

# THE LOCOMOTIVE ENGINEER NEWSLETTER • MARCH 2000

## Vindication!

### NMB-appointed panel denies UTU application

#### • BLE asks NMB to deny UTU 'motion for reconsideration'

The National Mediation Board (NMB) announced on February 29 that the panel appointed in early January has found in favor of the Brotherhood of Locomotive Engineers (BLE) on the question of establishing a single craft of "Train and Engine Service Employees."

UTU filed an application seeking the establishment of the new craft and requesting a representation election on the Union Pacific Railroad (UP) on January 12, 1998. A hearing on the application was conducted by the NMB last July. The deadline for the February 29 ruling was set in an NMB decision issued on December 30th of last year.

BLE International President Edward Dubroski issued the following statement upon learning of the NMB announcement:

"I am both relieved and pleased that the panel saw through the UTU's smoke and mirrors. We owe an enormous debt of gratitude to the team that put

together an overwhelming case and made this victory possible: General Counsel Harold Ross; Special Counsel George Cohen and his people; our International Division staff; the Union Pacific general chairmen; and Brother Mike Russell of Division 81, our most powerful witness. I also wish to thank the AFL-CIO for all the support they've given the BLE and for standing behind us throughout our struggle. But, most of all, we owe this victory to those Brothers and Sisters who stood by us and never gave up on the BLE during our many dark days over the past two years, especially those who made sacrifice to travel to Washington last July and march in support of the BLE in 100+ degree heat.

"Although this is a great victory, we still face a tough challenge ahead. In raising UTU dues \$3.00 per month to create his 'war chest' for a 'fight to the finish' with the BLE, UTU President Little vowed that we will next face an A-card assault. The leadership of the UTU will go down in labor history wearing the mark of shame for serving as facilitator for the railroad industry's agenda and, with the help of our Brothers, Sisters and friends in the rest of the American labor movement, we will ultimately prevail in this struggle."

On March 3, the BLE declared "enough is enough" in asking the NMB to dismiss UTU's "motion for re-

consideration" in the case.

BLE cited section 17.0 of the National Mediation Board's Representation Manual, which expressly states "Reconsideration may not be sought from the Board's certification or dismissal." In its February 29 adoption of the three-member arbitration panel's ruling, NMB Chief of Staff Stephen E. Crable clearly dismissed the UTU application when he wrote, "File No. CR-6624 is converted to Case No. R-6735 and the Board hereby dismisses the application."

In addition, BLE contends that the NMB gave up jurisdictional right to reconsider the UTU application when referring it to the three-member arbitration panel for decision. "In these circumstances, given that the NMB has ceded in full its statutory authority to the Panel to resolve the dispute by decision and order, the NMB no longer has jurisdiction to review in any manner — including 'reconsideration' — the substance of the Panel's resolution," the BLE statement said. The BLE backed-up this contention by citing several sources, including a U.S. Supreme Court decision.

The NMB had yet to render a decision at press time. The panel's February 29 decision can be found on the BLE web site at:

<http://www.ble.org/nmb1.pdf>; and  
<http://www.ble.org/nmb2.pdf> •

#### BLE News Analysis: Where do we go from here?

### We may have won the battle, but Little's war isn't over

On February 29, the day of the BLE's victory before the National Mediation Board, UTU President Charles Little sent a letter to all UTU General Chairmen on the Union Pacific.

The letter was only four sentences long but the UTU mindset was evident: "(T)he BLE should not take comfort in this ruling, the struggle has just begun," Little wrote.

We agree with you, Mr. Little, because we know it's just a matter of time before UTU leaders launch an-

other assault as part of their ongoing plot to destroy our Brotherhood. In other words, the BLE may have won a key battle, but Charlie Little's war against us is not over.

The UTU is a desperate union. Its membership has fallen from 280,000 in 1968 to less than 80,000 active members today. In 1985, UTU shot itself in the foot when it signed the infamous "Halloween Agreement." In effect, UTU leaders sealed the fate of their organization when they signed that deal. It created the pay differential between pre and

post-85 workers, but, more detrimental to the UTU, forced some trainmen to take promotion to locomotive engineer.

At the time the agreement was signed, UTU leaders thought these trainmen would retain membership in the UTU and not join the BLE. They were wrong. Fifteen years later, ranks of the BLE continue to swell with newly promoted engineers who formerly belonged to UTU, while on the other

See *Battle*, Page 5

### UTU withdraws from AFL-CIO

In pulling out of the AFL-CIO on March 15, the UTU took another step toward fulfilling President Charles Little's campaign promises of last year and set the stage for future attempts to destroy the Brotherhood of Locomotive Engineers.

In an August 27, 1999, UTU news release, the UTU President boasted that, "If we are not successful at the NMB, we will take on the BLE on the Union Pacific Railroad anyway... That's going to be our first target. After that we'll do a few carriers at a time."

Taking these campaign promises into consideration, along with the facts that UTU lost the National Mediation Board decision of February 29

and pulled out of the AFL-CIO two weeks later, it can only be assumed that UTU's next step will be an all-out attempt to destroy the BLE.

In addition, UTU claims it disaffiliated from the AFL-CIO to avoid discretionary financial sanctions adopted by the AFL-CIO Executive Council in February. These sanctions apply to unions in violation of the "no raiding" clause, or Article XX, of the AFL-CIO constitution.

These sanctions would force the UTU to compensate the BLE for its expenses in pursuing the Article XX process, its lost dues or other income foregone, or its costs in-

See *Disaffiliation*, Page 7



LEGISLATIVE UPDATE

# BLE ‘Target List’ for H.R. 3091

Efforts in the House of Representatives to secure support for H.R. 3091 have paid off with the addition of 34 new co-sponsors for a total of 183.

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

Since there currently is no subcommittee action pending on the bill, the field remains wide open to gain additional co-sponsors.

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: <http://www.house.gov>.

Below is a “Target List” of legislators who are not yet supporting H.R. 3091. BLE members are urged to contact them for their support of H.R. 3091. They are listed in state-by-state order so members can easily find their legislators.

AL, Aderholt, Robert B.  
AL, Bachus, Spencer  
AL, Callahan, Sonny  
AL, Everett, Terry  
AL, Riley, Bob  
AR, Hutchinson, Asa  
AZ, Salmon, Matt  
AZ, Shadegg, John B.  
AZ, Stump, Bob  
AZ, Hayworth, J. D  
AZ, Kolbe, Jim  
CA, Baca, Joe  
CA, Becerra, Xavier  
CA, Berman, Howard L.  
CA, Bilbray, Brian P.  
CA, Bono, Mary  
CA, Calvert, Ken  
CA, Campbell, Tom  
CA, Capps, Lois  
CA, Condit, Gary A.  
CA, Cox, Christopher  
CA, Cunningham, R.  
CA, Dooley, Calvin M.  
CA, Doolittle, John T  
CA, Dreier, David  
CA, Farr, Sam  
CA, Gallegly, Elton  
CA, Herger, Wally  
CA, Horn, Stephen  
CA, Hunter, Duncan  
CA, Kuykendall, Steven T  
CA, Lantos, Tom  
CA, Lewis, Jerry  
CA, McKeon, H. P. “Buck”  
CA, Martinez, M. G.  
CA, Miller, Gary G.  
CA, Miller, George  
CA, Ose, Doug  
CA, Packard, Ron  
CA, Pelosi, Nancy  
CA, Radanovich, George  
CA, Rogan, James E.  
CA, Rohrabacher, Dana

CA, Royce, Edward R.  
CA, Sanchez, Loretta  
CA, Stark, Fortney Pete  
CA, Thomas, William M.  
CA, Thompson, Mike  
CA, Waters, Maxine  
CA, Woolsey, Lynn C.  
CO, Hefley, Joel  
CO, McInnis, Scott  
CO, Schaffer, Bob  
CO, Tancred0, Thomas G.  
CT, DeLauro, Rosa L.  
CT, Gejdenson, Sam  
CT, Johnson, Nancy L.  
CT, Larson, John B.  
CT, Shays, Christopher  
DE, Castle, Michael N.  
FL, Boyd, Allen  
FL, Davis, Jim  
FL, Foley, Mark  
FL, Fowler, Tillie K.  
FL, Goss, Porter J.  
FL, McCollum, Bill  
FL, Miller, Dan  
FL, Scarborough, Joe  
FL, Shaw, E. Clay, Jr.  
FL, Stearns, Cliff  
FL, Weldon, Dave  
FL, Young, C. W. Bill  
GA, Barr, Bob  
GA, Chambliss, Saxby  
GA, Collins, Mac  
GA, Deal, Nathan  
GA, Isakson, Johnny  
GA, Kingston, Jack  
GA, Linder, John  
HI, Mink, Patsy T.  
IA, Ganske, Greg  
IA, Latham, Tom  
IA, Leach, James A.  
IA, Nussle, Jim  
ID, Chenoweth-Hage, H.  
ID, Simpson, Michael K.  
IL, Biggert, Judy  
IL, Crane, Philip M.  
IL, Gutierrez, Luis V.  
IL, Hastert, J. Dennis  
IL, Hyde, Henry J.  
IL, Manzullo, Donald A.  
IL, Porter, John Edward  
IL, Weller, Jerry  
IN, Burton, Dan  
IN, Buyer, Steve

IN, Hostettler, John N.  
IN, McIntosh, David M.  
IN, Pease, Edward A.  
IN, Roemer, Tim  
IN, Souder, Mark E.  
KS, Moore, Dennis  
KS, Moran, Jerry  
KS, Ryun, Jim  
KS, Tiahrt, Todd  
KY, Fletcher, Ernie  
KY, Lucas, Ken  
KY, Northup, Anne M.  
KY, Rogers, Harold  
LA, Cooksey, John  
LA, John, Christopher  
LA, McCrery, Jim  
LA, Tauzin, W. J. (Billy)  
LA, Vitter, David  
MA, Delahunt, William D.  
MA, Markey, Edward J.  
MA, Meehan, Martin T.  
MA, Moakley, J. J.  
MA, Tierney, John F.  
MD, Bartlett, Roscoe G.  
MD, Cardin, Benjamin L.  
MD, Ehrlich, R.L., Jr.  
MD, Gilchrest, Wayne T,  
MD, Morella, C.A.  
MI, Camp, Dave  
MI, Ehlers, Vernon J.  
MI, Hoekstra, Peter  
MI, Knollenberg, Joe  
MI, Smith, Nick  
MI, Upton, Fred  
MN, Gutknecht, Gil  
MN, Ramstad, Jim  
MO, Blunt, Roy  
MO, Emerson, Jo Ann  
MO, Hulshof, Kenny C.  
MO, Talent, James M.  
MS, Pickering, “Chip”  
MS, Taylor, Gene  
MS, Wicker, Roger F.  
MT, Hill, Rick  
NC, Ballenger, Cass  
NC, Burr, Richard  
NC, Coble, Howard  
NC, Hayes, Robin  
NC, Jones, Walter B.  
NC, McIntyre, Mike  
NC, Myrick, Sue Wilkins  
NC, Taylor, Charles H.

