Division 267 hosts 84th SMA in Asheville, N.C., June 12-17

Local Chairman Dewey R. Brown, his wife Christie, and BLET Division 267 are welcoming all BLET members to Asheville, N.C., for the Southeastern Meeting Association’s (SMA) 84th annual convention, slated for June 12-17, 2011.

“BLET Division 267 is looking forward to being your host for the 84th SMA in Asheville,” Brother Brown said. “We have been working hard this past year to put together an event that would be beneficial and informative to our members, as well as offer time for fellowship and fun.”

Guests will stay at the Doubletree Biltmore Hotel in the historic Biltmore Village. Room rates are $119 per night and includes free internet and parking. Room reservations must be made by May 16 in order to secure the reduced rate. Reservations can be made by calling 1-800-222-TREE (8733).

Additionally, those who register with the SMA by May 16 will be entered into a drawing for two free room nights at the Doubletree Biltmore. Also, there is a $20 discount for those who register prior to June 1.

On-site registration begins on Sunday, June 12, and the dinner banquet is slated for the evening of Thursday, June 16. June 17 is the travel day.

Many special events are on the tentative agenda for the 2011 SMA, and members are encouraged to attend the convention.

Continued on page 6...
WHY YOU NEED TO BE INVOLVED

In last month’s message, I urged all BLET members to get involved in our union and to get involved in our fight against the war on the working class. Since then, I have had the pleasure of attending several meetings with BLET members to personally encourage more members to become involved in our union. I have attended Division meetings in Iowa, Michigan and Ohio, and State Legislative Board meetings in Texas and Wisconsin. In fact, I am writing this message from Madison, Wisconsin, having just attended the quadrennial meeting of the Wisconsin State Legislative Board.

While we were in the meeting held across the street from the State Capitol where protests by thousands of working men and women have become the norm, an important thing happened in Wisconsin. The voters went to the polls this week and may have elected a labor-friendly Democrat to the State Supreme Court, although the sudden appearance of thousands of voters two days after the election has cast doubt on the legitimacy of the election. This is important in many ways.

Just a few months ago when newly-elected Wisconsin Governor Walker started his war on the workers, the pro-corporation forces in government all across this country joined in attacks on working Americans without regard for the impact on those working Americans. They claimed to have the support of the citizenry, and they thought that they could steam roll the working class of this country without a fight.

But rather than just sit back and take it, working Americans, union and non union, public sector and private sector, came together all across the country to tell these corporate-sponsored Governors that they had gone too far. The governors, senators and congressmen put in place with the support of corporate America may not have heeded the message of those rallying across the country, but it is becoming evident that the voting citizens have.

In speech after speech, supporters of the working class have echoed the old Wobblies motto that “an injury to one is an injury to all.” Governor Walker isn’t listening to that message, nor is Ohio Governor John Kasich or New Jersey Governor Chris Christie. But the working citizens of this great land are listening because they realize that they, too, stand to be affected by the anti-worker agenda that these corporate backed elected officials are pushing.

The truth is that unions and collective bargaining are not the enemy of any working American, they are the friend of the working class because they are the foundation of the middle class and the engine of upward mobility and the American Dream. No matter how much corporate America and its allies vilify the labor movement, they will never erode from the history books the successes of the labor movement in this country. It was the unions who delivered the 40-hour workweek, paid vacations and many other benefits that are now found in union and non-union workplaces. Without the unions there to lead that push, working class Americans would still be working for less than a living wage and with few, if any, benefits.

Your own experience over the course of your railroad career is evidence, bearing a signature, being received by the National President to be considered an “official communication.” This is to provide that the actual question(s) are addressed, and ensures that when official communications are made they have reference to a specific request and can be used in future correspondence.

The volume of e-mails received makes it impossible for the National President to answer all unofficial communications. Therefore, it is the policy of the BLET that e-mails addressed to the National President are reviewed and forwarded to the appropriate officer or staff for a timely response; however, an e-mail message is not considered an official communication.

Moreover, anonymous e-mails and e-mails that do not provide sufficient information concerning the sender to enable National Division staff to confirm the sender’s membership status will not receive any reply or acknowledgement. This policy is intended to allow the National President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member’s unofficial communication, if a response is necessary, without needlessly expending limited BLET resources.

