

RaiTEAMSTER

A MAGAZINE FOR TEAMSTER RAIL MEMBERS

FALL 2007



Radically Different

CSX Engineers Gain
New Bonus Structure





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International Brotherhood
of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
202.624.6800



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**FROM THE DIRECTOR
JOHN MURPHY**

Legislative Power

I, along with General President Jim Hoffa, want to thank you for the lobbying work you did and all the letters you sent to congressmen which helped secure the passage of the 2007 Railroad Safety Act. We understand the struggle of negotiating with companies while taking aim at them through federal legislation is difficult. Sometimes legislation is the only way companies who have monopolies, like the railroads, will change.

Over the past several months we have also had some strong advances brought through new contracts at rail lines. In this issue of the Rail Teamster you will read about the new contracts at CSX and the New York, Susquehanna and Western Railway.

And we welcome the employees at the Tallyrand Terminal Railroad in Jacksonville, Florida into the Teamsters Rail Conference. This is the first



shortline victory for the BLET this year.

In addition, in this issue we are highlighting pending rail legislation in Illinois, Wisconsin and Florida. We have some very dedicated and talented state legislative chairmen and local division chairmen who volunteer their time to keep track of legislation that affects rail members along with introducing and lobbying for legislation that benefits union members and the public.

**FROM THE GENERAL PRESIDENT
JAMES P. HOFFA**

Victory in the House

U.S. which still utilized camp cars. Norfolk Southern is making millions of dollars in profits each year, reaping the rewards of a basically noncompetitive railroad freight market and they continue housing their employees in substandard conditions.

Also included in the House bill were provisions to correct limbo time limits that affect locomotive engineers and trainmen, as well as a provision for protecting workers against company retaliation, frequently called whistle-blower protections. When the vote passed in the House with a 377 to 38 majority, we claimed a hard won victory. This is a great step in improving the working and living conditions on the railroads.

But now our attention is focused on the Senate where a similar or companion bill is being readied for a vote. We will be fighting alongside you to help ensure that the best bill is passed in the Senate, too.

It was apparent to all that Norfolk Southern has a dim view of its employees since they were the only railroad system left in the

Radically Different

Members of the Brotherhood of Locomotive Engineers and Trainmen (BLET) ratified a radically different new agreement with CSX Transportation in mid-April. In the locally negotiated agreement, members embraced a performance bonus program instead of general wage increases. BLET negotiators also secured an important scope rule that protects the job of locomotive engineers now and in the future.

The contract is called a “system agreement” by BLET leaders because it unifies work rules and pay across three of the four

“This CSX contract is the best I’ve seen in 30 years.”

—B.W. Fowler, Secretary-Treasurer of BLET Division 598

CSX general committees—CSX Eastern Lines, CSX Western Lines and CSX Northern Lines. (The Conrail SAA/CSXT Northern District GCA is not a party to the agreement.)

“I voted in favor of the agreement because I liked the risk-reward ratio of having future income tied to company performance,” said Bobby Brigman, a locomotive engineer and member of BLET Division 435 in Hamlet, North Carolina. “It’s radically different having wage increases tied to management

bonuses, but it might be the best way to go for rail labor. It helps us to reap more rewards.”

Wage Increases Linked to Finances

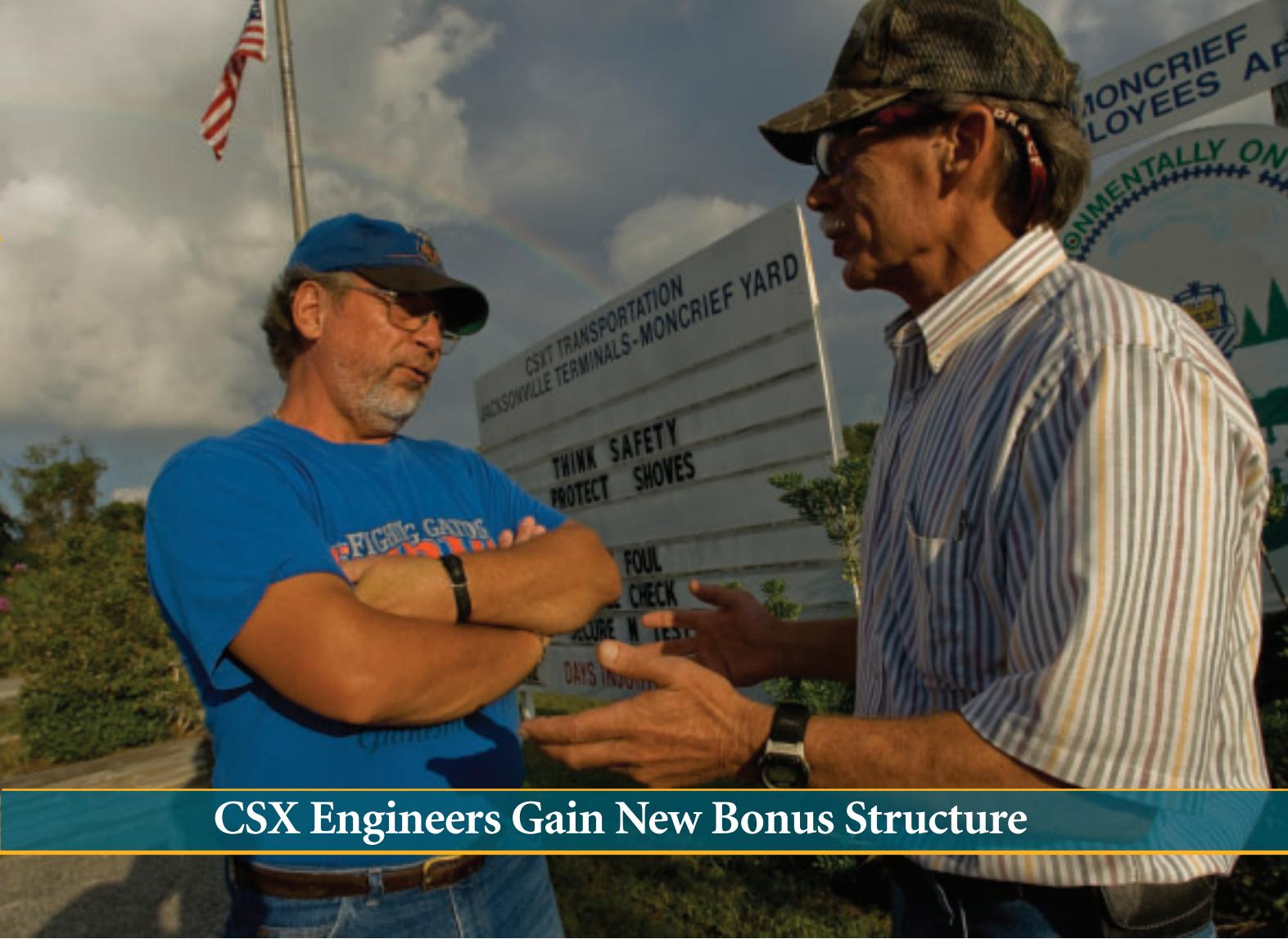
Under the performance bonus program, if CSX reaches its financial goals, then engineers will receive a 6 percent bonus of their 2007 earnings, an 8 percent bonus of their 2008 earnings, and a 10 percent bonus of their 2009 earnings.