NE, Barrett, Bill  
NE, Bereuter, Doug  
NE, Terry, Lee  
NH, Bass, Charles F.  
NH, Sununu, John E.  
NJ, Franks, Bob  
NJ, Frelinghuysen, R. P.  
NJ, Roukema, Marge  
NJ, Saxton, Jim  
NM, Skeen, Joe  
NM, Wilson, Heather  
NY, Ackerman, Gary L.  
NY, Engel, Eliot L.  
NY, Fossella, Vito  
NY, Houghton, Amo  
NY, Lazio, Rick  
NY, Lowey, Nita M.  
NY, McCarthy, Carolyn  
NY, Owens, Major R.  
NY, Rangel, Charles B.  
NY, Reynolds, Thomas M.  
NY, Slaughter, L. M.  
NY, Velázquez, Nydia M.  
NV, Gibbons, Jim  
OH, Boehner, John A.  
OH, Chabot, Steve  
OH, Gillmor, Paul E.  
OH, Hall, Tony P.  
OH, Kasich, John R.  
OH, Oxley, Michael G.  
OH, Portman, Rob  
OH, Pryce, Deborah  
OH, Regula, Ralph  
OH, Sawyer, Tom  
OK, Coburn, Tom A.  
OK, Hobson, David L.  
OK, Istook, Ernest J., Jr.  
OK, Largent, Steve  
OK, Lucas, Frank D.  
OK, Watkins, Wes  
OK, Watts, J. C., Jr.  
OR, Walden, Greg  
PA, Goodling, William F.  
PA, Greenwood, James C.  
PA, Peterson, John E.  
PA, Pitts, Joseph R.  
PA, Shuster, Bud  
PA, Toomey, Patrick J.  
RI, Weygand, Robert A.  
SC, DeMint, Jim  
SC, Graham, Lindsey O.  
SC, Sanford, M. “Mark”

SC, Spence, Floyd  
SD, Thune, John R.  
TN, Bryant, Ed  
TN, Duncan, John J., Jr.  
TN, Gordon, Bart  
TN, Hilleary, Van  
TN, Jenkins, William L.  
TN, Tanner, John S.  
TN, Wamp, Zach  
TX, Archer, Bill  
TX, Armey, Richard K.  
TX, Barton, Joe  
TX, Bonilla, Henry  
TX, Brady, Kevin  
TX, Combest, Larry  
TX, DeLay, Tom  
TX, Doggett, Lloyd  
TX, Edwards, Chet  
TX, Granger, Kay  
TX, Hall, Ralph M.  
TX, Hinojosa, Rubén  
TX, Jackson-Lee, Sheila  
TX, Johnson, Sam  
TX, Ortiz, Solomon P.  
TX, Paul, Ron  
TX, Reyes, Silvestre  
TX, Sessions, Pete  
TX, Smith, Lamar S.  
TX, Stenholm, Charles W.  
TX, Thornberry, Mac,  
TX, Turner, Jim  
UT, Cannon, Chris  
UT, Cook, Merrill  
UT, Hansen, James V.  
VA, Bateman, Herbert H.  
VA, Bliley, Tom  
VA, Boucher, Rick  
VA, Davis, Thomas M.  
VA, Goode, Virgil H., Jr.  
VA, Pickett, Owen B.  
VA, Sisisky, Norman  
VA, Wolf, Frank R.  
VT, Sanders, Bernard  
WA, Dicks, Norman D.  
WA, Dunn, Jennifer  
WA, Hastings, Doc  
WI, Green, Mark  
WI, Petri, Thomas E.  
WI, Ryan, Paul  
WI, Sensenbrenner, F.J.  
WV, Mollohan, Alan B.  
WY, Cubin, Barbara

## Thank these legislators, the 185 co-sponsors of H.R. 3091

Below is a list of the 185 co-sponsors of H.R. 3091. BLE members are encouraged to thank them for endorsing this much needed legislation.

Abercrombie, Neil  
Allen, Thomas  
Andrews, Robert E.  
Baird, Brian  
Baker, Richard H.  
Baldacci, John Elias  
Baldwin, Tammy  
Barcia, James A.  
Barrett, Thomas M.  
Bentsen, Ken  
Berkley, Shelley  
Berry, Marion  
Bilirakis, Michael  
Bishop, Sanford D. Jr.  
Blagojevich, Rod R.  
Blumenauer, Earl  
Boehlert, Sherwood L.  
Bonior, David E.  
Borski, Robert A.  
Boswell, Leonard L.  
Brady, Robert  
Brown, Corrine  
Brown, Sherrod  
Canady, Charles T.  
Capuano, Michael E.  
Carson, Julia

Clay, William (Bill)  
Clayton, Eva M.  
Clement, Bob  
Clyburn, James E.  
Conyers, John, Jr.  
Costello, Jerry F.  
Coyne, William J.  
Cramer, “Bud” Jr.  
Crowley, Joseph  
Cummings, Elijah E.  
Daniels, Richard J.  
Danner, Pat  
Davis, Danny K.  
DeFazio, Peter A.  
DeGette, Diana  
Deutsch, Peter  
Diaz-Balart, Lincoln  
Dickey, Jay  
Dingell, John D.  
Dixon, Julian C.  
Doyle, Michael F.  
Emerson, Jo Ann  
English, Phil  
Eshoo, Anna G.  
Etheridge, Bob  
Evans, Lane  
Ewing, Thomas W.  
Fattah, Chaka  
Filner, Bob  
Forbes, Michael P.  
Ford, Harold  
Frank, Barney

Frost, Martin  
Gekas, George W.  
Gephardt, Richard A.  
Gilman, Benjamin A.  
Gonzalez, Charles A.  
Goodlatte, Bob  
Green, Gene  
Hastings, Alcee L.  
Hill, Baron P.  
Hilliard, Earl F.  
Hinchey, Maurice D.  
Hoeffel, Joseph M.  
Holden, Tim  
Holt, Rush D.  
Hooley, Darlene  
Hoyer, Steny H.  
Inslee, Jay  
Jackson, Jesse L., Jr.  
Jefferson, William J.  
Johnson, Eddie Bernice  
Jones, Stephanie Tubbs  
Kanjorski, Paul E.  
Kaptur, Marcy  
Kelly, Sue W.  
Kennedy, Patrick J.  
Kildee, Dale E.  
Kilpatrick, Carolyn C.  
Kind, Ron  
King, Peter T.  
Kleczka, Gerald D.  
Klink, Ron  
Kucinich, Dennis J.

LaFalce, John J.  
LaHood, Ray  
Lampson, Nick  
Lee, Barbara  
Levin, Sander M.  
Lewis, John  
Lewis, Ron  
Lipinski, William O.  
LoBiondo, Frank A.  
Lofgren, Zoe  
Luther, Bill  
Maloney, Carolyn B.  
Maloney, James H.  
Mascara, Frank  
Matsui, Robert T.  
McCarthy, Karen  
McDermott, Jim  
McGovern, James P.  
McHugh, John M.  
McKinney, Cynthia A.  
McNulty, Michael R.  
Meek, Carrie P.  
Meeks, Gregory W.  
Menendez, Robert  
Metcalf, Jack  
Mica, John L.  
Millender-McDonald, J.  
Minge, David  
Moran, James P.  
Murtha, John P.  
Nadler, Jerrold  
Napolitano, Grace F.

Neal, Richard E.  
Nethercutt, George R., Jr.  
Ney, Robert W.  
Norton, Eleanor Holmes  
Norwood, Charlie  
Oberstar, James L.  
Obey, David R.  
Olver, John  
Pallone, Frank, Jr.  
Pascere11, Bill, Jr.  
Pastor, Ed  
Payne, Donald M.  
Peterson, Collin C.  
Phelps, David D.  
Pombo, Richard W.  
Pomeroy, Earl  
Price, David E.  
Quinn, Jack  
Rahall, Nick J., II  
Rivers, Lynn N.  
Rodriguez, Ciro  
Ros-Lehtinen, Ileana  
Rothman, Steve R.  
Roybal-Allard, Lucille  
Rush, Bobby L.  
Sabo, Martin Olav  
Sandlin, Max  
Schakowsky, Janice D.  
Scott, Robert C.  
Serrano, Jose E.  
Sherman, Brad  
Sherwood, Don

Shimkus, John  
Shows, Ronnie  
Skelton, Ike  
Smith, Adam  
Smith, Christopher H.  
Snyder, Vic  
Spratt, John M., Jr.  
Stabenow, Debbie  
Strickland, Ted  
Stupak, Bart  
Sweeney, John E.  
Tauscher, Ellen O.  
Thompson, Bennie G.  
Thurman, Karen L.  
Townns, Edolphus  
Traficant, James A., Jr.  
Udall, Mark  
Udall, Tom  
Vento, Bruce F.  
Visclosky, Peter J.  
Walsh, James T.  
Watt, Melvin L.  
Waxman, Henry A.  
Weiner, Anthony D.  
Weldon, Curt  
Wexler, Robert  
Whitfield, Ed  
Wise, Robert E., Jr.  
Wu, David  
Wynn, Albert Russell  
Young, Don



**BLE News Analysis**

# BLE first rail union to support BNSF/CN

## Brotherhood sets new standard for labor protection in rail mergers

With the unanimous support of the General Chairmen who represent locomotive engineers on the Burlington Northern Santa Fe Railroad and the Canadian National Railway, including its Grand Trunk Western and Illinois Central components, BLE International President Ed Dubroski on February 29 signed a letter with the Chief Executive Officers of BNSF and CN under which, in exchange for certain labor protection commitments, the BLE will support the proposed merger of the two companies.

President Dubroski acknowledged the efforts of First Vice-President Jim McCoy in helping secure the job securities, and thanked all general chairmen involved for their professionalism in fighting for the deal.

In exchange for BLE support of the proposed merger, the carriers have agreed to an historic package of protections for nearly 10,000 BLE members, including the following:

- The carriers have expressly foregone any right to “cram down” necessary modifications and will defer to a BLE-devised plan in those areas where seniority integration may be necessary. In addition, all existing collective bargaining agreements will be preserved,



except where modification is necessary to implement a consolidation.

- No less than 10 years of New York Dock protection, along with automatic certification for those who are adversely affected. Canadian members will have the option of choosing the higher of New York

Dock and existing collectively-bargained protections, and relocation benefits will be more favorable than those provided under New York Dock.

- There will be no major downsizing of locomotive engineer and rail traffic controller work forces. Reductions will be handled through attrition to the maximum extent practicable, and there will be no transfer of jobs or work between the United States and Canada.

The commitment made by BNSF and CN is a giant step toward reversing the 17-year practice of overriding collective bargaining agreements that has become known as “cram down.” Under “cram down” entire collective bargaining agreements were abolished in the UP/SP and Conrail/CSX/NS mergers. The BLE-BNSF-CN pact increases the pressure on the Surface Transportation Board and the railroad industry

to abolish the practice.

The BLE’s decision also was shaped by certain characteristics of the proposed merger that sets it apart from others in recent years.

BNSF and CN will retain separate identities under the North American Railways, Inc., banner. The properties are end-to-end in the U.S., for the most part. Therefore, the potential for a substantial reduction in employment levels and the likelihood of coordination problems, as experienced in other mergers, is greatly diminished. Also, since the financial transaction is equity-based, we will not see layoffs, such as the recent furlough of 550 maintenance of way workers by the Norfolk Southern, in order to service debt.

