

# THE LOCOMOTIVE ENGINEER NEWSLETTER • FEBRUARY 2000

## Rail Labor blasts ARC report

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 pro-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 sub-

mitted 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 Con-

gress, 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 a transportation option," Hall said. "From the outset of the ARC, Amtrak's dedicated workers and their unions have been given short shrift by most members of the Council 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

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## Availability Policy cancelled

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."

BNSF had been allowed to proceed with the draconian policy by an arbitration board's decision in October 1999. The BLE, however, successfully fought for a 60-day delay of the policy on November 17, 1999.

The Availability Policy would have severely affected the safety, health, well-being and family life of

BNSF employees. Some employees would have been forced to work up to 360 hours per month, or 30 twelve-hour days. The policy also would have allowed these employees only one day off per month, which could have been denied if the BNSF decided to do so, for any reason. Employees would have been subject to discipline had they taken time off due to fatigue.

BNSF made the announcement in a press release issued February 4.

"During December and January, BNSF met with BLE and UTU representatives to discuss better ways to work together to ensure that BNSF op-

erating employees are in place to meet our customers' requirements," said Matt Rose, BNSF's president and chief operating officer. "Later this month, we expect to announce a new approach that reflects what we have learned from those discussions."

The BLE protested the Availability Policy from the outset. In September, BLE members and their families organized a rally outside of BNSF's headquarters in Ft. Worth, Texas, as part of the BLE's system-wide mobilization effort to combat the policy. Other prongs in the attack included letter writing campaigns to FRA administrator

Jolene Molitoris and Congressman James Oberstar (D-MN). There was another rally in Alliance, Neb.

The BLE also spearheaded legislative efforts to fight the Availability Policy. House Resolution 3091, an amendment to the Hours of Service Act, would give railroad workers three consecutive (but optional) days of after working, or being on call for work, for seven consecutive days.

H.R. 3091 currently has 180 co-sponsors in the House and has been the target of BLE mobilization efforts since December. (See related article on page 10.)

## 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.

One provision — a "ratchet" that will automatically adjust tax rates to compensate for the investment performance of the Tier II fund — will affect railroad workers for generations to come. The Railroad Retirement Board actuary has yet to release his 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 late last year. This report will compare different reform proposals. The report, which is overdue, now is expected in February.

Finally, Railroad Retirement reform has historically been enacted only when full consensus among labor and management has been reached. That full consensus is

See Retirement, Page 12

## 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.

Due to FEC regulations, articles covering certain political and/or federal election topics cannot be listed in the public arena.

The full version of this month's newsletter can be found in the members-only section of the BLE website.

# LEGISLATIVE UPDATE

## DC Feedback: Proper hazmat procedures

Have a question about federal laws, Federal Railroad Administration rules that impact your job, or about pending legislation governing our industry? Send it to:

D.C. Feedback  
 Brotherhood of Locomotive Engineers  
 10 G. Street N.E., Suite 480  
 Washington, DC 20002

Or you can fax your questions to (202) 347-5237; or via e-mail to: [bledc@aol.com](mailto:bledc@aol.com).

If the BLE's National Legislative Office does not have the answer on hand (such as a federal interpretation), they'll get back to you as soon as possible. Select questions and answers will be published regularly in the pages of the Locomotive Engineer Newsletter.

This month's installment of DC Feedback deals with the handling and transportation of hazardous materials.

Dear Brother:

You have written to our DC Feedback column and posed these questions:

1. Your crew works on a road switcher at an outlying point that handles cars containing hazardous materials (hazmat) at a chemical plant. You ask, "What are the FRA regulations that apply to one crew assisting another crew to set out and pick up cars when the other crew brings those cars to you?"

2. You also ask, "Can the assisting crew perform a brake test on a cut of cars for a train that is not their train?"

3. Finally, you ask, "Is there a published FRA book regarding railroad rules and personal fines that may be charged when an FRA rule is violated?" and "Where can I obtain such a publication?"

The issues you have raised and the complexity of the regulations do not permit simple and straight-forward answers. The response I am providing is general and in some instances it quotes only small but relevant parts of the regulation. The answers are intended to give you a basis for understanding your responsibility under the regulations. As always, those responsibilities are considerable. A specific situation may require you to refer to a company officer, written company instructions, or the Federal Railroad Administration for application of the regulation. The most important safety measures you can take are to know the rules, communicate with all crew members, maintain awareness

of the situation, and act on instructions only after you understand and confirm them.

Regarding your first question, the short answer is that both crews must comply with all of the regulations associated with hazmat.

You share the responsibility for compliance with your fellow crew members and other crews you are working with for the safe transportation of the hazmat cars. You should be informed regarding the placement of the cars that you are transporting and comply with the switching and train placement requirements. When a train is made up containing the hazmat cars, you should know the proper shipping papers are available and the placards are in place. You should carry with you the Emergency Response Handbook and any other hazmat documents required by the railroad. You should insist the training you are required to receive is meaningful and prepares you for the level of responsibility the regulations require.

Most of the hazmat regulations that apply to railroad carriers are found in §49 CFR 174 — Carriage by Rail. The regulations apply to railroad carriers, and by extension, to their employees. Those employees must be trained in accordance with the regulation regarding their duties when handling cars containing hazardous materials. Locomotive engineers and trainmen are considered hazmat employees. It will be helpful to understand some of the definitions used in the regulation.

A "carrier" is a person engaged in the transportation of passengers or property. Common, contract, and private carriers are specifically included, so FRA's jurisdictional reach is as broad under the hazmat regulations as it is under the other railroad safety statutes.

Hazmat employee means a person who is employed by a hazmat employer and who, in the course of employment, directly affects hazmat transportation safety. This term includes an individual, including a self-employed individual, employed by a hazmat employer who, during the course of employment:

1. Loads, unloads, or handles hazardous materials;
2. Manufactures, tests, reconditions, repairs, modifies, marks, or otherwise represents containers, drums, or packagings as qualified for use

in the transportation of hazardous materials;

3. Prepares hazmats for transportation;

4. Is responsible for safety of transporting hazmats; or

5. Operates a vehicle used to transport hazmats.

All hazmat employees must receive training as prescribed by §49 CFR 172 Subpart H.

The training you receive, among other things, must provide you information to do your job safely as it relates to the transportation of hazmats. That training includes information on how to read shipping papers or the shipping orders, bills of lading, manifests or other shipping documents that serve a similar purpose and contain the information required by the regulations. It should instruct you in restrictions relating to switching and train car placement and placarding requirements. There should be included in the training the relevant requirements for responding to a release of hazardous materials.

This does not include any training for the actual response or cleanup of the hazmat release. That is not our job and only persons who have training in hazardous response are permitted to enter those areas.

Your second question was, "Can the assisting crew perform a brake test on a cut of cars for a train that is not their train?"

§49 CFR 232 — Railroad Power Brakes and Drawbars — does not require a specific train crew to perform the brake test, but it does require a brake test to be performed. The type of test (initial terminal road train airbrake test, road train and intermediate terminal train air brake test, inbound brake equipment inspection, etc...) is determined by the circumstances of the event. The requirements for an initial terminal road train airbrake test in §49 CFR 232.12 state:

"1. Each train must be inspected and tested as specified in this section by a qualified person at points —

"i. Where the train is originally made up (initial terminal);

"ii. Where train consist is changed, other than by adding or removing a solid block of cars, and the train brake system remains charged; and

"iii. Where the train is received in interchange if the train consist is changed other

## H.R. 3091 support grows

Efforts in the House of Representatives to secure support for H.R. 3091 has paid off with the addition of 33 new co-sponsors for a total of 180.

At least 70 more are needed for the bill to have a realistic chance of being passed into law.

H.R. 3091 would guarantee up to 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. Rail carriers, however, cannot force them to work during that time.

BLE members, their families, and GIA members are encouraged to contact their representatives in the house and ask them to co-sponsor H.R. 3091.

The original idea for this legislation was developed by BLE leadership and was introduced in the House by Steven LaTourette (R-OH).

Members can contact their legislators by calling the Capitol switchboard at (202) 225-3121.

BLE Members can also contact their members of Congress about H.R. 3091 via the Internet by visiting the following website: <http://www.house.gov>.

than by —

"A. Removing a solid block of cars from the head end or rear end of the train;

"B. Changing motive power;

"C. Removing or changing the caboose; or

"D. Any combination of the changes listed in A, B, and C of this subparagraph.

"Where a carman is to perform the inspection and test under existing or future collective bargaining agreement, in those circumstances a carman alone will be considered a qualified person.

"2. A qualified person participating in the test and inspection or who has knowledge that it was made shall notify the engineer that the initial terminal road train air brake test has been satisfactorily performed. The qualified person shall provide the notification in writing if the road crew will report for duty after the qualified person goes off duty. The qualified person also shall provide the notification in writing if the train that has been inspected is to be moved in excess of 500 miles without being subjected to another test pursuant to either this section or §232.13 of this part."

It does not appear from your question that the circumstances of the brake test required is an initial terminal road train air brake test as described in 232.12. There are other provisions of Part 232 that place a responsibility on you and the train crew for executing a train air brake test and knowing the equipment you handle is safe. Those provisions can be found in: 232.10, General rules; locomotives; and 232.11, Train air brake system tests. They state: "232.10(a) "Air brake and hand brake equipment on locomotives including tender must be inspected and maintained in accordance with the require-

ments of the Locomotive Inspection and United States Safety Appliance Acts and related orders and regulations of the Federal Railroad Administrator.

"(b) It must be known that air brake equipment on locomotives is in a safe and suitable condition for service.

"232.11 Train air brake system tests. 232.11(a) Supervisors are jointly responsible with inspectors, engineers and trainmen for condition of air brake and air signal equipment on motive power and cars to the extent that it is possible to detect defective equipment by required air tests....

"(c) Each train must have the air brakes in effective operating condition, and at no time shall the number and location of operative air brakes be less than permitted by Federal requirements. When piston travel is in excess of 10 1/2 inches, the air brake cannot be considered in effective operating condition."

Your third and final question was, "Is there a published FRA book regarding railroad rules and personal fines that may be charged when an FRA rule is violated, 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.

