



# SMART

## Transportation Division News

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International Association of Sheet Metal, Air, Rail and Transportation Workers

## FRA issues emergency order on train movement

**Operating unions advance federal crew-size legislation – See page 10**

WASHINGTON – The U.S. Department of Transportation’s Federal Railroad Administration (FRA) Aug. 2 issued an emergency order and safety advisory to help prevent trains operating on mainline tracks or sidings from moving unintentionally. The FRA’s announcement was made in response to the July 6, 2013, derailment in Lac-Mégantic, Quebec, Canada, as it awaits additional data once the investigation into the crash is complete.

The actions announced Aug. 2 build on the success of the FRA’s rigorous safety program, which has helped reduce train accidents by 43 percent over the last decade and made 2012 the safest year in American rail history.

The emergency order is a mandatory directive to the rail industry, and failure to comply will result in enforcement actions against violating railroads.

“Safety is our top priority,” said U.S. Trans-

portation Secretary Anthony Foxx. “While we wait for the full investigation to conclude, the department is taking steps today to help prevent a similar incident from occurring in the United States.”



FEDERAL RAILROAD ADMINISTRATION

“Today’s action builds upon a comprehensive regulatory framework we have had in place for some time,” said FRA Administrator Joseph C. Szabo. “The safe shipment of all cargo is paramount and protecting the safety of the American public is fundamental to our enforcement strategy. We are encouraged by the industry’s willingness to cooperate with this approach going forward.”

“This is an important step being taken by the

FRA as the issue of the consists of crews is now in the public debate,” said SMART Transportation Division President Mike Futhey. “As a result of the actions taken by the FRA, coupled with the legislation entered by U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine), this provides our organization with the opportunity to ensure that train operation, as it pertains to the consists of crews, is performed in correlation with public safety.”

In addition to the emergency order, the FRA, together with the Pipeline and Hazardous Materials Safety Administration (PHMSA), issued a safety advisory detailing a list of recommendations railroads are expected to follow.

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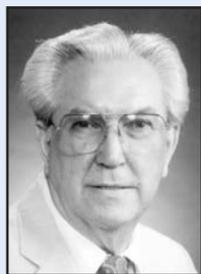
### Emergency Order 28 outlines measures all railroads must take:

- No train or vehicle transporting specified hazardous materials can be left unattended on a mainline track or side track outside a yard or terminal, unless specifically authorized.
- In order to receive authorization to leave a train unattended, railroads must develop and submit to FRA a process for securing unattended trains transporting hazardous materials, including locking the locomotive or otherwise disabling it, and reporting among employees to ensure the correct number of hand brakes are applied.
- Employees who are responsible for securing trains and vehicles transporting such specified hazardous materials must communicate with the train dispatchers the number of hand brakes applied, the tonnage and length of the train or vehicle, the grade and terrain features of the track, any relevant weather conditions, and the type of equipment being secured.
- Train dispatchers must record the information provided. The dispatcher or other qualified railroad employee must verify that the securement meets the railroad’s requirements.
- Railroads must implement rules ensuring that any employee involved in securing a train participates in daily job briefings prior to the work being performed.
- Railroads must develop procedures to ensure a qualified railroad employee inspects all equipment that an emergency responder has been on, under or between before the train can be left unattended.
- Railroads must provide this emergency order to all affected employees.

## Kenneth Moore dies

Former UTU International Vice President and Bus Department Director **Kenneth R. Moore**, 85, died Aug. 18. He was a member of Local 1563 at El Monte, Calif.

Born in Danville, Ark., Moore began his career in transportation as a bus operator for the Long Beach, Calif., Motor Bus Company in 1950. He joined Continental Trailways in 1951 and Los Angeles Transit Lines in 1953.



Moore

Originally a member of the Brotherhood of Railroad Trainmen Lodge 390, he served as the terminal grievor from 1959 to 1962, lodge chairperson from 1962 to 1966, and general chairperson from 1965 to 1970. He was elected a BRT alternate vice president in 1964 and served in that capacity until filling a vacancy as International vice president Jan. 1, 1971. He was re-elected to that post at seven succeeding UTU quadrennial conventions.

“Ken was a lifelong supporter of the UTU and attended countless political functions with former State Director **Scott Olson** and me. He was a champion of labor and stayed politically active up until his death. He will be greatly missed,” said Arizona State Legislative Director **Greg Hynes**.

Moore was preceded in death by his wife of 53 years, Dorothy. He is survived by his daughter, Marilyn Hill (Richard); stepdaughter, Anita Hornlein (Robert); two stepsons, Russell Brabant and Larry Maddoe, as well as nine grandchildren, 12 great-grandchildren and six great-great-grandchildren.

Donations in his honor may be made to either Family Comfort Hospice, 9150 E. Del Camino Dr., Scottsdale, AZ 85258, or to Neighbors Who Care, 10450 E. Riggs Rd., Suite 113, Sun Lakes, AZ 85248.

## Federal judge sides with KCS on cameras; Union Pacific seeks judge’s approval to install

In an opinion released July 25, the U.S. District Court in Shreveport, La., ruled that the decision by Kansas City Southern Railway to install two inward-facing cameras in the cabs of its locomotives presents a “minor” dispute under the Railway Labor Act, paving the way for the railroad to install the cameras immediately.

The “minor” dispute ruling is significant because the Railway Labor Act prevents unions from exercising self-help over minor disputes.

Following that ruling, Union Pacific asked a federal judge last month to declare it has the authority to install the cameras under the railroad’s existing labor agreements.

UP says it believes that adding the cameras will help prevent catastrophic crashes.

The finding by Judge Elizabeth Erny Foote against the SMART Transportation Division and the Brotherhood of Locomotive Engineers and Trainmen was that the KCS had an arguable contractual justification for its actions. According to the ruling, the contractual justifi-

cation is based on the carrier’s existing use of stationary surveillance cameras in various train yards and other locations, inward-facing cameras in crew vans that transport KCS crews to and from train assignments, and procedures for monitoring and recording phone calls between train crew employees and crew management regarding reporting to work.

The judge also held that it was not “frivolous to argue that the safety challenges posed by employees using personal electronic devices on the job necessitate the camera and review system proposed by KCSR.”

Once it was determined the case was a “minor” dispute, the two unions argued for a “status quo” injunction pending resolution of the dispute before an arbitrator. Judge Foote denied the argument.

SMART Transportation Division President Mike Futhey expressed displeasure with the ruling saying, “Unfortunately, the law now is such



*Continued on page 10*

# Around the SMART TD

## Local 240, Los Angeles, Calif.

Local Chairperson **Harry Garvin Jr.** reports that the 11th annual rail reunion and retirement dinner for employees of UP, SP, Pacific Electric, Metrolink, Amtrak and AT&SF (Locals 32, 240, 1422, 1770, 1813 and 1846) will be held Nov. 1, from 3-9 p.m., at Sierra Lakes Golf Course, 16600 Club House Dr., in Fontana. The cost is \$40 per person or \$75 per couple, with a reservation deadline of Oct. 25. The cost will be \$45 per person at the door. For more information, call Garvin at (909) 261-8878 or (909) 481-7261. Send checks or money orders to Garvin at P.O. Box 8396, Alta Loma, CA 91701-0395, and include names, address, telephone number, railroad and years of service. In other news, Garvin noted the recent retirements of members **Dr. Darnell Banks** (July 1, with 42 years of service), **Rich S. Riley** (July 1, with 45 years of service) and **Ben W. Holeman** (Aug. 1, with 40 years of service).

## Local 507, Van Buren, Ark.

Local Chairperson **Fred Garcia**, who held that office for 14 years, retired July 30 with 34 years of service for Union Pacific, Local Chairperson **Joey Cornelius** reports. "Fred was also our delegate and legislative representative. I took over for Fred as local chairman and delegate and **Gerald Sale III** took over for Fred as legislative representative. His knowledge and leadership will be greatly missed by everyone in Local 507," Cornelius said.

## Local 650, Minneapolis, Minn.

Members of this local provided lunch to striking Laborers' International Union of North America Local 563, who are on strike against their employer Cretex Cement, at Shakopee Minn., State Legislative Director **Phillip Qualy** reports. The LiUNA picket line is next to Union Pacific's Valley Park Yard, on Local 650's C&NW Omaha Line. Cretex refuses to negotiate any contract with the cement workers that does not eliminate their defined pension plan. Local 650 served 60 bratwursts, German potato salad and coffee. In the photo below are members **Randy Raskin**, **Matt LaBine** Qualy and others. Raskin reminded all present that UTU-SMART will continue to support "our brothers and sisters, our neighbors," in Laborers' Local 563.



## Local 662, Richmond, Va.

Local Secretary & Treasurer **Jimmy Galbraith** reports the following members have recently retired: **Jimmy Townsend**, June 1, after serving more than 30 years in the UTU as local chairper-



Conductor **Kevin E. King Jr.**, left, and engineer **Matt Bonagurio** resuscitated a young boy who had drowned in a swimming pool while they were at an away-from-home terminal in Paducah, Ky.

