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The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

"The railroads are asking the government to cripple unions with judicial opinions. This court will not be a party to such a macabre scene." – *Federal Judge Samuel B. Kent* (see story below)

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News & Notes

Member critically injured

A UTU member working for the Union Pacific as a brakeman was critically injured Dec. 4 when a truck slammed into the rail car upon which he was riding.

Injured was Jeremy D. Salinas, 35, a member of Local 240 in Los Angeles.

As this issue of the *UTU News* went to press, Salinas was narrowly clinging to life. He has a wife and two children.

The accident occurred when Salinas and other UP employees were moving cars in an industrial yard in Covina, Calif. Salinas was hanging onto a grain car as it was being pushed through a grade crossing. The railroad warning lights were flashing, according to reports.

At that moment, a truck driver exited a freeway, turned and hit the train, wedging Salinas in between the side of the truck and the grain car. It took firefighters more than 20 minutes to free Salinas from between the vehicles.

Health benefits hiked

On Jan. 1, 2007, the lifetime maximum benefit for each individual covered under The Railroad Employees National Early Retirement Major Medical Benefit Plan (UnitedHealthcare's Policy GA-46000) will increase from \$96,400 to \$101,200, according to UnitedHealthcare.

The \$4,800 in additional benefits payable applies to expenses incurred on or after Jan. 1, 2007.

The lifetime maximum benefit is adjusted each year based on the medical cost component of the Consumer Price Index.

New UTU ring available

Reknowned ring maker Terryberry has designed and crafted custom logo rings for thousands of customers.

Now, Terryberry has designed a ring especially for UTU members.



Want to honor a UTU member for his or her retirement, years of service, service to the local or for some other achievement? A beautiful, custom-designed UTU ring is the answer!

Terryberry's custom rings have been used to commemorate union accomplishments, years of service, safety milestones, and an endless list of special achievements. The ring maker has served more than 25,000 organizations looking for the highest quality materials and craftsmanship, and has delivered logo ring designs as distinctive as the accomplishments they represent.

Call (800) 253-0882 or visit Terryberry's Web site at www.terryberry.com.

UTU members winners on Election Day; thanks!

What do the recent election results mean to UTU members?

Plenty.

Most significantly, the Democratic victory means the fiercely pro-labor Rep. Jim Oberstar (D-Minn.) will become chairman of the House Transportation & Infrastructure Committee, which has oversight of railroads.

Expected to chair the committee's Railroad Subcommittee is Rep. Corrine Brown (D-Fla.), whose brother is a UTU member employed by CSX.

In the heady days after the victory, UTU International President Paul Thompson thanked state directors, general chairpersons, local legislative representatives, local officers and all active and retired members for helping to get out the vote for labor-friendly candidates, "which made the difference in many tight races," he said.

"Our UTU members should be especially proud of their role in helping to elect so many new labor-friendly lawmakers.

"Labor has a lot of Republican friends, and as a bi-partisan union we cherish those Republican friends," Thompson said, "but the fact is that labor has many more friends in the Democratic Party."

Brunkenhoefer said that "a Democratic-led House will be more interested in saving and fixing Amtrak than killing it." He also predicted that a Democratic-led House would have more interest in trying to fix the problem with commercial drivers' licenses that puts bus operators at risk of losing their livelihoods because of minor traffic offenses while driving personal automobiles.

"We expect that the first order of business for the new Congress next year will be a rail-safety bill, with a strong focus on train-crew fatigue and adequate training," Brunkenhoefer said. "We also expect Congress to take up reauthorization of the Surface Transportation Board, with an emphasis on closing the labor-protection loophole and ending the gouging of captive shippers by the greed-fueled railroads.

"We have had discussions on these issues with Mr. Oberstar's staff and expect another meeting soon," Brunkenhoefer said.

"As for the Senate," Brunkenhoefer said, "with the greater number of Democratic senators next session, issues of importance to labor and our captive-shipper allies will move to a front burner."

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Court turns down strike warnings

A federal district court, in a decision released Nov. 10, told the nation's railroads it would not "cripple unions with judicial opinions" simply because the railroads find strikes to be inconvenient events that have an adverse impact on profits.

Major railroads, led by BNSF, had asked the court, in Galveston, Texas, to require the UTU to provide 72-hours advance notice of a strike, or other self-help such as picketing, during this current round of national handling between the union and BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific.

The federal court was asked to issue the order following a UTU strike in April 2005 against BNSF's northern lines (essentially, the former Burlington Northern). The strike com-

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FRA targets tired workers

As part of a continuing effort to target the highest risks and major causes of train accidents, the FRA on Nov. 29 released a study that provides a strong scientific rationale for evaluating railroad employee work schedules to address worker fatigue.

"The UTU and the Brotherhood of Locomotive Engineers and Trainmen have been pressing hard for greater carrier awareness of the fatigue problem, the urgent need to ensure train and engine service employees have more predictable schedules and adequate rest, and early and reliable notification of start times," said UTU International President Paul Thompson.

The FRA said human factor errors are responsible for nearly 40 percent of all train accidents over the past five years.

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Around the UTU

News from around the U.S. and Canada

Local 18, El Paso, Texas

This Union Pacific local sends best wishes for a speedy recovery to conductor **Dave Chesnutt**, who suffered injuries to his neck, back and sternum while working, said Local Chairperson **Jim Maynard**. Chesnutt said he expects to be back to work in five or six months and thanked everyone for their concern.

Local 219, Hannibal, Mo.

Retired member **Charles E. Stallcup** on Nov. 25 marked his 100th birthday, said State Legislative Director **Larry Foster**. The RRB sent a congratulatory letter to Stallcup noting he last worked as a brakeman on the Burlington Northern Railroad and has been retired since November 1971. Special thanks go to Legislative Rep. **Orville Wells** for marking the occasion with a party.

Local 239, Oakland, Calif.

Union Pacific employees from this local, as well as from **Local 1801** (Martinez, Calif.) and **Local 100** (Oakland, Calif.), joined members of BLET Division 283 on Nov. 11 for a retirement dinner and party, said event chairperson and Local 239 Alternate Delegate **Brian Lewis**. Some 215 guests attended, including 15 retirees who received engraved flasks to mark the occasion.

Local 306, Eagle Grove, Iowa

Members of this Union Pacific local recently raised \$630 at their fifth annual golf outing to purchase school supplies for local families, as well as pay for passes for the aquatic center, said Local Chairperson **Larry J. Pearson**. The local also has donated \$100 towards a proposed memorial to Eagle Grove veterans.

Local 343, Hamilton, Ont.

Members of this local, who work for the Canadian National Railway and the Southern Ontario Railway, offer best wishes to yardmaster **Al Fachnie**, who retired in September, said Local Chairperson **Scott Montani**. Members also thank **Jerry Coffey**, who served as local chairperson for CN employees for 20 years. He was recently succeeded in that position by Montani, whose bid for a position on the Thorold City Council came up a few ballots short.

