

# UTU News

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The Official Publication of the United Transportation Union

## State directors tapped to 'get out the vote'

NASHVILLE – When labor-friendly Democrats took control of both the House and Senate in 2006 for the first time in a dozen years, with Democrats gaining 31 House seats, House Speaker Nancy Pelosi said later, “We owe a great deal of gratitude to the UTU.”

International President Mike Futhey promised at a regional meeting here Aug. 20 that the UTU would do even better this Election Day, by helping to put long-time UTU friend Barack Obama in the White House while increasing the labor-friendly majorities in the House and Senate.

“The UTU is putting its money where its mouth is,” Futhey said in announcing the appointment of four energetic UTU state legislative directors to a special committee whose mission is to mobilize a get-out-the-vote campaign in the so-called battleground states essential to an Obama victory. Battleground states are those where neither presidential candidate has overwhelming support, making the state up for grabs.

**“The UTU is putting its money where its mouth is,” Futhey said.**

UTU Illinois State Legislative Director Joe Szabo, already serving as a transportation policy adviser to the Obama campaign, will chair the four-member committee, which also includes Michigan State Legislative Director Jerry Gibson, Colorado State Legislative Director Rick Johnson, and Idaho State Legislative Director George Millward.

Battleground states currently include Colorado, Florida, Indiana, Iowa, Ohio, Michigan, Missouri, Nevada, New Mexico, Pennsylvania, Virginia and Wisconsin. “Our job is to educate, encourage and energize voters, who include UTU members, retirees, their



From left, UTU State Legislative Directors Jerry Gibson (Michigan), Joe Szabo (Illinois), Rick Johnson (Colorado) and George Millward (Idaho) after being named to a special committee that will focus on getting out the vote for Barack Obama.



families, friends and neighbors,” Szabo said.

Essential to a successful effort is receiving help from the UTU Auxiliary, and Auxiliary President Carol Menges pledged her organization is prepared to work closely with the Szabo team. Additionally, other UTU state legislative directors will be called upon for their special expertise.

A similar strategy, on a smaller scale, was instituted by Futhey in Louisiana in May, helping

underdog and labor friend Don Cazayoux capture a congressional seat controlled by Republicans for 33 years.

The successful two month UTU effort of telephone calling and door-bell ringing was led by Louisiana State Legislative Director Gary Devall, with assistance from legislative directors in adjoining states.

In a July 5 letter to Futhey, Obama promised to “preserve the sanctity of Railroad Retirement and the Federal Employers’ Liability Act (FELA) and push for a fair process to receive and maintain a Commercial Driver’s License. My administration will push for Amtrak, commuter rail, and public transit system funding, ensuring strong employment levels well into the future.

*Continued on page 10*

### News and Notes

#### Arbitrator Peterson named in entry-rates contract dispute

Veteran arbitrator Robert E. Peterson has been agreed upon by the UTU and the carriers to settle the dispute over entry rates tied to training.

The recently ratified national rail agreement provided for a three-person arbitration panel that will include UTU International President Mike Futhey, the railroads’ chief labor negotiator Robert Allen, and Peterson serving as the neutral.

The entry-rates arbitration will be heard by Peterson Dec. 4-5 in Washington, D.C., because of the earlier unavailability of Allen. An award is expected within 30 days of the hearing dates.

#### October UTU News to feature 2008 election recommendations

The October 2008 edition of the *UTU News* will carry recommendations for the upcoming congressional elections. The recommendations are made in conjunction with the UTU’s national legislative office and state legislative directors. The UTU will not tell you how to vote. However, the UTU will offer recommendations of candidates that will work for greater job security, increased workplace safety and comprehensive and affordable health-care plans designed for working families.

## Direct-observation drug test rule challenged

The U.S. Department of Transportation has delayed until Nov. 1 a new drug-testing rule that was scheduled for implementation Aug. 25.

The UTU, seven other rail-labor unions and BNSF Railway separately have challenged the legality of the new rule in federal court. There is no timetable for the federal appeals court to act on the petition for review filed Aug. 13.

The new rule, now delayed until Nov. 1, would require employees of all transportation modes – including railroads, transit and bus operators – to submit to direct observation urine collection following an invalid test, and provide the carrier with discretion to require direct observation for return-to-duty or follow-up testing.

Because the rule would require disrobing by employees and direct observation of urine production, the District of Columbia Circuit Court of Appeals has been asked by the UTU,

the other unions and BNSF to consider whether the rule violates the Constitution’s Fourth Amendment protection against unreasonable searches.

The court also is asked to consider if the new rule violates the Omnibus Transportation Employee Testing Act of 1991, which requires the use of testing procedures that promote, to the maximum extent practicable, individual privacy in the collection of specimen samples.

BNSF is the lone railroad to join the unions in challenging the new DOT rule. Neither the AAR nor the ASLRRRA joined in the court challenge.

The federal appellate court challenge leans heavily on a 1989 Supreme Court decision holding that “require[ing] employees to perform an excretory function traditionally shielded by great

*Continued on page 10*

# Around the UTU

## Local 14, Cincinnati, Ohio

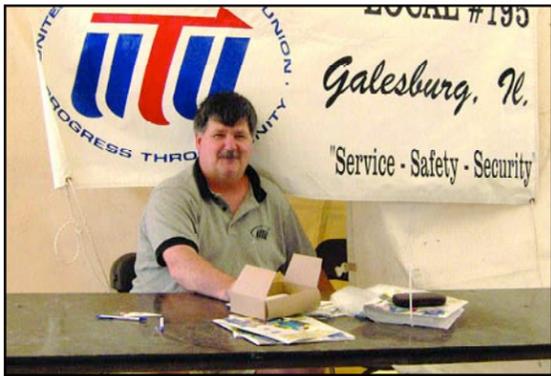
Retired member John E. Pyles said that the "railroad stories really flowed" at the National Rail Roaders' Camping Association get-together from July 13-20 in Gladewater, Texas. Families from Florida, Ohio, Nebraska and Illinois participated in this year's event, with some staying in recreational vehicles and some in area motels. Next year's outing will be held in Mackinaw City, Mich., Pyles said. For more information about the association, visit [www.nrrca.org](http://www.nrrca.org).

## Local 32, Glendale, Calif.

Rich Arnold, a 22-year local chairperson and delegate to the past five UTU International conventions, retired Aug. 1. Arnold hired out as a brakeman with the Southern Pacific Transportation Co. in 1978 and was promoted to engineer in 1979.

## Local 195, Galesburg, Ill.

This local once again participated in Galesburg's annual Railroad Days celebration, which was held June 28-29. Local Chairperson J.M. Smith helped man the UTU display, where hundreds of UTU paper hats and coloring books were distributed to young visitors waiting to take bus tours of the BNSF Railway's Galesburg Yard complex. The local also provided a bus to help transport visitors on the tour, Legislative Rep. Ralph W. Linroth reported.



Local Chairperson J.M. Smith mans the UTU display at the Galesburg annual Railroad Days celebration.

## Local 240, Los Angeles, Calif.

Local Chairperson Harry J. Garvin Jr. reports that the local will hold its sixth annual Rail Reunion and Retirement Dinner on Nov. 8, from 3 to 10 p.m., at the El Rancho Verde Golf Club in Rialto, Calif., for employees of SP, UP, Pacific Electric, and former SP/UP on Metrolink and Amtrak. The cost is \$35 per person or \$65 per couple and the deadline for reservations is Oct. 31. For more information, call Garvin at (909) 481-7261. Garvin also noted the following retirements: Winston L. Garth on July 1; Mike L. Jones on Sept. 1, and Jack L. Healy on Sept. 10.

## Local 597, Des Plaines, Ill.

The local is mourning the loss of terminal engineer and former local president and chairperson Mark F. Doyle, who passed away July 23, reported Local Vice President Harry C. Lewis Jr. "He was a good engineer, member and family man and our local will miss his dedication and his ability to step up and solve problems," Lewis said.

## Local 607, Thayer, Mo.

On July 24, the brothers and sisters of this BNSF local held their third annual Family Fun Day at the Thayer City Pool, Local President Chris Skaggs reports. Members and their families were treated to swimming, pizza and ice cream. Special guests included Missouri State Legislative Director Ken Menges, Springfield Division UTU Safety Coordinator Les Wilson, General Chairperson Steve Green, Associate General Chairperson Mike LaPresta, and Paul Bonham from Hubbell, Peak, O'Neal, Napier & Leach in Kansas City.



## Community support: What comes around, goes around

SANTA CRUZ, Calif. – "When a union supports its community, the community supports the union," says Local 23 Chairperson Bonnie Morr.