It is the same formula used to determine management bonuses, so management can’t crunch the numbers to deny BLET members their bonuses without doing the same thing to themselves.

“I am proud that the BLET was willing to partner with them and share in the profits,” said J.T. Little, a 36-year member of BLET Division 781 in Erwin, Tennessee. “It’s no longer just CSX’s environment—it’s our environment.”

In addition to the future earn-





CSX Engineers Gain New Bonus Structure

ings through the performance bonus program, engineers also received a 3 percent general wage increase and a \$2,500 signing bonus upon ratification.

"If the bonuses pan out, it'll be a good agreement," said John Spino, a member of BLET Division 284 in Grafton, West Virginia, who earned promotion to locomotive engineer in 1978.

Scope Rule Secures Work

"Money is a wonderful thing, but it's not everything," said Rich Johnson, a 27-year member of BLET Division 101 in Hinton, West Virginia. Johnson operates coal trains between Hinton and Danville or Elk Run Junction, West Virginia. "The new scope rule is the single most important part of the new system agreement."

The scope rule ensures that a locomotive engineer will be in control of the locomotive's movement now and in the future. In the event that a new technology is introduced in the industry, such as over-the-road remote control operations, the contract specifies that the work will belong to locomotive engineers.

"With the scope rule secured, our younger guys will now be protected," Johnson said. "They will have a future under

this agreement."

"The scope rule will be invaluable down the road," said Mark Samples, a BLET Division 481 member from Parkersburg, West Virginia. "Ten or 20 years from now, guys will look back and say the people who put this agreement together knew what they were doing."

"The locomotive engineer has always been the individual in immediate, direct control of train motion and of the locomotive itself, regardless of the method used," said Don Moates, BLET General Chairman. "Our sole objective is to totally secure work that historically and contractually belongs to the craft of locomotive engineers."

Increase in Vacation Days, Meal Allowances

The contract includes many other benefits, including extra time off and rewarding BLET members for weekend attendance.

"This CSX contract is the best I've seen in 30 years," said B.W. Fowler, Secretary-Treasurer of BLET Division 598 in Greenville, South Carolina. "I am very pleased with the provision that awards BLET members with 20 shares of CSX stock for having perfect weekend attendance for six months."

In addition, members receive a sixth week of vacation after 30 years of service as well as an increase in personal leave days.



"As a 30-year veteran, I feel I've earned an extra week off," Brigman said. Brigman is a fourth-generation railroader. His great-grandfather was a charter member of the Brotherhood of Railroad Carmen.

Other provisions allow members to better schedule their days off, increasing the amount of time they can spend with their families.

According to Larry James, the BLET Coordinator of the Structured Employee Network for Safety Empowerment (SENSE) safety program at CSX, allowing members to schedule uninterrupted days helps reduce fatigue at the railroad, thereby increasing on-the-job safety.

Members get a "demand day off," which they can take at any time for any reason if they remain available for work every weekend for a quarter. If the carrier denies the request, then the member can file a penalty claim for one day's pay and keeps the day to use at another time.

Contract Language Clarified

Members are also pleased with the simplified language of the

contract. In previous CSX contracts, the language was often confusing, even being compared to language only a "Philadelphia lawyer" would use.

"The contract's concise language helps in filing claims against the carrier when the contract is violated," Johnson said. "Additionally, important, smaller items were changed, such as the meal allowance. The allowance increased from \$6 to \$20—our first increase in 14 years."

The agreement also boosts pay for younger members who earn promotions to locomotive engineer. Under the old agreement, younger members received only 85 percent of full pay, and had to work several years before earning 100 percent pay. Under the new agreement, they are bumped to 100 percent pay immediately when they begin working as an engineer.

"Everyone is on an even keel—there are no inequities anymore," Samples said.

A Unified System

Since the CSX system covers 23 states, it was essential to have input from the various territories into a negotiated contract.

Negotiators' main concern was that all members got a square deal when it came to interpreting the contract.

"The carriers tried to employ a divide-and-conquer way of interpreting the contract language," said J.T. Little, a 36-year railroad engineer. "They would hide behind the various agreements because of the differing interpretations. Now, with the new agreement, that's no longer possible."

"Our General Committees are united now and in the future," Little said. "Now when our General Chairmen speak across the table to the carriers, they're speaking with one voice. It forces accountability upon the carriers to live up to the agreement."

"I think the system agreement helped to unite the BLET," Little said. "During negotiations, those General Chairmen became partners—brothers—instead of competing for their region," Little said. "They all speak with one voice—I really like that. It also makes every engineer feel equal. Whether you're in a small group at an outlying point or part of a big group at a major terminal, this agreement represents them all the same way. It's very fair."

Once the votes were tallied, a majority of the votes were in favor of the new agreement. "We were pleased that more than 51 percent of the eligible CSX members participated in the contract vote," said Don Hahs, National President of the BLET. "It's terrific to have a good level of member interest. The vote showed that members are engaged in the details of the contract."

About CSX

Owned by CSX Corp., CSX Transportation is the largest railroad in the eastern United States, with approximately 21,000 miles of track in 23 states and the District of Columbia. The BLET represents more than 5,500 locomotive engineers and trainmen at the railroad.





Members Ratify New Agreement at the NYS&W

Rights and Work Rules Protected

By a 10-to-1 majority, BLET members ratified a new agreement with the New York, Susquehanna and Western Railway (NYS&W) in July, governing wages and working conditions for train and engine service employees.

"Our members will get an immediate 9 percent increase in their hourly rate of pay," said Ben Martin, General Chairman of the NYS&W. "These negotiations were tough, but certainly we were able to secure key elements of a good first contract, namely wage rates and work rules."

In addition to the hourly rate of pay increase, the agreement provides an additional 9 percent general wage increase over the life of the contract, which runs through the end of 2010. It also provides for a \$5,800 lump sum benefit payable in three equal installments beginning shortly after ratification and continuing through 2009. The agreement covers approximately 40 members.

"Everyone wanted a raise," said Matt Gibbons, a member of Division 521 of the BLET in Hawthorne, New Jersey. "This agreement gave us that, and it also protected all of our rights and work rules."

