

UTU News

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The Official Publication of the United Transportation Union

Entry-rate dispute heads to work-rules panel

The dispute between the UTU and the National Carriers' Conference Committee over entry-level rates of pay is headed to a national wage and rules panel as a result of an arbitration award finalized Jan. 22.

UTU International President Mike Futhey issued a dissent to the award, which was written by arbitrator Robert Peterson and agreed to by the railroads' partisan, former carrier chief labor negotiator Robert Allen.

Peterson's decision holds that the issue of entry rates was "addressed or considered as part of the give-and-take" of the 2004/2008 collective bargaining round, and that the issue may now be handled by a national wage and rules panel, first created during the 1996 round of national negotiations.

Members of the panel are appointed by the parties. The carriers typically appoint the chairman of the National Carriers' Conference Committee and carrier vice presidents of labor relations.

The UTU members typically include the UTU international president and members of the UTU national negotiating committee. The panel's meetings are scheduled on mutual-



UTU International President Mike Futhey, right, met recently in Washington with Robert Szabo, executive director of Consumers United for Rail Equity (CURE), an advocacy group of captive rail shippers, to discuss legislative issues of mutual interest. CURE-inspired legislation, backed by House Transportation & Infrastructure Committee Chairperson Jim Oberstar (D-Minn.) and Senate Commerce Committee Chairperson Jay Rockefeller (D-W.Va.), would require the Surface Transportation Board to be more aggressive in its oversight of the remaining major railroads – just seven major systems today, versus almost 40 when the Staggers Rail Act was passed in 1980. CURE also supports legislative proposals to place railroads under the same antitrust laws as all other American industry. (See President Futhey's column, page 4)

ly agreeable dates in the same fashion as national negotiations.

Futhey said in his dissent, "This dispute does not involve the give-and-take at the bargaining table in the 2004/2008 round. Rather, it concerns the deferred price the carriers agreed to

pay in the involved side letters" to the 2002 UTU National Agreement.

"The Board," Futhey said, "simply should have found that the parties are obligated to establish the nexus between entry rates and training/experience," and that should be done "completely outside" of the give-and-take in the 2004/2008 round "because the commitment to make that nexus remains outstanding from the 2002 round."

Futhey added that he will use all tools at his disposal – including legislative pressure on the carriers – to achieve a successful outcome of the entry-level pay issue on behalf of new hires.

The UTU position going into arbitration was that once conductors and yardmasters are hired, trained and given full responsibilities, those conductors and yardmasters should be paid full service scale, meaning the same rates of pay as their

peers with similar training and responsibilities.

Although some railroads have scrapped entry-level rates for newly hired and fully trained conductors and yardmasters that are given full responsibilities, it is the industry norm to pay them less for the first five years.

Entry-level rates of pay were first agreed to dur-

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UTU officers face trial by board

CLEVELAND – Internal trials before the UTU Executive Board began Feb. 3 for four UTU International vice presidents accused of being agents of a competing union and failing to follow the directives and policies of the UTU International president in violation of their oath of office and various provisions of the UTU constitution.

On trial are UTU International Vice Presidents John Babler, Vic Bafoni, J.R. "Jim" Cumby and Tony Iannone.

Similar charges were filed against former UTU National Legislative Director James Brunkenhoefer, who died Dec. 19, and former International Vice Presidents Roy Boling and John Fitzgerald, who retired Feb. 2.

The trials grew out of the vice presidents' actions after a federal court issued an injunction in December 2007 halting implementation of a merger between the UTU and the Sheet Metal Workers' International Association (SMWIA) to form The International Association of Sheet Metal, Air, Rail and Transportation Workers.

In halting the merger, the court ruled that the SMART constitution did not accompany the balloting materials. The court urged that a new merger agreement, including the SMART constitution, be negotiated and that a new ratification vote be held.

On Feb. 2, Federal Judge John R. Adams, following a Jan. 30 hearing, denied a request by the vice presidents to halt or delay their internal trials.

Federal Judge John Adams: Defendants "are acting not on their own behalf but on behalf of the SMWIA."

Judge Adams said in the hearing that through their actions there was evidence the vice presidents attempted to impede the constitutional authority of UTU International President Mike Futhey, who has been attempting to

follow the court's instructions that the merger agreement be renegotiated and re-voted.

The International vice presidents, said Judge Adams, are acting "not in their own right, but are doing it at the behest of some third party – a competing union."

The charges against the vice presidents were

News and Notes

Two members die in mishaps

Two UTU members, **Lenard E. Noice** and **Craig Curtis Lang**, have died in separate incidents.

BNSF locomotive engineer Noice, a member of Local 1168 in Clovis, N.M., died Jan. 16 while on a run between Clovis and Ft. Sumner. He was 59.

"He was a really good person," New Mexico State Legislative Director **Dennis Baca** said. "He was a person you could count on; he was one of the good guys. He will be missed."

UP switchman Lang, 41, a member of Local 367 at Omaha, Neb., was killed Jan. 28 at a UP yard in Council Bluffs, Iowa.

Investigators say it appears Lang stepped off a train he was riding and was struck by a coal train going in the opposite direction around 6 a.m.

He was pronounced dead at the scene.

(A memorial fund has been established for Brother Lang. See page 2.)

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Around the UTU

Local 204, Pueblo, Colo.

Emuel "Skip" L. Skidmore, 80, the father of UTUIA Field Supervisor and Colorado Assistant State Legislative Director **Charles Skidmore**, passed away Jan. 11. A member of International Brotherhood of Electrical Workers Local 12 since 1960, Emuel Skidmore was a U.S. Navy veteran, and a member of the Elks and Eagles lodges. In lieu of flowers, donations may be made in "Skip" Skidmore's name to the IBEW #12 Brotherhood Fund, 2901 Farabaugh Lane, Pueblo, CO 81005.

Local 240, Los Angeles, Calif.

Penny Lee, the wife of current board of trustees member and former Local President **Ralph J. Lee** passed away Jan. 11, Local Chairperson **Harry Garvin Jr.** reports.

Local 298, Garrett, Ind.

This CSX local has a new Web site address at www.utu298.com, reports Local Chairperson **Jamie Modesitt**. The railroad's 2009 Train and Engine Service Operating Rules Study Guide, a local calendar and a wealth of other information can be found there.

Local 367, Omaha, Neb.

This Union Pacific local held its annual raffle for charity in December, raising \$1,645 for the Heart Ministry Center. The center raises funds to assist disadvantaged children during the Christmas season, said Legislative Rep. **Kevin Kresl**. First prize was awarded to member **Mike Medeiros**, who received Kansas City Chiefs football tickets. Second prize was awarded to Mary Pat Contreras, wife of member **Jim Contreras**, who received a GPS navigator. The event was coordinated by Local President **Phil Tamisiea**, a strong believer in community involvement, Kresl said. The local has donated more than \$7,000 during the past several years.



Pictured, from left, are Joe Brown, Phil Tamisiea, Kresl, Yolanda Robinson, Fr. Tom Fangman and Dick Casey.

Local 418, Sioux City, Iowa

This BNSF Railways local has a new Web site at www.utu418.org, member **Ryan Schooley** reported. "This Web site was created to better inform and connect our members. We will update the Web site on a continuous basis. If you have any suggestions on ways to improve the Web site, please e-mail SCHOOMONEY@yahoo.com, or feel free to speak your mind in our forums section," Schooley said.

Local 446, Cheyenne, Wyo.

Longtime local officer **Roy W. Tibbetts III** retired Jan. 15 after nearly 47 years of rail service, wife Darlene Tibbetts reports. A Union Pacific conductor, Tibbetts had served his local as chairperson from 1970-2002, president from 1979-2009, and as secretary of Union Pacific - Eastern District GO 953 from 1975-1983. His mother, father and grandfather were all previous UP employees. "He will miss the railroad and all his buddies, but will enjoy being able to sleep in his own bed every night," Darlene said. She added that Tibbetts, father of Danton and LaDawn, looks forward to spending time in his woodshop.

Local 583, Fond du Lac, Wis.

Local Chairperson **Scott Seggerman** contacted *UTU News* to report the passing of long-time Wisconsin Central/Canadian National conduc-



As host of the History Channel's Extreme Trains series, member Matt Bown examined railroad history, as well as the vital role trains still play today.

Make no Bowns about it, Extreme Trains are cool

Pan Am Railways conductor, unabashed train fanatic and UTU member **Matt Bown** always had a dream: To ride the biggest, fastest, most awesome trains in America.

Bown, a member of Local 1400 in South Portland, Maine, got to live that dream as host of "Extreme Trains," an eight-part series on remarkable trains that debuted on the History Channel in November.

