The City of Boston has become the sixth U.S. city to take action against remote control locomotive operations. In a resolution by City Councilor at-Large Stephen J. Murphy, the city demanded that railroads cease operations of remote control locomotives until safety considerations are met. In its resolution, the council cited various safety concerns, including terrorism, public safety around the tracks, passenger rail safety and the lack of training by remote control operators. The council resolved to ask the FRA to create more comprehensive safety requirements and the city to prepare for emergencies.

The resolution by Boston follows similar resolutions passed by the city councils of Baton Rouge, La., Shreveport, La., Detroit, Mich., Marysville, Mich., and, most recently, Cleveland, Ohio.

BLE Massachusetts State Legislative Board Chairman George Newman lead the effort to get the Boston resolution introduced. He also credits SLBC Vice-Chairman Dan Lauzon, Secretary-Treasurer Walter Nutter, and the rest of the State Legislative Board Executive Committee; Bob Haynes, President of the Mass. AFL-CIO; Rich Rodgers, Political Director of the Mass. AFL-CIO; Tony Romano, Secretary-Treasurer of the Greater Boston Central Labor Council; Mass. State Senator Steven Tolman; and, especially, Boston City Councillor At-Large Murphy, who introduced the resolution.

“We’re happy that the city council recognized the importance of keeping the public safe from this technology, especially around high-speed passenger rail lines,” said the Mass. AFL-CIO president. He emphasized that the employees operating this technology are insufficiently trained and the public needs to be protected from the dangers associated with the operation of remote control locomotives. The full text of the resolution is published on Page 5 of this issue.

BLE, Teamster surveys coming soon

BLE members are advised that surveys should be arriving at their homes any day now regarding the proposed merger with the International Brotherhood of Teamsters. The survey results will help BLE leaders in structuring the best merger agreement possible. BLE members are encouraged to return the surveys and to include their opinions and observations regarding this issue.

As this issue of the Newslette went to press, the joint merger subcommittees were continuing to meet and negotiations are progressing smoothly.

Cleveland passes ‘emergency measure’ on remote control

The City Council of Cleveland, Ohio, adopted an “emergency measure” on February 10 that encourages members of the Ohio State Legislature to pass legislation addressing safety and security concerns surrounding the use of remote control locomotives.

The measure also calls upon state and federal agencies that regulate railroad operations to work with the Department of Homeland Security to establish regulations to address remote control locomotives.

Cleveland is now the fifth U.S. city to adopt a resolution calling for improved safety regarding remote control trains. The Cleveland City Council’s resolution is, “an emergency measure for the immediate preservation of public property, peace, health, or safety.”

According to the resolution, No. 194-03, the federal government recently identified remote control railroad shipments of hazardous materials as potential terrorist targets, and noted that various railroad operators in Cuyahoga County, where Cleveland is located, have recently begun using or are considering the use of remote control trains.

The City Council determined that, “the use of remote control locomotives raises a number of safety and security concerns, particularly with hazardous cargo.”

Cleveland now joins five other U.S. cities in adopting resolutions that call for improved safety regarding remote control locomotives — Baton Rouge, La., Shreveport, La., Detroit, Mich., and Marysville, Mich. The Baton Rouge, Shreveport and Detroit resolutions call for an outright ban of remote control trains until certain safety requirements have been met.

James F. Ong, Chairman of the Ohio State Legislative Board, played the lead role in securing passage of the resolution. He recognized the efforts of First Vice-Chairman Tim Hanely, Second Vice-Chairman Tim Price, and Bill Ellert, Legislative Rep of Division 3 (Cleveland).

Arbitrator saddles TCU with increased health care costs

The Transportation Communications International Union announced on January 24 that arbitrator Robert Harris has issued a final decision in the union’s arbitration case covering pay and health and welfare issues for the Clerical and Carmen national agreements.

The arbitrator’s decision provides for cost of living adjustments and general wage increases, but more importantly, saddles TCU members with increased monthly health insurance payments.

Rail labor had been closely watching the outcome of the TCU health and welfare arbitration as it may serve as a pattern for “other unions’ collective bargaining agreements.

“I do not believe that TCU members should be required to make these health and welfare contributions,” said TCU President A. Scardelletti. “We presented a strong case for higher wages and dramatically lower contributions… I am furious that the arbitrator went as high as he did in gaining agreements.”

