The Rail Labor Division of the Transportation Trades Department, AFL-CIO, issued a blistering dissent to the Amtrak Reform Council and its first annual report, “A Preliminary Assessment of Amtrak,” for its biased view, fiscal irresponsibility and misleading statements.

“We believe the Report reflects an aggressive anti-Amtrak and privatization agenda, that it is replete with statements which are misleading, inaccurate and unsubstantiated; and that it is the culmination of the very fiscal irresponsibility that it claims to address,” stated Rail Labor’s dissenting opinion of the report, which was submitted by ARC member Clarence V. Monin on labor’s behalf.

The Amtrak Reform Council was formed in 1997 for the purpose of evaluating Amtrak’s performance and making recommendations for achieving further cost containment, productivity improvements and financial reforms.

“The law that created the ARC is the Amtrak Reform Act, not the Amtrak Termination Act,” Rail Labor’s dissent stated. “Yet, instead of making positive recommendations to improve Amtrak, the ARC and this Report demonstrate a definite bias in favor of the elimination of Amtrak.”

Since issuing its report to Congress, the ARC has been attacked by a firestorm of criticism from Rail Labor and the U.S. Department of Transportation.

“I am concerned that the (ARC) report... has mischaracterized the intent of this administration and Congress regarding the definition of operating self-sufficiency that has been used in Amtrak’s planning and in the inspector general’s reviews,” Secretary of Transportation Rodney Slater said.

“Further, the ARC report was issued without adequate time for review, discussion of its findings or of Amtrak’s concerns in a public meeting.”

TTD President Sonny Hall said the ARC report was a slap in the face to all Amtrak employees.

“The report also represents yet another insult to the 20,000 Amtrak workers who have repeatedly sacrificed to ensure that Americans continue to have intercity passenger rail service as an important ‘ratchet option.’ Hall said. “From the outset of the ARC, Amtrak’s dedicated workers and their unions have been given short shrift by most members last year, and it’s all with little or no attention being paid to the people who make the system work and who in turn have much to offer in terms of solutions.”

After months of intense protest from members of the Brotherhood of Locomotive Engineers, Burlington Northern Santa Fe Railway announced on February 4 that it has decided to outright cancel its “Availability Policy.”

One provision — a “ratchet” that would automatically adjust tax rates to compensate for the investment performance of the Tier II fund — will affect railroad workers for generations to come. The BLE cannot support the proposal, for several reasons.

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Another version of the February 2000 Newsletter, which contains this article, is available in the members-only section of the BLE website.

BLE objects to proposed retirement changes

The Railroad Retirement reform proposal publicized last week by a number of unions and the National Carriers’ Conference Committee is a complex package. The BLE cannot support the proposal, for several reasons.

The BLE has yet to release its findings as to what level of tax adjustment will be necessary in order for the “ratchet” to work. Moreover, the BLE has yet to receive the results of an actuarial study commissioned last year. This report will compare different reform proposals. The report, which is overdue, now is expected in February.

News article for Members Only

Another version of the February 2000 Newsletter, which contains this article, is available in the members-only section of the BLE website.
BLM members, their families, and GIA members are encouraged to contact their Representatives to secure support for H.R. 3091 and have them ask H.R. 3091. The original idea for this legislation was developed by BLC leadership and was introduced in the House by Senator Wall (R-OR).

BLM Members can also contact their members of Congress about H.R. 3091. Letters should be addressed to the following website:

http://www.house.gov

H.R. 3091 support grows

Efforts in the House of Representatives to secure support for H.R. 3091 has paid off with a combination of the 33 new co-sponsors for a total of 150. At least 70 more are needed for the bill to have a realistic chance of being passed into law. H.R. 3091 would guarantee three consecutive days off for railroad workers after they work, or are on call to work, for seven consecutive days. The three days off are optional and employees can work during that time if they wish. Congress cannot force them to work during that time.

Do a comprehensive list of the members of Congress who have supported H.R. 3091 is included, and where can I get a copy?

Many of the regulations have an appendix which lists a schedule of civil penalties. If you have a copy of $49 CFR Parts 200-399, then you can refer to the section that covers the subject and its requirements. You may then determine the penalty from the appendix.

A helping hand

BLE members support USWA strike

The Brothers of BLE Division 301 (Ronsone, Va.) recently donated $300 to help striking members of United Steelworkers of America (USWA) Local 240 in their struggle against Rubatex Incorporated.

The steelworkers, based in Bedford, Va., have been on strike for more than 100 days, which is the longest strike in the plant’s history. Division 301 Legislative Representative Michael W. Roop reports that the strike is for better working conditions, elimination of mandatory overtime (which exceeded 30 hours per week before the strike) and retention of retiree benefits.

“The members of Division 301 want to demonstrate by our actions that the BLE is concerned with promoting trade unionism and labor issues,” Brother Roop said. “We feel that this type of action promotes union solidarity, not only within the local but also with the international.”

From left: USWA Local 240 President Richard Walker accepts a $300 check from BLE Division 301 Legislative Rep Michael W. Roop and Division 301 Vice Local Chairman Gerry Myers.

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Roop also reports that Rubatex has threatened to permanently replace USWA strikers with replacement workers, and that USWA Local 240 has filed several unfair labor charges against Rubatex.

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Federal income tax tips from RRB

The following questions and answers describe the benefit information provided in the Railroad Retirement Board's January 31, 2000, Federal income tax report.

