BLE says no to NMB request

‘We cannot agree to engage in voluntary discussions with the UTU’

In a decision that could significantly impact the future of the BLE and all operating crafts in the railroad industry, the National Mediation Board on December 30 announced it would not rule on the UTU’s allegation that a representation dispute exists on the Union Pacific Railroad.

Instead, the Board announced that the dispute would be settled by a three-member panel of “labor relations professionals,” and that a decision would be announced no later than March 1.


In addition, the NMB suggested that the BLE and UTU resume “voluntary discussions to resolve this dispute through mutual agreement.”

BLE International President Ed Dubroski, however, declined the request in a January 10 letter to the NMB.

After careful thought and consideration, the BLE cannot agree to engage in voluntary discussions with the UTU under the auspices of a neutral facilitator,” President Dubroski explained why the BLE declined the NMB suggestion in a January 10 letter to all BLE members.

“For as long as I can remember, the philosophies, policies and goals of the BLE and the UTU have been very different... and usually contradictory,” Dubroski wrote. “That is more true today than at any time in years.

“Top UTU leaders have engaged in a systematic two-year assault on the BLE. I doubt whether even a brief, civil conversation is possible at this point, much less the serious, substantial discourse suggested by the Board.

“One UTU members have engaged in a systematic two-year assault on the BLE. I doubt whether even a brief, civil conversation is possible at this point, much less the serious, substantial discourse suggested by the Board.

“If it is clear to me that, ultimately, there isn’t even a remote chance of reaching a mutual agreement as contemplated by the Board that would be acceptable to the majority of BLE members, I say this in all candor.

“No matter which way the NMB appointed panel rules, the BLE will be tested in a way it has not seen since its earliest days. I will measure up to the challenge, and I know you will, too. With your support and sacrifice, and by working hard together, we will prevail.

On Jan. 12, 1998, the UTU filed an application with the Board asking that the crafts of locomotive conductor, trainman, brakeman, switchman, hostler, fireman, and hoister-helper be eliminated and combined into a single craft. UTU also asked that the Board sanction a representation election to see which union would represent the proposed new craft.

“The line between the craft or class of engineers on the one hand, and conductors and trainmen on the other, has been blurred to the point of practical extinction,” the UTU’s application states. “Consequently, the Board should now find that a single operating craft or class of “Train and Engine Service Employees’ now exists, industry-wide."

On July 1, 1999, the AFL-CIO imposed sanctions against the UTU because of its application to the NMB, making all UTU members subject to organizing efforts from other unions.

An impartial AFL-CIO umpire has ruled that UTU’s NMB application is nothing more than a raid on the BLE, and the July 1, 1999, the AFL-CIO ordered the UTU to cease and desist from its organizing efforts.

Four rail brotherhoods commit to solidarity

On December 6 and 7, 1999, four transportation unions met to discuss issues and methods to improve the working and living conditions of their members. The Brotherhood of Locomotive Engineers (BLE), the Transport Workers Union (TWU), the Brotherhood of Maintenance of Way Employees (RMWE) and the American Train Dispatchers (ATDD) made specific commitments to work together collectively for such improvements and develop an ever closer relationship.

These issues are the building blocks to a new alliance that will unite Railroad workers with other Transpor-

BLE issues in-depth report on positive train control

With an eye toward the future, and in a continued effort to protect the safety of all operating employees, the Brotherhood of Locomotive Engineers (BLE) co-authored an in-depth report submitted to the FRA’s Rail Safety Advisory Committee regarding the benefits and potential dangers of Positive Train Control (PTC).

The principal author was Dr. Tom H. Sheridan, professor at the Massachusetts Institute of Technology. Dr. Sheridan is a well-respected authority in the field of human factors and automation. BLE Members Dr. Frederick C. Gamst (BLE Div. 660), a University of Massachusetts professor and world renown expert on railroad operations, and Bob Harvey (BLE) Regulatory Research Coordinator, (D.C. Office) worked assiduously on the final draft to make sure the paper addressed safety concerns and to ensure PTC systems will be the safest possible.
Three rail safety bills currently pending before Congress

Now there are three rail safety bills pending before Congress: H.R. 2450, introduced by Congressman Oberstar (D-MN) (reviewed in the June-July 1999 issue of the Newsletter), H.R. 2638/S. 1496, the Administration’s bill, and H.R. 2666, rail labor’s safety bill.

