### COMOTIVE ENGINEERS AND TRAINMEN



**OCTOBER** 2007

PUBLISHED BY THE BLET, A DIVISION OF THE RAIL CONFERENCE, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

# House passes Rail Safety bill

### Sweeping legislation addresses BLET limbo time, BMWED camp cars

By a vote of 377-38, Representatives in the U.S. House passed the Railroad Safety Improvement Act (H.R. 2095) on October 17, eliminating camp cars and decreasing limbo time, both important issues for Teamsters rail conference members.

"Our rail members, the engineers, trainmen and maintenance of way workers who ensure that this nation's rail system runs safely, won a major victory with the passage of H.R. 2095," said Jim Hoffa, Teamsters General President.

"We've been fighting Norfolk Southern for years about eliminating their disgusting camp cars and finally Congress is backing us up," said Fred Simpson, President of the Brotherhood of Maintenance of Way Employes division of the Teamsters Rail Conference. "NS was the last railroad to keep these substandard accommodations and we will be glad to see them go. Our members should never have had to endure the cramped and unsanitary conditions in those cars."

Camp cars are mobile dormitories that are used to house maintenance of way crew members while on assignment repairing tracks. Usually the cars house eight men each and most are not equipped with indoor toilets or potable water. Men assigned to these cars must walk outside, even in the dead of winter, to use porta-johns and drink bottled water because the water in the cars is unfit to drink.

Another part of the far-reaching act sets new lim-

its for limbo time for locomotive engineers and trainmen. Currently, engineers and trainmen can work up to 20 hours or more per shift before they take eight hours of rest. Since their full work day can last up to 12 hours, they might spend 8 hours or more in limbo time where they can't sleep, must remain vigilant and are not paid for that time.

"This is a step in the right direction to impede the rail carriers' abuse of our much needed rest time," said Don Hahs, President of the BLET. "The passage of H.R. 2095 means that engineers and trainmen may eventually be paid for all of the time they spend on the job. They will also have the chance to obtain adequate rest between assignments, reducing fatigue."

BLET Vice-President & National Legislative Representative John Tolman thanked involved for their efforts in this major legislative achievement.

"This victory would not have been possible without the help and support of BLET and BLET Auxiliary officers and members who traveled to Capitol Hill to make our case, and phoned and wrote their Representatives," he said. "I also thank our BMWED counterparts and to the Teamsters Government Affairs Department who worked tirelessly with us."

Among other provisions in H.R. 2095 are:

• Restructuring of the Federal Railroad Administration (FRA), placing greater emphasis on its safety role and increasing substantially the number "This is a step in the right direction to impede the rail carriers' abuse of our much needed rest time."

**BLET National President Don Hahs** 

of qualified inspectors;

- · Creation of fatigue management programs, a guarantee of 10 hours of undisturbed rest, and a guarantee of one 24-hour off-duty period every seven days;
- Strengthened whistleblower protections; a worker may refuse to authorize the use of equipment the employee reasonably believes to be unsafe or hazardous to operate or work with;
- Implementation of positive train control, a technology serving as a backup device to improve the safety of locomotive engines for all rail workers;
- Vast improvement in safety for operations in un-signaled track, or dark territory;
  - Certification of train conductors;
  - A study of locomotive cab conditions;
- · A requirement for emergency breathing apparatus in all locomotive cabs; and
- New regulations that would put an end to the harassment and intimidation of rail workers who report personal injuries. •

### Continuous good standing required to run in 2009 division elections

Although the 2009 Trithan two years away, BLET members must prepare now to ensure their eligibility to run for elected positions.

According to BLET bylaws, to be eligible to run for division office in 2009, a member will have to have been in continuous good standing for 24 months prior to the month of nominations. Specifically, such member would have to be sure to pay full dues from September 2007 through August 2009 in order to run in the 2009 Triennial Elections.

The Office of Labor Management Standards

(OLMS), an office of the U.S. cations Policy of the Naennial Elections are more Department of Labor, requires tional Division, as published unions to provide proper notice  $\,$  on the BLET website, is that to all members regarding eli- official communications begibility for office. This notice is posted on the BLET website and will appear in the October 2007 issue of the BLET monthly newsletter to satisfy that requirement.

> Any members with questions regarding this policy or the dates outlined above should contact the BLET National Division in writing:

**BLET National Division** Nat'l. Sec.-Treas. 1370 Ontario St., Mezz. Cleveland, OH 44113-1702

The Electronic Communi-

tween members and the National Division require a hard copy of the correspondence — with a signature being received by the National President — to be considered an "official communication." This is to provide that the actual question(s) are addressed and responded to. This process has ensured that when official interpretations are made they have reference to a specific request and can be used in future correspondence. •

### Flexible Benefits program allows members to save on health care

An important health care benefit secured by the Brotherhood of Locomotive Engineers and Trainmen during the most recent national contract is in danger of falling by the wayside unless membership participation increases.

The Railroad Employees Flexible Benefits Program allows members to use pre-tax dollars to pay for certain medical expenses or dependent care expenses. The plan would allow members to save anywhere from \$120 to \$5,000 per year on dependent care expenses, or \$120 to \$3,600 per year on medical expenses.

However, Side Letter #8 of the National Contract specifies that at least five percent of eligible BLET members must participate in the plan or it will be terminated as of December 31,

2009. The deadline to register for the 2008 benefit year is October 26, 2007. The BLET is encouraging all members to contact United HealthCare for details on participating in the plan.

"There are many positive aspects of the Flexible Benefits Program and it is not something that we want to lose," **BLET National President Don** M. Hahs said.

Members may choose to participate in one of two programs.

The first program, Health Flexible Spending Arrangement (Health FSA), allows members to use tax-free dollars to pay for health care benefits such as the following: doctor co-pays; drug co-pays; den-

See Flexible Benefits, Page 3

### Little elected Chairman of Tennessee SLB

J.T. Little IV of BLET Division 781 (Erwin, Tenn.) was elected Chairman of the Tennessee State Legislative Board on September 20 at the Board's Quadrennial Session in Nashville. Brother Little was elected by acclamation

Little will serve a four-year term in accordance with the Board's bylaws. He joined the BLET on February 1, 1972, and has been a member of Division 781 since July 1, 1986.

