



SMART

Transportation Division News

Volume 45 • Number 7/8 • July/August 2013 International Association of Sheet Metal, Air, Rail and Transportation Workers

Futhey to step down following arbitration

Proceedings will finalize SMART Transportation Division Constitution

At the conclusion of the SMART Transportation Division's Boston regional meeting July 3, Transportation Division President Mike Futhey announced he will step down from office, pending resolution of arbitration proceedings regarding the union's constitution.

In October 2011, Georgetown University law professor Michael H. Gottesman ruled the agreement to create the International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers by a merger of the United Transportation Union and the Sheet Metal Workers International Association was an enforceable agreement and the two unions have been working to complete the merger since that time.

The arbitration proceedings center around

interpretations of various articles of the UTU's Constitution as it is inserted into the SMWIA's bylaws to complete a final SMART Constitution.

Gottesman is again serving as the arbitrator in the current proceedings.

During a town hall forum at the Boston regional meetings opening ceremonies July 1, Futhey said agreement had been reached with most of the SMART constitution articles, but that several disputes remain. He indicated he would remain in office through the arbitration process, developing the constitution language for the transportation division.

He said the union does not want to release portions of the constitution that have been agreed

upon until a final document has been decided upon.

"The final document is not a final document until that arbitration decision is made," Futhey said.

Under the articles of the current UTU Constitution, Assistant President and General Secretary & Treasurer John Previsich would be elevated to fulfill Futhey's unexpired term as president of the SMART Transportation Division.

Futhey is the eighth president of the UTU, currently known as the SMART Transportation Division. He was elected president in August 2007 and assumed office Jan. 1, 2008. He was re-elected president in August 2011.



SMART Transportation Division President Mike Futhey, right, is congratulated by SMART Fourth General Vice President David Zimmermann following Futhey's announcement that he would leave office following conclusion of the SMART Constitution arbitration.

Stem testifies on safety before Senate Commerce, Science Committee

SMART Transportation Division National Legislative Director James Stem appeared before the U.S. Senate Committee on Commerce, Science and Transportation June 19 at a hearing to explore improvements in freight and passenger rail safety.

Stem testified on a variety of issues including fatigue, positive train control, the shipment hazardous materials, new technologies and worker training.



Stem

Stem told the committee that any discussion concerning rail safety should start with employee fatigue as the first order of business.

"Our railroad corporations are re-investing more than \$20 billion annually in upgrading, maintaining and expanding their infrastructure, but are unwilling to invest anything in resolving the most pressing of safety issues – unpredictable work schedules coupled with employee availability policies," Stem said.

"The Railroad Safety Improvement Act of 2008 contained provisions for two pilot projects

Continued on page 10

Rep. Lynch, Boardman visit Boston meeting, following SMART officers' town hall forum

The SMART Transportation Division opened its Boston regional meeting July 1 with a town hall forum at which SMART members were able to pose questions directly to the union's leadership.

More than 800 members, guests and presenters are attended the regional meeting.

After opening ceremonies and remarks from SMART General President Joe Nigro and Transportation Division President Mike Futhey, the presidents were joined by SMART General Secretary-Treasurer Joe Sellers and Transportation Division Assistant President and General Secretary & Treasurer John Previsich to respond to questions concerning the merger of the United Transportation Union and the Sheet Metal Workers International Association and other issues.

The session was moderated by Transportation

Division International Vice President John Lesniewski.

On Tuesday, July 2, U.S. Rep. Stephen Lynch (D-Mass.) and Amtrak President and CEO Joseph Boardman addressed meeting attendees during lunch, stressing the nation's need to fund public transportation, address rail security needs and tend to its transportation infrastructure.



SMART Transportation Division President Mike Futhey, left, and SMART General President Joe Nigro prepare to receive questions at the regional meeting's town hall forum.

"We have a (competitive) edge in this country because of a great transportation industry," said Lynch. "There is an ongoing need to focus on that competitive advantage so we don't lose it."

Lynch said he recently sponsored a rail summit and traveled to Mumbai to study the weaknesses in their rail security system following terrorist attacks there. He also discussed rail security issues

Continued on page 10

Los Angeles Metro bus operator killed in crash

LOS ANGELES – A Los Angeles Metro bus operator and SMART TD member was killed early Wednesday, June 12, in a head-on crash with a speeding flatbed tow truck.

Olivia Gamboa, 47, a member of SMART TD Local 1563 at El Monte, Calif., was transported to a hospital in critical condition and later died, Local Treasurer Pedro Lara reported.



Gamboa

According to television station KTLA in Los Angeles, Gamboa was a 13-year Metro veteran and a wife, mother and grandmother. She is survived by her husband, Bernardo, and three daughters. The Los Angeles Times reports Gamboa came from a family of bus operators and that her husband and one of her daughters were also Metro employees.

The accident happened at S. Broadway and 5th St. at approximately 5:15 a.m., the Los Angeles Fire Department said.

The tow truck was headed southbound on Broadway when its driver ran a red light and collided with the bus, witnesses told police officers.

"A citizen estimated the tow truck was driving about 60 miles per hour," Los Angeles Police Department Sgt. Steve Dailey said. "The speed limit for here is about 30 miles per hour."

The bus was in the intersection when it was hit and knocked down a fire hydrant, sending water high up into the air. The tow truck plowed into a nearby 7-Eleven store.

The driver of the tow truck, 43-year-old Yousef Adhami, remains hospitalized. He has had multiple suspensions and had surrendered his license

Continued on page 10

Around the SMART TD

Locals 7, 200, North Platte, Neb.



Former Vice Local Chairperson Scott Dulin, left, is presented with a UTU PAC contribution check by Local 200 Chairperson and Legislative Rep. Sonny Hothan, far right, and Local 7 Chairperson and Legislative Rep. Ben Bailey, second from right, to support his bid for a seat in the Nebraska Legislature representing the 42nd District. They are joined by former Local 7 Secretary & Treasurer Bob Sparks. Dulin is currently employed as an investigator for the firm of Designated Legal Counsel Cortney S. LeNeave. Those interested in contributing to Dulin's campaign can send contributions to Nebraska State Legislative Director Bob Borgeson at 3333 S. 24th St., Omaha, NE 68108.

Local 113, Winslow, Ariz.

Former Atchison, Topeka & Santa Fe GO 017 General Chairperson Al Delyea died June 15 at his home in Eau Claire, Wis., with his family at his side. Delyea hired out on AT&SF in 1959 and retired in 1993 after 34 years of service. He held a variety of local union offices during his career and remained a member of the board of trustees of the Santa Fe Employees Hospital Association until the time of his death. Delyea is survived by his wife, Betty, children Wayne, Gordon, Carolyn and Debra, and 12 grandchildren.

Local 243, Fort Worth, Texas

SMART Transportation Division Local 243 at Fort Worth, Texas, sponsored a hazardous materials training and awareness program for transportation workers from all crafts on July 31 and August 1, member Steve Cline reports. The eight-hour course was conducted at the Independent Order of Odd Fellows Hall at 1501 Hemphill St. in Fort Worth under the direction of the National Labor College's Rail Workers Hazmat Training Program. This course was designed for rail workers who may witness or discover a hazardous materials release and who may be responsible for initiating the emergency response process. It was developed to provide rail workers with an understanding of the roles, rights and responsibilities of those working with hazardous materials.

Local 432, Champaign-Urbana, Ill.

The monthly meeting location for this CN/IC local has changed, according to Local Legislative Rep. Grady Crippin. Meetings will now be held the second Thursday of every month at Eastland Suites, 1907 N. Cunningham Ave. in Urbana, Ill., at 6 p.m.

Local 577, Northlake, Ill.

Metra/Union Pacific conductor Gordon Bowe was the subject a feature story in the June edition of the *Kane County Chronicle*, a newspaper published in St. Charles, Ill. In the article, Bowe recounts his more than three decades as a freight and passenger conductor and his interactions with daily commuters. "I really enjoy people, and I try to have a good time with them, always," Bowe told the newspaper. "I try to make every day a good day on the train." The story is archived on the paper's website at www.kcchronicle.com. Click "Print this story" at the bottom of the page.

Broken wheel floral wreath

Amtrak conductor Dave Bowe of Local 1462 would like to hear from anyone who has information about the "broken wheel" floral arrangement traditionally displayed at a railroader's funeral. A Boston area florist who had provided Bowe's local with the arrangement for many years has gone out of business and Bowe would like information about the wreath. Email him at DaveBowe@aol.com.



SMART Transportation Division conductor Ben Goar, right, and engineer Frederick Jarrell are presented letters of commendation at St. Paul Fire Station No. 8 by St. Paul Fire Chief Tim Butler.

