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# UTU News

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The Official Publication of the United Transportation Union

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## AN UPDATE ON CONTRACT NEGOTIATIONS IN THE RAILROAD INDUSTRY

### We march together, we vote together, we fight together!

**A joint message to UTU members from UTU International President Paul Thompson, SMART Transportation Division President-elect Mike Futhey and Sheet Metal Workers International Association General President Mike Sullivan, who becomes general president of SMART on Jan. 1, 2008.**

Brothers and sisters:

It is said that if we do not reason together, we will be devoured by the sword – a descriptive commentary on this round of negotiations with the NCCC-represented rail carriers toward a new national contract.

Rather than working together through interest-based bargaining to achieve a mutually beneficial agreement, the UTU and the NCCC-represented railroads are at war with each other.

It needn't be so, and the carriers are most at risk of losing big because of the change in congressional control last November, and the strong prospects for Hillary Rodham Clinton becoming president next November.

Whether this realization brings the carriers back to the bargaining table for good-faith negotiations remains to be seen.

For sure, this round of negotiations has been most frustrating for UTU members and the UTU national negotiating committee.



Thompson



Futhey



Sullivan

It is most frustrating because the carriers, whose profitability is setting records, are acting toward labor as if they were bankrupt airlines or near-bankrupt automakers.

**Rather than working together through interest-based bargaining to achieve a mutually beneficial agreement, the UTU and the NCCC-represented railroads are at war with each other.**

In fact, the railroads' record profits are a direct result of labor's long-time assistance. The carriers are quick to ignore that labor helped them gain from Congress economic

deregulation in 1980, plus a \$2-billion tax credit in 1982; and, more recently, significant payroll-tax savings through Railroad Retirement reform, and the elimination of a fuel tax worth \$180 million annually to them.

We can remember no time in history – until now – that the UTU or its predecessor organizations didn't step up to the plate to assist the carriers when they were in need.

The UTU worked with the carriers during their hard times, always being promised that when carrier finances improved, the restored profitability would be shared with the loyal employees who helped make it possible.

Surely, when we entered this round of national handling, there was valid expectation on the UTU's part that now that the carriers had entered a new era of profitability – an era Wall

Street is predicting can continue for many years – that the carriers would honor their commitments.

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### Children's Investment Fund gives CSX ultimatum: Shape up!

## UTU demands CSX dump management team

"The hired hands who manage CSX railroad should be given their walking papers," said UTU International President Paul Thompson on Oct. 16.

Thompson said the UTU supports the statement of one of CSX's largest investors, The Children's Investment Fund (TCI), which told the CSX Board of Directors Oct. 16 that the CSX board should act "immediately and voluntarily to improve CSX's corporate governance and performance" and stop alienating its unions and captive shippers. TCI currently owns 4.1 percent of CSX stock.

The UTU, North America's largest railroad union, represents 11,000 employees on CSX, many of whom are stockholders.

UTU National Legislative Director James Brunkenhoefer said the UTU (an affiliate of the

AFL-CIO) would begin "immediately" to encourage other labor unions, which control billions of dollars in pension funds, to vote their shares of CSX in support of efforts to remove CSX Chairman Michael Ward and his management team. The UTU also will be encouraging working families, who own CSX stock, to vote their shares in support of a CSX management ouster.

"CSX management has chosen to declare an unprovoked and dastardly war on our members whose productivity in recent years lifted CSX and other railroads into sustained profitability," Brunkenhoefer said. "We will now take this war they declared on us to their beaches, cities and strongholds.

"When the outcome was seen as mutually beneficial," Brunkenhoefer said, "the UTU had a proud history of working with the carriers.

The UTU was arm-in-arm with CSX and other railroads in support of passage of the 1980 Staggers Rail Act, and a 1982 tax rebate that put \$2 billion of cash into the railroads' pockets. And for more than a generation, the UTU worked with CSX on Capitol Hill in opposition to longer and heavier trucks, elimination of a fuel-tax surcharge and a reduction in Railroad Retirement payroll taxes," Brunkenhoefer said.

CSX repaid this help by declaring war on UTU members, Brunkenhoefer said. "When this current round of collective bargaining began, CSX joined with other carriers in an effort to trample existing crew-consist agreements even though there was, and is, no credible new technology to replace the two sets of eyes and ears in the locomotive cab.

"CSX has so poor a safety record that it has attracted intense scrutiny by the Federal Railroad Administration, plus the

*Continued on page 10*

**To live alongside the CSX right-of-way is like living in Baghdad, never knowing where the next fatal explosion will take place.**

# Around the UTU

## Local 60, Newark, N.J.

A holiday celebration/Christmas party is in the works for the approximately 1,100 UTU conductors and trainmen employed by New Jersey Transit. The celebration, organized by Vice President Jennifer "Cookie" Doyle, will be held Dec. 1 from 7-11 p.m. at the Somerset Holiday Inn, said Local President Mike Reilly. Tickets are \$75 per person and include appetizers, dinner buffet, dessert and premium open bar. A block of rooms is being offered to UTU members at a rate of \$89 per room, which includes a free breakfast for two. All tickets will be sold in advance and can be obtained by calling the local office at (973) 527-7018, by calling Reilly at (973) 651-2973 or by calling Doyle at (973) 219-2968.

## Local 257, Morrill, Neb.

This Union Pacific local presented engraved watches to two recent retirees for their years of service to the membership, according to Secretary & Treasurer Thomas Jones. The presentations were made to Roger Sargent, who went above and beyond the call of duty as a peer trainer, and Daniel Kelley, who served as local president from 2002 to 2005. Kelley was active in promoting the UTU PAC fund and was himself a \$100-per-month contributor, Jones said.

## Local 281, Milwaukee, Wis.

Retired conductor P.M. Nelson reports that Local Chairperson Timothy J. Morris was killed in a car accident Aug. 31 while traveling to his home from an open house at the Portage depot. Morris, 51, is survived by his wife, Barbara, and daughters Pam, Heather and Amanda.

## Local 305, Lincoln, Neb.

This BNSF local held a series of educational workshops Oct. 15-17 to inform members about vacation and personal leave, grievance claims and procedures, attendance guidelines, health and welfare benefits, personal injuries and harassment in the workplace, according to Secretary & Treasurer Bryan Dance. "It was valuable opportunity to meet, greet and educate our members," Dance said. Safety bill H.R. 2095 was also discussed and members were encouraged to contact legislators and seek their support.

## Local 339, Jackson, Tenn.

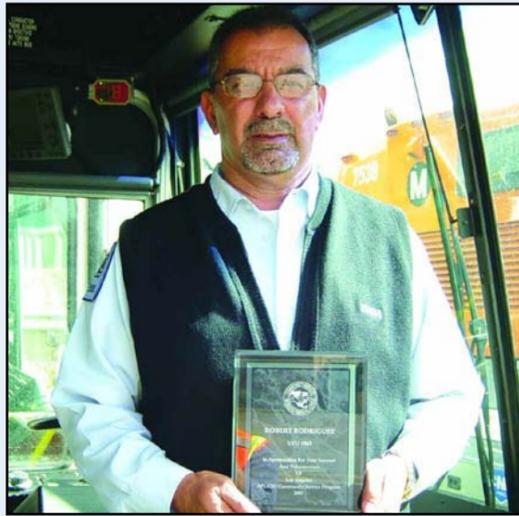
This local for Canadian National Railway employees now has a Web site at [www.utu339.com](http://www.utu339.com), according to Vice Local Chairperson and Legislative Rep. Roger Crawford. The site lists important local news and e-mail addresses for contacting various local officers, as well as the complete contract covering UTU employees from the former Illinois Central, Chicago Central & Pacific and Gulf, Mobile & Ohio railroads. Crawford also noted that his title was listed incorrectly as "local chairperson" in a photo caption in the September *UTU News*.

## Local 375, Edgemont, S.D.

In a bid to boost involvement in local matters, winter coats professionally embroidered with "Local 375, Edgemont, S.D.," are being raffled to those in attendance at local meetings for the next 12 months, reports Robert Harding. The local is also preparing for its annual Christmas party, scheduled for Dec. 17, Harding said.

