



The Official Publication of the United Transportation Union

## THE VOICE OF TRANSPORTATION LABOR

“In an environment where third-party intervention too frequently provides undesired results, the preferred solution is to reach a negotiated settlement.” – *International President Byron A. Boyd Jr.*

### News & Notes

#### DW&P members ratify pact

DULUTH, Minn. – UTU members on the Duluth, Winnipeg & Pacific (DW&P) have ratified a three-year agreement that became effective Sept. 1. The UTU represents engineers, conductors and brakemen on the DW&P. UTU Vice President Rick Marceau, who assisted in the negotiations, said DW&P general chairpersons Ed Kobe and Dale Slotness demonstrated “considerable leadership, patience and creativity” throughout the successful negotiations. The new agreement does away with the mileage-based pay system. “We will try out this agreement for three years and if it is not to our liking – if it doesn’t work out for our members — we have the option of reverting back to our previous agreements,” said Kobe. DW&P hauls primarily lumber, potash and paper and connects the Port of Duluth, Minn., with Canadian National at International Falls on the Canadian border.

#### 2004 Regional Meetings

CLEVELAND – Below are the dates and locations for the 2004 UTU/UTUIA regional meetings. Each meeting lasts a full three days, with the president’s banquet on the evening of the third day. Watch the *UTU News* and the UTU website for more complete details, including registration information:

**June 21-23: Reno Hilton, Reno, Nev.**

**July 5-7: Boston Park Plaza Hotel, Boston, Mass.**

**Aug. 23-25: Des Moines Marriott Hotel, Des Moines, Iowa**

#### UTU seeks military photos

CLEVELAND - *UTU News* is seeking photos of members, spouses and children currently in the military and stationed around the globe, including the United States. The photos will be used in the December issue of this publication. Photos should be of the individual in uniform and include full name, rank, identification as to whether the photo is of a member, spouse or child, and where they are stationed. The full name should appear on the back of each photo. We would prefer color photos, but black and white photos are acceptable. The photo must be clear and the face must be easily identifiable in the photo. *UTU News* staff will endeavor to return the photos if accompanied by a self-addressed, stamped envelope. Please be sure to secure the photo with cardboard so that it does not bend in the mail. Send photos to: UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250. Photos can also be scanned (200 dpi or higher, please) and e-mailed to [utunews@utu.org](mailto:utunews@utu.org).

## Boyd pledges superior health-care package

PHILADELPHIA – UTU members “won’t be writing checks to the carrier for retroactive health-care cost-sharing, like some in other organizations are doing,” pledged UTU International President Byron A. Boyd Jr. Aug. 25 during UTU’s regional meeting here.

The wage and rules agreement UTU members previously ratified “exceeds the value of every other agreement out there – bar none,” Boyd said. “And I promise you that when we complete negotiations on the final piece – on health care – it, too, will be superior to any agreement out there. You can take that promise to the bank.”

Boyd sounded another optimistic note that locomotive engineers on Canadian Pacific Railway in Canada soon will be represented by the UTU. “It is because of your UTU’s progressive and successful approach to contract negotiation that we constantly have new members knocking on our door,” Boyd said. “More than 73 percent of train and engine service employees on CPR in Canada have signed UTU membership applications. We are confident we will be certified

soon” as their bargaining agent.

Offering special praise to UTU members who selflessly served the public during the Northeast blackout, Boyd called occupations of UTU members “among the most dangerous and most critical in America.” When the power went out in the Northeast, “UTU members rolled up their sleeves, went the extra mile and did what was necessary to ensure passenger safety,” Boyd said. “In many ways, the efforts of our members mirrored their heroic actions during 9/11.

“By the tens of thousands, people streamed from the work place in an effort to go home to their families, all fearing the very worst,”

Boyd said. “By contrast, UTU rail members assisted in evacuating passenger and commuter trains stuck without power – some in dark, dangerous tunnels. Our bus members stayed on the job to provide the necessary transportation to thousands of their fellow human beings gripped by fear and concern.

“Our UTU members stayed on the job,” Boyd

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**“You can take that promise to the bank.”**

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## UTU wins praise for foresight

PHILADELPHIA – A U.S. congressman recognized as a leader with regard to new technology praised the UTU for “developing a reputation as an organization that intelligently embraces change – a union that fights for its members with its eyes open and with a sense of what world we are living in.”

Cong. Robert Andrews of New Jersey, the senior Democrat on the House subcommittee responsible for employer/employee relations, made his remarks Aug. 27 at the UTU regional meeting here. He joined U.S. Sen. Arlen Specter (R-Pa.) and U.S. Surface Transportation Board Chairman Roger Nober in applauding the UTU’s progressive stance.

“There is not a job in America where the employee does not have to learn new skills every

*Continued on page 10*

## UTU members shine in blackout

CLEVELAND – When much of the northeast went dark last month during the largest blackout in our nation’s history, it was UTU-represented bus operators and rail conductors who shined.

Rail conductors and bus operators working on Amtrak, New Jersey Transit, Port Authority Trans Hudson (PATH) and other properties worked overtime throughout the prolonged blackout to protect their riders and equipment from harm, move passengers to safety and help them get home.

PATH General Chairperson Ray Arenas said that because of the efforts of UTU-represented conductors on the property, no injuries were reported, although many trains were evacuated, some deep underground, some on bridges.

At the time of the blackout, just after 4 p.m.,

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# Around the UTU

## News from around the U.S. and Canada

### Local 95, Rensselaer, N.Y.

A traffic accident on the way to work July 21 sidelined Amtrak conductor **Steve Whitmarsh**, who remains in a rehabilitation facility, leaving his wife and two children in a vulnerable position. Vice Local Chairperson **Lynn Willey** of Local 385 in Croton-on-Hudson, N.Y., said a fund has been set up to benefit the family. Send donations to Charter One Bank, c/o Steve Whitmarsh Trust Fund, 510 State St., Schenectady, NY 12305-2414. For information, call the bank at (518) 370-3293 or Willey at (518) 887-5849.

### Local 172, Darby, Pa.

With negotiations for their second contract with Delco Transportation Co. stalled, the 105 school bus operators and aides serving the William Penn School District recently staged informational picketing to raise awareness of the issues they face, said General Chairperson **Theresa Zeller** and Secretary **Kathleen Sitongia**.

### Local 254, Fitchburg, Mass.

The New England Lines railroad police who make up this local recently approved by a large margin a six-year contract which includes an increased uniform allowance and health and welfare provisions matching those enjoyed by management, said Local Vice Chairperson **Sgt. Terry Ferraro**. Gratitude was expressed to General Chairperson **Mike Maloof**, who assisted with negotiations that began in March 2000. Details are available at [www.rprd.0catch.com/](http://www.rprd.0catch.com/).

### Local 258, Savanna, Ill.

Thirty active and retired employees of the Iowa Interstate Railroad and their families enjoyed their second annual picnic last month in Newton, Iowa, thanks to the support of Designated Legal Counsel **Hoey, Farina & Downes and Yaeger, Jungbauer, Barczak & Vucinovich, P.L.C.**, said General Chairperson **Jeff Fugate**. Attending and representing the Illinois State Legislative Board was **Bob Guy**, vice chairperson of the state's TPEL committee.

### Local 446, Cheyenne, Wyo.

This Union Pacific/Burlington Northern Santa Fe local is holding a seminar for active and retired members on Oct. 7 and 8, from 8 a.m. until 5 p.m., at the Hitching Post Inn in Cheyenne. Secretary **John Schmechel** said attendees will include International Vice President **Arty Martin**, UP General Chairperson **Dean Hazlett**, Nebraska State Legislative Director (SLD) **Ray Lineweber**, Colorado SLD **Rick Johnson**, health care providers, Railroad Retirement representatives and others. A free lunch will be provided. No registration is required. For information, contact Schmechel at (307) 634-0176 or via email at [jgschm@aol.com](mailto:jgschm@aol.com).