You can get a copy of §49 CFR Parts 200-399 for \$50 from: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328; fax orders (202) 512-2250; phone orders (202) 512-1800.

Keep in mind that these documents are revised and updated frequently. •

# BLE Job Bank

## Canadian National/Illinois Central

The Canadian National/Illinois Central Railroad has immediate openings for experienced certified Locomotive Engineers to work in the Chicago area off of a guaranteed extra board.

Openings filled in the Chicago area may be on one of three different railroad systems; the Grand Trunk & Western, Illinois Central, or the Chicago Central & Pacific.

Applicants must possess a good work record, a current Locomotive Engineer's certification card, and a valid driver's license to be considered.

Resumes will also be accepted for possible future openings at the following locations: Waterloo, Iowa; Decatur, Ill.; Champaign, Ill.; Centralia, Ill.; East St. Louis, Ill.; Fulton, Ky.; Memphis, Tenn.; Jackson, Miss.; New Orleans, La.; and Baton Rouge, La.

Interested applicants should e-mail resume to: <June.Watkins@cn.ca>; or fax or mail resume in care of:

**June Watkins, Manager-Human Resources**  
**Canadian National/Illinois Central Railroad**  
 455 N. Cityfront Plaza Drive, 19th Floor  
 Chicago, IL 60611  
 Fax: (312) 755-7575

The Canadian National/Illinois Central Railroad is an Equal Opportunity Employer

## Delaware & Hudson Railway

The Delaware & Hudson Railway Company is seeking certified Locomotive Engineers and conductors/trainmen in the following locations: Binghamton Terminal, NY; Saratoga Terminal, NY; Allentown, Pa.; Harrisburg, Pa.; and Philadelphia, Pa.

To apply, please mail or fax your detailed resume, which must include: position you are applying for; location you wish to be considered for (if you indicate more than one location that you wish to be considered for, you must designate which location is your first choice, second choice, etc...); name, address, work and home phone numbers (pager may be a plus); work history, including positions held and dates of employment; special skills that would relate to the position you are seeking; and educational background.

Please fax or mail your resume to:

**Employee Administration Department**  
**Attention: Mike Craig**  
**Delaware & Hudson Railway Company**  
 P.O. Box 8002  
 Clifton Park, NY 12065-8002  
 Fax: (518) 383-7265

Equal Opportunity Employer. Minorities, females, veterans and individuals with disabilities are encouraged to apply.

### A note to all BLE General Chairmen

If you know of vacancies on your railroad and wish them to become a part of the BLE Job Bank, please contact General Secretary-Treasurer Russ Bennett at the International Office, (216) 241-2630, extension 227, or e-mail him at: bennett@ble.org. Locomotive Engineers looking for a change of scenery are encouraged to fax their resumes to the ID at (216) 241-6516.

# A helping hand

## BLE members support USWA strike

The Brothers of BLE Division 301 (Roanoke, 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 36 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



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 Gary Myers.

AFL-CIO, but within the rail industry as several donations were received by UTU members."

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.

# NASLBC annual meeting to be in Niagara Falls

This year the National Association of State Legislative Board Chairmen (NASLBC) will hold its annual meeting in Niagara Falls, Canada, reports NASLBC Secretary-Treasurer I. Perry Renfro.

The meeting will be July 22-26 at the Sheraton Fallsview Hotel and Conference Center. A block of rooms will be held until June 20 at the contract rate of \$192 per night (Canadian).

Brother Renfro reports that the conversion rate may change, but it currently translates to \$132 per night (U.S.). If hotel reservations are not made by June 20, then room rates will

increase to \$300 per night (Canadian), which is the hotel's regular seasonal rate (rates are higher than normal because July is peak travel season for the hotel).

Hotel check-in time is 3 p.m. and check-out is 11 a.m. There is a baggage holding area for early and late checking. For hotel reservations or for further details, please call (800) 267-8439.

For further details regarding the meeting, contact Brother Renfro at:

**P.O. Box 157**  
**Poteau, OK 74953**  
**Phone: (918) 649-0603**  
**Fax: (918) 649-0703**

## IN THE LINE OF DUTY

# BLE Members, 1989-1999

Yvan Theriault • December 30, 1999  
 R. A. Oertwig • November 6, 1999  
 Carl Finzel • August 11, 1999  
 Arnold Roth • August 11, 1999  
 Don Blain • April 23, 1999  
 Kevin Lihou • April 23, 1999  
 Roger H. Bell • January 17, 1999  
 David Butler • May 13, 1998  
 J.L. (Joe) King • December 11, 1997  
 R.W. Adams • August 21, 1997  
 Michael E. Brown • July 2, 1997

Kelvin N. Winters • June 7, 1997  
 Terrance (Terry) Allen Gallis • March 26, 1997  
 William B. Smith • September 24, 1996  
 Tom L. Shay • August 20, 1996  
 Jake Elder • August 13, 1996  
 J.M. Roybal • February 21, 1996  
 Ricky M. Orr • February 16, 1996  
 Alfonso S. De Bonis • February 9, 1996  
 John DeCurtis • February 9, 1996  
 Dale W. Gibson • November 18, 1995  
 Randall L. Moses • September 21, 1995

Peter Whitehead • January 20, 1995  
 F.H. "Rick" Bonnell • July 25, 1994  
 Tim V. Anderson • June 8, 1994  
 Robert Brooks Woodward Sr. • May 16, 1994  
 J.L. Plunk • February 26, 1994  
 Mark A. Poler • November 11, 1993  
 Wayne R. Kronberger • November 11, 1993  
 Billy R. Hall • September 22, 1993  
 Mike D. Vinet • September 22, 1993  
 Richard A. Marks • September 17, 1991  
 Peter L. Sylvester • May 19, 1989

# BLE SENIOR REPORT

## Federal income tax tips from RRB

The following questions and answers describe the benefit information statements issued by the Railroad Retirement Board each January for Federal income tax purposes. Railroad retirement beneficiaries needing information about these statements, or tax withholding from their benefits, should contact the nearest office of the Railroad Retirement Board. For further Federal income tax information, railroad retirement beneficiaries should contact the nearest office of the Internal Revenue Service.

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

In most cases, part of a railroad retirement annuity is treated like a social security benefit for income tax purposes, while other parts of the annuity are treated like private and public service pensions for tax purposes. Consequently, most annuitants are sent two benefit information statements from the Railroad Retirement Board each January, even though they receive only a single 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 based on comparable earnings 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, if any, depends on the beneficiary's income.

If adjusted gross income plus non-taxable interest income and half of the social security equivalent benefit payments exceed:

- \$25,000 for an individual, \$32,000 for a married couple filing jointly, and zero for a married individual who files separately but lived with his or her spouse any part of the year, up to 50 percent of these railroad retirement benefit payments may be considered taxable income;
- \$34,000 for an individual, \$44,000 for a married couple filing jointly, and zero for a married individual who files separately but lived with his or her spouse any part of the year, up to 85 percent of these benefits may be taxable.

### 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 and supplemental annuities, 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 benefits, the entire annuity 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 benefit entitlement requires total disability.

For annuities beginning after July 1, 1986, railroad retirement payments exceeding social security equivalent levels are generally taxable under the Internal Revenue Code General Rule or Simplified General Rule. For income tax purposes under these rules, contributory payments are subject to income tax immediately upon retirement, but are prorated to yield a tax-free amount based on an employee's previously-taxed pension contributions.

For railroad retirement annuitants, employee contributions (referred to by the IRS as an employee's investment in the contract (cost)) are considered to be the amount of railroad retirement payroll taxes paid by the employee over and above comparable social security payroll tax rates. Employee contributions are not a payment or income received during the tax year.

However, vested dual benefit payments and railroad retirement supplemental annuities are considered noncontributory and fully taxable. Nor do spouse annuity payments exceeding social security equivalent payments include a tax-free amount; these benefits are also fully taxable.

Additional information about the tax treatment of railroad retirement benefits over and above social security equivalent benefits can be found in IRS Publication 575, Pension and Annuity Income, and Publication 939, General Rule for Pensions and Annuities. If the employee died during the tax year, survivors should also refer to these publications because a death benefit exclusion may apply.

### 4. What information is shown on the railroad retirement benefit statements sent to annuitants in January?

One statement, the blue and white Form RRB-1099 (or black and white Form RRB-1042S for nonresident aliens), shows the amount of any social security equivalent or special minimum guaranty payments made during the tax year, the amount of any such benefits that an annuitant may have repaid to the Board during the tax year, and the net amount of these payments after subtracting the repaid amount. The amount of any offset for workers' compensation and the amount of Federal income tax withheld from these payments are also shown.

The other statement, the green and white Form RRB-1099-R (for both U.S. citizens and nonresident aliens), shows the total amount of contributory railroad retirement

benefits over and above social security equivalent benefits, plus any noncontributory vested dual benefits and/or supplemental annuities paid to the annuitant during the tax year, as well as the amount of an employee's railroad retirement payroll tax contributions. Also shown is the amount of Federal income tax withheld from these payments. In addition, the statement reflects the amount of any benefits that an annuitant may have repaid to the Board during the tax year. However, this amount has not been subtracted from the gross amounts shown because its treatment depends on the years to which the repayment applies and its taxability in those years. To determine the year or years to which the repayment applies, annuitants should contact the Board.

The total Part B Medicare premiums deducted from the railroad retirement annuity may also be shown on either Form RRB-1099 (Form RRB-1042S for nonresident aliens) or Form RRB-1099-R.

Copy B and/or Copy 2 of Form RRB-1099-R needs to be submitted with a tax return. Annuitants should retain copy C of all statements for their records, especially if they may be required to verify their income in connection with other Government programs.

### 5. 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?

Since 1993, only the total amounts of contributory railroad retirement benefits paid over and above social security equivalent benefits are shown. Tax-free amounts are no longer subtracted.

Annuitants may continue to use the tax-free amounts previously calculated by the Railroad Retirement Board under the General Rule method if they wish to do so. However, use of this Board-computed tax-free amount precludes using alternate tax treatments, such as the Simplified General Rule, that may be more advantageous in some cases. Annuitants wishing to consider alternate tax treatments should refer to the IRS-1040-1 package issued each year and/or IRS Publication 575, Pension and Annuity Income. Annuitants preferring to compute the tax-free amount themselves under the General Rule method, or to verify the Board's figures, should refer to IRS publication 939, General Rule for Pensions and Annuities.

