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UTU News

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The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

“Private owners of freight railroads have an obligation to make their systems safe and efficient by investing in employee training and motivation.”

— Federal Railroad Administrator Joe Boardman to UTU International President Paul Thompson

News & Notes

Buy a cookbook and win!

Everyone purchasing a UTU cookbook between June 1, 2005, and July 1, 2005, will be entered into a drawing for a week's complimentary stay at a beautiful cabin in North Carolina.

The prize is being donated by Florida State Legislative Director Andres Trujillo and his wife Tammy, who is the daughter of UTU's former Florida state legislative director, Carl Cochran.



The winner will be drawn at the conclusion of the UTU regional meeting in Orlando, July 20. The winner need not be present.

The cabin is located on more than two wooded acres in Maggie Valley, in the Smoky Mountains, minutes from Cataloochee Ski Resort. It contains two bedrooms and two baths, and can be viewed at [www.vrbo.com, #36910](http://www.vrbo.com/#36910).

Dates of use will be a mutually agreeable time.

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

Proceeds from the sale of the book are donated to the Case Comprehensive Cancer Center of the University Hospitals of Cleveland and Case Western Reserve University for breast cancer research.

The cookbooks are \$25 each.

Checks or money orders should be sent to: UTU Cookbook, Attn: Cheryl Sneed, 14600 Detroit Ave., Cleveland, OH 44107-4250. All cookbook orders eligible for the prize must be postmarked between June 1, 2005, and July 1, 2005, to be eligible for the drawing.

Get UTU news via e-mail

Information is power and your UTU is trying to give you as much information as it can, as soon as possible.

Savvy members have learned to log on to www.utu.org at least once daily to check the latest transportation news and any important new happenings within the UTU.

The UTU also has created a special e-mail list where UTU members may voluntarily sign up to receive e-mails on important UTU events.

Register for e-mail alerts by going to www.utu.org and clicking on the “register” tile at the bottom left corner of the page.

Be sure to double check your information for accuracy before sending. Your e-mail address will be kept strictly confidential.

UP representation election all about craft autonomy

The UTU on May 27 sent to the National Mediation Board an application seeking unification of all operating crafts on Union Pacific Railroad for representation purposes.

In no way is the UTU's request identical to the carriers' Section 6 notice, which demands combining the crafts of engineer and conductor based upon new technology.

There is no new technology to allow single-person crews. The carriers' Section 6 notice is nothing more than a ploy to open up UTU local crew consist agreements that the UTU is

protecting – along with the Federal Employers' Liability Act – through litigation filed in federal court. (It is instructive that the BLET is making no attempt to protect either crew consist agreements or FELA).

Originally, labor unions were formed along craft lines and employees held seniority in the craft they worked, with no provision for progression into other crafts. As technology advanced, train operations and labor agreements changed. Workers began holding seniority in multiple crafts.

Since 1972, new hires have established sen-

iority in both yard and road service. The NMB changed its voting procedures to combine – for representation election purposes only – the three historical crafts of yardman, brakeman and conductor into a single unit called “train service employees.” Prior to that time, elections were held separately for each of these three historical crafts.

Since 1985, newly hired conductors must accept promotion to engineer. Cross utilization has become common. A brakeman today may be a conductor tomorrow and an engineer the next day.

This is known as cross-utilization.

If the NMB orders a representation election on the UP – where more than 1,000 remote control assignments are manned by train service employees and many hold both engine and train service seniority – there would be no change to existing collective bargaining agreements. The UTU's crew consist agreements would not be affected. Any future changes to agreements would have to be approved by each historical craft.

“Only the UTU constitution guarantees

Continued on page 10

A vote to unify crafts on the UP will mean security for everyone

Court to hear crew consist

A federal district court in East St. Louis, Ill., has set Aug. 1 to hear oral arguments in UTU's lawsuit seeking to prohibit carriers from pursuing through this round of national contract negotiations issues related to locally negotiated crew consist agreements and the Federal Employers' Liability Act (FELA).

The UTU is the only union to pursue court action to protect crew consist agreements and FELA.

“The UTU is of the opinion that, for different reasons, neither the local crew consist agreements nor FELA are appropriate issues for bargaining under the Railway Labor Act (RLA),” said UTU International President Paul Thompson.

Separately, the UTU asked the National Mediation Board (NMB) to reconsider a May

Continued on page 10

UTU pushes to save CDLs

WASHINGTON, D.C. – The UTU has asked its friends in Congress to introduce legislation permitting individual states to provide retraining and re-education, through driving school, for certain convictions that otherwise would cause bus drivers to lose their commercial driver's license (CDL).

Bus drivers were put in jeopardy of losing their commercial driver's license – as well as their jobs – following the 1999 passage of a highway safety bill that bill permits, in certain instances, the disqualification of a driver holding a commercial driver's license if that driver is cited for infractions while operating a non-commercial, private vehicle in any state.

Thus, bus operators on vacation and caught, for example, in a speed trap, or wrongly accused of a traffic offense hundreds of miles

Continued on page 10

Around the UTU

News from around the U.S. and Canada

Local 168, Chicago, Ill.

Members of this Amtrak local are mourning the deaths of active member **John Hennigan**, 45, who died on April 20, and retired member **Tom "The Chief" Perry**, 71, who passed away May 17, said Secretary & Treasurer **Mike McKenna**.

Local 211, Binghamton, N.Y.

Legislative Rep. and Delegate **Dennis Barnett** from this Delaware & Hudson local forwarded his thanks to all those who supported the Multiple Sclerosis Walk on April 30. The team raised more than \$3,000 for the cause.

Local 343, Hamilton, Ont.

Members of this Canadian National Railway (CN) and RailAmerica local were pleased to learn that Local President and Legislative Rep. **Scott C. Montani** and Local Chairperson (road) **Jerry Coffey**, both conductors, were reinstated to their jobs following proceedings with the Canadian Railway Office of Arbitration. Montani, who also works as an engineer, was dismissed for alleged health and safety issues related to time spent on the local committee. He was reinstated with full back wages, benefits and seniority. Brother Coffey, dismissed for alleged "conduct unbecoming," retained his seniority. Both express their gratitude to those who represented them, including CN General Chairperson **Rex Beatty** of GO-105.

Local 426, Spokane, Wash.

Members of this BNSF local have a website featuring local news, agreements, claims and safety information and more, said **Brad Love**. View the site at www.utu426.org.

Local 465, Gillette, Wyo.

This BNSF Railway local on May 14 held a special seminar for new hires, where information about the Federal Employers' Liability Act and Railroad Retirement benefits was presented, said Local President **Billy Montgomery**. Addressing the group on the value of UTU PAC was State Legislative Director **Terry Ungricht**, while his wife, representing NOWCAP/Western Region Respiratory Care, talked about black lung disease.

Local 469, Madison, Ill.

This local representing workers from Conrail and the Terminal Railroad Association of St. Louis has invited all UTU members and their immediate families to its annual picnic, set for June 18 at Long Acre Park in Fairview Heights, Ill., said Secretary & Treasurer **John I. Payer**. The mayor of Fairview Heights will lead the local dignitaries at the barbecue pit cooking steaks, brats and burgers. Ice cream, soda and toys will help entertain the kids, and a band and refreshments will help keep the adults occupied. Those attending will include members of Locals 1405 and 1388 (St. Louis, Mo.), Locals 1534 and 1290 (Chicago), Local 1402 (Dupo, Ill.) and Local 1929 of E. St. Louis. Among sponsors are the **Midwest Railroaders**.

Local 577, Northlake, Ill.

Members of this Union Pacific local are supporting a website with contact information, news, and a variety of useful links, said **Michael Beltz**. Members are invited to view the site at www.utulocal577.org.



Amtrak conductor **Gerald W. Maxey** of Local 1933 in Washington, D.C., is half of a duo whose teamwork recently pulled a passenger out of harm's way.

Amtrak teamwork proves a lifesaver

ASHLAND, Va. – Had it not been for the practiced teamwork of a pair of UTU-represented Amtrak employees, a traveler in a hurry to make his connection would have been a "late" passenger in a very final sense.

