The Brotherhood of Locomotive Engineers (BLE) announced on March 6 that it is mounting an all-out campaign to amend state legislation that would open the door for more railroad accidents. BLE said that it may cost the state hundreds of jobs and millions in lost tax revenue.

BLE International President Edward Dubroski said that his union, which represents the federally-certified workers who operate the locomotive engines, would begin a concerted public education and lobbying campaign intended to alert the state legislature and Nebraska citizens about major flaws in L.B. 185 that threaten the public’s safety.

“We are in favor of passing what has been called a “Two-Person Crew” bill in Nebraska,” said Dubroski. “But L.B. 185 as currently drafted is the most dangerous piece of legislation for the public, and for railroad workers, ever introduced in the Nebraska State Legislature.”

Dubroski noted that the Nebraska AFL-CIO as well as the BLE, which represents thousands of locomotive engineers working on the Union Pacific Railroad, both oppose L.B. 185 as written. He said that the BLE “is asking every union member — both BLE and UTU — and every Nebraska citizen who cares about public safety to stand up and tell their state legislators that Multi-A is not acceptable in its current form.”

“The activity pretty much was condemned in the Upper Midwest,” Zanville said. “We believe the Nebraska bill should be written like the Wisconsin bill,” said Dubroski. “That way both the...
DC Feedback: Taking a locomotive out of service

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

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

Or you can ask your questions to
(his email address)
else, they’ll get back to you as soon as possible. Select questions and answers will be published regularly in the pages of the Locomotive Engineer Newsletter.

This month’s installment deals with the requirements for pulling a locomotive out of service.

DC Feedback: You have asked for the conditions that require a locomotive be “taken out of service.” You also inform us that you have been told by carrier officers that it is legal to put a defective locomotive in a trailing position and continue your trip with a defect.

The answer to your question is not a simple one. First, according to the provisions of 49 CFR §229.7—Prohibited acts.

“(a) The Locomotive Inspection Act (45 U.S.C. 22-24) makes it unlawful for anyone to use on any railroad any locomotive unless the entire locomotive and its appurtenances—

“(1) Are in proper condition and safe to operate in the service to which they are put, without unnecessary peril to life or limb; and

“(2) Have been inspected and tested as required by this part.”

Other provisions of Part 229 spell out in detail the performance requirements which are necessary for compliance. The specific locomotive parts or systems that must be in compliance are usually the items that are inspected during regular locomotive inspections. There are times when exceptions are made and then specific requirements are triggered for handling for instance when a locomotive encounters a defect en route.

According to 49 CFR §229.9—Movement of non-complying locomotives, the rule is stated as follows:

“(a) Except as provided in paragraphs (b), (c) and 229.125(b) (historic equipment and regulations for headlamps and auxiliary lights)... a locomotive with one or more conditions not in compliance with this part may be moved only as a live locomotive or as a locomotive after the carrier has complied with the following:

“(1) A qualified person shall determine that:

“(i) It is safe to move the locomotive; and

“(ii) The maximum speed and other restrictions necessary for safely conducting the movement;

“(b) The engineer in charge of the movement of the locomotive shall be notified in writing and inform all other crew members in the cab of the presence of the non-complying locomotive and the maximum speed and other restrictions determining the movement of the locomotive.

“(c) Non-complying locomotives may not be moved alive or dead within a repair location until the earlier of:

“(1) The next calendar day inspection, or

“(2) The nearest forward point where the repairs necessary to bring it into compliance can be made.

“(d) A dead locomotive may not be moved alive or dead within a repair location until the earlier of:

“(1) The next day calendar day inspection, or

“(2) The nearest forward point where the repairs necessary to bring it into compliance can be made.

“(e) A locomotive does not comply with the requirements of paragraph (a) are otherwise fully met, until the earlier of:

“(1) The next calendar day inspection, or

“(2) The nearest forward point where the repairs necessary to bring it into compliance can be made.

“(f) Nothing in this section applies to repairs made to locomotives in the Special Notice.”

The Technical Bulletin also addressed the movement of locomotives which develop en route non-complying conditions to continue in service.

The bulletin offered guidelines for enforcing Section 229.9(b) entitled, “Continued use of locomotive developing en route non-complying condition.”

In 1988, FRA issued a Technical Bulletin, FRA-12-04, on the subject of movement of non-complying locomotives. The bulletin offered guidelines for enforcing Section 229.9(b) entitled, “Continued use of locomotive developing en route non-complying condition.”