### 6. What other information is included with the railroad retirement benefit statements?

Included with the statements are detailed explanations of all the items on the statements and the toll-free telephone number of the Internal Revenue Service.

### 7. What if a person receives social security as well as railroad retirement benefits?

Railroad retirement annuitants who also received social security benefits during the tax year receive a Form SSA-1099 (or Form SSA-1042S if they are nonresident aliens) from the Social Security Administration. They should add the net social security equivalent or special guaranty amount shown on Form RRB-1099 (or Form RRB-1042S) to the net social security income amount shown on Form SSA-1099 (or Form SSA-1042S) to get the correct total amount of these benefits. They should then enter this total on the Social Security Benefits Worksheet in the instructions for Form 1040 or 1040A to determine if their social security and railroad retirement social security equivalent benefits are to be considered as taxable income.

Additional information on the taxability of these benefits can be found in IRS Publication 915, Social Security and Equivalent Railroad Retirement Benefits.

### 8. 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.

### 9. Are Federal income taxes withheld from railroad retirement annuities?

Yes, and the amounts withheld are shown on the statements issued by the Board each year. However, an annuitant may request that Federal income taxes not be withheld, unless the annuitant is a nonresident alien or a U.S. citizen living outside the United States.

Annuitants can voluntarily choose to have Federal income tax withheld from their social security equivalent payments. To do so, they must complete IRS Form W-4V, Voluntary Withholding Certificate, and send it to the Board. They can choose withholding from their social security equivalent payments at the following rates: 7 percent, 15 percent, 28 percent, or 31 percent.

Annuitants who wish to have Federal income taxes withheld from the portions of their annuity over and above social security equivalent benefits must complete a tax withholding election on Form RRB W-4P, Withholding Certificate For Railroad Retirement Payments, and send it to the Board. An annuitant is not required to file Form RRB W-4P. If that form is not filed, the Board will withhold taxes only if the combined portions of his or her annuity over and above social security equivalent benefits exceed \$1,241.33. In that case, the Board withholds taxes as if the annuitant were married and claiming three allowances.

## RRB to seek new Medicare provider

United Health Care has pulled out of a deal with the U.S. Railroad Retirement Board and will no longer process Medicare Part B claims.

The deal was negotiated privately between UHC and the RRB, and is not part of a collective bargaining agreement negotiated by Rail Labor.

The Retirement Board must now find a new provider to process these claims. The Labor Member's office, headed by V.M. "Butch" Speakman, expressed its preference for administration on the national level, as is currently the case, instead of a state-by-state basis.

BLE leaders want to stress that retirees will not lose any coverage, and that their Medicare costs won't increase (the rates are set by the Federal government). The only concern is that the Retirement Board must now find a new provider to administer the Medicare Part B claims. If the new provider handles these claims on a state-by-state basis, then there could be a drop in the quality of service from state-to-state.

More details will come as soon as they are made available.

Railroad Medicare Customer Q&As (From United Health Care)

### Q1: Who will be the new contractor and when will they take over?

A1: This has not yet been determined. The Railroad Retirement Board will select the new contractor and the date the transaction will occur. It is expected that these decisions will be made within the next few months. Railroad beneficiaries and providers will be notified when these decisions are made.

### Q2: What will happen to my Medicare benefits?

A2: Your Medicare benefits will not be affected. Your claims will be processed and paid by the new contractor according to the same coverage and reimbursement rules that United Health Care has been following.

### Q3: Will the new contractor have my Medicare records?

A3: Yes. United Health Care will transfer all your Medicare beneficiary and provider files to the new company at the time of transaction.

### Q4: Will I need to do anything special because of the change in contractors?

A4: No. United Health Care will be working closely with the Railroad Retirement Board and the new contractor to assure the transition goes smoothly and with no impact on Medicare beneficiaries or providers.

### Q5: What if I have more questions concerning this change?

A5: Your questions should be directed to United Health Care's customer service area. They will be able to research your specific issues and provide you a response.

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

Under the Internal Revenue Code, nonresident aliens are subject to a 30-percent tax on income from sources 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 benefit. The Code also requires the Board to withhold the tax. 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

# La Cour d'appel fédérale impose un sursis sur la décision du CCRI

La Fraternité des ingénieurs de locomotives a fait un autre pas majeur pour disculper son nom et renverser l'incroyable décision par le Conseil canadien des relations industrielles.

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

Le 18 janvier, le Juge fédéral J. Edgar Sexton a imposé un sursis sur la décision du CCRI jusqu'à ce qu'une audience d'appel soit entendue le ou avant le 31 mai 2000. Essentiellement, Juge Sexton a imposé un sursis sur la décision du CCRI du 22 octobre parce qu'elle était tellement contradictoire et incohérente.

<< (L)e Conseil s'est fausement basé sur les évidences découlant des négociations entre la FIL et VIA, ayant conclu précédemment qu'il n'écouterait pas de telles évidences, >> a déclaré Juge Sexton à la page 4 de sa décision. << (L)e Conseil a commis plusieurs

violations des règles de justice naturelle. >>

C'est la deuxième décision majeure contre la décision du CCRI depuis sa publication le 22 octobre 1999. En novembre, l'Arbitre Michel G. Picher a décidé que le Canadien National devait accepter le retour au travail des anciens chefs de train et chefs de train adjoints déplacés de VIA Rail.

Après que VIA Rail ait consolidé les métiers de chefs de train et ingénieurs de locomotives en 1997, il y avait eu plusieurs chefs de train qui ne pouvaient plus détenir d'emploi selon la nouvelle structure de métier. En utilisant une entente négociée en 1987, la FIL a concrétisé les droits de ces individus << à retourner >> au CN comme chefs de train.

Toutefois, CN a refusé de se conformer à l'entente et n'a pas permis le droit de retour des chefs de train lésés. La décision rendue par l'Arbitre Picher force CN à accepter ces individus déplacés à << retourner au travail >> comme chefs de train.

Dans sa décision du 22 octobre, le CCRI a décidé que la FIL avait représenté fausement les travailleurs

en n'ayant pas réussi de concrétiser les postes de retour au travail au CN. Seulement 30 jours plus tard, la décision émise par Arbitre Picher détruit complètement la décision du CCRI. La décision de Picher, associé à la décision de Juge Sexton sur l'arrêt de la décision du CCRI du 22 octobre, donne à la FIL deux bonnes raisons de croire que la décision du CCRI sera renversée complètement.

Dans sa décision du 18 janvier, Juge fédéral Sexton a critiqué la décision du CCRI pour son incohérence.

Page 6 de cette décision déclare, << Pour supporter cette allégation que le Conseil a faite sur les déclarations inconsistantes de collusion, VIA pointe sur un passage de la décision du Conseil où le Conseil a trouvé qu'il n'y avait pas d'évidence que la FIL et VIA étaient << de connivence pour éliminer le poste de chef de train >>. Il diffère de la conclusion du Conseil qu'il y avait << une collaboration répréhensible entre l'employeur et le syndicat inculpé 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 inconsistantes >>.

Page 7 de cette décision stipule, << Finalement, pour démontrer que le Conseil a commis une violation de justice naturelle, la FIL et VIA souligne la décision initiale du Conseil de ne pas entendre d'évidence concernant le processus de négociation entre la FIL et VIA. Ils soumettent que nonobstant cette décision, le Conseil s'est tout de même basé sur les évidences concernant le processus de négociation pour conclure son jugement. >>

Originellement, 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 CCRI du 22 octobre est renversée, Juge Sexton a décidé que, << la FIL et VIA Rail se verront octroyer plein paiement 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 ruling, which alleged that 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 inconsistent.

"(T)he 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. "(T)he Board committed 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 con-

ductors 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 settlement negotiated in 1987, the BLE secured 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 criticized the CIRB ruling for its inconsistency.

Page 6 of his ruling states, "To support its allegation that the Board made inconsistent findings on the issue of collusion, VIA points to an early passage in the Board's decision where the Board

**"(T)he Board mistakenly relied on evidence relating to the negotiations between BLE and VIA, having previously concluded that it would not hear such evidence."**

— Federal Judge J. Edgar Sexton

found that it had not been substantiated that BLE and VIA had 'colluded to eliminate the position of conductor.' It contrasts that finding with the Board's later conclusion that there was '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

negotiation process between BLE and VIA. They submit that despite that decision, the Board nevertheless relied on evidence relating to the negotiation process in its reasons for judgment."

Originally, the suit was brought against the BLE by the UTU and one of its former members, George Cairns. Cairns agreed to bring suit against BLE even though the BLE secured full payment and benefits for him and all other displaced conductors.

If the October 22 CIRB ruling is overturned, Judge Sexton ruled, then "BLE and VIA Rail shall be entitled to their costs of this application to be paid jointly by George Cairns et al. and UTU." •

## Part 2: 'Reliance' and 'distraction' effects in PTC automation

By T. B. Sheridan (MIT),  
F. C. Gamst (Univ. of Mass., Boston),  
and R. A. Harvey, BLE

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### 3.4.1. Benefits of maintaining operating skills.

In maintaining their judgment and skills through on-the-job experience, the LE and C team (coordinating with the train dispatcher) protect a number of personnel from danger: themselves, any other personnel on their train, personnel on other trains, other railroad employees along the track, persons on passenger trains, and the public along the right-of-way. In their vigilance, this coordinated team also protects from damage to material property: their engine and cars; any lading of these cars; other engines and cars; railroad structures such as track, wayside signaling, buildings, bridges, and tunnels; and nonrailroad property along the right-of-way. Besides material property are railroad assets of incorporeal (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 railroad's business reputation as a carrier, unhindered flow of traffic, cost-effective turnaround time on equipment, and freedom from penalties in contractual performance. In the few times when the experience-based judgment and skills of the LE, C and train dispatchers were not maintained, the result has made the headlines. Not to maintain experience-based judgment and skills for operating crews engenders unacceptable safety risks to all of the just-enumerated kinds of persons and property.