Highlights from the ratified agreement include:

- An immediate 9 percent general wage increase to \$21 per hour;
- A 3 percent wage increase on January 1, 2008 and 2009;
- An increase to \$22.95 per hour on January 1, 2010;
- Payment of \$5,800 per employee for back pay;
- Limitations on the annulment of regular assignments;
- Shoving pay for conductors;
- Increased meal allowances;
- Increased certification allowances;
- Increased work boot allowance;
- Supply of rain gear; and
- Strengthened cleaning provisions for locomotives.

Preservation of Work Rules Critical to Vote

"The new contract places limitations on the carrier's manipulation of regular assignments," Martin said. "As well as the preser-

vation of other work rules and health and welfare benefits. These are major reasons why members voted in favor of the agreement.

"And it was the job protection from annulment that was monumental," Martin said. "Hardworking union members were being given part-time hours for a full-time job due to a loophole in the previous agreement. Now the incentive to cancel a job multiple times in a week is gone."

Under a loophole in the old contract, which dates back two decades, the carrier had the right to cancel or annul assignments with little warning, basically cutting members' work hours to three days per week—sometimes less.

"In a five-day work assignment, the carrier would cancel jobs every other day, so guys only would have three-day work weeks—which is part-time pay and hours. Our members have families and it's impossible to provide for a family working just three days a week."

The new contract closes that loophole and clearly states that the carrier cannot cancel more than one job per week.

"I'm glad we finally got this," said Gregory Chandler, a member of BLET Division 521 in Hawthorne, New Jersey. "It gives us better job protection."

Fighting to Keep Members' Rights

The BLET fought to maintain existing work rules. "We wanted to keep what we had," Martin said. "We weren't about to give up our job rights or benefits." The BLET contract provides for a flat rate or fee for health care instead of a percentage-based system, unusual for a short line railroad.

"We won't back away from a fight in order to protect our future on this rail line" Martin said. "The process was three-plus years of preserving an already outstanding agreement. It was very important that we retained an excellent health care rule and several work rules that have been achieved over several years."

Union Strength

Gibbons began working for the NYS&W in 1999 and earned a promotion to locomotive engineer in 2002. Gibbons operates mostly intermodal trains and mixed freight between Syracuse, New York and Ridgefield Park, New Jersey. Sometimes the trains are in excess of 13,000 feet.

"The pay rates are good for a small railroad and our meal allowance may be among the highest in the United States for a short line," Gibbons said. Under the new contract, BLET members get a meal allowance of \$18 each trip.

"Prior to working at the NYS&W I worked at a nonunion short line," Gibbons aid. "But now that I have union protection, I'd never go back to no protection. If not for the BLET, I wouldn't be working here."

Extra Shoving Pay for Conductors

Another provision in the new agreement is extra shoving pay for conductors. Shoving occurs when a locomotive pushes a consist of cars and the conductor rides on the leading point of the movement to act as the eyes and ears of the engineer, who is back in the cab. It is a dangerous practice that often leaves the conduc-

tor exposed to the elements as he rides on the side of a freight car or on an open platform or flat car.

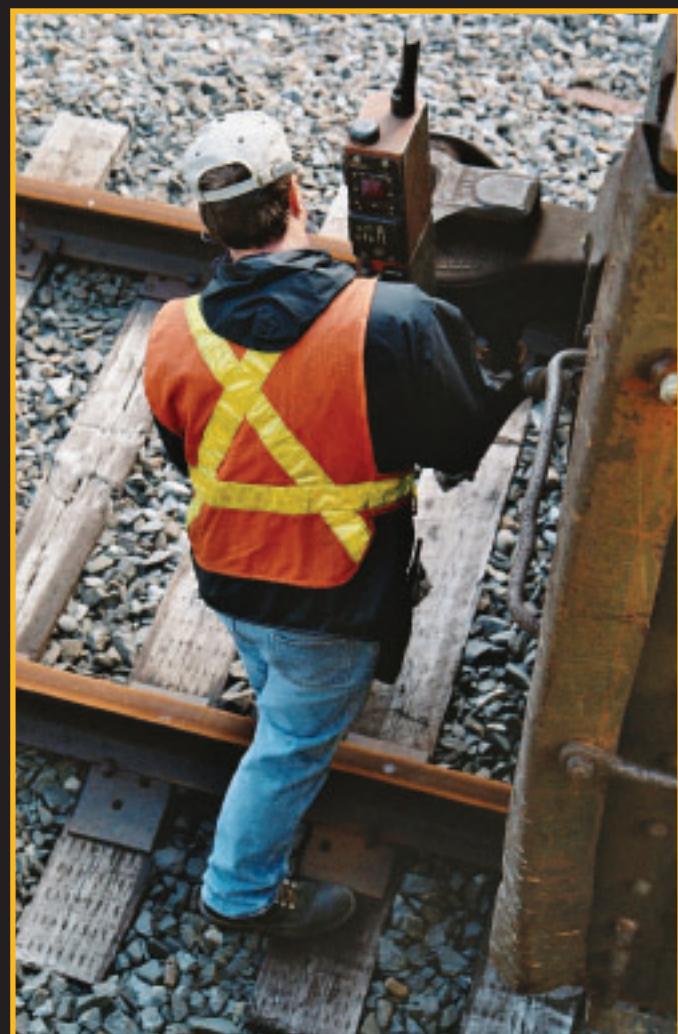
"I think the shoving pay for conductors is one of the most important parts of this contract," Chandler said. "Not only does it provide a monetary payment, it also gives conductors appropriate gear."

The new agreement provides conductors with a payment of \$20 when shoving more than two miles. It also provides them with rain gear and gloves to help protect them from the elements.

About the NYS&W

The NYS&W operates more than 400 miles of track in New York, New Jersey and Pennsylvania, serving more than 85 companies. The short line railroad transports a wide range of commodities such as feed ingredients, lumber and other building materials, chemicals and aggregates for customers in New York state; and plastics, lumber, food products, paper products, motor vehicles, chemicals, aggregates, and metals for customers in New Jersey and Pennsylvania.

The NYS&W has connections with three Class I railroads: CSX, Canadian Pacific and Norfolk Southern.





BLET ORGANIZES TAL

THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN (BLET)

scored another organizing victory as employees of the Talleyrand Terminal Railroad voted for BLET representation in May. Located in Jacksonville, Florida, the Talleyrand operates as part of the Talleyrand Marine Terminal along 10 miles of track at the Port of Jacksonville (Jaxport), an international trade seaport, and provides direct switching for Norfolk Southern and CSX. The terminal is also minutes from Florida East Coast's (FEC) intermodal ramp.

"We voted to join the Teamsters Rail Conference in order to improve our job security," said Rufus Williams, a crane operator and ground man for the Talleyrand for the past 11 years. He provides visual support and directs crane operators as they load and unload containers at the port from railroad cars.