According to a letter from Amtrak engineer and witness **Clinton M. Hues**, conductor **Gerald W. Maxey**, a member of Local 1933 in Washington, D.C., performed an act of heroism "that deserves a major commendation. He clearly saved the life of the passenger, even at the risk of his own life."

But in Brother Maxey's view, tragedy was averted because of his ability to rely on assistant conductor **Michael Agee**, also a member of Local 1933.

On April 14, Hues said, Train 86 arrived in Ashland, Va., around 8:13 a.m. on Track 2, on the east side of the station, with Track 3 between the train and the station. As Maxey began boarding passengers, he heard a commotion coming from the other side of the train.

"I asked Brother Agee to open the vestibule door on the west side of the train," Maxey said, "and we saw an older gentleman, a one-armed amputee, struggling with luggage, standing in the middle of Track 3, yelling to us that he had to be aboard our train. He had never looked up or down the track and never saw that a CSXT freight train was bearing down on him."

Hues said Maxey sprang into action. Jumping into the vestibule, Maxey "got down on his knees...and reached out and grabbed the passenger by the top of his shoulders," Hues said, "and pulled him up against our train a split second before the freight train passed."

Despite their situation, the passenger continued to wrestle with his luggage as the 90-car freight train shot past, putting himself and Maxey in peril. "I yelled out to Brother Agee to help me, and he instantly reached out and grabbed the guy's arm, and together we held him tightly against our train."

Consummate professionals, Maxey and Agee calmly released the man when the freight train had passed, dropped the steps, and safely boarded the passenger.

Local 597, Des Plaines, Ill.

This Union Pacific (UP) engineers' local, in partnership with the Heritage Presbyterian Church in Carol Stream, Ill., is holding a food drive on Sat., June 18, as a Join Hands Day event to benefit The People's Resource Center

in Wheaton, Ill., said Legislative Rep. **Harry C. Lewis Jr.** Collection points include two at the Proviso Diesel Facility yard office in North Lake, Ill., from 7 a.m. to 7 p.m. and one at the church from 9 a.m. to 3 p.m. Contact Lewis at (630) 790-8432.

Local 750, Knoxville, Tenn.

Chairperson (engineers) **Harvey D. Boles** of this Norfolk Southern (NS) local is inviting all members of this local and NS Local 1301 (Knoxville) who were in the military during the 1960s or 1970s to send photos of themselves in Class As or fatigues, along with a note indicating date of service and branch, for a photo album he is assembling. All those who contribute a picture will receive a copy of the album. Write to Boles at 2524 Norris Ln., Knoxville, TN 37924-1719, or call him at (865) 556-3494.

Local 1081, Glendale, Ariz.

A special meeting was held April 16 for family members of those belonging to this BNSF Railway local, where information was presented regarding situations that arise in the wake of a railroad injury, said Local Secretary and Local Chairperson (conductors) **Glenn E. Bay**. Hosted by Bay's wife, **LaDonna Bay**, along with UTU Auxiliary Vice President **Mae Parker** and **Melody Boice**, wife of Local Treasurer **Brent C. Boice**, the meeting led to the formation of a new UTU Auxiliary lodge in Phoenix.

Local 1594, Upper Darby, Pa.

This SEPTA local, representing workers operating buses, light rail and the Norristown high-speed line, remained in the midst of contract negotiations as this issue reached deadline, said General Chairperson **Ron Koran**. Meanwhile, a Memorial Day picnic was held for operators from Victory Depot and their families.

Local 1620, Elkhart, Ind.

This Norfolk Southern local's annual clam bake for active and retired members is set for June 21, said Local Secretary **G. G. Lawrence**. Serving as chef again will be **Tom Kelley**. On June 25, the local will join the NS employees of Local 194 (Elkhart), along with family members and retirees, at a joint picnic in Elkhart's High Drive Park.

Local 1637, Wishram, Wash.

BNSF conductor **Dewey DesRochers** recently went to bat for unionists and working families everywhere with a commentary printed April 18 in the daily newspaper *The Columbian*. His commentary took the newspaper and the Building Industry Association of Washington to task for supporting a so-called "right-to-work" proposal.

Local 1741, San Francisco, Calif.

Members of this bus local, which includes bus operators, staff members and yard workers, are circulating a letter addressed to the Citizens' Stamp Advisory Committee petitioning the U.S. Postal Service to issue a stamp honoring the nation's 500,000 school bus operators who are responsible for the safe transportation of more than 25,000,000 students, said Local President **Ange Belay**. For a copy of the letter, contact Belay by sending e-mail to notstout@aol.com.

UTU, BNSF Railway headed to arbitration

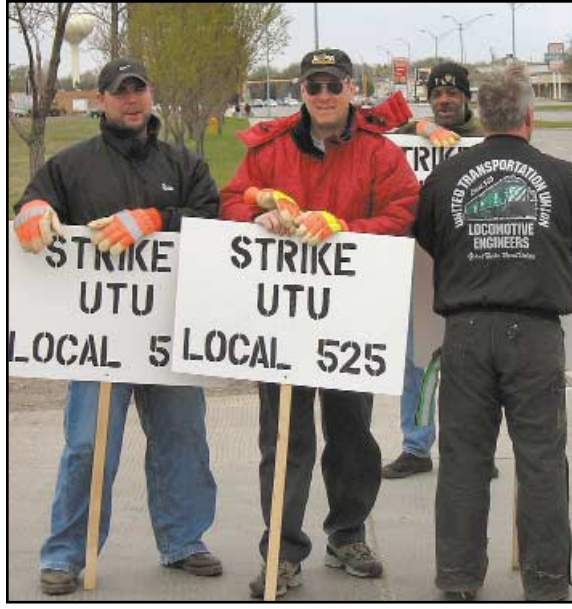
MINNEAPOLIS – The United Transportation Union and BNSF Railway are headed to arbitration over BNSF's unilateral change to a UTU agreement that sparked a short strike against portions of the carrier's system April 27.

U.S. District Court Judge James M. Rosenbaum ruled May 10 that the matter is a "minor dispute" under the Railway Labor Act because he could not find BNSF's position was "frivolous," although he did not necessarily agree with the railroad's position.

"Minor disputes" are subject to the mandatory arbitration provisions of the Railway Labor Act.

UTU general chairpersons, whose members are affected, will decide the most appropriate way to arbitrate the issue.

Although Judge Rosenbaum refused to enjoin BNSF Railway from continuing the practices that led to the work stoppage, he also declined to grant the railroad a strike injunction, saying he expected the parties to remain in place.



UTU members on strike against the BNSF Railway outside the carrier's yard office in Grand Forks, N.D., were, left to right, Jerrod Riske, Mark Feltis, Richard Elskoe and Local Chairperson Tony Hanson. All are yardmen and members of Local 525 at Grand Forks.

The UTU voluntarily halted its April 27 strike, involving about 8,000 UTU members, after Judge Rosenbaum said he would give the matter expeditious handling, which he did.

The work stoppage lasted just under two hours. At no time did the work stoppage affect any passenger or commuter operations.

UTU general committees on former Burlington Northern lines of BNSF Railway sought strike authority in response to the carrier's violation of a 1985 national agreement.

Section 3 of Article XIII of that agreement provides that engineers with train-service seniority can only use that seniority if they cannot hold an engineer's position. The BNSF violated the status quo under that agreement by permitting engineers, who could hold an engineer position, to remain in train service.

The work stoppage did not affect the former Atchison, Topeka & Santa Fe Railway (ATSF) portion of BNSF because UTU had an agreement there that permitted junior engineers at the location to be forced back to engine service.

FRA to increase safety inspections, study fatigue

The Federal Railroad Administration (FRA) has announced it will redirect inspectors to safety hot spots, invest in new high-tech equipment to inspect trackage, and accelerate research into the role fatigue plays in railroad accidents and how better crew schedules might help improve rail safety.

Transportation Secretary Norman Mineta said the FRA plan will help prevent train accidents caused by human error, improve the safety of hazmat shipments, minimize the dangers of crew fatigue, deploy state-of-the-art technologies to detect track defects, and focus inspectors on safety trouble spots, "the fundamental factors that cause rail accidents."

One of the primary safety issues addressed in the plan is human error, the largest single factor accounting for 38 percent of all accidents over the last five years, Mineta said.

