

BMWED

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
Of The International Brotherhood Of Teamsters

JOURNAL



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www.bmwe.org

January/February 2010

BMWED SERVES SECTION 6 *RLBC/NCCC Bargaining Sessions Begin*

The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters began national bargaining with the National Carriers' Conference Committee (NCCC) on January 13, 2010.

The BMWED is bargaining on a coordinated national basis as part of the Rail Labor Bargaining Coalition (RLBC). The RLBC is comprised of six national rail unions, representing more than 70,000 railroad employees, including; Brotherhood of Maintenance of Way Employees Division – IBT, Brotherhood of Locomotive Engineers and Trainmen – IBT, Brotherhood of Railroad Signalmen, International Brotherhood of Boilermakers, Blacksmiths, Iron Ship Builders, Forgers, and Helpers, National Conference of Firemen & Oilers – SEIU, Sheet Metal Workers' National Association.

The BMWED and the RLBC served notice on the rail freight carriers rep-

resented by the NCCC on December 9, 2009 pursuant to Section 6 of the Railway Labor Act. Bargaining is set to continue on February 23 and March 15 and 16, 2010.

Following are excerpts from the RLBC Section 6 Notice that could specifically affect BMWED membership employed on the freight railroads represented by the NCCC;

1. Wages:

- a. General Wage Increases
 - (1) 7% general wage increase effective January 1, 2010, and each January 1 thereafter;
 - (2) Incorporated into all basic rates of pay for all purposes and all elements.
- b. Skill/equity/shift differentials
 - (1) Agreed-upon classifications;
 - (2) Weekend/shift differential of 25% applicable to all classes of service.

See Section 6 on Page 14



Left to right seated at the table: BMWED Western Region Vice President David Tanner, BLET Director of Research Tom Pontolillo, RLBC Spokesman Roland Wilder, BRS International President Dan Pickett, BMWED National Division President and IBT International Vice President Freddie Simpson and BLET National President Paul Sorrow.

TRACK INSPECTION SURVEY UPDATE *BMWED Independent Survey Preliminary Results*

In October 2008, the United States Congress enacted the Rail Safety Improvement Act of 2008 (RSIA). The RSIA mandates that the Federal Railroad Administration (FRA) initiate a number of rail safety improvements, rulemakings, and safety studies. One such study required to be conducted by FRA and reported to the Congress under Section 403 of the RSIA relates to track inspections.

In response to this Congressional mandate for FRA to conduct a track inspection study, BMWED President Freddie N. Simpson directed the Brotherhood's Department of Safety to develop and conduct our own independent survey of BMWED members employed as track inspectors. The study was conducted in order to pro-

vide BMWED track inspectors a means to express their views and opinions about track inspection issues, and to provide the union with comparative data independent of the Congressionally-mandated FRA study on track inspection.

The National Division worked in cooperation with the General Chairmen and System Officers to compile a mailing list of track inspectors to receive the BMWED survey. The survey was developed in-house and mailed to 1,543 BMWED track inspectors who are qualified and designated to inspect track under (49 CFR) §213.7 of the federal Track Safety Standards. 454 BMWED track inspectors —roughly thirty percent (30%) —completed and returned their

surveys by the August 31, 2009, deadline.

Some of the preliminary findings derived from the BMWED Track Inspection Survey include the following:

- Forty-two percent (42%) of returned surveys were from BMWED track inspectors employed on BNSF, twenty-eight percent (28%) from UP, twelve percent (12%) from CSXT, and seven percent (7%) from NS. The remaining eleven percent (11%) came from BMWED track inspectors employed by Amtrak, CN, CP, short-line railroads, and "other" including commuter railroads.
- Sixty-two percent (62%) of BMWED track inspectors have been working in the track department for

more than 24 years, and twenty-six percent (26%) have more than 24 years experience working as track inspectors.

- Ninety-one percent (91%) of BMWED track inspectors rated their risk level for discipline or dismissal as "more at risk" than other positions within the track department. Nine percent (9%) rated their risk level as "about the same" as others within the track department, and zero percent (0%) thought they were "less at risk" for discipline or dismissal as track inspectors.

- Track inspectors who believe lower high-rail inspection speeds are necessary to conduct quality inspections are more likely to inspect multi-

See Survey on Page 17



Brotherhood Awards 2009 BMWED Scholarships

The Brotherhood is pleased to announce the two winners of the 2009 BMWED Annual Scholarship Award. BMWED scholarships were recently awarded to BMWED member Peter E. Kennedy from Hammond, Indiana and BMWED member Edward R. "Randy" Brassell Jr. from Hendersonville, Tennessee. Each scholarship award is in the amount of \$2,000.00.

Brother Kennedy is a member of Local Lodge 0466, Allied Federation – BMWED. He began his career in the maintenance of way department of CSX Railroad in 2003. Brother Kennedy served as Local Secretary-Treasurer for Lodge 0466 for four years.

Brother Kennedy is currently employed in the BMWED's Chicago office as a Staff Assistant where his primary duties are to research and write submissions in support of claims that will be submitted for arbitration. He indicates that he will apply the knowledge attained through his education to improve his ability and skills in his position with the BMWED.

Brother Kennedy previously studied at Indiana University South Bend and continues to pursue a degree with a

double major in Political Economy of Labor and Union Administration and Leadership at the National Labor College. Brother Kennedy, also a recipient of the Union Plus Scholarship, expects to graduate in June, 2010.

In writing how the BMWED had impacted his life, Brother Kennedy wrote, "The opportunity and support the BMWED has given me to be involved in organized labor has allowed me to help many of my brothers and sisters thus far, and will allow me to help many more in the future. The BMWED has had an extremely positive impact on my life and given me a sense of pride to be a part of organized labor in the railroad industry. There is no doubt that my on the job education, supplemented with my collegiate level education (almost completed), will help me become an effective leader and advocate within the BMWED in the years to come."

Brother Brassell is a member of Local Lodge 670, Allied Federation – BMWED. He currently serves as the Local Chairman for his Local Lodge which is located in Nashville, Tennessee. He began his career in the maintenance of way department of CSX Railroad in June, 2007, where

he currently holds the position of Track Inspector in the Nashville Terminal.

Brother Brassell studied at the University of Tennessee and at Middle Tennessee State University where he earned both a Bachelor of Science and a Master of Science degree in Health, Physical Education, Recreation and Safety.

Brother Brassell expects to supplement his education with a degree from the National Labor College in Labor Administration and Health and Safety.

In writing how the BMWED had impacted his life, Brother Brassell wrote in part, "From the time I could walk I was taught by my parents the value of the labor movement. My mother worked for a company that managed benefit funds for unions and she never let her children forget that her livelihood depended on those unions. She knew that unions, unlike non-union employers, provided good benefits and a decent wage and passed that understanding on to her children. We were never allowed to forget that our lifestyle was possible due in large part to union labor.

My father went to work for the L&N Railroad in 1974 and almost immediately began serving in one capacity or another for the same Local Lodge in which I am now a member. From the time I was three years old my father has made sure that my brother, sister and I respect what unions do and understand their role in society. Watching him work as a full-time officer for nearly twenty years has given me a real appreciation for how hard our union works for its members and has given me a good understanding of what role our union has played in providing me a decent wage, good benefits and a great pension plan. And, if it were not for the BMWED the railroads would be a much more dangerous place to work."

President Simpson said that he was proud to congratulate the recipients of the BMWED Scholarship Award. In a letter to each of the winners President Simpson wrote, "Your active participation in our union and your recognition of the role of Organized Labor as a voice for working families and a bellwether of the middle class is a tribute to your upbringing and your convictions. The BMWED has had a long history of helping its members achieve the American dream, and we are particularly proud to be able to assist you and your family with this scholarship award. On behalf of the officers and members of the BMWED, please accept our sincere congratulations and best wishes for your continued academic success and all your future endeavors."

The BMWED Scholarship Award was originally established by action of the 2002 Grand Lodge Convention. The program has awarded one



Peter Kennedy



Randy Brassell

\$1,500.00 scholarship annually to a BMWED member or dependent since 2002. However, by action of the First Regular National Division Convention held the week of June 19, 2006, BMWED delegates revised the annual scholarship award by increasing the number of BMWED scholarships from one to two, and by increasing each annual scholarship to \$2,000.00.

The eligibility criteria, application procedures, and award selection criteria for the BMWED Scholarship is published each summer in the BMWED Journal and posted on our website at www.bmwe.org. All members and eligible dependents are encouraged to apply for next year's 2010 BMWED Scholarship.

High school seniors who are dependents of BMWED/Teamster members are also eligible to apply for the James R. Hoffa Memorial Scholarship Fund. The Hoffa Memorial Scholarship is separate from the BMWED and is offered to all eligible dependents of Teamster members. Applications for the James R. Hoffa Memorial Scholarship for the 2010 – 2011 academic year are currently being accepted and can be accessed at www.teamster.org. From the Teamster webpage, simply click on "Member Benefits," then click "James R. Hoffa Memorial Scholarship Fund" to access instructions, application forms, and eligibility requirements. The application deadline for the Hoffa Scholarship is March 31, 2010.

BMWED Division JOURNAL CONTENTS

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Around the Brotherhood

Teamsters Rail Conference Elects New President

IBT Rail Conference Policy Members convened a meeting of the Teamsters Rail Conference on January 6, 2010, to discuss a number of issues of mutual interest to both the Brotherhood of Maintenance of Way Employees Division and the Brotherhood of Locomotive Engineers and Trainmen.

A number of issues were discuss-

ed including the Rail Labor Bargaining Coalition and pending national bargaining. Conference Members also conducted an election to fill the vacant position of IBT Rail Conference President. BLET President Paul Sorrow was elected to fill the unexpired term of former Rail Conference President Ed Rodziewicz.



Left to right, BLET National Secretary Treasurer and IBT Rail Conference Vice President Bill Walpert, BLET National Division President and newly elected IBT Rail Conference President Paul Sorrow and BMWED National Division Secretary-Treasurer and IBT Rail Conference Secretary-Treasurer Perry Geller.

Lodge 2729 Celebrates Leo Garner Retirement

Allied Federation Local Lodge 2729 held its quarterly meeting in Batesville, Arkansas on Saturday, January 23, 2010. During the meeting AF General Chairman Dennis Albers presented a plaque to Brother Leo L. Garner to commemorate his retirement. Brother

Garner retired in December after a railroad career that spanned 38 years.

General Chairman Albers made presentations on a number of topics along with Vice Chairman Scotty Niswonger who was also in attendance.



Pictured left to right: Lodge 2729 President Darrell Holland, Leo Garner and General Chairman Dennis Albers.

BMWED Holds Educational in Nashville, TN

The BMWED continued its Local Chairman/Secretary-Treasurer training by holding the most recent seminar in Nashville, TN on January 19 and 20, 2010. The seminar was

attended by nearly 100 Local Chairmen and Secretary-Treasurers who received hands on training related to their specific representational activities.



Left to right, BMWED National Division President Freddie Simpson, BMWED Director of Education Gregory Kreie and BMWED Director of Strategic Coordination and Research, Don Griffin, at the podium.



Local Lodge Secretary-Treasurers listen intently at Nashville Educational - seated at the front table, left, Allied Federation Local Lodge 112 Secretary-Treasurer Gregory "Butch" Harless, front table, right, Allied Federation Local Lodge 130 Secretary-Treasurer Curtis Martin.

Lodge 228 Adopts a Family

Northeastern System Federation Local Lodge 228 held its quarterly meeting in Providence, Rhode Island on December 11, 2010. At that meeting the members voted to adopt a family for Christmas.