"I was a Teamster prior to working for the Talleyrand," Williams said. "We know what the company's earnings are and we are hoping that we can get a wage increase in our first contract."

Wages were also a reason that other workers voted for the Teamsters. "We feel that for the work we do, we should get improved pay and benefits," said James Smithson, a crew leader and conductor on the Talleyrand. "Although we are pretty much guaranteed 40 hours in five days, we want to get time and a half when we work the sixth day of the week."

Negotiations Begin

According to John Mullen, the BLET Short Line Director, the BLET plans to address wages, job security and other concerns with management during negotiations.

"I look forward to working with the new BLET local officers throughout the contract process and to help see these members obtain a fair first contract," Mullen said. "Negotiating a contract for the Talleyrand Terminal Railroad employees begins the process of giving them the protection, dignity and respect that comes from a good union contract."



The Talleyrand was not a traditional organizing win for the BLET. They organized not only train crew members such as engineers and conductors, but also maintenance of way workers, crane operators and hostlers. Organizing the maintenance of way workers was done in coordination with the Brotherhood of Maintenance of Way Employees Division.

Talleyrand Shortline, Operating Since 1996

The Talleyrand Terminal Railroad operates inside of the Talleyrand Marine Terminal and is owned by Rail Link, a subsidiary of Genesee & Wyoming Inc. Rail Link provides industrial switching and related customer logistics services in 11 states and operates 13 short line railroads.

The Talleyrand Marine Terminal, located at the Port of Jacksonville, Florida, is located 21 miles from the Atlantic Ocean on the St. Johns River. The 173-acre terminal has 38 feet of water along its docks and handles South American and Caribbean containerized cargoes, break bulk commodities such as steel and paper, imported automobiles, frozen and chilled goods and liquid bulk commodities.

Other recent BLET organizing victories at short line railroads include the Panhandle Northern; Maine, Montreal & Atlantic; Huron & Eastern; Portland & Western; and the Chicago, Fort Wayne & Eastern.

LEYRAND SHORT LINE



Wisconsin, Illinois and Florida Reps Pushing for Security

State Rail Legislative Initiatives in Sync

Rail security and Amtrak operations are among the main projects that are the focus now of the state legislative representatives from the Brotherhood of Maintenance of Way Employes Division (BMWED) and Brotherhood of Locomotive Engineers and Trainmen (BLET). Often modeling legislation based on federal language, state representatives from the BMWED and BLELT are in close contact with their respective national offices in Washington, D.C. They consult with them on appropriate language for bills and seek their advice on procedure.

Ever since the publication of the Rail Conference report, "High Alert," the state legislative representatives have been working to get laws passed in their states which would enhance the security of the rail system. Representatives in Wisconsin are predicting that this year the statehouse will take up the matter of improving rail yard security partly due to legislators learning about the real dangers of transporting hazardous materials on the rails.

"There is a huge concern with security in Wisconsin," said Tony Dimond, BLELT State Legislative Chairman. "A few years back we had a chemical spill and a lot of farm families were affected. Near Superior, Wisconsin in 1992 there was an incident with a chemical car spill in the Nemadji River. And I just found out that 17 people passed away due to the health effects from that spill. It turns out that a Teamster who now works for Joint Council 39 here was a volunteer firefighter then and knew some of the first responders on the scene."

"Several rail cars were involved in the Nemadji derailment," said Don Gerhard, the political coordinator for Teamsters Joint Council 39. "I live just a short distance away from the site. At the time I was working for Congressman Dave Obey and we were heavily involved with the follow-up afterwards."

"The intent of the new bill we are introducing in Wisconsin is to require the railroads to alert all first responders when hazardous materials are traveling through their municipalities," Gerhard said. "During the Nemadji spill, the towns of Duluth and Superior were evacuated. And no one knew exactly what was in those tank cars. We did determine that a large amount of benzene was present, but there may have been other chemicals, too. Since none of the first responders knew what they were dealing with, they went to the scene trying to rescue people without any sort of protective gear."

"The bill has been written and we have authors and co-sponsors and we are trying to make it palatable so that it is less of a fight," Dimond said.

"The state assembly is controlled by Republicans, but the

Republican majority leader did help us write the bill," said Mike Koziara, BMWED state legislative representative in Wisconsin. "This shows how important it is to the people of the state and how it is very much a bipartisan issue. Plus, we have the support of both the firemen and the police in the state for this security bill. We've been working on this bill for about a year. And we've been working with the governor's office."

Team Effort

Rail members in Wisconsin have had the combined forces of Joint Council 39, plus the legislative representatives from the BLELT and BMWED all working on the security bill for their state. And on the BLELT side, Paul Aird, the Vice Chairman for Wisconsin has been handling much of the lobbying work at the state capitol in Madison. Aird is a locomotive engineer for

Canadian National Railway and is based in Fond du Lac, Wisconsin.

"We've been working on this bill for a year and a half now," Aird said. "It's really been a team effort. Tony Dimond takes care of other legislative business while I handle 75-80 percent of the lobbying. Since we both serve in these positions on a part-time basis, we had

to split the work up. Another example is that Dimond is involved with the monitoring of nuclear waste shipments in our state. We have two nuclear power plants and we expect that the amount of nuclear waste transported by rail is going to increase in the next few years.

"Planning with the BMWED and the Joint Council has really given us an advantage politically," Aird said. "We are on the same team, so it makes sense to capitalize on each other's talents. And once we get our state and others to pass rail security bills, it will be easier to have a federal bill passed."

Illinois Legislators Consider Rail Perspective on Security

Ed Way, the Legislative Chairman for the BLELT in Illinois, and Johnnie Oeth, the BMWED Illinois Legislative Director, are



doing what they can to pave the way for a broader awareness of a rail worker's perspective on security, although they are not yet working on specific legislation.

"Johnnie Oeth and I were both placed on the Illinois terrorism task force," Way said. "And when we first went to a meeting we were surprised to notice that there was little, if any, attention paid to the rail system in the state. We asked why the committee wasn't working with the railroads and they told us that the railroads wouldn't participate. Well, now they are!

"Recently we had a series of classroom-based disaster simulations in Chicago," Way said. "The program was to pretend that rail cars had collided in the city and chemicals had spilled. I asked who was going to clean up the chemicals and move the ruptured cars? Other committee members said, 'Well, your men are.' I told them that wouldn't be happening because all we had were ear plugs and safety glasses. We are not equipped to handle chemical spills. The only way most railroads can respond to a disaster of that type now is to just shut everything down.

"We are still trying to get a statewide program set up for transportation issues of all types," Way said. "There used to have an Illinois first compact – and that is what they used money for to build bridges or crossings. But today, the state has had some budget issues so we are not sure what the final budget will be.