## Local 367, Omaha, Neb.

At the local's September meeting, 45 members and guests conducted their annual barbecue dinner followed by their 8th annual golf outing the next day, reports Legislative Rep. Kevin Kresl. Also at the meeting, three Local 367/Chuck Faulder Scholarships were awarded to the following students: Joe Sloger Jr., son of member Joe Sloger; Rebecca Brown, daughter of member Chuck Brown; and Nathan



Local 1563 Legislative Rep. Robert Rodriguez displays the plaque he received from the AFL-CIO Community Services Program for his outstanding volunteer service.

## Spirit of volunteerism drives MTA operator

Robert A. Rodriguez has been a minor league baseball player, a railroad brakeman, a Union Pacific assistant vice president, a bus operator, a union representative and a volunteer.

He still holds three of these positions, and the final one has won him recognition from the AFL-CIO and United Way for his commitment to community service.

This past summer, Rodriguez received a special award from the Los Angeles AFL-CIO Community Services Program for his volunteer efforts in assisting the needy and assembling and delivering Easter baskets to sick and neglected children.

In cooperation with the LACMTA, the AFL-CIO and the United Way, Rodriguez became involved in an effort to deliver Easter baskets to children across Los Angeles using the same type of bus he operates daily.

"Metro did a drive with them and supplied a bus," he said. "We delivered – and I was shocked that we could fit this many on a bus – almost 4,000 Easter baskets to kids across the county. It was a sight."

That was nine years ago, and Rodriguez remains involved to this day.

"He is always available and his service is outstanding," said Ericka Rhyne, an AFL-CIO Community Services liaison. "He has driven to many different locations throughout Southern California, from hospitals to homeless shelters."

While some people say they just don't have the time to volunteer, Rodriguez feels differently.

"People say, 'I don't have the time.' But you do have the time if you're driven to it," Rodriguez said. "I think you have to be driven to it to really enjoy it and love it, and I do."

Rodriguez was drafted by the Milwaukee Brewers and played for two years on their AA farm team in Charleston, S.C. He was hired as a brakeman/switchman by UP and eventually became an assistant vice president. He retired and joined Metro as an operator and soon became legislative representative of UTU Local 1563 at El Monte, Calif.

His work as a volunteer, LACMTA operator and union representative keeps Rodriguez busy, but it also keeps him content. "My family understands and knows that I love to do these things – the volunteer work and the union work," he said.

Vaughn, son of member John Vaughn. Each was awarded a \$500 scholarship. Nebraska State Sen. Tom White attended the meeting and spoke briefly on safety and health issues that impact members and their families, Kresl said.

## Local 650, St. Paul, Minn.

The joint annual holiday party of Locals 1614 and 650 will be held Mon, Dec. 17, at the South St. Paul VFW Hall. All members and their spouses, as well as retirees, are invited.

## Local 773, Galveston, Texas

Local Chairperson J. L. Stubbs reports that Brother Thomas A. Wilson, who was an active member of Local 773, has retired after 30 years of the service with Atchison, Topeka & Santa Fe and BNSF railroads.

## Local 1075, Trenton, Mich.

Secretary & Treasurer John Purcell II reports that this local for Canadian National Railway employees now has a Web site at [utu1075.bravehost.com](http://utu1075.bravehost.com). The site provides a listing of local officers, news and links to other important Web sites, including CN's CATS Extranet site.

## Local 835, Bakersfield, Calif.

D.A. McCutcheon, 74, retired Oct. 6 after 55 years of accident- and injury-free service with the Union Pacific Railroad. Speaking of his safety record, McCutcheon said, "I guess I read the rule books quite a bit and I just used common sense." He said he was honored on his last day with a jacket, watch and dinner presented to him by UP Manager of Train Operations Tim Lowell.

## Local 872, Omaha, Neb.

More than 100 UTU members and guests participated in the city's Labor Day parade this past September, along with four mini-trains and the UTU Caboose pictured in this publication earlier this year. Participants included members from UTU Locals 305, 367, 627, 646, 872 and members of the state legislative board, Legislative Rep. Bob Borgeson reported. "Everyone had fun and we hope to improve on it next year when we march with our brothers and sisters from the Sheet Metal Workers," Borgeson said.

## Local 1313, Amarillo, Texas

The local will be holding a Christmas party on Mon., Dec. 3, at 7 p.m., at the Fifth Season Inn in Amarillo. The event will feature entertainment by the Andy Chase Band, a karaoke contest, door prizes and, of course, a visit from Santa Claus himself for the children. General Chairpersons Jim Huston and Robert Kerley will also be present. The inn is located at 6801 Interstate 40 West and the telephone number is (806) 358-7881.

## Local 1526, Michigan City, Ind.

More than 50 members from the Northern Indiana Commuter Transportation District enjoyed a 27-hole golf outing on Sept. 30, with prizes and a luncheon and dinner for all participants. According to Steve Cox, who organized the event, the local was able to donate \$500 to Dunbrook, an organization in LaPorte County committed to preventing child abuse and neglect.

## Local 1589, New Brunswick, N.J.

Bus members working for Suburban Transit here are in the process of negotiating a new contract seeking cost-of-living adjustments, better health care and dental benefits, additional sick and personal days, and a change in the company's two-tier pay system. Local Vice President Kaiaga "Kenny" Benu also reported that Brother John T. Crawley, a member with 18 years of service, passed away last month as a result of an aneurism. "He will be missed," Benu said.

## Auxiliary of the UTU, Minnesota

Auxiliary International President Carol Menges visited the Northstar State in September to attend ceremonies chartering the first two Auxiliary lodges there in 40 years. Menges welcomed the Northern Lights Lodge 117 in Willmar, which will be headed by Lodge President Laurie Pientka, and the Circle of Sisters Lodge 1614 in St. Paul. Lodge 117 members have already made arrangements to join UTU members on the BNSF Christmas Train to collect gifts and donations for charities throughout South Dakota and Minnesota.

# House approves railroad safety legislation

WASHINGTON, D.C. – House Republicans and Democrats reasoned and voted together Oct. 17 to give the Federal Railroad Safety Improvement Act, H.R. 2095, veto-proof majority approval – 377 to 38. Now it is up to the Senate to pass similar legislation.

The House bill is intended to transform America's railroads from a rolling and deadly pyrotechnics show by eliminating employee fatigue, improving employee training, increasing investments in safe operation and boosting federal safety inspections.

"Railroads have been thumbing their noses at public safety, national security and their workers' well-being, and now a bipartisan super majority in the House has shoved that arrogant thumb back up the railroads' egos," said UTU International President Paul Thompson.

UTU National Legislative Director James Brunkenhoefer said, "Lawmakers are not going into an election year seen as lackeys to a railroad industry that places record profits ahead of employee and public safety. The bill's supporters have put themselves on record that they want every railroader to return home in one piece."

Mike Sullivan, who on Jan. 1 becomes general president of the International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers – which joins the UTU with the Sheet Metal Workers International Association – called passage of H.R. 2095 "the first of many legislative and bargaining victories we anticipate by combining resources and energies to benefit each of our 230,000 active members."

Brunkenhoefer, who led the House lobbying

## Benefits of the Federal Railroad Safety Improvement Act

- **Reduces limbo time** to a maximum of 10 hours monthly, virtually eliminating it;
- **Guarantees 10 hours undisturbed rest**, and one 24-hour off-duty period every 7 days;
- **Strengthens whistleblower protections** and permits conductors to refuse to authorize use of unsafe or hazardous equipment;
- Requires **certification of conductors**;
- Establishes **minimum and uniform training standards**, and periodic retraining;
- Mandates installation of **positive train control by 2014**;
- Requires **mainline switch monitors** in dark territory;
- Requires an almost **doubling of FRA safety inspectors** — from 421 to 800 — by 2011;
- Requires a **study of cab ergonomics** and requires emergency breathing apparatus in cabs;
- Puts an **end to harassment and intimidation of workers** who report personal injuries;
- Requires **prompt medical treatment of injured employees**;
- **Increases civil penalties** for safety violations;
- Requires that **rail safety inspections performed in Mexico** meet the same standards as those performed in the U.S.
- **Changes the name of the Federal Railroad Administration** to the Federal Railroad Safety Administration, and requires the agency to concentrate all its resources on safety.

effort on behalf of labor, said, "This House victory shows what happens when members want something and work hard by making the phone calls and sending the e-mails to ensure its achievement. Member efforts, which include UTU PAC contributions, were a crucial element of this victory."

