

THE LOCOMOTIVE ENGINEER NEWSLETTER • MARCH 2001

BLE, carriers resume negotiations

The BLE's National Wage Committee is back at the table with the National Carriers' Conference Committee (NCCC) on the national track of the bargaining round that began on November 1, 1999.

A two-day bargaining session was held in Washington, D.C., on February 22-23. This was the first face-to-face meeting between the parties since last Fall, when the BLE rejected the tentative UTU agreement that was presented to the Committee.

No progress was reported on the major issues of wages, benefits, elimination of the post-85 "two-tier" wage structure and possible changes to the basis of pay for road freight engineers.

Commenting on the lack of progress, BLE International President Edward Dubroski said, "It is clear that the carriers are continuing to stall, in an effort to set a national pattern that is based on the tentative UTU agreement, which still isn't completed."

The Wage Committee will meet again later this month with its legal and economic advisors, to flesh-out costing of various components of the BLE's proposal, and the parties will meet again in Washington on April 4-5.

In a related matter, the Cooperating Railway Labor Organizations (CRLO) — Rail Labor's bargaining arm for Health & Welfare issues — met on March 2 and decided to retain The Segal Company, a Washington-based consulting firm, to make a comparison of various health plans throughout the transportation industry, as Health & Welfare negotiations have bogged down.

As a result of an 18% increase in GA-23000 premiums this year, driven mostly by a 20% increase in prescription drug costs, the carriers now are demanding that railroad workers pay 20% of the monthly premium of \$705, and that prescription co-pays be raised to 10% of cost for generic

See Contract Negotiations, Page 7

Campaign to stop remotes

Legislation would allow remote control locomotives in Nebraska

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, and 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 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 L.B. 185 is not acceptable in its current form."

"Not only is L.B. 185 a bill that creates the climate for more railroad accidents," said Dubroski, "but it would cost hundreds of younger railroad workers their jobs and reduce the total number of jobs in Nebraska. As written, L.B. 185 would open the door for dangerous remote control operations in terminals, and thereby open the door wider for more accidents, like the one in Blair. In addition, the current language ultimately will not require two persons to be on the train between ter-

minals, because federal courts already have ruled such language as preempted by federal regulation, and thus will not help in preventing blocked crossings and crossing accidents."

On December 19, a runaway remote control locomotive in use at a Cargill manufacturing plant near Blair, Neb., derailed on the Union Pacific mainline, causing over \$400,000 in damages. The locomotive and six cars derailed approximately 2,000 feet from the Cameron ditch, which empties into the Missouri River.

As an example of state legislation that protects the public and railroad workers against unsafe conditions, Dubroski pointed out a similar "Two-Person Crew" bill that passed the Wisconsin legislature last year.

"We believe the Nebraska bill should be written like the Wisconsin bill," said Dubroski. "That way both the

See Remote Control, Page 8

BMW suit ends BNSF's covert genetic testing

Railroad secretly tested worker DNA; BLE joins suit seeking injunction

The Brotherhood of Maintenance of Way Employees announced on February 12 that its lawsuit against the Burlington Northern Santa Fe Railroad has resulted in a federal court order requiring BNSF to immediately cease and desist coercive genetic testing of its employees.

On Feb. 9, 2001, the BMW filed a lawsuit against BNSF and Athena Diagnostics seeking "to remedy the illegal, compulsory regime of genetic testing of injured employees" by the BNSF.

Harry Zanville, lead counsel for the BMW, said that the BNSF agreed to entry of a 60-day order compelling it to stop all genetic testing of its employees, to refrain from use of any tests previously taken, to guarantee the privacy of those people already tested, and to not subject to discharge or discipline those employees who refused to submit to genetic testing. Zanville said that this order should "be a real relief for those who believe individuals still have some rights of privacy in the United States."

He added: "This case was never about money. We weren't asking for damages. We just wanted the railroad to quit genetic testing." Zanville said

the case was filed in Sioux City because Iowa has a law forbidding genetic testing.

"The activity pretty much was concentrated in the Upper Midwest," Zanville said.

The BMW brought in Zanville because of his specialized expertise. He is a former assistant county prosecutor in Iowa who later specialized in civil rights and labor law and in 1998 was considered for an appointment to a Republican seat on the Surface Transportation Board.

"This case shows why it was important that the states take the lead in legislating to protect American citizens from those who would abuse their positions of power," said BMW President Mac A. Fleming. There are 22 states which have prohibited involuntary genetic testing by employers.

