

# UTU News

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The Official Publication of the United Transportation Union

## THE VOICE OF TRANSPORTATION LABOR

“Our efforts to elect labor-friendly lawmakers to Congress were successful beyond our dreams.”

– UTU International President Paul Thompson

### News & Notes

#### Member dies in accident

Darrell Clyde Thompson, a 49-year-old Union Pacific employee and member of UTU Local 31 in San Jose, Calif., was killed Fri., Oct. 13, while working on a freight train at the carrier's yard in Watsonville.

Thompson reportedly died as a result of injuries to his legs after falling between two moving train cars. Paramedics pronounced him dead at the scene.

An autopsy report confirmed that Thompson died as a result of a traumatic amputation of both legs.

The National Transportation Safety Board, assisted by a member of the UTU Transportation Safety Team, is investigating the accident.

An account has been established for Thompson's family by his brothers and sisters in Local 31. Those wishing to donate should send checks to the Darrell Thompson Fund c/o Wells Fargo Bank, 39265 Paseo Padre Pkwy., Fremont, CA 94538.

#### Time books, calendars due

Distribution of the 2007 edition of the UTU's time books is about to begin. The books, one for railroad members, a second for bus and transit employees, are perfect for keeping track of time worked, runs completed, money earned and taxes withheld. Time books will soon be sent via mail and UPS to all local secretaries and treasurers so they can be distributed to individual members at upcoming local meetings and at crew change points. Contact your local secretary or treasurer if you do not receive your copy. Additionally, the 2007 edition of the colorful UTU calendar will soon be mailed to all paid-up members of the UTU for Life program.

#### Ponder these facts:

Railroads continue to roll in money.

Consider these facts: Third-quarter earnings at CSX more than doubled. Union Pacific's profits for the third quarter climbed 14 percent, and Burlington Northern Santa Fe's profits jumped 22 percent.

It's been going great guns for the railroads in the U.S. for about three years, thanks to pricing power and rising volume – a winning hand that railroads have not held for 100 years.

As of late last month, the cost of Union Pacific stock had risen an incredible 64 percent; shares of BNSF and CSX jumped about 35 percent; Kansas City Southern's stock price has leaped 29 percent; and Norfolk Southern's soared 22 percent (versus 17 percent for Standard & Poor's 500-stock index).

All the while they are asking their employees for givebacks in negotiations.

## Pelosi thanks the UTU: 'We will not forget you'



As it became evident on Election Day that Democrats would regain control of the House, UTU International President Paul Thompson and National Legislative Director James Brunkenhoefer hummed loudly, "Happy days are here again." At the Democratic Party celebration in Washington, D.C., Rep. Nancy Pelosi (D-Calif.), expected to be the next Speaker of the House, walked to Thompson, put her arm around him, and above the noise of the crowd's merrymaking, shouted into his ear, "Thank you so much for your help. We won't forget the UTU." (See Thompson's column on Page 4.)

## UTU aligns with captive shippers

Imagine a school zone where speed limits are posted, but there is no enforcement, even after children are run down.

Imagine if regulators and accountants had done their jobs at Enron and WorldCom.

Better yet, question why railroads have been permitted to merge competition out of existence, abuse their resulting market power, insert monkey wrenches into the gears of regulatory agencies, and thumb their noses at labor agreements, public safety and national security – all the while sitting Scrooge McDuck-like in their vaults counting colossal profits and handing out titanic executive bonuses.

What the hell is going on in America?

So much rail capacity has been eliminated that electric utilities – despite America having a 250-year supply of cleaner-burning coal –

*Continued on page 10*

## Rails work to hobble disabled

Railroad chief executive officers, who collect millions of dollars in annual salary and bonuses, have responded in a sadistic manner to the UTU's refusal to provide massive health-care givebacks and the union's alliance with captive rail shippers (see article at left).

Now the rail CEOs have launched an excessively cruel and vicious attack on the crippled, the blind, the infirm and the aged by asking the Republican chairman of a key Senate committee to kill legislation intended to give disabled former railroad workers the ability to earn a small amount of outside income without jeopardizing their disability payments.

The House previously passed H.R. 5483, the Railroad Retirement Disability Earnings Act, which is scheduled for Senate consideration during a lame-duck session of Congress that

*Continued on page 10*

# Around the UTU

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

### Local 226, Moberly, Mo.

This Norfolk Southern local on Nov. 6 hosted a flu-shot clinic that drew 106, said Secretary & Treasurer **Richard L. Duley**. Sponsored by the Wabash Hospital Association, special thanks go to the association's **Bob Kimmons**, **Bonnie Musgrave** and **Carol Sincebaugh** for making the event a success.

### Local 257, Morrill, Neb.

Secretary & Treasurer **Thomas Jones** said the members of this Union Pacific local thank the following out-going officers for their dedication and leadership: **David Martin** (18 years as secretary & treasurer and four as local chairperson for trainmen); **Larry Murphy** (nine years as vice local chairperson for trainmen), and **J.C. Dixon** (three years as president and four years as local chairperson for engineers).

### Local 283, Portland, Ore.

At their September meeting, members of this Union Pacific local paid tribute to retiring local chairperson (yard) and past president **H.W. "Bill" Brothers**, said Secretary & Treasurer **Jack Coryell**.

### Local 343, Hamilton, Ont.

**Scott Montani**, this Canadian National Railway and Southern Ontario Railway local's president, legislative representative, local chairperson and delegate, offered congratulations to the new slate of officers that emerged after the Oct. 15 nomination meeting.

### Local 489, San Antonio, Texas

More than 100 members and their spouses from Texas and Louisiana in September attended the "Alamo City Family Rail Rights Conference," put together by this Union Pacific local, **Local 756** and **Local 857** (also UP locals in San Antonio), said Secretary & Treasurer **Charles C. Ogburn**. Among those addressing participants were BNSF General Chairperson **Paul Tibbit** (GO-393), Texas State Legislative Director **Connie English**, UP Vice General Chairperson **Ronnie Ballard** (GO-927), UTUIA Field Supervisor **Steve Simpson** and UTU Auxiliary President **Carol Menges**.

### Local 490, Princeton, Ind.

This Norfolk Southern local will hold its Fall Gold Card party for members and their spouses at 6 p.m. on Nov. 21 at the Log Inn in Warrenton, Ind., said Local Chairperson and President **Schuyler V. W. Smith**.

### Local 500, Grand Junction, Col.

The Grand Junction chapter of **UTU for Life** (Chapter 5) will hold a reorganizing meeting from 10 a.m. to noon on Nov. 20 at the Mesa Mall meeting room in Grand Junction, said chapter coordinator **Art Kent**. All retired and active rail workers and their spouses are welcome regardless of craft affiliation. For information, contact Brother Kent at (970) 434-5806 or send e-mail to him at [artk1234@aol.com](mailto:artk1234@aol.com).

### Local 953, Victoria, Texas

Members of this Union Pacific local are mourning the Oct. 18 death of retired conductor **Sidney J. Harris**, said Local Chairperson **David J. Bludau**, who also serves as delegate and legislative representative. Harris served as the local's president for 20 years.

### Local 1201, Stockton, Calif.

The president of this Union Pacific local,



Bus operator Gerardo Perez, whose mountaineering hobby takes him to high places, displays the UTU logo at 14,200 feet during a recent attempt to reach the summit of Mount McKinley (Denali) in Alaska.

### Bus operator's hobby offers peak experience

Los Angeles Metro bus operator Gerardo Perez has what it takes to reach the top, but he points out that getting there is only half the journey.

"I've been to the summit of California's Mount Whitney five times," Perez said, "and it's every bit as dangerous coming down as it is going up. But everywhere I go, whether it's facing avalanches in the mountains or the public on buses, you have to deal with some degree of danger."

A member of Local 1608 in Chatsworth, Calif., Brother Perez has been mountain climbing for the past six years. "I've been an outdoors enthusiast since I was a kid," he said. "I started out fishing, progressed to hiking and backpacking, and at the suggestion of my brother-in-law, began climbing mountains with my first ascent of Mount Whitney, the highest peak in the lower 48 states at 14,497 feet."

So far, Perez has found his greatest challenge at Mount McKinley (Denali) in Alaska. "The peak is more than 20,000 feet high," Perez said. "You need to get acclimated because of the thin atmosphere, and it takes three to four weeks to climb it. I met people there who had already climbed Mount Everest, and they say Denali is more difficult."