H.R. 2095 was introduced by Rep. Jim Oberstar

(D-Minn.), chairman of the House Transportation and Infrastructure Committee.

In the Senate, the Railroad Safety Enhancement Act, S. 1889, introduced by Sen. Frank Lautenberg (D-N.J.), chairman of the Surface Transportation Subcommittee, awaits Senate floor action after being unanimously approved by the Senate Commerce Committee.

## UTU scores rail organizing victories nationwide

Increasing numbers of workers in the shortline railroad industry are turning to the UTU for representation.

The UTU has scored recent organizing victories on the Carolina Piedmont Railroad; the Timber Rock Railroad; the Georgia & Florida Railroad; the Nebraska, Kansas & Colorado Railway; the Alabama & Gulf Coast Railroad, and the Alabama & Tennessee River Railroad.

A contract is in place on the Alabama & Tennessee River; contract negotiations are continuing on the other properties.

"The workers on the Alabama & Tennessee were very pleased with their agreement, and as we finalize these other agreements, we are confident the members there will appreciate our hard work on their behalf," General Chairperson Doyle Turner, who has taken over these shortline negotiations, said.

Even while a contract was being hammered out on the Carolina Piedmont, the UTU went to work for the employees. The union got word that the carrier was requiring employees to handle

defective equipment, including locomotives that did not meet FRA criteria, along with numerous other safety issues which could cause potential harm and danger to the workers.

CSX General Chairperson John Hancock, under whose jurisdiction the Carolina Piedmont employees were placed, notified the FRA of the

other shortline railroads will be under the purview of General Committee GO-347, headed by Turner. "We have opened this general committee up to all shortline railroads and their members," he said.

"Organizing still is our number-one objective," Turner said. "We will continue to look for railroad and other transportation workers who want and need union representation.

"We are trying hard to bring parity in wages, work rules and benefits to employees of the shortline rail industry," he said.

"Some of the benefits these shortline railroad employees get when they join the UTU are job security, a defined grievance procedure and discipline rules, a work schedule that enhances their quality of life, and a defined set of benefits and work rules.

"These are the benefits these transportation employees are looking for, and they won't get them without joining a union," Turner said. "You really get your money's worth when you join the UTU."

### Joining the UTU are employees of the Carolina Piedmont; Timber Rock; Georgia & Florida; Nebraska, Kansas & Colorado; Alabama & Gulf Coast, and the Alabama & Tennessee River railroads

concerns. FRA investigators found the union's complaints valid, and directed the railroad to put methodology in place to correct these issues. The carrier subsequently hired a full-time locomotive mechanic to keep the locomotives in safe operating condition.

"This is one of the many valuable services that the membership enjoys when they become unionized, enabling them to have a safe environment within which to work," Hancock said.

Except for the Carolina Piedmont, all of these

## Cumby, Iannone appointed to security panel

UTU International vice presidents **J.R. (Jim) Cumby** and **C.A. (Tony) Iannone** have been appointed by International President Paul Thompson as the UTU's representatives on a congressionally created task force to develop a railroad security training program that will include bus transportation.

The task force, to be led by the Transportation Security Administration (TSA), was created as part of the 9/11 Commission Act of 2007, which was passed by Congress in August.

The law requires that the TSA develop and

issue regulations for a training program to prepare frontline railroad employees for potential security threats and conditions.

As the UTU also represents bus operators and bus mechanics, and because bus transportation often is linked with commuter rail, transit and Amtrak operations, the TSA said it wants Cumby and Iannone to consider bus security issues, as well.

They will do so in consultation with Bus Department Vice President-elect **Vic Baffoni**.

Baffoni, legislative rep. and vice general chair-

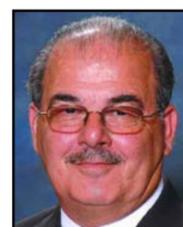
person of GO-875, which serves the Los Angeles County MTA, already is serving on another federal panel.



Cumby



Iannone



Baffoni

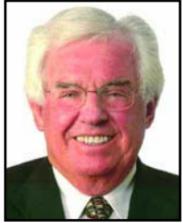
Earlier this year, he was named by Transportation Secretary Mary Peters to the Commercial Motor Vehicle Advisory Committee, which was created by Congress to offer expert advice on transportation legislation affecting commercial bus operators.

Others participating on the task force will be rail carriers, rail shippers, law enforcement personnel, fire services, emergency responders, and security and terrorism experts.

# BNSF general chairs stick it to the man

By International President Paul Thompson

Bravo to our BNSF general chairpersons. When BNSF's labor negotiator came a knockin' with a super-sized bottle of snake oil, they sent him packin'.



Thompson

The indisputable fact is that BNSF, awash in record profits owing largely to improved labor productivity, is acting every bit the anti-union ogre as Frank Lorenzo, with portions of Scrooge McDuck and Ebenezer Scrooge blended in.

BNSF turned its back on the golden rule, poked loyalty in the eye and wrote a case study in hypocrisy, becoming the poster child for why workers desire, value and embrace labor unions.

## Fleps: Asleep at the switch?

BNSF negotiator John Fleps provided the smoking gun with a video rant on his labor relations Web site in early October.

He is frustrated that the UTU refused to bend like a willow branch at the bargaining table.

Negotiating an equitable contract is "the task at hand," said General Chairpersons Craig Walsh, John England, Jim Huston, Paul Tibbit, Butch Young, Robert Kerley, John Fitzgerald, Randy Knutson and Tony McAdams in an Oct. 15 letter to Fleps and available at [www.utu.org](http://www.utu.org) by clicking on "Rail Contract Negotiations."

Here are excerpts:

"You have no one but yourself to

blame for dynamiting [this round of negotiations].

"You had what could accurately be described as the opportunity of a lifetime, with every UTU and BLET general chairman on BNSF in the same room voluntarily talking...how to manage the implementation of new technologies on BNSF in a way that meets the core concerns of all parties.

"Sadly, you either lost faith in that process or you were never really committed to it in the first place, because you made the decision to join the other carriers in national handling to pursue an illegal Section 6 notice demanding total elimination of traditional craft distinctions and complete and unilateral control over crew size."

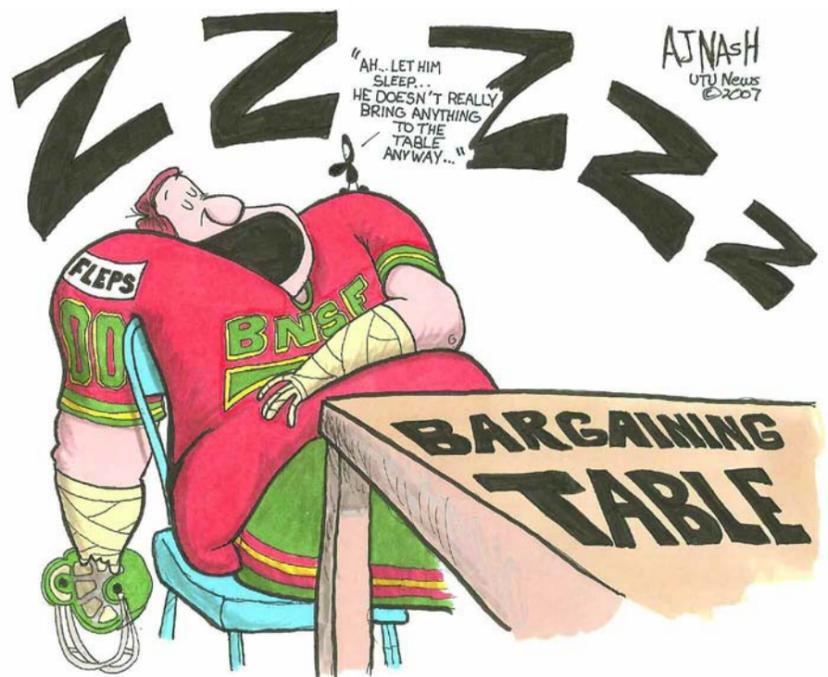
## It's not rocket science

Additionally, the general chairpersons said, "It's not rocket science to figure out that if you can't consistently get crews from A to B in less than 12 hours, then either A or B is simply too far to go, or management just ain't what it used to be when those same crews on the same runs were making it.

