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UTU News

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The Official Publication of the United Transportation Union

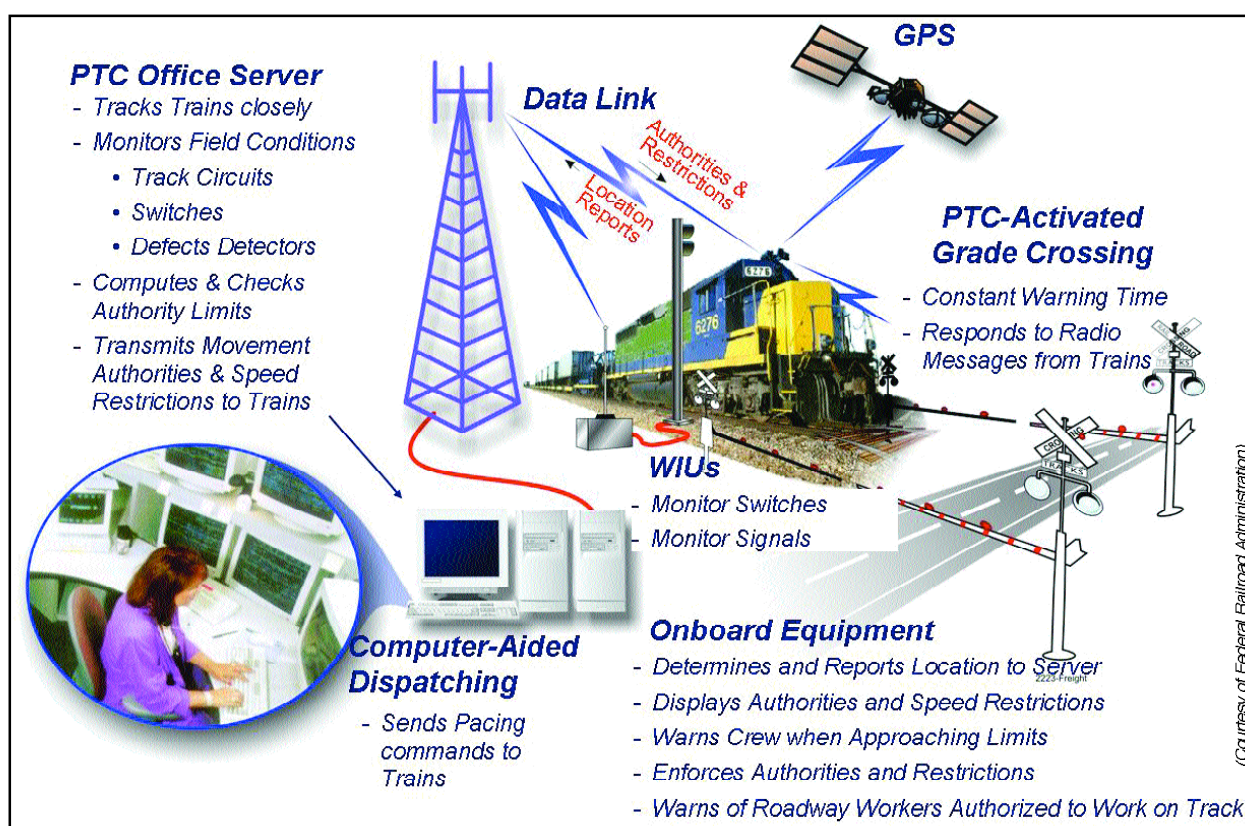
Labor tells FRA, 'Put PTC safety first'

As the Federal Railroad Administration works toward having effective safety regulations in place for the operation of positive train control prior to its 2015 congressionally mandated implementation, the agency is reaching out for feedback to its early proposals.

In fact, many PTC operations likely will commence prior to the 2015 mandatory date.

In response, the UTU and five other rail labor organizations jointly responded with regard to permissible use of certain locomotives, required enforcement of PTC's ability to correct train overspeed, permissible use of non-PTC equipped or functional trains on PTC-required track, and use of unequipped trains and failed PTC trains.

The location of PTC-equipped locomotives in the engine consist: The FRA asked how a railroad is to handle a situation where an engine that



News and Notes

Board resolves 'no merger'

By unanimous vote, the UTU Board of Directors on July 24 passed a resolution that a merger between the UTU and the Sheet Metal Workers International Association (SMWIA) "cannot and should not proceed."

"The UTU Board of Directors fully supports and concurs in the position of International President M.B. Futhey that the merger ratification vote conducted in 2007 did not approve a merger with the SMWIA because a critical document, the SMART constitution, was not provided to the UTU membership; that a material misrepresentation was made to the UTU membership when it was represented that there were no conflicts between the SMWIA constitution and the UTU Constitution, and therefore a merger with the SMWIA cannot and should not proceed."

Stillwater runs to UTU

OKLAHOMA CITY – Train and engine service employees of the Stillwater Central Railroad, a subsidiary of Watco, have voted overwhelmingly for UTU representation.

Stillwater Central operates over 275 miles of track in Oklahoma. Its main line runs north from Snyder to Sapulpa, with trackage rights over BNSF Railway to Tulsa.

The short line also operates a branch line from Stillwater south to Pawnee. Its primary business is mineral and industrial products.

President Mike Futhey thanked UTU Director of Strategic Planning **John Nadalin** and retired General Chairperson **Warner Biedenharn** for their efforts in this victory.

ONE Bus extends pact

The members of Local 710, employed by ONE Bus in Newark, N.J., voted on Aug. 10 to extend their present contract by one year, Vice President Rich Deiser reports.

Deiser thanked and congratulated General Chairperson **Nelson Manzano**, Local President **José Rivera** and Alternate Legislative Rep. **James Powell** for their hard work and dedication during negotiations.

is PTC-equipped is positioned with long hood forward or has a broken air conditioning unit.

Responsible operating personnel recognize that operating a North American cab locomotive in the long hood forward position is patent-

ly unsafe and should only be permitted for short distances and then only in emergency situations, said the labor organizations.

Operating trains with the long hood forward

Continued on page 10

Risch named ANLD; other officers elevated

North Dakota State Legislative Director **John J. Risch III**, age 50, has been appointed by the UTU Board of Directors to be the UTU's alternate national legislative director.



Risch

In other unanimous action taken by the UTU board:

- **Michael N. Anderson** (Local 1570, Roseville, Calif.) was elevated to the UTU Executive Board under provisions of Article 2 of the UTU Constitution. He fills a vacancy created by the election of Risch to be alternate national legislative director.

- **Troy L. Johnson** (Local 594, Mineola, Texas) was elected alternate on the UTU Execu-

tive Board, filling the alternate position vacated by Anderson.

- **Calvin Studivant** (Local 759, Newark, N.J.) was elected alternate International vice president-East for the Bus Department, filling a vacancy created by the elevation of Richard Deiser to International vice president, Bus Department.

- **Alvy Hughes** (Local 1596, Charlotte, N.C.) was elected to a vacant Bus Department position on the Board of Appeals.

Risch (Local 1344, Bismarck) fills a position that has been vacant since James Stem was elevated to national legislative director in December, following the death of James Brunkenhoefer.

Risch will work out of the UTU's legislative office on Capitol Hill in Washington, D.C.

Two officers, Jobe and Thigpen, die

Two young UTU officers – **Kyle Thigpen** and **Brian C. Jobe** – have died recently.

Thigpen, age 33, was president of the newly formed Local 40, which represents pilots and flight attendants on Great Lakes Airlines. He died Aug. 17. He is survived by his wife, Di, and young daughter, Sophia. A snowboarder, he loved all sports.



Thigpen

A memorial service was held Aug. 22 at the Front Range Airport in Watkins, Colo. The family has established the Kyle Thigpen Memorial Fund at Key Bank, 3607 South Tower Rd., Auro-



Jobe

ra, CO 80013, for Sophia's college expenses.

Jobe, vice local chairperson of Local 206 at Peru, Ind., was killed in an automobile accident Aug. 4 while coming home from work.

Jobe, 28, is survived by his wife, Jessica, sons Alexander and Jamasen, ages 5 and 3, his parents and sister. He was a conductor on the Norfolk Southern.

Jobe's local has established a fund to assist the family. Contributions can be made to the Brian Jobe Memorial Fund at P.O. Box 472, Peru, IN 46970, or at any Wells Fargo Bank nationwide.

Around the UTU

Local 48, Norfolk, Va.