This adage was proven several years ago during a 37-day strike by Local 23 when its members, without paychecks, dipped into their savings to put gasoline in their own automobiles to provide essential alternative transportation to the elderly and neediest who were left without bus transportation.



Malphrus

The community didn't forget, and its overwhelming support for Local 23 was crucial in negotiating a new three-year contract last month with the Metropolitan Transit District. "The community remembered, and our members benefitted at the bargaining table," Morr said.

And once again, Local 23 members delivered support to the community after fire destroyed four homes near Santa Cruz.

Among those who lost their homes was a co-worker, Chris Kane, a facilities maintenance employee of the Santa Cruz Metropolitan Transit District, member of the Service Employees International Union (SEIU), and a single mother.

Kane's own mother and two brothers lived in the other houses destroyed by the fire. Four generations of the family lived in those destroyed houses since 1972.

Immediately after hearing the news, Local 23 member Brenda Malphrus organized a day-long clean-up, and helped to supply food and drinks for others assisting the four families devastated by the fire.

Pitching in with Malphrus were Local 23 Vice Chairperson Steve Prince and members Brian McHale, Will Reagon and Mike Steber, all of whom brought their own family members, neighbors and friends with them to assist in the clean-up. They and other Local 23 members also contributed more than \$900 to the burned-out families.

"We asked Chris what she needed, and she said, 'elbow grease,'" Malphrus said in explaining how and why she organized the clean-up.

Morr says Local 23 has a Good and Welfare Outreach Committee, which regularly springs to action on behalf of members as well as the community. "The families lost everything in the fire and our members are doing what they can to help those families put their lives back together. We support the community and the community supports us," Morr said.

## Local 650, Minneapolis, Minn.

Members of this Union Pacific (C&NW) local will hold their annual picnic on Sept. 17, at 5 p.m., at the Croatian Hall, 454 2nd Ave. S., in South St. Paul. Dinner will feature hamburgers, hotdogs and brats and there will be a cash bar, Local Chairperson Randy Raskin reported.

## Local 707, Marysville, Kan.

Seventeen-year-old Jace Bowhay, son of retired Union Pacific engineer Dave Bowhay, recently won two world championships at the Little Britches National Finals Rodeo in Pueblo, Colo. Bowhay won the senior boys' steer wrestling title, as well as the all-around senior boys' champion cowboy title. He was second in tie-down calf roping. In all, Bowhay won two saddles at the National Finals, along with 10 belt buckles and \$3,700 in scholarships.



Jace and Dave Bowhay

## Local 759, Newark, N.J.

Victor Fabian, an employee of Community Transportation, passed away on Aug. 5 after suffering a heart attack while playing with his son. "He had been a strong union supporter of his local and its officers and will be greatly missed," reported Vice President Vic Baffoni.

## Local 762, Montgomery, Ala.

Edwin Donald "Donnie" Tatum, 63, of Prattville, Ala., a retired member of this local, was

tragically killed on Aug. 9 in a boating accident on Lake Martin. Tatum retired from CSX Railroad in 2005 after 40 years of dedicated service, State Legislative Director Ronnie Clements reported.

## Local 807, Tucson, Ariz.

Secretary Thomas F. Moore Jr. reported that the following members have retired this year: Broderick Ross on January 1; Don Cable on March 1; Mike Floyd on April 1; Dick French, Jerry Tappero and Dave Hampton on May 1; D. Mike Snyder on June 1; and Pete Ochoa and Tim White on Sept. 1. Members of the local that have passed away in 2008 include Rick Bennett, Chet Fricker and Ray Ledenican.

## Local 933, Jefferson City, Mo.

This Union Pacific local, in conjunction with the Missouri Auxiliary of the UTU, will host a two-day affair Sept. 19-20, including a fish fry, informational seminar and barbecue. The fish fry will be held Sept. 19, from 4 p.m. to 10 p.m., at the Wardsville Lions' Club in Wardsville, Mo. The following day, Sept. 20, the Auxiliary of the UTU will hold its state meeting at 8:30 a.m. at the same location, followed by a noon luncheon and the informational seminar at 1 p.m. The barbecue dinner will begin at 4 p.m. Representatives from UnitedHealthcare, the Railroad Retirement Board, Union Pacific Health Systems and UTU designated legal counsel will be present. All active and retired railroaders are encouraged to attend. The local will also be sponsoring a golf outing on Sept. 19. For more information, contact Local President Dennis Menges at (573) 634-7962, member Delmer Brown at (573) 782-4105, Kenny Menges at (573) 634-3033, or send e-mail to [moutu@embargmail.com](mailto:moutu@embargmail.com).

## Local 1477, Dearborn, Mich.

Donnie L. Carter, 59, former assistant state legislative director of the UTU's Michigan State Legislative Board, passed away Aug. 14. Carter, a 39-year member of the UTU, began his railroad service on Penn Central, which later became Conrail. He had also served as the legislative representative and treasurer of UTU Local 1477 at Dearborn. He is survived by his wife Sandra, and a daughter, Meghan.

## Local 1558, Bergenfield, N.J.

The following UTU members, all employed by the Rockland Coaches Division of CoachUSA, were recently honored for their years of service. They are: John Miller (38 years), Jerry Benowitz (36), Robert Suhey (34), Henry Erbeck (34), Arthur Dunn (32), John Basil (31), Ronald Drolshagen (31), Gary Everett (30) and Kevin Grant (30).

# Futhey appoints seven members to Transportation Safety Team

Helping to ensure safe working conditions on rail carriers traditionally has been a principal responsibility of the UTU national and state legislative departments.

To this end, International President Mike Futhey announced Aug. 7 that he is adding seven officers with state and local legislative responsibilities to the union's Transportation Safety Team (TST). The TST assists the National Transportation Safety Board in investigations of serious railroad accidents.

The seven are: **Greg Boam**, Oregon assistant state legislative director; **Gary Devall**, Louisiana state legislative director; **John Dunn**, Local 756 alternate legislative representative; **Jerry Gibson**, Michigan state legislative director; **Greg Hynes**, Arizona assistant state legislative director; **Larry Kasecamp**, Maryland state legislative director; and **Andres Trujillo**, Florida state legislative director.

"One of my assurances, prior to election, was to strengthen the role of state legislative departments, and provide additional dimension and responsibility to the tasks of legislative directors at the local level," Futhey said. "These new TST members, representing geographic diversity, have demonstrated their commitment and loyalty to our members and will bring new energies and ideas to the TST."

The seven new TST members are undergoing special training, which includes intensive course work at the National Transportation Safety Board Academy. The training is similar to that provided NTSB accident investigators.

Upon certification by the NTSB, the new UTU TST members will achieve what is known as "party status." This permits them access to sealed-off accident sites, where they confidentially assist NTSB investigators.

When a serious rail accident occurs, one or more TST members is dispatched to the scene, where they report to the NTSB investigator in charge for further assignment in assisting in the accident investigation. In that role, the TST members assist the NTSB in ascertaining factual data relating to the accident.

The UTU's TST members frequently provide crucial assistance by locating crew members and others familiar with the territory where the accident occurred, and who are familiar with the motive power, equipment and signal systems in use, as well as characteristics of track and knowledge of rail operating rules. TST members also must possess special knowledge of hazardous materials that are hauled by railroads.

The UTU's TST also performs another important service – one that benefits UTU members. A UTU member involved in an accident can

## Members on D&H ratify new pact

UTU members on the Delaware & Hudson (D&H), a subsidiary of the CP/Soo, have overwhelmingly ratified a new four-year contract with the carrier.

The members, employed as conductors, engineers, brakemen and yard workers, are members of Local 211 (Binghamton, N.Y.), 256 (Watervliet, N.Y.), 318 (Hornell, N.Y.) and 498 (Allentown, Pa.)

The new contract includes pay raises equal to the recently ratified national rail contract, the payment of retroactive wage hikes, no work-rules changes and an increase in meal allowance, among other improvements.

The contract was negotiated by New York State Legislative Director **Sam Nasca** and General Chairpersons **George Casey**, **Sean Keating** and **Carmin Mastropietro**, with assistance from Vice President **Tony Iannone**.

demand that a UTU TST member be present during questioning to serve as a witness to what was said.

UTU TST members can also assist UTU members in ensuring that a UTU officer is present should railroad officials seek to question a UTU member – and that railroad officials not violate terms of the UTU contract with that carrier.



# New FRA safety programs takes aim at railroad culture

WASHINGTON – Railroads, the FRA and labor organizations, including the UTU, launched on Aug. 12 a new and formal effort to improve workplace safety through an emphasis on cooperation and education and a de-emphasis on aggressive discipline.

FRA Administrator Joseph Boardman termed the effort "a new risk-based approach to identify and correct safety issues before they result in train accidents and employee injuries." Its official name is the Risk Reduction Program (RRP).