"If BNSF's current management team can't run the railroad without excessive limbo time, then shorten the runs until you find a management team that can.

"Our members want more civil communication and more meaningful negotiations, and they want to work for an employer who keeps its promises – like the promise to address entry rates and the promise to honor crew-consist moratoriums and the promise of a safe workplace – without the necessity of court action."

All I would add is that I am



Created exclusively for UTU News by Local 257 member Alan Nash.

shocked Mr. Fleps even knows what goes on at negotiating sessions. He

falls asleep in his chair at just about every session.



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## Get on the train, or be under it

**Members of Congress are taking note that our PAC has more than doubled in size, and that now it speaks for some three times as many union families as before.**

Many years ago, when I was in high school, our football coach changed our playbook and reassigned players to new positions. Wow, were there gripes, threats and unhappy players.

Nobody liked learning new plays and new positions. Even some assistant coaches were unhappy.



Brunkenhoefer

But once we started winning, and became district champs, the complaints were forgotten.

History is repeating itself with the merger of the UTU and Sheet Metal Workers International Association to form SMART. We are hearing gripes and threats.

This was not a merger forced on us. The constitutions of both organizations were posted on the UTU Web site, and members were directed to read the constitutions and other material on the merger.

Members also were encouraged to ask questions – and they were answered, with many of the questions and answers posted on the UTU Web site.

Repeatedly, members were urged to read the merger materials and to cast an informed ballot. After this process, the merger was approved by a 74 percent margin.

Unfortunately, some members – and even some of our elected leaders – are trying to convince you that you cast an uninformed vote – that if you and others will complain or object often and loudly enough, maybe the "good old days" will return, even though the mem-

bership recognized why we needed this merger and that the SMWIA was an excellent marriage partner.

The fact is that every UTU International officer, almost every general chairperson, and almost every state legislative director – publicly, and in writing – strongly supported the merger.

Now some of them want you to believe they didn't understand or know what was going to happen.

In other words, they are saying they are not very bright and they want you to believe you aren't too bright, either.

Instead of criticizing the new system, everybody should get on board and learn their new positions and the new plays so that we may win the championship.

Already, members of Congress and their staff are taking note that our PAC has more than doubled in size, and that it now speaks for some three times as many union families as before.

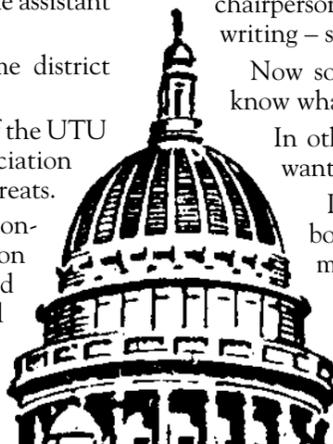
And the carriers are taking note of our stronger influence in Congress and in state legislatures.

It is time to get on board and work with the UTU International's legislative department to grind out yards under the SMART banner that makes us all winners.

We already have one win under our belts – the passage by the House of Representatives

of H.R. 2095, the Federal Railroad Safety Improvement Act.

Let's grind out more.



## WASHINGTON WATCH

By James M. Brunkenhoefer

# State Watch News from UTU State Legislative Boards

## North Carolina



The North Carolina Legislative Board recently sponsored a table at the annual Democratic Vance Aycock dinner at the Grove Park Inn, Asheville, reports State Legislative Director Dickie Westbrook. "At our table were Assistant President Rick Marceau, myself, Assistant State Legislative Director Glenn Lamm, and State Legislative Board Secretary Ron Ingerick," Westbrook said. Rep. Heath Shuler (D-N.C.), who serves on the House Transportation and Infrastructure Committee, was the speaker. Pictured above, left to right, are Marceau; Westbrook; Schuler; Lamm and Ingerick.

## Wisconsin



The Wisconsin State Legislative Board, in cooperation with the FRA, recently held an educational seminar for rail employees in the Stevens Point area, State Legislative Director Tim Deneen reports. Sessions included a hazardous materials presentation by Alan Budleski of the FRA; an update of pending operating rules by Robert Butcher of the FRA; a review of motive power and equipment regulations presented by Jeff Farrell of the FRA, and a review of pending legislation presented by Deneen.

Pictured, left to right, are Farrell, Robert Alba (legislative rep, L-322, Milwaukee), Assistant State Legislative Director Robert Lagesse, Deneen and Butcher.

## Kansas



UTU members from across the Sunflower State recently attended the Democratic Party's 2007 DEMOFEST held in Wichita. State Legislative Director Don Lindsey invited members from the Sheet Metal Workers Local 29 to attend as the state legislative board's guests.

The keynote speaker was former Tennessee Rep. Harold Ford Jr., who is now serving as chairperson of the Democratic Leadership Council and who in 2006 lost the closest Senate race in Tennessee history by three percentage points.

"Prior to the evening's event, Kirby Clark of the SMWIA and I attended a private reception in Gov. Kathleen Sebelius' suite and were able to visit privately with the governor, Harold Ford Jr., members of the U.S. House of Representatives from the state including Nancy Boyda of the state's Second Congressional District and Dennis Moore of the state's Third Congressional District, as well as the governor's chief of staff, Troy Findley," Lindsey said.

In the photo, seated left to right, are Karl Mans, Equality Fund committee member, and Sean Anderson, recording secretary of SMWIA Local 29 in Wichita. Standing, left to right, are Kurk Crittenden, local chairperson of UTU Local 794, Wellington; Clark; Lindsey; Rep. Moore and Dustin Amberg, legislative rep., UTU Local 794.

## Arizona

The Arizona State Legislative Board office has moved, State Legislative Director **Scott Olson** reports. The new address is 4509 E. Friess Dr., Phoenix, AZ 85032. The e-mail address is utuazboard@msn.com; the telephone number is (602) 370-4961; the fax number is (602) 997-0732.

## Ohio



Local legislative representatives recently attended classes conducted by the Ohio State Legislative Board to learn better and smarter ways to do their jobs, reports State Legislative Director Joe Boda Jr.

"We bring these members in to learn the best ways to write and e-mail members of Congress and state lawmakers and officials. We also discuss how to write up complaints dealing with unsafe and unsanitary conditions under each local's jurisdiction, including example letters to be sent to their superintendents. Additionally, we review a booklet we have prepared which covers violations of federal and state laws."

In the top photo, left to right, are Assistant State Legislative Director Luther G. (Glenn) Newsom; Clyde A. (Allen) Whitaker, (L-145, Columbus); John T. Ball (L-1928, Toledo); John E. Kleinman (L-145, Columbus); Leslie D. Hayes (L-421, Conneaut); William Sterling (L-1529, Walbridge); Robert L. Smith (L-1397, Columbus); Kyle E. Kitt (L-881, Montpelier) and Boda Jr.

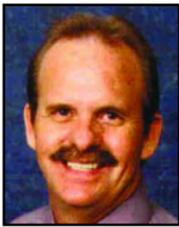


Above, left to right, are Newsom; William J. Roelle (L-1948, Youngstown); David W. Otten (L-1962, Toledo); William M. Mitrovich (L-378, Cleveland); Gary W. Elkins (L-792, Cleveland); Brian E. Mull (L-586, Willard); Paul D. O'Connor (L-14, Cincinnati); Stuart B. Delker (L-440, Sharonville); Stuart W. Gardner (L-225, Bellevue) and Boda Jr.

## Bus Department

*By Roy Arnold, vice president/director*

### Local negotiations starting to pay off



We have been busy during the past several months assisting the following locals in their contract negotiations and mediations.