Kaitlin Williams, daughter of UTU member **Seth J. Williams**, was one of 133 high school students representing 41 unions to receive a college scholarship from Union Plus. Kaitlin, who fell seriously ill during her senior year, wrote in an essay: "Without the union's steadfast negotiations for affordable health care, my family would have been unable to bear the cost of my education. The cost of my medication alone would have been insurmountable." For more information on this and other Union Plus benefits, visit www.utu.org and select Promotions.

Locals 78, 265, Pocatello, Idaho

A joint picnic of these Union Pacific locals was attended by 300 members and family, who enjoyed slow-roasted barbecued pork shoulder, hamburgers, hotdogs, water games, water slides and inflatable toys, Alternate Legislative Rep. **Nathan Millward** (0265) reports. The highlight of the picnic was a drawing for six children's bicycles and a variety of other gifts and door prizes. Vice General Chairperson **Brent Leonard Sr.** of Topeka, Kan., attended to explain the new FRA work/rest rules, and Vonna Ward of the RRB and Kevin Potter of the UP Hospital Association were present to assist members with their questions. "We want to really thank **Shane Yarger** and **Dan Staples** and the designated legal counsel they represent for all they did in assisting with our picnic," Millward said.

Local 195, Galesburg, Ill.

On the final day of the Galesburg Railroad Days, retired member **William Smith** donated a 99-year-old chain and watch fob to the Galesburg Railroad Museum. The chain and fob have had five owners over those years, since a member of the UTU-predecessor Brotherhood of Railroad Trainmen purchased them and decided to pass them from one railroad man to another upon retirement. Over the years, Smith never used the chain and fob. "I just kept it for safekeeping. I had it framed," Smith said. "It is a special thing to get in the museum," said Museum Director Jim Clayton.

Local 240, Los Angeles, Calif.

Eric J. Malone, a Union Pacific conductor with 36 years of service, retired July 7, Local Chairperson **Harry J. Garvin Jr.** reports. "All the members wish him well and many long, happy years of retirement," Garvin said.

Local 322, Milwaukee, Wis.

Retired member **James W. Hutchison**, 86, died June 25, State Legislative Director **Tim Deneen** reports. He worked for the Chicago & Northwestern Railroad as a switchman, retiring in 1988 after 30 years of service. He is survived by his wife, Doris, and three children. Memorials would be greatly appreciated to HospiceCare, Inc., 3001 W. Memorial Dr., Janesville, WI 53545.

Local 376, Louisville, Ky.

CSX employee **Kenneth Scott Williams** died March 21 after sustaining injuries in an auto accident, Local Chairperson **Jack Leffler** reports. "He left behind a lot friends and family," Leffler said. Memorial gifts may be made to Bellewood Presbyterian Homes for Children.

Local 412, Kansas City, Kan.

Active and retired BNSF and former AT&SF employees in the Emporia, Kan., area are invited to a picnic coordinated by retired member **Terry Coffelt** on Sept. 19, from 11 a.m. to 4 p.m. at Peter Pan Park in Emporia. "The Big Four Club, named for the four predecessor unions of the UTU, was started back in the 1920s, and club picnics were held beginning in 1927," Coffelt said. "Then the club kind of broke up in the late 1980s, when there was a realignment of jobs in the area." All active and retired operating-craft employees in the Emporia area are invited to attend. There is no charge, and food and beverages will be available. For more information contact Coffelt at (620) 341-9165 or via email at colfax01us@yahoo.com.

UTU member, DLC help boy's dream take flight



UTU Designated Legal Counsel Lloyd "Chip" Rabb, left, Derick Bules and his father, Greg, stand by Rabb's twin-engine Beech Duke BE60 at the Marana, Ariz., airport.

A young man suffering from a degenerative eye condition is now flying high, thanks to the kindness of his UTU-member great-uncle and a UTU designated legal counsel.

Derick Bules, 13, and his younger brother were both born deaf; Derick also suffers from a condition known as macular degeneration. The disorder makes it difficult to see fine details and at night causes near blindness.

When his great-uncle **Dave Shearer**, legislative representative and vice local chairperson for Local 807 at Tucson, Ariz., heard Derick's family would be in town, he wanted to make Derick's visit an extraordinary one.

During a casual conversation with Local Chairperson **Gary Crest**, Shearer mentioned Derick's upcoming visit and lifelong love of airplanes. "I was telling him how Derick always wanted to be an Air Force pilot, but because of his hearing loss and eyesight, his dream wasn't going to happen. It was Crest who said, 'Why

don't you ask Chip to take Derick for a ride in his plane?'" Shearer said.

Crest was referring to longtime UTU Designated Legal Counsel Lloyd "Chip" Rabb III.

Shearer said he and Rabb had a longtime friendship dating back 20 years and that the two had flown together many times before. "I called Chip later that day," Shearer said. "When I asked Chip for this special favor, he didn't hesitate to say yes."

Rabb arranged for the flight in his Beech Duke BE60 on Aug. 1. Derick's father, Greg, who just happens to be an Air Force major on active duty, stationed near Denver, Colo., joined the three.

"What made this flight so special was that Derick was Chip's co-pilot, and he got to fly the plane," Shearer said. "We had to have Derick sit on a pillow so he could see out the front window."

Shearer said Rabb didn't have any concerns about letting Derick fly, but Derick did. "He was apprehensive at first, but Chip had Derick put his hands on the wheel and, once in the air, retract the landing gear, and off we went."

Derick's flight lasted 30 minutes.

"Derick has always been special to me. I wanted Derick to feel like a pilot, and, because of Chip, we were able to do it. It's nice when you can make someone's dream come true, and, for a few minutes, we did just that," Shearer said.

Shearer not only expressed his gratitude to Rabb, but also his admiration for Derick's parents. "Tracy (Shearer's niece) and her husband, Greg, have two boys, both born with no hearing. Derick's brother has autism and needs 24-hour attention," Shearer said. Though they've been through some turbulent times, he noted that they had recently renewed their wedding vows.

The next day, Shearer and Derick's father took Derick to the Tucson Air and Space Museum.

Local 904, Evansville, Ind.

Member **Johnathan Miller**, who serves as the webmaster for this CSX local's Web site, advises his fellow members that the Web site has a new URL. The local's Web site can now be found at www.utu904.org.

Local 1440, Staten Island, N.Y.

Local Secretary & Treasurer **Vincent LaBella** notes that four members employed by the Staten Island Railway retired recently, all with more than 30 years of service. They are: former Vice President **Dennis Jackson** (trainmen), **James Maloy** (general mechanic – building & bridges dept.), **Terry Roche** (foreman – track dept.) and **Zach Erkman** (foreman – building & bridges dept.). "We wish them all good luck," LaBella said.

Local 1524, Houston, Texas

The members of this Union Pacific local congratulate Local President **Steve Parker** after 41 years of injury-free service and 20 years of union service as local chairperson and local president, according to Local Chairperson **James McDaniel**. Parker, who was presented with a watch from his fellow members, began

his career as a clerk on the Houston Belt & Terminal Railway. He taught safety classes and served on the safety committee. "We all wish Steve a happy retirement," McDaniel said.

Local 1687, Belen N.M.

This BNSF Railway local has established a new Web site at www.utu1687.org, New Mexico State Legislative Director **Dennis Baca** reports. The site was created by Local President **Mike L. Berry** and features a member forum, contact and other important information.

CSX GO 347, Flatwoods, Ky.

CSX General Chairperson **Doyle K. Turner** has been designated by UTU International President Mike Futhey to serve as the "employee member" of Public Law Board No. 6076, replacing former Vice President J.R. Cumby.

NS GO 687, Bellevue, Ohio

Tom Garvin was elected general chairperson of this Norfolk Southern general committee on the first ballot on July 31, Vice President **Delbert Strunk** reported. Also elected were Vice General Chairperson **Jason Boswell**, Senior Vice Chairperson **Keith Murray** and Junior Vice Chairperson **Walt Howard**.

Local 607's Third Annual Family Day in Thayer, Mo.



More than 50 members and guests attended this year's family fun day at the Thayer city pool. All were treated to pizza, soft drinks, ice cream, and, of course, swimming. Guests included **Paul Bonham**, Mo. Legislative Director **Ken Menges**, Auxiliary International President **Carol Menges** and Associate General Chairperson **Mike LaPresta**.

UTU seeks clarification of hours-of-service rules

In a joint submission aimed at improving safety and the security of member paychecks, the UTU and BLET have asked the Federal Railroad Administration to clarify and simplify its interim policies relating to, and interpretations of, the Rail Safety Improvement Act's changes to hours-of-service limitations that went into effect July 16.