## Layover at UP terminal hotel makes for lifesaving moment

When Union Pacific locomotive engineer **Matthew S. Bonagurio** and conductor **Kevin E. King Jr.** were laid-over in a hotel in Paducah, Ky., after an exhausting train trip June 20, they thought they would reward themselves with a little relaxation by the pool. Their downtime was anything but relaxing, but very rewarding.

Moments after arriving at the pool, Bonagurio and King, both of Local 1823 at St. Louis, Mo., heard screaming.

They raced over to the screaming family of a young boy about five years old that had just been pulled from the pool, appearing to have drowned. The boy's face had already turned blue.

When Bonagurio tried to find the boy's pulse and could not, he proceeded to perform CPR on the boy, with King's help.

The duo performed several rounds of CPR on the boy, who suddenly began coughing and spitting-up water.

Bonagurio then turned the boy on his side to get the remaining water out of the boy's lungs.

"Luckily, Matt has an Air Force background with some medical training, so he knew exactly what to do. He immediately quieted the family and took the boy's pulse. When he said he didn't feel a heartbeat, I didn't know what to think," King said.

"All I kept thinking about was my daughter, who's around the same age. You just never know what's going to happen."

Bonagurio said that this was not the first time he's had to use CPR.

"I'm glad that the boy was OK, that's the main thing," Bonagurio said. "Right place, right time. I hope someone would do the same thing for my children."

To become certified in CPR, members should contact an occupational health nurse or visit the webpage of the American Red Cross at [www.redcross.org](http://www.redcross.org).

The Red Cross offers training for a variety of subjects including lifeguarding, water safety education, emergency preparedness education, family first aid and more.

son and 18 years as general chairperson of the CSX C&O General Committee of Adjustment GO 201; **Steve Parr**, Aug. 15, after 38 years of rail service and 18 years as local chairperson; and **William I. "J.J." Jiggetts**, after more than 30 years of rail service and UTU membership. Galbraith also reports the death of **Howard T. Harvey**, who died in June. The local has upgraded its website to include a new "safety news" page that members can access for the latest safety information and reports from the Safety Committee. Members will soon be able to fill out PI-82 Unsafe Condition Reports online that will go directly to the Safety Committee members. The website can be found at <http://0662.utu.org>.

## Local 768, Decatur, Ill.

In conjunction with the Decatur Trades and Labor Assembly, Local Secretary **Dan Calhoun** reports this local helped sponsor the first-ever Decatur Labor Day Picnic in the Park following the city's annual downtown Labor Day parade. Local 768 and the Brennan Law Firm sponsored all members and their families, active and retired, so that they could enjoy the festivities at no cost. All members marching in the parade or attending the picnic were provided a UTU 768 T-shirt to show their union pride. Also, pictured below, from left, at the annual Sen. Penny Severns Memorial Dinner hosted by the Decatur Jefferson Jackson Club are member **Timothy "T.J." Ledbetter**, U.S. Rep. **William Lacy Clay Jr.**, Legislative Rep. **Carl Draper** and Treasurer **Phil Galligan**.



## Local 1344, Mandan, N.D.

The members of this local held their annual picnic June 27-28, Local President **Tan J. Davis** reports. Vice President **Jessie Schwartz** organized this event for the past several years and has had no trouble finding dedicated volunteers to man the grills, setup and teardown. Davis said the picnic was held on consecutive days this year to allow as many members and their families as possible a chance to attend. "We had a great turnout and the weather cooperated beautifully," Davis said.



## Local 607, Thayer, Mo.



Members of BNSF Railway local say farewell to 41 years of service and leadership as Local Trustee **Gary King** attends his last local union meeting July 9. King began his career with the Frisco Railroad in March 1972 as a fireman and was promoted to engineer in 1974. A career-long UTU member, he served 12 years as local chairperson for engineers, delegate and alternate delegate. Members in attendance are, from left, **Doug Cozort**, **Brett Donahue**, **Mike Crews**, son **Michael King**, **Randy Buckner**, **Gary King** (center in red), **Andy Goans**, **Chris Skaggs**, son **Ryan King**, Missouri State Legislative Director **Ken Menges**, **Charles Smith**, **Calvin Crawford**, **Rusty Taylor**, **Jeff Herralston** and **Joe Anderson**.

# SMART Transportation Safety Team sees changes

Three new members have been added to the SMART Transportation Safety Team following completion of two days of intensive training at the National Transportation Safety Board Training Center in Ashburn, Va., earlier this summer.

The new members are Colorado State Legislative Director **Carl Smith**, Georgia State Legislative Director **Matt Campbell** and California State Legislative Board Vice Chairperson **Louis Costa**.

Smith is a member of Local 202 at Denver and also serves as the local's legislative representative. He has been a UTU member since 1995 and is employed by Union Pacific.

Campbell is a member of Local 1031 at Savannah, Ga., and serves as the local's legislative representative. He has been a UTU member since 2001 and is employed by CSX.

Costa is a member of Local 1241 at Richmond, Calif., and serves as the local's chairperson, legislative representative and delegate. He also holds the office of vice general chairperson of BNSF Railway GO 017.

The Safety Team is also under the direction of new leadership, as longtime coordinator Nile

**Dragoo** retired Aug. 31. The team will have two new co-directors, with current team member and Michigan State Legislative Director **Jerry Gibson** on the freight side and team member and District of Columbia State Legislative Director **Willie Bates** on the passenger side.

The 16 members of the TST are appointed by the SMART Transportation Division president, based on knowledge of operating rules and understanding of general railroad operations, train movement and dispatching. Their sole purpose is to assist NTSB investigators in fact-finding, with the NTSB itself making all determinations as to accident causes and recommendations for improving safety. TST members are pledged to remain neutral while assisting NTSB investigators.

When NTSB investigators head to a major rail accident, the TST coordinator immediately assigns one or more TST members to meet NTSB investigators at the scene.

Although the NTSB does not possess regulatory authority, its recommendations carry significant weight with Congress and federal agencies that do regulate transportation safety.

## Transportation Safety Team



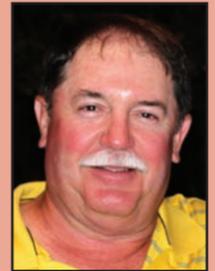
Smith



Campbell



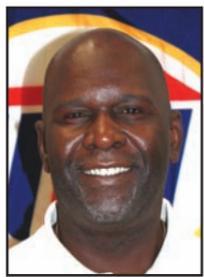
Costa



Dragoo

## Glen Johnson to head Human Rights Committee

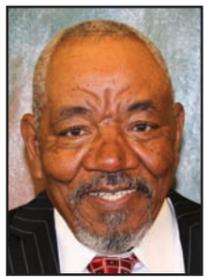
Vice Local Chairperson and Legislative Rep. **Glen E. Johnson** has been elevated to the position of director of the SMART Transportation Division's Human Rights Committee following the retirement of former director **Frank Hickman** Aug. 31.



Johnson

A member of Local 937 at Mart, Texas, Johnson hired out with Union Pacific in September 1978 and holds seniority as a conductor and brakeman.

Johnson was originally appointed as a coordinator to the Human Rights Committee by Transportation Division President Mike Futhey in 2010. He has already worked to save dozens of members' jobs since taking on that position.



Hickman

Aside from his current local office positions, Johnson also serves as local delegate and legislative chairperson of the Texas State Legislative Board. He has also served his local in the past as secretary & treasurer and chairperson. He brings more than three decades of working railroad experience to his newest position.

The UTU established the position of human rights coordinator in February 2000 as part of a broad-based effort to educate UTU members and employers and to promote awareness of the advan-

tages of diversity in the UTU and in society.

A team of UTU members and UTU International employees was chosen to make up the UTU's Human Rights Committee to ensure that every voice within the organization is heard and respected.

The other members of the committee are **Robert Gonzalez** (1563), **Billy Moye** (1971), **David Stinsman** (1594), **Samantha Taylor** (1933), **Jesse Turner** (1290) and Transportation Division employee **Barbara Bankston**.

## TTD requests lawmakers restore RRB benefits

The Transportation Trades Department of the AFL-CIO has written letters to all members of the U.S. Senate and U.S. House of Representatives asking them to restore full unemployment and sickness benefits to Railroad Retirement beneficiaries whose benefits have been reduced due to the sequestration.

As a result of the March 1, 2013, sequestration, sick and unemployed railroad workers have had their benefits reduced by 9.2 percent.

The letters read, in part: "This reduction hurts those individuals who are most vulnerable in our society, as they have to cope with unexpected layoffs or illnesses for which they are ill-prepared. Moreover, it is incomprehensible that this unfair and onerous reduction is being applied to only one type of worker in our country. Workers who are not employed in the railroad industry do not have their basic unemployment and sickness benefits reduced, only railroad workers."

## Mississippi Export workers approve eight-year deal

Train and engineer workers employed by Mississippi Export Railroad have ratified a new eight-year agreement by a unanimous vote.

SMART Transportation Division Vice President David Wier said the agreement provides for cumulative wage increases of 22 percent over the life of the agreement, with lump sum payments ranging from \$2,000 for employees with less than two years of service to \$13,000 for employees with four or more years of service. It also includes increases in reimbursements for safety equipment, supplies and auto mileage.