International railroad transactions are not new. CN has controlled the Grand Trunk Western for decades, and previously merged with the Illinois Central. Over half of CN stock is owned by American investors. Several U.S. railroads also have ownership stakes in Mexico’s railway system.

The proposed BNSF/CN merger is an example of the trickle-down impact on transportation industries of global economic pressures on North American manufacturing. Labor opposition has



done nothing to stop mergers of U.S. railroads in recent decades, and these global economic forces

are stronger than domestic pressures, further reducing our ability to influence the outcome.

The BLE commitment to support the merger is the strongest action we can take to protect our members’ interests on those railroads. It also is intended to establish a fairer framework under which any possible future mergers — domestic as well as international — are reviewed by government agencies.

CN and BNSF announced their proposed combination on Dec. 20, 1999. The combination will create a rail system stretching 50,000 miles, linking eight Canadian provinces and 33 states in the western and central United States, and employing 67,000 people. The combined system will offer North American rail shippers: greatly expanded single-line service options and gateway choices; a coordinated marketing plan; reduced transit times; enhanced reliability; unified customer service information, including easier tracking, tracing and ordering; simplified billing; greater capacity; and improved asset utilization. •

### Analyse des Nouvelles

## La FIL établit de nouvelles normes pour la protection du travail

Avec le support unanime des Présidents généraux qui représentent les ingénieurs de locomotives sur le Northern Burlington Santa Fe Railroad et les chemins de fer du Canadien National, incluant ses composantes Grand Trunk Western et Illinois Central, ainsi que les contrôleurs de la circulation ferroviaire du CN, le Président international de la FIL Ed Dubroski a signé une lettre avec les premiers dirigeants du BNSF et CN selon laquelle, en échange de certains engagements pour la protection du travail, la FIL supportera la fusion proposée des deux compagnies.

Président Dubroski a reconnu les efforts de Premier Vice-président Jim McCoy pour son aide à assurer la sécurité d’emplois, et remercie tous les présidents généraux impliqués pour leur professionnalisme tout au long de cette affaire. En échange du support de la FIL sur la fusion proposée, les transporteurs ont accepté un plan historique de protections pour près de 10 000 membres de la FIL, incluant ce qui suit :

- Les transporteurs ont formellement donné tous leurs droits aux modifications nécessaires de “cram down” et diffèrera à un plan dévisé de la FIL dans les sections où l’intégration de l’ancienneté peut être nécessaire. De plus, toutes les conventions collectives existantes seront préservées, sauf où une modification est nécessaire afin d’implanter une

consolidation.

- Pas moins de 10 ans de protection du New York Dock, ainsi qu’une certification automatique pour ceux qui sont lésés. Les membres canadiens de la FIL auront le chance de choisir le meilleur du New York Dock et les protections de la convention collective existante et les indemnités de déménagement seront plus favorables que celles fournies dans le New York Dock.

- Il n’y aura pas de réductions majeures des effectifs des ingénieurs de locomotives et des contrôleurs de la circulation ferroviaire. Les réductions seront traitées par la réduction de l’écart maximal praticable, et il n’y aura aucun transfert d’emplois ou travail entre les États-Unis et le Canada.

L’engagement faite par le BNSF et CN est un pas géant vers le renversement de la pratique de surpasser les conventions collectives qui est connu sous le nom de “cram down.” depuis 17 ans. Selon “cram down”, des conventions collectives entières ont été abolies lors des fusions des UP/SP et Conrail/CSX/NS. L’accord de la FIL-BNSF-CN augmente la pression sur le Comité des transports de surface et l’industrie ferroviaire afin d’abolir cette pratique.

La décision de la FIL a aussi été prise selon certaines caractéristiques de fusion proposée qui les placent à part des autres depuis les dernières

années.

Le BNSF et CN conservera des identités séparées sous la bannière des North American Railways, Inc. Les propriétés sont localisées pour la plupart aux États-Unis. Pour ces motifs, les chances d’une réduction substantielle des niveaux d’emplois et la probabilité de problèmes de coordination, tel que connu dans les autres fusions, est diminuée sensiblement. De plus, vu que la transaction financière est basée équitablement, nous ne verrons pas de mises à pied, tel qu’il s’est passé lors de l’abolition du récent tableau de personnes en surplus de 550 employés à l’entretien des voies du Norfolk Southern, afin d’amortir la dette.

Les transactions entre les chemins de fer internationaux ne sont pas nouvelles. CN a contrôlé le Grand Trunk Western pendant des décennies, et a été fusionné précédemment avec le Illinois Central. Plus de la moitié des actions du CN sont la propriété d’investisseurs américains. Plusieurs chemins de fer américains sont aussi propriétaires d’actions du système ferroviaire du Mexique.

La fusion proposée du BNSF/CN est un exemple d’impact de retombée des pressions économiques globales sur l’industrie des transports des manufactures Nord-Américaines. L’opposition syndicale n’a rien fait pour arrêter les fusions des chemins de fer américains

depuis les récentes décennies et ses forces économiques globales sont plus imposantes que les pressions domestiques, réduisant subséquemment notre habileté à influencer les résultats.

L’engagement de la FIL de supporter la fusion est la plus importante action que nous ayons prise pour protéger les intérêts de nos membres sur ces chemins de fer. Il est aussi prévu afin d’établir un cadre de travail juste selon lequel toutes futures fusions possibles—domestiques ainsi qu’international — sont révisés par les agences gouvernementales.

CN et BNSF ont annoncé leur combinaison proposée le 20 décembre 1999. La combinaison créera un système ferroviaire s’étendant sur 50 000 milles, reliant 8 provinces canadiennes et 33 états des États Unis de l’ouest et central; et employant 67 000 personnes. Le système combiné offrira aux expéditeurs utilisant les chemins de fer nord américains: des choix substantiellement élargis de service de lignes simples et le choix de points de passage; un plan de marketing coordonné; la durée d’acheminement réduite; le niveau de fiabilité accrue; le service à la clientèle unifié; incluant un système de repérage, retraçage et de commande; la fact-uration simplifiée; un rendement plus grand et l’amélioration de l’utilisation des avoirs. •

BLE SENIOR REPORT

Benefits under Railroad Retirement and Social Security

Employers and employees covered by the Railroad Retirement Act pay higher retirement taxes than those covered by the Social Security Act, so that railroad retirement benefits remain substantially higher than social security benefits.

The following article shows the differences in railroad retirement and social security benefits payable at the close of the fiscal year ending Sept. 30, 1999, as well as the differences in age requirements and payroll taxes under the two systems. Railroad retirement benefit amounts reflect cases reduced for any dual benefit entitlement.

1. How do the average monthly railroad retirement and social security benefits paid to retired employees and spouses compare?

The average age annuity being paid by the Railroad Retirement Board at the end of Fiscal Year 1999 to career rail employees was \$1,705 a month, and for all retired rail employees the average was \$1,300. The average age retirement benefit being paid under social security was about \$785 a month. Spouse benefits averaged \$515 a month under railroad retirement compared to \$390 under social security.

The Railroad Retirement Act also provides supplemental railroad retirement annuities of between \$23 and \$43 a month, which are payable to employees who retire directly from the industry with 25 or more years of service.

2. Are the benefits awarded to recent retirees generally greater than the benefits payable to those who retired years ago?

Yes, because recent awards are based on higher average earnings. For career railroad employees retiring at the end of Fiscal Year 1999, regular annuity awards averaged about \$2,200 a month while monthly benefits awarded to workers retiring at age 65 under social security averaged about \$1,005. If spouse benefits are added, the combined benefits for the employee and spouse would approximate \$3,130 under railroad retirement coverage, compared to about \$1,505 under social security. Adding a supplemental annuity to the railroad family's benefit increases average total benefits for current career rail retirees to about \$3,165 a month.

3. How much are the disability benefits currently awarded?

Disabled railroad workers retiring directly from the railroad industry at the end of Fiscal Year 1999 were awarded about \$1,845 a month on the average while awards for disabled workers under social security averaged about \$770.

While both the Railroad Retirement and Social Security Acts provide benefits to workers who are totally disabled for any regular work, the Railroad Retirement Act also provides disability benefits to career employees who are disabled for work in their regular railroad occupation. Career employees may be eligible for such an occupational disability annuity at age 60 with 10 years of service, or at any age with 20 years of service.

4. What are the maximum amounts payable to recent retirees?

In 2000, the maximum total monthly benefit initially payable to an employee and spouse under the Railroad Retirement Act is \$4,315. Under the Social Security Act the maximum monthly amount payable to an employee retiring in 2000 at age 65, and his or her spouse, is \$2,149.

However, such maximum benefits are payable to relatively few families, as very few employees consistently earn the maximum amount creditable each year throughout their careers.

5. Can railroaders retire at earlier ages than workers under social security?

Under current law, railroad employees with 30 or more years of service are eligible for regular annuities based on age and service at age 60. Certain early retirement reductions are applied to such annuities awarded before age 62, but only to the portion of the annuity approximating a social security benefit, and no age reductions are applied to the annuities of 30-year employees retiring at age 62. Under social security, a worker cannot begin receiving retirement benefits based on age until age 62, regardless of how long he or she worked, and social security retirement benefits are reduced for retirement prior to full retirement age.

Rail employees with 10 to 29 years of creditable service are eligible for regular annuities based on age and service at age 62. Early retirement annuity reductions are applied to such annuities awarded before full retirement age, just as they are applied under social security. As under social security, the age at which full benefits are payable is increasing in gradual steps until it reaches age 67 in the year 2022. This affects people born in 1938 and later.

Reduced benefits will still be payable at age 62 but the maximum reduction for employees will be 30 percent, rather than 20 percent, by the year 2022. However, the railroad retirement annuity reduction will be less if the employee had any rail service before August 12, 1983. Also, these changes will not affect rail employees who retire at age 62 with 30 years' service.

6. Does social security offer any benefits that are not available under railroad retirement?

Social security does pay certain types of benefits that are not available under railroad retirement. For example, social security provides children's benefits when an employee is disabled, retired or deceased. Under

current law, the Railroad Retirement Act only provides children's benefits if the employee is deceased.

The Railroad Retirement Act does include a special minimum guaranty provision which ensures that railroad families will not receive less in monthly benefits than they would have if railroad earnings were covered by social security rather than railroad retirement laws. This guaranty is intended to cover situations in which one or more members of a family would otherwise be eligible for a type of social security benefit that is not provided under the Railroad Retirement Act. Therefore, if a retired rail employee has children who would otherwise be eligible for a benefit under social security, the employee's annuity can be increased to reflect what social security would pay the family.

7. How much are monthly benefits for survivors under railroad retirement and social security?

Survivor benefits are generally higher if payable by the Board rather than social security. At the end of Fiscal Year 1999, the average annuity being paid to all aged and disabled widow(er)s averaged \$790 a month, compared to \$745 under social security.

Benefits awarded by the Board at the end of Fiscal Year 1999 to aged and disabled widow(er)s of railroaders averaged about \$925 a month, compared to about \$665 under social security.