The Technical Bulletin stated:

“If the non-complying condition can be brought into compliance by shifting the position of the locomotive in the consist, the non-complying condition should be rectified by doing so at the next forward location. This could be a siding, a wye, or any location where it is physically possible to reposition the locomotive. Railroad employees per-forming this task may do so if it would not endanger the safety of employees, locomotives or train. This location should not be construed or designated as a repair point.”

It also states:

“Section 229.9(a)(1) requires that:

“(a) A qualified person shall determine—

“(i) That it is safe to move the locomotive and (ii) The maximum speed and other restrictions necessary for safely conducting the movement.”

“While it is the transportation/operating department that controls the daily operation of the railroad, operating personnel may not possess the qualifications and technical expertise to make safety recommendations regarding non-complying locomotives. When investigating an issue involving enforcement of 229.9, MP&E inspectors must carefully examine the qualifications of the individual who made the safety recommendations to determine if those recommendations were in compliance with the regulations.”

The Technical Bulletin continues with:

“Continuance of locomotive movement after a non-complying condition en route must be tagged before continued use is permitted in accordance with 229.9(a)(3). The non-complying condition requires a locomotive to be removed from the lead position at the first available location, but would not require it to be isolated from traffic. The criteria of such conditions include, but are not limited to: speed indicators, headlights, cab windows and audible warning devices. When these conditions exist, the railroad must, in order to be in compliance, remove the locomotive from the lead position. Inspectors must exercise sound judgement. For example, a defective cab heater during warm weather would not necessitate removal of the locomotive from the lead or controlling position. In the interest of safety, when a locomotive is repositioned from the lead position to correct a non-complying condition, the “non-complying locomotive tag” should remain attached to the locomotive until repairs are made.”

The Technical Bulletin also addresses guidelines for the movement of locomotives beyond a repair location. It states:

“Part 229.9 is silent on the repair location question. It depends on the power penalty built into the regulation to convince the railroad to maintain the locomotive. Movement of a live or dead locomotive not only limits the power available but adds tonnage to the train.

Where an MP&E inspector has knowledge that a railroad permits locomotives to develop non-complying conditions to continue in service past mechanical facilities, he or she should investigate to determine if the non-complying conditions (a) are being complied with. If the inspector is aware that a non-complying locomotive was moved beyond a repair location, the inspector has previously demonstrated the ability to effect repairs of the non-complying condition, he or she must ensure that sub- ject locomotive would no longer be used as a propelling or lead locomotive.
In yet another split decision, the National Media-
tion Board denied the relief sought by the Brother-
hood of Locomotive Engineers in its motion for re-
consideration of the Terminal Railroad Association of St. Louis (TRRA) case.

Historically, the NMB has refused to create a new
craft or class unless the data show significant cross-
utilization of employees. The current NMB majority,
however, continued its use of flawed logic by once
again ruling that cross-utilization is not a significant
factor in craft consolidation.

“If locomotive engineers do not work as trainmen, and if trainmen do not work as locomotive engi-
ners, then how can one logically conclude that they should be combined into a single craft of workers?” asked
BLE International President Edward Dubroski. “The answer is simple. The NMB has changed its inter-
pretation of the set of criteria for ruling on such cases. As incredible as it seems, the NMB apparently no
longer considers cross-utilization as a major factor in determining craft consolidation.”

In denying the BLE relief, the NMB majority ig-
nored BLE statistical evidence that locomotive engi-
ners worked overwhelmingly within their craft on the
TRRA, and that trainmen almost never worked as
locomotive engineers. In other words, cross-utili-
zation of workers practically did not exist on the
TRRA property, yet the NMB majority ruled to com-
bine operating crafts regardless of the facts.

In the representation election that followed, a majority of workers selected the UTU to become the
collective bargaining representative for the newly
combined class of workers. UTU members outnumber-
bered BLE members on the property prior to the con-
solidation and, for the most part, the vote went along
union membership lines.

Section 5.1 of the NMB Representation Manual out-
slines a set of guidelines for determining craft or
class issues.

In the TRRA ruling, the NMB majority chose to
emphasize the ambiguous portions of the criteria,
such as “community of interest,” “general nature of
work,” and open-ended statements such as “as the intent of the Railway Labor Act,” while ignor-
ing guidelines for hard evidence, such as can be pro-
vided by cross-utilization statistics. The NMB major-
ity also conveniently overlooked the fact that loco-
motive engineers are required by the Federal Rail-
road Administration to be certified in order to per-
form their jobs, while conductors and trainmen are not.