Under the plan, FRA will seek to develop a new federal rule to address human factor accidents. Mineta said the department is also accelerating research into the role fatigue plays in accidents to help railroads set better crew schedules.

Mineta also announced the implementation of a new plan for deploying inspectors and resources to safety hot spots before accidents occur.

The FRA will soon add to its fleet two more so-called T-18 track geometry cars – inspection vehicles designed to identify track defects. The

T-18s target major hazardous materials and passenger routes. With the news cars the FRA will be able to inspect some 100,000 miles of track annually – or more than three times the number of track miles currently inspected.

The safe transport of hazardous materials by rail is also a major focus of the plan. Mineta said the railroads will begin providing local emergency responders a ranked listing of the top 25 hazardous materials transported through their communities. And by July, Mineta said, the FRA will launch a new pilot program providing emergency responders with real-time information via secure website about the hazardous materials involved in train accidents.

UTUIA announces 2005 scholarship winners

District 1

Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont

Lauren K. Russo, daughter of John C. Russo of Local 645, Babylon, N.Y.; Nicholas A. Perrone, stepson of Joseph P. Maher of Local 29, Babylon, N.Y.; Kenneth M. Eimer, grandson of Louis J. Pacinello of Local 645, Babylon, N.Y.; Laura E. Costello, granddaughter of Carl I. Cary Jr. of Local 212, Albany, N.Y.; Jeremy G. Stewart, grandson of Clifford Groll of Local 645, Babylon, N.Y.

District 2

Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania

Brandon M. Phillian, grandson of Joseph R. Busin of Local 1374, New Castle, Pa.; Jennifer R. Rasmussen, daughter of David A. Rasmussen of Local 60, Newark, N.J.; David P. Radziak Jr., son of David P. Radziak of Local 419, Camden, N.J.; Megan E. McCarthy, daughter of Michael McCarthy of Local 830, Harrisburg, Pa.; Katherine A. Willard, granddaughter of Richard A. Willard of Local 602, Williamsport, Pa.

District 3

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia

Kyle D. Sullivan, son of Dennis R. Sullivan of Local 1315, Covington, Ky.; Richard T. Francisco, grandson of George E. Francisco of Local 48, Norfolk, Va.; Lemuel L. Holmes, son of Lemuel L. Holmes of Local 783, Columbia, S.C.; Joshua N. Ryan, grandson of Joe N. Ryan of Local 847, Birmingham, Ala.; Holly N. Yates, daughter of David A. Yates of Local 1162, Erwin, Tenn.; Whitney E. Bruce, granddaughter of

Robert A. Dingus of Local 655, Bluefield, W. Va.; Jeremy Carl Byrd, grandson of Chester J. Billingsley of Local 762, Montgomery, Ala.; Zackary J. Meacham, grandson of Colon R. Williams Jr. of Local 1011, Hamlet, N.C.

District 4

Indiana, Michigan, Ohio

Nicholas L. Taylor, grandson of William N. Taylor of Local 744, Frankfort, Ind.; Brenton M. Wayland, grandson of Gary A. Wayland of Local 860, Middleport, Ohio; Tommy L. Montgomery, grandson of Millard M. See of Local 744, Frankfort, Ind.; Sandi S. Sydow, daughter of Tim M. Sydow of Local 1526, Michigan City, Ind.; Sarah L. Wernette, daughter of Myron R. Wernette of Local 1765, Grand Rapids, Mich.; Trevor S. Morrison, son of Edward S. Morrison of Local 886, Marquette, Mich.

District 5

Illinois, Wisconsin

Stephen M. Schmidtke, grandson of Harold R. Schmidtke of Local 322, Milwaukee, Wisc.; Sarah J. Cobb, daughter of Van A. Cobb of Local 1525, Carbondale, Ill.; Melissa K. Tremaine, granddaughter of Lynn A. Longley of Local 281, Milwaukee, Wisc.; Logan H. Cobb, son of Van A. Cobb of Local 1525, Carbondale, Ill.

District 6

Arkansas, Louisiana, Oklahoma, Texas

Tamela J. Beyersdoerfer, daughter of Teddy G. Beyersdoerfer of Local 507, Van Buren, Ark.; John Tyson King, stepson of James W. Rouse Jr. of Local 950, West Memphis, Ark.; Leah F. Exum, daughter of Joel W. Anderson of Local 1892, Houston, Tex.; Ryan C. Richards, son of Larry S. Richards of Local 508, Smithville, Tex.; Ryan D. Holak, son of Daniel F. Holak of Local 1892, Houston, Tex.

District 7

Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota

Jeremy D. Tanner, grandson of Frank H. Tanner of Local 306, Eagle Grove, Iowa; Kena L. Crist, granddaughter of Lawrence J. Crist of Local 493, Waterloo, Iowa; Lisa M. Watts, daughter of Richard A. Watts of Local 525, Grand Forks, N.D.; Marissa C. Barten, granddaughter of Charles F. Pauley of Local 506, Herington, Kan.; Steven L. Smith, son of Jeffrey L. Smith of Local 329, Boone, Iowa; Jacob A. Wolf, son of Ricky D. Wolf of Local 303, Springfield, Mo.

District 8

Arizona, California, Colorado, Nevada, New Mexico, Utah

Jenna L. Easley, granddaughter of John L. Easley of Local 811, San Bernardino, Calif.; Nastassja K. El-sayed, granddaughter of Jim R. Noah of Local 1570, Roseville, Calif.; Terry E. Lopez, daughter of Manuel Lopez of Local 1563, El Monte, Calif.; Chase W. Ensign, grandson of George P. Blazin of Local 239, Oakland, Calif.; David C. Cowdrey, son of John L. Cowdrey of Local 1687, Belen, N.M.; Matthew C. Parkin, son of Rodney Parkin of Local 1366, Salt Lake City, Utah; Chasa M. Mead, granddaughter of Bert W. Mead of Local 113, Winslow, Ariz.; Derek R. Santistevan, grandson of Harold F. Wilson of Local 1775, Elko, Nev.

District 9

Alaska, Idaho, Montana, Oregon, Washington, Wyoming

Amy M. VanHorn, daughter of John E. VanHorn of Local 78, Pocatello, Idaho; RaeAnna L. Stoddard, daughter of Gary L. Stoddard of Local 446, Cheyenne, Wyo.; Jaclyn J. Spencer, daughter of Robin G. Spencer of Local 265, Pocatello, Idaho.

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Do not make Amtrak Wal-Mart on wheels

We cannot permit Amtrak to become a low-wage, poor-benefits, anti-union Wal-Mart on wheels, which seems the objective of Amtrak President David Gunn.

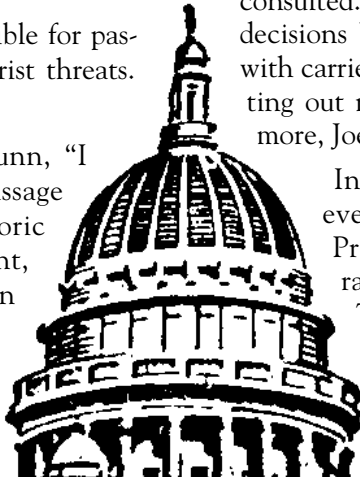
Instead of supporting bi-partisan legislation already passed by the House Transportation and Infrastructure Committee, which would provide Amtrak with \$2 billion annually over six years, Gunn prefers to pick on Amtrak's loyal work force that has kept the carrier operating through three decades of perpetually lean years.

Gunn's reward is to sack assistant conductors, scrap the Federal Employers' Liability Act (FELA), cancel Railroad Retirement for new employees, open routes to private operators using non-union crews, and negotiate wages, work rules and working conditions free from provisions of the Railway Labor Act.

Conductors and assistant conductors are foremost responsible for passenger safety and are the front line of defense against terrorist threats. Gunn knows that full well.

UTU International President Paul Thompson told Gunn, "I predict hell will freeze over before those proposals gain passage by Congress. Your comments are shameful, anti-union rhetoric one expects from Wal-Mart — not Amtrak management, which should celebrate the loyalty of their employees, given the conditions under which they work."

Indeed.