Perez spent 18 days on Denali in difficult weather conditions, with temperatures ranging from zero to minus 20 F and winds clocking in at 64 mph. "Due to an injury, I was unable to continue my climb, but I got to 14,200 feet."

As this issue reached deadline, Perez was climbing Mexico's highest mountain, El Pico de Orizaba, which tops out at some 18,000 feet, making it the third-highest in North America.

A Metro bus operator for 22 years, Perez had driven part-time for five years before getting a full-time spot. "I'll be celebrating my anniversary as a bus operator while climbing in Mexico," Perez said. "And I want to thank Local Chairperson **Victor Baffoni** for helping me get the time off for my expeditions."

He hasn't ruled out someday climbing Mount Everest, but Perez remains realistic. "I have a full-time job, a wife and three kids, I'm 41 years old and it costs about \$60,000 to mount an expedition. But who knows? I'll approach it the way I do each mountain: One step at a time."

**Roland Krapf**, recently put out a call to this local's members for donations to help the widow of **Darrell Thompson**, said **Daryl Stinchfield**, who serves Local 492 in Sacramento as local chairperson, secretary, treasurer and delegate. Brother Thompson, a member of Local 31 in San Jose, Calif., died in a rail yard accident on Oct. 13. (See *News & Notes* on Page 1.) For information, contact

Krapf at (209) 474-6848 or by writing to him at [rolandkrapf@sbcglobal.net](mailto:rolandkrapf@sbcglobal.net).

### Local 1313, Amarillo, Texas

The roster of this BNSF Railway local has grown by 36 people this year, said Local Chairperson **Gary Clements**, who invites them to become involved with the UTU. Clements also offered best wishes to 10 members who recently retired, including **R.A. Harris**, **G.D. Geroux**, **F.J. Tutson**, **G.W. Nigh**, **L.M. Teuton**, **N.A. Greer**, **B.D. White**, **I. Cantu**, **L.D. Wood** and **H.B. Warren**. Meanwhile, **Robin Duncan** now serves as secretary and treasurer, and the local has a new Web site at [www.utu1313.com](http://www.utu1313.com), said Local President **Joe Romo**.

### Local 1565, W. Hollywood, Calif.

Legislative Rep. **Kevin Devlin** congratulated the members of this Los Angeles Metro local who recently participated in the LACMTA Bus Rodeo. Among participants distinguishing themselves were **Fabrisio Contreras** (Div. 15, rank #9), **Eddie Valles** (Div. 15, rank #10), **Manuel Hernandez** (Div. 7, rank #12), **Mimi Pereira** (Div. 15, rank #20) and **Aldo Aleman** (Div. 15, rank #35).

### Local 1570, Roseville, Calif.

Members are mourning the death of Union Pacific conductor **Dan O'Callaghan**, 63, who passed away Oct. 5 while inspecting his train for a possible defect, said Nevada Assistant State Legislative Director **Rod Nelms**, local chairperson for Local 1043 in Sparks, Nev.

### Local 1778, N. Vancouver, B.C.

The bargaining committee representing this local and **Local 1923** (Prince George, B.C.) joined with International Vice President **Bob Sharpe** and CN Rail officials in October to pursue contract negotiations, said Secretary & Treasurer **David Moorhouse**. The committee includes Local 1778 Chairperson **John Holliday**, as well as **Andrew Robertson** and **Sylvia LeBlanc** of Local 1923. Meanwhile, Moorhouse and Holliday are among UTU members teaming up with the United Steelworkers to lobby for passage of a measure prohibiting the use of replacement workers during a legal strike or lockout in the federal sector.

### Local 1933, Washington, D.C.

Members of this Amtrak local on Oct. 8 enjoyed their annual picnic, said Local Chairperson and Delegate **Ray Cunningham**, who also serves as director of the UTU Human Rights Committee. The local also participated in a town hall meeting Sept. 13 that drew more than 200, including Alternate U.S. National Legislative Director **Jim Stem**, General Chairperson **A.L. Suozzo** (GO-769) and officers of **Local 838** (Philadelphia, Pa.), **Local 1370** (New York, N.Y.), **Local 1470** (Edmonston, Md.) and **Local 1522** (Washington, D.C.).

### UTU Aux. Lodge 81, Phoenix, Ariz.

Members last month held a raffle to benefit State Legislative Director **Scott Olson**'s son-in-law, **Lee Prins Jr.**, who has been seriously ill since January 2006. Olson offered his gratitude to Lodge President **LaDonna Bay** and the officers and members of the group who rounded up prizes for the event. The illness produced bills of more than \$2 million in the first four months, seriously impacting the family of four, who appreciate the support they've received from their UTU family.

# New FRA rule limits locomotive cab noise

Train crews will be less likely to suffer problems with hearing loss as the result of revised federal standards aimed at enhancing the safety and well-being of railroad employees by limiting locomotive cab noise, Federal Railroad Administrator Joseph H. Boardman announced last month.

"Locomotive engineers, conductors, and other rail employees shouldn't have to run the risk of hearing loss just for doing their jobs," Boardman said. "Reducing noise will safeguard train crews and can help improve overall rail safety."

Boardman said that the final rule will directly affect approximately 80,000 rail employees and amends existing federal noise standards to require that railroads perform routine noise monitoring and provide training to employees in hearing-loss prevention. In addition, train crews are required to use hearing protection.

The final rule also requires the integration of noise reduction features into the design, manufacture and maintenance of locomotives, Boardman said. This includes standards for better insulation, relocation of air-brake exhaust piping and a reduction in vibration from cab equipment.

Also, FRA said it believes these changes will reduce the incidence of noise-induced hearing loss, which may improve train crew communication as well as reduce the risk of accidents caused by occupational stress and fatigue.

"This regulation has been a long time in coming – too long," UTU National Legislative Director James Brunkenhoefer said. "Many railroaders have suffered permanent hearing loss while waiting. This delay was caused due to the hardheadedness of the railroads who did not want to make the necessary changes. It is my belief that the railroads became more involved when they recognized that making the necessary changes was cheaper than paying the hearing-loss claims."

FRA is requiring railroads to conduct noise monitoring and to implement a hearing conservation program for railroad operating employees whose noise exposure equals or exceeds an eight-hour time-weighted average of 85 decibels.

FRA said the primary responsibility for compliance with this regulation lies with employers, i.e., railroads. This regulation requires railroads to develop and implement a noise moni-

toring program; administer a hearing conservation program; establish and maintain an audiometric testing program; make audiometric testing available to employees; implement noise operational controls (if desired); require the use of hearing protection; make hearing protection available to employees at no cost; train employees in the use and care of hearing protection; ensure proper fitting of and supervise the correct use of hearing protection; give employees the opportunity to select hearing protection from a variety of suitable hearing protections; evaluate hearing protection attenuation; initiate and offer a training program; maintain and retain records, and obtain and maintain locomotives that meet specified standards for limiting in-cab noise.

This regulation would require employees to use their hearing protection when mandated by the railroad; care for their hearing protection as trained by the railroad, and complete the training program.

Employees also must report for audiometric testing once every three years.

To read the rules or for more information go to [www.dms.dot.gov](http://www.dms.dot.gov).

## GTW trainmen, yardmasters ratify new contracts

More than 300 UTU-represented trainmen and about 40 yardmasters employed on the former Grand Trunk Western portion of Canadian National Railway have ratified separate five-year agreements.

Yardmasters employed on the Illinois Central division of the CN also recently ratified a new contract.

The trainman pact on the CN boosts wages retroactively, improves health-care benefits and boosts hourly pay rates.

(In contrast with traditional mileage- and rule-based wage systems, UTU members on the GTW are paid hourly wages.)

The trainmen approved the agreement by a 71 percent rate.

"We didn't give up any work rules and removed the penalties on the extra-board guar-

antee," said General Chairperson David Hiatt. "We also gained personal leave days for new hires, an increase in held-away meal allowances, and reimbursements for passport expenses for those whose work takes them across the U.S./Canadian border."

Hiatt thanked UTU International President Paul Thompson for his support, and International Vice President Carl Vahldick for his guidance during a contract negotiation period that began last July.

He also thanked his local chairpersons for their efforts at explaining the agreement to members.

The yardmasters' five-year pact on the GTW runs retroactively from Jan. 1, 2005, through Dec. 31, 2009.

The deal, which includes full retroactive

back pay, was approved by a six-to-one margin, according to International Vice President J.R. Cumby, director of the UTU Yardmaster Department.

