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Locomotive Engineers & Trainmen News

April 2009

BLET gearing up for contract negotiations

The Brotherhood of Locomotive Engineers and Trainmen is conducting a random survey of its membership in preparation for the upcoming round of national contract negotiations. The six-page survey seeks membership input on a variety of issues and will provide the National Division with demographic information for analysis of the returns. Section 6 of the Railway Labor Act requires that the company and/or the union provide advance notification of their intent to engage in contract negotiations. This notification is commonly referred to as a Section 6 notice. The BLET is eligible to serve its Section 6 notices on the carriers regarding a new National Agreement and a new Agreement with Amtrak beginning November 1, 2009. The written survey was mailed to 2,000 randomly selected members on March 10. In addition, the National Division is conducting an identical online survey in the Members' Area of the BLET website. Members chosen for the random survey are not eligible to participate in the online survey.

The survey is located on the BLET website at: http://www.ble-t.org/survey. Access to the online survey is password protected. Those interested in participating can use the same password they normally use to enter the Members' Area of the BLET website. A registration area for those who do not have a password is provided at the link above. Those who don’t have a password must register using their seven-digit membership identification number.

Continued on page 2

Long Island Rail Road Locomotive 99 and its crew at rest in 1896 at the Wading River station, which had opened recently.

The Long Island Rail Road is marking its 175th anniversary this year, and is currently enjoying record-breaking ridership and on-time performance thanks to the members of the Brotherhood of Locomotive Engineers and Trainmen.

And as the railroad reaches this anniversary, the BLET is also marking a significant milestone. BLET Division 269 was chartered to represent LIRR engineers 125 years ago — December 20, 1884.

The LIRR was incorporated on April 24, 1834, and is the oldest railroad in the U.S. still operating under its original name. It has become North America’s busiest commuter railroad, carrying more than 87 million riders last year.

Thanks in part to the professionalism of BLET members, more than 95 percent of LIRR commuter trains were on time in 2008. Specifically, 245,933 trains had an on-time performance of 95.14 percent.

“The 125-year history of strong Brotherhood representation at LIRR has created a safe work environment for workers and passengers,” BLET General Chairman Mickey Quinn said. “Today, BLET members have helped the railroad set an all-time record for best on-time performance. The fact that we achieved this record in the face of record highs in ridership is a testament to the hard work and dedication of BLET locomotive engineers.”

In terms of active members, Division 269 is the largest Division in the BLET today.

Fatalities on the rise
FRA Chief Safety Officer Jo Strang calls for help from all railroaders

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Continued on page 2

BLET PAC 2009
Can you afford $1 per month? BLET thanks those who gave to the BLET PAC in 2008.

BLET PAC fund contributions

Sticking with the BLET
IC&E workers reaffirm BLET membership.

BLET PAC thanks those who gave to the BLET PAC in 2008.

Fatalities on the rise
FRA Chief Safety Officer Jo Strang calls for help from all railroaders
Employees of the Iowa, Chicago & Eastern Railroad (IC&E) reaffirmed their allegiance to the Brotherhood of Locomotive Engineers and Trainmen today by voting overwhelmingly in favor of BLET in a representation election. IC&E workers originally joined the Brotherhood in December of 2002, and thanks to the BLET, they obtained their first ever collective contract in June of 2005. These dedicated members showed their appreciation to the Brotherhood by voting to remain BLET members, clearly rejecting a takeover attempt by the United Transportation Union.

First Vice President Paul Sorrow, head of the BLET’s Organizing Department and Short Line Department, gave special recognition to Vice President Mike Twombly for his hard work and dedication.

"These dedicated members showed their appreciation to the Brotherhood by voting to remain BLET members. It was an extremely difficult, hard fought representation election, and it is thanks in part to Brother Twombly that the BLET was successful," First Vice President Sorrow said. "He virtually lived on the railroad throughout the entire representation election. But most importantly, I wish to thank our loyal and dedicated members in Kansas City, Mo., Mason City, Iowa, Savannah, Ill., Quad Cities, Iowa, and all across the railroad for supporting the Brotherhood in the face of such a fierce drive."