Lodge Vice President Gregg Horton introduced a motion that Lodge 228

donate funds to adopt and purchase gifts for a local family in need. The motion passed and the members also made personal donations. Enough was collected to adopt two families.

Vice President Horton and his wife Cynthia wrapped and delivered the gifts to the families.

See **Brotherhood** on Page 7

Recent Legislation Expands Rail Worker Eligibility For Extended Unemployment Insurance Benefits

More railroad workers will be eligible to receive extended unemployment insurance benefits under legislation signed by President Obama on November 6.

The legislation, known as the "Worker, Homeownership, and Business Assistance Act of 2009," authorizes payment of extended unemployment benefits to rail workers with jobless claims during the period from July 1, 2008, to June 30, 2010.

Under the legislation, railroad workers with less than 10 years of service may be eligible for up to 65 days of extended benefits within 7 consecutive 2-week registration periods. Workers with 10 or more years of railroad service, who were previously eligible for up to 65 days in extended benefits, may now receive benefits for up to 130 days within 13 consecutive 2-week registration periods.

The RRB will notify eligible individuals of their rights to extended benefits as they become eligible and also provide any applicable claim forms. Employees may file these claims securely online at www.rrb.gov or mail them to

the RRB office serving their area.

The recently enacted legislation also provided funding of \$175 million to pay these extended unemployment benefits under the Railroad Unemployment Insurance Act. The

latest date that an extended benefit period may begin under the new provisions is December 31, 2010, although payments will stop if the \$175 million is exhausted at an earlier date.

Railroad workers can obtain

more information about the additional extended unemployment benefits by checking the RRB's Web site at www.rrb.gov or calling the agency's toll-free telephone number at 1-877-772-5772.

BMWED Members Ratify Five-Year Contract with Paducah & Louisville Railway

On December 22, 2009, after nearly a year of delay, members of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters ratified a new five-year collective bargaining agreement with the Paducah & Louisville Railway.

With over an 84 % return of the ballots, the agreement was ratified with 60 % of the ballots returned voting in favor of the new agreement.

The agreement becomes effective retroactively to January 1, 2009 and expires December 31, 2013. The tentative agreement provides for

retroactive wage increases and settles wage and work rule issues. Health and welfare issues were also settled and provides for a two-stage employee contribution increase, capped at \$150.00 per month, effective only when such increases are implemented for all other crafts of the carrier.

General wage increases total 14 percent over the life of the contract, with non-taxable per-diems increased by \$4.00 per day for mobile employees and provides for a protected number of positions during the length of the contract.

NOTICE

Article XV, Section 8 - Transfer Refunds

Sec. 8. Refunds of monthly dues, fees and assessments for those who transfer outside the jurisdiction of BMWED will only be allowed for the months following the month the applicable General Chairman involved receives a written request and/or a valid revocation of the Dues Deduction Agreement wage assignment authorization. A notice pertaining to the Brotherhood's dues refund Bylaws provision will be published semi-annually in the Secretary-Treasurer Report of the Journal or its successor publication.

Important Safety Message from FRA Administrator Joseph C. Szabo

Dear Colleague:

Preliminary data indicates that 2009 may have been the safest year on record by many measures. This accomplishment is the result of the diligent and sustained efforts of rail labor, rail management, and the Federal Railroad Administration (FRA). I thank you and commend you for your role in this accomplishment.

The news is not uniformly good, however. Last year, 16 railroad employees were killed on the job. This tragic toll is more than just a number; it represents human lives: a father not there to walk his daughter down the aisle, a mother not there for her son's first day of school, an employee nearing retirement who did not live to enjoy the fruits of his labor.

As the new year begins, I'm asking each of you to use your time and talents to help eliminate railroad employee fatalities. In this world of instant communication and technology and information "overload," we need to maintain complete situational awareness. Keep your mind clear of distractions-keep cell phones and other devices turned off-and

focus on the task at hand. The railroad environment is totally unforgiving and the slightest lapse could be tragic.

We need to think about rules compliance and consider its impact on ensuring a safe return home after each tour of duty. We must break down the barriers that keep us from achieving rules compliance, like taking a shortcut or yielding to pressure from a supervisor to unsafely expedite a move. We must take the time to ensure each rule is complied with, and mentor fellow coworkers. Remind them that it is all about going home safely, and if you are pressured by a supervisor to expedite a move by turning your back on the rules, report it. FRA will work diligently to ensure that the focus on rules compliance is consistent within each carrier's organization.

Having spent 19 years on the ground myself, I-like you-understand the realities of railroading. My stomach still turns in knots each time I hear of an on-duty fatality. Let us each do everything we can to take care of ourselves and our coworkers. Zero fatalities is the only acceptable number, and it's a number we can all live with.

A Reminder on Holiday Rules

If you are a furloughed employee of a railroad covered by the U.S. National Agreement with at least 60 days of seniority or 60 calendar days of continuous service preceding a covered holiday, and if you had compensation paid by the carrier credited to 11 or more of the 30 calendar days immediately preceding the holiday, you may be entitled to pay for that holiday even though you are furloughed.

The complete list of holidays is:

- New Year's Day
- President's Day
- Good Friday

- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve (the day before Christmas is observed)
- Christmas Day
- New Year's Eve (the day before New Year's Day is observed)

For detailed information contact your General Chairman.

LOCAL LODGES SEND US YOUR PICTURES

If your local lodge has a special event that you would like covered, or you would just like to see your local lodge members in the *Journal*, send us a picture with a brief description of the meeting or event. The details should include your name, telephone number, local lodge number and system federation.

The picture along with the details may be sent by email or U. S. Mail to the following addresses:

Rbrassell1@aol.com

or,

BMWED Journal
c/o Randall Brassell

242 West Main Street, #394, Hendersonville, TN 37075

LEGAL AID PROGRAM LIST

Here is an updated list of the approved attorneys in the Brotherhood of Maintenance of Way Employees Division's Legal Aid Program who can be called on for advice and assistance when needed in case of on-the-job personal injury or death.

Brotherhood of Maintenance of Way Employees Division members who are injured on the job, or the dependents of members killed as a result of such injuries, should ascertain their rights and protections under the Federal Employers' Liability Act (FELA) before attempting any settlement with a railroad company.

Under the Legal Aid Program, in case of personal injury or death while employed on a railroad, a Brotherhood of Maintenance of Way Employees Division member or his family has access to competent legal counsel in making claims under the FELA.

The Brotherhood of Maintenance of Way Employees Division-approved legal aid attorneys are well qualified to handle cases under the FELA.

Blunt & Slocumb, Ltd.
60 Edwardsville Professional Park
P. O. Box 373
Edwardsville, IL 62025
TELEPHONE: (618) 656-7744
FAX: 618-656-7849
TOLL FREE
NATIONAL: (800) 323-5538
www.bluntlaw.com

The Crow Law Firm
700 "E" Street
Sacramento, CA 95814
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FAX: 916-441-3846
TOLL FREE
NATIONAL: (800) 345-2889
www.crowlaw.com

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dan@dandownes.com

Hubbell, Peak, O'Neal, Napier & Leach
Union Station
30 West Pershing Road, Suite 350
Kansas City, MO 64108-2463
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FAX: 816-221-5259
TOLL FREE
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Minneapolis, MN 55402
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www.ingebritson.com

Johnson & Hatch
10 West Broadway, Suite 400
Salt Lake City, UT 84101
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FAX: 801-363-6666

Jones, Granger, Tramuto & Halstead
P. O. Box 4340
Houston, TX 77210-4340
TELEPHONE: (713) 668-0230
FAX: 713-956-7139
TOLL FREE
TX ONLY: (800) 392-0620
NATIONAL: (800) 231-3359
www.jonesgranger.com
weldon@wgranger.com

Moody, Strople, Kloeppel, & Higginbotham, Inc.
500 Crawford Street, Suite 300
Portsmouth, VA 23704
TELEPHONE: (757) 393-4093
FAX: 757-397-7257
TOLL FREE
NATIONAL: (800) 368-1033
www.moodyrllaw.com

Moody, Strople & Kloeppel & Higginbotham Inc.
7400 Baymeadow Way, Suite 105
Jacksonville, FL 32256
TELEPHONE: (904) 256-0018
FAX: 904-256-0019
TOLL FREE
NATIONAL: (800) 368-1033
www.moodyrllaw.com

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Atlanta, GA 30361
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www.tenlaw.com

AT&SFF Introduces New Officers



Brian Poston



Randy Lunow

Members of the BMWED Western Region Association welcomed Assistant General Chairmen Brian Poston and Randy Lunow into their ranks during meetings held in Nashville, TN in December. Atchison, Topeka & Santa Fe Frisco Federation General Chairman Richard Sandlin introduced his recently elected officers. Both were elected to their current positions during the merger between the former AT&SF and the former Frisco Federations.

Randy Lunow began his railroad career after a six-year stint in the U. S. Army. After leaving the military he worked as a Boilermaker and was an active member of the International Brotherhood of Boilermakers. He went to work for Burlington Northern Santa Fe Railroad in September 2002 as a Welder in the Track Department. He also held the positions of Track Foreman and Machine Operator, and spent five years working on BNSF's Super Service Gang.

Brother Lunow resides in Newton, Kansas with his wife Tiffany and their

See AT&SFF on Page 7

Why Choose A BMWED-Designated FELA Attorney?

In this day of specialization, most lawyers, like most doctors and other professionals, tend to specialize. If you have tax problems, you go to a lawyer who knows the tax laws. If you have family matters to be handled, you go to a lawyer who knows the laws about wills, estates, probate, divorce, etc. That is why, if you're injured on the railroad, you need to go to a lawyer who knows the Federal Employers' Liability Act (FELA).

FELA became law in 1908. Under FELA, an injured railroad employee or his/her family survivors have the right to recover damages in court (state or federal). They have the right to a jury trial which can award damages based upon the railroad's negligence that resulted in the employee's injury or death.

Choosing a Brotherhood of Maintenance of Way Employees Division-designated FELA attorney is important because, as one court case stated, "injured workers or their families often fall prey ... to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not competent to try these lawsuits against the able railroad counsel or too willing to settle a case for a quick dollar."

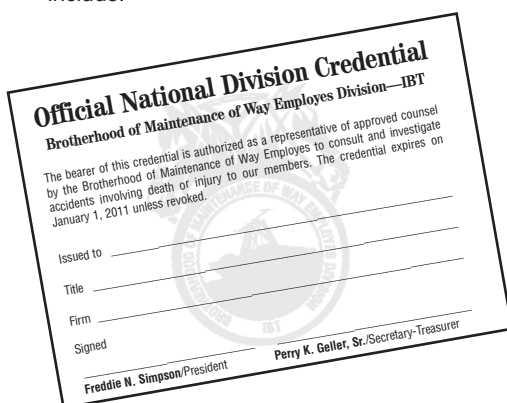
Since most people don't deal with lawyers except in a time of need, the Brotherhood of Maintenance of Way Employees Division has a long-standing policy of evaluating FELA law firms. Using established guidelines, the Brotherhood of Maintenance of Way Employees Division chooses the best to be on its approved or designated list which is printed twice yearly in the Brotherhood of Maintenance of Way Employees Division *Journal*.

Criteria used for evaluating FELA law firms include:

- Must have an established record of successful litigation experience.
- Must furnish National Division with a summary of cases handled (insofar as such disclosure is consistent with "attorney-client" privilege).
- Must charge a contingency fee of no more than 25 percent.
- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the Brotherhood of Maintenance of Way Employees Division recognizes the importance of competent and fair legal counsel for its members, it regularly monitors the activities of the law firms on its list and makes changes when needed.