The pact also establishes a Harris COLA, which will take effect after Jan. 1, 2010.

The agreement also improves vacation pay as well as health and welfare benefits, Cumby said.

"General Chairperson Lenny Forchione and Vice General Chairperson Jack Blaylock were instrumental in making this agreement happen," said Cumby, who offered his gratitude for their efforts.

The yardmasters deal with the IC "is essentially the same as the GTW pact with a few modifications," Cumby said.

### Health benefits available certain UTU members to change Jan. 1

## Mental health, substance abuse provider to change

The UTU recently informed its members in an article posted on the UTU Web site of changes in the administration of the mental health/substance abuse (MHSA) benefit available to employees and/or eligible dependents covered under **The Railroad Employees' National Health and Welfare Plan**.

In the near future, those affected UTU members and their families will be receiving notification of the change in MHSA benefit administration from United Behavioral Health. Please be sure to read this information thoroughly.

**Below is important transition-of-care information concerning mental health and substance abuse benefits provided certain UTU members:**

Effective Jan. 1, 2007, mental health and substance abuse (MHSA) benefits for the Railroad Employee's National Health and Welfare Plan will be provided through United Behavioral Health (UBH).

The mental health and substance abuse benefits for in-network and out-of-network treatment are not changing.

The MHSA benefit administrator and the network of providers contracted with the new plan administrator are changing.

Please read the information below carefully to ensure a smooth transition of care.

During the transition access period, Dec. 1, 2006, through Jan. 31, 2007, you should let your current mental health or substance abuse provider know that your MHSA coverage is changing, or has changed, from ValueOptions to United Behavioral Health on Jan. 1, 2007.

To find out if your provider is a network provider with UBH, you should check the provider directory at [www.liveandworkwell.com](http://www.liveandworkwell.com). You will need to enter the access code "RAILROAD" to enter the Web site.

If you or a covered dependent are in treatment prior to Jan. 1, 2007, with a provider who is not in the UBH network, you are eligible for a transition-of-care benefit. UBH's goal is to make any necessary transition of care go smoothly.

For outpatient care call toll-free (866) 850-6212 between Dec. 1, 2006, and Jan. 31, 2007. Verify that your provider is not in

the UBH network and, if not, request a transition benefit.

You will be eligible to receive in-network-level benefits for up to three months (Jan. 1, 2007 through Mar. 31, 2007) once you contact UBH to request your transition benefit.

After the three-month transition period, if you are still in treatment with an out-of-network provider, care will be covered at the out-of-network benefit level.

For inpatient care, if you are hospitalized, or are being treated on an intermediate-care basis (i.e. residential, partial/day, intensive outpatient) prior to Jan. 1, 2007, and are still in treatment after Jan. 1, 2007, coverage will continue under the current ValueOptions plan until discharge, or until Jan. 31, 2007, whichever comes first.

You do not have to do anything; ValueOptions and UBH will work together to ensure that you have a smooth transition and to coordinate your continued treatment.

See the UTU Web site for questions and answers on this changeover.

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### Contact the UTU:

via telephone at (216) 228-9400

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## A level playing field

Solidarity helped us restore labor-friendly leadership to Congress. It began with working families registering to vote.

For the past several months, union families have been knocking on doors, making telephone calls and discussing with friends and neighbors the importance to every American working family's economic security of a labor-friendly congressional majority.

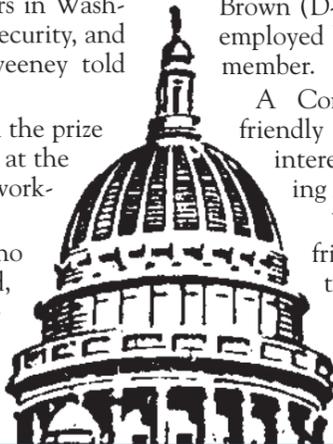
On Election Day, working families voted and made a difference.

The AFL-CIO reports union households made up 23 percent of the electorate, and made the difference in many tight races.

AFL-CIO President John Sweeney telephoned UTU International President Paul Thompson – a member of the AFL-CIO Executive Committee – to report, "It's clear that working people were the engine driving the change in leadership in the House. They want our leaders in Washington to address issues like jobs, health care and retirement security, and they voted for a change to the economic status quo," Sweeney told Thompson.

What happened Election Day isn't a Cracker Jack box with the prize at the bottom in the form of a certificate granting all we want at the bargaining table, or from Congress in the form of improved workplace-safety laws.

We still must work hard for change. But hard work is no stranger to working families. We seek only a level playing field, and our efforts on Election Day better leveled the congressional playing field.



## WASHINGTON WATCH

By James M. Brunkenhoefer

## Pay to prove you are not a terrorist? Ouch

You will soon be hearing more about Transportation Worker Identification Credentials, or TWICs.

They are a product of the Bush administration's post-9/11 Department of Homeland Security.

The idea is simple: require transportation workers to prove they are not terrorists. In theory, this sounds good, but the devil is in the details.



Brunkenhoefer

In the name of national security, each transportation worker will have to have a TWIC.

After you have filled out the application, and submitted it with a fee from your pocket, there will be a thorough background check, including a review of criminal records, to ensure that you are not a threat to the nation's security.

That's right – you pay a fee to get a card to prove who you are so that you can keep doing what you are already doing. All in the name of security.

Initially, the TWIC program will be limited to port workers, including some rail employees who must enter port facilities.

But already there is talk in Washington of extending the TWIC program to all workers in the rail and transit industries.

This is the Bush administration's idea of fighting terror-

## Your efforts paid off

By Paul Thompson  
International President

Our efforts to elect labor-friendly lawmakers to Congress were successful beyond our dreams.

Very special thanks are due our state directors, general chairpersons, local legislative reps and local officers for helping to get out the vote for labor-friendly candidates, which made the difference in many tight races. Our members should be especially proud of their role in helping to elect so many new labor-friendly lawmakers.

We are a bi-partisan union and we have friends in the Republican Party. But the fact is, we have more friends in the Democratic Party. As always, we will work with all our friends in Congress.



Thompson

Significantly, the Democratic victory on Election Day means the fiercely pro-labor Rep. Jim Oberstar (D-Minn.) will become chairman of the House Transportation & Infrastructure Committee, which has oversight of railroads.

Expected to chair the Railroad Subcommittee is Rep. Corrine Brown (D-Fla.), whose brother is employed by CSX and is a UTU member.

A Congress with a labor-friendly majority will be more interested in saving and fixing Amtrak than killing it.

We expect new labor-friendly lawmakers will take an interest in fixing the problem with commercial drivers'

licenses that puts bus operators in danger of losing their livelihoods for minor infractions while operating personal automobiles.

We expect an early order of business for the new Congress next year will be a rail-safety bill, with a strong focus on train-crew fatigue and adequate training.

We also will push for congressional hearings on the horrible abuse by carriers of rail workers.

It is disgraceful that carriers delay medical treatment in order to give injured employees the third degree while they are in pain, in hopes of creating a record that shifts blame to the injured employee.

We must expose how the carriers pay bonuses to managers who keep the injured-employee count down, which creates an improper incentive to engage in intimidation and harassment.

We will work to educate our new friends in Congress about the physical and mental effects of 30-day availability policies, 60-hour and more work weeks, fluctuating start times, a constant state of jet lag, constant threats of discipline for the most minor of infractions and facing job loss for taking a rare day off to attend a special family event.

We agree with the Federal Railroad Administration that fatigue and insufficient employee training contribute to many accidents. We will ask Congress to force railroads to discuss these problems at the bargaining table – something the railroads have steadfastly refused to do.

ism. They fail to recognize that transportation workers should be treated as partners in fighting terrorism – not automatic suspects.

We are the ones on the front lines every day and are the most likely to be victims of a terrorist act, not perpetrators.

The Bush administration fails to appreciate what a few hundred dollars in new expenses (to obtain a TWIC) will mean to a working family. Labor approached the administration and demanded that costs associated with this redundant program (employers already perform background checks on employees) be borne by the government — or that employers share in the cost.

I don't have to tell you what their answer was. They think it is better for you to pay for a requirement you didn't ask for. You see, they believe that business – especially railroads, which are swimming in record profits – just can't afford it.

In the name of fighting terrorism, it appears that the Bush administration wants to delve into everybody's personal life. Once again, old mistakes that you paid for years ago will be on the table. Of course, they believe that this is necessary to ensure national security.