ADOPTED AT CLEVELAND, OHIO ON JULY 22, 2010
Origin of the war on workers

The spark that has fired protests in hundreds of communities across our great country was actually struck more than a year ago. It wasn’t in Wisconsin on Feb. 11, when Gov. Scott Walker leveled a bill to strip government workers of their collective bargaining rights, setting off waves of massive protests in Madison. The real spark was struck in Washington, D.C., on Jan. 21, 2010, when the Supreme Court decided the Citizens United v. Federal Election Commission case. The high court voted to overturn campaign finance law – a bill to strip government workers’ pensions for decades, creating funding liabilities.

Third, rush through anti-worker legislation, using dirty tricks if necessary. In Ohio, corporate-backed politicians quickly and quietly swapped out a Senate committee member in order to move an anti-worker bill to the Senate floor. That was only slightly more outrageous than the decision to lock the Statehouse doors so Ohio citizens couldn’t express their opinions to lawmakers. Only after a judge issued an order were the doors opened.

The lesson from Madison is that these corporate-backed politicians have finally pushed the American worker too far. Instead, they are uniting Ameri...
Rail shipments of damaged hazmat containers more than doubles since 2007

The number of damaged or leaking hazardous materials containers shipped by rail has more than doubled over the past four years, and Rail Labor is demanding to know why.

The shocking figures are highlighted in comments filed on March 24 by seven Rail Labor unions in response to a Federal Railroad Administration (FRA) Notice of Public Meeting. The FRA notice was published in the Federal Register on January 25, 2011. The FRA routinely grants special permission for railroads to transport damaged hazardous materials containers on mainline tracks to repair facilities. However, the number of requests from railroads has steadily increased over the last 16 years — with the number of approvals more than doubling since 2007, thereby subjecting rail workers to an unacceptable risk of exposure.

“We are concerned that the risk posed by damaged containers is inadequately regulated,” the unions wrote. “Railroads and shippers have a business interest in timely review and approval of their movement requests, the unions wrote. “As such, as the backlog impacts their bottom line, railroads and shippers will pressure FRA to accelerate the approval process. Such acceleration will undoubtedly diminish the level of detail and due diligence now afforded each request, resulting in an increased probability of unintended consequences such as fire, explosion, or chemical exposure.”

The seven rail labor unions who were a party to the joint submission are: American Train Dispatchers Association (ATDA); Brotherhood ofLocomotive Engineers and Trainmen (BLET/IBT); Brotherhood of Maintenance of Way Employees Division (BMWED/IBT); Brotherhood of Railroad Signalmen (BRS); Transport Workers Union of America (TWU); Transportation Communications Union (TCU); and United Transportation Union (UTU).

A one-page flyer from the Federal Railroad Administration summarizing the regulation is available on the BLET website: www.ble-t.org/pr/pdf/Hazmat_Comments_final.pdf

FRA final rule on cell phones goes into effect March 28

The Federal Railroad Administration’s (FRA’s) new rule regarding restrictions on railroad operating employees’ use of cellular telephones and other electronic devices went into effect on March 28, 2011. The new rule essentially enforces the same ban on personal electronic devices established in Emergency Order 26, which prohibits the use of a cell phone while engaged in any safety-sensitive duty.

“The one sure fire way to stay out of trouble is to turn your phone off, store it in your grip, and don’t turn it on until your tour of duty is over,” BLET National President Dennis Pierce said.

BACKGROUND

The first documented accident in which the use of cellular phones may have played a causal role occurred on May 28, 2002, near Clarendon, Texas, where two BNSF railroads collided, resulting in two fatalities.

On September 12, 2008, a collision between a Metrolink passenger train and a Union Pacific freight train in Chatsworth, Calif., killed 25 people and injured hundreds more. The NTSB speculated that the locomotive engineer was distracted by text messaging when he allegedly passed a yellow signal and proceeded into the path of an oncoming Union Pacific freight train. Just a short time later, the FRA proposed Emergency Order 26 regarding the use of cell phones and other forms of wireless communication.