The agreement preserves the crew-consist agreement and the Railroad National Health and Welfare package, including the early retirement major-medical benefit plan, with an employee-contribution cap of \$150 per month.

Wier, who assisted with the negotiations, congratulated GO 433 General Chairperson **Richard "Red" Dare**, Vice General Chairperson **Butch St. John**, General Committee Secretary

**Jerry Russum** and Local 1344 Chairperson **Matt McLeod** for "their exceptional effort during the long and difficult negotiations and for bringing the members' concerns to the bargaining table and negotiating an agreement with substantial improvements in wages and working conditions."

Headquartered in Moss Point, Miss., Mississippi Export Railroad is a 42-mile short line railroad operating in Mississippi from Evanston to Pascagoula. It is the north-south corridor connecting Canadian National Railroad and the east-west line of CSX Transportation. It also connects to Norfolk Southern in Mobile, Ala., and Hattiesburg, Miss., and Kansas City Southern in Jackson, Miss., through haulage agreements.

The railroad owns and operates a railcar/locomotive repair and maintenance facility. It also has abundant track space for railcar storage of all types and several team tracks available for commodity transfers.

## SMART TD delegates to attend two conventions; new website launched

At the Anaheim regional meeting in July, SMART General President Joe Nigro and Transportation Division President Mike Futhey confirmed that delegates to the union's Transportation Division will be attending two conventions in 2014.

From June 30 to July 2, Transportation Division delegates will be attending a convention in San Diego, Calif., to elect officers of the Transportation Division and to approve recommendations for changes to the SMART Constitution.

The SMART Constitution is near completion, but several elements of the final document remain before Georgetown University law professor and arbitrator Michael H. Gottesman. His ruling, which is expected later this year, will determine the language of the final SMART Constitution.

Transportation Division delegates will also participate in SMART's first convention following the merger of the United Transportation Union and the Sheet Metal Workers International Association, working side-by-side with delegates from the SMWIA. That convention will be held August 11-15 in Las Vegas.

Both Nigro and Futhey stressed the importance of all delegates fully participating in both the Transportation Division and SMART conventions.

"The conventions will provide delegates the opportunity to be a part of the final constitutional approval process," Futhey said.

In his opening remarks at the Anaheim regional meeting, SMART General President Joe Nigro announced that the union has launched a new website that can be found at <http://smart-union.org>.

As SMART continues to incorporate various elements of the SMART TD (former UTU) website into smart-union.org, Transportation Division members can still visit [www.utu.org](http://www.utu.org) for membership news and information.

The smart-union.org website features a "Frequently Asked Questions" section to answer members' concerns about the SMART Constitution, convention and other issues.

# After a 42-year career, God's blessings be upon you

After a rewarding career of working a combination of 42 years on the railroad and as a union representative, my wife, April, and I look forward to a productive post retirement in Memphis, Tenn. The career journey began on the Georgia St. midnight job in downtown Memphis, June 10, 1971, two days before Mike Sykes, who followed me on the seniority roster the rest of his railroad days.

The associated duties have afforded the opportunity to sit with the most powerful kings of industry, politics and organized labor. I had the honor of representing the motor, our members, that run the economic engine that provides the foundation for the power enjoyed by all those listed.

Our objective has always been the insistence that our members be treated by management with dignity, compensated appropriately, given the opportunity to participate meaningfully, and supplied a safe work environment. We have taken on management and politicians that do not share that same philosophy. We have experienced:

- Improperly dismissed members unjustly vilified before arbitration boards;
- Capricious intimidation of members who were merely complying with federally mandated safety statutes, who as a result, had their livelihoods lost;
- Operational practices that, in our opinion, compromise safety to the detriment of our members;
- And, legislative initiatives intended to provide benefit to the carriers at the expense of our working members.

This is not an indictment of management, politicians, nor the political system. It's only an observation of real events and of our desire to represent the working men and women of this organization that are treated unjustly. The same men and women that volunteer in their communities, work to make life better for their families and their neighborhoods – men and women whose children, as well as themselves, have served and sacrificed in the military protecting our freedom. They are heroes with stories replete



## SMART Transportation Division President's Column

By Mike Futhey

with situations placing themselves in harm's way to save the lives of public individuals or fellow workers. They live next to you, worship beside you, take time to vote (at a higher percentage than others) and subscribe to the inalienable right to independent thought, but not an independent system to benefit the few.

It is my biased opinion that our members are the "salt of the earth" that dispel the stereotypes associated with "organized labor." We represent men and women of every race, creed and color, a collection of personalities and backgrounds that break down artificially manufactured barriers constructed to divide and intended to dissuade commonality of interests.

In this business, sometimes our task is daunting, but our unity has delivered beneficial results:

- When the vilified members are exonerated and compensated through the efforts of local and general committee officers;
- When the intimidated members utilize our infrastructure for whistleblower cases and are compensated for lost time and punitive damages, while the carrier is admonished and cited for a statutory violation;
- In the introduction of legislation and statutory safety requirements for minimum crew consist;
- And, through our completely voluntary PAC donations that help

elect reasonable, governmental like-minded representatives from both sides of the aisle.

What makes us different? It is the commitment and emotion that wells up within us while we strive to assure our members "a fair shake." There are those that write about it, but without the workplace experience required of our officers, they only write what they observe, then translate that into statistics.

Critics merely stand on the sideline, lacking institutional knowledge, yet second-guessing the motive, scrutinizing decisions, all the while shirking the responsibility of representing those without a voice.

That responsibility was instilled in me through multiple generations. My great-grandfather was killed organizing railroad workers. He left a 14-year old son, my grandfather, to become head of the household for his mother and his younger brothers. He dedicated his life to union representation, as did my father before me. I can truly say that the support April and I have received, as well as the duties entrusted to me, exceed anything I could have ever envisioned that midnight June 10, 1971, in Memphis. I am truly grateful and humbled. Moreover, I pray God's blessings upon you, collectively and individually.

Fraternally,

Mike Futhey



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

# Every member should be part of the Constitution process

It was really great meeting so many of your leadership team at the recent regional meetings in Boston and Anaheim. They are an active and involved group with a commitment to the labor movement. It confirmed my belief in the potential value we have in joining forces on several fronts to build membership and greater influence at all political levels. I used the opportunity to talk candidly about the importance of finalizing the merger when the result of the current arbitration is received. As soon as we have that opinion, an interim SMART Constitution, comporting the Transportation Division Constitution (Article 21B) with the SMART Constitution in accordance with the Merger Agreement, will be effective until the adoption of a new SMART Constitution at the SMART General Convention, beginning Aug. 11, 2014.

Essentially, there are two stages in the process for developing a new constitution that will guide SMART's operations for five years. Amendments proposed through the provisions of the Transportation Constitution (Article 21B) will be submitted for vote by the delegates at the Transportation Division Convention to be held June 30 - July 2, 2014. The approved amendments at that convention shall be submitted to the SMART Constitution Committee as recommendations. The SMART Constitution Committee, composed of delegates from both the sheet metal and the transportation operations of SMART, shall consider and submit all amendment recommendations for concurrence or non-concurrence by all delegates to the SMART General Convention.



## SMART General President's Column

By Joe Nigro

Every member of SMART must be involved in the process. The SMART Constitution governs the union, its officials at all levels and, most importantly, the members. It's really a contract between you and your union. To help keep you better informed and to make transparent the provisions of your membership, we've posted the current SMWIA Constitution, the Merger Agreement and the November 2011 Arbitrator's Opinion and Award on the [www.smart-union.org](http://www.smart-union.org) homepage. The interim SMART Constitution should be available in October to be posted on the [www.smart-union.org](http://www.smart-union.org) website and the [www.utu.org](http://www.utu.org) website. In addition, each SMART local will receive printed copies for members without access to the Internet to read at the local's office. Most community libraries also provide access to the Internet.

I encourage you to submit any proposed amendments to your local union for consideration in preparing its amendments to be submitted to the respective Constitution Committees in accordance with the provisions in Article 13, lines 1-18, in the UTU Constitution and Article 33 in the SMWIA Constitution. If you have any questions, please send them to [info@smart-union.org](mailto:info@smart-union.org) or to

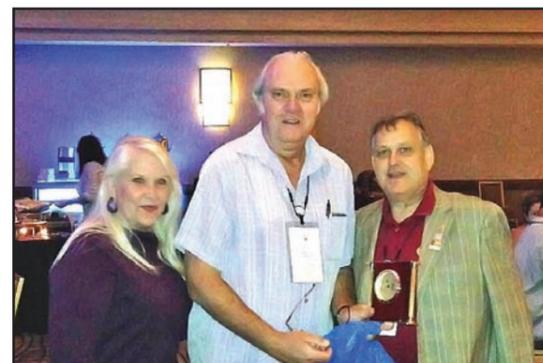
SMART Constitution, 1750 New York Ave., N.W., Washington, DC 20006, for referral to the appropriate office.

As this publication is being finalized, thousands are marching and gathering at the Lincoln Memorial, just a few blocks from our offices, to commemorate the peaceful march in 1963 and Dr. Martin Luther King's "I Have a Dream" speech. Jobs and justice still require national attention and we must be involved in assuring those for ourselves and future generations.