If you do not have a copy of the approved list of attorneys when you need it, just call your system division or federation office and they will give you names and other necessary information. In addition, all approved attorneys are issued official Brotherhood of Maintenance of Way Employees Division credentials each year. If an attorney contacts you, be sure to ask for his credential.



RR Employees National Health and Welfare Plan Important Telephone Numbers and Websites

General Service Telephone Numbers

United Healthcare GA-23000
 Medical - (800) 842-9905
 United Behavioral Health - (866) 850-6212

Aetna - (800) 842-4044

BCBS - (866) 267-3320

Medco (Rx) - (800) 842-0070

VSP (Vision) - (888) 877-4782
 (800) 428-4833 (for hearing impaired)

Aetna (Dental) - (877) 277-3368

Aetna
 Supplemental Sickness - (800) 205-7651
 (you have 60 days from the last day worked to file your claim)

ERMA GA46000 - GA-23111 Plans A, B, C, E
 United Healthcare - (800) 842-5252
 GA 23111-Plan F - (800) 809-0453

Other Telephone Numbers

United Healthcare
 Nurse Line - (866) 735-5685
 (24-hour access to a registered nurse)
 United Health Allies (800) 860-8773
 (Access to discounts for non-covered services)
 UHC/Optum –Wellness Programs – (877) 201-4840

Aetna Wellness Plans
 Simple Steps - (800) 842-4044
 Healthy body healthy weight - (800) 842-4044
 Quit Tobacco - (800) 650-2747
 Nurse Line - (888) Blue - 428
 Wellness Programs - (800) 650-8442

MetLife
 Life Insurance - (800) 310-7770

Healthcare Provider Websites

General Customer Service (except GA-23111) www.myuhc.com (1)

United Behavioral Health www.liveandworkwell.com (1)

United Health Allies www.unitedhealthallies.com (1)

Railroad Information Depot www.myuhc.com/groups/railroadinfo

Aetna www.aetna.com

BCBS <http://www.highmarkbcbs.com>

VSP (Vision) www.VSP.com

Aetna Supplement Sickness (to file claims) www.wkabsystem.com

Medco <http://www.medco.com>

Registration is required for personal use of all web functions.

Why I Carry a Union Card

The following was published in the September 1960 edition of the Teamster magazine;

I carry a union card because it carries me into the hearts and thoughts and sympathetic understandings of millions of other average human beings with problems like my own. My card guarantees me a decent Living wage, decent working conditions and time to enjoy my home and family. It entitles me to the benefits of knowledge and experience of my fellow associates. It gives me social contact I enjoy. It creates within me confidence, good fellowship and a strong sense of security and well-being.

It promotes the brotherhood of man

through honest work, fair bargaining, "live and let live" and a just reward for all. It stands for self-support and mutual advancement, which means unending progress. It advances patriotism, elevates my standard of thought and living, permits me time for cultural pursuits and spiritual thinking. It puts experience and mutual assistance behind weaker links in the chain of life and keeps the pace a steady one for all. It makes understandable and unforgettable the brotherhood of man.

These are reasons why I am a labor unionist and why I carry a union card.

- Charles Daly, a 38- year Teamster at Local 753

Sign Up to Receive BMWED Email Updates

To sign up to become a BMWED E-activist and receive regular BMWED updates sent directly to your email address go to www.bmwe.org. It will only take a minute and you will receive updates important to you as a BMWED member and Teamster.

WE WANT TO HEAR FROM YOU

If you have a special hobby or talent, hold public office, or you would like to share your hunting or fishing stories, we would like to hear from you. Share your story with our BMWED Brothers and Sisters in the BMWED Journal.

Please send us your pictures and brief details along with a name, address and telephone number. You may email, or send by U. S. Mail to the following:

Rbrassell1@aol.com

Or,

BMWED Journal
 c/o Randall Brassell
 242 West Main Street
 #394
 Hendersonville, TN 37075



BMWED Committee on Diversity Meet

The BMWED Committee on Diversity held meetings the week of January 14-18, 2010 in Greensboro, North Carolina in conjunction with the 2010 AFL-CIO Martin Luther King, Jr., Holiday Observance. This location was selected by the committee, with the approval of BMWED President Simpson, since it marked the 50th Anniversary of the Greensboro sit-ins to end racial segregation of lunch counters and other public facilities.

The BMWED Committee consists of Timothy Hoffman, Kristina Delgado, Frank Coleman, Ramiro Ramirez,

Darryl Begaye, Eddy Beza, Andrew Shelton and Thomas Cartwright along with Advisors Tim McCall and Roger Sanchez.

The BMWED Committee on Diversity performed Community Service by donating their time on January 15, 2010, along with other union participants in attendance, while working in the warehouse of the Welfare Reform Liaison Project, Inc.. All participants were given a shirt that read "Union Values at Work".

The BMWED Committee on Diversity also attended a Union Town Hall meeting. At that meeting, three of the original four students who initi-

ated the 1960 Greensboro Civil Rights Sit-In Movement, Joseph McNeil, Franklin McCain and Jibreel Khazan (also known as Ezelle A. Blair Jr.) spoke to those in attendance.

The BMWED Committee on Diversity also participated in workshops regarding economic crisis, green jobs, and were provided information regarding the 2010 Census. Thomas Perez, Assistant Attorney General, US Department of Justice, Civil Rights Division, was the keynote speaker for the Dr. Martin Luther King Jr. Awards Banquet. The topic was, Civil Rights Priorities and Progress.

AT&SFF Continued from page 5

two sons, Cody and Cory.

Brian Poston began his railroad career as a Welder in the Track Department on the Burlington Northern Santa Fe Railroad in May 2004. He also held the positions of Welding Foreman, Track Foreman and Track Supervisor. In addition to his position as Assistant General Chairman, Brian also serves as President of Woodward, Oklahoma, Local Lodge 2407, a position he was elected to in 2005.

Brother Poston resides in Alva, Oklahoma with his wife Christy and their three sons; Hunter, Fischer and Trapper. He is currently looking for a home in Newton, Kansas near the AT&SFF headquarters.

BMWED Western Region Vice President Dave Tanner welcomed Brothers Lunow and Poston into the Western Region Association and offered, "The BMWED is an aging demographic and it's good to see new faces that bring with them fresh ideas about how to serve our members. Both are already doing a fine job and can only add to the excellent representation now being provided by General Chairman Sandlin and his officers."

Change of Address Request

Please remember to notify your Federation or the National Division of any change of address or telephone number. It is vital that this information be kept current. Railroad employers do not always provide this information to the BMWED.



Left to right: Darrel Begaye, Tim Hoffman, Andrew Shelton, Roger Sanchez, Kristy Delgado, Tom Cartwright, Tim McCall, Eddy Beza and Ramiro Ramirez.

IBT Human Rights Commission Volunteers Needed

The Teamster Human Rights Commission (HRC) was established to assist local unions promote diversity, eliminate discrimination and bring together groups to celebrate their contributions to the fabric of our union.

The Human Rights Commission needs rank-and-file volunteers to serve as representatives from the BMWED. If your BMWED Local Lodge has not yet appointed a representative to serve on the HRC you are strongly encouraged to volunteer.

There are a number of resources that are available to our members but HRC Volunteers are needed to help distribute that information. As a HRC volunteer you will be able to get that message to our members.

The Human Rights Commission Representative will network with the leaders and members in your area on Human Rights issues,

making sure they know about Teamster programs that provide assistance to the membership.

For example, the Teamsters Disaster Relief Fund, the James R. Hoffa Memorial Scholarship Fund, IBT Community Service, and the Helmets to Hardhats programs all fall under the umbrella of the Human Rights Commission.

BMWED Southwest Region Vice President Roger Sanchez serves as the BMWED Human Rights Commissioner for the Teamsters and coordinates the program with the local BMWED representatives.

BMWED Members interested in volunteering should contact their Local Lodge officers.

Should you have any questions about the HRC, please contact BMWED Vice President Roger Sanchez at (281) 441-2824, or by email at Lodge1507@aol.com.

Around the Brotherhood Continued from page 3

Lodge 2388 Elects Convention Delegate

Lodge 2388, headquartered in Bowling Green, KY, held its quarterly meeting on February 5, 2010. Allied Federation Vice Chairman Andrew Shelton attended the meeting and made a presentation to those in attendance.

During the meeting a delegate and

alternate delegate were elected to attend the 2010 National Division Convention, which will be held in Las Vegas, Nevada. Local Lodge Secretary - Treasurer Andrew Quisenberry was elected delegate and Local Lodge President Steve Sanders the alternate delegate.



Lodge President Steve Sanders seated front row center, Allied Federation Vice Chairman Andrew Shelton standing second from left and Lodge Secretary - Treasurer Andrew Quisenberry standing fourth from right.



PRESIDENT'S PERSPECTIVE



Freddie N. Simpson

On January 28, 2010, President Obama announced the awarding of \$8 billion in high speed and inter-city passenger rail grants to 31 different states. The grants have been awarded under the American Recovery and Reinvestment Act (ARRA) to fund the development of 13 targeted high-speed rail corridors. I congratulate President Obama and Vice-President Biden for their foresight and vision and look forward to BMWED's participation in the expansion of both higher-speed and true high-speed passenger rail.

Our Brotherhood has long supported government investment in the

development and expansion of safe and reliable passenger rail service. I am proud to say that BMWED played a prominent role in helping to secure passenger rail funding under the ARRA. We have long known that an efficient and balanced transportation infrastructure is necessary for economic growth and development. After many decades of government neglect, it is refreshing to finally have national leaders who understand the benefits of passenger rail and are willing to help fund its development.

Grant funds for passenger rail under the ARRA have been awarded to the following projects:

- California: \$2.3 billion. The bulk of these funds are targeted to begin work on an 800-mile-long, high-speed rail line tying Sacramento and the San Francisco Bay area to Los Angeles and San Diego. A portion of these funds will also go towards improving other existing passenger rail service and increasing maximum authorized speeds on those lines.
- Florida: \$1.25 billion. The bulk of these funds are slated to build 84 miles of new rail line connecting Tampa with Orlando, with future plans to extend the line southward to Miami.
- Illinois-Missouri: \$1.1 billion. For track and signal improvements to the existing corridor between Chicago and St. Louis and an increase in operating speeds to 110 mph.
- Massachusetts: \$40 million. For construction of a second main-line track linking Springfield, MA with New Haven, Conn.
- Michigan: \$244 million. To improve operating speeds and renovate and build stations on the existing 300-mile corridor linking Detroit with Chicago.
- Missouri: \$31 million. To improve existing railroad bridges, crossovers, and grade crossings on the line linking St. Louis and Kansas City.
- Northeast Corridor: \$112 million. Funds slated for several long-neglected

projects in Amtrak's premier passenger corridor. Such projects include the completion of engineering and environmental work for a new tunnel under Baltimore Harbor, passenger station upgrades and improvements, and various track and bridge projects in Maryland, New Jersey, Rhode Island, and Washington, DC.

- North Carolina: \$520 million. Funds slated for existing line to increase top speeds to 90 mph on trains between Raleigh and Charlotte, and double the number of round trips on an existing route that links Washington, D.C., Richmond, Raleigh and Charlotte.
- Ohio: \$400 million. Funds slated for a number of projects across the state, including track upgrades, grade crossings, new stations, and maintenance facilities on a line known as the Cleveland-Columbus-Dayton-Cincinnati corridor.
- Wisconsin: \$810 million. To upgrade and refurbish passenger stations and install Positive Train Control on the existing Madison-to-Milwaukee leg of a line that stretches from Minneapolis to Chicago.
- Washington-Oregon: \$590 million. To increase line capacity, improve existing track and signal systems, and upgrade stations in the corridor linking Eugene, Portland, Seattle and Vancouver, B.C.