Each episode focused on a particular type of train, from steam to freight to high-speed passenger, and featured worker interviews, local history, on-line dangers and, of course, famous wrecks.

Bown said he loved riding trains through gorgeous New Mexico scenery; riding in the cab over Cajon Pass in California; riding at the head of the Acela going 150 miles an hour; riding the cab and working with the crew on the Union Pacific steam locomotive 844 for an entire week; riding and working the Amtrak *Empire Builder* that runs from Chicago to Seattle, and enjoying a rare ride aboard the Barnum and Bailey circus train.

In the premiere episode, Bown rode through the Allegheny Mountains of Pennsylvania with a 105-car, 15,000-ton cargo of coal en route to a power plant. Along the way, viewers learned a bit about how coal is mined and loaded, the history of the Johnstown Flood, how difficult it is to shoot the famous Horseshoe Curve and how the Nazis planned to blow it up during World War II.

"I heard about plans for a show on trains, so I sent my photo and biography in, and they picked me," Bown said.

He and a crew of seven or eight spent a few months taping the show. "The coolest part was UP's steam engine," he said. "On a steam engine, going around a left-hand curve the engineer can't see anything. I can't believe people used to do that. They ought to send all rail crews out to see what it was like."

Bown said the railroads were very cooperative. "They (railroads) understood we were not there to make them look bad. We didn't have any trouble at all. NS even gave me a hardhat with my name on it."

Bown said that his fellow UTU members also were very supportive. "The rail workers were excellent. I do what they do, so they were great. I wanted people to understand what railroading is all about, and they helped me do that."

tor **Thomas P. Aird** on Feb. 2. "Tom was diagnosed with cancer in late 2008. He carried on a courageous battle with this disease with much love from his family, friends and coworkers. He will be dearly missed by all," Seggerman said.

Local 646, Council Bluffs, Iowa

Members have established a memorial fund for the family of **Craig Lang**, a UTU member who was

fatally injured on Jan 28, Local 646 Secretary & Treasurer **Chris Nelson** reported. Lang was struck



Lang

and killed by a train in Union Pacific's rail yard here. News reports indicated he had stepped off a coal train on which he was riding and was struck by a train coming in the opposite direction. Lang, who is survived by his wife, Lisa, and two children, was 41. Send contributions to the "Craig Lang Memorial Fund" at Peoples National Bank,

306 West Erie, Missouri Valley, IA 51555.

Local 650, Minneapolis, Minn.

Locals 650 and 1614 (St. Paul, Minn.), which represent road and yard workers on the Union Pacific's former C&NW lines in the Twin Cities, south-central Minnesota and Northern Iowa, held their annual joint Christmas party on Dec. 15, Chairperson **Randy Raskin** reported. Guests included State Legislative Director **Phil Qualy** and retired State Legislative Director **Willis Croonquist**, and a good time was had by all, Raskin said.



Kurt Olson and his wife, Rachele, the proud new parents of Parker Tomas Olson, enjoy the UTU Christmas party. Olson will soon be training as a student engineer.

Local 832, Superior, Wis.

John C. McDonough, a former Wisconsin assistant state legislative director, passed away Jan. 20, State Legislative Director **Tim Deneen** reported. McDonough, a conductor for the Great Northern Railroad and Burlington Northern Railroad for 47 years, retired in 1989.

Local 1597 to host Ill., Ind., Wis., Tri-State Conference

This year's Tri-State Rail Conference, organized by Belt Railway of Chicago General Chairperson **Chris Votteler** and Local 1597 Secretary & Treasurer **Tony Marchi**, will be from 10 a.m. until 3 p.m. on March 14, at the Raday Harry Lodge, 3220 W. 145th St., Midlothian, Ill. The meeting is free of charge to all UTU members. Coffee and rolls will be served in the morning, as well as a luncheon around 12 p.m.

UTU International Vice Presidents **John Babler** and **Robert Kerley**, Illinois State Legislative Director **Robert Guy**, Canadian Pacific (Soo Line) General Chairperson **James Nelson**, Alternate National Legislative Director **Joe Szabo** and representatives from the Federal Railroad Administration have been invited to attend, reported former Local 1433 President **Al Schoo**. Topics to be reviewed include technological advances, new safety rules, the FRA cell-phone ban, the CN-EJ&E merger and more.

Also in attendance will be **Greg Hale** and **Aaron Combs** from the UTU Insurance Association, Brenda Williams from the Railroad Retirement Board, Charlene Payne from United HealthCare and Mary Schultz from BlueCross-BlueShield.

The conference promotes unity, strength, and constructive relationships among UTU locals and members in Illinois, Indiana and Wisconsin, and allows attendees to exchange information on common issues rail employees face, Schoo said. For more information, call Schoo at (815) 222-6159.

FRA to limit engineer license restrictions

In a move likely also to affect conductor certification when implemented in 2010, the Federal Railroad Administration has proposed limits on a carrier's ability to reclassify a locomotive engineer's certification to a more restrictive class.

The FRA also proposes to limit a carrier's ability to revoke an engineer's certification for reasons other than are narrowly defined in federal regulations.

The proposed revisions to FRA safety regulations, published at 49 C.F.R. 240 (known as Part 240 regulations) follow aggressive actions against engineers by an unidentified railroad – actions the FRA says violate the intent of federal safety laws and FRA safety regulations.

The public has until March 2 to file written comments to the proposed FRA revisions of its regulations.

Engineer certification was ordered by Congress in 1988 through the Rail Safety Improvement Act. Under the law, the FRA determines certification standards for locomotive engineers (as it will for certification of conductors in 2010 under provisions of the Rail Safety Improvement Act of 2008).

Under the 1988 law, each railroad is responsible for training engineers and certifying they meet minimum federal standards, which include proper application of a railroad's rules and practices for the safe operation of locomotives or trains in the most demanding service the engineer will perform.

Certified engineers must undergo periodic retesting, and they risk having their certification revoked if they fail to comply with the railroad's rules and practices deemed essential for the safe operation of trains as specified in the federal regulations.

FRA regulations permit a carrier to revoke an engineer's certification for only six specific types of violations of operating rules and practices:

1) **Failure to control a locomotive or train** in accordance with a signal indication that requires a complete stop before passing it;

2) **Failure to adhere to limitations concerning train speed** when the speed exceeds the maximum authorized limit by at least 10 miles per hour or a violation of restricted speed that causes a reportable accident or incident;

3) **Failure to adhere to certain federally required procedures** for the safe use of train or engine brakes;

4) **Occupying a main track or a segment of main track** without proper authority or permission;

5) **Failure to comply with prohibitions against tampering with locomotive mounted safety devices** or knowingly operating a train with an unauthorized disabled safety device;

6) **Incidents of noncompliance with the regulations regarding the use or possession of alcohol and drugs.**



FEDERAL RAILROAD ADMINISTRATION

The FRA also proposes to prohibit the practice of reclassifying any type of engineer's certification to a more restrictive class of certificate or to a student engineer certificate during the period in which the certification is otherwise valid. It also proposes to clarify its regulations to ensure that all parties understand that revocation of an engineer's certificate may only occur for the six reasons specified in the regulation.

The FRA also proposes to require each railroad to identify the potential actions it may take in the event that a person fails a skills performance test or that the railroad finds deficiencies with an engineer's performance during an operational monitoring observation or unannounced compliance test or otherwise becomes aware of such deficiencies.

Member injured by snowplow

UTU member **Glenn Fry** is recovering from serious injuries he received when, while acting as a good Samaritan, was struck by a snowplow.

Fry, a CSX locomotive engineer and member of Local 313 in Grand Rapids, Mich., was on his way to work when he noticed a car go into a ditch due to icy road conditions. Fry, an ex-Army sergeant, did what came naturally as a UTU member and leader – he stepped up and assisted.

Fry and the other driver successfully used Fry's truck to pull the van from the ditch. They were walking back to the van to unhook the tow straps when a pickup with a plow attachment crested the hill behind them.

The 19-year-old driver of the plow truck reportedly tried to stop but could not. He struck Fry and the other driver from behind before ending up in the ditch.

Fry suffered extensive injuries to his hips, pelvis, legs and arms. He had surgery to pin everything together and is now recovering in the Mary Free Bed rehabilitation hospital in Grand Rapids, Mich.

Fry will be off his feet for an estimated six months. If anyone is interested in sending him cards or gifts, please send them to 3015 Lincoln Lake Ave. N., Lowell, MI 49331.

First Coast Rail workers ratify

UTU-represented train- and engine-service employees of First Coast Railroad, Fernandina Beach, Fla., a property of rail holding company Genesee & Wyoming, have ratified their first contract with the carrier.