Where have we heard this before? Some would say that your freedoms are being taken away to guarantee your freedom.

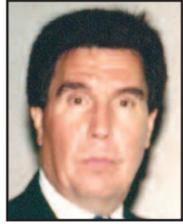
But one thing we know for sure, and that is whose side the Bush Administration is on, which is not the side of workers.

# State Watch *News from UTU State Legislative Boards*

## New Jersey

The UTU, and New Jersey State Legislative Director **Dan O'Connell**, is being credited by a congressional lawmaker as having helped engineer passage of a \$25-million boost in federal rail and transit security funding.

O'Connell also is working to ensure much of the money is used for "increased training" of operating employees who are "the first line of defense" where passengers travel by rail and bus.



O'Connell

Rep. Rush Holt (D-N.J.) who spearheaded the House effort to include this funding in the 2007 budget for the Department of Homeland Security, singled out the UTU and O'Connell for efforts at keeping pressure on Democrats and Republicans in the House and Senate to support the Holt amendment.

The 2007 budget for rail and transit security funding will now total some \$175 million because of the UTU efforts.

O'Connell said he also supports developing "new technology to make our nation's transit system safer and more secure."

"The UTU looks forward to working together with state and federal lawmakers to accomplish just that."

Holt said some of the projects likely to be funded by the increase include canine teams (\$57,000 each), hazardous-substance vapor tracers (\$30,000 each) and radiation pagers (\$570 each).

Since 9/11, Congress has appropriated nearly \$30 billion for aviation security, compared to just over \$620 million for transit security.

Yet, according to the American Public Transportation Association, every weekday people use public transportation vehicles over 32 million times – more than 16 times the number of daily travelers on the nation's airlines.

## Tennessee

State Legislative Director **Jerry Anderton** has been re-appointed by Gov. Bredesen to the state's Workforce Development Board.

"I was first appointed to the board in 2003 and serve as the member representing organized labor. I currently serve as vice chairperson of the Planning Committee," Anderton said.



Anderton

"Our focus is to promote support for the future vocational training requirements in Tennessee to insure that our workers do not fall behind the curve of technological advances."

"A well-educated and highly trained workforce is a prime requirement for industries seeking a new location as well as being essential for existing companies to remain successful."

"Our objective is to ensure that the proper training is available for everyone, from those just entering the workforce to the more experienced worker who may need to advance or to develop new skills for a different job," Anderton said.

## Texas

Thanks to record Asian imports, high energy prices and a shortage of truckers, business is booming for American railroads, but UTU's Texas State Legislative Director **Connie English** believes such success comes with a price.

Demand for rail services in Texas and nationwide is greater than it has been in more than 60 years, but that is taxing the people who do the work, English said.

Railroads say they can do more with fewer people because they're more efficient. That increased efficiency comes at a price, according to English.

In a recent news article, he describes railroading as a lifestyle in which seven-day, 70- to 80-hour workweeks – and 2 a.m. phone calls – are the norm.

"You get fatigued," English said. "You're still

## Florida



Pictured above are some of the UTU members who recently attended classes at the National Labor College on the safe shipment of hazardous materials and how to increase the safety of railroad employees. They are (front row, left to right): Michael Hayes (Trustee, L-1904, Houston); Greg Hynes (Arizona assistant state legislative director); Ruben Gonzalez (L-1846, West Colton, Calif.); (back row, left to right) Richard Robinette (L-1904, Houston); David Meadows (secretary/treasurer, L-1312, Pensacola, Fla.); Billy Moye (yardmaster, L-1971, Atlanta, Ga.) and Florida State Legislative Director Andres Trujillo.

going to respond, but not as fast as you would if you were rested."

In the past year, UP has added 1,000 people to work on its train, engine and yard operations nationwide and is looking to hire about 70 employees in the San Antonio area alone.

English told the newspaper that despite the hiring, problems with manpower shortages and inadequate training persist.

## California

**Norm Lucas**, secretary of the California State Legislative Board, said the board has recently revised and updated its Web page. The site contains news items, political endorsements, access to rules and regulations, and links to other Web sites of interest. The address is [www.utucslb.org](http://www.utucslb.org).

## Bus Department

By Roy Arnold, vice president/director

### 'Good old days' are here, today

Nostalgia is big these days. But do we really want to bring back the "good old days"?

I remember those days of freshly starched and neatly ironed uniforms you might have seen in an old "The Adventures of Ozzie and Harriet" television episode.

The reality, however, was working for a few cents per mile, having to make up sick days, and getting a week's vacation, at best. Putting food on the table usually meant meatless dinners and a new pair of shoes for the children at Christmas time – maybe!

Decent contracts back then were few because labor unions were struggling to gain recognition. The "boss man" held the upper hand and made us feel "lucky" to have a job. And to keep that job meant having to keep the "boss man" happy, which meant drivers and their families almost never were happy.

The "good old days" meant working more than 40 hours a week, constant fatigue and buses that often were not safe to operate.

Unions have helped change how the bus industry operates and treats its employees. We now have more of a say in the workplace, greater protections, and a better quality of life compared with the so-called "good old days."

Of course, the "boss man" still tries to keep pay and benefits down. And drivers without a union on their side still suffer a lack of respect in the workplace.

All is not perfect, but it's a lot better – and what unions do today is work to improve pay, benefits and working conditions while keeping the "boss man" from returning us to what really were the "bad old days."



## Yardmasters

By J.R. "Jim" Cumby, vice president

### We will not succumb to rails' greediness

Arrogance, contempt and deceitfulness. That's how I sum up the carriers' behavior toward labor in this round of national negotiations.

To listen to the carriers' demands, one would think they are on the verge of bankruptcy, struggling to meet payroll and borrowing enough to fuel the locomotives one more day. In fact, the carriers are awash in the greatest profits in their history – and Wall Street analysts predict those profits will continue to soar into the foreseeable future.

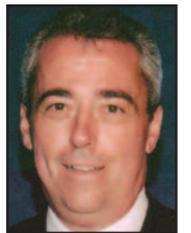
So, in the face of these massive profits, which finance million-dollar plus bonuses for top executives, what are the carriers asking from labor? Givebacks!

In October, the carriers launched an attack on employee and retiree health-care benefits, demanding almost \$200 million in givebacks from the UTU alone. The carriers have found a new way to spell "greed" – "r-a-i-l-r-o-a-d-s."

Meanwhile, the carriers are pleading with Congress for tax credits of some \$400 million annually. We think not. An industry that lines its pockets on the backs of its employees should not be avoiding taxes while the "little people" pay them. We also think there is merit in the captive shippers' demands that regulators do more to control the railroads monopolist treatment of their customers.

The railroad industry is acting as if it were back in the age of robber barons, before laws and rules were adopted to control outrageous corporate conduct.

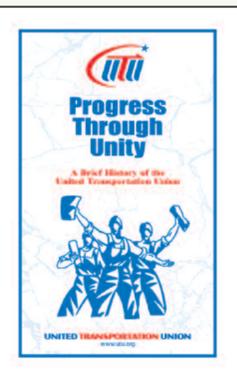
Please pay special attention to the UTU Web site for updates on how the UTU is fighting back. In the coming months, it is likely we will be calling on members and retirees for help in convincing Congress that railroads have spit the bit and must be lassoed anew.



# Visit the UTU's online electronic library at [www.utu.org](http://www.utu.org)

## About the UTU, Its History and Its Predecessors

**Progress Through Unity** is a brief history of the UTU. This history makes clear why working men and women represented by the United Transportation Union can hold their heads high while working under the best labor contracts available.

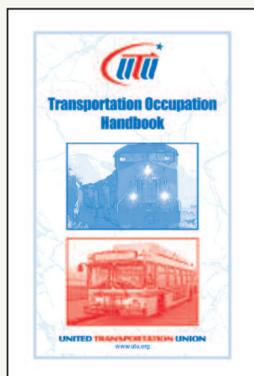


Because of the work, tears and sweat of those union organizers and members who came before you, you know that every day on the job you are not fighting battles with the employer by yourself. You don't have to worry about not knowing what safety regulations apply to the job and you don't have to worry about being fired for questioning whether you have been paid properly. You don't have to worry about the company imposing discipline for no other reason than a supervisor doesn't like you. This is because the United Transportation Union stands behind you.