The sought-after clarifications and simplifications fall into three categories:

1) The Rail Safety Improvement Act's (RSIA) prohibition of communication with employees during statutory off-duty periods;

2) The RSIA's provisions pertaining to mandatory off-duty time following the initiation of an on-duty period for a specified number of consecutive days; and,

3) The maximum number of hours that may be worked in a calendar month.

The joint UTU/BLET comments observe that the hours-of-service provisions "produced the most far-reaching effects on hours-of-service of safety-critical railroad workers since enactment of the original Hours-of-Service Act in 1908." In fact, the FRA, itself, observes that the hours-of-service amendments "are extraordinarily complex and comprehensive."

DOT proposes bus-safety rules

The Department of Transportation has proposed new rules to improve the safety of school bus seats and expand the use of shoulder belts, but declined to order that all new buses include seat belts, the Associated Press reports.

DOT also said it wants to increase the height of seat backs on all school buses from 20 inches to 24 inches to help protect children during accidents.

DOT also proposed a new requirement for short school buses – the style more prone to rollover accidents – to begin using shoulder straps. For longer buses, however, DOT instead proposed allowing states the option of using federal highway safety funds to purchase new buses with seat belts.

DOT promised no new money to cover those costs. A new bus with seat belts costs about \$10,000 more than one without the devices.

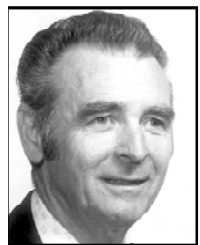
Small buses, which already use lap belts, would have three years to begin equipping new buses with the shoulder style. School districts will have to begin using the taller seat backs on new buses one year after the rules are approved.

Former vice pres. Gene Lyden dies

Retired Vice President Eugene F. Lyden died Aug. 10.

He was a member of Local 1400, South Portland, Maine, and lived in Standish, Maine.

Lyden, 83, had been a member of the UTU and predecessor unions since 1956.



Lyden

He began his rail career as a yard brakeman for the Portland Terminal Company in 1952. He was promoted to yard conductor in 1957.

Lyden became interested in the affairs of his union and was elected local chairperson of Brotherhood of Railroad Trainmen Lodge 417 (now Local 1400) in 1958. He was elected general chairperson for the Maine Central general committee in 1962, the position he held when elected alternate vice president for the UTU at its 1979 convention.

He became a full vice president in 1980 and was re-elected to that post at the 1983 and 1987 UTU conventions. He retired in 1991.

Because of the complexity, said the UTU and the BLET, "the statute itself fails to adequately address a number of important issues that will almost certainly have a substantial effect on our members. Moreover, FRA has been forced to provide interpretations that must address goals that sometimes are in conflict. It is our sincere hope that these [joint UTU/BLET] comments will provide a basis for improvement of FRA's policies and interpretations in a way that is faithful to the intent of Congress."

The UTU and the BLET also asked the FRA "to further clarify their stated interpretations in plain language to the maximum extent possible, so there is no room for debate concerning the application of those interpretations."

The UTU and the BLET noted also that they

were not commenting on each policy and interpretation "because we do not want to unnecessarily burden the record. However, FRA should not conclude that we concur with each of the policies and interpretations with which we strongly disagree, but we are withholding comment concerning them because FRA's position has been dictated by the statute itself, and FRA cannot depart from statutory requirements; therefore, comments concerning these subjects would be futile.

"The comments are intended to provide greater clarity to the sometimes confusing provisions of the law, and to assist UTU and BLET general committees in their efforts to negotiate a better balance between maintaining earnings and the new requirements," said UTU International President Mike Futhey and BLET National President Ed Rodziewicz.

Senators question pilots' living conditions

WASHINGTON – A Senate aviation panel last month questioned executives from Continental Airlines and Colgan Air about the living conditions of pilots, including what one senator described as "food-stamp-level pay" and the controversial industry housing known as "crash pads," the *Washington Post* reports.

Both airlines are under intense scrutiny by Congress for safety practices after Continental flight 3407 crashed Feb. 12 in Buffalo, killing 50. Colgan, a subsidiary of Pinnacle Airlines, provided the flight crew and the aircraft under a contract with Continental.

The accident has drawn attention to regional pilots' \$20,000 annual starting salaries, work rules, training, commuting habits and level of fatigue, and the impact of economic pressures on flight safety.

Sen. Byron Dorgan (D-N. D.), who chairs the Senate Commerce subcommittee on aviation, called the hearing, the panel's third on regional airline safety issues this year.

Responding to a question about pay practices, Phil Trenary, Pinnacle's president and chief executive, said regional pilot pay is "very much the same" as what it was 10 or 20 years ago.

He added, "I urge you please do not ever equate professionalism and competence with pay. Some make over \$100,000, some make less than that. They are all professionals."

Trenary added that compensation is based on what other regional airlines pay and is negotiated with airline unions.

Sen. Mike Johanns (R-Neb.) said the pay level for regional pilots means that some could "put their family on food stamps." Throughout the hearing, Dorgan said he was troubled that larger carriers such as Continental might not play

enough of a role in ensuring that their regional partners maintain high safety standards.

"My question is, if the network carrier decides to put their colors and their brand and their logo on the fuselage, what is their responsibility?" he asked.

Other industry witnesses at the hearing included Don Gunther, vice president of safety at Continental; Peter M. Bowler, president and chief executive of American Eagle Airlines, and Steve Dickson, senior vice president of flight operations at Delta Air Lines.

The executives said the responsibility to regulate regional air carrier safety should remain with the Federal Aviation Administration. Otherwise, they said, regional carriers with contracts from multiple airlines could face different requirements from each airline. They said they are involved in multiple FAA safety programs.

The *Washington Post* published an article that described how some regional pilots share crash pads near their duty stations to save money and have a place to rest between flights.

Some have complained that they cannot afford to move their families to live near the hub airports where they work.

Asked by Dorgan about the practice, the airline executives repeatedly said that where pilots live is their own "lifestyle decision."

Members of families who lost loved ones on the flight said they were unimpressed by the performance of executives at the hearings. "The fact that majors don't inspect regional airlines is so unbelievable to me," said Kenneth Mellett of McLean, whose 34-year-old son, Coleman T. Mellett, died in the crash. "There seems to be truly an indifference to commuting, to pay, to fatigue."



R&S members ratify agreement

ROCHESTER, N.Y. — UTU-represented employees of the Rochester & Southern Railroad recently ratified a new contract retroactive to Jan. 1, 2008, with a reopening date of Jan. 1, 2012, Local Chairperson **David Murphy** reports.

The agreement covers train, engine service and maintenance-of-way employees, as well as those in the railroad's mechanical department. The employees belong to Local 982 at Rochester.

More than 90 percent of the ballots cast were in favor of the agreement.

The new contract includes retroactive wage increases. Also, employee contributions to the health-and-welfare plan, which includes prescription drugs and dental care, are capped for the life of the agreement.



The contract also includes a receipt-based protective-clothing allowance for mechanical department employees, which includes the existing shoe allowance already in effect for all employees.

Murphy said that there are minimal rule changes that impact the employees in the transportation, mechanical and engineering departments and that modifications in the investigation and discipline rule "will be beneficial."

"I want to give credit to UTU International Vice President David Wier, who undertook this assignment and was of great help in obtaining an agreement with Genesee & Wyoming management," Murphy said.

"In my opinion, this agreement provides a great deal of stability for the employees and will allow Rochester & Southern to project its labor costs for the next three years."

Stand and fight with fire in the belly for what is right

We accept that managing employees isn't a popularity contest. But it needn't be an unpopularity contest.

I share with each of you the concern over ratcheted-up harassment, intimidation and excessive discipline. There is no more economic sense to make out of this than there is common sense.

I was recently told of an incident where an experienced conductor's work was interrupted no fewer than 18 times over a six-hour period to quiz him on operating rules. Such unjustifiable scrutiny contributes to an unsafe workplace, as the results are used to punish rather than to educate.

When employees in safety-sensitive positions are put in a position where their primary focus at work is defending themselves, their ability to do their jobs efficiently and safely is jeopardized. That is not in the offending carrier's best interest, certainly not in the customers' best interest, and absolutely not in the



International President's Column

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

best interests of running an efficient and safe operation.

We are putting a coalition together with other labor organizations to stop this unwarranted activity. First, we want to hear from you. On this page is contact information for each of the International's vice presidents and other senior officers.

Please, tell us the problems, with examples and details. Help us to teach the carriers we are going to represent our members and are not going to be silent while our members continue to be harassed, intimidated and excessively disciplined to the point of putting their limbs and lives in jeopardy. These members cannot focus on doing their jobs efficiently and safely.