In Florida, Local 1900 (Miami) Chairperson Albert Collie and I were successful in Federal Mediation and Conciliation Service mediation with PARSEC over a contract issue. We were also successful in returning a terminated member to work.

I am assisting Local 1670 (Laredo, Tex.) Chairperson William Koehn in contract negotiations with Laredo Metro. Progress is slow and we are hopeful we can reach an agreement soon.

As union members, we must keep in mind that no matter what name our organization goes by, we are all brothers and sisters united.

Our purpose is to bring about change in the best interests of fellow members, our families and ourselves. We must be optimistic in the decisions of our leadership and support them. That said, I wish to thank you for your support in the present and past, and I look forward to a continued friendship in the future.

In this last column as your vice president, let me tell you that I have enjoyed your fellowship and friendship over the past four years, and I will never forget my experience in this office. I wish the best for you and your families. It has been my pleasure and a privilege to work with you. Keep going the extra mile for your members! God bless you.

## Yardmasters

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

### Transport security regulations coming



Congress recently passed the 9/11 Commission Act of 2007, mandating that the Transportation Security Administration (TSA) develop and issue regulations for a training program to prepare front-line transportation employees for security threats. (See article, page 3).

The TSA said our mandate includes rail freight, Amtrak, commuter rail, transit and bus operations.

We know that in this post-9/11 era, the rail and bus industries are not fully doing their part when it comes to substantive and efficient training of employees. Too often, a carrier's idea of training is to post a notice with no personal interaction or discussion.

This is despite the fact that should a national security event occur, it is UTU members who often are the first line of defense.

Rail carriers transport 1.7 million carloads of hazardous material annually – and many are so potentially deadly that they can be weapons of mass destruction in the hands of criminal terrorists. Meanwhile, our bus and rail passenger members know full well that criminal terrorists elsewhere in the world have targeted innocent civilians riding those transport modes.

Vice President Tony Iannone and I, who have been appointed as the UTU's officers to work with the TSA, take our assignment seriously, and will continue to report to our members our efforts and progress in helping to formulate security training regulations that will identify potential security threats.



# AN UPDATE ON NEGOTIATIONS IN THE RAILROAD INDUSTRY



## March together, vote together, fight together!



### What the railroads want:

- The railroads demanded one-person crews;
- The railroads demanded that the UTU agree to scrap the Federal Employers' Liability Act (FELA);
- The railroads are demanding that future cost-of-living adjustments be eliminated, and that UTU members pay back the entirety of previous COLAs;
- The railroads are refusing to honor the commitment they signed in the last round of negotiations concerning entry rates of pay and training;
- Throughout talks, the railroads increased intimidation and harassment of UTU members.

### The UTU's response:

- The UTU went to federal court to derail the unrealistic one-person crew demand – and was successful;
- The railroads voluntarily withdrew the demand to scrap FELA after the court said that is up to Congress to decide;
- The UTU insists the railroads honor their written pledge to address entry rates of pay and training;
- The UTU asked a federal court to force BNSF, CSX, KCS, NS and UP to engage in good-faith negotiations and honor their written commitments.

Continued from page 1

### On the verge of financial ruin? Hardly!

Instead, the carriers came to the bargaining table as if they were on the verge of financial ruin.

- They demanded one-person crews, which would have destroyed the craft of conductor. In fact, the one-person crew demand was made in the face of evidence that safety and national security would be compromised severely if one or two sets of ears and eyes were removed from the cab. Moreover, the demand for one-person crews was made even though local crew-consist agreements provide for a minimum of one conductor and one engineer.

- Additionally, the carriers demanded that the UTU agree to scrap the Federal Employers' Liability Act (FELA), which Congress imposed on railroads as essential protection against unsafe working conditions.

- More recently, the carriers have added demands that future COLAs be eliminated, and that we pay back the entirety of previous COLAs, which would be double-dipping by the carriers because a portion of previous COLAs was put toward health-care cost sharing.

- And throughout these negotiations, the carriers have increased their level of intimidation and harassment against employees. Never can we recall such a high level of arbitrary and harsh discipline imposed on train and engine service crews who are often forced to work when they are psychologically impaired by the onset of fatigue brought on by inflexible availability policies and limbo time.

The UTU went to federal court to derail the unrealistic one-person crew demand – and we were successful.

The carriers then voluntarily withdrew the demand to scrap FELA after the same court said that is a matter for Congress to decide. But the carriers did not ratchet down their harsh and arbitrary discipline policies, back away from inflexible availability policies or limit limbo time.

Still, the UTU stayed at the bargaining table.

When it appeared the carriers might finally get down to good-faith bargaining following our court victories, the carriers created a new stumbling block by refusing to honor a written commitment from the previous round of national handling.

In that round, the carriers signed a side letter solemnly pledging, at the earliest possible opportunity, to address entry level rates of pay as tied to training.

### The carriers went back on their word

Without explanation, the carriers refused to honor the commitment they signed in Side Letter 2. They even made back-door attempts to reassert their one-person crew objective by demanding that conductors accept a pay cut to reflect the additional cost to the carriers of two-person crews.

We haven't had a negotiating session with the carriers since January, when we asked, once again, that the carriers honor their written commitment and address Side Letter 2.

But instead of addressing the matter of train crews not being paid full scale after successfully completing training and being assigned the full duties of conductor, the carriers demanded we withdraw the item from negotiations.

So we went back to the courthouse and asked that the carriers be ordered to engage in good-faith negotiations and address entry-level pay as tied to training. We are awaiting a decision.

In the meantime, several of the carriers have signed agreements with the BLET to eliminate the conductor and brakeman positions and give the remote control work to the locomotive engineer in road service. We do not think these agreements are lawful and are fighting them in court.

So what is the next step?

Well, the Railway Labor Act and a half-century of actions by Congress have made it painfully clear that railroad labor unions cannot mount a successful work stoppage as a defense against employer attacks.

In fact, the carriers thought they had us in checkmate, even suggesting to the media that if the UTU didn't capitulate on one-person crews, the carrier-friendly Bush administration would appoint a carrier-friendly Presidential Emergency Board to break the impasse.

The carriers expected such a PEB to issue recommendations favorable to the carriers, and predicted Congress would enact those recommendations into law.

### New UTU strategy is paying off

But the UTU has commenced a different strategy – and it is being embraced by the labor-friendly Congress we helped to elect last November, and aided through our merger with the SMWIA, creating, through SMART, one of the best-funded and largest political action committees (PACs). Also, our friends at the AFL-CIO are assisting us.

We are now taking the fight to the carriers.

Since it is fact that no major piece of railroad legislation has ever been passed without the support of rail labor, we have made clear to the carriers that we are going to block passage of their proposed \$400-million investment tax credit bill.

That action denies them an annual \$400-million federal subsidy – and even Wall Street is now taking serious note of our political strength and our responses to the carriers' refusal to bargain in good faith.

We also have linked arms with captive shippers in support of legislation to bring railroads more fully under the antitrust laws; and those shippers are supporting our efforts for passage of the Federal Railroad Safety Improvement Act, which has more teeth than any rail safety bill introduced in more than three decades.



Created exclusively for UTU News by Local 257 member Alan Nash.

If the carriers do the arithmetic, the loss of their investment tax credit far exceeds – each and every year – any savings from addressing entry-level pay tied to training, or paying our members current and future COLAs.

Moreover, the longer the carriers remain at war with the UTU, the more new lawmakers we are going to sign-up in support of captive-shipper sought legislation and other carrier-unfriendly actions by Congress.

The UTU didn't ask for this state of affairs. The UTU has always made a better friend than an enemy – and we can be a vicious enemy. We would have been on the railroads' side had they come to the bargaining table this round with a positive attitude.

There is still time. It is in the best interests of the carriers and the UTU

that we reach a voluntary and mutually acceptable contract at the bargaining table.

### Stockholders take note: This is hurting you

And it is in the best interests of railroad stockholders that the carriers and the UTU restore their collaborative ways, because if this battle continues, the UTU and its new partners in SMART and the AFL-CIO will be investing considerable resources in a legislative battle against the railroads.