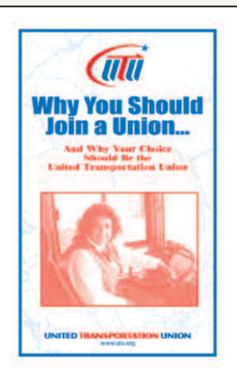
The UTU has led efforts to shape historical events for the benefit of working men and women of North America. The UTU will continue to be a leader among unions to ensure that you and your family enjoy "progress

through unity," which is the UTU motto – your assurance of improved wages, benefits, working conditions and quality of life.

The **Transportation Occupation Handbook** outlines the background of the UTU and its objectives, purposes and structure. It also describes the jobs and working conditions of employees represented by the UTU.



The purpose of the booklet **Why You Should Join a Union...** is to acquaint you with your rights under the law as determined by the Supreme Court, the federal courts and the National Labor Relations Board (NLRB). It is meant primarily for those in the bus and mass transit industries, especially for those in occupations not covered by the Railway Labor Act. Read it carefully. You will find that you are protected in many ways when you join the United Transportation Union.



The booklet will explain how your employer violates the law if the employer should fire you, discipline you or threaten you in any way because you want to join a union. You enjoy these rights as a citizen. But, as a member of the UTU, you have one

of the strongest unions in the U.S.A. to help you enforce these rights.

## Just for Kids

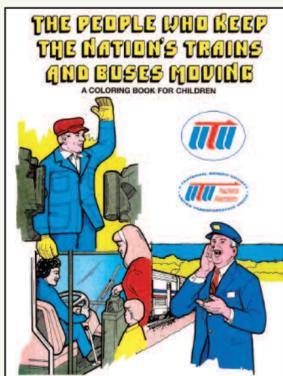
**The People Who Keep the Nation's Trains and Buses Moving** are people just like your mom or dad, or even your older sister or brother.

They have very important jobs moving food, fuel and materials to the cities, distributing manufactured products from coast to coast, transporting commuters to work, children to school and vacationers to interesting places all over America.

They like their jobs and are careful to obey all railroad, bus company and government rules and regulations to keep themselves, passengers and goods safe from harm.

This book will help you know more about these people and what they do. The United Transportation Union is proud to represent them.

We are happy to be able to make these pictures available to you for your education and enjoyment. Now it's your job to color them in.



In its continuing effort to inform and assist members, as well as those seeking union representation, the UTU has made available on its Web site a variety of UTU publications.

UTU members and others can now click on the "About UTU" tab in the red menu bar on the far-left side of the UTU Web site, then click on the "UTU Publications and Videos."

Eight different UTU publications and three videos can be found in the electronic library.

These publications address how to protect yourself and your family if you are an injured railroad employee; how legislation advances through the Congress; a history of the UTU; your rights as a union member; a discussion of UTU member benefits and UTU organization and services; the role of a union representative in protecting union members who have been summoned for investigation, and recommendations on the proper procedures for pursuing time claims and other grievances. There is also a coloring book for children.



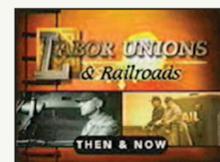
The publications are in Adobe's portable document format (PDF) and the free Adobe Reader® is required to view and print the publications. The reader can be obtained by visiting the Adobe Web site at [www.adobe.com](http://www.adobe.com) and clicking on "Get Adobe Reader." Be sure to select the proper version for your computer's operating system.

The documents are available in both reader- and printer-friendly versions.

The UTU Web site is a work in progress and new information is continually being added. UTU members should visit the Web site regularly to stay abreast of the most current information regarding their union.

## UTU Online Videos

**Labor Unions and Railroads** explores the struggle between labor unions and the railroads, both in the present and the past. To view the video, you must have Windows Media Player installed on your computer. If you do not have the Media Player installed on your computer, you can obtain it by visiting Microsoft's Web site at [www.microsoft.com](http://www.microsoft.com), clicking on Downloads, then clicking on Windows Media. Select the proper Media Player for your computer's operating system.



**The U in Union is You** examines the benefits of UTU membership and the need for individual UTU members to become involved in the activities of their union. This video can be viewed using either Windows Media Player or the QuickTime Player on a computer running the Macintosh operating system.



Two versions of the video are available: a high-resolution video for persons with a broadband Internet connection such as cable or DSL; and a compressed version for persons using a dial-up Internet connection. The compressed version allows for a quicker download time for those using a dial-up connection. Click on the appropriate version for your Internet service connection.



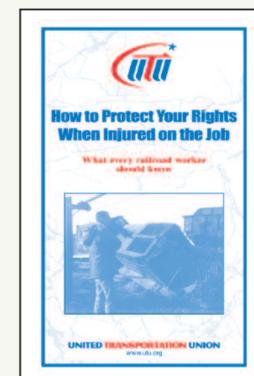
## Legislation, Rights of Injured Rail Workers

Because of the importance of legislation in our work and in our daily lives, we think it is vital that every member know how their voluntary efforts can help strengthen the UTU's clout in Congress. We cannot avoid the introduction of anti-union legislation, but we can join the fight against such legislation and together we can help elect members of Congress who are friendly to our cause.

**Getting a Message to Congress** begins with an explanation of UTU PAC – UTU's voluntary Political Action Committee (PAC) – and continues with a guide to the legislative process, lobbying, and various ways of getting a message to members of Congress. Explaining the purpose and operation of UTU PAC will, we hope, lead to your greater understanding of the political process.

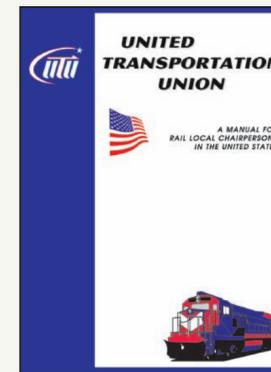
With this booklet, you will see how a bill becomes a law and how effective it is to communicate your ideas to a member of Congress. The importance of letters, faxes, phone calls and e-mails to your representative and senators cannot be overstated. These are some of the best ways to get your message to Congress.

Railroads retain skilled claim agents and attorneys. As soon as a rail worker is injured, the railroad and its agents get to work to protect the railroad's interests. Statements of witnesses are taken, photographs of the scene and equipment are produced and measurements are made. **How to Protect Your Rights When Injured on the Job** is not legal advice. That can come only from a lawyer. What is written here cannot tell you what the law is as applied to the facts of a particular case. However, this pamphlet can alert you to how you can learn about, and enforce, your personal legal rights for the benefit of both you and your family.



## Investigations, Pursuing Claims and Grievances

**A Manual for Rail Local Chairpersons in the United States** contains a brief history of railroad unions, a synopsis of the UTU's structure and the local chairperson's role in it, the union's recommendations on the proper procedures for pursuing time claims and other grievances, and an overview of federal legislation governing the railroad industry up to and including the Railway Labor Act.



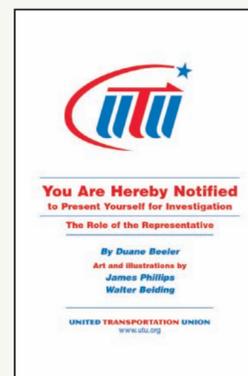
This manual also looks at the local chairperson's role as a negotiator, organizer, educator and leader in his or her local committee and examines the parts of the UTU Constitution that are relevant to the local chairperson carrying out his or her responsibilities.

Every rail local chairperson should read the manual prior to assuming the duties of the office.

The text of **You Are Hereby Notified – The Role of the Representative** was prepared by the late Duane Beeler, a member of the United Transportation Union and the faculty of the Industrial Labor Relations Department at

Roosevelt University, Chicago, Ill.

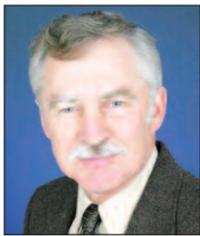
Every successful representative should know the defendant's rights as they have been defined in arbitration, understand the principles basic to the investigation rule, and combine this knowledge, together with a practical ability to handle people and situations with mastery, so that he can accomplish his purpose. This handbook will assist in that matter and in providing the member with the best representation possible.



# UTU for Life

## UTU for Life program chalks up Chapter 11

Thanks to retired former Virginia State Legislative Director **Richard Jeskey**, retirement for UTU members in the vicinity of Roanoke won't mean abandoning workplace friends, losing touch with the industry's current events or losing influence over public-policy issues.



Jeskey

Jeskey, a member of Local 706 in Roanoke, recently hosted the first meeting of the 11th local chapter of the *UTU for Life* program.