“In the Union Pacific case, we used concrete evi-
dence to prove that locomotive engineers and con-
ductors represent two distinct crafts of operating
employees.” Dubroski said. “Cross-utilization of em-
ployees is the legitimate measuring stick by which
one can clearly determine if one rail worker performs
the same job as another rail workers. Impartial Panel
Members Bloodscher and Zaeck, who ruled uninani-
mously in favor of the BLE in the Union Pacific case
in February of 2000, found this criteria to be govern-
ing, but for some reason, NMB Members Duggan and
Jabezson do not. With the TRRA ruling, these two
NMB members have changed the rules to make it
easier for operating crafts to be combined. This a day
for railroad workers.”

Ernest W. DuBester was the lone NMB member to
support the BLE’s position in the case.

Prior to his recent retirement, UTU President
Charles Little threatened to use the “single craft”
weapon to attack the BLE once DuBester is replaced,
on short line railroads and possibly on major Class 1
lines. It remains to be seen whether or not new UTU
President Byron Boyd will continue the scorched
earth policies of the Little administration.

“Charlie Little will long be remembered for his
efforts to destroy historical rail operating crafts,”
President Dubroski said. “The challenge to President
Boyd is to make it so he wants to erase this stigma
and return peace to the house of labor.”

A copy of the NMB’s denial of BLE relief sought
by its motion for reconsideration is available for view-
ning and printing as a PDF file: http://www.ble.org/fi-
les/nmb_r6799.pdf.

NMB majority refuses to budge on Railroad Retirement legislation

During the AFL-CIO Executive Council meetings in February, the Transportation Trades Department,
AFL-CIO, endorsed comprehensive Railroad Retirement reform legislation pending in the 107th Congress and
urged enactment of the mea-
sure this year.

“Rail workers have a long history of dedication and sacrifice to our coun-
ty,” said TTD President
Sonny Hall. “For the more
than one million active and
retired rail workers who have dedi-
cated their lives to operating, main-
keeping and building a safe and efficient fast and passenger rail system in this country, a secure retirement sys-
tem should be something they can
count on.”

Previously unsuccessful negotia-
tions with the major railroad compa-
"Transportation unions endorse
Railroad Retirement legislation"
ies and the work last year of just a few
Republican Senators have denied
rail workers and their families the
retirement plan they deserve.

Despite a 391-25 House vote and
the public support of 83 Senators, three
GOP Senators were able to de-
rail legislation last year that
would have expanded widow
and widower benefits, lowered
the retirement age for long-
time employees, expanded re-
tiree health benefits, and made
the necessary steps to
strengthen the future solvency of the retirement plan.

Hall urged Congress to “embrace
the nation’s rail retirees and their fami-
lies and to reject the obstructionist par-
ty line efforts that defeated this legis-
lation late last year when more than
88 percent of the 106th Congress was
on record supporting it.”

List of delegates published next month

In accordance with the BLE Con-
stitution & Bylaws, a list of delegates to the Seventh Quinquennial Conven-
tion of the International Division of the
Brotherhood of Locomotive Engineers will be published in the April 2001 is-
 sue of the Locomotive Engineer News-
letter.

In addition, members can get inside
information about convention proceed-
ings by reading the upcoming Spring
2001 Locomotive Engineers Journal.
The magazine will contain a “conven-
tion insider” section, which provides
behind-the-scenes details on the con-
vention process.

Obviously there is not a simple answer to your
question. In all cases when defects are encountered
en route or at locations where they can be repaired
they should be reported using the procedure outlined
by the railroad.

For the benefit of other crew members and lo-
comotive engineers who may operate the equip-
ment after you have been relieved, you should re-
port the defective item and leave a written
report in the cab of the lead locomotive.
Advantages of the Railroad Retirement program

Employee benefits remain substantially higher than 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 questions and answers show the differences in railroad retirement and social security benefits payable at the close of the fiscal year ending September 30, 2000, as well as the differences in age requirements and payroll taxes under the two systems. Railroad retirement benefit amounts reflect taxes 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 annual amount being paid by the Railroad Retirement Board at the end of fiscal year 2000 to career rail employees was $1,760 a month, and for all retired rail employees the average was $1,365. Spouse benefits consisting of more than half the benefit being paid under social security was about $815 a month. Spouse benefits averaged $530 a month under railroad retirement compared to $430 under social security.