If carrier management thinks it can force the recommendations of a carrier-friendly PEB through Congress, with labor peace to follow, they are quite mistaken on both counts.

Thus, carrier stockholders may wish to direct the carrier managers – who work for the stockholders – to reflect on the words of former Southwest Airlines CEO Herb Kellihier. Kellihier observed that when the employees are put first, they will feel good about themselves; and if they feel good about themselves, they will treat customers well and customers will come back – and that's good for stockholders.

It has been a long time since train and engine service workers employed by the major railroads have felt good about themselves. It's time for change.

In solidarity,

Paul C. Thompson

M.B. Fintley Jr.

Michael J. Sullivan

# UTU for Life

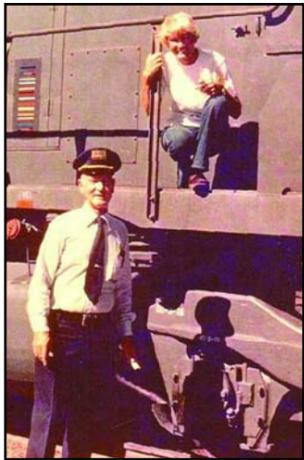
## UTU retirees featured in new rail book

UTU for Life members are being featured in a new book about steam railroading in the Tucson, Ariz., area.

The book is "Tucson Was a Railroad Town: The Days of Steam in the Big Burg on the Main Line," by award-winning author William D. Kalt III.

The members featured are **George Perkins**, **Harlin Marlar**, **Eddie Pektol** and the late **Gordon Manning**. All are or were members of Local 807, which now represents UP workers in Tucson.

The UTU members give first-hand accounts of work and life on the Southern Pacific railroad's Tucson Division.



Harlan Marlar with daughter Jeanne, who is now an engineer with the UP.

The Railroad Post Office (RPO) handled mail for the SP when former division conductor Gordon Manning began as a train baggageman in 1937.

"The RPO had space for mail storage on every train. You pushed out an arm on the car to pick up the first-class mail bags from each station. The arm curved so it threw the mailbag right into your car.

At the same time, I'd set the mail bag for that station down by my foot and kick it right out the door," he recalls.

Conductor Harlin Marlar remembers how he "accidentally" hired out in 1941. "I took my neighbor down to apply for a job and was sitting outside the trainmaster's office. Well, the trainmaster came out and looked at me, and said, 'Stand up, kid.' I stood up and said to him, 'I don't need a job. I just brought my friend down here.' The trainmaster told me, 'We need long-legged boys that can catch a caboose at 20 miles an hour or more. We'll hire you if you fill out this application.'"

Harlin also recalls the time he defied a scalding death to save his rail comrades when a steam locomotive crashed. "I was on the caboose, and we only had eight or ten cars," he said. "We hadn't gone but a few miles when we came to a sudden stop that knocked us all flat on our backs. We ran up to the head end, and found that floods had washed a bridge out. The steam engine was bot-



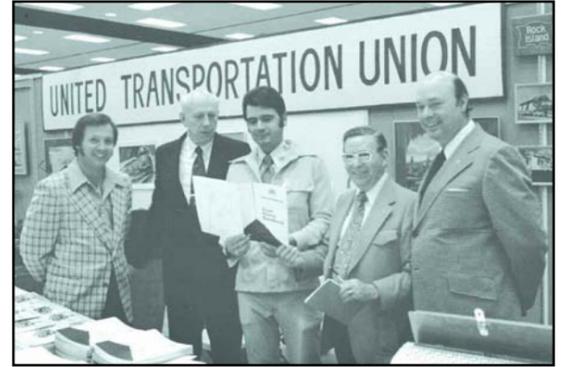
In 2003, conductor Gordon Manning "called his train" one final time at the dedication of SP steam locomotive 1673 (the last steam engine to run through Tucson) at a restored SP depot in Tucson. Gold star denoting his qualification to run streamlined passenger trains sparkling on his left sleeve, Manning belted forth, "The Sunset Limited with stops at Picacho, Casa Grande and Phoenix. All aboard! All aboard! Porters pick up your step boxes and close your vestibule doors." Then, using his antique marker lamp, Manning gave the steam days their final "highball."

tom side up in about 10 foot of rushing water. I saw legs with shoes protruding from beneath a boxcar. I thought it was one of my buddies, but it turned out to be a hobo," he said. "I could not find any sign of the three men who worked on the engine. Water rushed through where they sat and a carload of kerosene had flipped over on top of the engine.

"In addition, a six-inch stream of oil ran off the cab, perilously close to its firebox. I dived down under the water and felt around and searched for them without any luck."

When the trainmaster arrived at the scene, Marlar stood on the bank of the creek, drenched in black engine oil. "The men are down there," he told the boss. "I've done my best, but I can't find 'em." "No, they were swept down the river and we've got all three of them in the hospital in town," replied the trainmaster.

Conductor Eddie Pektol started in Tucson as a brakeman in 1946. "We had an old boomer brakeman, which is a drifter who bids jobs from one place to another," he remembers in the book. "His name was Fred Campbell and he was a fireman on the Denver & Rio Grande but came here as a



George Perkins (second from right) with a group of UTU members at a union booth in Tucson.

brakeman. He taught all of us guys how to fire that stove in the caboose.

"He'd start his fire by banking the coal in back and giving it air in front. Then, he'd go up in the cupola and watch it like you would a steam engine. He knew what he was doing. If you banked it, you could leave the fire alone.

"But, us greenhorns, would build a fire and poke it over and over. The fire just went back and forth between hot and cold. Boomer told us, 'Bank it, let it breathe. Shake the fire grate from below; leave the poker alone.'"



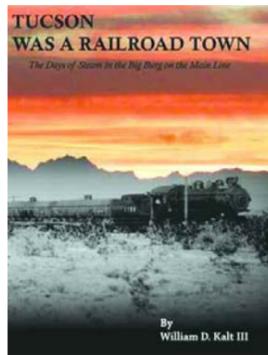
Pektol

Pektol served as local chairman of the SP blood drive committee for 35 years and, accompanied by his beloved dog Spuds, enthralled Tucsonians with rail tales following his retirement.

Perkins remembers in the book: "During the time I was local chairman, SP was trying to do away with passenger service. When the company petitioned the government to let them do away with certain passenger trains, there was always an Interstate Commerce Commission hearing.

"I attended one negotiation session in Deming, N.M., when the SP contended there weren't enough riders to justify passenger trains. The union felt there was a need for passenger service. We felt that the bus would not replace it and that the airplanes would never replace train service. I think they're gonna find out in the end that there's still a need for railroad passenger service."

The book also contains almost 400 never-before-published photographs. For more information and to purchase the book go to [www.tucsonrrtown.com](http://www.tucsonrrtown.com).



## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
5	Winkler, Walter E.	Platte City, Mo.	630	Preston, Chester	Lexington, Ky.	1308	O'Hara Jr., Earl J.	Memphis, Tenn.
14	Beaty, Christopher R.	Charleston, Tenn.	631	Grams, Robert L.	Frederick, Md.	1334	Moore, Lewis B.	Mobile, Ala.
94	Kane, Martin L.	Broomfield, Colo.	662	Augustine, Alexander A.	Hampton, Va.	1337	Bourgeois, Ralph O.	Gretna, La.
194	Ketcham, Howard E.	Mishawaka, Ind.	756	Strickel, Leroy	Spring Branch, Tex.	1477	McDonald, Glenn A.	Plymouth, Mich.
225	Underwood Jr., Carl	Baltimore, Ohio	835	Graham, Charles L.	Redding, Calif.	1494	Peterson, Arnold V.	Oak Forest, Ill.
240	Derry, Ernest J.	Los Angeles, Calif.	838	Belle, Marion	Las Vegas, Nev.	1502	Stephenson, Robert V.	Wildwood, Fla.
258	Blasko, Edward F.	Highland, Ill.	911	Pollock, Robert C.	New Hope, Minn.	1563	Costello, James F.	Yucaipa, Calif.
284	Loyd, A.D.	Lorain, Ohio	915	Clay, Arthur A.	Barboursville, W. Va.	1790	Goodin, William N.	Smithville, Ga.
309	Batdorf Jr., Charles A.	Patton, Pa.	927	Olinek, William	Troy, Mich.	1949	Rice, Hammond A.	York, Pa.
322	Lincoln, Robert L.	Green Bay, Wis.	941	Redmond Sr., Thomas J.	Columbus, Ga.	1951	Tobin, Stephen T.	Watertown, Mass.
337	Moore, Donald G.	E. Rochester, N.Y.	942	Geddings Jr., William N.	Florence, S.C.	1978	Knaub, Elmer C.	Duncannon, Pa.
498	Miller, Leroy C.	Bath, Pa.	1074	Hall, Clarence E.	Pittsburgh, Pa.		R. Accordino, Elvira	Port St. Lucie, Fla.
565	Stearns, Paul E.	Fulton, Ky.	1081	Carlson, Kenneth V.	Prescott, Ariz.			
569	Mounts, Herman S.	Ennis, Tenn.	1188	Nance, Jack H.	Oklahoma City, Okla.			

