from those who rely on luck.

The crash risk is increased nearly six times when dialing, and more than 21 times when texting, compared with driving without these distractions. Because multitasking with a cell phone or other distractions frequently occurs without incident, the probability of a crash is increased, and not only the driver, but also other drivers on the road, are at risk.

Professional drivers are safe
It’s professionalism that distinguishes safe drivers from those who rely on luck. Safe drivers avoid using wireless devices behind the wheel and ensure they are well rested to put their passengers—and their own safety—first.

(NTSB Chairperson Deborah A.P. Hersman holds a commercial driver’s license with passenger, school, and air brake endorsements. She previously advised Senate Democrats on transportation issues, including bus safety legislation.)
Arizona
State Legislative Director Scott Olson (L-1629), also chairman of the UTU’s National Association of State Legislative Directors and member of the UTU Rail Safety Task Force, retired Dec. 1.

He hired out as a brake man on the Southern Pacific (now part of the Union Pacific) in 1966.

“Because I was six foot four inches tall, I was appointed ‘inner guard’ of the local the year after I started; that meant I watched the door and kept the bad guys out of meetings,” joked Olson.

Olson was later elected alternate local legislative representative and vice local chairman, legislative representative and local chairperson, and was elected state director in 1998.

“It has been my distinct honor to serve the members, and I have been fortunate to have had such great assistant directors,” he said.

Assistant State Director Greg Hynes (L-1031) was elevated to state director. Hynes had been elected assistant director for two terms and Olson says “he is qualified to keep up the UTU’s reputation as a fighter for our members’ rights at the Arizona capitol and with our congressional delegation.

NASLD Assistant Chairperson Don Dunlevy of Pennsylvania has assumed the chairmanship of that group, which will hold an election for assistant chairperson.

Mississippi
Retired Mississippi State Legislative Director Neal Fowler, 70, died following a lengthy illness.

A member of Local 1088 in Jackson, Fowler also served four consecutive terms as president of the Mississippi State AFL-CIO.

A resident of Vicksburg, Fowler hired out with

Bus Department
By Richard Dellor, vice president / director

I am optimistic for 2010; we will build on success

During my six months as Bus Department vice president, I have done my absolute best to meet many of you, and I look forward to getting to know more of you in 2010. I still have a lot to learn and look to you for guidance.

Hopefully many of you will attend a regional meeting for training and fraternity.

During 2009, we experienced the thrill of victory and the agony of defeat, but that is the nature of labor/management relations in these troubling times. I’m encouraged that 2010 will bring an upturn in the economy and our devotion to duty will be recognized more favorably.

No UTU International officer can succeed on their own, and I thank everyone involved in this huge, cooperative effort – especially Mike Futhey, Art Martin, Kim Thompson and my alternates, Calvin Studi-
vant and Bonnie Morr, for making this an administration of which we all can be proud.

I could not ask for a better assistant than Cara McGinty at the UTU International office, who regularly accomplishes the impossible. The Legal Department always provides sound advice. All the staff at the UTU International go out of their way to be helpful, and make one feel that we are all part of a large union family striving to help each other.

If you have questions on bus safety, please pass them along. I will do my best to have them answered.

Later this year, the UTU News will feature photos of men and women in armed forces uniform. Please send those photos to the Public Relations Department in Cleveland at “utunews@utu.org.”

Maryland
State Legislative Director Larry Kasecamp has been honored by the Maryland Central Labor Council with its coveted David J. Lewis Memorial Award. Lewis, a seven-term congress
don, was a staunch friend of working families. Kasecamp has served on the executive board of the Western Maryland Central Labor Council for 15 years.

Pictured at the ceremony are, front row, from left, Designated Legal Counsel Matt Darby, National Legislative Director James Steen, Kasecamp, Assis-
tant National Legislative Director John Rich, Brian Dennis (L-600), Shane Rosenberger (L-400) and Phil Hite (L-430). Back row, from left, Bob Stiess (L-630), Jeff Foreman (L-600), Mike Wilson (L-600), Keith Young (L-600), John Poling (L-430), Terry Horner (L-600) and Tim Galica (L-430).

