



UTU News

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The Official Publication of the United Transportation Union

Rails withdraw staffing and consolidation proposal

NCCC: We encourage the exploration of opportunities for mutually beneficial solutions

A month after the UTU filed a lawsuit in federal court to block a railroad demand to bargain over "staffing and consolidation," the carriers have withdrawn that demand from their Railway Labor Act Section 6 notices.

In a letter to UTU International President Mike Futhey, the National Carriers' Conference Committee (NCCC), which represents most major railroads in national contract negotiations, said it "will withdraw, without prejudice, the proposal set forth in the paragraph entitled 'Staffing and Consolidation'" in exchange for the UTU dismissing, "without prejudice," its lawsuit.

"Voluntary agreements are always in the parties' best interests."

"These undertakings," said the NCCC, "are made in connection with each party's desire to facilitate pursuit of a successful resolution of the 2010 bargaining round without further litigation and are without prejudice to their respective positions."

The UTU interpreted the demand regarding "staffing and consolidation" as a renewed attempt by the carriers to seek one-person crew operations. A federal court had ruled in March 2006 – during the previous round of national

negotiations – that the UTU had no obligation to bargain nationally over a carrier demand to eliminate conductor and brakemen positions on all through-freight trains.

The UTU position – then, and now – is that existing agreements relating to minimum train crew size are negotiated on a railroad-by-railroad basis through UTU general committees of adjustment, and any attempt by the carriers to change those agreements must be handled at the general committee level and not in so-called national handling where the major railroads coordinate their bargaining through the NCCC.

The agreement by the NCCC to withdraw its "staffing and consolidation" demand – in exchange for the UTU withdrawing its court action – followed a meeting between Futhey and the NCCC's chief negotiator, Ken Gradia, on Dec. 8.

Said the NCCC in its letter to Futhey withdrawing the demand, "During our Dec. 8, 2009, initial conference on our respective Section 6 proposals for the 2010 bargaining round, we had a candid discussion about the parties' respective concerns and goals.

"In the course of that exchange, we affirmed our shared conviction that voluntary agreements are always in the parties' best interests and our joint desire to facilitate and encourage



the exploration of opportunities for mutually beneficial solutions to each side's needs without restraint. In particular, we discussed the benefits to both parties of eliminating potential impediments to successful negotiations where feasible," said the NCCC.

SEPTA agrees: FELA rules

PHILADELPHIA – The Southeastern Pennsylvania Transportation Authority (SEPTA) has entered into a stipulated settlement with the UTU and other rail labor organizations, withdrawing an incorrect assertion that the Federal Employers' Liability Act (FELA) does not apply to rail workers in SEPTA's employ.

The settlement came 11 months after the unions filed a federal lawsuit challenging SEPTA's attempt to exempt itself from FELA coverage. It was alleged SEPTA had violated the FELA, the Railway Labor Act, and the Rail Safety Improvement Act of 2008.

SEPTA had posted incorrect notices that its rail employees injured on the job were required to seek compensation under a state workers' compensation plan and could not file actions against SEPTA under the FELA.

The state workers' compensation plan provides benefits inferior to the FELA.

SEPTA has agreed to post a corrected notice that "Any rail employee who suffers a work-related injury may elect to instead file a Federal Employers' Liability Act claim in either state or federal court."

If you are injured on the job, the FELA and your UTU Designated Legal Counsel are the best friends you and your family have.

A listing of UTU Designated Legal Counsel – attorneys who answer to the UTU – is provided at www.utu.org (click on "Designated Legal Counsel" in the blue tile box on the left-hand side of the home page), or get a list from local officers or general chairpersons.

Bus safety bill moving forward in House, Senate

WASHINGTON – Bus safety legislation is inching forward in the House and Senate, and proponents are pushing Congress to complete the legislation by mid-2010.

The Senate Commerce Committee in December voted to send to the Senate floor for a vote a bill (S. 554, the Motorcoach Enhanced Safety Act of 2009) requiring passenger lap and shoulder belts on long-distance buses, as well as improved firefighting equipment and stronger roofs and seats and advanced window glazing to keep passengers from being ejected.

Additionally, the Senate bill would require:

- Motorcoach operators to undergo periodic safety reviews;
- A training curriculum and certification for each driver seeking a commercial driver's license (CDL) passenger endorsement;
- Tougher CDL testing;
- Installation of on-board electronic data recorders that also track driver hours of service and monitor tire pressure warning systems;
- Drivers of buses that transport between nine and 15 passengers to hold a CDL;
- Safeguards preventing the use by CDL applicants of invalid or fraudulent medical certificates;
- Annual review of state medical examination procedures by states;
- Creation of a national registry of medical examiners;



- State annual commercial bus inspection programs as a prerequisite to receiving federal motor carrier safety grants.

A similar bill (H.R. 1396) awaits action by the House Transportation & Infrastructure Committee. The bill would additionally require minimum performance standards for retreaded motorcoach tires.

The American Bus Association says some 750 million passenger trips are made annually by some 34,000 long-distance motorcoaches operated by

nearly 3,700 motorcoach companies.

Member, pinned by rail car, dies

MINNEAPOLIS – BNSF conductor **Samuel W. Lundy**, age 44 and a 17-year member of Local 1000, was killed Dec. 29 when, during a switching operation, a rail car jumped its tracks and pinned him against a building.



Lundy

Lundy was the eighth UTU member killed in 2009 in an on-duty rail accident. He leaves behind a wife and three children.

The National Transportation Safety Board and the Federal Railroad Administration are investigating. A member of the UTU Transportation Safety Team is assisting the NTSB.

Around the UTU

Local 64, Huron, S.D.

UTU members are rallying behind their union brother, **Cam Brock Jr.**, who on Nov. 12, lost his house and contents to fire. Brock's UTU brothers and sisters have set up a relief fund to help him meet his immediate need for clothing, food and other essentials. Donations can be made to the "UTU Local 64 Cam Brock Jr. Relief Fund" through Round Bank of Waseca, 200 2nd St. N.E., Waseca, MN 56093. "Brother Brock is a U.S. Marine veteran and one of UTU's finest," Minnesota State Legislative Director **Phil Qualy** said.

Local 367, Omaha, Neb.

More than 60 members and friends attended this local's annual fall barbecue dinner, sponsored by the Yeager, Jungbauer & Barczak and Dinsmore law firms, Legislative Rep. **Kevin Kresl** reports. The dinner concluded with the awarding of three Chuck Faulder Scholarships to Kaelyn Kerwin (daughter of **Kevin**), Kegan Casey (son of **Dick**) and Alexandria Jamrozy (daughter-in-law of **Daniel**). Since 2005, the local has presented 12 scholarships to members' children. The following day, 68 people participated in the local's golf tournament at Shoreline Golf Course in Carter Lake, Iowa.

Local 432, Champaign-Urbana, Ill.

The regular monthly meetings of this CN (IC) local will continue to be held on the second Wednesday of each month at 7 p.m., but the location has changed to the upstairs at Jupiter's at the Crossing, 2511 Village Green Pl., in Champaign, Legislative Rep. **Grady Crippin** reports.

Local 477, Newton, Kan.

Secretary & Treasurer **Brian Stephens** reports that the local has established a fund to benefit fellow member **Sidney Unruh**, who is currently on disability due to treatments and surgeries for esophageal cancer. Send contributions to the Sidney Unruh Fund at Midland National Bank, 527 N. Main, P.O. Box 427, Newton, KS 67114.

Local 607, Thayer, Mo.

More than 50 guests attended this local's annual Christmas dinner on Dec. 8, sponsored by the Hubbell, Peak, O'Neal, Napier & Leach law firm in Kansas City, Mo., according to Local President **Chris Skaggs**. Guests included General Chairperson **Steve Green**, Associate General Chairperson **Mike LaPresta** and Missouri State Legislative Director **Ken Menges**.