Conductor's decisive action earns chief's commendation

SMART Transportation conductor Ben Goar and engineer Frederick Jarrell have received letters of commendation from the St. Paul, Minn., Fire Department for their participation in the rescue of a missing young boy.

On the evening of May 11, as the two were in the locomotive of their Canadian Pacific train awaiting a crew change, they noticed seven-year-old William Simonbet standing on a bluff along the Mississippi River.

Simonbet, who is autistic, had wandered away from his home earlier in the day and was the subject of a search by local authorities.

Goar, of Hastings, Minn., told the *Pioneer Press* that he and Jarrell noticed Simonbet on

the bluff at about the same time, leaning up against a rock ledge.

He immediately notified first responders while Jarrell proceeded to reach the boy by climbing up the bluff.

When Jarrell reached Simonbet, he put the boy over his shoulder and carried him up the bluff to Indian Mounds Regional Park. As he neared the top, a St. Paul police officer responding to Goar's 911 call came down to grab the boy from Jarrell's arms and assist Jarrell up the remainder of the way.

"It felt like a mile and a half, maybe two, but it was 100 to 150 feet," Jarrell told the *Pioneer Press* about his climb. "I took a lot of breaks."

"Your coordinated and impromptu rescue efforts went above and beyond those expected of ordinary citizens," St. Paul Fire Chief Tim Butler wrote in letters of commendation to the two men. "Without your quick thinking, decisive action and selfless courage, the outcome for this child could have been severe."

"It's good to see him with his family and I'm glad it all worked out," Goar said.

In regard to his commendation, Goar said "I never expected it. I just did what I think anyone would have done."

The Simonbet family says there is no way to thank the two men.

"They were in the right place at the right time. There was somebody watching out," said Becky Simonbet.

Local 581, Green Bay, Wis.



Retired conductor Mike Kumkoski, left, is congratulated April 23 on his last day of work at Canadian National's Green Bay Terminal by CN GO 987 General Chairperson Kenneth Flashberger, in this photograph submitted by Local Secretary & Treasurer Anthony Macareo. They were joined by numerous fellow employees to celebrate Kumkoski's last day.

Local 1400, S. Portland, Maine



At their monthly local meeting June 2, the members of this local (pictured above) approved a \$250 contribution to the Tornado Relief Fund established by Local 1188 of Oklahoma City, Okla., to assist members there devastated by spring tornadoes. The picture was submitted by Local Chairperson Don DiMauro.

Local 1780, Kansas City, Mo.

State Legislative Director Ken Menges reports that Legislative Rep. Dan Coleman has submitted the following "union pride" message for the SMART Union Pride contest: "Why am I proud to be a union member? The answer is simple. I am a student of history, and I also consider myself an aware person. The history of unionism is stained with blood. Blood spilled by regular hardworking Americans who had the audacity to be treated like human beings. Unions bargained for the living wages and the standard workweek that all labor enjoys today. Early unionists received no praise, but instead they got a night in jail and a

club over the head. This for exercising their constitutional rights. They were called 'reds' and 'commies' when they should have been called 'heroes.' Labor unions have matured and unions still lead the way toward better pay, health care benefits, safe work place conditions and retirement benefits. I am a railroader and I cannot even imagine how deplorable my job would be without union representation. We labor union members should thank God that we live in a country like the United States."

Long Island Rail Road GO 505



General Chairperson Anthony Simon, left, is joined by U.S. Rep. Tim Bishop (N.Y.) during the general committee of adjustment's third annual golf classic to benefit Autism Speaks, a charity that assists families on Long Island affected by autism. Vice General Chairperson Vinie Tessitore reports that the committee was able to raise \$7,600 this year to add to the \$14,700 raised at the previous two charity golf classics. The classic was held at the Wind Watch Golf & Country Club May 13.

Tornado Relief Fund

A typographical error in the last issue of the SMART TD News omitted a portion of the address for the Tornado Relief Fund established by Local 1188 at Oklahoma City, Okla., to assist brothers and sisters who were affected by this spring's tornadoes. All proceeds will go directly to members. The Donations may be made to "UTU Local 1188 Tornado Relief" at Arvest Banks or sent to Arvest Bank, 9350 S. Western Ave., Oklahoma City, OK 73139. The staff of the SMART Transportation Division News regrets the error.

Amtrak's Boardman: 'We are eating our assets alive'

WASHINGTON – The reduced level of federal investment in Northeast Corridor (NEC) infrastructure has resulted in a cumulative degradation of its components, nearing the loss of asset functionality and decreased reliability of the system that threatens the successful continuity of passenger rail operations, Amtrak President and CEO Joe Boardman told a Congressional committee June 7.



Boardman

“There is insufficient NEC infrastructure investment to meet both the ongoing normalized replacement and the backlog capital requirements. And that means we are eating our assets alive,” he explained.

Boardman said this de-capitalization of NEC assets leads to rapidly increasing degradation of ride quality, reliability and the ability to support major improvement projects.

He urged the federal government to act now and use the opportunity of rail reauthorization legislation to take the lead in funding a major pro-

gram to build out the NEC infrastructure needed for the coming century. Amtrak shares the NEC with eight commuter railroads and its infrastructure supports the movement of 260 million intercity and commuter rail passengers each year. Several of the most important segments, such as the New York tunnels, are at capacity with ridership demand at record levels and growing.

Boardman noted Amtrak needs \$782 million every year for the next 15 years just for the costs of NEC normalized replacement (\$386 million) and the backlog of infrastructure work (\$396 million). That level of funding will allow Amtrak to run a safe railroad at maximum-allowed track speed, maintain an excellent on-time performance and meet the basic needs of those who want to develop real estate along the NEC and fill their development with the people who they expect to come by train. However, it will not address needed capacity improvements, trip-time reductions or other new initiatives.

He reminded committee members that after Amtrak was given control of the NEC in 1976 during the Conrail process, it was followed by several significant, federally-funded repair and improve-

ment programs which transformed the dilapidated mid-century rail operation it inherited into the successful high-rail speed rail route it is today.

A copy of Boardman's full written testimony can be found on the UTU website.

Carper named to 2nd term

President Barack Obama has re-nominated former Macomb, Ill., mayor Tom Carper to the Amtrak board of directors. Carper got confirmation June 5 from staff members in the White House. He was appointed by President George W. Bush to serve as a director of the Amtrak board of directors in March 2008 and was elected chairman of the board in January 2009. From 2000 to 2001, Carper was appointed by the Amtrak board of directors to



Carper

serve as chair of the Amtrak Mayors' Advisory Council. Prior to his first election in 1991, he was a small business owner in Macomb and he served in the U.S. Army in Vietnam and Thailand from 1967 to 1970.

DeQueen & Eastern workers return home to SMART TD

Train and engine workers employed by DeQueen & Eastern Railroad voted June 20 to elect SMART's Transportation Division as their collective bargaining representative. They were joined by the company's yardmasters July 17, who chose the SMART TD by a two-to-one margin.

The employees were formerly represented by the UTU, but their collective bargaining agreement was terminated in 2010 when the railroad's former owner, Weyerhaeuser, sold the company to Patriot Rail.

“It is great to see that these workers sought to return to the UTU and SMART. They never wanted to lose their representation, and we did not abandon them. Their agreement with the railroad was terminated,” said SMART TD Director of Organizing Rich Ross.

Ross commended the hard work of International Organizer Mike Lewis, who led the effort to return the D&ER employees to the SMART TD fold.

Lewis thanked Arkansas State Legislative Director Steve Evans for his assistance throughout the organizing drive.

D&ER and Texas, Oklahoma & Eastern Railroad are two connecting railroads that operate as one over a total of 91 track miles in southeast Oklahoma and southwest Arkansas. They interchange with BNSF Railway via the Kiamichi Railroad at Valliant, Okla.; Kansas City Southern in DeQueen, Ark., and Union Pacific at Perkins, Ark.

D&ER hauls around 35,000 rail carloads a year, primarily forest products, gypsum board, grain and paper.

NTSB: Eye problems likely cause of 2012 train crash

TULSA, Okla. – An engineer killed in a fiery train collision in the Oklahoma Panhandle last year suffered from serious vision problems for much of his life, underwent several corrective procedures in the years leading up to the crash and even complained that he couldn't distinguish between red and green signals, a doctor told a federal oversight board June 18.

Despite his failing vision, the engineer continued driving freight trains and was guiding one of the ones that collided June 24, 2012, near the town of Goodwell, killing him and two other railroad workers and causing about \$15 million in damage.

“He repeatedly complained that his vision fluctuated and was described as OK one day, not OK the next,” Dr. Mary Pat McKay told the National Transportation Safety Board during a hearing in Washington that determined the engineer's poor eyesight was the probable cause of the collision.