"It is my goal to see that our Legislative Representatives receive the tools needed to safeguard our members," Brother Little said. "To convey a message that the LR is more important today than ever before, we will give direct assistance to our Divisions with visits, training, and other issues. Brother Tim Smith, Chairman of the National Association of State Legislative Board Chairmen, shared with our Board a grand training presentation that we will adopt. We will also challenge our members to make contact with their representatives within their home districts as well. We must establish ourselves as the authority to speak to the railroad industry issues."

Also elected was First Vice Chairman Jim Day (Division 170-Memphis, Tenn.). The following officers were elected by acclamation: Second Vice Chairman and Legislative Representative Barry Faulkner (Division 41-Nashville, Tenn.); Secretary Rusty Jones (Division 239-Knoxville, Tenn.); Alternate Secretary Treasurer Tony Barr (Division 205-Chattanooga, Tenn.); and elected to the newly created position of Executive Committee Member-at-Large was Bill Davis (Division 198-Chattanooga, Tenn.).

"The present Executive Board and our members are a blend of rail properties and talent that will serve quite



Left to Right: Dewayne Hendricks, Don Hahs, Wayne Clark, Tim Smith, Ed Counts, Rusty Jones, Joe Hunt, Terry Petty, Jim Anderson, Keith Chancey, J.T. Little, Bernard Mimms, Tony Barr, Gene Myhan, Barry Faulkner, Bill Davis, Mike McClary, Jim Day, John Tolman, Ken Kroeger and Bill Walpert.

well," Little said. "Our Board has elected a Legislative Representative, Barry Faulkner that will serve the Board on the hill. Brother Faulkner, presently is the Mayor of Cross Plains, Tenn., located within minutes of the Capitol. His prior visits to the current Governor"s office is exciting and this option will give our BLET membership a more personal, specialized and immediate service as needed."

Representing the BLET National Division were: National President Don M. Hahs; National Secretary-Treasurer Bill Walpert; Vice-President & National Legislative Representative John P. Tolman; and Coordinator of Education and Training Ken Kroeger.

President Hahs addressed the delegates regarding affairs of the National Division, including the recently ratified national contract and organizing, among other items. NST Walpert pro-

vided delegates with a report on the financial status of the Brotherhood and current membership statistics. VP & NLR Tolman discussed the state of unions in the country and current rails before congress. Tolman also presented a plaque to outgoing Tenness State Chairman Mike McClary and ST Gene Myhan, thanking them for their years of dedicated service to the Brotherhood. California State Legislative Board Chairman Tim Smith was in attendance and gave a condensed version of the Legislative Representative training class to the delegates in session.

Patty Abbate, executive director of Citizens for Rail Safety, spoke to delegates about the group's origination and what it is doing for rail safety. She encouraged all BLET members in attendance to join her organization. Gray Sasser, Chairman of the Tennessee

Democratic Party, emphasized the need for political action and stressed the importance of contributing to your union PAC fund. (As a side note if you are not already a contributor please get in touch with your Division Legislative Rep who can tell you how to contribute.)

The members in attendance also worked on updating their by-laws with such changes as the new position of Executive Committee Member-at-Large and established a Legislative Representative position to represent their members at the state capital.

Outgoing Chairman Mike McClary said: "Unfortunately I was unable to run again for Chairman but I believe the work the delegates did to update our by-laws will be of great benefit to our membership in our state. I am confident the current Executive Committee can move this Board forward."

### UP-Western Lines GC Bill Hannah reelected by acclamation

D.W. "Bill" Hannah was reelected by acclamation as General Chairman of the Union Pacific-Western Lines General Committee of Adjustment at triennial meetings in San Diego on September

Brother Hannah is a member of BLET Division 56 in Colton, Calif., and joined the Brotherhood on February 1, 1979. He first became General Chairman in September of 2001.

Also elected were: 1st Vice Chairman N.C. Carstenson of Division 415 (Roseville, Calif.); 2nd Vice Chairman L.R. Law of Division 56 (Colton, Ca-

lif.); 3rd Vice Chairman W.E. Hill of Division 592 (Dalhart, Texas); Secretary-Treasurer C.H. Fleming III of Division 192 (El Paso, Texas); and Alternate Secretary-Treasurer C.V. Houston of Division 415 (Roseville, Calif.). In addition to Chairman Hannah, Brothers Carstenson and Hill were reelected by acclamation.

BLET National President Don Hahs attended the meeting and addressed delegates regarding National Division issues. Vice President E.L. "Lee" Pruitt also addressed delegates and discussed the BLET's short term disability program and ongoing negotiations

with UP regarding incentive based compensation.

Other invited guests included: Tim Smith, Chairman of the BLET California State Legislative Board; John Conklin, Locomotive Engineer certification specialist from the Federal Railroad Administration; and Dell Butterfield, President of the Union Pacific Employees Health Association.

The Union Pacific-Western Lines General Committee of Adjustments represents 2,000 BLET members from 18 Divisions throughout California, Texas, Kansas, Arizona and Nevada.

### BLET's Eastern General Chairmen's Association reelects Tom Roberts

The BLET's Eastern General Chairmen's Association (EGCA) held its annual meeting to conduct business and elect officers in Traverse City, Mich., on August 20.

The annual EGCA meetings were held during the Eastern Union Meeting Association (EUMA) convention.

Brother Tom Robers was reelected by acclamation as Chairman of the Association, and will also serve as a delegate to the National Wage/Rule Committee. Brother Roberts is General Chairman of the Conrail SAA/CSXT Northern District General Committee of Adjustment. He joined the Brotherhood of Aug. 1, 1973, and is a member of BLET Division 601 (Newark, N.J.).

Also elected were: Mark Kenny

(Amtrak General Chairman) to the office of Vice Chairman; Ben Martin (New York, Susquehanna & Western General Chairman) was reelected Secretary-Treasurer; and Rich Dixon (SEPTA General Chairman) and Cole Davis (Norfolk Southern-Northern Lines) were elected to complete the Executive Board. Mike Twombly (Delaware &

Hudson/Springfield Terminal) was reelected as alternate to the Wage/Rule Committee.

All officers were elected by acclamation.

The assembled Chairmen discussed a variety of issues, and additionally voted to approve a \$500 donation to the EUMA Scholarship Fund. •

### **Brown elected Chairman of Minnesota SLB**

David Brown of BLET Division 517 was elected Chairman of the Minnesota State Legislative Board by acclamation on September 28 at the Board's Quadrennial Session in Minneapolis.