Almost simultaneously, the U.S. Congress drafted and passed Public Law 108-432, the Rail Safety Improvement Act of 2008 (RSIA). And on October 16, 2008, President George W. Bush signed the RSIA into law. Section 405 of the RSIA, in reaction to the Chatsworth accident, required the Secretary of Transportation to study the impact of the use of personal electronic devices by safety-critical railroad employees. In addition, it authorized FRA to prohibit the use of those personal electronic devices that may distract employees from safely performing their duties.

NO CELL PHONES

A locomotive engineer operating the controls of a train is prohibited from using any electronic device — other than the locomotive’s electronic control systems, such as radios, cab signals or FTC systems — even those that the railroad has supplied for authorized business purposes, while:

1. The train is moving;
2. A member of the crew is on the ground or riding rolling equipment during switching; or
3. Any railroad employee is assisting in the preparation of the train for movement.

Other employees may use a railroad supplied electronic devices for an authorized business purpose in the operating compartment of a train, only if:

1. It does not interfere with a railroad operating employee’s performance of safety-related duties;
2. A safety briefing is conducted that includes all crew members; and
3. All crew members agree that is safe.

The new regulation allows the use of a personal cellular phones while deadheading, outside the controlling cab of the locomotive and it’s use does not interfere with any employees’ performance of safety related duties.

MINIMUM STANDARD

These rules are minimum standards rather than uniform rules. Therefore, the railroads have the right to implement their own, more stringent rules, which could further restrict our members’ ability to use electronic devices while they are on duty.

In comments filed when the rule was first published, we cited the railroads’ history of misusing their authority to exceed the minimum standards and implement novel ideas that exceed the necessary level of oversight, often resulting in unintended consequences and abuse. Unfortunately, FRA rejected BLET’s argument and did not modify the language in the final rule.

LOCOMOTIVE ENGINEER CERTIFICATION

FRA did not include a revocation consequence in the final rule as a penalty for violation of the rule. However, railroads argued vehemently that violation of the FRA’s rule or the accompanying carrier’s rule should lead to decertification, and any such violations in the future will increase the pressure on FRA to impose revocation consequences.

CAMERAS

Personal multi-functional electronic devices that include a camera feature (such as cellphones) are permitted. Only standalone cameras are permitted at the authorized times as long as (1) they are not used by the locomotive engineer on a moving train, (2) they are used only to photograph a safety hazard or violation of safety law regulation/order, and (3) turned off immediately after use.

DEADHEAD STATUS

The rule allows deadheading crews to use personal electronic devices as long as they are in the cab of the controlling locomotive and such use does not compromise the safety of any operating employee including their own, and does not interfere with the performance of the safety duties of any operating employee. Deadheading employees in the cab of the controlling locomotive are prohibited from using any electronic devices and they must have the devices turned off and the earpiece removed during the prohibited times.

MEDICAL DEVICES

Medical devices such as hearing aids and blood sugar monitors are not prohibited by this rule. The rule requires that the medical device is used consistent with the manufacturer’s standards for medical fitness for duty.

A COPY OF THEIR JOINT SUBMISSION IS AVAILABLE ON THE BLET WEBSITE. WWW.BLET.ORG/PDF/HAZMAT_COMMENTS_FINAL.PDF

"THE ONE SURE FIRE WAY TO STAY OUT OF TROUBLE IS TO TURN YOUR PHONE OFF, STORE IT IN YOUR GRIP, AND DON’T TURN IT ON UNTIL YOUR TOUR OF DUTY IS OVER." — Dennis Pierce

THE FEEDBACK FORM IS AVAILABLE ON THE BLET WEBSITE: WWW.BLET.ORG/PDF/FRACL尊严 Electronic Devices Chart.pdf
BLET MEMBERS RATIFY MBCR CONTRACT

Members of the Brotherhood of Locomotive Engineers and Trainmen have ratified a new collective bargaining agreement with the Massachusetts Bay Commuter Railroad (MBCR). Votes were tabulated on March 17, and the new four-year contract provides members with general wage increases worth 13.7 percent over the life of the agreement. The agreement runs through June 30, 2013, with retroactive pay back to 2009.

BLET National President Dennis Piezzi thanked those involved in the process, noting that over 84 percent of the members eligible to vote returned ballots as part of the ratification process.

