THE LOCOMOTIVE

ENGINEER

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BLE ready to defend crafts

Advisory Board to suspend dues assessment after March, April collections; NMB collects cross-utilization data on KCS

The BLE's Advisory Board passed a motion on January 31 that will suspend the temporary dues assessment after two months of implementation.

BLE members will be assessed the additional $25 for March and April only.

At its upcoming February meeting, the Board will revisit the issue to determine if further action is necessary.

BLE International President Don M. Hahs said, "The Executive Committee has determined that the March and April assessments, coupled with other funds that are available, should provide adequate financing to defend the BLE on the Kansas City Southern in the event the National Mediation Board issues an adverse ruling."

Regarding the BLE's defense of historic operating crafts on the Kansas City Southern, the National Mediation Board has given KCS management until February 22 to submit certain information regarding the cross-utilization of employees working in the operating crafts.

In a January 28 letter, the NMB requested that KCS management provide the following information:

• The total number of persons employed by the Carrier and working in each of the crafts or classes of Conductor, Trainman, Brakeman, Switchman,

See **Kansas City Southern**, Page 7

Teamsters, other AFL-CIO affiliates support BLE

Rail Labor Division resolution toughens sanctions for raiding

Since the January issue of the *Locomotive Engineer Newsletter* went to press, the BLE International Division has continued to receive support from various AFL-CIO bodies and affiliates, including the International Brotherhood of Teamsters, in its struggle to thwart raiding attempts by the United Transportation Union.

The Rail Labor Division of the AFL-CIO's Transportation Trades Department passed a resolution in early February, which would prevent unions such as the UTU from rejoining the AFL-CIO for a period of five years.

The resolution is pending before the TTD Executive Committee before heading to the full AFL-CIO Executive Committee for approval (the full text of the resolution appears on Page 4 of this issue).

The UTU, which dropped out of the AFL-CIO to avoid sanctions, is raiding BLE membership by attempting to change operating craft structure in the railroad industry and forcing a series of representation elections.

In essence, the UTU is seeking to take over the BLE by asking the National Mediation Board to eliminate the historic operating crafts of locomotive engineer, conductor, brakeman, switchman, fireman, hostler, and hostler helper, and combine them into a single craft of "train and engine service employees."

Should the NMB create a single craft on any carrier, it would force a representation election on that property to determine which union would represent the new craft. This would allow the UTU to use its greater numbers as leverage in raiding the BLE — while attempting to destroy it.

With the threat of an attack by a non-affiliate looming, nearly a dozen AFL-CIO unions — representing more than two million mem-

See **Affiliate Support**, Page 4

Discussions on remote control arbitration ongoing

Are the carriers obligated to assign remote control operations to locomotive engineers?

This is the question the BLE is preparing to submit for arbitration.

On January 14, 2002, United States District Judge Joan Gottschall held that the dispute between six major carriers and the BLE is a "minor dispute" under the Railway Labor Act that must be arbitrated. The federal judge issued an injunction against any strike or job action by the BLE in response to the carriers' implementation of remote control technology "in their terminal operations in and around terminals."

Since the Judge issued her order and injunction, BLE counsel has been engaged in discussions with counsel for the carriers regarding the format the arbitration will take. The parties had not yet arrived at an arbitration agreement when the Newsletter went to press. General Chairmen for all general committees with agreements on the six properties have been kept up to date on the negotiations and have offered suggestions and assistance that will ensure that every reasonable argument against the carriers' rash actions gets presented in the arbitration.

The court's injunction does not allow the carriers to extend remote control operations beyond terminal operations. Judge Gottschall made it clear that the carriers could not use the restraint she placed on BLE to service customers outside terminals with locomotives operated by remote control without locomotive engineers, absent agreement with the BLE. •

Amtrak Reform Council recommends dismantling of Amtrak

The Amtrak Reform Council "pulled the trigger" on Amtrak in a report to Congress on February 7, saying Amtrak is irreversibly flawed and should be broken up to give the free market an opportunity to improve America's passenger rail system.

The U.S. House Transportation Committee has scheduled a hearing on February 14 to review the proposal. Amtrak has requested $1.2 billion in federal assistance, and said it will cease many long-distance routes by October if it does not receive the necessary funding (see related article, page 6).

Rail Labor was critical of the proposal and dismissed it — as well as the ARC itself — as "biased."

"The ARC has never been a legitimate panel," said Sonny Hall, President of the AFL-CIO's Transportation Trades Department (TTD). "It was stacked with people who walked in the door on a mission to breakup Amtrak and allow private interests to cherry-pick its most desirable parts."

The Rail Labor Division of the TTD filed a lawsuit on January 22 to stop the ARC's efforts to destroy Amtrak. However, it failed to persuade a federal judge to block release of the council's report (see related article, page 6).

Many of the ARC's recommendations for dismantling and privatizing Amtrak have been tried before in Great Britain — but the results have been disastrous for the country's traveling public. The British rail system is marred by poor infrastructure and equipment maintenance, major accidents, constant delays, and nationwide labor strikes. It has gotten so bad that British citizens have scheduled a national boycott of the railways in March.

"The Amtrak Reform Council… has wasted far too many taxpayer dollars advancing already-rejected ideas," TTD President Hall said.

The ARC's report says that Amtrak

See **Amtrak's Future**, Page 6

RETIREMENT NEWS

Railroad Retirement benefit changes

The Railroad Retirement and Survivors' Improvement Act of 2001 (P.L. 107-90), enacted on December 21, 2001, makes a number of major changes to the Railroad Retirement Act. The legislation restores full early retirement eligibility at age 60 for railroad employees with 30 or more years of service; eliminates the maximum provision that had previously capped some employee and spouse railroad retirement benefits; reduces the basic eligibility requirement for an employee annuity from 10 to 5 years of service if performed after 1995; and provides increased benefits for some widow(er)s.

The following questions and answers describe the changes in railroad retirement benefit provisions brought about by this legislation.

1. Why have the early retirement provisions of the new law been called a restoration of 60/30?

Legislation effective in 1974 provided for full annuities for all employees who were age 60 and had 30 years of service and full annuities at age 60 for their spouses. Prior to this legislation, only female employees were eligible for full 60/30 benefits. While 1983 legislation retained the provision for early retirement at age 60 for employees with 30 years of railroad service and for their spouses, the 1983 law imposed a reduction for early retirement in the social security level tier I railroad retirement benefits awarded employees retiring before age 62 and their spouses. Tier II railroad retirement benefits, paid over and above tier I benefits, remained payable for both employees and spouses at age 60 without an age reduction.

The new law amends the Railroad Retirement Act by eliminating the tier I age reduction in 60/30 cases for employees whose railroad retirement annuities begin January 1, 2002, or later, even if they retire before they attain age 62. The spouses of such employees will also be eligible for full annuities at age 60. Such 60/30 annuities can begin with the first full month the employee and/or spouse is age 60.

The Railroad Retirement Board estimates that the average annuity payable to an employee retiring in 2002 with 30 or more years of service would be about $2,400 under the new law. Under prior law, the amount would have been about $2,100 because of the required reduction in the tier I benefit.

2. Will the beginning date of an employee's annuity determine whether his or her annuity is computed under the new law?

If the employee's annuity began before January 1, 2002, and was awarded when the employee was under age 62, his or her tier I benefit will remain reduced for early retirement after December 31, 2001. The tier I benefit awarded such an employee's spouse will also be reduced for early retirement, regardless of whether the spouse retires at age 60 or 62, and regardless of the date the spouse's annuity begins.

However, if a disability annuitant is age 60 and has 30 years' service, his or her spouse can now receive an annuity at age 60 without any age reduction if the spouse's annuity beginning date is January 1, 2002, or later.

3. What was the railroad retirement maximum provision eliminated by the new law?

Under prior law, the total amount of monthly annuities payable under the Railroad Retirement Act to an employee and spouse was limited to a maximum geared to the employee's average monthly earnings prior to retirement. This maximum provision was intended to create a "reasonable cap" based on an employee's earnings immediately prior to retirement.

However, the provision had the unintended effect of reducing benefits for long-service employees with moderate earnings and those with no earnings, or low earnings, in the 10-year period ending with the year the employee's annuity began. In an extreme case, it could cap benefits at an amount precluding payment of most, or even all, of the tier II benefits and supplemental annuity otherwise due.