The court ordered BNSF to immediately end its policy of requiring all union members who claim work-related carpal tunnel syndrome to provide blood samples for a DNA test for a condition that may indicate a predisposition to some forms of carpal tunnel syndrome. The union members were not informed that the blood samples were

being used for genetic testing.

When the BLE learned in late February that at least one BNSF locomotive engineer also had been forced to submit to genetic testing, it took steps to join the suit as an additional plaintiff.

"The carrier's action in coercing its employees to submit to genetic testing is outrageous and we are proud to join with the BMW in leading the struggle in defense of the privacy rights of railroad workers and all workers," said BLE International President Edward Dubroski.

After being thrust into the national spotlight for its secret genetic testing, BNSF apologized to employees. BNSF President and Chief Executive Officer Matt Rose wrote a two-page letter to "Members of the BNSF Community" that was dated March 1.

In the letter, Rose expressed regret for how the genetic testing was handled and said the decision to go forward with the testing "should have been made at the highest level of the company and... fully disclosed and explained to our employees."

"This was not done, and for that I apologize," Rose wrote. •

LEGISLATIVE UPDATE

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 fax your questions to (202) 347-5237; or via e-mail to: blede@aol.com.

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

This month's installment 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. 22-34) makes it unlawful for any carrier to use or permit to be used on its line 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 or design standards 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 reads as follows:

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

"(1) 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;

"(2) (i) 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 determined under paragraph (a)(1)(ii) of this section.

"(ii) A copy of the tag described in paragraph (a)(3) of this section may be used to provide the notification required by paragraph (a)(2)(i) of this section.

"(3) A tag bearing the words 'non-complying locomotive' and containing the following information, shall be securely attached to the control stand on each MU or control cab locomotive and to the isolation switch or near the engine start switch on every other type of locomotive —

"(i) The locomotive number;

"(ii) The name of the inspecting carrier;

"(iii) The inspection location and date;

"(iv) The nature of each defect;

"(v) Movement restrictions, if any;

"(vi) The destination; and

"(vii) The signature of the person making the determinations required by this paragraph.

"(b) A locomotive that develops a non-complying condition enroute may continue to utilize its propelling motors, if 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.

"(c) A non-complying locomotive may be moved lite or dead within a yard, at speeds not in excess of 10 miles per hour, without meeting the requirements of paragraph (a) of this section if the movement is solely for the purpose of repair. The carrier is responsible to insure that the movement may be safely made.

"(d) A dead locomotive may not continue in use following a calendar day inspection as a controlling locomotive or at the head of a train or locomotive consist.

"(e) A locomotive does not cease to be a locomotive because its propelling motor or motors are inoperative or because its control jumper cables are not connected.

"(f) Nothing in this section authorizes the movement of a locomotive subject to a Special Notice for Repair unless the movement is made in accordance with the restrictions contained in the Special Notice."

In 1998, FRA issued a Technical Bulletin, MPE-98-50, on the subject of the movement of defective locomotives. The bulletin offered guidelines for enforcement of 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 performing this task may do so if it does 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 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.' Difficulty in the interpretation and enforcement of Section 229.9 arises as this section does not provide guidance with respect to the criteria used to 'qualify' a person to make the determination required above. The decisions to continue use of a non-complying locomotive in some cases are being made by persons not qualified to make these decisions. A person qualified to perform a daily inspection may not necessarily possess the qualifications to make the determination that it is safe to move a defective locomotive.

"The qualified person must have demonstrated to the railroad, at a minimum, the knowledge and ability to inspect locomotives and provide recommendations regarding the criteria listed in Section 229.9(a). This does not imply that the qualified person must possess intimate knowledge of and experience with all of the components and functions of a locomotive. Additionally, there are varying levels of qualified persons. As an example, a journeyman electrician may not have the necessary knowledge to make safety recommendations concerning locomotive running gear, however, that person should be qualified to address problems associated with the electric control apparatus.