The annuities being paid at the end of Fiscal Year 1999 to widowed mothers/fathers averaged \$990 a month and children's annuities averaged \$660, compared to \$550 and \$510 a month for widowed mothers/fathers and children, respectively, under social security.

Those awarded at the end of Fiscal Year 1999 were \$1,090 a month for widowed mothers/fathers and \$855 a month for children under railroad retirement, compared to \$555 and \$530 for widowed mothers/fathers and children, respectively, under social security.

8. How do railroad retirement and social security lump-sum death benefit provisions differ?

Both the railroad retirement and social security systems provide a lump-sum death benefit. The railroad retirement lump-sum benefit is generally payable only if survivor annuities are not immediately due upon an employee's death. The social security lump-sum benefit may be payable regardless of whether monthly benefits are also due. Both railroad retirement and social security provide a lump-sum benefit of \$255. However, if a railroad

employee completed 10 years of service before 1975, the average railroad retirement lump-sum benefit payable is about \$920.

The social security lump sum is generally only payable to the widow or widower living with the employee at the time of death. Under railroad retirement, if the employee had 10 years of service before 1975, and was not survived by a living-with widow or widower, the lump sum may be paid to the funeral home or the payer of the funeral expenses.

The railroad retirement system also provides, under certain conditions, a residual lump-sum death benefit which insures that a railroad family receives at least as much in benefits as the employee paid in railroad retirement taxes before 1975. This benefit is, in effect, a refund of an employee's pre-1975 railroad retirement taxes, after subtraction of any benefits previously paid on the basis of the employee's service. However, an employee's benefits generally exceed taxes within two years; consequently, this death benefit is seldom payable.

9. How do railroad retirement and social security taxes compare?

Railroad retirement tier I and Medicare taxes on employees and employers are the same as social security taxes, with a rate of 7.65 percent, consisting of 6.2 percent on earnings up to \$76,200 in 2000 and 1.45 percent for Medicare hospital insurance on all earnings. Rail employees pay an additional tier II tax of 4.90 percent on earnings up to \$56,700 a year, while their employers pay tier II taxes of 16.10 percent. Rail employers also pay a separate work-hour tax to finance the railroad retirement supplemental annuity program. The rate is determined quarterly and has been set at 26 cents per work hour through March 2000.

10. How much are regular railroad retirement taxes for an employee earning \$76,200 in 2000 compared to social security taxes?

The maximum amount of regular railroad retirement taxes that an employee earning \$76,200 can pay in 2000 is \$8,607.60, compared to \$5,829.30 under social security. For railroad employers, the maximum annual regular retirement taxes on an employee earning \$76,200 are \$14,958 compared to \$5,829.30 under social security. Employees earning over \$76,200, and their employers, will pay more in retirement taxes than the above amounts because the Medicare hospital insurance tax is applied to all earnings. •

Railroad Retirement Board informational conferences

The U.S. Railroad Retirement Board will conduct free informational conferences throughout the U.S. next month.

On-site registration begins at 8 a.m. for each conference. All sessions begin promptly at 8:30 a.m. and end at 12:15 p.m. Locations are as follows:

April 6 • Baldwin, N.Y.  
The Coral House, 70 Milburn Ave.

April 7 • Williamsburg, Va.  
Ramada Inn, 50 Merrimac Trail

April 7 • New York, N.Y.  
New York Helmsley Hotel, 212 East 42nd St., between 2nd and 3rd Aves.

April 14 • Memphis, Tenn.  
Hilton-East Memphis, 5069 Sanderlin Ave.

April 14 • Romulus, Mich.  
Ramada Inn, 8270 Merriman Rd.

April 14 • Ashland, Neb.  
Mahoney State Park, Kiewit Lodge



# Why the NMB panel ruled in favor of the BLE

The three-member panel appointed by the National Mediation Board to arbitrate the BLE-UTU dispute cited several key pieces of evidence in ruling in favor of the BLE's position.

UTU argued that the line between locomotive engineer and conductor crafts had been "blurred to the point of practical extinction." UTU cited a case involving United Airlines in which a three-person flight crew were cross utilized and argued that this set the pre-

cedent for combination of classes in the railroad industry.

The BLE successfully argued that this type of cross utilization does not exist between locomotive engineers and conductors on the Union Pacific. The NMB panel agreed with the BLE position:

"(T)he results of a 90-day cross utilization preponderance check period showed that of 9,200 engineers, and 13,500 conductors during 1,240,435

separate start-ups, there were 89 instances of cross utilization for a total of 264 occasions."

UTU also argued that promotion from conductor to engineer is mandatory because of its infamous 1985 "Halloween" agreement. Again, the NMB panel cited BLE evidence to refute the UTU allegation.

"Indeed, of the 10,413 employees in train service on November 1, 1985 who were then given access to promotion to

engineer, over the past 15 years 80 percent have declined the opportunity to acquire the requisite training and certification that would have made them qualified engineers."

In the end, factual BLE evidence prevailed over UTU rhetoric.

"In the light of the foregoing, we must conclude that the conditions here present do not justify an order by the Board for a single craft or class," the panel concluded. •

## NS contract a post-'85 victory

By an overwhelming 86 percent majority, locomotive engineers on the Norfolk Southern ratified a new contract that provides a 14.4 percent wage increase and dramatic improvements for post-'85 engineers.

The final tally was 2,609 in favor of the deal and 422 against. The new contract now becomes effective Jan. 1, 2000, and engineers can expect retroactive pay to show up in their checks by mid April to early May.

Highlights of the contract are as follows:

- Article VI, Section 2(b) of Arbitration Award 458 (providing for inferior deadheading payments to post-85 engineers) is eliminated, and all en-

gineers will be covered by the deadheading rules currently in effect for pre-85 engineers.

- The special pay differential of \$15/day and \$0.15/mile, which is payable to all engineers on NS regardless of hiring date, will be rolled into the daily and overmile rates of pay on January 1, 2003.

- The current five-year wage progression, which begins at 75%, is replaced by a three-year progression, which begins at 85%, measured from date of hire; in addition, all engineers currently in the progression will have their percentage increased by 10%, up to the 100% rate.

- Effective January 1, 2000, wage rates on NS will be increased by approximately

14.4 percent.

- In 2001, 2002 and 2003, engineers will be entitled to bonuses of up to 10% of the previous year's wages, under the NS "Thoroughbred Performance Bonus" plan; in 2004 and subsequent years, engineers will be entitled to bonuses of up to 15% of the previous year's wages, under the formula.

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

## Two-person crew bill passes Wyoming House, Senate; now awaiting governor's signature

A two-person crew bill was passed by the Wyoming House of Representatives on March 9, reports BLE Wyoming State Legislative Board Chairman Kevin J. McCarthy.

The bill was passed by a 36-24 majority, having previously been approved by the Wyoming State Senate 25-5. The bill now needs the governor's signature before becoming the law of the land in Wyoming.

The bill requires two railroad crew members to be present in the cab of the

locomotive at all times. It also contains a sunset clause, meaning the legislation won't be reviewed for five years.

Brother McCarthy reports that the bill was a co-operative effort on behalf of all operating employees as well as the citizens of Wyoming. The bill received heavy opposition, however, from railroad carriers who argued the two-person crew initiative was a collective bargaining issue that should not be handled by government.

## Battle

Continued from Page 1

hand, UTU is slowly but surely losing members month after month and year after year. In other words, the UTU is a dying union desperate to do whatever it takes to survive.

The history of UTU attacks on the BLE is a long one, but for the record, here are some of the most recent:

- In 1989, UTU dropped out of the AFL-CIO while it launched a raid against the BLE's representation of locomotive engineers on the Norfolk Southern. After being soundly defeated, the UTU quietly crept back into the House of Labor.

- In 1997, UTU attempted to attach an amendment to a Bosnian relief bill in Congress to alter the Railway Labor Act. If passed, this amendment would have forced representation elections on all Class 1 Railroads in the U.S.

- In 1998, UTU file an application with the National Mediation Board that sought to combine all operating crafts into a single craft, industry-wide, and would have forced representation elections, beginning on the Union Pacific.

- In 1999, it raised International dues by more than 30 percent in an effort to fend off debt and make up for declining membership. UTU President Little publicly stated the dues increase was to fund a "war chest" for a "fight to the finish with the BLE."

When the NMB denied the UTU's application on February 29, it put into perspective the major fundamental dif-

ferences between the BLE and UTU.

The NMB decision effectively ended this two-year phase of a reckless campaign by UTU leaders to raid the BLE and exposed their plan for the fraud that it was. More than two years of effort and millions of dollars in dues-payer money went down the tubes, and all UTU members wound up with was an application that wasn't worth the paper it was written on. In less than seven days after the UTU's failure before the NMB, the BLE showed why it is the leading rail labor organization for operating employees.

It secured 10 years of labor protection for its members if the BNSF-CN merger is approved (see article on page 3), and scored a major victory for post-85 engineers on Norfolk Southern, eliminating an inferior deadheading rule (see article on page 9).

In the days after the NMB decision, UTU leaders showed their true colors by making statements, on the one hand, that conflicted with their actions, on the other.

Prior to the NMB's decision to deny the UTU application, UTU leaders praised Arnold M. Zack, Richard I. Bloch and Richard R. Kasher for their experience and professionalism.

Zack, Bloch and Kasher are the three members of the NMB's specially-appointed panel who ruled on the case. The UTU referred to them as "prominent labor-relations professionals" and stated that, "The panel members chosen by the NMB to resolve the UTU/BLE dispute are noted for their knowledge and wealth of experience in labor rela-

tions." (February 2000 UTU News)

After this panel of "prominent labor-relations professionals" issued a decision contrary to what the UTU had hoped, however, UTU leaders changed their tune. They accused these same "prominent labor-relations professionals" of making a decision that was "terribly flawed" and filled with "material errors of law and fact."

"Quite clearly the Panel applied its own standards in making its determination, not Board standards," a March 3 UTU press release stated. "The Board adopted a Panel determination which contained material errors of fact and did not follow the Board's own directives as to craft or class rulings."

The UTU then proceeded to file a motion for reconsideration with the National Mediation Board in hopes of having the panel's decision reversed.

So what are we supposed to believe? The UTU statements from February, in which they praised panel members for their "knowledge and wealth of experience," or their actions of March, in which they filed a motion for reconsideration on the panel's decision?

This is just one more case of UTU words conflicting with UTU actions. In the March 2000 issue of the UTU News, UTU Assistant President Byron Boyd said, "It is time to quit all of the 'trash talking' that has gone on over the last two years specifically ... about either the UTU or the BLE."

In a March 13 UTU website article, UTU leaders must have forgotten Boyd's vision of a "kindler, gentler" re-

lationship between the BLE and UTU. These UTU leaders continued their typical mudslinging campaign and accused the BLE of "stealing the credit" for passage of a two-man crew law in the state of Wyoming (see story above).

"(The BLE) didn't lobby the legislators like we did and they didn't spend any money like we did. The BLE jumped in after the bill passed in the Senate. As usual, they were late to the process and the first to try to claim the credit," a UTU leader said. "We know the BLE wants to get rid of conductors, so we made sure that the language in our bill includes that one of the two persons on the crew must be a qualified conductor," said another.