# 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 below, or by calling toll-free, (800) 558-8842, for assistance from your UTUIA representative.



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.

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

Willis G. Croonquist  
Local 1177, Willmar, Minn.

**Call toll-free:  
1-800-558-8842**

### 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 11/07



## UTU BUS LINES

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

### Unpaid fares may cost LACMTA millions

LOS ANGELES, Calif. – About five percent of weekday passengers on Los Angeles' subway, light rail lines and Orange Line buses are getting a free ride by failing to pay fares, the *Los Angeles Times* reports.

A study for the Metropolitan Transportation Authority found that the percentage of fare evaders on the subway, most light rail lines and the Orange Line busway across the San Fernando Valley increases at night and on weekends.

Unlike in other major cities, MTA's entire rail network and Orange Line busway operates on an honor system. There are no turnstiles or entry gates.

Riders must produce proof of payment when asked for it by a sheriff's deputy or inspector. It is no secret that the open architecture of the stations and the absence of station agents has allowed some riders to avoid paying fares.

Concerned that fare evasion is costing millions of dollars in lost revenue, MTA officials are looking into possible solutions, including what it might cost to install entry gates.

### Pinch ahead if Charlotte transit tax is repealed

CHARLOTTE, N.C. – Charlotte area residents have begun voting to decide whether the county keeps its half-cent transit sales tax.

Revenues from the transit tax mostly fund Charlotte's bus system, but also pay for current and future mass transit projects in the area.

At stake is the future of the Charlotte-Mecklenburg long-range transit plan.

Meanwhile, the Black Political Caucus of Charlotte-Mecklenburg has voted to endorse efforts to keep the county's half-cent sales tax for mass transit.

Chairman Dwayne Collins said several factors led caucus members to support the tax, including a belief that repealing the levy could result in transit cuts that could hurt the black community. Collins said members also felt the tax could spur economic development, including along the Beatties Ford and Central Avenue corridors. Finally, he said the group learned a proposed street car project would be finished by 2013, and not 2018 as had been announced earlier.

### Bus members applaud Mass. free-choice act

SPRINGFIELD, Mass. – Massachusetts Gov. Deval Patrick has signed into law a bill making it easier for public sector employees to unionize.

It requires employers to recognize a union without an election once more than half its work force signs authorization cards.

The legislation was modeled on the national Employee Free Choice Act, sponsored by Sen. Edward Kennedy (D-Mass.), which failed to gain U.S. Senate approval.

The legislation is important to UTU bus members covered under the National Labor Relations Act (NLRA).

Although the Massachusetts bill covers only public employees in that state, UTU International President Paul Thompson said the bill "will help attract additional support for the Kennedy bill that will continue to be introduced in the U.S. Senate until passed."

The Democratic governor signed the law before the AFL-CIO's 50th convention celebration. Gov. Patrick said the law "is about leveling the playing field between labor and management."

## Convention's Legislative Committee issues report

The Legislative Committee of the union's Tenth Quadrennial Convention has issued its report and recommendations, reports Chairperson Sam Nasca (N.Y.)

Members of the committee, all state legislative directors, were **Andres Trujillo** (Fla.); **F. Jay Seegmiller** (Utah); **Dickie Westbrook Jr.** (N.C.); **Fran Marceau** (Mont.); **Mark Mewshaw** (W. Va.); **David Miracle** (Ky.); **Jack Fetters** (Nev.); **Don Dunlevy** (Pa.); **Walter Yeatts** (Va.); **Larry Kasecamp** (Md.) and **Rick Johnson** (Colo.).

The committee voted on and approved a number of issues, including:

- **An endorsement of H.R. 676, the United States National Health Insurance Act**, introduced by Rep. John Conyers Jr. (D-Mich.). The legislation would cover every person in the U.S. for all necessary medical care including prescription drugs, hospital, surgical, outpatient services, primary and preventive care, emergency services, dental, mental health, home care, physical therapy, rehabilitation, vision care, chiropractic and long-term care. "This single-payer health care program proposes an effective mechanism for controlling skyrocketing health costs while covering all 47 million uninsured Americans," the committee said. "The bill also

restores free choice of physicians to patients and provides comprehensive prescription drug coverage to seniors, as well as to younger people."

- **A resolution that the UTU make it as easy as possible for its retired members to voluntarily contribute to the UTU PAC** by making it possible for automatic monthly contributions. The committee noted that only voluntary contributions from both active and retired UTU members give the national legislative director in Washington, D.C., and the state legislative directors the ability to make the union's voice heard.

The committee also considered possible amendments to the UTU Constitution.

Indiana State Legislative Director **Thomas Hensler** proposed an amendment to Article 73 that would direct the UTU International to alert state legislative directors of the closings of locals in their states. "In the past I lost a local due to a line sale," Hensler said. "Had it not been for the legislative rep. of the local informing me of the pending sale and finding it on the Surface Transportation Board Web site, I would have never known what was going on."

The committee agreed to present the amendment to the constitution committee.



## UnitedHealthcare creates Web site

A new Web site has been created by UnitedHealthcare for railroad members: [www.myuhc.com/groups/railroadinfo](http://www.myuhc.com/groups/railroadinfo). This site contains important information for active, pre-retiree and retired members. It also provides answers to frequently asked questions for members considering retirement. A link has been added to the health care page of the UTU Web site ([www.utu.org](http://www.utu.org)) for easy access to this site.

## Union Pacific offers own version of Monopoly game



In a move that has industry observers shaking their heads, the Union Pacific is offering a board game patterned after Parker Brothers' famous Monopoly board game. Apparently the carrier is not content exercising monopoly pricing on its captive customers and holding a near monopoly on employee intimidation and harassment. Now it wants to monopolize your spare time and money. Over the years, the UP has swallowed up 15 railroads, including the Southern Pacific, the Missouri-Kansas-Texas, the Denver & Rio Grande Western and Chicago & North Western, and gained monopolistic powers over its customers, its regulators and, many would agree, its employees. As the saying goes, sinners, when given enough time, will always confess their sins. This board game is a case in point. It should be renamed "Freudian Slip."

## Nine too many

Continued from back cover

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

I know you share my belief that working safely is the right thing to do for all the right reasons.

Please rededicate yourselves to safety not only for your own sake, but for that of your co-workers and colleagues as well.

I know you can and will do so, and your family and friends will be glad you did.

## Switching fatalities

**July 8, 2007:** Conductor crushed by equipment in Berry, Ariz.

**July 27, 2007:** Conductor struck by equipment in Fulton, Ky.

**Aug. 25, 2007:** Conductor struck by equipment in East Chicago, Ind.

**Aug. 30, 2007:** Switchman fell from equipment in Stockton, Calif.

**Oct. 27, 2007:** Switchman crushed by equipment in Raceland, Ky.

## Other employee fatalities

**Jan. 17, 2007:** Track foreman struck by equipment in Valley Stream, N.Y.

**March 12, 2007:** Engineering department worker struck by equipment in Piketon, Ohio.

**Aug. 2, 2007:** Maintenance-of-way crane operator crushed by equipment in Moorcroft, Wyo.

**Oct. 23, 2007:** Maintenance-of-way worker struck by equipment in Martinez, Calif.

## UTU to CSX: Shape up, management!

Continued from page 1

attention of at least one presidential candidate," Brunkenhofer said.