In 2001, the average monthly employee benefit reduction under the maximum provision was $164, and the average spouse reduction was $78.

4. Will those employees and spouses affected by the maximum provision, but whose annuities began before January 1, 2002, see an increase in their monthly annuity rates?

If an employee's annuity began before January 1, 2002, any annuity reduction required by the railroad retirement maximum will be removed effective January 1, 2002, but no retroactive payments will be made for months prior to 2002. The removal of any benefit reductions applied to affected annuitants, about 2,600 retired employees and 12,000 spouses, should be completed by June 2002. Such annuitants can expect to receive accrual payments in late May 2002 retroactive to January, and increased regular monthly payments reflecting their new rates beginning with the monthly payment due on June 1, 2002. Notices are being sent by the Board to all affected annuitants in January 2002 advising them accordingly.

Notices are also being sent in January to employees whose spouses may have been previously advised by the Board to defer filing for spouse benefits because of the adverse effects of the maximum provision, as their spouses would now want to consider filing for railroad retirement benefits.

5. How has the basic service requirement of 10 years of creditable rail service been changed by the new law?

The new law provides railroad retirement annuities to employees with less than ten years (120 months) of railroad service if they are credited with at least five years (60 months) of railroad service after 1995. Benefits payable on the basis of this provision are not retroactive and are not payable for months prior to January 2002, but are payable beginning January 1, 2002, to those with five years of service after 1995. Employees previously denied benefits for insufficient service would have to file a new application for benefits.

Employees with five years of service after 1995 may qualify for a tier II benefit based on age and service at age 62. A tier I benefit is also payable by the Board, but only if the employee has an "insured status" under Social Security Act rules (usually 40 quarters of coverage), counting both railroad retirement and social security-covered earnings. In such a case, the retiree would qualify for a social security benefit based on nonrailroad social security earnings credits alone, and a tier I railroad retirement benefit based on combined social security and railroad retirement earnings credits. The tier I benefit would, however, be reduced by any social security benefit also payable.

If a retiree has no qualifying social security coverage, only a tier II benefit would be payable. Examples of persons without social security coverage could be Federal civil service employees hired prior to 1984, or some state or municipal employees previously not covered by social security.

6. Will employees with five years of service also be eligible for railroad retirement disability annuities?

Such employees may qualify for an annuity based on total and permanent, but not occupational, disability, and only if they have a disability insured status (also called a "disability freeze") under Social Security Act rules, counting both railroad retirement and social security-covered earnings. Unlike with a 10-year employee, a tier II benefit is not payable in disability cases until the employee attains age 62. And, the employee's tier II benefit will be reduced for early retirement in the same manner as the tier II benefit of an employee who retired at age 62 with less than 30 years of service.

7. Will the survivors of employees with five years of service after 1995 be eligible for benefits?

A deceased employee with five years' service after 1995 must still have a "current connection" with the rail industry in order for survivor annuities to be payable by the Board, rather than the Social Security Administration. For both a tier I and a tier II benefit to be payable, an "insured status" under Social Security Act rules at the time of the employee's death, using combined railroad retirement and social security covered earnings, is also required. Otherwise, only a tier II survivor benefit would be payable in these cases.

8. How are railroad retirement widow(er)s' benefits affected by the new law?

Under prior law, the widow(er)'s tier I benefit, before any reductions for other benefits, was generally equal to the amount of the tier I benefit that the employee received at the time of his or her death; and a widow(er)'s tier II benefit was generally equal to 50 percent of the tier II benefit that was payable to the employee at the time of his or her death.

The new law establishes an "initial minimum amount" which yields, in effect, a widow(er)'s tier II benefit equal to the tier II benefit the employee would have received at the time of the award of the widow(er)'s annuity. It does this by adding a "guaranty amount," initially set at 50 percent of the employee's tier II, to the 100 percent tier I and 50 percent tier II benefits provided under prior law.

This "guaranty amount" will be offset each year by the dollar amount of the cost-of-living increases payable in both the tier I and tier II benefits provided under prior law. Consequently, such a widow(er)'s net benefit payment will not increase until such time as the widow(er)'s annuity, as computed under prior law with all interim cost-of-living increases otherwise payable, exceeds the widow(er)'s annuity computed under the initial minimum amount formula.

9. What would be a basic example of how this initial minimum amount works?

Assume that a 68 year-old widow becomes entitled in June 2002 to a railroad retirement widow's annuity. The widow is not entitled to any social security benefits. The employee had been receiving a railroad retirement annuity of $2,000 a month, comprised of a tier I benefit of $1,200 and a tier II benefit of $800. Consequently, the widow's tier I benefit on her annuity beginning date is $1,200. Her tier II benefit under prior law (50 percent of the employee's tier II) is $400; and, under the new law, her "guaranty amount" is $400. Her railroad retirement widow's annuity as of June 2002 would be $2,000.

Next, assume a cost-of-living adjustment (COLA) payable in January 2003 yields a 4 percent increase in tier I benefits and a 1.3 percent increase in tier II benefits, for a total dollar amount of $53.20. This amount is offset from the $400 guaranty amount, reducing it to $346.80, so that the $2,000 amount payable to the widow (before any deduction for the Part B Medicare premium) does not change. The amount payable to the widow will increase only when the tier I and tier II amounts computed under prior law with subsequent cost-of-living increases exceed $2,000. Assuming that the COLA remains at a steady 4 percent, this would occur with the COLA payable in January 2010. The average COLA paid over the last five

See **Retirement**, Page 3

Railroad Retirement questions?

Contact one of these RRB Field Offices for answers

On December 21, President Bush signed the Railroad Retirement & Survivors' Improvement Act of 2001. BLE members planning to take advantage of the new law by opting for early retirement, or those with specific questions on how this will impact their retirement should contact the U.S. Railroad Retirement Board.

A complete copy of the text of H.R. 10 is available on the U.S. House of Representatives website at: http://www.house.gov.

Telephone Numbers for major RRB field offices are listed below:

Albany, NY: (518) 431-4004
Albuquerque, NM: (505) 346-6405
Altoona, PA: (814) 946-3601
Atlanta, GA: (404) 331-2841
Baltimore, MD: (410) 962-2550
Bellevue, WA: (206) 553-5483
Billings, MT: (406) 247-7375
Birmingham, AL: (205) 731-0019
Boston, MA: (617) 223-8550
Buffalo, NY: (716) 551-4141
Charlotte, NC: (704) 344-6118
Chicago, IL: (312) 751-4500
Cincinnati, OH: (513) 684-3188
Cleveland, OH: (216) 522-4053
Covina, CA: (626) 339-9993
Decatur, IL: (217) 423-9747
Denver, CO: (303) 844-4311
Des Moines, IA: (515) 284-4344
Detroit, MI: (313) 226-6221
Duluth, MN: (218) 720-5301
Fargo, ND: (701) 239-5117
Fort Worth, TX: (817) 978-2638
Harrisburg, PA: (717) 221-4490
Houston, TX: (713) 209-3045
Huntington, WV: (304) 529-5561
Indianapolis, IN: (317) 226-6111
Jacksonville, FL: (904) 232-2546
Joliet, IL: (815) 740-2101
Kansas City, MO: (816) 426-5884
Little Rock, AR: (501) 324-5241
Louisville, KY: (502) 582-5208
Mesa, AZ: (480) 610-5990
Milwaukee, WI: (414) 297-3961
Nashville, TN: (615) 736-5131
New Orleans, LA: (504) 589-2597
New York, NY: (212) 264-9820
Newark, NJ: (973) 645-3990
Oakland, CA: (510) 637-2973
Omaha, NE: (402) 221-4641
Philadelphia, PA: (215) 597-2674
Pittsburgh, PA: (412) 395-4634
Portland, OR: (503) 326-2143
Richmond, VA: (804) 771-2997
Roanoke, VA: (540) 857-2335
Sacramento, CA: (916) 498-6654
Salt Lake City, UT: (801) 524-5725
Scranton, PA: (570) 346-5774
Spokane, WA: (509) 353-2795
St. Louis, MO: (314) 539-6220
St. Paul, MN: (651) 290-3491
Tampa, FL: (813) 228-2695
Westbury, NY: (516) 334-5940
Wichita, KS: (316) 687-5973

No change in federal income tax provisions

The enactment of Public Law 107-90 (H.R. 10) did not change the way railroad retirement annuity payments are treated under Federal income tax provisions.