No member should constantly have to look over his or her shoulder.

As the carriers attempt tortured interpretations and applications of our agreements, we will fight them in the courts in Fort Worth, we will fight them on the properties from Jacksonville to Norfolk to Omaha, and we will not go quietly into the night. We will stand and fight.

Separately, the UTU has created a rail safety task force, headed by Alternate Arizona State Legislative Director **Greg Hynes**, to gather information and make recommendations regarding employee safety. The task force has an interactive Web page accessible from the UTU home page at www.utu.org. I encourage you to view that Web page and engage in a dialogue with the safety task force. Other task force members include Arkansas State Legislative Director **Steve Evans**, Michigan State

Legislative Director **Jerry Gibson**, and Arizona State Legislative Director **Scott Olson**.

Also, I have appointed Local 1470 member **David Brooks** to head the UTU contingent to an

tive Rep. **Ron Parsons**, National Legislative Director **James Stem**, Local 645 Chairperson **Vinnie Tesitore**, and attorney **Larry Mann**, who is the UTU's rail safety coordinator to UTU Designated Legal Counsel.

Additionally, the UTU and BLET have filed a petition with the FRA seeking a rule requiring a certified conductor aboard every freight train.

And as General Secretary/Treasurer **Kim Thompson** explains in his column below, members can protect themselves financially against excessive carrier discipline by participating in the UTU's Discipline Income Protection Program.

"We will not be silent while our members continue to be harassed, intimidated and excessively disciplined to the point of putting their limbs and lives in jeopardy."

FRA Rail Safety Advisory Committee to work toward a carrier/labor/FRA consensus on certifying conductors as provided by the Rail Safety Improvement Act of 2008.

Others working toward this effort are General Chairperson (GO 049) **John Lesniewski**, UTU Training Coordinator and Local 528 Legisla-

Our message to the carriers is simple: We want our members properly trained, and then we expect the carriers to leave us alone and let us do our work efficiently and safely.

On behalf of our members, we will – in the words of former President **Al Chesser** – "Stand and fight with fire in the belly for what is right."

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For the latest news, visit www.utu.org regularly; also, sign up on the UTU Web site to receive news alerts via e-mail.

Discipline Income Protection Program aids members

One of the valuable UTU benefits provided our members is the Discipline Income Protection Program, or DIPP.

The DIPP provides payments for a specific amount and period of time to an employee suspended, dismissed or removed from service by the carrier for alleged violation of rules or operating procedures, provided that the violations do not come within the list of exceptions not covered by the program. The DIPP aids in meeting day-to-day needs when earnings are halted.

Participants choose the level of benefits they desire, from \$6 to \$200 per day. The term of benefits depends on the length of time the participant is enrolled, and extends from 250 days to a maximum of 365 days.

Monthly assessments are paid through dues check-off, and all UTU members may enroll on a voluntary basis.

The DIPP is a pooled-risk fund whose financial survival depends on a broad base of participants making contributions in order that benefits



Officers' Column

By General Secretary and Treasurer
Kim Thompson

are available for payment. In fact, the DIPP is the essence of brother and sister helping brother and sister. Participation is protection for you and your UTU brother or sister.

To participate, members should contact their field supervisor or local

a membership application at the Web site.

The DIPP is available only to UTU members and is unique in that it has remained steadfast in looking for ways to pay claims of participants, while non-UTU plans are known to

To better ensure the DIPP is meeting our members' expectations, we want to hear from those who participate.

If you have been disappointed in any way, we want to know about it so we can improve the plan. Constructive criticism will help us improve our performance and serve members better.

By the same token, excellence should be rewarded. If you have enjoyed outstanding service through the efforts of a local officer, or if you personally know of some exceptional service by a UTU officer, please let us know so that individual may be commended.

We want the DIPP to continue to protect UTU members from payless paydays during a difficult time.

To provide constructive criticism or commend an officer for their efforts in helping you collect benefits, communicate those thoughts to us by e-mail, at dipp@utu.org, or write a note addressed to DIPP, United Transportation Union, 14600 Detroit Ave., Cleveland, OH 44107-4250.

"We want the DIPP to continue to protect UTU members from payless paydays."

insurance representative. More information also is available at www.utu.org (click on the "Discipline Income Protection Program" link in the red tile at the left of the home page). You may also download

look for ways to avoid paying claims.

The value to members of the DIPP has soared as many carriers, in recent years, have accelerated the discipline they impose (see President Futhey's message on this point above).

State Watch

News from UTU State Legislative Boards

Michigan



**BEFORE THE
UTU GOT
INVOLVED**

**AFTER THE
UTU GOT
INVOLVED**



The power of a unified voice? The power of the pen? The power of UTU PAC? All are displayed in the two photos above.

"Before the UTU got involved, this was the most unsafe rail yard in the nation," State Legislative Director **Jerry Gibson** said. "After the UTU got involved, well, you can see for yourself."

For years, members of Local 1075, which represents CN workers in the Flat Rock area, were forced to work in the trash-transfer yard shown above. "Guys were walking on top of trash that was four or five feet deep," Gibson said.

Gibson said Secretary/Treasurer **John Purcell** "was instrumental in getting this problem solved. I also give a lot of credit to Local Chairperson and Delegate **Jason Reineke**, Legislative Rep. **Scott Kline** and Alternate Legislative Rep. **Sean Carney** for their hard work on this problem.

"This industry had a long-running history of problems until these newly elected UTU officers decided this was not a place for their peers, friends, brothers and sisters to work in. They made phone calls, picked up pens and used the legislative process to get results.

"They say that a picture says a thousand words but, in this case, some words are much louder heard than others. Those words are 'Progress through Unity' and 'Power through PAC.' Without our needed UTU PAC donations, we would not have had the DOT regulations that required a safe yard walkway," Gibson said.

Gibson noted that Carney is now a Double Diamond Club member because of the power demonstrated by UTU PAC.

West Virginia

State Legislative Director **Mark Mewshaw** is seeking comments from members in the Mountain State on walkway safety.

"In a few weeks the West Virginia Legislative Board will be participating in a study to consider what improvements or changes are needed on the railroad walkways where our members are required to walk on a regular basis," Mewshaw said.

"There have been very few changes in the rules and regulations of the West Virginia Public Service Commission in the last 30 years that

govern railroad working conditions. It is our hope this study will educate our legislators about the dangers and conditions we face daily."

If any members have information that could help with this study, please forward them to Mewshaw at RR 5 Box 180, Grafton, WV 26354-9610, or drmewshaw@comcast.net.



Bus Department

By Richard Deiser, vice president / director

Bus Department members learn at regional meetings

It was gratifying to see the large number of Bus Department local and committee officers and legislative representatives in attendance at the regional meeting in New Orleans. There were many long-time experienced veterans and many new faces.

President Futhey's emphasis on organizing efforts will no doubt increase the need for training new officers in the future. The regional meetings continue to be a primary source of training for new and old.

In New Orleans, we had seminars on what constitutes a grievance and preparing for arbitration by Dr. Francis X. Quinn.

Ernie Martinez (Local 1607), ably assisted by **David Ojeda**, conducted a two-part discussion on accident investigation.

The class on duties of local officers, taught by the International's Director of Strategic Planning **John Nadlin**, was attended by an overflow crowd, as was the first-responder class directed by UTU organizer **Billy Moya**.

In addition, we had an open forum during which attendees had opportunity to discuss items of interest at their local and gather suggestions.

Everyone agreed that they came away having learned something new. I urge all the bus locals to send at least one officer to one of next year's regional meetings. The few dollars you spend on training now can save thousands later.

Training also is available over the Internet through the UTU's iLink connection to the UTU University.

The International also has booklets available, such as a manual for Bus Department chairpersons, and "Progress through Unity," which is a compilation of materials from a number of previous regional seminars.



LACMTA recognizes UTU members for years of service



From left, LACMTA Board Chairperson **Ara Najarian**, UTU members **Jack Bailey** and **Donald Dube** and CEO **Art Leahy**. (Photo courtesy of LACMTA)

The Los Angeles County Metropolitan Transportation Authority (LACMTA) recently honored Metro bus operators and UTU members **Donald Dube** and **Jack Bailey** for their 50 years of service.

Dube, 73, a member of Local 1564, Los Angeles, hired on Nov. 1, 1958, intending to stay at the wheel for six months or until he could afford to return to college to become an aeronautical engineer. His job as a bus operator turned into a career that extended well into his golden years.

"It's been a pleasure for me to work here and I'd like to stay on quite a few more years," Dube said.