Thompson said that "to live alongside the CSX right-of-way is like living in Baghdad, never knowing where the next fatal explosion will take place. Still, CSX has opposed every effort by the UTU to increase employee training, reduce employee fatigue and make the railroad workplace safer. And, when our employees attempt to speak out about workplace safety problems, they face arbitrary and harsh discipline intended to quiet them."

Thompson and Brunkenhofer also criticized CSX for steadfastly declining to honor a written commitment from the previous round of collective bargaining in which CSX and other carriers pledged, in writing, to address, at the earliest possible opportunity, the matter of entry-level rates of pay tied to training.

Brunkenhofer praised the outspokenness of TCI "in making clear that stockholders own the railroad and not the hired managers, who are focused more on their bonuses and stock options than running a safe and efficient railroad."

In its letter to the CSX Board of Directors, TCI criticized CSX management for failure to "improve its relations with labor, shippers and shareholders." TCI said CSX wrongly has "taken an unnecessarily adversarial approach to these key constituencies, resulting in strained relations instead of collaborative solutions."

CSX, said TCI, "has managed to alienate its workers...the largest self-managed workforce in the country."

Thompson is preparing a letter to other AFL-CIO affiliated unions to inform them of the situation in expectation they will follow UTU's lead.

## 1920s caboose wins 2007 UTU Brass Lantern Award

The winner of the UTU's 2007 Brass Lantern Award is Jim Grell of Fairview Park, Ohio.

The UTU presents the award to the builder of the best model caboose in judging at the National Model Railroad Association's annual convention.

This year's award, presented by Vice President Jim Cumby, went to a 1922-vintage wooden Erie Railroad caboose constructed in the 1/87 HO scale (where one inch equals 87 inches).

Grell said he started building models in junior high school, 45 years ago. "I grew up near the Nickel Plate railroad tracks; I was raised with trains," he said.

He has won several major awards for his work, including steam locomotive models and rolling stock.

"It's the details that make the difference," Grell said. "I had the only caboose in the competition where the roof came off and the interior showed. Why spend the time constructing an interior when it doesn't show? You need more than a box with a fancy paint job."

Grell said his caboose was built from scratch except for the trucks and couplers. Everything on the car, from the stove, icebox, brake gear, handrails, even the door hinges on the lockers, are made from scratch.

"Once you get involved in super detail you are caught," Grell said. "After a while, unless it has that super detail, you aren't happy. It becomes addictive."

"I really appreciate winning this UTU Brass Lantern Award," Grell said. "It is the biggest award in the industry."



Jim Grell, left, is presented the 2007 UTU Brass Lantern Award by Vice President Jim Cumby.

## Monument stands in memory of derailment victims

A memorial dedicated to the nine people killed in the collision of two NS trains in Graniteville, S.C., in early 2005 continues to attract visitors.

The monument consists of three parts.

The first stone describes the accident, in which a ruptured chlorine tanker released a toxic cloud over the mill town.

The middle stone is black and has an engraved picture of a firefighter carrying a rescued child in his arms.

The final stone lists the names of the nine who lost their lives: Steven W. Bagby; Tony M. Deloach; Allen Frazier; John Henry Laird Jr.; Fred (Rusty) Rushton III; Christopher G. Seeling; Willie Charles Shealy; Joseph Lee Stone and Willie Lee Tyler.

Christopher G. Seeling was the locomotive engineer who died in the crash. Conductor **William Wright** of UTU Local 793, Columbia, S.C. was hospitalized.

The other eight fatalities – including five inside a nearby textile mill – resulted from inhalation of toxic fumes.

The \$30,000 memorial was paid for by agencies, businesses and volunteers.



## Railroad Wedding Vows

(By Bob Eley)



Dearly beloved,

We are gathered here today in accordance with the FRA, AAR, STB and other regulatory bodies to unite these two units in M.U. service. If anyone takes exception, file your grievance or get in the clear.

Jack, do you take this woman to be your trailing unit, tying down your pin lifter forever, and permanently restricting yourself from interchange service, even with newer, freshly-painted units, remaining coupled despite flat wheels, sticking brakes, even unto bad orders and major derailments, until you are both rendered unto scrap?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

And, Jack, do you promise to pull this unit up ruling grade, using throttle and brake wisely to prevent rough train handling, broken knuckles and pulled drawbars, applying sand as necessary to prevent wheel slip, so that you both crest the hill together, regardless of the trailing tonnage?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

And do you also promise not to cut away from your trailing unit, even when her side sheets have rusted through and her paint job has faded?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

Now, Jane, do you take this man to be your lead unit, tying down your pin lifter forever, and permanently removing yourself from interchange service, even with newer series, high-adhesion, high-horsepower units, remaining coupled despite flat wheels, sticking brakes, contentious ground relays, even major derailments, until you are both rendered unto scrap?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

And do you promise to respond promptly to throttle and brake commands from your lead unit, handling your share of the tonnage, and helping your lead unit up ruling grade when

necessary, being ever cautious to avoid unnecessary drawbar buff?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

Do you also promise to remain coupled to your lead unit, even when he has a couple of traction motors cut out, and can no longer develop full horsepower?

If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.

Now, Jane and Jack, as a token of your intent to M.U., make the joint and stretch the slack.

By the power vested in me by the general manager, division superintendent, trainmaster and the road foreman of engines, I now pronounce you permanently coupled.

You may now cut in the air.

# 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](mailto: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 Edmundo Figueroa, a member of Local 1564 in Los Angeles, Calif. This photo of an LACMTA bus was taken in downtown Los Angeles at a layover spot. The bus was operating over Route 53, which travels from California State University Dominguez Hills in Carson to downtown Los Angeles. That is the world-famous Westin Bonaventure Hotel in the background.*



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A SPECIAL MESSAGE TO MEMBERS OF THE UTU  
FROM FEDERAL RAILROAD ADMINISTRATOR JOSEPH H. BOARDMAN

## 'Nine is nine too many'

As of late October, nine railroad employees have died on the job, including five switching-related fatalities and four other deaths (excluding those attributable to natural causes). (See the list on page 10.)

In recent years, the number of employee on-duty (EOD) fatalities has been at historical all-time lows, but if we are to sustain or improve upon that record, we must all be vigilant in pursuit of safety.

No matter what your occupation or where you are headquartered, nothing you do on the railroad is more important than working safely.

Each of us must do everything we can to prevent serious injuries or fatalities.

That means every person who reports to work, on every shift, for every movement, during every season and at every facility, must pay attention, comply with operating rules and look out for your coworkers.

As Federal Railroad Administrator, this is one of my greatest challenges and responsibilities, and I am asking you to renew your commitment to safety by making it your highest priority.

The FRA's Switching Operations Fatality Analysis (SOFA) Working Group has been successful in reducing fatalities and I commend the officers and members

of the United Transportation Union for their leadership in this effort.

However, there is still much to do and a long way to go if we hope to achieve our goal of zero employee fatalities, as we lost four employees in July and August during peak season. Such needless deaths have involved both highly experienced and new workers.

After every railroad employee fatality, the FRA conducts a comprehensive investigation to identify the root cause in order to prevent similar incidents in the future or on other carriers.

While we have not yet released all our findings on the employee fatalities, this much we do know: Nine is nine too many.

Every railroad employee – agreement and non-agreement – should take heed of these basic precautions:

- **Set an example;** comply with all applicable operating and safety rules and insist that others do the same;
- **Report any unsafe conditions;**
- **Remember the five SOFA lifesavers** and apply these principles whenever possible, not just during switching operations:



Boardman

*Continued on page 10*

## Inside this issue of the UTU News:



LACMTA operator Rodriguez is driven to help. See page 2.



Rep. Heath Schuler speaks to N.C. Democrats. See page 5.



New book features remembrances of UTU retirees. See page 8.



Crummy? Hardly. Jim Grell built a beauty. See page 11.