For Federal income tax purposes, most Railroad Retirement Act annuities are divided into two components. The first component is the amount, if any, which is equivalent to what the annuitant would have received under the Social Security Act if rail service had always been covered by that Act instead of the Railroad Retirement Act. The second annuity component for Federal income tax purposes is the amount, if any, in excess of what social security would have paid to the annuitant if it had always covered rail service.

The annuity component that is equivalent to a social security benefit is taxed like a true social security benefit. The part of the annuity that exceeds what social security would pay is taxed like a private pension. This is an important distinction because the effective tax rate on social security benefits is lower than the effective tax rate for private pensions. Private pension payments, after adjustment to compensate for previously taxed contributions made to the pension plan by employees during their working years, are taxed like ordinary income.

When a rail employee receives an annuity before age 62 on the basis of 30 or more years of service, or because of an occupational disability, no part of the annuity is equivalent to a social security benefit. This is true because social security does not pay benefits based on age to anyone before age 62, and it does not pay occupational disability benefits. Thus, the entire annuity amount paid to an employee before age 62 based on age or occupational disability exceeds the amount that would be payable under the Social Security Act and is taxed like a private pension. This situation changes when the individual attains age 62. At that point, a part of the annuity immediately becomes equivalent to what a reduced age social security benefit would be. That portion of the annuity is thereafter subject to the more lenient tax provisions applicable to social security benefits.

As a result of enactment of H.R. 10, annuities awarded to individuals on or after January 1, 2002, on the basis of 30 or more years of rail service will not be reduced when individuals are under age 62. Such an unreduced 30/60 annuity, just like a reduced 30/60 annuity, will not have a social security equivalent component until the annuitant attains age 62. Until then, the entire annuity amount will be taxed like a private pension.

After the individual attains age 62, a part of the annuity will be taxed under the more lenient tax provisions applicable to social security benefits. However, before and after attaining age 62, employees receiving unreduced annuities will have more income subject to tax than they would if they received reduced annuities. This is true because they will be receiving more money, not because of any change in the way Federal income tax provisions apply to Railroad Retirement Act annuity payments.

Finally, provisions of the Railroad Retirement Act have long exempted annuities from State income tax. This was not changed by H.R. 10. •

Retirement

Continued from Page 2

years, including the COLA payable in January 2002, was 2.4 percent.

10. What if the widow(er) is also entitled to social security benefits?

Widow(er)s' tier I benefits will continue to be reduced for entitlement to social security, certain public service pensions and dual railroad retirement entitlement. However, while widow(er)s' railroad retirement annuities will be reduced by subsequent social security and applicable public service pension cost-of-living increases, the total amount of combined benefits will not decrease from the total payable before the cost-of-living adjustment.

11. What would be a basic example of how this would work?

Assume that a 67 year-old widow becomes entitled in June 2002 to a railroad retirement widow's annuity. The employee had been receiving a railroad retirement annuity of $1,500 a month, comprised of a tier I benefit of $900 and a tier II benefit of $600. This widow's tier I benefit on her annuity beginning date (and before any dual benefit reduction) is $900. Her tier II benefit under prior law (50 percent of the employee's tier II) is $300; and, under the new law, her "guaranty amount" is $300. Her widow's initial minimum amount on her annuity beginning date (before any reduction for dual benefits) is $1,500. The widow is also entitled to a social security benefit, based on her own earnings, of $1,100 a month.

Thus, at the time her railroad retirement widow's annuity begins, her net annuity would be $600 and her total combined social security and railroad retirement benefits would be $1,700.

Again assume that a cost-of-living adjustment (COLA) payable in January 2003 yields a 4 percent increase in tier I and social security benefits and a 1.3 percent increase in tier II benefits.

The total dollar amount of this widow's tier I and tier II benefit increases would be $39.90. This amount is subtracted from the $300 guaranty amount, reducing it to $260.10. In this case, tier I is not actually payable because it is reduced to zero for the social security benefit. The guaranty amount is reduced by the tier I and tier II cost-of-living increases, not the social security increase. Her net railroad retirement widow's annuity (before any deduction for the Part B Medicare premium) would be $564 (her increased tier II of $303.90 plus the reduced guaranty amount of $260.10). However, the total amount of combined benefits payable rises to $1,708 because her social security benefit was increased by the 4 percent COLA to $1,144.

12. When is this provision effective and to which widow(er)s does it apply?

Effective February 1, 2002, but not retroactively payable before that date, the widow(er)s' guaranty provision applies to all widow(er)s whose annuities begin February 1, 2002, or later, and to some, but not all, widow(er)s on the rolls before the effective date.

While legislation enacted in 1981 provided a new formula for computing tier II benefits, most awards to widow(er)s continued to be made under the pre-1981 formula during a subsequent 5-year transition period. Those widow(er)s' annuities reflecting this pre-1981 formula are not affected by the new amendments. Also, many of the widow(er)s' annuities currently being paid under the 1981 amendment formula are, because of subsequent cost-of-living adjustments, already higher than the annuity that would be payable under the new law.

The Railroad Retirement Board estimates that between one-fourth and one-third of the widow(er)s on its rolls will have an initial minimum amount, computed as of their annuity beginning date, that still exceeds their regular annuity computation with cost-of-living increases.

13. When can these widow(er)s expect to see this increase in their monthly benefit?

Widow(er)s affected by this change can expect to receive any accrual payments, retroactive to February, in late April 2002, and increased regular monthly payments reflecting their new rates beginning with the payment they receive on May 1, 2002. Letters are being sent in January to affected widow(er)s on the Board's rolls advising them of the change in the law, and also advising them as to whether they will receive an increase. Widow(er)s who are due an increase do not need to take any action or contact the Board.

14. How can individuals find out more information about how these changes affect them?

The Board is making every effort to notify by mail all parties affected by this legislation as soon as possible.

Railroad Retirement Board offices are open to the public Monday through Friday, except on Federal holidays. Persons can find the address and telephone number of the Board office serving their area by calling the Board's automated toll-free Help Line at 1-800-808-0772, or from the Board's Web site at www.rrb.gov.

Patience on the part of annuitants would be appreciated when contacting Board offices, as a higher than usual volume of calls is expected as a result of this legislation. E-mail inquiries about this legislation can be sent to the Board by going to the Board's Web site and clicking on "Send us a secure message" under "Latest News." •

BLE NEWS

NTSB says truck driver in 1999 Amtrak collision 'impaired by fatigue'

On February 5, the National Transportation Safety Board issued a final report blaming the fatal 1999 collision between an Amtrak train and a tractor-trailer on the truck driver's failure to stop when he heard the warning bells and saw the crossing gates.

The truck driver drove around the safety gates at the grade crossing in Bourbonnais, Ill., NTSB investigators said, resulting in a fiery crash that left 11 people dead and 122 injured. It also caused an estimated $14.3 million in damages.

The driver felt he could cross the tracks before the train reached the intersection, a judgment "likely impaired by fatigue," the NTSB concluded. The truck driver had only three to five hours of sleep in the 38 hours before the accident, the NTSB said.

The BLE's Safety Task force was an active participant in the NTSB's entire accident investigation process, including its public hearing and sunshine meeting, where the final report was introduced. BLE General Secretary-Treasurer W.C. "Bill" Walpert, Chairman of the Safety Task Force, recognized the participation of Safety Task Force members Carl Fields of BLE Division 682 (Hammond, Ind.), Tom O'Brien of BLE Division 520 (Joliet, Ill.) and John P. Tolman, Assistant to the International President.

NTSB investigators further concluded that the crossing gates and warning lights were working properly at the time of the crash, which happened on March 15, 1999. The accident occurred when Amtrak's City of New Orleans smashed into a tractor-trailer truck loaded with steel at a grade crossing.

An investigation by the Illinois State Police found that the gates were not working correctly at the time of the accident, but that the driver, John R. Stokes, drove past flashing red lights at the crossing. During NTSB hearings, witnesses differed on whether the crossing gate struck the trailer as Stokes drove his truck across the tracks. Stokes told authorities after the crash that he didn't see the train approaching, and claimed the bells, lights and gates started after he began crossing the tracks.