The arbitrator’s ruling, TCU members, like all railroad union members, paid little out-of-pocket expenses for health care insurance and no monthly premium contributions. The arbitrator sided with rail carriers and ruled that not only should TCU members begin paying part of the monthly premiums, but that they should pay retroactively for health care insurance dating back to 2001.

TCU members now owe retroactive health and welfare payments of $33.39 per month from July 1, 2001, to June 30, 2002. That monthly premium skyrockets to $81.18 per month for health insurance dating back to 2002. That monthly premium increases were set so that they basically offset the retroactive health insurance premiums.

Therefore, most TCU members will receive payments less than $200 in retroactive wage increases, depending on number of hours worked.

Scardelletti said the arbitrator adopted the carrier health and welfare proposal “almost verbatim.” The main difference, he said, is that the arbitrator capped employee monthly health and welfare payments at $100 per month after July 1, 2004, while the carriers had proposed payments of nearly $135 per month.

Even though he was disappointed in the ruling, President Scardelletti said he did not second-guess the decision to arbitrate instead of going to a Presidential Emergency Board.

“TCU is a strong, healthy, and tough union,” he said. “We are going to fight back and we are going to come out ahead.”

The full text of the arbitrator’s decision is published on Page 4 of this issue.
Senate confirms CSX's Snow as treasury secretary

Former CSX railroad executive John Snow was sworn in on January 30 as the nation’s 73rd treasury secretary, and he has his work cut out for him. Trying to steer the wobbly U.S. economy back onto firmer footing.

One of Snow’s first major jobs will be selling President Bush’s $805 billion tax-cut plan, aimed at energizing the $10.5 trillion economy. The proposal was included in the $2.2 trillion budget for 2004 that Bush sent to Congress.

Snow has pledged to sell his extensive stock holdings in CSX Corp. and 60 other companies and put his money in diversified mutual funds. He has 90 days from his confirmation on Jan. 30 to do so. Snow has said he would recuse himself from participating in any decisions involving CSX while at Treasury, and would forego a lucrative severance package estimated at up to $15 million.

Snow, the head of railroad giant CSX for the past 14 years, was picked by Bush in December to succeed John W. Snow, the head of railroad giant CSX for the past 14 years, as treasury secretary. Snow had tapped Ward as his successor and the board’s executive vice president before being named executive vice president of operations. He also told the Post that he wants to make greater use of computers aboard trains and remote-control switching. •

N.Y. approves rail property tax breaks

New York Gov. George Pataki approved legislation slashing railroad property taxes by 45 percent.

Approval of the legislation removes a roadblock to completion of a new rail line that is considered critical to implementing high-speed passenger rail service on the Empire Corridor.

The legislation reduces railroad property taxes by about 45 percent by changing the way the property is taxed. It also exempts railroad capital improvements from local taxation for 10 years.

To compensate for revenue lost to local governments and school districts, the bill requires the state to set aside $70 million to be paid out to these entities over a 10-year period.

Local governments will get $4.7 million in 2003 to 2004. CSX and Norfolk Southern will benefit from the tax break.

New CSX CEO will seek to boost use of remote control

CSX Corp.’s board of directors named President Michael J. Ward to succeed John W. Snow as chairman and chief executive, replacing a man steeped in the ways of government and politics with a life-long railroad man.

Ward had named executive vice president of operations. He also told the Post that he wants to make greater use of computers aboard trains and remote-control switching. •

DM&E wins full control of I&M

The Surface Transportation Board approved the last regulatory footnote to the purchase of the Iowa-based I&M Rail Link by the Dakota, Minnesota & Eastern Railroad (DM&E).

By a unanimous vote, the three-member STB agreed to give full management control over both railroads to a DM&E holding company, Cedar American Rail Holding, Inc. The line is now named Iowa Chicago & Eastern Railroad (I&CE). It runs through Austin.

The board’s staff advised that the two railroads do not overlap and that no competition would be stifled by the merger.

The 1,100 mile DM&E is based in Sioux Falls, S.D., and is working toward a $1.5 billion expansion and upgrade that would let it tap into the coal-rich Powder River Basin of Wyoming.