### Local 471, Eugene, Ore.

This Union Pacific local's seventh annual J. C. Anderson Memorial Golf & BBQ Tour drew 175 participants last month, said Local Chairperson **Greg Boam**. The event raised \$2,000 for five-year-old **Madisen Howland**, who is being treated for acute lymphoblastic leukemia and was presented with a bicycle and helmet. Among event supporters was Designated Legal Counsel **Yeager, Jungbauer, Barczak & Vucinovich, P.L.C.**

### Local 597, Des Plaines, Ill.

The food drive for this year's *Join Hands Day* spearheaded by Union Pacific employee and Local Vice President **Harry C. Lewis** and his



North Carolina Assistant State Legislative Director **Glenn Lamm** of Local 1129 in Raleigh, N.C., serves as captain of his local fire department and is trained as an emergency medical technician.

## Volunteer firefighter heats up legislature

As captain of the fire department in Fairview, N.C., **Glenn Lamm** puts out fires, but as UTU North Carolina assistant state legislative director, it's his job to keep the political fires burning.

"State Legislative Director **Dicky Westbrook** and I are on a first-name basis with Gov. Mike Easley," said Lamm, 51, who began his career on the Seaboard Coast Line in 1972, works a road-switching job for CSX out of Apex, N.C., and belongs to Local 1129 in Raleigh, N.C.

"Local 1129 represents about 85 members working for CSXT and Norfolk Southern," said Lamm, a legislative representative and local chairperson for trainmen, conductors and engineers. "It's a smaller local, but we've been second in the nation in TPEL contributions for the last few years, and we led for several years before that."

He and Westbrook are on the governor's rail council and are advisors to the state department of transportation on the Piedmont Rail Council. "We attend conferences and functions no other labor groups are invited to," he said. "We're there whenever the General Assembly is in session and the topic is passenger or freight transportation. The reason is TPEL."

But 18 years ago, when he married his wife, Gail, he found he married into one of three families that had established the local fire department. "If you were family, you were part of the department," said Lamm, who attended firefighter training in the evenings for two years. "I've been in the department 13 years, have been captain for nine or 10, and I'm an emergency medical technician (EMT)."

In bigger cities, Lamm said, all firefighters have EMT certification. In Fairview, a smaller district, only about half are EMTs.

"In a rural county, you can wait 10 to 40 minutes for an ambulance and an EMT," Lamm said. "We don't have sirens in our own cars, but some of us have red lights, and our average response time is five to seven minutes."

Lamm's work with the fire department helps him keep things in perspective. "To accident and fire victims, we're the greatest. To everyone else, we're just rednecks with red lights!"

wife **Joyce P. Lewis** collected 400 lbs. of food to benefit The People's Resource Center in Wheaton, Ill. The effort was conducted in partnership with the Heritage Presbyterian Church in Carol Stream, Ill. Meanwhile, Joyce, a member of UTU Auxiliary L-419 in Hammond,

Ind., would like to hear from those interested in starting a new chapter in the Wheaton area. Contact her at (630) 790-8432.

### Local 694, Dunsmuir, Calif.

A fund has been established to aid the family of Union Pacific switchman **Jeff Chrisman**, a husband, father of two and U.S. Army Gulf War veteran undergoing a stem-cell transplant as part of his ongoing battle against Hodgkin's lymphoma, said Local Chairperson **Walter F. May** and Treasurer **Terry Bertolucci**. Donations may be sent to Bank of America, Jeffrey L. Chrisman Account #01317-02359, 200 S. Broadway St., Yreka, CA 96097-2904.

### Local 807, Tucson, Ariz.

Union Pacific conductor **D. A. Gillespie** was recently released from Good Samaritan Hospital in Phoenix, where he was admitted after being injured in a derailment in Stanwix, Ariz. Gillespie suffered head, back and hip injuries, said State Legislative Director **Scott T. Olson**.

### Local 1053, Selma, Ala.

The baseball team comprising 11- and 12-year-olds sponsored by this Norfolk Southern local recently ended its season, chalking up six wins and seven losses, with seven rain-outs, said Local Chairperson **J. M. Strickland**. Trophies and a wiener roast marked the end of a season made possible by Local President **Carl Seele** and Secretary/Treasurer **Danny Stough**, who proposed the team sponsorship to the local.

### Local 1138, Miami, Fla.

In response to questions and phone calls from CSXT employees with less than two years experience, informal presentations referred to as "UTU Contract 101" were held in various members' homes in June and July, said Local Vice President **Yvonne Hayes** and Local Vice Chairperson **Cedric J. Jones**. Plans call for the sessions to continue upon request. Also represented by the local are Florida East Coast Railroad employees.

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

Members employed by the Staten Island Railway offer their congratulations and best wishes to recently elected Local Chairperson **Denice "Dee" Vandenburg**, the first female to hold that position, said Local Secretary **Kevin J. Hughes**.

### Local 1564, Los Angeles, Calif.

Congratulations go to Los Angeles County Metropolitan Transportation Authority employee **Tyrone Clay**, whose daughter, **Loran M. Clay**, has been inducted as a member of the National Society of Collegiate Scholars. The society is to honor Ms. Clay at a special ceremony this fall at the Florida State University.

### Local 1594, Upper Darby, Pa.

A special thanks is due **Jerry Brown**, who participated with other SEPTA employees from this local during the recent annual American Cancer Society's Bike-A-Thon, said General Chairperson **Ron Koran**.

### Local 1846, West Colton, Calif.

The Union Pacific employees of this local congratulate Local Chairperson and Delegate **C. Wayne Hudgins** upon his retirement and thank him for his service to the local, said Secretary/Treasurer **John Barrios**. Hudgins, with 39 years of rail service, served as local chairperson for the last eight years and as delegate to the last two conventions.

# State Watch

News from UTU State Legislative Boards

## Iowa

Members of the Iowa Association of Railroad Passengers elected UTU State Legislative Director **Pat Hendricks** to the office of president at the association's June meeting, replacing Henry Wulff, who is relocating to Texas.

Hendricks was elected to the office of vice president of the IARP earlier this year.

The IARP, a non-profit organization advocating railroad transportation, works to inform government and the media of the interests of citizens in rail transportation and acts as a "watchdog" group guarding the public interest in Amtrak, railroad and transportation issues.

Hendricks said UTU members are reminded that a law governing the hours of service of crew van drivers is now fully enacted and a copy of the law can be obtained by contacting his office or a local legislative representative.

"It's the best law in the nation and no other rail labor union helped push this legislation into law," he said.

## South Dakota

The UTU's State Legislative Board, in conjunction with the Fall River County Democrats, sponsored the final meal at the four-day annual Oglala Nation Pow Wow and Rodeo at the Pine Ridge Reservation in southwestern South Dakota on Aug. 3, Legislative Director **Rick Davids** reported.

More than 3,000 performers and guests were served meals, including U.S. Senators Tom Daschle (D) and Tim Johnson (D), said Davids, who also serves as co-chairperson of Fall River County Democratic Organization.

Davids said campaign activity at last year's pow wow was instrumental in the election of Johnson to the Senate by a 524-vote margin and that a voter registration booth was manned by mostly volunteer labor for the entire four days of this year's event.

"The Pine Ridge Pow Wow is one of my favorite events each year. It is an amazing display of the strength and vitality of the Native American culture. It was great to see so many old

## Louisiana

The Louisiana State Legislative Board of the UTU convened recently and endorsed the following candidates for statewide political offices in the Oct. 4, 2003, general election, Legislative Director Tyrone Boudreaux reported:

<b>Governor</b>	Richard Ieyoub (D)
<b>Lt. Governor</b>	Mitch Landrieu (D)
<b>Treasurer</b>	John Kennedy (D)
<b>Commissioner of Insurance</b>	Robert Wooley (D)
<b>Commissioner of Agriculture</b>	Bob Odom (D)
<b>Secretary of State</b>	Fox McKeithen (R)
<b>Attorney General</b>	Charles Foti (D)

friends and meet so many new ones at this year's pow wow. I offer my special thanks to the United Transportation Union for their part in this wonderful event," said Sen. Daschle.