1. How are the amounts paid under the Railroad Retirement Act treated under the Federal income tax laws?

In most cases, part of a railroad retirement annuity is treated as compensation for Federal income tax purposes, while other parts of the annuity are treated like private and public service pensions for Federal income tax purposes. Consequently, most annuitants are sent two benefit information statements from the Railroad Retirement Board each January, even though they receive only one annuity payment each month.

2. Which railroad retirement benefits are treated as social security benefits for Federal income tax purposes?

The part of a railroad retirement annuity equivalent to a social security benefit and any social security equivalent payments made during the tax year, as well as the amount of an employee's railroad retirement annuity supplement paid to the annuitant during the tax year, as well as the amount of an employee's railroad retirement annuity supplement paid to the annuitant during the tax year, as well as the amount of any social security equivalent or special railroad retirement benefits paid during the tax year, is treated for Federal income tax purposes the same way as a social security benefit. The amount of these benefits that may be subject to Federal income tax withholding depends on the beneficiary's income.

3. Which railroad retirement benefits are treated like private and public service pensions for Federal income tax purposes?

Railroad retirement annuity payments exceeding social security equivalent payments, plus any vested dual benefits, are all treated like private and public service pensions for Federal income tax purposes. In some cases, primarily those in which early retirement benefits are payable to retired employees and spouses between ages 60 and 62, and some occupational disability annuities, the earnings may be treated like a private or public pension. This is because social security retirement benefits are not payable before age 62 and social security benefits are not increased for early withdrawal.

4. How are the residual lump sums, lump-sum death payments or separation allowance lump-sum amounts paid by the Railroad Retirement Board subject to Federal income tax?

No. These amounts are not subject to Federal income tax.

5. Are Federal income taxes withheld from railroad retirement annuities?

Yes, and the amounts withheld are shown on the statement for each year. However, an annuitant may request that Federal income taxes not be withheld at the time the annuity is received. The total Part B Medicare premiums deducted from the annuitant's railroad retirement annuity may also be shown on either Form RRB-1042-R or Form RRB-1099-R.

6. What is the gross income and half of the social security equivalent benefit payments?

The gross income is the entire benefit, plus any nontaxable interest and any portion of any employer-provided annuity in excess of its cost. The half of the social security equivalent benefit payments exceed:

• $12,000 for an individual, $24,000 for a married couple filing jointly, and $18,000 for a married individual who files separately but lived with his or her spouse any part of the year; and
• $18,000 for a married couple filing jointly, and $13,500 for a married individual who files separately but lived with his or her spouse any part of the year.

7. Are the supplemental annuity amounts considered to be the amount of any contributory railroad retirement benefits or just the total amount of such benefits paid during the tax year?

Since 1993, only the total amounts of contributory railroad retirement benefits paid during the tax year, plus any supplemental payments made during the tax year, can be treated as a social security benefit. The amount of the supplemental payments previously calculated by the Railroad Retirement Board as a social security equivalent benefit payment must be added to the total paid during the tax year. Consequently, the Board calculates and issues Form RRB-1099-R for nonresident aliens and Form RRB-1099-R for U.S. citizens.

8. Are the residual lump sums, lump-sum death payments or separation allowance lump-sum amounts paid by the Railroad Retirement Board treated like social security benefits?

No. These amounts are not subject to Federal income tax withholding. The tax can be at a rate lower than 30 percent to 85 percent of the annuity portion treated as a social security benefit, so beneficiaries may be required to verify their income in connection with other Government programs.

9. Does Form RRB-1099-R show the taxable amount of any contributory railroad retirement benefits or just the total amount of such benefits paid during the tax year?

No. These amounts are not subject to Federal income tax withholding. The tax can be at a rate lower than 30 percent to 85 percent of the annuity portion treated as a social security benefit, so beneficiaries may be required to verify their income in connection with other Government programs.

10. How is tax withholding applied to the railroad retirement benefits of nonresident aliens?

Under the Internal Revenue Code, nonresident aliens are subject to U.S. withholding tax on the amount of income received within the United States not connected to a U.S. trade or business. The 30-percent rate applies to all annuity payments exceeding social security equivalent payments and to 85 percent of the annuity portion treated as a social security equivalent benefit payment. Nonresident aliens must report the tax withheld to the Board. The tax can be at a rate lower than 30 percent or can be precluded entirely if a tax treaty between the United States and the country of residence provides for withholding.
La Cour d’appel fédérale impose un surris sur la décision du CIRB

La Cour d’appel fédérale du Canada a placé un arrêt sur la décision du CIRB du 22 octobre, qui impute que la FIL a pas fourni une représentation adéquate de certains travailleurs qui ont été négativement affectés suite à la décision de VIA Rail de combiner les métiers d’ingénieurs de locomotive et de chefs de train en 1997.


Page 6 de cette décision déclare, << Je suis de l’avis que le Conseil s’est faussement basé sur les évidences découlant de négociations entre la FIL et VIA, ayant conclu préalablement qu’il n’existerait pas de telles évidences. >> a déclaré Juge Sexton à la page 4 de sa décision.

Page 7 de cette décision stipule, << Pour supporter cette allégation que le Conseil a faite sur les déclarations incohérentes de collusion. VIA pointe sur un passage de la décision du CIRB où le Conseil a trouvé qu’il n’avait pas d’évidence que la FIL et VIA étaient << doivent éliminer le poste de chef de train >>. >>. Diffé re de la conclusion du Conseil qu’il y avait << une collaboration répréhensible entre l’employeur et le syndicat insoupçonné pour atteindre la conclusion désirée pour les deux parties aux dépens des droits de la minorité et du groupe d’employés le plus affecté >>. Le groupe d’employés dont il est question sont les chefs de train. Il est certainement discutable qu’ils sont des déclarations incohérentes. >>.