Local 792, Cleveland, Ohio

This Norfolk Southern local, along with BLET Division 607, collected \$5,120 from union employees, sales employees and management to purchase Giant Eagle grocery store gift cards for their fellow furloughed or injured employees during the Christmas season, Local Chairperson **Alan Thompson** reports. "Our goal was to hopefully collect \$2,000. The money was divided evenly for each employee and the cards were purchased so that they could be used for groceries, other gift cards or even gasoline for their vehicles. There were 34 UTU and nine BLET members not working for the season. I would like to thank all of the employees who participated," Thompson said.

Local 934, Alliance, Neb

Local President **Brian Heitz** reminds all members that this BNSF Railway local has a Web site at <http://utu934.webs.com>.

Local 1053, Selma, Ala.

This Norfolk Southern local and the Alabama State Legislative Board have established a fund to assist a Norfolk Southern conductor who was critically injured in an automobile accident Sept. 6, State Legislative Director **Ronnie Clements** reports. **Josh Greenhill**, 20, sustained multiple fractures and internal injuries. Anyone interested in contributing to a fund to assist Greenhill should send a check payable to "Roger Roberts" (local chairperson), in care of the UTU Alabama State Legislative Board, 402-F South Decatur St., Montgomery, AL 36104.



Conductor and UTU District of Columbia Legislative Director Willie Bates, left, displays the Charles Luna Memorial Safety Award presented by Amtrak.

Legislative Director Bates gets Amtrak's Luna Award

William H. "Willie" Bates, an Amtrak conductor (Local 1933) and UTU District of Columbia legislative director, is the recipient of Amtrak's highest safety award for 2009, which is named after the UTU's first president.

Bates was awarded the 2009 Charles Luna Memorial Safety Award, established in 1990 to recognize Amtrak employees who "demonstrate the highest degree of safety awareness."

In presenting the award to Bates, Amtrak President Joe Boardman said:

"A consistent participant in safety programs and various safety committees, Willie commands respect in this area. Through Willie's commitment, dedication and daily, active support of safety, he has been instrumental in helping the Richmond (Va.) train and engine service crew base achieve zero reportable injuries in calendar year 2008.

"Always preaching safety, Willie is a great mentor, often giving up working a premium job in order to work overnight on a training session [which involves] the use of an engine and car to show less-seasoned employees how to handle such tasks as manually throwing switches, how to properly get on and off equipment, how to cut cars and how to push the 480-volt cables.

"When Willie talks to new hires, he stresses that while they're on the railroad, safety is paramount. He reminds them how dangerous the railroad is and how important it is for them to pay attention to each and every safety rule, so they can return home safely each night."

Bates hired on at Amtrak in 1986, and works as a conductor based out of Richmond. He has worked injury-free his entire 23-year Amtrak career, and never has had an operating rules violation, which Boardman called "a manifestation of his belief that safety is first and foremost."

In March 2008, Bates was elected as the first African-America legislative director in the 140-year history of the UTU and its predecessor organizations, and also serves as president of Local 1933.

Luna, who died in 1992, was president of UTU predecessor Brotherhood of Railroad Trainmen, and the UTU's first president. Luna also served as a member of the Amtrak Board of Directors for more than 12 years, having been nominated and renominated to the Amtrak board by Presidents Nixon, Ford, Carter and Reagan.

Local 1138, Miami, Fla.

Local chairperson **Alfredo Pena** died in a motorcycling accident Dec. 11, CSX GO-851 General Chairperson **John Hancock** reports. Pena, 42, was employed by the Florida East Coast Railway for 18 years. Pena is survived by his wife,

Telma, 14-year-old son, Alfie, and nine-year-old daughter, Janyssi. The UTU Auxiliary's Magnolia Lodge in Jacksonville, Fla., has donated \$500 to Telma Pena and the children.

Local 1183, Port Huron, Mich.

Legislative Rep. **Fred Beidler** and his family lost their home and all their possessions to a late-night fire on Dec. 11, Michigan State Legislative Director **Jerry Gibson** reports, and the Michigan State Legislative Board is seeking assistance from fellow UTU members. "The Beidlers lost everything but the clothes on their backs," Gibson said. To assist the Beidler family, send a check or money order to the Beidlers at 835 Virginia Ave., Marysville, MI 48040.

Local 1440, Staten Island, N.Y.

Local Secretary & Treasurer **Vincent LaBella** thanks all 104 guests that attended the local's first annual retirement/holiday/awards dinner on Dec. 4. "This was the first time that Local 1440 was able to recognize the hard work of its retirees," LaBella said. Members also congratulate track-worker **Thomas Poggi** on his retirement. "He will always be remembered for his leadership skills and cooperative demeanor," LaBella added.

Local 1554, Ogden, Utah

The officers and members of this Union Pacific local have financed and commissioned a memorial to honor three local members who have lost their lives at the railroad's 21st St. yard since 1977, Local Chairperson **Pat Winslow** reports. The memorial, which honors **Michael Wagner**, **Jimmie Autry** and **Anthony Peterson**, was erected on Sept. 14, 2009, the sixth anniversary of Autry's death. "Although it has taken almost a year to complete, we would like to thank Brother **Randy Browne**, who piloted the project through completion, for a job well done," Winslow said.



Local 1785, Santa Monica, Calif.

The members of this Big Blue Bus local are mourning the death of **Sergio Lopez**, 48, Local Chairperson **Adhi Reddy** reports. Lopez served the local as delegate and legislative representative.

BNSF Railway GO 017, Chino, Calif.

William "Butch" Young retired as general chairperson of this BNSF Railway General Committee of Adjustment on Dec. 1. As previously reported, he was succeeded by his son, **Danny Young**. On Dec. 4, former UTU Coastlines General Chairpersons **John Easley** and **Al Delyea** joined UTU Assistant President **Arty Martin** at a retirement party honoring Young at Fleming's Prime Steakhouse & Wine Bar in Rancho Cucamonga.



John Easley, Al Delyea and Assistant President Arty Martin join Butch and son, Danny, at the Young retirement party.



FRA denies one-person crew ban

WASHINGTON – The Federal Railroad Administration has denied a joint UTU/BLET petition for an emergency order prohibiting the use of one-person crews in conventional and remote control yard switching operations.

In denying the joint UTU/BLET petition, the FRA, while acknowledging the high-priority safety concerns raised, said it had “no factual evidence to support the prohibition against one-person crew operations at this time. Switchmen, trainmen, and RCOs routinely perform tasks alone, even when on a two-person or three-person crew,” said the FRA.

Although the UTU has collective bargaining agreements in force with most railroads requiring at least one conductor on each train start, there currently are no feder-

al safety regulations prohibiting use of one-person crews in yard or road operations.

Said the agency in denying the joint UTU/BLET petition, which was filed in early June:



FEDERAL RAILROAD ADMINISTRATION

“FRA does recognize that, since these particular one-person operations are new, we have no prior data with which to compare conventional operations and have little prior experience with these operations. Accordingly, we intend to monitor these operations very closely.

“As technology advances, FRA is also aware that the transfer of certain additional tasks and responsibilities to a single individual may result in ‘information overload’ and/or diminished ‘situational awareness.’ We believe these conditions should be considered when changing work assignments or adding new technology.

The FRA also said that the conductor certification requirement, part of the Rail Safety Improvement Act of 2008, “when implemented, will provide additional support for the training and qualification of [remote control operators.]”

UTU/BLET: “No conditions exist where one-person operations are safe.”

Concluded the FRA, “Because of the advances in technology, we are seeing significant changes in operations – many that never existed before. FRA will continue to look very closely at these changes when they occur.”