In the same year the Los Angeles Dodgers won their first pennant in their new hometown, 1959, Jack Bailey came on board LACMTA. Also a member of Local 1564, he went to work at the West Hollywood Division and never looked back.

A line instructor for 49 years and a mentor to new employees and trainees, he has never had a miss-out (a bus yard term for late) in his 50-year career.

"It's been wonderful to have 50 years of steady employment," said Bailey.

LACMTA General Chairperson **James Williams** praised the two longtime operators, congratulating both for their "outstanding service to this agency and the outstanding manner in which they have represented our union. Driving a bus in the Los Angeles area is not easy and that they have accomplished this in over a half a century is an amazing accomplishment of which we are very proud."

International Officers



UTU International President Mike Futhey presents his "state of the union" address to meeting attendees at the closing of the New Orleans regional meeting.



Kentucky State Legislative Director David Miracle, left, greets newly elevated Alternate National Legislative Director John Risch of North Dakota. Risch is now working out of the UTU's Washington, D.C., office.



Chatting after President Futhey's "state of the union" address" are, from left, Vice President Delbert Strunk, Vice President Rich Deiser, Assistant President Arty Martin and Alternate Bus Vice President – East Calvin Studivant.

Scott Belden Memorial Ride



Local Secretary Mark Reese (2) and General Chairperson Tom Garvin (2) were two of 17 riders and six passengers that participated in the 4th annual Scott Belden Memorial Motorcycle Ride, in honor of the UTU's former Washington office chief of staff. Participants rode along the Mississippi River through Antebellum country.



New Orleans



UTU/UTUIA 2009 Regional Meeting



Kayla and Kaitlyn McKnight, daughters of Local Secretary & Treasurer and Legislative Rep. Kevin McKnight (1390) and wife, Cheryl, made many friends at the regional meeting with their adorable smiles. The girls also drew the winning raffle tickets for the UTU Auxiliary's quilt raffles.



Members of the local planning committee who assisted International headquarters staff at the New Orleans regional meeting were Local Chairperson and Legislative Rep. Paul Parker (659), General Chairperson Bill Koehn (1670), Legislative Rep. James Seales (1458), Louisiana State Legislative Director Gary Devall and Local Chairperson and Legislative Rep. Shawn McRae (1501).



UTU Railroad Safety Task Force members, from left, Greg Hynes, Steve Evans and Jerry Gibson meet with Local Chairperson David Meadows (1312) to discuss plans to reduce rail-employee risk. For more information, visit www.utu.org and click on "Railroad Safety Task Force."



Retired Local President Thomas W. Pope (30), left, and Alumni Association Director Carl Cochran are joined by former International President Tom DuBose (standing) at the UTU Alumni Association table.



Local Chairperson Bryan Bullion (20), center, of Nederland, Texas, and his wife, Kim, enjoy a beverage at the Sunday evening reception with Local Chairperson D.D. Martin (781) of Shreveport, La.



Angel Cuthbert shares hors d'oeuvres with husband McKinley, legislative representative for Local 60 at Newark, N.J., which represents employees on New Jersey Transit's rail operations.



International President Mike Futhey is joined on the dance floor by his wife, April, at the Tuesday evening "Joie de Vivre" celebration in the Sheraton New Orleans Grand Ballroom.



Legislative Rep. John Jancek Jr. (1403) and wife, Cindy, of Independence, Mo., enjoy the Sunday night welcome reception in New Orleans.



Metra Vice Local Chairperson Milton Driver III (1290) and wife, Katrina, of Chicago, attend the Sunday night welcome reception in New Orleans.



Local Treasurer Teresa Love (1607) of Los Angeles' Metro joined Mona Martinez, wife of Vice Local Chairperson Ernest J. Martinez (1607), for conversation at the Sunday night welcome reception.



Members of the UTU Auxiliary gathered in the lobby of the Sheraton New Orleans for this snapshot during a break from the Auxiliary's "One Size Fits All" program and Continental breakfast. The program included presentations by Auxiliary International President Carol Menges, Secretary & Treasurer Dana Garvin, National Legislative Director Kathryn Hastings and visits from UTU officers, designated legal counsel and health-and-welfare benefit providers.

New Orleans City Tour



Local President Marlon Bechtol (1674) and wife, Lori, right, prepare to board a bus for the New Orleans city tour with Linda Weathers, wife of GO 513 Assistant General Chairperson Ed Weathers. The tour took place on Sunday, Aug. 16, prior to the start of the regional meeting workshops.

UTU PAC



Georgia State Legislative Director Howell Keown, left, and Florida State Legislative Director Andres Trujillo were just two of the legislative department representatives seeking new UTU PAC pledges. New pledges and pledge increases surpassed \$23,000 at the New Orleans meeting.

Hazmat Training



From left, Dave Wright (931), Shaun Gunter (469), Darren Ferrell (407) and Dennis Havens (674) were just four of the 29 participants who attended the Hazmat - First Responder workshop on Sunday at the New Orleans regional meeting. The workshop was led by National Labor College Associated Professor Henry Jajuga and UTU members Glenn Lamm, Dale Barnett, Yvonne Hayes, Billy Moye and Dickie Westbrook. The workshop prepared members to return to their home terminals and offer training classes to their locals. Just a week before the New Orleans meeting, 30 UTU members were among 66 rail workers attending a Regional Peer Trainers Exchange and Radiological Transportation Safety Training workshop presented by the NLC, Moye said.

UTUIA



Local President Rob Vess (782), left, discusses insurance needs with UTUIA Field Supervisor Malcolm "T-Bone" Morrison (right) at one of the meeting's many displays. Fellow Field Supervisor Don Dysart, standing, was also assisting UTU members with UTUIA insurance products.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

Dragging economy shrinks pension checks

WASHINGTON – Millions of older people face shrinking Railroad Retirement and Social Security checks next year, the first time in a generation that payments will not rise, the Associated Press reports.

Social Security trustees are projecting there will not be a cost-of-living adjustment (COLA) for the next two years. That has not happened since automatic increases were adopted in 1975.

The Railroad Retirement Board is expected to make a similar announcement next month.

By law, Social Security and Railroad Retirement benefits cannot go down. Nevertheless, monthly payments will drop for millions of people in the Medicare prescription drug program because the premiums, which often are deducted from Social Security and Railroad Retirement payments, are scheduled to go up slightly.

Cost-of-living adjustments are pegged to infla-

tion, which has been negative this year, largely because energy prices are below 2008 levels.

Advocates say older people still face higher prices because they spend a disproportionate amount of their income on health care, where costs are rising faster than inflation. Many also have suffered from declining home values and shrinking stock portfolios just as they are relying on those assets for income.

More than 32 million people are in the Medicare prescription drug program. Average monthly premiums are set to go from \$28 this year to \$30 next year, though they vary by plan.

Millions of people with Medicare Part B coverage for doctors' visits also have their premiums deducted. Part B premiums are expected to rise as well. But under the law, the increase cannot be larger than the increase in Social Security and Railroad Retirement benefits for most recipients.

There is no such hold-harmless provision for drug premiums.

Social Security and Railroad Retirement recipients received an increase in January 2009, after energy prices had started to fall. They also received one-time \$250 payments in the spring as part of the government's economic stimulus package.

Consumer prices are down from 2008 levels, giving Social Security and Railroad Retirement recipients more purchasing power, even if their benefits stay the same, said Andrew G. Biggs, a resident scholar at the American Enterprise Institute, a Washington think tank.

The UTU is offering its Alumni Association members a trip of a lifetime, "Pioneer Adventures of the Old West."

This eight-day adventure starts in Phoenix, Ariz., May 9, 2010. It includes Sedona, Ariz., and the Montezuma Castle National Monument; a ride aboard the Grand Canyon Railway through Grand Canyon National Park; a visit to Monument Valley in southwestern Utah and Lake Powell; Zion National Park; Bryce Canyon National Park; dinner at the Bryce Canyon Country Rodeo; travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas.

The rate is only \$1,525 per person based on double occupancy. Airfare is additional.

The price includes seven breakfasts and three three-course dinners, as well as airport transfers, hotel taxes, tips for baggage handling and a sight-seeing program.



For more information, contact Landfall American Express Travel at (800) 835-9233, e-mail travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel's Web site, www.landfalltravel.com/UTU.html.

This tour, arranged through internationally known Brendan Vacations, is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join them as space permits.

Most members eligible for death benefit

If you retired from railroad service on or after April 1, 1967, you may be eligible for a \$2,000 retiree life insurance benefit.