VRE members agree to three-year deal with Keolis

Members of the SMART Transportation Division employed by Keolis Rail Services ratified a new three-year agreement June 7 to continue service on the Virginia Railway Express trains operating between Northern Virginia and Washington, D.C.

Of the ballots returned, 78 percent were in favor of the new pact.

On VRE, the SMART TD represents conductors, assistant conductors and a new class of employees termed ACE, which is a designation applied to conductors or assistant conductors who volunteer to be trained and qualified as locomotive engineers.

The new agreement calls for annual pay increases of 2.5 percent, with the first wage increase to be applied July 1, 2013. It also pays per-trip compensation for required conductor certification. The payment will apply to all certified conductors working in either a conductor or assistant conductor position and the payment will double June 15, 2015.

“When coupled with the increases already received from the date of the last contract, the wage increases will meet the industry standard of nearly 15 percent over five years,” said Amtrak GO 769 General Chairperson Dirk Sampson, who served as leader of the SMART TD's negotiating team.

In addition, employees covered under the agreement will receive a \$1,000 signing bonus on or after June 15, 2013.

On the effective date, employees' contributions to health care premiums will be \$180 per month, with a cap of \$198 per month over the life of the agreement.

“Overall, the negotiating team believes the agreement meets industry standards. The percentages are comparable to other properties, the

signing bonus and certification pay are generous, and the ACE compensation is a significant benefit to those who wish to be trained as an engineer,” Sampson said.

The negotiating team consisted of Sampson, District of Columbia State Legislative Director and Local 1933 Chairperson Willie Bates and Local 1933 Vice Chairperson Lamar Bates.

“The negotiating team is to be commended for doing an excellent job of bringing the needs and desires of the membership to the negotiating table,” said SMART TD Assistant President John Previsich, who assisted with the negotiations. “With their input, numerous agreement issues were resolved along with the compensation package, resulting in an agreement that meets or exceeds industry standards in every respect,” Previsich said.

Keolis Rail Services took over operation of VRE commuter trains from Amtrak July 12, 2010, after VRE signed a five-year, \$85-million contract with the rail services manager in 2009.

Conductors and assistant conductors were protected under an agreement negotiated July 9, 2010, by the UTU President's Department.

At that time, according to news reports, all but one Amtrak employee working VRE trains chose to remain with Amtrak, forcing Keolis to hire and train new conductors, assistant conductors and engineers for the VRE operation. Keolis said then that the new conductors were veterans of freight and other rail passenger operations in the U.S.

VRE was Keolis' first venture into U.S. rail contract operations, although the company transports some two billion bus and rail passengers annually in 13 countries, mostly in Europe. According to trusted sources, the company is seeking to expand its U.S. operations and is an active participant in bidding for other services.



National rail agreement provides wage increase

Railroad members covered under the provisions of the Sept. 16, 2011, national railroad agreement received a three percent general wage increase, effective July 1, 2013.

The national agreement pay rates for all classes of service and overtime tables for yard service employees can be found at www.utu.org by selecting “Documents” on the homepage, then clicking “Rates of Pay.”

These rate tables do not reflect adjustments to rates of pay applicable to individual assignments as a result of on-property agreements.

“Accountability goes hand-in-hand with transparency. The union is accountable to our dues-paying members to provide representation and services to the best of our abilities.”

– Joe Nigro, SMART General President

SMART ensures all members a transparent operation

In last month's *SMART Members' Journal*, I discussed the importance of transparency in our union.

Concern about transparency cuts across a wide spectrum of topics, including foreign affairs, the environment, information gathering, corporate actions, product safety, union operations and more. The issue generally centers on what needs to be transparent and what does not.

Transparency has benefits: We know what is being done, who is doing it and why. But transparency can also have some drawbacks when something is very complex, requires a great deal of context or exposes the who, what or why that could put someone – or national security – in danger, or when transparency conflicts with our basic right to privacy.

A lack of transparency has much more immediate negative implications: suspicions, rumors and leaks. When the secrecy is exposed, there are protests and demonstrations.

As stated, unions, too, must grapple with transparency concerns. Unions have not always valued transparency, and even today we can seem to be overly protective of information that members want – and have a right – to know.

Your dues keep our International and your local union operational. Unions cannot afford to leave members in the dark. Doing so only feeds the negative stereotype of crooked union bosses, which does not help attract new union members, make members feel welcome in their own union or build a strong labor movement.

One of the most important transparent actions we'll take over the next year is publication of an interim SMART Constitution, to be in effect until SMART's General Convention beginning August 11, 2014. The interim constitution will be available soon on SMART's website, www.smart-union.org, and in hard copy for reading at your local union office. The constitution we adopt next year will be in effect until 2019. It's important, therefore, for you to have the opportunity to offer amendments or resolutions to your local union leaders for consideration.

There were many questions about the consti-



SMART General President's Column

By Joe Nigro

tution at the recent SMART Transportation Division's regional meeting in Boston, Mass. I welcome your questions and I need your feedback, since it is you, the member, for whom this union exists.

One of the questions raised was about accountability regarding the checks and balances with respect to the leadership of SMART.

A great question, since your union is governed not by me, but by our constitution, as acted upon by our General Executive Council (GEC), and carried out through SMART's local unions across the continent.

The GEC is made up of leaders with diverse backgrounds and experiences representing SMART members working in a wide range of industries within SMART's jurisdiction.

I sit on the General Executive Council along with SMART General Secretary-Treasurer Joe Sellers, Transportation Division President Futhey, TD Assistant President/General Secretary & Treasurer Previsich, TD National Legislative Director James Stem and TD Vice Presidents Robert Kerley, David Wier and John Lesniewski. Our purpose, as well as the GEC's goal, is to do what's best for every member of every industry represented by this union. Not only is that the goal of the GEC, but part of their mission is to keep me straight in ensuring that this is

achieved by serving as a voice for every member across all industries. The GEC structure ensures that SMART is not, and never will be, a monarchy where the general president has absolute rule over local unions and members' interests.

Accountability goes hand-in-hand with transparency. The union is accountable to our dues-paying members to provide representation and services to the best of our abilities. SMART will be transparent in all of its operations – sheet metal, air, rail and transportation – and fully accountable for its actions. You may be assured of your GEC's dedication to those principles. However, if you ever feel we could improve in either transparency or accountability, please call, write or send an email to me at jnigro@smart-union.org. You can also visit our new website at www.smart-union.org for information.

The decision to move in the right direction with greater transparency and more accountability requires we all stay united, regardless of what we do. Our diversity in experience, work, and even where we live, contributes to our strength as a union. We must prepare, for the next generation of union members and their leaders, a past that is prologue to a stronger and united future. I have no doubt we can navigate the challenges ahead.

Fraternally,

Joseph J. Nigro, SMART General President



Contact us: news_td@smart-union.org
Phone (216) 228-9400; fax (216) 228-5755

Mike Futhey, SMART Transportation Division President
president_td@smart-union.org

**John Previsich, Assistant President/Vice President,
General Secretary & Treasurer**
asstpres_td@smart-union.org

James Stem, National Legislative Director
jamesastem@aol.com

For the latest news, visit www.utu.org; also, register on the UTU website to receive news alerts via email.

Single-person train crew operations must be stopped

The events that unfolded July 6 in the Canadian province of Quebec, where a runaway train exploded and killed 47 people in the city of Lac-Mégantic, weigh on the minds of an assortment of people whose lives were touched, directly or indirectly.

On that grizzly evening, a dark stretch of tankers jettisoned through the center of that small community, exploding in the night and leaving an indelible mark for decades to come.

We have been diligent in our endeavors to stop this untenable act by submitting petitions to governmental agencies and talking to the carriers that exercise the 'right' to single-person operations.

I am not writing this to lay the blame at anyone's feet; not at the feet of the management of the Montreal, Maine & Atlantic Railway, nor at those of the single operating crew member. However, I would be remiss if I did not raise, again, the dan-



SMART Transportation Division President's Column

By Mike Futhey

gers inherent in a single-person train operation.

We have been diligent in our endeavors to stop this untenable act by submitting petitions to governmental agencies and by talking directly to the carriers that exercise the "right" to single-person operations.

Unfortunately, our demands for safety regulations, either arbitrarily or voluntarily, have fallen on deaf ears.

This event is not one of first impression. In 1997, in the state of Wisconsin, then Gov. Tommy Thompson petitioned for and signed a bill that requires a two-person train crew operation in that state. It came about after a runaway train and subsequent explosion that did not reach the level of the Lac-Mégantic wreck, but that was significant enough to warrant a legislative solution.

Obviously, we find ourselves in another inexcusable scenario, wherein inactivity is an unacceptable alternative. This issue will not go silently into the night.

As such, we will reach out to like-minded leaders in the transportation industry and to legislative bodies that regulate train operations to correct this situation. In doing so, we will expose those that ignore public safety by droning on in semantic, self-justifying plausible deniability.

