Railroad retirement bill goes down to the wire

At press time, the future of legislation designed to improve benefits for active railroad workers, retirees and surviving spouses, and to provide reductions in Tier II tax levels for railroads, continues to be mired in political intrigue in the United States Senate.

The bill, which the House of Representatives passed in May, has 83 Senate co-sponsors, and is awaiting introduction on the Senate floor.

The proposed measure, which would reduce the vesting requirement from 10 years to five, eliminate the actuarial reduction for those who retire prior to age 62, increase surviving spouses’ annuities and eliminate the Railroad Retirement maximum benefit, has no opposition among either rail labor or management. However, the bill is being attacked by outside interests, including the National Association of Manufacturers (NAM) and various groups promoting the privatization of Social Security.

Three ultra-conservative Senators—Petey Domenici (R-NM), Phil Gramm (R-TX) and Don Nickles (R-OK)—have thus far successfully convinced Senate Majority Leader Trent Lott (R-MS) to hold the bill in committee.

Their opposition is based on two factors. One is a desire by ultra-conservative legislators to completely privatize the Railroad Retirement system as a prelude to a plan to privatize Social Security. The other concerns the fact that — under the federal government’s unbalanced budget — transfers of Railroad Retirement funds from the U.S. Treasury to the new Railroad Retirement Trust Fund could be scored as a reduction in assets on the federal books.

Contract talks stymied by UTU agreement

The BLE National Wage Committee met with railroad industry negotiators in Washington during the week of October 1, in the latest effort to move forward with bargaining on Section 6 notices served last November.

The talks, originally scheduled for October 2, were postponed for a week after the announcement of a tentative agreement between the carriers represented by the National Carriers’ Conference Committee (NCCC) and the United Transportation Union (UTU).

Chief industry negotiator Robert F. Allen provided the BLE Wage Committee with copies of the tentative UTU agreement, which includes the following major provisions: a $1,200 lump sum payment to all pre-85 employees on April 1, 2001; annual general wage increases of 2.5%, 3%, 2.5% and 3%, beginning on July 1, 2001, with a property-by-property option to provide alternative compensation in lieu of the general wage increase; elimination of the post-85 rules governing deadheading and initial and final terminal delay by the introduction of “trip rates” in all classes of road freight service by July 1, 2002; bringing all current employees compensated under the entry rate progression up to full rates on January 1, 2001; and deferral of health and welfare issues to negotiations being conducted by a coalition of all crafts.

After reviewing the agreement and presenting the carriers with over two dozen questions concerning various provisions, which were answered by NCCC, the Wage Committee informed the carriers that the UTU agreement was deficient in several respects.

First, that the economic components of the deal were inadequate, given record industry profits in four of the past five years. Second, that the costs and benefits of the package are more favorable to UTU-represented employees than they would be for locomotive engineers. Third, that several issues of concern to the BLE were not addressed whatsoever.

Switching fatalities reach crisis proportions in U.S.

Fatalities caused by railroad switching operations have reached “crisis” proportions in part, and the Brotherhood of Locomotive Engineers is helping to spearhead a safety campaign with government regulators and industry leaders to save lives.

In the first 10 months of this year, 10 fatalities have occurred in switching operations. From January of 1992 to July of 1995 — a period of 79 months — there were 76 employee fatalities in switching operations, an average of nearly one per month.

The Federal Railroad Administration issued a joint declaration in September that “we, as a Railroad Community, will initiate an unprecedented sustained safety campaign on the crisis situation responsible for causing deaths and injuries that occur during switching operations.”

The declaration was supported by the BLE, United Transportation Union, the Association of American Railroads and the American Short Line and Regional Railroad Association. These organizations comprise the Switching Operations Safety Analysis Working Group — SOFA. The group was originally formed in February of 1998 at the request of FRA to review switching operations accident reports and to develop recommendations for reducing fatalities and injuries.

BLET International President Edward Dubrofski criticized these eleventh-hour political maneuvers. “Even though Railroad Retirement is governed by federal law, it historically has reflected the agreement of labor and management, not some political process,” Dubrofski said. “Our pensions are not the concern of the NAM and other Social Security privatizers. And the budget scoring issue is nothing more than a red herring, because Railroad Retirement funds can’t be used for any purpose outside the system.”