Local 511, Atlanta, Ga.

Members of this Norfolk Southern local were set to enjoy a combined local meeting, brunch, birthday party, Christmas party and swearing-in ceremony on Dec. 9, said Secretary & Treasurer **Howell Keown**, who also serves as assistant state legislative director. The event will mark the 60th birthday of State Legislative Director **Danny Boyles**.

Local 773, Galveston, Texas

This local, representing employees of the BNSF Railway and the Texas City Terminal, recently re-elected its existing slate of officers by acclamation, said Local Chairperson **J.L. Stubbs**. Meanwhile, Stubbs welcomed BNSF employees from **Local 1524** in Houston, Texas, who are now members of this local following a consolidation, and thanked those who made the move possible. Meetings will remain on the second Tuesday of the month at 5 p.m. at the Fairfield Inn in Texas City.

Local 911, Minneapolis, Minn.

Legislative Rep. **Jack Wrich** said that 37 members of this Canadian National Railway local have begun to contribute at least \$100 per year to UTU PAC in the last month, and



BNSF switchman and Local Chairperson **Tim Bolton** (far right) of Local 305 in Lincoln, Neb., helps keep the morale of his friends and neighbors high during their strike against the Goodyear Tire & Rubber Co.

Sausage and pepperoni help keep spirits bright

Sometimes, it takes lawyers and legislation to keep the labor movement strong. And other times, all it takes is a timely delivery of hot pizza.

BNSF switchman **Timothy J. Bolton** realizes that men (and women) do not live by pizza alone, so he plans to add some sandwiches to the mix if fellow unionists remain on strike against the Goodyear Tire & Rubber Co.

Brother Bolton, chairperson of Local 305 in Lincoln, Neb., works with a few former Goodyear employees. Some of his friends and neighbors, members of the United Steelworkers of America, still have jobs there. When talks between the USW and Goodyear broke down on Oct. 5, some 12,000 workers in the U.S. and Canada went on strike.

The strike was expected to be resolved quickly, but instead, workers so far have walked the picket line three times longer than they did during their last strike, which was an 18-day walk-out in 1997.

"My grandfather was a railroader, and so was my dad, who's a retired member of my local," said Bolton. "If we strike, it's over quickly because of the Railway Labor Act. But I've heard stories about past strikes against the railroad and how important it is to maintain morale and unity."

Bolton said he went to dinner with a friend on strike against Goodyear, and after learning where they set up their lines, he decided to do something to help the cause.

"My five-year-old daughter rides with me, and once a week we drop off pizzas to three different places," Bolton said.

Bolton has been a railroader for about 10 years. After finishing high school, he joined the Air Force, and when he got out, he applied for a job with the railroad, driving a forklift for six months until a spot opened up.

"I haven't asked the guys in the local to donate, but I'm sure they would chip in. But it only costs about \$50 to feed the strikers and keep up their spirits, so my father and I just split the cost."

he thanked **Mary Rollie** and **Jon Maedet** for their leadership in boosting participation. State Legislative Director **Phillip Qualy** said nearly 60 percent of the local's members now contribute to UTU PAC at that level, closing in on **Local 1292** in Proctor, Minn., (83 percent) and **Local 1067** in Virginia, Minn. (98 percent).

Local 977, Pasco, Wash.

A member of this BNSF Railway local, **Brian Watson**, recently played a key role in saving the life of engineer and UTUIA policyholder **Keith Wiles**, according to a

Tri-City Herald report. When Wiles collapsed in the rail yard, Watson and another employee, **Windle Todd**, drew on their CPR training to keep him alive. Watson and Todd were honored for their roles at a recent dinner.

Local 1252, Fresno, Calif.

Members of this BNSF Railway local send best wishes to Amtrak conductor **Charlie Waters**, who recently retired, said retired former secretary and treasurer **Don Heffernan**.

Local 1529, Walridge, Ohio

Retired member **Kirk Hise** said CSX retirees from this local and others meet every Friday from 9:30 a.m. to 11:30 a.m. at the food court in the Woodville Mall in Northwood, Ohio. For information, contact Hise at (419) 855-4178.

Local 1594, Upper Darby, Pa.

The members of this local who operate buses, trolleys and the Norristown high-speed line on SEPTA's Suburban Division offer best wishes to **Melvin Saddic** and **Edward Culbreth**, who recently retired, said General Chairperson **Ron Koran**. Meanwhile, the local more than doubled the amount it contributes to UTU PAC and now leads the state in per-member participation, with 47 percent contributing to the fund.

Local 1741, San Francisco, Calif.

Precedent was set in California when a grievance was successfully progressed through arbitration by this bus local, said Local President and Legislative Rep. **Ange Beloy**. Vice General Chairperson **Brock Estes** was wrongfully terminated nearly three years ago, and the company filed with the Department of Motor Vehicles to revoke his special school bus certificate. The arbitration ordered Estes reinstated, but the company said he couldn't work because his certificate had been revoked. The local took the case to a superior court and won, helping to protect the rights of school bus drivers in similar circumstances throughout the state. Members welcome Estes back, and thank him for filing the grievance, which ultimately preserved their safety incentive program.

Local 1760, Detroit, Mich.

Members of this CSX local are invited to a holiday party set for 7 p.m. on Dec. 19 at the DAV Memorial Home at 6117 Chase Rd. in Dearborn. Food will be provided. For more information contact Secretary & Treasurer **Jerry D'Ortenzio** at (734) 522-1043.

Local 1765, Grand Rapids, Mich.

Local Chairperson and Legislative Rep. **Steve Kauffman** recently issued a letter thanking all UTU members who supported his candidacy for a spot in Michigan's House of Representatives. Though he fell short of capturing enough votes, Kauffman offered his gratitude to those across the nation who came through with support.

Local 1977, Seattle, Wash.

Retired BNSF yardmaster **Jim Sofie**, 73, will herald the arrival of 2007 by taking a brisk dip in the waters of Lake Wenatchee on Jan. 1. For 14 years he has marked the new year this way with fellow members of the Polar Bear Club, including 80 who participated last year. To join in (or just watch from a warm distance), telephone Sofie at (509) 763-2197, or send e-mail to bigwhitepolarbear@msn.com.

State Watch *News from UTU State Legislative Boards*

Ohio



Being a contributor to the UTU PAC paid off in spades on Election Day, and also paid off in valuable football tickets for Ralph Sickles, a retired CSX conductor from Local 145 in Columbus. As a regular UTU PAC contributor, Sickles was the winner of two great seats at the legendary Ohio State/University of Michigan football contest held at OSU last month. All Ohio residents who contributed \$300 or more per year to UTU PAC were entered into the drawing. "We have a great organization (UTU) and are headed in the right direction," Sickles said. "This drawing has allowed Brother Sickles not only to enjoy the game but to realize it pays to contribute to UTU PAC," State Legislative Director Joe Boda said. Above, UTU PAC Administrator Olga Moore, center, is flanked by Assistant State Legislative Director Glenn Newsom (left) and Boda.