Most railroad operating rules are written for an at-the-moment-of-event assessing of the appropriateness and range of interrelations of their applications. Such assessment must be constantly altered as the operating conditions change during a single run. Different assessments must be made as operating conditions vary across several trips. Several of the many interrelated rules must be, first, selected to form what could be called a rule set, then, mentally sequenced, and, finally, applied to an operating situation.

Every train-train collision and cut of rolling equipment moving out of control results from a hazardous combination of a number of operating events. Sometimes preventing the occurrence of just one of these events makes the combination of the others non-hazardous. Maintaining the experience-based skills and judgments in applications of the rules by the C and LE is one way to remove such a crucial event from a chain of accident events.

### 3.4.2. The nature of the skills to be maintained and the railroad environment.

First of all, "you've got to know the territory," through hands-on experience. For safe, efficient operations, a LE, among other things, must learn and continually re-experience the train handling constraints of every upgrade, downgrade, curve, turnout, crossover, auxiliary track such as passing siding, fixed signal location, crossing at grade, and engineering and operating speed restriction. Given knowing the territory, the LE can have little advance information on a particular train's handling characteristics. These comprise a large number of dynamic variably simultaneous and sequential events to be monitored continuously by the LE for constantly changing inputs.

Above all, the LE is the operator of a long (often a mile or more), heavy (usually many thousands of tons), fragile (it is easy to carelessly "break a train in two" or more parts or derail a train) mobile, (at speeds from 5 to 100 + mph and having great braking distances, proportionate to speed and weight), highly dynamic (averaging a foot of drawbar slack for each entrained car and with individual car air brakes of varying power) electromechanical system—that is, a North American freight train.

Control responses of a freight train are delayed and must be given advance time. Often a rear car on a mile-long train will not begin a brake release until 1/2 minute after the brake pipe signal is initiated by

the LE. A power throttle or dynamic brake cannot be rapidly advanced or shut off without adverse train (and track) dynamics. Too great of an initial reduction of automatic air brake pressure or too great of an increase of independent air brake pressure can cause a violent lading-damaging and potentially derailing run-in of draft-gear slack. In all, the LE must always plan ahead for any operating contingency. He does this by knowing the then current intricate dynamics of his train with regard to the territory over which he now advances and will advance.

The North American LE handles and dynamically monitors (by hands on the responsive controls and eyes and ears on the informing indicators) a machine system with complex subsystems, each having ever-varying critical statuses, while transiting an ever-changing environment, which itself is alterable from trip to trip. The LE can have little information on the handling characteristics of the these interrelating variables upon his train, because the exact consist of most freight trains differs considerably. A LE manipulates and monitors variables such as velocity, drawbar pull and compression on draft equipment, amperage in traction motors, train brake pipe pressure and thus car brake cylinder pressure, brake pipe leakage, independent engine brake cylinder pressure, statuses reported by the end-of-train device, statuses reported by any remotely controlled "rear" and "swing" helper units back in his train consist, profile of train by car weight and type and by weight of blocks of cars, and power of dynamic electrical brake. Although failure of the dynamic brake necessitates a short cycling of the automatic air brakes, perhaps with car wheel-cooling stops, too many operative dynamic brakes can cause a light car to compress in its draft gear with buff forces causing its wheel flanges riding up over the ball of a rail to a derailment.

For a narrow example, in cresting an upgrade, the LE must be aware of the slack status and the location of the equilibrium point in his train of cars. Thereby he knows, when descending from the summit, where to begin bunching the slack of his stretched train, and thus how gradually to reduce the power throttle and change over to how much dynamic electrical brake in concert with what rule-allowed reductions of the (air) brake pipe pressure, perhaps prior to easing up on the braking forces, for a determined while, when coming to a short decrease in descending gradient at a "drawbar flats." In reducing the braking systems' power on the head end, he must not allow the heavy engine (of perhaps four 200-ton units) to run out and perhaps break the train in two.

Some of the LE's skills and knowledge were first explored in the studies of the 1970s, fueled by the FRA's empowerment, in 1970, to superintend railroad safety. Accordingly, speaking of the LE's cognitive and motor skills in train handling and in general operations, researchers of railroading A. Hale 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" (1975:11). A study, analyzing the work of the LE, found: "Concerning safety of operations, these [data] reveal that approximately 65% of these tasks, if improperly performed, may lead to potentially hazardous situations" (McDonnell Douglas 1972:14).

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

### 4.1 PTC Functions in an Open Railroad Operating Environment

A concern with a fully automated PTC at levels 5, 6, and 7 (as previously discussed) is degradation of operating skills and judgment developed during continuous experience. The motor skills and judgment of the LE, especially, and also the C, will degrade (that is, degenerate, deteriorate) from lack of practice in the unpredictable and therefore constantly skills-testing operating environment. Skills maintenance includes maintenance for coping with unpredictable events in the open operating environment.

We posit that railroad transportation is necessarily an open system, with all man-

ner of events extraneous to the (relatively closed) systems of the locomotive and the railroad traffic control impinging on it.<sup>1</sup> Excluding some airport and urban guideway transit systems, the typical railroad system can never be closed.

The highly complex railroads are not operationally like the automated or highly automated rail transit systems. Railroads have danger from ever-increasing numbers of hazardous loads and the kinetic energy of enormous tonnages, while operating across and through humanly congested, economically costly, and ecologically fragile public spaces. These train-consist tonnages have increased over the years and will continue to do so, consistent with strength of coupler and draft gear components. Automated rail transit systems move in a sequestered right-of-way and have a much more limited number of operational variables and no hazardous lading. Accordingly, we cannot derive suitable operational models from transit systems under forms of automation for application to the nation's railroads under PTC. An automated subway and a people mover can be operated by someone without many railroad operating skills, or can even have no operator at all. Given the kinds of public spaces they operate across, the railroads, however, have a safety necessity of maintaining the experience-based judgment and skills for operating crews.

(\* — Footnote 1: In the sciences, a *closed system* is considered as isolated from the environment. An *open system* is not isolated. It comprises a set of elements forming a connected whole which is not a bounded, sealed entity. In other words, the set is not demarcated to consist of a finite (hence, predictable or knowable) number of interacting elements. In the open railroad system, because of later, varying numbers of unpredictable, impinging conditions, a final state cannot be predetermined by initial conditions, say, a train's consist, tonnage, authorized speeds, track occupancy authority, and crewmember experience. A particular final state can be reached from different initial conditions, and the same initial conditions can result in different final states.)

Part of the central problem of skills and knowledge maintenance, then, is such maintenance for coping with both extrasystemic and failure operating events. A fully automated PTC cannot handle all adverse extrasystemic and failure events in the unpredictable railroad operating environment. A few examples are: local police place a red fusee along a main track, an employee or contractor equipped with only red fusees and a white light advances toward a train that must be stopped, a civilian signals danger ahead by violently waving his arms while adjacent to a main track, a trespasser sabotages the train, a trespasser sabotages the right-of-way, an automotive vehicle fouls but does not touch a main track when not at a grade crossing, in the face of an approaching train a roadway worker fouls the track with movable equipment without touching the rails, the PTC system is inoperable during maintenance, a train not equipped for PTC must be run, a PTC-equipped train experiences bad-order PTC equipment, and a PTC command requires stopping a train in a hazardous place, e.g., in the vicinity of a leaking tank car or burning gasoline truck.

Furthermore, a PTC system cannot monitor and control the range of failures of the dynamic brake, the pressure maintaining feature, and the automatic braking system (including excessive piston travel, kinked air hose, and ice blockage of train line). Given that accurate, detailed train consist data are required for accurate PTC operations, how are the consist data assured regarding their safety-critical quantities? Communication failures and informational errors regarding train consist and tonnage are not rare events. Under restrictive speed, in foggy or other vision-blocking weather, how does PTC judge stopping within the rule-mandated one-half the range of vision? Currently, under some such restrictions, the LE must not move his train until a flagman has been sent ahead to view the obscured track to be occupied. It might well be that with certain mechanical and communication failures found in railroading, and just enumerated, the PTC braking

paradigm on grades of about 2 percent could sometimes have a stopping distance of infinity—that is, an unstoppable runaway train.

In each of these just-enumerated, safety-critical events, the C and LE must react promptly and correctly to the stimuli they rapidly approach with great kinetic energy. Such reaction is only afforded by skills maintenance of the C and LE.

In the open railroad environment, we find that in 1997, more than half of the 3,446 train-automotive vehicle collisions involved grade crossings equipped with active warning devices. Motorists simply did not heed them. During 1997, Amtrak passenger trains were in 245 collisions with automotive vehicles, and 183 were attributable to motorist inattention or impatience. Each year, the number of automotive vehicles, including heavy trucks, increases and the number of passenger trains (largely commuter and regionally financed) grows. Thus the potential for deadly accidents in the open railroad environment grows, from just this narrow range of inputs. The cheap and easy fixes for eliminating grade-crossing collisions, by now, are almost exhausted. Under the worthy FRA aegis, some 33,000 little-used, unsignaled, grade crossings have been closed to highway traffic. But the average cost of a grade separation is \$3 to 5 million, and more in a built-up area (Coston, 1999; FRA, 1998; GAO, 1995). Thus closing crossings will provide less and less of a solution for decreasing deadly accidents at grade crossings.

Furthermore, about 60 percent of grade crossings have no active warning device. Perhaps as many as 20,000 crossings need at least some kind of active warning device (Savage, 1999:58, 1998: chapter 8; FRA, 1998). The enormous cost of installing such devices means that, even with some kind of a fully-automated PTC, innumerable grade crossings can still be heedlessly and inattentively occupied by motorists and pedestrians who put themselves in a danger not protected by PTC. And this does not take into account the innumerable, customary trespassers walking across and along live tracks, which might be subjected to rules-permitted blind shoves of a train. Motorist inattentiveness and heedlessness plus their lack of confidence in active warning devices has long been demonstrated. Additionally, motorists exhibit an uncertainty in decision making at grade crossings (Wilde, Cake, and McCarthy, 1975; Aurelius and Korobow, 1971). Motorists decisions at grade crossings are thus less predictable than in other driving situations.