That expansion plan, which won a green light from the STB last year, is being fought in court by western landowners, the Sierra Club, and the city of Bozeman.

Separately, the STB last summer approved the purchase of the I&M pending approval of the ownership structure. The I&M is a Midwest shipper — primarily of grain — based in Davenport, Iowa. It controls 1,400 miles of track.

The DM&E purchased the I&M through a subsidiary, the Iowa, Chicago & Eastern Railroad Corp. •

AFL-CIO NATIONAL BOYCOTTS

JANUARY/FEBRUARY 2003

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Burlington Northern Santa Fe

BNSF reported net income of $202 million for the quarter ended December 31 compared to $177 million (including an adjustment for work force reduction costs) for the same period in 2001. Total operating revenue remained the same at $2.3 billion for the fourth quarter, compared with $2.3 billion in 2001. For the year, revenue improved 25 percent from $7.31 billion in 2001. Year-end revenue was $8.88 billion, compared to $8.21 billion in 2001.

Operating income was $436 million for the 2002 fourth quarter compared with operating income in the same 2001 period of $401 million, or $407 million adjusted. BNSF’s operating ratio was 80.8 percent for the 2002 fourth quarter compared with 82.4 percent in 2001.

Freight revenues for the year were $8.87 billion compared with 2001 revenues of $8.05 billion. Operating expenses of $7.32 billion decreased by $135 million. The railroad earned $3.25 per diluted share for both 2002 and 2001.

Canadian Pacific Railway

Canadian Pacific Railway’s fourth-quarter profit rose 29 percent as the railroad had a foreign exchange gain and weathered the impact of the drought-stricken western grain crop. But operating income at CP Rail, which just wrapped up its first full year as a stand-alone firm after its spinoff from defunct Canadian PacifiC Ltd., slipped a bit as expenses nudged up 3 percent. It earned C$1.26 billion ($83 million) in the fourth quarter, up from year-earlier C$866 million. Net income included a C$86.1 million gain from the impact of a strong Canadian dollar on its long-term debt. Without one-time items, profit was C$1.21 billion, down from C$1.24 billion a year earlier.

CP’s operating ratio, or expenses as a percentage of revenues, weakened to 75 percent from 72.5 percent in the fourth quarter of 2001. But it improved to a company record of 70.6 percent for the year. The railroad it was on track to achieve its target of 73 percent in 2004.

Kansas City Southern

Fueled by its Mexican joint venture, Kansas City Southern posted sharply higher earnings in its fourth quarter. For the three months that ended Dec. 31, Kansas City Southern earned $17.4 million on $146.9 million in revenues. Earnings were up 56 percent from the same quarter in 2001, when the railroad earned $11.1 million on $146.9 million in sales. Per share, KCS expects last year’s installation of a new operational computer system to create opportunities for improved efficiencies.

Norfolk Southern Corp.

The CSX railroad is CSX’s core business, and coal handling generates about 25 percent of CSX’s revenue. While coal shipping business was down, the sale of its Charlotte, N.C.-based CSX Lines LLC for $300 million in cash and securities offset the decline in coal, CSX said.

For the full year, CSX said it earned $4.24 billion versus $2.85 billion in 2001. Revenue edged up to $8.15 billion from $8.11 billion in 2001.

Union Pacific

Union Pacific Corp. announced plans to cut up to 1,000 jobs, or 2 percent of its work force, this year even as it reported its earnings rose 37.5 percent in the fourth quarter.

The nation’s biggest railroad also forecast that its first quarter earnings will drop up to 20 cents a share from the 86 cents a share it earned a year earlier. That includes $0.40 million in severance costs and rising fuel costs, company officials said. For the full year, Union Pacific said it expects earnings to grow 5 percent to 10 percent from the $4.30 a share it had excluding one-time items in 2002.

The company plans to lay off up to 300 people by March and said 700 more positions will not be filled this year as people leave or retire. Union Pacific employs about 48,000 people. Union Pacific wants to cut costs by up to 20 percent in 2003, amid concern about higher wages, increased health care costs, higher fuel prices and soaring insurance costs since the Sept. 11 terrorist attacks.

CSX Corp.