Gulf, Mobile & Ohio Railroad (now part of Illinois Central) in 1967. Survivors include his wife, Nita Fowler, five children and 12 grandchildren.

New Jersey

He served as board secretary from 1976 to 1983. “Dick understood the importance of UTU members being politically active,” State Legisla-
tive Director Dan O’Connell said. “When the state legislature threatened to reduce NJT service, Dick worked with passenger groups to fight the cuts and lobby for more service. He continued these efforts even after his retirement.”

Wisconsin
Wisconsin Governor Jim Doyle has signed into law legislation that requires the state’s superintendent of public instruction to include the history of organized labor and collective bar-
gaining in the model academic standards for social studies.

This is the first such legislation in the nation. The legislation will allow for the history of workers and their unions to be taught in Wis-
consin public schools.

Many local labor leaders, including State Legis-
lative Director Tim Deneen, attended the signing of the legislation in the governor’s confer-
ence room at the state capitol in Madison.

Texas
State Legislative Director Connie English Jr., recently presented a UTU lantern to Geri Clark, who is assistant to labor member V. M. Speakman Jr. of the U.S. Railroad Retirement Board. In his presentation, English said Clark has been helpful in solv-
ing retirement or disability problems for many UTU members in Texas. “The resolu-
tion is almost always in favor of the employ-
ee. Thank you, Geri Clark, for the great job you do! he said.

SEPTA’s Red Arrow operators vote new contract, new officers

PHILADELPHIA – Members of Local 1594, which represents more than 230 bus and trolley operators on the Southeastern Pennsylvania Transporta-
tion Authority’s (SEPTA) Red Arrow Division, on Dec. 13 ratified a new agreement that provides for increased wages, benefits and a signing bonus.

Additionally, on Dec. 11, Local 1594 members elected Waverly Harris their general chairperson. He is a 16-year SEPTA employee and is qualified to operate buses, trolleys and rail cars.

Also elected to Local 1594 posts were James Shedrick as vice president, Eric Goodwin as secretary, Harold Jones as alternate delegate, and Dana Cherry as alternate legisla-
tive representative. A runoff election will be conducted for the posts of vice chairperson, delegate and legislative representative.

The Local 1594 negotiating team, for the new contract, included Harris, Brian Caldwell and Kevin Baldwin.

They were assisted by Calvin Studivant, UTU International Bus Depart-
ment alternate vice president; Billy Moye, UTU International representa-
tive, and Don Dunlevy, Pennsylvania state legislative director.

Santa Monica’s Big Blue ‘Holiday’ bus

Santa Monica, Calif.’s Big Blue Bus rolled out its popular, fully wrapped holiday bus on Saturday, Nov. 28. Sponsored by Cirque du Soleil’s production of KOOZA, the bus remained in service throughout the season. The bus operators employed by Big Blue are members of Local 1785 at Santa Monica.

--------
The UTU and most major freight railroads have begun a new round of contract negotiations to revise rates of pay, rules and working conditions. These railroads coordinate their bargaining under the umbrella of the National Carriers’ Conference Committee (NCCC).

The railroads include BNSF, CSX, Kansas City Southern, Norfolk Southern, Soo Line, Union Pacific and many smaller carriers. Other railroads, including Amtrak and U.S. operations of Canadian National, negotiate individually with the UTU.

Some 40,000 UTU members are affected by these national contract talks, which frequently set patterns for negotiated agreements on other carriers.

The existing agreement remains in force until negotiated amendments are ratified by UTU members. Rail contracts never expire, but are amended periodically. Most frequently following a widespread interruption in rail service, Congress steps in and imposes its own binding settlement – generally following recommendations of the emergency board.

To learn more about the RLA, visit the Railway Labor Act website at www.railwaylaboract.com.

