



# UTU News

www.utuia.org

www.utu.org

The Official Publication of the United Transportation Union

## Conductor certification to begin Jan. 1

WASHINGTON – It is now official. Conductor certification, mandated by the Rail Safety Improvement Act of 2008, has a clear track for Jan. 1 implementation.

In a final rule, published by the Federal Railroad Administration Nov. 9, railroads must implement, by Jan. 1, a formal training program for certifying conductors and a formal process for training prospective conductors, thus ensuring job competency.

The FRA's final rule on conductor certification follows many of the provisions of locomotive engineer certification, with a number of improvements the UTU, joined by the BLET, was able to obtain.

Following are highlights of the final rule, which runs almost 300 pages in the Nov. 9 *Federal Register*.

- While the railroad and its employees must comply with the final rule, there is **no limitation on any rights** the employee may have under a collective bargaining agreement.

- **Conductors currently employed will be grandfathered** for from one to three years, with one-third of those conductors required to be tested for certification in 2012, 2013 and 2014. Beginning in 2015, one-third of the total conductor workforce will be recertified each year.

- **Each railroad**, in submitting its proposed certification program to the FRA for approval, **must simultaneously submit it to the presidents of the UTU and BLET**, which will have 45 days to comment. The intent is to encourage coordination by carriers with local union officers in for-



mulating the certification program, and to gain a supporting statement from the general committee of jurisdiction.

- **A conductor losing certification may work as an assistant conductor**, brakeman, yard helper, switchman or utility employee, but cannot work as a locomotive engineer. If that individual holds both conductor and engineer certification, and the engineer certification is revoked, they may not work as a conductor.

- **If the conductor certificate is revoked because of failing to control a train**, violating a

train speed limit, violating a brake test requirement, occupying a main track without proper authority, tampering with safety devices, or an alcohol or drug violation, the decertified conductor may not work as a locomotive engineer. However, if the decertification is for violation of a rule covering shoving or pushing movements, or equipment left out to foul a track, switches and derails, the decertified conductor may work as a locomotive engineer.

- **The conductor must be trained by a qualified person on the territory over which that conductor will operate.** If the certified conductor lacks territorial qualification, and has never been qualified on main track physical characteristics, that conductor shall be assisted by a person who is a certified conductor qualified on the territory, and NOT a member of the crew.

- **If the conductor has been previously qualified over the main track territory**, and the time limits have expired on their qualification, **the conductor may be assisted by any knowledgeable person**, including a member of the crew, other than the locomotive engineer on the

*Continued on page 10*

## DOT honors two Amtrak conductors

Heroism has no timetable, no expectation, no formula. It is displayed instantaneously and accompanied only by rare courage.

Enter, center stage, two UTU heroes – Amtrak conductors **Richard d'Alessandro** and **Loxie Sanders** – a couple of regular rails, represented by the UTU and seemingly little different than neighbors down the street.

Their time of extreme selfless bravery came the night of June 24, when a tractor-trailer, traveling at high speed, plowed directly into Amtrak's westbound *California Zephyr* near Lovelock, Nev.

The crunch of steel meeting steel at a highway/rail grade crossing is gut wrenching; the derailling of rail passenger cars, unnerving; the sudden and rapid spread of all-consuming fire, deadly, and the presence of thick smoke, terrifying.

It was at that moment that d'Alessandro and Sanders became heroes. Nobody nominated them. Nobody asked them. Nobody expected it of them. Such is heroism.

With passengers disoriented, injured and



Transportation Secretary Ray LaHood (left) and Loxie Sanders

frightened – many seemingly hopelessly trapped in two burning passenger cars – d'Alessandro and Sanders demonstrated why highly trained passenger-train conductors are essential for passenger and train safety.

d'Alessandro, initially knocked unconscious by the horrendous collision, awoke to find he was lying outside his passenger car on the ground, an arm broken and finger missing. In complete disregard for his own life, and ignoring his painful injuries, d'Alessandro climbed back into the flaming cars in search of disoriented and injured passengers. First one, then another, and still another, he led and assisted them to safety through emergency exit windows and into waiting arms on the ground.

Only when the two no longer could hear voices or find additional passengers did they take leave of the burning passenger cars.

Then Sanders, suffering smoke inhalation and a severely burned hand, remem-

### These UTU members risked their lives to assist others



Richard d'Allesandro (left) and FRA Administrator Joe Szabo

*Continued on page 11*

## Calendars, time books coming

The 2012 edition of the UTU's time books are now available. The books, one for railroad members, a second for bus and transit workers, are great for keeping track of time worked, runs completed, money earned and taxes withheld.

Time books are being sent via UPS to all local secretaries and treasurers so they can distribute them to individual members at upcoming local meetings and at crew change points. Contact your local secretary or treasurer if you do not receive a copy.

Additionally, the 2012 edition of the UTU calendar will soon be mailed to all members of the UTU Alumni Association.

# Around the UTU

## Local 5, Kansas City, Mo.

The Missouri State Legislative Board is sponsoring a North Carolina mountain vacation raffle to benefit the family of member **Thomas Bleyenberg**, who was killed in a railroad accident Aug. 15 in Kansas City, Kan. Tickets are \$25 each or five for \$100. The package includes a week's stay in a two-bedroom luxury cabin 35 miles from Asheville, N.C. The drawing will be held Dec. 19. For tickets and additional information, contact the Missouri State Legislative Board by email at [moutu@embarqmail.com](mailto:moutu@embarqmail.com) or call (573) 634-3303.

## Local 202, Denver

Janna Shaver, 49, daughter of retired Colorado State Legislative Director **Jack Shaver** and his wife, Barbara, died Oct. 10. Janna would have graduated from the University of Denver Law School next May. She is also survived by her sister, Lisa. Donations made in Janna's honor are suggested to Denver Dumb Friends League, 2080 S. Quebec St., Denver, CO 80231.

## Local 240, Los Angeles

Conductor **John N. Cardiff** retired Oct. 12 after 41 years of service with Southern Pacific and Union Pacific, Local Chairperson **Harry J. Garvin** reports. "From all of the members and officers of UTU Local 240 at Los Angeles, we wish John many years of happiness and a long retirement," Garvin said.

## Local 490, Princeton, Ind.



Members of this Norfolk Southern local proudly display the Treasurer's Award Trophy at the Princeton Labor Day Parade Sept. 5. The trophy is presented to the best group or individual participating in the parade, as determined by the treasurer of the Labor Day Association. The Labor Day celebration in Princeton is one of the oldest in the nation. Pictured, from left, are Tanner Meade, Grant Meade, John Williamson, Schuyler Smith, Shawn Nance, Robert Williamson, John Bayley, Mike Lewis and Jimmy McGennis.

## Local 508, Smithville, Texas

This Union Pacific local, in conjunction with the Texas State Legislative Board, presented checks to the Smithville Volunteer Fire Department and the Smithville School District for \$1,000 each to assist with the burdens resulting from the recent wildfires in the Smithville-Bastrop area, Texas State Legislative Director **Connie English** reports. Approximately 1,500 homes were lost and 5,000 people were displaced during the fires. "This contribution to the community will hopefully alleviate some of the burdens that many are facing," said English, who was joined by Local 508 members **Russell Vinklerek**, **Clifton Goertz**, **Kenneth Friend** and **Dave Fehlker** during the presentation.

## Local 622, Birmingham, Ala.

All UTU members and their families are invited to the annual "Jimmy Lee Dorough" Christmas Party of this local Dec. 9 from 6 to 8 p.m. at the Whistle Stop Café, 1901 First Avenue in Irondale, Ala. Please notify Alabama State Legislative Director **Ron Clements** at (334) 264-8758 if you will be attending. "Merry Christmas, and we hope to see you there," Clements said.

## Local 768, Decatur, Ill.

Two Christmas parties are scheduled for members of this local next month, Local Chairperson **Dan Calhoun** reports. Local 768 and the Brennan Law Firm will hold their annual party Dec. 10 at 6 p.m. at the Mt. Zion Lions Club. The menu is a traditional holiday meal including ham, turkey, and all the fixins'. There will be music and the bar will be

## Movin' on: From conducting cars to the culinary arts

Before he even officially retired earlier this year, UTU member and CSX conductor **George W. Brown** had already begun switching the tools of his trade: His time book for cookbooks, his work gloves for oven mitts.



Brown

With several weeks of vacation to burn before his official retirement date, Brown enrolled in South Georgia Technical College to pursue a degree in culinary arts. He drives about 40 minutes each way to the college, attending classes Monday through Thursday.