CSX Corp., the parent company of CSX Transportation, reported strong fourth-quarter earnings for 2002, which improved on the previous year’s earnings for the same period. The report marked eight of the last nine quarters with improvement earnings over the year before.

For the year, net income was $4.90 billion, up 23 percent compared to $3.75 billion in the same period a year earlier. For the quarter, the railroad’s operating ratio improved to 81.8 percent compared with 82.0 percent in the same period of 2001. For the year, the railroad’s operating ratio improved to 81.5 percent, compared with 81.7 percent a year earlier.

Revenue operating revenues set record highs for both the fourth quarter and the year. In the quarter, revenues reached $1.38 billion, up three percent compared with the fourth quarter of 2001, and for the year, revenues of $46.27 billion rose two percent compared with the same period in 2001.

Fourth-quarter general merchandise revenues of $814 million reflected a five percent improvement compared to the fourth quarter of 2001. All market groups showed revenue gains compared to the same period of 2001, led by a seven percent improvement in automotive. For the year, general merchandise revenues of $3.05 billion increased three percent compared with 2001 and set a record.

Canadian National Railway

Profits at Canadian National Railway fell 23 percent last year, partly due to $352 million in fourth-quarter charges to cover asbestos claims in the United States and the cost of 1,140 job cuts announced in the second quarter.

The company’s year-end net income was $200 million, compared to $220 million from yearly revenues, and the hurt will carry on into 2003.

CN earned $800 million in 2002 compared with $1.04 billion in 2001. Excluding unusual items in both years, the 2002 profit was $1.05 billion, up 8 percent. Revenue rose 9 percent to $61.1 billion, reflecting the acquisition of Wisconsin Central and a strong performance by its operations in the China-North American system.

For the fourth quarter, net earnings plunged to $22 million from $296 million in the year-ago period, as a result of the one-time charges. Quarterly revenues increased one percent to $1.55 billion.

Canadian Railway

The company’s year-end net income was $760 million, compared with $966 million in 2001. Per-share earnings rose from $3.77 per share in 2001 to $3.83 per share last year, partly due to $252 million in fourth-quarter charges to cover asbestos claims in the United States and the cost of 1,140 job cuts announced in the second quarter.

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Amtrak saved, at least for 2003

Rail labor was successful once again in lobbying to ensure the future of Amtrak, helping the national passenger railroad survive at least one more year in the face of inadequate federal funding.

Amtrak President David Gunn said the railroad needed at least $1.2 billion in funding to survive. In mid-February, however, House and Senate negotiators compromised on $1.05 billion for Amtrak.

However, House and Senate negotiators compromised on $1.05 billion for Amtrak while the railroad needed at least $1.2 billion to survive. In mid-February, however, House and Senate negotiators compromised on $1.05 billion for Amtrak. This would create a potentially dangerous situation for thousands of other employees who depend on Rail-roard Retirement.

Gunn said Amtrak must have $1.2 billion in funding to avoid a shutdown due to lack of funding. The Bush Administration offered less funding and proposed that the railroad eliminate service to money-losing, long-distance trains.

The Busch Administration also proposed that Amtrak offer buyouts to some employees to reduce labor costs. The government would leave it up to Amtrak to decide if savings should come from its work force of nearly 23,000.

Amtrak came close to shutting down in July of 2002 because of a budget crisis that was averted by a $100 million loan guarantee from the Transportation Department and a $205 million appropriation from Congress. President Bush and House Republicans want Amtrak to wean itself from federal subsidies by paring money-losing routes and forcing cities and states to pick up the tab for passenger rail. Senate supporters say Amtrak’s ser-vive is vital and that nowhere in the world does passenger rail turn a profit.

Amtrak has never made money in its 32-year history and its debt is roughly $4 billion.

In a speech at Yale University on February 4, Gunn said Amtrak will never earn enough money to support itself. He said Amtrak will never make a profit, mainly because of the high cost of maintaining railroad ties, bridges and other infrastructure.

Gunn, credited with improving New York City’s subway system, was named Amtrak’s president in April, just as the budget crisis began to take shape.

Amtrak was formed in 1971 to re-tieve freight railroads from the cash-straining responsibility of passenger service and has struggled ever since to meet expectations that it break even or turn a profit. Gunn said Amtrak would have a shot at continued existence in four to five years with an annual budget of less than $2 billion.