The Illinois police report agreed with the NTSB report in concluding that Stokes was "physically impaired by extreme sleep deprivation or fatigue." Federal rules require truck drivers to take an eight-hour break after 10 hours of driving, but Stokes reportedly had a much shorter rest.

BLE gains exclusive right to attend apprentice engineer training classes

Grand Trunk contract gives apprentice engineers increase of nearly $50 per basic day

The Brotherhood of Locomotive Engineers and the Grand Trunk Western Railroad have signed a new contract that gives the BLE the exclusive right to attend apprentice engineer training classes.

In addition, the BLE and GTW signed a Letter of Understanding, which gives apprentice engineers an immediate increase in pay of almost $50 per basic day.

According to the agreement, BLE representatives will attend the apprentice engineer training classes, "for the purpose of addressing apprentice engineers in connection with familiarizing them with their rights and obligations with respect to training and promotion under agreements between the Carrier and the BLE, as well as other matters related to apprentice engineer training."

The agreement, ratified by BLE members on the GTW, was negotiated by BLE General Chairman John M. Karakian with assistance from International Vice-President Paul T. Sorrow. The agreement also establishes a union shop provision.

The Letter of Understanding provides apprentice engineers with an eight-hour basic day of $180 per day over a five-day weekly guarantee. The Letter of Understanding modified GTW's former six-day guarantee rate of $836.15 ($139.35 per day) to a five-day guarantee at a rate of $900 ($180 per day).

Brother Karakian noted that the new GTW apprentice engineer basic day is greater than the basic day of any conductor on the GTW.

In the event apprentice engineers are required to work on either the sixth or seventh day in that work week, they will be paid $180 for each additional day in excess of five days worked.

The International Division commends General Chairman Karakian, Vice-President Sorrow, and the other members of the Grand Trunk Western General Committee for their work in negotiating this agreement. •

Affiliate Support

Continued from Page 1

bers — have pledged to support the BLE if it is forced to fight for its survival. These unions have also directly contacted the National Mediation Board and specifically asked the NMB not to combine operating crafts in the railroad industry.

In recent weeks, 12 unions representing more than 5 million members have written letters to the National Mediation Board and to BLE International President Don M. Hahs, urging the NMB not to change existing craft lines in the railroad industry and pledging to support the BLE.

Since publication of the January issue of the Newsletter, the BLE has received letters of support from six additional unions.

In a February 20 letter to President Hahs, the International Brotherhood of Teamsters lent its full support to the BLE.

"It is my understanding that UTU severed its ties with the AFL-CIO for the sole purpose of raiding the BLE," wrote Teamster General President James P. Hoffa. "Such action must not be tolerated.

"Be assured that the Teamsters will support the BLE in its campaign to convince the National Mediation Board to refrain from changing its long term definition of rail operating crafts to a single craft. We, like the BLE, understand what it means to honor another union's historical jurisdiction, and we vow to work closely with the BLE on this important issue," Hoffa concluded.

The Teamsters represent 1.4 million workers in various industries, including truck drivers and dock workers.

On January 21, the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers (IBB) wrote a letter to NMB Chairman Francis J. Duggan, urging the NMB to continue its definition of separate rail operating crafts.

"Today, just as in the past, there is an engineer and a trainman's class and craft," wrote Joseph A. Stringer, Director of the IBB's Railroad Division. "The Boilermakers urge the Board to continue its long-standing ruling for the good of all rail workers."

The IBB represents more than 100,000 workers throughout the United States and Canada in construction, repair, maintenance, manufacturing and related industries.

On January 23, the American Train Dispatchers Department of the BLE contacted the NMB regarding the legitimacy of separate operating crafts. ATDD President Leo McCann wrote, "Throughout the railroads' history there have been two operating crafts."

Also on January 23, the BLE received a pledge of support from the Service Employees' International Union-National Conference of Firemen & Oilers (NCFO). The SEIU-NCFO represents more than 1.2 million members, including railroad shop laborers, utility men, oilers, and other crafts.

"The BLE has the full support of the National Conference of Firemen & Oilers with thwarting any raiding attempts by the UTU," wrote George J. Francisco Jr., President of the NCFO.

On January 24, the Brotherhood of Maintenance of Way Employes wrote a letter to the NMB, clearly expressing the fact that it opposes modifications to railroad crafts or classes, "such as that sought by the UTU."

"BMWE continues to oppose NMB intrusion into matters of employee self-organization," wrote BMWE President Mac A. Fleming.

With more than 50,000 members, the BMWE represents rail workers who build and maintain the railroad track and structures in the U.S. and Canada.

On January 31, the BLE received a letter of support from the 240,000-member International Association of Fire Fighters (IAFF).

"We are pleased to offer… our support for your efforts in defending against the attacks that have recently been waged against your union by the United Transportation Union," wrote IAFF General President Harold A. Schaitberger.

Copies of all letters are available on the BLE website. •

Resolution of the Rail Labor Division, Transportation Trades Department, AFL-CIO

Passed on February 7, 2002

WHEREAS, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) is a voluntary federation of America's unions, representing more than 13 million working women and men nationwide; and

WHEREAS, the AFL-CIO's mission is to bring social and economic justice to our nation by enabling working people to have a voice on the job, in government, in a changing global economy and in their communities;

WHEREAS, the AFL-CIO seeks to promote and protect the rights, interests and safety of its affiliates and members through solidarity, aggressive representation and education;

NOW THEREFORE, we hereby RESOLVE that any affiliate that leaves the AFL-CIO with the intent of raiding an affiliated union shall not be allowed back into the House of Labor for a period of not less than five years; and

BE IT FURTHER RESOLVED that such organizations shall not be allowed to renew or apply for any AFL-CIO membership status unless or until they merge with a labor organization that is an affiliate of the AFL-CIO, or said organization is under new leadership;

AND BE IT FURTHER RESOLVED that there shall be a 45 day grace period from the date of adoption of this resolution for any organization to be notified of the charges and the changes of this resolution.

CARRIER INCOME

Burlington Northern Santa Fe

On January 22, Burlington Northern Santa Fe Corp. said its fourth-quarter profits — before unusual — items fell to $472 million.

The Fort Worth, Texas-based transport giant, the No. 2 U.S. railroad behind Union Pacific, said net profits fell to 46 cents per-share from 65 cents per-share a year earlier.

Excluding unusual items, including a $42 million after-tax charge for workforce reduction related costs, earnings were 57 cents a share in the latest period. Freight revenues for the 2001 fourth quarter were $2.27 billion, 2 percent lower on over 3 percent higher ton-miles compared with the same 2000 period.

Revenues fell to $2.3 billion from $2.34 billion a year earlier, in part because of the loss of a major transport contract with giant automaker General Motors.

BNSF's earnings per share for the full year ended December 31, 2001, including unusual items, was $1.87 on a diluted basis compared with earnings of $2.36 per diluted share in 2000. Operating expenses of $7.39 billion for full-year 2001 increased by $330 million or 5 percent on 2 percent higher ton-miles. Full-year operating income fell to $1.79 billion from $2.15 billion in 2000. •

Canadian National Railway

Canadian National Railway Co. paid little heed to the recession in the fourth quarter of 2001, posting a 25% increase in profit over the same quarter one year ago.

While the railway's earnings were inflated by the acquisition of the Wisconsin Central Transportation Corp., it also managed to control costs while finding 10% more revenue.

In the quarter, CN reported net income of C$296-million ($1.48 a share), compared with C$237-million ($1.20) a year earlier. Revenue rose to C$1.54 billion from C$1.39 billion. Of that, the acquisition of WC, effective on Oct. 9, contributed net income of C$17 million (8¢) and C$129-million of additional revenue.

The company's operating ratio, a measure of efficiency based on the percentage of revenue needed to run the railway, improved by 2.2 points in the quarter to an industry leading 66.1%.

For the year, CN had income of C$978 million on an adjusted basis. That's up from C$879 million a year earlier. Excluding one-time items, CN had income of C$1.04 billion ($5.23), up from C$937 million ($4.67) in 2000. Revenue was C$5.65 billion, up from C$5.43-billion.