"I always loved to cook," said Brown, a member of Local 1790 at Fitzgerald, Ga. "I am trying to get a degree to do catering at various big events, weddings, thing like that."

While he's cooked regularly since he was a young man, it was his success at the Daytona Bike Week in 2007 that really whet his appetite.

The motorcycle rally is held annually in Daytona Beach, Fla., drawing thousands of people to the area for races, concerts, parties and street festivals.

Brown and his brothers-in-law set up a food stand during the event and ended up winning a competition amongst other vendors for the best barbecued ribs. "We had been wanting to do it for a long time and I finally took them up on it."

After 42 years with the railroad, Brown is ready to move on. "I'm excited to learn new skills and try new things," he said.

More time at home likely means more time in the kitchen, and that's probably fine with Brown's wife, Andrelene. "I do most of the cooking at home," he said.

Andrelene's favorite dish? "Probably my grilled turkey. But it's my Alfredo chicken that I like best."

open for wine and beer. All railroaders and their spouses or a guest, from all crafts in and around the Decatur area, are invited. Reply to **Larry Stephenson** at (217) 428-1171 or **Lloyd Holman** at (217) 423-0210. For more information, call The Brennan Law Firm at (800) 816-7245. A members-only party in conjunction with the law firm of Callis, Papa, Hale & Szcwzyk will be held Dec. 15 at 6:30 p.m. during the local's regular monthly meeting at the IBEW Hall, 3390 N. Woodford St. in Decatur. Food and refreshments will be provided. Designated legal counsel will be on hand to provide members with a presentation and answer questions.

## Local 894, Tulsa, Okla.

Retired member **Jimmy T. Barnes**, who has a collection of approximately 125 railroad lanterns, has for sale lantern globes in a variety of sizes and colors that he obtained over the years. The globes are in their original packaging in boxes of 12. For more information, contact Barnes at (918) 691-7579.

## Local 911, Minneapolis

Lorrie Smullen, 54, wife of former Minnesota State Legislative Director **John Smullen**, died Nov. 2. John Smullen served as Minnesota state legislative director from 1997 to 2004. He now serves as an inspector for the FRA. The Smullens' son, Matt, is a trainman on Progressive Rail, a shortline railroad in Minnesota.

## Local 933, Jefferson City, Mo.

Missouri State Legislative Director **Kenny Menges** and Illinois State Legislative Director **Robert Guy** were on hand in St. Louis Oct. 13 when Amtrak recognized its 30 millionth passenger in a single year, marking the first time the railroad passed that milestone since beginning operation in 1971. Rochelle Lathan, a frequent Amtrak passenger, was awarded two 30-day rail passes from the carrier. "It was a great ceremony and a tribute to all our Amtrak brothers and sisters who provide great service to the customer. When we told Ms. Lathan we represented the men and woman who worked on Amtrak she said, 'You are my friends, the ones that make sure my ride is safe,'" Menges said.



Pictured, from left, are Guy, UTU Auxiliary Vice President Carol Menges, Lathan and Menges

## Local 1290, Chicago

This local representing Metra commuter rail service conductors and engineers announces the retirement of Secretary & Treasurer **Thaddeus "T.L." Warner** after 18 years of service to the local, according to Legislative Rep. **John O'Brien**. "TL has decided to finish off his career and devote more time to himself and his family. We give many thanks for the years of outstanding service and leadership he has given to the members of 1290. His presence and dedication will be sorely missed," O'Brien said.

## Local 1462, Boston

This Amtrak local will be holding its annual holiday party in conjunction with three other Boston area locals from 7 to 11 p.m. Nov. 26, Local Treasurer **Dave Bowe** reports. The cost is \$25 per person at the door at Florian Firefighters' Hall, 55 Hallet St. in Dorchester, Mass. The other participating UTU locals are Local 262 at Boston, Local 898 at Boston and Local 1473 at Framingham.

## Local 1814, Spartanburg, S.C.

Local Vice President **David Plyler** said that the employees at CSX's Spartanburg Terminal, Florence Division, are nearing a 5,000-day, injury-free milestone in the month of January.

## Local 1895, Chicago

This local has established a benefit fund for the family of Norfolk Southern conductor **Christopher B. Ochoa**, 33, who died Oct. 17. Ochoa is survived by his wife, Elly Medrano-Ochoa, and children Daniel Medrano (15), Brian (4) and twins Alexander and Ayden (3). He had worked for the railroad almost six years after four years of service to his country in the U.S. Marine Corps. Contributions can be sent to Chicago Community Bank, Attn: Gina Fezler, 1110 W. 35th St., Chicago, IL 60609. Contact Local Secretary & Treasurer **Larry Grutzus** at (708) 805-0756 if an account number is needed to make a contribution.

## Auxiliary Lodge 5, Cleveland

Lodge Secretary & Treasurer **Dale Rauch** thanks all members who participated in the lodge's annual salad luncheon, held in the lunchroom of the UTU/UTUIA International offices. The luncheon was made possible by the generous food offerings of members and UTU employees. Rauch and Lodge 5 President **Lisa Vinci** report that the \$260 raised through the sale of salads and other items will be sent to Texas Assistant State Legislative Director **Kamron T. Saunders**, who will donate the money to the volunteer fire department in Smithville, Texas.

# False rumors targeting UTUIA, DIPP

As the perfectly healthy man told the obituary editor of his local newspaper, "Reports of my demise are grossly exaggerated."

And so it is with the UTU Insurance Association (UTUIA) and the UTU's Discipline Income Protection Plan (DIPP).

Vicious and absolutely false rumors are circulating that the UTU and UTUIA are going out of business, and that UTUIA policy holders and DIPP participants should flee to competing organizations.

Not surprisingly, one of these false rumors originated with a competitor to DIPP.

The plain dealing truth is that neither the UTU nor the UTUIA are going out of business.

The UTUIA, which is wholly owned by its policy holders and regulated by the Ohio Department of Insurance, is doing business as usual.

There is no change in the status, service, or security of the UTUIA.

UTU General Secretary & Treasurer Kim Thompson

reported earlier this year that the UTUIA earned more than \$400,000 from operations in 2010 and remains

financially strong, with nearly \$26 million in surplus.

Similarly, DIPP is its strongest in years. Participants in the DIPP also should keep in mind – and this has been consistently and frequently proven – that the DIPP is steadfast in looking for

ways to pay claims of participants, while non-UTU plans are known to look for ways to avoid paying claims.

In addition to the UTU DIPP being the largest and most effective discipline income protection plan, it is the only program of its kind regulated by the Department of Labor – publishing financial statements,

holding its funds in trust and being audited annually by a public accounting firm.

The UTU, the UTUIA and the DIPP are alive and well and will continue to serve UTU members. Don't allow mischievous and self-serving rumor mongers to upset your financial security.



## Retired Alt. NLD Gene Plourd dies

LIMERICK, Maine – Former Alternate National Legislative Director **Gene Plourd** (1993-1997) died Oct. 15 at age 79.

Plourd, 79, born in Providence, R.I., hired out on Maine Central Railroad in December 1954, and was promoted to fireman in 1955, and engineer in 1962.

Early in his career, he served as his local's legislative representative, and from 1960-1993 as Maine/New Hampshire state legislative director, becoming the dean of state legislative directors by virtue of

that long service in the post.

From 1985 to his appointment as alternate national legislative director in 1993 – and concurrent with his post as a state legislative director – Plourd was chief of staff at the UTU national legislative office in Washington.

Plourd retired in 1997 as a member of Local 1400 (South Portland, Maine), following 43 years of membership in the UTU and its predecessor, the Brotherhood of Locomotive Firemen & Enginemen.

A Marine Corps veteran, Plourd served as a member of the University of Maine Labor Education Committee and a member of the New England Regional Commission Task Force on Capital and Labor.

Former UTU International President Tom DuBose recalled Plourd as "a distinguished gentleman in every respect who could be found doing the people's business to the very end. Gene fought the battles that were required of him and had a capacity to change, a capacity to learn, a capacity to listen, and a capacity to accept life as it is rather than the way he wanted it to be," DuBose said.

Plourd is survived by his wife, Rosemary, 10 children and 13 grandchildren.

The family asks that in lieu of flowers, donations in Plourd's memory be made to Hospice of Southern Maine, 180 U.S. Route 1, Scarborough, ME 04074; or Limerick Fire and Rescue Squad, 24 School St., Limerick, ME 04048.

## UTU needs your photos

**The UTU International is seeking good railroad, bus and airline photos for its annual calendar and other uses.**

High-resolution digital photographs should be emailed to "utunews@utu.org."