"I retired on disability about a year ago," Jeskey said, "and it made me wonder, 'Where does a good, retired UTU member go?' I was active with NARVRE, but found members to be mostly former supervisors and clerks. And politically, I thought they were voting against their own interests."

It dawned on Jeskey, who served as the state's legislative director for 10 years, that it was time to step up to the plate and form a *UTU for Life* chapter.

Jeskey began his career in Toledo, Ohio, in 1964 as a crossing watchman for the Nickel Plate Railroad. In 1965, he became a fireman on the Norfolk & Western, joining BLF&E Lodge 1928. By 1971, he was an engineer, and in 1980, he transferred to Roanoke.

"The railroad always got me angry, so I got active with the union," Jeskey said. "In Toledo, I was a vice local chairperson, then local chairperson. In Virginia, I also became a local chairperson. In fact, for a short time, I was a BLE local chairperson – that's how I found out how good the UTU really was!"

Jeskey said Chapter 11 will be in good hands. "Luckily, I can count on the help of **David Benson**, a member of my local and a retired general chairperson, who's also enthusiastic about getting this chapter off the ground."

To learn more about *UTU for Life* and its benefits, contact the UTU International at (216) 228-9400, or visit the UTU's Web site at [www.utu.org](http://www.utu.org) and click on "UTU FOR LIFE." Retirees with e-mail addresses also are urged to register on the Web site to receive the latest news on program benefits, chapter meetings and political action alerts.



## RRB, Social Security COLAs, earnings limits to rise in 2007

The mechanism that will bring a 3.3 percent cost-of-living adjustment (COLA) to Social Security beneficiaries in 2007 will also boost benefits collected by Railroad Retirement beneficiaries, the U.S. Railroad Retirement Board said.

Monthly Social Security and Supplemental Security Income (SSI) benefits will increase 3.3 percent in 2007, the Social Security Administration said.

That means Railroad Retirement Tier I benefits, like Social Security benefits, will rise 3.3 percent, while Tier II benefits will increase 1.1 percent, which is 32.5 percent of the CPI rise.

The vested dual benefit payments and supplemental annuities also paid by the RRB are not adjusted for the CPI rise.

In January 2007, the average regular Railroad Retirement employee annuity will increase \$48 a month to \$1,876 and the average of combined benefits for an employee and spouse will increase \$65 a month to \$2,622.

For the average Social Security beneficiary, the COLA will mean an average monthly increase of \$33, raising the average monthly benefit from \$1,011 currently to \$1,044. The average retired couple receiving Social Security will see their monthly check go from \$1,658 to \$1,713.

The standard SSI payment will go from \$603 per month for an individual to \$623, and from \$904 to \$934 for a couple.

For those aged widow(er)s eligible for an increase, the average Railroad Retirement annuity will increase \$29 a month to \$994.

If a Railroad Retirement or survivor annuitant also receives a Social Security or other government benefit, such as a public service pension or another Railroad Retirement annuity, the increased Tier I benefit is reduced by the increased government benefit. However, Tier II cost-of-living increases are not reduced by increases in other government benefits.

For most beneficiaries covered by Medicare, the standard Part B premium generally deducted from monthly benefits increases from \$88.50 to \$93.50 in 2007.

Meanwhile, Railroad Retirement and Social Security recipients subject to earnings restrictions can earn more in 2007 without having their benefits reduced as a result of increases in earnings limits indexed to average national wage increases.

Earnings restrictions apply to those who have not attained full Social Security retirement age, whether covered by Social Security or Railroad Retirement. For employee and spouse annuitants, full retirement age ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later. For survivor annuitants, full retirement age ranges from age 65 for those born before 1940 to age 67 for those born in 1962 or later.

For those under full retirement age throughout 2007, the exempt earnings amount rises to \$12,960 from \$12,480 in 2006. For beneficiaries attaining full retirement age in 2007, the exempt earnings amount, for the months before the month full retirement age is attained, rises to \$34,440 in 2007 from \$33,240 in 2006.

## Retired former Pa. SLD H.E. Beaver Sr. dies

Retired former UTU Pennsylvania State Legislative Director **Henry E. Beaver Sr.** passed away Oct. 4 in Harrisburg's Triumph Hospital. He was 79.

A member of Local 830 in Harrisburg, Brother Beaver began his 28-year rail career as a brakeman on the Reading Railroad in September 1950. He retired April 1, 1992.

Besides serving the UTU as a state legislative director, Brother Beaver was a past executive vice president of the Pennsylvania AFL-CIO; a past member of the Pennsylvania Governor's State Occupational Safety Committee, past

chairman of the Rail Labor Committee of Pennsylvania, and past president of the Pennsylvania UTU Scholarship Aid Fund. He was a World War II Navy veteran, serving on the *USS Yokes*.

Brother Beaver was the widower of Sara Cassell Beaver and is survived by a son, a daughter, a brother, a sister, and three grandchildren.

Memorial contributions may be made to the American Diabetes Association, 3544 North Progress Ave., Ste. 101, Harrisburg, PA 17110, or the American Lung Association of Central Pennsylvania, 3001 Old Gettysburg Rd., Camp Hill, PA 17011.

## 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
1	Hart, Thomas J.	Blasdell, N.Y.	586	Dodson, Leroy	Holt, Mich.	1227	Hall, Duane D.	Mulvane, Kan.
48	Fink Jr., Acie E.	Virginia Beach, Va.	590	Dolloff, Clifford W.	Wausau, Wis.	1292	Erickson, Sigurd M.	Two Harbors, Minn.
171	Coyle, William D.	Lakeland, Fla.	623	Dawson, Houston H.	Lynchburg, Va.	1337	Ketchum, Floyd J.	Mandeville, La.
171	Uhlmann, Howard D.	South Beloit, Ill.	662	Reighard, Ralph J.	Deland, Fla.	1370	Lapidus, George J.	Iselin, N.J.
283	Hurd, James A.	Portland, Ore.	811	Allison, William J.	Rialto, Calif.	1374	Brill, R. W.	Poland, Ohio
298	Riley Jr., Robert A.	Ossian, Ind.	830	Beaver, Henry E.	Pottsville, Pa.	1378	Kasarda, George	Orlando, Fla.
300	Eisenhart, Richard H.	Aransas Pass, Texas	854	Cooper, James W.	Suffolk, Va.	1382	Braun, Edward H.	East Troy, Wis.
305	Northup, Max E.	Lincoln, Neb.	977	Wright, Harold G.	Spokane, Wash.	1393	McKinney, Arthur J.	Niagara Falls, N.Y.
367	Murphy, Edward P.	Omaha, Neb.	1006	Keene, Carl C.	Sun City, Ariz.	1397	Layne, Charles C.	Port Charlotte, Fla.
367	Sutton, Joseph L.	Omaha, Neb.	1066	Cassagne, Ronald J.	Carriere, Miss.	1574	Bailey, R. J.	Sumas, Wash.
369	Davis, Donald F.	Wallace Town, Ont.	1106	Neal, Macy W.	Rockwell, N.C.	1607	Lozano, Joe	Bell, Calif.
377	Rowland, Dalvin R.	Punxsutawney, Pa.	1168	Chesney, K. K.	Albuquerque, N.M.	1638	Moreland, Joseph M.	Boynton Beach, Fla.
385	Vaikutis, Vytantis P.	Stamford, Conn.	1190	Crump, Harl T.	Florence, Ky.	1883	Gallatin, Harold G.	Midlothian, Ill.
486	Seeberger, Nick	Brainerd, Minn.	1216	Winters, Charles E.	Kansas City, Mo.	1917	Spadafora, John W.	Hamilton, Ohio
535	Williams, Charles E.	Montrose, Ga.	1221	Tucker, William E.	Tampa, Fla.	1948	Catalano, Frank B.	Poland, Ohio
556	Gallagher, James E.	Centralia, Wash.				1949	Forte, Matthew M.	Las Vegas, Nev.
						1957	Bean, Samuel L.	Beaumont, Texas
						1957	Shaw, Elmo	Tatum, Texas

# This holiday season...

## Give a gift that will last a lifetime!

Have you ever stopped to think about what you could have done with the money you spent on Christmas gifts in the past? If you're like most parents and grandparents, you go overboard. But what usually happens to those gifts? Do they end up in the corner, rarely played with — or worse yet, broken? Why not give your little ones a lasting gift this Christmas?