Brother Brown hired on with the Burlington Northern in 1971 in the operating crafts and became a locomotive engineer in 1993. He is currently a Regional Trainer/instructor for Hazmat, Radiological and Security with the National Labor College / George Meany Center.

Brother Brown will serve a fouryear term in accordance with the Board's bylaws. Also elected by acclamation were: First Vice Chairman Keith Stauber (Division 163); 2nd Vice Chairman Wally Czerwinski (Division 202); Secretary Treasurer Mark Anderson (Division 333); and Alternate Secretary Treasurer Rick Johnson (Division 357).

"As a major priority, I will work to enhance the education of our Division LRs and our members," the newlyelected Chairman said. "This Board will dynamically promote the legislative issues that will advance the safety and health of rail labor.

"We have a diverse and experienced group of rails on the Board that I am confident will represent and serve these interests. Through the training and assistance our LR's will receive, we can impress upon the membership the significance of representing the BLE-T in local, state and national union issues."

Representing the BLET National Division at the meeting were: Vice-President and National Legislative Representative John Tolman; Vice-President Dale McPherson; and Coordinator of Education and Training Ken Kroeger.

Vice President Tolman discussed the state of unions in the country and current rail bills before Congress. He also presented a plaque to outgoing MNSLB Chairman Tom Perkovich thanking him for his years of dedicated



service to the Board.

Brother Perkovich did not seek reelection due to his upcoming retirement.

"I got involved in the BLE-T at the Division level and through that involvement I was able to do things during my railroad career that I never thought I would be part of," he said. "Hopefully, through that involvement, I have made a difference for BLET members."

North Dakota SLB Chairman Mike Muscha and ex-Colorado SLB Chairman George Last were also in attendance. Brother Muscha gave a presentation on the importance of contributing to the PAC fund. (As a sidenote, if you are not already a contributor to the PAC Fund, please get in touch with your Division LR who can tell you how to sign up.)

Sereena Hogan, 1st Vice President and Legislative Representative of the BLET Auxiliary, gave a presentation explaining the purpose and mission of the Auxiliary and what it can do to help BLET members. She encouraged every division LR to take the information packets she distributed back to their divisions to make every effort to get an Auxiliary started in their area.

The delegates had a very packed agenda. Besides the normal business there were several presentation.

Dave Brown gave a condensed version of the National Labor College's hazmat workshop.

Shanta Schmitt from the Railroad Retirement Board, delivered a presentation on what is new with regard to Railroad Retirement.

John Smullen from the Federal Railroad Administration gave an overview of the FRA, Hours of Service, Locomotive Horn Sounding and SACP and SOFA Randy Croce from the University of Minnesota gave a presentation on the history of labor and focused on the history of the BLET. Tom Dwyer, from the National Association of Retired and Veteran Railway Employees, gave a presentation on the importance of keeping retired members involved in legislative matters.

During a special ceremony during the concluding banquet, the State Legislative Board gave Brother Perkovich a large framed painting of the S.S. Edmund Fitzgerald, the famous Great Lakes freighter that sank in Lake Superior on November 10, 1975, claiming the lives of 29 men. Brother Perkovich actually worked on and sailed on the Edmund Fitzgerald after completing his service with the armed forces. The ship was immortalized by the Gordon Lightfoot ballad, "The Wreck of the Edmund Fitzgerald."

### Flexible Benefits

Continued from Page 1

tal co-pays or other dental expenses not covered in our dental plan; vision co-pays or additional eye care not covered under the national plan; and over-the-counter medications (cold medicine, decongestant medicine, aspirin, Tylenol or their generic equivalent, etc...). This program offers savings of \$120 to \$3,600 per year.

The second program, Dependent Care Assistance Program (DCAP), allows members to use pre-tax dollars for certain dependent care expenses, such as out-of-pocket dependent care expenses for childcare or care for physically or mentally handicapped dependants. This program offers savings of \$120 to \$5,000 per year

"The advantage of these programs is that it allows members to save on their taxes and increase their net-spendable income," President Hahs said. "Please take the time to check with United HealthCare to see how these benefits may pertain to your individual situation so that we are able to have this plan in the future."

Members should have received an enrollment packet from United HealthCare regarding the Flexible Benefits Program. To obtain another copy, or for more information on the program, please contact United HealthCare at (877) 311-7849.

### BA-6 update: Members must notify Railroad Retirement when claims cases are pending

In the June/July issue of the BLET News, we discussed the importance of members checking their Railroad Retirement Board form BA-6 form for accuracy — the form that lists your total earnings as reporter to the RRB. This is an addendum to that notice, advising our members of another requirement you may be faced with.

Members have only four years to make corrections to their BA-6. But members are often faced with outstanding time claims — sometimes for substantial amounts of money — that may not be paid for several years after the claims were filed.

In order to make sure settled claims are credited for the year that they were filed, it would be prudent to notify the Railroad Retirement Board in writing of corrections or adjustments that may be necessary in each year for which claims are settled. This is especially important for those members who retire soon after filing claims.

Without such adjustment, claims settled after their retirement may never be input into Railroad Retirement records as creditable compensation which would adversely affect an annuity.

Each June, the RRB issues a Form BA-6 to your home mailing address. If any of the earnings are not properly reported to the RRB, then your annuity will be affected or you will not receive the proper amount. Therefore, it is your responsibility to check this form each year — do not wait until you retire to discover a mistake! The RRB has a four-year window in which corrections can be

By law organizations must retain records for only seven years then the old records can be destroyed. Please report any discrepancies to the National Division's Tax Compliance Depatment, who will follow through with the Railroad Retirement Board. •

# Cleveland hosts final Sec.-Treas. workshop of 2007

The BLET Education and Training Department will conduct its final Secretary-Treasurer Compliance Workshop of 2007 in Cleveland from December 2-5. The class will start at 7 p.m. on Dec. 2 and conclude at noon on Dec. 5.

The meeting will be held at the Hyatt Regency at the Arcade, 420 Superior Ave., which is within walking distance of the BLET's National Division headquarters.

As most STs already know, many changes have been implemented regarding the filing of LM reports this year. The changes to the LM Report along with the new 990-N and EFTPS will be explained in class. STs will be shown how to use the BLET National Division's web-based reporting system. STs use the online system for membership reporting and tax compliance.