"Fixing something after it breaks or writing rule-violation notices is increasingly unlikely to result in significant additional gains in rail safety," Boardman said in introducing the RRP at a meeting attended by carrier CEOs, FRA senior safety staff, UTU International President Mike Futhey and officials of other labor organizations.

Creation of the RRP follows several risk-reduction pilot projects.

Its initiative is to "develop innovative methods, processes and technologies to address the contributing risk factors that result in train accidents and employee injuries," Boardman said.

"For example, a conventional approach to prevent train derailments is to search for and fix any broken joint bars that connect two sections of track. A risk-based strategy will focus on identifying the precursors that indicate a joint bar might break followed by proper preventive maintenance before it fails," Boardman said.

The RRP framework is intended to encourage "voluntary participation of railroads and labor on projects that target specific risk categories such as confidential close-call reporting systems, peer-to-peer accident prevention strategies, and fatigue risk-management programs," Boardman said. "It will be necessary for railroads to develop and strengthen

their safety cultures so that the risk-based approach to safety eventually becomes second nature."

Futhey described carrier officers, labor officials and FRA senior safety staff in attendance as "anxious to roll-up their sleeves and make this work."

"The UTU has a history of standing ready to participate in any program to help assure its members return home to their families in one piece," Futhey said. "This program is intended finally to put to rest an adversarial culture that sometimes exists in the railroad industry. The

UTU supports a culture of education rather than a culture of discipline."

Boardman also presented "distinguished public service" awards to the UTU, the BLET and Union Pacific Railroad for their partnership in two effective risk-reduction demonstration projects – the Changing At-Risk Behavior (CAB) project, and the Safety Through Employees Exercising Leadership (STEEL) project.

The CAB project resulted in an 80 percent reduction of the targeted behavior, and the STEEL project removed more than 75 barriers to safety, Boardman said.

The awards recognized successful pilot projects on UP's San Antonio and Livonia, La., service units. UTU members recognized by Boardman for their participation in these projects were **John Dunn** and **Kelvin Phillips**, both of Local 756, and **Thomas Albarado** and **James "Greg" Schnabel**, both of Local 1836.

FEDERAL RAILROAD ADMINISTRATION  
**RISK REDUCTION PROGRAMS**  
 Changing At-Risk Behavior (CAB)  
 Safety Through Employees Exercising Leadership (STEEL)  
 For more information about FRA programs visit [www.fra.gov](http://www.fra.gov).



# Obama walks the walk with labor

The most successful military generals are those who care best for their troops, walk among their troops and listen intently to their ideas and concerns.

This week in Denver, Barack Obama, who consistently expresses his support for working families, as well as improved rail and transit service in America, reached out to a union-represented railroader to address the Democratic National Convention.

Separately, Joe Biden, before departing for Denver, visited the Wilmington, Del., train station to visit with Amtrak employees and passengers. According to the Wilmington newspaper, Sen. Biden even took note that the Amtrak conductor, who usually manages his morning commuter train to Washington, was not working that day.

For sure, the Obama/Biden ticket is one that walks the walk – not just talks the talk – on working-family issues, as well as rail and transit issues. I know. I heard it first hand in Denver,



## International President's Column

By Mike Futhey, International President

while attending the Democratic National Convention.

Although I haven't had the opportunity yet to speak with Sen. Obama or Sen. Biden directly, I did meet in

Al Franken, who is running for a Senate seat in Minnesota.

All five inquired of the UTU's position on rail issues, and all five recalled instances where Sen. Obama and Sen.

**“For sure, the Obama/Biden ticket is one that walks the walk – not just talks the talk – on working-family issues, as well as rail and transit issues.”**

Denver with Congressman Jim Oberstar of Minnesota, chairman of the House Transportation Committee; House Speaker Nancy Pelosi; Senate Majority Leader Harry Reid; former Vice President Walter Mondale, and

Biden had stood up for unionized rail, transit and bus workers, and how Sen. Obama and Sen. Biden vocally and emphatically supported more local, state, regional and federal funding for public transportation.

In Denver, on the convention's opening night, it was a dream come true for Amtrak 20-year machinist Mike Fisher, who was given three minutes in the spotlight to express his support for Sen. Obama.

Mr. Fisher, employed in Amtrak's Beech Grove, Ind., shops, first met Sen. Obama in April, at an Indianapolis campaign stop, after which the senator and his wife, Michelle, visited the Fisher home and sat with them at their dining room table.

During that conversation, Mike Fisher expressed concern for his job, given the perennial attempts by conservatives in Congress to gut Amtrak.

Mr. Fisher also mentioned to Sen. Obama his concern that a daughter-in-law had been denied reimbursement by a health insurer for surgery following a complicated pregnancy.

Sen. Obama invited Mr. Fisher to introduce him a few days later before an Indianapolis crowd of Obama supporters. Then came the invitation to address the Democratic National Convention in Denver.

“After meeting him and talking to him and seeing how down to earth he was with us and understanding, he just sold me 100 percent,” Mr. Fisher said from the convention's podium.

“[Back in April], as soon as Barack Obama came up on our front porch and shook my hand, he put me at ease,” Mr. Fisher told the convention delegates. “We went inside, and Barack put his elbows up on the kitchen table and listened. It was like talking with family. It became clear that they are regular people. Barack and Michelle grew up dealing with the same challenges most of us face. It's pretty clear he can relate to working people and those who are struggling.”

Mr. Fisher's talk to the Democratic National Convention followed one by Rep. Jesse Jackson Jr. (D-Ill.) and preceded a talk by the president of the Chicago chapter of the Service Employees' International Union.

Mr. Fisher received roaring applause for his final lines: “Barack Obama is the only person I trust to do the right thing for all of us. That's why I'm here tonight and that's why he's my choice for president.”

I could not agree more.



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## Pride in our progress, still work to do

**“We take pride that most other unions look with awe at UTU's abilities to deliver for its members. Much of the credit must be given to the UTU PAC, which helps to elect labor-friendly candidates – and keeps them in office.”**

Eight years ago, our nation was not piling up debts that will crush our children and grandchildren, we were not paying \$4 per gallon for gasoline, and our neighbors were not being forced into the street by home foreclosures. Even Republicans have mostly abandoned support of this Bush administration.

The challenges for the next administration – and the next Congress – will be immense. Change is essential, and Sen. Obama has broad appeal among working families for the economic policies he supports that strengthen job security, expand health-care coverage, assure workplace safety, and halt employer attempts to weaken the organizing and contract-negotiating abilities of labor unions.



Brunkenhoefer

Your UTU hasn't been trading water over the past eight years. Based on our accomplishments during the difficult Bush years, we have good reason to envision being able to do more for working families under an Obama administration and a Congress with an even larger

labor-friendly majority.

Let's look back at our accomplishments. We achieved Railroad Retirement reform, which restored, for career railroaders, the ability to retire at age 60 with full benefits, and we gained an improved annuity for surviving spouses.

We worked with labor organizations representing all segments of the workforce to block efforts

to privatize Social Security and Railroad Retirement. Corporate downturns have caused far too many vulnerable retirees to lose private-pension benefits, and we cannot allow Social Security or Railroad Retirement to be turned into such a privatized program, leaving retirees holding the bag.

The UTU also took the lead in advancing a new rail-safety bill, that we expect to be finalized soon. It is the first significant legislative loss for the rail carriers in more than a generation – and the congressional majority supporting this bill assures the president will sign it.

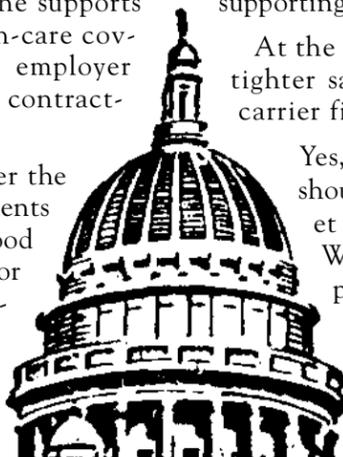
At the Federal Railroad Administration, we have achieved gains in tighter safety regulations, stepped-up enforcement and more harsh carrier fines.

Yes, there is far more to do on behalf of our members. Bus operators shouldn't face loss of their jobs because they received a traffic ticket while operating their automobile on vacation in a distant state. Workers shouldn't face the indignity of having to be observed providing a urine sample without reasonable cause.

These – and many other – issues of importance to our members will be addressed with a new administration and new Congress next year.

We take pride that most other unions look with awe at UTU's abilities to deliver for its members. Much of the credit must be given to the UTU PAC, which helps to elect labor-friendly candidates – and keeps them in office.

Through unity, we will continue moving forward.