All are members of Local 1972.

The 31-mile First Coast Railroad operates on former Seaboard Air Line Railway tracks between Seals, Ga., and Yulee, Fla. The tracks were once part of Seaboard's main line through coastal Georgia.



The railroad also operates the line between Yulee and Fernandina, Fla. It is a subsidiary of Rail Link, Inc.

First Coast provides switching services at the Port of Fernandina, Fla., and runs west from the port through Yulee, Fla., and then north to Seals, Ga., to a connection with CSX.

The new contract, negotiated over the last year, includes increases in wages, benefits and numerous other protections, including a codified grievance system. The contract was effective upon ratification and runs through the end of 2012, General Chairperson Doyle Turner said.

"The seniority, scope and discipline rules these members now enjoy are what makes union membership valuable," Turner said, "and they help ensure that these members will have the protections they deserve."

Turner thanked UTU International President Mike Futhey and former CN general chairperson Warner Biedenharn for their support during the negotiations.

UTU challenges attack on FELA

PHILADELPHIA – The UTU and other rail labor organizations have gone to federal court here to obtain an order halting the Southeastern Pennsylvania Transportation Authority (SEPTA) from unilaterally renegeing on its responsibilities to injured workers under the Federal Employers' Liability Act (FELA).

A federal district court here was told by the labor organizations Jan. 16 that the SEPTA is in violation of three separate federal statutes, and cannot unilaterally abandon its responsibilities under the FELA.

On Jan. 15, the SEPTA informed the UTU and other rail labor organizations that, in its opinion, the FELA does not apply to that interstate commuter railroad. The SEPTA assertion is based on a local court decision.

The SEPTA asserts that under that local court decision, the SEPTA shares with the State of Pennsylvania, "sovereign immunity," and thus must provide permission to be sued.

As such, the SEPTA says it chooses not to be sued, under provisions of the FELA, by employees injured on the job; but rather the SEPTA will process workplace injury claims under the Pennsylvania Workers' Compensation Act. Such benefits are far inferior to those available under the FELA.

In pursuing injunctive relief – a federal court order halting the SEPTA from abandoning its responsibilities under the FELA – the rail labor organizations point to the SEPTA's obligations under the FELA, the recently enacted Rail Safety Improvement Act of 2008, and the Railway Labor Act.

The labor organizations told the court that:

•Section 51 of the FELA provides that "Every common carrier by railroad while engaging in commerce between any of the several States...shall be liable in damages to any person suffering injury...or death...while he is employed by such carrier in commerce...resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence...."

•Section 55 of the FELA provides that "Any

contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by [the FELA], shall to that extent be void."

•Section 20109 of the Rail Safety Improvement Act of 2008 provides that a rail carrier "may not deny, delay or interfere with the medical or first aid treatment of an employee who is injured during the course of employment." Yet, the Pennsylvania workers' compensation laws provide that an employee injured on the job must be treated by a doctor of the employer's rather than the employee's choosing. This would violate the SEPTA's obligations under the Rail Safety Improvement Act of 2008.

•The Railway Labor Act requires that a carrier wishing to alter the established rates of pay, rules or working conditions must serve notice to that effect and collectively bargain over the proposed changes, and not unilaterally alter a collective bargaining agreement.

In fact, the labor organizations' collective bargaining agreements with the SEPTA recognize the right of SEPTA employees to pursue claims under the FELA. Thus, by unilaterally asserting that its contract employees will no longer be covered by the FELA, the SEPTA has changed the collective bargaining agreements without first exhausting the bargaining procedures under the Railway Labor Act.

Moving?

The UTU International pays hundreds of dollars a month to the U.S. Postal Service because many members do not inform the union they have moved. If you are planning to move, please inform both the International and your local secretary of your new address at least six weeks in advance. Contact the International by phone at (216) 228-9400, ext. 336, via email at "directory@utu.org" or log onto www.utu.org and change your address via the UTU Web site.

Now is the time to solve entry-rate pay problem

While railroads oppose our efforts to obtain for new hires equal pay for equal training, responsibility and accountability, they are spending tens of millions of dollars to defend their pricing power that pads their bottom lines.

With NBC charging up to \$6 million per minute for Super Bowl advertising, freight railroads bought time to congratulate themselves on their impressive productivity, even though it is mostly the result of fewer train and engine service employees taking on more responsibilities.

In 2008, freight railroads spent some \$40 million on lobbyists to protect their monopolies; and mil-

Our lobbying power before a Democratic-controlled Congress and White House may be our most effective tool to assure employees are treated equitably at the bargaining table.

lions more on radio, television, magazine and newspaper ads to create a positive image.

Railroads have become so profitable that Warren Buffett's Berkshire Hathaway fund has acquired 22 percent of BNSF stock; and hedge funds, banks and investment houses now own about one-third of railroad stock shares.

During 4th quarter 2008, with most industries on the financial ropes, UP earnings rose 35 percent; BNSF earnings rose 19 percent; Norfolk Southern, 17 percent; and CSX, 16 percent.

Wall Street analysts say that coal, grain and chemical shippers – those with no effective alternatives to



International President's Column

By Mike Futhey, International President

shipping by rail – are so captive that the railroads will continue raising their freight rates (which translate into sharply increased profits) with little fear of losing the business.

Analysts report that railroads paid millions in year-end bonuses to their top executives in December, while

fighting every attempt to eliminate a two-tier wage structure that pays new hires considerably less, even though they have equivalent skills, responsibility and accountability as fellow conductors and yardmasters with at least five years of seniority.

Meanwhile, railroads have renewed their push to eliminate the craft of conductor and operate trains with one-person crews. Having been stopped by a federal court from making such demands in national handling, they are now pursuing that objective through local agreements.

For more than 40 years, rail labor has assisted the carriers in reducing government oversight and collecting federal subsidies, which pro-

duced a frenzy of mergers, reduced head counts and permitted monopoly pricing. The carriers' repeated promises to share the increased wealth with employees evaporated when the time for sharing arrived.

Now, our most effective response is in the legislative arena, where railroads need labor's political support to turn back captive shipper efforts to trim rail market power.

I met recently with the head of a shipper advocacy group to discuss their legislative effort to require the Surface Transportation Board be more aggressive in its oversight of

the handful of major rail systems that now dominate the railroad map. The shippers also are seeking legislation placing railroads under the same antitrust laws as all other American industries.

We are examining closely our Washington relationship with carriers and shippers. Our lobbying power before a Democratic-controlled Congress and White House may be our most effective tool to assure employees are treated equitably at the bargaining table.

We will also be continuing our efforts before a wage and rules panel to convince carriers that the time is now for reaching an equitable solution to the entry-level pay problem.

We remain optimistic that carrier CEOs will recognize the value of having a joint coalition with organized labor, and together we can benefit from the railroad renaissance to where job and income security benefits workers as well as executives and stockholders.

Now, let's do it together.



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

UTU rail members may soon have an affordable group disability insurance plan available to them

UTU eyes group disability insurance

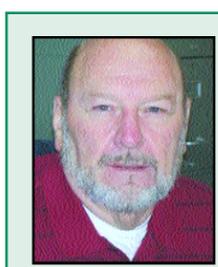
Group disability insurance is an essential financial backstop for UTU members, many of whom have been denied coverage because of pre-existing conditions resulting from their railroad employment.

With help from my assistant general chairperson, Mark Cook, we contacted numerous insurance companies.

Along with UTU General Secre-

Mutual of Omaha plan benefits:

- ✓ Guaranteed coverage
- ✓ UTU endorsed
- ✓ About \$25 monthly cost
- ✓ 12-month benefit period
- ✓ \$1,500/mo. max. benefit
- ✓ Tax-free benefits
- ✓ Mutual of Omaha rated A+



Officers' Column

By Paul Emert
General Chairperson
Norfolk Southern GO 898

tary & Treasurer Kim Thompson, we were impressed with a group disability policy available from Mutual of Omaha, an A+ rated insurance carrier with more than \$4 billion in assets.

Every UTU rail member would be eligible – guaranteed coverage during the open enrollment period – regardless of existing health conditions.

Every UTU rail member would be eligible – guaranteed coverage during the open enrollment period – regardless of existing health conditions.

Especially attractive is that the coverage would allow members with a UTUIA disability plan to keep that plan in addition to the Mutual

of Omaha plan without any reduction in plan benefits.

This could be important to those seeking greater coverage than would be offered by the Mutual of Omaha plan.

Also attractive is that the UTUIA field supervisors support the Mutual of Omaha plan and would assist members with questions during the open enrollment period.