If the logjam is broken prior to Congress adjourning, then passage by the Senate is certain. At press time, it was unclear when the Senate would adjourn. Enactment into law by President Clinton would make the increased benefits effective on January 1, 2001.

See Contract Update, Page 6

See SOFA Lifestyles, Page 2
Members of the BLE’s Safety Task Force’s (STF) Primary Team recently participated in an orientation program conducted by the National Transportation Safety Board (NTSB) in Washington, D.C. The NTSB is charged by Congress with the powers to investigate accidents in all transportation modes, including rail.

VLBE Vice-President William Walpert, who is the current National Chairman of the Safety Task Force, arranged for the training program with the NTSB.

The training was conducted to ensure that our Primary Team Safety Task Force members were familiar with the regulations and procedures of the National Transportation Safety Board so as to facilitate a better working relationship with the agency when we’re called upon to assist in accident investigations,” Walpert said.

He went on to explain that the training was organized as a result of a request he made to the NTSB some time ago.

The number of STF zones across the United States was recently reduced from five to two. Territory east of the Mississippi River is under the direction of Zone Leader John Tolman, and territory west of the Mississippi is under Zone Leader Dave Ditzel. Both have had considerable experience with all phases of NTSB investigations in past years.

“At the request of the NTSB, one of the 15 Primary Team members will be used in every launch of an investigation,” Walpert said.

The NTSB will no longer conduct regional accident investigations, but in cases where a minimal number of Safety Board members are used, only the Zone Leader will be assigned. Secondary STF Team members will continue to work major accidents, and may be used in accident investigation for training purposes. They also will monitor and report accidents in their areas as they occur.

The BLE Safety Task Force has gained the respect of the NTSB over the years.

“So, of the STF’s participation in accident investigations, we have been in a position to offer considerable and significant input into the findings and safety recommendations adopted by the Safety Board,” Walpert said. “In fact, in several of its final reports, NTSB has attributed recommendations to the STF.”

The BLE was the first rail labor organization to institute a dedicated program to participate in NTSB accident investigations. Established by former President Larry McFarther, it has grown over the years. Current BLE President Edward Dubrowski was the first National Chairman of the STF.


**Recommendation 1**

Any crew member intending to fuel track or equipment must notify the locomotive engineer before such action can take place. The locomotive engineer must then apply locomotive or train brakes, have the reverser centered, and then confirm this action with the individual on the ground. Additionally, any crew member that intends to adjust drawbars, or apply or remove EOT device, must ensure that the car or cars to be coupled into is stopped at least 50 feet. Also, the person on the ground must physically inspect the cars to ensure that the locomotive to insures that they are completely stopped and, if necessary, if a sufficient number of hand brakes must be applied to insure the cars will not move.

**Recommendation 2**

When two or more train crews are simultaneously performing work in the same yard or industry tracks, extra precautions must be taken.

- **Some Track**
  - Two or more crew are prohibited from switching into the same track at the same time, without establishing direct communication with all crew members involved.

- **Adjacent Track**
  - Protection must be afforded when there is the possibility of movement an adjacent track(s). Each crew will arrange positive protection for an adjacent track (s) through positive communication with yardmaster and/or other crew members.

**Recommendation 3**

At the beginning of each tour of duty, all crew members will meet and discuss all safety matters and work to be accomplished. Additional briefings will be held at any time work changes are made and when necessary to protect their safety during their performance of service.

**Recommendation 4**

When using radio communication, locomotive engineers must not begin any move without a specified distance from the person controlling the move. Strict compliance with “distance to go” communication must be maintained.

When controlling train or engine movement, all crew members must communicate by hand signals or radio signals. A combination of hand and radio signals is prohibited. All crew members must confirm when the mode of communication changes.

**Recommendation 5**

Crew members with less than one year of service must have special attention paid to safety awareness, service qualifications, on-the-job training, physical plant familiarity, and overall ability to perform service safely and efficiently. Programs such as peer review, mentoring, and supervisory observation must be used to insure employees capable of performing service in a safe manner.
The Brotherhood of Locomotive Engineers (BLE) has acted to protect newly-promoted engineers who are enrolled in the UTU’s Blue Cross/Blue Shield health care option, BLE International President Edward Dubroski announced on October 10.