UTU International President Mike Futhey said the fight against one-person crews “will remain the UTU’s top priority – before the FRA and before Congress. We know, and the BLET agrees, having stated jointly with us in the petition for the emergency order, that no conditions exist where one-person operations are safe.”

FRA study documents relationship between work schedules, alertness

A new Federal Railroad Administration report released in December is the latest confirmation that train and engine service employees with variable start times report for duty less alert than do those with fixed start times.

The study analyzed work/rest schedules and sleep patterns of U.S. railroad train and engine service personnel, and the relationship between these schedules and alertness.

Members of the UTU and BLET assisted with the study, providing a log that each participant updated daily for two weeks.

Some two-thirds of the logs were kept by train and engine service workers with variable start times and what the study terms “significant start time variability.” The other third of the logs were kept by workers with fixed work-start times.

The study reveals that while train and engine service workers report longer daily sleep than most U.S. adults, they suffer poor sleep quality and high stress levels – particularly those with variable start times.

Some eight percent of train and engine service workers surveyed reported they suffer from a medical condition called “sleep apnea” – a rate

the study says is twice than normal for U.S. working adults.

Variable start-time workers with erratic work schedules, says the study, engage in supplementary sleep on workdays because of scheduling issues that prevent them from planning adequate rest.

Therefore, says the study, variable-start workers report for duty less alert than do fixed-start workers. In fact, the total number of labor hours performed at what the study terms “low effectiveness” exceeds 10 million hours annually rail-industry wide.

The FRA said this study provides a baseline for future study after new hours-of-service regulations – limiting hours of work each month and requiring mandatory uninterrupted rest periods – are fully implemented.

RRB tax rates will be unchanged in 2010

Earnings subject to Railroad Retirement Tier I, Medicare and Tier II tax rates – and those tax rates – remain unchanged in 2010, said the Railroad Retirement Board.

- Employer & employee Tier I tax:6.2%
- Earnings subject to tax: \$106,800
- Medicare tax: 1.45%
(No cap on earnings subject to tax)
- Employee Tier II tax: 3.9%
- Employer Tier II: 12.1%
- Earnings subject to tax: \$79,200

Delegates ratify amendments to UTU Constitution to accommodate the closure of Canadian locals

UTU delegates have voted to make numerous amendments to the UTU Constitution to accommodate the demographic changes brought about by the required closure of all Canadian locals.

Although some Canadian members remain, all are assigned to U.S.-based locals.

Ballots were returned by 62 percent of delegates, with 96 percent voting to amend the UTU Constitution. The ballot proposal, having received well in excess of the required two-thirds majority, becomes effective Jan. 27, 2010.

None of the amendments affect any rights conferred upon UTU members by the UTU Constitution, nor do the amendments make any change to representation or process.

“The practical effect of the approved amendments is to be able to fulfill – given the absence of Canadian members – the requirements of the UTU Constitution with regard to the make up of the Board of Directors, the Board of Trustees and the Executive Board,” said UTU General Secretary and Treasurer Kim Thompson.

UTU delegates approved amending Articles 2, 6, 10, 11, 12, 19, 21, 22, 32, 36, 37, 38, 41, 57, 59, 63, 64, 66, 73, 83, 91, 93, 96, 97, 98 and 99 to the UTU Constitution. In each of these articles, language referring to “Canadian” will be removed.

For example, the amendments now provide that a member at large of the UTU will be elected to the Executive Board in place of a position reserved for a Canadian member.

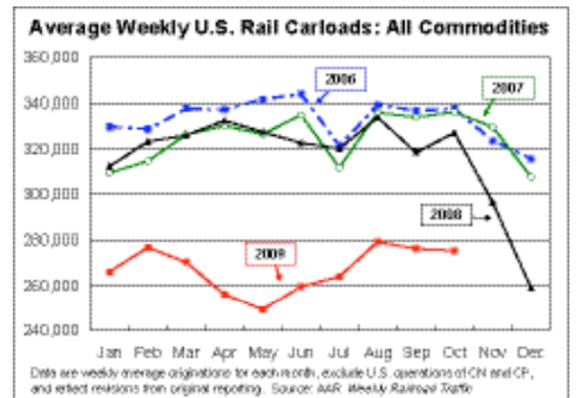
Also, the UTU national legislative director will become a member of the Board of Trustees – a position formerly held by a Canadian officer.

Additionally, the amendments change the

UTU Constitution to reflect the current number of International vice presidents (seven, including one from the Bus Department), as all attritions previously approved by delegates have taken place.

And the board of directors will be comprised of 11 members – the International president, assistant president, GS&T, national legislative director, and seven vice presidents (including one from the Bus Department).

Rail carloads, employment down sharply, data show



Train and engine service employment on the nation’s major, or Class I, railroads in November fell to its lowest point over the past 12 months, according to Surface Transportation Board data.

The number of Class I train and engine service employees fell 15 percent since November 2008, to 56,477 in November 2009.

Total Class I rail employment has declined almost 10 percent since November 2008, to 147,047. Compared with 1967, which is the base year for STB data collection, total Class I employment is down some 75 percent – 147,047 in November 2008 versus 593,568 in 1967.

CN’s IC yardmasters join UTU membership

Some 50 yardmasters employed by Illinois Central Railroad (an operating subsidiary of Canadian National) are now UTU members following those yardmasters’ decision to merge their Illinois Central Yardmaster Association into the UTU.

The National Mediation Board certified the transfer of representation on Dec. 17, noting that the agency “grants requests for transferring certifications absent evidence of fraud or gross abuse in the merger or election.”



UTU International President Mike Futhey congratulated retired General Chairperson Warner Biedenharn (GO 433, Illinois Central), Director of Strategic Planning John Nadalin and Tim Tillman of the IC Yardmaster Association for their “dedication and effort.” The Illinois Central Yardmaster Association was formed in 1950.

Illinois Central, long known as the Main Line of Mid-America, connects Chicago with New Orleans and Birmingham, Ala. The IC was acquired by CN in 1998 as an operating subsidiary.

The Railroad Yardmasters of America, which was organized in 1918, affiliated with the UTU in 1985. The yardmaster craft – as are all crafts within the UTU – is guaranteed by the UTU Constitution autonomy and craft representation, as well as protective advantages and strength associated with UTU membership.

Your safety is our number-one priority

What should have been a joyous holiday season ended tragically Dec. 29 with the death of Brother Samuel Lundy in a switching accident in Minneapolis.

Brother Lundy was the eighth UTU member killed in the line of duty during 2009. In grieving, I am inspired by the somber words of Local 1000 President John Haggerty: "If this could have happened to him, it could happen to any of us."

Railroaders work in one of the most – if not the most – dangerous industries in America, where accidents, rather than resulting in sprains and broken bones, too often result in career-ending injuries and death.

There is no stronger bond among labor organizations, and the working men and women in America, than the joint objective of improving workplace safety.



International President's Column

By Mike Futhey, International President
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Within the UTU, we have three separate safety initiatives. This is in addition to our efforts at the negotiating table; initiatives with other labor organizations; communications with federal regulatory agencies, Congress and state legislatures; and our Designated Legal Counsel program.

Last year, I created the UTU Rail Safety Task Force, whose mission is to identify and communicate best practices and techniques to improve

situational awareness and keep it at its highest level.

Additionally, the UTU participates in the Federal Railroad Administration sponsored Switching Operations Fatalities Analysis (SOFA) working group, whose mission is to develop recommendations

"If this could have happened to him, it could happen to any of us."

for reducing fatalities in switching operations.

The UTU also has a 13-member Transportation Safety Team to assist National Transportation Safety Board investigators in determination of facts in rail-related accidents. Members are selected based on knowledge of operating rules and understanding of general railroad operations, train movements and dispatching. They receive training in NTSB investigative techniques.