The Administration’s bill (H.R. 2638/S. 1496) will reinstate rail safety user fees; expand the Service Act coverage to signal contractor employees and employees engaged in dual service; increase the amount of punitive damage; exempt employee “blower” protections; allow FRA to monitor radio communications; and require Class I and II railroads to file fatigue management plans with FRA (and would require Class III’s to file fatigue management plans with FRA if they operate on Class I trackage). In addition, the bill includes a “1-800” notification system for grade crossing problems, developed suggest model state laws regarding grade crossing vigilance; required FRA to update reporting and updates to FRA’s national grade crossing inventory.

Rail labor’s safety bill (H.R. 2666) introduced by Congressman Shows (D-MS) and Lampson (D-TX), will require FRA certification of carmen, conductors, dispatchers, locomotive engineers, power workers, and trainmen. The bill expands Hours of Service Act coverage to signal contractor employees, employees engaged in dual service and power distribution employees “whistleblower” protection, require fatigue management plans approved by FRA for Class I and II railroads; allows FRA monitoring of radio communications, etc.

At this time, no hearings have been scheduled on any of the pending rail safety bills.

Commercial truck drivers face tougher standards from FHWA

The Federal Highway Administration has issued regulations requiring sanctions and penalties for commercial vehicle drivers who are convicted of violating laws or regulations pertaining to railroad-highway grade crossings. Effective October 4, 1999, the new regulation specifically covers convictions for six types of offenses, including failure to slow down, stop, check for clear track, and obey traffic control devices or law enforcement officials. Also included is crossing without having sufficient undercarriage clearance or sufficient speed to clear the track without stopping.

The regulation applies whether the offense involves federal, state or local laws, or regulations regarding railroad-highway operations. Truck drivers will lose their commercial driver’s license for at least 60 days if they violate any one of the six offenses. Penalties increase to an automatic one-year revocation after the third offense within three years.

These new regulations are in response to a March 1999 accident involving Amtrak and a tractor-trailer that killed 12 people.

Pennsylvania to spend $7 million on railroad improvement projects

Brother Norm Hendrickson, Pennsylvania State Legislative Board Chair, reports that Pennsylvania’s Transportation Secretary will release $7 million to help finance 51 rail improvement projects, which will help create more than 1,000 new jobs. This funding is specifically used for construction, maintenance, repair and rehabilitation of rail lines, sidings and grade crossings.

New engineer certification regs effective January 7

The final rule regarding new certification regulations for locomotive engineers was published on November 5, 1999, and is the first comprehensive revision of the locomotive engineer safety regulations since they became effective in 1975.

The new rule amends the disqualification periods and provides increased opportunities for remedial training for less-qualified applicants. The new rule also addresses new technology by setting minimum safety standards for the operation of vehicles that may be used in lieu of a locomotive.

The new rule became effective January 7, and copies can be obtained from the BLE’s website, or by calling, writing or e-mailing the BLE Washington D.C. Office.

The BLE Washington Office’s phone number is (202) 347-07936 and their email address is <bleweb@aol.com>. Their mailing address is 10 G Street NE, Suite 480, Washington, DC 20002.

BFR office

The BFR office has moved to Suite 500, 3000 Walking Stick Drive, P.O. Box 1370, Alexandria, VA 22315-1370. Phone: (703) 828-9000. Fax: (703) 828-9001. Formerly known as the International Center for Rail Transportation, this office was included in the 1995 Transportation Equities Act. The BFR office is open Monday through Friday 8:30 a.m. to 5:00 p.m. (except for Federal Holidays). The BFR office is located in Suite 500 of the Walking Stick Building, 3000 Walking Stick Drive, P.O. Box 1370, Alexandria, VA 22315-1370, located near the Crystal City Metro Station.

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IN THE LINE OF DUTY

Yvan Theriault

MONT-ST-HILAIRE, Québec — Les enquêteurs essaient de trouver la cause d’une collision extrêmement violente de deux trains marchandises du Canadien National le 30 décembre 1999 au Mont-St-Hilaire, Québec. Les deux trains étaient en collision avec un autre train, provoquant des explosions et des flammes impressionnantes qui ont forcé 700 personnes à évacuer leurs maisons.


« Dieu merci, ce n’est pas arrivé dans les limites de la ville. Ça aurait pu être une catastrophe et nous aurions dû évacuer la moitié de la ville parce que la voie traverse la ville. »

Environ 15 000 personnes demeurent dans la communauté.

Les deux trains voyagentaient dans des directions opposées sur des voies à Montréal et Québec. Les officiers du CN ne peuvent dire ce qui s’est passé mais ils soupçonnent le déraillement d’un des trains qui se serait renversé sur l’autre.