WASHINGTON WATCH

By James M. Brunkenhoefer

What is Congress doing? Almost nothing.

Congress was supposed to pass a new transportation bill by October 2003. That was almost two years ago. We're still waiting. The legislation is needed to provide funding for the transit agencies and commuter railroads that employ our members and move America to and from their jobs.

Congress has also failed to pass an energy bill that is supposed to keep the lights from going out — again! First, Congress fought over whether there should be more oil drilling in Alaska, and now they are fighting over whether to protect chemical companies who make a cancer-causing product that is seeping into our drinking water. Meanwhile, the catastrophe of another massive power failure looms.



Brunkenhoefer

California residents desperately want a new law that protects them from another Enron scam where manipulation of the electric supply made home heating and cooling unaffordable for many.

Congress appears to have no interest in our current everyday problem found at the gas pump. So long as oil companies are doing well financially, the price of gasoline doesn't seem to be a problem to most lawmakers. Could that be related to the fact that the president and vice president have roots in the oil business?

4

FRA gets a tough cop

By Paul C. Thompson
International President

The UTU's policy of cultivating Republican as well as Democratic friends again has produced positive results for UTU members with the U.S. Senate confirmation of Joseph Boardman as the new federal railroad administrator.

Joe Boardman, a Republican from New York, is a friend of the UTU. Within 24 hours of his Senate confirmation, Joe invited me and UTU New York Legislative Director Sam Nasca to a private meeting in his office to discuss rail safety and Amtrak.



Thompson

I was pleasantly surprised when Joe volunteered he had read one of my prior columns calling for a tough cop to walk the rail safety beat. "I'm going to be that tough cop," Joe told me, looking directly into my eyes and grasping my hand.

Joe Boardman also promised to be an advocate for intercity rail passenger and commuter operations. And he assured me that when policy decisions are made at the Federal Railroad Administration (FRA), the UTU will be consulted. The disgrace of FRA decisions being made in concert with carrier officials — while shutting out rail labor — is to be no more, Joe assured me.

Indeed, Joe said he read every word of the Pulitzer Prize-winning series on rail safety published by *The New York Times*, and he has no intention of perpetuating

the cozy relationships with carrier officials that brought great discredit upon the FRA.

He wants every transportation issue studied with the following five factors in mind: safety; post-9/11 security; mobility, reliability and consistency; economic competitiveness; and environmental protection.

"Railroads must invest in human resources by hiring talented people and training and motivating them, as well as measuring the quality of training and motivation to ensure incremental and continual improvement," Joe said.

He is familiar with and supportive of the UTU's peer training initiatives on Union Pacific and Conrail Shared Assets Areas, which use super conductors to mentor new employees, who are trained in the territory in which they will be working.

"Private owners of freight railroads have an obligation to make their systems safe and efficient by investing" in employee training and motivation, Joe said.

Although Boardman was chosen for this post by a president who is anti-Amtrak, Joe emphasized his personal support for Amtrak: "Judging passenger rail strictly on its financial performance, or its success in minimizing financial demands to the federal government, is a test no other mode of transportation is asked to meet, nor can meet."

I look forward to a constructive working relationship with Joe Boardman at the FRA.

With your help
we can elect
responsive lawmakers

Then there is the so-called Social Security plan of the Bush Administration. Quite frankly, there is no plan, but rather numerous press releases and speeches that provide no details. The administration just doesn't grasp that the public wants no part of future benefits cuts and putting the nation's old age safety net at risk through privatization.

It's not only our bus members who are concerned about Social Security. For rail workers, future Tier I Railroad Retirement benefits are directly tied to the financial health of Social Security. You can be sure that as soon as this proposed Social Security privatization nightmare is put in writing, we will be right there fighting on your behalf.

Highway congestion continues to get worse, rail passenger, transit and commuter financial woes are growing, energy prices continue to rise, tens of millions of families have no health insurance and the number is growing rapidly, the financial gap between the rich and working families is increasing, and concern is increasing over the health of the economy. And what is Congress doing? Quite frankly, almost nothing.

With your contributions to the UTU PAC, your votes in November 2006, and your encouragement of friends, family and neighbors to vote for candidates concerned about working-family issues, we have another opportunity coming up to make a difference. Let's begin doing the spade work now.

State Watch *News from UTU State Legislative Boards*

Minnesota



The Minnesota Democratic Farm Labor Party recently held its annual Hubert H. Humphrey Day Dinner, a fundraising event "for our good friends and standard bearers of organized labor," in the words of Minnesota State Legislative Director Phillip Qualy. "The Minnesota UTU PAC was a major contributor to gains for the DFL in the statehouse in 2004," Qualy said. "However, UTU PAC has been successful in contributing to members of Minnesota's Independent Republican Party who are friends of transportation labor as well." Above, Qualy, left, is pictured with Wyoming State Legislative Director Terry Ungricht and North Dakota State Legislative Director John Risch, who also attended the event, which featured a keynote speech by New York Sen. Hillary Rodham Clinton (D).

Wyoming

In April the Wyoming State Democratic Party had its reorganization meeting, and UTU Auxiliary's Wyoming Legislative Director Nancy Drummond, wife of Local 951 (Sheridan; BNSF Railway) Local Chairperson Bruce Drummond, was elected to the post of vice state chairperson. Nancy will soon be heading to Taiwan to represent the Wyoming Democratic Party, according to State Director **Terry Ungricht**.

Ungricht also would like to thank former state director and current Wyoming House Representative George Bagby (Local 866, Rawlins, Union Pacific) and Vern Whitfield,

Arizona



State Legislative Director Scott Olson and Assistant State Legislative Director Greg Hynes recently attended a meeting in Phoenix with presidential contender General Wesley Clark and Attorney General Terry Goddard to help veterans get full funding for their benefits. Hynes is shown above with Clark (left).

legislative representative from Local 866 and Wyoming Legislative Board secretary, for attending as committee members and working to get Sister Drummond elected.

Iowa

Many transportation workers in Iowa will benefit from the passage of legislation supported by the UTU, according to State Legislative Director Pat Hendricks.

Hendricks said Senate Bill 313 allows railroad employees to report motorists who disobey grade-crossing signals. After investigation, police can issue a citation to the owner of the offending vehicle, even if the owner was not driving at the time of infraction, Hendricks said.

The same legislation also makes it easier for bus drivers to report drivers who go around a school bus when warning lights are flashing and the safety arm extended. Similar to the railroad law, this measure means that once a vehicle's license plate number has been reported, the owner of the vehicle can be ticketed,

North Carolina



The UTU North Carolina Legislative Board recently sponsored a table at the annual Jefferson Jackson fundraising dinner in Raleigh, N.C. Shown in the photo above are State Director Dickie Westbrook; Lt. Governor Beverly Purdue, and Local 1129 (Raleigh; Norfolk Southern) Local Chairperson John Finger. "Lt. Governor Purdue, who has always been a good friend of the UTU, will be on the ballot for governor next election and we urge members in the state to support her candidacy," Westbrook said.

even if it can't be determined who was driving at the time of the offense.

Hendricks also said the UTU was the only labor organization in the state to support the passage of a state Senate resolution declaring support for Amtrak.

The measure, introduced by Democrat Michael E. Gronstal, urges President Bush and Congress to maintain a strong level of funding for Amtrak and include a strong Amtrak system in all plans for the national transportation system. The resolution pointed to Amtrak's energy efficiency, versatility in serving small towns and the handicapped, and the fact that Amtrak's 2004 budget represented only two percent of the Department of Transportation's \$59-billion budget, as reasons for continuing support.

Bus Department

By Roy Arnold, vice president-director

Negotiations are continuing

Your Bus Department has been successful negotiating good contracts recently for Local 104, Sault Ste. Marie, Ont. (Chairperson Blair Reid); Local 1582, Albany, N.Y. (Chairperson Russell Galliard); Local 1670, Harlingen, Texas (Chairperson Joe Rios), and Local 1596, Spartanburg, S.C. (Chairperson Margaret Foster).

We also have negotiated improvements in vacations for members of Local 1900, Ft. Lauderdale, Fla. (Chairperson Albert Collie).