“Our goal is to do what’s right for all railroad workers,” President Dubroski said. “We are glad to give the UTU permission for these engineers to continue to participate in the UTU’s Blue Cross/Blue Shield program.”

Last year, the UTU broke ranks with the Cooperating Railway Labor Organizations (CRLO) — Rail Labor’s national health and welfare bargaining coalition — and established its own, separate national health and welfare plan, which then included a Blue Cross/Blue Shield option. The other CRLO unions, including the BLE, opted to pursue a global settlement of their Section 6 health and welfare notices, rather than make a standby agreement covering just a portion of the dispute.

The UTU’s unilateral move created a problem for more than 350 conductors, who selected the Blue Cross/Blue Shield health care option, and who were promoted to locomotive engineer during the past year. Without this action on the BLE’s part, these engineers and their families would have been forced to choose alternative coverage, most likely disrupting established relationships with the physicians of their choice.

“We would have preferred not to handle this issue on a piecemeal basis,” said Dubroski. “However, when the UTU went its own way, these Brothers and Sisters were placed at risk, which we addressed today.”

BLE NEWS

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This law was placed on the books in Illinois approximately 10 years ago under the watch of now-retired Illinois State Legislative Board Chairman John Small. It was not passed into law this year, as the article mistakenly implied.

In addition, Brother Small oversaw original publication of wallet-sized cards with the text of the law printed on them during his term of office. Current State Chairman C. Edward Way is now having the cards re-issued because of an incident on Metra.

“Washington Update” is the bi-monthly publication of the BLE’s National Legislative Office in Washington, D.C. The Publications Committee of the BLE International Division regrets that this error found its way into the Newsletter and onto the website. •
SOUTHWESTERN CONVENTION MEETING

The late Mel Carnahan, governor of the state of Missouri, died in a plane crash on October 16, less than a month after speaking at the SWCM. Also killed in the crash was Carnahan’s campaign adviser Chris Sifford and the Governor’s son, Roger, who was piloting the six-seat aircraft.

Carnahan was elected Lieutenant Governor in 1988. Four years later, he won the governor’s office in a landslide and was re-elected in 1996. He was barred by state law from seeking a third consecutive term as governor.

Carnahan, 66, was campaigning for a U.S. Senate seat in Missouri and was flying to a rally in St. Louis when the plane went down.

One of his last official acts was to declare October 16, 2000, “Railroaders’ Day” in the state of Missouri.

“He was a true friend of rail labor,” said Missouri State Legislative Board Chairman Mickey Gage. “All you had to do was knock on his door and he would be there to help.”

Brother Gage reports that the late Governor was instrumental in saving a Union Pacific terminal in Jefferson City, Mo. When the railroad began work on its “hub and spoke” reorganization, it wanted to eliminate the Jefferson City hub, where 225 BLE members were headquartered.

“Governor Carnahan made a few phone calls and the Union Pacific backed down,” Gage said. “He helped save that terminal so that 225 families could keep their homes.”

In 1976, another Senate challenger in Missouri, U.S. Rep. Jerry Litton, died in a plane crash as he and his family were flying to a victory celebration the night he won the Democratic nomination.

The last governor to die in office was Florida Gov. Lawton Chiles on Dec. 12, 1998. The 68-year-old collapsed while exercising in the governor’s mansion gymnasium. South Dakota Gov. George Mickelson died in 1993 when the state’s airplane slammed into a silo in eastern Iowa.
A busy week of activity for families attending the 65th annual SWCM

The 65th annual Southwestern Convention Meeting was held in St. Louis, Mo. at the Marriott Pavilion Hotel from September 17-22, 2000. The convention was hosted by Jim Jackson and Roger King and members of their arrangements committee.

The busy week included a golf tournament, a trip to the Museum of Transportation, and a St. Louis Cardinals pennant-clinching baseball game. Speeches were delivered by several distinguished public servants, including: Jolene Molitoris, Administrator of the FTA; the late Mel Carnahan, U.S. Senate Candidate in Missouri; and Bob Holden, Democratic candidate for Governor of Missouri. In between these events were workshops for local chairmen, secretary-treasurers and legislative representatives. The SWCM Scholarship Committee also announced its annual scholarship winners.