The Railroad Retirement Act also provides supplemental railroad retirement contributions of between $250 and $430 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?

Annual railroad retirement recent awards are based on higher average earnings. For career railroad employees retiring at the end of fiscal year 2000, regular annuity awards averaged about $2,280 a month while monthly benefits awarded to workers retiring at age 65 under social security averaged about $1,600.

Railroad employees are eligible for combined benefits for the employee and spouse which would provide $3,245 a month under railroad retirement coverage, compared to about $1,500 under social security.

Adding a supplemental annuity to the railroad family’s benefit increases average annual total benefits for current career rail retirees to about $3,250 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 2000 were awarded about $1,980 a month on the average while awards for disabled workers under social security averaged about $815.

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 specifically for 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. In 2001, the maximum monthly benefit initially payable to an employee and spouse under the Railroad Retirement Act is $4,550. Under the Social Security Act the maximum monthly amount payable to an employee retiring in 2001 at age 65, and his or her spouse, is $2,304.

However, such maximum benefits are payable to relatively few families, as in many 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 disabled retired railroad 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.

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 65. Certain early retirement reductions are applied to such annuities awarded before age 65. Age reductions up to the portion of the annuity approximating a social security benefit, and no age reductions are applied to the annuities of 30-year employees earning $80,400 a year up to age 62.

Railroad retirement benefits are reduced for retirement prior to full retirement age. Railroad employees with 10 to 25 years of service are eligible for regular annuities based on age and service and the first full month they are age 62. Early retirement annuity reductions are applied to annuities awarded before full retirement age—the age at which an employee can receive full benefits with no reduction for early retirement. The ranges from age 62 through age 65 for those born in 1938 to age 67 for those born in 1960 or later, the same as under social security.

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 specifically for 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.

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 was not disabled.

The Railroad Retirement Act does include a special mini-annuity proviso which ensures that railroad families will not receive less in monthly benefits than they would have if railroad benefits 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 disabled railroad 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 under social security. At the end of fiscal year 2000, the average annuity being paid to all aged and disabled widow(er)s averaged $820 a month, compared to $770 under social security. Benefits awarded by the Board at the end of fiscal year 2000 to aged and disabled widow(er)s of railroad employees averaged about $1,020 a month, compared to about $875 under social security.

The annuities being paid at the end of fiscal year 2000 to widowed mothers of children/fathers and children, respectively, under social security.

Those awarded at the end of fiscal year 2000 were $1,985 a month for widowed mothers/fathers and $915 a month for children under railroad retirement, compared to $855 and $445 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 $900.

The social security lump sum is generally only payable to the widow or widower of the deceased during the time of death. Under railroad retirement, if the employee had 10 years of service before 1975, and was not survived by a spouse, 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 application of social security taxes, if the employee is deceased. Under current law, the railroad retirement resumed at a 26 percent work-hour tax to finance the railroad retirement supplemental annuity program at the rate of determined quarterly by the Railroad Retirement Board during the hour through March 2001.

10. How much are regular railroad retirement taxes and social security taxes compare?

The maximum amount of regular railroad retirement taxes that an employee earning $80,400 can pay in 2001 is $8,075.30, compared to $8,150.60 under social security. For railroad employees, the maximum social security lump sum death benefit on an employee earning $880,400 is $15,762.30 compared to $8,150.60 under social security. Employers who pay railroad retirement taxes for their employees, will pay more in retirement taxes than the amounts because the Medicare hospital insurance tax is applied to all earnings.
Every three years, the Railroad Retirement Board’s Chief Actuary conducts a study of the longevity of its annuitants, as part of a valuation of future revenues and benefit payments. The following questions and answers summarize the results of the most recent longevity study:

1. What were the study’s findings on the life expectancy of retired male railroaders?

The most recent data reflected a continued improvement in longevity. Using data through 1997, the study indicated that, on the average, a male railroader retiring at age 60 can be expected to live another 19.8 years, or approximately 238 months. Studies done three, six and nine years ago indicated life expectancies of 19.5, 19.1 and 18.6 years, respectively, for this category of beneficiary.

The study also indicated that a male railroader retiring at age 62 can be expected to live another 18.2 years (approximately 218 months), while the previous three studies indicated life expectancies of 17.9, 17.5 and 17.0 years, respectively.