"Section 240.123 requires that each railroad provide for initial and continuing education of certified locomotive engineers to ensure that each engineer maintains the knowledge, skills, and ability with respect to (among other areas) the mechanical condition of equipment. As such, the locomotive engineer is considered qualified to provide safety recommendations concerning certain en route non-complying conditions. Normally, these conditions are limited to those which are evaluated during the calendar day inspection required by Section 229.21 such as headlights, speed indicators, cab seats, air brakes, wiper, and alerter malfunctions. The locomotive engineer would also be expected to identify certain obvious mechanical problems such as major wheel defects and some running gear problems. However, the engineer would not be expected to properly assess the safety implications of continued movement of the locomotive for most mechanical defects. In these cases, recommendations regarding the continued safe movement of a non-complying locomotive in accordance with 229.9(a)(1) need to be made by a person that is more qualified such as a mechanical department employee. These recommendations may be based

on telephone or radio conversations between the engineer and the more qualified individual. If the non-complying condition cannot be resolved solely via voice communication, a qualified individual must conduct a physical on-site inspection to identify all appropriate restrictions for continued safe movement of the locomotive.

"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 the railroad acted in compliance with the regulations."

The Technical Bulletin continues with:

"A locomotive which develops a non-complying condition en route must be tagged before continued use is permitted in accordance with 229.9(a) (3).

"Certain non-complying conditions require a locomotive to be removed from the lead position at the first available location, but would not require it to be removed from service. Examples of such conditions include, but are not limited to: speed indicators, headlights, cab windows and audible warning devices. When conditions such as these 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 a locomotive 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 fleet. Movement of a lite 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 which develop en route non-complying conditions to continue in service past mechanical facilities, he or she should investigate to determine that the requirements of Section 229.9 (a) are being complied with. If the inspector is made aware that a non-complying locomotive was moved beyond a forward repair location, that has previously demonstrated the ability to effect repairs of the non-complying condition, he or she must ensure that subject locomotive would no longer be used as a propelling or lead locomotive.

NMB majority refuses to budge on TRRA

In yet another split decision, the National Mediation Board denied the relief sought by the Brotherhood of Locomotive Engineers in its motion for reconsideration 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 engineers, 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 interpretation 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 ignored BLE statistical evidence that locomotive engineers worked overwhelmingly within their craft on the TRRA, and that trainmen almost never worked as locomotive engineers. In other words, cross-utilization 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 outnumbered BLE members on the property prior to the consolidation and, for the most part, the vote went along union membership lines.

Section 5.1 of the NMB Representation Manual outlines 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 (employees') work," and open-ended statements such as "the intent of the Railway Labor Act," while ignoring guidelines for hard evidence, such as can be provided by cross-utilization statistics. The NMB majority also conveniently overlooked the fact that locomotive engineers are required by the Federal Railroad Administration to be certified in order to perform their jobs, while conductors and trainmen are not.

"In the Union Pacific case, we used concrete evidence to prove that locomotive engineers and conductors represent two distinct crafts of operating employees," Dubroski said. "Cross-utilization of employees 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 Bloch, Kasher and Zack, who ruled unanimously in favor of the BLE in the Union Pacific case in February of 2000, found this criteria to be governing, but for some reason, NMB Members Duggan and Jacobsen 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 dark 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 whether or not 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 viewing and printing as a PDF file: http://www.ble.org/pr/pdf/nmb_r6799.pdf. •

BLE helps stop North Dakota paycheck protection measure

The Brotherhood of Locomotive Engineers, in conjunction with the AFL-CIO, scored a legislative victory by successfully lobbying to defeat an anti-union paycheck protection measure in the North Dakota House of Representatives.

In addition, the BLE convinced members of the North Dakota Senate to pass two key measures critical to the safety of rail workers.

House Bill 1337, the paycheck deception measure, was an attempt to silence working families. Similar legislation has been introduced in several other states, but has always been defeated.

In general, paycheck protection measures would require labor organizations to obtain written approval from each individual member before using dues money for political purposes. Paycheck protection would handcuff labor unions and cost them millions of dollars per year in paper work and red tape. These restrictions on labor unions would give unfair political advantages to corporations.

North Dakota's HB 1337 was defeated by a 58-40 majority.

"BLE legislative representatives

did a good job contacting union members, who did a great job contacting their legislators asking them to vote no," said Mike Muscha, Chairman of the North Dakota State Legislative Board. "It really did make a difference."

In addition to successfully lobbying for defeat of HR 1337, members of the BLE North Dakota State Legislative Board were busy securing passage of two other pieces of legislation.

The first, Senate Bill 2359, provides mandatory counseling and up to three days of leave for railroad crews following on-the-job critical incidents. Brother Muscha reports the measure narrowly passed the Senate 25-24, with "some Republican help." However, he warned it will be a challenge to move it through the House.