Un homme qui a été évacué a dit qu’il a vu « un nuage en champignon dans le ciel. Les flammes de mon maison ont tremblé. »

Mario Masse, qui vit à environ un kilomètre du site de l’accident, a dit qu’il pouvait sentir la chaleur du feu sur ses jambes.

« Il y a eu trois explosions et à la troisième explosion, nous étions à la fenêtre et pouvions sentir la chaleur sur nos visages, » a dit Masse.

« L’électricité a été interrompue pour environ trois ou quatre secondes, » dans sa maison au moment de la collision.

« Nous avons entendu ce qui semblait être un déraillement ou une explosion. Ensuite nous avons vu les flammes qui sortaient des trains. »

Les mêmes voies sont utilisées par VIA Rail pour ses trains voyageurs entre Montréal et Québec.

MORT DANS L’EXERCICE DE SES FONCTIONS

Yvan Thériault

IN THE LINE OF DUTY

R.A. Oertwig

BUCKEYE, Iowa — BLE member R.A. Oertwig was killed, and two others were injured, when a Union Pacific freight train struck a truck pulling a manure trailer tank November 6, 1999, in rural Hardin County, Iowa.

The train’s engineer, Randy Oertwig, 48, of West Des Moines, died in the accident. Oertwig was a member of BLE Division 778 (Des Moines) and a 21-year employee of Union Pacific Railroad.

The accident happened about 1 mile northeast of Buckeye at 4:14 p.m., said Hardin County Sheriff’s officials. Twenty-one of the freight train’s 50 cars and two locomotives derailed in the crash.

“As far as I know, the investigation is finished,” said Mark Davis, spokesman for Union Pacific Railroad in Omaha. “We know the driver of the tractor failed to yield to the train.”

Richard Merical, 51, the train’s conductor, sustained a severe injury to one of his hands and numerous facial lacerations. Merical was taken to Mercy Medical Center in Des Moines, where he was listed in fair condition on November 7.

The driver of the tractor, Brian King, 23, of Humpston, Iowa, was taken to Ellsworth Municipal Hospital in Iowa Falls.

Iowa State Patrol officials said King’s tractor failed to yield to the train as it tried to cross the tracks at the intersection of 180th Street and G Avenue.

Two locomotives and 50 cars were on their way from Minneapolis to Des Moines, said Mark Davis, spokesman for Union Pacific Railroad in Omaha.

Waterloo’s Hazardous Materials unit was called to the accident because about 5,000 gallons of diesel fuel spilled from the train’s wreckage. The liquid made its way into the ground and was not a hazard to the area, Phillips said.

Liz Gilbert, who lives about three miles east of Buckeye, said the accident happened at the intersection of 180th Street and G Avenue, about a half-mile east and one mile north of the town.

“The intersection was an accident waiting to happen,” she said. “It’s a very bad intersection.”

Eyewitnesses said the accident occurred near the Heartland Pork Enterprises hog confinement operation. Calls to the plant were not answered.

Gilbert said dust raised by Heartland Pork Enterprises’ manure trailers as they drive down 180th Street and other gravel roads in the area makes vision difficult.

“You drive down the road, and you cannot see anything coming but dust,” Gilbert said.

Train accidents are nothing new to Buckeye, a town of about 105 people 50 miles west of Waterloo. In 1991, two train accidents in one week killed three people, forcing the city to close Ellsworth Avenue where it crosses the train tracks.
EXECUTIVE SUMMARY

This document was requested by T. Rankin of the Federal Railroad Administration (FRA) on 3/3/99 for the PTC Human Factors Team in conjunction with ongoing discussions on PTC standards. The charges were to investigate the “reliance effect” and the “distraction effect,” where definition and focus were left to the authors.

With regard to future automation of railway systems, and in particular with regard to the implementation of Positive Train Control (PTC), questions have been raised about the potential for increased use of the automation (LE) or conductor (C) to become dependent on the automation, and to become distracted by the additional monitoring required for the automation. This white paper is organized by section as follows:

1. The computer suggests alternative actions and redesign alternatives that warrant exploration.

2. The concept selects one way to do the task, and

3. Prevents or allows train-to-train collisions.

4. Prevents train-to-track collisions.

5. Accelerates the executive's perception, decision-making and control actions.

6. The computer selects, executes and ignores the human.

7. …executes automatically, then in-
Based intelligent cruise control systems will lead drivers to follow the lead car more closely. For example, a lead car that suddenly changes its speed will cause a downstream car to react instinctively to maintain a safe distance. This is because of an ever-present electronic "vigilance" of the safety margin in a PTC system. A lead car (in the absence of faults or disagreement) might do this automatically, regardless of how soon after a sample the automation is likely to become abnormal, one can speak of "risk homeostasis" (Coombs, 1970). If the operator samples at the optimal execution (Sheridan, 1999).