During the three-day session, members will learn proper record keeping techniques, computer applications, and minute-taking. They will also learn methods for filing various Department of Labor, and Railroad Retirement reports, as well as Internal Revenue Service Federal tax returns. A representative from the Department of Labor will be on hand to answer ST questions and provide tips regarding the preparation of LM reports.

Presenters will include Bill Walpert, BLET National Secretary-Treasurer; Ken Kroeger, BLET Special Rep & Coordinator of the Education & Training Department; Bob Broka, Director of Records; Dr. Elaine Reese, Director of Compliance; and Walt Schmidt, BLET Webmaster.

The BLET National Division pays the costs of books and equipment, while STs who attend are responsible for their transportation costs as well as their room and board.

Upon successful completion of the course, attendees will qualify for a \$109 per day stipend from the North American Railway Foundation (NARF). The stipends will be paid directly to the Division. NARF is a non-profit operating foundation formed by Brotherhood's Relief and Compensation Fund (BRCF) to support rail history, education, safety and technology in the United States and Canada. With initial funding and continued Board of Directors stewardship coming from the BRCF, NARF has supported many varied non-political projects throughout the United States and Canada over the past ten years. The primary focus of these efforts has been in support of organized rail labor... giving back to all of the men and women of the railroad community across North America.

STs must register for the workshop online through the BLET website at: http://www.ble-t.org/st. Hotel registration information will be made available to those who sign up on the website.

Registration for the workshop is on a first come, first served basis with class size limited to the first 25 who register. For details, contact Ken Kroeger at (216) 272-0986 or kroeger@ble-t.org. •

## General Chairmen complete intensive Education & Training workshop



Because of the overwhelming response to the sign up of the first General Chairman workshop sponsored by the BLET Education & Training Department earlier this year, a second GC workshop was held September 9-13 at the Hyatt Regency Union Station in St. Louis. Attendees at the second workshop are pictured above

Front row, from left: Gary Perrien, Vice General Chairman UP Southern Region; James Louis, Alt. General Chairman CSXT N.D./ Conrail SAA; Rick Radek, Vice President & Director of Arbitration; Ken Kroeger Coordinator of Education & Training / Special Representative; John Koonce, General Chairman CN/IC; Michael Clark, General Chairman Tex Mex (KCS); Karl Draper, General Chairman Utah Railway.

Back row, from left: Daniel Burgess, Vice Local Chairman 456 NS Eastern Lines; Doug Davidson Assistant Director of Arbitration / Labor Member — NRAB; Donald Hill, Vice General Chairman SEPTA; Mark Whitchurch, 1st Vice General Chairman & Sec/Treas CN/IC; Paul Osciak, Vice General Chairman SEPTA.

The focus of the workshop was the preparation of submissions for arbitrations conducted pursuant to Section Three of the Railway Labor Act (RLA). During the four day workshop, participants learned about the history of the Railway Labor Act, along with the collective bargaining and arbitration provisions in it. There were classes during the workshop on Duty of Fair Representation, suspension and discharge cases, and applicability of common law in back pay awards. The attendees were given an assignment of writing a mitigation argument letter and these were critiqued in class the last day.

There are still some General Chairman that have not been able to attend the class and a third class is planned for 2008. Details regarding that workshop will be made available soon.

### Dates, locations announced for 2007 regional meetings

BLET members are encouraged to keep the following dates and locations in mind when planning their vacations for 2008.

BLET regional meetings offer plenty of family fun but also important educational opportunities. So far, dates and locations for next year's meetings are as follows:

### Southeastern Meeting Association June 15-19, 2008

Embassy Suites — Montgomery 300 Tallapoosa Street Montgomery, Ala. 36104 (334) 269-5055 Rate: \$119 Chair: Jason Popwell (Member 495) E-mail: popwelll@yahoo.com Eastern Union Meeting Association July 6-10, 2008

Sawmill Creek Resort 400 Sawmill Creek Dr. Huron, OH 44839 Rate: \$154 (\$144 Sunday Ar

Rate: \$154 (\$144 Sunday Arrival) Arrangements Chair: Rodney Cutlip (LC Div 385)

E-mail: lc385@aol.com

Rate: \$159

#### **International Western Convention August 17-20, 2008**

Embassy Suites Hotel — San Luis Obispo 333 Madonna Road San Luis Obispo, CA 93405-6506

Chair: Mike Galvani (LC Div 664) E-mail: SLOBLE664@wildblue.net Southwestern Convention Meeting September 14-19, 2008

St. Louis Hilton at the Ball Park One South Broadway St. Louis, MO 63102 Rate: \$124

Chair: Dave Grimes (LC Div 42) E-mail: dgrimes@boycomonline.com

All BLET regional meetings offer plenty of activities for families, plus important educational opportunities for BLET members and their spouses.

The meeting also give members the opportunity to meet with BLET officers to exchange ideas and information.

More details regarding these meetings will be made available in coming months. •

### The crane with the broken neck: Fable or reality?

### Legend has it that some workers were secretly blacklisted following Pullman strike of 1894

By Frederick C. Gamst, Ph.D. **BLET Division 660 Member** 

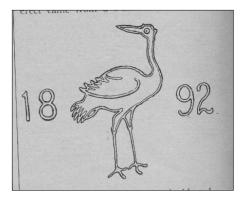
During the severe economic depression of 1894, destitute men walked the streets and rode the rails looking for work. The Democratic administration of President Grover Cleveland and Vice President Adlai Stevenson provided no relief and expected each citizen to display private initiative and enterprise. As Coxey's Army of the unemployed headed for the nation's capital (to be arrested for walking on the grass) and despondent men burned the resplendent white buildings of the Chicago World's Fair, unrest spread over the 44 states.

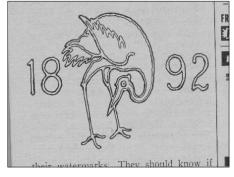
In late June and July 1894, Eugene V. Debs and his industrial American Railway Union (ARU) mounted and lost decisively to the federal government what historians call the Great Pullman Strike and Boycott. Debs' action across the nation's railroads divided the house of labor, paralyzed freight, passenger, and mail service in the western U.S., saw the largest marshalling of troops since the Civil War, found many military actions such as the U.S. Marines landing at Espee's West Oakland terminal, and eventually left embittered railroaders and their families from coast to coast.