## WASHINGTON WATCH

By James M. Brunkenhoefer

# State Watch

## News from UTU State Legislative Boards

### Alabama

All active, auxiliary and retired members are urged to support Mayor Bobby Bright (D) in his run for the 2nd Congressional District, State Legislative Director **Ron Clements** reports.

"This picture represents the power that the UTU has through its legislative department and membership support," Clements said.



Pictured above are Dale Barnett (legislative rep., Local 762, Montgomery); Clements; Mary Ann Clements, Alabama state director for UTU Auxiliary, presenting a UTU PAC check to Bright, and Noah H. Flanagan, retired state director.

### Kansas



Pictured above, from left to right, are State Rep. Jan Pauls, Lindsey, State Rep. Vince Wetta and State Rep. Dennis McKinney.

State Legislative Director **Don Lindsey** reports that three influential Kansas lawmakers recently met with members of the state legislative board to learn of union initiatives and con-

### Indiana

Members of Local 383, New Albany, and State Legislative Director **Tom Hensler** recently attended a fundraiser for Indiana Senate Minority Floor Leader Richard D. Young (D- Dist. 47.)

"Senator Young has always been there for the UTU and his commitment to all Indiana working families has earned him the respect of all labor unions," Hensler said.

"With his help and leadership we will turn this red state blue! The members of Local 383 and all other Indiana locals pledge their support to Senator Young in accomplishing that goal."



Pictured above, from left to right, are Mike Farnsley (vice local chairperson, L-383); Hensler; Young; Travis Wolfe (member, L-383) and Mark Sears (legislative rep., L-383).

cerns and to express their appreciation for UTU's support.

Lawmakers included State Rep. Jan Pauls (wife of Legislative Rep. **Ron Pauls**, Local 477, Newton), State Rep. Vince Wetta and State Rep. Dennis McKinney.

"Jan Pauls has served in the Kansas House since August 1991. She has always been there when UTU families needed her help," Lindsey said. "Rep. Vince Wetta, a retired member Local 794, Wellington, is serving his first term in the Kansas House and has been a breath of fresh air for working men and women in Kansas. Vince

has done such a stellar job that he is running unopposed in his re-election bid. Rep. Dennis McKinney, Greensburg, serves as Democratic minority leader in the Kansas House. He has been a strong supporter over the years on UTU issues and has a close working relationship with the Kansas State Legislative Board."

### New Mexico

Third District Congressional candidate Ben R. Lujan held a private meeting with UTU members on Aug. 15 in Clovis, Local 1168 Legislative Rep. **Randy Dunson** reports. "Lujan is from a union home, the son of a steel worker and should be a real friend to us in Washington," Dunson said. "We are endorsing 26 candidates in New Mexico and hope to change the political scene here at home, and in Washington."



Pictured, from left, are New Mexico State Legislative Director Dennis Baca, Lujan, Scott Gibson of the law firm of Rossi, Cox, Vucinovich, Bremseth & Flaskamp, and Dunson.

### Colorado

State Legislative Director **Rick Johnson** reports many members of Local 202 in Denver have recently joined UTU PAC or increased their contributions.

Some 66 members either joined the political action committee or increased their contributions, Johnson said.

"Credit for this great work goes to Local Vice President **Kevin Seale** and Treasurer **Don Wood**. They spent two days talking to members about UTU PAC and the 2008 election season. It paid off."

## Bus Department

By **Vic Baffoni**, vice president/director  
v\_baffoni@utu.org

## UTU protests extension of foreign vehicles in the U.S.

The Bush Administration did it again.

Secretary of Transportation Mary E. Peters extended the right of foreign-operated trucking and transit companies to operate across the U.S. border without requiring them to even have a minimum of safeguards for U.S. citizens on U.S. roads.

The U.S. Department of Transportation requires U.S. licensed drivers to be tested, certified and comply with numerous laws and rules.

Yet foreign drivers do not have to abide by any of these requirements.

Equipment inspection, certification of ability to operate equipment, drug testing and hours of service requirements have made our roads safer.

The UTU has protested loudly and has a commitment from Rep. Jim Oberstar (D.-Minn.), who chairs the House Transportation Committee, to overturn Ms. Peters' action.

We are committed to our members and the riding public to keep the roads safe for them and their families.

The UTU Bus and Legislative Departments continue to fight the mandated changes to drug testing (observed testing).

We have joined with the Transportation Trades Department of the AFL-CIO to make a concerted effort to protect our members' personal rights.

To contact me, call the UTU International headquarters at (216) 228-9400, Monday through Friday, from 8:30 a.m. to 4:30 p.m., EDT.

Send e-mail to me at v\_baffoni@utu.org.



## 2008 is election year for local leadership posts

Many UTU members will be focused on the candidates running for the U.S. presidency this autumn. But November 2008 also brings UTU members a chance to renew their union leadership at the local level.

Special Circular No. 27 and an informational guide were recently sent to local presidents and secretary/treasurers to help them conduct the upcoming elections.

For those with a general curiosity, a simplified "short course" on the UTU election process is now available on the UTU Web site, www.utu.org.

Special Circular No. 27 and its accompanying informational guide can be obtained from the UTU Web site by going to the home page and clicking on "Secretary/Treas. News & Tools," in the blue area on the left-hand side.

Once on that page, click on "More forms..." at the bottom of the column labeled, "Forms and Documents."

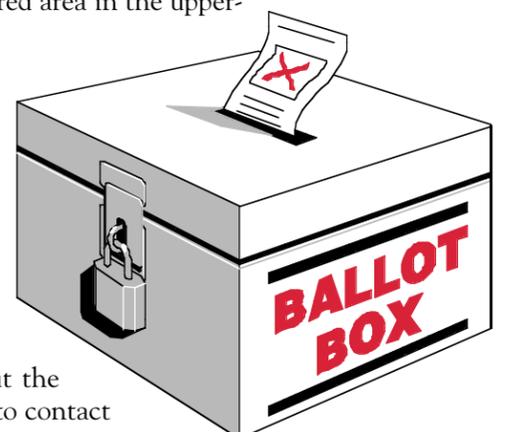
Information from the UTU Constitution that members should read: Article 7 (Eligibility for Office), Article 56 (Officers and Locals) and Article 57 (Elections in Locals).

The UTU Constitution can be downloaded from the UTU Web site. Click on "Awards/Agreements" in the red area in the upper-left-hand side of the homepage.

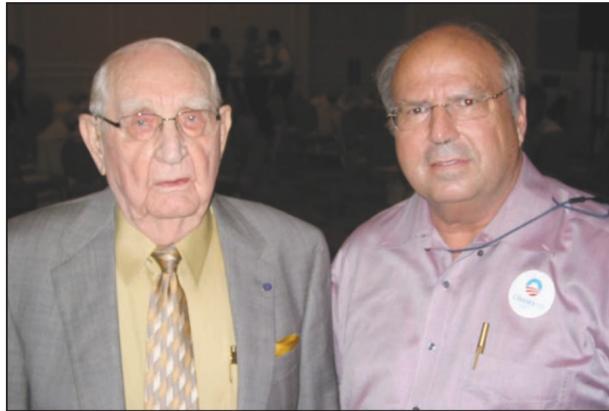
A link to the UTU Constitution can be found on the "Awards/Agreements" page, under the column labeled, "Important Documents."

Note that the last page of the UTU Constitution includes a chart indicating which elections are held in a given year.

Members with questions about the UTU election process are urged to contact the UTU International.



# 2008 Nashville Regional Meeting Scrapbook



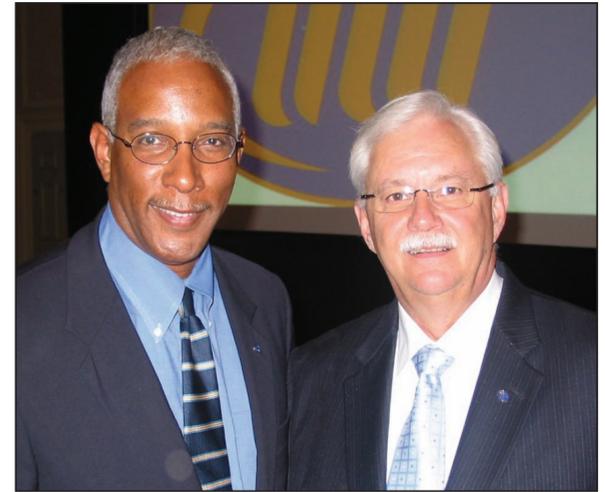
Two former Texas state legislative directors confer: former International President Al Chesser, left, who gave a rousing speech in support of Barack Obama, and National Legislative Director James Brunkenhoefer.