Organizers Bob Kreuzer and Bob Ramshaw also lent assistance from the Teamsters Rail Classification Department.

The Iowa Chicago & Eastern Railroad began operations in 2002 with 1,400 miles of track in Illinois, Iowa, Minnesota, Missouri and Wisconsin. IC&E’s main lines extend from Chicago to Kansas City, Mo., and from Sabula, Iowa along the Mississippi River northwest to Minneapolis-St. Paul using track rights over the Canadian Pacific from La Crescent, Minnesota, to the Twin Cities. Branch lines (known as the “Corn Lines”) extend from Marquette, Iowa, west to Mason City and Sheldon, and from Austin, Minn., to Jackson and to Rosemount.

The National Agreement becomes amendable on January 1, 2010, and the parties agreed in 2007 that notices can be served 60 days before the Agreement becomes amendable.

"Thanks in advance for participating in this survey and helping to shape our bargaining goals for the upcoming round," BLET National President Ed Rodzawicz said.

**BLET Contract Negotiations**

**Federal Employers’ Liability Act (FELA)**

**Abe Lincoln rode to the rescue of injured railroader**

Brett Lincoln’s work as a lawyer for railroads is well known. But a new book on Lincoln’s 25-year legal career shows that Lincoln was also one of the first attorneys in the country to champion an injured railroad employee. Back in 1854 — when railroads were just beginning to use employees as easily disposable pieces of equipment — Lincoln sued the Great Western Railroad Company for a severely injured brake-man named Jasper Harris.

According to a three-page complaint that is in the handwriting of Abe Lincoln, Harris’ right leg was amputated above the knee because of an accident that was caused by the negligence of a fellow employee named George Armstrong.

Closing the complaint, Lincoln asked the court to give Harris $10,000 in compensation. That would be nearly two million dollars today.

Although the pleading was signed on behalf of the law firm of Lincoln & Herndon, historians have verified that the handwriting belongs to Lincoln.

This was a tough case for any lawyer, even a legendary trial and appellate advocate like Lincoln.

The first problem was that the Federal Employers’ Liability Act did not exist in 1854, and Lincoln had an unbreakable law — called “contributory negligence” — that made it extremely difficult for plaintiffs to win negligence cases.

In addition to proving that the accident that injured Harris was caused by the negligence of a Great Western employee (his co-worker Armstrong), the contributory negligence rule meant that Lincoln had to also prove there was absolutely no carelessness by Harris. If Harris was even one percent at fault in causing the accident, the contributory negligence rule meant he would have received nothing.

Making a bad situation worse, a few months after Lincoln sued Great Western Railroad Company, the Illinois Supreme Court adopted the “fellow-servant rule.” Under the fellow-servant rule, an injured employee was absolutely prohibited from suing his employer for the accident that caused the negligence of a co-worker.

The fellow-servant rule would have killed Harris’ lawsuit — even if it survived the defense of contributory negligence.

We are not sure exactly how plaintiffs were ever going to win a case against a railroad under the fellow-servant rule and the obvious defense contributory negligence.

If you want a copy of the complaint Lincoln wrote for Jasper Harris, send a note to jfarina@hoeyfarina.com. I want to make this remarkable document widely available because the 2009 SWCM in Kansas City, Mo. It will be held at the Hyatt Regency Philadelphia at Penn’s Landing (200 S. Columbus Blvd., Philadelphia, PA 19106). Phone: (215) 318-9013. The room rate will be $159 per night.

Contact Mason at: (865) 523-2684 email: scootermason88@gmail.com or LNM67@comcast.net.