To read the UTU’s entire list of contract amendments, and to read the NCCC’s desired recommendations as approved by the Association of General Chairpersons, District 1, go to www.utu.org and click on the “National Rail Contract” link.

To stay informed, log on to www.utu.org to view important new developments. Also, sign up for e-mail alerts on the UTU home page. Carrier Section 6 notices may be viewed at www.utu.org by clicking on the “National Rail Contract” link.
UTUIA director post filled by Alumni Association member

Retired Ohio State Legislative Director and conductor William J. Thompson has been elected to the United Transportation Union Insurance Association Board of Directors following his nomination to the post by the UTU Board of Directors.

Thompson, a member of the UTU Alumni Association, held the posts of assistant Ohio state director and then state director from 1981 through his retirement in 2002.

He hired out with the Akron, Canton & Youngstown Railroad in 1961, before it was acquired by Norfolk & Western Railway (now part of Norfolk Southern), and was elected to posts of general chairman, local chairman and legislative representative of UTU predecessor Brotherhood of Railroad Trainmen Lodge 432.

For more than 135 years, the UTUIA and its predecessor have served UTU (and UTU predecessor unions’) members and their families with life, health and retirement protection products.

The sign-up deadline is nearing for the UTU Alumni Association’s “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix May 9-10, 2010. It includes Sedona, Arizona, and the Montecuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

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

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

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join us as space permits.

Wild West tour deadline nears

The sign-up deadline is nearing for the UTU Alumni Association’s “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix May 9-10, 2010. It includes Sedona, Arizona, and the Montecuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

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

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

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join us as space permits.

The sign-up deadline is nearing for the UTU Alumni Association’s “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix May 9-10, 2010. It includes Sedona, Arizona, and the Montecuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

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

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

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join us as space permits.

Wild West tour deadline nears

The sign-up deadline is nearing for the UTU Alumni Association’s “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix May 9-10, 2010. It includes Sedona, Arizona, and the Montecuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

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

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

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join us as space permits.

Wild West tour deadline nears

The sign-up deadline is nearing for the UTU Alumni Association’s “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix May 9-10, 2010. It includes Sedona, Arizona, and the Montecuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

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

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

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join us as space permits.
Don’t gamble with your retirement money!

With the stock market fluctuating in value, now is the time to ensure a positive return on your money.

Bet on a sure thing. UTUIA is currently paying four percent (4%) interest on IRAs and annuities. Although that rate can change from time to time based on UTUIA’s investment earnings, you will never earn less than UTUIA’s guaranteed three percent (3%) interest rate.

Give UTUIA a call toll-free at (800) 558-8842, or complete and return the coupon below to receive more information.

UTUIA seeks 2010 volunteer of the year

The United Transportation Union Insurance Association is looking for a special person to honor as its 2010 volunteer of the year.

Do you regularly volunteer at a hospital or nursing home? Do you lead a Boy Scout or Girl Scout troop or work with the handicapped? Are you involved in some other activity that benefits those in your community?

If so, the UTUIA would like to know about it. A panel of judges at the UTU International will review all submissions and select the 2010 volunteer of the year.

The individual selected as UTUIA volunteer of the year will receive a $1,000 U.S. Savings Bond and a plaque of appreciation from the UTUIA.

Additionally, he or she will be honored at the 2010 UTU/UTUIA regional meeting nearest his or her home, with all expenses paid by UTUIA.

Also, 20 runners up will be selected to receive certificates of appreciation for their volunteer efforts.

Nominations must be received or postmarked by Friday, March 26, 2010.

The winning individual will be notified by registered mail, and certificates of appreciation will be forwarded to runners up as soon as possible.

The decision of UTUIA judges is final. Previous nominees may be nominated again; however, former Volunteers of the Year are ineligible to receive awards.

The Volunteer of the Year program is an opportunity for the men and women of the UTUIA to let their fraternal lights shine.

It also provides an opportunity for UTUIA to recognize its volunteers for their outstanding contributions to others.