Permanent life insurance is a wonderful way to provide a lifetime benefit for your youngsters. What better way to show them you care? Permanent life insurance is very inexpensive at young ages, and premium-paying choices are endless, since premiums can be paid in one easy payment or over just about any period of time you select. Give a gift that **keeps on giving** by returning the coupon on the right, or by calling toll-free, 1-800-558-8842, for assistance from your UTUIA representative.

**"The best thing I gave each of them was a paid-up \$25,000 life insurance policy."**

Willis G. Croonquist  
Local 1177, Willmar, Minn.



Retired UTU member Willis G. Croonquist and his wife, Rita, pose for their annual Christmas photograph with their seven grandchildren. The Croonquists gave each of their grandchildren a gift that will last a lifetime: a paid-up, \$25,000 life insurance policy from the United Transportation Union Insurance Association.

### Information, please



I would like more information on UTUIA's ULTIMATE PAR policy. Please print.

Full Name of Member

Sex

Date of birth

Address

City

State

Zip

Telephone Number with Area Code

UTU Local Number

Please provide full name, sex, date of birth, and relationship of the child for whom the information is requested on the line below.

Full Name

Sex

Date of Birth

Relationship

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

11/06

## New UTUIA field supervisors serve members' needs

The United Transportation Union Insurance Association, your union's insurance affiliate, has four new field supervisors to serve you, and your family's, financial-services needs.

They are Aaron Combs, Charlie Skidmore, Joe Solito and Steve White.

**Aaron Combs** is a member of Local 1003 in Kankakee, Ill. He hired out on Conrail in July 1996 as a conductor. He became an employee of the Norfolk Southern when it purchased Conrail in 1999. He works as a locomotive engineer and conductor.



Combs

He has served his local as local chairperson and alternate legislative rep.

Combs will be serving UTU members working in the Chicago area, Wisconsin, Minnesota and north-east Iowa.

"I appreciate the opportunity to serve my fellow UTU members," Combs said. "As a local officer, I have seen the many benefits that UTUIA products provide. Now I have been given the opportunity to help share those benefits with the membership."

Combs can be reached by phone at (815) 693-5773 or via e-mail at aarontcombs@yahoo.com.

**Charlie Skidmore** is a member of Local 204 in Pueblo, Colo. He began railroading in 1981. Before his elevation to the UTUIA he had been working as a conductor for the Colorado & Wyoming, a short-line carrier that serves the Pueblo area.

Skidmore has served his local as local

chairperson, legislative rep., local insurance representative and assistant state legislative director.

He will be serving UTU members and their families living in southern Colorado, Kansas, Missouri, Iowa and central Illinois.



Skidmore

Members and their families can reach Skidmore via phone at (303) 564-5616 or via e-mail at utucharlie@earthlink.net.

**Joe Solito** is a member of Local 1501 in New Orleans, La. He hired out as a conductor on the former Southern Pacific in 1978 and transferred to the New Orleans Public Belt in 1995, where he formerly served the union as general chairperson.



Solito

Solito will be serving UTU members and their families in Mississippi, Louisiana, Arkansas and parts of Texas, Missouri, Illinois and Tennessee.

"I want the members to know of the great products the UTUIA makes available to them," Solito said. "All the field supervisors are there to serve the members and provide them with the best insurance for the best value. When they invest in the UTUIA, they are investing in themselves."

Contact Solito via telephone at (504) 914-0008, fax at (985) 764-3739 or e-mail at

joesolito@cox.net.

**Steve White** is a member of Local 1814 in Spartanburg, S.C. Prior to his appointment to the UTUIA he was a locomotive engineer for CSX Transportation. He started on the CSX in September 1998 as a conductor.



White

White will be serving members and their families living in Kentucky, Indiana, Ohio and Michigan.

"UTU members and their families must realize that the UTUIA is owned and operated by the members for the members," White said.

"The insurance programs and rates are designed just for UTU members and their families. And, it is a union-owned insurance company operated by union-represented workers. No other insurance firm can make that boast.

"I tell my brothers and sisters that, because of the dangerous nature of their jobs, regular insurance companies will raise their premiums every three to five years. With the UTUIA's disability income protection the rates are locked in. You will pay the same at 30 years of age that you will pay when you are 60."

White can be reached by phone at (864) 379-4062 or e-mail at sljw@wctel.net.

For complete information about the UTUIA and its many services, log onto the UTUIA Web site at [www.utuia.org](http://www.utuia.org) or call toll-free (800) 558-8842.

# Captive shippers

Continued from page 1

have to import coal from Russia and Indonesia, or use more expensive natural gas and imported oil to supply power to homes, businesses and hospitals.

As capacity is eliminated, railroads cherry-pick the most vulnerable customers and then raise their rates higher.

Forget highways and barges; most shippers of bulk commodities, such as coal, grain and chemicals, can't use trucks effectively, and most are landlocked.

Moreover, there is no effective means for captive shippers to arbitrate route, rate and service disputes without spending millions of dollars and waiting years for a decision from a regulatory agency most shippers see as a wholly owned subsidiary of the rail industry.

Railroads last year were permitted to impose fuel surcharges on customers at three times the average fuel-cost increase.

During the third quarter of 2006, BNSF collected \$500 million in fuel surcharges even though fuel expenses rose only \$293 million, says Dow/Jones Market Watch.

Indeed, net income at CSX soared by 237 percent last year; by 93 percent at BNSF, and by 70 percent at Union Pacific, according to financial reports.

In the face of terrorist threats to target deadly hazmat traveling by rail, the carriers – crying poverty in the face of record profits – are demanding one-person crews while cutting back on employee training and working train crews to the point of exhaustion.

Carriers acknowledge that going to work tired is like going to work drunk, but profits trump safety when the canary in the mine is missing.

Even as rail profits soar – and are projected by Wall Street to continue to soar for years – railroads threaten not to invest in safety-related technology and increased capacity unless they are granted hundreds of millions of dollars in tax cuts.

And as million-dollar-plus bonuses are paid to rail executives, carriers are demanding almost \$1 billion in health-care givebacks from unionized employees.

This is not what Congress intended when railroads were largely deregulated in 1980.

For sure, there was expectation of some money-losing lines being abandoned, but not a wholesale dumping of thousands of miles of track – and, now, switching yards – for the sole purpose of abrogating labor agreements.

Despite laws on the books seeming to provide labor protection in such line sales, railroads, in concert with regulators, found a loophole.

There was no expectation that railroads would merge on the scale they have – or that rail regulators would send the Justice Department packing when DOJ's antitrust experts implored those regulators to be more cautious.

er law firms.

Is it any wonder that the agency found a loophole for carriers to avoid labor protection in line sales, has been so receptive to carrier merger requests, and largely deaf to shipper route, rate and service complaints?

At the National Mediation Board, carrier-influenced appointments allowed railroad executives to brag to investors that any breakdown in labor negotiations will result in carrier-favorable Presidential Emergency Board recommendations for settlement.

What BNSF Chairman Matt Rose termed as “the perfect storm” favoring railroads – the confluence of market power, a strong economy and carrier friends in high places – is what brought the UTU and captive rail shippers together into a congressional lobbying alliance.

This labor/shipper alliance is being formed as

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## Captive shippers are discouraged from arbitrating route, rate and service disputes because it can cost millions of dollars and takes years to get a decision from an agency they consider in the pocket of the railroads

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Massive service failures stemming from those mergers still adversely affect shippers.

And certainly there was no expectation that railroads would look to Mexico as a means of bypassing U.S. ports, exporting equipment-maintenance jobs and even laying plans to operate trains with cheap foreign labor while dumping American unionized employees onto the welfare and Medicaid roles.

For too many years, railroads have used massive political contributions and political influence to tilt the playing field in their favor.

As railroads are mostly immune from the antitrust laws – almost unique among American industry – the sole sentry against market-power abuse is the federal Surface Transportation Board.

Yet only a centipede has enough toes to count the regulators hand-picked by railroads for such regulatory assignments and who later are rewarded with lucrative jobs at carriers or carri-

er law firms. railroads recognize that Election Day results likely will dilute the number of their friends in Congress.

As a new Congress is organized next year, the UTU will be working with captive shippers to develop an effective campaign to level the playing field for shippers and labor.

Among the objectives will be to restore labor protection in line sales and assure shippers have an effective forum for the arbitration of route, rate and service disputes.

UTU International President Paul Thompson, who serves on the AFL-CIO's Executive Council, is recruiting other labor unions to assist in the effort. Most rail-labor organizations already are on board.