From left: Harold Downing, Local Chairman of Division 609 (Jefferson City, Mo.); Charlie Rightnowar, Union Pacific-Central Region General Chairman; and Mickey Gage, Chairman of the Missouri State Legislative Board and Legislative Representative of Division 609.

Giving a presentation on highway-rail grade crossing safety is Locomotive Engineer Tom Armstrong, BLE Saskatchewan Provincial Legislative Board Chairman and Legislative Representative of Division 793 (Saskatoon). Brother Armstrong has been a locomotive engineer since 1977 and is a Representative of the National Committee for Operation Lifesaver for Direction 2006, a Transport Canada initiative to significantly reduce highway-rail grade crossing fatalities in Canada over the next five years. Personally affected by one of several collisions he endured behind the throttle, Brother Armstrong is dedicated to creating awareness of the dangers surrounding highway-rail grade crossings by participating in newspaper interviews, radio interviews, nationwide television commercials and television documentaries. He and his wife, Brenda, have four children. His two oldest sons are fourth-generation railroaders.

From left: Brad C. Thompson, Local Chairman and Legislative Representative of Division 442 (Scott City, Mo.), and Tim O. Young, Chairman of the Arkansas State Legislative Board.

From left: SWCM Co-Chairman King and Pat E. Johnson, Secretary-Treasurer of the Iowa State Legislative Board and Legislative Representative of BLE Division 125 (Clinton, Iowa).

From left: First Vice-President McCoy; International President Emeritus Ronald P. McLaughlin, Retired General Chairman Gene Thompson (former Cotton Belt); and International President Dubroski. Brother McLaughlin was International President of the BLE from 1991 to 1996. These two distinguished retirees were presented with BLE membership pins at the convention. Brother McLaughlin received a 50-year pin and Brother Thompson received a 30-year pin.

From left: GIA International President Ruth E. Pillman-Windham; GIA First Vice-President Onta Wayland; GIA Canadian Representative Sherry McGunigal; and GIA Second Vice-President & U.S. National Legislative Representative Mabel Grotzinger.

From left: Jolene Molitoris, Administrator of the FRA; the late Mel Carnahan, U.S. Senate Candidate in Missouri; and Bob Holden, Democratic candidate for Governor of Missouri.
Persons claiming retirement, disability or survivor benefit overpayments, and unemployment or sickness benefits, the person’s obligation to repay any erroneous benefit payments may be waived if the following conditions are met:

(1) The person was not at fault in causing the overpayment, and
(2) recovery of the overpayment would cause financial hardship to the extent that he or she would not be able to meet ordinary and necessary living expenses, or recovery would be against equity or good conscience. “Against equity or good conscience” is defined in the regulations of the Board as meaning that the claimant has, by reliance on the erroneous benefit payments made to him or her, or on notice that payment would be made, relinquished a significant and valuable right or changed his or her position to his or her substantial detriment.

In cases involving unemployment or sickness benefits, there is an additional requirement that the overpayment must be more than 10 times the current maximum daily benefit rate. Persons requesting waiver may be asked to complete a financial statement on a form provided by the Railroad Retirement Board.

4. What happens if a person’s appeal is not filed within the prescribed time limit?
Failure to request reconsideration or to file an appeal within the allocated time period will result in forfeiture of further appeal rights, unless there is good cause for the delay. Some examples of good cause include: serious illness; a death or serious illness in the appellant’s immediate family; destruction of important or relevant records; failure to be notified of a decision; or an unusual or unavoidable circumstance which demonstrated that the appellant could not have known of the need for timely filing or which prevented the appellant from filing in a timely manner. If good cause is not established, further appeal is forfeited, except that the appellant may contest the determination that the request for reconsideration or the appeal was not filed timely.

5. Are there avenues of appeal beyond the Railroad Retirement Board?
Appellants not satisfied with the Board’s final decision may then file a petition with the U.S. Court of Appeals to review the Board’s decision. In cases involving retirement, disability or survivor claims, the petition for review must be filed within one year of the date of the three-member Board’s decision notice. In cases involving claims for unemployment or sickness benefits, the petition for review must be filed within 90 days of the Board’s decision notice.

6. Can employers contest the claims of their employees for unemployment and sickness benefits?
Employers are provided the right to appeal claims of their employees, but such appeals do not prevent timely payment of benefits. However, employees may be required to repay benefits if their employers’ appeals are successful.