Because of the size of our membership and our collective buying power, premiums would be especially low – about \$25 per month,

through payroll deduction, for benefits of up to \$1,500 monthly for up to 12 months per disability.

The coverage would be for accidents or sickness, 24/7, on or off the job, and would be tax free.

A similar policy – even if it could be purchased individually from an insurance company – would cost our members up to \$100 monthly.

UTU officers have an obligation to do whatever is necessary to provide for and protect the needs of the membership. This includes ensuring our members have income to protect their families and property during times of sickness and injury. This policy from Mutual of Omaha will do just that.

The plan will require approval of the UTU Board of Directors and would be available within 90 days of such approval.

Watch the UTU Web site at www.utu.org for updates.

(Paul Emert, general chairperson of Norfolk Southern GO 898, was a UTUIA local insurance representative for 26 years and has in-depth knowledge of insurance products and special needs of UTU rail members.)

State Watch News from UTU State Legislative Boards

Kansas



From left: Assistant State Legislative Director Ty Dragoo; Lindsey; former Assistant State Legislative Director Howard Ferguson and Cleveland.

A retirement reception was held recently in honor of **Blaine Cleveland**, assistant director of the Kansas State Legislative Board and member of Local 495, Salina. Several family members and friends attended, including Blaine's wife, Beverly. State Director **Don Lindsey** presented Blaine with a plaque and UTU Brass Lantern in appreciation of his more than 34 years of service to the board. "Blaine has the distinction of being the longest serving legislative representative in the history of the Kansas State Legislative Board," Lindsey said.

South Dakota

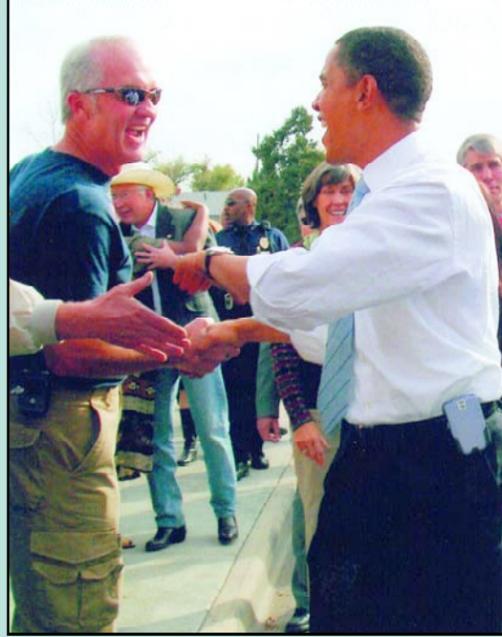
Rick Davids, former state legislative director and retired member of Local 233, Aberdeen, is recuperating from brain surgery at a nursing home in Hot Springs, S.D.

His wife, Judy, says Rick would love to hear from his old friends.

Send cards to him at P.O. Box 671, Edgemont, SD 57735-0671.

"Everybody really likes Rick," said retired Wyoming State Legislative Director **T.R. Shelby**. "He has been a good union member all his life. Rick and I have been friends for more than 30 years, and I know a note from his union brothers would cheer him up."

Colorado



UTU clout: Don't think the UTU has clout with the Obama administration? Consider the following: Sen. Obama was campaigning for the presidency in Colorado. As he was walking a line of well-wishers, shaking hands and taking photographs, he saw a UTU logo being worn by State Legislative Director Rick Johnson. He turned back to Johnson, pointed at him and said, "UTU!" "Obama lit up when he saw that I was a member of the UTU," Johnson said. "This kind of recognition will pay dividends for UTU members for years to come."

North Dakota

BNSF locomotive engineer and State Legislative Director **John Risch** thinks today's train horns are too loud.

Risch was among a crowd testifying to legislators last month for state aid to subsidize North Dakota cities' "quiet rail" efforts.

"We railroad workers wholeheartedly support this bill," Risch told the lawmakers. "We like blowing the whistle even less than people like hearing them."

Florida

Florida East Coast Railway dates to 1895, when it was incorporated by Henry Flagler, who was co-founder, with John D. Rockefeller, of the Standard Oil Co.

By 1912, the railroad stretched from Jacksonville to Key West, but the worst hurricane ever to hit the U.S. destroyed the line between Miami and Key West in 1935.

Portions of that trestle remain, and are seen on the 125-mile drive along U.S. 1 to Key West.

Today's FEC stretches some 600 miles with double track between Jacksonville and Miami, and the UTU represents both sides of the cab.



At FEC's Bowden Yard in Jacksonville, from left, and all of Local 903, are engineer Gary Humphrey, conductor Evan Goforth and Local Chairperson Jim Bush, with General Chairperson (GO 851) John Hancock at far right. In the backdrop is the FEC business car, St. Augustine, honoring America's oldest port.

Train horns today "are louder than they have ever been" and engineers are bound by federal rules to blow them without exception and at full volume, Risch said, noting he now wears hearing aids.

Bill sponsor Sen. David Nething, R-Jamestown, wants the railroads' fuel taxes made available to cities to help them install quiet rail crossing protection.

Federal law allows trains to pass through those crossings without blowing their horns.

Most bus, rail systems lack proper security

WASHINGTON – The first federal evaluation of mass-transit security revealed that more than 75 percent of the nation's major bus and rail systems aren't meeting Homeland Security guidelines, *USA Today* reported.

By contrast, 96 percent of airlines are complying with security requirements, according to a new report by the department. The report doesn't identify which rail and bus systems fell short.

The assessment comes as new Homeland Security Secretary Janet Napolitano says she plans to focus more on mass transit, possibly through "redeployment" of resources from other areas.



"We've done an awful lot in the aviation world," Napolitano said last month. "We could pay more attention" to surface transportation security.

The department's little-noticed evaluation, published on its Web site Jan. 15 just before Napolitano took office, found that 37 of the nation's 48 largest transit systems aren't complying with voluntary guidelines set in 2007. There is no sanction for non-

compliance, said Paul Lennon, head of mass transit for the Transportation Security Administration (TSA).

Guidelines include training transit workers in security, running security drills regularly and sharing intelligence with other agencies.

"The threat is clearly real. Terrorists go after public-transportation systems," said Brian Jenkins, director of the National Transportation Security Center of Excellence at San Jose State University.

Jenkins said major systems in cities such as New York and Washington have vastly improved security while smaller agencies "may not see this with the same degree of urgency."

The recent Homeland Security evaluation includes bus systems in the suburbs of Chicago and New York, and bus and light-rail systems in Buffalo, St. Louis and Sacramento. Such smaller systems might be appealing targets for "homegrown" terrorists who "operate fairly close to home," Jenkins said.

LACMTA negotiations to begin in March

LOS ANGELES – Contract talks between the Los Angeles County Metropolitan Transportation Authority (LACMTA) and UTU-represented bus division employees on the carrier will begin in March.

The contract expires at the end of June. Some 5,000 UTU members are affected.



Contract talks will be lead by UTU General Chairperson James Williams.

Key issues include elimination of pay tiers, job preservation in the face of LACMTA budget cuts, and keeping employer pension fund contributions current.

SEPTA positioning itself to use federal stimulus

PHILADELPHIA – SEPTA's board increased contracts to four engineering firms by \$6.25 million last month to ensure there are ready-to-go projects when and if federal economic stimulus dollars arrive.

Between \$225 million and \$250 million in federal stimulus funding could be headed SEPTA's way, SEPTA Chief Financial Officer Rich Burnfield said.



SEPTA has identified more than \$400 million in projects, some of which are already in the design phase, that will be ready to move quickly to take advantage of such funding, Burnfield said.

"It's our understanding, based on what we are seeing in terms of legislation in Washington, you have to award contracts and commit funding for 50 percent of your allocation within 120 days," Burnfield said.

Among the projects on the ready-to-go list are a \$28 million renovation of the Girard and Spring Garden station on the Broad Street subway line and the renewal of the Croydon station on the R7 Trenton regional rail line. Other projects include the \$14 million replacement of track at the Fern Rock shop, a \$5 million replacement of a roof at the Woodland stop, and a \$6.5 million bridge rehabilitation program for five bridges.

Better agreements deliver better working conditions

Some 4,300 UTU members in 38 locals in 10 northeast quadrant states comprise GO 049 (CSX).

Their general committee officers administer their contracts some 1,000 miles away on the outskirts of Jacksonville, Fla. It is in Jacksonville – the headquarters of CSX – where solutions to most member problems are best achieved, owing to direct and timely access to senior CSX officers.