### 4.2 Achieving Safety through a Human-Centered PTC

"Human-centered" means that human operators are an integrated part of the problem solving process, and they are not automated out of the system. Maintaining the judgments and skills promotes knowledgeable assessment for action and informed compliance with the governing rules during times of any failure of the PTC system and in times of potentially hazardous extraneous events not controlled by this system. Therefore the PTC should not be totally automated. It should provide cognitive tools that assist the human operators (C and LE) in making decisions and solving problems in operations, and should provide a level-6 safeguard of last resort in operations.

A potential exists for an overall reduction in system safety, at times, with the introduction of PTC, especially if it becomes either inoperable or unreliable. Human-centered PTC systems should recognize the LE as providing coverage for system failures and for the unpredictable open railroad environment. In no way should our advocacy of PTC diminish that ability. Why is this potential for reduction in system safety extant? The reasons are inherent in advanced safety technology, as follows.

The benefits of technology always balance against the costs. Technological innovations such as the aircraft Traffic Alert and Collision Avoidance Systems, TCAS, (warning aircraft that they are closing upon one another and coordinating the responses by directing pilots to perform specific evasive maneuvers) are promoted for safety. The application of the new, advanced technology, however, produces profound reverberations that may introduce new risks — es-

pecially when the technology is the sort of automation that has been labeled strong, silent, and hard to direct. Why is advanced automation often difficult to direct?

First, the technology itself is often fragile (breakable because of the use to which the item is subjected) in ways that produce new forms of failure. In the case of hard-to-direct automation, these new forms of failure are often difficult for operators to anticipate, detect, or accommodate. Thus pilots may receive commands for instant action that do indeed require immediate acts in order to be safe but that result in behavior sometimes incorrect for the desired safety.

Second, the "safety" that new technology seems to produce frequently becomes dissipated in increases in production or efficiency of operations. Thus the ability of TCAS to warn the pilots is one factor that encourages planners to move to a system with less separation between aircraft. This inevitably erodes safety margins, something the planners reject as a valid assessment of their planning outcomes.

In all, the kinds of outcomes possible with advanced technology are many. However, new information technology—including control information, and use of flexible blocks on fixed guideways—inevitably will create new forms of failure difficult to foresee, detect, and accommodate. Moreover, it will simultaneously encourage more efficient (that is, less costly) approaches which could diminish safety in ways difficult to anticipate, until accidents make them quite apparent.

#### 4.3 Implications of the Great Western Accident

We have learned limited information about the tragic, two-train collision on October 5, 1999 just outside of London's Paddington Station, on the privatized Great Western, resulting in as many as 100 deaths by incineration. Detailed information now becomes available from the investigation of the two-train collision during 1997 in the same area on the same passenger carrier, as follows (BBC, 1999):

"The driver of the high-speed passenger train that crashed in 1997 killing 7 and injuring 150 had been seen earlier on that trip with both feet up on the dashboard of his cab, leading to speculation that he had weighted down the dead-man's switch. He later drove through two (amber) warning signals and a red stop signal before colliding with a freight train crossing the line in front of him at Southall, in West London, en route to Paddington Station in London. The inquiry has now finally begun. The inquiry heard that the train's Automatic Warning System (AWS) — which sounds a klaxon when the train goes through danger lights — had been switched off after apparently malfunctioning earlier in the day. The train was also fitted with Automatic Train Protection (ATP), but this was also 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 running the stop signal. Great Western was already fined a record 1.5M pounds for a breach of the Health and Safety Act (for this accident)."

The account of the Great Western collision of 1997 reported in the news media, above, stated simplistically that three safety subsystems were made inoperable. Such a statement focuses attention on the engine driver. Why would he cut out and his supervisors allow these vital safety features to be negated? A fully informing — and safeguarding—investigation into the social factors of the Great Western accident reveals more than single operator error. The accident indicated errors by the human operator and supervisors (defeating the deadman feature and cutting out the ATP system). Further investigation also shows that in commuter and other passenger rail service having tight headways and brief platform dwell times great performance pressures exist upon operators of equipment and local supervisors to keep the trains moving—even if this means cutting out technological safety features. After all, without a balancing informed reflection on the potentially catastrophic nature of an accident, the probability of such event is correctly judged by involved actors to have a quite low incidence. On the Great Western line having the 1997 accident, day after day, the various safety subsystems prevented collisions of trains. With complacency involved (as discussed in sections 3.2 and 3.3 above), ac-

tors had little or no experientially-based fear of defeating safety subsystems on a train. Accordingly, the various safety subsystems in place on most trains would prevent collisions, or so it was reasoned. What is the remedy to prevent involved actors from defeating safety subsystems for the movement of a train?

Rail safety subsystems could be designed so that cutting them out is impossible, and a failsafe design could not be compromised. The operational costs of doing this are considerable, and rail safety systems are ordinarily designed to be cut out, to permit the authorized moving of trains under most circumstances of single or multiple faults. The great intricacy of modern safety systems means that designers do not mandate a system dependent on all components functioning as intended.

Thus far, then, the investigation of the Great Western collision of 1997 is incomplete. Safety questions must still be answered, among these are the following. During failure of rail safety subsystems, in what ways do operators and their supervisors react locally, to obey and infract the rules? What are the varied local, property-specific, incentives for maintaining productivity—keeping the trains moving and traffic fluid? Does such "make-do" reacting render failure of the entire system—for rail passenger service, always in the media spotlight—an infrequent event? How well do the local operators and supervisors understand all of the systemic safety-critical variables of the potentially catastrophic operating world in which they work and react to ever-changing problems? These are the often-unfathomable questions in the real world of rail operations, as opposed to a designer's analytic world in which many key variables are excluded—by accident or design.

#### 4.4. What Kinds of Distraction Matter?

It should be noted that many displays are present in the LE's workspace and any amount of added/overlay PTC displays could arguably be cited as the final straw that overburdened the camel. The overlay, in this instance, would be in some degree of partial PTC—automation level 5 or lower. For example, a modern locomotive has the normal, either analog or integrated, cab electronics (ICE) screen displays for running the engine and handling the train. These normal items include those for using the end-of-train-device, which itself has a number of displays to be monitored. In addition, the locomotive could have displays and controls for distributive power (for controlling from the head-end locomotive a number of remote locomotive consists distributed throughout the length of the train). Distributive power can be operated by the LE in two modes. In the synchronous mode, all sets of entrained locomotives receive the same commands from the LE, for example, throttle run-7 or, perhaps, minimum dynamic brake. In the nonsynchronous mode, if, for example, the LE has two sets of locomotives further back in the train, when cresting a mountain grade, he might have his head-end set, which he occupies, increasing toward full dynamic braking, his mid-train or "swing" set gradually throttling down from run-8 to idle, and his rear-end set shoving in run-8 to keep slack bunched. The locomotive could have displays for electronically controlled electro-pneumatic ECP brakes. In ECP braking, air brakes—using ordinary brake cylinders and brake rigging—are electrically controlled and the brake pipe serves as an air-reservoir supply pipe, permitting the reservoirs always to be charged fully.

What practicing LEs have concern about is not distraction with a PTC failure on level 6 or higher, but, instead, manually operating with some form of partial PTC and still having all of the normal functions noted in the previous paragraph. Then, some of the ordinary range of variation of PTC displays and other alerts could cause a task overload. We emphasize the distinction between (1) overload/distraction with full PTC and (2) overload/distraction within a range of partial kinds of PTC (including most overlays) added to normal functions, where the latter may be the worse culprit.

#### 4.5. Practical Understanding of the Issues, and Discussion of the Levels of Intended Design Reliance on PTC

Current plans for PTC, as they relate to the reliance and distraction effects, have not been sufficiently clarified and formatted because there is no clear understand-

ing of the levels of automation in the speculated systems. To develop a clear understanding of this automation requires analyses of typical operating procedures in the railroad environment. We have thus chosen a scenario of civil speed restriction (CSR) on four levels of automation and discuss their implications.

Most present-day methods of operation under CSR work similar to the following:

(1) CSR is one assigned to a specific limit within a specified segment of track.

(2) The LE and C are usually advised of the limits and speed requirement in a mandatory directive. A mandatory directive means any movement authority or speed restriction that affects a railroad operation. It may be found in a track bulletin, special instruction, timetable, Superintendent's notice or some other authorized and written form.

(3) It may be preceded with advance warning signs or flags.

(4) There are rules requiring train crews to discuss the existence of the CSR at timely intervals to assure compliance.

(5) It is the train crew's responsibility to comply with all mandatory directives assigned to them as well as all track flags associated with the movement of the train.

(6) The LE exercises the skills required to bring the train within the limits established in the CSR. That performance is based on the LE's skill level/knowledge of the territory and train handling information, compliance to all rules governing operations and air brake/train handling and factors associated with equipment, weather, track condition, and the LE's knowledge associated with those variables.

Included in this operating rules scheme are several redundant features that, if complied with, greatly limit the probability of over speed in the CSR.

All hazards associated with the CSR are mitigated by this skills/rule knowledge based operating system if there is compliance. With no PTC available and where the skill/rule/knowledge-based system, as we know it today, is not changed we can assume the reliance effect to be 0 (zero).

If we look at the same operating scenario of CSR regarding a PTC system where the evolution of the automation is extremely limited in its capacity as it relates to control, and, incrementally, to a system where the train's behavior is fully automated by the system. We can then speculate as to the numerical value of the intended "design-reliance" effect.

**Reliance level 1.** To the existing method of operation described above we add a system component that provides an audible warning in advance of a CSR (For discussion purposes the train's speed is not enforced by a wayside or on-board component or subsystem.) The audible warning adds a level of safety but does not replace any of the required rules or does not control the train's brakes. The reliance on that

*Part 3 of the PTC White Paper will be published in the March 2000 issue of the Locomotive Engineer Newsletter.*

*A complete copy of the 23-page report can be found on the BLE webpage, <http://www.ble.org>. •*

## Railroad Retirement

Continued from Page 4

such an exemption, and the nonresident alien completes and sends Form RRB-1001, Nonresident Alien Questionnaire, to the Board. Form RRB-1001 secures citizenship, residency and tax treaty claim information for nonresident beneficiaries (nonresident aliens or U.S. citizens residing outside the United States). Form RRB-1001 is sent by the Board to nonresident aliens every three years to renew the claim for a tax treaty exemption. Failure by a nonresident alien to complete Form RRB-1001 will cause loss of the exemption until the exemption is renewed. Such renewals have no retroactivity. Also, effective January 1, 2000, a nonresident alien must include his or her United States taxpayer identifying number on Form RRB-1001. Otherwise, any tax treaty exemption claimed on the form is not valid. The majority of nonresident aliens receiving annuities from the Board are citizens of Canada, which has a tax treaty with the United States.