7. Where can a person obtain retirement, disability or survivor benefit appeals forms and assistance in completing the forms?
Requests for reconsideration of an initial decision must be in writing, but do not have to be on any specific form. The appropriate form for waiver of recovery of a benefit overpayment is ordinarily enclosed with the overpayment notice. The forms to appeal to the Bureau of Hearings and Appeals and the three-member Board are available from the Board’s Bureau of Hearings and Appeals, 844 North Rush Street, Chicago, Illinois 60611-2092 or from the Board’s Web site at www.rrb.gov. The appropriate form can also be obtained from any Railroad Retirement Board field office, as can assistance in filling a request for review at each of the Board’s administrative levels. Persons can find the address and phone number of the Board office serving their area by calling the automated toll-free RRB Help Line at (800) 808-0772 or by checking the Board’s Web site.

Ble senior report

Explantion of RRB appeals procedure

The following is a list of the remaining Railroad Retirement Board information conferences for this year.

November 17 • Charlotte, N.C.
Sheraton Airport Plaza Hotel, 1-85 and Billy Graham Parkway
November 17 • Albuquerque, NM
AmeriSuites, 6001 Arvada North East
December 5 • Jacksonville, Fla.
Holiday Inn-Baymeadows, 9150 Baymeadows Road

Page 6 · Locomotive Engineer Newsletter · October 2000

BLE senior report

Explanation of RRB appeals procedure

Railroad Retirement informational conferences for 2000

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The plan will be put into action soon. The FRA has ordered all carriers to issue a SOA appeal plan at a special meeting of the Rail Safety Advisory Committee on November 14.

BLE President Edward Dubroski recognized the four BLE members who are part of the SOA Working group for their studious efforts in this noble cause.

They are Texas State Legislative Board Chairman David Nettles; Colorado State Legislative Board Chairman John J. Lust; Minnesota State Legislative Board Chairman Thomas J. Perkovich; and Regulatory Research Coordinator Robert A. Harvey of the BLE’s National Legislative Office.

Contract Update

Continued from Page 1

Allen also was told that a financial analysis of the deal would be undertaken, after which the BLE will be in a position to make a more detailed response.

In the interim, the National Wage Committee will meet to consider the economic implications of the deal and reassess its position once the financial analysis is completed.

SOFA Lifesavers

Continued from Page 2

“We will work together to protect the lives and well-being of each of our co-workers. We know that many of the risks responsible for death and injuries are imbedded in the culture of our railroad industry. We must change our culture to eliminate fatalities and injuries. We are absolutely dedicated and committed to this effort.”

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In the interim, the National Wage Committee will meet to consider the economic implications of the deal and reassess its position once the financial analysis is completed.
Les membres de la FIL/CCFC ont ratifié un contrat avec le Canadien Pacifique

Cette entente donne une augmentation de salaire de 2% à chaque année pour trois ans et des améliorations au régime d’assurance collective, soit au niveau de l’assurance-vie, régime dentaire, assurance-maladie supplémentaire et régime de soins de la vue et prestation hebdomadaire de maladie. Quatre postes de CUF ont été promus d’un niveau ce qui équivaut à approximativement 1,00 $ de l’heure pour chacun et les CUF chargés d’enclenchements au 12th Street Tower (Calgary) et Rugby (Winnipeg) ont reçu une augmentation de 0,75 $ l’heure en plus de l’augmentation salariale générale.

La composante majeure de l’entente est l’amélioration du Plan de retraite avec une autre contribution supplémentaire des employés. Les changements aux règlements de travail qui étaient nécessaires des deux côtés ont aussi été négociés entre les parties. •

BLE-RCTC members ratify contract with Canadian Pacific

The Memorandum of Settlement of August 4, 2000, between the Brotherhood of Locomotive Engi-

This settlement concludes a bargaining round which began in October of 1999 and continues in ef-

This settlement gives wage increases of 2% in each of the three years and benefit plan enhance-

The negotiations of contract began with VIA Rail and Canadien National

All collective agreements with CN expire on Dec.

For each and the interlocking RTC’s at 12th Street

The Brotherhood of Locomotive Engineers —

 BLE Canadian Director Gilles Hallé announced on October 4 that the Brotherhood of Locomotive En-

Brother Hallé would like to thank the members of his team that helped in this vote and a very special thanks to Temporary Special Representative Robert J. Toole.