November 7-9, 2009

7th UIMA, Philadelphia

Brother Sean Simon, Vice President of BLET Division 225 (Newark, N.J.), is Arrangements Chair of the 2009 UIMA in Philadelphia, Pa. It will be held at the Hyatt Regency Philadelphia at Penn’s Landing (200 S. Columbus Blvd., Philadelphia, PA 19106). Phone: (215) 928-1234. The room rate will be $199 per night.

Contact Simon at (609) 559-6405 or email: euama2009@outlook.com.

September 13-16, 2009

73rd SWCM, Kansas City, Mo.

or telephone conference at 404-502-6445. The total cost is $650.00. The meeting will be held at the Hyatt Regency Crown Center (2345 McGaw St., Kansas City, MO 64108). Phone: (816) 421-1234. The room rate will be $199 per night.

Contact Brother Ziemer, call (617) 864-5602 or email: shizier@msn.com. Visit the SWCM website at: www.swcm.org.

August 25-29, 2009

Military Railway Service Reunion

Organizers are planning a large reunion of MRS veterans who served during WWI and Korea, which will be held at St. Fusi, Va., as part of the Army’s Transportation Corps week. Email: Matt Yates at yatesufc69@comcast.net.

Orchard Road, Gatlinburg, TN 37738; Phone: (865) 312-0246 email: scottmcgibbon@comcast.net or SLGA@comcast.net.

July 5-9, 2009

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Preserving Jobs, Protecting Lives

BLET-PAC donations help protect livelihoods—and lives—of rail labor. Your Division Secretary-Treasurer will then begin automatic payroll deductions and the National Legislative Office will send you confirmation of your card and a BLET-PAC pin.

Joining the BLET PAC is as easy as 1, 2, 3!

1. Get a PAC Authorization Check Off card from your Division's Legislative Representative or go online to www.bletdc.org, under the drop down menu "Take Action," click on BLET PAC. When prompted, fill in the usename "signup" and the password "bletdc." Then print the filled out card.

2. After you fill out the form online or in this issue, give one copy to your Division Secretary-Treasurer.

3. Mail one to the BLET National Legislative Office in Washington, D.C. (25 Louisiana Ave NW, 7th Floor, Washington, D.C. 20001). Your Division Secretary-Treasurer will then begin automatic payroll deductions and the National Legislative Office will send you confirmation of your card and a BLET-PAC pin.

BLET-PAC FUND CONTRIBUTORS — C A L E N D A R Y E A R 2 0 0 8

President’s Club 500 or more

<table>
<thead>
<tr>
<th>Name</th>
<th>Division</th>
<th>Placement</th>
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<tr>
<td>Miriam B. Allen</td>
<td>587</td>
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<td>John T. Voss</td>
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<td>John P. Tolman</td>
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President’s Advisory Council $100 per month or more

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<tr>
<td>Michael D Twombly</td>
<td>191</td>
<td>$1 per month</td>
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<tr>
<td>Edward W Rodzwicz</td>
<td>325</td>
<td>$1 per month</td>
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BLET Editor's Note: The following is a list of total calendar year contributions to the BLET PAC fund by BLET members in 2008. It is based on monthly reports filed by Division Legislative Representatives. There may be some discrepancies in a member's total amount shown, for example, you are giving at the President's Club level ($100 per month), but began your payroll deduction after January 2008, then you will be shown at the Vice-President's Club ($20 per month) because your total year contributions did not reach the 860+ level year.) Additionally, while filing monthly reports may account for discrepancies in this list.

BLET-PAC Fund Contributors — Calendar Year 2008

President’s Club level ($20 per month)

<table>
<thead>
<tr>
<th>Name</th>
<th>Division</th>
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<tr>
<td>Bob F. Adams</td>
<td>160</td>
<td>$20 per month</td>
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President’s Advisory Council $500 or more

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<tr>
<th>Name</th>
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</tr>
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</table>

BLET-PAC donations help protect livelihoods—and lives—of rail labor. Your Division Secretary-Treasurer will then begin automatic payroll deductions and the National Legislative Office will send you confirmation of your card and a BLET-PAC pin.