Printed photographs should be mailed to UTU News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

## Three CN general committees to merge

Some 430 UTU-represented conductors and brakemen employed on three Canadian National properties – Wisconsin Central; Duluth, Winnipeg & Pacific (DW&P), and Duluth Missabe and Iron Range (DM&IR) – have ratified an implementing agreement, effective Jan. 1, consolidating the three properties under a single agreement.

The new agreement provides for four stand-alone general committees under the jurisdiction of one general committee, with General Chairpersons **Matt Koski** (DW&P, GO 325), **Steve Haus** (DM&IR, GO 315) and **Saint W. J. Laurent** (DM&IR, GO 321) merging with General Chairperson **Ken Flashberger** (WC, GO 987).

"The merger reduces the administrative costs associated with four general committees," said UTU International Vice President John Babler, who assisted with negotiations. "The implementing agreement satisfied both New York Dock, Article 1, Section 4, merger conditions and the parties' Railway Labor Act Section 6 notices."

Also provided by the agreement are general wage increases, additional personal leave days, up to eight new extra board positions, a reduction in the number of years to qualify for additional weeks of vacation, a new bid rule and prior-rights zones.

Additionally, the new agreement provides terminal protection for DW&P and DM&IR trainmen, preserves no-furlough clauses on each former property, reduces call windows to four hours, guarantees consecutive days off for extra boards and pools, and establishes an order of call when the extra board is exhausted.

## UTU PAC supports all UTU's lawmaker friends

WASHINGTON – While organized labor has more friends in the Democratic Party, and carriers have more friends in the Republican Party, there are many Republicans who are friends of organized labor, and the UTU's bi-partisan approach to politics recognizes this.

One special Republican friend of the UTU is Rep. Steve LaTourette of Ohio, who serves on the House Transportation Appropriations Subcommittee, where Amtrak and transit funding are determined. *Roll Call* newspaper, which reports on all things Congress, recently called LaTourette, "The top GOP ally of organized labor in the House."

Said Rep. Dennis Kucinich (D-Ohio) of LaTourette: "People from both sides of the aisle often line up to talk to him because they value his insight."

Recently, LaTourette teamed with Rep. Russ Carnahan (D-Mo.) to introduce legislation allowing transit agencies to use some of their federal

funding earmarked for new equipment for operations instead, which would allow cash-strapped transit agencies to maintain service and keep drivers, who otherwise faced layoffs, on the job.

LaTourette also has been an advocate for consistent and reliable Amtrak funding. He also led 15 House Republicans to oppose a Republican leadership attack on a National Mediation Board rule change that made union representation votes more democratic. The NMB ruled that ballots not cast would no longer be counted as "no" votes.

As we approach the 2012 election year, the UTU PAC will stand by all its friends seeking reelection or election to Congress and state office, regardless of political party affiliation.

The UTU PAC works for and helps candidates judged capable and knowledgeable, and who recognize the problems that affect airline, bus, rail and transit workers.

For more information on the UTU PAC, and how UTU-member participation in the UTU PAC helps to protect their economic security and safe working conditions, go to the UTU PAC page of [www.utu.org](http://www.utu.org).



Plourd



LaTourette

**“It is essential that there should be organization of labor. Capital organizes and therefore labor must organize.” - President Theodore Roosevelt**

# Members first as we work toward merger

“Stay calm and carry on” has always been the best advice during challenging times. It is appropriate advice for UTU members and employees as we move forward following the Oct. 10 merger arbitration award.

That arbitration ruling makes the merger look very similar to the merger we were initially promised – the merger the UTU membership and I voted for in 2007.

The arbitrator recognized that maintaining the historical governance of the UTU was important by ruling that the UTU’s cherished craft autonomy, along with general committee autonomy, be preserved



## International President’s Column

By **Mike Futhey**, International President  
(216) 228-9400; [president@utu.org](mailto:president@utu.org)

seated – we discussed the events of the past four years.

We agreed unanimously that UTU members’ interests have been vigorously defended, and it is now time to move forward – discussing with the SMWIA the rights and traditions of both organizations,

our loyal employees, who serve our members on a daily basis.

In the meantime, I assure you that our United Transportation Union and our United Transportation Union Insurance Association are each financially strong and are continuing to grow stronger,

notwithstanding this deep and lengthy recession.

As we put substantial merger-related litigation expenses behind us, and continue managing our other costs wisely, the UTU’s monthly surplus will continue to grow and allow for improved member representation.

The UTU and its predecessor unions have persevered and prospered for nearly a century and a half by being resolute in representing our members and flexible in the face of changing demands and events.

It is a formula that has served our members well and will continue to serve us well.

### It is now time to move forward. Constructive collaboration will resolve outstanding differences

post-merger; and that changes to the UTU Constitution not be unilaterally made by the SMWIA executive council.

As required by the arbitration decision, I met with new SMWIA General President Joe Nigro, who took office July 1. The meeting was productive and positive.

At a meeting in early November of all incoming UTU International officers – a meeting traditionally held between a quadrennial convention and those officers being

and to collaborate constructively in finding the most efficient and equitable means of resolving any further outstanding differences, including pending litigation.

I know that I speak for Joe Nigro, as well, when I say that the leadership of both the UTU and the SMWIA has, as our highest priority, the delivery to our members of the wages, benefits and working conditions they expect and deserve.

We also share a commitment to



**Mike Futhey, International President**  
[president@utu.org](mailto:president@utu.org)

**Arty Martin, Assistant President**  
[asstpres@utu.org](mailto:asstpres@utu.org)

**Kim Thompson, General Secretary and Treasurer**  
[gst@utu.org](mailto:gst@utu.org)

**James Stem, National Legislative Director**  
[jamesastem@aol.com](mailto:jamesastem@aol.com)

#### Contact the UTU:

Phone (216) 228-9400; fax (216) 228-5755

For the latest news, visit [www.utu.org](http://www.utu.org); also, sign up on the UTU website to receive news alerts via email.

## The time for high-speed rail is now

The public wants travel alternatives and is turning to passenger rail.

As you all remember, it wasn’t long ago that we were fighting the previous administration over whether Amtrak and passenger rail would even survive.

This administration gets it. President Obama understands that we can’t build a 21st century economy on a 19th century transportation network.

The public wants travel alternatives and is turning to passenger rail. Rail ridership is up. Freight loadings are up. But there’s a lot more work to be done.



### A message to UTU members from Federal Railroad Administrator Joe Szabo

regional and feeder corridors connecting communities to the network.

In the right markets, these projects provide transportation benefits superior to auto or air.

The Obama administration has

next 40 years. Each of these Americans will need a way to get to work or school.

We can’t possibly meet this need by paving more roads or importing more oil.

We can sit on our hands, as some in Washington suggest, and leave the problem for the next generation.

I don’t need to tell you there’s a little daylight between President Obama’s vision for high-speed rail and the House Transportation and Infrastructure Committee’s opening proposal.

But we’ve been through tough fights before.

And if we make sure our voices are heard – if we spread the word about why high-speed rail creates jobs today and economic opportunity for years to come – I’m confident we’ll win this one, too.

One thing I learned working on the railroad is that there aren’t too many obstacles teamwork can’t conquer; and labor is a big part of the conversation.

### High-speed rail creates jobs today; we must make our voices heard

A Department of Transportation grants program – Transportation Investments Generating Economic Recovery (TIGER) – distributes funds based on merits, with nearly one-third of TIGER grants having gone to rail projects that increase capacity, reduce air pollution and create local jobs.

When we talk about high-speed rail, we’re not just talking speeds above 220 mph; but building a comprehensive network, with high-speed lines complemented by

invested more than \$10 billion to provide new rail access and improve the reliability, speed and frequency of existing lines. If we spread the word why high-speed rail creates jobs today and economic opportunity for years to come – I’m confident we’ll convince Congress to provide even more funding.

For anyone who doubts the urgency of rail access, let me give you one number to think about: 100 million. That’s the expected population growth in America over the

### Paving more roads and importing more oil is not a solution

Or we can have the courage to get started building our 21st century transportation network now.

You may have heard about one or two governors who aren’t sure whether high-speed rail is the right investment for their states. Some can’t seem to make up their minds.

But make no mistake: support for high-speed rail is overwhelming, as 32 states continue to move forward with projects.

(Joe Szabo formerly was Illinois state legislative director. He made his first revenue trip as a conductor on Illinois Central, now part of CN, 35 years ago. His father was an Illinois Central switchman and secretary & treasurer of Local 1299 in Chicago. This column was adapted from a talk by Szabo at the UTU’s 11th quadrennial convention in Hollywood, Fla., in August.)