That access makes a difference. Consider the success of the general committee in eliminating a requirement that potential hires pay from their own pockets the approximate \$4,000 tuition associated with schooling at outsourced training facilities.

Working with the CSX Labor Rela-

tions Department, GO 049 instituted a pilot project on former Baltimore & Ohio properties that assigned new hires to a CSX training facility near Atlanta, with CSX paying the cost of training and putting the trainees on the payroll immediately, with a bonus paid upon completion of their first and second year of service if they remained injury and discipline free.

GO 049 officers, meeting regularly in Jacksonville with CSX officials, put together a successful business plan, convincing CSX that bringing their training in-house could significantly increase retention rates for new hires. CSX, they observed, was losing more than one of every three new hires within a year of

their first anniversary, imposing a considerable and unnecessary cost on the railroad by using generic non-CSX training facilities.

With GO 049 leading the way, all CSX general committees also gained another valuable agreement from CSX. It ended a practice, rife with opportunity for arbitrary discrimination, wherein CSX labor relations officers cited adverse notations on employee records to NMB neutrals without giving the employee and UTU an opportunity to refute the charges through their investigation rule.

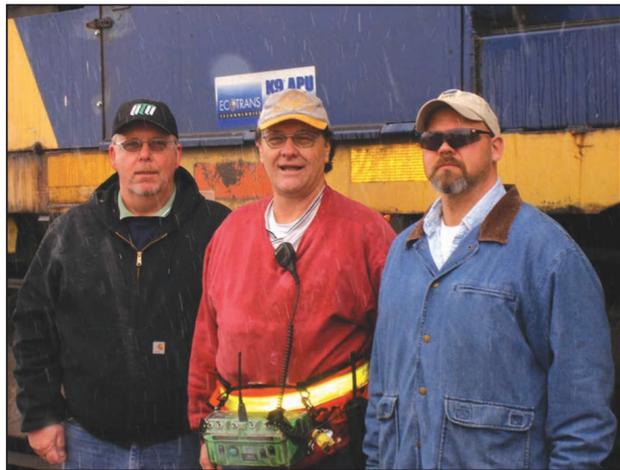
A more recent accomplishment of

GO 049 was an agreement allowing trainmen hired after March 24, 2008, to choose a less comprehensive health-care plan beginning on their first day of employment, with no cost sharing contribution the first year. Otherwise, new hires do not gain health-care coverage until the fourth month of employment (after the first month, effective Jan. 1, 2010).

GO 049 General Chairperson John Lesniewski was elevated to his office in July 2004, following the retirement of J.T. “Terry” Reed. Lesniewski hired out on the B&O in Chicago in October 1972, and was elected Local 1534 chairperson in November 1982. After 26 years working as a full-time trainman, he was elected first vice general chair-

person of GO 049 in January 1999. He served on the national negotiating committee during the 2004 round of negotiations.

Says Lesniewski, “Our general committee follows a single objective: Provide our members professional representation through service, education and full disclosure and dissemination of information.”



At Cumberland, Md., CSX operates a general classification yard, sorting traffic to and from Philadelphia, Baltimore and Richmond, Va. From left are Local 600 President Jeff Foreman, Local 430 conductor and RCO foreman John Shaffer, and Local 430 conductor J. D. Phillips.



The CSX's Garrett, Ind., yard serves local industry and receives road trains to and from Chicago. From left are Local 298 members, conductor and Legislative Rep. Bruce “Bo” Babbitt; engineer Kevin Decoursey, who is Local 298 secretary & treasurer and safety chairperson; and engineer and Local 298 Chairperson Jamie Modesitt. Local 298 is second in Indiana in average UTU PAC contributions and third in total UTU PAC contributions. Modesitt says his local boasts numerous fourth- and fifth-generation railroaders.

History of the Chessie System Logo

Beginning in 1933, CSX predecessor Chesapeake & Ohio advertised its sleeping car services with a mascot named, Chessie, and the slogan, “Sleep like a kitten.”

Chessie later gained a mate, Peake, and they had two kittens, Nip and Tuck. During World War II, Peake went off to fight, while Chessie promoted war bonds. Images of the family adorned millions of calendars distributed by the railroad.

Following creation of Amtrak, Chessie promoted freight service, but since has been retired, although the image remains on many CSX freight cars.



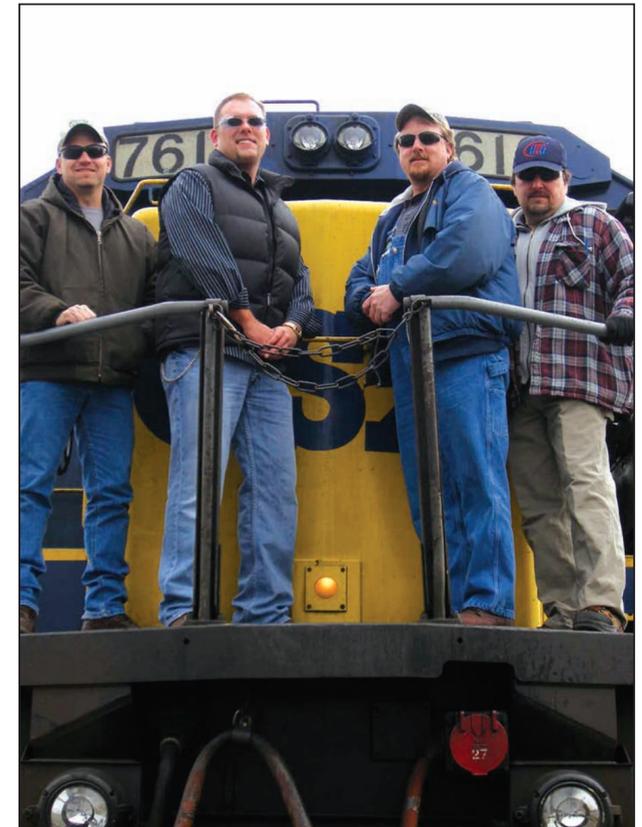
At Baltimore's Locust Point Terminal, near historic Fort McHenry, CSX builds trains heading south and west. From left are Local 610 yard foremen Zack Addair, John Yesker Jr., Joseph Buie, Tom Desert and Robert Perlman. Desert is Local 610 president and vice local chairperson.



In Philadelphia, the CSX Eastside Yard is a former Baltimore & Ohio facility that participated in the legendary “Alphabet Route” between East Coast ports and Chicago, involving Central of New Jersey, Reading, Western Maryland, Pittsburgh & West Virginia, Wheeling & Lake Erie, and Nickel Plate, with the routing CNJ-RDG-WM-P&WV-W&LE-NKP. From left are Vice Local 1373 Chairperson Brad Walter, Local 1373 President Lee McKinney, trainman Mike Hodgson (L-1373), yardmaster and Local 1949 and Philadelphia district safety chairperson Greg Lott, and Local 1373 Chairperson Mark Poserina.



GO 049 offices are in Jacksonville, Fla., giving the general committee immediate access to CSX executive offices. Reviewing the status of grievances are, from left, Vice General Chairperson Jeremy Ferguson (L-313), General Chairperson John Lesniewski (L-1534), and Vice General Chairperson Steve Mavity (L-298).



Among CSX yards in Indianapolis, Ind., is the Avon general freight classification yard. From left are members from Local 1518: conductor Tim Sage, Local Chairperson Erik Belew, engineer Jeff Howard and conductor Bob Garrett.



The CSX's Walbridge, Ohio, classification yard serves the auto industry, and also handles iron ore and coal traffic arriving at the Toledo docks on Lake Erie. Discussing safety issues are members of Local 1529, from left, Secretary & Treasurer and Legislative Rep. Mike Obrock, Local President and Local Chairperson (E) Doug Losiewicz, Vice Local Chairperson Bill Sterling, and Vice Local Chairperson Larry Faunt, who also serves as terminal safety chairperson for all crafts. Losiewicz also is Local 1529's webmaster (www.utu1529.org).

UTU
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

UTU aligns with Landfall American Express Travel

Alumni Association members: Take the Landfall Travel survey!

The UTU has just signed a deal with Landfall American Express Travel to offer members of the UTU Alumni Association great deals on travel.

UTU Alumni Association members are automatically enrolled in the UTU Travelers' Club, which sponsors excursions geared to the interests of retirees. The union's new association with Landfall American Express Travel now opens up a world of travel opportunities for Travelers' Club members.

UTU Alumni Association members are being asked to log onto Landfall American Express Travel's Web site (www.landfalltravel.com) so they can fill out a questionnaire about their travel wants and needs.

With this data, the UTU will be able to offer Travelers' Club members the travel opportunities they seek, from all-inclusive resorts to cruises,



from motorcoach tours of the Southwest to cruises of the New England coastline.