We are assisting Chairperson Adhi Reddy, Local 1785, Santa Monica, Calif.; Chairperson Roger Wagoner, Local 1908, Buffalo, N.Y., and Chairperson Ron Koran, Local 1594, Philadelphia, with negotiations.

We also are providing assistance with arbitrations to Locals 161, 167, 172 and 1496.

Members attending regional meetings will have a full schedule of educational meetings plus the opportunity to interact with other bus members from throughout the nation. I encourage those attending to take notes and, upon return, share that knowledge with other members – especially our newer members, many of whom are still becoming acquainted with trade unions and the role we play in improving the quality of life for working families.

Please share with us in Cleveland news about your activities at the local and general committee level. Remember, also, to share photographs of events involving members. And don't forget that the *UTU News* has a monthly photo contest. I would like to see more bus photos entered in that contest.



Yardmasters

By J.R. (Jim) Cumby, vice president

NMB ruling not consistent

What a shame the National Mediation Board (NMB) acted so quickly on a carrier request for mediation during this just-commenced round of negotiations with most major railroads (BNSF, CSX, KCS, NS and UP).

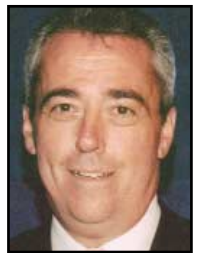
Placing the UTU and the National Carriers' Conference Committee (NCCC) into mediation at so early a stage of negotiations is unprecedented. The decision ignores the UTU's ground-breaking and highly successful efforts using interest-based bargaining to reach win/win agreements that are regularly ratified by the membership.

Especially bruising is that this NMB decision flies in the face of a prior NMB ruling that denied a UTU request for mediation under similar circumstances. In that 2002 case, a carrier argued that a moratorium barred negotiations. And the NMB declined to act on the UTU mediation request until a federal court issued a ruling upholding the UTU position.

In this round, the carriers asked for mediation because the UTU said neither its locally negotiated crew consist agreements nor the congressionally passed Federal Employers' Liability Act (FELA) are appropriate subjects for collective bargaining at the national level. The UTU backed that position up with a court filing.

A federal district court has scheduled the matter for argument in August.

We wonder what the role of a mediator will be, seeing that the subject matter the NCCC wants to discuss in negotiations is tied up in a federal court action that likely will be decided in the UTU's favor. It would have made more sense for the NMB to delay its decision on mediation pending the outcome of the federal court case. There remains time for the NMB to reconsider.





UTU: THE BETTER CHOICE FOR PROSPERITY, SECURITY

Agreements that protect jobs? Only the UTU insists upon it!

Only the UTU has crew consist agreements.

Negotiated property by property, crew consist agreements require a conductor on every assignment; and, in many instances, a brakeman.

Carriers want to break these agreements so they can run engineer only.

The UTU has taken the carriers to court. An initial ruling was favorable to the UTU.

The UTU will do what is necessary to protect its crew consist agreements.

If the BLET gained train-service collective-bargaining rights, the BLET could make an agreement eliminating the conductor and/or brakeman for the benefit of engineers.

It happened on Canada's VIA Rail. The BLE told conductors, "Join the BLE and we'll protect you." Instead, the BLE made an engineer-only agreement and hundreds of conductors lost their jobs. The BLE later told Canadian government officials, "The BLE cannot be held accountable for what was said during a campaign and there can be no reasonable expectation on the part of UTU members that they would obtain all that had been promised."

Every trainman should ask, "Where would I work if the BLET gained control of the trainman agreements and negotiated engineer-only agreements?"

Think about the "T" in the BLET name. Does it stand for "trainman" or "treachery"? Ask a VIA Rail conductor. Actions speak louder than words.

NS wanted plastic bags for toilets. Only UTU fought for all workers!

Orange plastic bags and toilet paper were Norfolk Southern's (NS) idea of toilet facilities for crews. The UTU – and only the UTU – said, "We won't take it any longer."

UTU's national legislative director began pulling one of the orange plastic bags behind him as he walked the halls of Congress. Lawmakers and the media stared. They asked questions. The UTU had answers.

NS executives stay in four-star hotels and have private restrooms. Train crews, both male and female, were given orange plastic bags and toilet paper.

A shamed NS agreed to start equipping its locomotive fleet with toilets.

The fight is not over. The UTU is now demanding NS keep locomotive toilets clean and odor free. The UTU will prevail here, too. As usual, the other organization was – and remains – out to lunch on this issue.

Also, NS installed microphones inside the locomotive cab for accident investigation purposes. But, the UTU demanded they be placed underneath the cab floor to ensure crew privacy – and NS capitulated!

Equality among members? Only the UTU demands it!

Under the UTU constitution, every UTU agreement must be ratified by every historical craft affected. The voice of the smaller crafts is just as equal as the voice of larger crafts.

The BLET permits a majority of active members to ratify agreements. The BLET has no craft separation or craft protection.

There is no place for elitism within the UTU, where every craft has an equal voice. Smaller crafts don't get the shaft under the UTU constitution.

Consistently, the UTU has been the leader on issues important to train and engine service crews, such as Railroad Retirement reform, FELA, Amtrak funding, drug testing, harassment and intimidation by employers, and the fight against longer, heavier trucks that take freight off the rails and put railroad workers on the street. Who will better protect your interests? The union that negotiated crew consist agreements and that protects craft autonomy, or the union that is ruled by truck drivers?

The answer is clear: The UTU is the better choice for prosperity and security.

Think the Teamsters will fight longer, heavier trucks? Think again.

Longer and heavier trucks suck freight from the rails to the highways.

Longer and heavier trucks also suck jobs from railroads to trucking companies.

Trucking companies want longer and heavier trucks permitted on highways so they can reverse the growth of rail intermodal.

The UTU has been fighting efforts by trucking companies who seek congressional approval to operate longer and heavier trucks.

Does anyone believe that a truck drivers' union, the Teamsters, will fight to keep freight traffic on the rails?

BLE reluctantly agreed to support retirement reforms. UTU led the way.

Remember Railroad Retirement reform? It lowered to age 60 eligibility for full retirement benefits for those with at least 30 years of service. It also improved survivor benefits.

The UTU led the fight for Railroad Retirement reform. The UTU was singled out by congressional lawmakers as the reason Railroad Retirement reform was passed into law.

The BLE initially opposed Railroad Retirement reform, and only reluctantly later agreed to join with other railroad crafts – under UTU leadership – in support of Railroad Retirement reform.

Carriers work to eliminate FELA. Only the UTU protects it!

The Federal Employers' Liability Act (FELA) is our most important tool in seeking to improve workplace safety.

The carriers served a Section 6 notice to eliminate FELA.

The UTU has taken the carriers to court to prevent them from progressing their FELA Section 6 notice.

Only the BLET can explain why it is sitting on the sidelines and doing nothing while the carriers seek to eliminate FELA.

Carriers harass, intimidate workers. Only the UTU stops it!

The UTU attacked head-on Norfolk Southern's (NS) harassment and intimidation of employees.

The UTU documented how injured employees were intimidated not to report workplace injuries, and outed an NS supervisor who posed as a clergyman in an effort to limit proper medical care.

The Federal Railroad Administration (FRA) concluded that acts of NS officials "were calculated to discourage or prevent proper medical treatment for the purpose of avoiding" the reporting of the injury. At the UTU's request, the FRA warned NS it would refer incidents of future harassment and intimidation to federal prosecutors.

The UTU also gained from Congress a federal investigation into how railroads improperly use private police to deliver charge letters, monitor personal activities of injured employees, investigate alleged rules violations and even investigate employees late for work.

While the UTU fights for worker dignity, the BLET is nowhere to be seen or heard on these issues!

UTU for Life

UTU for Life chapter directory

Below is a directory of current *UTU for Life* chapters holding regular meetings. Need help starting a chapter closer to home? Call the UTU International at (216) 228-9400.

Chapter 1 – Seattle, Wash.

Jim Shelley, Local 556
21 E. Johnson Dr.
Sequim, WA 98382
Telephone: (253) 691-6576

Chapter 2 – Pocatello, Idaho

Francis McCarty, Local 2
630 Redman St.
Pocatello, ID 83202
Telephone: (208) 637-0310

Chapter 3 – Grand Junction, Col.