We will now deal with the inextricable knowledge that a single-person train operation contributed to the destruction of life.

The new apocalyptic Lac-Mégantic will not allow us to merely register a historical footnote. We will now deal with the inextricable knowledge that a single-person train operation contributed to the destruction of life.

Pray for the families of the victims. We will honor them by fighting for change.

State Watch

News from UTU-SMART State Legislative Boards

Illinois

State Legislative Director **Bob Guy** testified before the U.S. House Subcommittee on Railroads, Pipelines and Hazardous Materials June 10.

Guy spoke about the importance of the Chicago Region Environmental and Transportation Efficiency Program, a public-private sector partnership between federal, state and local governments and Metra, Amtrak and the nation's freight railroads that seeks to improve the flow of rail transportation in and around the Chicago area.



Guy

The purpose of Guy's testimony was to get the subcommittee to consider putting the CREATE program on the U.S. DOT's budget.

"This project is about providing mobility for the people of this region, generating new economic opportunities and providing American businesses with the infrastructure they need to distribute their products to the rest of the world. CREATE needs to happen if we hope to ensure the U.S. standing as a dominant force in the global marketplace.

"For years, any railroad meeting in Chicago included the topic of how can we get CREATE completed and the answer always seemed to be 'We must get this project into the U.S. DOT Budget.' There has been progress, and we now have this project included in the FRA budget proposal. Our next step is to make sure this budget and this project get the necessary long-term funding for timely completion.

"CREATE will also be impacted by the expiration of two very important rail laws at the end of Fiscal Year 2013. Those are the Rail Safety Improvement Act of 2008 and the Passenger Rail Investment and Improvement Act of 2008.

"Within these two reauthorizations, we ask

that the committee provide adequate, predictable and long-term funding for Amtrak and to ensure continued passenger investment. Investments in CREATE, Amtrak and high-speed rail are essential to our nation's economic future and will help create an essential transportation service that links more communities across the country and will help put Americans back to work."

Ohio

State Legislative Director **Stuart Gardener** has been trying to remain vigilant with the right-to-work legislation currently being discussed. According to Gardener, the Ohio Democratic Party currently fears that Republicans and members of the Tea Party will try to push the right-to-work legislation through during a lame duck session.

Ohioans made it clear that any right-to-work legislation was unwelcome when they overwhelmingly voted down Senate Bill 5 when it appeared on the November 2011 ballot.

Gardener also tries to keep tabs on what Tea Party supporter and Republican Ohio Sen. Robert Portman is doing.



Stu Gardner (left) poses with wife, GERALYN, at Welcome Reception at the Boston Regional Meeting.

Nevada

Nevada Gov. Brian Sandoval recently appointed **Jason Doering**, Nevada State Legislative Director, to the California-Nevada Super Speed Train Commission. The commission is in charge of the planning aspects of getting high-speed rail in both states. Should the new rail line come about, it is planned to run from Anaheim, Calif., to Las Vegas, Nev., at speeds of up to 300 mph. Backers of high-speed rail say that the implementation will create 97,000 jobs.

"I am excited for the opportunity to serve on the commission and to progress the need for high speed rail," Doering stated.

Upon its completion, the rail line will link three major airports and three major tourist destinations. It is expected to provide \$12 billion in economic output as well as provide \$3.4 billion in household income.

The trip from Anaheim to Las Vegas, 269 miles, will be made in less than 90 minutes. The project is expected to cost \$45 million per mile.

Bus op fired for Facebook post

A school bus driver for Haralson County Schools in Alabama was terminated after he posted a comment on Facebook about a student not receiving a free lunch. The case serves as the latest example of the confusing and risky nature of social media posts by school employees and calls to light the importance of school district policy.

The student, whose name he did not post on Facebook, told him he was turned away in the cafeteria line because he had insufficient funds in his account. After deliberating on how to respond, Cook logged on to Facebook and posted about the incident. He was later fired.

Bus Department

By Calvin Studivant, Alternate Vice President-Bus

mcooperator2@yahoo.com

Thank you fellow bus operators and President Futhey

Bus companies are comprised of many departments and each department relies on one another in order to be a successful operation. But rarely do the bus operators get the credit they deserve. The daily elements that they face would make a lot of people second-guess their career choice.



Studivant

The SMART Transportation Division bus operators are by far some of the most well-trained and highly motivated drivers in the industry. Each day, we go to work because we know the passengers that we carry depend on our services to get them to their places of employment, doctor appointments, school, supermarkets or anywhere they choose to go.

We are in an industry that operates 365 days a year and in a lot of cities, 24 hours a day. And because of this, we miss out on spending holidays with family and friends, because every day is a work day.

We must keep a smile on our face when we deal with unruly passengers, because they refuse to accept that all things are not perfect, and sometimes the schedule can't be kept.

Our members have to deal with the germs from the cold and flu seasons that the passengers spread when entering and exiting the bus.

We have to deal with the traffic and weather conditions on a daily basis.

After all the things we deal with on the streets, we then return to bus depots, where overzealous supervisors attempt to disrespect us in some way.

So, to all SMART TD bus operators, I want to say thank you for a job very well done.

Another person I would like to thank is SMART TD President Mike Futhey. I'm sure you are aware by now that President Futhey has stated he will be stepping down. President Futhey made sure that I, along with Bus Vice President Bonnie Morr and Alternate Bus Vice President – West Brian Donald, had the necessary resources to better serve our bus depot members.

On behalf of the Bus Department and our bus operators, I would just like to say thank you, and that we wish you the best in all of your future endeavors.

SMART bus operators reject Teamsters' useless advances

CHARLOTTE, N.C. – SMART Transportation Division organizers, representatives and members of Local 1715 at Charlotte, N.C., have turned back the International Brotherhood of Teamsters in an attempted raid of SMART membership. Local 1715 represents bus operators employed by the Charlotte Area Transit System (CATS).

On May 31, the National Labor Relations Board released the official tally of a representation vote held earlier that day in which SMART was chosen by nearly a 3-1 margin. SMART TD Director of Organizing Rich Ross gave the official vote count as 267-97 in favor of SMART. There are approximately 600 drivers employed in the system.

The SMART TD is the collective bargaining agent for both CATS' bus operators and bus mechanics (Local 1596), but the mechanics were not targeted during the raid.

Ross said rallying the SMART membership here was truly a team effort and he thanked International Organizers **Mike Lewis** and **Calvin Studivant** and General Chairperson **Alvy Hughes** for their outstanding effort. He also acknowledged the efforts of North Carolina State Legislative Director **Ron Ingerick**, Vice General Chairpersons **Hasson Trent** and **Cheryl Brown**, General Committee Secretary **Bill Brown** and local officers **Bruce Wright**, **Kevin Moss**, **Brenda Moore**, **Debra Franklin** and **Donell Taylor**.

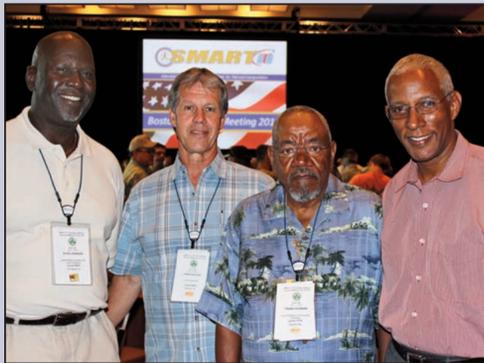
"I believe it is now our responsibility to show the people that voted against UTU-SMART why they should have voted for us," Ross said.

In a statement released by the AFL-CIO's Transportation Trades Department, President Edward Wytkind said "As many of you are aware, the International Brotherhood of Teamsters (IBT) has increased raiding activities directed at TTD affiliates. At a time when the labor movement – and more importantly, its membership – is under constant attack in Washington, at the state and local government level and on the job, these raids are weakening our movement and should not be tolerated.

"Recently, the IBT attempted to raid SMART TD bus drivers in Charlotte, N.C. Fortunately, this raid was defeated. Similarly, in 2012, IBT failed in its bid to raid SMART-represented bus drivers in Pennsylvania. We would appreciate receiving any information regarding other IBT raids against your union."

The transit system's website says that CATS is the largest transit system between Atlanta, Ga., and Washington, D.C., with more than 70 local, express and regional bus routes, a light rail line and services for the disabled.

Human Rights Committee



Glen E. Johnson (937), left, and Frank Hickman (1175), third from left, are members of the Transportation Division's Human Rights Committee and offered a workshop on workplace diversity. They are pictured here with Coordinator of Designated Legal Counsel Mark Allen, right, and Local Chairperson James Butler (439).



Transportation Division Vice President John Lesniewski, his wife, Gail, and their grandson, Evan, wait to board a bus outside the Westin Waterfront for a tour of Harvard University and the John F. Kennedy Presidential Library.