He said Congress is being unreal-istic in insisting Amtrak become self-sustaining. “Maybe we are sustainable, because they’ve tried to kill us for 30 years and we’re still here,” Gunn said.

Most long-distance trains operate through the Midwest and West, and require hefty per-passenger subsidies. The Sunset Limited from Los Angeles to Orlando loses $347 per passenger, and the Texas Eagle from San Antonio to Chicago, $254.

Some routes have political strings attached, with key members of Con-gress favoring the jobs and service the trains provide to constituents. Many lawmakers whose districts or states have no Amtrak service resent any sub-sidies at all.

Ohio county bans remotes

Calls for improved safety, security of remote control locomotives: Cites terrorist threats to railroads

The Cuyahoga County Local Emergency Planning Committee recently adopted a resolution that calls for a moratorium on remote control trains and suggests that remotes be banned from switching operations that involve hazardous materials.

The Local Emergency Planning Committee for Cuyahoga County (LEPC), where Cleveland is located, is a local organization that plans and coordinates how safety crews will respond to emergencies involving hazardous substances. In Ohio, LEPCs have been established in all 88 counties and have been given new responsibilities following the terrorist attacks of September 11, 2001.

The resolution, passed on Janu-ary 31, urges legislation to place a moratorium on remote control trains until the safety and security issues raised by this technology have been thoroughly addressed and adequate regulations have been established.

Cuyahoga County LEPC be-comes the seventh local government agency to adopt a resolution calling for improved safety of remote control trains. The other include the city councils of Baton Rouge, La., Shreve-port, La., Detroit, Mich., Marysville, Mich., Boston, and Cleveland.

LEPC resolution No. SARA 030106-02 also calls upon the Fed-eral Railroad Administration to work with the Department of Home-land Security to establish regula-tions governing the operation of re-mote control trains. It urged that such regulations include:

1. Adequate crew size to insure safe and secure operation and switching service;

2. Prohibition of the use of re-mote control locomotives to operate and conduct switching operations to move trains with hazardous cargo; and

3. Requirements for high stan-dards of training for operators of remote control technology.

Jim Ong, Chairman of the BLE’s Ohio State Legislative Board, is credited with lobbying the Board to bring this serious safety matter to its attention. He thanked First Vice-Chairman Tim Haney, Second Vice-Chairman Jim O’Hara, and the BLE Divi-sion 3 (Cleveland) Legislative Rep-representative Bill Ellert for also play-ing important roles in lobbying on behalf of this issue.

Brothers Haney and Price tes-tified before the LEPC at a hearing in Cleveland on November 4. The presentation stipulates that each community in the United States must be a part of a compre-hensive plan regarding emergency response to hazardous material re-leases. LEPC members normally in-clude representatives of police, fire, civil defense, public health, transpor-tation and environmental profes-sionals. •

Mayne reelected in Kentucky

Brother Tommy Mayne was recently reelected by acclamation to the office of Chairman of the Kentucky State Legislative Board at the Board’s Third Quadrennial meeting. Also reelected by acclamation were Secretary-Treasurer Terry W. Beedle and First Vice-Chairman Jack Chaffill.

Pictured at the meeting, from left: Mark Robb, Division 240 (Sarina, Ontario); Landon Hinkle, President of Division 463 (Corbin, Ky.); Clenore Main, former BLE International President, Jerry Wright, John Miller, Ronnie W. Jones, Legislative Rep. of Division 463 (Corbin, Ky.); Maxy Pelfrey, Division 830 (Hazard, Ky.); Paul T. Sorrow, BLE International Vice-President; Rob G. Richardson, Legislative Rep. of Division 829 (Roaneville, Ky.); Secretary- Treasurer Beedle; Ed Heuling, Legislative Rep. of Division 78 (Louisville, Ky.); Cleatus L. Roy, CSST-Western Lines General Chairman; John Chaffill, Legislative Rep. of Division 199 (Danville, Ky.); John Miller; Bernie Dyer, Legislative Rep. of Division 271 (Russell, KY.); Mary Polley, Division 820 (Hazard, Ky.); Paul Kowalski, Legislative Rep. of Division 699 (Ashland, Ky.); Leo Sobes, Division 81 (Kansas City, Kan.); and Terry Wayne Taylor, Secretary-Treasurer of Division 463 (Corbin, Ky.). Present but not pictured is Raymond Holmes, BLE International Vice-President & U.S. National Legislative Representative.