Benefits are administered by MetLife for all retirees from railroads participating in the National Railway Conference / UTU Health & Welfare Plan and the Railroad Employees' National Health and Welfare Plan (formerly GA-23000).

To file a claim, or to obtain a change-of-beneficiary card, call the following toll-free number:

MetLife (800) 310-7770

Retirees are urged to keep this notice with their other important documents and to keep the designated beneficiary up to date.

When filing a claim, it will be very helpful to know the date the employee last worked, the name of the employing railroad, and the employee's Social Security number. These items will assist in the prompt processing of claims.

THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
1	Weislo, John A.	Williamsville, N.Y.	544	Monaco, Robert J.	Laurel, Mont.	1393	Carty, Willie O.	Bristow, Va.
5	Dibben, Frank J.	Pinedale, Wyo.	556	Walker, Norman D.	Sun Lakes, Ariz.	1400	Lyden, Eugene F.	Standish, Maine
6	Carty, Keith D.	Richmond, Ind.	596	Crouch, Frank M.	Butler, Pa.	1402	Hawkins, Howard D.	Bonne Terre, Mo.
14	Davis Jr., David W.	Toledo, Ohio	631	Fritts, Eben M.	Sherman, W. Va.	1409	Brady, Albert H.	Kansas City, Kan.
20	Castille, Harry J.	Beaumont, Texas	663	Clark Sr., James R.	Chelsea, Maine	1418	Chambers, Robert	Evans City, Pa.
60	Venus, Richard P.	Bayonne, N.J.	694	Cary, Herbert R.	Klamath Falls, Ore.	1477	Sheridan Jr., Joseph A.	Lincoln Park, Mich.
113	Kocsis, Robert L.	Gallup, N.M.	750	Bradshaw, Robert S.	Knoxville, Tenn.	1494	Caudle, Louis B.	Grand Chain, Ill.
168	Leggin, Joseph	Racine, Wis.	792	Fox, Thomas E.	Monroeville, Ohio	1501	Kuhn, Herbert W.	Metairie, La.
196	Heller, Leo R.	Beardstown, Ill.	792	Kubic, Frank A.	Adena, Ohio	1518	Charley, Philip B.	Corydon, Ind.
199	Phillips, C. G.	Evansville, Wis.	807	Swenson, Shirrell E.	Yuma, Ariz.	1524	Quinton, Raymond L.	Conroe, Texas
199	Tyner, Donald I.	Creston, Iowa	832	Lorimor, Larry E.	South Range, Wis.	1544	Reilly, Alfred D.	Fullerton, Calif.
221	Spoon, Robert G.	Mountain Home, Ark.	832	Tadych, William P.	North Fond du Lac, Wis.	1563	Harders, Allen L.	Sun City, Calif.
226	Moore, Arthur L.	Moberly, Mo.	838	Cartieri, Anthony	Glen Mills, Pa.	1564	May, Joseph W.	Eugene, Ore.
239	Johnson, Allen W.	Ogden, Utah	860	Milam, Henry K.	Cheshire, Ohio	1570	Dariz, Arnold J.	Manteca, Calif.
256	Meredith, Roland A.	Lockport, N.Y.	997	Brackins, Buford R.	Downington, Pa.	1593	Hampton, Harold P.	Early, Texas
283	Caris, Vandeleur C.	North Plains, Ore.	1016	Kesner, Jimmie L.	Enid, Okla.	1594	Casar, John W.	Media, Pa.
284	Dudziak, Stanley J.	Lorain, Ohio	1033	McCarley, Jack W.	Yorktown, Va.	1638	Brown, William C.	Cleveland, Ohio
298	Stoody, Edwin J.	Roseville, Calif.	1074	Austin, June E.	Oakdale, Pa.	1638	Fink, James F.	Wickliffe, Ohio
300	Haarde, Harold A.	St. Petersburg Beach, Fla.	1075	Upham, William J.	Toledo, Ohio	1638	Fischer, Norman H.	Cleveland, Ohio
303	Casteel, Jack	Springfield, Mo.	1201	Dolan, Thomas J.	Folsom, Calif.	1638	Moze, Carl E.	Euclid, Ohio
322	Hutchison, James W.	Janesville, Wis.	1201	Drake, Jesse H.	Rescue, Calif.	1638	Myers, William J.	Parma, Ohio
329	Jenkins, Arthur A.	Perry, Iowa	1227	Gilliland, Clifford L.	Cotter, Ark.	1638	Pike, Jerry V.	Willowick, Ohio
333	Krump, William W.	Highland, Ill.	1227	Hitz, Richard L.	Pratt, Kan.	1638	Shisila, Charles S.	Euclid, Ohio
378	Day, Walter L.	Port Orange, Fla.	1238	Harris, Robert D.	Battle Ground, Wash.	1638	Steimle Jr., Christ	Cleveland, Ohio
385	Carusello, David L.	Waterbury, Conn.	1313	Downey, M. W.	Amarillo, Texas	1638	Yakos, John W.	Cleveland, Ohio
385	Cataldo, Patsy A.	Mahopac, N.Y.	1344	Heer, Clifford H.	Jamestown, N.D.	1672	Caulfield, Edward X.	Providence, R.I.
385	Chambers, James	Stamford, Conn.	1346	Carter, Haynes B.	Hermitage, Tenn.	1678	Cary, Artis W.	Minden, La.
385	McCormick, James S.	Rockville Center, N.Y.	1348	Nein, Walter	Silver Lake, Wash.	1775	South, Edward R.	South Jordan, Utah
394	Carson, Clarence A.	Kingston, N.Y.	1376	Chapman, Donald R.	Columbus, Ohio	1801	Cash Jr., John W.	Roseville, Calif.
439	Clark, Jack W.	Tyler, Texas	1377	Case, Charles L.	Alexandria, Ky.	1813	Waterman, Lloyd L.	Mesa, Ariz.
421	Brail, Reed A.	Pensacola, Fla.	1381	Porta, Joseph J.	Highland, Ind.	1904	Postel, Adolph C.	Houston, Texas
440	Pauley, Robert L.	Bonita Springs, Fla.	1388	Michael, Marshall E.	Ballwin, Mo.	1910	Chapman Jr., James T.	Gordon, Ga.
445	Bradley, John E.	Elgin, Ill.	1388	Stroup, Glenn E.	Brentwood, Mo.	1951	McCabe, Charles J.	Vine Grove, Ky.
462	Butler, Bobby R.	Rison, Ark.	1390	Cullen, Louis J.	Medford, N.J.	1957	Bradshaw, R.B.	Silsbee, Texas
493	Holder, Jim G.	Maquoketa, Iowa	1390	Magee, William P.	College Point, N.Y.			



Accidental Death and Dismemberment

New UTUIA policy offers guaranteed approval for active transportation employees!

UTUIA's new Accidental Death and Dismemberment policy includes all the following benefits:

- \$180,000 for death caused by common carrier
- \$90,000 for death caused by automobile
- \$60,000 for accidental death
- \$30,000 for dismemberment
- Intensive care confinement benefits of:
 - \$600 per day
 - \$60 per day for family lodging
 - \$30 per day for family meals
 - Up to \$1,800 for air ambulance
 - Up to \$300 for surface ambulance
- Optional rider for spouse/children

This policy provides benefits for accidents and not sickness. Some benefits provided to the policy owner are greater than those provided under the optional family rider. Some benefits may vary by state of residence.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at **1-800-558-8842**.

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



Information, please

I would like more information on the Accidental Death and Dismemberment plan.

Please print



Full name	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., 14600 Detroit Ave., Cleveland, OH 44107-4250

09/09

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

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



We want important UTU news to reach you even faster. So we are updating our special e-mail list by which UTU members may voluntarily sign up to receive e-mail on important UTU events.

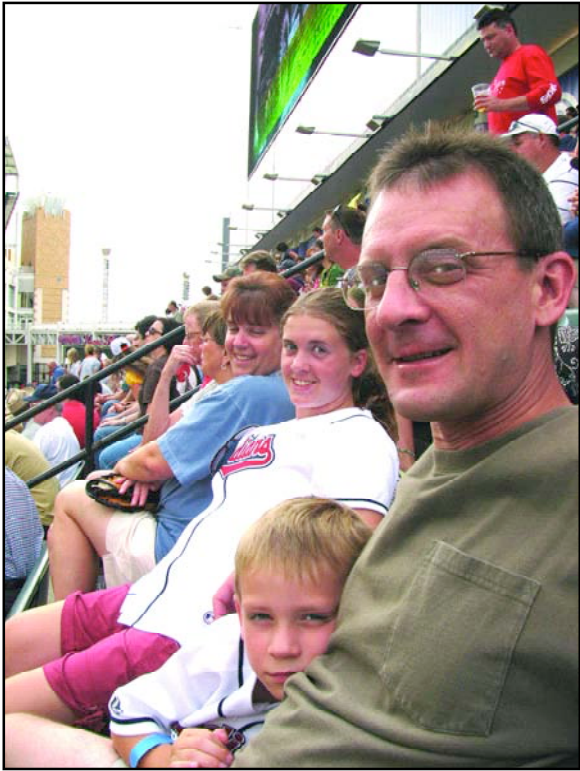
Register for e-mail alerts by visiting www.utu.org and clicking on the "E-mail Alerts" tile on the UTU homepage. Be sure to double check the information for accuracy before sending your e-mail registration.