“Neither shippers nor labor intend any longer to be victims of 21st century robber-baron railroads,” Thompson said. “We're mad as hell and we're not going to take it any longer.”

# Disabled

Continued from page 1

will begin after Election Day.

Ed Hamberger, president of the Association of American Railroads, who does Capitol Hill bidding for rail CEOs, wrote Sen. Michael Enzi (R-Wyo.), chairman of the Senate Health, Education, Labor and Pensions Committee, to urge Senate defeat of the bill, which would increase the amount of money a disabled individual can earn without affecting his or her Railroad Retirement disability benefit.

These disabled breadwinners were disqualified from rail service solely by rail management because of bad hearts, high blood pressure, failing eyesight and even injuries received while working.

Most, after being terminated, have difficulty feeding, housing and clothing their families – much less providing them with medicine and health care – out of their Railroad Retirement disability payments.

So they are seeking to supplement their disability payments with menial work such as Wal-Mart greeters or answering phones at a local business.

But, since 1986, those outside earnings while on disability have been capped at just \$400 per month, even though the earnings cap for disabled persons covered by Social Security is

almost twice that amount.

The UTU-supported legislation would permit those who have been disabled and are now receiving Railroad Retirement disability payments to increase the amount of outside earned income to only \$700 a month – less than what most railroad CEOs are paid in an hour – without suffering a reduction in Railroad Retirement disability benefits.

Allowing the disabled higher outside earn-

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## Rail supervisor poses as clergyman to limit medical treatment

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ings while retaining their full disability benefits would not create a financial burden on the Railroad Retirement system, whose trust fund currently totals some \$27 billion.

In fact, the estimated total cost of this legislation would be about \$400,000 annually – considerably less than Hamberger's annual salary, and before his bonus.

The disabled in wheelchairs, on crutches, with guide dogs and attached to oxygen tanks who Hamberger and his rail CEO bosses are attacking so sadistically and viciously are former

railroad workers whose prior work schedules denied them days off for weeks and months at a time and kept them away from families most weekends and holidays.

They are no longer dues-paying union members, although the UTU and other transportation-labor unions helped to launch and advance the legislation.

“If railroads feel comfortable attacking the crippled, the blind, the infirm and the aged who no longer are active union members, imagine what the carriers would do to their active workers' wages, health care and workplace environment if there were no unions to protect them,” UTU International President Paul Thompson said.

“This CEO's depraved mugging of the disabled,” Thompson said, “reminds me of the unsettling actions railroads previously have taken against employees injured on the job.”

“They include a documented action of a railroad supervisor who fraudulently posed as a clergyman to enter a hospital emergency room and limit treatment to an injured worker in an attempt to prevent the injury from being reported to federal regulators.”

UTU National Legislative Director James Brukenhoefer, who has been shepherding the legislation through Congress this year, said, “It is obvious America's railroads have gotten bigger – but not the men and women who run them.”

# 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 postmarked 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 letter to the International General Secretary/Treasurer postmarked 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

## Percentage of chargeable fees determined by neutral review for calendar year 2005

<b>International</b>	84.4*
<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 018 Iowa	87.7*
LO 030 Nebraska	71.3*
LO 035 New York	87.2*
LO 038 Ohio	95.5*

<sup>1</sup> Unreviewed GOs will have the historical average of chargeable percentages of GOs audited of 99.6 applied to any new objectors.

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

\* Estimate. Final ratio forthcoming.

**The period for providing notice of objection by notifying the UTU International general secretary and treasurer of the objection has been extended through Dec. 31, 2006.**

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 Oct. 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.



## UTU BUS LINES

News items culled from the UTU's Daily News Digest, posted every morning on the UTU Web site, [www.utu.org](http://www.utu.org).

### New study spotlights school bus injuries

New national data show school bus-related accidents send 17,000 U.S. children to emergency rooms each year, more than double the number in previous estimates that only included crashes.

Nearly one-fourth of the accidents occur when children are boarding or leaving school buses, while crashes account for 42 percent, the new research shows.

Slips and falls on buses, getting jostled when buses stop or turn suddenly, and injuries from roughhousing are among other ways kids get hurt on school buses, the data found.

The researchers said the results provide a strong argument for requiring safety belts on school buses, something industry groups say is unnecessary and expensive.

Safety belts could not only prevent injuries related to crashes but could also keep students seated during normal turns or braking, the research said.

### NJ Transit puts digital cameras on buses

People on board or driving next to NJ Transit buses might want to be on their best behavior because they might be on the "bus cam."

NJ Transit is testing two different types of windshield-mounted cameras to determine if they help security inside the bus, help drivers avoid accidents and enable investigators to reconstruct circumstances leading to crashes.

Two tests are under way to test two types of cameras. One test is on buses based out of garages in Camden and Gloucester counties. A second is about to start using buses from an Essex County garage.

The cameras digitally record images both inside and outside the bus, constantly taping over that information every 20 seconds unless the bus is involved in an accident or the driver hits a switch to save the current images. The cost to outfit each bus is \$25,000, and 74 buses and 48 regional supervisors' vehicles at the garages will be equipped.

### Federal judge lifts oversight of L.A. Metro

Saying that Los Angeles County transit officials have "substantially complied" with their promise to improve bus service for poor and minority riders, a federal judge last month ended a decade of court oversight of the nation's third-largest public transportation system.

The MTA has been required to spend more than \$1 billion to buy buses, add service and maintain low fares since 1996, when the agency entered into a consent decree to settle a civil rights lawsuit with bus riders.

"As a result of the consent decree and the efforts of all the parties involved, the quality of life has improved for Los Angeles' public transit dependent poor population," Senior U.S. District Court Judge Terry J. Hatter Jr. wrote in his three-page order.

Advocates for bus riders said they would monitor the agency for any cuts in countywide operations.

# This month's winning photo:

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

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

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

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250.

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

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

All photographs submitted become property of the UTU.

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



*This month's winning photograph was taken by Leroy Engel, a retired member of Local 202 in Denver, Colo. The photo is of a new Union Pacific locomotive painted in the livery of the Denver, Rio Grande & Western. The UP is creating a series of these "heritage" locomotives to pay tribute to the men and women of former carriers that are now part of the UP, Engel said.*



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## FRA urges workers to be aware of dangers as holidays near

The majority of UTU members work under conditions that are some of the most dangerous in the world.

We stand next to, or ride upon, equipment that weighs more than 150 tons and is moving many miles per hour.

We push, pull and direct cars carrying such dangerous materials that one whiff could kill us, one spark could blow us sky high.

Because of the unforgiving nature of our work, safety at the workplace is paramount.

That fact bears repeating as we move towards the holiday season.

This is the time of year that is most dangerous to rail operating employees, according to Joe Gallant, safety specialist with the FRA.

Since 1992, 36 switching fatalities have occurred in December and January, about 24 percent of all 151 fatalities occurring during that time, Gallant said. Since 1997, severe injuries begin increasing in November and peak in January, he said.

What if we could predict that an event is about to take place and be one step ahead as the event unfolds?

That is why paying attention to our surroundings at work, called "situational awareness," can increase our response time to safely handle unexpected events, according to the FRA.

In other words, we need to know at all times what is going on around us.

Situational awareness starts with focused attention, meaning we are staying focused on the current situation, rather than being distracted by cellular telephones, by co-workers or unnecessary radio chatter.

This focus should be directed at our surroundings, thereby making us mindful of what does and does not belong, according to the FRA.

According to studies, the factors that reduce situational awareness are: Insufficient communication; fatigue and stress; task overload, or too much work; task underload, or too little work; "Press on regardless" philosophy, and degraded operating conditions.

The next step is to look for pre-incident indicators. These are the subtle clues that something is awry. In other words, you need intuitive recognition, which is nothing more than honoring your instincts, FRA said.

You may need to identify some important survivor signals, such as suspicion. Apprehension is another. Why are you apprehensive and looking over your shoulder? Maybe something is not right, and you instinctively know it.

Picking up on the pre-incident indicators and listening to your intuition may provide you some additional time to avoid unsafe conditions or react to events you want to avoid.

Remember, when the work ends, everyone should be able to return home safely.

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Inside this issue of the UTU News:



Metro driver Perez has mile-high aspirations. See page 2.



The UTU members are better prepared for hazmat spills. See page 5.



UTU videos, publications now online. See Pages 6 and 7.



Combs, Skidmore, Solito and White, the go-to guys. See page 9.