Those who try to take away our jobs, harm rail safety or infringe upon our rights as workers, We need all of our members to participate in these efforts because the BLET-PAC has continued to be one of the best ways to protect our jobs and advance pro-rail labor policies. It is no secret that politicians listen more to those who are the strongest and the loudest, and if we are to continue being heard, then we must maintain and increase contributions to the PAC. If we can walk into a meeting and say that 100 percent of BLET members are united to contribute to the BLET-PAC, then politicians would understand that there are thousands of voices backing us up. We should be an even more powerful force. Railroad lobbyists have well-funded and powerful PACs. In the 2008 election cycle, the Class I railroads donated more than $7 million dollars to candidates in order to advance their agenda. We work to counter their agenda as much as we can but in order to go from defense to offense, we need the support of all of our members. We cannot simply re- act when important issues arise. We must get in the game early and help set the agenda.

While our contributions are small in comparison to the railroads, the BLET-PAC money collected has been used to elect worker-friendly governors and state legislators. And because 50 percent of this money goes to the National PAC, it also helped to elect Barack Obama as President, gain the Demo- crats a majority of seats in the U.S. House and Senate. The money our members donate to the BLET-PAC helps us to protect the safety, livelihoods and lives of members, their families and all workers nation- wide. We all need to support the PAC. Please give to the BLET-PAC.
while we have made out-
standing progress togeth-
er, there is no room for taking
our eye off the ball. We must
continuously reinforce our
commitment to safety and
reduce the number of fat-
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during track maintenance
operations. This is why we
are asking all rail employees
for their help in this effort.

As members of your
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If you believe that your
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problems or concerns.

Understanding situational
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employees safe.

Rail fatalities up in 2008-2009; FRA calls for help

BY JO STRANG
Federal Railroad Administration
Association Administrator
for Railroad Safety/ Chief Safety Officer

rail fatalities in 2008-2009, the agency
has urged the industry to improve
safety in the track maintenance
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At least one worker who was fired because he wanted to join the Teamsters has never flown on an airplane before. They do not doubt in my mind that passing the Employee Free Choice Act would bring about the most significant change for unions in the workplace since the Wagner Act took effect in 1935.

Big Corporations say Employee Free Choice would take away workers’ rights to the secret ballot. They argue that the secret ballot is the linchpin of democracy, that it would be somehow un-American to take it away. They claim to care about workers who might be intimidated by a union if their secret ballot is taken away.

Of course, the secret ballot doesn’t protect workers from management intimidation. How can it, when union organizers routinely get fired?

It is also untrue that Free Choice takes away the secret ballot. Let me repeat: If the Employee Free Choice Act becomes law, workers could choose to cast their votes in a secret ballot. Sen. Robert Wagner of New York sponsored the law in 1935 that bears his name. The Wagner Act recognized the right of workers to form unions. Wagner understood that the difference between desperation and democracy is not the secret ballot, but whether workers have the right to bargain collectively.

The corporate-funded fronts opposing Employee Free Choice can’t pretend they support collective bargaining. So they claim that expanding the secret ballot, which has been working effectively for a century, is somehow a poison pill for our ailing unions.

There’s no doubt in my mind that Big corporations oppose the Employee Free Choice Act. They know that if the right of workers to freely join a union is protected, economies will benefit. Over the past 70 years, American unions have created a strong middle class.

William C. Walpert, National Secretary-Treasurer
Paul T. Sorrow, First Vice-President & Alternate President
Edward W. Rodzwicz, National President

The National Division’s Public Relations Office, which produces the Newsletter each month, has received numerous inquiries lately from BLET members volunteering to contribute their images to the Newsletter. We welcome your submissions. If you wish to submit a photo for consideration, you may call Editor John Bentley at (216) 241-2630 ext. 244, or you can email images to Bentley@ble-t.org.

Please note only high resolution images can be used. Members are also encouraged to review their employer’s policies regarding the use of their own electronic devices while on duty.