Let me close by thanking Al Nowlin's wife, Phyllis, for asking me at the Anaheim regional meeting to present a clock to her husband on the 35th anniversary of his becoming a union officer (local chairperson, Local 349 at Kansas City, Mo., and now general chairperson, GO 569). I really appreciate everything our wives do for us and our families because of the hours we are away from home.

Fraternally,

Joe Nigro, SMART General President



Phyllis and Al Nowlin, with Joe Nigro.

# State Watch

## News from UTU-SMART State Legislative Boards

### Colorado

State Legislative Director **Carl Smith** reports that Local 202 member **Dan DeBoer** was recently injured in a motorcycle accident. DeBoer was hurt severely and will “probably never work again.” DeBoer has a wife, son and daughter at home to support.



Smith

Smith attended an event at the Grace Carroll Rocky Mountain Labor School run by the AFL-CIO, where he took up a collection for DeBoer and collected over \$700 from non-SMART members.

“I was pretty thrown and I definitely learned the meaning of solidarity,” Smith said of the event and contributions.

A collection was also taken up at the July 30 luncheon at the Anaheim, Calif., regional meeting. One thousand dollars was collected for the family. Donations can also be sent to DeBoer’s father, Robert DeBoer, c/o Dan DeBoer, 259 Hector St., Holland, MI 49423.

On a final note, the Colorado Legislative Board has moved its office, effective Sept. 1. The new address is at the Sheet Metal Training Center, 1515 W. 47th Ave., Denver, CO 80211.

### Illinois

The Illinois State Legislative Board, led by Director **Bob Guy** and Assistant Director **Joe Ciemny**, staged a protest in conjunction with the Chicago Federation of Labor at the 40th annual convention of the American Legislative Exchange Council at the Palmer House Hotel in Chicago Aug. 8.

Approximately 2,700 community, labor and environmental activists gathered at the hotel to protest the arrival of ALEC in the city. SMART Transportation Division had 20 members take part in the protest.



Among the picketers above are Graeme McClure (1597), Paul Hesla (1597), Jason Brazda (1597), Jeff Votteler (1597), Miguel Marquez (1494), Dan Cicuto (1421), K.J. Dailey (1534), Tom Rodgers (1973), Dan Weir (1973), Carl Draper (768), John O’Brien (1290), Joe Ciemny (1534), Bob Guy (234) and Dennis Nee (1895).

“From my standpoint, it was very successful,” Ciemny said. “The plan going forward from this point is to continue to expose ALEC for who they are, and legislatively, this means blocking, exposing and protesting any legislation that is backed by ALEC in Springfield.”

The Center for Media and Democracy (CMD) has identified ALEC as the group behind right-to-work legislation, stand-your-ground laws, voter ID laws, repealing minimum wage bills and legislation opposing future minimum wage increases.

### New Jersey

The New Jersey State Legislative Board met in the Trenton office Aug. 9 to make election recommendations to members in New Jersey.

State Director **Dan O’Connell** said members should be aware that there will be two elections this year – the first Oct. 16 to fill the unexpired term of the late Sen. Frank Lautenberg, the second for all state offices and the legislature. The deadline to register for the special election is Sept. 25 and

the deadline for the general election is Oct. 15. The board reminds members that if they are unable to get to the polls, they can vote by mail.

Election recommendations will be mailed to all local legislative representatives and secretaries. “Elections do have consequences,” O’Connell said.

The board wishes Assistant Legislative Director **Bill Braden** (1445) well after 40 years of service. Braden hired out with the Central Railroad of New Jersey as a brakeman and was promoted to conductor, a position he held with CNJ, Conrail and Amtrak. “Bill was one of the legislative representatives who understood how rail and bus employees are impacted by regulations and elections,” O’Connell said. “He was an avid supporter of UTU PAC.”

### New England States



Pictured, from left, are Don Dimauro (1400), New England State Legislative Director George Casey, U.S. Rep. Mike Michaud (D-Maine), BLET Massachusetts Legislative Director Dan Lauzon and Mike Shaw (95). SMART TD’s New England States’ Legislative Board members, Lauzon and Pan Am management met with Michaud in Waterville, Maine, to discuss transportation issues, including bigger trucks, July 26. The meeting included a tour of the shop facility in Waterville.

## Bus Department

By **Bonnie Morr**, Vice President-Bus

[bmorr@smart-union.org](mailto:bmorr@smart-union.org)

### Our regional meeting workshops were a success

I was recently informed of the passing of one of our best bus vice presidents. **Kenny Moore** was the vice president that helped us at Local 23 to become part of this great organization. Kenny Moore was my mentor. He was active in Washington, D.C., and on the state and local levels on all issues pertaining to the Bus and Transit Departments. He was what every vice president should be. I am honored that I had the opportunity to know him. He will be missed, and I will never forget what he stood for. Rest in peace, Kenny Moore. Our condolences to his family.



Morr

I would like to thank all the people that attended the 2013 regional meetings. For those that were unable to attend, the Bus Department had a very unique set of presentations regarding the health and well-being of operator and transit workers.

In Boston, the presenters were from both the medical field and the Transportation Learning Center. They presented information on how our health is impacted by our work. Both Dr. June Fisher, M.D., and Robin Gillespie talked about the health issues so many of us are dealing with on a day-to-day basis: long hours sitting, the lack of restroom breaks, and the inability to access good food on the road. The discussions hit home for many of us.

In Anaheim, Dr. Fisher discussed health issues in transit and transportation, both here and around the world. Dr. Peter Schnall, along with Marnie Dobson, led an interactive workshop on stress in transit and its impact on our health. Amy Calvin and John Tatman from the Los Angeles MTA presented a wellness program that they created and discussed results of the program they have seen at the MTA in Los Angeles. These workshops had some of the best attendance by our brothers and sisters that I have seen in a long time. We had between 30 and 60 participants at workshops in Anaheim and about 25 in Boston.

President Mike Futhey came to our open bus workshop in Anaheim. He spoke with the bus members, answered their questions and spoke about the involvement of SMART in our Bus Department. It was an honor. We received updates from our members on what is happening on their properties and spoke about how we could get stronger. If anyone wants information from the workshops, please contact me and I will be more than happy to provide it. My email address is [bmorr@smart-union.org](mailto:bmorr@smart-union.org).

### Utah Legislative Board



The Utah State Legislative Board recognized State Sen. Karen Mayne and Rep. Craig Hall for passing rail safety legislation that requires more education and training for drivers around railroad crossings. Pictured, from left, are Jim Burt (166), State Legislative Director Jay Seegmiller (166), Utah AFL-CIO President Dale Cox, State Sen. Karen Mayne (D), Michael Amaral (238), State Rep. Craig Hall (R), Roger Barnes (1294) and Pat Winslow (1554).

### Transit bill’s demise points to 2014 stalemate

The collapse of U.S. transportation funding bills in both houses of Congress points to a broader stalemate over fiscal 2014 spending and threatens to extend across-the-board budget cuts into next year.

Senate Republicans last month blocked a \$54-billion measure funding highways, aviation, passenger rail and other transportation projects because it exceeded spending limits earlier agreed to by both parties. House Republican leaders called off a vote on a more-austere \$44 billion measure amid signs it lacked enough support to pass.

Analysts said the lack of funding consensus means that transportation agencies may be forced to continue operating under the forced spending cuts that began in March. The cuts, known as sequestration, were a default method of curbing federal spending after talks for a bipartisan debt-reduction plan failed in 2011. The cuts in fiscal 2014 reach \$109 billion.

Amtrak can keep running under the status quo while being constrained in spending on maintenance, capital investment and equipment. The railroad isn’t commenting on the appropriations talks breakdown, Steve Kulm, a spokesman, said.

## Treasurers' Workshop



Pictured during a break in the "Treasurer Tools, Methods and Responsibilities" workshop are Quintin Wormley (1565), Local President Ronald Lopez (1565), Teresa Love (1607), SMART Transportation Division International Auditor Franz Von Kruger (1608) and Pedro Lara Jr. (1563).



Socorro Cisneros (1607), Victoria Winge (1565) and Jorge Melendez (1565) leave the "Unfair Labor Practices" workshop July 29. Cisneros, who is working on her certification in labor relations, came to the meeting directly from her job with Los Angeles Metro.



Amtrak employees represented by General Committee of Adjustment GO 769 break from a meeting of their general committee. Pictured, from left, are Fred Carroll (117), Chris Leo (84), Reggie Kesecker (1732), Jay Seegmiller (166), Dirk Sampson (117), Ray Bellumini (1732), Michael Conn (1732) and Michael Chappell (1732).

## Union Plus

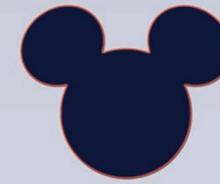


Transportation Division Organizer Mike Lewis (490) visits Union Plus Mortgage Representative Mary Niederhaus in the vendors' area of the Anaheim regional meeting. Niederhaus was just one of many health-and-welfare benefit providers and other specialists on hand to assist SMART members and their families.