"We've received good support from Joint Council 25 in Chicago and Joint Council 65 in Springfield, Illinois," Way said. "Teamsters Vice President John Coli has been very helpful to us. They provided a truck for a rally we had about remote control engines and supported us at other times."



In addition to Illinois rail security, rail Teamsters have been pushing for camp car elimination, much like the effort made in other states. "We are working on getting changes on the Illinois Commerce Commission for the men who work on the NS rail gangs. It wasn't that long ago when engineers were relieving themselves in plastic bags when running an NS train. They didn't have indoor plumbing in their engine cabs and that was the one way you could do it on the job. I am sure that NS will spend tons of money to fight to maintain camp cars. NS likes to have things in a primitive state."

Critical Incident Stress Debriefing

Another rail legislative initiative in Illinois is to establish a good program for trauma therapy for union members involved in fatalities during their work hours. Locomotive engineers in particular may be faced with a pedestrian walking out in front of a train either on purpose or to avoid a crossing gate. Often

these incidents result in fatalities which the engineer had no control over.

"I told people at one hearing that I never remember being told that I might have to injure someone as part of my job," Way said. "We prefer to have a trauma debriefing program set up that is similar to the way Metra, Chicago's commuter rail system, operates. They allow an employee to take 72 hours of rest after a fatal accident, and receive counseling. The railroads have been fighting us on this tooth and nail."

Florida Commuter Rail Operations

Orlando, Florida is in the midst of planning to build a commuter railroad that will utilize existing rail tracks. Since learning about this project, Dave Lavery, BLET's State Legislative Chairman, has been keeping on top of the issue as he plans to try and influence state legislators about the commuter line's operation.

"In Orlando, they are going to sell a portion of their mainline to the state and use it for a commuter run," Lavery said. "And if this comes off, we are hoping to have this operated by Amtrak as a vendor. We want to have Amtrak run this since we represent them. They have the most experienced employees. When I was in Washington, D.C. recently, I did speak to Rep. Corrine Brown (D-FL) about this. Rep. Brown has been a supporter of rail labor on many items in the past."

Since Florida has a Republican governor, House and Senate, union members like Lavery have to keep a vigilant eye on all legislative initiatives in order to prevent a lapse in services.

"One of the things we look for are cutbacks to the Florida Department of Transportation," Lavery said. "For instance, a few years ago they tried to cut some of the funding for the rail division program in the state. A few states, but not all, have their own rail inspectors that work with the Federal Railroad Administration. Having our own inspectors is very important to our state so we have tried to make sure that this office receives appropriate funding. Another example is that a few years ago, they tried to cut the job of the one hazardous

material inspector in the state. There are three nuclear plants in the state and nuclear waste hauling is only going to increase. Fortunately, we were able to work with some key Republican senators to ensure that they would keep that position active. We don't want to see that happen again."

Unique Threat

Port security and its relation to rail security are the main topic of rail-related legislation in Florida. Bill Glisson, BMWED Legislative Chairman, has been working on this issue in tandem with Lavery and Joint Council 75 in Tampa, Florida .

"We are planning to model our rail security bill after those in other states." Glisson said. Glisson has been with the BMWED for the past 24 years. "We have a bunch of major ports and there is no security for trains. Security will stop every truck and car entering the port, but a train can just show up with no inspection. Recently, the Transportation Safety Administration (TSA) visited and I showed them how I could walk in along the rails and no one stopped me.

"There are ammonia factories in our state and I know that a rail wreck near that type of factory could kill 40-50,000 people real quick," Glisson said. "There is no one to search the rail cars and no security for our members. We are trying to close the loopholes on these things."

"Rep. Brown has been an enthusiastic supporter of the rail security bill for some time now," Lavery said. "She speaks with rail unions and their members regularly. Rep. Brown knows that we have unique vulnerabilities due to our large ports. And rail members in Florida have not been shy about informing her of their concerns. You don't need to sell her on rail security."

The intent of the Florida BLET and BMWED legislative representatives on rail security echoes how Aird of the Wisconsin BLET views the issue. "At a Senate hearing once, I was asked why we need a rail security bill," Aird said. "And I said that in today's environment, it is not time to stand idly by waiting for an incident to happen. We need to take steps now."

Proposed Bill in Wisconsin

The Assembly Bill 300 reads:

180 days after the effective date, every railroad shall provide to state law enforcement and emergency response agencies, local law enforcement and emergency response agencies in each county, town, village, city or municipality through which the railroad travels, a written risk assessment that includes the following information: a) a list of all facilities that the railroad owns, operates, manages or

controls and the function of the facility; b) the type of cargo, if any, that the railroad moves through the facility; c) a statement of whether the cargo moved through the facility is hazardous and if so, the approximate amount of hazardous cargo that moves through the facility each year; d) the distance between each facility or railroad that transports or stores hazardous cargo and a school, hospital, nursing home, or other

vulnerable community facility; e) a description of the railroad's practices that prevent or discourage acts of sabotage, terrorism, or other crimes at its facilities; f) the emergency response procedures the railroad has in place; g) the procedures the railroad has in place to communicate with local, state and federal law enforcement agencies in event of acts of sabotage or terrorism.



Main



Rail Conference Members Take on Capitol Hill

a

s the U.S. House prepared for a floor vote on the Rail Safety Bill of 2007 this fall, anti-union lobbyists from Norfolk Southern (NS) were pounding the halls of Congress. Their mission: try to convince members that camp cars were OK. The Teamsters Rail Conference, though, had plans of its own and brought in seven current NS members and some of the volunteer political coordinators from a variety of states.

"We came to D.C. to wake up our legislators about the horrible conditions that NS puts us in every day we are on the job," said a Brotherhood of Maintenance of Way Employes Division (BMWED) member from Virginia. "I've traveled in camp cars for rail work for the past three years in Ohio, Virginia and even down to Jacksonville, Florida. These cars are cramped. There are eight men to each car."

"I've been in camp cars ever since I started on the railroad years ago," said a BMWED member based in Alabama. "My gang usually works two or three weeks at a time. The camp cars have been with us for the past six years. And in six years they have painted the camp cars one time. And on the inside they haven't done anything. They will patch leaks, but no remodeling is ever done."

NS recently had to close a dining car down because it was infested with roaches because they never spray. They usually prepare the food hours before the workers are actually done with their jobs so when they are ready to eat the food is cold.

Target Elimination of Camp Cars

"The conditions are horrible," a member said. "You go into the dining car and there are flies everywhere, even on the food. The food has been sitting in open canisters for hours with flies on it. The supervisors are supposed to taste the food to make sure it is edible, but they don't eat it. Instead they go to a restaurant."