Regional meetings are great places to learn about all the benefits of UTU membership. Here, Susan Derby (secretary/treasurer, Local 1138, Miami), left, speaks with (left to right) UTUIA Director of Insurance and Marketing Tony Martella and Field Supervisors Don Dysart and Chris Fly.



Union Pacific General Chairperson Dean Hazlett (GO 953), left, was presented a UTU brass lanterns by Assistant President Arty Martin for his years of service to the members of the UTU.



Designated Legal Counsel Coordinator Mark Allen, left, with International President Mike Fuithey. President Fuithey expressed his gratitude for the hard work and assistance provided by UTU designated legal counsel at the Nashville and Denver regional meetings, and for all that designated legal counsel do year-round in support of the UTU and its members.



General Secretary and Treasurer Kim Thompson, right, talks with Mike Lewis, delegate and member of Local 490, Princeton, Ind. Lewis is a full-time organizer for the UTU.



Local 340 (Connellsville, Pa.) Chairperson Rick Kasecamp, seated, does research on a computer supplied by CSX Operation RedBlock Coordinator Ben Kirkland.

The dates and locations of the 2009 UTU regional meetings have been finalized. They are July 6-8 at the Westin St. Francis in San Francisco, and Aug. 17-19 at the Sheraton New Orleans in New Orleans. Check out [www.utu.org](http://www.utu.org) for details.

Want to see more regional meeting photos? Go to the "Meetings" page of [www.utu.org](http://www.utu.org).

## Night Out at the Wildhorse Saloon



Local 1053 (Selma, Ala.) Delegate Jimmy Strickland and wife Lynn with one of the many full-size horse sculptures at the Wildhorse Saloon.



Kris Williams, who serves as president of Local 1957 in Silsbee, Texas, and wife Wendy whoop it up at the Wildhorse Saloon.



Chip and Melissa Waugh at the Wildhorse Saloon. Waugh serves as vice general chairperson of his Metra/CN general committee and also as local chairperson of Local 1258 in Elgin, Ill.



Jay C. Roy and wife Michelle paused from hoofing it up for a bite to eat. Roy, of Local 1245 in Atlanta, serves as local chairperson and secretary/treasurer of his local.



Coordinating the Nashville regional meeting were, from left, Larry Pigg (L-974, Nashville, local chairperson and delegate); Alvy Hughes (L-1596, Charlotte, Transit Management of Charlotte general chairperson, local chairperson); Jerry Anderton (L-338, Chattanooga, Tennessee state legislative director); Brian Houston (L-750, Knoxville, assistant state legislative director, local legis. rep.) and William "Butch" St. John (L-1557, Memphis, associate general chairperson, legislative chairperson, local chairperson and delegate.)



Olivia Callahan, daughter of Jeff (L-753) and Brande, would vote for Barack Obama if she could.



C.J. Case, son of Donald (L-924) and Deborah, urges members to vote for Barack Obama.



Peyton Lehr, daughter of Matthew (L-305) and Holly, thinks Barack Obama should be the next president.



Kennedy Terrill, daughter of Tim (L-1857) and Erin, wears her Barack Obama emblem with cuteness.



Riders in the Scott Belden Memorial Motorcycle Ride, which raises money for UTU PAC, prepare to head off down the Natchez Trace.



Attendees at the UTU Auxiliary's workshop pose for a group photo on the grand staircase in the Opryland Hotel's Magnolia lobby.

# UTU Alumni Association

**News, information for members of the UTU Alumni Association**

## UTU Alumni Association serves retirees

The UTU Alumni Association is the new name of the program that serves retired members of the United Transportation Union.

Established by delegates in 1976 to aid union retirees, the program had over the years been called both the UTU Retiree Program and the UTU for Life program.

(This program has no relation to lifetime UTU membership, which is awarded when a member retires in good standing.)

The UTU Alumni Association is a voluntary, money-saving program for transportation retirees from all crafts.

UTU Alumni Association members enjoy the many benefits shown at the right.

The UTU Alumni Association is under the direction of retired Florida State Legislative Director **Carl Cochran**, who works every day to make sure the program serves the retired members of this union.

As a retired state director, Cochran is also in touch with state and national lawmakers who hold sway over the Railroad Retirement System. He is an important aid to the UTU's Legislative Department in protecting and improving this vital program.

Retired UTU members in the U.S. and Canada, as well as those individuals nearing retirement or interested in pension and other issues affecting transportation-labor families, are invited to participate in the UTU Alumni Association.

With annual dues set at only \$9 (U.S.) per year, membership in this fast-growing program doesn't cost – it pays!

**Check out the UTU Alumni Association page on [www.utu.org](http://www.utu.org).**



### The UTU Alumni Association offers these benefits:

- **The *UTU News***, the official publication of the UTU, covering items of interest to retired and active members, including developments affecting Railroad Retirement pensions. The publication will also include a quarterly insert with expanded news and features for Alumni Association members;
- **Automatic listing in *The Final Call***, the notice of recent deaths carried in the *UTU News*;
- **A UTU Alumni Association baseball-style cap**;
- **An annual full-size UTU wall calendar**, featuring beautiful transportation photos;
- **Membership in the nearest Alumni Association chapter**;
- **Discounts on car rentals** from National Car Rental in the U.S., Tilden in Canada;
- **Discounts at popular lodging chains**, such as Wyndham Hotels and Resorts, Days Inns, Red Roof Inns, and Super 8;
- **Discounts on cellular telephones and services from Cingular**;
- **An important documents folder** for keeping insurance policies, stock certificates, etc.;
- **A 41-page UTU/UTUIA Assets Manager** to keep track of financial information;
- **A 36-page UTU/UTUIA Medical Manager** for important medical information;
- **Automatic enrollment in the UTU Travelers' Club**, which sponsors world-wide excursions at affordable, group rates;
- **Discounts on railroad art by noted railroad artist "Scotty."**

### UTU Alumni Association application

(Please print)

Name \_\_\_\_\_ Local \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State/Province \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

I wish to join the *UTU Alumni Association*. Enclosed is a check or money order payable to "UTU Alumni Association" in the amount of \$9.00 (U.S.) for one year's dues.

Return to **UTU Alumni Association, 14600 Detroit Ave., Cleveland, OH 44107-4250**

## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
1	McClure, Ebert A.	Inverness, Fla.	586	Brehany, Edward F.	Westlake, Ohio	1370	Harrison, Richard H.	Barneget, N.J.
2	Knecht, Donald E.	Oregon, Ohio	610	Porter Jr., Charles	Woodbridge, Va.	1376	Nay, James A.	Calabash, N.C.
113	Ratliff, Floyd W.	Albuquerque, N.M.	610	Richardson, Roy	Haddix, Ky.	1382	Zellmer, Arthur H.	Waunakee, Wisc.
118	Fitzpatrick, Robert H.	Hinton, W. Va.	631	Hamby, Harry L.	Maugansville, Md.	1390	Scheer, Alan E.	Riverside, N.J.
117	Brooks, Sam	Hermiston, Ore.	631	Shriver, James S.	Knoxville, Md.	1393	Rountree, John A.	Niagara Falls, N.Y.
145	Latta, Norman W.	Orient, Ohio	645	McFadgion, Otis C.	North Babylon, N.Y.	1400	Manning, Francis J.	Island Pond, Vt.
194	Bruce, A.D.	Alton, Ill.	655	Parks Jr., Stuard A.	Bluefield, W. Va.	1402	Cox, George D.	Dupo, Ill.
195	Reed Sr., John P.	Galesburg, Ill.	763	Hamilton, Clarence D.	Frontenac, Kan.	1418	Arthur, Thomas J.	Freedom, Pa.
204	Easton, Allen	Pueblo, Colo.	783	Callahan Sr., Edward M.	Lynchburg, Va.	1438	Rock, Frederick C.	Lincoln Park, Mich.
232	Carson, Willard R.	Trenton, N.J.	811	Tanner, Horace J.	St. George, Utah	1470	Davis, Verner A.	Wilmington, Del.
239	Arnold, James F.	Oakland, Calif.	830	Keel, Clyde L.	Duncannon, Pa.	1503	Eickmann, Glen A.	Ozawkie, Kan.
265	Ingelstrom, John E.	Pocatello, Idaho	854	Vaughan Jr., Foy K.	Edenton, N.C.	1524	Golden Jr., Edward E.	Houston, Texas
298	Tracey, Jesse H.	Syracuse, Ind.	903	Bradford Jr., Archie J.	Jacksonville, Fla.	1544	Hazlett, Ernest M.	Mohave Valley, Ariz.
304	Purdy, Craig B.	Pointe du Chene, N.B.	903	Cox, Carey L.	Clarksville, Ga.	1545	Springer, Joseph E.	Pineville, La.
311	Mahoney, Paul J.	La Crosse, Wisc.	924	Wright, Pembroke W.	Colonial Heights, Va.	1557	Collins, Daniel M.	Olive Branch, Miss.
313	Valladao, William R.	Cicero, Ill.	997	Lepley, Terry K.	Enola, Pa.	1607	Parrish, Gilbert L.	Hesperia, Calif.
318	Hanford, Carl L.	Montoursville, Pa.	1066	Legnon Jr., Joseph D.	Folsom, La.	1638	O'Malley, Richard J.	Rocky River, Ohio
330	Brown, John J.	Gepp, Ark.	1074	Armen, Fred	Bethel Park, Pa.	1765	Marsiglia, Anthony	Grand Rapids, Mich.
330	Palsgrove Jr., Emerson E.	Cape Girardeau, Mo.	1201	Crow, Richard E.	Sacramento, Calif.	1780	Tilley, Franklin D.	Kansas City, Mo.
353	Taylor, John C.	Woodstock, Ont.	1202	Cain, Jack E.	New Haven, Ind.	1886	McNeill, Donald J.	Houston, Texas
432	Helmick, Wayne R.	Gilbertsville, Ky.	1290	Fitzgerald, Ronald L.	Mantero, Ill.	1918	Babb, Wilmore L.	Kerville, Texas
490	Schmitt, Paul B.	Princeton, Ind.	1290	Vollmer, Charles V.	Kankakee, Ill.	1971	Roberts, Horace D.	Greenville, S.C.
511	Campbell Jr., Thomas J.	Powder Springs, Ga.	1328	Armstrong, Harold E.	New Albany, Ind.			
556	Moore, Harry A.	Renton, Wash.	1366	Osborne, Elden V.	Magna, Utah			