Your e-mail address will be kept confidential. It will not be sold, traded nor given to anyone else.

UTU employees enjoy baseball game



Employees of the UTU International, many of them members of the Office and Professional Employees International Union (OPEIU) Local 17, recently were treated to a tailgate party and Cleveland Indians baseball game. At right, OPEIU member Rob Zanath of the Public Relations Department is shown at the game with his wife Lynn, daughter Holly and son John.



THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

KIM DISSELL

Kim Dissell is the lead data-entry operator in the Updating Department. She started with the organization in 1997 in the UTUIA Sales Department. "Ninety percent of my day is entering information from UTU membership applications, Discipline Income Protection Program applications and UTUIA insurance applications onto the computer. I also contact, and am contacted by, local treasurers to confirm some of the information. I also enter data onto the mainframe computer for use by billing auditors. I also serve as secretary/treasurer for UTUIA Unit 1, which keeps me busy. There are never two days the same, and I like that."



JERRY PALMER

Jerry Palmer is director of records administration. He also serves as associate director of human resources for both the UTU and UTUIA. He started in 1978 in the supply department. "I split my days between the records department and human resources. In the records department we handle membership and insurance records. I also research and code correspondence involving the president and his staff. Most of my time in human resources is spent on day-to-day matters. It's an interesting and varied job."



IRMA COLLAZO

Irma Collazo serves as direct-billing administrator for the UTUIA. She started in 1999 in the Billing/Audit Department, then worked as an underwriting assistant before attaining her current job. "I answer telephone calls from members who have questions about their insurance bills," she said. "I also send out insurance forms, deduct funds from policyholders' checking accounts at the end of the month, type up bills and mail them out, cancel insurance policies, and lots of other tasks. I love this job because it is very challenging."



DOT rule requires direct drug-test observation

The Department of Transportation has reinstated its 2008 final rule subjecting transportation industry workers in safety-sensitive positions to direct observation for all return-to-duty and follow-up drug tests, according to a notice published in the *Federal Register*.

The rule took effect Aug. 31.

The UTU, other labor organizations and BNSF Railway had appealed the DOT rule; that appeal was rejected May 15 by a federal appeals court.

The coalition had argued the rule was arbitrary since DOT didn't have any evidence that employees were cheating, and that it violated the Fourth Amendment's protection against unreasonable searches and amounted to a strip search.

A three-judge panel of the U.S. Court of Appeals for the D.C. Circuit disagreed, and upheld the rule. The court said DOT researched the rule thoroughly and had valid reasons for

passing it, when public safety is at stake and employees who had used drugs in the past had such high incentives to cheat to keep their jobs.

DOT now requires that employees in the rail, aviation, trucking and other transportation industries who fail or refuse to take drug tests must complete a treatment program before returning to safety-sensitive jobs. The employees then must pass repeated drug tests with a same-sex observer watching them give a urine sample.

DOT passed the "direct observation rule" last year out of concern over hundreds of products available that help drug users get a clean urine screen, including a prosthetic that included heater packs to keep the fake sample at body temperature and was available in several skin tones.

The rule requires that returning employees remove their clothing in front of the observer to make sure that they aren't using any device that could deliver synthetic or drug-free urine other than their own.

Employees who fail or refuse to take the tests are barred from performing safety-sensitive duties until they complete a treatment program.

Labor seeks safe PTC systems

Continued from page 1

presents safety concerns because the engineer has a limited view of the railroad with that configuration.

"If any safety feature or safe practice is impaired, altered or compromised in any locomotive," said the labor organizations, "it should not be in the lead or operating position of the train."

If the engine is not equipped with air conditioning or if the long hood is facing forward, the railroad would have three choices, said the labor organizations: 1) Grant the crew the right to switch a fully compliant locomotive to the lead at the first location where this can be accomplished; 2) Do not operate the train at all; or, 3) Remove the engine from the engine consist entirely.

That approach, said labor, "would create the safest possible working environment for the employees. Obviously, the safest locomotive

less of whether or not such overspeed results in a derailment. Since most overspeed occurrences do not result in a derailment, waiting for a derailment to happen before declaring the PTC system is not operating as intended is contrary to the purpose of the law."

Determinations of PTC-required track: The labor organizations told FRA that routing established by railroads before PTC was required establishes what the railroad deemed the safest and most direct routes for the transport of toxic inhalation hazard (TIH) and poison inhalation hazard (PIH) chemicals. The labor organizations said they oppose the railroads' desire to reroute hazmat consists through densely populated areas and on tracks used by commuter trains, which greatly increases the risk of a catastrophic event.

"FRA," said the rail organizations, "should avoid giving the railroads a financial incentive to reroute TIH and PIH through densely popu-

The labor organizations said the FRA "is very likely overlooking safety critical elements whose deficiencies have yet to be identified."

tive is the one with PTC, AC and the short hood forward."

Overspeed derailments: The FRA says that a requirement of a PTC system is to prevent "overspeed derailments, including derailments related to railroad civil engineering speed restrictions, slow orders, and excessive speeds over switches and through turnouts."

The labor organizations point out that, while the term "prevent overspeed derailments" accurately reflects the language found in the Rail Safety Improvement Act of 2008, the FRA proposal "misses the congressional intent of the statute and it appears to be unenforceable unless a derailment occurs in conjunction with a PTC system which fails to enforce an overspeed event."

The labor organizations suggest the FRA amend the proposed regulation "to establish that it is a violation [of regulations] if the PTC system fails to enforce an overspeed condition which is not corrected by the locomotive engineer regard-

lated areas, onto commuter routes and onto our nation's interstate highway system."

Unequipped trains and failed PTC trains: "Any train invisible to the PTC system in PTC territory presents an unacceptable risk," said the labor organizations. They suggested that the FRA "re-evaluate its position on these matters and take the safe course of action by reducing the maximum speed to restricted under such conditions or use other methods as temporal separation."

Other comments: The UTU and five other rail labor organizations also observed that "in the haste to implement [new regulations governing PTC operations] it is possible and even probable that FRA has unintentionally traded some of the safety-critical elements found [in existing regulations] for a streamlined process." The labor organizations said the FRA "is very likely overlooking safety critical elements whose deficiencies have yet to be identified."

Progressive workers vote to join the UTU

Workers at Progressive Rail, based in Lakeville, Minn., have voted to join the UTU.

Progressive operates 45 miles of track as Progressive Rail Inc. The company runs over numerous branch lines – many over leased trackage – near Minneapolis/St. Paul, south of the Twin Cities and in western Wisconsin. Those branch lines carry, primarily, chemicals, lumber, metals, paper, machinery and scrap.

International President Mike Futhey thanked Organizer **Rich Ross**, Director of Strategic Planning **John Nadalin** and UTU International paralegal **Tracey Neighbors** for their work on the campaign.

Elliott sworn in at STB

WASHINGTON – Daniel R. Elliott III, former associate general counsel at the UTU, was sworn in Aug. 13 as the Surface Transportation Board's chairperson.

Prior to his 16 years at the UTU, Elliott, 46, practiced at law firms in Washington and Cleveland. He graduated from the University of Michigan with a degree in political science in 1985 and earned a law degree from Ohio State College of Law in 1989.

"I would like to thank President Obama for honoring me with this appointment," Elliott said.

Meet your UTU Designated Legal Counsel

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

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



MICHAEL J. WARSHAUER

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Atlanta, GA 30339
(404) 892-4900
(888) 879-7300 toll free
mjw@warpoe.com

I have been doing FELA work for 19 of my more than 26 years as a trial lawyer, and it is not for the faint of heart. FELA cases are hard. Success depends on a willingness to go toe to toe, punch for punch, with one of the most powerful industries in America. I enjoy that challenge. UTU members get nothing less than my total commitment.