The UTU anticipates offering its Alumni Association members two to three group-travel opportunities a year so they can meet, enjoy their vacations and have fun.

Landfall American Express Travel, through its partnership with American Express (the largest purchaser of travel products in the world), is able to offer the lowest airline and leisure fares in the industry.

UTU Alumni Association members, as well as active UTU members, can save time and money on personal and business travel by dealing with the professionals at Landfall American Express Travel.

"We do all types of travel and reservations," owner Ann Huber said. "We are a full-service agency, not just the group trips. We will always search for the best trips to eliminate any hassles for the travelers."

To contact Landfall American Express Travel, call toll-free (800) 835-9233, email travel@landfalltravel.com or write them at 14724 Detroit Ave., Lakewood, OH 44107.

UTU retiree named 'outstanding citizen'

JAMESTOWN, N.D. – On hot summer days, 83-year-old Jim Carlascio and his fellow veterans can be seen mowing the lawn at The All-Veterans Memorial at Fort Seward because "it has to be done," the *Jamestown Sun* reports.

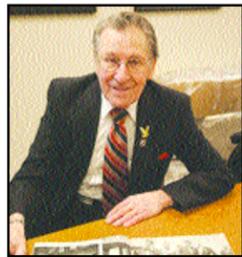
For those who know him, it is no surprise.

Carlascio is this year's recipient of the Jamestown Area Chamber of Commerce Outstanding Citizen of the Year Award.

(Carlascio is a member of Local 1344, Mandan, N.D.)

The annual award is given to someone who has made a significant contribution to the community, as well as being well-known and respected throughout.

"Carlascio was one of the lead individuals for bringing the All-Veterans Memorial Wall here," said Tara Kapp, membership and communications coordinator at the Jamestown Area Chamber of Commerce.



Carlascio

His work with veterans affairs and volunteer work throughout the community are the primary reasons he is receiving the award.

Carlascio spearheaded a project to sell bricks that people could inscribe to raise funds for the All-Veterans Memorial Wall at Fort Seward.

In his opinion, it his greatest accomplishment for Jamestown. He has sold close to 1,400 bricks. "They sold like hot-cakes," Carlascio said.

Even though the memorial is complete and dedicated, Carlascio is still selling bricks. There is still space available for bricks on the walkway around the flagpole.

Carlascio also visits nursing homes, basic care and Alzheimer's units. Last Christmas, Carlascio donned Santa apparel and visited patients in medical facilities. He currently serves as the president of the Disabled American Veterans chapter in Jamestown.

Railroaders to picnic in St. Petersburg, Fla.

Retired member Joe Alenduff is again organizing an annual picnic for railroaders in the St. Petersburg, Fla., area.

The event, scheduled for Sat., March 21, will run from 11 a.m. to 3 p.m. at Shelter 15 in Ft. DeSoto Park in St. Petersburg.

Coffee and iced tea will be furnished. Participants are urged to bring two covered dishes to share, their own place settings and cups.

All railroaders, their friends and relatives are welcome and encouraged to pass the word, Alenduff said.

Take U.S. 19 South, or Exit 17 on I-275 at St. Petersburg and follow the signs.

For more information, contact Alenduff at (727) 522-6808 or send an e-mail to him at jalenduff@tampabay.rr.com.

THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Frazier, Charles T.	Oregon, Ohio	453	Belangee, E.S.	Clinton, Ill.	1241	Brown, Charles W.	Yarnell, Ariz.
2	O'Shea, Daniel E.	Toledo, Ohio	493	Rees, William R.	Colesburg, Iowa	1245	Pless, Talmadge J.	Lula, Ga.
5	Murphy, Velorus V.	Monett, Mo.	507	Mill, Harold	Coweta, Okla.	1299	Parks, Dale K.	Homewood, Ill.
5	Saker, William D.	Fort Scott, Kan.	507	Watson, Melvin E.	Central City, Ark.	1313	Myers, W.F.	Benbrook, Texas
14	Fields, Paul H.	Somerville, Ohio	524	Young, Johnnie	Paragould, Ark.	1376	Pope, Warren E.	Hilliard, Ohio
18	Combs, J.C.	Springfield, Mo.	527	Mathis, Claude C.	Parsons, Kans.	1388	Dodson, Jack A.	Ozark, Mo.
98	Thomas, G.M.	Watsonville, Calif.	535	Sagnibene, Sam	Macon, Ga.	1388	Robb, George B.	Cordova, Tenn.
145	McGuire, Samuel T.	Houston, Texas	577	Dunaway, Thomas G.	Springfield, Ill.	1402	Rhoads, Arthur L.	Jefferson City, Mo.
171	Morsch, Byron J.	Wataga, Ill.	586	Woodmansee, Charles J.	Crestline, Ohio	1491	Donachie, Charles R.	Scranton, Pa.
198	Marshall, William H.	East Peoria, Ill.	594	Adams, James L.	Commerce, Texas	1518	Miller, Paul R.	Bellefontaine, Ohio
202	Wroblewski, Dennis T.	Aurora, Col.	622	Thompson, R.W.	Vance, Ala.	1544	Kelso, Richard L.	Oceanside, Calif.
204	Dunlap, Charles J.	Wheat Ridge, Col.	650	Fahey, John J.	Broadview Heights, Ohio	1557	Thornton, Albert	Arlington, Tenn.
204	Stringham, Lawrence E.	Yuma, Ariz.	674	Law, Robert A.	N. Augusta, S.C.	1564	Gaines, Gary E.	Los Angeles, Calif.
225	Jaynes, Ronald R.	Attica, Ohio	756	Yancey, James L.	Corpus Christi, Texas	1570	Baker, Fulton E.	Citrus Heights, Calif.
234	Goss, Almer C.	Joliet, Ill.	830	Inman, Shawn W.	Carlisle, Pa.	1597	Cleland, Clifford M.	Crete, Ill.
262	Cetenich, Robert D.	Wakefield, R.I.	832	Hunter, Chad J.	Eustis, Fla.	1626	Miller, Clellis E.	Palmer, Alaska
278	Trattles, Owen R.	Jackson, Mich.	832	White, William A.	Superior, Wis.	1628	Faupel, Henry B.	Clearwater, Fla.
283	Tillman, Gerald D.	Portland, Ore.	847	Hicks, Glendon S.	Warrior, Ala.	1629	West Jr., Walter C.	Glendale, Ariz.
298	Brown, Robert	Lowell, Ind.	940	Jarvis, Billie H.	Wichita Falls, Texas	1638	Long, Leon A.	Bay Village, Ohio
298	Lemon, Elmer M.	Peru, Ind.	974	Katzenberger, Eddie J.	Lynnville, Tenn.	1709	Beckley, George R.	Muskegon, Mich.
305	Coster, George H.	Lincoln, Neb.	1011	Snead, Jerry M.	Ellerbe, N.C.	1709	Lambert, Joffre R.	Muskegon, Mich.
316	Tehan, Carl F.	Clinton, Iowa	1033	Harwell, Idus S.	Conyers, Ga.	1770	Dufford, William J.	Henderson, Nev.
318	Kebach, J.I.	Selinsgrove, Pa.	1042	Roe, John D.	Tulsa, Okla.	1929	Waichel, Leonard A.	Belleville, Ill.
318	Long, Herman F.	Elysburg, Pa.	1059	Schimetz, Thomas R.	Minot, N.D.	1949	Roach Jr., Patrick J.	Brick, N.J.
322	Fritz, James M.	Wisconsin Rapids, Wis.	1074	Rhoades, Richard S.	Strattanville, Pa.			
324	Kruger, H.A.	Bothell, Wash.	1075	Ullom, Roger W.	Toledo, Ohio			
383	Lyons, William J.	Louisville, Ky.	1137	Hanson, Harold V.	Lake Park, Minn.			
385	Taylor, Frank E.	Woodbury, Conn.	1200	Kerber, Jack E.	Portola, Calif.			
445	Johnson, Robert D.	St. James City, Fla.	1216	Smith, Norman G.	Gladstone, Mo.			

Correction: John J. Brown, a member of Local 330 who lives in Gepp, Ark., was erroneously reported in this column. "I am still alive and kicking," he wrote. *UTU News* regrets the error.

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Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250 02/09

UTUIA seeks 2009 Volunteer of the Year

The United Transportation Union Insurance Association is looking for a special person to honor as its 2009 Volunteer of the Year.

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

If so, the UTUIA would like to know about it.

A panel of judges at the UTU International will review all submissions and select the 2009 Volunteer of the Year.