Art Kent, Local 500
P.O. Box 341
Clifton, CO 81520
Telephone: (970) 434-5806
E-mail: artk1234@aol.com

Chapter 4 – Oceanside, Calif.

Lawson Chadwick, Local 84
5059 Nighthawk Way
Oceanside, CA 92056
Telephone: (760) 945-5365
E-mail: llchad@cox.net

Chapter 5 – Peru, Ind.

Max Starkey, Local 206
1635 W. Old Stone Rd.
Peru, IN 46970
Telephone: (765) 473-6344
E-mail: maxstarkey@sbcglobal.net

Chapter 6 – Rogers/Bentonville, Ark.

Eugene Anders, Local 1433
601 S. 12th St.
Rogers, AR 72756
Telephone: (479) 621-5651
E-mail: eugeneanders@sbcglobal.net

Chapter 7 – Indianapolis, Ind.

Robert L. Cummins, Local 1548
4910 Brentridge Pkwy.
Greenwood, IN 46143-9369
Telephone: (317) 888-7304

Chapter 8 – Muscle Shoals, Ala.

Franklin D. Clay, Local 772
201 Clays Circle
Russellville, AL 35653
Telephone: (256) 332-9689
E-mail: cottonpath@aol.com

Habit of getting involved results in honor for couple

Old habits are hard to break, and when those habits contribute to a better world, it might be best to leave well enough alone.

During his 40 years on the Soo Line, **Robert N. Reed** habitually contributed his time and talents to those around him in the union. Among the offices he held were local president, legislative representative and delegate of Local 1078 in Thief River Falls, Minn.

Since retiring in October 1990, Brother Reed, 75, contributes his efforts to those around him in the community. The habit of volunteering, reinforced by his wife **Patsy**, resulted in the two being chosen last August as Pennington County's (Minn.) Outstanding Senior Citizens for 2004.



The retired conductor began his career on the Soo Line as a brakeman in September 1950 and was promoted to conductor in 1957. Along the way, he joined the Brotherhood of Railroad Trainmen. Today, because the membership of Local 1078 was transferred to other locals, Reed is a member of Local 525 in Grand Forks, N.D.

The Reeds were honored as outstanding senior citizens primarily for their efforts at the Northwest Medical Center's (NWMC) Convalescent and Nursing Care Unit. But that involvement began with involvement in the Golden Pioneers.

"That's a group of retirees doing community work," Reed said. "We clean ditches, work in youth programs, and raise money for scholarships, the kidney fund, the food shelf, and similar things. I asked someone from NWMC to speak at a meeting of the Golden Pioneers, and when she asked for volunteers, I got involved at



Robert N. Reed and his wife, Patsy, were honored as Pennington County's (Minn.) Outstanding Senior Citizens in recognition of their contributions to the community.

the hospital."

Predictably, Reed met the guest speaker who got him involved at the hospital through his involvement with the Little Brother/Little Sister program. "I tend to volunteer for things," Reed said, "and my wife makes sure I follow through!"

Retiree marks 100th birthday

Warm wishes for continued life in good health go out to **Aubrey E. Bradley** of Local 1557 in Memphis, Tenn., who reached his 100th birthday on April 28, 2005, according to the U.S. Railroad Retirement Board (RRB).

Brother Bradley, who has been on the RRB's annuity rolls since May 1972, was last employed by the Illinois Central Railroad as a locomotive engineer.

J.L. Evans, former Calif. SLD, dies at 83

Retired former California State Legislative Director **James L. Evans** of Local 811, San Bernardino, Calif., passed away March 2, 2005. He was 83 years old.

Brother Evans, born Aug. 10, 1921, began his rail career on the Atchison, Topeka & Santa Fe Railway as a brakeman in the early 1940s, and after briefly leaving the railroad, was hired as a fireman. He joined Arrowhead Lodge 314 of the

Brotherhood of Locomotive Firemen & Engineers in December 1944. Later, he went to work as a switchman on the State Belt Railroad and joined the Brotherhood of Railroad Trainmen. Both unions were UTU predecessors.

Becoming assistant state legislative director on Feb. 1, 1964, Brother Evans took the post of state legislative director on Jan. 1, 1973, and held that position until his retirement on July 1, 1988.

THE FINAL CALL

Following are the names of recently deceased retirees who maintained annual membership in the *UTU For Life* program (formerly known as the *UTU Retiree Program*), according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow *UTU for Life* members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
9	Etter, Marcus J.	Emory, Texas	473	Aycock, Jerry C.	LaGrande, Ore.	1059	Lemon, Ray D.	Minot, N.D.
48	Slagle, Jack L.	Virginia Beach, Va.	477	Butcher, Gale D.	Dodge City, Kan.	1074	Coon, William R.	Knoxdale, Pa.
60	Price, Stephen C.	Budd Lake, N.J.	477	Schwarz, Herman H.	Newton, Kan.	1074	Koladish, Steve W.	Brookville, Pa.
61	Grove, G. G.	Lansdale, Pa.	489	Selsor, Troy E.	San Antonio, Texas	1092	Jones, Charles R.	Teague, Texas
113	Remy Jr., Dolphin O.	Winslow, Ariz.	492	Clayton, Ralph W.	Roseville, Calif.	1177	Dalien, Charles E.	Becker, Minn.
185	Hicks, George W.	Brookfield, Mo.	492	Nelson, Donald L.	Citrus Heights, Calif.	1201	Powers, Mervin B.	Riverbank, Calif.
195	McCants, Vaughn E.	W. Burlington, Iowa	544	Kuenzel, W. H.	Clarkston, Wash.	1390	Bickford, William G.	Allentown, Pa.
202	Melvin, Robert N.	Denver, Col.	610	Willis, Amos V.	Stevensville, Md.	1433	Sutter, Edward V.	Geneva, Ill.
211	O'Hearn, John J.	Scranton, Pa.	756	Allen, Clifton J.	Spicewood, Texas	1470	Storrs, Lynn E.	Leesburg, Fla.
234	Wozniak, Raymond M.	Plainfield, Ill.	771	Brassill, Ronald J.	Kingman, Ariz.	1518	Allen, Don H.	Plainfield, Ind.
257	Power, Calvin D.	Huron, S.D.	835	Schroeder, R. W.	Fresno, Calif.	1532	Blue, Wesley C.	Olathe, Kan.
298	Langer, George A.	Peru, Ind.	867	Baker, Ray E.	Des Moines, Iowa	1563	Urschel, Clarence G.	Longview, Wash.
298	Replogle, Robert D.	Kimmell, Ind.	867	Cochran, Gene F.	Des Moines, Iowa	1597	Cunningham, Johnny	Calumet City, Ill.
333	Pourchot, Walter T.	Arlington, Texas	945	Staley, Claude M.	La Junta, Col.	1638	Valentine, James R.	Wadsworth, Ohio
369	Lampman, Wesley	St. Thomas, Ont.	1006	Fabin, John	New Eagle, Pa.	1732	Thompson, Alfred L.	Hollister, Calif.
471	Copeland, Fred A.	Eugene, Ore.				1846	Snow, Paul V.	Escondido, Calif.
						1881	Suder, Clarence C.	Baltimore, Md.
						1975	White, Floyd V.	Wichita, Kan.



Got grandkids?

As parents and grandparents, we do everything we can for our children and grandchildren. After all, we want what is best for them. We buy them clothing and toys and any number

of gifts. When they get older, we provide them with spending money to purchase the things they would like. But many gifts go out of style or outlive their usefulness and there is little to show in the end for our hard-earned dollars.

Many of us want to give our children and grandchildren something they can keep for the rest of their lives, but it is often difficult to find just the right gift.

Permanent life insurance is a wonderful way to provide a life-time gift and is very inexpensive at young ages. Best of all, permanent life insurance provides a living benefit, since it builds cash values which can be used later in life for emergencies, the down payment on a home, or for any other worthwhile purpose.

Give a gift that keeps on giving. Call us today at (800) 558-8842.



UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION NOTICE OF PRIVACY POLICY

At the United Transportation Union Insurance Association, protecting your privacy is very important to us. The reason we collect information is to better serve your needs. Having accurate information about you permits us to provide you with an appropriate range of insurance products.