Wyoming

State Legislative Director **Terry Ungricht** sends his congratulations to former State Director **George Bagby**, a retired member of Local 866 at Rawlins, and **Stanley Blake**, a switchman/conductor for the Union Pacific and legislative rep. and alternate delegate from Local 1857 in Green River, for their successful campaigns for seats in the Wyoming State Legislature.

Texas



There are big-hearted people in the big state of Texas. Pictured above are some of them. State Legislative Director **Connie English Jr.**, left, presents a plaque to officers from Local 773 (Galveston) in honor of that local's having the highest percentage UTU PAC participation in the state. The officers, left to right, are Legislative Rep. **Joey Stubbs**; President **Don Neuweiler** and Local Chairperson **Craig Bevil**.

English also presented a plaque to the officers of Local 508 (Smithville) for the local's achievement of having the state's highest average UTU PAC contribution per member in 2005. Presented the plaque were Legislative Rep. **Kanron Saunders**; Vice President **Russell Vinklerek**; President **Clifton Goertz**, Secretary/Treasurer **David Fehlker** and Local Chairperson **Larry Richards**.

Bagby was re-elected by voters to his third term in the Wyoming House of Representatives, District 15, and Blake was elected to his first term in the House of Representatives, District 39.

In addition to holding his House seat, Blake also is the chairperson of the UTU Wyoming Legislative Board.

Ungricht also thanked **Wayne Reese**, a member of Local 28 in Cheyenne, for the years he served in the House of Representatives and for his service as minority floor leader. (Reese decided not to seek re-election to the House District 11 seat.) "Brother Wayne's experience and leadership will be missed in the House," Ungricht said.

North Carolina



UTU members recently attended a "train the trainer" program for hazardous materials awareness at the George Meany Center at the National Labor College in Silver Spring, Md. The 40-hour course taught these members more effective means of teaching and training their peers about hazardous materials. UTU members in the picture are (top row, left to right): **Billy Moye** (CSX yardmaster and safety committee member in Greenville, S.C.; member of Local 1971, Atlanta, Ga.); **Dale Barnett Jr.** (safety coordinator on CSX's Atlanta Division; president, local chairperson and legislative rep. of Local 762, Montgomery, Ala.); **Yvonne Hayes** (local chairperson, Local 1138, Miami, Fla., and CSX mentor trainer); (bottom row, left to right) **Michael Mowery II** (CSX local safety chairperson; local chairperson, Local 1221, Tampa, Fla.); **James B. Hagan Jr.** (CSX safety committee; S&T, legislative rep., Local 1365, Youngstown, Ohio); **Richard "Dickie" Westbrook** (North Carolina state legislative director) and **Joe Rassa** (locomotive engineer on NS; member, Local 454, Baltimore, Md.)

Michigan

State Director **Jerry Gibson** reports that the Michigan State Legislative Board office has moved. The new contact information is: Michigan Legislative Office, 1634 East Shore Ct., Hudsonville, MI 49426; phone (616) 667-9920; fax (616) 667-9930; E-mail: utumi@comcast.net.

Bus Department

By Roy Arnold, vice president/director

New union leaders for a new year

Congratulations to those who participated in local elections for union representatives. Regardless of how your candidate fared, your voice was heard by exercising your vote.

Special congratulations are due the winners. For many, it is a new beginning. What many new officers have conveyed to me is their sense of the huge responsibility they have taken on to represent members – the need to set aside personal agendas, favoritism and bias and work for improved wages, benefits and working conditions.

Those not successful in their campaigns for office are hardly losers, because only winners have what it takes to step up to the plate and make a case for their leadership qualities. This is what makes our United Transportation Union healthy and strong.

Indeed, a strong and unified organization is more important today than ever. We each face a daily struggle to improve the quality of life for ourselves and our families, and to ensure a safe and healthy workplace environment.

As the new year approaches, let us all rededicate ourselves to the objective of strength through unity.

We have added thousands of new members to the UTU this year. Our members are our union, which is only as strong as we allow it to be – or as weak as we let it become. Each member of this union who seeks to lead or speaks out constructively on issues of importance to us adds to the strength of our organization.

I am so very proud to be representing our broad and progressive membership, and pledge to continue to work constructively with you for a prosperous and safe 2007.



Yardmasters

By J.R. "Jim" Cumby, vice president

CARE takes over health-care coverage

With the continuing rise in health-care costs and the equally pressing need to provide retirees with the quality health care they deserve, a careful review has been done of the existing supplemental health-care policies in effect within the UTU Yardmasters Retiree Health Plan.

As a result of the review, and in an effort to continue to offer comprehensive, cost-effective health-care coverage, a new vendor will take over effective Jan. 1, and conveniences will be added to the plan.

Trustmark Life Insurance will be succeeded as the vendor by Consolidated Associations of Railroad Employees (CARE).

CARE originated during the 19th century as the A.T.&S.F. Employees Benefit Association and the Santa Fe Employees Hospital Association. The two associations, both non-profit, merged in 1996 to become CARE.

CARE is small enough to be personable, yet large enough to adequately serve our members' health-care needs. Most recently, CARE's primary function has been to provide supplemental health-care coverage to former BNSF railroaders from all crafts. CARE says, "we are railroaders taking care of railroaders." With its history and philosophy, I am confident CARE will fulfill the needs of our retired yardmaster members.

CARE will be providing to yardmaster retirees a toll-free 800 number, an option to make premium payments electronically through banks and elimination of mail order for prescription drugs, which will be replaced by access to local pharmacies for 30-, 60- or 90-day refills. Additional details will be mailed to plan members.

Along with Doyle Turner and Cara McGinty here in Cleveland, I wish you a safe and happy holiday season.



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Votes counted, but we should not rest

It would be nice to open a box of Cracker Jack and find the prize of a lifetime of improved wages, rules and working conditions.

Back to reality.

Workers have shed considerable blood and endured substantial hardship to gain workplace rights such as the right to organize, bargain collectively and have grievances decided by a neutral third party.

Crucial to our success at the bargaining table is the neutrality of government. Gone are the dark days when employers could call upon government to send in armed troops to crush job actions, arrest workers carrying picket signs and imprison labor leaders.

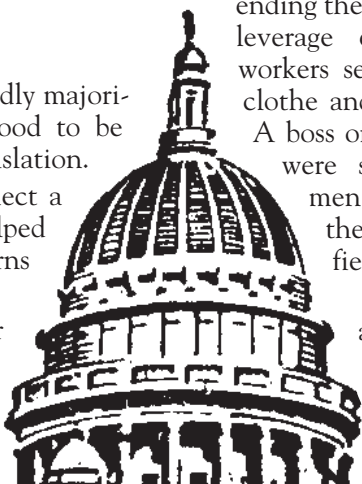
Those days are gone because union political muscle helped to elect labor-friendly lawmakers.