# State Watch

## News from UTU State Legislative Boards

### Ohio



Left to right are Newsom, Szollosi, Legislative Board Secretary Dave Otten, Legislative Board First Alternate Vice Chairperson John Ball and Alternate Legislative Rep. Tom Hockenberry (L-1928, Toledo).

State Legislative Director **Glenn Newsom** and other UTU representatives recently attended a fundraiser for Assistant House Minority Leader Matthew A. Szollosi (D-49th) that featured a rousing speech by former Gov. Ted Strickland. "The spirit is still with Strickland and he can rock the room with his oratory," Newsom said. "Ted will be the next governor of Ohio. The Ohio State Legislative Board is pleased to be supporters of Matt Szollosi, who comes from a family associated with the labor movement. We know that he listens to labor's concerns and he is there for rail labor."

### Utah



Left to right: Seegmiller, Rob Reeder, Major General Brian Tarbet, Mike Niederhauser and Gustafson

State Legislative Director **Jay Seegmiller** and member **Eric Gustafson** (both members of Local 166, Salt Lake City) were recently honored by the Utah National Guard Charitable Trust for their commitment to families of the Utah National Guard.

The trust helps families of National Guard servicemen and women who have been injured while serving or who are in financial straits due to their deployment.

Seegmiller and Gustafson, along with other members of the Salt Lake City Amtrak Safety Committee, raised nearly \$800 for the trust and said they are committed to raise much more the coming year.

### Colorado



Left to right: Assistant State Legislative Director Charlie Skidmore, Perlmutter, Johnson

State Legislative Director **Rick Johnson** urges members to support Ed Perlmutter in his bid for re-election. As the keynote speaker at the recent state AFL-CIO convention, Perlmutter affirmed his negative positions on the upcoming free trade agreements before Congress. He also discussed the anticipated changes to the congressional district lines that are being decided in the courts. "The 2012 election will be another battle to elect labor-friendly candidates to represent working men and women at the highest levels of our country. Ed is a good friend of the UTU and deserves all of our support in 2012," Johnson said.

## Update on Amtrak negotiations

Amtrak General Chairperson **Dirk Sampson** (GO 769) issued the following update on wage, benefit and work rule negotiations with Amtrak:

"In continuing contract talks with Amtrak, we are striving to obtain an equitable agreement for our members.

**AMTRAK** "We recently sent a letter to Amtrak President Joseph Boardman and Amtrak Vice President of Labor Relations Charles Woodcock outlining our position.

"Certification pay and the interpretation of single days continue to be the obstacles holding us up. I remain confident that, with the efforts of our UTU negotiating team, we will be able to obtain an agreement that will be beneficial to our Amtrak members."

Negotiating with Sampson is Amtrak General Chairperson **Bill Beebe** (GO 663), assisted by International Vice President John Previsich.

## Workers on three properties vote for UTU representation

The UTU was successful in three recent organizing drives, bringing to 27 the number of new properties added to the UTU family within the past 44 months.

Workers at Columbia & Cowlitz Railway (which includes Patriot Woods Railroad) in Longview, Wash.; Industrial Railway Switching and Services of Lorain, Ohio, and First Transit of Farmington, N.M., are now represented by the UTU.

Transportation and mechanical employees at shortline **Columbia & Cowlitz Railway** (which includes Patriot Woods Railroad for representation purposes, both part of the Patriot Rail group and operating in southwest Washington state), voted unanimously for UTU representation, rejecting another labor organization. Director of Organizing **Rich Ross** and Assistant President Arty Martin made presentations to the workers, leading to a unanimous show of support in the representation election.

**Industrial Railway Switching and Services** (IRSS), which provides intraplant switching for manufacturing and processing plants at numerous locations in the Midwest and Southwest, voluntarily recognized the UTU as its transportation employees' bargaining representative. Ross, Assistant General Counsel Erika Diehl, Illinois State Legislative Director **Bob Guy** and Local 1895 (Chicago) Chairperson **Larry Grutzus** were instrumental in the organizing drive.

At **First Transit**, a public transit operator and part of First Group America, former UTU member **Steve Moots**, now employed there, provided a testimonial on UTU representation abilities to his fellow then-unorganized workers. Bonnie Morr, alternate Bus Department vice president, was assisted in the organizing drive by Alternate Vice President John England, Columbia & Cowlitz Railway General Chairperson **Sean Kibbee**, New Mexico State Legislative Director **Dennis Baca** and Assistant President Arty Martin.

## Bus Department

By Bonnie Morr, alternate vice president - bus  
bonniemorr@sbcglobal.net

### Driving a bus is stressful

Operating a bus may be the most stressful job in America.

Early in November, 100 Detroit bus operators walked off the job after repeated passenger assaults. In New York, a study found a pattern of physical and verbal assaults on drivers.

Add to the fear of being assaulted the long hours spent in congested traffic and passengers interfering with bus operation with repeated questions and complaints, and one shouldn't be surprised that the mental toll on drivers is significant. An article in *Slate* calls it "a potent stress cocktail."

Driving a bus, according to *The Journal of Occupational Health Psychology*, is "a high stress occupation." One psychologist said bus drivers face two unacceptable choices: Make the schedule by driving recklessly, or drive safely and irritate passengers who are too often likely to assault or otherwise abuse the driver.

And it's not just city buses. The number of physical and verbal assaults on school bus operators has been increasing.

Increasingly, bus operators suffer from high blood pressure, heart disease, sleep apnea and gastrointestinal disorders traceable to stress.

As cash-strapped transit agencies reduce service and raise fares, the pressures on drivers is only going to increase.

### Operating a transit or school bus may be the most stressful job in America

While lawmakers and regulators frequently focus on improved safety standards for bus manufacturing, cellphone bans, and tougher qualifications for bus operators, they too often ignore management pressure to adhere to schedules, overtime demands and a refusal to install bus-operator safety shields.

These are issues we continue to make known to lawmakers and regulators, and we will continue doing so until acceptable legislation and regulations are imposed.

A bill now before Congress, the Local Flexibility for Transit Assistance Act (H.R. 3200), introduced by Rep. Russ Carnahan (D-Mo.) and Steve LaTourette (R-Ohio), is a step in the right direction. It would allow local transit systems in areas with more than seven percent unemployment or substantially higher gasoline prices to gain access to federal funds to maintain service and return furloughed employees to work.

The UTU will continue to keep lawmakers informed on problems faced daily by bus operators, while the UTU PAC will continue to support candidates who demonstrate an understanding of our problems and a determination to take legislative action to solve the problems.



# New UTU International offices feature room of historical artifacts



The walls are covered with historical photos, mementos and a timeline of rail-labor history.

Few labor organizations have a richer heritage than the United Transportation Union, which was formed in 1969 through the unification of four brotherhoods: the Brotherhood of Railroad Trainmen (BRT); the Brotherhood of Locomotive Firemen and Enginemen (BLF&E); the Switchmen's Union of North America (SUNA) and the Order of Railway Conductors and Brakemen (ORC&B).

The UTU's roots trace back to 1868, when T.J. "Tommie" Wright and a small band of Illinois Central Gulf conductors formed the first conductors' union, known as "Division Number 1 Conductors' Brotherhood" at Amboy, Ill. That group became the ORC&B.

In 1870, switchmen employed on railroads in the Chicago area worked 12 hours a day, seven days a week, for \$50. Helpless in bargaining with their employers individually, they banded together that year to form the Switchmen's Association, which later became SUNA.

Lodge No. 1 of the Brotherhood of Locomotive Firemen was organized by Joshua Leach and 10 Erie Railroad firemen at Port Jervis, N.Y., in 1873. That organization grew into the BLF&E.

The Brotherhood of Railroad Trainmen, largest of the UTU's predecessor unions, was founded in June of 1883 at Oneonta, N.Y., when eight brakemen crowded into D&H caboose No. 10 to change rail labor history. They were the founders of the BRT.

Over the years, the UTU has accumulated a number of historical items from the brotherhoods, but, until the UTU moved into new offices in May 2010, had no place to display them.

That problem was solved with the creation of a room now used to display many of the items, including photographs, campaign buttons and badges, a timeline of the formation of the UTU, and photographs. The project was spearheaded by Administrative Aide to the International President Cheryl Sneed.