TOM WOOD

501 Morrison Rd., Ste. 203
Columbus, OH 43230
(614) 337-2427
(800) 752-5184 toll free
tomcwood@yahoo.com

FELA claims are fact specific. The injured party must prove the railroad was negligent in causing their injuries. Railroads are generally unwilling to admit their negligence. Proving negligence requires an attorney familiar with railroading practices and railroad law. I have actual railroad experience and more than 30 years of handling and trying railroad cases.

National Labor College offers hazmat training courses

The National Labor College is taking applications for classes in hazmat awareness and emergency response training, as well as training for hazmat instructors.

Each course is five days, and lodging is available at the college's George Meany campus in Silver Spring, Md., just outside Washington, D.C.

The hazmat awareness training addresses OSHA and DOT procedures and different levels of response and worker protection in a hazmat emergency or release, weapons of mass destruction awareness, the incident command system, as well as components required to complete OSHA 10-hour outreach certification.

The training includes advanced classroom instruction, small group activities, intensive hands-on drills and a simulated hazmat response in full safety gear.

The instructors' program teaches training techniques and is intended to build a nationwide pool of skilled peer trainers to deliver awareness-level hazardous materials training.

Known as the "train the trainers" program, it provides skills and knowledge necessary to deliver training at job sites, union meetings and in the community.

Only those who have successfully completed the hazmat awareness course are eligible.

Federal funding covers roundtrip transportation, lodging and meals for training participants. Those participants unable to secure regular pay through their employer or union are eligible for a stipend of \$550.

On-line registration can be accomplished at www.hazmatgmc.org.

The hazmat awareness training programs will be conducted on the following dates:

Oct. 25 - 20, 2009
Nov. 1 - 6, 2009
March 21 - 26, 2010
April 25 - 30, 2010
May 2 - 7, 2010

The hazmat instructors training programs will be conducted on the following dates:

Nov. 29 - Dec. 4, 2009
Feb. 21 - 26, 2010
April 11 - 16, 2010
May 16 - 21, 2010
June 6 - 11, 2010
June 20 - 25, 2010

Markers erected to honor fallen members



Members of Local 1168 in Clovis, N.M., along with family members and other co-workers, recently erected monuments to honor the memory of two members who were killed in tragic accidents earlier this year.

Lenny Noice, a locomotive engineer who had just celebrated his 59th birthday, was killed when he fell from a moving train at Ft. Sumner, N.M., on Jan. 16.

Greg Blevins, a conductor who was also president of Local 1168, was killed at Buchanan, N.M., on Feb. 28, while setting out cars. He was 56 years old.

"The shock and loss of these two brothers is still on the minds of us all and is a grim reminder that railroading is a dangerous job," said Local 1168 Legislative Rep. **Randy Dunson**. "We continue to extend our heartfelt sympathies to their families." The monuments were erected near the sites of the accidents.

LIRR officers aid member

Long Island Rail Road car repairman **Joseph Frigenti**, a member of Local 722, Babylon, N.Y., was severely beaten recently when thugs attacked him outside his home.

With the aid and assistance of the UTU, Frigenti is recovering at home, safe in the knowledge that his job and family are secure.

Frigenti was home the night of July 4 when he went outside to move his car into his driveway. He was assaulted by a gang of young thugs and beaten. His injuries put him in the hospital with a broken jaw, brain swelling, broken left eye socket and fractured ribs.

According to retired UTU member **John Keating**, also a Local 722 member and Frigenti's uncle, LIRR General Chairperson **Anthony Simon**, Local Chairperson and Delegate **Stephen Valentinetti** and Local Legislative Rep. **Mike Denn** "went above and beyond to make sure that all has been taken care of for their injured union brother. They went to visit him at the hospital and assured him that all would be okay with his job and that all the paperwork was taken care of. They have made his recovery a lot easier.

"When I thanked them for all their help they said, 'For what?' He is a union brother, just like you were for 30 years.' They continue to help in every way they can and I think they should be recognized for the great union brotherhood that they have shown."

Keating also thanked union member **Carl Plaia** at the Richmond Hill facility for all of his help on the front lines. "When Mr. Plaia and Mr. Valentinetti retire, as they are planning next year, the UTU and Local 722 will be losing two fine members who will be missed."

There's nothing like experience



There is 158 years of railroading experience in this photograph. This crew was working the Duluth, Missabe & Iron Range Railroad's Proctor Road switch job on May 28. Left to right are W.D. Nelson (engineer seniority number one; seniority date: 1969); **Arthur A. Maki** (conductor seniority number one; seniority date: 1970); **Leon W. Thielman** (brakeman seniority number four; seniority date: 1971) and **Thomas L. Jackson** (brakeman seniority number two; seniority date: 1971). "The 158 years of service do not include the SD 18-2 locomotive, which was born in 1976," Jackson said. Jackson, Maki and Thielman are all members of Local 1292, Proctor, Minn. Jackson serves as general chairperson of the DM&IR and as Local 1292's legislative representative. "Local 1292 had 90 percent of members furloughed as of the date of the picture," Jackson said.

Published monthly (except for combined months of December/January and July/August) by the UNITED TRANSPORTATION UNION, 14600 DETROIT AVE., CLEVELAND, OH 44107-4250 • Periodicals postage paid at Cleveland, Ohio, and additional mailing offices • Mike Futhey, International President; Kim Thompson, General Secretary & Treasurer • This publication available on microfilm from National Archive Publishing, P.O. Box 998, Ann Arbor, MI 48106.

POSTMASTER: Send address changes to UTU News, 14600 Detroit Ave., Cleveland, OH 44107-4250.

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



Please recycle

This month's winning photo:

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

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

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

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

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

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

All photographs submitted become property of the UTU.

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



This month's winning photograph was taken by **Dick Harrison**, a retired switchman and conductor from the Denver & Rio Grande Western Railroad and member of Local 202, Denver, Col. "This is a photo of the Lahaina, Ka'anapali & Pacific locomotive 'Anaka' taken at the Lahaina, Maui, railroad station. I worked for 38 years and retired in 2002 and presently live in Kailua-Kona on the island of Hawaii," Harrison said. The railroad's narrow-gauge Sugar Cane Train sightseeing excursion runs along the Pacific Ocean between Lahaina and Ka'anapali.



The Official Publication of the United Transportation Union

Dragoo named head of UTU Safety Team

Nebraskan and decades-long Local 1503 Secretary/Treasurer **Nile Dragoo** has been named by UTU International President Mike Futhey to chair and coordinate the UTU Transportation Safety Team.

The UTU Transportation Safety Team is a 13-member body that assists the National Transportation Safety Board in railroad accident investigations.

Dragoo, age 56, hired on with Union Pacific in Hastings, Neb., as a brakeman in 1971, and later was promoted to conductor.

He was first elected secretary/treasurer of Local 1503 in 1975, and has been a UTU delegate for more than 30 years.

Since 1982, Dragoo has been a regional UTUIA insurance representative.

He successfully completed an NTSB safety course, which is required of those assisting the NTSB in accident investigations.

Other members of the UTU Transportation Safety Team include **David A. Brooks** (Local 1470), **James P. Herndon** (Local 565), **Steve Revely** (Local 117), **Stephen T. Dawson** (Local 811), **John England** (Local 1674), **Greg Hynes** (Local 1081), **Greg Boam** (Local 471), **Gary Devall** (Local 1501), **Jerry L. Gibson Jr.** (Local 313), **Andres Trujillo** (Local 1138),

Lawrence E. Kasekamp (Local 600) and **John Dunn** (Local 756).

UTU Transportation Safety Team members are on call 24/7 to assist NTSB investigators in determining the facts of rail accidents.

Each is selected based upon their knowledge of operating rules and understanding of general rail operations, train movements and rail dispatching.

UTU Transportation Safety Team members also assist NTSB investigators in locating crew members and others familiar with the territory where the accident occurred, as well as operating rules in force, the motive power, equipment and signal systems in use, and characteristics of track and rail operations.

A UTU member involved in an accident can demand that a safety team member or union officer be present during questioning to serve as a witness to what was said.

UTU Transportation Safety Team members can also assist UTU members in ensuring that a UTU officer is present should railroad officials seek to question them, and that railroad officials not violate terms of the UTU contract with that carrier.



Dragoo

Inside this issue of the *UTU News*:



UTU DLC Rabb helps youngster's dreams take flight. See page 2.



UTU members on Rochester & Southern ratify pact. See page 3.



See photos from the New Orleans regional meeting on pages 6 & 7.



UTU took them out to the ball game. See page 9.