A male railroader retiring at age 65 can be expected to live another 15.8 years (approximately 190 months). The previous studies indicated life expectancies of 15.5, 15.2 and 14.5 years, respectively, for this category of beneficiary.

2. How did these life expectancy figures compare to those of disabled annuitants?

As would be expected, disabled annuitants have a shorter average life expectancy, but the difference decreases with age. At age 60, a disabled railroader has an average life expectancy of 14.9 years, or 4.9 years less than a nondisabled male annuitant of the same age; at age 65, a disabled railroader has an average life expectancy of 13.6 years, or 3.8 years less than her male counterpart. Spouses and widows aged 65 have average life expectancies of 18.5 years and 18.3 years, respectively.

3. Are women still living longer than men?

In general, women still live longer than men. This is shown both in the Board’s life expectancy studies of male and female annuitants and by other studies of the general United States population.

4. Can individuals use life expectancy figures to predict how long they will live?

Life expectancy figures are averages for large groups of people. Any particular individual’s lifetime may be much longer or shorter than the life expectancy of his or her age and group.

5. How do the life expectancies of railroad retirement annuitants compare with those of the general population?

While exact data were not available for direct comparison, data available to the Railroad Retirement Board did not indicate significant differences.

The entire longevity study can be obtained by going to the Board’s Web site at www.rrb.gov and clicking on “Statistical Information.”

Railroad Retirement Board Informational Conferences for 2001

The U.S. Railroad Retirement Board will offer free informational conferences throughout the 2001 calendar year.

The conferences will be held at different locations throughout the United States in an effort to reach as many Railroad Retirement beneficiaries as possible. It is highly recommended that recent retirees, or those planning to retire in the near future, attend one of these informational conferences to learn as much as possible about their Railroad Retirement benefits.

The Board sometimes adds dates and locations to its agenda, and these changes will be published in future issues of the Locomotive Engineer Newsletter.

Registration for all informational conferences begins at 8 a.m., with the program beginning promptly at 8:30 a.m. and ending at 12:30 p.m.

What follows are the informational conferences that the Railroad Retirement Board has scheduled for 2001.

March 30 • Baltimore, Md.

Pikesville Hilton Inn, 1726 Reisterstown Rd., Exit 20 from I-495 (East to Pikesville)

April 4 • Roanoke, Va.

Holiday Inn-Tanglewood, 1448 Starkey Road S.W.

April 5 • Baldwin, N.Y.

Holiday Inn- Northeast, 28600 Ridgehills Dr.

April 6 • Williamsburg, Va.

Ramada Inn-Historic Area, 500 Merrimac Trail

April 6 • New York, New York

The New York Helmsley Hotel, Turtle Bay Room, 212 East 42nd St. (between 2nd and 3rd Aves.)

April 19 • Omaha, Neb.

Crowne Plaza, Old Mill, 665 N. 109 Ave.

April 20 • Nashville, Tenn.

Drury Inn, 341 Harding Place

April 20 • West Des Moines, Iowa

Hampton Inn, 7600 Lake Drive

April 20 • Romulus, Mich.

Ramada Inn, 8270 Merrimart Rd., I-94 Exit 189 at Metro Airport

April 27 • Salt Lake City, Utah

Holiday Inn Airport, 1650 West North Temple

April 27 • East Hanover, N.J.

Ramada Inn Hotel and Conference Center, 130 Route 10 West

May 4 • Birmingham, Ala.

Medical Forum Building, 1560 22nd Street, N.

May 4 • Altoona, Pa.

Ramada Inn Altoona, Ballroom C, 1 Sheraton Dr., Plan Road exit

May 11 • Little Rock, Ark.

Embassy Suites, 13101 Financial Centre Parkway

May 11 • Littleton, Colo.

Lone Tree Golf Club and Hotel, 9808 Sunningdale Blvd.

May 11 • Wickliffe, Ohio

Holiday Inn — Northeast, 28600 Ridgehills Dr.

May 17 • Eagan, Minn.

Yankee Square Inn, 5430 Washington Dr.

May 18 • Atlanta, Ga.

Holiday Inn, 1810 Howell Mill Rd.

May 18 • Fargo, N.D.

Kelly Inn, 3800 Avenue.

May 23 • Fairview Heights, Ill.

Ramada Inn-Fairview Heights, I-64 & Route 159

June 6 • Milwaukee, Wis.