“I congratulate General Chairman Mark Kenny and his negotiating team for bringing these difficult negotiations to a successful conclusion,” BLET National President Dennis Piezzi said. “I also thank those members who took the time to vote on this important contract.”

In addition to the general wage increases, the agreement provides passenger engineers with increased certification allowances and instructor allowances. Members would also receive a $1,000 signing bonus in terms of work rule changes.

General Chairman Kenny said that pay for layover time will be increased from half-time to five-eighths time.

“It is truly significant as it breaks the long standing ceiling of half-time and sets in place a more advantageous threshold going forward in the next bargaining round,” he said. The Massachusetts Bay Transportation Authority is the public operator of most bus, subway, commuter rail and ferry systems in the greater Boston area. MBCR operates the commuter rail portion of the MBTA system.

“IT IS TRULY SIGNIFICANT AS IT BREAKS THE LONG STANDING CEILING OF HALF-TIME AND SETS IN PLACE A MORE ADVANTAGEOUS THRESHOLD GOING FORWARD IN THE NEXT BARGAINING ROUND.”
Div. 267 hosts 84th SMA
Continued from page 1

register as soon as possible to reserve their spot. However, Brother Brown advised that events listed here are tentative and subject to change. Some of the activities include:

» Barbeque dinner at the Taylor Ranch, a 5th generation privately owned 500 acre working Quarter Horse and Texas Longhorn Cattle Ranch that boasts some of the most beautiful land and views in western North Carolina. In addition to the dinner, guests will enjoy a bluegrass band, covered wagon rides and traditional mountain clogging.

» Tour of the Biltmore House, America’s largest privately owned home. Ticket includes lunch on the estate as well as admittance to the gardens, Antler Hill Village and the winery.

» Dinner buffet and gaming fun at Harrah’s Cherokee Casino, which is limited to the first 56 people who register (so please reserve your space early).

BLET members will have plenty to see and do in Asheville.

| Annual golf outing at the Grove Park Inn Resort in Asheville.

In addition to the relaxation and fun offered at the 2011 SMA, Brother Brown and his Arrangements Committee have organized several educational opportunities as well. Members will benefit from attending workshops for Local Chairmen, Secretary-Treasurers and Legislative Representatives. There will also be a mock trial/investigation. The National Division will also be offering an informational workshop about the BLET’s Mobilization network.

For more information, please visit the BLET National Division website: www.ble-t.org/info/meetings/sma

Members with specific questions can contact Brother Dewey Brown by email or telephone: drbrown1267@yahoo.com (828) 275-5890

THOMAS J. KENNY

BROTHER THOMAS J. KELLY of BLET Division 238 (Tucson, Wash.), was one of three men killed in a tragic BNSF crossing accident in Kelso, Wash., on March 23.

The three men were killed when their off-duty crew transport vehicle was struck by a BNSF freight train in Kelso, Wash., sending the vehicle down a 25-foot embankment more than 30 feet from the crossing.

Brother Kenny, 58, was born on July 4, 1952 in Seattle. He was a 22-year veteran of BNSF and first joined the BLET on May 1, 1994.

Also killed in the accident were Christopher J. Leehr and Steven D. Sebastian. Leehr, 28, was a student trainee who had been on the job for approximately 10 weeks. Sebastian, 60, was the van’s driver and an employee of Coach America.

The lone survivor of the tragedy is long-time conductor Dwight L. Hauck, 51, who remains in critical condition. Brother Kenny is survived by his loving wife of 37 years, Laurie, children Victoria, Crystal, Samuel, Lorina, Manny Kenny and Annalise Razo, and one granddaughter, Kiana. He is also survived by his mother, Mary, and numerous siblings, nieces and nephews.

On behalf of the entire BLET, I extend our deepest and most heartfelt sympathy to Brother Kenny’s wife Laurie, their children, and his entire family,” BLET National President Dennis R. Pierce said. “This is an incredibly difficult time for the families and our thoughts and prayers are with everyone involved with this terrible tragedy.”