The ARRA awards come at a time when American workers are still suffering from the worst economic downturn since the Great Depression. Upgrading existing rail corridors for higher-speed passenger service will help preserve BMWED jobs and create new ones. Building new high-speed rail passenger corridors will create additional jobs and spur economic development along these new routes. America's long-awaited "down-payment" for the development of high-speed rail will have both short-term and long-term benefits for our country. It will preserve and create jobs, spur U.S. manufacturing, increase economic development, decrease our dependence of foreign oil, improve the environment, reduce highway and air-

See **Perspective** on Page 18

Message from Teamsters General President Jim Hoffa

Financial System Reform

It's a sad fact of life when today in the United States a small group of irresponsible investors can wipe out tens of thousands of jobs before the business day is over.

That's what nearly happened to 30,000 Teamsters who work at the country's largest trucking company, YRC Worldwide (YRCW). Because they owned credit default swaps — what I call a weapon of mass job destruction — investors had an interest in forcing YRCW into bankruptcy. And bankruptcy would have certainly meant liquidation.

Credit default swaps are basically wagers that a company won't be able to repay its debts. This egregious practice allows investors to make MORE money if a company goes belly up instead of surviving.

It makes no sense to give our financial system special treatment and at the same time to allow them to sell financial products that destroy jobs.

This is what nearly happened at YRCW, which has been in financial trouble. YRCW is the parent company of YRC, which is made up of Yellow and Roadway. Holland, Reddaway and New Penn are also part of YRCW.

To stay afloat, YRCW needed to exchange its bonds for stock. That's when financial service companies created and sold the credit default swaps on YRCW's bonds.

What that meant was the investors who bought the credit default swaps could have made a bigger profit if YRCW went bankrupt. The investors held on to their bonds.

By exposing this shameful behavior, the Teamsters pushed the bondhold-

ers to take part in the exchange of bonds for stock. In the end, enough of the investors participated to keep the company alive.

This is why we need stricter regulations of reckless banks. And thankfully President Obama is fighting hard to change the rules that allow banks to act contrary to the interests of their customers.

The Senate is looking at ways to prevent such egregious practices by financial institutions. One thing they could do is to subject derivative products, like credit default swaps, to comprehensive oversight.

How can we create new jobs in America if we don't get rid of practices that let irresponsible banks destroy them?

James P. Hoffa
Teamsters General President



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Penn Central—New York, New Haven and Hartford Railroad Company
Delaware & Hudson Railway Company
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Chattanooga Traction Company
Cincinnati, New Orleans and Texas Pacific Railway Company
Georgia Northern Railway
Georgia Southern and Florida Railway Company
Kentucky & Indiana Terminal Railroad Company
Live Oak, Perry and South Georgia Railway Company
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Company
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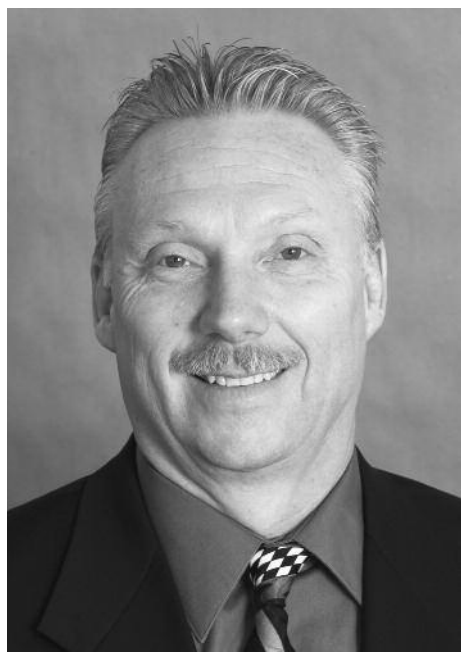
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SECRETARY-TREASURER'S REPORT



Perry K. Geller, Sr.

In my last column, I outlined the results of our membership survey on bargaining issues for the current round of national contract negotiations. In this column, I want to introduce the preliminary results of the recently completed Track Inspection Survey conducted by BMWED.

The BMWED Track Inspection Survey was commissioned in response to Section 403 of the Rail Safety Improvement Act of 2008 (RSIA). The RSIA mandates the Federal Railroad Administration to conduct a track inspection study within the industry before October 2010.

Section 403(a) of the RSIA states:

SEC 403.

(a) "STUDY. – Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results to determine whether—

(1) the required intervals of track inspections for each class of track should be amended;

(2) track remedial action requirements should be amended;

(3) different track inspection and repair priorities or methods should be required;

(4) the speed at which railroad track inspection vehicles operate and the scope of the territory they generally cover allow for proper inspection of the track and whether such speed and appropriate scope should be regulated by the Secretary."

In view of this Congressional mandate to the FRA, National Division President Freddie Simpson, with the full and unanimous support of the National Division Officers, directed the BMWED Department of Safety to conduct our own track inspector survey in advance of the FRA study. A small committee of BMWED Officers and Staff developed the survey questionnaire in-house with the assistance of the IBT Economics and Contracts Department.

In late July 2009, National Division mailed the survey questionnaire to the homes of 1,543 BMWED track inspectors who are qualified and designated to inspect track under (49 CFR) §213.7 of the Federal Track Safety Standards. I am pleased to report that 454 BMWED track inspectors—roughly thirty percent (30%)—completed and returned their surveys by the August 31, 2009, deadline. Our Department of Safety has tabulated the survey results and the Brotherhood is currently analyzing the data with the assistance of the IBT.

I believe that the preliminary results of this survey reflect just some of the "real-world" challenges, barriers and conditions that can impact a track inspector's ability to fulfill their safety-critical responsibilities to inspect and protect our nation's railroads. The data derived through the BMWED survey will allow the Brotherhood to present our own, independent, member-driven views and opinions to the FRA. We will use this data to represent the views and opinions of BMWED track inspectors in any future legislative or regulatory proceedings related to track inspection.

Thanks to the 454 track inspectors who responded to our survey, we are now in a position to quantify conditions under which mainline track is inspected. Data collected includes information regarding the size of inspection territories, the number of tracks inspected at one time, the number of inspectors in a high-rail inspection vehicle during a multi-track inspection, opinions on optimal high-rail inspection speeds, the availability of local track forces to correct track defects found, the existence and impact of management/supervision pressure, and a whole host of other railroad industry and carrier specific trends.

BMWED will withhold publishing its full BMWED Track Inspection Report until after the Federal Railroad Administration (FRA) conducts its own study as mandated by Section 403 of the RSIA. However, both President Simpson and I feel strongly about the continued need to communicate with our members on such important issues. Therefore, we have published a "snapshot" of some of our preliminary findings in this edition of the *Journal*. This information is preliminary and does not include all the data collected. Therefore, we anticipate that these preliminary findings will be subject to further analysis, revision, and review.

The FRA will soon be conducting their own surveys and interviews with

track inspectors, track supervisors, railroad managers/officials, and others sometime later this year. I encourage you to respond to the FRA's survey if you receive one, and participate in interviews with FRA if requested, so that your views and opinions will be heard and documented as part of that federally commissioned study.

In closing, I want to thank all of our

track inspectors who took the time to fill out and return their surveys to the National Division. I also want to thank our General Chairmen and System Officers for their assistance and support of our numerous survey efforts. Our mutual communication among all levels of the Brotherhood continues to make our Union stronger, better informed, and more united.

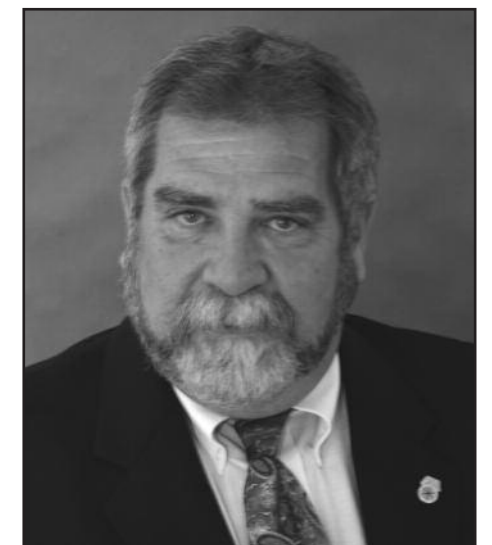
A Vice President Speaks

Why Bargain as a Coalition?

On December 9th, the BMWED served its bargaining demands on the major freight railroads that are being represented by the National Carriers' Conference Committee (NCCC). The BMWED will again be participating with other unions as part of the Rail Labor Bargaining Coalition (RLBC). The five other unions that are part of the coalition are; Brotherhood of Locomotive Engineers and Trainmen, Brotherhood of Railroad Signalmen, International Brotherhood of Boilermakers, Blacksmiths, Iron Ship Builders, Forgers and Helpers, National Conference of Firemen and Oilers, Sheet Metal Workers' National Association.

The RLBC was created prior to the last round of bargaining and despite an anti-labor administration occupying the White House and an unfriendly Congress, the RLBC proved to be a success. After a drawn out and arduous process that finally led to a Bush appointed Presidential Emergency Board, the RLBC succeeded in obtaining a contract that the membership ratified by an overwhelming margin.

Obviously, there are a number of reasons why it's smart for rail unions to bargain as a unit. The most obvious of course is strength in numbers. As my grandfather used to say, "two heads are better than one even if one is cabbage." Sharing knowledge and resources can only benefit the process and forge a united front between labor organizations and allow the member-



Henry Wise

ship to feel that they are sharing in the same process regardless of craft. It also negates the railroad's ability to negatively target one specific craft and forces them to bargain collectively. As a general rule, the major railroads have learned to bargain as a unit within the NCCC, and while I'm not big on emulating the railroads, doesn't it make sense that we illustrate the same unity from the labor side?

While most issues are the same for all rail crafts, some will argue that they have craft specific issues that can't be addressed as a part of the coalition. While many times the parties do agree to revert to local handling over craft specific issues or local rules, nothing

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c. Eliminate all service entry rates and two-tier pay systems.

d. Performance bonus as supplement to guaranteed general wage increases.

e. Commercial Driver's License (CDL) supplement: Add \$1.00 per hour to basic rate of pay for all positions for which the employee's possession of a CDL is required.

f. Wage Responsibility Adjustment

(1) A wage increase effective January 1, 2010, in an amount to be negotiated for maintenance employees and those employees directly responsible for or signatory to FRA-required safety-critical repairs, tests, and inspections.

2. Cost-of-Living Adjustments:

a. Full Cost-of-Living Adjustments (COLA) w/o caps or limitations continuing into status quo period beyond the moratorium, incorporated into basic pay rates.

(1) One cent for each 0.1 full point change;

(2) Three-month adjustment periods.

3. Retirement Accounts:

a. Establish 401 (k) Plan

(1) Annual carrier contribution;

(2) Full match up to 6%.

4. Holidays:

a. Add Martin Luther King, Jr. Day and Veterans Day.

b. Holiday pay compensation for employees who are working a compressed workweek schedule shall be paid at the employee's daily rate but not less than eight (8) hours per day.

5. Vacations:

a. Amend National Agreement to afford additional paid vacation as follows:

Years of Service Vacation

1 through 4	2 weeks
5 through 7	3 weeks
8 through 14	4 weeks
15 through 19	5 weeks
20 or more	6 weeks

b. Change the vacation qualifying rules to enable employees not qualifying for full vacation benefits to have prorated vacation benefits based upon the percentage of vacation qualifying days worked in the previous year.