"I would like to thank both UTU and the Fall River Democrats for providing the food on Sunday evening at the Pine Ridge Pow Wow. Visiting Pine Ridge always gives me the opportunity to spend time with good friends. With UTU's participation, we were all able to come together and join in a fun evening," said Sen. Johnson.

## Tennessee

Speaking in opposition to a ban on the use of remote control locomotives, Legislative Director **Jerry Anderton** appeared before the McMinn County Commission to rebut charges by the BLE that the operations were a danger to the community.

Anderton and others spoke before the Public Safety Committee, which was assigned jurisdiction for a hearing to determine if the full commission should hear the proposal.

However, after presentations by the UTU, BLE and CSX, a motion to advance the resolution to the full commission failed and the resolution died.

"Obviously, due to federal preemption, this proposal would have had no legal effect," Ander-

ton said, "but it does show that our members are engaged in activity important to the community."

## Illinois

The Illinois State Legislative Board has instituted a "rapid response registration" program to keep members notified of pending legislation that could affect their jobs or their family, reported State Legislative Director **Joe Szabo**.

Members in the state are asked to log onto the board's website at [www.illini.utu.org](http://www.illini.utu.org) and click on the "rapid response registration" link to register their e-mail addresses and ZIP codes.

Those who register will be notified of activity on pending legislative automatically by e-mail. "It's easy, it's fast and it's free!" Szabo said.

The initiative aims to mobilize the state's members for "surgical strikes" when important legislation is being debated by their representatives.

## Texas

James R. "Jim" Atchley, 74, retired Texas state legislative director and a member of Local 564 in Cleburne, Tex., died Aug. 31, 2003, in Cleburne.

Atchley worked for the Santa Fe Railroad for 48 years. "Because of his many years of service to the membership in Texas, we have in Texas the strongest legislative program of any union, without doubt," said National Legislative Director James Brunkenhoefer, who preceded Atchley as Texas state legislative director.

Texas State Legislative Director Connie English said Atchley was "a mentor to me and a great friend who will be sorely missed."

Atchley was a member of the WST Blue Grass Band and was the master of ceremonies for bluegrass festivals at Glen Rose.

He also was a member of Field St. Baptist Church, Tent Makers Class and the Joyful Sound Choir at the church.

He was preceded in death by his wife of 54 years, Betty Jo "Babe" Atchley, on April 23, 2002. He is survived by his son Gary, daughter Debbe, sister Janelle Green, five grandchildren and four great-grandchildren.

## Bus Department

By Roy Arnold, vice president-director-elect

### People follow those who help them

C. Gene Wilkes, a minister from Plano, Texas, once told me, "People prefer to follow those who help them." As I prepare to take charge of the Bus Department as its newly elected director and UTU vice president, I believe Rev. Wilkes' advice to be compelling guidance.

For those who do not know me, I live in a small town near Amarillo, Texas, called Happy, whose population is only about 500. My Local 1697 has members spread throughout five states. I know the importance of accurate and prompt communication.

I come to my new position from being a bus operator with more than 25 years of over-the-road driving experience. I have more than one million miles of safe driving under my belt. I know first hand that our UTU bus operators have training needs. I promise every effort to be effective in this area.

My vision is for our Bus Department to grow and have effective leadership. When we organize properties, our priority must be to provide follow-up training and education – and responsive, effective representation every day at the local level. No local should ever be left without support. In return, I ask for patience during my transition. And I especially welcome your thoughts and suggestions.

We all owe Brother Percy Palmer, a dedicated trade unionist, bountiful thanks for his efforts and personal sacrifices during his leadership of the Bus Department. I wish him the best in his future endeavors.

As your new leader, I pledge to give each member time, dignity and respect. As a brotherhood and sisterhood, we must stand strong and united. Indeed, united, we can and will make a difference.



## Yardmasters

By Don Carver, vice president

### Warnings about remote control

Remote controlled operations (RCO) are making an appearance in most of the classification yard facilities across the nation. Traditional switching and humping operations are being converted to RCO. Many of these operations are being performed in non-zone territory. In non-zone territory, point protection is required by the Federal Railroad Administration (FRA). As explained to this representative, FRA guidelines suggest that point protection be given for the leading end of any yard movement, meaning that a member of the RCO crew must be in a position to observe the leading end of the movement and be able to stop the movement short of any obstruction or unsafe condition as required by current operating rules. This does not occur in many locations.

Yardmasters are being required to protect the leading end of movements when RCO crews must pull forward with no crewmember physically present to observe and protect the movement. We should not be required to afford this protection for two reasons. First, FRA RCO guidelines do not support these non-crewmember movements in non-zone territory. Second, protecting in this fashion violates the "no supplant" provisions on most, if not all, of the crew consist modification agreements.

If your carrier is requiring yardmasters to provide point protection for RCO movements in non-zone territory, advise your general chairperson and furnish the necessary documentation. The safety of the employee we supervise is our first responsibility.



**Byron A. Boyd Jr., International President**

**Paul C. Thompson, Assistant President**

**Dan Johnson, General Secretary and Treasurer**

**James M. Brunkenhoefer, Nat. Legislative Dir.**

**Contact the UTU:**  
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via fax at (216) 228-5755  
via e-mail at [utunews@utu.org](mailto:utunews@utu.org)  
[www.utu.org](http://www.utu.org)

## Count on UTU members in times of crisis

Here is a news item that should be taped to the wall of every carrier's labor negotiator and arbitrator:

"In the face of danger, when all about them flee, bus operators and rail conductors provide the leadership, courage and determination to assure their passengers are delivered home safely."

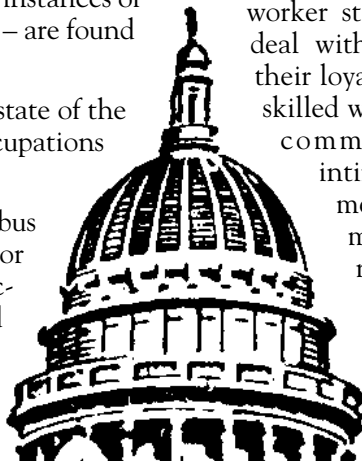
For poignant examples, one need look no further than last month's Northeast power blackout, the 9/11 terrorist attacks, and virtually every bus and rail accident. It is bus operators and rail conductors who stay on the job and tend to passenger safety.

Details of UTU-member heroic actions during the blackout are found elsewhere in this issue. The details of 9/11 UTU heroism – and other instances of bus operators and rail conductors being there for their passengers – are found in previous issues of *UTU News*.

As UTU International President Byron A. Boyd Jr. said in his state of the union address at the regional meeting in Philadelphia, UTU occupations "are among the most dangerous and most critical in America."

There is an unfortunate public perception that the role of a bus operator is simply to drive the bus and the role of the rail conductor is simply to punch a ticket. In fact, bus operators and rail conductors are in charge and responsible for every aspect of passenger and crew safety.

The actions of our UTU heroes are changing those incorrect perceptions.



## WASHINGTON WATCH

By James M. Brunkenhoefer

## A warning to Norfolk Southern managers

Dear Norfolk Southern manager:

I doubt you've ever taken a call from headquarters that asks if you promptly took an injured employee to the medical facility of their choice.



Instead, you are asked, "What did you do to keep the injury from being reported to the Federal Railroad Administration?"

We know from experience that your immediate action following an employee injury is to warn that employee that if a record is made of the injury, there is going to be trouble.

You have been taught that helping your railroad win the Harriman gold medal leads to promotions and salary raises.

It's the award and the press release, not employee safety, which really matters to your railroad's senior management.

You are so afraid for your own job that, even when you know it's the wrong thing to do, you frequently suggest the injured employee wait to see if he or she can shake off the pain so there will be no record of the injury.

## Who we are; what we do

By Byron A. Boyd Jr.  
International President

The real world can be a cold, dangerous and quite unhappy place if you have no job, a low-paying job or a job with inadequate health insurance.