The non-public personal information that we collect about you varies according to the products, services or benefits you request, and may include:

- Information we receive from you on applications or other forms, such as name, address, Social Security number, assets and income;
- Information about your transactions with us, our affiliates or others, such as name, address, Social Security number, policy coverage, premiums and payment history;
- Information we receive from consumer reporting agencies, such as a credit history.

We may share the above non-public personal information we have about you with the United Transportation Union. Sharing this information assists us in:

- Processing the payment of your insurance premiums;

- Maintaining your insurance policies in force;
- Providing you with better customer service.

We may share the above non-public personal information we have about you with persons or companies that perform services on our behalf and to other financial institutions with which we may have joint marketing agreements. We may share this non-public personal information with affiliated or non-affiliated third parties as permitted by law. We do not disclose personal medical information about you except as permitted by law or as you may authorize.

We restrict access to non-public personal information about you to those employees who need to know that information in order to provide products or services to you. We are, and will continue to be, vigilant in safeguarding your personal and medical information. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information. This privacy policy applies even if you no longer have policies or a relationship with us.

6/05

Morgan Cox named new UTUIA director of sales

International President Paul C. Thompson has announced a number of changes in the continuing effort to improve the products and services provided by the United Transportation Union Insurance Association (UTUIA).



Cox

Effective June 1, Morgan D. Cox will assume the position of director of sales for the UTUIA.

Cox is currently headquartered at the UTU International in Cleveland and is in charge of the union's Discipline Income Protection Program (DIPP).

In his new role as director of sales he will continue to handle the DIPP program

Cox replaces Sam Hale, who will continue to serve the members as field supervisor.

"I express deep appreciation to Sam Hale for serving in this position for the last several years," Thompson said. "Sam will continue to work in the field, where he has always been a sales leader."

Thompson said that, in the very near future, the UTUIA would begin to restructure the territories of its field supervisors to provide better service to the membership. "We currently have vacant territories and now is the best time to undertake this endeavor," he said.

Also, an advertisement run in last month's *UTU News* seeking candidates for field supervisor positions has produced a number of well-qualified candidates.

New golf items available at UTU online store



Golf Towel



Golf Balls - Dozen Pack



Golf Pack Tube



Tees and Markers

A new line of UTU-logo golf items is now available through the UTU's online store.

The new items include a golf towel with embroidered UTU logo, Top Flite golf balls, tees and ball markers, and a new UTU polyester/rayon blend windshirt.

These items can be viewed and purchased online by visiting the UTU website at www.utu.org and clicking on the UTU Gear tile on the left-hand side of the page.

The UTU has arranged for American Prod-

ucts to supply union-made UTU wearing apparel and other merchandise.

You may reach American Products Company by telephone between the hours of 8 a.m. and 5 p.m. eastern time by calling, toll free, (800) 272-5120. You may also e-mail American Products Company directly at info@utumerchandise.com.

If you wish to download, print and mail the

order form, American Products Company's mailing address is:

UTU Merchandise.com
1600 North Clinton Ave.
Rochester, NY 14621

All UTU online store products offered by American Products Company are warranted against defects for 90 days from the date of receipt. Watches and clocks carry a two-year manufacturer's warranty against defects.

Meet the new FRA administrator



UTU International President Paul Thompson (right) and UTU New York State Legislative Director Sam Nasca (left) met May 3 with the new Federal Railroad Administrator, Joseph Boardman. The three discussed rail safety and security issues, FRA's role in enforcing safety laws and regulations, and the importance of a national intercity rail passenger network and Amtrak. (See President Thompson's column on Page 4.)

Vote on UP

Continued from page 1

craft autonomy whereby each historical craft individually must approve every change to an existing agreement," said UTU International President Paul Thompson. "The BLET constitution does not do that.

"If the UTU acquires the BLET agreement, future changes must be approved by each affected historical craft under Article 80 of the UTU constitution. No craft may dictate to other crafts under the UTU constitution," Thompson said.

"The difference between the BLET collecting 'A' cards from train service employees on Norfolk Southern and the UTU asking the NMB for representation of all train and engine service employees on the UP is that craft autonomy is guaranteed under the UTU constitution and is nowhere to be found in the BLET/Teamsters constitution.

"If the BLET wins on NS," Thompson said, "it will acquire all UTU contracts, including local crew consist agreements. Any amendments to those contracts will not be subject to approval by affected historical crafts.

"But if UTU is certified in the representation election of train and engine service employees on the UP and acquires the BLET agreements, each and every change to those agreements will have to be approved by each affected historical craft under Article 80 of the UTU constitution."

UTU fights for CDL

Continued from page 1

from home, are at significant economic risk.

Moreover, states are powerless to make exceptions from the federal law, nor are they permitted to provide remedial training as an alternative to canceling the commercial driver's license. States also are barred by law from issuing a provisional license permitting the holder of a commercial driver's license to continue working.

The legislative language was delivered to UTU friends in Congress by UTU National Legislative Director James Brunkenhoefer, who asked that in the Senate it be made an amendment to the currently pending highway spending bill; and, in the House, be introduced as a free standing bill.

General Chairperson James Williams (GO-875) has been working closely with the national legislative office to improve this unfair situation.

Following is the legislative language Brunkenhoefer asked the House and Senate to introduce: The Secretary (of Transportation) shall not

establish or enforce any regulation, guidance, or other requirement that directly or indirectly, (1) prohibits a commercial motor vehicle driver from participating in a driving school in the disposition of a traffic violation; (2) prohibits a state from issuing a provisional driver's license to a commercial motor vehicle driver in the disposition of a traffic violation; or (3) requires a traffic violation by a commercial motor vehicle driver in a state (other than the driver's licensing state) to be automatically considered in violation, for commercial driver's license disqualification purposes, in the driver's licensing state.

Crew consist

Continued from page 1

16 decision placing the UTU and the National Carriers' Conference Committee (NCCC) in mediation because of the UTU's position on these issues.

The NMB has scheduled a June 22 mediation session involving the UTU and the NCCC. "The UTU will participate in this session, but only to point out the impropriety of mediation over these issues, and to indicate its willingness to bargain to conclusion about all other issues in the parties' Section 6 notices," Thompson said.

The NCCC represents, among others, BNSF Railway, CSX, Kansas City Southern, Norfolk Southern and Union Pacific in this round of bargaining over wages, rules and working conditions. The round began Nov. 1, 2004, through the exchange of Section 6 notices – a reference to the section of the RLA by which carriers and their unions exchange demands for contract changes.

The two sides mutually broke off negotiations March 15 after the carriers demanded the UTU bargain over local crew consist agreements that are protected by moratorium and cannot be handled nationally.

The carriers also demanded that the UTU bargain regarding repeal of FELA, an act of Congress not appropriate for bargaining under the RLA.

Also on March 15, the UTU filed its lawsuit. Subsequently, both sides mutually agreed not to engage in self help, which would include promulgation by the carriers of crew consist changes

contained in their Section 6 notices.

On April 25, the NCCC asked the NMB to invoke mediation, even though Thompson told the NCCC that the UTU was prepared to talk about all issues in the parties' Section 6 notices except the two issues before the court.

Timeline

Nov. 1, 2004: UTU files Section 6 Notices with National Carriers' Conference Committee (NCCC). NCCC files its own demands on UTU;

Feb. 14, 2005: First negotiating session held;

March 15, 2005: UTU, NCCC break off negotiations after NCCC demands that UTU bargain over crew consist, repeal of FELA. UTU files federal lawsuit over NCCC demands;

April 25, 2005: NCCC asks National Mediation Board (NMB) to invoke mediation;

May 11, 2005: UTU President Paul Thompson issues statement: "UTU will protect its agreements!";

May 16, 2005: NMB orders mediator be assigned to negotiations; sets June 22 as first mediation session involving UTU, NCCC;

May 25, 2005: UTU asks NMB to reconsider assignment of mediator;

Aug. 1, 2005: Federal district court to hear oral arguments on UTU lawsuit.