Taking Aim at Camp Car Elimination

Earlier this year, the BMWED and the Brotherhood of Locomotive Engineers and Trainmen (BLET) worked to inform legislators in Indiana about camp cars. The result was a bill, approved by both the Indiana Senate and House, that gives permission to county health and safety boards to inspect camp cars. However, since the bill went into effect in May of this year, NS has stopped using camp cars in Indiana, choosing to house all of their BMWED employees in motel rooms.

Rail Conference President Ed Rodzwicz and Teamsters Vice President At-Large Freddie Simpson, who is also the President of the BMWED, contacted members of the U.S. House, telling them, "Although NS will try to tell you that camp cars are adequate, you also should know that the NS management employees who supervise the track and bridge workers are housed in single occupancy motel rooms, not camp cars. We think this practice speaks volumes on what NS management really thinks of camp cars."

"Camp cars are very bad, substandard housing," said a member who worked on CSX in Indiana. "In the past only the supervisors stayed in motel rooms, but now NS is just avoiding having the health inspections done in Indiana by moving all of their employees to motels. A couple of years ago a member called me to let me know about a particularly disgusting car. Apparently NS tried to drain the portable restrooms and their system backed up which caused the human feces to spray into

one of the camp cars. The supervisor on duty asked the men to wash down the inside of the car and to pour water into the heating vents. This didn't wash everything away, however. When I inspected the car I could see hardened feces under the sinks and in the heating ducts. And it wasn't until I complained way up the ladder of NS that they finally had a professional cleaning crew come out and clean the car."

"I know that if we were housed in single-occupancy motel rooms our attitude would be better," said a member of the BMWED and employee of NS. "There is no privacy in the camp cars. It is no way for anyone to live."

House Staff Enlightened on Camp Cars

About a dozen members of the BMWED spent a week in Washington, D.C. speaking with members of Congress about the need to retain language in House Resolution 2095 that eliminates camp cars. Many members on the Democrat side were already convinced that camp cars needed to be eliminated, and some Republican staffers, after initially rebuffing members' accounts of living in the cars, soon began to see the light.

"You could see their eyes bug out when we told them about the conditions we endure in the camp cars," said a member of the BMWED. "When I started on the rails I was young and I didn't know any better. But it didn't take long for me to get very tired of camp cars. They were always losing their power, air, heat or water. And it is not a clean place. Everyone in the kitchen preparing the food has to wash up with non-potable water. This is the type of water that has labels above each sink that say, 'Do Not Drink, Non-Potable Water', but the kitchen workers washed the pots and pans with it, we used it to shower and brush our teeth with and it was used to make the ice for our Kool-Aid and tea."

"I think the people in Congress were shocked when we told them about the camp cars," a member said. "We



needed to be here in Washington, D.C. to educate people and show them the conditions we live in. I believe our visits made a difference.”

Location, Location, Location

In addition to the deplorable condition of the camp cars themselves, members explained to House staff that the location of the camp cars poses a unique threat to the rest time for the men and their own safety. Due to the size of many of the rail gangs, it is only practical for the camps to be located in a rail yard or along a main line.

“You can fix mold and the mice and the flies and the water, but these camp cars are still going to be parked on a rail in a yard or on a siding,” said Sam Alexander, Vice Chairman of the Southern System Division of the BMWED. “And each time a train comes up to the camp they need to sound their horn, and this is often in the middle of the night. Plus, many trains are hauling hazardous waste. What if a derailment occurred? It would wipe out the whole camp with our men sleeping in the camp cars.”

“With the beds being too short, the sound of the train horns or trains switching in the yards, you don’t get the proper sleep,” a member said. “NS has the mentality that they want to be able to put their hands on their employees, keep them close by. But you don’t treat someone like this.”

Pushing for Passage of an Intact Rail Safety Bill

In support of brothers and sisters of the Maintenance of

Way Employees Division, Teamsters General President Jim Hoffa sent a letter to each member of the U.S. House of Representatives expressing strong opposition to any attempt to strip language from H.R. 2095, the Rail Safety Bill of 2007, which does away with camp cars.

“Rail workers employed by Norfolk Southern are the last group that must endure the use of these camp cars, which are outdated, cramped, lacking potable water and inside toilet facilities,” Hoffa said. “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. Workers must also use outside toilet facilities—at times trudging through the rain and snow with a flashlight to find a portable toilet in the middle of the night.”

“If that wasn’t enough of an inconvenience, 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,” Hoffa said. “The Rail Safety Bill goes a long way in providing a safer work environment in a dangerous industry when workers are on the job.”

The Rail Conference and the legislative departments of the Teamsters, the BMWED and BLET will continue to work to keep the pressure on Congress so that the elimination of camp cars is secured.

**The members’ names in this article were changed for fear of retaliation from the company.*





Layers of Safety

Redundant Protective Measures Save Lives

In the dangerous world of railroading, you can never be too safe. Operating rules and safety rules are too often written in blood, and changes to the rules are usually based upon a mishap or tragedy that the original rule failed to prevent. Railroad operating rules and safety rules are premised upon the expectation that everyone is following the same rules and everyone is in full compliance at all times. Operating rules and safety rules are also premised upon the mechanical infallibility of the tools, equipment, hardware and software used to make the railroad run.

In a perfect world, full compliance with safety rules and infallibility would prevent all railroad accidents and incidents. Unfortunately, it is not a perfect world. The reality is that human beings make mistakes, equipment and tools fail, software crashes, and rules and procedures are imperfect. Thus, rail employees must be hyper-vigilant to safety at all times and employ redundant protective measures to add additional layers of safety wherever possible.

Redundant Layers of Safety

Rail employees must be diligent in utilizing both "physical and intellectual layers of safety" to protect themselves and their crew members from harm.

An example of what is meant by "physical layers of safety" would include the posting of advance boards as a means

to reinforce mandatory directives establishing work authorities or speed restrictions. Another example would be where track forces establish safety redundancy by applying shunting devices to an out-of-service track in order to assure that the signal protecting the work area remains at its most restrictive indication.

There have been an untold number of accidents and near misses attributed to the absence of advance boards to provide train crews with a visual prompt of approaching work limits or speed restrictions. While operating employees and maintenance of way equipment operators are trained to strictly comply with mandatory directives, train orders, signal indications and authority limits, few if any rail employees would not welcome wayside visual prompts such as those provided by advance boards, speed signs

and stop signs. While rail employees know not to rely upon wayside signage, the presence of such visual prompts can provide operators and ground crews with an added level of protection and a redundant layer of safety.

On some railroads, specially trained maintenance of way crews are required or authorized to use supplemental shunting devices when conducting work on main line signalized track. Supplemental shunting devices simulate the presence of a train or equipment occupying a track, showing up on the dispatcher's display board as an occupied block. The signal system cannot be cleared due to the simulated occupancy provided by a supplemental shunting device. This means that a dispatcher, control operator, or computer aided dispatch system cannot inadvertently remove a blocking device and clear a signal indication for train movements when a shunting device is effectively applied in the field.