Holiday Inn — Northeast, 28600 Ridgehills Dr.

June 8 • Tempe, Ariz.

Embassy Suites, 4400 S. Rural Rd. (I-60 & Rural Rd.)

July 3 • Salt Lake City, Utah

Holiday Inn, 4600 S. 300 W.

July 27 • Lakeville, Minn.

Sheraton Hotel Airport, 3315 S. I-85 & Billy Graham Parkway

October 12 • Houston, Texas

University Hilton Hotel, 4960 Calhoun Rd.

October 19 • Ft. Worth, Texas

Holiday Inn South, 100 Alta Mesa East Blvd.

October 26 • Huntington, W.Va.

Radisson Hotel, 1001 3rd Ave.

November 2, Louisville, Ky.

Executive Inn, 979 Phillips Lane

November 3 • Metairie, La.

Holiday Inn Metairie, 3400 I-10 & Causeway Blvd.

November 9 • Wichita, Kan.

Holiday Inn Select, Pecan Room, 549 S. Rock Rd. (Kellogg & Rock Rd.)

November 16 • Charlotte, N.C.

Sheraton Hotel Airport, 3315 S. 1-85 & Billy Graham Parkway

December 7 • Jacksonville, Fla.

Baymeadows Holiday Inn, 9150 Baymeadows Rd.
As part of its continuing effort to improve the safety of its members, the Brotherhood of Locomotive Engineers is currently working to raise the protective standards of glass in locomotive cabs. The current standard can be found in Part 223 Title 49 of the Code of Federal Regulations; however, it has not been updated in years and needs to be substantially improved for the safety of train crews. It is especially relevant in passenger service today, considering the increased speeds of trains such as Amtrak’s Acela Express, which can reach speeds of 150 mph. Therefore, the BLE is asking its members to provide information regarding incidents they have had with broken windows in locomotive cabs, which will be used to show the Federal Railroad Administration that a stricter glass standard is necessary. The BLE is seeking to establish a database of incidents where some sort of projectile has penetrated or caused spill in a window of a locomotive cab (freight or passenger), cab car, or passenger coach. An injury does not have to be associated with the incident. Spill is a major problem associated with windows in locomotive cabs. Spill is when a window (glassing) is hit on one side by an object, and the glass on the other side splinters into tiny pieces. The resulting splinters of glass can penetrate the eyes and skin of railroad employees. With this in mind, current BLE members who have encountered spill or other forms of broken glass while performing their daily work duties are asked to document the unsafe condition by using the form below:

In addition, since the glass standard has been on the books for so many years, the BLE asks that retired members fill out the form as well. Completed forms and additional documentation should be mailed to the BLE’s National Legislative Office at the address provided below.

Supreme Court upholds $45 million fine against airline pilots union over ‘sickout’

On February 28, the U.S. Supreme Court declined to hear a case involving a $45.5 million fine levied against the Allied Pilots Association as a result of a sickout held against American Airlines.

In denying certiorari, the court rejected an appeal by the Allied Pilots Association, representing American’s 10,500 pilots, and its president, Rich LaVoy, and vice president, Brian Mayhew, at the time of the sickout.

The award was assessed because the union was found to have ignored a federal judge’s order to cease a February 1989 pilot sickout that was ruled illegal.

The 10-day sickout canceled nearly 6,700 flights and cost the airline more than $225 million. Pilots launched the labor disruption to protest American’s acquisition of smaller Reno Air, whose lower-paid pilots were seen by the union as a threat to job security.

The amount of the award was intended to reflect the cost to American between the judge’s issuance of the order to cease the action and the actual end of the sickout. A U.S. appeals court based in New Orleans upheld the award in September.

The union appealed to the Supreme Court, saying such a civil contempt case involving a complex injunction, disputed factual issues and a serious sanction should be decided in accordance with basic due process principles, and not through the expedited procedures of a summary nature. But the justices sided with the airline, declining to review the case.

“We are disappointed, of course, but this decision was not unexpected,” the union said in a statement. “On a daily basis, your union continues to operate and is attending to matters that are vital to the entire membership. With this judgment, other unions that operate under the Railway Labor Act maybe subject to contempt fines if disputes are found to mirror grievances instead of major.

“This case sets a disturbing precedent for all labor organizations under the Railway Labor Act,” said BLE President Ed Dubroski. “If conservative courts begin levying large judgments against unions and their officers, union activism may spiral downward. There are few officers and unions who could afford such a costly judgment.”