In recent years, the tide was turning back against us.

In November, organized labor helped to return a labor-friendly majority to Congress. Labor's concerns now have greater likelihood to be addressed through hearings, investigations and progressive legislation.

The UTU PAC played a significant role in helping to elect a labor-friendly majority to Congress. The winners know who helped put them there and their doors will be open to hear our concerns and recommended legislative solutions.

Contributing to the UTU PAC is an investment in your future. It's not quite the prize we would like at the bottom of a box of Cracker Jack. But it's darn near the next best thing.



WASHINGTON WATCH

By James M. Brunkenhoefer

Okay, Congress, let's get to work

Most candidates who run for public office do so with the intention of helping others. Simply to have power for the sake of power and not use it to help others would mirror dictatorships.

Hopefully our recent congressional elections will change the course of what was becoming a power-hungry and selfish Congress.



Brunkenhoefer

When I was first elected national legislative director two decades ago, congressional politics was rough and tumble; but after the election, the winners from both parties moved toward more centrist positions and looked to collaborate for the good of the nation.

In the mid-1990s, this changed. The Republicans began to draw only on their hard-core base and showed little interest in appealing to the middle.

The only way to excite their base was to focus on the differences between the two parties.

Thus began an era of partisan politics whose objective was to shut-out the minority party. There was to be no compromise on issues. Winning was everything. Dissent was not allowed.

The party in power sought to make the other party appear evil, with no family values.

Meanwhile, serious national issues were not being dealt with in a constructive way.

Real wages for working families were declining; the num-

Leading by example

By Paul Thompson
International President

Were I Santa Claus, the only item besides a lump of coal I would leave most CEOs is a copy of President Thomas Jefferson's first inaugural address in 1801 in which he proclaimed, "Take not from the mouth of labor the bread it has earned."

Yes, workers have come a long way from the days when courts considered picketing a criminal act, when railroads informed new hires in writing that their wages covered "all risks" of injury and accident, and when wages and job assignments were set arbitrarily by bosses based on favoritism.

Much blood was spilled along the way as worker frustrations boiled over into violent demonstrations that too often were crushed, at the request of railroad CEOs, by Pinkerton detectives and federal soldiers. Eugene V. Debs, who helped to charter one UTU predecessor union and was an international officer of another, was jailed for leading a job action.

Slowly, labor law evolved, giving legitimacy to labor unions, ending the absolute and terrifying leverage employers held over workers seeking merely to feed, clothe and house their families.

A boss once boasted that there were sufficient numbers of men looking for work to fill the positions of dissatisfied workers.

There was a feeling among employees that they were helpless to stand against the

oppression of employers who could call on armed troops to help enforce whatever arbitrary action against workers their temperament at the moment led them to do.

It took the growing political strength of labor unions to convince Congress to pass the first safety laws; hours of service limitations; requirements that railroads report accidents and injuries; that federal inspectors have access to railroad property; that railroads bargain collectively over wages, rules and working conditions; and that employee grievances be decided by neutral third parties.

Gains painstakingly clawed out by railroad unions eventually were extended to other workers in America.

A Princeton University historian concluded employers came to recognize the value of collective bargaining "only after organized railwaymen, through strike pressure, convinced them of the wisdom of such policies."

Every day our union is tested by employers as if they were probing with bayonets for our weak spots. Only so long as employers encounter the hard steel of labor solidarity will they deal honestly and reasonably with their workers at the bargaining table.

Franklin Roosevelt's labor secretary, Frances Perkins, said it best: "Labor was one of the original guns fired in the war on poverty and don't forget it."

Together, in solidarity, we shall continue the successful fight against employer greed and indifference.



Thompson

ber of families without health-care insurance soared along with health-care costs.

In spite of the "no child left behind" promise, much of our public education system was in a shambles. And every American suffered greater government intrusion into their private lives – but none of it was intended to improve our standard of living, workplace safety or the environment.

To maintain your standard of living, you had to work longer hours and be away from your family more. Yet you were told the economy was getting better, but working families didn't see an improvement.

What we did see and hear were slogans: "bring them on," "stay the course," "mission accomplished," and "slam dunk." Slogans helped keep the majority in power, but did nothing to improve the lives of working families.

All the while, problems were not being solved.

What we did see were new millionaires minted every day as rewards for chopping and exporting jobs.

Finally, in November, a majority of voters saw the light and changed out the majority.

We have a new beginning Jan. 1 with the 110th Congress. It is time to forget about who has the power, and start using it in productive and compassionate ways.

It is time for Congress again to exercise power for the benefit of the many and not the few.

We will be watching and participating.

What UTU PAC money did for you!



Rep. Nancy Pelosi (D-Calif.)
Speaker of the House



Sen. Harry Reid (D-Nev.)
Senate Majority Leader



Sen. Richard Durbin (D-Ill.)
Senate Majority Whip
with
UTU Illinois State Legislative Director Joe Szabo (right)



Rep. James Oberstar (D-Minn.)
Transportation and Infrastructure Committee Chairman



Sen. Edward Kennedy (D-Mass.)
Labor Committee Chairman



Rep. Corrine Brown (D-Fla.)
Railroad Subcommittee Chairperson
with
UTU Florida State Legislative Director Andres Trujillo

In their own words, new congressional leaders praise UTU

The photos above shout out that UTU next year will have more and better friends in Congress than we have had for more than a decade.

Photos often are worth 1,000 words, but when the words are directly from those in power, they are worth repeating.

Here is what some of the incoming congressional leaders in the 110th Congress have been telling UTU International President Paul Thompson and UTU National Legislative Director James Brunkenhoefer in messages thanking them for UTU's political support through the UTU PAC.

From Sen. Harry Reid (D-Nev.), incoming Senate majority leader:

"As we move toward a new Congress in 2007, a Democratic majority in the Senate provides a real opportunity to positively address issues facing the men and women in transportation labor."

From Rep. Jim Oberstar (D-Minn.), incoming chairman of the House Transportation and Infrastructure Committee:

"As chairman of the Transportation and Infrastructure Committee, I intend to restore working families' faith in Congress and address the needs and concerns of workers in the rail, transit and bus industries."

From Sen. Dick Durbin (D-Ill.),

incoming Senate majority whip:

"Americans have come to rely on the many men and women from the United Transportation Union working on Amtrak, freight railroads, commuter lines, transit systems, bus systems and in aviation. UTU members keep America moving. UTU members also helped to put our nation back on the right track this election. With the help of UTU members, we now have a leadership in Congress that is not only committed to strengthening labor standards, but ensuring that workplace safety and security is a top priority."

From Rep. Corrine Brown (D-Fla.), incoming chairperson of the House Railroad Subcommittee:

"My brother, B.D. Brown, is a proud member of the UTU and I know firsthand many of the issues facing railroad workers in our nation."