6. Bereavement Leave:

a. Add the following relatives on whose death bereavement leave shall be granted:

- (1) grandchildren,
- (2) grandparents,
- (3) stepchildren,
- (4) stepparents,
- (5) spouse's stepparents.

b. Allow five (5) workdays' bereavement leave to be taken either consecutively or in single day increments at any time up to six (6)

months following the death of the family member.

c. Bereavement leave compensation for employees who are working a compressed workweek schedule shall be paid at the employee's daily rate.

7. Personal Leave Days:

a. Increase number of personal leave days due each employee in the calendar year.

b. Longevity Scale.

c. Unused personal leave paid or carried over at employee's option.

8. Sick Leave:

a. Effective January 1, 2010, and each January 1 thereafter, each employee with one year of service will receive a sick leave benefit consisting of twelve (12) sick days each calendar year to supplement sickness benefits available under the RUIA.

b. Employees may accumulate paid sick leave days.

9. Off-Track Vehicle Insurance:

a. Improve existing allowances for employee injuries suffered in a vehicular covered condition by increasing monetary amounts to \$1 million for each loss now carrying a \$300,000 benefit, and \$500,000 for losses now carrying a \$150,000 benefit.

b. Increase aggregate limit of payments for any one accident to \$20 million.

c. Obtain accident insurance with benefits comparable to the foregoing allowances to cover to employees injured or killed in an accident while riding in a Carrier contracted van service regardless of negligence by the van operator.

d. Injured employees entitled to disability payments.

10. Labor-Management Committees:

a. All labor-management committees, including, but not limited to, safety committees, quality committees, quality circle committees, quality-inaction committees, labor-management productivity committees, and any other employee-carrier committee, on which employees serve, must be established by agreement of the parties.

11. Information Requests:

a. Upon request, the Carrier shall provide the Organization with information reasonably necessary to administer and negotiate the collective bargaining agreement.

12. Job Stabilization or Other Unemployment Agreement:

a. Negotiate or amend job stabilization or other unemployment agreements to provide furlough/wage rate protection for employees on seniority list as of date of the Agreement.

13. Reimbursement for Safety Equipment:

a. Full reimbursement for all required safety equipment.

14. Away From Home Expenses:

a. Provide for the elimination of camp cars, outfit cars, trailers and other mobile lodging facilities provided by the Carrier.

b. Employees shall receive single occupancy lodging and full reimbursement of expenses for meals and telephone while away from home.

15. Travel Expenses:

a. Provide mileage reimbursement and pay at the applicable straight time or overtime rates for all time expended traveling between home and away from home lodging locations or work locations and from one work point to another.

b. For employees who cannot drive home due to distance, carrier provides round trip airfare and pays employee at the applicable straight time or overtime rates for all time expended traveling between home and away from home lodging locations or work locations and from one work point to another.

Savings Clause:

The above Notices or any of them, or any part of them shall not apply on any property where they are already in effect, or where more beneficial provisions are already in effect. Any request for changes herein is not an admission, expressed and/or implied, directly and/or indirectly, that those changes requested are not already contained within the terms and conditions in any existing collective bargaining agreement.

Railroad Employees National Health and Welfare Plan GA-23000

Eligibility -

(1) Dependents of employees on active military status will be provided full coverage, without cost sharing, for the length of a standard tour of duty plus 6 months.

(2) Extend full coverage for college students under age 25 for 4 months following their graduation date.

(3) Provide full Plan coverage to opposite and same sex domestic partners in a committed relationship, including such domestic partners not residing in common law states.

(4) Extend full coverage to step-grandchildren residing with an employee.

(5) Provide full coverage to other children placed with the employee by court order.

Autism Spectrum Disorders -

(1) The Plan shall provide coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the assessment, diagnosis, and treatment of autism spectrum disorders are not already covered by the Plan.

(2) Treatment for autism spectrum disorders shall include, but is not limited to, the care prescribed, provided, or ordered for an individual diagnosed

with an autism spectrum disorder by (a) a physician licensed to practice medicine or (b) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders. Such coverage shall include, but is not limited to: Applied Behavior Analysis Therapy; Speech Therapy; Social Skills Therapy; Occupational Therapy; Physical Therapy, and Psychological, Psychiatric, and Pharmaceutical Care; and Diagnosis and Assessments.

(3) Coverage for autism shall not be subject to any maximum benefits, nor subject to any limits on the number of visits to a service provider

Prescription Drug Benefit -

(1) Prescription drug co-pays shall be as follows:

Retail: generic - no co-pay;

Mail Order: generic - no co-pay.

Increase the day's supply of medication at retail pharmacies to 30 days.

Lifetime Maximum -

(1) Increase lifetime maximum under CHCB and MMCP out-of-network to unlimited.

Hearing Benefits -

(1) Provide an annual hearing benefit of \$4,000 for each covered person.

(2) In addition to the \$4,000 benefit described in (1) above, provide hearing tests as a covered benefit when medically necessary to diagnose or treat illnesses other than hearing loss.

Birth Control/Reversal -

(1) Provide coverage under the plan for voluntary sterilization and/or reversal.

Employee Contributions -

(1) Eliminate any and all reference to required employee contributions as referred to in current National Agreement.

Mobile Facilities -

(1) Amend the current Plan definition of a facility to include a mobile facility used by licensed physicians or other qualified medical personnel to deliver services to employees and their dependents billed under covered codes as directed by the American Medical Association or other governing bodies.

Speech Therapy -

(1) Provide services to restore or improve speech for employees and all eligible dependents without regard to age.

Hospice Benefits -

(1) Increase the hospice benefits to reasonable and customary charges for each course of care.

See **Section 6** on Page 15

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COBRA -

(1) Provide employees 36 months COBRA eligibility when necessary to bridge a gap between GA-23000 and GA-46000.

Repatriation Insurance -

(1) Provide medical evacuation and repatriation insurance to cover 100% of the cost for the transportation of a participant and or dependent(s) via air or ground ambulance from any location more than 100 miles from their home or from a foreign country to their home location or a medical facility within 30 miles thereof. Such coverage shall include bed-to-bed service; the cost of a medical escort; travel costs for dependent spouse and/or children; repatriation of mortal remains, including all transportation, logistical and legal arrangements in connection therewith; transportation of baggage and/or belongings back to the home of the participant/dependent; legal services arising in connection with medical situations.

Health Risk Assessment Incentive -

(1) Establish an incentive payment of \$100 for the completion of each employee Health Risk Assessment by an employee or dependent aged 18 or over.

Managed Medical Care Program (MMCP) -

(1) Provide out-of-network coverage for:

- Immunizations and well-person physical benefits without annual caps to include annual routine physical exams, (including diagnostic testing and immunizations); well-woman visits (including breast examination and/or mammogram, pelvic examination and pap smear); child preventive care given in connection with routine pediatric care, (including immunizations for children as recommended by CDC).

- Annual prostate cancer screening at no cost to the participant.

- Annual influenza vaccinations at no cost to the participant.

- Sigmoidoscopy or colonoscopy for participants over 40 years of age at no cost to the participant.

- Other screening tests as recommended by the United States Preventive Disease Task Force at no cost to the participant.

(2) Eliminate defined awarded markets and open all markets to allow choice of all three providers, Aetna, Highmark, and United Healthcare.

(3) Provide for an annual out-of-pocket maximum of \$200 for chiropractic and physical therapy services.

(4) If a participant's primary care physician, treating specialist or other provider, or preferred hospital or facility, terminates network participation with the insurance company providing service to the participant, allow the

participant to elect coverage under one of the other insurance carrier(s) in that market anytime during the year.

Comprehensive Health Care Benefit (CHCB) -

(1) Provide uniform application of immunizations and well-person physical benefits provided under MMCP to CHCB without annual caps to include annual routine physical exams, (including diagnostic testing and immunizations); well-woman visits (including breast examination and/or mammogram, pelvic examination, and pap smear); child preventive care given in connection with routine pediatric care, (including immunizations for children as recommended by CDC).

(2) Provide benefits comparable to MMCP for employees who do not live in MMCP network areas.

(3) Reduce annual out-of-pocket maximums to \$500/individual and \$1,000/family.

(4) Provide annual prostate cancer screening at no cost to the participant.

(5) Provide annual influenza vaccinations at no cost to the participant.

(6) Provide sigmoidoscopy or colonoscopy for participants over 40 years of age at no cost to the participant.

(7) Provide other screening tests as recommended by the United States Preventative Disease Task Force at no cost to the participant.

(8) Provide for an annual out-of-pocket maximum of \$200 for chiropractic and physical therapy services.

Managed Mental Health and Substance Abuse Benefit (MHSA) -

(1) Amend the current requirement that out-of-network outpatient services be administered by a licensed psychologist to allow that such care may be administered by Masters level clinicians.

(2) Eliminate lifetime maximum benefit for Mental Health services.

Life/AD&D Insurance -

(1) Increase Active Employee Life Insurance to \$50,000.00.

(2) Increase Retired Employee Life Insurance to \$10,000.00.

(3) AD&D - increase coverage to the following:

TABLE OF COVERED LOSSES AND BENEFIT AMOUNTS

COVERED LOSSES	BENEFIT AMOUNTS
Life	\$30,000
A hand	\$8,000
A foot	\$8,000
Sight of an eye	\$8,000
Loss of more than one of the above in any one accident	\$16,000
Paralyzation	\$25,000

- Loss of sight of an eye means that the eye is entirely blind and that no sight can be restored in that eye.

- Loss of a hand means that all of the hand is cut-off at/or above the wrist.

- Loss of a foot means that all of the foot is cut-off at/or above the ankle.

- Loss of a hand or foot shall also include the loss of use of a hand or foot even if the limb is still intact.

Paralyzation means the loss of use of the extremities of the body as a result of an accident, such as, but not limited to, paraplegia, quadriplegia, or hemiplegia occurring from a traumatic brain injury.

Not more than \$30,000 will be paid for all covered losses caused by all injuries which are sustained in one accident.

Railroad Employees National Dental Plan (GP12000-A)

Eligibility -

(1) Provide full Plan benefits to new employees and eligible dependents on the first day of the month following the month in which such employees render compensated service.

Benefits -

(1) Eliminate the annual deductible.

(2) Increase the annual maximum to \$15,000.00.

(3) Increase Type B coverage to 100%.

(4) Increase Type C coverage to 75%.

(5) Increase orthodontia benefit to 90% with a maximum of \$8,000.00.

(6) Provide orthodontia coverage to all employees and covered dependents regardless of age.

(7) Eliminate the alternate treatment provisions of the Plan.

Railroad Employees National Vision Plan

Network -

(1) Provide full Plan benefits to new employees and eligible dependents on the first day of the month following the month in which such employees render compensated service.

In-Network Benefits -

(1) Increase the frame allowance to \$400.

(2) Provide full coverage for the following options:

- Scratch Coating,
- UV Protection,
- Anti-Reflective Coating,
- Photochromic Lenses,
- Progressive Lenses.

(3) Increase allowance for contact lenses to \$400 annually.

(4) Add laser surgery benefit.

Provide full coverage for laser surgery to correct vision in one or both eyes.

(5) Eliminate lens exclusions for oversized lenses.

Hospital Associations

(1) Hospital Association benefits will continue to be set by the individual Hospital Association.

(2) Enable Hospital Associations to increase member dues at a rate equal to the increase in cost-sharing payments, without increasing the total cost-sharing amount paid by Hospital Association members.