The local crew consist agreements provide that at least one conductor/foreman – and, in some cases, a brakeman/yardman – be assigned to every crew, and that no UTU member assigned to train service lose their job involuntarily. The local crew consist agreements contain moratoriums on reopening until the last affected employee voluntarily leaves railroad employment.

"Crew consist agreements are a local issue, and, when barred by moratorium, changes to crew size must be negotiated with the UTU general committees of adjustment on the appropriate railroad property and not nationally," Thompson said.

In asking the NMB to reconsider its decision placing the UTU and NCCC in mediation, Thompson reminded the board of its own contrary decision in 2002 in nearly identical circumstances involving CSX, Conrail and the UTU.

Rather than order the parties into mediation, the NMB awaited a federal court decision where the question of applicability of a moratorium had been raised.

At a minimum, Thompson said, the UTU would expect that local crew consist agreements and FELA legislation be held out of mediation until the federal district court makes its ruling. "There is no sound reason to include in mediation the two issues in litigation – or, in fact, to mediate at all – until after the district court's decision is known," Thompson said.

Although the NCCC served the Teamsters/BLET with similar Section 6 notices, neither the Teamsters nor BLET has made any effort to protect crew consist agreements or FELA.

UTU/UTUIA Regional Meeting information

The 2005 UTU/UTUIA Regional Meetings are here. This year, each Regional Meeting will run for 2 1/2 days, ending early on the afternoon of the third day. The evening of the first day has been left free.

All those attending the meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary. The registration form is printed on the right. A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 30 days prior to the scheduled start of the meetings or the registrant will be charged an on-site registration fee of \$200.

The pre-registration fee for the 2005 Regional Meetings is \$150 per member, spouse or child over age 11. You must make your own room reservations at one of the hotels listed.

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

Orlando, Fla., July 18-20, 2005

Disney's Coronado Springs Resort, 1000 W. Buena Vista Dr., Lake Buena Vista, FL 32830. Reservations: (407) 939-1020, option 2; **reservation code:** UTU. **Room rate:** \$93 per night plus tax for single/double; additional persons age 18 or older: \$15 per night. One- and two-bedroom suites are available from \$186 to \$465 per night. Room rates are good four days before and after the meeting.

Reservation deadline: June 14, 2005. **Parking:** Complimentary. The **golf outing** on Sun., July 17, will be held at Disney's Lake Buena Vista Golf Course. The cost is \$80 per golfer.

Members can also take advantage of **Disney's Magical Express!** This complimentary shuttle and luggage-delivery service takes you from the airport directly to the Coronado Springs Resort. If you have a confirmed room reservation, call (407) 827-6777 to make arrangements. Please call at least 30 days in advance of your arrival date.

Special theme park tickets: Disney's special half-day and multi-day theme park tickets are available for advance purchase at a discount. Also, each day, one of the theme parks opens an hour early or stays open up to three hours later for the exclusive use of Disney resort guests. See the UTU website (www.utu.org) for details.

Avis offers UTU a deal

Avis Rent A Car is offering UTU members special discounts on cars rented at regional meeting locations.

UTU members should refer to the Avis Worldwide Discount (AWD) Number, D150699, to get the discount.



The special discounts are available on a wide selection of vehicles and are good from one week before to one week after the event.

To reserve a car, contact Avis at (800) 331-1600 and use UTU's Avis Worldwide Discount (AWD) number, D150699.

Members can also reserve an automobile online, have the discount number automatically included in the reservation and receive an email confirmation. Go to www.avis.com to make the reservation.

UTU Regional Meeting Registration Form

Registering before the Regional Meetings speeds sign-in procedures at the meeting site, helps organizers plan more accurately, and saves on meeting costs. These savings will be passed on to each pre-registered attendee. **Each person attending the Regional Meeting, including family members and guests, MUST be registered in order to attend any planned event. Please note that these meetings last 2 1/2 days and conclude on the afternoon of the third day.** Registration fees are \$150 per person; children 11 years of age and under are complimentary. On-site registration will be \$200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received 30 days prior to the start of the meeting.

Which regional meeting will you be attending? Orlando

Arrival date: _____ Departure date: _____

Transportation type: Automobile Air Other

Member Registration

Name _____ Local _____ Title (if any) _____

Home address _____

City/State/ZIP _____

Phone number () _____ Email _____

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

Spouse Registration Orlando

Spouse name _____ Title (if any) _____

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

Child Registration Orlando

Child name _____ Age _____

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

Child name _____ Age _____

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

Child name _____ Age _____

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

Child name _____ Age _____

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

Guest Registration Orlando

Guest name _____ Relationship to member _____

Home address _____

City/State/ZIP _____

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

Golf Registration Orlando

Name _____ Handicap _____ Name _____ Handicap _____

Name _____ Handicap _____ Name _____ Handicap _____

(Golf fees are \$80 per golfer; include in total payment.)

Payment Options

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

Credit card VISA MasterCard

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

Signature _____

Should additional space be needed, make copies of this form and attach to the original. This form and payment of \$150 per person over the age of 11, plus golf registration fees of \$80 per golfer (if applicable), must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107-4250, 30 days prior to the Regional Meeting. Make checks or money orders payable in U.S. funds to "UTU Regional Meeting." Those who do not pre-register for the regional meeting but instead choose to register at the meeting site will be charged a \$50 penalty fee.

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 website.

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 44107-4250.

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 Amtrak conductor Steve Brown, a member of Local 117 in Vancouver, Wash. The photo shows a BNSF Railway train on the Seattle Subdivision near Puyallup, Wash., in the shadow of Mt. Rainier.



www.utu.org / www.utuia.org

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Alert members on Union Pacific help avert certain tragedy

CHEYENNE, Wyo. – Two kindergarten students were recently spared a tragic fate by the alert actions of UTU-represented crew members employed by the Union Pacific Railroad, according to UTU Wyoming Assistant State Legislative Director Tim Kenny.

The drama began early on the afternoon of April 29, when six-year-old Zach Beach and his five-year-old sister, Riley, decided to seek adventure, said Brother Kenny, who serves as legislative representative for Local 446 in Cheyenne, Wyo.

Conductor Rod Bomberger, local chairperson (brakemen) and alternate legislative representative of Local 446, was aboard a train about four miles east of Cheyenne, heading west, when he spotted the children standing on the tracks of the busy double main line.

The children had been driven home from their elementary school by a neighbor, who dropped them off in their driveway, according to a report published by the Wyoming Tribune-Eagle. Instead of going inside, they decided to take a walk. At first, they determined to go to Alaska, but changed their minds and set off to visit a friend. In short order, they became lost near a set of railroad tracks.

A passing motorist, Julie Hunt, saw the children waving and took note of the trains behind them. A mother of two, her instincts told her to stop, and she called out to the children, asking if they needed help. The little boy said they were lost, and Hunt offered them the use of her cell phone. When they declined

and began running up a hill toward the tracks, she dialed 911 for help, got out of her car and followed them up the hill.

Meanwhile, conductor Gary Sexton of Local 446 and engineer John Briggs of Local 28 in Cheyenne were just leaving Cheyenne on an eastbound train when they were alerted by Brother Bomberger about the children on the tracks ahead.

Bomberger began calling out a warning to the children and tried to wave them off the tracks. "Then I looked up and saw the eastbound coming around a curve ahead," said Bomberger.

On the eastbound train, Brother Sexton had gotten down on the front of the engine. He later told Kenny that the kids had their backs to the train when it rounded the curve, and it looked like they were trying to find a place to cross the tracks that wasn't too snowy or muddy.

The two children suddenly darted across the tracks in front of the eastbound train and ran toward Julie Hunt, who grabbed them and pulled them away from the trains. "If Gary (Sexton) and Jon (Briggs) hadn't slowed down their train, they would have hit the children," said Bomberger.

"The little girl was like a pinkie-link away from getting hit by that train," Hunt later told Kenny. "Their parents owe Rod (Bomberger) a big expression of gratitude. He saved those children's lives."



Inside this issue of the UTU News:



Amtrak conductor Gerald Maxey helped save a passenger. See page 2.



UTU conducts a work stoppage on the BNSF Railway. See page 3.



New UTU golf items won't tee you off. See page 9.



UTU officers meet new FRA head Boardman. See pages 4, 10.