Two separate memorial funds have been established for the victims of this accident. The first is for the families of the three men who were killed in the accident. Donations made to that fund will be divided equally among the Leehr, Sebastian, and Kenny families. Donations to this fund should be sent to the “BNSF Memorial Fund 2011” account at the Cascade Federal Credit Union. The account Number is 38430. The locations of Cascade Federal Credit Union are listed below:

18020 80TH AVE., S. KENT, WA 98032 (425) 251-8888 LOANS (425) 251-3600 FAX (425) 251-0299 TOLL FREE (800) 562-2853

12916 4TH AVE., W., SUITE A EVERETT, WA 98204 (425) 290-8010 FAX (425) 290-3010

1706 D. STREET, SUITE C VANCOUVER, WA 98663 (360) 695-0577 FAX (360) 695-3881

The second fund has been established for UTU member Dwight L. Hauck. Donations to this fund can be made at any Wells Fargo Bank. When making a donation, please use the routing number 125008547 and the account number 8277835552.

Additionally, local employees who wish to donate personal leave days should email Paul McGill, Iptmgill@hotmail.com.

Transportation Workers protecting each other since 1910

Safety Task Force Hotline
(800)306-5414

Report major accidents when they happen
Keeping true to his commitment to increase the presence of the National Division in the field, BLET National President Dennis Pierce attended regular divisions meetings across the country March.

His first meeting was at the Brotherhood’s first Division – Division 1 in Detroit. The Brothers and Sisters of Division 1 proudly displayed their original Division charter from 1864 during the meeting with President Pierce. The members of Division 1 work for Norfolk Southern and the Conrail Shared Assets.

He also attended the regular meeting of Division 687 in Sioux City, Iowa. Division 687 holds the distinction of being President Pierce’s home division, and the members there were extremely proud to welcome home their National President. Division 687 members work for the BNSF.

A large crowd gathered for the regular meeting of Division 6 in Boone, Iowa, on March 7, where engineers work for the Union Pacific.

Finally, he presented a commemorative plaque to long-time Local Chairman Mike Fitzgerald at the Division 3 regular meeting in Cleveland.

BLET members host President Pierce at regular Division meetings

Division 687: Members give a warm welcome to President Pierce at his home Division on March 7 in Sioux City, Iowa.

Division 6: A packed house for the March 6 meeting in Boone, Iowa.

Division 1: Members in Detroit hold the honor of belonging to the BLET’s oldest Division.

Division 3: President Pierce presents Mike Fitzgerald with a plaque.
BLET TO MARK 148TH ANNIVERSARY ON MAY 8

The Brotherhood of Locomotive Engineers and Trainmen will mark in 148th anniversary in 2011. The union was founded in Marshall, Mich., on the Brotherhood of the Footboard on May 8, 1863.

The organization was formed when locomotive engineers on the Michigan Central Railroad became discouraged with pay cuts and the dismissal of their firemen.

In 1864, the union changed its name to Brotherhood of Locomotive Engineers, the name it retained for 140 years until becoming the BLET after merging with the Teamsters on Jan. 1, 2004.

Today, the BLET is one of America’s largest and most influential railroad unions. As the founding member of the Teamsters Rail Conference, the BLET represents nearly 40,000 professional locomotive engineers and trainmen through-out the United States.

Stop the War on Workers

www.ble.org/war-on-workers

Are you a photographer? The National Railway’s Public Relations Department, which produces the Newsletter each month, has recorded numerous inquiries lastly from BLET members volunteering to contribute their images to the “Photo of the Month” section of the Newsletter. If you’d like to submit a photo for consideration, you can call Editor John Bentley at (216) 241-2630, ext. 248, or you can email Railpictures@ble.org.

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

UPDATE: Organized labor is leading the charge to overturn anti-worker legislation that was recently passed into law in Wisconsin and Ohio.

In Wisconsin, Democrats may control the Senate by July as recall campaigns are targeting almost all collective-bargaining rights for public sector union employees. Ohio Teamsters are collective-signers for a citizens’ vote to overturn the legislation. If successful, Ohio’s citizens will have the opportunity to overturn the anti-worker legislation at the polls in November.

Nationwide, collective bargaining rights are under attack in numerous other states, including Indiana, Florida, Michigan, Ohio, Texas, Alabama, Pennsylvania and Nevada.

For the latest news in the fight to stop the War on Workers, please visit the BLET National Division website at www.ble.org.