Page 8 de cette décision stipule, << Finalement, pour démontrer que le Conseil a commis une violation de justice naturelle, la FIL et VIA soulignent la décision initiale du Conseil de ne pas entendre d’évidence concernant le processus de négociation entre la FIL et VIA. Ils soulèvent que nonobstant cette décision, le Conseil s’est tout de même basé sur les évidences concernant le processus de négociation pour conclure son jugement. >>

Originalement, la poursuite était contre la FIL par les TUT et un de ses anciens membres, George Cairns. Cairns a accepté de poursuivre la FIL même après que la FIL ait obtenu le salaire complet et les bénéfices pour lui et tous les autres chefs de train déplacés. Si la décision du CIRB du 22 octobre est renversée, Juge Sexton a décidé que, << la FIL et VIA Rail se verront octroyer pleinement de tous leurs coûts pour cette application conjointement par George Cairns et al. et les TUT. >>

BLE victories continue on VIA Rail

Federal Court of Appeal places ‘stay’ on CIRB decision

The Brotherhood of Locomotive Engineers has taken another major step toward overturning an incredible ruling by a member of the Canadian Industrial Relations Board.

The Federal Court of Appeal in Canada has placed a hold on the CIRB’s October 22 decision, which alleged the BLE failed to give adequate representation to certain operating employees negatively impacted by VIA Rail’s decision to combine the locomotive engineer and conductor crafts in 1997.

On January 18, Federal Judge J. Edgar Sexton placed a stay on the CIRB ruling until a full appeal hearing can be held on or before May 31, 2000. In essence, Judge Sexton placed a stay on the October 22 CIRB ruling because it was so self-contradictory and incoherent.

“(The) Board mistakenly relied on evidence relating to the negotiations between BLE and VIA, having previously concluded that it would not hear such evidence,” Judge Sexton stated on Page 4 of his decision. “(The) Board considered several breaches of the rules of natural justice.”

This is the second major decision against the CIRB ruling since it was released on October 22, 1999. In November, Arbitrator Michel G. Picher ruled that Canadian National had to accept the flow-back of displaced former conductor and assistant conductors from VIA Rail.

After VIA Rail consolidated the crafts of conductor and locomotive engineer in 1997, there were various conductors who could not hold work under the new craft structure. Using a negotiated agreement in 1987, the BLE was able to secure the rights of these individuals to “flow back” to CN as conductors.

However, CN refused to acknowledge the agreement and did not allow the flow back of the adversely impacted conductors. Arbitrator Picher’s ruling forced CN to allow these displaced individuals to “flow back” as conductors.

In its October 22 decision, the CIRB ruled that the BLE misrepresented workers by failing to secure flow back positions at CN. Just 30 days later, the ruling issued by Arbitrator Picher completely destroyed that pillar of the CIRB decision. Picher’s ruling, coupled with Judge Sexton’s decision to stay the October 22 CIRB ruling, gives the BLE two strong reasons to believe the CIRB ruling will be overturned completely.

In his January 18 decision, Federal Judge Sexton ruled that the BLE left out the following two strong reasons to believe the CIRB ruling will be overturned completely.

Page 6 of his ruling states, “To support its allegation that the Board made an improper collaboration between the employer and the respondent union to achieve a desired outcome for both parties at the expense of the rights of the minority and most affected group of employees. The group of employees referred to are the conductors. It is certainly arguable that these are inconsistent findings.”

Page 7 of his ruling states, “Finally, to demonstrate that the Board committed a breach of natural justice, BLE and VIA highlight the Board’s initial decision to not hear evidence relating to the
Part 2: ‘Reliance’ and ‘distraction’ effects in PTC automation

By T.B. Sheridan (MIT), C. Fox (Virginia Tech, Blacksburg, Va.,) and R. A. Harvey, BLE

White Paper, 11/29/05

3.4.1. Benefits of maintaining operating skills

In maintaining their judgment and skills through on-the-job experience, the LE and C teams (coordinating with the train dispatcher) will be prepared to respond to danger: themselves, any other personnel on the train, passengers on other railroads, and persons on passenger trains, and the public along the right-of-way. In their vigilant, this coordinated team also protects from damage to material property, their engine and cars; any lading of these cars; other personnel on their train, personnel on other trains, in a sequestered right-of-way and have a closed system (nonmaterial) property. The courts have ruled that even incorporeal things such as a company's good name and reputation for conducting business constitute property. The assets safeguarded by the LE, C, and train dispatcher thus include a railcar, its contents, the train, the right-of-way, hindered flow of traffic, cost-effective turnaround time on equipment, and, from a purely contractural performance.

In the few times when the experience-based skills of the LE, C, and train dispatchers were not maintained, the result has made the headlines. Not always are the knowledge and skills for operating crews engendered unidimensionally, from a cataloged, enumerated kard of persons and property.

Most railroad operating rules are written for the experienced crew member, involving the appropriateness and range of inter-emergency conditions. The amount of attention toward their decision-making abilities is much dynamic. If the engine, for example, in one car to compress in its draft gear with buffing impact, the LE must know what rule-allowed reductions of the brake cylinder pressure or too great of an increase in the brake pipe pressure, to prevent an unhealthy condition of the train, and thus how gradually to reduce the power throttle and change over to how much dynamic electrical brake in concert with what rule-adjusted reductions of the brake pipe pressure, perhaps prior to stopping the train.