For millions of Americans, that is reality. As hundreds of thousands of high-paying, high-skilled industrial jobs have disappeared or been exported, frequently replaced by low-skill, low-pay service jobs, too many families have suffered mentally and physically.

Too often, we don't know what we've got 'til it's gone.

For UTU members, our paychecks exceed most in America as does the value of our health-care insurance.

We fought hard for what we sometimes take for granted: adequate safety equipment and federal laws and regulations setting minimum safety standards. It was unions that achieved for employees paid overtime, paid vacations, paid holidays, health care insurance and pensions. Our fathers, grandfathers and great-grandfathers fought ferociously – and sometimes lost their lives in the battle – for employee safety, dignity and equity.

Notwithstanding decades of legislative victories, the American worker still is at risk. Daily we deal with employers who treat their loyal, dedicated and highly skilled work force as throwaway commodities. Policies of intimidation and harassment still bedevil us; and many employers would rather work employees as if they were farm animals rather than hire additional employees so that we might have reg-



Boyd

ular and predictable time off.

Many of today's challenges are similar to those of the past, but the means to achieve our desired outcome must be different owing to changes in the political and judicial environment.

That is why your UTU takes a progressive approach. In an environment where third-party intervention too frequently provides undesired results, the preferred solution is to reach a negotiated settlement. Of course, where and when necessary, we will use the weapons available to us – and maybe some new ones.

The record demonstrates that the UTU approach works best. New agreements for our airline, bus, rail and transit members continue to exceed the value of agreements achieved by other organizations. Two of our recent success stories include improved railroad retirement benefits while, for example, trucking employees face a pension-benefit freeze. UTU rail employees also gained unprecedented job protection with ownership of remote control.

We expect that by early October we will have a proposed new health care agreement for our rail members, which exceeds anything out there – including what is available to the federal workforce and employees in other private-sector industries.

At our Philadelphia regional meeting, your UTU was paid the highest compliment by a United States senator, a congressman and the nation's top railroad regulator. In separate speeches, each praised the UTU as the one union with foresight and flexibility that intelligently embraces change and fights for its members with its eyes open and a sense of the real world we are living in.

That's who we are. That's what we do.

# Fouts named UTUIA volunteer of the year

PHILADELPHIA – Retiree Kenneth N. Fouts, a member of UTU Local 421 at Conneaut, Ohio, was honored at the union's Philadelphia regional meeting last month as the UTU Insurance Association's volunteer of the year for 2003.

Fouts, a former conductor with the New York Central Railroad who was later employed at the UTU international in Cleveland, was selected as the volunteer of the year by a panel of UTUIA administrators.

He was selected from numerous nominees that were submitted to UTUIA from UTU members across the United States.

Fouts was nominated for the award by past International President Al Chesser and Bill Nichols, a retired journalist for the Cleveland *Plain Dealer* and lecturer at several northeast Ohio colleges.

Fouts was presented the award by Chesser, who, during an introduction, called Fouts "a philanthropist."

"He may not have the money of those typically called philanthropists, but he gives something at least as important – time," Chesser said.

Chesser stated that over the past 12 years, Fouts has volunteered more than 7,400 hours of service to others. "If that amount of time were translated into a 40-hour work week, it amounts to almost three years of dedicated effort," he said.

Fouts has been a volunteer in patient transport at Lakewood (Ohio) Hospital for 13 years, averaging six to eight hours of service a day, three days a week, and eight hours of service on Saturdays.

He has been active in the Lakewood Kiwanis Club since 1991, volunteering for many of the club's fundraising events and serving as chairman of the annual "Coats for Kids" campaign, chairman of the inter-club committee and a member of the club's board of directors.

He is an active member of the West Side Church of Christ, and has served as chairman of its benevolence committee since 1970. The committee spearheads the collection and donation of food and clothing to the needy.

As a member of the North Star 638 Masonic Lodge for 28 years, Fouts has transported burn victims from Cleveland to the Shriners' Hospital in Erie, Pa., and has served as "Tyler," a volunteer position, his entire Masonic career.

He has also volunteered in the Lakewood elementary school system since 1991, where he tutors slow-learning students and reads to children in the kindergarten classes.

In 1995, Fouts was honored as a "CitiSun" of the year by the *Sun Newspaper* of Lakewood, Ohio. The following year, he received a proclamation from the mayor of Lakewood recognizing his many contributions to the city through his volunteer service.

In his nomination letter, Chesser noted that Fouts had established a trust in which he is leaving a paid-up insurance policy in the amount of \$46,000 to his church, to be used only for benevolent causes.



UTUIA Volunteer of the Year Kenneth Fouts, left, shakes hands with past International President Al Chesser as Fouts receives a plaque honoring his volunteer service. Chesser was one of two people who nominated Fouts for the award.

"I believe Kenneth to be a very worthy candidate for this very important award," Chesser wrote.

"Fouts has a splendid history of volunteering in hospitals, service clubs and in educational environments," journalist Nichols wrote in his nomination letter.

Fouts was the youngest in a family of 13 from Corning, Ohio. After graduating from high school in 1944, he joined the Navy and served as a radioman on the carrier USS Shangri-La.

Following his military service, Fouts went to work on the New York Central and was promoted to conductor after two years.

He served as local chairperson and legislative representative of his local and was a delegate to the Brotherhood of Railroad Trainmen's 1964 convention. It was there that he became acquainted with BRT and UTU President Charles Luna, who later offered Fouts a job at the international.

The UTUIA volunteer of the year award was established in 1994 to honor the association's many volunteers, whose goals are to render service to not only fellow members but their communities as well.

## Five tips will get you home safely to your family

CLEVELAND – There may not be a more dangerous place of employment than a rail yard, where the threat of death and amputation hangs like ever-present low storm clouds.

Yet the odds of returning home safely to your family increase dramatically when you follow just five simple steps – the proven life-saving tips (see page 11) developed by the Switching Operations Fatality Analysis (SOFA) working group.

The SOFA working group includes three UTU officers plus federal safety experts who review switching-related deaths and injuries and develop recommendations to make the yard environment safer.

The year-end holiday season beginning in November historically has been the most dangerous for switching-related deaths and serious injuries, said Danny Boyles, UTU's Georgia legislative director and a member of the UTU SOFA working group.

"These months are a critical time for anyone working around rail equipment, switching railcars or spotting industry tracks."

The SOFA working group's five life-saving tips are a proven method to reduce switching-related deaths and injuries.

Since the five life-saving tips were developed in 1999, the number of switching-related fatalities, severe injuries and amputations has been reduced

dramatically. The six switching-related deaths recorded in 2002 was the lowest level in more than 20 years.

Amputations also are running at half their historic level. But deaths and severe injuries continue to occur, with five switching-related deaths through July and nine amputations.

"We can do better – we must do better for the sake of each other and our families," said David Brickey, UTU's Michigan legislative director and a member of the SOFA working group. "We must improve our efforts in watching out for each other.

"Members should encourage their co-workers to question the actions of anyone, regardless of their experience or position," Brickey said.

"When you see a brother or sister whom you think is making an unsafe decision – whether it be entering a close clearance area, not complying with signal or speed restrictions, stepping in between moving equipment, or any action that may lead to death or maiming – counsel them so they are able to go home to their families alive and in one piece," Brickey said.

Data show that while new employees are especially at risk in switching operations, members high on the seniority roster also are at risk – perhaps because they feel somewhat comfortable in their dangerous surroundings. "When you work around



Alaska Railroad is printing the five lifesaver tips for switching operations on its lanterns, a practice the UTU recommends be followed by every railroad.

Continued on page 11



# Philadelphia regional meeting photo highlights



CSXT yardmaster general chairpersons (standing, left to right) Doyle Turner, Dennis Burke, Ron Kratz and Richard DeGenova, meet with Vice President-elect-Yardmasters J.R. Cumby (seated left) and Vice President-Yardmasters Don Carver.