"I am proud to have the support of the UTU and its members. I will have the UTU's concerns in mind as we seek to put our country back on the right track under Democratic leadership. My brother, B.D. Brown, is a proud member of the UTU (Local 903, Jacksonville, Fla.) and I know first-



As election returns began to roll in on the evening of Nov. 7, UTU International President Paul Thompson met with Rep. Nancy Pelosi (D-Calif.), the soon-to-be Speaker of the House of the 110th Congress which will convene on Jan. 4, 2007.

hand many of the issues facing railroad workers in our nation."

From Rep. Nick Rahall (D-W. Va.), incoming chairperson of the House Resources Committee and second senior Democrat of the House Transportation and Infrastructure Committee:

"As second senior Democrat of the Transportation and Infrastructure Committee, I will be fighting every day for the rights of transportation workers – from organizing, to earning a decent wage, to safe and healthy work environ-

ments to making their and their families' standard of living better."

From Rep. Nancy Pelosi (D-Calif.), incoming speaker of the House:

"Thank you so very much for your help. We won't forget the UTU."

UTU PAC support was as important to these labor-friendly candidates as were your votes. Doesn't it make personal economic sense to support the UTU PAC and help to keep labor-friendly lawmakers in power?

UTU for Life

RRB details steps to apply for benefits

By V.M. "Butch" Speakman Jr.

Rail employees planning to retire must take specific steps when applying for an annuity from the Railroad Retirement Board (RRB) in order to prevent delays in benefit payments.

Applications can be filed through the RRB's field offices in person, by mail or by phone, and are accepted up to three months in advance of an annuity beginning date.

Some of the documents that must be submitted when filing for benefits are proof of age, proof of any military service claimed, and the notice of any Social Security benefit award or other Social Security claim determination.

An employee filing for a disability annuity must also submit supporting medical information from the treating physician, as well as any reports or records from recent hospitalizations. He or she also may be asked to go for one or more specialized medical exams. If an applicant is receiving workers' compensation or public disability benefits, notice of the amount and beginning date of such payments must be submitted.

An employee annuity based on age cannot be paid until the employee stops rail employment and gives up any rights to return to work for a railroad employer. While an annuity based on disability is not paid until an employee has stopped working for a railroad, employment rights need not be relinquished until the employee attains full retirement age. However, in order for a supplemental annuity to be paid by the RRB, or for an eligible spouse to begin receiving annuity payments, a disabled annuitant under full retirement age must relinquish employment rights.

For more information, contact your nearest RRB office. Addresses and phone numbers of all field offices are available at www.rrb.gov or by calling the toll-free RRB Help Line at (800) 808-0772.

V.M. "Butch" Speakman Jr. serves as labor member of the U.S. Railroad Retirement Board.



V.M. Speakman



Retirees win by supporting UTU PAC, joining UTU for Life

Retirement has its advantages, and the opportunities only get better with membership in the UTU for Life program.

For those who have already joined the program – as well as those thinking about joining – the UTU is offering a sweet deal that rewards you for boosting UTU PAC.

UTU retirees who donate \$100 or more to UTU PAC in 2007 strengthen the political action committee that fights for them in their state capitals and in Washington, D.C., and as a bonus, will receive a genuine leather credit-card wallet embossed with the UTU PAC logo.

To secure and improve the quality of your retirement, and to aid your brothers and sisters in the work force, take advantage of this offer in 2007 and send \$100 or more to **UTU PAC, 14600 Detroit Ave., Cleveland, OH 44107-9982.**

Meanwhile, all retired members who contribute \$100 or more to UTU PAC during the remainder of 2006 will be entered into a drawing to win his or her choice of one of the fine watches offered by the UTU. Second- and third-place winners will receive their choice of an attractive UTU-logoed jacket.

The watch winner can select from



the regular or 35th anniversary medallion watch, pocket watch, pad-print watch or clipper watch, all available in men's and women's styles and on display for viewing on the UTU Web site at www.utu.org. UTU PAC contributions must be postmarked by Sunday, Dec. 31, 2006. Selection of the judges is final.

The final days of 2006 represent a great time to join the UTU for Life program. For just \$9 a year, all retirees who enroll – or continue their membership – in this money-saving plan during calendar year 2006 will be entered into a drawing to receive a wall clock from noted railroad artist H.L. "Scotty" Scott III. Retail value of the prize is \$109.95 plus shipping. Membership applications (or renewals) must be postmarked by Sunday, Dec. 31, 2006. Selection of the judges is final.

For information about UTU For Life, contact the UTU International at (216) 228-9400, or check the UTU's Web site at www.utu.org and click on "UTU FOR LIFE." Or fill out the application below, mail it in, and become a member now!



UTU for Life Membership Form

(Please print legibly)

Name _____ Local _____

Address _____

City _____ State or Province _____ Postal Code _____

Phone _____ E-Mail _____

I wish to join the *UTU for Life* program. Enclosed is a check or money order payable to "UTU for Life" in the amount of \$9 (U.S.) for one year's dues.

Complete and return to UTU for Life, 14600 Detroit Ave., Cleveland, OH 44107-4250

THE FINAL CALL

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

Local	Name	City/State
2	Brittson, Robert L.	Toledo, Ohio
2	Haverman, Jon W.	Toledo, Ohio
28	Maxfield, Walter J.	Cheyenne, Wyo.
72	Leatherman, Gordon F.	East Leroy, Mich.
195	Joerger, Robert A.	Mendota, Ill.
277	Brady, William	Chicopee, Mass.
298	Lombard, Joseph L.	Fort Wayne, Ind.
298	McMillan, Irwin B.	Garrett, Ind.
376	Reynolds, R.E.	Shepherdsville, Ky.
385	Moore, Matthew G.	Yorktown Heights, N.Y.
477	Hendrickson, Weston J.	Hutchinson, Kan.
498	Makarchuk, Michael	Bethlehem, Pa.
596	Gall, Paul	Conneautville, Pa.
605	Cottrill, Elzie J.	Bridgeport, W. Va.
610	Burney, Daniel A.	Lakeland, Fla.
631	Doll Sr., Charles E.	Williamsport, Md.
645	Johnson, Sylvia V.	Westbury, N.Y.

Local	Name	City/State
663	Brown, Durward F.	Millinocket, Maine
794	McKay, Billy B.	Wichita, Kan.
838	DeLuca, Eugene E.	Glenolden, Pa.
847	Spain, Leroy	Birmingham, Ala.
860	Wayland, Gary A.	Pomeroy, Ohio
866	Ricci, Mudday P.	Rawlins, Wyo.
965	Peterson, Karl D.	Mesquite, Texas
971	Keffer, Raymond S.	Roanoke, Va.
997	Blue, Charles A.	Yuma, Ariz.
1000	Callahan, Leo N.	St. Paul, Minn.
1007	Miner, Glenn E.	Davenport, Fla.
1011	Crowell, Julius A.	Hamlet, N.C.
1042	Henricksen, William J.	El Reno, Okla.
1059	Julson, Tilford N.	Minot, N.D.
1059	Timmreck, Keith L.	Minot, N.D.
1074	Kurnocik, Paul W.	Cloquet, Minn.