Some of the LE’s skills and knowledge were first studied in the 1950s, fueled by the FRA’s empowerment in 1970, to superintend railroad safety. As shown in the LE’s ability to control the motor skills in train handling and in general operations, researchers of railroading A. Halse and H. H. Jacobs say: “Fundamentally, the engineer is a sophisticated information processor and controller of a very complex, and often difficult to maintain, man-machine system.” (1975). A study, conducted by the National Academy of Sciences, of the safety operating conditions, some of these [data] show that the engineer's 65% of his tasks, if improperly performed, may lead to potentially hazardous, marked deviance in the train.

4. Concerns and recommendations with respect to safety of PTC Automation

4.1 PTC Functions in an Open Rail Operating Environment

PTC systems are automated (PTC) at levels 5, 6, and 7 (as previously discussed) is degradation of operating skills and make the train more prone to impeding experience. The motor skills and judgment that are engaged, in fact, in a degraded state (that is, degenerate, deteriorate) from lack of practice in the unpredictable and complex environment of a rail operating environment. Skills maintenance includes maintenance for coping with unanticipated events in the open operating environment. That railroad transportation is necessarily an open system, with all man-

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trains. With complacency involved (as dis- sistance subsytems prevented collisions of probability of such event is correctly judged tentially catastrophic nature of an accident, the even if this means cutting out technologi- feature and cutting out the ATP system). guarding—investigation into the social fac- visors allow these vital safety features to above, stated simplistically that three safety lision of 1997 reported in the news media, (accident). “It is the train crew’s responsibility to comply with all mandatory directives as- sisted to them as well as all track flags as- sociated with the movement of the train. The LE’s responsibility is to bring the train within the limits established in the CSR. That performance is on the LE’s part. As we look at the behavior of the territory and train handling informa- compliances, such as air brake/brake interm and air brake/train and factors associated with equipment, weather, iso- 
4.3 Implications of the Great West- ern Accident

We have learned limited information about the tragic, two-train collision on Oc- tober 5, 1999 just outside of London’s Paddington Station, on the Great Western, resulting in as many as 106 deaths by researchers. Detailed information now becomes available from the investigation of the two-train collision during 1997 in the same area of same companies (as listed, below). (I.B., 1999):

The collision is said to have been a high-speed passen- ger train that crashed in 1997 killing 7 and 150 suffering been on earlier that trip on the same route. He had his cab, leading to speculation that he had wept, but his tears were mistaken for alcohol and later drove through two (amber) warning signals and a red stop signal before collid- ing with a freight train crossing the line in front of him at Southall, in West London, on 3 October 1999. An inquiry has now finally begun. The inquiry heard that the train’s Automatic Warning System, properly called the “slide” system, when the train goes through danger lights — had been switched off after apparently malfunctioning earlier in the day. It was also found that the LE’s Automatic Train Pro- Type, which had been switched off because the engine driver who had been in charge of the train earlier in the day was not trained to use it, that system would have automatically prevented the train from run- ning through the red stop signal. The LE’s cab had been fitted with a red stop signal on a route that was expected to be free of traffic conflicts. There was no clear understanding

4.4. What Kind of Distraction Mat- ters

It should be noted that many displays are present in the LE’s workplace and any amount of information on PTC displays could arguably be cited as the final straw (as described in the previous paragraph). The LE’s work in this instance, would be in some degree of partial PTC — automation level 5 or lower. However, if the LE was normal, either analogous or integrated, could provide several types of displace- ning the engine and handling the train. These normal items include those for using the end-of-train-device, which already has a number of displays to be monitored. In ad- dition, there are numerous displays and controls for distributive power (for con- trolling from the head-end locomotive a activates and deactivates other locomotives contributed throughout the length of the train). Distribute power can be operated by the LE, however, the LE has the ability to control all sets of entrained locomotives receive the LE’s commands, and can override the throttle run-7 or, perhaps, minimum dy- namic brake. In the nonresponsive mode, it for example, the LE has two sets of loco- motives further back in the train, when they become inactive, he can take over the head-end set, which he occupies, in- creasing toward full dynamic braking, his mid-train or “swing” set gradually throttle- down from run-8 to idle, and his rear-end set showing in run-8 to keep slack backed. The locomotive could have displays for elec- tronically controlled electro-pneumatic brake, brake system pressure gauges, ordinary brake cylinders and brake rig- ging—all factors features to the brake pipe serves as an air-reservoir sup- ply pipe, permitting the reservoirs always to be charged fully .

What practicing LEs have concern and the level of the LE’s mental state on level 6 or higher, but, instead, manually operating with some form of partial PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc- tion between the LE’s mental state (full PTC displays and other alerts could cause a task overload. We emphasize the distinc-
A Joint Craft Scholarship is now available through the Brotherhood of Locomotive Engineers to college-bound children of all railroad operating crafts.

“By my knowledge this is the only scholarship program that covers all craft lines and is available on any railroad,” BLE Burlington Northern-Santa Fe (General Chairman John D. Mullen) said.

The scholarships are available to children of employees working on any railroad represented by any railroad union currently covered under the Federal Employers Liability Act. It provides financial aid to children of active, retired, or deceased railroad employees who would be unable to attend college without financial assistance.

Established in 1995 by Brother Mullen and other dedicated BLE members, the Joint Craft Scholarship Program has since offered dozens of awards.