In Washington, the UTU National Legislative Office spends a considerable portion of each workday in meetings with FRA, Federal Transit Administration, Federal Motor Carrier Safety Administra-

tion and Federal Aviation Administration safety officials; the NTSB; other labor organizations, academics, and key congressional staff discussing and pushing for improved workplace safety improvements.

Our state legislative directors similarly are involved, on a daily basis, in investigating member concerns and working with state officials and lawmakers on workplace safety issues.

Finally, our Designated Legal Counsel are an essential component of our workplace safety efforts. These attorneys are uniquely qualified in bringing civil actions against railroads under the Federal Employers' Liability Act (FELA), which is

one of the best friends railroaders have in pressuring railroads to improve workplace safety.

Please visit the various safety-related pages on the UTU Web site to keep informed and stay up to date on best practices designed to bring you home safely to your family.

And when you do spot a workplace safety problem, please inform your local legislative representative and your state legislative director at your earliest convenience, providing as many facts as you are able regarding location and the nature of the safety problem.

I pledge to each of you that workplace safety will remain the UTU's single-highest priority.



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

Distraction, fatigue are killers; don't be a victim

As chairperson of the National Transportation Safety Board – and a licensed commercial driver – I have learned that two of the biggest safety issues we face are distraction and fatigue, ones that we have all experienced and can readily address. Two recent bus accidents that the NTSB investigated illustrate the possible tragic consequences when we overlook these factors.

Driver, distracted, crashes bus

In 2004, a class trip to Mount Vernon, Va., ended abruptly as the motorcoach in which the students were traveling struck an overpass.

Eleven of the 28 passengers were injured. The driver, who was talking on a hands-free cell phone at the time, missed a sign advising vehicles of the 10-foot, 2-inch low clearance in the right lane.

He also failed to notice that the motorcoach he was following had moved into the left lane, as the signage directed, to safely pass beneath the 13-foot, 4-inch clearance center of the arched bridge.

A common misconception is that hands-free cell phones are safer than handheld devices, and therefore acceptable for use while driving. But studies show that not only dialing, but also talking on a cell phone, regardless of the type, increases accident risk.

Among drivers of heavy vehicles,



A message to UTU members
from
NTSB Chairperson
Deborah A.P. Hersman

the crash risk is increased nearly six times when dialing, and more than 23 times when texting, compared with driving without these distractions. Because multitasking with a cell phone or other distracters frequently occurs without incident,

diminished alertness due to inadequate sleep. His sleep quality was probably affected by his head congestion, difficulty acclimating to the high mountain altitude, and inconsistent use of a device used in treatment of sleep apnea.

"It is professionalism that distinguishes safe drivers from those who rely on luck."

drivers can develop a dangerous, and false, sense of security.

Sleepy driver a dangerous one

Another danger zone for motorcoach operators is shown in an accident when a motorcoach returning from a ski trip to Telluride, Colo., drifted off the road, struck a guardrail, descended an embankment and overturned. Nine passengers were killed and 43 passengers and the driver were injured. The probable cause was the driver's

A tired driver is a dangerous driver. A Federal Motor Carrier Safety Administration study of large truck accidents found that 13 percent of truck drivers were fatigued at the time of their crash. So, how can you avoid being an accident statistic?

Get enough sleep

Most people need eight hours per night. Performance starts to decline when sleep is reduced by even a few hours.

Don't be a night owl

People are hard-wired to be awake during the day and asleep at night. If possible, avoid driving during late night and early morning hours.

Stay healthy

See your doctor regularly, especially if you are having trouble sleeping or staying alert during waking hours. Ask your doctor or pharmacist to suggest non-drowsy prescription or over-the-counter medications for you to use when driving.

Don't drive drowsy

Don't start a trip if you are tired, and if you feel drowsy while driving, pull over. By the time you feel sleepy, you are probably already impaired. Naps and caffeine have been shown to have only a temporary benefit for alertness. Nothing beats a good night's sleep.

Professional drivers are safe

It's professionalism that distinguishes safe drivers from those who rely on luck. Safe drivers avoid using wireless devices behind the wheel and ensure they are well rested to put their passengers – and their own safety – first.

(NTSB Chairperson Deborah A. P. Hersman holds a commercial driver's license with passenger, school bus, and air brake endorsements. She previously advised Senate Democrats on transportation issues, including bus safety legislation.)

State Watch

News from UTU State Legislative Boards

Arizona

State Legislative Director **Scott Olson** (L-1629), also chairperson of the UTU's National Association of State Legislative Directors and member of the UTU Rail Safety Task Force, retired Dec. 1.



Olson

He hired out as a brakeman on the Southern Pacific (now part of the Union Pacific) in 1966.

"Because I was six foot four inches tall, I was appointed 'inner guard' of the local the year after I started; that meant I watched the door and kept the bad guys out of meetings,"

joked Olson.

Olson was later elected alternate local legislative representative and vice local chairperson, legislative representative and local chairperson, and was elected state director in 1998.

"It has been my distinct honor to serve the members, and I have been fortunate to have had such great assistant directors," he said.

Assistant State Director **Greg Hynes** (L-1081) was elevated to state director. Hynes had been elected assistant director for two terms and Olson says "he is qualified to keep up the UTU's reputation as a fighter for our members' rights at the Arizona capitol and with our congressional delegation.

NASLD Assistant Chairperson **Don Dunlevy** of Pennsylvania has assumed the chairmanship of that group, which will hold an election for assistant chairperson.

Mississippi

Retired Mississippi State Legislative Director **Neal Fowler**, 70, died following a lengthy illness.

A member of Local 1088 in Jackson, Fowler also served four consecutive terms as president of the Mississippi State AFL-CIO.

A resident of Vicksburg, Fowler hired out with

Maryland

State Legislative Director **Larry Kasecamp** has been honored by the Maryland Central Labor Council with its coveted David J. Lewis Memorial Award. Lewis, a seven-term congressman, was a staunch friend of working families. Kasecamp has served on the executive board of the Western Maryland Central Labor Council for 15 years.



Pictured at the ceremony are, front row, from left, Designated Legal Counsel Matt Darby, National Legislative Director James Stem, Kasecamp, Assistant National Legislative Director John Risch, Brian Deriso (L-600), Shane Rosenberger (L-600) and Phil Hite (L-430). Back row, from left, Bob Suesse (L-600), Jeff Foreman (L-600), Mike Wilson (L-600), Keith Young (L-600), John Poling (L-430), Terry Horner (L-600) and Tim Galica (L-430).

Gulf, Mobile & Ohio Railroad (now part of Illinois Central) in 1967.

Survivors include his wife, Nita Fowler, five children and 12 grandchildren.

New Jersey

The state legislative board mourns the loss of former secretary **Richard "Dick" Venus** (L-60, Newark). Venus began his career in 1947 with New York Central Railroad, and later worked for Central Railroad of New Jersey, Conrail and New Jersey Transit, retiring in 1997.

He served as board secretary from 1976 to 1983. "Dick understood the importance of UTU members being politically active," State Legisla-

Texas



State Legislative Director **Connie English Jr.** recently presented a UTU lantern to Geri Clark, who is assistant to labor member V. M. Speakman Jr. of the U.S. Railroad Retirement Board. In his presentation, English said Clark has been helpful in solving retirement or disability problems for many UTU members in Texas. "The resolution is almost always in favor of the employee. Thank you, Geri Clark, for the great job you do!" he said.

tive Director **Dan O'Connell** said. "When the state legislature threatened to reduce NJT service, Dick worked with passenger groups to fight the cuts and lobby for more service. He continued these efforts even after his retirement."

Wisconsin

Wisconsin Governor Jim Doyle has signed into law legislation that requires the state's superintendent of public instruction to include the history of organized labor and collective bargaining in the model academic standards for social studies.

This is the first such legislation in the nation.

The legislation will allow for the history of workers and their unions to be taught in Wisconsin public schools.