UTU Human Rights Committee Chairperson Ray Cunningham, left, speaks with Assistant President Paul C. Thompson.



UTU International President Byron A. Boyd Jr., right, thanks Sen. Arlen Specter (R-Pa.) for his years of support of UTU, Amtrak and issues important to transportation labor.



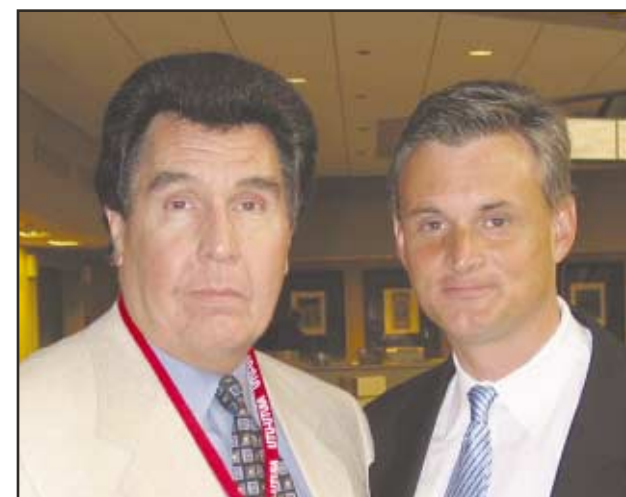
The Carney family: (top, left to right) Ed Carney Jr., Ed Carney ("Little Ed"), Ann Marie; (bottom, left to right) Christina and Alyssa. Carney is a UTUIA field supervisor and member of Local 60 at Newark, N.J. Father Ed Carney Sr. (not shown; L-1440, Staten Island, N.Y.) is retired from the UTU board of appeals and is a fixture at regional meetings where he serves as master of ceremonies and sings the Canadian and U.S. national anthems.



General Secretary and Treasurer Dan Johnson, left, congratulates UTUIA Volunteer of the Year Ken Fouts on his accomplishments.



The Philadelphia regional meeting organizing committee: Front, left to right, Pennsylvania State Legislative Director Don W. Dunlevy (L-1074, Freeport, Pa.) and Legislative Representative Rich Blakeney (L-838, Philadelphia); back, left to right: Local Chairperson and Legislative Representative Charles Wehr (L-498, Allentown, Pa.); Amtrak General Committee Secretary Gary Galvin (L-1074, Freeport, Pa.) and SEPTA (bus) General Chairperson Ron Koran (L-1594, Upper Darby, Pa.). Not shown: General Chairperson Dan Bentley (L-161, Seattle, Wash.)



New Jersey State Legislative Director Dan O'Connell, left, with Cong. Robert Andrews (D-N.J.).



Top winner of the Operation RedBlock raffle was Amtrak conductor Chuck Wetzelberger (left; L-1470, Washington, D.C.). Sam Marino (right; L-1374, New Castle, Pa.) won a ValueOptions putter.



Vice President-elect R.W. "Bob" Sharpe (L-1778, N. Vancouver, B.C.) shows his vest of many lapel emblems.



UTU General Counsel Clint Miller, left, with U.S. Surface Transportation Board Chairperson Roger Nober, who was a luncheon speaker.



During the Philadelphia regional meeting, this group of UTU members, most from Local 172 at Darby, Pa., and employed by Delco Transportation Co. as school bus operators or aides with the William Penn School District, took part in informational picketing in front of the district's administration offices.



These members were honored for the TPEL achievements of their locals. They are, left to right, Darrick W. Ruth (L-490, Princeton, Ind.); Gary Babiarz (L-1421, Franklin Park, Ill.) and Schuyler V.W. Smith (L-490).



Retirees attending the UTU for Life workshop included, left to right, Joseph Roe (L-1375, Philadelphia); George I. Ether (L-61, Philadelphia), and Alfred J. Azarewicz (L-1375, Philadelphia). All are former Reading Railroad, then Conrail, then SEPTA employees. Ether's uniform is his original, and it still fits.



Port Authority Trans Hudson officers from Local 1413, Jersey City, N.J.: front row, left to right, Legislative Representative and Vice General Chairperson Thomas Esposito; General Chairperson Ray Arenas, Vice General Chairperson Mike Stefanik. Back row, left to right, President Vincent Frantino and Secretary/Treasurer Gregory Whitaker.

## Retirees see UTUIA policy as perfect gift

When retired member Delbert Buchmiller decided to shop for a present for his newborn great-grandson, he didn't look any further than his latest issue of the *UTU News*.

That's where 85-year-old Buchmiller, a member of Local 311 in La Crosse, Wis., saw an ad for a permanent life insurance policy offered by the UTU Insurance Association (UTUIA) that's geared toward children and grandchildren.

Purchased at an early age, Buchmiller said, the policy is relatively inexpensive and will last a lifetime. Buchmiller said he wanted to give his great-grandson, **James**, a practical gift that could be beneficial throughout his life. The policy builds cash values that can be used later in life in an emergency or as a down payment on a home.

Buchmiller said he also has contacted UTUIA Field Supervisor **Clay Parker** about the cost of paid-up life insurance for his four-year-old great-granddaughter **Kylie**.

Buchmiller began his career with the Chicago, Burlington and Quincy Railroad in 1935 and became active in his Brotherhood of Railroad Trainmen lodge at LaCrosse, Wis. He was local president, legislative representative and vice chairperson of the Wisconsin Legislative Board.

Following retirement in 1982, Buchmiller and his wife **Grace** moved to Florida to be nearer to their two daughters. "We moved midway between their homes in Orlando and Ft. Myers so they could visit, have dinner and still return home the same day," Buchmiller said.

"I never gave up on the BRT or UTU," Buchmiller said. "I've been a continuous member from the day I joined until right now." He said his wife grace joined the Auxiliary to the BRT in 1935 and is still paying dues to the auxiliary today.

"My union has been wonderful and has given me one hell of a good life," he said.



The Buchmillers

## Representative payee helps annuitants manage benefits

By V.M. "Butch" Speakman Jr.

The Railroad Retirement Board's (RRB) policy is that every railroad retirement annuitant has the right to manage his or her own benefits. However, when physical or mental impairments make an annuitant incapable of properly handling benefit payments, or where the board determines that the interests of the annuitant so require, the board can appoint a representative payee; that is, either a person or an organization selected by the board to receive benefits and to act on behalf of an annuitant.

The Railroad Retirement Act gives the board authority to determine whether direct payment of benefits, or payment to a representative payee, will best serve an annuitant's interest. The board can appoint a representative payee regardless of whether there has been a legal finding of incompetence or commitment and, depending upon the circumstances in a particular case, the board may select someone other than the individual's legal representative to be the representative payee.

The RRB, like the Social Security Administration, does not recognize power of attorney for purposes of managing benefit payments for a beneficiary. Power of attorney is a legal process where one person grants another the authority to transact certain business on his or her behalf. For this purpose, the board uses the position of representative payee.

Generally, the board's local field offices determine the need for a representative payee and interview potential payees. The field office also advises the payee of his or her duties, monitors the payee, investigates any allegations of misuse of funds, and changes the method of payment, or the payee, when appropriate.

When a representative payee is needed, the board provides 15 days' advance notice to an annuitant of its intent to appoint a representa-

tive payee, and the name of the payee, in order to allow the annuitant a period of time in which to contest the appointment.

For more information about representative payees, contact the nearest office of the RRB. Most board offices are open to the public from 9 a.m. to 3:30 p.m., Monday through Friday.

Persons can find the address and phone number of the board office serving their area by calling the automated toll-free RRB help line at (800) 808-0772. They can also get this information from the board's website at [www.rrb.gov](http://www.rrb.gov).

V.M. "Butch" Speakman Jr. serves as the labor member of the U.S. Railroad Retirement Board.



Butch Speakman

## UTU mourns passing of two former officers

Two retired former union officers, **Carl W. Carew** and **Herschel R. Phelps Sr.**, passed away recently, according to reports received at the UTU international.