Canadian Pacific Railway

Canadian Pacific Railway expects a "tough first half" because of the economic downturn and possible drought conditions for grain crops in Western Canada, company executives told a news wire service on January 22.

The firm released fourth-quarter financial results on January 21. Profits, excluding nonrecurring items, fell 5 percent to C$118 million ($73.3 million), or 74 Canadian cents per share. In the final quarter of 2000, it earned C$124 million, or 78 Canadian cents a share.

A severe drought in 2001 in southeastern Alberta and southwestern Saskatchewan drastically reduced CP's grain shipments. While it is early in the year, a mild winter and the resulting lack of snow are again raising concerns about moisture levels in Western Canada.

As part of a cost-cutting operation in 2002, CP expects to abandon about 300 miles of under-used lines and to pare an undisclosed number of jobs. After cutting more than 1,300 staff last year, CP employs about 16,900.

CP will spend between C$10 million and C$12 million on cleanup of a Jan. 18 derailment of 31 ammonia cars at Minot, N.D. Total costs will depend on any lawsuits, but CP has an insurance policy that kicks in after C$7 million. •

CSX Transportation

CSX Corp., the parent company of CSX Transportation, reported on January 23 a fourth-quarter 2001 profit of $65 million, or 31 cents per share, up from $54 million, or 26 cents per share, the previous year.

CSXT operates the third-largest railroad in the United States. The latest three-month period was the seventh consecutive quarter CSXT has reported earnings exceeding the previous year's earnings.

Despite the recession, surface transportation, which includes the rail and intermodal units, had its strongest earnings since the first quarter of 1999. Operating income was $246 million, excluding the litigation provision, up from $205 million in the fourth quarter of 2000.

The recession and the slowdown in business following the events of Sept. 11 drove down chemicals, autos, metals, paper, minerals and intermodal revenue for the quarter, but coal remained solid.

For 2001, CSX net income from continuing operations was $293 million, or $1.38 per share, compared to $186 million, or 88 cents per share, for 2000. Excluding the litigation provision, net income from continuing operations was $330 million or $1.55 per share, an increase of 77 percent. •

Kansas City Southern

Kansas City Southern Industries Inc. said on January 31 that fourth-quarter profits more than doubled, helped by a surge in domestic coal shipments.

The railroad reported net income of $11.1 million, or 18 cents share, compared with $3.6 million, or 6 cents, a year earlier. Revenues increased 8 percent, to $145.5 million from $134.8 million. KCS said its net tons of coal shipped increased about 35 percent from third-quarter levels because of strong demand from utility plants.

It also said shipments rose for paper products, export grain, certain chemical and plastics products and military shipments. These were partially offset by declines for domestic grain, food products, ore and mineral products, steel and scrap metal shipments and intermodal products, mostly due to the slow economy.

Kansas City Southern said it expects coal revenues to decline in 2002 as the result of a contractual rate reduction at one customer and the expiration of another contract.

KCS said its equity earnings from its railroad in Mexico, Grupo TFM, tentatively increased $2.2 million and interest expense declined $1.7 million. It said those improvements were partly offset by a $9.8 million increase in the income tax provision. •

Norfolk Southern Corp.

Norfolk Southern Corp. said on January 23 that cost control measures helped its fourth-quarter and yearly earnings beat Wall Street expectations despite the slow economy.

The holding company, which owns the Norfolk Southern Railroad, earned $115 million, or 30 cents per share, in the three months ended Dec. 31, including an after-tax gain of $12 million, or 3 cents per share, from the sale of a real estate parcel.

That compared with earnings in the fourth quarter of 2000 of $5 million, or 1 cent per share, when the company took a work force reduction charge of $39 million, or 10 cents per share.

Revenues grew slightly to $1.53 billion, compared with $1.52 billion in the fourth quarter of 2000, despite a 1 percent, or 20,600-unit, decrease in carloads.

Annual profits rose to $375 million, or 97 cents per share, including an after-tax gain of $13 million, or 3 cents per share, related to the 1998 sale of Norfolk Southern's former motor carrier subsidiary, North American Van Lines Inc. In 2000, the company earned $172 million, or 45 cents per share, including a work force reduction charge of $101 million, or 26 cents per share. •

Union Pacific Corp.

Union Pacific Corp., North America's biggest railroad operator, said on January 24 that fourth-quarter profits shot up 20 percent amid a strong pickup in coal shipments.

The firm, which also owns a trucking operation, said that quarterly net income was $275 million, or $1.06 share, up from $229 million, or 90 cents. The 2000 fourth quarter figures excluded a $72 million charge for job cuts.

Operating revenues rose 2 percent to $3 billion from $2.95 billion.

Energy-related revenues, mainly for carrying coal, were up 13 percent from the same three months ended Dec. 31, 2000. Agricultural shipments, including a jump in grain shipments to Mexico, rose 8 percent, according to spokesman John Bromley.

Consumer-related revenues, such as industrial products, chemicals and automotive, dropped. Intermodal business, involving shipments carried on both rail and other transport forms, such as trucks, rose 1 percent.

Results were helped by a 10 percent rise in worker productivity and a 20 percent drop in fuel and utilities costs, Union Pacific said.

For all of 2001, net income rose 6 percent to $966 million, or $3.77 a share. For all of 2000, profits were $914 million, or $3.61 a share, before the after-tax charge for staff cuts.

Union Pacific, which has ridden a broad rally in rail stocks fueled by hopes of a up swing in the U.S. economy, is up 12 percent over the last 12 months. •

BLE NEWS

ARC issues report over Labor's objections

As part of the Rail Labor Division of the AFL-CIO's Transportation Trades Department, the BLE was one of 11 rail unions to file a lawsuit on January 22 to block the Amtrak Reform Council (ARC) from filing a report with Congress, which calls for the breakup of Amtrak.

Unfortunately, the lawsuit did not convince a federal judge to block the release of the report, which ARC delivered to Congress on February 7 (see related article, page 1).

The ARC "acted in an arbitrary and capricious manner and contrary to law," said the Rail Labor Division (RLD), which represents the vast majority of workers in the passenger and freight rail industry.

"Instead of providing an objective assessment of Amtrak's operations and finances as Congress intended, the ARC has long pursued an ideological agenda to dismember and then sell-off Amtrak to private interests," said RLD Chair Mark Filipovic. "We've long known that the ARC is a rogue group wasting taxpayers' dollars to achieve a result Americans do not want. But in the last few months the ARC has taken its self-appointed missionary zeal to new, and illegal, extremes."

Specifically, the suit filed in the U.S. District Court for the District of Columbia, contends that the ARC:

• In violation of the law, did not take into account the actual assessments of an independent consultant and the Department of Transportation's Inspector General when formulating its recommendation to Congress;

• Acted in "excess of its authority" by recommending the breakup of Amtrak as a national system, when it was legally mandated to offer a plan for a "restructured" national intercity passenger rail system;

• Was structured in violation of the Constitutional requirement for separation of powers. Each of the three branches of the government — legislative, executive and judicial — are charged with certain duties by the U.S. Constitution and these powers are separated through a system of checks and balances which keep any one branch from becoming overly powerful. While the ARC performs a function that is "executive in nature" by finding that Amtrak will not be operationally self-sufficient, eight of its 11 members were appointed by Congress and not the Executive Branch, which traditionally fulfills this role in the separation of powers. After this finding, Amtrak must prepare a liquidation plan and Congress must act on an expedited schedule to approve changes to Amtrak or disapprove its liquidation; and

• Vote on liquidation would occur through a joint resolution of Congress which would violate the requirements of Article I of the Constitution regarding how legislation is presented to the President.

"Congress has for good reason repeatedly voted to curb the funding and the work of the ARC," said Sonny Hall, president of the AFL-CIO's Transportation Trades Department, the RLD's parent organization. "But by flaunting the law, ARC keeps muddying up what should be a healthy national debate about passenger rail in this country. The courts can now complete the job that Congress started — to reign in the ARC and stop it from ignoring its congressional mandate."

Currently on Capitol Hill, the Bush administration and Congress are preparing to make decisions on the future of passenger trains in America. Amtrak must be reauthorized this year, and numerous ideas are being discussed on a future structure for train operation, ranging from giving Amtrak more money to breaking up the company into smaller, private companies serving only major passenger corridors.