In the main lobby of the Westin Waterfront are SMART Third General Vice President Ronnie Whatley, SMART Chief of Staff Rich McClees and SMART Fourth General Vice President David Zimmermann prior to Transportation Division President Mike Futhey's State of the Union address.

Union Plus



John Halleran, a representative of Wells Fargo, was just one of numerous health and welfare providers and other vendors who were on hand at the regional meeting to assist SMART TD members and their families. Working with the AFL-CIO's Union Plus program, Halleran discussed the benefits of home mortgages for union members through Wells Fargo. A variety of money-saving offers are available to SMART members through the Union Plus program.



Boston

SMART TD/UTUIA 2013 Regional Meeting



The Boston regional meeting's opening session included a welcoming message from Local Planning Committee member and Boston Marathon participant Mike Doherty, who has raised more than \$70,000 for cancer research in numerous marathons. He said the city remains "Boston strong."



Transportation Division National Legislative Director James Stem speaks to attendees of his legislative workshop entitled "Reality Check for Workers," outlining the need for union members to stay involved in the legislative process.



Enjoying the various fare at the Tuesday evening theme party is Local Secretary & Treasurer and Legislative Rep. Greg Brecker (1373), a CSX trainman from Souderton, Pa.



Representing the "Equality State" in Boston are, from left, Local Chairperson Smokey Collins (446), Sarah Taber and State Legislative Director Stan Blake (1857), all from Wyoming.



Transportation Division Assistant President and General Secretary & Treasurer John Previsich, left, meets with Union Pacific GO 887 General Chairperson William "Jay" Smith prior outside the Westin's Grand Ballroom prior to Transportation Division President Mike Futhey's State of the Union address.



Vice General Chairperson Larry Richards (508), Carole Richards, Vice General Chairperson Terry Henslee (937) and Patti Henslee share conversation and a cocktail at the Sunday evening reception.



Transportation Division Vice Presidents Troy Johnson, left, and Dave Wier show a little union brotherhood at the Sunday evening reception.



Local Chairperson William "Butch" St. John (1557), left, joins Alternate Vice President Richard "Red" Dave (1525) and his wife, Jill, for some light-hearted conversation at the Sunday evening welcome reception.



Transportation Division President Mike Futhey, third from left, enjoys some various cuisine with future son-in-law Nicholas Hodge, daughter, Meredith, and wife, April, at the Tuesday evening theme party.



A tradition continues. A photographer has captured Local Chairperson Reuben Reisig (257), right, and his son, Randall, at regional meetings in 2007, 2011 and 2013. They are pictured here with Nebraska Legislative Director Bob Borgeson.

Boston Local Committee



Assisting International staff throughout the regional meeting were local officers from around the northeast. Pictured, from left, are New England States Assistant Legislative Director Tom Driscoll (262), Local Chairperson Don Wheaton (898), New England States Legislative Director George Casey (1473), Legislative Rep. Kalem Muhammad (759), Local Chairperson John Raymond (1473) and Vice Local Chairperson Mike Doherty (1951).



Local President and Trustee Brandon Walls (793) and his wife, Shelley, proudly display their son, Bentley, at the "All About Boston" theme party on Tuesday evening, July 2. It was Bentley's first regional meeting.

Bus Workshops



Leaving the bus and transit workshop entitled "Bus Operators at Risk: What Are the Issues" are, from left, Alternate Vice President Brian Donald, Vice General Chairperson Hasson Trent (1715), Vice President Bonnie Morr, General Chairperson Kevin Moss (1715) and Board of Appeals member Alvy Hughes (1596).

UTUIA



Vice Local Chairperson and Legislative Rep. Luke Deleskiewicz (318) receives an update on his UTUIA insurance portfolio from Field Supervisor Art Rayner, who represents UTUIA throughout the northeast United States.



Members of the UTU Auxiliary gather on an outdoor balcony of the Westin Waterfront during a break from their continental breakfast and workshop. The program included presentations by Auxiliary International President Mae Parker and other officers, health and welfare benefit providers, UTUIA Field Supervisor Art Rayner and Designated Legal Counsel Matt Darby, as well as visits from SMART Transportation Division President Mike Futhey and other SMART officers.



UTU Alumni Association

News, information for members of the UTU Alumni Association

UTU Retiree presented with volunteer award

Retiree **Terry Sigler** was awarded the “Bob Kerrey 3rd District Volunteer Award” at the Morrison-Exon Dinner in LaVista, Neb., June 29. A retired member of Local 286 at North Platte, Neb., and former local legislative representative, Sigler was presented this award for his “outstanding and tireless support for the Nebraska Democratic Party’s activities and campaigns,” as well as for his promoting a positive image of the party and its candidates within the 3rd District.

According to State Legislative Director **Bob Borgeson**, “Brother Sigler is a longtime volunteer for UTU-endorsed candidates. Currently, in addition to being the chairman of the Lincoln County Democrats, Terry is actively involved in the campaign of another UTU retiree, **Scott Dulin**, in his quest for a seat in the Nebraska Legislature.”

According to Borgeson, Sigler has been a volunteer for political campaigns in Lincoln County for 31 years. The first campaign that he worked on was to get Nebraska State Sen. Jim Pappas elected. He has also helped with the campaigns of Helen Boosalis, Sen. J. James Exon, former Sen. Bob Kerrey and former Gov. and Sen. Ben Nelson and many others.

During his 42-year tenure with Union Pacific and the UTU, Sigler served as legislative representative for 26 years and worked on the Nebraska State Legislative Board for 24 years.

In 1986, Sigler was nominated and appointed an Admiral in the Nebraska Navy by Sen. Bob Kerrey.

With his wife Lauree, Sigler is the proud parent of seven children, grandparent to 15 and has four great-grandchildren.



Neb. State Director Bob Borgeson (right) presents award to retiree Terry Sigler (left).

Railroad Medicare explains new summary notice

Over the last few months, many Medicare patients began receiving the new Medicare Summary Notice (MSN), which outlines services your doctors or suppliers billed to Medicare and how Medicare processed those claims. Notice any changes?

The new MSN is easier to read, with language that is easier to understand. It gets you the information you need in a more efficient way.

Here’s an explanation of the form:

Section 1 is the summary, which shows your deductible status at the time the MSN was generated. It lists the total number of claims processed for the period, the total number denied and the

total amount you may be billed.

Section 2 is called “Making the Most of Your Medicare,” and it offers tips on how to use the new MSN. It has important information about potential fraud and how to report it promptly. It also tells you how to contact Railroad Medicare with questions and highlights preventive services.

Section 3 contains a listing of the services processed during the period covered by the MSN. You will see if each claim was approved, the amount the provider charged, the Medicare-allowed amount, the amount Medicare paid and the maximum amount you may be billed for each service.

Oakland Old Rails Club is still rolling along strong

The Old Rails Club was started for retirees of railroads to get together. The club meets the second Tuesday of every month at the Sons of Norway Center in Oakland, Calif., from 11 a.m. until 2 p.m.

The club welcomes railroaders of all crafts including engineers, brakemen, trainmasters, dispatchers, firemen, yardmasters, switchmen and clerks.

The club often schedules events for throughout the year starting with their annual clam chowder lunch in February and ending the year out with their formal dinner every Christmas with a gift exchange.

“The most important thing the ORC provides its member is camaraderie and frequent advice, which comes free,” said member and photographer Bob Paulson. “I got started taking photos of fellow railroad workers on the job, during parties, and union picnics. Some time in 2004, I began uploading various functions, including breakfasts, luncheons, Old Rails Club meetings, monthly cultural events and providing those photos online.”

Members pay just \$25.00 per year in dues. For more information, interested parties can visit their website at oldrailsclub.com.