Brother Carew, 67, a member of Local 344 in Sarnia, Ont., was a retired former alternate Canadian legislative representative and the first full-time Ontario Legislative Board chairperson. He passed away Aug. 28 in Sarnia. Carew had joined the Brotherhood of Railroad Trainment (BRT) in 1955, held a number of union positions and retired in 1991 from VIA Rail with 40 years of service.

Brother Phelps, 98, a member of Local 202 in Denver, Col., was an early leader of what became the UTU Bus Department. He passed away July 29 in Denver. A bus operator, he joined BRT Lodge 852 in 1938 and served as general chairperson on the Denver-Colorado Springs-Pueblo Motorway, which became part of the Trailways system. He retired in 1975.

## 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
5	Clemens, James R.	Camdenton, Mo.	587	Fielden, John P.	W. Lebanon, N.H.	1117	Horn, Loyd M.	Las Vegas, Nev.
18	Griffin, T.L.	El Paso, Tex.	631	Cooper, Irvin N.	Brunswick, Md.	1366	Smit, J.	Salt Lake City, Utah
48	Rose, George M.	Richmond, Va.	674	Howard, David H.	Tignall, Ga.	1370	Aja, Frank	Metuchen, N.J.
60	VanGilder, Lowell T.	Hammonton, N.J.	693	Kinnerson, James H.	Massillon, Ohio	1375	Lawless, James F.	Philadelphia, Pa.
60	Wands Jr., Harry K.	Forked River, N.J.	706	Dillon, Elmer A.	McCoy, Va.	1378	Oneschuk Sr., Edward J.	New Castle, Del.
94	Abeel, Ralph V.	Shawnee Mission, Kan.	744	Cramer, Carl E.	Lima, Ohio	1378	Truscinski, Stanley C.	Wilmington, Del.
226	Senn, John H.	Hannibal, Mo.	769	Purvis, George F.	Shipman, Va.	1381	Neal, Edwin L.	Highland, Ind.
228	Ferguson, James A.	Hot Springs Village, Ark.	771	Tudor, Lewis A.	Mohave Valley, Ariz.	1393	Stevick, Robert W.	N. Collins, N.Y.
238	Henry, Guy V.	Brigham City, Utah	807	Wilson, William V.	Tucson, Ariz.	1403	Robinson, James C.	Excelsior Springs, Mo.
240	Swaim, Max L.	Stanton, Calif.	838	Hostetler Jr., F.E.	Lemoine, Pa.	1445	Fiacco, Albert	Brick, N.J.
298	Lewis, Thomas D.	Peru, Ind.	903	Bass Jr., Joseph O.	Hampton, Fla.	1477	Ortleib, Paul C.	Harper Woods, Mich.
300	Darragh, James F.	Albrightsville, Pa.	903	Bowman, James L.	Indianapolis, Ind.	1518	Gade, Melvin G.	Cincinnati, Ohio
333	Ralphy, William G.	Bradenton, Fla.	903	Healey, William R.	Callahan, Fla.	1518	Hale, Robert E.	Umatilla, Fla.
367	Furey, John J.	Omaha, Neb.	1033	Henson, Robert	Sylva, N.C.	1563	Dewey, Roddrick L.	Pomona, Calif.
367	Marshall, Hal B.	Centennial, Col.	1035	Brower Jr., Sylvester H.	Lakeland, Fla.	1760	Jordan, Calvin	Inkster, Mich.
422	Forbes, Alexander J.	Matsqui, B.C.	1042	Myers, Walter R.	El Reno, Okla.	1883	Carlin, Hugh	Dyer, Ind.
525	Jahr, Vernon A.	Lake Park, Minn.	1074	Adamson, Robert E.	Cranberry, Pa.	1915	Grace, Gary L.	Shingle Springs, Calif.
525	Laager, Robert I.	Grand Forks, N.D.	1081	Sampson, Shirley R.	Williams, Ore.	1929	Quirin, Oliver E.	Belleville, Ill.
556	Hudina, Pete	Tacoma, Wash.				2000	McCarty, John J.	Marion, Conn.
						2000	Soncrant, Howard	Redford, Mich.

# Voices: Why are donations to TPEL important?



**Michael Bienick**  
L-419, Camden, N.J.

"I'm a third-generation rail-roader. I signed up to contribute a quarter a day back in 1963 with the BRT. I'm now a dollar-a-day contributor. What a lot of members don't realize is that if we don't have the muscle to get our contract done through negotiations, Congress can actually write our contract. A lot of the contracts and benefits we have must go through the local, state or federal government. Railroad Retirement was the basic one we just got. TPEL won that. For every year you retire early, you save five years' wear and tear on your body and live longer. TPEL is what got us this. The only reason Congress remembers us is because of TPEL."



**John Caterino**  
L-1379, Pittsburgh, Pa.

"I've been a railroader for 35 years. I'm a CSXT conductor. TPEL is an intrinsic part of the union. It educates people in Washington, D.C., and gets the word out to the congressmen. Without that money, the union wouldn't be where it's at today. It's one of the main steps we have in keeping our union up and running. When a new guy joins, we tell him that a lot of politics are involved and this is how we help our legislative department do its job. The age of retirement has been lowered and health benefits have been improved. The work/rest program and the fatigue factor can be addressed, and the quality-of-life issue can be addressed through legislation."



**Jerry Gibson**  
L-313, Grandville, Mich.

"It's the grassroots of our organization. It reflects the true intentions of what you're trying to accomplish. It puts your true foot forward to get things changed. The Railroad Retirement legislation is a good example. I was never active in supporting TPEL until I talked to National Legislative Director James M. Brunkenhoefer. Listening to him speak made me realize some of the things that can be accomplished. Since then, I make it a point to carry TPEL donation forms with me. You have to get involved to make changes and get results, and I think our state legislative boards and their use of TPEL have shown it's a good value for your money."



**John Hawkins**  
L-1291, Birmingham, Ala.

"I come from a railroad family; my father was an engineer for NS for 43 years. I'm a remote control operator and yard foreman. TPEL means my future, investing in my future and my brothers' futures. I'm not happy with the political situation in my state or on the federal level and I think TPEL will help. It will get the money to the right people to get them elected to represent our views and our situation. A lot of the people in my local have the attitude I used to have, and I want to try to change their attitude to be more active and more vocal and to fight for things you think are right. TPEL can produce benefits for everybody."

## TPEL HONOR ROLL

Individuals who have begun contributing to TPEL or increased their donations to \$100 or more, per year, during the previous two months