(3) Amend the "Dues Offset Formula" to provide that Hospital Association dues offsets will be increased by the same percentage that Plan costs increase for a given year. Thereafter, adjustments, if any, shall be made annually on January 1 of each subsequent year.

(4) The so-called pick-up and/or run out liability fees for any employees (or dependents, if applicable) transferring from Hospital Association Railroads to Non-Hospital Association Railroads and/or transferred from Non-Hospital Association Railroads to Hospital Association Railroads will be borne by the Railroads.

(5) Disabled or Retired Hospital Association members whose coverage is disrupted for any reason other than non-payment of Association dues will be allowed to enroll in the Railroad Employees National Early Retirement Major Medical Benefit Plan (GA-46000) without penalty provided they would have met the eligibility requirements at the time they retired.

(6) Treat dependent spouses covered as employees under a Hospital Association Plan the same as two married railroad employees covered under the Plan who are not covered under a Hospital Association Plan.

(7) Provide Hospital Association dependents the choice to select their coverage from a Hospital Association or from one of the national plan carriers.

Supplemental Sickness Benefit Plan - Aetna Plan No. 502 Employer Identification No. (EIN) 532-1162945

Amend the provisions of Aetna Plan No. 502 Employer Identification No. (EIN): 52-1 162945, the Supplemental Sickness Benefit Plan, to provide the following effective, January 1, 2010:

(1) Amend the Plan so that the combined benefit limits payable under the Plan are 90% of the employee's regular daily rate, including payments from the Railroad Retirement Board, if eligible.

(2) Remove requirement that employee must be eligible for Railroad Retirement sickness benefits in order to qualify for benefits hereunder.

(3) Amend the Plan to change the maximum duration for the payment of benefits to 18 months from 12 months.

(4) Employees will be eligible for these benefits after three months of service, regardless of eligibility for Railroad Retirement sickness benefits.

(5) Amend Plan to provide that the medical proof of disability supplied to Railroad Retirement and

See **Section 6** on Page 16

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Railroad Retirement approval of such disability will be acceptable to the Plan in determining medical proof of disability.

(6) Amend Plan to provide for payment of benefits for claims where notification is more than 60 days after date of disability. In such cases, in addition to what is already provided in the Plan, the Plan will pay benefits beginning on the date of notification.

Cost Containment Measures

(1) Waive copays when an employee is referred by the Nurse Helpline to seek treatment from the emergency room.

National Health Legislation

(1) In the event that national health legislation should be enacted, benefits provided under The Railroad Employees National Health and Welfare Plan, The Railroad Employees National Early Retirement Major Medical Benefit Plan, The Railroad Employees National Dental Plan, and The Railroad Employees National Vision Plan with respect to a type of expense which is a covered expense under such legislation will be integrated so as to avoid duplication, and the parties will agree upon the disposition of any resulting savings.

General

(1) The Joint Plan Committee (JPC) shall be joint policyholders and will jointly participate in the selection of the insurance company or companies or other administrators required to administer all benefit Plans covering employees subject to this Agreement, shall jointly determine the plan benefits needed to meet the changing needs of the employees and otherwise jointly administer all of the Plans' activities. The JPC shall oversee and administer the Railroad Employees National Health and Welfare Plan, the Railroad Employees National Early Retirement Major Medical Benefit Plan, the Railroad Employees National Dental Plan, the Railroad Employees National Vision Care Plan, the various plans established to provide supplemental sickness benefits to covered employees, and any and all plans which may hereafter be developed or introduced to provide health and welfare benefits to active and retired employees and their eligible dependents.

(2) Eliminate the exclusion of benefits for treatment by a family member who is otherwise a qualified provider from any and all plans containing such exclusion.

BMWED Craft Specific Issues

1. Unified rate of pay:

a. Unified rate of pay on all carriers under common control - highest rate applicable to a position on such

carriers paid to all employees performing that work.

2. Prohibition on Subcontracting:

a. All work in connection with the construction, maintenance and repair of tracks, bridges, buildings and the right-of-way shall be performed by BMWED represented employees and shall not be contracted out without the written concurrence of the General Chairman.

3. Training & New Technology:

a. Establish a rule that guarantees BMWED represented members the right to receive training for and to operate any equipment or machines using a technology new to any and all work in connection with the construction, maintenance and repair of tracks, bridges, buildings and the right-of-way.

b. Establish a rule that guarantees

BMWED represented members the right to receive training for any new process used and any and all work in connection with the construction, maintenance and repair of tracks, bridges, buildings and the right-of-way.

c. Establish a rule that provides a process to resolve disputes between the parties regarding rates of pay, rules and working conditions whenever the Carrier introduces equipment or machines using new technology or introduces a new process applicable to any and all work in connection with the construction, maintenance and repair of tracks, bridges, buildings and the right-of-way.

4. Force Levels:

a. Establish a rule that provides for a minimum consist for each section gang.

b. Establish a rule that provides for

a maximum territory covered by a section gang.

5. Discipline

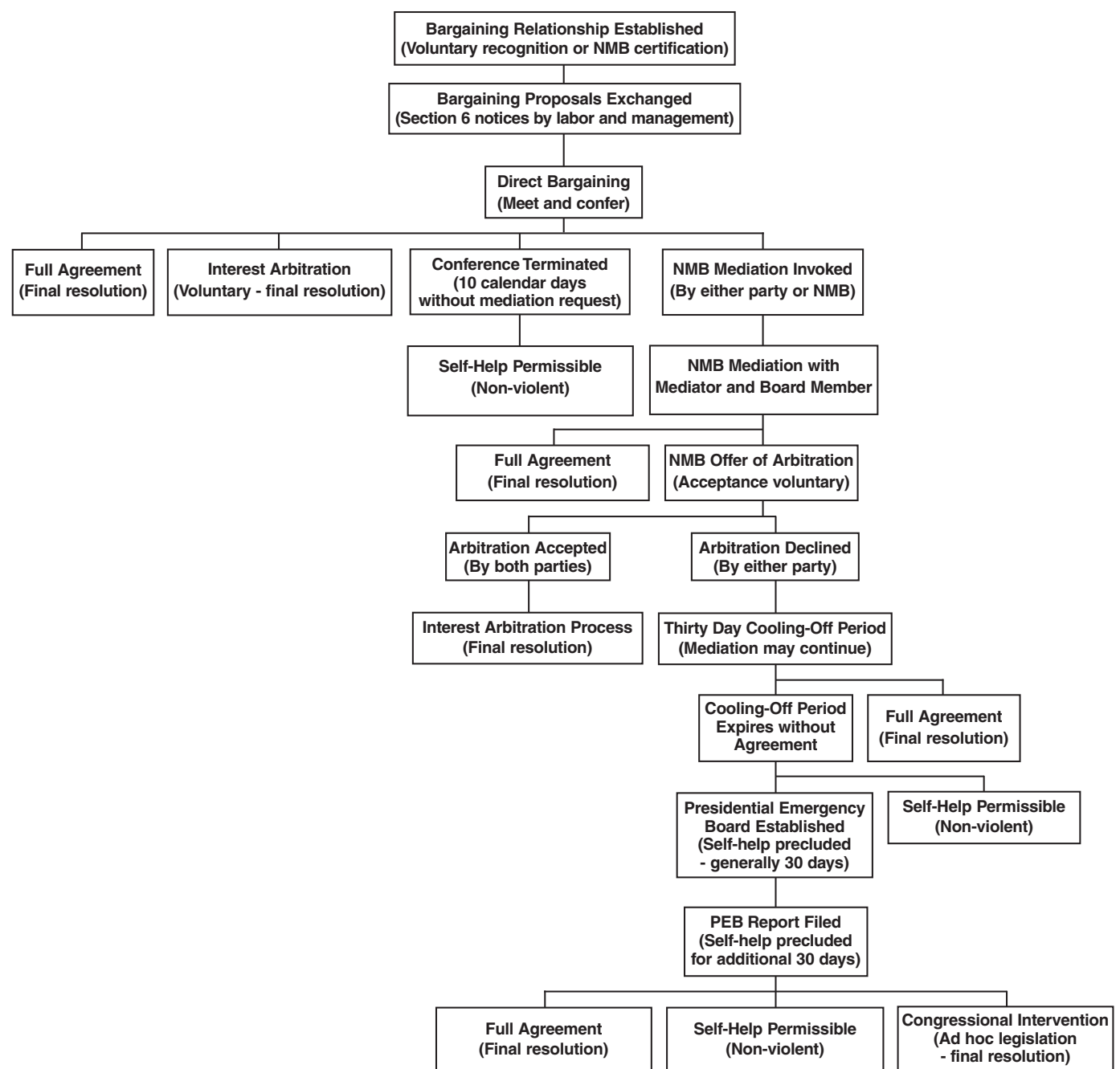
a. Establish a rule that provides for pre-hearing discovery of evidence to be presented against a charged employee.

b. Establish a rule that requires the carrier to continue to pay employees taken out of service until discipline is assessed following a fair and impartial hearing.

c. Establish a rule to clarify and codify the principle that all findings made by Hearing Officers, including credibility determinations, are subject to arbitral review.

To view a complete copy of the Rail Labor Bargaining Coalition Section 6 Notice and the National Carriers' Conference Committee Section 6 Notice visit our website at www.bmwe.org.

Summary of Collective Bargaining Process under the Railway Labor Act (Airline and Railroad Carriers other than Public Commuter Railroads)



TRACK INSPECTION SURVEY UPDATE Continued from page 1

ple main tracks during one inspection. Inversely, inspectors who believe quality inspections can be conducted at higher speeds are more likely to inspect only one main track per inspection. Forty-four percent (44%) said high rail inspections should be conducted at various speeds below 20 MPH in order to conduct a quality and thorough visual track inspection (2% @ 5 MPH, 8% @ 10MPH, 14% @ 14 MPH, and 20% at 20 MPH). An additional twenty-eight percent (28%) of respondents said high-rail inspections should be conducted at speeds not exceeding 25 MPH.

- Fifty-seven percent (57%) of inspectors identified their mainline inspection territory as primarily single main track, thirty-six percent (36%) primarily double main track, and seven percent (7%) primarily three or more main tracks.

- In Continuous Welded Rail (CWR) territory, the more CWR joints, the more track inspectors tend to favor lower maximum high-rail speeds in order to conduct a quality and thorough inspection. Where jointed rail, or a combination of jointed and CWR rail, make up their mainline territory, track inspectors are more likely to believe that even lower maximum high-rail speeds are necessary to conduct quality and thorough inspections.

- Five percent (5%) of track inspectors reported that they "never" have adequate track forces available to correct track defects found during an inspection, thirty-five percent (35%) reported that adequate track forces are "rarely" available, and fifty percent (50%) reported adequate track forces are "sometime" available. Ten percent (10%) of track inspectors said they have adequate track forces available "all of the time" to correct track defects found during an inspection.

- Inspectors who spend less than one hour per day making repairs are more likely to be veteran track inspectors and have adequate track forces available to make repairs. Inspectors who spend three or more hours per day making repairs are likely to have less time in the track department, more likely to work for CSX, more likely to have responsibility for inspecting a high number of non-mainline switches, more likely to have never had an FRA inspector ride with them during the year, more likely not to have adequate track forces available to make repairs, and more likely to report higher levels of pressure from management.

- Fifty-two percent (52%) of BMWED track inspectors believe track inspectors should be "certified" by FRA. A majority of inspectors on UP, CN, Shortlines, BNSF, CSX and "other" (including commuter railroads) tended to support FRA certification of track inspectors. A majority of inspectors on Amtrak, CP, and NS tended

not to support FRA certification for track inspectors.