Nomination forms should be mailed to: UTUIA Volunteer of the Year, Attn.: Tony Martella, Director of Insurance, 14600 Detroit Ave., Cleveland, OH 44107-4250.

Do not forget to include a separate sheet of paper describing the applicant’s volunteer activities.

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION
2010 Volunteer of the Year Nomination Form

Name _____________________________________________________________________________

Address ___________________________________________________________________________

City ___________ State ___________ ZIP ___________

Telephone number ___________________________________________________________________

Years of volunteer activities ___________________________________________________________________

Total volunteer time (hours, minutes) ________ Weeks ________ Hours ________ Minutes ________ Value of contribution (if applicable) ________

Please attach a separate sheet of paper describing volunteer activities.

The more documentation you can provide, the better.
UTU efforts improve crew facilities in Illinois

After two years of work spearheaded by the UTU’s Illinois Legislative Board, the state’s rail carriers, rail labor, the Illinois AFL-CIO and the Illinois Commerce Commission have completed a rulemaking updating the commission’s sanitation and shelter standards for railroad employee facilities.

“The revisions were long overdue,” said Illinois State Legislative Director Bob Guy, who noted that several of the rules were so antiquated that modern public-health experts considered them primitive.

“The rules for lockers dated back to the time when lockers were made of wood,” Guy said.

“The sanitation measures for track crews working outside of yard limits had been written before the development of portable chemical toilets,” he said, “and the language regarding separate locker rooms, toilets, and showers for female employees was way behind the times.”

Guy said the effort to update the commission’s rules began more than two years ago when his predecessor, Joe Scabio, and retired Assistant Legislative Director John Burner, joined the state’s other rail labor groups in reviewing language of the Illinois Administrative Code.

“Rail labor, the commission – everybody had to be in it and contributing input right from the beginning,” Guy said.

“A major contribution came from UTU’s Larry Mann, an expert on railroad safety and sanitation standards.”

Guy said a major contribution to the rulemaking process came from UTU’s Larry Mann, an expert on railroad safety and sanitation standards. “Larry is absolutely the best in the business.”

The effort stemmed from a series of complaints filed by the Illinois Legislative Board with the commission. These complaints included Kansas City Southern’s shelter at East St. Louis; the Iowa Interstate crew base at Silvis; Norfolk Southern’s 53rd Street crew shelter in Chicago; Alton & Southern’s yard in East St. Louis; CSX’s Barr Yard in Riverdale, and the Canadian Pacific crew shelters at Bensenville Yard.

In all cases, the commission found in favor of the UTU and ordered the carriers to update their facilities.

UTU members inaugurate Northstar

Northstar, Minnesota’s first commuter rail line, began regular operations Nov. 16 after 13 long years of planning and lobbying by UTU members and others.

UTU and BLET members operate five trains from Big Lake to Minneapolis each weekday morning, with another five returning in the evening. In addition, there is one train daily for reverse commuters.

Three trains head to Minneapolis and back on Saturdays and Sundays, with additional trains offered for special events such as Vikings games.

According to Metro Transit, which operates the service, people rode Northstar trains 33,112 times during the first 15 days of operation, which included the Thanksgiving holiday. Daily ridership averaged 2,207, which is in line with planned goals.

The UTU International Staff: Here to Serve You

BONNIE STOFFER

Bonnie Stoffer is a billing auditor for the UTU. She started as a clerk in the Updating Department in 1980 and headed the Keyup Department for three years before assuming her present position in 2002. “I oversee the financial statements of more than 50 locals,” she said. “I check on the accuracy of local treasurers’ billings, check the status of dues collections, retirement accounts, answer telephone calls and assist members about billings and reconcile shortages and overages. I enjoy helping the members with their problems and treasurers with their billings. I love my treasurers; I love my job.”