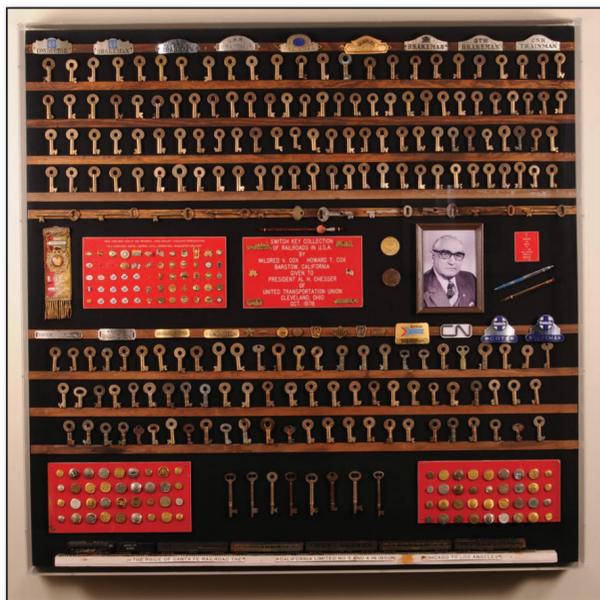
All UTU members are welcome and invited to tour the history room whenever they visit Cleveland.



Convention badges, lapel pins and other mementos from the Switchmen's Union of North America, a UTU predecessor union.



Miniature buses from UTU-represented properties. The plaque holds a pen used in 1968 to sign the first agreement ever negotiated by the UTU: a contract between members of Local 1089 and the Lockport Bus Company, Lockport, N.Y.



A collection of switch keys, conductor uniform buttons (detail below) and other rail memorabilia given the UTU in 1976 by Mildred and Howard Cox of Barstow, Calif.



A photograph, flag, roster and delegate badges from the 19th International Convention of the Ladies Auxiliary of the Brotherhood of Railroad Trainmen, held in Cleveland, Ohio, May 1939.



Years ago, balls were used for voting on lodge issues: white for "yes," black for "no." Above are antique voting boxes.



A collection of date nails and years-of-service lapel emblems (details right), railroad pencils and other items, given the UTU by Mildred and Howard Cox of Barstow, Calif.



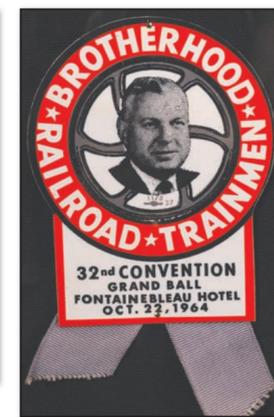
One of the first portable telephones used on railroads is on display in the history room. The crossing sign is a model of the Buckeye Crossbuck, a reflective crossing sign developed by UTU members in Ohio.



A collection of railroad lanterns.



A bust of the UTU's first international president, Charles Luna.



A campaign badge.



A photograph of the first UTU International Convention, held in Miami Beach, Fla., in January 1971.

**UTU**  
*Alumni*

# UTU Alumni Association

News, information for members of the UTU Alumni Association

## UTU retiree writes dictionary of railroad terms

Not everyone knows what it means to kick a car, to deadhead, to be bumped or be a hoghead.

Retired BNSF Railway conductor **William Wood**, a member of Local 1687 at Belen, N.M., aims to change that.

Wood recently finished the second edition of his railroad dictionary, aptly called "*The Railroad Dictionary*."

After 40 years on the railroad, Wood can spout railroad terms and definitions all day long. But once in a while his wife, Wanda, had to ask him for translations.

"One day I was talking to my wife and she asked me, 'Why would you want to kick a car?'" Wood said. "She said a dictionary for railroad wives might be a good idea."

He started making a list of terms and definitions, working on it off and on for more than 15 years.

"I would work on it and then it would just sit there," Wood said. "Every so often, I would do a little on it." Wood retired in 1989.

In 1990, his son, Brian, a graphic designer, decided it was time to do something with the rail dictionary.

"It was just a bunch of words on a computer. Brian did all the layout and design and some editing," Wood said.

### Railroad dictionary contains more than 2,000 definitions

The first edition came out just a year after his retirement in 1990 and contained 750 terms in a little saddle-stitched booklet printed near his home.

Now, a decade later, the new dictionary includes more than 2,000 terms.

"I took some things out of sentences, stuck commas in to make it right," he said. "I revised some of the definitions. Some weren't long enough or clear enough."

In addition to the terms and definitions,



Retired UTU member William Wood reviews the latest issue of a dictionary of railroad terms he has written.

Photo courtesy Valencia County News-Bulletin

Wood's book contains appendixes that contain a wealth of information, including a list of steam engine classifications, abbreviations of common terms, as well as "whistle talk"—a listing of train signals and their meanings.

"All the time I was working on it, maybe I knew deep in my subconscious, but I never thought about publishing," he said. "I mostly wrote it for my own pleasure. And I'm easy to please."

As he gears up for a third edition, with 1,000 more terms, Wood said he's been doing a lot of research online, hunting down new railroad terms as the industry changes.

"There are a lot of terms I'm not going to use. There are terms on the business end, engineering has their own terms that has nothing to do with me, and there are a lot of terms in the different departments, like the signals department and engine service," he said.

The book can be purchased through Amazon or Barnes & Noble, or log onto [www.railroaddictionary.com](http://www.railroaddictionary.com).

## Alumni chapter names Esquibel new coordinator

Members of UTU Alumni Association Chapter 2, in Pocatello, Idaho, recently met to name a new coordinator and to hear from candidates for political office.

The group named **Emilio "Joe" Esquibel**, a retired member of Local 265, Pocatello, their new chairperson. Esquibel takes over for chapter founder **Francis "Mac" McCarty**, who died.

Esquibel addressed the more than 50 people in attendance of the importance of the Alumni Association in keeping members informed and active in community affairs, political action involvement and the value of the work of the union's Legislative Department.

State Legislative Director **George Millward** gave the group a legislative report and delivered a message from Assistant President Arty Martin on the condition and future of the UTU.

Assistant State Legislative Director **Nathan Millward** then introduced Eva Nye, Scott



From left: Nathan Millward; Joe Esquibel; Odekirk; Nye; George Millward and Huerta.

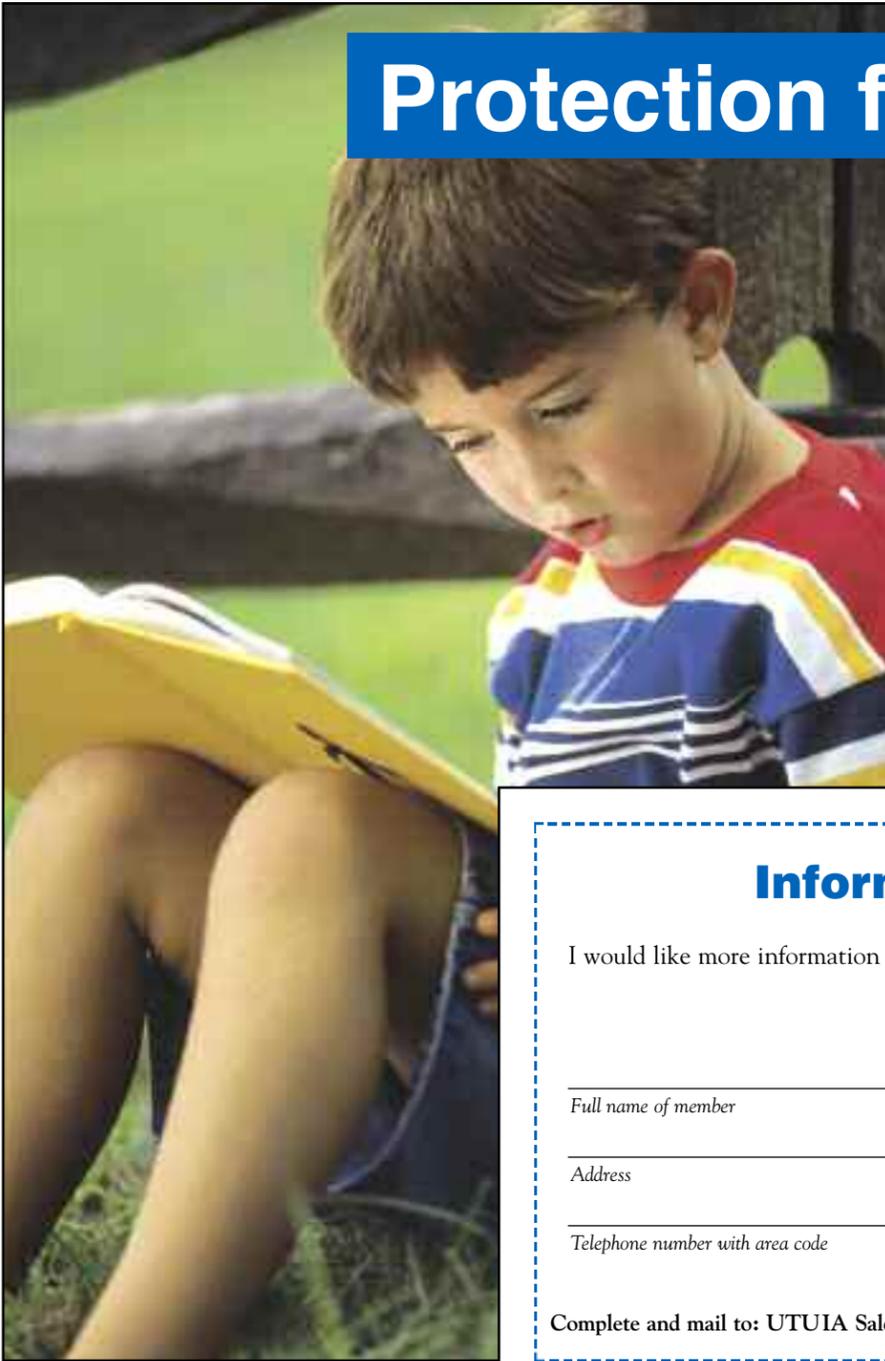
Odekirk and Brad Huerta, three UTU-endorsed candidates for Pocatello City Council and delivered a UTU PAC contribution to them.