The second, Senate Bill 2309, requires that railroad crew transportation providers carry a minimum of \$1 million of underinsured/uninsured motorist coverage. The BLE originally lobbied for \$4 million in coverage, but made a concession to secure passage of the bill, which was unanimously approved 49-0.

Transportation unions endorse 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 measure this year.

"Rail workers have a long history of dedication and sacrifice to their country," said TTD President Sonny Hall. "For the more than one million active and retired rail workers who have dedicated their lives to operating, maintaining and building a safe and efficient freight and passenger rail system in this country, a secure retirement system should be something they can count on."

Previously unsuccessful negotiations with the major railroad compa-

nies 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 derail legislation last year that would have expanded widow and widower benefits, lowered the retirement age for long-time employees, expanded retiree 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 families and to reject the obstructionist parliamentary tactics that doomed this legislation 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 Constitution & Bylaws, a list of delegates to the Seventh Quinquennial Convention of the International Division of the Brotherhood of Locomotive Engineers will be published in the April 2001 issue of the *Locomotive Engineer Newsletter*.

In addition, members can get inside information about convention proceedings by reading the upcoming Spring 2001 *Locomotive Engineers Journal*. The magazine will contain a "convention insider" section, which provides behind-the-scenes details on the convention process. •

DC Feedback

Continued from Page 2

There is no implication in 229.9(b) that each repair location must be capable of repairing all en route non-complying conditions which could occur.

"Guidelines for movement of a locomotive from one repair location to another repair location:

"Part 229.9 allows a railroad to move a non-complying locomotive as a lite or dead locomotive to a

more distant repair point of its choice provided it meets all other requirements of Section 229.9 and such action does not endanger the safety of employees, locomotives or train.

"Guidelines for movement of a locomotive with power brake and or safety appliance defects:

"Nothing in this section authorizes the movement of a locomotive with power brake or safety appliance defects. Such locomotives can only be moved under provisions of §20303 (Recodified §13 of the Safety Appliance Acts)."

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 locomotive engineers who may operate the equipment after you have been relieved, you should report the defects to them and leave a written report in the cab of the lead locomotive. •

BLE SENIOR REPORT

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 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 2000 to career rail employees was \$1,760 a month, and for all retired rail employees the average was \$1,350. The average age retirement benefit being paid under social security was about \$815 a month. Spouse benefits averaged \$530 a month under railroad retirement compared to \$400 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 2000, regular annuity awards averaged about \$2,305 a month while monthly benefits awarded to workers retiring at age 65 under social security averaged about \$1,060.

If spouse benefits are added, the combined benefits for the employee and spouse would approximate \$3,245 under railroad retirement coverage, compared to about \$1,590 under social security.

Adding a supplemental annuity to the railroad family's benefit increases average total benefits for current career rail retirees to about \$3,280 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 Rail-

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

In 2001, the maximum total 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 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 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. This ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later, the same as under social security.

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 September 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 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 railroaders averaged about \$1,020 a month, compared to about \$675 under social security.

The annuities being paid at the end of fiscal year 2000 to widowed mothers/fathers averaged \$1,030 a month and children's annuities averaged \$680, compared to \$570 and \$530 a month for widowed mothers/fathers and children, respectively, under social security.

Those awarded at the end of fiscal year 2000 were \$1,085 a month for widowed mothers/fathers and \$915 a month for children under railroad retirement, compared to \$585 and \$545 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 retire-

ment 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 \$940.

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 \$80,400 in 2001 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 \$59,700 in 2001, 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 2001.

10. How much are regular railroad retirement taxes for an employee earning \$80,400 in 2001 compared to social security taxes?

The maximum amount of regular railroad retirement taxes that an employee earning \$80,400 can pay in 2001 is \$9,075.90, compared to \$6,150.60 under social security. For railroad employers, the maximum annual regular retirement taxes on an employee earning \$80,400 are \$15,762.30 compared to \$6,150.60 under social security. Employees earning over \$80,400, 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 beneficiaries living longer

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 finding 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 14.8 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 annuitant has an average life expectancy of 3.6 years less than a nondisabled 65-year-old annuitant; and at age 70 the difference is only 2.6 years.

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.