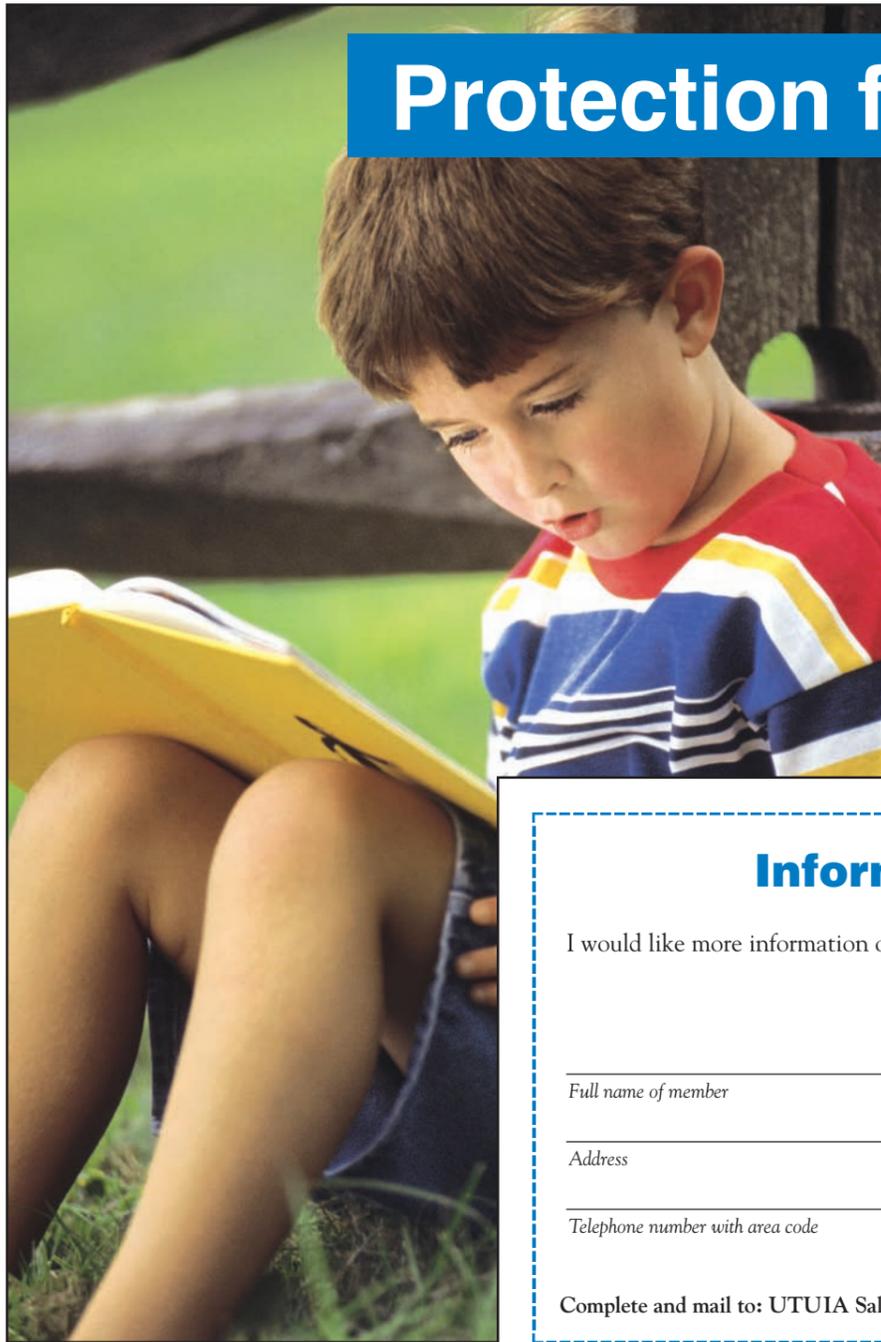
Section 4 explains the options you have if any of your claims are denied. It also includes a handy form you can complete and send to Railroad Medicare for an appeal, if necessary.

If you have questions about the new MSN or about your Railroad Medicare benefits, please call Palmetto GBA’s Beneficiary Contact Center at (800) 833-4455, Monday through Friday, from 8:30 a.m. to 7 p.m. ET., or visit their website at www.PalmettoGBA.com/RR.

THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association, 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
R	Law, James M.	Keokuk, Iowa	597	Spata Jr., Angelo	Northlake, Ill.	1365	Evanoff, Leonard	New Castle, Pa.
R	Robertson, Catherine D.	Coppell, Texas	586	Tesso Jr., Michael J.	Crestline, Ohio	1374	Brady, Harry L.	Cleveland, Ohio
5	Burnett, Keith D.	Shawnee, Kan.	650	Schutz, Leonard P.	St. Paul, Minn.	1381	Brouette, Leroy L.	Plymouth, Ind.
5	Tharp, Harry W.	Kansas City, Mo.	653	Sharp, Richard G.	Midlothian, Ill.	1388	Bauer, James R.	Valley Park, Mo.
17	Smith, Jack V.	Marshalltown, Iowa	662	Watts Jr., Wm. L.	Gladstone, Va.	1390	Thorman, John D.	Bethlehem, Pa.
48	Dozier, Wilson L.	Norfolk, Va.	706	Gibson Jr., Charlie I.	Boones Mill, Va.	1393	Zimpfer, Robert D.	Buffalo, N.Y.
94	Lynch, J.E.	Sun City, Ariz.	744	Lester, Charles W.	Peru, Ind.	1418	Haglan, Kenneth J.	Conway, Pa.
113	Polk, Jim B.	Seligman, Ariz.	773	Sanders, Roy E.	League City, Texas	1433	Sanders, Richard J.	Carol Stream, Ill.
138	Conrad, Arlo D.	Lima, Ohio	783	Franks, Russell L.	Danville, Va.	1438	Barkley, Bernard W.	Montgomery, Mich.
195	German, Duane O.	Knoxville, Ill.	783	Hagwood, Charles H.	Garner, N.C.	1477	Cvetkovich, Louis	Punta Gorda, Fla.
200	Eldred, Jerold J.	North Platte, Neb.	792	Seward, Samuel H.	Strasburg, Ohio	1477	Nickerson, Bruce A.	Sun Lakes, Ariz.
202	Pettyjohn, James D.	Penrose, Colo.	792	Twohig, Bartholomew E.	Cleveland, Ohio	1477	Rebant, Robert E.	Eastpointe, Mich.
206	Williams, Joe B.	Peru, Ind.	800	Orsini, Alfred	Rahway N.J.	1524	Little, Charles L.	Leander, Texas
212	Taggart, Bernard C.	Clifton Park, N.Y.	867	Wiebe, William D.	Pleasant Hill, Iowa	1534	McCarthy, Charles J.	Blue Island, Ill.
219	Clark, Marvin E.	Hannibal, Mo.	886	Kidd, Robert J.	Woodruff, Wis.	1571	Shelton, James E.	El Paso, Texas
225	Crawford, Robert R.	Wesley Chapel, Fla.	980	Eiteuner, Peter J.	Mount Carroll, Ill.	1574	Wilcox, Edward S.	The Dalles, Ore.
283	Clement, Albert B.	Portland, Ore.	1043	Jarvis, Leland, M.	Portola, Calif.	1608	Coleman, Shenita	North Hills, Calif.
305	Windel, Paul B.	Eureka Springs, Ark.	1106	Rabon, Richard B.	Powhatan, Va.	1770	Silverii, Frank A.	Victorville, Calif.
313	Gibbs, Martin L.	Fruitport, Mich.	1137	Williams, James E.	Staples, Minn.	1823	Breazeale, Aaron T.	St. James, Mo.
316	Luckritz, Jule E.	Clinton, Iowa	1138	Queen, George E.	Juno Beach, Fla.	1841	Pemberton, Harry L.	Klamath Falls, Ore.
316	Mulvihill, John F.	Williamsburg, Iowa	1221	Long, Charles L.	Bartow, Fla.	1892	Kaminski, Jerome H.	Houston, Texas
376	Jenkins, Eddie L.	Barnwell, S.C.	1221	Simpson, Jimmy B.	Brandon, Fla.	1929	Frassato, Kenneth E.	Henderson, Nev.
386	Bryan, William H.	Hamburg, Pa.	1245	Jackson, Jerrick A.	Atlanta, Ga.	1949	Barlow, Harold L.	Dunmore, Pa.
453	Johnson, Joseph A.	Newton, Ill.	1291	Gilbert, Leon	Trussville, Ala.	1949	Hesson, Julian B.	Gladstone, Va.
511	Pelt, Weyman F.	Townville, S.C.	1299	Cowger, Chad J.	Peotone, Ill.	1949	Opatt, Mark M.	Lewes, Del.
528	Corum, James E.	Addison, Ill.	1308	Evans, Joe L.	Memphis, Tenn.	1974	Bolton, Barry K.	Benton, La.
577	Hunecke, Junior E.	Livingston, Ill.	1315	Slavey, Oscar W.	Independence, Ky.	1976	Vrablic, Judy Elaine	Chicago, Ill.



Protection for your loved ones

Peace of mind for you

Young families have very little discretionary cash. In fact, most young families rely on the income of both spouses to make ends meet.

You've thought about how your family would carry on if something happened to you. But you put the thought out of your mind because, after all, you're young. Nothing's going to happen to you, right?

What if something were to happen to you? Would there be enough money to provide for even the barest of necessities, especially since it takes both incomes to make ends meet?

If you could protect the financial well-being of your loved ones for just a few dollars a month, wouldn't you do whatever it takes to set aside those few dollars to ensure the financial well-being of your family? Of course you would!