The UTU represents more than 500 active conductors, brakemen and engineers on the Union Pacific and more than 460 retirees in the region.

## 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
1	Kuntz, James R.	Tonawanda, N.Y.	493	Trost, O.H.	Waverly, Iowa	1227	Davis, Charlie J.	Wichita, Kan.
1	Wolfe, Mark G.	Warren, Pa.	524	Noel, Duan D.	Harlingen, Texas	1344	Reisenauer, Frank H.	Dickinson, N.D.
1	Zappitello, John A.	Conneaut, Ohio	528	Barnes, Daniel R.	Rhineland, Wis.	1377	Hall, Gaylord B.	Greenup, Ky.
2	Vereeke, Adrian	Portage, Mich.	544	Reiland, Ted G.	Molt, Mont.	1386	Clarkson, R.E.	Parkersburg, W. Va.
60	Kohli, Peter D.	Mine Hill, N.J.	587	Fiske Jr., John F.	New Canaan, N.H.	1386	Long, Reginald W.	Deland, Fla.
98	Smith, Cecil D.	Altus, Okla.	594	Love, Zeb H.	Mineola, Texas	1400	Egan, John B.	Carlsbad, Calif.
117	Krogh, Richard L.	Bonnars Ferry, Idaho	605	Loudin, Douglas R.	Logan, W. Va.	1400	Plourd, Eugene R.	North Waterboro, Maine
117	Schmidt, Ronald F.	Mesa, Ariz.	631	Hare, Theodore	Williamsport, Md.	1409	Mull, Arthur R.	Lawrence, Kan.
118	Boone, Steve L.	Alderson, W. Va.	632	Chovanec, Lukus R.	Gallitzin, Pa.	1440	Borski, Wallace K.	Staten Island, N.Y.
145	Echelbarger, Paul F.	Columbus, Ohio	643	Floray, Ola S.	Marceline, Mo.	1505	Horner, Stanley L.	Tekoa, Wash.
194	Corn, Asa A.	Logansport, Ind.	646	Asmussen, Kenneth A.	Glenwood, Iowa	1524	Irons, Arnold L.	Porter, Texas
198	Horner, Jack V.	Henry, Ill.	707	Kephart, John B.	St. Joseph, Mo.	1524	Johnson, Lloyd N.	Houston, Texas
234	McCullum, Lyle L.	Bloomington, Ill.	730	Jessen, Carl M.	Terre Haute, Ind.	1526	Wagner, Norman M.	Michigan City, Ind.
243	Greene, David M.	Denton, Texas	756	O'Connell, Robert A.	Fredericksburg, Texas	1614	Klegin, Richard G.	Sartell, Minn.
256	Foy, James G.	Lake George, N.Y.	781	Walbeck, James D.	Nash, Texas	1628	Brinker, Jack R.	Concord, N.C.
257	Broberg, Theodore P.	Chadron, Neb.	781	Mattson, Murray M.	Mooringsport, La.	1730	Peterson, Robert T.	Alameda, Calif.
293	Canny, P.J.	Houston, Texas	792	Kaiser, Joe M.	Ravenna, Ohio	1780	Meister, Albert C.	Kansas City, Mo.
311	Hiser, Russell L.	Onalaska, Wis.	835	Papasergia, John R.	Bakersfield, Calif.	1801	Nikkel, Reuben P.	South Lake Tahoe, Calif.
318	Bingaman, Robert E.	Durham, N.C.	1058	Yocum, Wayne R.	Nampa, Idaho	1836	Kieffer, Joseph A.	Franklinton, La.
427	Brown Jr., Thomas H.	Bogalusa, La.	1129	Moore, Lewis A.	Dunn, N.C.	1929	Karraker, Richard L.	Fairview Heights, Ill.
469	Crone, Admiral	Glen Carbon, Ill.	1177	Anderson, Arthur F.	Willmar, Minn.	1963	Lloyd Jr., William J.	Erlanger, Ky.



# 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 "utuiasales@utu.org" or by telephone toll-free at (800) 558-8842.

### Information, please



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

Please print

\_\_\_\_\_

Full name of member Sex Date of birth

---

\_\_\_\_\_

Address City State ZIP

---

\_\_\_\_\_

Telephone number with area code UTU local number

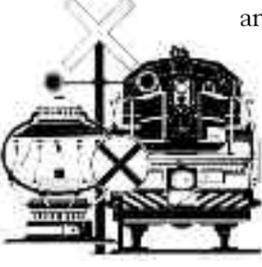
Complete and mail to: UTUIA Sales Dept., 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 11/11

## RRB reports funds healthy

Barring a sudden, unanticipated, large decline in railroad employment or substantial investment losses, the Railroad Retirement system will experience no cash-flow problems during the next 23 years, the Railroad Retirement Board (RRB) said in a recent report.

The RRB said total assets managed by the National Railroad Investment Trust and the Railroad Retirement System equaled \$25.1 billion as of Sept. 30.

The cash balance of the railroad unemployment insurance system was \$37.7 million at the end of fiscal year 2010, RRB said.



The long-term stability of the system, however, is still questionable, RRB said.

Actual levels of railroad employment and investment return over the coming years will largely determine whether corrective action is necessary, RRB noted.

The projected Tier II tax rates for upcoming calendar years are expected to be either the same or lower than in last year's, the RRB said.

The favorable comparison with last year was largely due to actual investment return of approximately 14.4 percent, exceeding the expected investment return of 7.5 percent in calendar year 2010 and to higher projected employment. This was offset by a lower estimated wage increase for calendar year 2010, the RRB said.

**Fund earns 14.4 percent return on investment**

The report did not recommend any change in the rate of tax imposed by current law on employers and employees.

Additionally, the RRB's 2011 railroad unemployment insurance financial report was also generally favorable. Even as maximum benefit rates increase 38 percent (from \$66 to \$91) from 2010 to 2021, contribution rates are expected to keep the unemployment insurance system solvent.

Due to short-term cash-flow problems, \$46.5 million was borrowed from the Railroad Retirement Account during fiscal year 2010. The loans are expected to be fully repaid by the end of fiscal year 2011, RRB said.

## RRB annuities to rise in 2012; earnings limits to increase

Most Railroad Retirement annuities, like Social Security benefits, will increase in January 2012 because of the rise in the Consumer Price Index (CPI) from the third quarter of 2008, the last year a cost-of-living adjustment was determined, according to the Railroad Retirement Board (RRB).

Also, Railroad Retirement annuitants subject to earnings restrictions will be able to earn more in 2012 without having their benefits reduced, as a result of increases in earnings limits indexed to average national wage increases, the RRB said.

Cost-of-living increases are calculated in both the Tier I and Tier II benefits included in a Railroad Retirement annuity. Tier I benefits, like Social Security benefits, will increase by 3.6 percent, which is the percentage of the CPI rise. Tier II benefits will increase by 1.2 percent, which is 32.5 percent of the CPI rise.



In January 2012, the average regular Railroad Retirement employee annuity will increase \$64 a month to \$2,308 and the average of combined benefits for an employee and spouse will increase \$89 a month to \$3,293. For those aged widow(er)s eligible for an increase, the average annuity will increase \$38 a month, to \$1,203.