In the APA-American case, the rank-and-file membership may be liable for whatever portion of the $45 million judgment that the parent union lacks the funds to pay.
Remote control advisory misses the mark

BLE disappointed with unenforceable FRA remote control safety advisory

The Brotherhood of Locomotive Engineers expressed disappointment with the Federal Railroad Administration’s safety advisory regarding “recommended minimal guidelines” for the operation of remote control locomotives.

The safety advisory was published in the Federal Register on February 14, but contains only “recommended” guidelines, which are unenforceable in the presence of worker safety. In November 2000, the BLE petitioned the FRA to initiate a rulemaking process, which would lead to an enforceable regulation.

“With remote control operations in the early state of development, the BLE is concerned about the danger of letting down workers and the general public by not regulating this unproven and highly suspect technology,” BLE International President Edward Dubroski said.

President Dubroski said the government agency must take further steps to regulate this questionable technology. “The safety advisory alone is not enough to protect rail workers from the potential hazards associated with remote control technology,” the BLE President said.

In November 2000, President Dubroski stressed the need for a regulation to strictly govern the use of remote control locomotives.

“(A) regulation, properly written, will ensure that RCL will be used safely, provide a degree of consistency with the FRA to meet its statutory obligation to railroad employees and the public through proper approval, testing, inspection, repair and reporting,” Dubroski wrote in a petition to the FRA for a remote control rulemaking.

Dubroski noted that a runaway remote control locomotive derailed on the Union Pacific mainline near Blair, Neb., in December. Such an accident could have catastrophic results and shows the unreliable nature of the remote control device.

In an effort to further document the danger of such operations, the BLE is collecting data from its members regarding unsafe conditions and/or accidents they have encountered while working with remote control locomotives.

Members should send such information to the BLE’s National Legislative Office, 10 G Street NE, Suite 490, Washington DC 20002, or via the e-mail at: <bledc@aol.com>.

The FRA’s safety advisory is available on the BLE website as a PDF file: http://www.ble.org/pr/pdf/fedsaf.pdf.

BLE rallies with U.S. steelworkers

Officers, members, employees and staff of the BLE’s International Division in Cleveland participated in a solidarity rally with members of the United Steelworkers of America on February 27 in an effort to help save the LTV Steel plant in Cleveland and thousands of Steelworker jobs throughout the U.S.

The USWA members were seeking one million signatures to bring to Congress in a show of public support for the Steel Revitalization Act of 2001. Designed to prevent the threatened collapse of the U.S. steel industry from an unprecedented surge of imports, the act paves the way for vitally needed industry consolidation that will enable domestic steel companies to effectively compete in the global market.

The BLE representatives signed the USWA petition and helped gather signatures.

News Briefs

Quinn to chair House’s Railroad Subcommittee

WASHINGTON, March 8 — Congressman Jack Quinn (R-NY) has been named Chairman of the House Transportation and Infrastructure Subcommittee on Railroads by committee Chairman Don Young (R-AK).

In the Senate, Senator Gordon Smith (R-OR) was named chairman of the Senate Commerce Committee’s Surface Transportation Committee.

“I’m both pleased and ex- cited that Congressman Quinn will serve as Chairman of the Railroad Subcommittee in the 107th Congress,” said BLE President Edward Dubroski, “not only because he is the son of a locomotive engineer, but because of his proven leadership on rail issues.

“One example of Congressman Quinn’s interest in rail issues is his long-standing concern for the welfare of widows of railroad workers, and his unfailing efforts to have labor and management provide needed relief, which we expect to be enacted into law this year. The BLE has been proud to endorse Jack Quinn’s reelection efforts throughout the 1990s, and we eagerly look forward to working with him in the new Congress.”

Ten killed in U.K. rail collision

LONDON, March 7 — Britain’s rail industry was cleared of blame for a fatal train crash in northern England that occurred on March 1. A government report said the collision was beyond the control of either of the train drivers involved.

Ten people were killed in the March 1 crash, including both locomotive drivers, when a Land Rover towing a trailer ploughed off the motorway near Selby in Yorkshire.

Both locomotive drivers were members of the Associated Society of Locomotive Engineers and Firemen, the BLE’s sister organization in the U.K.

The government report added that there was no evidence that there were any errors by the railways staff or faults with either the signaling equipment, trains or track involved.