Name	Local	City	Name	Local	City
<b>PLATINUM CLUB (\$1,200 OR MORE PER YEAR)</b>					
Paoli, David R.	730	Great Falls, Mont.	Snook, Michael A. R.	305	Lincoln, Neb.
Barczak, Ronald J.	1000	Minneapolis, Minn.	Handel, Edward S.	311	La Crosse, Wis.
Wilner, Frank N.	6666	Cleveland, Ohio	Tunnell, Matthew T.	311	La Crosse, Wis.
<b>DOUBLE DIAMOND CLUB (\$600 OR MORE PER YEAR)</b>					
*Bennett, Jay C.	1629	Phoenix, Ariz.	Logiudice, Joseph James	318	Hornell, N.Y.
<b>DOLLAR-A-DAY CLUB (\$365 OR MORE PER YEAR)</b>					
Freeman, Theron	113	Winslow, Ariz.	Thomas, Gary L.	318	Hornell, N.Y.
Hathaway, Mark A.	113	Winslow, Ariz.	Hart, Richard J.	375	Edgemont, S.D.
Thomas, Timothy C.	113	Winslow, Ariz.	Davis, Timothy John	445	Niota, Ill.
Bienick, Michael S.	419	Camden, N.J.	Ruble, Steve P.	445	Niota, Ill.
Hall, John E.	445	Niota, Ill.	*Brown, William H.	490	Princeton, Ind.
Lecce, Phillip Warren	556	Tacoma, Wash.	Brown, Danny R.	508	Smithville, Tex.
Smillie, Thomas C.	556	Tacoma, Wash.	Evanicky, David E.	508	Smithville, Tex.
Diehl, Dash E.	583	Fond du Lac, Wis.	Nicholson, Don K.	508	Smithville, Tex.
Oberneder, Kenneth J.	583	Fond du Lac, Wis.	Ekman, David A.	556	Tacoma, Wash.
Quist, Larry J.	1554	Ogden, Utah	Svedberg, Michael R.	556	Tacoma, Wash.
Smith, Jeff D.	1554	Ogden, Utah	Werner, Stanley J.	577	Northlake, Ill.
England, John R.	1674	Los Angeles, Calif.	Hewitt, Brian	583	Fond du Lac, Wis.
Hernandez, Raymond	1973	Chicago, Ill.	Snyder, George A.	586	Willard, Ohio
Rodgers Jr., Thomas H.	1973	Chicago, Ill.	*Blazeski, Stanley	693	Brewster, Ohio
<b>DIAMOND CLUB (\$300 OR MORE PER YEAR)</b>					
Tonic, Kenneth R.	60	Newark, N.J.	Hutchings, Jackie V.	733	Dequeen, Ark.
*Layton, Harlan D.	305	Lincoln, Nebr.	Thompson, Darrell D.	781	Shreveport, La.
Leiferman, Lance L.	508	Smithville, Tex.	Jennings, Alan S.	783	Spencer, N.C.
Vinklerek, Russell D.	508	Smithville, Tex.	Chapman, Troy G.	811	San Bernardino, Calif.
Worley, James N.	556	Tacoma, Wash.	*Flanagan, Noah H.	847	Birmingham, Ala.
Smith, Timothy J.	586	Willard, Ohio	*Burns, Eugene R.	891	Whitefish, Mont.
Bowler, Robert G.	811	San Bernardino, Calif.	*Malingo, Joseph E.	891	Whitefish, Mont.
<b>GOLD CLUB (\$100 OR MORE PER YEAR)</b>					
*Ward, Vaughn R.	17	Marshalltown, Iowa	*Wagner, Roger F.	891	Whitefish, Mont.
Alonso, Mario M.	60	Newark, N.J.	*Fox, Charles E.	898	Boston, Mass.
Carney, Edward A.	60	Newark, N.J.	Arbogast, Paula F.	934	Alliance, Neb.
Nuzzo, Joseph	60	Newark, N.J.	Cowart, James B.	947	Chaffee, Mo.
Quinn, Edward J.	60	Newark, N.J.	Griggs, Ryan M.	947	Chaffee, Mo.
Taylor, Gregory	60	Newark, N.J.	Irvine Jr., Donald G.	947	Chaffee, Mo.
Smith, M.G.	98	San Luis Obispo, Calif.	Jewell, Russel Edward	947	Chaffee, Mo.
Barton, Van	113	Winslow, Ariz.	Reef, Tanzi Hope	947	Chaffee, Mo.
Branson, Michael B.	113	Winslow, Ariz.	Roberts, Douglas V.	947	Chaffee, Mo.
Marquez, Derrek M.	113	Winslow, Ariz.	*Rushing, Wilford C.	1053	Selma, Ala.
Weishan, Clinton R.	113	Winslow, Ariz.	*Montgomery, Robert W.	1136	Sterling, Colo.
Redden, Jesse W.	166	Salt Lake City, Utah	*Debardelaben, Franklin	1291	Birmingham, Ala.
Frerichs, Tracey L.	258	Rock Island, Ill.	Smith, Nathaniel	1501	Baton Rouge, La.
Griffin, Zeb D.	305	Lincoln, Neb.	McDaniel Jr., James E.	1524	Houston, Tex.
Hughes, Marc D.	305	Lincoln, Neb.	Parker, Andrew J.	1678	Minden, La.
Patterson, Danny K.	305	Lincoln, Neb.	UTU Auxiliary Lodge	593	Florence, S.C.
Rock, Jeremy J.	305	Lincoln, Neb.			

\* = Retired member



### Longtime local officer honored at retirement

Charlie Sloan, a longtime UTU officer, a 44-year employee of Burlington Northern Santa Fe Railway and a member of Local 94 at Kansas City, Kan., is flanked by BNSF General Chairperson Jim Huston (GO-009), left, and UTU Assistant President Paul Thompson, also a Local 94 member. From 1981 to his recent retirement, Sloan was senior local chairperson. "Charlie always did a superb job representing members and we wish Charlie and his wife Sally many years of deserved good health and happiness," Huston said.



### Delegates donate to injured brother

During the recent convention in Anaheim, Calif., UTU delegates, officers and members donated to CSX conductor Louis Lucas, a member of Local 1221 at Tampa, Fla., who was seriously hurt in a rail accident. Lucas thanked everyone for their generosity, according to Ben Davis, local delegate. Davis is shown here presenting a check for \$3,900 to Altomease Lucas. Those wishing to contribute should send a check to Sandy Helms, Railroad and Industrial Credit Union, 3710 N. 50th St., Tampa, FL 33619.



## Boyd pledges

Continued from page 1

said. "Our UTU members were the heroes of the Northeast blackout. Our UTU members put public safety over personal concerns. That's what defines a hero and that's what defines a UTU member!"

"We proved once again that the role of the conductor is not simply to punch a ticket," Boyd said. "And we proved once again that the role of the bus operator is not simply to drive the bus. Conductors and bus operators are crucial to public safety. Don't ever let anyone tell you differently! On behalf of every stranded passenger who returned safely to their families, I salute each of our UTU heroes."

Boyd also reminded UTU members that while the UTU didn't seek implementation of new remote control technology, "reality tells us new technology never goes away. The history of the union movement is that organizations that

fought new technology lost. They had that technology crammed down their throats with little or nothing to show for the fight.

"Your UTU took a bold, new approach," Boyd said. "We embraced the technology in exchange for unprecedented job protection – now and into the future, along with improved wages."

"We also won an ability to influence how the new technology is implemented, the amount and type of training we receive, and a voice in assuring the safety of remote control," Boyd said.

"The other organization has made indefensible claims that the new technology is unsafe," Boyd said. "In truth, the other organization is fighting to gain control of that new technology for their members."

"Through twisted logic, the other organization claims the new technology is unsafe when UTU members operate it, but safe when their members operate it. Their fight is not about safety. Their fight is about who owns the new technology. I'd rather explain to you why we have the work rather than why we don't have the work," Boyd said.

"If you look at the contract the other organization has on Montana Rail Link, where it operates remote control, there were no protections negotiated for ground service employees," Boyd said. "The other organization, which once agreed to sell-out firemen for \$1.50 per day, never sought job protection for other crafts. In fact, Canadian labor officials just imposed the largest damage award in Canadian labor history against the other organization. The other organization was found guilty of making false promises. The other organization defended its lying by calling it 'campaign rhetoric.' In the words of Canadian labor officials, 'the Brotherhood of Locomotive Engineers failed to uphold a reasonable standard of competence in representing its members.'"

"While the other organization pursues craft exclusion, your UTU pursues craft inclusion," Boyd said. "Every day, your UTU fights for the protection of every craft – engine-service members and train-service members."

"Courage, judgment, integrity and dedication are our guideposts," Boyd said. "Let us never abandon them."

## UTU wins praise

Continued from page 1

day," Andrews said. "Some new technology may not be welcome because it costs jobs. But the reality is that no matter how long we resist, the issue is not whether the new technology will occur, but how well we deal with it and embrace it."

Nober, meanwhile, following an Aug. 26 meeting with UTU International President Byron A. Boyd Jr., promised his agency would "look closely" at any proposed or likely future transfers of jobs to Mexico or other nations by railroads seeking permission to merge. No other transportation union has been successful in convincing a federal agency to examine the export of U.S. transportation jobs.

"Employees are partners (with the carriers) in the railroad business," Nober said, and their interests should be considered when railroads seek STB authority to merge. The STB (formerly known as the Interstate Commerce Commission) is the lone federal agency that determines if railroads and bus companies may merge and what conditions, if any, should be attached to the transactions.