A symbolic legacy in the lore of the Pullman action was the heated accusation of "the crane." Until several decades ago, railroaders discussed the tale of "the crane with the broken neck." Allegedly, railroaders participating in the Pullman action, "back in '94," often received a standard bland service letter from a railroad, but with a hidden, blacklisting watermark in the paper, consisting of a broken- or bentneck crane, depending on the narrative. Such paper would have come from the Crane paper company. Supposedly, by this concealed stigma, a railroad would deny employment to a striker or boycotter. The applicant never knew he "carried in his own hands," old-old heads told me, the reason for his rejection. This bitter, once often-repeated account, has no verification and could be largely mythic, a melancholy and despairing tale of the "rails."

Some of the oldest railroaders, hiring out ca. 1905, with whom I discussed this matter, thought a vindictive railroad would indeed have special paper immediately produced and distributed with secret instruction solely for punishing striking "rails." Additionally, in perfect accord, all the railroads would not accept a stigma-watermarked letter. Other veteran railroaders more judiciously said that the matter might have some slight basis in fact but that the crane's neck on a bland service letter merely had a position other than straight up and, thus, carried no secret

No nationwide conspiracy remains secret, let alone across many decades. In an era before machine record-keeping and numeric identifications, for various reasons some men "worked under a flag," i.e., had an assumed name and personal history. ("John Smith, from Somewhere, Maine, sir.") Rumors had it that some service letters





were forgeries (a "fake clearance"): any clerk could supply letterhead stationary. Moreover, local railroad officers had the power to hire and when shorthanded to meet operational and personal career goals would not ask, "Where were you in the summer of

The earliest published allegation of "the crane" is in an account featuring a missing head, from the ARU's Railway Times of November 15, 1894, page 1, as follows. "Railroad companies demand 'a clearance paper' explaining the cause of leaving the last railroad service. A railroad manager provides a good letter but condemning information is in "an ingenious watermark. The figure of a 'sand hill crane' is worked into the blank form [paper] of the clearance. When the head of the crane is missing the man will not be hired. . . . " This could well be the undocumented origin of the accusation. Two versions of the Crane & Company's standard watermark existed, straight up and bent. Could the two have been

used for different hidden messages?

The past recounting of this tale as Gospel speaks volumes for the sentiments of the abjectly defeated ARU members and their adherents. Those who study myths hold that a myth has a reality of a kind among those who believe it.

> "The crane," fable or reality? You tell me.

(The author, Frederick C. Gamst. Ph.D., is an adjunct Professor of Anthropology at the University of Wyoming. Formerly he taught at the University of Massachusetts, Boston, and also for nine years at Rice University in Houston. Dr. Gamst has been a BLET member since 1959 (Division 660) and has done many studies for the organization. He corresponds with hundreds of engineers over the Internet and is always pleased to hear from others about their jobs. His e-mail address is: FCGamst@aol.com.)

### 2008 Fees Objector Policy

### 1. Employees Rights

a. Any employee covered by a union or agency shop agreement in the United States has the legal right to be or remain a nonmember of the Union. Nonmembers have the legal right (1) to object to paying for Union activities not related to collective bargaining, contract administration and grievance adjustment, and to obtain a reduction in fees for such activities: (2) to be given sufficient information to intelligently decide whether to object; and (3) to be apprised of internal Union procedures for filing objections. Employees who choose to object have the right to be apprised of the the calculation, and the right to challenge these figures.

b. To the extent permitted by law, nonmembers may not participate in Union elections as a voter or as a candidate: attend Union meetings; serve as delegates to the Convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

### 2. Publication of Policy

The fees objector policy shall be published annually in the BLET's newsletter in the month preceding the objection notice period and mailed annually to each objector. It shall also be provided to each new employee when s/he first becomes subject to a union shop agreement.

### 3. Making Objection Known

Objecting nonmembers shall provide notice of objection by notifying the National Secretary-Treasurer of the objection by firstclass mail postmarked during the month of November preceding the calendar year to

which s/he objects, or within (30) days after s/he first begins paying fees and receiving notices of these procedures. The objection shall contain the objector's current home address. Nonmembers wishing to continue their objection from year to year must renew their objection each year as specified in this paragraph. Objections may only be made by individual employees. No petition objections will be honored.

### 4. Major Categories of Chargeable Ex-

All objectors shall pay their fair share of expenses germane to collective bargaining including:

a. All expenses concerning the negotiation of agreements, practices and working conditions:

b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;

c. Conversion expenses and other union internal governance and management

d. Social activities and union business meeting expenses;

e. Publication expenses to the extent coverage is related to chargeable activities; f. Expenses of litigation related to collective bargaining, contract administration

and internal governance; g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;

h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities:

i. All costs of strikes and other lawful

### 5. Determination of Chargeable Share

The BLET shall perform an independent audit of the records of the National Division. The BLET shall determine the percentage of expenditures that fall within the categories specified in Section 4. The amount of expenditures that fall within Section 4 shall be the basis for calculating the reduced fees that must be paid by the objector. The auditing firm conducting the annual audit of the BLET National Division shall give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 10, and later will verify the existence and the audits of money in any escrow account.

#### 6. Report of Chargeable Share and Basis of Its Calculation

The BLET shall report the determination no later than September 30. This report shall include an analysis of the major categories of union expenses that are chargeable and nonchargeable. A copy of the report shall be sent to all nonmembers whose timely objections have not been revoked.

### 7. Challenge Procedure

Each person entitled to receive the BLET's report may challenge the validity of the calculations by filing an appeal with the National Secretary-Treasurer. Such appeal must be made by sending a letter to the National Secretary-Treasurer postmarked no later than October 31.