If a Canadian citizen claims an exemption under the tax treaty, no tax is withheld from the annuity portion equivalent to a social security benefit and a withholding rate of only 15 percent is applied to those annuity payments exceeding social security equivalent payments.

Additional information concerning the taxation of nonresident aliens can be found in IRS Publication 519, U.S. Tax Guide for Aliens.

#### 11. Are unemployment benefits paid under the Railroad Unemployment Insurance Act subject to Federal income tax?

All unemployment benefit payments are subject to Federal income tax. Each January the Board sends Form 1099-G to individuals, showing the total amount of railroad unemployment benefits paid during the previous year.

#### 12. Are sickness benefits paid by the Railroad Retirement Board subject to Federal income tax?

Sickness benefits paid by the Board, except for sickness benefits paid for on-the-job injuries, are subject to Federal income tax under the same limitations and conditions that apply to the taxation of sick pay received by workers in other industries. Each January the Board sends Form W-2 to affected beneficiaries.

#### 13. Does the Board withhold Federal income tax from unemployment and sickness benefits?

The Board withholds Federal income tax from unemployment and sickness benefits only if requested to do so by the beneficiary.

#### 14. Are railroad retirement and railroad unemployment and sickness benefits paid by the Board subject to State income taxes?

The Railroad Retirement and Railroad Unemployment Insurance Acts specifically exempt these benefits from State income taxes.

#### 15. Can a railroad employee claim a tax credit on his or her Federal income tax return if the employer withheld excess railroad retirement taxes during the year?

If any one railroad employer withheld more than the annual maximum amount, the employee must ask that employer to refund the excess. It cannot be claimed on the employee's return.

#### 16. Can a railroad employee working two jobs during the year get a tax credit if excess retirement payroll taxes were withheld by the employers?

Railroad employees who also worked for a nonrailroad social security covered employer in the same year may, under certain circumstances, receive a tax credit equivalent to any excess social security taxes withheld.

Employees who worked for two or more railroads during the year, or who had tier I taxes withheld from their RRB sickness benefits in addition to their railroad earnings, may be eligible for a tax credit of any excess tier I or tier II railroad retirement taxes withheld. The amount of tier I taxes withheld from sickness benefits paid by the Board is shown on Form W-2 issued to affected beneficiaries. Employees who had tier I taxes withheld from their supplemental sickness benefits may also be eligible for a tax credit of any excess tier I tax.

Such tax credits may be claimed on an employee's Federal income tax return. Employees who worked for two or more railroads, received sickness benefits or had both railroad retirement and social security taxes withheld from their earnings, should see IRS Publication 505, Tax Withholding and Estimated Tax, for information on how to figure any excess railroad retirement or social security tax withheld.

# BLE SCHOLARSHIPS

## Financial aid available for 2000-01

### • Joint Craft Scholarship deadline April 1

A Joint Craft Scholarship is now available through the Brotherhood of Locomotive Engineers to college-bound children of all railroad operating crafts.

"To 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 mem-

bers, the Joint Craft Scholarship Program has since offered dozens of awards.

Intended 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 more on the applicant's 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**

### SWCM scholarships

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

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. Completed 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 Srubas  
SWCM Scholarship Chairman  
5005 Georgia  
Kansas City, KS 66104**

### SMA scholarships

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

Check with your division secretary-treasurer to ensure your division participates. The SMA includes divisions located in states east of the Mississippi River, and south of the Ohio River and the Mason-Dixon Line.

The SMA scholarship application deadline is June 10, 2000. Winners will be decided at the SMA's annual business meeting during the 2000 convention, which is June 18-23. For an application, write:

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

### EUMA scholarships

The Eastern Union Meeting Association provides several \$1,000 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 Jervis, 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, Wyoming, Alberta, British Columbia, Manitoba, Saskatchewan, and portions of northern Ontario (such as Thunder Bay and Sioux Lookout). Applicants 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.

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**

### • BLE Divisions offer assistance

• BLE Division 269 (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 269 only.

Winners are picked at random in a raffle held each December at the division's Christmas party. For more details, watch your Division 269 newsletter or contact Division 269 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," said Div. 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 01360-1015, or e-mail nutter@juno.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. Raia, at 20 East Drive, Edison, N.J. 08820, (732) 396-9076, or e-mail jjjob80@ix.netcom.com.

### Assistance available from BRCF

The Brotherhood's Relief and Compensation Fund sponsors the Luther G. Smith Scholarship Program. Applications are available only to the children, stepchildren and adopted children, age 27 and younger, of active BR&CF members who are in "Good and Regular Standing," as defined by the BR&CF Constitution.

Financial aid is provided to winners of the Luther G. Smith Scholarships for so 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 awardees for the period in which they would normally be expected to complete their degree, not to exceed four years.

The deadline for receipt of applications and the required documentation is March 1, 2000.

If you have any questions, please contact Norann Kauffman of the BRCF at (800) 233-7080.

You can also visit the BRCF website at [www.brcf.org](http://www.brcf.org), or write:

**Brotherhood's Relief & Compensation Fund  
2150 Lingelstown Road  
Harrisburg, PA 17110**



# Railroads report mixed 4th quarter income



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 \$2.75 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 \$35 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. •



## CANADIAN PACIFIC RAILWAY

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\$307 mil-

lion, 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. •



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 \$2.37 billion.

Intermodal revenue increased \$42

million, or 7%, to \$679 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 \$603 million, compared with \$568 million for the same 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 \$9.1 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. •



Union Pacific Corp.'s net income for the October-December period was \$242 million, or 95 cents a share, well above the 88 cents expected by financial analysts.

That compared with net income in the final quarter of 1998 of \$96 million, or 39 cents a share, excluding special items. Including those items, such as merger-related expenses, the railroad posted a loss of \$189 million, or 77 cents a share, in the final quarter of 1998.

Revenue in the fourth quarter was \$2.87 billion, up 7 percent from \$2.68 billion a year earlier.

The nation's largest railroad struggled in 1997 and 1998 with clogged rail lines and losses as it implemented its 1996 merger with the aging Southern Pacific Rail Co. It invested heavily in updating track and hiring new workers. The railroad said those investments are paying off.

Union Pacific said its 1999 net income was \$810 million, or \$3.22 cents a share, compared with a net loss excluding special items of \$86 million, or 35 cents a share, in 1998. Including special items, such as merger-related costs, Union Pacific lost \$633 million, or \$2.57 a share, in 1998. •



Canadian National Railway Inc. earned \$213 million, or \$1.03 a share, in the fourth quarter, compared with earnings of \$182 million, or 94 cents a share, in the comparable 1998 quarter, the Journal of Commerce reports.

For the full year, CN earned \$751 million, or \$3.74 a share, a 25% increase from \$598 million, or \$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 expenses to operating revenue from 73.2% in the 1998 fourth quarter to 70.7% in 1999.

The operating ratio for the full year was 72%, 3.1 points better than the 75.1% recorded in 1998.

Revenue increased 4% to \$1.39 billion in the final 1999 quarter, and operating expenses increased less than 1% to \$980 million.

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

Operating income in the final 1999 quarter rose 14% to a record \$407 million from \$356 million a year earlier. •



Norfolk Southern Corp., continuing to struggle with its integration of 58% of Conrail operations, earned a meager \$31 million, or 8 cents a share, in the fourth quarter.

In the comparable 1998 period, which did not include Conrail operations or costs, NS earned \$160 million, or 42 cents a share.

For the full year, net income was \$239 million, or 63 cents a share, 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 would 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 86.2 for the year, compared with 75.7 and 75.1 for the respective periods of 1998. NS long had boasted the lowest operating ratio among major railroads.

## Teamsters strike continues; BNSF to haul Overnite freight

The Brotherhood of Locomotive Engineers continues to support the International Brotherhood of Teamsters in its strike against Union Pacific subsidiary Overnite Transportation Co.

The strike, now in its third month, has become more and more ugly. The latest salvo came on January 25 as Overnite announced that it is seeking at least \$5.2 million from the Teamsters for costs, damage and losses stemming from the union's strike.

The lawsuit also accuses Teamsters president James P. Hoffa and other union leaders in a string of violent and illegal activities aimed at extorting a labor contract with Overnite.

President Hoffa denounced the law-

suit as a "smear campaign," citing recent reports of the company's financial woes as the reason for filing suit.

"These charges are baseless and unfounded," declared Hoffa. "Overnite has accrued a powerful resume of labor law violations and is attempting to take the spotlight off of their shoddy record. (We) will not back down from our unfair labor practices strike until company officials end their abuse of workers and bargain in good faith."

A week before the lawsuit was filed, Overnite reported losses in the fourth quarter of 1999 totaling more than \$13 million — a reversal of nearly \$30 million when compared to the \$16 million profit in the fourth quarter of 1998.

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 appear related 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 was not announced in 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. •

# BLE NEWS

## BLE Editorial

# Fighting for the best deal possible

## Why we haven't signed on to the Railroad Retirement agreement



By Edward Dubroski  
International President

Much has been said about the recent deal on Railroad Retirement announced by some unions and the National Carriers' Conference Committee (NCCC)... some of it is fact, and some of it is fiction. You deserve to know why the

BLE has not agreed to the deal, where we stand on the key issues, and how we proposed to move forward.

We are in a position to improve our retirement options in a way the industry has not seen in decades. The Tier II Trust Fund (the railroad industry's pension fund) contains more than six times the amount needed to pay benefits this year. According to Railroad Retirement Board projections — at current tax rates and with conservative employment and investment assumptions — Tier II will be overfunded by a whopping \$13 billion by 2037, and an incredible \$3 trillion by 2071! In fact, the Board's actuary believes that there is enough surplus in the fund to pay for increased benefits and tax cuts totalling \$655 million per year by 2004.