For example, at age 60 a retired female railroader is expected on the average to live 23.9 years, 4.1 years longer than a retired male railroader of the same age; and at age 65, a retired female railroader is expected on the average to live 19.6 years, 3.8 years longer than her male counterpart. Spouses and widows age 65 have average life expectancies of 19.9 years and 18.3 years, respectively.

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.

According to the study, from a group of 1,000 retired male employees at age 65, 898 will live at least 5 years, 739 at least 10 years, 536 at least 15 years, and 319 at least 20 years. Of female age annuitants at age 65, 504 will be alive 20 years later.

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 or more 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-695 (East to Pikesville)

April 4 • Roanoke, Va.

Holiday Inn-Tanglewood, 4468 Starkey Road S.W.

April 5 • Baldwin, N.Y.

The Coral House, 70 Milburn Ave.

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, 655 N. 108 Ave.

April 20 • Nashville, Tenn.

Drury Inn, 341 Harding Place

April 20 • West Des Moines, Iowa

Hampton Inn, 7060 Lake Drive

April 20 • Romulus, Mich.

Ramada Inn, 8270 Merriman Rd., I-94 Exit 198 at Metro Airport

April 27 • Salt Lake City, Utah

Holiday Inn-Airport, 1659 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, 950 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, 11301 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, 3450 Washington Dr.

May 18 • Atlanta, Ga.

Holiday Inn, 1810 Howell Mill Rd.

May 18 • Fargo, N.D.

Kelly Inn, 3800 Main Ave.

May 23 • Fairview Heights, Ill.

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

June 8 • Tempe, Ariz.

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

June 22 • Duluth, Minn.

Holiday Inn, 200 W. First St.

September 14 • Sacramento, Calif.

Radisson Hotel, Highway 160 at Canterbury Rd., 500 Leisure Lane

September 21 • Renton, Wash.

Holiday Inn at Renton, 1 South Grady Way

September 21 • Portland, Ore.

Hilton Garden Inn Portland Airport, 12048 N.E. Airport Way

October 12 • Houston, Texas

University Hilton Hotel, 4800 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, 978 Phillips Lane

November 9 • 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. I-85 & Billy Graham Parkway

December 7 • Jacksonville, Fla.

Baymeadows Holiday Inn, 9150 Baymeadows Rd.

BLE NEWS

BLE gathering data on unsafe windows

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

spall 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.

Spall is a major problem associated with windows in locomotive cabs. Spall is when a window (glazing) 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 spall 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. •

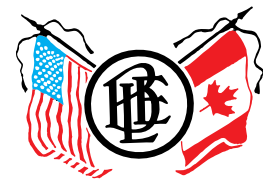
Brotherhood of Locomotive Engineers Windshield/Window Breakage Report

Name: _____	Location of broken window, locomotive/cab car/ coach cars _____	which a piece of glass is struck by a projectile): _____
BLE Division: _____	(front, engineer's side, conductor's side): _____	
Railroad: _____		Injuries: _____
Phone: _____	Cause of breakage (rock, bottle, bullet, animal, other), if _____	How severe (explain): _____
Date and Railroad on which incident occurred: _____	other, please explain): _____	
Passenger or Freight: _____		Was the injured person a member of the crew or a _____
Was lead unit involved: _____	Did object penetrate window: _____	passenger: _____
Identifying number(s) of the locomotive/cab car/ coach _____	Was there spall associated with the incident (spall describes _____	Was the incident reported: _____
with broken window: _____	chips and slivers of glass that come off the opposite from _____	To whom: _____

Additional comments can be submitted on separate sheets of paper along with this report. Include photographs, if available. Return this report, along with all corresponding documentation to:



Mr. Leroy D. Jones
BLE Vice-President & National Legislative Representative
 10 G St N.E., Suite 480
 Washington, DC 20002



New Mexico State Legislative Board



Members of the BLE's New Mexico State Legislative Board at their annual meeting in Albuquerque, N.M. From left: NMSLB Secretary-Treasurer Louis Zimmerman, BLE Division 791 (Belen, N.M.); NMSLB Chairman Bruce Yates, Division 446 (Gallup, N.M.); Mike Lee, BLE Division 811 (Clovis, N.M.); and Bernie Botone, BLE Division 400 (Albuquerque, N.M.). Not pictured is Wayne Smith of BLE Division 15 (Albuquerque, N.M.). All men also serve as Legislative Representatives of their respective divisions.