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LEPC resolution No. SARA 030106-02 also calls upon the Federal Railroad Administration to work with the Department of Homeland Security to establish regulations governing the operation of remote control trains. It urged that such regulations include:

1. Adequate crew size to insure safe and secure operation and switching service;

2. Prohibition of the use of remote control locomotives to operate and conduct switching operations to move trains with hazardous cargo; and

3. Requirements for high standards of training for operators of remote control technology.

Jim Ong, Chairman of the BLE’s Ohio State Legislative Board, is credited with lobbying the Board to bring this serious safety matter to its attention. He thanked First Vice-Chairman Tim Haney, Second Vice-Chairman Jim O’Hara, and the BLE Division 3 (Cleveland) Legislative Representative Bill Ellert for also playing important roles in lobbying on behalf of this issue.

Brothers Haney and Price testified before the LEPC at a hearing in Cleveland on November 4. The presentation stipulates that each community in the United States must be a part of a comprehensive plan regarding emergency response to hazardous material releases. LEPC members normally include representatives of police, fire, civil defense, public health, transportation and environmental professionals. •

Mayne reelected in Kentucky

Brother Tommy Mayne was recently reelected by acclamation to the office of Chairman of the Kentucky State Legislative Board at the Board’s Third Quadrennial meeting. Also reelected by acclamation were Secretary-Treasurer Terry W. Beedle and First Vice-Chairman Jack Chaffill.

Pictured at the meeting, from left: Mark Robb, Division 240 (Sarina, Ontario); Landon Hinkle, President of Division 463 (Corbin, Ky.); Clenore Main, former BLE International President, Jerry Wright, John Miller, Ronnie W. Jones, Legislative Rep. of Division 463 (Corbin, Ky.); Maxy Pelfrey, Division 830 (Hazard, Ky.); Paul T. Sorrow, BLE International Vice-President; Rob G. Richardson, Legislative Rep. of Division 829 (Roaneville, Ky.); Secretary-Treasurer Beedle; Ed Heuling, Legislative Rep. of Division 78 (Louisville, Ky.); Cleatus L. Roy, CSST-Western Lines General Chairman; John Chaffill, Legislative Rep. of Division 199 (Danville, Ky.); John Miller; Bernie Dyer, Legislative Rep. of Division 271 (Russell, Ky.); Mary Polley, Division 820 (Hazard, Ky.); Paul Kowalski, Legislative Rep. of Division 699 (Ashland, Ky.); Leo Sobes, Division 81 (Kansas City, Kan.); and Terry Wayne Taylor, Secretary-Treasurer of Division 463 (Corbin, Ky.). Present but not pictured is Raymond Holmes, BLE International Vice-President & U.S. National Legislative Representative.

Health & Welfare

Despite the "outrageously high" employee contributions for health insurance, President Sclareddiatti said the average TCU member "will still be ahead" of where they would be financially under the current contract. The ruling provides wage increases of 3 percent on July 1, 2003 and 3.25 percent on July 1, 2004. The retroactive wage increases, which offset the retroactive health insurance payments, were 2.5 percent on June 30, 2002, and 3.25 percent on July 1, 2002. The total wage increase is some 12.25 percent. •
BLE members ‘not interested’ in UTU

Letter from President Hahs sets the record straight, reaffirms BLE talks with Teamsters

(BLE Editor’s Note: The following is a text from a letter from BLE International President Don Hahs to railroad journalist Larry Kaufman, whose column supporting renewed BLE-UTU merger talks was posted on the UTU website on February 7.)

February 11, 2003

Dear Mr. Kaufman:

In your editorial regarding the January 19 remote control arbitration ruling issued by Gil Vernon, written for Rail Business and reproduced on the UTU website on February 7, you wrote: “Don’t be surprised if the decision leads to renewed merger talks between the (BLE and UTU).”

Mr. Kaufman, I would be extremely surprised if such talks were to resume.