Local	Name	City/State
1162	Hughes, Haskell R.	Jonesborough, Tenn.
1172	Jennings, Marvin C.	Mullens, W. Va.
1245	Maricle, Arthur	Woodstock, Ga.
1290	Nesci, Salvatore	Calumet City, Ill.
1294	Ellson, John J.	Minersville, Utah
1328	Potter, James F.	Louisville, Ky.
1334	Burch, Harold E.	Lucedale, Miss.
1386	Wyckoff, Charles H.	Wellston, Ohio
1422	Fitch, Jesse C.	Victorville, Calif.
1529	Vincent, Robert E.	Oregon, Ohio
1534	Eichman, Joseph J.	Blue Island, Ill.
1574	Crisp, Walter W.	St. Helens, Ore.
1629	Ziola, John B.	Tempe, Ariz.
1895	Ridgeway, Lloyd A.	Chicago, Ill.
1972	Foster, Tom A.	Birmingham, Ala.
1975	Weaver, Harlo H.	Candenton, Mo.

Erroneously included in this listing recently was **William D. Coyle** of Local 171, who is living in Lakeland, Fla.



www.utuia.org



www.utu.org

This holiday season...

Give a gift that will last a lifetime!

Have you ever stopped to think about what you could have done with the money you spent on Christmas gifts in the past? If you're like most parents and grandparents, you go overboard. But what usually happens to those gifts? Do they end up in the corner, rarely played with — or worse yet, broken? Why not give your little ones a lasting gift this Christmas?

Permanent life insurance is a wonderful way to provide a lifetime benefit for your youngsters. What better way to show them you care? Permanent life insurance is very inexpensive at young ages, and premium-paying choices are endless, since premiums can be paid in one easy payment or over just about any period of time you select. Give a gift that **keeps on giving** by returning the coupon on the right, or by calling toll-free, 1-800-558-8842, for assistance from your UTUIA representative.

"The best thing I gave each of them was a paid-up \$25,000 life insurance policy."

Willis G. Croonquist
Local 1177, Willmar, Minn.



Retired UTU member Willis G. Croonquist and his wife, Rita, pose for their annual Christmas photograph with their seven grandchildren. The Croonquists gave each of their grandchildren a gift that will last a lifetime: a paid-up, \$25,000 life insurance policy from the United Transportation Union Insurance Association.

Information, please



I would like more information on UTUIA's ULTIMATE PAR policy. Please print.

Full Name of Member

Sex

Date of birth

Address

City

State

Zip

Telephone Number with Area Code

UTU Local Number

Please provide full name, sex, date of birth, and relationship of the child for whom the information is requested on the line below.

Full Name

Sex

Date of Birth

Relationship

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250 12/06-01/07

NTSB's 'wish list' seeks transport improvements

Operator fatigue, positive train control, motor coach passenger safety and school bus occupant safety are among the National Transportation Safety Board's most-wanted safety improvements. An updated listing was released in mid-November.

Established in 1990, the NTSB's "most-wanted" list highlights specific recommendations the board says would significantly reduce transportation deaths and injuries. The NTSB does not have authority under the law to require carriers to adopt its recommendations.

"Our most-wanted list puts extra pressure on our nation's transportation safety regulators to act more quickly on our recommendations," said NTSB Chairman Mark Rosenker.

Earlier this year, NTSB member Debbie Hersman spoke at UTU's regional meeting in Reno, Nev., where she summarized NTSB recommendations for improved rail and bus safety. When serious rail accidents occur, the UTU's Transportation Safety Team assists NTSB investigators in their fact-finding at the accident site.

The NTSB recommends:

- The establishment of scientifically based **hours-of-service regulations that set limits** on hours of service, provide predictable work and rest schedules, and consider human sleep and rest requirements;
- The implementation of **positive train control (PTC)** that compensates for human error and that incorporates collision avoidance to prevent train collisions;
- Improved motor coach design** that incorporates stronger bus roofs, easy-to-open window emergency exits and improved bus-occupant protection systems;
- That within two years, **new performance standards for school bus occupant protection** systems be established. The NTSB also recommends that newly manufactured school buses have an occupant crash-protection system that meets the standards and retains passengers, including those in child safety restraint systems within the seating compartment throughout the accident sequence.



UTU members man train for Iraq war veterans

Some of the finest private railroad cars from across the United States were put together in Washington, D.C., behind an Amtrak locomotive on Dec. 2 to form the *Liberty Limited*, and UTU members were there to help crew the special train.

First staged last year, the excursion to the Army/Navy football game in Philadelphia is a Thanksgiving gift to injured Iraq war veterans.

Access is strictly controlled, with politicians, reporters and photographers banned to preserve the participants' privacy.

Pictured above are operating crew members, including (from left) assistant conductor Victor F. Kyler, engineer James Hardy and conductor Charles R. Ussery. Brothers Kyler and Ussery are members of UTU Local 1470 in Edmonston, Md. (Photo by Local 1470 Legislative Rep. Larry Tkachenko.)

Election Day

Continued from page 1

Thompson said he has instructed Brunkenhoefer to push for congressional hearings “on the horrible abuse by carriers of rail workers. We want to shine sunlight on how railroads intimidate their employees not to report injuries.

“General committee file drawers are brimming with instances of carriers delaying medical treatment in order to give injured employees the third degree while they are in pain, in hopes of creating a record that shifts blame to the injured employee,” Thompson said.

“Meanwhile, the carriers pay bonuses to managers who keep the injured-employee-count down, which creates an improper incentive to engage in intimidation and harassment of injured workers.”

Thompson also predicted the Democratic-controlled House of Representatives will see through the railroads’ strategy to use a Bush administration emergency board to cram give-backs down UTU members’ throats while carriers are reaping unprecedented profits and paying million-dollar bonuses to executives.

“It is unconscionable that the carriers, in the midst of plenty, are demanding an elimination of COLAs, a reduction in real wages and mounting an attack on employee health-care benefits,” Thompson said.

“No other group of employees in America is subjected to similar dangerous working conditions and grueling work schedules.

“calls itself one of the most technologically advanced in the world, but they will not provide their train and engine service employees with more than a two-hour notice of when they will be called to work, and won’t give them even a hint of how long they will be working and away from home.

“Most are required to be on call 30 days a

UTU and others can now begin to push lawmakers for federal hearings on the abuse of employees by railroads

“While most workers have 40-hour normal work weeks, with set starting and quitting times,” Thompson said, “train and engine service employees average 60 hours a week, are away from home every other day or night, have no set starting times, live in a constant state of jet lag, and have a lifestyle chock-full of debilitating fatigue that contributes to health problems and the destruction of families.

“The railroad industry,” Thompson said,

month and face harsh discipline if they miss even one demand to report to work.

“The UTU,” Thompson said, “agrees with the FRA that fatigue and insufficient training contribute to many accidents.