Many local labor leaders, including State Legislative Director **Tim Deneen**, attended the signing of the legislation in the governor's conference room at the state capitol in Madison.

Bus Department

By **Richard Deiser**, vice president / director

I am optimistic for 2010; we will build on success

During my six months as Bus Department vice president, I have done my absolute best to meet many of you, and I look forward to getting to know more of you in 2010. I still have a lot to learn and look to you for guidance.

Hopefully many of you will attend a regional meeting for training and fraternity.

During 2009, we experienced the thrill of victory and the agony of defeat, but that is the nature of labor/management relations in these troubling times. I'm encouraged that 2010 will bring an upturn in the economy and our devotion to duty will be recognized more favorably.

No UTU International officer can succeed on their own, and I thank everyone involved in this huge, cooperative effort – especially Mike Futhey, Arty Martin, Kim Thompson and my alternates, Calvin Studivant and Bonnie Morr, for making this an administration of which we all can be proud.

I could not ask for a better assistant than Cara McGinty at the UTU International office, who regularly accomplishes the impossible. The Legal Department always provides sound advice. All the staff at the UTU International go out of their way to be helpful, and make one feel that we are all part of a large union family striving to help each other.

If you have questions on bus safety, please pass them along. I will do my best to have them answered.

Later this year, the *UTU News* will feature photos of men and women in armed forces uniform. Please send those photos to the Public Relations Department in Cleveland at "utunews@utu.org."



SEPTA's Red Arrow operators vote new contract, new officers

PHILADELPHIA – Members of Local 1594, which represents more than 230 bus and trolley operators on the Southeastern Pennsylvania Transportation Authority's (SEPTA) Red Arrow Division, on Dec. 13 ratified a new agreement that provides for increased wages, benefits and a signing bonus.

Additionally, on Dec. 11, Local 1594 members elected **Waverly Harris** their general chairperson. He is a 16-year SEPTA employee and is qualified to operate buses, trolleys and rail cars.

Also elected to Local 1594 posts were **James Shedrick** as vice president, **Eric Goodwin** as secretary, **Harold Jones** as alternate delegate, and **Dana Cherry** as alternate legislative representative. A runoff election will be conducted for the posts of vice chairperson, delegate and legislative representative.

The Local 1594 negotiating team, for the new contract, included Harris, **Brian Caldwell** and **Kevin Baldwin**.

They were assisted by **Calvin Studivant**, UTU International Bus Department alternate vice president; **Billy Moye**, UTU International representative, and **Don Dunlevy**, Pennsylvania state legislative director.



Harris

Santa Monica's Big Blue 'Holiday' bus



Santa Monica, Calif.'s, Big Blue Bus rolled out its popular, fully wrapped holiday bus on Saturday, Nov. 28. Sponsored by Cirque du Soleil's production of *KOOZA*, the bus remained in service throughout the season. The bus operators employed by Big Blue are members of Local 1785 at Santa Monica.

2010 national rail contract negotiations are underway

UTU and carriers to amend agreement

The UTU and most major freight railroads have begun a new round of contract negotiations to revise rates of pay, rules and working conditions. These railroads coordinate their bargaining under the umbrella of the National Carriers' Conference Committee (NCCC).

The railroads include BNSF, CSX, Kansas City Southern, Norfolk Southern, Soo Line, Union Pacific and many smaller carriers. Other railroads, including Amtrak and U.S. operations of Canadian National, negotiate individually with the UTU.

Some 40,000 UTU members are affected by these national contract talks, which frequently set patterns for negotiated agreements on other carriers.

The existing agreement remains in force until negotiated amendments are ratified by UTU members.

The existing national agreement, which became open for amendment on Jan. 1, will remain in force until tentatively negotiated amendments are presented to UTU members and ratified under the craft autonomy provisions of the UTU Constitution.

In November, the NCCC and the UTU exchanged their desired amendments to the existing national agreement. The two sides now will meet at regular intervals to discuss those contract demands.

In December, carriers withdrew one of their demands, entitled "staffing and consolidation," in exchange for the UTU withdrawing a lawsuit alleging that demand was inappropriate for national handling.

The NCCC also is negotiating with other rail labor unions whose contracts similarly became open for amendment Jan. 1.

It is observed that the RLA bargaining process seems "almost interminable," because RLA contracts do not expire; and if the parties hit snags in bargaining, the National Mediation Board can prolong mediation in an effort to gain a voluntary settlement.

The Supreme Court said, "In the long run, delaying the time when the parties can resort to self help provides time for tempers to cool [and] helps create an atmosphere in which rational bargaining can occur."

To stay informed, log on to www.utu.org to view important new developments. Also, sign up for e-mail alerts on the UTU home page. Carrier Section 6 notices may be viewed at www.utu.org by clicking on the "National Rail Contract" link.

UTU National Negotiating Committee



Mike Futhey
International President



Arty Martin
Assistant President



Clint Miller
General Counsel



Robert Kerley
Vice President



Delbert Strunk
Vice President



John Lesniewski
General Chairperson
GO 049



Pate King
General Chairperson
GO 680



Doyle Turner
Alternate Vice President

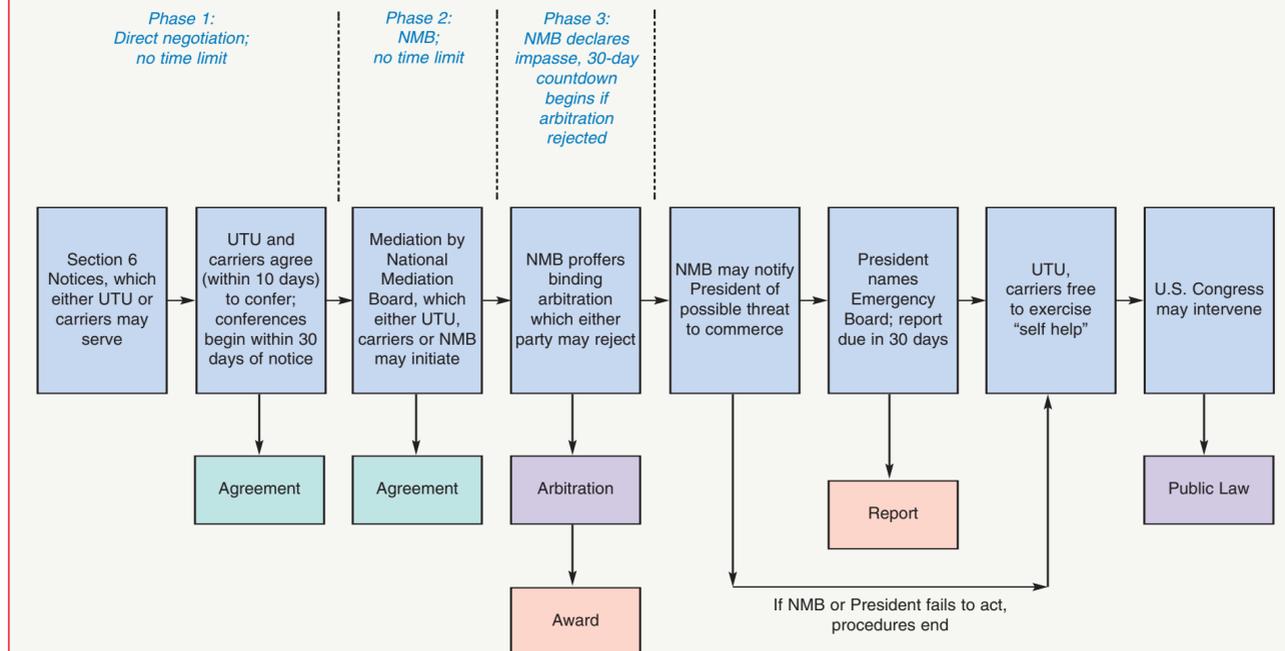
UTU's desired contract amendments

Following are major elements of the UTU's desired amendments, developed from member recommendations as approved by the Association of General Chairpersons, District 1.