### 8. Arbitration of Challenges

 $a.\,After\,the\,close\,of\,appeals\,period, the$ National Secretary-Treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an

arbitrator pursuant to its Rules for Impartial Determination of Union Fees. The AAA shall inform the National Secretary-Treasurer and the appellant(s) of the arbitrator selected.

b. The arbitration shall commence by December 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

c. Each party to the arbitrator shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by the BLET

d. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the National Division during normal business

e. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing

f. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

g. The National Division shall have the burden of establishing that the reduced fees set forth in the report are lawful.

h. If the arbitrator shall determine that more than one day of hearings is necessary, hearings all be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case no more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

i. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

### 9. Payment of Reduced Fees

Objectors shall pay reduced monthly fees based on the most recent report pending determination of the objection year's

#### 10. Escrow of Disputed Funds All monthly fees paid by

objectors shall be placed in an interestbearing escrow account pending final determination of the chargeable share. Escrowed funds shall be disbursed to objectors and the Union upon issuance of the arbitrator's decision or fifteen (15) days after the conclusion of the appeal period if there are no challenges to the

**BLET Auxiliary News** 

## Lobby for rail safety bill is a labor of love

By Diane Shifflett BLET Auxiliary Virginia State Legislative Rep.

What started out as a project to get resolutions passed against remote control train operations has turned into something I found out I love to do. I have had the opportunity to lobby in our Nation's capitol on behalf of BLET and Auxiliary members and families. Without a doubt, it has been the greatest learning experience of my life. Helping to inform and educate our representatives in Congress and in our State House about the working conditions and family life of railroaders is just one of the things I can do to help.

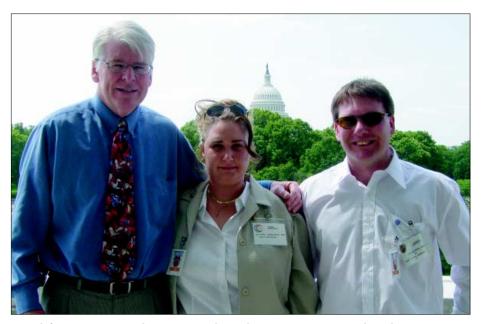
In September, I was invited by the BLET Vice President and National Legislative Representative John Tolman to help with lobbying efforts for S. 1889, the Senate Rail Safety Bill, and H.R. 2095, the House version of the bill. This was my second trip to Washington, D.C., representing the Auxiliary. The first time was to support Amtrak employees who had been working without a contract since 1999, and to attend a transportation labor rally.

My most recent trip allowed me the opportunity to work with BLET representatives from various aspects of the union, not just the legislative side. For example, BLET Vice President Stephen Speagle helped lobby the bill. Also representing the protective side was Norfolk Southern Vice General Chairman Bob Linsey. Working in teams of at least

three, we set out to cover as many offices as possible over a three-day period. Working as a team gives a variety of perspectives to the same problems, and provides different ways the rail safety bill can correct those problems and why it is so important.

The great thing about the Auxiliary being invited to participate in these joint lobbying efforts is that it gives us a chance to let our legislators know about life on the railroad from a different perspective. We cannot give firsthand accounts of working conditions, but we certainly have second-hand knowledge because our spouses come home and tell us about all of the things that go wrong while they are at work. We do experience firsthand how tired they are and how worried we are every time they go to work, praying they will make it back home safely. We are the ones who usually end up keeping the home fires burning and trying to be both a mom and a dad because our spouses are either gone, sleeping, or are just too tired.

While visiting with the legislative aide for Congressman Tom Davis (R-VA), I was asked how the time at work affected the families. I told him that there was no time to plan activities because there is no schedule and you never know when your husband will actually be home from work because of limbo time. I did add that we all make the best of our time together, it's just not enough. I was also fortunate to be invited by Vice President Tolman to at-



From left: BLET Vice President & National Legislative Representative John Tolman; BLET Auxiliary Virginia State Legislative Representative Diane Shifflett; and Danny Shifflett, Legislative Representative of BLET Division 217 (Shenandoah, Va.).

tend a meeting with Senate Majority Leader Harry Reid (D-NV).

I want to thank him for the opportunity, and I would also like to thank Herb Harris, Buddy White, Terry Todd, and all State Legislative Board Chairmen and team members, for their help in making sure the legislator's heard the Auxiliary's point of view. I would also like to thank Virginia State Legislative Board Chairman Tim Craver for their help in making the trip possible.

In representing the Auxiliary, I have done my best to make sure that our legislators understand the problems railroad families live with every

day and that these safety bills go a long way in taking care of some of those problems. I have been lucky and fortunate to have had this experience, but even as rewarding as it is, our real power comes from our grassroots efforts by our members. This is the first time in 13 years that we have a safety bill that begins to deal with the problems that exist on the railroad. We must all do our part now and in the future.

(Diane Shifflett can be reached at (540) 652-1339 or by e-mail at: diane.shifflett@gmail.com, or visit www.bletauxiliary.net).

### BLET tells CSX: Don't put aggressive investors ahead of rail safety

These are heady times for the railroad industry in the United States.

Thanks in part to the dedication of hard-working rail-roaders like the 55,000 members of the Brotherhood of Locomotive Engineers and Trainmen, the industry is making money like never before. And as a side effect of these high dollar times, the industry is attracting new investors like never before.

In recent months, highprofile investors such as Warren Buffett's Berkshire Hathaway Inc. have invested millions of dollars in railroads like BNSF Railway, Union Pacific, and Norfolk Southern.

The industry has also attracted aggressive hedge fund investors, such as The Children's Investment Fund, or TCI. These hedge fund investors are typically out for only one thing — money for shareholders. They're out to earn money for investors, sometimes at the expense of the company in which they invest.

As the Times-Union reported on August 12, hedge

funds like TCI "often look to break up companies they own and sell the pieces, cashing out as the profits from the sale are distributed to shareholders. Another strategy: pressuring management to take cash a company had been planning to use for other purposes and instead distributing it to shareholders."

For example, the Florida Times-Union also reported that pressure from TCI led to the breakup and sale of a Dutch banking firm. While TCI made money for its investors, the fallout caused 550 workers to lose their jobs in Jacksonville, Fla.

In a similar high-pressure move, TCI called for major shake ups at CSX Transportation. The dispute apparently is over how CSX spends its money—TCI wants CSX earnings to be split among investors while CSX employs a more conservative approach, keeping cash on hand for capital improvements.