# September is Life Insurance Awareness Month

**How will your family survive financially when you die? Will they have to exhaust your savings? Will they be forced to sell your home? What about your children's education?**

The month of September is dedicated to educating Americans about life insurance. According to the Life and Health Insurance Foundation, 81% of Americans say they need life insurance. If you're one of the 81%, where will the money come from to pay for your funeral, monthly expenses, mortgage payments or car payments? What about your children? Will they be taken care of? Will they be uprooted from the comforts of your home to live somewhere more affordable?

These are some very difficult questions that you need to ask yourself right now! September is the time to look at your family's financial future with open eyes. Do not put it off for one more minute. Call today before it's too late.

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

SEPTEMBER 2008

SUNDAY	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Shopping made easy! Go to [www.utu.org](http://www.utu.org) and click on "UTU Gear"

**The UTU Online Store**

Clothing • Outerwear • Hats • Watches & Clocks • T-shirts  
 Golf products • Specialty Items • Custom novelty items  
<http://www.utumerchandise.com/m5/merchant.mvc>

**Don't makes excuses**

**"Life insurance is too expensive – I can't afford it."** Not having life insurance can be financially devastating to your family. It could cost them the comforts of living the life you've established. UTUIA has affordable insurance plans to fit any budget.

**"I have coverage through my employer."** The coverage provided through your employer is not sufficient. Talk to your UTUIA representative and let him explain the different insurance plans available.

**"I don't have time right now. I'll look into it when things slow down."** You can put off cleaning out the garage, because you know it will be there tomorrow. What you don't know is if you'll be.

**Information, please**

I would like more information on UTUIA's life insurance plans.

Please print

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_ UTU local number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Sex Male  Female

Telephone number with area code \_\_\_\_\_

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

09/08

## Bush extends Mexican truck access; are buses and locomotives next?

WASHINGTON – The Bush administration once again gave "the bird" to organized labor, and gave a second one to Congress Aug. 4 in extending, for two more years, a test program allowing long-haul trucks from 100 Mexican trucking companies full access to U.S. highways.

The Bush administration action, under provisions of the 1994 North American Free Trade Agreement (NAFTA), could also open the border to Mexican buses, and validates UTU concerns that the Bush administration is serious in giving Mexican-operated locomotives greater access to the U.S.

Reuters reports that the Bush administration waited for Congress to begin its five-week summer recess before making the decision, even though legislation is pending that would end the pilot program and prevent the president and his DOT from giving carte blanche U.S.-highway access to Mexican truck and bus operators and, possibly, Mexican locomotive engineers.

By announcing the program on the first day of the congressional recess, the Bush administration effectively prevented immediate congressional action to reverse the decision through legislation.

The House Transportation Committee, on July 31, voted unanimously to end the pilot program, and the bill was slated to go to the House floor when Congress returns in September.

Although the legislative effort surely will be jump-started when Congress returns after Labor Day, Senate conservatives loyal to the Bush administration are certain to attempt to filibuster the measure, and the president can be expected to veto any bill that passes the House and Senate.

"This anti-labor action by the Bush administration is another of so many reasons why, on Election Day in November, we must elect a labor-friendly president and increase the labor-friendly majority in Congress," said UTU International President Mike Futhey. "Sen. Barack Obama stands with labor on this and other bread-and-butter economic and safety issues."

"Opposition to opening the border by giving unrestricted U.S.-highway access to Mexican trucks – and, perhaps, buses, and later Mexican locomotives and Mexican locomotive engineers

– "is not a matter of protectionism or dislike of our Mexican neighbors," Futhey said. "It is a matter of public safety and national security as made clear by both Republicans and Democrats in Congress, as well as highway safety advocates, who oppose this Bush administration action."

In 2007, the Bush administration's DOT approved a one-year pilot project to permit a limited number of Mexican trucks full access to U.S. roads, even though Congress indicated its

disapproval, citing concerns over unresolved safety issues, including driver training, ability to read highway signs in English, and vehicle safety concerns.

Federal Motor Carrier Safety Administration head John Hill, a Bush appointee, defended the Bush administration's actions by saying it was necessary for economic reasons, meaning the president, as with so many truck, bus and railroad companies, places profits above safety.

## Gene LaHote named UTUIA's 2008 Volunteer of the Year

The United Transportation Union Insurance Association has named Gene LaHote as its 2008 volunteer of the year.

LaHote is a retired member of Local 2, Toledo, Ohio. He also is a member of the UTU Alumni Association.

LaHote served the members of his local as president for 29 years. He also served as local legislative representative for 10 years.

LaHote is being honored for his myriad of volunteer work:

- He volunteers at the New Bay Park Hospital in his hometown of Oregon, Ohio;
- He is involved with the American Legion Post 334 in Toledo, and Post 273 at Madiera Beach, Fla. In Toledo he serves as second vice, sergeant of arms and is a driver, taking veterans from the Toledo veterans' hospital to the veterans' hospital in Ann Arbor, Mich., every week. In Florida at Post 273, he would drive the post's van to pick up and deliver patrons to the post.
- He volunteers for a huge fundraiser for needy children held every year at Tropicana Field in St. Petersburg, Fla.

"Since retiring from the railroad after 39 years, Gene LaHote wasn't going to spend his retirement in a rocking chair. He was always very busy while he was working, and he's just as busy now," said wife Betty, who nominated him for the award.



Gene LaHote, shown with wife Betty, has been selected as the UTUIA Volunteer of the Year for 2008.

"Gene has been enjoying his retirement very much and his biggest pleasure is giving of his time and service where ever needed. He is a great asset to this world and there should be more like him," she said.

As volunteer of the year, LaHote received a \$1,000 U.S. Savings Bond and a plaque of appreciation. He and Betty also were invited to attend the recent regional meeting in Nashville, where the awards were presented.

"You are an excellent example of the fraternal spirit," International President Mike Futhey wrote LaHote. "I congratulate you on this well-earned honor."

## State directors tapped

Continued from page 1

"I am proud to stand with UTU in our joint efforts to build an America that values the labor of every American and rewards it with a few basic guarantees – wages that can raise a family, health care if we get sick, and a retirement that's dignified," wrote Obama.

Many of UTU's newest members already have asked how they can help in the effort to elect Obama to the White House and elect other labor-friendly candidates to Congress.

More than a score of first-time attendees were at the Nashville regional meeting, prompting General Secretary and Treasurer Kim Thompson to ask, "Who are these people who scurry everywhere? They didn't linger in the hallways. They scurry from educational session to educational session," Thompson said, "and they keep asking questions.

"It is this degree of enthusiasm that will serve labor well on Election Day and propel the UTU forward in the future," Thompson said.

## UTU member's daughter wins scholarship

Blake Wincentzen of Cottage Grove, Minn., whose father Patrick is a member of Local 650 in Minneapolis, has been awarded a \$1,000 Union Plus scholarship.