- Twenty-four percent (24%) of inspector's reported that their mainline inspection territory was 50 miles or less, thirty-four percent (34%) reported territories between 50-74 miles, and twenty-four percent (24%) reported territories between 75-99 miles in length from beginning mile post to ending mile post. Eleven percent (11%) reported inspection territories of between 100-124 miles, five percent (5%) reported inspection territories between 125 and 149 miles, and two percent (2%) reported inspection territory to be more than 150 mainline miles in length.

- Sixty-nine percent of BMWED track inspectors reported that they also have inspection responsibility for 50 miles or less of non-mainline track, twenty-one percent (21%) are responsible for inspecting an additional 50-99 miles of non-mainline track, and the remaining ten percent (10%) reported being responsible for inspecting anywhere between 100 and more than 300 miles on non-mainline track.

- Twenty-two (22%) percent of BMWED track inspectors reported being responsible for inspecting between 12 - 24 mainline switches monthly, thirty-eight percent (38%) were responsible for inspecting 25-49 mainline switches monthly, and twenty-one percent (21%) reported being responsible for inspecting 50-74 mainline switches monthly. Fourteen percent (14%) reported being responsible for inspecting between 75 and more than 100 mainline switches monthly.

- Eighty-three percent (83%) of track inspections conducted by high-rail vehicle are done by one track inspector. Seventy-five percent (75%) of track inspectors felt that the presence of a second qualified inspector in the high-rail can/does enhance the quality and thoroughness of the inspection. Eighty percent (80%) of track inspectors felt that the presence of a second qualified track inspector in the high-rail can/does enhance roadway worker on-track safety protection.

- On a scale of 1-10, with 1 being "worst" and 10 being "best," twelve percent (12%) of track inspectors rated their carrier's track inspector training program "worst" (1). Two percent rated their carrier's track inspector training program "best" (10). Twenty percent (20%) rated their carriers training program as "average" (5).

- Twenty-six percent (26%) of track inspectors reported receiving track inspector training every year, seventeen percent (17%) every two years, twenty-seven percent (27%) less than once every four years, and seventeen percent (17%) reported never having received track inspector training.

- Fifty-eight percent (58%) of BMWED track inspectors reported feeling pressured by management to get over their territory without incurring overtime and sixty-one percent (61%) reported getting pressure from management/supervision when placing slow orders to protect track defects found during an inspection.

- Thirty-five percent (35%) of track inspectors reported that management/supervision has removed the track inspector's slow order or out-of-service order without repairing the defective condition.

- Seventy-three percent (73%) reported that their ability to conduct a quality track inspection has been adversely affected by a train dispatcher rushing them over the track. Forty-two percent (42%) have reported that their ability to conduct a quality track inspection has been adversely affected by denial of overtime by management/supervision.

- Thirty percent (30%) of BMWED track inspectors reported being pressured by management/supervision not to report track defects on their daily track inspection report, and thirty-seven percent (37%) reporting such pressure also report being told by supervision/management to report track defects to them orally or in another unofficial format.

These are just some of the preliminary findings derived from our Track Inspector Survey. BMWED will withhold publishing its full report of the results of this study until after the Federal Railroad Administration (FRA) conducts its own study as mandated by Section 403 of the RSIA. Many of you who received the BMWED track inspector survey will likely receive another inspection-related survey from the FRA sometime this year. The Brotherhood has no input into the survey being developed by FRA. However, BMWED encourages you to respond to FRA's survey if you receive one so that your views and opinions will be compiled and reflected in the FRA's anticipated report to Congress.

If you have any questions regarding the BMWED Track Inspector Survey, please do not hesitate to contact BMWED Director of Safety, Rick Inclima, in the Washington, DC office at 202-508-6449 or via email at Ricki@bmwewash.org.

A Poem for Les

Leslie E. "Les" Hathorn was struck and killed in a roadway worker accident in Wyoming on November 6, 2009. Les, who worked for Union Pacific Railroad, was a member of the Unified System Division Local Lodge 1071.

The following sketch of Les and his poem were illustrated and written by IBB member Jack McConaughy;



Is there a railroad in Heaven?...
Maybe so,... we just don't know.
God makes it clear, what we love
so dear,
will be there when it is time to go.

They say you'll do in Heaven
what you love to do on earth,
in that case Les will be there
"railroadin'" for all he's worth.

And can't you see Ole' Les
hammerin' spikes Made of pure gold
and no one up there is asking him...
"Why not retire Les, you're getting
old!"

You know the track up there
just has to be sublime,
and Les would be a-smilin'
with all that overtime.

And think of this...it's beyond
your wildest dreams,
There's Les shoveling all that ballast
that's made with jelly beans!

The Lord called Les on home
He needed some help in Heaven
He needed someone to be on call
That's for eternity and that's for 24/7!

When the roll is called up yonder
it's a call we can't deny,
We'll see Les in all his glory,
hi-railin' in the sky.

Mileage Rate Change for 2010

Effective January 1, 2010, the standard mileage rate allowable under the Internal Revenue Service was decreased to \$.50 per mile from the current \$.55 per mile.

It is suggested that any Local Lodge reimbursing individuals for mileage, should do so at the allow-

able rate of \$.50 per mile, or lower. **Any mileage paid after January 1, 2010 in excess of \$.50 per mile will be considered taxable income and will be treated as such.** If you intend to use a different mileage rate, please notify the National Division office as soon as possible.

ROLL OF HONOR

60 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
John Bratta Jr	PENN	3018	1949

40 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
James R. Lackey	AF-SE	0670	1969

30 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
Jimmy J. Dean	SOU	1618	1979
Terry L. Dillenger	SOU	1618	1978
Larry F. Dugan	BURL	0788	1979
T. L. Hutson	SOU	1618	1979
C. A. Johnson	SOU	1618	1978
Richard M. Mc Lean	CRSF	0427	1975
James A. Robinson	SOU	1618	1979
Clifton L. Shamburger	USD-W	1402	1949
Darrell A. Ashbaker	SOU	0585	1979
Archie D. Stagner	BURL	0788	1979

20 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
Vaughn E. Barbarick	AF-SW	1041	1990
Michael B. Beaver	SOU	1618	1986
K. Guider	SOU	1618	1989
E. D. Heller	SOU	1618	1988
Samuel Heller	SOU	1618	1985
Charles E. Hutson	SOU	1618	1988
James H. Kibler	SOU	1618	1989
Mitchell G. Pottorff	AF-SW	1353	1990
Tim Robinson	SOU	1618	1989

10 year MERIT AWARDS

NAME	SYSTEM	LODGE NUMBER	MEMBER SINCE
A. L. Crim	SOU	1618	1992
P. B. Johnson	SOU	1618	1992
Anthony V. Marion	SOU	0627	1999
Dennis C. Moorehead	ICGF	0616	1993
James R. Murphy	SOU	1618	1992
Larry D. Weldon	SOU	1618	1997
J. W. Williams	SOU	1618	1990
R. C. Williams Jr	SOU	1618	1990

COMPENSATION PACKAGE 2010

The following breakdown represents the estimated value of cash and non-cash compensation accruing to Maintenance of Way employees with an hourly wage of \$22.35 working straight time hours

only during the entire calendar year. The employee is assumed to receive fifteen (15) days' vacation; 1 personal leave day and receives pay for those Holidays provided for in the National Holiday Agreement.

PAID BY THE CARRIER	PER YEAR	PER MONTH
Wages	\$46,488.00	\$3,874.00
Railroad Retirement Tier I & Medicare (7.65%)*	\$3,372.73	\$281.06
Railroad Retirement Tier II (12.1%)*	\$5,334.65	\$444.55
Unemployment (RUIA)**	\$343.14	\$28.60
Railroad Employees' National Health & Welfare Plan***	\$15,670.92	\$1,305.91
Vision Plan	\$124.92	\$10.41
Dental Plan (GP-12000)	\$687.48	\$57.29
Retiree Health Plan (GA-46000)	\$1,871.52	\$155.96
Supplemental Sickness Benefits (GP-7000)	\$178.68	\$14.89
Off-Track Vehicle Insurance	\$5.40	\$0.45
Employee Cost-Sharing Health Insurance Contribution	-\$2,400.00	-\$200.00
Employee Railroad Retirement Tier I & Medicare (7.65)*	-\$3,372.73	-\$281.06
Employee Railroad Retirement Tier II (3.9%)*	-\$1,719.43	-\$143.29
Total Employer Paid Cash and Non-Cash Compensation Less Employee Cost-Sharing and Employee Tier I & II	\$66,585.28	\$5,548.77

*All Tier I and Tier II payments are based on the \$200 monthly cost-sharing payment being deducted prior to the calculation of payroll taxes.

**The RUIA tax rate is based upon each railroad's experience (the more claims for unemployment insurance, the higher the rate) and can vary from 2.15% to 12% (which includes a "pooled surcharge" of

1.5%) of a maximum monthly wage of \$1330.00. For purposes of this chart, the figure of 2.15% is used, which was the average rate paid by 80 per cent of covered employers during 2008. The actual rate for employees will vary by employer.

***Includes both foreign to occupation and on-duty coverage, life insurance, and accidental death and dismemberment coverage.

DEATH BENEFITS

Report of Claims Paid during Nov.-Dec., 2009

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
BJAMES ALLOCCO	0694	ICGF/LIFE	PAUL E. RAINS	1664	NPWLE/LIFE
BILL BATCHELDER	0158	BURNOR/LIFE	CARL L. ROGIERO	2775	CRSF/LIFE
HERMAN J. BESCH	0908	BURNOR/LIFE	CECIL C. SPRY	1063	AF/LIFE
KEITH A. BRENNAN	1316	BURL/LIFE	RAYMOND STRIPP	1997	NPWLE/LIFE
HAROLD G. COLE	0633	N E/LIFE	GERALD WALDMAN	0692	USD/LIFE
LE ROY HANCOCK	1903	MIDW/LIFE			
LESTER D. HARRISON	1193	AF/LIFE			
LESLIE E. HASSINGER	0226	ASF/LIFE			
RICHARD A. LINTON	1377	AF/LIFE			
GLEN G. MATHIESON	0571	ASF/LIFE			
CLAYTON C. NORMAN	1069	ICGF/LIFE			

PAID NOV. 1, 2009 TO DEC. 31, 2009\$ 8,000.00
 AMOUNT PREVIOUSLY PAID.....\$45,277,307.75
 TOTAL AMOUNT PAID TO DATE.....\$45,285,307.75

NUMBER OF CLAIMS PAID - 16

Report of Death Notices during Nov.-Dec., 2009

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
IVAN F. BOARD	1254	AF/LIFE	OSCAR S. SILVA	0918	USD/UP
KRIS E. CHRISTENSEN	1488	MIDW/SOO	MEARL B. SLATE	0381	USD/LIFE
RUBEN FUENTES	0427	CRSF/CR	KURT T. WEBER	1481	MIDW/SOO
LESLIE E. HATHORN	1071	USD/UP	JAVIER ZAMUDIO	0922	PACFED/UP
EDWARD M. MAISEL	0358	EJE/BLE			

A Vice President Speaks

Continued from page 13

precludes resolving these issues as a part of this process. As one can see by Attachment "D" of the RLBC Section 6 Notice, published elsewhere in this issue of the *Journal*, craft specific issues are included within the demands and will be an integral part of the process.

I believe bargaining together with our brothers in other rail crafts is the best method. Most successful ventures involve coalitions. Working together with allies is a tried and true method to achieve success.

I expect this round of bargaining to be as tough as ever, but I believe that with the support and patience of our membership, in the end we will be proud of the results. Bargaining together worked before and it will work again.