- ✓ Complete and permanent elimination of existing service scale (entry rates of pay).
- ✓ Complete and permanent elimination of the two-tier pay system.
- ✓ A series of general wage increases, effective Jan. 1, 2010, and every six months thereafter.
- ✓ Cost of living adjustments.
- ✓ A crew calling window structure of no less than a 10-hour call.
- ✓ A process to resolve fatigue issues relative to cross-craft utilization, inaccurate line-ups and manipulation of pool crew boards caused by paper deadheading and dropping of turns.
- ✓ Ability to mark off to deal with fatigue-related problems and for family needs and emergencies.
- ✓ Allow three attempts to pass the engine service exam.
- ✓ Compensation for certifying as a conductor (certification to be established by the FRA as directed by the Rail Safety Improvement Act of 2008).
- ✓ Peer-related craft pay for training periods.
- ✓ Carriers to give first employment consideration to qualified conductors furloughed from other railroads.
- ✓ Furloughed employees called back to work will be guaranteed a minimum of 60 days of work and pay.
- ✓ Increased meal allowances.
- ✓ Restrictions on transferring, consolidating, combining or centralizing yardmaster assignments.
- ✓ Establishment of a formula for yardmaster extra boards.
- ✓ Enhanced benefits under the NRC/UTU Health and Welfare Plan and the Railroad Employees' National Health and Welfare Plan (GA-23000).

To read the UTU's entire list of contract amendments, and to read the NCCC's desired amendments, go to www.utu.org and click on the "National Rail Contract" link.

Railway Labor Act collective bargaining procedures



Understanding the Railway Labor Act

Contract negotiations are governed by provisions of the Railway Labor Act (RLA).

Rail contracts never expire, but are amended periodically.

Negotiations begin with the exchanging of desired amendments as provided by Section 6 of the RLA.

If the sides can't agree, either side may request assistance from the National Mediation Board (NMB).

Only the NMB may release the parties from the bargaining table, and strikes, lockouts and unilateral management changes to contracts are prohibited during mediation.

Only the NMB may declare an impasse. It then recommends binding arbitration, but both parties must consent.

If binding arbitration is rejected, the President of the U.S. may appoint an emergency board to make non-binding settlement recommendations. If those recommendations are rejected by either party, a strike or



lockout can occur after a mandatory cooling-off period.

Most frequently following a widespread interruption in rail service, Congress steps in and imposes its own binding settlement – generally following recommendations of the emergency board.

To learn more about the RLA, visit the UTU University on the Web at www.utu.org. Click on Organizing/Train-

ing, then select UTU University under Links.

Also available is a new book, *Understanding the Railway Labor Act*, published by Simmons-Boardman Books (1-800-228-9670), which includes essays by UTU General Counsel Clint Miller, arbitrator Frank Quinn, a former carrier labor officer, and a member of the NMB.



UTU Alumni Association

News, information for members of the UTU Alumni Association

UTUIA director post filled by Alumni Association member

Retired Ohio State Legislative Director and conductor **William J. Thompson** has been elected to the United Transportation Union Insurance Association Board of Directors following his nomination to the post by the UTU Board of Directors.



Thompson

Thompson, a member of the UTU Alumni Association, held the posts of assistant Ohio state director and then state director from 1981 through his retirement in 2002.

He hired out with the Akron, Canton & Youngstown Railroad in 1961, before it was acquired by Norfolk & Western Railway (now part of Norfolk Southern), and was elected to posts of general chairperson, local chairperson and legislative representative of UTU predecessor Brotherhood of Railroad Trainmen Lodge 432.

For more than 135 years, the UTUIA and its predecessors have served UTU (and UTU predecessor unions') members and their families with life, health and retirement protection products.

The UTUIA is one of the nation's few remaining union-friendly insurance companies. Where competing insurance companies frequently are engaged in anti-union activities, such as lobbying for corporate-favored public policy, the UTUIA is an insurance company owned by union members, and it operates solely for the benefit of union families.

Other UTUIA board members include:

UTU International President Mike Futhey; Assistant President Arty Martin; General Secretary and Treasurer Kim Thompson; National Legislative Director James Stem, and independent members Joyce Terbovich, a certified public accountant; Nicholas J. DeCicco, a registered principal with the National Association of Security Dealers and a former president of Midwest Life Insurance Co.; and Frank J. Riha, a certified public accountant and former insurance examiner supervisor for the State of Ohio Insurance Department.

RRB scores high in satisfaction survey

The Railroad Retirement Board (RRB) earned a score of 88 out of a possible 100 in a recent American Customer Satisfaction Index (ACSI) survey. This is 19 points higher than the latest Federal government average of 69 and demonstrates a high level of satisfaction with the services of the RRB.

The ACSI survey focused on railroad workers who had recently retired and were receiving monthly annuity payments from the RRB. This segment of the agency's beneficiary population was originally surveyed in 2001 and the current score reflects a six-point improvement over the previous score of 82.

The 2009 survey found the RRB scoring highest (93) in the area of customer service, with courteous and professional personnel providing clear and accurate information. This was a two-point increase over the 2001 score of 91. Telephone service was rated highly at 82. Customers also had a high level of confidence in the RRB doing a good job, with a score of 91.

Wild West tour deadline nears

The sign-up deadline is nearing for the UTU Alumni Association's "Pioneer Adventures of the Old West."

This eight-day adventure starts in Phoenix May 9, 2010. It includes Sedona, Ariz., and the Montezuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

The rate is only \$1,525 per person based on double occupancy. Airfare is additional.



The price includes seven breakfasts and three three-course dinners, as well as airport transfers, hotel taxes, tips for baggage handling and a sight-seeing program.

For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel's Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join them as space permits.

Palmetto expands hours

Palmetto GBA, a national Part B Medicare carrier that administers Medicare Part B health insurance for rail workers and their families, has expanded its railroad Medicare telephone hours in most geographic time zones.

Railroad Medicare Part B beneficiaries can contact Palmetto GBA's toll-free customer service unit at (800) 833-4455, Monday through Friday, 8:30 a.m. until 4:30 p.m., for all time zones, with the exception of PST, which receives service from 8 a.m. to 4 p.m.

The mailing address is Palmetto GBA Railroad Medicare Part B, P.O. Box 10066, Augusta, GA 30999.

THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Butler Jr., James	Elkhart, Ind.	489	Frost, Jack Lewis	San Antonio, Texas	1092	Lancaster, Astol T.	Teague, Texas
2	Quigley, Richard W.	Sylvania, Ohio	528	Jenkins, Laurence A.	Hood River, Ore.	1137	McManus, John W.	Dilworth, Minn.
14	Cook, Kenneth C.	Jacksonville, Fla.	528	Wood, James F.	Arlington Hts., Ill.	1172	White, Ed	Corinne, W. Va.
14	Waltner, Leonard T.	Hamilton, Ohio	646	Cunard, Kenneth L.	Missouri Valley, Iowa	1263	Roberts, Joe L.	Lake Park, Ga.
60	Dembowski, Gerard	Gilbert, Ariz.	679	Christiano, Allessandro	Surprise, Ariz.	1290	Janes, Marvin	Mattoon, Ill.
60	Ehrenhofler Jr., Frank	Nanuet, N.Y.	707	Rodwell, Charles W.	Fairbury, Neb.	1313	Clements Jr., Jesse C.	Amarillo, Texas
145	Schmidt, Gene O.	Indianapolis, Ind.	740	Onderisin, C.E.	Joliet, Ill.	1361	Tudhope, Norman A.	Isle la Motte, Vt.
194	Waggoner Jr., Dewey F.	Elkhart, Ind.	744	Deaubler, Richard F.	Columbus, Ohio	1381	Sandford, Lyell G.	Rogers, Ark.
195	Lippert, Walter L.	Burlington, Iowa	783	Whitley, Paul A.	Salisbury, N.C.	1382	Corbett, Robert J.	Spring Hill, Fla.
200	Schroeder, Cleo D.	North Platte, Neb.	792	Dills, Gerald B.	Canton, Ohio	1393	Covert, Eugene C.	Buffalo, N.Y.
219	Newlon, Birney S.	Hannibal, Mo.	872	Teepel, Robert W.	Omaha, Neb.	1447	Koenig, Charles W.	St. Augustine, Fla.
225	DiPasquale, Gaetano M.	Galena, Ohio	891	Johnson, G.	Whitefish, Mont.	1524	Foster, Paul D.	Bend, Ore.
234	Sutherland, Edmund R.	Bloomington, Ill.	898	Fox, Charles E.	Attleboro, Mass.	1534	Jackson, Clifford R.	Hartford, Iowa
254	Jarvis, Richard D.	Worcester, Mass.	903	Ware Sr., Raymond A.	Jacksonville, Fla.	1574	Cross, Gerald G.	Ocean Park, Wash.
258	Gavril, Richard A.	Tooele, Utah	945	Luckey, Theodore C.	Dodge City, Kan.	1713	Flint, David M.	Marysville, Wash.
298	Connell, William S.	Spring Hill, Fla.	970	Ashley Jr., Calvin V.	Abbeville, S.C.	1770	Kennedy, Roy G.	Bothell, Wash.
298	Small, Russell E.	Huntington, Ind.	982	Quigley, John A.	Spencerport, N.Y.	1823	Sutton, Richard L.	Festus, Mo.
306	Maximona Jr., Peter	Sioux City, Iowa	997	Gilliland Sr., Robert L.	Rockhill Furnace, Pa.	1948	Fall, Arthur E.	E. Palestine, Ohio
313	Coston, Richard L.	Greenville, Mich.	1003	Youngblood, Fred L.	Winfield, Ala.	1963	Carrico, Thomas E.	Indianapolis, Ind.
363	Knouff, R.B.	Salem, Va.	1011	Jones, Harry M.	Rockingham, N.C.	1978	Todd, Harold A.	Lunenburg, Mass.
367	Werner, Wayne D.	Battle Creek, Neb.	1031	Shytle, John R.	Madison, Ga.	1978	Valane, Peter J.	Yonkers, N.Y.
414	Wishnously, Fred	La Salle, Que.	1075	Marken, Robert C.	Stockbridge, Mich.			
469	Koder Jr., Earl	St. Louis, Mo.	1075	Smalley, Harold D.	Trenton, Mich.			

Correction: Robert W. Clark, a member of Local 298 in Garrett, Ind., was incorrectly included in this column last month. UTU News regrets the error.



Don't gamble with your retirement money!

With the stock market fluctuating in value, now is the time to ensure a positive return on your money.

Bet on a sure thing. UTUIA is currently paying four percent (4%) interest on IRAs and annuities. Although that rate can change from time to time based on UTUIA's investment earnings, you will never earn less than UTUIA's guaranteed three percent (3%) interest rate.

Give UTUIA a call toll-free at (800) 558-8842, or complete and return the coupon below to receive more information.



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

Information, please

I would like more information on the following UTUIA life annuities. Please print.

Traditional IRA
 Roth IRA
 Flexible Premium Annuity

Full name _____ Date of birth _____ UTU local number _____
 Address _____ City _____ State _____ ZIP _____
 Telephone number with area code _____ Sex _____ Are you currently employed? Yes No

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250 01/10

UTUIA seeks 2010 volunteer of the year

The United Transportation Union Insurance Association is looking for a special person to honor as its 2010 volunteer of the year.

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

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

A panel of judges at the UTU International will review all submissions and select the 2010 volunteer of the year.

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

Additionally, he or she will be honored at the 2010 UTU/UTUIA regional meeting nearest his or her home, with all expenses paid by UTUIA.

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

Nominations must be received or postmarked by Friday, March 26, 2010.

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

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

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

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

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

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

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION
2010 Volunteer of the Year Nomination Form

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Telephone number _____ Dates of volunteer activities _____

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

Please attach a separate sheet of paper describing volunteer activities.
The more documentation you can provide, the better. 1/10

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

UTU efforts improve crew facilities in Illinois

After two years of work spearheaded by the UTU's Illinois Legislative Board, the state's rail carriers, rail labor, the Illinois AFL-CIO and the Illinois Commerce Commission have completed a rulemaking updating the commission's sanitation and shelter standards for railroad employee facilities.

"The revisions were long overdue," said Illinois State Legislative Director **Bob Guy**, who noted that several of the rules were so antiquated that modern public-health experts considered them primitive.



Guy

"The rules for lockers dated back to the time when lockers were made of wood," Guy said. "The sanitation measures for track crews working outside of yard limits had been written before the development of portable chemical toilets," he said, "and the language regarding separate locker rooms, toilets and showers for female employees was way behind the times."

Guy said the effort to update the commission's rules began more than two years ago when his predecessors, Joe Szabo and retired Assistant Legislative Director **John Burner**, joined the state's other rail labor groups in reviewing language of the Illinois Administrative Code.

"Rail labor, the carriers, the commission – everybody had to be in it and contributing input right from the beginning," Guy said.

"A major contribution came from UTU's Larry Mann, an expert on railroad safety and sanitation standards."

Guy said a major contribution to the rulemaking process came from UTU's Larry Mann, an expert on railroad safety and sanitation standards. "Larry is absolutely the best in the business."

The effort stemmed from a series of complaints filed by the Illinois Legislative Board

with the commission. These complaints included Kansas City Southern's shelter at East St. Louis; the Iowa Interstate crew base at Silvis; Norfolk Southern's 55th Street crew shelter in Chicago; Alton & Southern's yard in East St. Louis; CSX's Barr Yard in Riverdale, and the Canadian Pacific crew shelters at Bensenville Yard.

In all cases, the commission found in favor of the UTU and ordered the carriers to update their facilities.

UTU members inaugurate Northstar

Northstar, Minnesota's first commuter rail line, began regular operations Nov. 16 after 13 long years of planning and lobbying by UTU members and others.

UTU and BLET members operate five trains from Big Lake to Minneapolis each weekday morning, with another five returning in the evening. In addition, there is one train daily for reverse commuters.

Three trains head to Minneapolis and back on Saturdays and Sundays, with additional trains offered for special events such as Vikings games.

According to Metro Transit, which operates the service, people rode Northstar trains 33,112 times during the first 15 days of operation, which included the Thanksgiving holiday. Daily ridership averaged 2,207, which is in line with planned goals.



THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

BONNIE STOFFER

Bonnie Stoffer is a billing auditor for the UTU. She started as a clerk in the Updating Department in 1980 and headed the Key Punch Department for three years before assuming her present position in 2002. "I oversee the financial statements of more than 50 locals," she said. "I check on the accuracy of local treasurers' billings, check the status of dues collections, retirement dates, answer telephone calls from members and treasurers about billings and reconcile shortages and overages. I enjoy helping the members with their problems and treasurers with their billings. I love my treasurers; I love my job."



TOM REDMOND

Tom Redmond is a service representative for the UTUIA. He started in 1998, first in the Claims Department. In 1999, he assumed his present responsibilities. Redmond confirms and records changes in insurance coverage and helps policyholders identify the benefits their insurance provides. "I estimate I have produced about 18,000 letters, endorsements and other documents in the last ten years," he said. "I truly enjoy helping our members so that they can make well-informed decisions about their insurance coverage. It's sort of a humbling experience."