# Anaheim

## SMART TD/UTUIA 2013 Regional Meeting



Will Mohler, grandson of SMART Transportation Division Supply Director Joe Shivak, earned his wings after meeting with Great Lakes Aviation employees in the hotel's Boardroom. Pictured, from left, are Vice Local Chairperson Jerad Tomich, Local Chairperson Diane King, Joe Spacone and Local President Matt Klundt, all members of Local 40 at



SMART Transportation Division Organizer Rich Ross Sr. (1895) and his wife, Pat, with their grandchildren Morgan, Madelyn and Mike Strahlman, had a great time at the Sunday evening reception.



Oregon Assistant State Legislative Director Greg Boan (471), left, and Local Chairperson Casey Jones (1574) discuss beard care products.



Local Chairperson Robert Simpson (1201) and his wife, Jennifer, enjoy the July 30 "beach party" theme reception with children Carter and Victoria.



Local President Lloyd Nelson (486), left, Alternate Legislative Rep. Ryan Hedgecock (891) and his wife, Karyn, relax at the Sunday evening reception July 28.



Mindy Veach, left, and her daughter, Carly, right, board a tour bus with Niki Wisniewski to visit the Queen Mary and Long Beach Aquarium on Sunday, July 28.



Transportation Division President Mike Futhey, left, greets former UTU International President Tom DuBose and former Auxiliary President Carol Menges.



Vice Local Chairperson Michael Schultze (1626), left, and Local Vice President Vern Gillis (1626), right, meet Nevada State Legislative Director Jason Doering and his wife, Nicole. Schultze and Gillis are employees of the Alaska Railroad.



From left, Beth Sellers, SMART General Secretary-Treasurer Joe Sellers, workshop presenter and Designated Legal Counsel Steve Young and Lynn Young get acquainted at the Tuesday evening theme party July 30.

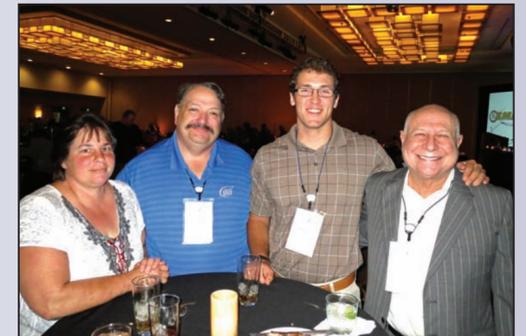


Local President John Sullivan (500), Vice General Chairperson Rich Mohr (286) and Local Chairperson Kevin Binkley (500) are all members of General Committee of Adjustment 953 and employees of Union Pacific.

## Anaheim Local Committee



Assisting International staff throughout the Anaheim meeting were local officers from around the west. From left are Local Secretary & Treasurer Patrick Haugh (1422), General Chairperson Diane King (40) and Executive Board member and Local Chairperson Robert Resendez (1422). Members of the local committee not pictured include BNSF General Committee 017 Secretary Rich O'Connell (1544) and General Chairperson Gary Miller (1700).



Suzi Romine, Local Chairperson Larry Romine (473), Local Treasurer Evan Humphry (473) and Attorney Art Sadin share a table at the Sunday evening reception. As Romine prepares for retirement, he invited Humphry to the meeting to "show him the ropes." Humphry, elected in July, said, "I'd like to see more young people coming out and getting involved."

## Local 1564



Local 1564 at Los Angeles was well represented at the Anaheim meeting. Pictured, from left, are Local Treasurer Andy Carter, Local Chairperson Ulysses "Butch" Johnson, Local Secretary Merduice Reed and Gregory Smith, all bus-operator employees with Los Angeles Metro.

## Bus Workshop



In a "health and safety" workshop moderated by International Vice President Bonnie Morr, bus operators practice relaxation techniques. Presenters at the workshop included Clinical Professor June Fisher, M.D., Los Angeles Metro Wellness Manager Amy Calvin and Metro Trust Fund Administrator John Tatan.



Members of the UTU Auxiliary take a break from their continental breakfast and workshop. The program included presentations by Auxiliary International President Mae Parker, Secretary & Treasurer Shirley Knoll, National Legislative Director Scott Saunders, Vice Presidents Annie Shea-Larkin and Marilyn Home, health-and-welfare benefit providers, Coordinator of Designated Legal Counsel Mark Allen and UTUIA Field Supervisor Serge Decoste, as well as visits from SMART General President Joe Nigro and other SMART officers.

**UTU**  
*Alumni*

# UTU Alumni Association

News, information for members of the UTU Alumni Association

## Human Rights Committee director pulls pin

Frank Hickman, director of the SMART Transportation Division's Human Rights Committee and local chairperson of Local 1175 at Duluth, Minn., retired Aug. 31.

A BNSF Railway engineer at the time of his retirement, Hickman was originally hired as a brakeman in 1978. He was promoted to engineer in 1989.

In 1981, Hickman became involved in the affairs of his local at the request of his co-workers, who were seeking involvement from younger employees. He was elected secretary of Local 1175 in 1983 and served until 1988, when he was elected local chairperson. From 1994 to 2002, Hickman served as secretary of General Committee of Adjustment GO 001 and later as vice general chairperson from 2002 to 2011.

In 2000, the UTU's Human Rights Committee was created to educate UTU members and employers about diversity and to promote awareness and equality in the workplace. At that time, Hickman was invited to serve as a committee coordinator. He was elevated to committee director in 2010.

"I am most proud of the UTU membership and its officers and their willingness to accept and respect all people," Hickman said. "With their help, we were able to turn a dream into the most effective diversity program in the industry.

"I will miss working with friends and members from all over the country. I will forever be grateful for my opportunity to make the UTU Human Rights Committee a reality and a success," he said.

Hickman also thanked SMART Transportation



SMART Transportation Division President Mike Futhey presents Frank Hickman with a personalized plaque recognizing his years of service to his fellow members and his work on behalf the Human Rights Committee.

Division President Mike Futhey saying, "I am proud to say that you are my friend and brother. If you never hear it anyplace else, you made a difference in my life, as well as in the lives of many countless members in the UTU. I know there were easier roads to take, but you walked the one you promised."

During his free time, Hickman has been working with his church to assist students in preparing for college. The program places an emphasis on math and science and is currently helping 10 college hopefuls. Members are hoping to add another 13 students to the program soon.

"Our goal is to find funding and financial assistance for these kids to attend college. I look forward to continuing to work with these students well into retirement," he said.

## Member retires after more than 50-year career

Benjamin S. Berry retired May 1 after 49 years of being a proud member of the UTU and almost 51 years of service with Union Pacific.

Berry is a member of Local 471 at Eugene, Ore., and a strong and faithful supporter of UTU PAC. According to Oregon State Assistant Legislative Director Greg Boam, Berry was the largest contributor to UTU PAC in the state of Oregon.

"I've known him for the past 22 years. Ben wrote up more unsafe-condition reports than anyone else," Boam said.

Berry got his first job with the railroad through persistence. He went to the trainmaster's office and asked the secretary there about any open positions.

"I kept coming back for about year, with no results," Berry said. "Finally, in the summer of 1962, I was hired when another guy could not pass his physical.

"Fifty years later, I was invited to the 2012 Union Pacific shareholders meeting in Salt Lake City, where I was honored for my years of service," Berry said.

Not only was he honored for his years of service, Berry was presented with a lantern by UP CEO Jack Koraleski.

"I took my son with me, and he and I met all of the company officers, and stood together before the stockholders and officers and politicians as the whole room clapped for us. What a great feeling. I will never forget it."

## SMART TD travel agency has two trips on horizon

Landfall Travel, the official travel agency of the UTU Alumni Association, is offering two trips to Transportation Division members and retirees in the coming year.

The first offering is an Alaskan cruise aboard the Golden Princess. This eight-day cruise leaves from Seattle, Wash., July 19, 2014, and features time spent cruising Glacier Bay National Park and stops at the ports of Ketchikan, Juneau, Skagway and Victoria, B.C., Canada. The cruise returns to Seattle, July 26.

For those not yet ready to end their vacation travel, or for new travelers, a second eight-day tour is being offered from July 27 to Aug. 3, exploring the Pacific Northwest and California.

It begins with a sightseeing tour of Seattle, followed by a visit to the Mt. St. Helen's Visitor Center and an overnight stay in Portland. Next, travelers will see Mt. Hood, the Columbia River Gorge, Bonneville Dam and Cascade mountains. Finish the night off with a dinner cruise along the Willamette River and Lake Oswego. Other points of interest include a cruise up the Rogue River, explorations of Bandon State Natural Area, time spent at the Redwood National Park, crossing of the Golden Gate Bridge, as well as time spent in San Francisco and more.

Interested parties can contact Landfall Travel directly at (440) 799-8977 or (800) 835-9233 for more information. All are welcome; you do not have to be a member of the Alumni Association to enjoy these excursions.