“*We intend to provide financial assistance to children who otherwise wouldn’t be able to attend college, the scholarship offers several awards ranging from $500 to $1,000.*

*“There are no stipulations if you are already attending college or are just starting out,” Mullen said. “The Committee focuses on applicants’ financial need rather than his or her academic performance.”*

Completed applications must be received by April 1. Applications will be reviewed and award winners determined by the Railroad Crafts Scholarship Foundation’s Board of Directors at their annual meeting held in May of each year. For an application packet, please write or call:

**Brotherhood of Locomotive Engineers**
**General Committee of Adjustment**
**BNSF/Santa Fe Committee**
**611 N. Broadway**
**Joshua, TX 76058**
**Phone: (817) 426-9003**

### BLE SCHOLARSHIPS

**Financial aid available for 2000-01**

- **Joint Craft Scholarship**
  - Scholarship deadline: April 1

- **SWCM scholarships**
  - The Southwestern Convention Meeting awards approximately two dozen scholarships annually, according to SWCM Scholarship Committee Treasurer Leo Srburas.

- **SMA scholarships**
  - The Southeastern Meeting Association Scholarship Committee annually awards the Geiger-Brendle Scholarship to children of active or retired BLE members whose divisions participate in SMA.

- **EUMA scholarships**
  - The Eastern Union Meeting Association provides several scholarships each year based on academic excellence and financial need.

- **Applications due April 1 for GIA, GIA-IWC**
  - The Grand International Auxiliary to the BLE offers $1,000 scholarships annually to help the children of BLE members realize their goals in life. Last year the GIA awarded five such scholarships to college-bound students.

- **BLE Divisions offer assistance**
  - **BLE Division 209 (Jamaica, Long Island, N.Y.)** offers two $500 scholarships to its members whose children are already enrolled in college. Participation is limited to members of Division 209 only.

- **SWCM scholarships**
  - The Southwestern Convention Meeting awards approximately two dozen scholarships annually, according to SWCM Scholarship Committee Treasurer Leo Srburas.

  Applicants must be the child of an active, retired or deceased BLE member whose division belongs to the Southwestern Convention Meeting. Applicants must be accepted for admission to an accredited college, university or institution of higher learning. Complete applications must be received by the SWCM treasurer no later than the opening date of each annual SWCM convention. This year’s convention runs from September 17-22.

  For further details or an application, write:

  **Leo Srburas**
  **SWCM Scholarship Chairman**
  **5005 Georgia**
  **Kansas City, KS 66104**

- **SMA scholarships**
  - The Southeastern Meeting Association Scholarship Committee annually awards the Geiger-Brendle Scholarship to children of active or retired BLE members whose divisions participate in SMA.

  Applicants must be the child of an active, retired or deceased BLE member whose division belongs to the Southwestern Convention Meeting. Applicants must be accepted for admission to an accredited college, university or institution of higher learning. Complete applications must be received by the SWCM treasurer no later than the opening date of each annual SWCM convention. This year’s convention runs from September 17-22.

  For further details or an application, write:

  **Ronald L. Perkins**
  **SMA Sec./Treas.**
  **505 Chahtauqua Avenue**
  **Portsmouth, VA 23707**

- **EUMA scholarships**
  - The Eastern Union Meeting Association provides several scholarships each year based on academic excellence and financial need.

  To be eligible, the applicant must be the child of a BLE member (living or deceased) of a division currently participating in the EUMA. Applicants must provide a copy of their SAT scores, their college admission papers, and a copy of their last marking period or grades for the last semester completed. Incomplete applications won’t be accepted.

  The deadline varies from year to year. To obtain a scholarship application, contact your local EUMA division officer or write:

  **Gary Brink**
  **12 Kellogg Ave.**
  **Port Jarvis, NY 12771**

- **Applications due April 1 for GIA, GIA-IWC**
  - The Grand International Auxiliary to the BLE offers $1,000 scholarships annually to help the children of BLE members realize their goals in life. Last year the GIA awarded five such scholarships to college-bound students.

  However, there are two very strict guidelines that must be met in order to be eligible.

  First, the applicant must be a son or daughter of both a GIA and BLE member (living or deceased), with each being a member for at least two years.

  Second, the applicant must be enrolled or accepted for enrollment in an accredited university, college, or school of higher learning.

  The GIA also offers a joint scholarship program for children of members participating in the International Western Convention. This covers Divisions and Auxiliaries in the following states and provinces: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wisconsin, Alberta, British Columbia, Manitoba, Saskatchewan, and portions of northern Ontario (such as Thunder Bay and Sioux Lookout). Aplicants for the GIA-IWC scholarship must have a parent participating in the IWC.

  In order to continue to be eligible for the GIA-IWC scholarship beyond the first quarter and/or semester, the recipient must maintain satisfactory academic status. If the applicant is a graduate student or returning to school as a sophomore, junior or senior, he or she must have a 3.0 grade point average or better to be considered. Finally, the applicant must have been accepted to an accredited school.

  Application forms are available through your local GIA auxiliary or BLE division. Members-at-large may obtain applications by writing:

  **Betty Clary**
  **GIA Grand Secretary**
  **P.O. Box 361**
  **Manchester, GA 31816**

- **BLE Divisions offer assistance**
  - **BLE Division 209 (Jamaica, Long Island, N.Y.)** offers two $500 scholarships to its members whose children are already enrolled in college. Participation is limited to members of Division 209 only.

  Winners are picked at random in a raffle held each December at the division’s Christmas party. For more details, write your Division 209 newsletter editor or contact Division 209 Local Chairman Bob Evers at (516) 932-7130.