So which is it? Do we believe the words of Byron Boyd and his vision of peace? Or do we believe the actions of other UTU leaders when they publish press releases accusing the BLE of attempting to "get rid of conductors." The point of this article is not to sling mud or "spin doctor" the news to fit our political agenda. We are simply pointing out that what the UTU says does not always correspond with what they do. We are not attempting to distort the facts, which is why we have taken the effort to provide you with dates and places of publications.

Those who are skeptical can research the facts for themselves. But don't start with the Aug. 27, 1999, UTU web site news release outlining its \$3.00 per member per month "war chest" to fund "a fight to the finish" against the BLE; those words are being matched by deeds as you read this. •

# BLE NEWS

## UTU subject to tougher AFL-CIO sanctions

By a nearly unanimous voice vote, the AFL-CIO Executive Council passed a resolution on February 16 adopting a policy that would stiffen sanctions against affiliates found guilty of violating the “no raiding” prohibition contained in Article XX of the Federation’s Constitution.

The additional discretionary sanctions available against affiliates who are found guilty of raiding another affiliate include the following:

- denial to the non-complying affiliate of the right to participate in or receive services from any Executive Council committee, trade or industrial department, central labor body or AFL-CIO staff department;
- denial to the non-complying affiliate of the right to participate in or receive services from any other AFL-CIO program;
- denial to the non-complying affiliate of any protection under the provisions of the Federation’s Constitution or the policy determinations of the Executive Council or the AFL-CIO President;
- denial to the non-complying affiliate of the use of any AFL-CIO facility;
- denial to the non-complying affiliate of any other benefit derived from AFL-CIO affiliation; and
- that the non-complying affiliate compensate any affiliate that is adversely affected by the violation for its expenses incurred in pursuing the Article XX process, its lost dues or other income foregone, or its costs incurred as a result of the violation. If the Non-Compliance Subcommittee is unable to determine such amount with precision it may estimate an amount in order to so compensate the adversely affected affiliate.

This new policy has caused the UTU to withdraw from the AFL-CIO (see page 1 article). The policy has been applied to all instances of ongoing non-compliance, so the UTU is subject to the imposition of these sanctions due to its refusal to comply with the June 21, 1999, order from AFL-CIO President John J. Sweeney to withdraw its application to the National

### American Federation of Labor and Congress of Industrial Organizations



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February 11, 2000

Mr. John “Red” Bourg  
President  
Louisiana AFL-CIO  
P.O. Box 3477  
Baton Rouge, LA 70821

Dear President Bourg:

I understand that the United Transportation Union has been asking various AFL-CIO affiliates to remain neutral in any election among a combined UTU and Brotherhood of Locomotive Engineers bargaining unit, or to be supportive of the UTU’s campaign. The UTU is currently in non-compliance with a decision issued under Article XX of the AFL-CIO Constitution, No. 98-006, Union Pacific Railroad. In that case UTU has petitioned the National Mediation Board to combine the different crafts long represented there by UTU and BLE and conduct an election covering all these crafts that only one union can win. In another Article XX case, No. 99-057, Louisiana & Delta Railroad, UTU will be in non-compliance with a final Article XX decision by February 21 if it does not disclaim its recent certification for a bargaining unit previously represented by BLE.

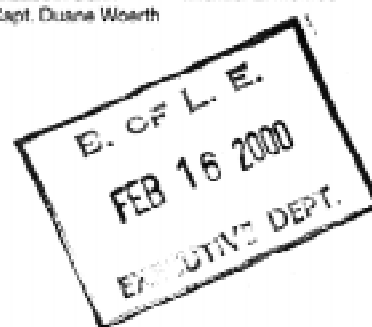
Under Article XX, Section 15, “[n]o affiliate shall support or render assistance to the action determined to be in violation” of Article XX. This means that no AFL-CIO affiliate, including a central labor body, can provide any support whatsoever to the UTU’s effort to pursue its efforts to replace BLE as the bargaining representative at Union Pacific Railroad, and possibly very soon at Louisiana & Delta Railroad as well. The AFL-CIO remains committed to resolving this ongoing dispute in a manner that protects BLE’s legitimate rights and assures respect by all affiliates of each other’s established collective bargaining relationships. Any action supportive of UTU’s non-compliant behavior would undermine that goal. Rather than maintaining “neutrality,” AFL-CIO affiliates should make it clear that they oppose UTU’s raiding activities and call upon UTU to withdraw its NMB application.

Sincerely,

John J. Sweeney  
President

JJS:hmp

cc: Mr. Edward Dubroski, President, BLE  
Mr. Charles L. Little, President, UTU  
Marilyn Schneiderman



Mediation Board in the Union Pacific case.

On a related note, the AFL-CIO once again lent its support to the BLE in its struggle to fend off UTU raiding attempts.

In a February 11 letter (reproduced above), President

Sweeney blasted UTU’s attempts to seek support from various AFL-CIO affiliates in its campaign against the BLE.

President Sweeney notified Louisiana AFL-CIO President John “Red” Bourg that “no affiliate shall support or

render assistance to” the UTU because of its non-compliance with Article XX of the AFL-CIO constitution.

“The AFL-CIO remains committed to resolving this ongoing dispute in a manner that protects BLE’s legitimate

rights,” Sweeney wrote. “Any action supportive of UTU’s non-compliant behavior would undermine that goal. Rather than maintaining ‘neutrality,’ AFL-CIO affiliates should make it clear that they oppose UTU’s raiding activities...” •

## Eyes of Irish Locomotive Drivers are smiling on the BLE

Editor’s Note: The BLE-UTU conflict on the Union Pacific has not gone unnoticed. Railroad unions as far away as Ireland have kept close tabs on the outcome of our struggle.

The following was e-mailed to BLE International Headquarters on March 1 from Kevin Connolly, the Safety Spokesman of the Irish Locomotive Drivers Association.

Dear Sirs:

I have just read the headlines in your latest News Flash (on the BLE website).

I would like to take this opportunity on behalf of all the members of the Irish Locomotive Drivers Association to extend our warmest congratulations to the BLE on your victory over the UTU’s attempt to establish a single craft of

“Train and Engine Service Employee.”

We always felt that this proposal was doomed to fail, and are delighted that it did. As you know, we believe that within Railroad Companies, what ever one company can get away with, will be implemented by others the world over. So we see your victory in the U.S. as a victory for all Locomotive Drivers (Engineers).

Once again, congratulations to all involved in this great victory.

Yours sincerely,

Kevin Connolly,  
Safety Spokesperson,  
Irish Locomotive Drivers  
Association



# Thank You, AFL-CIO



***Thanks for standing behind the BLE!***

The BLE's success in fending off the UTU's attempted raid is due largely in part to support from the AFL-CIO and its affiliates. The BLE wishes to thank all of Rail Labor, AFL-CIO Executive Vice-President Linda Chavez-Thompson, AFL-CIO Secretary-Treasurer Richard L. Trumka, AFL-CIO President John J. Sweeney, all AFL-CIO affiliates, and the Transportation Trades Department for their support.

Illustration by Geoffrey T. Schenkel · Journeyman Scenic Artist · International Brotherhood of Painters and Allied Trades, AFL-CIO, CLC · Local #93, Marietta, Ohio

## What has your union done for you lately?

When the National Mediation Board denied the UTU's application to combine railroad operating crafts and hold a representation election on the Union Pacific, it put into perspective the major fundamental differences between the BLE and UTU.

Securing these improvements and job protections for its members is a priority for the BLE. It's what we do. And it's a fundamental difference between our organization and the UTU.

The UTU has its priorities elsewhere. Documented proof of this can be found in the February 24 issue of the Omaha World-Herald. In an article titled, "U.S. railroads, unions start contract talks," UTU International Spokesman David Eden said, "Right now, more than contract negotiations, (the UTU) is getting prepared for what (it) says may be an historic decision by the National Mediation Board."

The key phrase is "more than contract negotiations." That statement provides a crystal-clear picture of the fundamental difference between the BLE and UTU leadership.

"More than contract negotiations:" in other words, the UTU would rather spend its time running around trying to destroy the BLE than securing a good contract for its members.

Moreover, the UTU spokesman said, "It doesn't benefit a rail union to strike." Really? How about asking the 8,000 members of a rail labor union who just went on strike in Laramie, Wyo., and saved their jobs at Union Pacific.

The Brotherhood of Maintenance of Way Employees just concluded a successful strike at UP (see page 9 article). A federal judge sent the strikers back to work, but he also issued a permanent injunction prohibiting UP from closing down a manufacturing plant that employed 37 BMWE members.

The strike saved their jobs. But according to the UTU, "It doesn't benefit a rail union to strike." Maybe what the spokesman meant to say was, "It doesn't benefit the railroad company for a railroad union to strike." Either way, going on strike produced a major benefit for those 37 members of the BMWE.

We encourage all BLE members to share this article with their UTU co-workers. Tell them to ask Charles Little and Byron Boyd, "What have you done for me lately?" Their answer: "We've earned the unanimous condemnation of the AFL-CIO for pursuing a case that got worse with each passing month, we've left the AFL-CIO in shame, we've agreed to make cram down mandatory, we're facilitating the use of remote control technology at the state level, and we finally figured out how to say 'No' to a proposed merger, even though the protections are better than any offered in over 20 years."

Now ask the leadership of the BLE the same question. Their answer: "We've preserved the historical operating crafts on America's Class I railroads, won an end to cram down, attrition job protection and 10 years of job security for our members on BNSF and CN if the two companies merge, scored a major victory for post-85 engineers on Norfolk Southern, and helped engineers on NS get a 14.4 percent raise."

Not too bad. That's something you

**Omaha World-Herald**

### CONTRACTS U.S. Railroads, Unions Start Negotiations

*Continued from Page 14*

between new hires and veteran workers.

In recent years, when stalemates have occurred in talks, there have been brief work stoppages called by unions. But in each case, intervention by a presidential emergency board or federal judge has halted the action, and settlements have been imposed on both sides.

"It doesn't benefit a rail union to strike," Eden said. "What benefits a union is to sit down and do tough negotiations at the bargaining table to get the best possible contracts."

Right now, more than contract negotiations, Eden's union is getting prepared for what he says may be a historic decision by the National Mediation Board.

can take to the bank, unlike the empty promises UTU leaders spent two years working on to provide to their members. •

## Disaffiliation

*Continued from Page 1*

curred as a result of the violation.

In this case, the BLE spent a substantial sum of money defending itself as a result of the UTU's Jan. 12, 1998, application, which sought to combine all operating employees into a single craft and force representation elections.

"Pulling out of the AFL-CIO is detrimental to the rank-and-file members of the UTU," BLE President

Edward Dubroski said. "It is ironic that UTU leaders parrot their organization's slogan, 'progress through unity,' yet they willfully withdrew from the AFL-CIO, the very organization that exists to promote unity and harmony among all of organized labor."

Dubroski also pointed out the contrast between the long-standing UTU slogan, "progress through unity," with its latest catch phrase, "the power of one."

"On the one hand, they preach harmony and unity with other labor organizations, but on the other hand, they're promoting a 'power of one' campaign," Dubroski said. "I am of the belief that the power of

many is much stronger than the 'power of one.' And now that's what the UTU is — one union, outside the House of Labor."