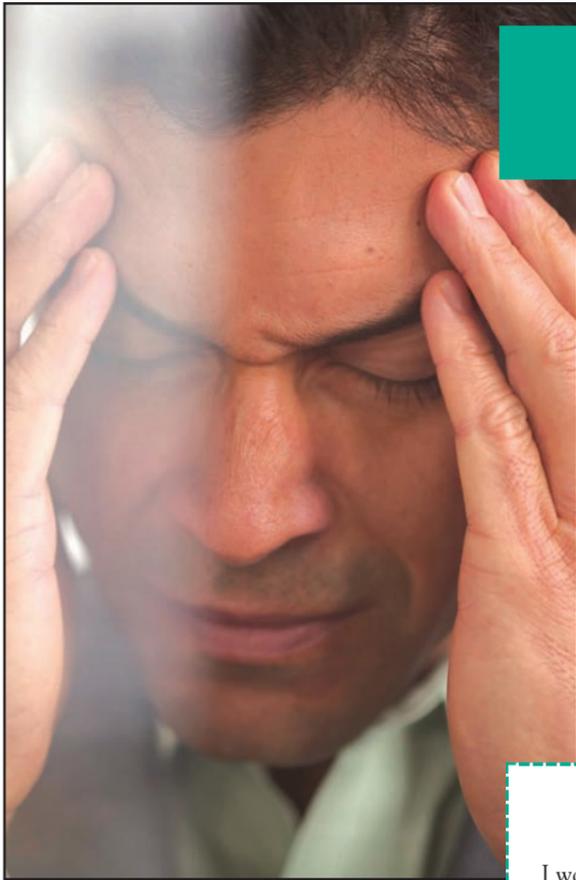
Pictured, from left, are UP CEO Jack Koraleski, Benjamin S. Berry and Berry's son, Benjamin A. Berry.

## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
R	Eifert, Mary Ann	Jackson, Mo.	771	Gordon, Douglas R.	Needles, Calif.	1344	Carlascio, James A.	Jamestown, N.D.
R	Mincer, Frances	Lakewood, Calif.	838	O'Dell, James E.	Walterboro, S.C.	1370	Paz, Cesar T.	Bayside Hills, N.Y.
60	Kelleher, Daniel	Howell, N.J.	866	Carpenter, Brent S.	Wellton, Ariz.	1397	Crosby, Carl T.	Groveport, Ohio
171	Karp, Myron M.	Aurora, Ill.	872	Silverstrand, Larry E.	Omaha, Neb.	1405	Johnson, Jacob	Fairview Heights, Ill.
221	Boyd, Kenneth L.	Austin, Ariz.	903	Childs, Billy L.	Macclenny, Fla.	1405	Newcomb, Ralph G.	Freeburg, Ill.
312	Ellestad, Terry P.	Largo, Fla.	903	Sapp, John D.	St. George, Ga.	1433	Makaris, Alex	Fond du Lac, Wis.
313	Burman, Paul A.	Jenison, Mich.	951	Garriffa, Joseph P.	Sheridan, Wyo.	1518	White, Lewis A.	Terre Haute, Ind.
464	Givens, D.L.	Arkansas City, Kan.	1007	Dipietro, Raymond B.	Minoa, N.Y.	1563	Green Jr., Nathaniel A.	Beaumont, Calif.
469	Sides, Harold L.	Florissant, Mo.	1031	Plaspohl, James E.	Rincon, Ga.	1563	Moore, Kenneth R.	Sun Lakes, Ariz.
493	Alcorn, Fred A.	Fort Dodge, Iowa	1074	Saunik, Alvin A.	Pittsburgh, Pa.	1614	Kelly, Robert F.	Elk River, Minn.
528	Botsios, Samuel L.	Waukegan, Ill.	1168	Goodman, Lowell E.	Clovis, N.M.	1628	Eirhart, Hewitt F.	Pittsburgh, Pa.
587	Eno, Joseph J.	Chicopee, Mass.	1175	Harris, Gary J.	International Falls, Minn.	1760	Balko, Richard A.	Livonia, Mich.
601	Swain, Jerry L.	Bucyrus, Ohio	1258	Vass, Brian J.	Troy, Tenn.	1928	Jeskey, Herman J.	Oregon, Ohio
626	Evans II, David	Lincoln, Neb.	1334	White, Willie G.	Citronelle, Ala.	1974	Sardin, Walter J.	Little Rock, Ark.

The July/August 2013 issue of the SMART Transportation Division News incorrectly listed Alumni Association member James M. Law of Keokuk, Iowa, as deceased. Brother Law advises former Rock Island friends he is alive and well. Brother James M. Law of Crossett, Ark., should have been listed. SMART Transportation Division News regrets this error and apologizes to Law and his family.



# Got Stress?

## UTUIA's Disability Income Replacement Insurance Can Help

When you are faced with an illness or accident, the last thing you need is the worry over how you will pay the mortgage, car payments, credit cards and other necessities. Sure, your health insurance will cover the medical bills, but how will you pay everything else?

Having a Disability Income Replacement insurance policy can provide you and your family peace of mind should a tragedy strike. It replaces lost income when you are unable to work due to an accident or sickness, helping you on your road to recovery.

Apply for Disability Income Replacement insurance today.

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or email [sales@utuia.org](mailto:sales@utuia.org).**

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I would like more information on UTUIA's Disability Income Replacement Insurance.

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Date of birth \_\_\_\_\_

UTU local number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP \_\_\_\_\_

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

Sex:  Male  Female

Complete and mail to: UTUIA Sales Dept., 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333 09/13

## SMART state directors appointed to transportation panels

Two SMART Transportation Division state legislative directors have received appointments to transportation panels, one at the state level and one at the federal level.

District of Columbia State Legislative Director and SMART Transportation Safety Team member **Willie Bates** has been invited by Federal Railroad Administrator Joseph Szabo to serve on the Stakeholder Review Panel for the agency's new Clear Signal for Action safety program.



Bates

Illinois Gov. Pat Quinn issued an executive order Aug. 15 creating the Northeastern Illinois Public Transit Task Force, an independent panel of transit, finance and government leaders who will issue recommendations to reform the mass transit system in northeastern Illinois. SMART Transportation Division State Legislative Director **Robert Guy** is a member of the panel.

The CSA safety pilot program, funded by the FRA's Office of Research and Development, seeks to improve railroad safety and railroad safety culture through the use of peer-to-peer coaching and feedback and safety leadership training.

In a letter to Bates, Szabo said "Risk reduction approaches like CSA allow the industry, through collaborative labor and management efforts, to take proactive measures to prevent accidents." Responding to Szabo's letter, Bates said, "I accept the challenge."



Guy

SRP meetings will be managed by the Volpe National Transportation Systems Center, whose mission is to improve the nation's transportation system by anticipating emerging transportation issues and serving as a center of excellence for informed decision making.

Besides his new challenge, Bates serves as a member of the Obama administration's 20-person Transit Rail Advisory Committee for Safety, which drafts federal regulations for 47 separate transit systems that previously set their own safety rules and procedures. He was named to the committee by former Transportation Secretary Ray LaHood.

In 2011, the governor of Virginia awarded Bates the Governor's Transportation Safety Award for rail transportation. In 2009, Amtrak's highest safety honor – the Charles Luna Memorial Safety Award – was bestowed upon Bates, who has worked injury-free for 25 years as an Amtrak conductor, and never had a safety-rules violation. The award is named for the UTU's first International president, who was later an Amtrak board member.

A member of the SMART Transportation Division Local 1933 at Washing-

ton, D.C., Bates serves as the local's chairperson, vice president, legislative representative and delegate.

Guy graduated from Western Illinois University in 1991 with a bachelor of arts degree in broadcast journalism. In 1996, he was elected UTU Local 234's local legislative representative and was re-elected in 1999 and 2003, becoming state legislative director in 2009. He has focused on expanding Amtrak service and working on safety legislation and other issues.

"Safety and efficiency are important issues in transit operations. Illinois State Legislative Director Bob Guy understands the necessary components of providing these vital services with on-time performance. This appointment is an honor for Bob and an opportunity for our transit riders in Chicagoland," said SMART Transportation Division President Mike Futhey.

The 15-member, blue-ribbon task force is charged with developing ways to eliminate waste, fraud and abuse and streamline operations to ensure improved transit service for the millions of users each year. The task force will issue recommendations to be considered by the General Assembly and Gov. Quinn for both the veto and spring sessions.

The executive order is part of Gov. Quinn's agenda to strengthen oversight of mass transit in northeastern Illinois and restore commuters' confidence. The governor's move comes in the wake of recurring scandals at Metra and ongoing accountability problems over the last decade.

"It's clear that the mass transit system in northeastern Illinois is not working for taxpayers," Quinn said. "This task force is a step forward to make our transit system worthy of the public's trust. Their recommendations will be valuable as we work in both the veto and spring sessions to reform mass transit in northeastern Illinois."

The task force will develop recommendations to revamp the oversight of mass transit in northeastern Illinois.

Other members of the Northeastern Illinois Public Transit Task Force include: Co-chair George Ranney Jr., president and CEO of Metropolis Strategies; Co-chair Ann L. Schneider, secretary of the Illinois Department of Transportation; Carole L. Brown, managing director at Barclay's Capital; Patrick Fitzgerald, former U.S. attorney of Illinois; Adrienne M. Holloway, assistant professor of political science at DePaul University; Sylvia Jenkins, president of Moraine Valley Community College; Nick Palmer, chief of staff for Will County Executive Larry Walsh; Tony Paulauski, executive director of The Arc of Illinois; Raul Raymundo, executive director of the Resurrection Project; Robert G. Reiter Jr., secretary-treasurer of the Chicago Federation of Labor (CFL); Ashish Sen, a member of the Chicago Transit Authority board of directors; Don Tantillo, retired high school teacher and debate coach who worked at Wheeling High School; Kathryn Tholin, CEO of Center for Neighborhood Technology; and Sonia Walwyn, vice president of Duff & Phelps, LLC.