TOM REDMOND

Tom Redmond is a service representative for the UTUA. He started in 1998, first in the Claims Department. In 1999, he assumed his present responsibilities. Redmond verifies and records changes in insurance coverage and helps policyholders identify the benefits their insurance provides. “I estimate I have produced about 15,000 letters, endorsements and other documents in the last ten years,” he said. “I truly enjoy helping our members so that they can make well-informed decisions about their insurance coverage. It’s sort of a humbling experience.”

JEANNE LATEVOLA

Jeanne Latevola is a sales and underwriting assistant for the UTUA. She started in 2007 as a UTUIA marketing and sales representative.

She assumed her current position in 2008. “I process life and health-insurance applications, communicating with field supervisors and members as needed. I forward sales leads to the field supervisors and order supplies. I order reports that are necessary for underwriting, like medical records, exams and prescriptions. I work for the Erie Lackawanna years ago and am happy to be back. The people at the UTU are a pleasure to work with.”

Meet your UTU Designated Legal Counsel

There is no more dangerous work environment than on the railroad, where injuries too often are severe. The Federal Employees’ 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.”

MICHAEL F. TELLO

Tello & Associates
2150 Third Avenue North, Ste. 10
Anoka, MN 55303
(763) 427-0159
(800) 769-2850; toll free
info@telloelegal.com

As a former local chairperson for 25 years, I can tell you nothing is simple anymore. Changes in the laws with Disabilities Act (ADA), the Family & Medical Leave Act (FMLA) and the Federal Rail Safety Act (FRSA) affect all railroaders. The complicated interaction of these laws with the FELA means that knowledgeable and experienced DLC are more important than ever to protect your rights. Call a DLC for a free consultation.

R. EDWARD PFIESTER JR.

Pfiester & Russo
1200 Riverside Dr.
Los Angeles, CA 90039
(323) 662-6400
(800) 344-3355; toll free
rep@pfiesterlaw.com

After more than 30 years of trying FELA cases, the two biggest errors I see injured railroaders and their families make are: 1) not listing ALL items of railroad fault/negligence by ALL railroad departments and 2) waiting to contact designated legal counsel (DLC) for free consultation. Remember, DLC give free, confidential advice – without obligation.
UTUIA Scholarship: A Key to Success

A message from UTU International
President Mike Futhey

Education is the key to success, and the key to an education can be a United Transportation Union Insurance Association scholarship. With college enrollment time upon us, we strongly urge all eligible persons to take a few minutes to fill out the UTUIA scholarship application form printed below and apply for a UTUIA scholarship. It will be one of the smartest things they ever do.

This is the 36th year UTUIA is making available 50 continuing $500 scholarships for its members, and the sons, daughters and grandchildren of its members. We are very proud of our scholarship program, a pride that comes from helping thousands of college students over the years.

We realize the amount awarded, $500 a year, doesn’t meet the full cost of the recipient’s education, but in this way we can help a larger number of students with educational costs. They may use the scholarship money for tuition, learning materials or other related expenses.

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud also in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We also can point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: “If you think education is expensive, try ignorance.”

Mike Futhey, President
UTU International

UTUIA Scholarship Application Form 2010/2011

(please fill in on paper)

Student’s Name _________________________________

Last Initial (L) 

First Initial (F) 

Middle Initial (M) 

Date of Birth (DDMMYY) ___________________________

Gender: male ___ female ___

Minor’s Name _________________________________

Last Initial (L) 

First Initial (F) 

Middle Initial (M) 

Date of Birth (DDMMYY) ___________________________

UTU Local # ____________________________

UTU Local Unit # ____________________________

Address of Member ______________________________

City ____________________________ State ______ Zip ______

Occupation _________________________________

Employer _________________________________

Student’s Relationship to Member

College Years, 2010/2011: Freshman ___ Sophomore ___ Junior ___ Senior ___

Signature of Student ______________________________

Signature of Member ______________________________

(Please include date of death if member is deceased.)

Applications must be received no later than March 31, 2010.

Please submit only one application per student. Incomplete, photocopied or duplicate applications will not be accepted.

The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, request one from the address below. Please include your UTU local or UTUIA local unit number with your request.