“We will look to Congress now to force railroads to discuss these problems at the bargaining table – something the railroads have steadfastly refused to do.”

Tired workers

Continued from page 1

“In almost every other category of train accidents, we’ve seen a steady decline in recent years, but human-factor caused accidents are increasing,” said FRA Administrator Joseph H. Boardman.

“Widespread acceptance by the railroad industry of the validated findings of this fatigue report could potentially lead to fewer serious train accidents.”

The goal of the research was to determine if a fatigue model can accurately and reliably predict an increased risk of human error that could contribute to the occurrence of a train accident, Boardman said.

A mathematical model for detecting the point at which the risk of fatigue becomes haz-

ardous could be part of a railroad’s fatigue-management plan.

FRA expects this information will aid the railroad industry in improving crew scheduling practices in order to reduce that risk.

A similar approach is currently utilized by the Department of Defense.

In fact, the relationship is so strong that the level of fatigue associated with some work schedules was found to be equivalent to being awake for 21 hours following an eight-hour sleep period the previous night.

At this level, train accidents consistent with fatigue, such as failing to stop for red signals,

FRA researchers found a strong correlation between railroad crews’ levels of alertness and the likelihood that they would be involved in an accident caused by human factors.

Under the study, researchers analyzed the 30-day work schedule histories of locomotive crews preceding approximately 1,400 train accidents.

They found a strong statistical correlation between the crew’s estimated level of alertness and the likelihood that they would be involved in an accident caused by human factors.

were more likely to occur.

Boardman said this fatigue study is an important part of the federal transportation agency’s National Rail Safety Action Plan, which is a comprehensive safety and efficiency effort to target the major causes of railroad incidents and accidents.

Strike warning

Continued from page 1

menced after BNSF changed the status quo of an existing contract that determined when locomotive engineers may return to train service. The issue is commonly known as flow-back.

A federal court in Minnesota ruled the dispute was a “minor” dispute under the Railway Labor Act and should be settled by binding arbitration, but did not issue a permanent strike injunction.

BSNF and the other railroads then petitioned the Galveston court to require that the UTU give 72 hours notice before engaging in any more strikes or self-help during this round of national handling because they said the strike was about their crew-consist bargaining demands, and not the flow-back issue on BNSF.

The order in favor of the UTU was written by Federal Judge Samuel B. Kent for the Federal District Court of the Southern District of Texas.

BNSF previously was successful in winning an order from the Fifth Circuit Court of Appeals in New Orleans against the Brotherhood of Maintenance of Way Employees, requiring the BMWE to provide BNSF with 10-days advance notice before engaging in a strike or other self help.

Judge Kent noted, however, that the circum-

stances of that case were materially different – that the BMWE had engaged in 18 strikes, attempted strikes or strike threats against BNSF over a nine-year period.

By contrast, the UTU had not previously engaged in a strike against BNSF since its formation in 1995; and UTU had engaged in but one strike against BNSF predecessor, Burling-

Court turns down rails’ call for 72-hour notice before a strike

ton Northern (in 1987), and but one strike against BNSF predecessor Santa Fe (1986). In fact, over a 20-year period, the UTU has engaged in but five surprise strikes against the five major rail systems.

The UTU, said Judge Kent, does not have “the type of ongoing policy of surprise strikes that is” a violation of the Railway Labor Act and which caused the Fifth Circuit to rule against the BMWE.

Judge Kent went through a detailed analysis of labor-management relations in his finding against BNSF’s petition. Among Judge Kent’s findings:

- Railroads may be “less willing to compromise” during a bargaining round if “there is a chance of indefinitely postponing the other party’s resort to self-help.” (In fact, a president of the Chicago & North Western Railway, now part of Union Pacific, once advocated such a strategy in writing to other CEOs.)

- “During the latter years of the Gilded Age, employees had almost no protection from their employers, and the robber barons prevailed in their pursuit of endless treasure at the expense of their employees.” (Judge Kent went on to recite the dark history of management using armed troops against striking workers – the Ludlow Massacre by National Guard troops against striking Colorado coal miners in 1913 that left 11 children and two women dead; and the Pullman strike in 1894, where federal troops were used in deadly attacks against railroad strikers.)

- “While the court agrees that UTU has strongly advocated for its members during this round of bargaining and that such advocacy has at times been hostile, the Railway Labor Act does not forbid strong advocacy so long as the parties are still attempting to ameliorate their differences.”

- Finding in favor of the railroads in this case “would have the effect of robbing the union of its bargaining power in every case in which there were strong disagreements between a union and a carrier.”

UTU, eight other unions act to protect FELA

The UTU and eight other unions have jointly filed a friend-of-the-court brief with the U.S. Supreme Court aimed at countering an attempt to weaken the Federal Employers' Liability Act (FELA), the law that governs work injuries to railroad employees.

The case, *Norfolk Southern v. Timothy Sorrell*, will likely be decided by the court by June 2007. The key issue in this case is the standard that courts must use in determining negligence by the railroad under FELA. The railroad claims that a stricter standard should be applicable to railroads while the employees argue the existing, more relaxed standard should be used.

In other words, the railroad seeks to change this well-established standard employees must demonstrate to show a connection to their injuries as a result of the railroad's negligence. If the railroad succeeds, the decision would gut FELA's protection for employees injured on the job and significantly reduce compensation they would receive in most instances.

"In this case," said UTU General Counsel Clint Miller, "the railroads have not only pulled a 'bait-and-switch' routine with the Court, but they're also promoting abuse of the separation of powers doctrine of the U.S. Constitution, trying to get a result from the high court that's properly the business of Congress."

An NS trackman, Sorrell was injured in 1999 when the company vehicle he was driving was run off the road by another company vehicle. Ruptured disks in his back and other permanent injuries from the incident prevented Sorrell, whose wife suffers from multiple sclerosis, from returning to the railroad, and he subsequently lost his job and health insurance.

When the Supreme Court agreed to hear the case, NS filed a brief with arguments calling on the court to modify the FELA by ruling that a higher standard for accident causation should be employed, while ignoring the original arguments that got them a slot on the high court's docket.

At the same time, the Association of American Railroads filed a friend-of-the-court brief on behalf of the NS position, noting that the court's ruling would have an impact on nearly every railroad injury case, and essentially asking the Supreme Court to overturn its own previous decisions.

The decision sought by NS and the AAR would change the causation standards for rail accidents involving employees, making the railroads blameless for some accidents and essentially gutting the FELA.

"They got their foot in the door at the Supreme Court, and then switched feet," said Miller, "and it's transparently obvious the sleight of hand is aimed at trying to accomplish through the judicial system something they've failed to make happen legislatively."

The brief filed by the unions offers historical and judicial background on

the issue, as well as labor's perspective. It points out plainly that NS is presenting the court with an issue that rightly is a matter for Congress.