JEANNE LATEVOLA

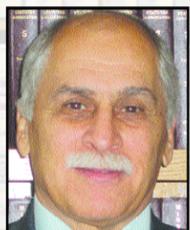
Jeanne Latevola is a sales and underwriting assistant for the UTUIA. She started in 2007 as a UTUIA marketing and sales representative. She assumed her current position in 2008. "I process life- and health-insurance applications, communicating with field supervisors and members as needed. I forward sales leads to the field supervisors and order supplies. I order reports that are necessary for underwriting, like medical records, exams and prescription checks. I worked for the Erie Lackawanna years ago and am happy to be back. The people at the UTU are a pleasure to work with."



Meet your UTU Designated Legal Counsel

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

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



MICHAEL F. TELLO

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(800) 760-2850 toll free
info@tellolegal.com



R. EDWARD PFIESTER JR.

Pfister & Russo
2000 Riverside Dr.
Los Angeles, CA 90039
(323) 662-6400
(800) 344-3352 toll free
rep@pfisterlaw.com

As a former local chairperson for 25 years, I can tell you nothing is simple anymore. Changes to the Americans with Disabilities Act (ADA), the Family & Medical Leave Act (FMLA) and the Federal Rail Safety Act (FRSA) affect all railroaders. The complicated interaction of these laws with the FELA means that knowledgeable and experienced DLC are more important than ever to protect your rights. Call a DLC for a free consultation.

After more than 30 years of trying FELA cases, the two biggest errors I see injured railroaders and their families make are: 1) not listing ALL items of railroad fault/negligence by ALL railroad departments and 2) waiting to contact designated legal counsel (DLC) for free consultation. Remember, DLC give free, confidential advice – without obligation.



UTUIA SCHOLARSHIP: A KEY TO SUCCESS



DISTRIBUTION

Fifty continuing \$500 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are pro-rated according to the number of UTU members in each of nine districts. The names of the 50 scholarship winners for the academic year 2010/2011 will be drawn at UTUIA headquarters in Cleveland after the March 31, 2010, deadline for submission of applications.

ELIGIBILITY

Requirements for a scholarship applicant are that he or she be at least a high school senior or equivalent; age 25 or under; be a UTU member or UTUIA-insured member, the child or grandchild of a UTU member or UTUIA-insured member, or the child of a deceased UTU member or UTUIA-insured member. (If member is deceased please include date of death). UTU members or UTUIA-insured members must be U.S. residents.

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time International officers are not eligible.

AWARDS

Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

ADMINISTRATION

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary and treasurer.

INVEST IN THE CHANCE OF A LIFETIME

The UTUIA Scholarship Program is an open program. All eligible students, regardless of previous grades or future plans that don't happen to include college, are strongly urged to apply, to take five minutes to invest in the chance of a lifetime, the chance for a better future.

UTUIA SCHOLARSHIP DISTRICTS

District	Scholarships
1 Connecticut, Maine, Massachusetts, New Hampshire New York, Rhode Island, Vermont	4
2 Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania	5
3 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia	10
4 Indiana, Michigan, Ohio	3
5 Illinois, Wisconsin	4
6 Arkansas, Louisiana, Oklahoma, Texas	6
7 Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota	7
8 Arizona, California, Colorado, Nevada, New Mexico, Utah	8
9 Alaska, Idaho, Montana, Oregon, Washington, Wyoming	3

A message from UTU International President Mike Futhey

Education is the key to success, and the key to an education can be a United Transportation Union Insurance Association scholarship.

With college enrollment time upon us, we strongly urge all eligible persons to take a few minutes to fill out the UTUIA scholarship application form printed below and apply for a UTUIA scholarship. It will be one of the smartest things they ever do.



This is the 36th year UTUIA is making available 50 continuing \$500 scholarships for its members, and the sons, daughters and grandchildren of its members. We are very proud of our scholarship program, a pride that comes from helping thousands of college students over the years.

We realize the amount awarded, \$500 a year, doesn't meet the full cost of the recipient's education, but in this way we can help a larger number of students with educational costs. They may use the scholarship money for tuition, learning materials or other related expenses.

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud also in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We also can point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: "If you think education is expensive, try ignorance."

Mike Futhey, President
UTU International

UTUIA SCHOLARSHIP APPLICATION FORM 2010/2011

(PLEASE TYPE OR PRINT)

STUDENT'S NAME _____ BIRTH DATE ____/____/____
(LAST) (FIRST) (M.I.) (M/D/Y)

MEMBER'S NAME _____ UTU Local # _____
(LAST) (FIRST) (M.I.) or UTUIA Local Unit # _____

ADDRESS OF MEMBER _____

OCCUPATION _____

EMPLOYER _____

STUDENT'S RELATIONSHIP TO MEMBER _____

COLLEGE YEAR, 2010-2011 FRESHMAN SOPHOMORE JUNIOR SENIOR

SIGNATURE OF STUDENT _____

SIGNATURE OF MEMBER _____

(Please include date of death if member is deceased.)

Applications must be received **no later than March 31, 2010.**

Please submit **only one application per student.** Incomplete, photocopied or duplicate applications will not be accepted.

The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, request one from the address below. Please include your UTU local or UTUIA local unit number with your request.

Complete the form above, cut it out (leaving address on reverse side, if possible), and mail to:

UTUIA Scholarship Program
United Transportation Union Insurance Association
14600 Detroit Ave.
Cleveland, OH 44107-4250



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NJT starts pilot close-call project

A confidential close-call reporting system is up and running systemwide on New Jersey Transit, with the UTU, American Train Dispatchers Association and the Brotherhood of Locomotive Engineers and Trainmen participating.

This is the first pilot project involving a passenger operation. The project does not apply to NJT trains operating over Amtrak and Conrail lines.

UTU members participating include more than 1,200 conductors, assistant conductors and yardmasters.

Sponsored by the Federal Railroad Administration, the project permits an employee to make a confidential report of safety concerns, and even violations of operating rules, while receiving immunity from sanction by the employer and the FRA.

The object is for otherwise unreported or underreported information on unsafe events be made available for study by an on-property peer review team of labor, management and FRA representatives.

The analysis of this data will then be used to recommend corrective action, which might include new or improved training methods, changes in the physical plant, changes in existing federal safety laws or regulations, or changes in carrier operating rules.

"The involved labor organizations, NJT and U.S. DOT agencies worked closely to forge a quality memorandum of understanding to ensure the program will work on this property," said NJT General Chairperson (Local 60, Newark) **Pat Reilly**. "We all worked together with one goal in mind: a safer workplace."

The project permits an employee to make a confidential report of safety concerns, and even violations of operating rules, while receiving immunity.

Reilly, a former accident investigator for the National Transportation Safety Board, and also a former FRA safety inspector, said the project is "the best I have ever seen in my 38-year railroad career. I believe this project will identify and correct potential problems before they turn into a major problem or a possible accident."

The identity of those reporting close calls remains confidential, including any information as to date or location of the event.

Examples of close calls include running through a yard switch that does not result in an accident, improper blocking, and a train in non-signal territory that proceeds beyond its authority.



Reilly



Please recycle

This month's winning photo:

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

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

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

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

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

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

All photographs submitted become property of the UTU.

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



This photo of a Great Lakes Airlines aircraft was taken by **Shane Lembke**, a first officer with Great Lakes and member of Local 40, Denver. "A gorgeous sun rises in the background as Great Lakes ship 245GL is refueled in Phoenix, Ariz., for its early morning departure to Page, Ariz.," Lembke said.

Inside this issue of the *UTU News*:



SLD Bates wins coveted Amtrak safety award. See page 2.



CDL-holder Hersman warns drivers of distraction, fatigue. See page 4.



National rail contract negotiations are underway. See pages 6/7.



Former SLD Thompson named to UTUIA board. See page 8.