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

Additionally, he or she will be honored at the 2009 UTU/UTUIA Regional Meeting nearest his or her home, with all expenses paid by UTUIA.

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

Nominations must be received or postmarked by Monday, April 13, 2009.

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

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

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

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

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

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

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION
 2009 Volunteer of the Year Nomination Form

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Telephone number _____ Dates of volunteer activities _____

Weekly Monthly \$ _____
 Total volunteer time (hours, minutes) Value of contribution (if applicable)

Please attach a separate sheet of paper describing volunteer activities.
 The more documentation you can provide, the better. 2/09

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION, 14600 DETROIT AVE., CLEVELAND, OH 44107-4250

LIRR's Simon fights to retain ticket-booth jobs

GARDEN CITY, N.J. – The Garden City Hotel was a hub of activity last month when the Metropolitan Transportation Authority (MTA) Board held a hearing on proposed fare, toll and service changes.



Simon

Long Island Rail Road General Chairperson **Anthony Simon** was on hand to fight for his members.

Twenty LIRR ticket booths are on the chopping block, categorized by the agency as the “least utilized.” That has raised concerns by Simon and others for the safety provided by a live person as well as help when some senior riders

cannot operate the computerized ticket machines.

Floral Park Trustee Thomas Tweedy stated that the ticket attendants “should be among the last positions eliminated instead of the first.”

Simon agreed, noting that there are currently 30 manned stations with 25 managers to oversee them.

Simon pointed out that across the street from the hearing a ticket clerk was present in the Garden City station to assist customers along with a repair crew sitting in wait “because they didn’t want to get embarrassed when the MTA board is here. That speaks volumes for rideability and the confidence the LIRR manager has for the machines.”

Simon later added that the union had made concessions of more than \$400,000 several times

to keep the ticket windows open but was rejected. “This means one thing to me, one thing to our customers and my members: budget or no budget problems, these ticket windows you want closed,” and vowed to fight for no closings.

Stations slated to have window closings are Forest Hills, East New York, Kew Gardens, Oceanside, Nostrand Ave., Little Neck, Bethpage, Hewlett, Lindenhurst, Douglastown, New Hyde Park, Woodmere, Cedarhurst, Floral Park, Rosedale, Massapequa Park, Farmingdale, and Northport. Floral Park, the last manned station on the Hempstead line, is uniquely situated since it is the westernmost access to the main line and situated for inter-island travel, Simon said.

Officers face trial by Executive Board

Continued from page 1

brought by rank-and-file UTU members, and are being heard under provisions of Article 25 of the UTU constitution.

Judge Adams held that the International vice presidents on trial are “subordinate officers” of the UTU and that the “International president is the executive head of the UTU, who alone exercises general supervision over its affairs [and] is the person who establishes the policy” as provided by the UTU constitution.

Said Judge Adams, “[The UTU International

Federal Judge John Adams: Futhey was following rulings of the court that the merger process was “defective.”

officers standing trial] have arguably violated their oath [and] refused to follow the directives of the International president under whom they serve.”

The court held that Futhey, in declining to implement the merger, was following rulings of the court that the merger “process that was utilized was defective” and that the International officers on trial, who are “subordinate [to the International president] have chosen to go a different path, and have done so, candidly.”

Judge Adams said he found “troubling” that the International officers on trial are acting “as proxies...of another union [that] admittedly is paying them for their services...to obtain some personal benefit” and that the charges against them “are about much more than merely [free] speech.”

He said “there has been evidence [presented] which indicates that the SMWIA has devoted and directed substantial sums of money toward this effort” and that the Inter-

national officers on trial “are unwilling to participate in any efforts to try to resolve this matter” and that there is “enough evidence in the record to lead one [to conclude] that they are acting not on their own behalf but on behalf of the SMWIA.”

In a declaration provided the court prior to the hearing, Futhey presented evidence that former UTU International President Paul Thompson knew that the conflicts in the two unions’ constitutions would have permitted the SMWIA, as a controlling union following the merger, to make changes in the UTU constitution “that we can never” get passed by UTU delegates.

Thompson, in comments recorded before he left office, said that a number of constitutional amendments previously approved by UTU delegates would be reversed once the merger was consummated.

Entry-rate dispute to head to panel

Continued from page 1

ing the carriers’ dark days of the 1970s, when many railroads – much like the automobile industry today – were mired in financial losses and facing poorer prospects.

The question put to the arbitrator Dec. 4 was whether the carriers complied with their written promise to deal with the entry-rates issue; and, if not, what is the appropriate remedy for the carriers’ non-compliance?

The UTU told the arbitrator that the remedy should be an award that requires a 60-day negotiating period with a mandate that the parties submit the dispute to interest arbitration if the dispute remains unadjusted after the 60-day negotiating period.



White House doors now open to labor

WASHINGTON – After being shut out for eight years, the leaders of federal employee unions felt good to be among those invited into the fold by the new administration, according to Joe Davidson of the *Washington Post*.

“Welcome back to the White House,” Vice President Biden told a group of labor leaders who gathered in the East Room last month. They were there to meet with President Obama and Biden and to witness the signing of executive orders affecting federal contractors and the announcement of the formation of the Task Force on Middle Class Working Families.

After the meeting, the group moved to the Blue Room, where the boss-in-chief spoke with each union boss individually. That kind of thing simply did not happen under President George W. Bush.

“Never” is the way Colleen M. Kelley, 10-year president of the National Treasury Employees Union, put it. “I never, ever was invited to meet with the president, and I never did in eight years.”

John Gage, president of the American Federation of Government Employees, said it was his first time in the White House, but he doesn’t expect it to be the last.

“It’s a pretty heady time for federal workers,” he said. “It’s certainly a coming out of the wilderness.”

Meet your UTU Designated Legal Counsel

There is no more dangerous work environment than on the railroads, where injuries too often are severe. The Federal Employers’ Liability Act (FELA) makes railroads accountable for unsafe working conditions. Railroads retain skilled attorneys to protect their interests. You also have access to skilled and experienced attorneys who understand the railroad industry, its

safety hazards, and every aspect of the FELA. They are the UTU Designated Legal Counsel, chosen for their special knowledge and experience. Their job is to represent you. This continuing column introduces you to all of the UTU Designated Legal Counsel. For a complete listing, go to the UTU home page at www.utu.org and click on the blue tile, “Designated Legal Counsel.”



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Injured workers or their families often fall prey to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers. In order to prevent yourself from falling prey to the railroad’s claims adjusters, it is vital to have the experience and expertise of UTU Designated Legal Counsel on your side. A DLC will make sure you receive the protection provided by the FELA.

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UTU member rides Obama inauguration train

PHILADELPHIA – Amtrak conductor and UTU member Gregg Weaver recently had the ride of his life.

Weaver, 55, of Fairless Hills, Pa., was one of about 40 “everyday Americans” picked by then President-elect Barack Obama and Vice President-elect Joe Biden (D-Del.) to ride the train they took to the inauguration.

Weaver is a member of UTU Local 838, Philadelphia.

At the station, Weaver introduced Biden as Obama, his wife Michelle, reporters and staff arrived in Wilmington, Del., on the 137-mile preinaugural, whistle-stop train trip from Philadelphia to Washington.

Weaver noted that Biden sometimes had to sprint up the stairs at the station to catch his train after dropping off his children at school.

“Joe, don’t worry about missing this train. It’s waiting for you to take you to your inauguration as vice president of the United States of America!” said Weaver, who described Biden as “Amtrak’s No. 1 commuter.”

“It’s a great honor just to be his guest and be recognized,” Weaver said.

Those chosen to accompany Obama and Biden to Washington represent the struggles and triumphs of Americans who make “extraordinary contributions to the life of this country,” according to a statement by the Inaugural Committee.

“Each one of these families has their own remarkable story to add to our American story, and we’re thrilled they’ve agreed to join us as we travel to Washington,” said Josh Earnest, communications director for the committee.

Weaver first met Biden decades ago, when he often worked on the evening train that took Biden home each weeknight. For the last six years, Weaver has

worked on No. 2103, which leaves New York City about 6 a.m. and stops in Wilmington at 7:35 a.m., where Biden would board. The train rolls into Washington about 9 a.m., Weaver said.

Weaver would sometimes sit down to a cup of coffee with Biden, and they would talk about their families.

Weaver considers Biden a friend, but he knows that Biden is much more than the regular guy he seems.

“The man’s so brilliant, I’m not in his league to discuss politics,” Weaver said. “He gives me a really quick lesson on what’s going on in another country. I try to follow along.”