The Brotherhood of Locomotive Engineers will do its best to obtain de-

Approximately 30 new members will join the Brotherhood as a result of this organizing victory.

At the same time, demands were received from CN. The following weeks were set aside for contracts talks:

The Brotherhood is projecting a delay in regards to the VIA talks due to the pending decision from the CIRB concerning the revision of Vice-Chairman M. Pineau’s award that was issued last fall.

The members will be kept informed through the BLE web page and by their Division officers on the developments of these important negotiations. •

Les négociations de contrat débutent avec VIA Rail et Canadien National

Le Comité de négociation nationale de la Fraternité des ingénieurs de locomotives a débuté les négociations avec le Canadien National.

Les membres seront informés des nouveaux développements de ces importantes négociations sur la page web de la FIL et par les officiers de leur divi-

Un comité de négociation nationale a été mis sur pied pour s’occuper du renouvellement des conven-

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BLE wins representation
election on Canadian shortline,
a subsidiary of RailAmerica

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The Fal remporte la certification
d’un chemin de fer Canadien
d’interet local

La Fraternité s’attend à un délai dans les
négociations collectives avec CN.

La Fraternité des ingénieurs de locomo-
tives a remporté le vote de certification ordonné par la Commission du travail de la Nouvelle-Écosse pour la représentation du Chemin de fer Cape Breton & Central Nova Scotia.

La Fraternité représentera tous les ingénieurs de locomotives et les chefs de train du Cape Breton & Central Nova Scotia, qui est une filiale de Rail America.

Confrère Hallé aimait remercier les membres de son équipe qui ont aidé à obtenir ce vote et un merçi très spécial au représentant spécial temporaire Robert J. Toole.

La Fraternité des ingénieurs de locomotives fera de son mieux pour obtenir des règlements de tra-

Les membres de la FIL/CCFC, Kari Essery et Danny MacIver.

Félicitations à l’équipe de négociation : Directeur canadien Gilles Hallé; Président général Jim Ruddick; Canadian Director Gilles Hallé; General Chairman Jim Ruddick; Representant spécial Darrell Arnold et les deux représentants de la FIL/CCFC, Kari Essery et Danny Maclver.

Cette entente conclut une ronde de négociation qui a débuté en octobre 1999 et sera en vigueur pour trois ans soit jusqu’au 31 décembre 2002.

Cette entente donne une augmentation de salaire de 2% à chaque année pour trois ans et des améliorations au régime d’assurance collective, soit au niveau de l’assurance-vie, régime dentaire, assurance-maladie supplémentaire et régime de soins de la vue et prestation hebdomadaire de maladie. Quatre postes de CUF ont été promus d’un niveau ce qui équivaut à approximativement 1,00 $ de l’heure pour chacun et les CUF chargés d’enclenchements au 12th Street Tower (Calgary) et Rugby (Winnipeg) ont reçu une augmentation de 0,75 $ l’heure en plus de l’augmentation salariale générale.

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Ble publica get top honors again from Association of Railway Communicators

The Brotherhood of Locomotive Engineers came away with five awards, including one first-place finish for Best Photography, from the Association of Railway Communicators (ARC) during the group’s distinguished achievement awards competition.

The BLE’s first-place award came in Best Photography for the group’s distinguished achievement awards competition.

In the past, the BLE played only a sporadic role in the follow-up part of an investigation, which can take up a

...a year, and which leads to the im-
portant safety recommendations that are issued by the Board,” Dubroski said.

“We have been able to make mean-

...ing safety recommendations on a con-

...istent basis, and this has favorably im-
pacted safety on the nation’s railroads,

...not only for our members, but also for

...other rail workers, communities and

...the traveling public...

Since the BLE’s creation of the Safety Task Force, other unions have followed suit, including the Brother-

...hood of Railroad Signalmen and the United

...Transportation Union.

Ble Newsletter Other than Class One; Best Photography other than Class One; Best Magazine and Best Feature Ar-

...there were 102 entries from 10 dif-

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...judged by a distinguished panel of three

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During the meeting, BLE President John Bentley was unanimously elected as the labor member of the ARC Ex-

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