Nober said it was UTU leadership that previously ended the practice of STB-approved cram-

down, whereby merged railroads would shred collectively bargained labor agreements in order to combine separate work forces for the convenience of the consolidated carrier. Now, affected employees determine which of the separate collective bargaining agreements will be in force on the merged carrier.

Also during the regional meeting, Specter vowed to continue his 23-year fight for adequate Amtrak funding. He told UTU members, "If we were as timid in the 19th century (about building mass transportation) as we are today, we wouldn't have built the transcontinental railroad."

"No industrialized nation in the world doesn't subsidize rail transportation, and I'm going to fight hard to get Amtrak the \$1.8 billion in funding" it requires for the next fiscal year, Specter said.

Specter also pledged to continue his congressional fight to preserve funding for the Occupational Safety and Health Administration (OSHA). As chairman of a Senate subcommittee on labor issues, Specter is credited with turning back an attempt to cut OSHA funding by 30 percent. He also was among the strongest supporters of Railroad Retirement reform.

Specter, who will seek re-election in 2004, was one of the first lawmakers to criticize Norfolk Southern for reneging on its promise to retain car repair facilities near Altoona, Pa., following its

joint carve-up, with CSX, of Conrail.

"We are a bipartisan organization that supports those who support us," said Boyd in introducing Specter, a Republican facing primary competition from conservatives within his party. "Our citizens are mostly in the middle of the political spectrum," Boyd said.

"When organized labor takes the approach of only supporting one political party, we don't serve the interests of our members. Organized labor needs to be behind people who represent our interests, not behind ideologues," Boyd said.

Nober, also a Republican, praised the UTU's bipartisan approach. "I applaud your working both sides of the aisle," Nober said. "The UTU is the union we work with" on labor issues at the STB. He promised to continue seeking UTU input on matters of railroad safety and operating problems that come before the STB in conjunction with past or future rail mergers.

The three-day UTU regional meeting was structured to provide UTU leaders and members with classroom-type instruction on issues affecting job security, benefits and retirement.

Secretary/treasurers from UTU locals received hands-on instruction in accounting and reporting methods to make them more efficient and effective in serving members.

## Members shine

Continued from page 1

PATH was busily preparing for the evening rush hour with 19 trains on the system transporting about 5,000 riders. Within 60 minutes after the blackout hit, all of the riders had been safely evacuated, PATH reported.

"Our people walked the passengers out. Some through escape tunnels, some through emergency exits," Arenas said. "Some were mid-river, under the Hudson River. They walked through the tunnel all the way to the station."

"We had a train on the Hackensack Bridge, and people had to cross that span. They had to be led across the bridge."

"I'm proud of these members," Arenas said of those he represents in Local 1413, Jersey City, N.J. "Each one of them. No one got hurt; everyone performed his or her duties! It shows the importance of having a conductor on these trains. Floods, bombings, and now blackouts! My

men and women have been great.

"We're the safety outlet. We're the ones coming through, through snowstorms, floods, Nor'easters, bombings, blackouts, we do it all. We're better than the postman. Thank God for conductors. I have got to give credit to engineers, too, though their union will remain nameless. But the conductor is in charge of the train, and no one was hurt! That in itself is a miracle."

The members of Local 60, representing conductors on New Jersey Transit, worked to keep riders safe during the blackout, according to Vice Local Chairperson Jerry McAndrew.

With a power outage of this magnitude, conductors are told to sit tight and wait for instructions from Amtrak dispatchers, who control the lines, McAndrew said.

The union officer said diesel locomotives were sent to rescue any trains that were stranded in tunnels entering or leaving New York City.

McAndrew said he did not believe any trains were evacuated, because to do so would have endangered the passengers. He said the carrier's

evacuation tunnels and shafts are very narrow and dangerous, even after recent improvements.

On Amtrak, an Acela train was stranded over the East River for hours. Edward Radovich, a member of Local 1462 at Boston, Mass., was conductor on that train. Writing in a letter to the editor of the *Boston Globe*, Radovich said, "It was indeed a trying experience for all of our passengers, but my crew did an outstanding job taking care of the passengers considering the situation we were in and what limited resources we had available to us that night."

"We made many announcements updating the passengers on the situation and most of them realized there wasn't much we could do other than keep them as safe and comfortable as possible."

"I authorized the cafe attendant to give away all of the food and beverages and my crew made sure all special-needs passengers were taken care of first."

"We had a pregnant woman, a woman with a newborn baby and an elderly man with breathing problems who had brought a limited supply of oxygen on board and we made it our priority to care for them, as well as our other passengers."

# UTU policy concerning fees objectors

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

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

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

3. The following categories of expenditures are chargeable:

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

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

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

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

## Percentage of chargeable fees determined by neutral review for calendar year 2002

International	70.8
<b>General committees of adjustment<sup>1</sup>, including locals under jurisdiction</b>	
GO 001 Burlington Northern Santa Fe	100.0
GO 049 CSX-B&O	98.9
GO 769 Conrail	99.8
GO 953 Union Pacific-Eastern	98.5
<b>State legislative boards<sup>2</sup></b>	
LO 005 California	72.6*
LO 018 Iowa	76.2*
LO 030 Nebraska	86.1*
LO 038 Ohio	82.7*

<sup>1</sup> Unreviewed GOs will have 2002 average of chargeable percentages of GOs audited of 99.3 applied to any new objectors.

<sup>2</sup> Unreviewed SLBs will have a 0% chargeable percentage applied to new objectors.

\* Estimate. Final ratio forthcoming.

ter to the International General Secretary/Treasurer post-marked no later than thirty (30) days after issuance of the independent referee's report.

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

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

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

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

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

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

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

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

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

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

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

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

## SOFA

Continued from page 5

railroad equipment, one should never feel comfortable," agree each of the SOFA working group members. "Danger lurks with every footstep and with every car and engine movement," Boyles said.

John Smullen, another UTU member of the SOFA working group and UTU's Minnesota legislative director, said, "Not long ago, a new hire was able to work closer with experienced crew members because of larger crew size.

"If the new hire got into a position that could hurt them, the more experienced member had an opportunity to pull them back to safety and counsel

them.

"Today while working with smaller crew sizes, a new hire does not have as long an opportunity to learn from more experienced members," Smullen said.

"Just one bad decision - whether it be preoccupation with a family matter or miscommunication with other members of the crew - can cost a life, an arm or a leg."

Everyone employed around moving rail equipment, no matter their seniority, should spend more time investigating their surroundings to make sure they are where they think they are, agree safety experts.

"The movements we control need to be watched very closely," Smullen said. "Blind shoves have killed too many UTU members."

CLIP AND SAVE



### THE FIVE LIFESAVERS

1. Secure equipment before action is taken.
2. Protect employees against moving equipment.
3. Discuss safety at the beginning of a job or when a project changes.
4. Communicate before action is taken.
5. Mentor less-experienced employees to perform service safely.

Your family will receive no greater expression of love this holiday season than your clipping this box and affixing it to the front of your refrigerator as a daily and constant reminder to be alert and safe while performing switching operations.

# This month's winning photo:

This month's winning photograph was taken by **Leo Persick**, a member of Local 331 at Temple, Tex. Persick's photo is of Burlington Northern Santa Fe intermodal train P-LACNWO that runs between Los Angeles and New Orleans. It was taken at Crowley Sid-ing, La., June 23, 2003.

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.



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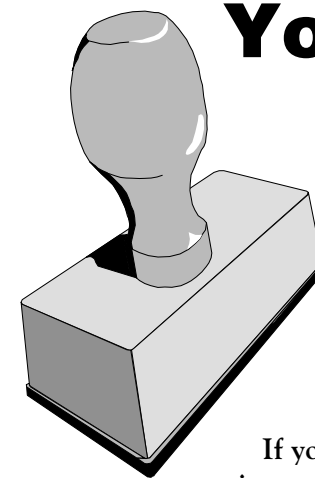


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