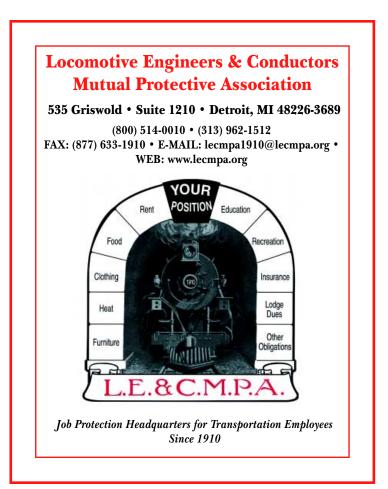
While it may make good financial sense to provide shareholders a return on their investment, it makes very good sense to run a safe railroad. With several high profile accidents in 2007, CSX must invest in its infrastructure rather than cave in to pressure from greedy and aggressive hedge fund investors.

"Being pressured to forgo investment in 'a critical piece of the nation's infrastructure' by 'Cayman Island hedge fund managers who answer to a handful of anonymous investors' personally bothers (CSX Chairman Michael) Ward," the Times-Union reported. "It rankles me not as a CEO, but as a citizen of the United States," he said. "Investing in people and safety creates the money to do things."

All this being said, BLET National President Don Hahs is critical of the leadership of the United Transportation Union for siding with TCI in its call for Ward's ouster at CSX.

"It is ill advised to be a party to support hedge funds that may be detrimental to the employees of a railroad, but that appears to be what the UTU leadership has done," BLET National President Don Hahs said. "Hedge funds often benefit the shareholders but hurt the stakeholders. Our

members are the stakeholders in CSX. Putting them and their safety at risk by siding with aggressive hedge fund investors is not a smart thing to do." •



### DESIGNATED LEGAL COUNSEL

Our union has designated attorneys who are qualified to serve as counsel for BLET members in accordance with the Federal Employers' Liability Act (FELA) governing workplace accidents.

In the event of an injury or death and before reaching any settlement with a railroad, members or surviving families should contact an attorney listed to get competent advice concerning their legal rights under the FELA.

In addition, if you or any members of your family have questions concerning medical malpractice, product liability or other types of injury cases, please don't hesitate to contact one of these law firms for a consultation concerning your rights and remedies.

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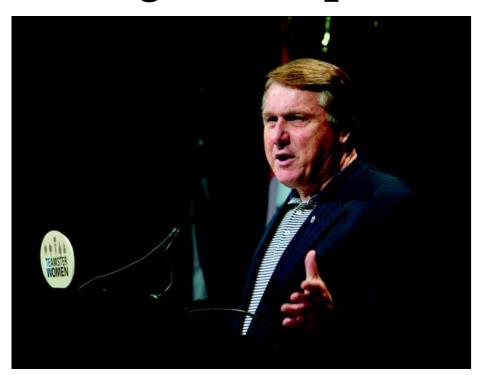
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A message from Teamsters General President Jim Hoffa

### Halting NS camp cars



In September I wrote every member of the U.S. House to urge them to oppose Norfolk Southern's attempt to strip language from H.R. 2095, the Railroad Safety Improvement Act of 2007, which does away with the use of camp

In the letter. I told House members that maintenance of way workers employed by Norfolk Southern (NS) are the last group that must endure the use of these camp cars, which are outdated, cramped, lacking potable water and inside toilet facilities. I explained that workers housed in these cars after a long hard day on the job must bathe, cook, wash dishes, and make ice with non-potable water. And, that these camp cars use holding tanks to collect this water, often overflowing and flooding the surrounding area. Finally, I told Congress about how workers must also use outside toilet facilities — at times trudging through the rain or snow with a flashlight to find a port-a-john in the middle of the night.

In addition to the conditions of the camp cars, I let Congress know about the location of the camps. I am sure they can't imagine trying to sleep next to a railroad track and being disturbed by the noise and vibration of passing trains, with some sounding their whistles as they go by.

Meanwhile, the NS supervisors, who spend the day overseeing the maintenance crews, don't have to suffer the same housing conditions, indignities and inconveniences when their work day ends. They go off to a motel, with running water that's fit to drink and have an inside bathroom. In fact, I said, Norfolk Southern is the only railroad in the United States that continues to subject its employees to this treatment.

If NS can put up their crew supervisors in a motel, then why not house the crew there as well? Other railroads transport their maintenance crews to suitable housing. There is no reason that NS cannot do so.

We believe that the U.S. House's Rail Safety bill goes a long way in providing a safer work environment in a dangerous industry when workers are on the job. We should expect it to protect the health and safety of our members when they are living away from home for extended periods of time. The elimination of camp cars will accomplish this objective as well.

We will continue to work closely with elected officials of our Rail Conference in order to obtain the most comprehensive rail safety bill possible. The indignities of camp car living must end.

Fraternally

James P. Hoffa **Teamsters General President** 

### OCTOBER 2007 CALENDAR & EVENTS

NOVEMBER 16... Railroad Retirement Board Informational Conference, Metairie, La. At Plumbers & Steamfitters Union, 3515 North I-10 Service Road West (Corner of Severn and I-10 Service Road). Registration begins at 8 a.m. and conference starts at 8:30 a.m. Elected BLET officers only, please.

DECEMBER 2-5... Education & Training Dept. Secretary-Treasurer Workshop, Cleveland The BLET's Education & Training Department will conduct a Secretary-Treasurer Compliance Workshop at the Hyatt Regency at the Arcade in downtown Cleveland. Classes begin at 7 p.m. on Sunday, December 2 and conclude at noon on Wednesday, December 5. For details, see Page 4 of this issue or call Ken Kroeger, Coordinator of the Education & Training Dept., at (216) 272-0986.

DECEMBER 7... Railroad Retirement Board Informational Conference, Jacksonville, Fla. At the Holiday Inn, 9150 Baymeadows Road. Registration begins at 8 a.m. and conference starts at 8:30 a.m. Elected BLET officers only, please.

JUNE 15-19, 2008... 81st Annual Southeastern Meeting Association, Montgomery, Ala. Chairman Jason Popwell of BLET Division 495 will host the 81st annual SMA at the Embassy Suites in Montgomery, Ala. Details on Page 4 of this issue.

JULY 6-10, 2008... 70th Annual Eastern Union Meeting Association, Huron, Ohio Arrangements Chairman Rodney Cutlip is planning the 2008 EUMA at Sawmill Creek Resort, which is a 45-minute drive east of BLET National Division headquarters in Cleveland, Ohio. See Page 4 for info.