AFL-CIO President John Sweeney echoed Dubroski's comments, and urged UTU leadership to reconsider.

"Working men and women nationwide clearly have a stronger voice when they are united," Sweeney said. "The leadership of (the UTU) has attempted to

# BLE NEWS

## Part 3: ‘Reliance’ and ‘distraction’ effects in PTC automation

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

White Paper, 11/28/99

**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 audible warning would be assigned a one.

**Reliance level 2.** This system provides an audible warning in advance of the CSR and also meets the requirement of a PTC system in that the CSR will be enforced by a subsystem on board the locomotive. The crew’s responsibility under the existing method of operation does not change in regard to the requirements for the CSR. The principal difference now becomes the LE’s choice/ability to permit the PTC on-board components to control the train’s speed to comply with the CSR and what other information may be delivered to the LE from the on-board sub-system. That information may include distance to target or the civil speed directive. Assign a two for reliance in this case.

**Reliance level 3.** The same PTC system exists as above. A principal difference is there are no mandatory directives issued and/or there are no requirements for conversing among the crew members regarding the existence of any CSR. An audible warning may be received in the locomotive cab and there may be an advance directive for speed or distance to target but no other form of advance warning. The automation now becomes depended on for most train control functions regarding the CSR. The LE’s role will be to monitor the system performance.

**Reliance level 4.** The PTC system is considered the preferred method of operation. The operating skills/rules/knowledge required by the LE pertain solely to automatic system with manual control of the locomotive/train, the skills/rules/knowledge-based train handling and operating rules would again come into play. The reliance on the system at this level is absolute. It is now necessary to provide for a rule set that prohibits manual operation except in very limited circumstances.

Each system, sub-system or component could be evaluated for its potential to develop a reliance effect by determining: (1) its purpose and function as a replacement for a task performed by the LE or C; (2) the performance reliability; (3) the accuracy at which the component/sub-system performs; (4) the difficulty level of the task; (5) the motivation of the LE or C to allow/deny the component to operate; (6) the requirements established by the system/railroad for allowing/denying the LE or C from operating the locomotive/train.

We currently recommend that the “designed reliance” of a PTC system be at level 2, as defined above. The actual automation of PTC would then work in the background at level 6, as described in section 2.4 on page 3.

### 4.6 Warning Before PTC Enforcements

The LE must have suitable warning before the PTC system imposes an enforcement. “Suitable” depends on the particular event to be enforced. In all instances a distinctive audible enforcement alarm should be sounded prior to enforcement. In addition, some kind of graphic display, on a cathode ray tube or other kind of visual presentation, for the algorithm braking/deceleration distances should be used. The display should at least show the deceleration of the train, the point at which deceleration or stop must be completed, and calibrations in wayside mile posts

and their fractions in tenths of miles. A display of percentage of gradient could also be useful. Such a display would be essential for PTC warnings requiring either decelerating or stopping the train, but could be useful in general, when no PTC alarms are present.

The PTC systems, subsystems, and components on board a locomotive should be designed to ensure necessary functions can be performed by alternative means, such as manual control, when the automation fails.

Automated control actions and out of tolerance conditions or failures in any system, subsystem, or component should be announced to the LE and C.

Transient faults associated with control automation should not fail passively or silently. There should be established a tolerance level for determining when the automation is no longer reliable because of either the frequency of the transient faults or the safety-critical nature of the systems from which the faults originate. The failure of such automation should be announced with a clear and distinctively sound-coded alarm, in such a way as to permit the LE to immediately take control of the locomotive and its train including all on-board PTC systems, subsystems, and components. When transient faults occur, they should be recorded regarding their kind and time in the locomotive event recorder.

### 5. Training for PTC

There is general agreement that training needs increase with increasing automation, and PTC is no exception. Training must include not only traditional skill maintenance, but also training in new skills and dealing with emergencies, particularly those likely to occur if the automation fails. (Details of PTC training are not regarded as part of the charge for this white paper.)

The design of a training program requires a thorough task analysis, emphasizing not only what displays the operator must observe but also what information is required to be gained and understood, and not simply what controls to operate but also what variables are to be controlled both by the automation and by the personnel according to what criteria. This should yield critical insights for setting training objectives, writing a syllabus, and specifying a specific plan for student testing and program evaluation.

#### 5.1. Classroom and written instruction

Training should include preliminary formal classroom instruction in the rules and practices for PTC. Merely posting bulletins or leaving a stack of governing rules for PTC in a crew register room will not do.

Written material should explain the overall characteristics of the particular on-property application of PTC and the expectations for employees and contractors involved with this form of PTC operation. This should be augmented by classroom presentation, discussion and testing to provide feedback to the students.

#### 5.2. Locomotive simulator instruction

Locomotive simulators have been found to be of great value to train and test the LE for some three decades. They have also been used to conduct experiments of the LE on safety related issues, test the ability of different braking systems, and as tools for accident investigation. They could be useful for PTC-related training. This would be especially so for some elements of skills maintenance. Simulators also offer an opportunity to train the LE through exposure to rare but possible events that can occur in the railroad environment. The initial teaching of PTC operations would also profit from simulator training.

Simulators vary greatly in their sophistication and ability to mimic real world stimuli.

They have been classified in 49 CFR (Code of Federal Regulations) Part 240 as a Type I Simulator which means a replica of the control compartment of a locomotive with all associated control equipment that:

- (1) Functions in response to a person’s manipulation and causes the gauges associated with such controls to appropriately respond to the consequences of that manipulation;
- (2) Pictorially, audibly and graphically illustrates the route to be taken;
- (3) Graphically, audibly, and physically illustrates the consequences of control manipulations in terms of their effect on train speed, braking capacity, and in-train force levels throughout the train; and
- (4) Is computer enhanced so that it can be programmed for specific train consists and the known physical characteristics of the line illustrated.

A Type II Simulator means a replica of the control equipment for a locomotive that:

- (1) Functions in response to a person’s manipulation and causes the gauges associated with such controls to appropriately respond to the consequences of that manipulation;
- (2) Pictorially, audibly, and graphically illustrates the route to be taken;
- (3) Graphically and audibly illustrates the consequences of control manipulations in terms of their effect on train speed braking capacity, and in-train force levels throughout the train; and
- (4) Is computer enhanced so that it can be programmed for specific train consists and the known physical characteristics of the line illustrated.

A Type III Simulator means a replica of the control equipment for a locomotive that:

- (1) Functions in response to a person’s manipulation and causes the gauges associated with such controls to appropriately respond to the consequences of that manipulation;
- (2) Graphically illustrates the route to be taken;
- (3) Graphically illustrates the consequences of control manipulations in terms of their effect on train speed braking capacity, and in-train force levels throughout the train; and
- (4) Is computer enhanced so that it can be programmed for specific train consists and the known physical characteristics of the line illustrated (56 FR [Federal Register] 28254, June 19, 1991, as amended at 58 FR 19002, Apr. 9, 1993; 60 FR 53133, Oct. 12, 1995).

In the order of their ability to simulate the operation of a locomotive in the most realistic manner, the Type I simulator is superior to the Type II, which is superior to Type III. The Type II and Type III simulators have some limited value for maintaining skill levels of the experienced LE. Their use, however, for initial training of persons who have never been at the controls of a moving train may improperly prepare them for the task of actual operation. Actual train movements provide an array of powerful stimuli that reinforce train handling assumptions for the LE. These stimuli tend to be learned over time, and have subtle distinctions meaningful only after developing a level of experience on a particular territory through repetition. Among these arrayed experiences are those tactile (providing a sensation by touch) and kinesthetic (providing a sensation of bodily movement, position, and tension). Both of these are necessary to provide feedback assurance to the LE that the choices made for handling the train are the right ones, including that they are in the correct temporal sequence, each choice further timed according to appropriate duration. This initial knowledge base, accordingly, must be developed with actual experience from handling a moving train.

The Type I simulator, also known as “a full-motion simulator” provides a more realistic experiential stimulation and operational feedback for the trainee. The simulator has a work setting of an actual locomotive cab mounted on a motion base of hydraulic legs with four degrees of freedom supplied through hydraulic actuators. Sideways force cues are



# Part 3: ‘Reliance’ and ‘distraction’ effects in PTC automation

## Positive Train Control

Continued from Page 8

provided as the simulation lurches through track switch turnouts. Lesser displacements of this kind, either to the left or right and return, are experienced by the trainee when passing over various simulated track structures such as frogs and railroad crossings at grade. The cab realistically rolls and sways while simulating running over the track.

The sway, at right angles to a longitudinal axis, can be up to 5 degrees to each side and reproduces the side sway of a unit as it moves. Other motion is felt longitudinally when pulling trailing cars (by rearward shock forces, or blows, to the cab) and when the slack of trailing cars runs in against the locomotive (by forward shock forces to the cab). Longitudinal motion of a simulator can be up to 6 inches. If the trainee handles the simulated train too roughly, then, he or she will experience quite severe shock blows while in the LE's cab seat, as simulations of improperly controlled slack run-ins or run-outs are reproduced. Realistic sound affects reproduce those of real operations and are exactly synchronized to the back-screen projections for the simulation. There is no research that indicates a Type I simulator is superior to a Type II or Type III simulator, but it is generally believed by LEs that the realistic feedback provided by Type I simulators provides a superior learning environment.

One of the advantages of simulator training is an instructor at his accompanying computer console can add many changing variables to a simulated run. He can simulate any number of failures such as loss of dynamic brake, pneumatic control switch open, undesired emergency brake application, slack action, and a break in two of the train, as well as a change in tonnage or number of cars. The back-screen projected environment allows for a very large number of variations on events and conditions.

Literally hundreds of permutations of the same route can be simulated thus preventing the trainee from memorizing “the same old film.” For example, signal number 103.2 could be green over red, or dark, or red over yellow, the latter simulating movement over a diverging track. More advanced computerization is permitting the simulation of varying weather conditions and can inject realistic railroad operating scenarios to which the LE must react.

A sophisticated computerized locomotive simulator is demanding and, as in aircraft simulators, can afford training opportunities not allowable in the real world. A wide range of operationally difficult, cognitively taxing, and potentially dangerous simulations with different train profiles and locomotive consists can be experienced by the trainee. Thus various failure modes of PTC can be simulated and experienced. These failure modes can even be safely experimented with regarding LE reactions to them.

Problems of a LE transitioning from a locomotive having traditional analog displays to one having integrated-cab-electronics (ICE) screen displays for running an engine and handling a train could be prevented with training on a sophisticated simulator. Problems of transitions of the LE from non-PTC to PTC territory, and between differing kinds of PTC territories could similarly be prevented with training on a sophisticated simulator.

## 6. CONCLUSIONS

(1) Over-reliance on (or not knowing how much to rely on) automation, and added distraction of having to (or poor ability to) monitor automation, are well known problems in the human factors literature, but there are few easy remedies.

(2) Maintenance of the locomotive engineer's perceptual, decision-making and control skills is considered mandatory.

(3) A PTC system should provide an auditory warning of appropriate hazards and graphical information about stopping profiles from the given speed. Otherwise it should allow for manual operation, unless certain limits are exceeded, at which point automatic braking enforcement should go into effect.

(4) Failures of a PTC system should be announced by a clearly discernible auditory alarm, and the type and time of failure recorded on the locomotive event recorder.