Members of the Board discussed a number of important state and national legislative issues facing the BLE this year, such as the Railroad Retirement and Survivors' Improvement Act of 2001. They also discussed their bylaws and set their agenda for 2001.

Supreme Court upholds \$45 million fine against airline pilots union over 'sickout'

On February 26, 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 1999 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 minor 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 protection 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 stages of use in the railroad industry, the FRA is in 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 in RCL equipment, and permit 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 had catastrophic results and shows the unreliable nature of the remote control devices.

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 480, 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> •

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 excited 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 untiring 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." •

CP breakup fuels rail merger talks

TORONTO, February 14—Canadian Pacific Ltd., which helped create modern Canada with a national railway connecting East with West, said it intends to divide itself into five separate companies, all of which will be publicly traded.

Chairman David O'Brien

also announced he will step down after the restructuring is completed in the fall of 2001.

O'Brien acknowledged that CP Rail has played an important role in Canada's history. However, it will be up to shareholders and the federal government to decide whether an independent CP Rail or the other companies remain Canadian-owned. There are currently no laws preventing the sale of CP Rail to a foreign company, he said.

Speculation by transportation analysts was that CP Rail, one of the smallest of the major railroads remaining in North America, would be ripe for plucking by one of the others. Union Pacific, a longtime ally, is commonly mentioned as a potential suitor, as is Canadian National. •

Ten killed in U.K. rail collision

LONDON, March 7—Britain's troubled 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 \$10.1-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 speed, with top 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. •

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. •



BLE President Ed Dubroski is interviewed by a local Cleveland television station during the BLE's rally with members of the United Steelworkers of America on February 27 in downtown Cleveland.

Contract Negotiations

Continued from Page 1

drugs, 20% for name-brand drugs that are on a formulary list, and 40% for name-brand drugs that are not on a formulary list.

"This is a demand for a huge give-back, and is completely unacceptable," said Dubroski. "Rail 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. •

BLE NEWS

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-3 ratio and gives BLE members a 3.5 percent pay increase retroactive to Jan. 1, 2001, and a 3 percent pay increase effective Jan. 1, 2002. The BLE represents more than 300 locomotive engineers on WC.

The agreement was reached in December 2000 and amends the original 1999 contract. The new agreement restores locomotive engineers to a daily overtime pay schedule, a benefit that was eliminated from the 1999 contract.

BLE International Vice-President

Rick Radek, who assisted General Chairman Jeff Bochman with negotiations, said the new contract is the result of forest-shortened negotiations due to the expected sale of Wisconsin Central to the Canadian National Railway. The agreement contains an 18 month "reopener" provision if the sale should somehow fall through.

International President Edward Dubroski congratulated the members of the BLE's negotiating team, particularly Brothers Radek and Bochman. •



BLE campaigns to halt remote control legislation in Nebraska

Remote Control

Continued from Page 1

public and railroad workers are protected. In Wisconsin, we worked with the UTU to do the right thing. This is not about a war between the BLE and UTU in Nebraska. Our differences as unions have no place in this argument. It's about doing what's right for locomotive engineers, conductors and trainmen, and protecting all of our jobs and safety."

Dubroski said that the grassroots campaign to amend L.B. 185 would be the BLE's top priority in Nebraska. He said BLE members would be asking UTU members to join with them in working to protect their jobs and safety.

"Belonging to one union or the other should never stand in the way of doing everything humanly possible to make sure we go home safe to our families every day," said Dubroski.

The BLE supports provisions of L.B. 185 that would require two-persons on a train. However, the union does not support language contained in the bill that has been ruled as preempted by federal regulations, or provisions that would allow the use of off-cab remote control locomotives in terminals and allow the use of one-person crews in terminals. Also, as written, L.B. 185 ultimately will not require two persons to be on the train between terminals, because federal courts already have ruled such language as preempted by federal regulations, and the bill widely defines terminals so that nearly any track may be considered a terminal track.

Dubroski said there should be "no use of remote control locomotives without Federal Railroad Administration (FRA) regulations establishing the safest requirements possible, which the BLE believes should govern equipment specifications, inspection, repair, train-

ing and operating practices in the use of such devices."

Currently, an aggressive campaign by the manufacturers of remote control locomotive equipment is being targeted at U.S. rail carriers. Some carriers have already taken early steps to invest in remote control, which BLE views as a dangerous move without federal regulations in place to govern its use.