A third method, subjective scaling, is used successfully in laboratory tests, but is not applicable to all appropriate information. Performance is based on high-demand tasks, and record the nature of an employee's response time. It is well established that humans get bored and drowsy and may provide relief and improved capability to detect failures. A fourth method, task analysis, is required successfully in real-world tasks such asdriving a railroad crop (such as performing mental arithmetic or other similar tasks), may be required in difficult situations. However it has not been applied in real-world tasks such as driving a railroad crop, but is applicable to all appropriate information. Performance is based on high-demand tasks, and record the nature of an employee's

### 3.4. Maintaining Performance in a Broad Middle-Range of Attentional Demand

The long accepted Yerkes-Dodson law in experimental psychology refers to the notion that with low attentional demand humans get bored and drowsy and may provide relief and improved capability to detect failures. A fourth method, task analysis, is required successfully in real-world tasks such as driving a railroad crop, but is applicable to all appropriate information. Performance is based on high-demand tasks, and record the nature of an employee's

### 2.6. Evaluating Human Error in System Performance

The various physiological indices (such as skin conductance, pupil diameter, and galvanic skin response) have been used successfully in laboratory tests, but is not applicable to all appropriate information. Performance is based on high-demand tasks, and record the nature of an employee's

BLE, three rail unions commit to solidarity

Solidarity

Continued from Page 1

BNSF, CN propose $19 billion combination

Merger mania continues

BLE News

Tuesday, January 18, 2000

BLE, three rail unions commit to solidarity

MONTREAL -- On December 20, 1999, Burlington Northern Santa Fe and Canadian National confirmed rumors that had been circulating for several weeks and announced they would merge into a $13 billion holding company to create North America's largest railroad. The new company, to be called Burlington Northern Santa Fe Railways, Inc., will be based in Montreal and will boast almost 8,000 miles of track stretching from Halfway on the Atlantic coast to Vancouver on the Pacific and south to New Orleans and Los Angeles.

The United Transportation Union, whose members work at the two railroads, were quick to mock the proposed merger. "We work together voluntarily and collectively makes each union more able to provide for their members and starts a process which will lead to ever closer ties," said Sonny Hall, President of the TU.

"Our members need the backing of a larger group to advance their interests and this kind of development will lead to such backings," stated Les McCann, President of the ATD.

All four Presidents stated jointly, "We intend to remain active participants in and support of the Rail Division of the Transportation Trades Department, the Transportation Trades Department and the AFL-CIO."

The Unions represent over 200,000 Transportation workers, approximately 85,000 of whom are railway employees in the United States and Canada.

Town Hall Meetings

Continued from Page 1

ian C. Walpert reports that more than 125 BLE and TU members attended the meetings. The BLE has had other successful Town Hall meetings in Cheyenne, Wyo.; Salt Lake City, Moab, Utah; Idaho; Green River, Wyo.; St. Louis, Mo.; Houston, Texas; and Little Rock, Ark.

In addition, BLE Special Reps and members of the National Mobilization Team have held dozens of other organizational meetings across the UP system.

The 17 new members in North Platte is nothing new to the BLE, which has seen an increase in overall membership in 33 of the past 35 months. In fact, the BLE gained over 1,300 new, active members from September through December alone.

Organizers of the BLE Town Hall meetings have come to expect negative input from "state" hired by the TU.

This plan has backfired on the TU, however, as many TU members who attended the BLE Town Hall Meet-
BLE News

BLE halts bogus UP safety program

On December 9, the United Transportation Union’s fog machine was cranked into high gear—an injection of a couple of atoms of fact into a 55-gallon drum of fantasy—concerning a move by Montana Rail Link (MRL) to introduce remote-controlled locomotive operation in its Laurel, Montana yard.

UTU withheld from its members—collective bargaining agreement provision invoked by MRL as authority for the remote control project existed before MRL had a single employee in any of its operating crafts. Also, U.S. railroads have been interested in developing remote-controlled locomotive operation in its Laurel, Montana yard.

University of Michigan and an M.B.A. from the University of Michigan and an M.B.A. from the University of Michigan. He is a labor arbitrator. He is widely respected for his vast wealth of experience, broadcasting, retail, and consumer and labor groups.

The Brotherhood of Locomotive Engineers was victorious over the Union Pacific Railroad on December 16 as it obtained a temporary restraining order that halted the railroad’s implementation of a bogus “Safety Awareness Training” program. The program was nothing more than a series of harassing and intimidating employees who were injured through no fault of their own, the BLE successfully argued.