The findings, though expected, were a rare piece of good news for an industry under heavy fire for a series of rail crashes. The most recent crash was the fourth fatal rail accident in three and a half years, and the British rail industry as a whole has been accused of putting profit before safety.

Amtrak unveils high speed plan for California

LOS ANGELES, March 7 — Hoping to capitalize on dissatisfaction with the congestion that plagues California’s highways and airports, Amtrak unveiled a $10-billion high-speed-rail plan.

The plan calls for curves in tracks to be straightened, signals modernized, new sidings added and tunnels drilled beneath some cities.

All this would be done to boost average train speeds jumping from the current 79 mph in most places to 90 mph, 110 mph and 125 mph.

Little retires; Boyd new UTU leader

CLEVELAND; February 6 — Byron A. Boyd Jr. has replaced Charles L. Little as international president of the United Transportation Union in the wake of Little’s unexpected resignation and retirement.

Little attributed his decision to resign and retire to health considerations. Under a provision of the UTU Constitution, a retiring International President is replaced by the union’s second-in-command, the Assistant President. Boyd, 54, has held the UTU’s No. 2 position since 1995.

Contract Negotiations

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... drugs, 20% for name-brand drugs that are on a formulary list, and 5% for non-formulary drugs that are not on a formulary list.

“This is a demand for a huge give-back, and is completely unacceptable,” said Dubroski. “That Labor is united in fighting this major concession.”

“Local track” negotiations also continue on the various individual Class I railroads between the general committees of adjustment and labor relations officers on each respective property.
New BLE contract with Wisconsin Central secures 6.5% raise over two years

The Brotherhood of Locomotive Engineers announced on March 2 that its members have ratified a two-year contract with the Wisconsin Central, which provides a 6.5 percent pay increase.

The contract was approved by a 5-to-1 vote and includes BLE's standard provisions, including a 20 percent productivity bonus, a 50 percent increase in the use of remote control locomotives, a one-time valet parking fee of $2, and room rates.

International President Edward Dubrowski congratulated the members of the BLE's negotiating team, particularly Brothers Radek and Boehm.

BLE campaigns to halt remote control legislation in Nebraska

Remote Control
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public and railroad workers are pro-

blems in Wisconsin, we worked with the

The BLE supports provisions of L.B. 185 that would require two-per-

locomotive equipment is being targeted

ons of a train. However, the union

ble to do the right thing. This is

in Nebraska. His differences as

 familia
ey today,” said Dubrowski.

Beloit to Chicago.

2001 Calendar & Events

May 30-June 2, 2001...6th Annual International Western Convention, Denver

Come to the “Big Night” convention where a room rate of $105 per night has been secured at the Hyatt Regency Tish Tash center, good for three days before and after the convention. To receive this discount rate, hotel reservations must be made by May 20, 2001, at (800) 233-1234.

Reduced airline fares via United Airlines are available through Travel Organizers by calling (800) 283-0754. There will be a golf tournament, tour of the Denver Mint, Ocean Journey, Denver botanical gardens, and a barbeque at the Colorado Railroad Museum. Questions should be directed to IFIC Chairman Skip Calyer by phone (707) 235-9771, by fax (707) 235-5794, or by e-mail: <BofLE2001@aol.com>.

June 24-28, 2001...7th Southeastern Meeting Association in Pine Mountain, Ga.

Chairman W.J. Spriggs Jr. and members of BLE Division 779 (Macon, Ga.) are hosting this year’s convention at Callaway Gardens resort. Members interested in attending can contact Brother Spriggs at (706) 979-0044.

August 20-24, 2001...8th Eastern Union Meeting Association in Atlantic City, N.J.

At the Tropicana Hotel & Casino in Atlantic City, N.J., Conference registration begins at 3 p.m. on Monday, August 20, and hotel check-out is Friday, August 24. A room rate of $105 per night has been secured throughout the conference, as well as a one-time valet parking fee of $2. Room reservations can be made by calling (800) 247-0767. Those calling must state they are attending the “Eastern Union Meeting Association of the Brotherhood of Locomotive Engineers.” Further details to come when available. Please direct questions to EUA Arrangements Chairman Sonny Kertesz at (720) 458-7642 or <asksonny123@aol.com>.

September 24-28, 2001...9th Southeast Regional Convention in Miami, Fl.

The Fontainebleau Hotel in Miami, Fl. Year spring 2001 Locomotive Engineers Journal for details.