> **"Instead of providing an objective assessment of Amtrak's operations, ARC has long pursued an agenda to dismember Amtrak."**
>
> — Mark Filipovic,
> Chairman of TTD's Rail Labor Division, AFL-CIO

In addition to Rail Labor, Amtrak does have other supporters. Transportation Secretary Norm Mineta told the U.S. Conference of Mayors on January 24 that he would like Congress to give Amtrak $521 million in the 2003 budget, and speed up reauthorization of its charter to continue providing passenger rail service.

The plaintiffs in the suit were the unions of Rail Labor Division, Transportation Trades Department, AFL-CIO; Brotherhood of Maintenance of Way Employes; Transport Workers Union of America: Brotherhood of Locomotive Engineers; Transportation-Communications International Union; International Association of Machinists and Aerospace Workers; Brotherhood of Railroad Signalmen; National Conference of Firemen and Oilers, SEIU; International Brotherhood of Electrical Workers; the Sheet Metal Workers International Association; the International Brotherhood of Boilermakers; the Hotel Employees and Restaurant Employees International Union; and the American Train Dispatchers Department, BLE.

The RLD is a division of the AFL-CIO's Transportation Trades Department, whose 34 member unions represent several million workers in the aviation, rail, transit, trucking, highway, longshore, maritime and related industries. •

Amtrak to layoff 1,000, cut long distance routes

Amtrak President George Warrington announced on January 31 that Amtrak will eliminate 300 management positions and 700 agreement positions in an effort to boost the railroad's bottom line.

The layoffs are expected to cut Amtrak's operating costs by $110 million. The railroad will also eliminate discretionary spending and will reduce capitol spending by $175 million. Amtrak said that while it is not cutting routes at this time, it may have to cut some long distance routes in the near future.

The 300 management positions represent about 10 percent of the current management workforce. Approximately 100 mangers will face immediate layoff while the remaining 200 will receive 4-6 weeks notice. The 700 agreement positions represent about four percent of Amtrak's unionized workforce, and the cuts will come primarily from the shop crafts.

Under pressure from government regulators to become operationally self-sufficient by 2002, Amtrak has suffered from increased costs because of the September 11 attacks. Amtrak has increased its security costs by $16.5 million because of the terrorist threat.

In addition, the Amtrak Reform Council's report, which calls for the dismantling of Amtrak, has resulted in a loss of business for the railroad. Amtrak says it has lost $52 million due to the ARC's report, which has scared away investors and other business partners.

Amtrak will need $1.2 billion to fund its operations in Fiscal Year 2003.

BLE International President Don M. Hahs says that he believes the cuts are a direct result of years of under-funding from Congress and the ill-conceived actions of the Amtrak Reform Council.

On February 4, Amtrak released the following list of routes that may be cut if Congress does not provide the $1.2 billion in funding necessary for the railroad to maintain current service levels:

• Kentucky Cardinal: Louisville, Ky.-Chicago;

• Cardinal: Washington-Cincinnati-Chicago;

• Pennsylvanian: Philadelphia-Pittsburgh-Chicago;

• Silver Palm: New York-Savannah, Ga.-Tampa, Fla.-Miami;

• Silver Star: New York-Savannah-Miami;

• Silver Meteor: New York-Savannah-Miami;

• Crescent: New York City-Atlanta-New Orleans;

• Capitol Limited: Washington-Pittsburgh-Chicago;

• Three Rivers: New York-Philadelphia-Pittsburgh-Chicago;

• Twilight Shoreliner: Boston-Washington-Newport News, Va.;

• Lake Shore Limited: Chicago-Boston/New York;

• City of New Orleans: Chicago-Memphis, Tenn.-New Orleans;

• Sunset Limited: Orlando, Fla.-New Orleans-Los Angeles;

• Texas Eagle: Chicago-San Antonio;

• California Zephyr: Chicago-Emeryville, Calif.;

• Empire Builder: Chicago-Seattle/Portland, Ore.;

• Southwest Chief: Chicago-Kansas City, Mo.-Los Angeles; and

• Coast Starlight: Seattle-Portland, Ore.-Los Angeles. •

Amtrak's Future

Continued from Page 1

should be relieved of policy-making duties and land ownership. After a transition period, private operators would be allowed to compete for contracts to run specific routes. Under the ARC's plan, a new subsidiary of Amtrak would conduct train operations, ultimately franchising out some or all routes through competitive bidding.

Another subsidiary would own, operate and maintain the tracks, property and stations now under Amtrak's control. This was tried in Great Britain and failed miserably, Rail Labor noted.

"Every step of the way, the ARC ignored the facts and told the fables it wanted to tell," said TTD President Hall, who is also President of the Transport Workers Union. "In over four years as a 'fact-finding' body you think they would have seen what an abysmal failure privatized rail has been in places like England, with its rampant delays and shoddy maintenance. But the ARC saw what it wanted to see, heard what it wanted to hear, and today did what it always wanted to do — with taxpayers picking up the tab."

According to TTD President Hall, organized labor will not turn to Capitol Hill to fight for the survival of Amtrak in its current form.

"Transportation labor will now mobilize to ensure Amtrak as a national system obtains the federal resources it needs in FY 2003," he said.

BLE ready to defend crafts on KCS

Kansas City Southern

Continued from Page 1

Yardman (i.e. Train Service crafts); and Locomotive Engineer, Fireman, Hostler, Hostler Helper (i.e., Engine Service crafts) on June 15, 2001 and September 15, 2001.

• The number of employees hired into a Train Service craft or class by the Carrier before November 1, 1985, who were employed by the Carrier and working in a Train Service craft or class as of June 15, 2001 and September 15, 2001.

• The number of employees hired into a Train Service craft or class by the Carrier after November 1, 1985, who were employed by the Carrier and working in a Train Service craft or class as of June 15, 2001 and September 15, 2001.

• The number of employees hired into a Train Service craft or class by the Carrier before November 1, 1985, who were employed by the Carrier and working in an Engine Service craft or class as of June 15, 2001 and September 15, 2001.

• The number of employees hired into a Train Service craft or class by the Carrier after November 1, 1985, who were employed by the Carrier and working in an Engine Service craft or class as of June 15, 2001 and September 15, 2001.

• The seniority rosters covering the period June 15, 2001 through September 15, 2001, for all periods employed by the Carrier in the Engine Service and Train Service crafts or classes, and the date each person entered the craft or class covered by the seniority roster.

• An analysis of the numbers and percentage of time persons employed in the Train Service craft or class have spent doing tasks in the Engine Service craft or class, for the period of June 15, 2001 and September 15, 2001.

• For any employee hired in the Train Service craft or class before or after November 1, 1985, the number and percentage of such employees receiving or holding certifications as Locomotive Engineers for each year between 1985 and 2001.

• The number of employees in the Train Service craft or class who received a seniority date in the Engineer Service craft or class during the period from June 15, 2001 and September 15, 2001.

• The names of any trainmen who are not certified but currently being trained for engineer certification.

• Copies or a list of all operating, safety and/or incidental work rules that apply to both trainmen and engineers.

• Copies or a list of all operating, safety and/or incident work rules that apply only to trainmen.

• Copies or a list of all operating, safety and/or incidental work rules that apply to only engineers.

• Job descriptions for engineers.

• Job descriptions for trainmen.

• Compare and contrast the pay scale and incentives or extra pay for trainmen with the pay scale and incentives or extra pay for engineers.

• Define the concept of cross utilization and the concepts of ebb and flow, as well as the differences, if any, between the two concepts.

• Describe the locomotive remote control technology and which employees will be using the new technology.

In a February 1 letter to the NMB, attorneys for the United Transportation Union objected to the time frame of June 15, 2001 to September 15, 2001, stating that the time period was too short.

"This is not a 'preponderance check' to determine in which craft employees should vote, but rather an investigation as to whether a single craft or class of Train and Engine Service Employees exists on KCS," the UTU attorneys wrote.

To help in the defense of historic operating craft lines before the NMB, the BLE has retained the services of the Washington, D.C. law firm Baptiste & Wilder, P.C. Roland P. Wilder Jr. will represent the BLE at the NMB.