# FRA issues emergency order

Continued from page 1

U.S. DOT believes that railroad safety is enhanced through the use of multiple crew members, and the safety advisory recommends railroads review their crew-staffing requirements for transporting hazardous material and ensure that they are adequate. Other recommendations in the safety advisory include: conducting system-wide evaluations to identify particular hazards that may make it more difficult to secure a train or pose other safety risks and to develop procedures to mitigate those risks. A copy of the safety advisory can be viewed at [www.fra.dot.gov](http://www.fra.dot.gov).

"When PHMSA talks about the transportation of hazardous materials, safety is a prerequisite to movement," said PHMSA Administrator Cynthia Quarterman. "We are taking this action today and we will be looking hard at the current rail operating practices for hazardous materials to ensure the public's safety."

As FRA continues to evaluate safety proce-

dures following the recent crash, it will convene an emergency meeting of its Railroad Safety Advisory Committee to consider what additional safety measures may be required. FRA plans to develop a website that will allow the public to track industry compliance with the emergency order and safety advisory issued Aug. 2. FRA has developed a plan that outlines six major actions that have occurred or will occur to further ensure that our regulatory response to the Canadian rail accident remains transparent.

Under current DOT regulations, all freight railroads are required to develop and implement risk assessments and security plans in order to transport any hazardous material, including a plan to prevent unauthorized access in rail yards, facilities and trains carrying hazardous materials. Railroads that carry hazardous materials are required to develop and follow a security protocol while en route; railroad employees are subject to background checks and must complete training.

## Operating unions advance federal crew-size legislation

The Transportation Division of the Sheet Metal, Air, Rail and Transportation International Association and the Brotherhood of Locomotive Engineers and Trainmen have jointly announced that legislation requiring at least two crew members on all freight trains in the U.S. has been filed in Congress.

Initial sponsors for H.R. 3040 are U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine) and the bill is expected to be assigned to the House Transportation and Infrastructure Committee for consideration.

The legislation reflects heightened concerns over crew size arising from the tragic July 6 derailment of a Montreal, Maine & Atlantic fuel train in Lac Mégantic, Quebec, which killed 47 and destroyed the center of the town. The MM&A train was crewed by a single person.

H.R. 3040 reads, in part: "Effective 30 days after the date of enactment of the Safe Freight Act, no freight train or light engine used in connection with the movement of freight may be operated unless it has a crew consisting of at least 2 individuals, one of whom is certified under regulations promulgated by the Federal Railroad Administration as a locomotive engineer pursuant to section 20135, and the other of whom is certified under regulations promulgated by the Federal Railroad Administration as a conductor pursuant to section 20163."

## Judge sides with KCS

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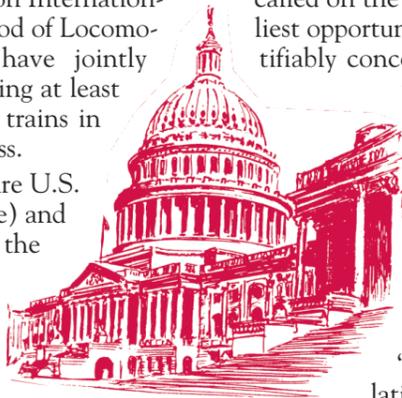
that it is quite difficult to get a judge to find that a major dispute exists in these type of situations. The fight is not over. We will continue to press the issue to protect our members' rights. We believe that an arbitrator looking at this situation will see it as an extreme overreach by the carrier."

Kansas City Southern has been installing cameras in its locomotives ever since the July ruling that determined the issue didn't require bargaining with the unions, railroad spokeswoman Doniele Carlson said.

"Installation of inward-facing cameras will provide additional security for train-crew employees, enhance compliance with KCSR and (Federal Railroad Administration) operating rules, and improve overall safety," Carlson said.

UP is making similar arguments in its court filing.

The railroad says its employees already submit to a variety of monitoring at work, including cameras in rail yards, external cameras on locomotives, recording of employee calls and technology that can detect cellphone use on trains.



BLET National President Dennis R. Pierce called on the House to take up the bill at its earliest opportunity. "The American people are justifiably concerned that the single-person crewing practice used on MM&A and some other short line railroads places the public safety at risk," Pierce said. "We urge Chairman Schuster and the T&I Committee to hold hearings on this issue after the recess."

SMART Transportation Division President Mike Futhey said, "This is a responsible piece of legislation that recognizes the correlations between the consist of crews and public safety. We thank Reps. Michaud and Pingree and urge more representatives to join in support."

## Canada bans one-man crews on all hazmat-carrying trains

OTTAWA – Transport Canada July 23 announced an emergency directive pursuant to section 33 of the Railway Safety Act to increase rail safety, banning one-man crews on trains hauling one or more cars loaded with hazardous materials.

Effective immediately, the emergency directive requires all rail operators to:

- Ensure that no locomotive attached to one or more loaded tank cars transporting dangerous goods is operated with fewer than two qualified persons on a main track or sidings;
- Ensure that no locomotive attached to one or more loaded tank cars transporting dangerous goods is left unattended on a main track;
- Ensure, within five days of the issuance of the directive, that all unattended controlling locomotives on a main track and sidings are protected from unauthorized entry into the cab;
- Ensure the directional controls, commonly known as reversers, are removed from any unattended locomotives, preventing them from moving forward or backward, on a main track or sidings;
- Ensure that their company's special instructions on hand brakes are applied to any locomotive attached to one or more cars that is left unattended for more than one hour on a main track or sidings;
- Ensure that, in addition to complying with their company's special instructions on hand brakes referred to in the item immediately above, the automatic brake is set in full service position and the independent brake is fully applied for any locomotive attached to one or more cars that are left unattended for one hour or less on a main track or sidings.

## Volunteer of the year remembered during Anaheim regional meeting

James A. Carlascio, 88, the UTUIA's 2013 volunteer of the year, passed away July 11. He was a member of SMART Transportation Division's Local 1344 at Mandan, N.D.

The UTUIA's volunteer of the year is traditionally honored with a plaque and a \$1,000 annuity from the UTUIA. Those items are presented to the volunteer at the regional meeting closest to his or her home.

Carlascio was set to appear at the Boston regional meeting in July, but his family had notified UTUIA he would be unable to attend due to treatments he was undergoing for cancer.

At the close of the SMART Transportation Division/UTUIA's Anaheim regional meeting, Transportation Division President Mike Futhey honored Carlascio in an emotional tribute to all UTU members following his State of the Union address. In that tribute, Futhey referred to the many UTU members he had met over his career as "the salt of the earth," a reference to their worthiness and service to others.

"Jim entered military service in 1943, serving as first scout for the 3rd Army Division in Germany. He was wounded and captured in Italy and spent two years as a prisoner of war in Germany. He was awarded the Purple Heart," Futhey said.

"He hired out on the Northern Pacific Railroad as a brakeman and was promoted to conductor. He worked passenger service in the early years and retired from Burlington Northern Railroad in 1993 after 49 years of service.

"His nomination letter stated:

"James visited area nursing homes for years and distributed bags of candy. Sometimes he dressed as Santa Claus or the Wicked Witch from The

Wizard of Oz. He tried to do a good deed every day, like opening the door for a lady, or giving directions to someone who appeared lost. He helped fill sandbags during North Dakota floods.

"He donated school supplies, stuffed animals and candy to the Building Block Kindergarten.

"He was instrumental in the building of the Veterans' Memorial Wall at Fort Seward in Jamestown, N.D., to honor and remember all veterans, Medal of Honor recipients, prisoners of war and those killed in action from Stutsman County.

"He raised money for and gave gifts to students making good-will trips.

"He spoke to different schools in North Dakota about his military service and his years as a POW and served as Safety Patrol chairman for 15 years at St. John's Academy.

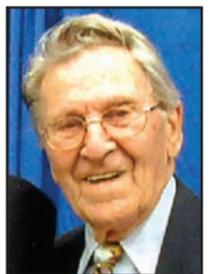
"He volunteered for years as an usher at his church.

"He was a member of the Elks, the Veterans of Foreign Wars, Disabled American Veterans and AMVETS. His commitments to his community and country were recognized and he was honored as the National Elks Veteran in 1993, Jamestown Outstanding Citizen in 2008 and was awarded North Dakota Hometown Hero Award in 2009."

Futhey then said, "James Carlascio was the salt of the earth."

Carlascio is survived by his wife, Dorothy, four children, five grandchildren and a sister.

The awards have been forwarded to Carlascio's family.



Carlascio

# Local president lends neighbor a helping hand

In his inaugural speech in 1989, President George H.W. Bush spoke of "a thousand points of light," referring to American citizens' "sacrifice, commitment, and a patriotism that finds its expression in taking part and pitching in."

One of those points of light was shining July 11 in Springfield, Mo., and its name was **Tim Latham**, reports Local 303 Legislative Rep. **Jeff Nichols**.