The Brotherhood of Maintenance of Way Employees Division recently suffered

a multi-fatal catastrophe in the Northeast when a dispatching error resulted in the inadvertent removal of a blocking device and a train being routed directly into the unsuspecting track crew. Had the redundant protective measures of a supplemental shunting device been available and applied at the work location, the dispatcher would not have been able to clear the signal and the catastrophe may have been avoided despite the dispatching error.

Clear Communication is Key

There are also what we will call "intellectual layers of safety" that can be employed as a means of providing safety redundancy. These would include activities such as quality job briefings, clear and concise communications, procedural understanding and compliance, communication and verification of signal aspects and occupancy authorities between crew members, and heightened situational awareness. In fact, these are the basic cornerstones of the Roadway Worker

Protection regulations and the Switching Operations Fatality Analysis (SOFA) recommendations, both of which have effectively reduced fatalities and injuries to rail employees.

As stated in the opening paragraph of this article, you can never be too safe. Even if you and your crew do everything by the book, human and mechanical errors "upstream" can lead to catastrophic failure further downstream. Therefore, in furtherance of our mutual efforts to eliminate Roadway Worker and SOFA accidents and close calls, all members of the Rail Conference are implored to remain hyper-vigilant, insist on full compliance with all safety and operating rules, and employ "layered safety" principles and effective safety redundancies each and every day.

Personal Cell Use

Another area of safety concern is the use of cell phones in the railroad operating environment. Railroad communications are governed under 49 CFR Part 220. In



accordance with the provisions of Part 220 applicable to railroads with more than 400,000 annual employee work hours, "each occupied controlling locomotive in a train (as defined in 220.5) shall have a working radio, and each train shall also have communications redundancy." The regulation goes on to state that "communication redundancy means a working radio on another locomotive in the consist or other means of working wireless communications."

Under Part 220 "working wireless communications" means the capability to communicate with either a control center or the emergency responder of a railroad through such means as radio, portable radio, cellular telephone, or other means for two-way communication. Thus, the Federal regulation governing railroad communications does recognize cell phones as one of several types of redundant working wireless communication devices. However, such devices are only recognized under the standard as a redundant means of communicating with the control center or emergency responders.

Cell phones do have their place in a variety of operational and emergency situations; however, anyone who has been cut off on the highway by a driver talking on a cell phone knows that cell phones can also be a major source of distraction. Of course, inappropriate cell phone use in the railroad operating environment can be equally distracting with fatal consequences.

In May 2002, a head-on collision involving a BNSF train in Clarendon, Texas resulted in three crew injuries and one fatality. The National Transportation Safety Board (NTSB) concluded that the engineer of the offending train was likely distracted by a personal cell phone call and subsequently exceeded the limits of his authority. A similar head-on collision involving the Union Pacific occurred near San Antonio in May 2006. In that accident, the Federal Railroad Administration (FRA) findings indicated the probable cause was that the engineer of the train was engaged in and distracted by a cell phone conversation.

A rear-end collision involving a BNSF train in 2006 near Marshall, Texas occurred while the engineer was reportedly

Rail employees must be diligent in utilizing both "physical and intellectual layers of safety"...



involved in a personal conversation on a cell phone. And in December 2000, a BNSF conductor was killed by a passing Union Pacific train during a roll-by inspection. The FRA reported that evidence at the scene, phone records and statements by witnesses suggest that the conductor may have been using a cell phone as he dismounted to give the Union Pacific train a roll-by. There have also been reports of injuries and fatalities to other railroad workers struck by trains while using cell phones on or near the railroad right-of-way. These are all tragic accidents with tragic outcomes for the involved members and their families. We can honor their memories by learning from these terrible events and avoiding similar fates.

As a result of the Clarendon accident, the NTSB issued its final report and safety recommendations in Railroad Accident Report NTSB/RAR-03/01. In its report, the NTSB made the following specific recommendation (R-03-01) to the FRA: "Promulgate new or amended regulations that will control the use of cellular telephones and similar wireless communication devices by railroad employees while on duty so that such use does not affect operational safety."

In response to this NTSB recommendation, the FRA is reviewing current railroad operating and safety rules to identify best practices regarding limitations on cell phone usage in the industry. FRA is expected to respond to NTSB detailing specific actions or alternative actions responsive to safety recommendation R-03-01 in the near future.

Cell phones have become an almost indispensable part of modern life, and the availability of cell phones to summon emergency help or to reestablish communications with the railroad control center have benefited the safety of rail employees and railroad operations in the vast majority of instances. However, cell phone use has also been cited by NTSB and FRA as the probable cause or contributing factor in several serious rail accidents and fatalities. The Teamsters Rail Conference reminds all of its members to avoid cell phone distractions and be ever mindful of the dangers associated with extraneous cell phone use in the railroad operating environment.



Q&A



Rep. Bennie Thompson (D-MS) sat down with the *Teamster Rail* magazine recently to discuss his role in shaping rail safety and security legislation.

Rep. Thompson is the chairman of the U.S. House's Committee on Homeland Security. He has served in the House for eight years and is from Bolton, Mississippi. He is the longest-serving African-American public official in Mississippi. Last year, Rep. Thompson was the keynote speaker at the Rail Security forum held by the Citizens for Rail Safety.

U.S. Representative Bennie

Since the Democrats won the majority in the House and the House passed H.R. 1401, do you believe that rail security will improve as a result?

The Homeland Security Committee worked very hard to pass comprehensive legislation for securing rail and public transportation. We passed the bill out of the House with a clear mandate. We all recognize the importance of securing the nation's surface transportation modes.

How do you see the role of employee training and its impact on rail security?

Employee training is vitally important in preventing and mitigating a terrorist attack. In the weeks leading up to the passage of H.R. 1401, my committee had several hearings at which industry stakeholders, including labor, emphasized the importance of employee training. We heard your concerns and made training an integral part of the legislation.

When we published our report, "High Alert: Workers Warn of Security Gaps on Nation's Railroads," were you surprised by some of the responses to our survey? For instance, more than 70 percent of the respondents said that they had seen trespassers in the rail yard or along the right of way; in addition, more than 80 percent of the respondents said that they have not had any, or additional training related to terrorism prevention and response in the last 12 months.

I have to say I was alarmed by the findings of the report. When the Committee heard testimony on the results of this survey, many members expressed disbelief at the lack of security at our nation's rail yards and the lack of security training provided to workers. This study has opened the eyes of members to what needs to be done, and I commend the Teamsters for conducting such a survey.