(5) Special classroom and simulator training for PTC operation, including failure scenarios, should be given to LE, C and train dispatcher personnel. This should be based on a thorough task analysis of PTC operation and response to potential PTC failure.

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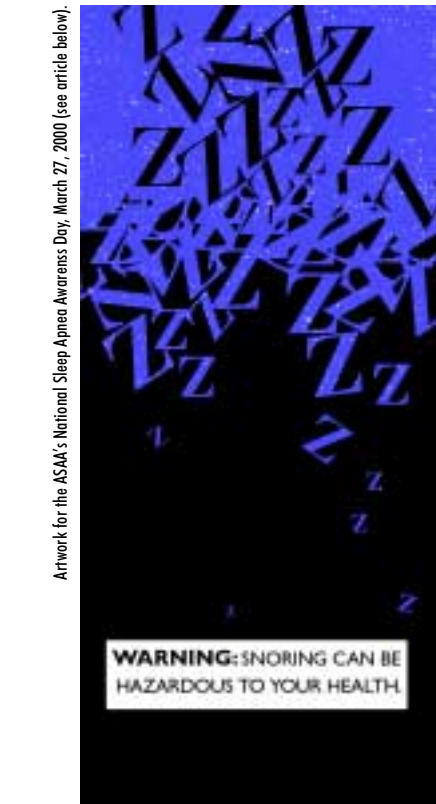
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*This is the third and final installment of the Positive Train Control White Paper. Parts one and two were published in the January and February 2000 issues of the Newsletter, respectively.*

*A complete copy of the 23-page report can be found on the BLE webpage at:*  
<http://www.ble.org/pr/news/ptcposition.pdf>



BLE NEWS



By Don Bergman  
U.S. Fatigue Countermeasures Coordinator

- Do you snore loudly and habitually?  
Do you feel tired when you wake up?  
Do you find yourself sleepy during waking hours?  
Are you overweight?  
Have you ever been told that you choke, gasp or hold your breath during sleep?  
If you or someone close to you can answer yes to any of the above questions you may have a sleep disorder called Sleep Apnea.
- Sleep Apnea was first described in 1965 as a breathing disorder characterized by brief interruptions of breathing during sleep. Generally speaking, it prohibits an individual from breathing and sleeping at the same time. “Apnea” is a Greek word meaning “want of breath.” Here are some facts about sleep apnea:
- Sleep Apnea occurs when air cannot flow into or out of the person’s nose or mouth although effort to breathe continues.
  - In a given night 20 to 60 or even more breathing interruptions may occur per hour.
  - Breathing interruptions cause low levels of oxygen and high levels of carbon dioxide in the blood. The low oxygen and high carbon dioxide alerts the brain to resume breathing which often results in a loud gasp or snore.
  - When sleep is disrupted in this manner it prevents the body from attaining the deep, recuperative and restorative sleep that will be needed to sustain the person throughout the next day’s activities.
  - People most likely to have or develop sleep

# Is this you?

## Sleep apnea is a dangerous sleep disorder; you may have it but not be aware of it

- apnea include those who snore loudly and also are overweight or have high blood pressure, or have a physical abnormality in the nose, throat or other parts of the upper airway.
- Ingestion of alcohol and sleeping pills increases the frequency and duration of breathing pauses in people with Sleep Apnea.
  - The consequences of Sleep Apnea range from annoying to life-threatening. They include symptoms suggesting depression, irritability, sexual dysfunction, learning and memory difficulties and falling asleep while at work, on the phone or driving.
  - It has been estimated that up to 50% of Sleep Apnea patients have high blood pressure and have an increased risk of heart attack and stroke.
  - Males with a neck size of 17 inches or greater and females with a neck size of 16 inches or greater are more likely to have Sleep Apnea because of the increase in tissue in the air passage.
- If you suspect that you have some of the symptoms of Sleep Apnea you are encouraged to see a doctor about your symptoms. But first, you need to check with your insurance carrier before making any appointment. You may be required to get a referral to a sleep specialist from your primary care physician. Evaluation and testing can be accomplished in a sleep center or in some cases in your own home. Don’t be discouraged if your primary care physician attempts to give you sleeping pills and send you home. If you believe you have the symptoms of Sleep Apnea that were outlined here insist on seeing a sleep specialist.
- You should feel free to ask any doctor about his or her credentials and experience. You should also be satisfied with the explanations of what sleep apnea is and how it is diagnosed and treated in your particular case.
- Three avenues are available to the patient with Sleep Apnea:
1. **Behavioral Therapy**
    - avoid tobacco, alcohol and sleeping pills;
    - 10% weight loss may reduce the number of sleep disruptions;
    - some patients only have Sleep Apnea symptoms when they sleep on their backs.
  2. **Physical or Mechanical Therapy**

- nasal “continuous positive airway pressure” (CPAP) is the most common effective treatment ... the patient wears a soft mask over the nose during sleep;
  - dental appliances that reposition the lower jaw and the tongue have been helpful in keeping the air passage open.
- 3. Surgery**
- several procedures that need a medical explanation and evaluation.
- You also should check with the Department of Transportation in your state about their position on Sleep Apnea. Some states are attempting to restrict driving privileges if an individual refuses to be treated once diagnosed with Sleep Apnea... a word to the wise.
- If you feel you would like more information on Sleep Apnea you are encouraged to contact the three organizations whose information was used in this article. They are:
- National Center on Sleep Disorders Research**  
Two Rockledge Center  
Suite 7024  
6701 Rockledge Dr. MSC 7920  
Bethesda, MD 20892-7929  
(301) 435-0199
- American Sleep Apnea Association**  
1424 “K” St., N.W.  
Suite 302  
Washington, DC 20005  
(202) 293-3650  
[www.sleepapnea.org](http://www.sleepapnea.org)
- National Sleep Foundation**  
1522 “K” St., N.W.  
Suite 510  
Washington, DC 20005  
[www.sleepfoundation.org](http://www.sleepfoundation.org)
- Please don’t take Sleep Apnea lightly. Many persons who suffer the symptoms of Sleep Apnea have received treatment and in the majority of cases those persons will testify that their treatment has made a significant change in their life. Ask around and you’ll probably find someone who has Sleep Apnea, has been treated and will end up preaching to you about the benefits of getting medical attention... and your sleeping partner will thank you. •

# National Sleep Awareness Week is March 27-April 2

The National Sleep Foundation (NSF), a nonprofit organization that promotes public understanding of sleep and sleep disorders, is sponsoring “Wake Up Call 2000: National Sleep Awareness Week” from March 27-April 2. In addition, the American Sleep Apnea association is holding its second annual National Sleep Apnea Awareness Day on March 27.

As part of the week’s activities, NSF will host special sleep awareness activities on Capitol Hill to target staffers and members of Congress with important sleep education and information. These activities include a number of informational exhibits, such as an educational session on the dangers of sleep deprivation (presented by sleep expert William C. Dement, MD, PhD).

In addition, Dennis Holland, PhD, director of Alertness Management Programs at Union Pacific Railroad, will speak at the National Sleep Awareness Week press conference on March 28, and identify what can be done to address fatigue in the workplace.

NSF will also partner with USA Today to host a toll-free telephone hotline staffed with sleep experts. Callers can ask sleep-related questions. The hotline will be from 9 a.m. to 9 p.m. on March 28. The phone number will be printed in that day’s newspaper.

The morning of March 28, NSF will release its 2000 Sleep in America poll. This year’s poll promises to reveal interesting trends about sleepiness and productivity in the workplace, as well as drowsy driving statistics. The poll will be available on the NSF website at: [www.sleepfoundation.org](http://www.sleepfoundation.org).

The American Sleep Apnea Association, a cooperative co-sponsor of National Sleep Awareness Week 2000, is planning a National Sleep Apnea Awareness Day during NSAW. For more information, visit their website at: [www.sleepapnea.org](http://www.sleepapnea.org).

Established in 1990, the National

Sleep Foundation relies on corporate and individual donations, and partnerships with corporations and government, to fund its many educational and research programs.

The ASAA is a non-profit organization dedicated to reducing injury, disability, and death from sleep apnea and to enhancing the well-being of those affected by the disorder. •





# BMW wins UP strike

The Brotherhood of Maintenance of Way Employees scored a major victory over the Union Pacific Railroad this month after successfully striking to prevent the railroad from closing a plant that employed dozens of BMW workers.

A federal district court in Denver on March 2 enjoined the UP from closing its track panel plant in Laramie, Wyo., and from installing track panels made by outside contractors.



Finding UP's threat to close the panel plant and use contractor-fabricated track panels to be a "major dispute" under the Railway Labor Act — a violation of the plain language of the BMW/UP collective bargaining agreement — the Court granted the BMW's motion to enjoin UP from closing the plant and ordered that fabricating track panels must be done by BMW-represented employees since it is clearly maintenance of way work, reserved exclusively for BMW under the contract.

BMW went struck UP over the plant closing on February 24 after UP refused BMW's repeated demands to honor the contract and keep the plant open. A court temporarily restrained the strike just four hours after it began, but also restrained UP from closing the plant until a full hearing was held on March 2.

The strike effectively shut down train operations on the Union Pacific. The track panel assembly plant in Laramie, Wyo., manufactures track panels that are used in the construction and maintenance of railroad track.

"The Court's decision to force UP to honor the clear language of Rule 9 of the contract is a major victory for our members — our union," said David Tanner, a BMW General Chairman. "It tells UP that it cannot simply change the collective bargaining agreement — do whatever it wants — while our members sit and wait

## BLE Division 239 pickets against Overnite with striking Teamsters



On February 17, members of BLE Division 239 (Knoxville, Tenn.) man ambulatory picket lines with members of Teamster Local 519 in a show of solidarity for their strike against Overnite Transportation, a subsidiary of Union Pacific. From left: Jerrald Limbaugh, BLE Division 239 Legislative Representative; G.T. Wilkerson, Division 239 Vice-Local Chairman, Yard; Doug Ford, Division 239; Joey Bellemy, Division 239; Charles "Chuck" Davis, Division 239 Secretary-Treasurer; and Larry Trotterchaud, Secretary-Treasurer of Teamster Local 519. Picture courtesy of John Norman of BLE Division 239.

In a show of solidarity, members of BLE Division 239 (Knoxville, Tenn.) helped man ambulatory pickets lines with members of Teamster Local 519 in their ongoing strike against Overnite Transportation.

Division 239 Local Chairman W. M. "Bill" Overton reports that ambulatory picket lines involve following the trucks as they leave the loading facility and while they are making deliveries, continuing to picket in front of drop off points. The Brothers of Division 239 participated in this form of picketing on February 17.

"As many of you know, Overnite is owned by the Union Pacific Railroad," Brother Overton said. "This struggle is turning out to be a long one. I'm sure that the Local Teamsters in your area would appreciate hearing from local BLE Divi-

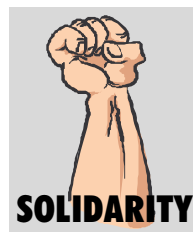
sions. Remember, we all have problems, and we all need each other."