The answer is life insurance. Life insurance – especially term insurance – is very inexpensive at young ages and, while you're young and insurable, you stand the best chance of getting the best rate possible.

We can provide the peace of mind you're looking for. Contact us via email at sales@utuia.org or toll-free at 1-800-558-8842.

Information, please

I would like more information on UTUIA's Term Life Insurance.

Please print



Full name of member

Sex

Date of birth

Address

City

State

ZIP

Telephone number with area code

UTUIA local number

Complete and mail to: UTUIA Sales Dept., 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 08/13

SMART TD renews Anthem rail and bus disability plans

The SMART Transportation Division has renewed its contract, effective July 1, 2013, with Anthem Life Insurance Co. to provide a group voluntary short-term disability plan for all rail and bus members. Coverage will continue to be automatic unless members choose to waive coverage or "opt-out."

The Anthem rail disability insurance plan provides a basic "safety net" of coverage for SMART TD members and was designed to work in combination with Railroad Retirement sickness benefits.

The Anthem rail plan pays up to \$346 per week for up to 34 weeks a year, and provides 24-hour coverage, seven days a week, for accidents and sickness. The 24/7 coverage means on- and off-duty coverage for accidents and sickness.

The cost is \$34.50 per month and is collected through payroll deduction.

The Anthem bus disability plan provides a basic "safety net" of coverage for SMART TD bus members and is designed to work in combination with state-mandated disability programs.

The Anthem bus plan pays up to \$210 per week for up to 52 weeks a year. Coverage is for off-duty accidents and illness. The cost is \$26 per month and is collected through payroll deduction.

New SMART TD members will be enrolled automatically unless they choose to opt-out of the plan by submitting a waiver form to the SMART TD International.

A disability-plan information kit will be mailed to all new members and will include a plan overview, as well as instructions for waiving coverage (opting-out of the plan) if they so choose.

Any member waiving coverage who desires to obtain coverage under the plan in the future must make application to Anthem at that later date. There will be no guarantee of acceptance and any costs incurred for underwriting will be paid for by the member.

Once enrolled, all rail members are subject to a so-called 12/12 pre-existing condition provision. This provision excludes, for the first 12 months of coverage, any disability claims relating to treatment, diagnosis or conditions that existed in the 12 months just prior to their enrollment date. After the first 12 months of coverage, the pre-existing condition limitation expires.

All bus members are subject to a so-called 3/6 pre-existing condition provision. This provision excludes, for the first six months that a member is covered, any disability claims relating to treatment or diagnosis of a condition that existed in the three months just prior to the enrollment date.

After the first six months that an enrollee is covered, the pre-existing condition limitation for bus members expires.

The member information kit describes the plan in greater detail and also provides answers to frequently asked questions. Members are not required to complete any paperwork to enroll in the plan, but must complete a waiver form if they choose not to participate.

Members desiring additional disability insurance coverage may purchase an individual policy through the UTUIA Insurance Association. This individual coverage would pay in addition to the Anthem plan without any offset or reduction in benefits from either plan. Contact your UTUIA field supervisor or call the UTUIA Sales Department at (216) 228-9400 for more information.



Alumni Association member puts his trust in UTUIA



UTUIA Field Supervisor David Landstrom snapped this photo of Alumni Association member Matt Kronberger (Local 525), right, and his wife, Loraine, signing forms for a UTUIA annuity at their home in Bismarck, N.D. Kronberger is holding his 60-year membership pin.

Rep. Lynch, Boardman visit Boston

Continued from page 1

with representatives from the United Kingdom and Russia.

"The next threat, I think, will be to our local rail systems and infrastructure," he said. "There is a growing sense of awareness that this is an area both Democrats and Republicans can agree on.



U.S. Rep. Stephen Lynch of Massachusetts receives a UTU clock from SMART Transportation Division President Mike Futhey following an address to regional meeting attendees and guests.



Minnesota State Legislative Director Phillip Qualy speaks with Amtrak President and CEO Joseph Boardman following lunch at the SMART Transportation Division's Boston regional meeting.

We have grown complacent when it comes to our rail security."

Boardman also addressed Amtrak's rail security issues, noting that Amtrak has 500 police officers, 50 bomb-sniffing dogs and is a leader in explosive-detection technology.

He told the transportation employees and guests that the railroad of the future is coming, but that additional resources are needed.

He said that long-distance trains do not make money and have never made money, but that they provide a means of travel for many individuals who do not have access to other modes of transportation.

Referring to government funding of Amtrak, Boardman stressed that "it is not a subsidy, it is a cost for providing mobility. We are destroying long-distance trains by de-capitalizing them. We need to change that."

Member killed in crash

Continued from page 1

after his last infraction, KTLA reported.

Gamboa is the first SMART TD member killed while on duty in 2013.

She was interred June 29 at Rose Hills Memorial Park following funeral services at St. Benedict Catholic Church in Montebello, Calif.

Her tragic death is not the first to be mourned by her fellow members. On May 20 last year, Los Angeles Metro bus operator **Alan Thomas** was murdered aboard his bus in West Hollywood, Calif., by a lone gunman. Thomas was also a member of Local 1563.

NMB director of mediation and ADR to retire

The National Mediation Board (NMB) announced June 25 that Larry Gibbons, director of NMB mediation and Alternative Dispute Resolution services, will retire in September.

Gibbons has overall responsibility for managing the agency's mediation program. He is credited for improving staff training and development and the effectiveness of the NMB mediation and ADR programs.

The NMB reports that during Gibbons' 16 years, the mediation department has guided parties to resolution of their collective-bargaining disputes in more than 99 percent of the hundreds of cases that have come before the board, including cases on all the major U.S. airlines and

national handling of Class I railroads. During his watch, there have been only two work stoppages among the major airlines and none in the railroad industry.

"This decision was not easy, nor was it made in haste," Gibbons said. "After working full-time for the past 45 years, the last 16 at the NMB, it is time to slow down a bit and enjoy life, while I'm still healthy and able to do so."

The National Mediation Board is an independent federal agency established by the Railway Labor Act, which governs labor-management relations within two key transportation sectors of the United States and U.S. territories: the railroads and airlines.

Stem testifies on safety before Senate Commerce, Science and Transportation Committee

Continued from page 1

sponsored by the Federal Railroad Administration for improving work schedules and employee notification. We have urged all the Class I railroads to participate in a pilot project, but not a single railroad would agree to a pilot."

Stem offered the following suggestions to address the issue:

- Providing employees a regular start time so they know days in advance when they must come to work. A large majority of our members have a regular start time and do not consider fatigue to be a safety issue. Employees with regular start times are not the employees who are dying in fatigue-related collisions.

"Our railroads are re-investing more than \$20 billion annually in infrastructure, but not on safety."

- Notifying employees before going off-duty what time they will be required to return to work for the next tour of duty. This option actually improves the availability of the employee by allowing the employee to return to service after only 10 hours off duty.

- Replacing the required 10 hours of undisturbed rest immediately following service that is now required with 10 hours of undisturbed rest immediately preceding service. This will give the employee at least 10 hours of notification prior to reporting for service.

"The high levels of professionalism and dedication of the operating crews running our railroads today are the only reasons that accidents are not more frequent," Stem said.

On positive train control, Stem testified that

there are segments of the railroad industry that are hoping Congress will grant a blanket extension of three to five years for PTC implementation. The current required date for implementation is more than 30 months away on December 31, 2015.

"If Congress chooses to grant a blanket extension for PTC, the railroads that are behind on their implementation schedule today will further slow their progress, or just stop the process until that new extension expires," he said.

"Any extension for PTC implementation should be on an individual basis, short in duration, six to 12 months, and only after identifying the reasons that the current implementation date is not obtainable.

"The PTC systems that are being implemented today contain all the information on the display screen that is necessary to operate a train safely. This will be the first time that the operating crews on the locomotive will have all that information contained in one place and displayed in real time."

Some railroads, including Amtrak, BNSF and Metrolink in California, have announced that they will be able to meet the statutory deadline and are continuing the implementation and testing of PTC components.

On Amtrak, Stem testified about the need for continued funding of the passenger rail carrier.

"Since its inception, Amtrak has done a remarkable job with often inadequate resources. While setting ridership records in recent years, their safety record remains solid. Amtrak's growing passenger volumes have made them far more self-sufficient than in the past, recovering 79 percent of their operating costs from ticket revenue. The high price of fuel, growing highway and airport congestion, and the significant increase in the number of passenger rail options, all contribute to the constant increases in ridership on Amtrak.

Senate confirms Perez as Secretary of Labor

By a 54-46 vote, the Senate July 18 confirmed Tom Perez as the new labor secretary. Six Republicans and two Independents joined 52 Democrats in gaining the majority vote for Perez. Only 51 votes were needed for a majority.