The FRA held a first of its kind Technical Conference on Remote Control Locomotives on July 19 of last year. Working jointly at the hearing, representatives from the BLE, the UTU and the Brotherhood of Railroad Signalmen and the United Steel Workers of America raised numerous concerns over the use of remote control.

Using documented evidence from the rail and steel industries, the unions were able to rebut the presentation made by proponents of remote control technology. Since then, however, the FRA has not addressed the situation to the satisfaction of the BLE, thus prompting the union to formally request a rulemaking process.

(See page 7 of this issue for a related story on remote controls.) •

MARCH 2001 CALENDAR & EVENTS

MAY 30-JUNE 2, 2001... 61st Annual International Western Convention, Denver.

Come to Denver for the "Mile High" convention where a room rate of \$105 per night has been secured at the Hyatt-Regency Tech Center, good for three days before and after the convention. To receive this discount rate, hotel reservations must be made by May 6, 2001, at (800) 233-1234. Reduced airline fares via United Airlines are available through Travel Organizers by calling (800) 283-2754. There will be a golf tournament, tour of the Denver Mint, Ocean Journey, Denver botanical gardens, and a barbecue at the Colorado Railroad Museum. Questions should be directed to IWC Chairman Skip Colyer by phone (970) 225-9716, by fax (970) 223-5794, or by e-mail <BofLE2001@aol.com>.

JUNE 24-28, 2001... 74th Southeastern Meeting Association in Pine Mountain, Ga.

Chairman W.J. Spriggs Jr. and members of BLE Division 779 (Manchester, Ga.) are hosting this year's convention at Callaway Gardens resort. Members interested in attending can contact Brother Spriggs at (706) 989-0064.

AUGUST 20-24, 2001... 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) 247-8767. 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 EUMA Arrangements Chairman Sonny Kertes at (732) 458-7642 or <sonny912@aol.com>.


SEPTEMBER 24-28, 2001... BLE Seventh Quinquennial International Convention

At the Fontainebleau Hotel in Miami, Fla. See your Spring 2001 Locomotive Engineers Journal for details.