For those under full retirement age throughout 2012, the exempt earnings amount rises to \$14,640 from \$14,160 in 2011. For beneficiaries attaining full retirement age in 2012, the exempt earnings amount, for the months before the month full retirement age is attained, rises to \$38,880 in 2012 from \$37,680 in 2011.

Widow(er)s whose annuities are being paid under the Railroad Retirement and Survivors' Improvement Act of 2001 will not receive annual cost-of-living adjustments until their annuity amount is exceeded by the amount that would have been paid under prior law, counting all interim cost-of-living increases otherwise payable. Some 35 percent of the widow(er)s on the RRB's rolls are being paid under the 2001 law.

# John Shepherd, former GS&T, a witness to history

He left home a small-town boy. He returned a wounded war hero.

He was **John H. Shepherd**, retired general secretary & treasurer of the UTU. He also was a witness to one of the most celebrated military victories in American history.

Shepherd was at the base of Mount Suribachi on Iwo Jima Feb. 23, 1945, when Marines from his company erected the American flag atop it.

The photograph of that event, taken by Associated Press photographer Joe Rosenthal, has been called the most famous photograph ever taken.

## He was on Iwo Jima when the American flag went up

Shepherd, who began working as a yardman for the Union Pacific in 1940, enlisted in the Marines and left North Platte, Neb., April 14, 1944. He was married with a small son and daughter.

He was assigned to a machine gun unit of E Company, 28th Regiment, 5th Division, United States Marine Corps.

On the morning of Feb. 19, 1945, following 72 consecutive hours of preparatory bombing and shelling, the Japanese-held Pacific island of Iwo Jima was invaded by U.S. Marines.

Under the command of Lieutenant General Holland Smith, the Marines faced an almost impossible military situation.

Lacking the element of surprise, they had to land in heavy surf on a 3,500 yard beach where, ankle deep in volcanic sand, they were under observation and fire from 546-foot high Mount Suribachi and a 400-foot plateau.

Iwo Jima, 750 miles south of Japan, was the first piece of land under the direct administration of Tokyo to be captured by American forces during World War II.

The cost of the 26-day campaign: 4,189 Marines killed, 15,308 wounded and 441 missing,



Former UTU International General Secretary & Treasurer John Shepherd was at the foot of Mount Suribachi on Iwo Jima when the American flag was raised.



about 45 percent of those who landed on the island.

Shepherd was wounded in the attack. He received a Purple Heart for shrapnel wounds he received to his left thigh.

"It was a rough go, but as usual the Marines came out on top," Shepherd wrote home to his wife and family (on Japanese paper with a Japanese pencil) just two days after the invasion. "I know I never was so tired and pooped out in all my life. I had several close calls but close don't count."

"The first day a guy was killed in the hole I was in. He was laying right next to me, but I was just a little lower than he. Every time I went in a fox-hole I laid clear on the bottom and then went down about six more inches. Scared! Wow. I never dreamed a human being could shake so damn hard."

## "I never dreamed a human being could shake so damn hard"

Following the war, Shepherd returned to UP and, in 1951, was elected local chairperson of Brotherhood of Railroad Trainmen (BRT) Lodge 29 (now Local 200, North Platte, Neb.) In 1955, he was elected general chairperson on UP's Eastern District.

In 1960, Shepherd was elected to the office of BRT vice president. He served in that capacity until his election as general secretary & treasurer of the new UTU in 1969.

He was re-elected to the post at four subsequent conventions. He retired in 1984 and died in 1995.

The photo of the Iwo Jima flag raising is perhaps the most widely reproduced photo of all time, from postage stamps to millions of posters to ice sculptures.

It was used as the model for largest bronze statue in the world, a 100-ton statue dedicated as a memorial to all Marines at Arlington National Cemetery.

## Conductor certification coming Jan. 1

*Continued from page 1*

crew, so as not to conflict with other safety sensitive duties.

- **If the conductor lacks territorial qualification on other than main track**, the conductor, where practical, shall be assisted by a certified conductor meeting the territorial qualifications. Where this is not practical, the conductor shall be provided an appropriate job aid, which includes maps, charts or other visual aids of the territory. This applies to all tracks on each territory.

- **Territorial qualification is not required for short movements** of one mile or less where track speed is 20 mph or less and movement is required to be at restricted speed, and the track grade is less than one percent.

**Prior to revoking conductor certification, a railroad must:**

- **Provide notice of the reason for suspension**, and an opportunity for a hearing before a person other than the investigating officer. Written confirmation of the notification shall be in accordance with the collective bargaining agreement. Additionally, the hearing shall be in accordance with the collective bargaining agreement, but shall be convened within 10 days after the certificate is suspended, unless the conductor asks for a delay.

- **Provide**, no later than convening the hearing and notwithstanding any collective bargaining agreement, **a copy of the written information and a list of the witnesses** the railroad intends to present at the hearing. The railroad shall grant a recess if the information is provided

just before the hearing. If the information is provided through written statements of an employee, the railroad shall make that employee available for examination during the hearing.

- **Not revoke certification or recertification** if there is sufficient evidence that an intervening cause prevented or materially impaired the conductor's ability to comply with requirements.

**Also, with regard to conductor certification:**

- **The appeal procedures largely mirror engineer certification regulations.**

- **The training requirements for new conductors are significantly improved** from current requirements. In addition to improved initial training, this rule requires recurrent training for all conductors every three years during the recertification process. The recurrent training must be identified in the certification plan filed with FRA, including changes in operating rules, operating practices, new federal regulations and new equipment in service.

"The implementation of conductor certification enhances the skills and safety performance of freight and passenger conductors, provides a federal license ensuring proper training of conductors, and establishes a new basis for resisting management pressure to violate operating rules and federal regulations," said UTU International President Mike Futhey.

The final rule is a result of input from all affected parties, including labor, through the FRA's Rail Safety Advisory Committee (RSAC).

## Rail conductor certification enhances safety, security

The UTU was represented on this RSAC Conductor Certification Working Group by Local 645 Chairperson **Vinnie Tessitore**, Local 1470 Chairperson **David Brooks**, General Chairperson (GO 049) **John Lesniewski**, Local 528 Legislative Representative **Ron Parsons**, Alternate National Legislative Director **John Risch**, National Legislative Director **James Stem**, and UTU Rail Safety Coordinator for Designated Legal Counsel **Larry Mann**.

A link to the 278-page final rule is posted on the UTU website at [www.utu.org](http://www.utu.org).

## Breaking news as it happens: Register for *UTU News* alerts

Information is power and your UTU is trying to give you as much information as it can, as soon as possible. Savvy members have learned to log on to [www.utu.org](http://www.utu.org) at least once daily to check the latest transportation news and any important new happenings within the UTU.

We want important UTU news to reach you even faster. So we have created a special email list so UTU members can sign up to receive email on important UTU events.

**Register for email alerts by visiting [www.utu.org](http://www.utu.org) and clicking on the "Email Alerts" tile on the UTU homepage. Be sure to double check the information for accuracy before sending your email registration.**

Your email address will be kept confidential. It will not be sold, traded or given to anyone.

# Most major railroads report higher profits in third quarter

While most railroads reported a profitable third quarter in 2011, the industry remains short of earning what federal regulators consider sufficient to sustain investment for new equipment; maintain existing track, bridges, signal systems and other capital assets; and to fund capacity expansion.

The U.S. Surface Transportation Board determined that, for calendar year 2010, only Union Pacific achieved such revenue adequacy.

Following are major railroad earnings reports for the third quarter of 2011:



**Canadian National** reported a 19 percent increase in profit for the third quarter 2011 versus

the third quarter 2010.

CN said a four percent increase in carloadings and a nine percent increase in revenue, coupled with "rigorous cost control," drove its higher third quarter earnings.

CN's third quarter 2011 operating ratio of 59.3 percent improved from the 60.7 percent operating ratio during the third quarter 2010. (Operating ratio is a railroad's operating expenses expressed as a percentage of operating revenue, and is considered by economists to be the basic measure of carrier profitability. The lower the operating ratio, the more efficient the railroad.)

CN is primarily a Canadian railroad. Its U.S. holdings include what were formerly Detroit, Toledo & Ironton; Elgin, Joliet & Eastern; Grand Trunk Western; Illinois Central; and Wisconsin Central.

## Amtrak heroes

*Continued from page 1*



*Imagine the horror experienced by crewmembers and riders after a truck rammed this Amtrak coach and it caught fire.*

bered conductor **Laurette Lee**. Where was she? Once again, he climbed back into the mouth of burning and smoke-filled hell. Finding her dead beneath a metal door, Sanders lifted her body and carried it outside and away from the inferno.