Complete the form above, cut it out (leaving address on reverse side, if possible), and mail to:

UTUIA Scholarship Program
United Transportation Union Insurance Association
14600 Detroit Ave.
Cleveland, OH 44107-4250

www.utu.org / www.utuiia.org

DISTRIBUTION
Fifty continuing $500 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of UTU members in each of nine districts. The names of the 50 scholarship winners for the academic year 2010/2011 will be drawn at UTUIA headquarters in Cleveland after the March 31, 2010, deadline for submission of applications.

ELIGIBILITY
Requirements for a scholarship applicant are that he or she be at least a high school senior or equivalent; age 25 or under; be a UTU member or UTUIA-insured member, the child or grandchild of a UTU member or UTUIA-insured member, or the child of a deceased UTU member or UTUIA-insured member. (If member is deceased please include date of death), UTU members or UTUIA-insured members must be U.S. residents.

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit).

Graduate schools are not included. Families of full-time international officers are not eligible.

AWARDS
Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

ADMINISTRATION
The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary and treasurer.

INVEST IN THE CHANCE OF A LIFETIME
The UTUIA Scholarship Program is an open program. All eligible students, regardless of previous grades or future plans that don’t happen to include college, are strongly urged to apply, to take five minutes to invest in the chance of a lifetime, the chance for a better future.
NJT starts pilot close-call project

A confidential close-call reporting system is up and running systemwide on New Jersey Transit, with the UTU, American Train Dispatchers Association and the Brotherhood of Locomotive Engineers and Trainmen participating.

This is the first pilot project involving a passenger operation. The project does not apply to NJT trains operating over Amtrak and Conrail lines.

UTU members participating include more than 1,200 conductors, assistant conductors and yardmasters.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment, trackwork, signs, and other activities of your local, or photos of your family and others keeping America rolling.

Please recycle

The Official Publication of the United Transportation Union

Published monthly (except for combined months of December/January and July/August) by the United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44107-4250 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Mike Futhey, International President; Kim Thompson, General Secretary & Treasurer • This publication available on microfilm from National Archives Publishing, P.O. Box 998, Ann Arbor, MI 48106.

POSTMASTER: Send address changes to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250 • Periodicals postage paid at Cleveland, Ohio, and Additional Mailing Offices • Mike Futhey, International President; Kim Thompson, General Secretary & Treasurer • This publication available on microfilm from National Archives Publishing, P.O. Box 998, Ann Arbor, MI 48106.

This month’s winning photo:

This photo of a Great Lakes Airlines aircraft was taken by Shane Lembke, a first officer with Great Lakes and member of Local 40, Denver. “A gorgeous sun rises in the background as Great Lakes ship 245GL is refueled in Phoenix, Ariz., for its early morning departure to Page, Ariz.,” Lembke said.

The UTU Public Relations Department awards UTU Quarterly pin 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, trackwork, signs, and other activities of your local, or photos of your family and others 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.

Please recycle

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

SLD Bates wins coveted Amtrak safety award. See page 2.

CDL-holder Hersman earns drivers of distraction, fatigue. See page 4.

National rail contract negotiations are underway. See pages 67.

Former SLD Thompson named to UTUIA board. See page 8.

This month’s winning photo:

This photo of a Great Lakes Airlines aircraft was taken by Shane Lembke, a first officer with Great Lakes and member of Local 40, Denver. “A gorgeous sun rises in the background as Great Lakes ship 245GL is refueled in Phoenix, Ariz., for its early morning departure to Page, Ariz.,” Lembke said.

The UTU Public Relations Department awards UTU Quarterly pin 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, trackwork, signs, and other activities of your local, or photos of your family and others 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.

Please recycle

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

SLD Bates wins coveted Amtrak safety award. See page 2.

CDL-holder Hersman earns drivers of distraction, fatigue. See page 4.

National rail contract negotiations are underway. See pages 67.

Former SLD Thompson named to UTUIA board. See page 8.