Perez

President Barack Obama released the following statement:

"I welcome today's confirmation of Tom Perez to serve as secretary of labor. Tom has lived the American dream himself, and has dedicated his career to keeping it within reach for hardworking families across the country. At the Department of Labor, Tom will help us continue to grow our economy, help businesses create jobs, make sure workers have the skills those jobs require, and ensure safe workplaces and economic opportunity for all.

"I want to thank the Senate once again for agreeing to move forward on Tom and the other nominees who have waited far too long for the yes-or-no votes they deserve."

Perez, 51, is a Buffalo, N.Y. native who earned a Harvard University law degree. His career thus far includes periods as a Justice Department civil rights prosecutor and an aide to former Sen. Edward Kennedy of Massachusetts. Before his nomination as Secretary of Labor, Perez was an assistant attorney general for the Justice Department's Civil Rights Division.

The labor secretary is the head of the U.S. Department of Labor, which oversees issues pertaining to labor and employment in the U.S. and administers and enforces close to 200 federal laws that mandate and regulate the workplace. SMART is governed by the Labor-Management Reporting and Disclosure Act (LMRDA) and, as such, must report its financials to the Department of Labor each March.

170 furloughed NS workers called back to work

ROANOKE, Va. – According to Robin Chapman, a spokesperson for Norfolk Southern (NS), 170 furloughed NS employees are headed back to work.

Of those rehired, 60 were hired back permanently to train service and 70 were transferred to temporary positions that are guaranteed until December 2013.

Of the 170 originally laid off, 42 are heading back to work permanently at their original place

of work at the Roanoke locomotive facility. Thirty who were employed within the mechanical department were hired back as communication and signal workers. The other 12 positions hired back at the facility were newly created, says Chapman. Chapman credited the hire-backs to a surge in business and high traffic.



In February, NS ceased regional railcar classification operations at its Roanoke Terminal hump yard affecting about 140 positions.

New website is gateway to rail health benefits



A new and improved website replaces the previous Railroad Information Depot (www.rriinfo depot.com).

Bookmark the new website address for easy future access: www.yourtracktohealth.com.

The new yourtracktohealth.com is your online gateway to information, tools and resources about your health and welfare benefits to help you:

- Explore your benefits
- Enroll in and manage your coverage
- Improve your health
- Plan your retirement

Be sure to check out the new video library, "Question of the Week," and the featured monthly health topic when you're on the site.

More enhancements are coming soon. There will be several new features added to the site in the coming months that will include:

Secure sign-on: allows eligible employees and their dependents who are enrolled in the health and welfare benefits program to securely access and manage personal benefits information online.

An email registration and subscription center: allows eligible employees and their dependents to opt-in to receive important benefits, enrollment and health/wellness information, alerts and updates via email. The subscription center is where you can update and manage your email communications preferences.

Stay tuned for future enhancement announcements and benefits communications on www.yourtracktohealth.com.

This site contains information for railroad employees and/or their eligible dependents covered in the national railroad medical, prescription drug, dental, vision, behavioral health and life insurance benefits plans. If you and/or your dependents are not covered under these plans, including Amtrak employees, you should continue to seek information about your health care benefits from your employer.)

TSA drops its effort to allow small knives onto planes

Facing strong opposition from flight attendants and lawmakers, the Transportation Security Administration said June 5 that it was abandoning a plan to allow passengers to carry small knives on board.

The proposal would have loosened some of the restrictions created after the Sept. 11 terrorist attacks. John S. Pistole, the agency's administrator, argued that the plan would allow airport security agents to focus on "higher threat" items. Looking for small pocket knives that pose little threat to an airliner, he said, was time-consuming and potentially distracting to agents looking for explosives that can bring down a plane, for instance.

As soon as it was proposed, the plan stirred an outcry among flight attendants, who saw it as a danger to crew and passengers. Since the terror attacks more than a decade ago, airplane cockpits have been reinforced and remain locked during flight.

Union Members
Call, text and
Tweet for Less!

Save 15%*

on wireless costs

while supporting

union workers.

Take the coupon below with you to the nearest AT&T store to take advantage of the Union Plus AT&T Discount for SMART members.

You'll also be supporting union workers and their families. AT&T is the only nationwide unionized wireless carrier (over 40,000 union represented employees!).

Discount Coupon

15%

Two ways to start saving on AT&T calling and data plans:

1. Online
Visit UnionPlus.org/ATT

2. Visit an AT&T store
Take this coupon and a union ID to your local **AT&T store** and tell them you'd like your 15% Union Plus discount.

*Credit approval and new two-year service agreement required. Offer cannot be combined with any other discounts. The 15% Union Plus AT&T wireless discount is not available on the iPad, additional lines for family plans, unlimited plans and Unity plans. Data services: Only the 5GB data plan and the shared minutes and data for AT&T Mobile share plans are discounted. All other individual data plans, data plans on secondary lines, and text plans are not discounted. Other conditions and restrictions apply. Offer available to union members, retired union members, and Union Plus Credit Card holders only. For more information, visit UnionPlus.org/ATT. AT&T is a registered trademark of AT&T Intellectual property. Union Plus is a registered trademark of Union Privilege.

AT&T Retailer:
The Union Member FAN# is 3508840

www.utu.org / www.utuia.org



www.utu.org / www.utuia.org

JULY/AUGUST 2013

ISSN 0098-5937

Published monthly (except for combined months of December/January and July/August) by UTU-SMART, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Mike Futhey, Transportation Division President; John Previsich, General Secretary & Treasurer • This publication available on microfilm from National Archive Publishing, P.O. Box 998, Ann Arbor, MI 48106.

POSTMASTER: Send address changes to UTU-SMART News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.



Periodicals Postage
PAID at Cleveland, Ohio,
and Additional
Mailing Offices



Transportation Division News

Volume 45 • Number 7/8 • July/August 2013 International Association of Sheet Metal, Air, Rail and Transportation Workers

NARP: House appropriators declare war on trains

The National Association of Railroad Passengers announced that it will fight implementation of the House Appropriation Committee's Fiscal Year 2014 transportation funding levels.

The draft bill slashes Amtrak's budget by a third, threatening Amtrak's very existence. The bill also fails to include funding for the High Speed and Intercity Passenger Rail Program. Not only does the bill include no new funding for the highly over-subscribed TIGER grants – a competitive, multi-modal program – it rescinds \$237 million in previously appropriated FY 2013 TIGER funding that is not yet obligated.

The House proposal denies state and local leaders the resources they need to develop the modern transportation network necessary for mobility and economic growth. It comes as economic experts criticize the U.S. for plunging ahead with austerity even as low interest rates make borrowing for projects unusually affordable, America's unemployment rate remains unacceptably high and the need for transportation infrastructure investment is widely acknowledged.

The House committee's bill has just \$950 million for Amtrak, a 29 percent cut from the final 2013 number (\$1,344 million). This includes a \$350 million operating grant (21 percent below the FY 2013 level), and \$600

million in capital (33.5 percent below FY 2013).

These numbers are even more disappointing when compared to President Obama's FY 2014 request of \$6.7 billion for passenger rail. That request targeted \$2.7 billion for current rail service, including \$675 million for the Northeast Corridor, \$300 million for state corridors and \$800 million for Amtrak's long-distance routes. The president had proposed moving Amtrak from the discretionary funding pot and reclassifying it as mandatory spending.

"The proposed House budget is extremely disappointing in its unwillingness to tackle America's growing infrastructure crisis," said NARP President Ross Capon. "Millions of Americans depend on the U.S. rail network to commute to work everyday, and, for millions more, Amtrak is a vital intercity connection, allowing them to travel for work and for family. Curtailing service at a time of growing demand makes no sense."

"Elected officials at the local level depend on Congress to aid them in maintaining and developing the transportation network that is foundational to our community, our economy and our way of life," said Capon. "That infrastructure is crumbling, and we are living off the investments made by previous generations. If enacted, it will be a disaster for future generations of passengers."



Please recycle

Photo of the month

UTU-SMART is always looking for good photos, and awards prizes to monthly photo winners.

UTU-SMART seeks photographs or digital images 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-SMART, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed to "news_td@smart-union.org".

With each photograph, please include your name and UTU-SMART 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 UTU-SMART.

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



This photo was taken by Local 64 (Fargo, N.D.) UTU Alumni Association member **Peter L. Card Jr.** "My two sons and I were traveling to Glacier National Park to go hiking. We stopped at this roadside rest area just east of Forsyth, Mont., and spotted these Burlington Northern Santa Fe engines snaking along the Yellowstone River," Card said.

Inside this issue of *UTU-SMART News*:



Futhey to step down following arbitration. See page 1.



Conductor's decisive action earns chief's commendation. See page 2.



UTU Retiree presented with volunteer award. See page 8.



New website is gateway to rail health benefits. See page 11.