How did the Fund get into this position? By the early 1980s, employment levels in the industry were collapsing, and the graying of the "baby boomers" threatened to bankrupt the system by the end of the century. Legislation was enacted in 1983 that was designed to save Railroad Retirement. The retirement age for a full annuity with 30 years' service was raised from 60 to 62, and the tax rates skyrocketed. The table below shows how the tax rates have increased, according to data published by the Railroad Retirement Board in its Annual Reports:

Year	"Employer Tax"	Employee Tax
1980	9.50%	0.00%
1981	11.75%	2.00%
1984	12.75%	2.75%
1985	13.75%	3.50%
1986	14.75%	4.25%
1989	16.10%	4.90%

In other words, over a 20-year span, the amount diverted from the present to the future rose from 9.5% to 21% of payroll. Almost one-quarter of that amount comes directly from our pockets, in the form of payroll deduction, and we pay the remainder indirectly, through the employer tax. Notice that I said that we pay the full 21%. When the NCCC gives data to the federal government, to Presidential Emergency Boards (PEBs) and to the press, the number it gives is termed "compensa-

tion" or "labor cost"... figures that include the value of health and welfare and a host of other benefits, and our retirement package — including the 16.1% "employer tax" the carriers pay.

So, who really pays the bills? The employee tax is easy to figure out; that's money off the top of our checks each pay period. The "employer" tax? If you worked in the railroad industry in the 1980s, you don't need to be reminded of the paltry wage agreements we ate; we're still trying to recover from the concessionary 80s. A major reason those wage settlements were so bad is the fact that the deferred compensation portion (Tier II) of our package grew in size, relative to the current (wage) portion. Something similar happened when PEB 219 recommended incredibly low general wage increases in the early 1990s, because it overestimated the impact of medical inflation on the benefits portion of our overall package. In simpler terms, money that otherwise would have been available for general wage increases had to be diverted in order to save our pension fund; and it wasn't there to put into our pay check.

So, the question is what to do with our annual surplus of \$655 million. Historically, Railroad Retirement has not been changed unless there is consensus among labor and management. That means that every one agrees to the change; that also means that the carriers must be treated fairly in dividing up the surplus. But the deal moving toward Capitol Hill was not arrived at by consensus. Worse still, our position is being deliberately misrepresented by some, who seek to take advantage of our preference to resolve this dispute without pointing fingers. These are the facts:

- The BLE is not opposed to 60/30. We do not support stopping at 60/30, when that means giving the carriers \$347 million of the \$655 million annual surplus.
- The BLE is not trying to kill the proposal. We have been denied participation in the process since late last year. The carriers have refused to discuss our issues and concerns. Every union has the right to bargain for its own members; this right has been denied to us, as a non-consensus deal is being pushed that would change statutory and contractual rights for our members without our consent. We want to be part of a deal we can support.

- The BLE is not holding up much needed relief for widows and widowers. We proposed separating the issue of surviving spouses and legislating immediate relief, because there is no disagreement on this issue. The NCCC would rather hold surviving spouses hostage to drive its 60/30 deal.

According to the NCCC's and Railroad Retirement Board's own figures, an opportunity to substantially improve benefits is unlikely to arise for at least another generation or two, and maybe

much longer, because of the tax rate "ratchet" that is part of the proposal. This means that we have one chance — and one chance only — to get it right.

The Railroad Retirement Board has yet to pass judgment on the numbers that will make up the ratchet, and we simply cannot take a position on it until they do. You should know, however, that it is a mechanism designed to adjust tax rates and benefit levels to keep the Tier II Fund balance between four and six times what is needed to pay benefits in any given year. The Fund gets low, taxes go up (or benefits are reduced); the Fund gets high, taxes go down (or benefits are increased).

Under the terms of the announced proposal, it requires a 6.5% surplus just to restore benefits to the 1983 level. Is it realistic to assume that a large enough surplus will accumulate in the future to substantially reduce retirement age further, when there will be a mechanism designed to cut tax rates to prevent an excessive surplus? That's why we have to be absolutely sure we are getting the best deal we can get... and I'm not there, yet!

An actuary we hired is overdue to present us with a preliminary report, which will serve as the basis for further consideration. This work has been held up, in part, because the Railroad Retirement Board data to do precise costing calculations have not been supplied. However, I met with Railroad Retirement Board Labor Member Butch Speakman on February 8, and he committed to me that the Board's actuary will provide the additional calculations that we are seeking in order to further evaluate our options.

Since 1989, 33 BLE members lost the ability to retire at any age, because they perished in accidents. Working hours and conditions have become so intolerable over that period that we are forced to turn to Congress for a day off. The requirements of the job are tremendously stressful, and locomotive engineers wear down quickly. That's why we need Railroad Retirement reform that is tailored to the needs of our membership, just as the Presidents of all the other unions want reform that is tailored to the needs of their memberships.

Those various needs have traditionally been met by the Congress enacting Railroad Retirement reform only when consensus has been reached among labor and management. Consensus is not beyond our grasp, and I believe that we will get there. Maybe the carriers need a little push, and maybe Congress will have to deliver that push.

We can still do the surviving spouse fix right now, or we can roll up our sleeves and get down to business. The NCCC knows I'm ready to work, and so do the other Rail Labor Chiefs... and when the disinformation crowd approaches you on the job, tell them that you know all the facts, too. •

## 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 David R. Herndon reversed the decision. His ruling 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 SAT program is a past practice, therefore, it constitutes a 'minor dispute' which this court lacks the jurisdiction to hear. The court finds the position taken by Union Pacific to be supported by the evidence.

"In 1994, Union Pacific began hold-

ing SAT programs, contrary to BLE's allegations. These SAT programs were held at the Cheyenne Service Unit, the Houston Service Unit, and the Wichita Service Unit... the December 1999 Arkansas SAT program is not a new practice; it is a past practice as defined by the law."

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 session of graphic videos and intimidating speeches delivered by UP management. The videos were filled with violence and gore, showing limb amputations and workers being crushed between coupling cars. Workers were also subjected to 90 days of observation following the session, sometimes unaware they were being watched. •

# 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 on the Grand Trunk Western Railroad have brought a class action suit against the carrier and the United Transportation Union, claiming that UTU and GTW collaborated on a secret agreement that unfairly discriminated 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. The plaintiffs, trainmen members of the BLE, filed suit after learning of a secret UTU-GTW agreement that paid UTU members for their time claims but failed to do so for BLE members. The BLE suit seeks payment for their time claims equivalent to those UTU members received.

The BLE suit asserts that UTU breached its duty of fair representation by:

- Failing to consult BLE members prior to resolution of time disputes;
- Abandoning BLE members' time disputes without any rational basis for doing so;
- Discriminating against Plaintiffs on the basis of their membership in BLE by causing payments to be made to UTU members while no such payments were made to BLE members.

Over the past several years, both UTU and BLE trainmen have filed numerous time claims with the carrier. UTU, which holds the train service contract

**“(T)he plaintiffs... filed suit after learning of a secret UTU-GTW deal that paid UTU members for their time claims but failed to do so for BLE members.”**

on GTW, was responsible for processing these claims. For many years, however, the UTU did not resolve them for either its members or the BLE trainmen.

According to the complaint, at some time during 1999, UTU reached a secret agreement with GTW management to resolve a large number of these time claims in the form of \$2,500 payments to employees. While a substantial number of UTU trainmen were paid the \$2,500 settlement, no BLE trainmen received payment for their time claims. In fact, the agreement was kept secret from BLE members.

Less than three weeks after the suit was filed in Federal Court, more than a dozen UTU members approached the BLE and asked to take part in the lawsuit, BLE General Chairman John Karakian said.

At the time the rumored settlement was paid, several BLE members had outstanding time claims that had been submitted to UTU and acknowledged by it. However, no BLE member was informed of the terms

of the settlement, no BLE member was advised about the status of their time disputes, no BLE member has been informed that their time dispute has been resolved, and most importantly, no BLE member has been paid for their time claims.

“As the exclusive representative of persons performing work within its jurisdiction, UTU owed Plaintiffs and those similarly situated a duty to fairly represent them with regard to matters subject to collective bargaining,” the BLE suit states. “This duty included the duty to refrain from discrimination against any person in the resolution of disputes including time disputes.”

The BLE suit also states that GTW breached its contract with UTU and deprived Plaintiffs of the benefits of that agreement by contracting with UTU to resolve a dispute in a manner that discriminated against BLE members. •

## NEWS BRIEFS

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 the way the industry is regulated. It also invited interested parties to address whether these developments would be good for large and small railroads and their shippers.

The BLE has filed a notice of intent to participate in the hearings.

• • •

DALLAS — Encouraged by the strong economy and facing higher fuel and labor costs, the nation's freight railroads are raising certain rates more aggressively than in recent years.

BNSF is notifying shippers it will raise rates for some customers as much as 4 percent in the railroad's first broad price hike since 1995. Norfolk Southern

announced an identical increase for customers shipping scrap metal, paper, lumber and container freight. Top officials of UP and CSX have also signaled they intend to raise rates.

The price hikes are receiving predictably bad marks from shippers. Mike Heimowitz, a spokesman for the Chemical Manufacturers Association, said rail service in the East is still recovering from the breakup of Conrail.

“We're having a lot of service problems, and here they are giving us a rate hike. It's not really the most pleasant thing,” he said.

• • •

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.

“This rule, when adopted, will help prevent crashes involving trains, motor vehicles and pedestrians at highway-rail grade crossings and yet enable communities to maintain quiet in zones that need to be protected from noise,” Secretary Slater said.

The rule, proposed by the FRA, was written 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 gates, 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 division 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 imple-

mentation 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 NEWS

## BLE opposes lackluster RRB reform proposal

### Retirement

Continued from page 1

lacking at this time, in part, because — according to Rail Intelligence, a weekly industry publication — the proposal would provide the industry with a windfall worth over \$300 million annually.

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 remainder of the package continue.

## BLE, Rail Labor blast biased Amtrak Reform Council report

### Amtrak

Continued from page 1

making Amtrak operationally and financially secure for the long haul.”