"Petitioner...is asking this court to alter a longstanding interpretation of a statute – one of which Congress has long been aware – without having raised the issue in the courts below," the brief states. "Congress is the proper venue for the relief that petitioner seeks."

The brief underscores the "bait-and-switch tactic" being employed, pointing out that NS and the AAR are "asking this court to rule on a matter for which there is no live case or controversy. In fact, they ask this court for a ruling on a legal principle that is not raised in the record in this case."

Besides the UTU, those signing onto the brief include the American Train Dispatchers Association; the International Brotherhood of Electrical Workers; the Brotherhood of Locomotive Engineers and Trainmen; the Brotherhood of Maintenance of Way Employees; the International Brotherhood of Boilermakers & Blacksmiths; the International Conference of Fireman & Oilers; the Transportation Communications International Union, and the Brotherhood of Railroad Signalmen.

UTU fights for bus driver

Continued from back cover

Mitchell ruled that Hernandez should be reinstated as a bus operator, that she receive full back pay and benefits (after being out of work nearly two years); that her seniority rights should be made whole and that the company pay her medical bills, which were more than \$8,000. (The company did not provide health insurance.)

Hernandez did, however, receive a two-day suspension and 30 days probation because of the accident.

"The company kept stalling and stalling because they knew they had a weak case," Arnold said. "But, we had done a lot of homework on this case and knew we had to get her job back. There was nothing that constituted the firing of this lady. This woman has been out of work for nearly two years, but we kept at it."

"This was a happy birthday present for me," Hernandez said. (Her birthday is Nov. 17; the arbitration award was made public Nov. 13.) "I really appreciate the job they (UTU) did for me. The company delayed and extended and prolonged it more and more, but the union prevailed. I am very appreciative of the hard work they did for me."



UTU BUS LINES

News items culled from the UTU's Daily News Digest, posted every morning on the UTU Web site, www.utu.org.

L.A. MTA's Orange Line 'has the juice'

A year after the Orange Line debuted to great fanfare, the 14-mile busway has become the MTA's workhorse, ferrying some 20,000 passengers daily across the San Fernando Valley, the *Los Angeles Daily News* reports.

The popularity of the "train on rubber wheels" and its comparatively low cost have spurred MTA officials to consider extending the Orange Line route northward from Woodland Hills to Chatsworth and to replicate the busway in other parts of Los Angeles.

When officials first penciled out the future of the \$350-million busway, planners insisted it would take until 2020 to reach 22,000 daily riders in the car-dependent San Fernando Valley.

But ridership reached that goal within the first six months, a benchmark that MTA officials attribute to soaring gas prices and the busway's convenient connection to the Red Line subway.

"Ridership is up in the entire San Fernando Valley," said Michael Brewer, the MTA's planning and schedule manager in the Valley. "By opening the Orange Line, we are experiencing 20,000 more boardings a day in the valley."

NTSB urges cell-phone ban for bus drivers

The National Transportation Safety Board has urged the federal and state governments to forbid motor coach and school bus drivers from using cell phones while driving, except in emergencies.

The recommendation came in an NTSB report on a non-fatal bus accident in Alexandria, Va., in 2004. The tour bus of Catholic school students slammed into a low, stone overpass along the parkway, crushing the roof and injuring 11 teenagers on a class trip.

The bus driver was talking on a hands-free cell phone at the time of the accident, and he told investigators he did not see the signs on the parkway that alert motorists to the height of the overpass, the NTSB said.

"Professional drivers who have dozens of passengers' lives entrusted to them should devote their full attention to their task," NTSB Chairman Mark V. Rosenker said. "What we saw in this accident is appalling and could have resulted in great tragedy."

The NTSB concluded that "the driver's cognitive distraction resulting from his use of a hands-free cell phone caused the accident."

Evergreen drivers, mechanics okay pact

UTU bus drivers and mechanics employed on Evergreen Trails/Gray Line of Seattle, Wash., have ratified a new collective agreement with the company.

All are members of Local 161 at Seattle.

The new pact includes substantial pay hikes for full- and part-time drivers and mechanics, along with considerable improvements in rules to allow mechanics to move up on the certification scale, Local President and Delegate Brian Donald reports.

"With the support of myself, along with Richard Peterson and Kiki Garrison, Chairperson Paul Schneider approached these negotiations with a mix of traditional bargaining and interest-based bargaining," Donald said. "This allowed the parties to approach each item with mutual best interests in mind."

"The atmosphere was such that the chief negotiator for the company thanked us for the opportunity to participate in these negotiations."

"A great deal of credit goes to Chairperson Schneider for his efforts in establishing good communications with the company during the months leading up to negotiations," Donald said.

UTU fights for bus driver's job, wins reinstatement, back pay

Little accidents can sometimes turn into big problems for transportation workers.

That is why it is essential to have the UTU standing by in your corner, ready to come to your aid.

Just ask Cecilia Hernandez, a driver for Laredo Metro Transit in Laredo, Texas, and member of UTU Local 1670.

Hernandez began working as a bus operator for the company in 1989. In her years of service she only had one minor accident on the job.

That was until Mar. 31, 2005.

That day she clipped a parked car while making a sharp left-hand turn.

She quickly stopped the vehicle, checked three times to make sure that none of the passengers was injured, called her dispatcher to report the accident, then stood in the front of the bus and stated out loud that she had made an error, that the accident was her fault.

The company began an immediate investigation of the incident. Despite the fact that she had a near-spotless driving record over a 25-year career, she was fired.

The reasons?

First, she admitted her error. The rule book says drivers should not "argue, accuse anyone, or admit you were wrong."

Second, she talked to passengers and urged them to promptly report injuries if they had any. This harmed the carrier and prompted two lawsuits, the company

tried to claim. (The lawsuits were quickly dropped when the suing passengers realized that the bus had been equipped with an internal video camera.)

Third, the company said Hernandez did not pass out witness slips to the passengers, despite the fact that none were available and a supervisor told her on the scene he would take care of that detail.

The UTU, in the form of Bus Department Vice President Roy Arnold and General Chairperson Bill Koehn, quickly sprang to her defense.

Hernandez testified the company had always instructed them in safety meetings that, after an accident, they make sure the passengers were not hurt, or instruct them to quickly seek medical attention if they were.

Hernandez admitted that she did mention to passengers that she was at fault, but the passengers knew it anyway; they had seen the whole thing, Arnold said.

The crux of the union's argument, however, hung on the fact that the company had ignored its own progressive discipline policy and had fired Hernandez in violation of those very rules.

(The policy outlines various types of accidents and how much discipline should be assessed in the various cases.)

Arbitrator Mart Mitchell agreed with the union on virtually all counts.



Hernandez

Continued on page 11



Inside this issue of the UTU News:



UTU member Bolton fuels Goodyear strikers with pizza. See page 2.



Election Day victories; Ohio State victories. Life is good. See page 3.



Credit-card wallet yours for a UTU PAC donation. See page 8.



UTU members take Iraq war vets for a ride. See page 9.