Mr. Wilder has appeared hundreds of times before the NMB on behalf of various labor clients.

The firm primarily represents labor unions and has years of experience presenting cases before the NMB in both the railroad and airline industries. In addition to the BLE and the International Brotherhood of Teamsters, Baptiste & Wilder have represented mechanics, flight attendants and fleet service employees in hearings before the NMB. •

Roland P. Wilder Jr., left, will represent the BLE before the National Mediation Board to protect historic rail operating crafts. He discusses case material with, from left, ID Staff Attorney T.C. Brennan and General Secretary-Treasurer W.C. Walpert.

Quick-thinking train crew averts potential disaster

The derailment of a 112-car CP Rail train on January 18 near Minot, N.D., claimed the life of one local resident, injured two rail crew members, and forced officials to order the evacuation of a portion of the city of Minot.

However, the accident probably would have been much worse had it not been for the quick-thinking train crew members, whose actions probably prevented further injury and death.

According to BLE Special Representative Dave Ditzel, who represented the BLE Safety Task Force at the scene of the accident, some 30 cars derailed, including approximately 15 tank-cars of anhydrous ammonia, some of which ruptured, causing a release of toxic fumes, which later covered a significant portion of the city.

Immediately following the derailment and the hazmat release, Locomotive Engineer J.A. Olson of BLE Division 160 (Harvey, N.D.) and Conductor Craig Benson, a member of the UTU, "made some quick decisions that saved many more lives and prevented injuries," according to the BLE's North Dakota State Legislative Board Chairman Mike Muscha.

After the derailment, the train crew members were able to detach the locomotive power consist from the train and use it to escape the immediate area, including the expanding toxic vapor cloud. Brother Olson continued to send a distress signal from the cab of the locomotive while making several emergency calls with a cellular phone.

They proceeded to what they considered a safe distance from the crash site, and ran from the area on foot to escape the toxic cloud. They then warned motorists to turn their vehicles around and not to enter the spill site. Upon leaving the locomotive, they had the presence of mind to bring along the train list and hazmat papers, which helped state and local authorities quickly learn the danger of the toxic cloud.

"There were many reports of injuries due to the toxic cloud that spread in the hours after the derailment, and there probably would have been many more injuries — and possibly deaths — had it not been for the quick thinking of the train crew members who notified authorities regarding the toxic spill," Brother Muscha said.

Brother Muscha also said the derailment highlights the necessity of two-man crews. If only one crew member had been aboard and had been incapacitated during the derailment, then there would have been no one available to notify local authorities about the deadly cloud of gas headed toward the heavily populated area.

Minot resident John Grabinger, 38, was found dead in his yard, and tests determined his death was related to the derailment. Reports in the local press following the 1:47 a.m. derailment indicated that as early as 3 a.m., many people were already seeking medical care. More than 100 persons were treated in the emergency room at the local Trinity Hospital, where 15 persons were admitted, some in the intensive care unit. Others sought medical attention at the nearby Minot Air Force Base hospital.

Brother Olson received treatment at a local hospital and was later released. The conductor was also taken to the hospital but required further treatment.

The CP Rail train, which had originated in Edmonton, Alberta, with a destination of St. Paul, Minnesota, was traveling eastbound in air temperatures between five to ten degrees below zero, as it approached the location where the derailment occurred.

At BLE headquarters in Cleveland, BLE President Don Hahs commended the prompt action of the train crew to remove themselves from harm's way. "Had they not acted quickly to get out of the area, we would surely have had a much more tragic outcome to this derailment," he said. "Train crews each day routinely move hundreds of tons of hazardous materials, and in virtually in an instant of time, they can find themselves in a fight for their lives," he continued. "This is a part of railroading that our people must live with each and every day they work, and something the general public seldom considers as they watch trains go by them at grade crossings, or pass through various towns and cities in Canada and the United States."

In speaking of the locomotive engineer, J. A. Olson, BLE Division 160 Local Chairman Craig Thurow said, "Jim is a very dedicated and conscientious engineer, who is well liked by all of his co-workers. I speak for all the members of Division 160 to say were concerned about the welfare of Jim, and all those involved in this incident."

The Federal Railroad Administration and the National Transportation Safety Board (NTSB) spearheaded the accident investigation. The NTSB assumed supervision of the investigation and has undertaken the process of accident cause finding. Typically, the process leading to a final cause determination by the NTSB can take up to a year complete.

The BLE dispatched its Safety Task Force to the scene, where the BLE was made a party-of-interest in the NTSB's investigation. •

BLE NEWS

BLE strikes RailAmerica shortline in Nova Scotia

In an effort to obtain their first-ever contract, members of the Brotherhood of Locomotive Engineers are on strike against the Cape Breton & Central Nova Scotia Railway (CB&CNS), a subsidiary of RailAmerica.

The 34 striking locomotive engineers and conductors elected the BLE as their designated collective bargaining representative in October of 2000. They walked off the job at 7 a.m. on February 6 over the following issues: Term of agreement; seniority; work scheduling; wages, and rest; crew consist; material change in working conditions; vacation; pension plan; training; and spare boards.

Picket lines have been set up in Sydney, Port Hawkesbury, and at the railway's headquarters in Stellarton.

Dave Swales, local chairman of BLE Division 900 (Stellarton, N.S.), said that morale among the strikers remains high.

"The members are out here (on picket lines) and we fully intend to keep solidarity and do what we have to do," he said.

Negotiations began on a first contract in early 2001, according to BLE Special Representative Robert J. Toole.

"With no successful results, a Provincial conciliator was requested for assistance, and still no results," Brother Toole said. "The BLE asked for and received a strike mandate from our members, and in early August, we were in a strike position. The BLE bargaining committee continued to negotiate with CB&CNS and on Jan. 21, CB&CNS made an offer that was not supported by the negotiating committee or the members."

The bargaining committee for the BLE is: Canadian Director & International Vice-President Gilles Hallé; General Chairman Rene LeClerc; Special Rep Bob Toole; and Local Chairman Swales.

The CB&CNS operates 245 miles of track throughout Nova Scotia, hauling approximately 26,000 carloads of limestone, lumber, grain and scrap metal each year. Rail America is the world's largest operator of regional and shortline railroads.

Brother Toole also said the striking members are accepting donations to their strike fund. BLE members in the U.S. and Canada wishing to support their striking brothers can make donations to:

BLE Division 900
P.O. Box 3132
Stellarton, N.S., Canada
B0K 1S0

(The Cape Breton Post contributed to this report.)

Meany Center offers hazmat training

The George Meany Center-National Labor College will conduct four hazardous waste/chemical emergency response training programs in 2002 at its campus in Silver Spring, Md.

Registration for each four-day training session is on a first-come, first served basis, and is limited to the first 25 who apply. The dates are as follows:

- May 5-9, 2002
- June 9-13, 2002
- July 21-25, 2002
- August 18-22, 2002

The training sessions address OSHA and DOT required procedures, different levels of response, and worker protection in case of a hazmat emergency or release. The training also includes advanced classroom instruction and intensive hands-on drills.

The highlight of the course is a simulated hazmat response in full safety gear.

Transportation, lodging and meals are provided for all participants by a Federal grant. In addition, participants who are unable to receive regular pay through the railroad while attending a training session are eligible for a stipend of $428.

Online registration is available at: http://www.georgemeany.org/hazmat.html.

Traditional registration via fax or U.S. mail is available through the BLE's National Legislative Office in Washington, D.C.

Please contact <dcble@aol.com> or call (202) 347-7936 for more information. •

FEBRUARY 2002 CALENDAR & EVENTS

JUNE 16-20, 2002… 75th Southeastern Meeting Association, Virginia Beach, Va.
Chairman T.C. Emory is hosting the 2002 SMA at the Virginia Beach Resort Hotel & Conference Center from June 16-20, 2002. Discount room rates of $99 per night have been secured and the reservation deadline is May 24, 2002. Reservations can be made by calling (800) 468-2722 (in Virginia please call (800) 422-4747). A dinner cruise is being planned as part of the festivities. Space is available on a first-come, first-served basis, so you must register as soon as possible if you are interested. For preregistration form, please contact Brother T.C. Emory at 4912 Euclid Rd., Virginia Beach, VA 23462. E-mail requests can be sent to: <ble456@mindspring.com>.