AUGUST 17-20, 2008... 68th International Western Convention, San Luis Obispo, Calif. Chairman Mike Galvani hosts the 2008 IWC at the Embassy Suites Hotel-San Luis Obisop. Details on Page 4 of this information — more details to come soon!

### **Advisory Board August Activity**

In accordance with the BLET Bylaws, summaries of BLET Advisory Board members' activities are published monthly:

National President Don M. Hahs—National Division office: General supervision of BLET activities; General office duties; Grand Trunk Western GCofA quadrennial mtg., Troy, Mich.; NS Northern Lines GCofA mtg.; Teamster Joint Council No. 41; Eastern Union Meeting Association, Traverse City, Mich.; IBT Rail Conference Advisory Board mtg., Kansas City; BLET Advisory Board mtg., Kansas

First Vice-President & Alternate President Edward W. Rodzwicz— Assisted President in general operation of National Division Office; Vice President assignments; Organizing department; Shortline department; Passenger department; Various correspondence & phone calls; Eastern Union Meeting Association; US-Mexico Cross Border Committee mtg.; Rail Conference Policy Committee mtg.; BLET Advisory Board mtg.

National Secretary-Treasurer William C. Walpert—General supervision of BLET financial, record depts.; ND office; BLET Educa-tion & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; Safety Task Force; Meetings with vendors and financial institutions; Strandard Building operations mtg.; Norfolk Southern joint division mtg., Moberly, Mo.; IBT Joint Council No. 41 event, Canton, Ohio; Eastern Union Meeting Assoc., Traverse City, Mich.; IBT Rail Conference mtg., Kansas City; Advisory Board mtg.,

event, Canton, Onlo; Eastern Union Meeting Assoc., Iraverse City, Mich.; IBT Kall Conterence mtg., Kansas City; Advisory Board mtg., Kansas City.

Vice-President Paul T. Sorrow.—Assigned to CSX, NS and GTW general committees of adjustment; GTW labor-management mtg.; GTW GCofA mtg., regular Quadrennial session; Mtg. w/ President Hahs; BLET Advisory Board mtg.; EUMA mtg.; Numerous discussions and/or handling issues relating to CSX Disputes Resolution Committee; Grand Trunk, CSXT and Conrail SSA/CSXT GCofA assistance as called upon; General office duties.

Vice-President Richard K. Radek.—ND Office; BLET Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB); Illinois Central; Wisconsin Central; Indiana Harbor Belt; METRA; Belt Rwy. of Chicago; Chicago Central & Pacific; Iowa, Chicago & Eastern; NRAB arbitration/contract negotiations, CN/WC, Schiller Park, Ill.; BNSF-MRL GCofA mtg., LC Workshop, Las Vegas; Arbitration screening conference, Metra; Article XIX hearing/general office duties, CSX-NL, Cleveland; General assistance, arbitrator orientation, IHB, Chicago; NRAB arbitration, Section 3 Working Group, Chicago (Sec. 3 w/ R.Robinson, S. Powers, D. Davidson); Award edit & finalization, CSX-NL, Cleveland (PLB 6939, Vasquez case); RLA Section 3 mtgs., Arlington Hts., Ill. (re: Cessation of Section 3 activity for remainder of fiscal year-Sept. 30, 2007); FRA Part 240.409 dockets this month: EQAL 01-06, 02-67, 03-47, 00-84, 05-10, 03-31.

Vice-President Dale McPherson — CP Rail; Port. Term. RR; Longview Portland & Northern; Longview Switching Co.; W&LE RR; Utah Railroad; UP Eastern Dist.; UP former CNW; DM&IR RR; Portland & Western RR; Great Western RR; Ap Ohio RR; Public Law Boards 5604, 5681, 5721, 6040, 6281, 6449, 6558, 6589; SBA 658; UP work/rest projects; RSAC I control crnte; National wage/rules; PLB 6449 hearings, Dallas; CP mtgs. w/ GC Priester, Minneapolis; Edelstein ID mtgs.,

w/ GC Clark [Tex-Mex] and KCS, Houston; EUMA mtg., Traverse City, Mich.; Advisory Board mtg., Kansas City; Research, correspondence, general office duties.

Vice-President Stephen D. Speagle—Assigned to Burlington Northern Santa Fe, Montana Rail Link, Pacific Harbor Line, Missouri & Northern Arkansas (M&NA), National Wage/Rule Committee; Wabash Hospital mtg., Decatur; Division 86 mtg. on proposed contract, Moberly, Mo.; Conference call w, BNSF GCs and BLET attorneys; Austin Morrison GCofA mtgs., Amarillo, Texas; Division 155 mtg., Decatur; Mtg. w/ Wabash Director Kimmons; Div. 155 mtg. w/ GC Davis; Advisory Board mtg., Kansas City.

Vice-President E.L. "Lee" Pruitt — Assisted general chairmen & members of: UP-Western Lines; UP-Western Region; UP-Central Region; UP-Southern Region; UP-Tacoma Belt; New York Dock negotiations, assisting GC Rightnowar, Kansas City; Assisting GC Dannigan, Hannah, Gore, Rightnowar, e: alternative compensation, Omaha, Neb.; BLET Advisory Board mtg., Kansas City; Assisting President Hahs & GC Rightnowar, Division jurisdiction dispute, Divs. 442 and 42, Kansas City.

Vice-President & National Legislative Representative John P. Tolman — Assigned to BLET Washington, DC office; BLET Security Officer; General Office Duties, telephone, correspondence; Coordinate content of NLO website; Coordinated PAC contributions; Altended New York State Legislative Board mtg., Grand Island, N.Y.; EUMA mtg., Traverse City, Mich.; Continued coordination w/ IBT Government Affairs Dept.

Vice-President Marcus J. Ruef — Assigned to Amtrak Long Island Railroad; Southeastern Pennsylvania Transportation Authority; New Jersey Transit; Port Authority Trans Hudson; Norfolk Southern (Northern Lines/W&LE); Norfolk Southern (Eastern Lines); Norfolk Southern (Southern Lines); Union Railroad (LRR); Allegheny Ludlum Steel Co.; and Birmingham Southern; Div. 108 mtg., discuss BLET/ USWA implementing agreement, A-L Steel, Brackenridge, Pa.; NS contract ratification mtgs. w/ Local Chairmen, Moberly, Mo.; Division 11 mtg., dis

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