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; Publications cmte.; Sec. 3 mtg.; Value Option labor mtg.; ARLA mtg.; TTD mtg.; CRLO mtg.; Advisory Board mtg.; NS LC mtg.; Harrisburg.; National talks.
First Vice-President & Alternate President James L. McCoy— FVP duties, contacted GCoFAs, SLBCs, telephone calls, correspondence, etc...; Publications Committee mtg.; Advisory Board mtg.
General Secretary-Treasurer Russ Bennett—International Office: Supervision of BLE Financial depts.; Records Dept.; BLE Job Bank; Publications Cmte.; CRLO mtg.; Advisory Board mtg.
Vice-President Paul T. Sorrow—Advisory Board mtg.; SBA 1063, NS; NS-Northern District mtg.; CSX single agreement negotiations; National wage/rules committee; NS work/rest mtg.; GTW work/rest mtg.; GTW seniority agreement negotiations; General office duties; NS mtg. w/ Senior Vice President of Transportation.
Vice-President Joseph A. Cassidy Jr.—Prepare for arbitration cases; Executive session-conf. SBA 928; General office duties; Study & paperwork; Advisory Board mtg.; New York Susquehanna & Western; Elgin Joliet & eastern; Duluth Missabe & Iron Range; Prepare for SBA 928; Mtg. w/ Amtrak General Chairman Kenny; Present cases at arbitration.
Vice-President & U.S. Nat'l Legislative Representative Leroy D. Jones—Washington office; Mtg. w/ BLE ID convention cmte.; TTD Rail Div. mtg.; Mtg. w/ George Warrington, President, and Joe Bress, VP-Laobr Relations, Amtrak; Mtg. w/ George Gavalla & mark Lindsey, Acting Administrator, FRA; BLE Advisory Board mtg.; TTD executive cmte. mtgs.; Mtg. w/ Terry McAuliffe, Chr., DNC; Cong Gephardt (D-MO); Miller (D-CA); Bonior (D-MI); CA House Speaker Robert M. Hertzberg (D); Los Angeles Central Labor Council-AFL-CIO; AFL-CIO state legislative issues mtg.; Railroad Day on the Hill mtg.; AFL-CIO Adm. mtg.; TTD Leg. Mtg.; Democratic governor's Assoc. dinner; Breakfast w/ Gov. Vilsack (D-IA); Mtg. w/ Cong. Quinn (R-NY), Chairman, Subcmte. on Railroads; Mtg. w/ FRA SACP Coordinators; Reception, Cong. Frost (D-TX); Receptions: Cong. Nadler (D-NY); Sandlin (D-TX), Green (D-TX), Dingell (D-MI).
Vice-President William C. Walpert—ID Office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; Local Chairman's workshop, Meany Center, Silver Spring, Md.; Advisory Board mtg.; On-property negotiations, Kansas City Southern Rwy.; Gateway Western RR; Midlands, Southrail, Union Pacific; Preparation or PLB 6355, KCS.
Vice-President Edward W. Rodzicz—Norfolk Southern-Eastern region, Imperial; Paducah & Louisville RR, Nashville; NS-E region engr. training center; S. Buffalo RR-Investigation on collision; Advisory Board mtg.; Mtg. w/ Pres. Dubroski, VP Sorrow, GC Wallace, VGC Thompson & 14 divisions, Harrisburg; SBA 894 Award 1666, Philadelphia; Assignment under direction of Pres. Dubroski; Mtg. w/ VGC W.A. Thompson; Section 6 notices for S. Buffalo RR; General office duties.
Vice-President Dan M. Hahs—BNSF system including MRL, UP South & West, SP East & South, SSW, DLGW, Tacoma Belt, Pac Harbor Belt; Portland Zone 2 & 3; Mtgs. w/ Divisions 362, 676, 228; Advisory Board mtg.; UP GCoFA on-property wage/rule negotiations; ATSF PLB, Ft. Worth; BNSF on-property wage/rule negotiations.
Vice-President Richard K. Radek—International Office; BLE Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB); Illinois Central; Wisconsin Central; Indiana Harbor Belt; METRA; Belt Rwy. of Chicago; Paduca & Louisville; Chicago Central & Pacific; Special division mtgs., tentative CBA, WC (Superior, WI, New Brighton, MN); Local chairman's classes, Meany Center, Silver Spring, Md.; Advisory Board mtg.; Section 152 Sixth mtg., BRC, intermodal ramp, Chicago; Arbitration, WC, seniority retention dispute; IHB general assistance, set two disputes, Chicago; Special assignment per Pres. Dubroski; CN-IC negotiations, Memphis; PLB 5559; BLE/Chgo Term. Round Table, Chicago; NRAB arbitration; FRA Part 240.409 dockets: EQAL 97095, 99-37, 98-67.
Vice-President Dale McPherson—I&M Rail Link; CP Rail/SOO, UP East Lines; Indiana Railroad Co.; M&NA; LP&N, Longview Sw. Co. TRRA-St. Louis; Pacific Harbor Line; UP/PL day dipute; General office duties; Advisory Board mtg.; PLB 5604 preparation & hearings; UP/BLE section 6 notice mtgs.
Vice-President & Canadian Director Gilles Hallé—Ottawa office; Presentation review panel of C.T.A.; Canadian Railway Clerks; Mtgs. w/ Ontario Northland Rwy.; BLE Advisory Board mtg.; CN Rail national negotiations; Mtg. w/ CBNS Rwy.; VIA Rail national negotiations; Mtg. w/ General Chairman R. Dyon.
Vice-President & National Legislative Representative-Canada T. George Hucker—Ottawa Office; Canadian National Legislative Board; BLE Advisory Board mtg.; BLE CCROU CPR mtgs., Calgary; Canadians for Responsible & Safe Highways mtg., Ottawa; Canadian Transportation Act review, rail symposium, Winnipeg; Kawartha Lakes Railway, Petersborough.



THE LOCOMOTIVE ENGINEER NEWSLETTER
Brotherhood of Locomotive Engineers
 Since 1863, a Tradition of Forward Thinking


SECOND CLASS POSTAGE PAID AT CLEVELAND, OH and additional mailing offices

BLE Publications Committee:
 Edward Dubroski, International President
 James L. McCoy, First Vice-President & Alternate President
 Russell W. Bennett, General Secretary-Treasurer
 Leroy D. Jones, Vice-President & U.S. National Legislative Representative
 John Bentley Jr., Editor
 Contact us: www.ble.org • (216) 241-2630
 Thomas A. Pontolillo, Director of Communications
 Kathleen Policy, Associate Editor

COPYRIGHT 2000, ALL RIGHTS RESERVED
 VOLUME 15 • NUMBER 3 • MARCH 2001

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.



0301