President of Local 303 in Springfield, Latham is a volunteer for the Hands on for Seniors Program, an organization funded by the Greene County Senior Citizen Tax Fund that matches volunteers to seniors still living in their own homes who are unable to perform yardwork and exterior maintenance.

Due to his involvement, Latham has a heightened awareness of those in need. In this instance, he noticed Opal's house, just down the road from his own, was overgrown with vegetation.

Over time, her property was returning to nature. Tangles of stubborn vines had inched their way upward along the house's clapboard siding. Trees and shrubs had long since merged, forming an undeniable canopy surrounding the



Local 303 President Tim Latham stands near senior resident Opal's home in Springfield, Mo., where he decided "step in and help."

house. The grass was knee-high and going to seed. It all was a bit too much for Opal. But it was not too much for Latham.

Latham spent an entire day wrestling her house back from nature's clutches. He mowed the grass, pulled the vines from the siding, pruned the trees and trimmed the hedges, bringing order and beauty back to Opal's yard.

His labors restored not only the functionality and aesthetics of the yard, but also restored Opal's pride in her property and some of her independence, too. She is thrilled that she can now see the road from her windows and that she can now walk safely in the yard without fear of tripping and falling. The proof is in the pictures.

Latham modestly said that he noticed a neighbor down the road who needed his help, and so he offered. It was that simple.

"I simply try to step in and help wherever I can," Latham said. "Seniors have paid their dues and they deserve our help."

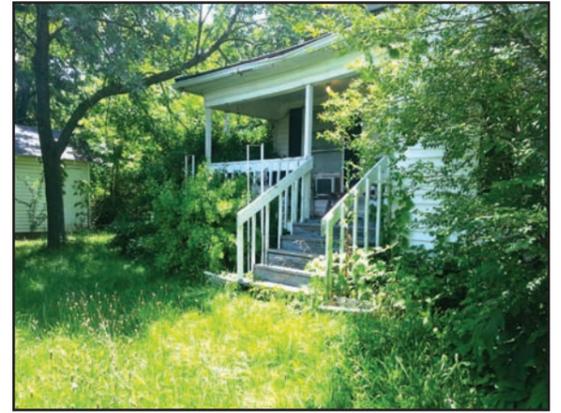
Latham's generous volunteerism is well known by Rennie Diekemper, the AFL-CIO Community Services Liaison for United Way of the Ozarks. She affirms that Latham is a steward of the community, who is always lending a helping hand.

Diekemper said that Latham not only restored Opal's yard, but more importantly, her faith that there still are good people in the world. She was thrilled, to say the least.

"This is a wonderful way to help our greatest generation," Diekemper said. "If you are interested in a project, small or large, give me a call and I will match a project for you or your group."

The projects can be yard-mowing, gutter-cleaning, window-washing, painting and even building ramps to keep the seniors mobile and independent. Quality of life is always at its highest if our seniors can stay in their homes. Qualifying for the program is simple for a senior citi-

Opal's home before



Opal's home after



zen. They need to live in Greene County, own their home and have homeowners' insurance.

If you know a senior who could use a helping hand in the Springfield area, provide them with the United Way of the Ozarks telephone number (417) 863-7700 and have them ask for the Hands on for Seniors coordinator, Diekemper said. Coordinating this program is part of what she does for United Way of the Ozarks.

Well done, and thank you, Brother Latham.

## Transportation Division updates policy on dues objectors

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

**To the extent permitted by law, a non-member cannot participate in union elections as a voter or as a candidate; attend union meetings; serve as delegate to the convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.**

2. The objecting non-members shall provide notice of objection by notifying the Transportation Division general secretary & treasurer of the objection by first-class mail postmarked during the month of September preceding the calendar year to which he/she objects, or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:

- All expenses concerning the negotiation of agreements, practices and working conditions;
- All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- Convention expenses and other union internal governance and management expenses;
- Social activities and union business meeting expenses;
- Publication expenses to the extent coverage is related to chargeable activities;
- Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
- Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
- All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
- All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft formerly represented by UTU, now SMART.

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the Transportation Division general secretary & treasurer. The Transportation Division shall designate an analyst for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

### Percentage of chargeable fees determined by analyst for calendar year 2012

<b>Transportation Division*</b>	77.8 percent
<b>State Legislative Boards</b>	
LO 005 California <sup>1</sup>	72.6 percent
LO 035 New York	77.5 percent
LO 038 Ohio	85.3 percent
LO 054 Washington	38.9 percent
Unreviewed boards <sup>2</sup>	0.0 percent
<b>General Committees</b>	
GO 049 CSX-T	100.0 percent
GO 387 BNSF	100.0 percent
GO 577 Union Pacific	100.0 percent
GO 927 Union Pacific	100.0 percent
Unreviewed committees <sup>3</sup>	99.6 percent

\* Estimate; final ratio forthcoming.

<sup>1</sup> Calculated by applying the lowest of previous reviews of the applicable legislative board, provided the board has had eight or more reviews.

<sup>2</sup> Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.

<sup>3</sup> Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.

5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the analyst's report may challenge the validity of the calculations made by the analyst by filing an appeal with the Transportation Division general secretary & treasurer. Such appeal must be made by sending a letter to the Transportation Division general secretary & treasurer postmarked no later than thirty (30) days after issuance of the independent referee's report.

7. After the close of the appeals period, the Transportation Division general secretary & treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the Transportation Division general secretary & treasurer and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by the Transportation Division.

10. A court reporter shall make a transcript of all proceedings

before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The Transportation Division shall have the burden of establishing that the reduced fees set forth in the analyst's report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the neutral referee issues the report. As soon as possible after the issuance of the analyst's report, he/she shall pay the amount of the reduced fees calculated by the analyst. Persons objecting for the first time shall be sent a copy of the report prepared by the analyst for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the neutral referee may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the analyst's report as soon as practicable after its issuance. The appropriate unit of the Transportation Division shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the analyst, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.



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## Transportation Division News

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# Confidential Close Call Reporting system expanding

The Confidential Close Call Reporting System (C3RS) took a significant step forward Sept. 1 by expanding the geographic coverage for Amtrak train and engine workers from 10 Amtrak yard facilities to all Amtrak-owned and dispatched territory throughout the system.

The C3RS is a partnership between the National Aeronautics and Space Administration (NASA), the Federal Railroad Administration, participating railroad carriers and labor organizations. It is designed to improve railroad safety by collecting and studying reports detailing unsafe conditions and events in the railroad industry. Employees will be able to report safety issues or “close calls” voluntarily and confidentially.

Examples of close calls include varying levels of risk, such as leaving pieces of equipment unsecured, improper blocking, operating trains beyond track authority or violating operating rules.

Informational rollout sessions have been ongoing in the Northeast Corridor. SMART Transportation Division Vice General Chairpersons **Gary Hopson** (Amtrak GO 663), **Charlie Yura** (Amtrak GO 769) and **Salvador Ruiz** (CSX GO 342) attended the opening event in Washington Aug. 6 and were provided the opportunity to address all in attendance. Present and

speaking on behalf of Amtrak were President and CEO Joe Boardman and Vice President of Operations D.J. Stadler. FRA Acting Associate Administrator Bob Lauby was present as FRA Administrator Joe Szabo was unable to attend.



“We are in favor of this reporting system on both sides, labor and management, and it is going to benefit our membership. This marks the beginning of a collaborative initiative that will reduce accidents and injuries in our industry,” Hopson said.

“This sort of program is going to be required by the FRA and all Class I railroads will eventually have to have a program that mimics the program we are following.”

The expansion will also include any tracks or facilities acquired by Amtrak in the future. Coverage will now be available for incidents that result in damage below the FRA monetary reporting threshold and which do not involve an injury, as long as there is compliance with the other provisions of the implementing memorandum of understanding.

Close Call went into effect February 2011. SMART Transportation Division Assistant President John Previsich spearheaded SMART’s involvement in the four C3RS pilot projects – systemwide on Amtrak and New Jersey Transit, at CP’s Portage, Wis., yard and UP’s North Platte, Neb., yard.



Please recycle

## Photo of the month

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

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

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

High-resolution digital photographs should be in the JPEG format and emailed to “news\_td@smart-union.org”.

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

All photographs submitted become property of UTU-SMART.

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



This photo was taken by Local 1564 (Los Angeles, Calif.) member **Carlos Mejia**. “This photo is of the Dodge Express Shuttle Bus at Patsaouras Transit Plaza at Union Station in Los Angeles, headed to Dodger Stadium. In the front windshield of the bus, you can see the reflection of the LACMTA office building, One Gateway Plaza,” Mejia said.

### Inside this issue of *UTU-SMART News*:



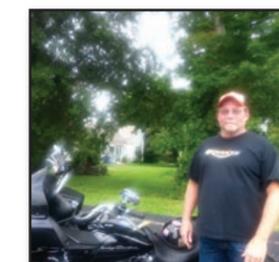
Members picket group behind right-to-work legislation. See *State Watch*, page 5.



Anaheim regional meeting scrapbook. See pages 6-7.



Human Rights Committee director pulls pin. See page 8.



Local president lends neighbor a helping hand. See page 11.