“He said that ‘you guys are like family to me’ speaking of the conductors, all the conductors. That’s kind of touching, you know, the vice president of the United States feels that way about me and the other conductors,” Gregg said.

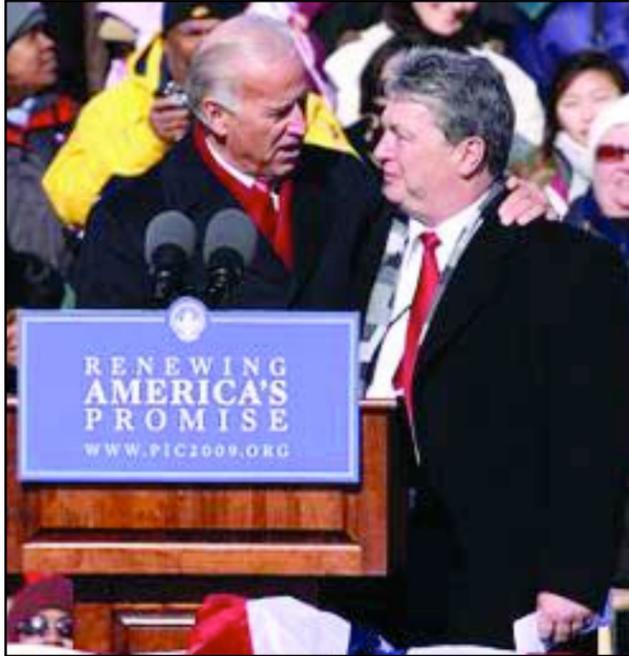
Weaver says he will miss Biden’s smiling face on the train every morning now that Biden is residing in Washington, but hopes that the vice president will find a way to ride the train on occasion.

Weaver and his wife Carol also were invited to attend the inauguration events, including one of the balls.

“I got to dance with the first lady, and my wife with the president,” Weaver said. “I also was on the Larry King Show, met Denzel Washington, the pilot who landed the plane in the Hudson, and a whole bunch of rock and rollers,” Weaver said.

Weaver said Biden “has been fighting for us since day one. That’s why I was so honored. I got to introduce my friend.”

“A lot of congressmen ride my train and they are all now interested in the Amtrak cause and helping the railroads grow stronger,” Weaver said.



UTU member Gregg Weaver, right, introduces Vice President-elect Joe Biden at the Wilmington, Del., Amtrak station.

CN completes purchase of EJ&E; traffic to be diverted

CHICAGO – More freight trains will be rolling through suburbs lining the Elgin, Joliet & Eastern Railway starting March 4 now that the line has been acquired by the Canadian National Railway, the Montreal-based railroad told the *Chicago Tribune*.

After more than a year of regulatory review, hearings and contentious debate, the CN closed its \$300-million deal to purchase the EJ&E and took over the line Feb. 1.

Opponents vowed to continue their fight against CN’s plans to re-route freight traffic through their suburbs. They will urge a federal court in Washington this month to order regulators to reconsider approval of the acquisition.

CN plans to use the EJ&E line, which runs from Waukegan to Joliet and Gary, so its cross-continent freight trains can bypass Chicago’s congested rail corridor.



The federal Surface Transportation Board approved the acquisition Dec. 24, but the decision did not become effective until Jan. 23. The deal closed Jan 30.

CN says acquisition of the EJ&E will generate greater rail efficiencies and environmental benefits.

“Streamlined rail operations, along with reduced congestion resulting from the acquisition, are critically important to the Chicago region’s economy and its continued role as one of America’s most important transportation hubs,” E. Hunter Harrison, CN’s president and chief executive officer, said in a statement.

CN said it had not yet determined how many additional trains would be added starting March 4.

One likely scenario is that CN will begin by switching trains off the former Wisconsin Cen-

tral line and onto the EJ&E tracks at a crossing just south of Mundelein.

According to CN estimates, suburbs south of this connection, including Lake Zurich, Barrington and Hoffman Estates, will see an increase in trains of from five to 20 a day.

But suburbs along the former Wisconsin Central line, such as Buffalo Grove, would see a decrease in trains, from 19 to two a day, according to the CN projections.

Karen Darch, village president of Barrington and co-chair of a coalition of suburbs opposed to CN’s plans, said authorities would begin warning residents of the additional trains.

“Public safety is our No. 1 concern,” Darch said. “Given CN’s safety record, which has not been the best, we hope they will operate with extreme caution and follow adequate safety procedures as they start to run those trains.”

THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

JAMES IMBROGNO

Imbrogno serves the UTU and UTUIA as a second shift computer operator. He earned a degree in business from Cleveland State University before starting with the UTU in 1997. “Working the second shift, I work unsupervised and at my own pace so I have to make sure that everything gets done in time. I run off UTUIA insurance checks, D/IPP checks, claim requests, print monthly local-billing statements, put updates on the computer network, and do many other tasks. Many jobs are only run once a month so the end of the month can be hectic. I like that every day poses a different challenge.”



BARB HANN

Hann is an auditor in the union’s Billing Department. She started in 1989 in the Updating Department. She has worked in the File Room, and as a UTUIA insurance administrator, a claims adjuster, and as an investment representative. She also earned an Associate of Customer Service designation from the Life Office Management Association. Her responsibility is to oversee the billings of about 100 locals. “Members and local treasurers call me with questions about membership status, insurance status and retirement questions. We have terrific local treasurers; they are so conscientious about what they do. They really care about their members.”



JOE OROS

Oros serves the UTU and UTUIA as assistant director of the Information Services Department. He started with the union in 1976 as a clerk in the Accounting Department. He took night classes to learn computer programming and is about to complete his degree in accounting at Cleveland State University. He also earned his fellowship with distinction from the Life Office Management Association. “Most of the work I perform revolves around the UTUIA, supporting the various insurance-related departments. I am the behind-the-scenes kind of guy, making sure things run smoothly and resolving any problems that arise.”



This month's winning photo:

The UTU Public Relations Department awards UTU gear to the union member who submits the best photograph during the previous months.

The winning photo will be published in the *UTU News*. Exceptional photographs will be included on the UTU Web site.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107.

High-resolution digital photographs should be in the JPEG format and e-mailed to "utunews@utu.org".

With each photograph, please include your name and UTU local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of the UTU.

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



This month's winning photograph was taken by **Ryan Kertis**, a student engineer out of Local 1526, Michigan City, Ind. "This is a shot of the first new Nippon Shairo double-deck commuter cars delivered to the South Shore (Northern Indiana Commuter Transportation District)," Kertis said. "These are the first two cars of a 14-car order placed by the railroad."



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UTU: 'Tie stimulus funding to rail jobs'

WASHINGTON – Any federal funds flowing to freight railroads as part of a stimulus package, or investment tax credit or loans, should be accompanied by a requirement that the railroads not use the money for technology that eliminates jobs.

That was the principal message Jan. 28 of the UTU to the House Rail Subcommittee, which sought public comment on the current state and future of the rail industry.



Stem

With the Obama administration and Congress committed to putting Americans back to work and keeping them on the job, any actions by railroads to use public dollars for elimination of jobs would be in violation of public policy, said the UTU.

UTU National Legislative Director James Stem testified that the slumping economy already is responsible for the furlough of some 12 percent of train, engine and yard employees, and more job cuts are expected.

"We hope that the requirements of receiving any federal funds will neither promote nor allow a race to the bottom on wages or elimination of existing jobs," Stem said.

He said that "at least one railroad is planning to pay for the implementation of the positive train control (PTC) system required by Congress by attempting to operate their trains with only one employee on the train, and using federal funds to accomplish the goal."

Public safety is another reason why single crew-member operation of trains with PTC is not feasible, Stem said.

"The responsibilities of the railroad to operate safely over public rail/highway grade crossings, to inspect the moving train at every opportunity, to open public crossings quickly when blocked by a stopped train, and to interact with emergency responders are issues that are not addressed by any PTC system, and such systems were never designed to do so," he said.

Two crew persons are required to make simple repairs and to interact with local emergency responders following a derailment, a grade-crossing collision, or a trespasser injury or fatality. Over a recent five-year period, said Stem, more than 22,500 grade-crossing accidents, trespasser fatalities and suicides on train tracks occurred in the U.S.

"The use of federal funds to install a PTC system, while attempting to experiment with single-person operation, would disregard the safety of other railroad crews, the communities that are served, and the customers' well being," Stem said.

Inside this issue of the UTU News:



Member Matt Bown rode trains to extreme. See page 2.



President Barack Obama knows UTU when he sees it. See page 5.



Strong contracts mean good jobs on CSX. See pages 6/7.



UTU member Weaver rides the inauguration train. See page 11.