“Union Pacific unilaterally established this program to further harass and intimidate employees who get hurt,” said UP General Chairman George Thompson. “It’s intended to intimidate. Under the SAT program, workers who were recently injured, or injured twice in the last five years through no fault of their own, were brought in for a full day of graphic videos and intimidating speeches delivered by Union Pacific management. In addition, workers subjected to the SAT program were photographed for 90 days.

The videos were filled with violence, gore, and, including arms and limbs being amputated and railroad workers being crushed and mutilated. Two employees are photographed. UP claimed the SAT program was created to improve safety, but some employees subjected to the program even though they were injured through no fault of their own. For example, a locomotive engineer who was injured while riding home from work in a company van was down and the engineer was hit in the face with an egg thrown by a teenager. The temporary restraining order, which applies to the entire UP system, was issued by Federal Judge Daniel K. Watts to BLE mem-

The restriction on remote control operations in its Laurel, Montana yard.

The Labor Agreement in Arkansas and the UTU—whether the Carrier and to U.S. AID. He is a labor arbitrator. He is widely respected for his vast wealth of experience, broadcasting, retail, and consumer and labor groups.

The Labor Agreement in Arkansas and the UTU—whether the Carrier and to U.S. AID. He is a labor arbitrator. He is widely respected for his vast wealth of experience, broadcasting, retail, and consumer and labor groups.
Ble scores big win for post-85 engineers on NS

Inferior deadheading eliminated; BLE secures 14.4% wage increase

Setting the tone for the current round of national wage negotiations, the Brotherhood of Locomotive Engineers and Other Trainmen has reached a tentative agreement with Norfolk Southern that will have a positive impact for post-85 engineers, High points of the deal, which will be presented to BLE members on NS for ratification within a matter of days, are as follows:

- **Article VI, Section 2(b) of Arbitration Award 458 (providing for inferior deadheading payments to post-85 engineers) is eliminated, and all engineers currently in the progression will have their percentage increased by 10%, up to the 100% rate:**

  - Effective January 1, 2000, wage rates on NS will be increased by approximately 14.4 percent.
  - In 2001, 2002 and 2003, engineers will be entitled to bonuses of up to 10% of the previous year’s wages, under the NS “Thoroughbred Performance Bonus” plan; in 2004 and subsequent years, engineers will be entitled to bonuses of up to 15% of the previous year’s wages, under the formula.

- **The following issues were referred to the BLE’s National Wage Committee for handling with the National Carriers’ Committee:**
  - Health & Welfare; retirement and disability; meals and meal allowances; availability; paid leave days; off-track vehicle insurance; and detention time.

- The BLE bargaining team was made up of Vice-President P.T. Morrow; General Chairman W.E. Knight; S.D. Spiegel; and R.C. Wallace; and Vice General Chairmen L.W. Sykes and W.A. Thompson. Details about the ratification vote will be provided as they become available.

Panel to decide fate of crafts

and an Adjunct Professor of Law at Georgetown University Bloch is a member of the Federal Mediation and Conciliation Service, the American Arbitration Association and the National Mediation Board.

He is also a member of the American Bar Association, the Michigan Bar Association, the District of Columbia Bar Association and the International Relations Research Association. He is the vice-president of the National Academy of Arbitrators.

Bloch has worked as an arbitrator for many industries, including broadcasting, sports, steel, aluminum and auto. He has published several books and many articles.

Richard Kasprzak is the panel member whose BLE members may be familiar with. Kasprzak resides in Blythewood, Pa. He received his B.A. from Queens College, his Juris Doctorate from Boston University and his L.L.M. from New York University.

He has worked with the National Football League, the airline industry, the hotel and restaurant industry, the communications industry and many others.

All three have worked extensively with Norfolk Southern that will have a positive impact for post-85 engineers, High points of the deal, which will be presented to BLE members on NS for ratification within a matter of days, are as follows:

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Rail retirees meet in Trenton, NJ

An invitation has been extended to railroad retirees from the Pennsylvania Railroad, Amtrak, Conrail, Reading Railroad, and New Jersey Transit, to meet with other retirees who get together on a regular basis for snacks and conversation.

According to retiree Alfred S. Nabonne, the meeting has grown from a group of 2 meets a p.m. on every third Wednesday of each month at the Bromley Inn, 1616 Notting Way, Trenton, N.J. 08610-1901.

For more details, contact Brother Nabonne at (609) 585-1452, or write: 5 Dodge Dr., Trenton, NJ 08610-1901.

Panel to decide fate of crafts

NMB Panel Continued from Page 7

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