Do you think that the railroad bombings in Madrid and London had any substantive impact on rail security policy in the U.S.? Or do you think that the attacks only provided a temporary up-tick in the attention to the issue?

Thompson

Discusses Rail Security



Rail bombings abroad have served as harsh examples of how easy it would be for terrorists to take advantage of our open transportation system. We would be foolish if we did not take note of these incidents and recognize that it is only a matter of time before we are targeted. These attacks abroad were a great motivation in passing H.R. 1401, and we will continue to remind policy makers of London, Madrid and Mumbai to make sure rail and mass transit security is never taken for granted.

What can our members do to urge Congress to make substantial security and safety requirements that the rail corporations must follow?

Information and communication are the keys to making sure these issues remain a priority for Congress. Not only should your members reach out to our leadership and this Committee, but individuals should always be in contact with their representative to let them know what issues need to be addressed.

Mass Transit and Rail Security Cannot Be Taken for Granted



Preserving Cajun Culture



Helping to preserve the traditional Cajun culture of New Orleans in the post-Hurricane Katrina era, locomotive engineer and Brotherhood of Locomotive Engineers and Trainmen (BLET) member David Stockinger and his wife, Lynda, teach and perform Cajun dance lessons.

Stockinger is a 35-year veteran of the Kansas City Southern Railroad and a member of Division 426 in New Orleans. Lynda is a school nurse in Baton Rouge, Louisiana. They are co-owners of the Cajun Dance Company, a group that teaches and performs traditional Cajun dances in Baton Rouge and throughout the United States.

"Louisiana has such a wonderful culture and so much diversity to offer to the rest of the world," Lynda said. "David and I are desperately attempting to preserve the beautiful language, music and dance of the Cajun people, especially now with the devastation that we all face within our state due to Hurricane Katrina."

Dance Therapy

In order to preserve the Cajun culture, the group offers free dance lessons in Baton Rouge each Friday evening. They also travel to areas outside of Louisiana, including areas populated by Katrina refugees.

"Katrina forced people out of New Orleans and they want their culture back," Stockinger said.

Later this year, the dance company will travel to Ozark, Alabama, an area said to be populated with many families who were displaced by Katrina. The Stockinger's travel also takes them to a major Indian casino in Walker, Minnesota, which hosts an annual four-day Cajun weekend.

The couple has organized and participated in several fundraises for the victims of Katrina. Stockinger said they

volunteered as the entertainment for FEMA and Red Cross workers during the post-Katrina clean up in New Orleans.

Their volunteer functions include local hospitals, nursing homes, schools and churches. Stockinger said nursing homes are some of the most rewarding experiences.

"You see the folks in wheelchairs looking tired," Stockinger said "But when they hear the music and see the dancing they perk right up. Music is good therapy."

A Railroad Family

David comes from a railroad family and is the third generation at KCS. His grandfather was a carman for 45 years and his father was a manager/clerk for 45 years. David and Lynda have three children: David Jr., who is a locomotive engineer for the Union Pacific Railroad in Eugene, Oregon; Lyndsi, a fourth grade teacher who won several BLET scholarships from the Southwestern Convention Meeting while she was in college; and Jake, who is a high school student in Baton Rouge.

David and Lynda enjoy what they do. "People celebrate life down here with a lot of dancing and singing," Stockinger said. "It's great exercise and wholesome, family entertainment."

He said all the dancing helps him stay in shape. "I've been an engineer for 35 years. I don't look like a dancer, but I am."

Prayers are Needed

In spite of their efforts, and the best efforts of countless volunteers, much work remains to be done in New Orleans.

"It's still a disaster," Stockinger said. "It's sad and depressing. There are so many who were left with nothing. They continue to need our prayers."

"Please continue to pray for Katrina's survivors," Lynda said.

Education Opens Doors



International
Brotherhood of Teamsters

2008-2009
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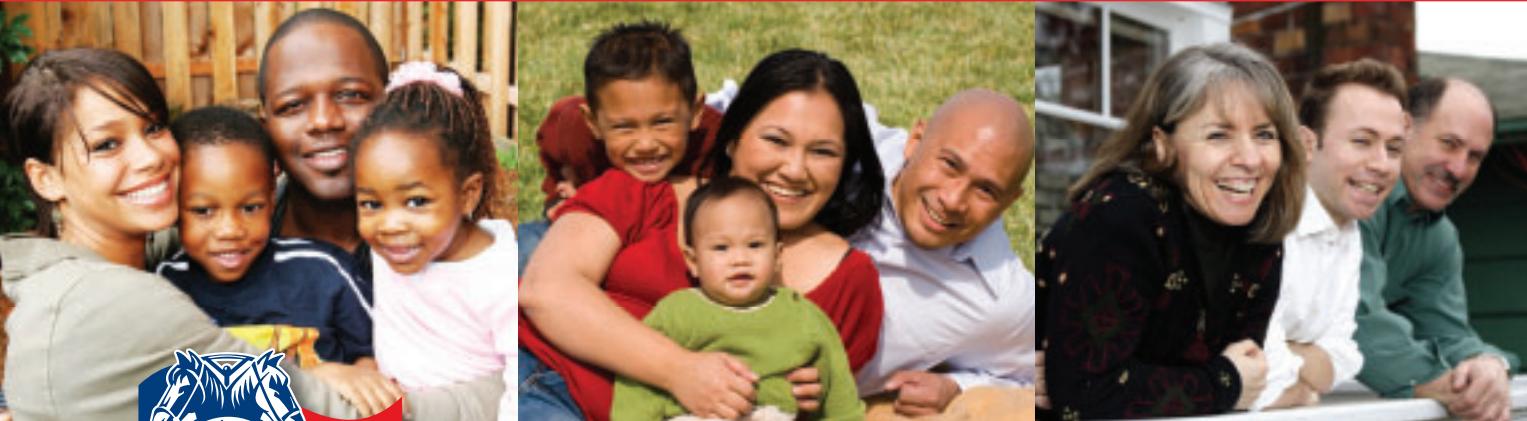
The James R. Hoffa
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For more information, contact your local
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Take a Stand for Working Families



DRIVE

You can help build Teamster political power by joining the thousands of Teamsters who already contribute to DRIVE.

By joining DRIVE (Democrat, Republican, Independent Voter Education), the Teamsters Union's political action committee, you are supporting grassroots action by Teamster families to fight for legislative action to help working Americans.

DRIVE has given the Teamsters clout in Washington to help pass legislation in the House of Representatives that will make it easier for workers to join a union, and is actively fighting for legislation to make the railroads more safe and secure. Politicians supported by DRIVE contributions voted to abolish camp cars and stopped American ports from being sold to foreigners.

Find out more about this exciting program by talking to your local lodge, division, or on the web at www.teamster.org/drive or www.bletdc.org