  • Two $500 scholarships are available to children of members in BLE Division 57 (Boston, Mass.).

    These scholarships will be awarded to high school seniors who are going on to higher education, and will be awarded based on their scores on a labor history exam, administered by the Massachusetts AFL-CIO, as did Division 57 Secretary-Treasurer W.H. Nutter.

    By taking the exam, students also become eligible for eight more scholarships through the Massachusetts AFL-CIO. This scholarship competition is open to all children of BLE members living in Massachusetts. For details, contact Brother Nutter at: 83 Main St., Northfield, MA 01305-1015, or e-mail nutterjune.com.

    • BLE Division 11 (New York, N.Y.) awards a scholarship annually to a child of any active member of its division in the amount of $500. The deadline for application is the Division’s August meeting.

    For details, contact Division 11 Secretary-Treasurer J.J. Raina, at 20 East Drive, Edison, N.J. 08820, (732) 396-9076, or e-mail jjob80@ix.netcom.com.

- **Assistance available from BRCF**

  The Brotherhood’s Relief and Compensation Fund sponsors the Luther G. Smith Scholarship Program. Applications are available to the children, stepchildren and adopted children, age 27 and younger, of active BRCF members who are in “Good and Regular Standing,” as defined by the BRCF Constitution.

  Financial aid is provided to winners of the Luther G. Smith Scholarships for as long as they maintain continuous post-secondary education at an academic level of not less than 3.0 (4.0 scale), or the equivalent, until they achieve the degree level sought at the time of the initial scholarship award. Aid is provided to all students starting out, Mullen said. “The Committee focuses on financial need rather than his or her academic performance.”

  Completed applications must be received by April 1. Applications will be reviewed and award winners determined by the Railroad Crafts Scholarship Foundation’s Board of Directors at their annual meeting held in May of each year.

  For an application packet, please write or call:**

  **Brotherhood of Locomotive Engineers**
  **General Committee of Adjustment**
  **BNSF/Santa Fe Committee**
  **611 N. Broadway**
  **Joshua, TX 76058**
  **Phone: (817) 426-9003**

The deadline for the GIA as well as the GIA-IWC joint scholarships is April 1, 2000. Applications are available through your local GIA auxiliary or BLE division. Members-at-large may obtain applications by writing: **Betty Clary**

**GIA Grand Secretary**
**P.O. Box 361**
**Manchester, GA 31816**

You can also visit the BRCF website at www.brcf.org, or write:**

**Brotherhood’s Relief & Compensation Fund**
**2150 Lingelstown Road**
**Harrisburg, PA 17110**
For the fourth quarter of 1999, Richmond, Va.-based CSX posted a net loss of $25 million, or 12 cents a share on a fully diluted basis, compared with net income of $108 million, or 51 cents a diluted share, in the year-earlier period. Revenue increased 10% to $2.73 billion.

The latest results include a charge of $34 million, or 16 cents a share, for a work-force reduction program at the company’s rail and intermodal units, and a loss of $5 million, or 16 cents a share, from the sale of the Sea-Land’s unit’s international liner business.

CSX had warned fourth-quarter results would be disappointing, reflecting railroad freight congestion and higher expenses related to its takeover of Conrail operations last June.

CSX Transportation also experienced difficulties handling fall peak traffic volumes and encountered higher costs to relieve congestion in parts of the system. The rail problems began after CSX took over operation of major parts of Conrail on June 1.

The company also warned that first-quarter earnings for 2000 will be "well below" its first-quarter earnings from a year ago.

Transport, energy and hotel conglomerate Canadian Pacific Ltd. said its fourth-quarter profit rose 17 percent to a record level, boosted by higher oil prices and cost-cutting.

The Calgary-based company, known for its cross-Canada railroad and opulent resort hotels, said fourth-quarter net income rose to C$367 million, or 93 Canadian cents a share, from C$263 million, or 79 cents, in the year-earlier period.

Canadian Pacific Railway had record fourth-quarter net income of C$121 million, up C$8 million from the year-earlier period, because of growing revenue from the shipment of automotive, industrial and forest products.

For the full year, CN earned C$751 million, or C$3.74 a share, a 25% increase from C$585 million, or C$1.44 a share in 1998.

Once one of North America’s least efficient rail carriers before it was privatized by the Canadian government, CN improved its industry-leading ratio of operating revenue to operating expenses from 73.2% in the 1998 fourth quarter to 70.7% in 1999.

The operating ratio for the full year was 72.5%, 3.1 points better than the 75.1% recorded in 1998.

Revenue increased 4% to C$1.39 billion in the final 1999 quarter, and operating expenses increased less than 1% to C$1.08 billion.

CN said its results reflect the consolidation of Illinois Central Corp. CN took control of IC on July 1, and consolidated it in last year’s financial statements retroactive to Jan. 1, 1999.

Operating income in the final quarter rose 14% to C$407 million from C$356 million a year earlier.

For the fourth quarter of 1999, Burlington Northern Santa Fe Corp. reported fourth-quarter net income of $315 million, up from $296 million a year earlier.

Revenue increased by $76 million to a record $2.27 billion.

Intermodal revenue increased $42 million, or 7%, to $879 million. Carload revenue reached $645 million, up 3%.

Automotive revenue jumped 12% to $124 million, primarily due to growth in vehicle shipments.

Operating income in the quarter was $605 million, compared with $568 million for the period in 1998.

For the year, net income inched up to $1.13 billion from $1.12 billion in 1998. Revenue increased by 2% to $91.1 billion.