On December 10, 2001, an overwhelming majority of Locomotive Engineers voted not to merge with the United Transportation Union. The actual vote was 7,425 for and 17,251 against merging. Leaders of the Brotherhood of Locomotive Engineers accepted that decision and moved on to pursue other options. However, leaders of the United Transportation Union and members of the industry press have recently published editorials indicating that BLE should once again revisit a merger with the UTU. Please be advised that the BLE membership has not indicated any interest in revisiting discussions with UTU.

For nearly a year now, the Brotherhood of Locomotive Engineers has been involved in merger discussions with the International Brotherhood of Teamsters. Because of these discussions, and the completely one-sided vote against merging with the UTU in December of 2001, it is highly unlikely that we would ever resume merger discussions with a non-AFL-CIO affiliate such as the UTU.

I am surprised that you claim to know enough about our confidential discussions with the Teamsters to characterize them as “bowing and scraping.” On the contrary, these merger discussions were and continue to be characterized by a great deal of professionalism and mutual respect on behalf of both parties.

Your assertion that BLE members are “holding their noses” at these talks is entirely off base. The feedback we have received from our members has been extremely positive and couldn’t be more contradictory to your comments. The membership will have the final say in a merger with the Teamsters.

I agree with the unnamed source in your editorial, the former railroad vice president of labor relations, who stated that railroads prefer to deal with one large union rather than several small ones. Mr. Kaufman, it’s hard to get bigger than the 1.4 million member Teamsters.

Throughout your editorial, you attempt to insinuate the current political atmosphere is “not a good time” for organized labor to seek support or assistance from government, particularly the “Republican Bush administration.” You attempted to give the impression that the UTU would be assured of a victory before the National Mediation Board now that Republicans are in control. While you mentioned the NMB’s ruling on the Kansas City Southern case, which came during the Clinton Administration, you neglected to mention the NMB ruling on the Kansas City Southern. I am sure this was a simple oversight on your part and not a deliberate attempt to distort the facts. The NMB’s KCS ruling was issued on August 14, 2002, well into the early stages of the Bush Administration. We have a great deal of respect for the NMB and firmly believe it made the ruling based on facts and not on politics.

I am also disturbed (as I am sure leaders of the Federal Railroad Administration must be as well) by your condemnation of our efforts to pursue remote control safety issues through the FRA. You state: “How can (BLE) expect any relief from an FRA in a Republican Bush administration? This is not a good time for unions to be seeking favors from an administration that most of them tried to keep from coming to office.”

We do not consider a safety issue to be a favor. You seem to infer that railroad safety is a matter of political preference. I believe the FRA will eventually come around to do what’s right for the safety of railroad employees and the general public, regardless of what political party happens to control the White House. It should be remembered by everyone that in Canada, where major remote control operations first began, remote controls are not operated on the main line outside of yard limits.

People are entitled to their own opinions, Mr. Kaufman. I thank you for the opportunity of allowing me to express mine.

Sincerely,

Don M. Hahs
International President
Brotherhood of Locomotive Engineers

City of Boston resolution banning remote controls

City of Boston, In Council

A Resolution of Councilor At-Large, Stephen J. Murphy

February 13, 2003

Whereas The City of Boston has a duty to provide for the public safety of its Citizens; and

Whereas Railroads operate within the geographic boundaries of Boston over public and private highway road crossings and on property accessible to persons of all ages and abilities; and

Whereas A significant amount of rail cargo travel through and moving within the City of Boston consists of hazardous materials; and

Whereas Freight hauling railroads doing business within the City of Boston operate in switching yards and on tracks adjacent to and connecting with tracks carrying high-speed Amtrak and MBTA Commuter Rail passenger trains; and

Whereas The United States government has issued a safety alert with respect to vandalism and terrorist threats against railroad; and

Whereas The Federal Railroad Administration (FRA) has granted authority to the Railroads to operate unmanned (remote controlled) locomotives by persons who have been certified by the railroads under 49 CFR Part 240 but who have significantly less training, experience, testing and qualifications than individuals who have traditionally manned these operations, therefore be it

Resolved That no railroad shall operate remote controlled locomotives within the boundaries of the City of Boston until all of the following safety considerations are met:

• Any railroad operating a remote control locomotive must notify the Office of the Mayor before implementing such operations;

• Remote controlled locomotives shall not be used to transport hazardous materials on or near tracks occupied by rail cars containing hazardous materials.