"With credit so tight, prices rising and fewer loans available to students who want to attend college, scholarship programs like these are more important than ever," says Leslie Tolf, president of Union Privilege, the organization that administers the scholarship program.

Blake has held a part-time job for more than two years while serving as captain of her soccer team, keeping up excellent grades and maintaining a wide array of interests.

One of her favorite activities is a mentoring program in which she "shadows" a neonatologist in the neonatal intensive care unit at her local hospital. Of that work, she notes, "It would be amazing if I could one day give parents that joy" of knowing their newborns are doing well.

She is planning to major in nursing, but medical school may be in her future.

"We know deep down in our hearts that our daughter will become a doctor," say her parents, Pat and Lisa Wincentzen, "because of the drive and determination she has shown."

Blake's mother is already in the medical field and is a member of the Minnesota Nurses Association, an affiliate of the United American Nurses, AFL-CIO (UAN).

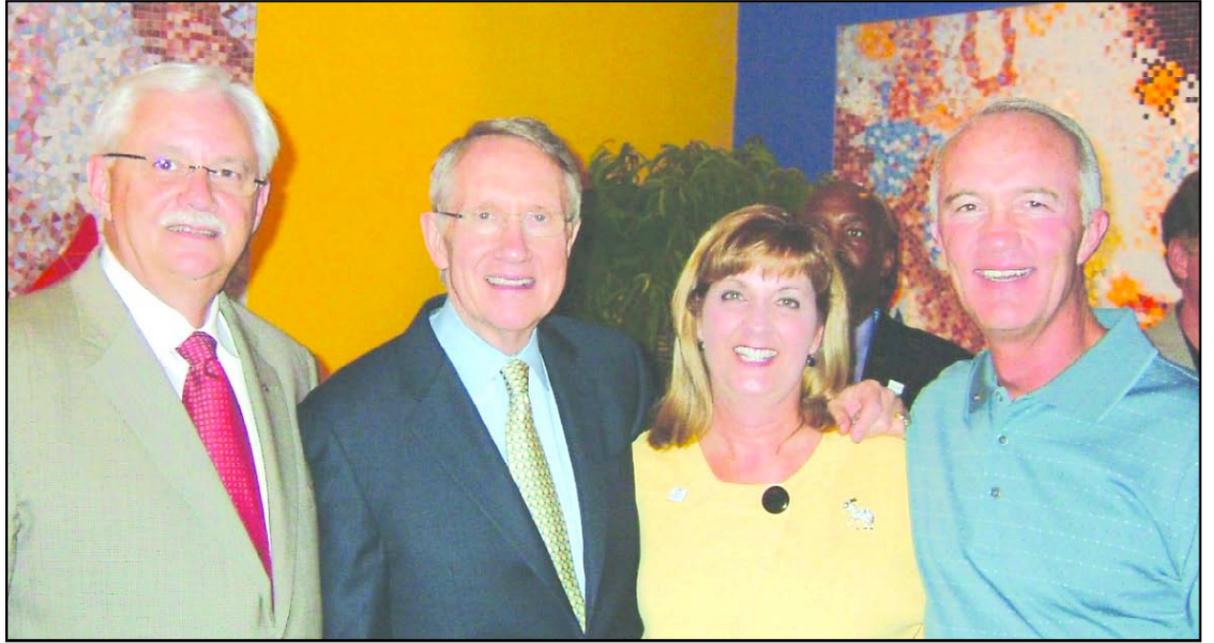
Blake is one of 108 students representing 40 unions awarded a total of \$150,000 in Union Plus scholarships. The awards are granted to students attending a two-year college, four-year college, graduate school or a recognized technical or trade school.

Please visit [www.unionplus.org/scholarships](http://www.unionplus.org/scholarships) for information on eligibility and to receive a notification when the application is available for next year's scholarships.

Union Privilege offers an array of Union Plus benefits that save money for union members and their families. Union members can visit [www.unionplus.org](http://www.unionplus.org) to find out which programs their unions offer. Members also can access the site through [www.utu.org](http://www.utu.org).



Wincentzen



At the Democratic National Convention in Denver, UTU International President Mike Futhey, left, and his wife, April, met with Senate Majority Leader Harry Reid (D-Nev.) and Colorado State Legislative Director Rick Johnson, far right. Futhey also met with House Speaker Nancy Pelosi, former Vice President Walter Mondale and other Democratic Party leaders. (See President Futhey's column, p. 4.)

## UTU protests new rule

Continued from page 1

privacy, raise[s] concerns..." The Supreme Court held in that 1989 decision that there must be a prior reasonable cause before requiring an employee to remove clothing.

In August, the UTU and 32 other AFL-CIO unions petitioned DOT to reconsider implementation of the rule. That request is pending during the DOT-imposed delay.

The petition for reconsideration is based on the fact that the railroad industry has one of the lowest rates of positive tests – less than 1 percent – where screening is done randomly. That very low rate of positive tests in random-drug screening makes the new rule an unwarranted and significant expansion of existing direct observation testing.

Moreover, the new rule is vague on specifically what constitutes the requirement for additional direct observation of urine tests, and appears to give carriers wide latitude in ordering direct observation.

The new rule, now delayed, adds new sections 40.67(b) and 40(i) to 40 CFR Part 40.

It would be required that where return-to-duty or follow-up testing is performed, a same-sex observer is to request the employee "to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show you, by turning around, that they

do not have a prosthetic device. After you have determined that the employee does not have such a device, you may permit the employee to return clothing to its proper position for observed urination."

The new rule further requires the observer to "watch the employee urinate into the collection container. Specifically, the observers must personally and directly watch the urine as it goes from the employee's body into the collection container. If it is a multi-stall restroom, the observer must enter the stall with the employee."

Of the new rule, UTU International President Mike Futhey said, "statistics do not warrant such invasive procedures based on vague wording and apparent wide carrier latitude for ordering direct observation tests."

In joining with rail labor in the court challenge, BNSF said, "We believe that our employees are entitled to be treated with dignity and respect at the workplace, and this new regulation is an intrusion on employees."

In addition to UTU and BNSF, those joining in the federal court challenge include: the Brotherhood of Locomotive Engineers and Trainmen, the Brotherhood of Maintenance of Way Employees Division, the American Train Dispatchers Assn., the Brotherhood of Railroad Signalmen, the Transportation Communications International Union, the International Brotherhood of Electrical Workers, and the National Conference of Firemen and Oilers.

## Contracts pass on CP/Soo, Fore River

New agreements have been reached on two rail properties with UTU-represented employees.

Almost eight in 10 CP/Soo Line employees represented by the UTU voted to ratify a new four-year agreement, retroactive to July 2005, affecting wages, rules and working conditions for conductors, brakemen, switchmen, firemen and hostlers.

The agreement largely mirrors the national rail agreement recently ratified by UTU members. A difference is that the CP/Soo Line agreement provides for entry rates to reach 100 percent wage parity within three years.

CP/Soo Line also will implement an automated yard-job selection process, which General Chairperson James Nelson (GO 261) says will create additional UTU jobs and give the UTU a voice in further development and enhancement of the process.

Also, a new time limit on grievances will speed the handling of discipline cases and time claims. The agreement includes a COLA, property access to yard service, daily mark-up preferences, plus railroad national health-care plan benefits.

International Vice President John Babler, who

assisted with the negotiations, praised the efforts of Nelson, who thanked the local chairpersons for "their input and assistance. He also praised the 63 percent of members who returned ballots. The tentative agreement that was ratified was reached in just two negotiating sessions, although Section 6 notices were served in November 2004.

"Jim Nelson jump-started what were clearly stalled negotiations," Babler said. "It was through Jim's tireless efforts and preparedness at the negotiations that a great agreement was achieved for the membership."

On Fore River Transportation, the former Fore River Railroad, General Chairperson George Casey reports that a three-year agreement has been reached, with a general wage increase of 11 percent over the span of the agreement.

"We improved the vacation agreement by reducing eligibility time, and dropped to 20 years the eligibility for five weeks of vacation," Casey said. "The members also are party to the GA-23000."

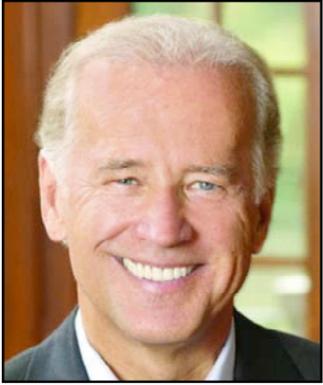
"I also want to recognize the assistance of Local Chairperson Kevin Linnagan in reaching this settlement," Casey added.



# Biden brings ticket a lunch-pail perspective

"If the UTU were able to pick a vice presidential candidate for Barack Obama, we couldn't have done better than Sen. Joe Biden," says UTU National Legislative Director James Brunkenhoefer.