BNSF, based in Fort Worth, Texas, and the Canadian National Railway announced last month that they intend to merge, creating the first end-to-end North American railroad.

The Brotherhood of Locomotive Engineers continues to struggle with its integration of 58% of Conrail operations, earned a meager $75.7 and 75.1 for the respective quarter and 86.2 for the year, compared with $734 million, or $1.93 a share, in 1998.

Despite continuing high costs related to the Conrail acquisition, NS executives were optimistic and expressed confidence that the worst of the Conrail congestion is behind the railroad and that revenue growth will continue to increase through 2000 while excess costs will begin to return to normal.

The magnitude of the Conrail integration problem was seen in the railroad’s ratio of operating expense to revenue, which was 90.7 in the fourth quarter and 96.2 for the year, compared with 88.4% in 1998.

NS long had boasted the lowest operating ratio among major railroads.

The Teamsters and Overnite have argued a contract for 22 terminals where the union represents Overnite workers. Moreover, the stock of Union Pacific Corp., Overnite’s parent company, has continued to fall since the strike began on October 24, 1999.

The Teamsters and Overnite have been trying for several years to negotiate a contract for 22 terminals where the union represents Overnite workers. Both sides say pensions have been the major area of disagreement.

Police have said at least five shootings appeared connected to the strike. The most serious came Dec. 1, when William Wonder of Evansville, Ind., was shot in the stomach as he drove from the Memphis hub.

In spite of the heated strike, Teamster/Overnite contract negotiations were scheduled to resume on February 9 and 10 in Chicago, Ill. The Teamsters’ unfair labor practice strike will continue during negotiations.

It was announced on February 11 that UP rival Burlington Northern Santa Fe had won a contract to carry Overnite shipments on its trains.

The Overnite-BNSF contract is viewed as a coup by BNSF and a sore spot by UP. Sources said the contract grew out of a financial part because Overnite did not want to embarrass its parent, and because it did not want to suggest that it was diverting freight from the highways, which might give rail unions a reason to support the Teamsters.
Union Pacific cleared to implement ‘Safety Awareness Training’

A federal judge has dissolved the temporary restraining order that prohibited Union Pacific from implementing its Safety Awareness Training program.

In December, the BLE secured the TRO after arguing that UP had unilaterally established the program as a way to intimidate injured workers. On February 9, U.S. District Judge Lisa R. Herndon reversed the decision. Herndon is based on the fact that UP held SAT meetings dating back to 1994. “Here, the BLE contends that the SAT program is a new practice that is not authorized by the collective bargaining agreement, while Union Pacific contends that the program has been an ongoing practice for many years.”

According to the BLE, the SAT program contemplates that every employee will undergo SAT training. “The BLE has given no indication that UP has ever notified the BLE of its intent to implement such a program.”

In the meantime, the BLE continues to vigorously seek a workplace agreement that respects the rights of the UP employees.
BLE members sue UTU over secret deal with Grand Trunk

Deal discriminates against workers; UTU sued by its own members

Members of the Brotherhood of Locomotive Engineers and the Grand Trunk Railroad have brought a class action suit against the carrier and the United Transportation Union, claiming that UTU and BNSF, in a secret agreement that unfairly discriminates against BLE members.

The Duty of Fair Representation suit was filed on January 6 in U.S. District Court for the Eastern District of Michigan, Southern Division. It also invited interested parties to address whether these developments prompted in part by the proposed merger of BNSF and CN.

In scheduling the hearing, the STB noted that it did not intend to prejudge the as-yet-unfiled BNSF-CN merger application, but would provide a forum for discussion of broader matters that have arisen since the merger was proposed in December.

The BLE has filed a notice on intent to participate in the hearing.

WASHINGTON — The Surface Transportation Board will hold a public hearing beginning March 7 on railroad consolidation and the structure of the North American railroad industry. The STB said the hearing was prompted in part by the proposed merger of BNSF and CN.

In scheduling the hearing, the STB noted that it did not intend to prejudge the as-yet-unfiled BNSF-CN merger application, but would provide a forum for discussion of broader matters that have arisen since the merger was proposed in December.

The STB said it wanted to hear from all interested persons about their concerns over the BNSF-CN deal’s potential for sparking further consolidation and about how the way the industry is regulated. It also invited interested parties to address whether the developments would be good for large and small railroads and their shippers.

The BLE has filed a notice on intent to participate in the hearing.

WASHINGTON — In an effort to improve railroad safety, U.S. Transportation Secretary Rodney E. Slater announced a proposed rule that would require trains to sound their horns at most public highway-rail grade crossings.

“The rule, when adopted, will help prevent crashes involving trains, motorists, pedestrians and others at high-speed crossings and yet enable communities to maintain quiet in zones that need to be protected from noise,” Secretary Slater said.

The rule, proposed in response to a law enacted by Congress in 1994 requiring train horns be sounded when a train approaches and enters a public highway-rail grade crossing unless certain exceptions are met to establish a quiet zone.

The proposed rule describes the safety measures that a community may employ to establish a quiet zone and yet deter drivers from taking risks at crossings. These measures include the use of four quadrant signs, channelization devices or crossing closures, or photo enforcement to deter violators. The rule also proposes an upper volume limit for train horns.

The BLE is reviewing the proposed rule and plans to file comments.

WASHINGTON — Eight months after the division of Conrail, the Surface Transportation Board has initiated a review of the merger.