• Remote controlled locomotives shall not be operated in switching yards or tracks adjacent to or connected with tracks used for the transport of Amtrak high-speed passenger trains or MBTA Commuter Rail passenger trains.

• Remote controlled locomotives shall not be operated over a public or private highway rail crossing without a person occupying the cab of the locomotive who has the required skills to stop the locomotive and its attached equipment.

• Railroads must provide effective and reliable protection at the point of movement in any location accessible to the general public for any remote controlled operation.

• Locomotives within a consist of one or more remote controlled locomotives shall be provided with devices to secure the operating cab and its controls against terrorists, vandals, and other unauthorized persons.

And be it further Resolved That the City of Boston requests that the FRA develop comprehensive regulations to govern the use of remote controlled locomotives which shall ensure the highest level of training, skill, experience, and qualification for all persons operating remote controlled locomotives; and be it further

Resolved That all remote controlled locomotive operations within the City of Boston cease and desist until such time as all City of Boston agencies responsible for Emergency preparedness implements a plan to provide for evacuation and emergency response before such remote controlled operations are implemented. •
Information you need to know when filing your Federal income tax returns

Federal income tax and Railroad Retirement benefits

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 equivalent to a social security benefit, plus any noncontributory vested dual benefits and/or supplemental annuities paid to the annuitant during the tax year, is treated as Federal income tax withheld from the railroad retirement benefits paid over and above comparable social security equivalent benefits. The amount of these benefits or social security equivalent benefits is to be considered taxable in the same manner as a social security benefit for income tax purposes.

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, plus any noncontributory vested dual benefits and/or supplemental annuities paid to the annuitant during the tax year, is treated as Federal income tax withheld from the railroad retirement benefits paid over and above comparable social security equivalent benefits. The amount of these benefits or social security equivalent benefits is to be considered taxable in the same manner as a social security benefit for income tax purposes.

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 taxable 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 as a private pension.

4. What information is shown on the railroad retirement tax 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 re-

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, Form RRB-1099-R shows the total amount of any contributory railroad retirement benefits paid over and above social security equivalent benefits and railroad retirement annuity payments during the tax year.

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 and Web site address 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 must file 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 payments shown on Form RRB-1099-R (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 part of their social security and railroad retirement social security equivalent benefits is to be considered taxable income.

8. Are the residual lump sums, lump-sum death payments or separable minimum guaranty payments 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 directly deposited?

Yes, and the amounts withheld are shown on the statements issued by the Board each year. However, an annu-

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 made to an individual if an individual's social security equivalent payments and to 83 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 eliminated entirely if a tax treaty be-

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try of residence provides such an exemption, and the nonresident alien completes and sends Form RRB-1001, Nonresident 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 nonresidents 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. Renewals have no retroactivity.

Also, 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. This form shows the amount of sickness benefits that each beneficiary should include in his or her taxable income.

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. A beneficiary can request withholding of 10 percent of his or her unemployment or sickness benefits by filing Form W-4 with the Board. A beneficiary can request withholding from sickness benefits by filing Form W-4S.

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 employee withheld excess railroad retirement taxes during the year? If any one railroad employee 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 railroad retirement payroll taxes were withheld by the employer? 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 Railroad Retirement Board 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 565, Tax Withholding and Estimated Tax, for information on how to figure any excess railroad retirement or social security tax withheld.

Income Tax

Continued from Page 6

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Trainsman dead in CSX switching accident; Remote control was in use

A CSX trainsman died on February 16 when he was struck by a moving boxcar in a switching accident in the Manlius freight yard near Syracuse, N.Y. The cars were being switched by remote control at the time of the fatality.

An autopsy performed on John W. Sneddon, 36, the next day showed he died from a blunt force injury to his torso caused by the blow from the boxcar.

Sneddon was a trainsman. His partner was a conductor. The conductor was operating the locomotive by remote control, using it to push incoming cars along the tracks to build new trains.

A CSX spokesman said Sneddon’s partner realized something was wrong after he received no reply when he called for Sneddon on the radio. He went to look for Sneddon and found him alongside some tracks.

Longtime employees said they could not remember when there had been another fatality in the Manlius yard. Sneddon was a member of the United Transportation Union.