BLE support for the Teamsters, and vice versa, goes back several years. In 1996, delegates attending the BLE International Convention in Detroit gave \$20,000 to striking Teamsters and other union members in their struggle against the Detroit News/Free Press. In July of 1999, Teamster Vice President John Steger delivered a stirring speech at the BLE's "Save Our Craft" march and rally in Washington D.C.

Brother Overton expressed his gratitude to the members of Division 239, "and in particular to the men that worked the picket lines on February 17, for their support of, not only their own union, but another union and its plight."

The unfair labor practice strike against Overnite Com-

pany entered its 19th week in early March, making it the longest freight strike in recent history.



The workers have demonstrated an extraordinary resilience in the face of Overnite's refusal to make a binding commitment to obey the law.

In February, Overnite settled another complaint against it for unlawful discharge of workers who participated in the unfair labor practice strike in July 1999.

Overnite had to solemnly promise, once again, to stop breaking the law. Overnite also had to solemnly promise not to condone threats of physical violence against union supporters, not to threaten to close terminals, not to tell workers that management would "lie" about ordering workers not to wear union buttons, and not to discharge

workers who were exercising their federally protected rights. Overnite also has to reinstate four illegally discharged workers and pay them the earnings (plus interest) they lost due to the unlawful discharge.

On February 29, the NLRB dismissed Overnite's charge that the Teamsters negotiated in bad faith when it requested to have a mediator at contract negotiations. The NLRB wrote that the Teamsters proposal for a mediator was "a good faith attempt to move negotiations forward after four years and 150-plus bargaining sessions failed to produce an agreement."

Overnite posted a loss of \$13 million in profits for the fourth quarter of 1999, which is down \$29 million when compared to the \$16 million in profits for the same quarter of 1998.

forever for the results of some arbitration. Although strikes and lawsuits are regrettable, UP left us no choice but to strike and sue.

"I salute and thank our members for their courage and discipline in striking successfully and hope that UP learns its lesson. I also thank the other rail unions for honoring our picket lines."

BMW Vice President Rick Wehrli said, "BMW will not stand by idly while UP or any railroad tramples on our membership. UP acted illegally against our members, and BMW, after repeated efforts to convince UP to act in accordance with the law, legally struck and will do so again under similar circumstances."

BMW President Mac A.

Fleming hailed the right to strike as a powerful tool for rail unions.

"I am delighted with the Court's decision and I salute our membership and leadership on the UP for taking action to halt UP's illegal attempt to shut down the Laramie, Wyoming plant," the BMW president said.

"Contracting out our work

is a major problem facing us, and when any railroad decides to blatantly act against the clear language of our contracts after repeated requests to cease their illegal acts, BMW will act in the best interests of our members.

"I also thank the members and leaders of the other railroad unions for honoring our picket lines." •

BLE NEWS

UTU leaders withdraw from AFL-CIO, again

Disaffiliation

Continued from Page 7

destroy another AFL-CIO union’s bargaining rights at Union Pacific and take away members from that union — a direct violation of the AFL-CIO constitution.”

In February of 1998, impartial AFL-CIO umpire Paul Weiler ruled that the UTU’s NMB application was a violation of Article XX, and subsequent UTU appeals were denied. In other words, UTU has been in non-compliance with Article XX for more than two years. In addition, UTU has been under full sanctions by the AFL-CIO since July of 1999, and UTU leaders have made no attempts to come back into compliance during that time. UTU leaders ignored repeated requests from the AFL-CIO to

remove its application from the NMB, which would have resulted in the UTU coming back into compliance and having the sanctions removed.

BLE requested these sanctions be placed on the UTU in a February 24 letter to AFL-CIO Secretary-Treasurer Richard Trumka. UTU pulled out of the AFL-CIO on March 15, just one day before sanctions could have been imposed, according to the AFL-CIO constitution.

This is not the first time the UTU has pulled itself out of the AFL-CIO. It withdrew voluntarily for three years beginning in 1986, during which time it attempted to raid BLE members on the Norfolk Southern.

After convincing BLE victories in UTU-forced representation elections, the UTU quietly returned to the AFL-CIO in 1989. •

Hazmat safety plan

George Meany Center offers free training course to railroaders

The Brotherhood of Locomotive Engineers, in conjunction with the George Meany Center for Labor Studies, will be conducting six four-day hazardous waste/chemical emergency response training programs at the Center’s campus in Silver Spring, MD. The training is scheduled for the following dates:

May 21-25, 2000  
June 4-8, 2000  
July 16-20, 2000  
August 6-10, 2000  
August 13-17, 2000  
August 20-24, 2000

This training addresses the required procedures and different levels of response and worker protection in case of a hazardous materi-

als release. Training also includes advanced classroom instruction as well as intensive hands-on drills, including a simulated hazmat response in fully safety gear.

Grant funds support transportation, lodging, and meals for all program participants. In addition, participants who are unable to receive pay through the railroad to attend training will be eligible for a stipend of \$107 per day.

Space is limited to 25 for each program and participants will be selected on a first-come, first-served basis.

If you are interested, please contact Betty Child of the BLE Washington Office at: (202) 347-7936, ext. 11; fax: (202) 347-5237; or e-mail: [bledc@aol.com](mailto:bledc@aol.com).

MARCH 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 scenic mountain 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>](mailto:<goodble@aol.com>).

**JUNE 27-July 1... Eastern Union Meeting Association in Niagara Falls, Canada.**  
Members are encouraged to plan early for this 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>](mailto:<blemurph@aol.com>).

**JULY 22-26... Annual NASLBC meeting in Niagara Falls, Ontario, Canada**  
At the Sheraton Fallsview Hotel and Conference Center, (800) 267-8439. A block of rooms will be held until June 20 at the contract rate of \$192 per night (Canadian). NASLBC Secretary-Treasurer I. Perry 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 further details regarding the meeting, contact Brother Renfro at: P.O. Box 157, Poteau, OK 74953, phone: (918) 649-0603, fax: (918) 649-0703.

**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 February 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; CRLO mtgs.; CN-BNSF merger negotiations; TTD mtg.; AFL-CIO mtgs.; Advisory Board mtg.; National Wage/Rule talks; Publications Committee; Federation meeting w/ ATDD, BMW, NFO, TWU.

**First Vice-President & Alternate President James L. McCoy**—International Office. Assisted president supervising BLE activities; FVP duties, contacted GCS, SLBCs, telephone calls, correspondence, etc.; CRLO mtgs.; Advisory Board mtg.; Executive Council, AFL-CIO; BNSF-CN merger negotiations; Section 6 negotiations; Publications Cmte.

**General Secretary-Treasurer Russ Bennett**—International Office: Supervision of BLE Financial depts.; Records Dept.; BLE Job Bank; Publications Cmte.; Advisory Board; CRLO mtgs.

**Vice-President Paul T. Sorrow**—Assisted CSX general committee, NS GCofA, and GTW GCofA; Attend mtgs. of Divisions 156 and 140; Section 6 mtgs., contract talks, GTW & Alabama State Docks; BNSF-CN merger mtgs.; SBA 1063; National Wage/Rules committee; Advisory Board mtg.

**Vice-President Joseph A. Cassidy Jr.**—General office duties; Study & paperwork; Prepare for various public law boards; Amtrak; SEPTA; Advisory Board mtg.; Mtg. w/ Metropolitan Transportation Authority; Prepare for mtgs. on Duluth, Missabe & Iron Range; Vacation.

**Vice-President & U.S. Nat’l Legislative Representative Leroy D. Jones**—Washington D.C. Office; Federation mtgs.; TTD Rail Div. mtg.; FRA press conference, locomotive horns at highway-rail grade crossings; High Speed Rail Assoc. directors mtg.; AFL-CIO political directors mtg.; Rail shippers conf.; Reception w/ Senator Johnson (D-SD); BLE lobbying effort, Capitol Hill, met w/ Cong. Klink (D-PA), Oberstar (D-MN), Rahall (D-WV), Petri (R-WI), Lipinski (D-IL), DeFazio (D-OR), Nadler (D-NY), Danner’s staff (D-NO), Menendez staff (D-NJ), Shuster staff (R-PA), Thompson (D-MS), Brown (D-FL), Skelton (D-MO), Mascara (D-PA), Moore (D-KS), John (D-LA); Full RSAC mtg.

**Vice-President William C. Walpert**—ID Office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; BLE Special Reps.; UP/SP project; Mtg. w/ New York Air Brake at Saskatoon training centre; Advisory Board mtg.; Local chairman workshop for new Division 218 and PHL local chairmen; Mtg. w/ BMW; Mtg. w/ new Federation members; Special Rep mtg.

**Vice-President Edward W. Rodziewicz**—General office duties; UP/SP project; Town Hall mtgs.; Advisory Board mtg.; NS Eastern Region, VGC Thompson; Federation mtg.; Mtg. w/ Special Reps.

**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.; Section 3 Subcommittee; PLB 6190; Local Chairman’s Workshop; claims/LM conference; FVW prior rights agreement, seniority roster, etc; Advisory Board mtg.; NRAB/METRA; PLB 6190; IHB general assistance, contract negotiation; Metro claims conference; BRC/IHB arbitration prep/general; CN/IC BNSF mtg.; EQAL Part 240.409 dockets EQAL 95-06, 95-30, 96-05, 98-09.

**Vice-President Dale McPherson**—I&M Rail Link; CP Rail/SOO, UP East Lines; TRRA-St. Louis; Indiana Railroad Co.; M&NA; LP&N Longview; TRCC negotiations; Advisory Board mtg.; CP Rail mtgs., Awd. 5721; Prep. arb. cases; Attend FRA seminar, loco. engr. certification regs.; TCRC agreement draft, synopsis for IMRL agreement.

**Vice-President & Canadian Director Gilles Hallé**—Ottawa Office; Mtg. at Training Centre; Mtg. w/ CN Rail; Cross examination, VIA-Federal Court of Appeal; Arbitration; Advisory Board mtg.; Mtgs. w/ VIA Rail; CPR pension mtg.; Annual vacation.

**Vice-President & National Legislative Representative-Canada T. George Hucker**—Ottawa Office; Canadian National Legislative Board; Kootney Valley Rwy., senior adv. mtg. & CPR hours of service review mtg.; CPR disability case manocement, RCTC; WESTAC mtg.; Transport Canada trespassing working group mtg.; Advisory Board mtg.; Ottawa Valley Rwy. arbitration hearing; Mtg. w/ VIA Rail, re: Hours of Services & St. Lawrence & Hudson senior health & safety mtg.; Sick leave.

Decertification

Helpline

(800) 393-2716

The railroad industry’s first and only hotline for engineers facing possible decertification events, offered exclusively by the Brotherhood of Locomotive Engineers.



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VOLUME 14 • NUMBER 3 • MARCH 2000

THE LOCOMOTIVE ENGINEER NEWSLETTER (ISSN No. 0898-8625) is published monthly by the Brotherhood of Locomotive Engineers, 1370 Ontario Street, Cleveland, OH 44113-1702. Periodicals postage paid at Cleveland, OH and additional mailing offices.

**POSTMASTER: Send address changes to**  
BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
Records Department  
1370 Ontario Street, Mezzanine  
Cleveland, OH 44113-1702.

THE LOCOMOTIVE ENGINEER NEWSLETTER

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