Among the first to visit d'Alessandro and Sanders in the hospital following the accident was Amtrak President Joseph Boardman, who had taken the first available flight from Washington, D.C., to be at the scene of this horrific accident that claimed six lives and would have claimed many more had it not been for the selfless actions of d'Alessandro and Sanders.

On Nov. 3, d'Alessandro (Local 166, Salt Lake City) and Sanders (Local 1525, Carbondale, Ill.) were formally recognized in Washington, D.C., by the U.S. Department of Transportation for heroism. In presenting the awards, Transportation Secretary Ray LaHood cited both for saving lives "that went above and beyond the call of duty."

And what did these two still humble heroes have to say after receiving the awards? They credited their classroom training, exercises and structured debriefings required under 49 CFR Part 238 as giving them the knowledge and tools.

Heroism, of course, can't be legislated or regulated. Heroism comes from the heart and soul, and will long be remembered by dozens alive today only because when tragedy struck, well-trained and dedicated Amtrak conductors d'Alessandro and Sanders were present.



**Canadian Pacific's** third quarter 2011 profit fell by five percent versus third quarter 2010.

CP's third quarter 2011 operating ratio deteriorated to 75.8 percent, more than two percentage points higher than its 73.7 percent operating ratio for the third quarter 2010.

Canadian Pacific is primarily a Canadian railroad. Its U.S. holdings include Class I Soo Line and regional railroad Delaware & Hudson.



**CSX** reported a 12 percent increase in profit for the third quarter 2011 versus the third quarter

2010, much of it the result of higher freight rates as traffic volume slowed.

The railroad said higher fuel surcharges improved its bottom line, offsetting higher costs. CSX also said that its earnings were helped by increased coal exports to China that offset a weakness in domestic coal shipments. Coal accounts for some 33 percent of CSX revenue.

CSX's third quarter 2011 operating ratio deteriorated to 70.4 percent versus 69.1 percent for the third quarter 2010.

CSX operates some 21,000 route miles in 23 states and the District of Columbia.



**Kansas City Southern (KCS)** reported a 99 percent improvement in profits for the third quarter 2011 versus third quarter 2010, driven by higher

freight rates and a record level of carloadings, boosted through increased production of automobiles in Mexico destined for U.S. markets.

"These achievements are all the more impressive given the operating challenges caused by prolonged flooding in the Midwest, particularly along the Missouri River," said CEO David Starling. "The flooding resulted in the closure of a primary rail line into Kansas City from mid-June through Labor Day, which significantly disrupted grain and coal traffic."

KCS's operating ratio of 66.6 for the third quarter 2011 was a sharp improvement from the 73.5 percent in third quarter 2010.

KCS operates some 3,500 route miles in 10 states in the Central and South-Central U.S., as well as Kansas City Southern de Mexico, a primary Mexican rail line.



**Norfolk Southern** reported a 24 percent increase in third quarter profit

versus third quarter 2010, citing increased freight rates and a 23 percent boost in coal hauled for export.

The third quarter produced for NS "all-time records for income from operations and earnings per share, while also establishing third-quarter records for net income and operating ratio," said NS CEO Wick Moorman.

The NS third quarter 2011 operating ratio of 67.5 was a third-quarter record low and 2.1 percentage points below its third-quarter 2010 operating ratio of 69.6 percent.

NS operates some 20,000 route miles in 22 states and the District of Columbia.



**Union Pacific** reported a 16 percent increase in profits for the third quarter 2011 versus third quarter 2010, citing price increases and fuel surcharges in the face of a sluggish economy,

weather-related difficulties in parched Texas and sharply higher fuel prices.

UP's operating ratio of 69.1 percent for the third quarter 2011 was slightly higher than the record 68.2 percent operating ratio it posted in the third quarter 2010.

Union Pacific operates some 32,000 route miles in 23 states in the western two-thirds of the U.S.

As **BNSF Railway** is now privately held, it does not report earnings.

A railroad is considered "revenue adequate" if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry.

For 2010, the STB concluded that the current cost of capital for the railroad industry was 11.03 percent, and only Union Pacific achieved a rate of return equal to or exceeding that percentage.

No railroad was found to be "revenue adequate" for calendar year 2009.

For 2010, the STB determined that **Union Pacific** achieved a rate of return on net investment of 11.54 percent; **Norfolk Southern**, 10.96 percent; **CSX**, 10.85 percent; **Kansas City Southern**, 9.77 percent; **BNSF**, 9.22 percent; **Canadian National** U.S. affiliates, 9.21 percent, and **Canadian Pacific** U.S. affiliates, 8.01 percent.

## Discipline Income Protection Program: It Pays!

**What is the Discipline Income Protection Program?** This program pays you a specific amount of money over a length of time if you are suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that such violations are not on the list of exceptions not covered.

**What benefits are paid?** You choose the level of benefits paid, from \$6 to \$200 per day, all at low monthly assessments. The term of benefits, from 250 to 365 days, depends on how long you have been enrolled in the program.

**Who sponsors the program?** The United Transportation Union International sponsors the Discipline Income Protection Program.

**Who is eligible for coverage?** All UTU members may enroll on a voluntary basis.

**How do I get more information?** Contact your field supervisor or local insurance representative, or write to: UTU, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, or email "dipp@utu.org" or check out the Discipline Income Protection Program page on [www.utu.org](http://www.utu.org).



Published monthly (except for combined months of December/January and July/August) by the UNITED TRANSPORTATION UNION, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Mike Futhey, International President; Kim Thompson, 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 News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-**

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



The Official Publication of the United Transportation Union

## UTU helps Ohioans regain bargaining rights

Voters in Ohio overwhelmingly restored to public employees Nov. 8 their collective bargaining rights that a conservative majority in the state legislature – with support from Gov. John Kasich – chose to revoke earlier this year.

The legislative attack on collective bargaining rights was so repugnant to Ohio citizens that 1.3 million affixed their signature on petitions to place the law on the November general election ballot – a rare and not lightly taken action of direct democracy.

By nearly a two-to-one margin, Ohio voters overturned the law, sending a strong message to lawmakers that they best not again seek to trash workers' rights to collectively bargain for wages, benefits and working conditions.

*The New York Times* called the landslide vote “a slap to Ohio’s governor, John Kasich, a prominent Republican who had championed the law.” Vice President Joe Biden said, “Fundamental fairness has prevailed.”

The UTU Collective Bargaining Defense Fund played a meaningful role



*Raymond Noss of New London, Ohio, 104, a retired member of Local 792, Cleveland, votes on his absentee ballot to return collective-bargaining rights to firemen, police officers, teachers and other public employees in the state.*

in overturning the law, with active and retired UTU members in Ohio helping to organize public demonstrations, circulating petitions to place the law on the November ballot, and assisting in voter registration and get-out-the-vote drives that involved knocking on doors and providing rides to the polls.

Ohio State Legislative Director **Glenn Newsom** spent months visiting locals and directing mail and phone messages to active and retired members about the importance of voting and encouraging others to repeal the law.

This was the second victory for the UTU Collective Bargaining Defense Fund. In July, two anti-labor senators, who had voted in favor of a law similar to the one in Ohio, were removed from office in Wisconsin following a recall effort with strong UTU participation. Democrats and union leaders there now hope to channel momentum from the Ohio victory into an effort to recall Wisconsin Gov. Scott Walker. They must obtain more than 540,000 signatures by Jan. 17.

## Photo of the month

The UTU International is always looking for good photos, and awards UTU gear to monthly photo winners.

The UTU 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 News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed 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.

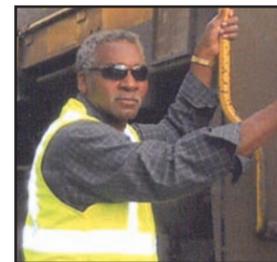
Remember to review your employer’s policies regarding use of cameras on the property or during work hours.



This photo is by Local 1501 (Baton Route, La.) member **Ian Sutherland**. It is CN engine 8899 servicing an ADM grain elevator at the north end of the carrier’s Remy siding on the Baton Rouge subdivision outside Paulina, La.



## Inside this issue of the *UTU News*:



UTU retiree **Brown** leaves railroads for stovetops. See page 2.



Former Alternate NLD **Gene Plourd** dead at 79. See page 3.



New UTU office features rail-labor historical items. See pages 6/7.



Former GS&T **John Shepherd** a witness to history. See page 10.