The STB is requesting comments on the implementation of the Conrail transaction and how the various STB conditions are working. When the STB approved the joint acquisition and divestiture of Conrail assets by CSX and Norfolk Southern in July 1998, it set conditions that included a five-year oversight period.

The STB, as it has in other rail mergers, retained jurisdiction to impose additional conditions and/or take other action if it determined it necessary to address harmful effects of the transaction.

Under that jurisdiction, the Board also requires quarterly reports from Union Pacific and BNSF on the implementation of UP’s 1996 purchase of Southern Pacific and the granting of trackage rights by UP to BNSF to maintain rail competition in parts of the West.

In its July 1998 decision, the STB said it would monitor implementation of the Conrail transaction to ensure that CSX and NS adhered to the promises they made in the Conrail merger proceeding. The board, in its decision on February 9 to launch the review, said CSX and NS must file progress reports on the Conrail transaction.

The STB also said it would examine the effects that the merger has had on the relationship of short-line railroads with the larger railroads, and within the Chicago switching district, the impact on Amtrak passenger operations and regional rail passenger operations, and it would review environmental-mitigating conditions.

DETROIT — A federal administrative law judge has ordered the Detroit newspapers to reinstate 50 employees fired during the 19-month strike against the newspapers.

These are some of the same strikers who rallied with members of the BLE during the union’s International Convention in Detroit during the summer of 1996. BLE Delegates attending the convention donated $20,000 to help the out-of-work newspaper strikers.
BLE opposes lackluster RRB reform proposal

One area where there is consensus is the issue of improving benefits for surviving spouses.

The BLE continues to support immediate enactment of legislation to reform surviving spousal annuities, while efforts to reach full consensus on the remaining of the package continue.

BLE, Rail Labor blast biased Amtrak Reform Council report

making Amtrak operationally and financially secure for the long haul.

In its seven-page dissenting opinion, Rail Labor critiqued the biased view of the pro-Republican, privatization Council.

“At least two members of the Council have written extensively about the need to liquidate Amtrak and to end all Federal funding for America’s rail road,” the dissenter stated. In a November 14, 1988, newspaper report, ARC Member Joseph Vranich stated, “we should learn from many countries and denationalize rail services through privatization.”

In addition, ARC Member Wendell Cox was quoted in a different newspaper article in which he said, “I have no doubt that the Amtrak service could be operated commercially if it were provided by a non-governmental company driven by a commitment to serve customers and operated with a market rate labor contract.”

Rail Labor’s dissent also accused ARC members of fiscal irresponsibility, questioning an expensive trip to London.

“Coupled with this is the fact that the chairman of the Council himself is a privatizer and the ARC Executive Director previously worked in Europe, where he spent a number of years promoting privatization of rail lines,” the dissenter stated. “The Report notes various meetings held throughout the United States as well as a trip to London.”

What the ARC has learned from these various sessions is unclear...

JUNE 5-6, 2000... International Western Convention in Jackson Hole, Wyo. Jim Laune is chairman of the 2000 IWC, which will be held at the Snow King Resort. Billed as the “Millenium Convention” — IWC 2000... members can participate in the annual IWC golf tournament or visit the Snow King’s famous comic caves. For hotel registration, see the Snow King Resort at PO Box 5-6-1, 400 East Snow King Ave., Jackson Hole, WY 83001, or call (307) 222-KING (307) 732-2000. Be sure to ask for the special BLE golf rate of $159 per day. Contact Brother Lance at PO Box 474, Jackson, WY 82034-0474 or call (307) 775-1377.

JUNE 18-23... 73rd Annual Southeastern Meeting Association in Louisville Convention Chairman J. Jim Goodman encourages members to register early as the 2000 SMA promises to be a convention to be remembered. The Galt House East hotel will host the convention, and a room rate of $85 per night has been secured (rates will increase May 19, 2000). For reservations call (800) 592-5982. To contact Brother Goodwin, write: 229 South St., Mt. Holly, NJ 08061, or call (201) 538-4358. His e-mail address is: <jgoodwin@ble.org>.

JUNE 27-17... Eastern Union Meeting Association in Niagara Falls, Canada. Members are encouraged to plan early for next year’s EUA. Hosted by Jack and Pat Murphy (and Drew 421), the convention will be held at the Sheraton Fallsview Hotel. Registration starts at $154 Canadian per night (approximately $103 U.S.). Members by registering (800) 267-8497, and ask for the BLE golf rate. For further, contact Murphy at (717) 637-3535 or e-mail <sherman@ble.org>.

JULY 22-26... Annual NASLBC meeting in Niagara Falls, Ontario, Canada. At the Sheraton Fallsview Hotel and Conference Center. Call (800) 267-8497 for reservations, and one page 3 of this issue for further details.

SEPTMBER 17-22... 65th Annual Southeastern Convention Meeting in St. Louis Convention Co-Chairmen James Jackson and Roger King will ring in the 21st Century in St. Louis. September 17 to early registrants and September 18 to the golf tournament. Between Ammons are opening ceremonies, a formal banquet, and several training workshops. The convention will take place at the Marriott Pavilion Hotel, One Broadway, St. Louis, MO 63102. Members by calling (800) 249-9290 or (314) 921-1770. Be sure to ask for the special BLE discount rate.

BFE 2002 CALENDAR & EVENTS

By action of the delegates of the Fifth Quincentennial Convention, summaries of BLE Advisory Board members’ activities are published monthly.

Advisory Board January Activity

By action of the delegates of the Fifth Quincentennial Convention, summaries of BLE Advisory Board members’ activities are published monthly.