"The UTU has endorsed Joe Biden since he first ran for the Senate in 1972, and he has earned our backing in every election since," Brunkenhoefer said. "There isn't a member of Congress who relates better to working men and women or is more pro-Amtrak and pro-transit than Joe Biden. This guy bleeds his blue-collar roots."



Biden

Perhaps Biden's finest hour as a pro-labor senator occurred during the lowest point in negotiations with Amtrak a couple years ago, when Biden told a labor rally in Washington, D.C., that Amtrak employees had been "waiting long enough" for a wage increase and that he would support a strike.

Biden commutes on Amtrak almost every working day between his home in Wilmington, Del., and Capitol Hill, and makes it a point to chat at length with crew members about their jobs, their work-related concerns and their families, Brunkenhoefer said.

Says UTU Local 1470 member Michael Sternfeld, "When I was recalled to active duty and served in Iraq in 2005/2006, I visited with Sen. Biden during his fact-finding trip. If you want a return to sane foreign policy and improved passenger rail transportation, the Obama/Biden ticket is the one."

Biden's son, Hunter, serves on the Amtrak board of directors and, in stark contrast to many former Amtrak board members, Hunter Biden actually rides Amtrak frequently – although not as frequently as his senator father.

UTU Illinois State Legislative Director Joe

**"He speaks his mind, he tells the truth, he stands his ground and he supports organized labor at every opportunity."**

Szabo, who serves as a transportation policy adviser to the Obama-for-president campaign, says that "freight railroaders, as well as Amtrak employees, will be especially well-served with Joe Biden as vice president. This is because Sen. Obama has emphasized he wants a vice president who will serve as a trusted adviser – and we know that Joe Biden's advice on rail-labor issues will be the same as if UTU members were doing the advising," Szabo says.

Support for Amtrak is especially important even to freight railroaders, because without Amtrak's more than 20,000 employees con-

tributing to the Railroad Retirement fund, Railroad Retirement would be in severe long-term financial distress.

Were Amtrak foe John McCain to be elected, Amtrak would be in McCain's crosshairs. McCain, and other conservatives who support privatization of Amtrak, also support taking Amtrak employees out of Railroad Retirement, which could spell the eventual end of Railroad Retirement.

General Chairperson Al Nowlin (GO 569) recalls a dinner in Independence, Mo. "Several other UTU members were also there, including Larry Foster, Kenny Backes and Andy Kinne," says Nowlin. "When Sen. Biden entered the room, he began shaking hands with people as he made his way toward the stage. One of our group told Sen. Biden that he was with the UTU. The senator's face lit up. He said that UTU has been with him since he first began his political career, and he would never forget the UTU. Then he hugged our UTU member like they were old friends, even though the only thing he knew of him was that he was with the UTU."

UTU International President Mike Futhey says of Biden: "His roots are in communities where blue-collar families carry lunch pails to work; and while Sen. Biden wears suits to work on Capitol Hill, he has never lost his lunch-pail perspective. He speaks his mind, he tells the truth, he stands his ground and he supports organized labor at every opportunity."

## THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

### PAULA GRANT

Paula Grant has worn many UTU hats during her career. She started with the UTU in 1988 as a computer operator, running the big mainframe computer. She became a computer programmer in 1998, writing software in COBOL code (ah, the good old days.) She moved to the Data Entry Department in 2005, entering data on members and their insurance. She became a local billing auditor two years ago, and helps local officers and members with their dues and insurance billing problems. "I have really gotten to see how the UTU runs," she said.



### JEFF WEISBARTH

Jeff Weisbarth serves as director of the Membership Services Department. He started in the Supply Department in 1975, moving to the Research Department in 1978. Weisbarth deals extensively with health-care providers, answers questions about health-care benefits and works to resolve claim issues between members and the health-care providers. Weisbarth also assists general chairpersons on matters involving national agreement wage/rule provisions and researching claims and grievances, in addition to processing Public Law Board and mediation requests to the NMB. "Members have an advocate in Cleveland when dealing with medical claim issues and I do all I can to help obtain their full benefits," he said.



### ASHLEY NITSCHKE

Ashley Nitschke, who has worked as a file clerk for the UTU since 2005, had better know her ABCs. Without that, she's sunk. Nitschke helps keep arranged and organized the more than 150,000 separate and individual files in the union's main file room. Each file is color coded to help ensure it's never lost or misfiled. "I take care of the files," Nitschke said. "I pull them so others can work them, then I put them back. The best part of my job is my boss, Jerry Palmer; he's awesome. The worst part is the correspondence; it piles up so fast unless you keep at it. There's always a flurry of paper around here." Ashley is the daughter of Cary Nitschke, UTU and UTUIA's senior information systems technical specialist.



## Meet your UTU Designated Legal Counsel

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

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



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(610) 668-9800  
(800) 334-2500 toll free  
[www.felaattys.com](http://www.felaattys.com)

When you are injured on the job, you should call a UTU Designated Legal Counsel immediately. The railroads have attorneys and others working against you; you need counsel to protect your rights. The UTU has selected lawyers based upon their trial skills in handling FELA claims and dealing with the complexities unique to the railroad industry.



**TOM R. LETBETTER**  
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"Kick." "Penalty defect." "CFR." "In whole or in part." "Retarder." "MU." "Sill step." "Pin lift." "GCOR." If you have to explain terms like these for a lawyer to understand how you were hurt, you are probably not talking to a UTU Designated Legal Counsel. There is no substitute for counsel designated by the UTU because they know railroads and railroad law.

# This month's winning photo:

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

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

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

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

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

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

All photographs submitted become property of the UTU.

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



This month's winning photograph was taken by **George Landrock**, an Amtrak locomotive engineer and member of Local 117 in Vancouver, Wash. "This is a photo of BNSF's west-bound grain train passing the Vancouver, Wash., passenger depot. The train is headed for the Rivergate grain facility to unload; it's one of many in the Portland-Vancouver area."



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## Rail-safety bill poised to become law

WASHINGTON – The first meaningful rail-safety legislation in two decades is poised to become law after the entire Senate, in August, approved the Railroad Safety Enhancement Act, S. 1889.

A separate and slightly different measure passed the House of Representatives in 2007 – the Federal Railroad Safety Improvement Act, H.R. 2095.

Now it is up to a joint House/Senate conference committee to iron out differences in the two bills and return a single, final version to both chambers for approval. President Bush is expected to sign that final measure, owing to its strong bipartisan support.

As with the House bill, the Senate rail-safety bill would make changes in the hours-of-service law and provide more rest time, and require railroads to reduce the limbo time imposed on train crews for which there is no compensation.

The Senate bill also would require railroads to develop safety-risk reduction programs, and expand mandatory employee safety training.

At the request of the UTU, a provision in the Senate bill provides that hours-of-service changes affecting just passenger and commuter railroads be delayed for three years to permit further study.

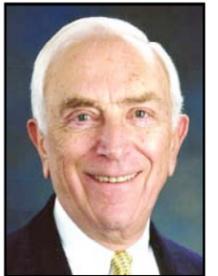
Senate sponsor and long-time UTU friend Frank Lautenberg (D-N.J.) said of the bill, "A 21st-century rail sys-

tem cannot run on safety laws from decades ago. We are risking people's lives by letting train crews work too long and leaving highway crossings unsafe. We need to decrease the risk of injury and death through smarter regulation and modern technology."

UTU International President Mike Futhey thanked National Legislative Director James Brunkenhoefer for his "dogged efforts to break a legislative deadlock in the Senate and get this rail-safety bill to the Senate floor where we knew we had the votes for its passage.

"The Senate votes were there," Futhey said, "because of the grassroots work of active UTU members, UTU Alumni Association members and UTU Auxiliary members who made the phone calls and sent the e-mails to senators – messages that provided concrete examples of how fatigue affects train crews and endangers the public."

Given the grassroots support generated for the bill, coupled with true-to-life horror stories involving train crews forced to work without sufficient rest, carriers were unable to stop the progress of the bills in the House and Senate. To stay current, monitor www.utu.org and sign-up for UTU e-mail alerts.

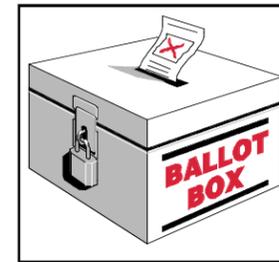


Lautenberg

## Inside this issue of the UTU News:



Brenda Malphrus asked for elbow grease, and she got it. See page 2.



UTU members: Get ready to elect your local officers. See page 5.



No kidding around: See what happened in Nashville. See pages 6/7.



Retiree Gene LaHote: UTUIA Volunteer of the Year. See page 9.