– Henry Wise
 BMWED Vice President
 Northeast Region

PERSPECTIVE

Continued from page 8

port congestion, and improve our ability to move goods and people safely and efficiently.

Members of the BMWED possess the skills, knowledge and experience necessary to immediately commence the building and upgrading of tracks and related infrastructure to improve passenger rail service. We are ready to claim our rightful place and lead the resurgence of passenger railroading in the United States. I promise you that as President of the BMWED, I will fight to preserve every existing maintenance-of-way job and will work tirelessly to expand the ranks of BMWED and increase work opportunities for our members under the ARRA. For the past 123 years, BMWED and its members have been recognized for their skill, safety, dedication, and efficiency in "Keeping America on Track." I intend to do everything in my power, and use every resource at my disposal, to ensure BMWED maintains its position as the preeminent track construction and maintenance union in the United States.

Centenarians

"Happy Birthday" wishes to the following BMWED retiree who recently celebrated his 100th birthday:

Paul A. Marquez

A Portland, Oregon resident, Brother Marquez celebrated his 100th birthday on January 2, 2009. He last worked for the Portland Terminal Railroad Company as a Track Laborer.

The BMWED extends its sincere best wishes. Happy Birthday!

Paul E. Cordray Deceased

The BMWED is sad to announce the death of Brother Paul Cordray who passed away December 11, 2009 at the age of 93.

Brother Cordray was born September 9, 1916 and was a resident of Marceline, Missouri. He previously served the BMWED as General Chairman of the Santa Fe System Federation until the time of his retirement in 1980.



Having entered service on the former Atchison Topeka & Santa Fe Railway Company in September, 1937 as a Track laborer, he was later promoted to the position of Track Foreman in 1945.

Brother Cordray was instrumental in organizing the first BMWED Union on the AT&SF and was able to join the

BMWED on June 14, 1951. He was elected as Local Lodge Secretary-Treasurer and Division Chairman at their very first meeting and served Santa Fe System Federation Local Lodge 2402 in that capacity from 1951 until 1963. In 1963 he was elected to the position of Assistant to the General Chairman and later Vice Chairman. And, in 1966 he was elected to serve as General Chairman and served in that capacity until his retirement in 1980.

"Brother Cordray will be remembered for his dedication to the BMWED and loyalty to its members," offered AT&SF General Chairman Richard Sandlin. "He was instrumental in organizing our union and helped make it possible to provide the protection our members enjoy today."

Brother Cordray is survived by his four children; two sons, Terry Cordray and Gary Cordray and two daughters, Patsy Van Pelt and Linda Roth.

BMWED Legislative Issues Continued from page 20

Transit safety will be emphasized by the Department of Transportation through the appropriation of \$30 million which will include 130 new positions at FTA intended to strengthen safety oversight.

NATIONAL MEDIATION BOARD

The request for salaries and expenses is \$13,772,000 for FY2011. This is \$309,000 more than the FY 2009 budget and the 2009 budget was \$471,000 greater than for 2008. This additional funding has enabled the NMB to reduce the case backlog and the average time required to dispose of cases.

SURFACE TRANSPORTATION BOARD

The President's plan requests \$26 million to be financed by appropriations and collection of user fees. This represents a decrease of \$3 million from the FY 2010 budget.

STATE LEGISLATIVE ACTIVITIES

On January 4, 2010 Indiana State Legislative Director Jeff Bainter and Assistant Director Tom Cartwright introduced legislation in both the House and Senate that identifies Maintenance of Way track equipment as a potential danger at railroad grade crossings. The proposed legislation also requires vehicular traffic to yield to maintenance equipment in the same manner as for trains. Existing state code related to crossings with passive protection (cross bucks only) provides that vehicles approaching a railroad crossing shall stop within 15 feet but not more than 50 feet of the crossing and shall not proceed unless it is seen to be free of dangers.

The House version H 1148 has yet to be heard but SB 73 has moved over to the House after being passed

unanimously by senate committee and floor votes. Brother Cartwright has taken the lead in this endeavor. The crossing/maintenance equipment legislation was merged by amendment into another railroad labor bill protecting flagmen at railroad crossings. Also involved in the effort is our Rail Conference partner, The Brotherhood of Locomotive Engineers and Trainmen. BLET State Legislative Chairman Bill Verdeyen has proven invaluable to the process. The UTU, CSX and NS have provided additional support of the legislation.

Camp Car legislation has been introduced and heard by the respective Virginia, Tennessee and Ohio Senate committees and we are awaiting future action. Virginia State Legislative Director Greg Marston has worked very hard in guiding passage of the legislation by a party line vote of Senate Labor Committee. An identical bill failed in the same committee last session. Greg quotes Winston Churchill on the value of never giving up and the advice is certainly paying off for BMWED. Tennessee State Legislative Director Sam Alexander reports passage out of committee and is working on a technical change that would remove an errant fiscal attachment. Ohio Assistant Director Perry Geller Jr. and former NKP, W&LE Vice General Chairman Tom Mulford were successful in getting Sponsor testimony heard in the Senate Labor Committee. The next step in the process is for Public Testimony.

Camp Car Legislation has also been introduced in Pennsylvania by State Legislative Director Bill Manning. The Bill is currently awaiting a committee hearing. The BMWED is also participating in and monitoring the Pennsylvania Public Utilities Commission review of existing railroad transportation regulations which began in December 2009.

Thomas Franklin "Tommy" Vance Deceased

The BMWED is sad to announce the death of Brother Tommy Vance who passed away at a local nursing facility on December 25, 2009 at the age of 82.

Brother Vance was born February 18, 1927 in Canton, Mississippi and was a resident of Longview, Texas. He previously served the BMWED



as Chairman of the Grand Lodge Executive Board and General Chairman of the Illinois Central Gulf Federation until the time of his retirement December 31, 1988.

After serving two years in the military Brother Vance entered service on the former GM&O Railroad on January 17, 1944 as a B&B Laborer. He also worked as a B&B Helper, Pile Driver Engineer and a Repairman. The GM&O later became the Illinois Central Gulf.

Brother Vance joined the BMWED September, 1944 and was a lifetime member of ICG Federation, Local Lodge 652. After serving as Sentinel and Recording Secretary he was elected to office as Local Chairman and Secretary-Treasurer for BMWED Lodge 1073 on July 12, 1956. On January 1, 1960 he was elected to the position of Vice Chairman of the former Gulf States Federation and on July 16, 1969 he was elected to the position of General Chairman. After the GM&O merged with the IC on September 15, 1972, Brother Vance served as the Vice Chairman/Secretary-Treasurer for the ICG Federation and on August 16, 1983 he was elected to the position of General Chairman. He was elected to the Grand Lodge Executive Committee September 27, 1983 and in July 1986 he became Chairman of the Executive Committee.

Brother Vance is survived by his wife Mary, daughter Debbie Richards and son Glenn Vance.

Maurice H. Lehmkuhl Deceased

The BMWED is saddened by the death of Brother Maurice Lehmkuhl who passed away January 2, 2010, at St. John's Hospital in Springfield, Illinois at the age of 91. Brother Lehmkuhl served the BMWED as a Vice Chairman on the Burlington System Division until the time of his retirement on November 30, 1986.

Brother Lehmkuhl, born April 24, 1918 and a resident of Beardstown, Ohio, served in the U.S. Navy during World War II in the Pacific Theater. He entered railroad ser-

vice with the former Chicago, Burlington & Quincy Railroad and later worked on the Burlington Northern Railroad.

A recipient of the Brotherhood's 50 year merit award, Brother Lehmkuhl joined the BMWED July 3, 1951 and was a lifetime member of Burlington System Division, Local Lodge 788.

Surviving is his wife of 63 years, Mary; his son Maury Lehmkuhl, two daughters Marsha Lehmkuhl and Jo Lehmkuhl. Brother Lehmkuhl was also survived by four grandchildren and eight great-grandchildren.





BMWED Legislative Issues – 111th Congress

December 2009-January 2010

HEALTH CARE REFORM

In the last issue of the *Journal* we reported we were awaiting Senate action on its version of health insurance reform. Unfortunately, the final version passed by the Senate still includes taxing employer-sponsored health plans. Following passage of the Senate Bill, the Democratic majorities in the House and Senate began working to strike a compromise between the House and Senate versions.

On January 11, 2010, President Simpson sent a very strongly worded letter to Speaker Nancy Pelosi outlining the BMWED's opposition to the Senate excise tax. A compromise excise tax was announced on January 14, 2010. The compromise is designed to reduce the impact on employer-sponsored health plans. The BMWED and the rest of Labor have been attempting to learn as much as possible about the compromise in order to determine support or opposition of the final package.

The focus on health care dramatically shifted following the election of Massachusetts Republican Scott P. Brown on January 19, 2010. Senator Elect Brown (R) will be filling the position that was held by Senator Edward M. Kennedy (D) prior to his death. Senator elect Brown has vowed to provide the GOP with the 41st vote necessary to sustain filibusters against legislation being advanced by the Democrats.

With the urging of the President, the Democratic Leadership in the House and Senate are working on a strategy to move health reform forward. Speaker Pelosi and other House members have repeatedly stated that the House Democrats will not support reform that includes the Senate excise tax. We are awaiting the Democrats decision as to how they intend to proceed.

HIGH-SPEED RAIL

In a series of meetings across the country, including one in Tampa, Florida attended by President Obama and Vice President Biden, the Federal Railroad Administration announced the grant recipients for the \$8 billion ARRA funding for thirteen high-speed and inter-city passenger projects. Please refer to the "President's Perspective" for more details on these awards.

FISCAL YEAR 2011 FEDERAL BUDGET

As required by law, the Obama Administration submitted its budget

proposal on February 1, 2010 for Fiscal Year 2011, October 1, 2010 – September 30, 2011. Several components of the budget are of interest to the BMWED.

AMTRAK



Director of Government Affairs
Leon Fenhaus

Amtrak management submitted a budget request for \$592 million for operations and \$1.5 billion in capital expenditures for FY2011. The Administration's request is for \$563 million for operations and \$1.05 billion for capex. Amtrak management has requested and Rail Labor has agreed to assist in obtaining the funding levels

requested.

On the positive side, Amtrak will benefit from the ARRA grants. Approximately \$4.5 billion of the \$8 billion in awards are for state projects that support 13 current and future Amtrak routes. Amtrak will be the service provider for most of the awards.

In addition, the Amtrak owned Northeast Corridor (NEC) will benefit from nearly \$500 million in state-led improvements from ARRA grants. With

nearly \$700 million Amtrak is investing in the NEC, this will be the largest upgrade program for the NEC in more than a decade.

Amtrak is expected to announce very soon a plan to replace and expand the existing aged fleet of locomotives and passenger railcars. Amtrak management contemplates a 30 year plan involving more than 100 locomotives and several hundred single and bi-level long-distance passenger railcars. These purchases will be designed to revitalize American rail manufacturing and create new jobs.

FEDERAL RAILROAD ADMINISTRATION

A total of \$2.9 billion has been requested to support the FRA and Amtrak. Included is \$1 billion for High Speed Rail and \$1.6 billion for Amtrak, of which \$281 million will be used to fully fund Amtrak's Americans with Disabilities Act FY2011 capital plan. The FRA's safety and operating programs will receive \$244 million and \$4.5 million will be for hiring 31 staffing positions.

FEDERAL TRANSIT ADMINISTRATION

The transportation budget includes \$1.8 billion for 27 major transit projects. Nineteen new projects will receive \$834.6 million and \$924.6 million is for the continued funding of 8 projects under construction.

See **Legislative** on Page 19



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