JULY 21-25, 2002… 62nd Annual International Western Convention, Kennewick, Wash.
Hosted by Chairman William Amaya in the Tri-Cities area of Washington State, the 2002 IWC is a convention you will not want to miss. Guests will stay at the Westcoast Tri-Cities Hotel at: 1101 N. Columbia Center Blvd., Kennewick, WA 99336, and reservations can be made by calling (509) 783-0611. Mention the BLE convention to receive discounted room rates of $85 per night (U.S. and Canadian currency). For more details, contact Chairman Amaya by calling (509) 628-8844. IWC 2002, the "Unlimited Convention," will coincide with the "Unlimited Hydroplane" race series. Guests can extend their stays a few days to enjoy the Columbia Cup hydroplane race, one of the fastest sports on the planet.

AUGUST 18-23, 2002… Eastern Union Meeting Association, Wilkes-Barre, Pa.
Arrangements Chairman Ken Kertesz and members of BLE Division 263 host the 2002 EUMA in Wilkes-Barre, Pa., at the Woodlands Inn & Resort. Nestled in the Northeastern Poconos, members will enjoy a discounted room rate of $95 per night (plus tax) for a single or double. Room rates include a fully cooked breakfast each morning and a shuttle service to and from the Wilkes Barre-Scranton International Airport. Reservations can be made by calling (570) 824-9831. Be sure to mention the EUMA in order to receive the discounted room rate. Tentative activities include golf tournament, formal banquet, visit to Steamtown National Historic Site, and a minor league baseball game. For details, contact Brother Kertesz by phone at (570) 675-2417 or by e-mail at: <kkertesz@dallas.gotmc.net>.

SEPTEMBER 23-26, 2002… 67th Annual Southwestern Convention Meeting, Ft. Worth, TX
Chairman Mark Banton and members of BLE Division 500 host the 2002 SWCM, to be held at the Radisson Hotel, 815 Main Street Fort Worth, TX 76102. Reservations can be made by calling (817) 870-2100. The tentative agenda is as follows: Monday, September 23: convention registration and golf tournament (8 a.m.); September 24: opening ceremony and barbecue dinner; September 25: workshops and formal banquet; and September 26: closed meeting and SWCM business meeting. For more details, contact Chairman Banton at (817) 641-4606.

Advisory Board January Activity

By action of the delegates at the Fifth Quinquennial Convention, summaries of BLE Advisory Board members' activities are published monthly:

International President Don M. Hahs—International Office: General supervision of BLE activities; Mtg. w/ Morton Bahr, CWA President; Mtg. w/ TCU; Mobilization mtg., Cleveland; Advisory Board conference call; Mtg. w/ James Hoffa Jr., Teamsters President; Mtgs. w/ AFL-CIO affiliates; Mtg. w/ NS; Mtg. w/ Bob Allen, NCCC; Designated Council mtgs.; CRLO mtgs., United Health Care, NMB Section III mtg., Mtgs. w/ various carrier representatives.

First Vice-President & Alternate President Edward W. Rodzwicz— Assisted President in general operation of ID office; General office duties; Mtg. w/ Morton Bahr, President of CWA; Mtg. w/ James Hoffa Jr., Teamsters President; Mtg. w/ Designated Counsel; Mtg. w/ Academy of Rail Labor Attorneys; Mtg. w/ NS General Chairmen and Vice Chairmen Wallace, Sykes, Knight, Overton and Thompson, and Vice-President Sorrow; Mtg. w/ Bob Allen, NCCC, and Carrier representatives; CRLO mtgs.

General Secretary-Treasurer William C. Walpert—General supervision of BLE financial and record depts.; ID office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; Mtg. of National Mobilization Team, re: Remote Control, Cleveland; Mtg. of BLE Designated Counsel, Scottsdale, Ariz.; Mtg. of ARLA, TTD, United Health Care, Advisory Board conference call, Miami, Fla.

Vice-President Paul T. Sorrow—Assisted NS, CSXT and GTW GCofA; Arbitration Article IX, CSX-W; Arbitration seniority dispute, CSX-N; Advisory Board mtg.; Assisted in preparing Section 6 notices for Wheeling & Lake Erie; Attended mtgs./banquets at Divisions 803, 463, 782 and 239; Assisted in preparing cases for PLB CSX-Executive Session; General office duties.

Vice-President Joseph A. Cassidy Jr.— Mtg. w/ General Chairman Roberts-CSX; Mtg. w/ five local chairmen-Shared Assets; Mtg. w/ designated counsel; Prepare of arbitrations, New York, Susquehanna & Western; Projects at ID office; Mtg. w/ Div. 607; Research security measures; General office duties; Study & paperwork; Conference w/ OSLBC, re: engine security; Advisory Board mtg.; LIRR.

Vice-President & U.S. Nat'l Legislative Representative Raymond A. Holmes—Washington D.C. office; Texas AFL-CIO COPE mtgs.; FRA Locomotive Crashworthiness mtg., Jacksonville, Fla.; BLE Designated Counsel mtgs., Scottsdale, Ariz.; CRLO mtgs., Miami.

Vice-President Merle W. Geiger Jr.— Assigned to following properties: Kansas City Southern; Midsouth; South Rail; Gateway Western; Delaware Hudson/ Springfield Terminal; Assigned to SBA 1062, PLB 5527, PLB 6145; Mtg. w/ KCS Gen. Chair Sam Parker; Div. 573 mtg., Wylie, TX; Mtg. w/ KCS-MRL, Kansas City; Multi-divisional Christmas party sponsored by designated counsel, Kansas City; Advisory Board mtg.; BNSF GCofA open house, Fort Worth, TX. General office duties.

Vice-President Stephen D. Speagle— Office work; Chairman of Board of Managers, Wabash Hospital Assoc. mtgs., NS-Northern Lines; BNSF Safety mtgs.; BNSF General Committee mtgs., on-property negotiations; BNSF GCofA mtg. w/ BNSF VP of Labor Relations; Div. 155 mtg., NS; Mtg. w/ all NS General Chairmen, Cleveland.

Vice-President E.L. "Lee" Pruitt — Assigned to following properties: UP-Western Lines; UP-Western Region; UP-Central Region; UP-Southern Region; Tacoma Belt; UPRR on-property negotiations, Omaha; Office work/paper work; BLE Advisory Board mtg.

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; U.S. Dist. Court-remote case, Chicago; CN/WC contract negotiations; Quarterly labor/management cmte. mtg-contract negotiations, METRA; NRAB arbitration; CN/WC tentative agreement, informational mtg.; Remote control conference call; Railway Labor Act section 3 cmte.; Advisory Board conference call; FRA Part 240.409 dockets this month: EQAL 99-15, 98-84.

Vice-President Dale McPherson — UP Eastern Lines; CP/U.S. (Soo); I&MRL; M&NA; LP&N; Longview Sw. Co; TRRA-St. Louis; UP Special Project-work/rest; Indiana RR; Pacific Harbor Line; BNSF safety operations task force; UP-former CNW; General office duties; UP section 6 notices, Omaha; IMRL/KCS jt. agency, Kansas City; Mtgs. w/ Gen. Chrmn. M.D. Priester/CP Rail; General Office duties.

Vice-President & Canadian Director Gilles Hallé—Ottawa Office; Mtg. w/ CN Rail, re: video community fund, Montreal; Baultar visit, Windsor; Mtg. w/ VIA Rail; BRCF visit, Harrisburg; F. Cooper's retirement dinner, Montreal; CN Rail national negotiations; Advisory Board mtg., Cleveland.

Vice-President & National Legislative Representative-Canada T. George Hucker—Ottawa Office; National Legislative Board-Canada; CCROU mtg.; BLE Advisory Board conference call; CN policy health and safety mtg.; CLC national political action cmte. mtg.; Direction 2006 mtg.; CP Rail senior policy cmte. mtg.; National Legislative Board executive cmte. mtg.; BLE mtgs. to discuss status of CCROU.

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BLE Publications Committee:
Don M. Hahs, International President
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John V. Bentley Jr., Editor
Contact us: www.ble.org • (216) 241-2630
Kathleen Policy, Associate Editor

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