In its seven page dissenting opinion, Rail Labor criticized the biased view of the pro-Republican, pro-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 railroad,” the dissent stated. In a November 14, 1998, 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 an entrepreneurial 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 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 dissent 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... What is clear about these meetings, however, is that they must have cost the American taxpayers thousands of dollars.”

The dissent also accused the Board of making misleading, inaccurate and unsubstantiated statements.

In its final report, the Council states that it “began to carry out its mandate through a broad program of research and analysis by the ARC staff, which has worked closely with the railway labor organizations”

Rail Labor’s dissent, however, states “Nothing could be further from the truth. The facts are that the ARC has deliberately distanced itself from

rail labor; not making material available to it when requested; not meeting with rail labor staff when requested; not allowing input from rail labor; and not permitting rail labor’s representative on the ARC to discuss with labor the very issues affecting it.”

The Council criticized Amtrak’s cost savings goals, and faulted it for losing a maintenance contract with MBTA. Ironically, Council Chairman Gilbert E. Carmichael is a top executive of a parent company of the subcontractor that took the equipment maintenance contract away from MBTA.

“Based on the Council’s regional outreach meetings, as well as direct communications with state departments of transportation, Amtrak risks losing a significant amount of commuter and subsidized Intercity passenger business unless it is able to get its unit cost structure more competitive with private sector companies. Market forces evident in Boston (Amtrak’s loss of the Massachusetts Bay Transit Authority (MBTA) equipment maintenance contract) are indicative of overall resistance to increasing Amtrak charges to the states and local commuter authorities for passenger rail services provided by Amtrak,” the report stated. “Amtrak management has to act more like a private, for-profit corporation and less like a government-owned agency providing rail service on a cost-plus basis, if Amtrak is to participate in the anticipated increase in passenger rail service along developing high speed corridors.” •

## FEBRUARY 2000 CALENDAR & EVENTS

### JUNE 5-8, 2000... International Western Convention in Jackson Hole, Wyo.

Jim Lance is chairman of the 2000 IWC, which will be held at the Snow King Resort. Billed as the “Millennium Convention — IWC 2000,” members can participate in the annual IWC golf tournament or visit the Snow King’s famous scenic views. For hotel registration, write the Snow King Resort at P.O. Box S-K-I, 400 East Snow King Ave., Jackson Hole, WY 83001; or call (800) 522-KING or (307) 733-5200. Be sure to ask for the special BLE group rate of \$135 per night. Contact Brother Lance at P.O. Box 476, Inkom, ID 83245-0476 or call (208) 775-3377.

### JUNE 18-23... 73rd Annual Southeastern Meeting Association in Louisville

Convention Chairman J.G. “Jim” Goodman encourages members to register early as the 2000 SMA promises to be a convention to remember. 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 (502) 589-5200. To contact Brother Goodman, write: 229 Stout St., Mt. Washington, KY 40047; or call (502) 538-4358. His e-mail address is: <goodble@aol.com>.

### JUNE 27-July 1... Eastern Union Meeting Association in Niagara Falls, Canada.

Members are encouraged to plan early for next year’s EUMA, hosted by Jack and Pat Murphy (and Division 421) in Niagara Falls, Canada. It will be held at the Sheraton Fallsview Hotel. Room rates start at \$154 Canadian per night (approximately \$103 U.S.). Make reservations by calling (800) 267-8439, and ask for the BLE group rate. For further, contact Murphy at (716) 627-5354 or e-mail <blemurph@aol.com>.

### JULY 22-26... Annual NASLBC meeting in Niagara Falls, Ontario, Canada

At the Sheraton Fallsview Hotel and Conference Center. Call (800) 267-8439 for reservations, and see page 3 of this issue for further details.

### SEPTEMBER 17-22... 65th Annual Southwestern Convention Meeting in St. Louis

Convention Co-Chairmen James Jackson and Roger King will ring in the 21st Century in St. Louis. September 17 is for early registrants and September 18 is the golf tournament. In between 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. Make reservations by calling (800) 228-9290 or (314) 421-1776. Be sure to ask for the special BLE discount rate.

## Advisory Board January Activity

By action of the delegates at the Fifth Quinquennial Convention, summaries of BLE Advisory Board members’ activities are published monthly:

**International President Edward Dubroski**—International Office: General supervision of BLE activities; Subcommittee, Washington D.C.; TTD meeting, Washington D.C.; North Carolina, NS contract mtg.; National talks, D.C.; AFL-CIO mtg., D.C.; Mtg., legislative representatives of BMWE & BLE, Washington D.C.; Publications Cmte.  
**First Vice-President & Alternate President James L. McCoy**—International Office. Assisted president supervising BLE activities; FVP duties, contacted GCs, SLBCs, telephone calls, correspondence, etc.; Holiday; TTD mtgs., D.C.; GCA mtg., Asheville, N.C.; Section Six mtgs., D.C.; CRLO mtgs.; Publications Cmte.  
**General Secretary-Treasurer Russ Bennett**—International Office: Supervision of BLE Financial depts.; Records Dept.; BLE Job Bank; CRLO and TTD-Rail mtgs.; Publications Cmte.  
**Vice-President Paul T. Sorrow**—Attended BLE/NS Southern Quadrennial General Committee session; Assisted NS GCofAs in reaching tentative wage/rules settlement; Mtg. w/ all BLE/NS local chairmen and general chairmen; National Wage/Rules mtg.; Mtg. in Toledo, Ohio, to resolve seniority issue in connection w/ Conrail acquisition; Assisted Grand Trunk GCofA in wage/rules mtgs.; Assisted CSX GCofAs w/ various issues; Reviewed cases for PLB and SBAs on NS; General office duties; Mtg. a ID office.  
**Vice-President Joseph A. Cassidy Jr.**—General office duties; Study & paperwork; Mtg. w/ PATH GCofA; Mtg. w/ Federal mediator, re: St. Lawrence & Hudson; Mtg. w/ FRA; Mtg. w/ Harriman Award Cmte.; Mtg. w/ SEPTA GCofA; Prepare SBA 93; Mtg. w/ Amtrak; Prepare SBA 928; Mtg. w/ CP Rail on equity issues; Mtg. w/ Delaware & Hudson, re: contract negotiations; Mtg. w/ Gen'l. Chairman Twombly, re: Springfield Terminal Rwy.; Work on Harriman Award criteria; Mtg. w/ Executive Committee at ID; Mtg. w/ General Counsel Ross, RE: DM&R; Represented President Dubroski at Amtrak ACELA inaugural train in Penn Station, NY.  
**Vice-President & U.S. Nat'l Legislative Representative Leroy D. Jones**—Washington D.C. Office; RR subcommittee; Mtg. w/ Jack Wells, staff member, House T&I cmte.; Publications Cmte mtg.; Receptions Cong. Gephardt (D-MO); AAR holiday reception; Democratic Club Holiday; Mtg. w/ BMWE, TWU, ATDD; FRA technical review cmte., locomotive inspection; BLE Div. 75 Christmas party; Reception for Jean Elliott Brown, Democratic candidate, 16th dist., Fla.; Mtg. w/ CSX, re: locomotive air conditioning and sanitation; FRA locomotive crashworthiness cmte.; Mtg. w/ VP Gore; Tony Coehlo campaign chairman; Donna Brazil, Campaign manager; Don Fowler, former DNC chairman; AFL-CIO political dir. mtg.; Holiday.  
**Vice-President William C. Walpert**—ID Office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; BLE Special Reprs.; UP/SP project mtg. w/ Special Reprs, Regional Mobilization Coordinators in Las Vegas; Div. 573 mtg., Greenville, Texas; KCS mtg., Dallas.  
**Vice-President Edward W. Rodziewicz**—General office duties; UP/SP project, mtg. w/ District Coordinators, Div. contacts, state legislative chairmen and BLE-UTU members; NS Eastern region; Assignment per President Dubroski; General Chairmen’s mtg.; Mtg. in North Platte w/ President Dubroski, FVP McCoy, SR J. Tolman and BLE-UTU members; Vacation.  
**Vice-President Don M. Hahs**—BNSF system including MRL, UP South & West, SP East & South, SSW, DLGW, Tacoma Belt, Pac Harbor Belt; General office duties; Work-Rest mtgs.; BNSF wage/rule & Availability Policy mtgs.; Mtg. w/ BLE mobilization cmte.; Arbitration of various seniority issues pending from hub agreements; Mtg. w/ GC Poe & Young on various issues; Telephone conference w/ G.C. Mitchell, Portland Hub Zone 2 & 3; Funeral of former Div. 266 LC E.C. Hayman; Conference call on UP PLB 6701 w/ First VP McCoy, Slone, & Neutral.  
**Vice-President Richard K. Radek**—International Office; BLE Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB) arbitration, various, adoption, executive sessions, misc. admin.; METRA general assistance; NRAB general assistance, BRC/IHB; BNSF PLB 6190, 3rd party participation & prep.; Section 3 Subcommittee, various; General assistance, negotiations, IHB; FRA Part 240 dockets EQAL 96-5, 98-09, 98-30.  
**Vice-President Dale McPherson**—I&M Rail Link; CP/SOO, UP East Lines; TRRA-St. Louis; Indiana Railroad Co.; Review submission PLB 5997; Conference call, GC Murphy, Young; General office duties, telephone & paperwork; IMRL contract mtgs. w/ GC Priestler; PLB 5997 hearing; Correspondence; Mtg. w/ MNA general chair; IRR contract negotiations; Attend BLE Div. 204 mtg.  
**Vice-President & Canadian Director Gilles Hallé**—Ottawa Office; Attend funeral for Div. 558 member P. Davis; Div. 558 and Div. 753 mtgs. w/ B.E. Wood; CISD course; RCTC negotiations.  
**Vice-President & National Legislative Representative-Canada T. George Hucker**—Ottawa Office; Canadian National Legislative Board; CLC mtgs., re: Canada Labour Code Part II and Part III; CNR Operational practices mtg.; Funeral for Div. 558 member; Working group on crossing safety mtg.; CLC National Political Action Cmte. mtgs.; NLB mtgs.; CPR-DMC mtgs.; Mtg. w/ CP Rail, re: branchlines; CPR senior health & safety mtg.; Crossing regulations working group mtg. Mtg. w/ CN Rail, re: Hours of Service.



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