



# BLET Auxiliary News

Working to bring about safer working conditions for Locomotive Engineers & Trainmen, educate spouses, and enhance the lifestyles of railroad employees and their families.

Volume 1, Number 12

Autumn 2009

Becky Schneider, President • Sereena Hogan, Vice President/National Legislative Representative  
Anita Caruso, Secretary • Helen Brand, Treasurer • Gina Forman, 1st Vice President • [www.bletauxiliary.net](http://www.bletauxiliary.net)

## 1st Quadrennial National Convention, Oct. 4 - 7, 2010

It may seem a bit early to start talking about the Quadrennial Convention to be held next Autumn in Reno, Nevada, but it does seem appropriate to stress the importance of holding auxiliary elections by the end of the year, and electing the right member for the very important position of Convention Delegate. At the regional conventions this year, Delegates and Alternates were elected to represent the members-at-large for each region. We could not wait until next year to fill these positions because the Southwestern Convention Meeting occurs just three weeks prior to the National Convention. Delegates and Alternates need to remember to send their member-at-large dues to our National Secretary, Anita J. Caruso, no later than March 1, 2010, in order to remain in good standing. To learn more about the duties of Convention Delegates, please refer to the National Bylaws, Article IV, Representation, on page 11.

The National Convention will be held in Reno, Nevada, October 4-7, at the Grand Sierra Resort. In a nutshell, the business of the Auxiliary includes reports from National Officers since the last National Convention; consideration of Resolutions submitted reflecting requested changes to the Constitution and Bylaws; election of new National Officers; and submission of ideas to keep the Auxiliary vital, which Delegates should bring with them from their local auxiliaries and regions. Please note that all auxiliary members who attend the convention with their BLET spouses, even if they are not the elected delegate for the Convention, are always welcome at our meetings.

Regarding changes to our National Bylaws, resolutions are submitted to the National Auxiliary by local auxiliaries and members-at-large for consideration by the body. Pursuant to our bylaws, resolutions must be submitted sixty (60) days prior to the opening General Session of the National Convention, which falls on August 5, 2010. I realize that going through the bylaws is not what anyone would consider a fun read, but these are the governing documents for the Auxiliary and we encourage members to take a look at them to offer new and/or innovative ideas to move our organization forward into the future.

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## Local Auxiliary Elections

It's time for local auxiliaries to elect officers. According to our Local Auxiliary Bylaws (Article VI, Nominations and Elections, pg. 37), local auxiliary elections take place every two years in odd numbered years **at the last regular meeting of the year**. Although every election is important, this year you need to make sure to elect a Delegate and Alternate to represent your Auxiliary at the National Convention next year in Reno, Nevada.



Offices to be filled are: President, Vice President, Secretary, Treasurer, Legislative Representative, Mobilization Coordinator, Chaplain, Delegate, and Alternate Delegate. A member can hold more than one office with the exception of President and Treasurer. Those offices must be held by two different members. Of course, the Convention Delegate and Alternate must be two different members as well. There is a misconception that the President of the Auxiliary is automatically the Delegate. The President is eligible to be elected as the Delegate, as are all members in good standing, but it is a separate elected office.

Each auxiliary will receive an Annual Report and Auxiliary Officers Form in early January from our National Secretary Anita J. Caruso. Once elections have been held and the officers have been installed in January, the Auxiliary Officers Form must be submitted to Anita as soon as possible. In addition, the Annual Report must be submitted following the first meeting in January, at which it is read and approved by the members. Because of the logistics involved in preparing for the National Convention and getting materials out to the delegates, it is imperative that we receive the Annual Reports and dues by March 1, 2010. If an auxiliary's report and dues are not received by March 31, 2010, it will be not be listed in good standing and will, therefore, not be allowed to seat a delegate at the National Convention.

It cannot be stressed enough that this year's elections must be held before the end of the year. Good luck and thank you to all of you take care of the business of the Auxiliary.

## From the President:



One would think that after years of asking “where has the summer gone?” I would have come to grips with the reality that it continues to fly by. Since our last newsletter, we have connected with old friends, and made some new ones at this year’s regional conventions.

Even though the 2009 convention season is over, I’m going to put on my broken record again and encourage everyone who has never attended a regional convention to look over the location and dates for next year (located on the back of this newsletter), and perhaps consider putting in for vacation to attend one. As many regional conventions as I have had the privilege to attend, I continue to learn a great deal about life on the railroad—information I would have never known had I not gone to one of these meetings—and the chance to visit places that may not have been on my “bucket list.”

Thanks to all of this year’s regional chairmen for their hard work in putting together some great conventions, to the Golf Chairmen who helped the Auxiliary raise scholarship money through the tournaments and mulligan sales, and to all who purchased raffle tickets, helping us to have a very good fundraising year. A special shout-out to Jim Keele, Golf Chairman for the Southwestern Convention, who spearheaded the effort to raise more money for the Auxiliary scholarship fund than we have ever had. Our Winter Newsletter will feature highlights from all of the conventions, so keep your eye out for that issue in your mailbox.

In other happenings around the Auxiliary, interest in our organization continued to increase at all of the regional conventions for those wishing to join or form local auxiliaries, and some of those we have been working to establish are coming to fruition. Future events include a visit to Winslow, Arizona, to organize an Auxiliary there, and a visit to Crossroads Auxiliary 212 in Big Spring, Texas, to attend a meeting and golf tournament fundraiser.

Local Auxiliary elections are upon us and need to be held prior to the end of this year. Please see the cover stories for more information on that topic, as well as the article about the National Convention to be held next October.

Lastly, we need EVERYONE, including BLET members and family to submit recipes for the upcoming 2nd installment of the Auxiliary Cookbook. Recipes are due by November 30, so that we can have the cookbook published and ready for sale at next year’s regional conventions. You can submit recipes in several ways: send them via regular mail or to my e-mail address, or fax them to me at (915) 587-6897. If you would like to have the recipe form to fill out, you can download it from our website at [www.bletauxiliary.net](http://www.bletauxiliary.net). Once we have the new recipes in place, we will be doing another printing of our first and only cookbook, *Mainline Cooking*. We would love to have all our members and extended members submit recipes, so get busy and send those recipes in so you’re included in our project. Don’t put this request in the “to do” pile for later; send your recipes in today!

Lastly, I would like to ask everyone to keep their fingers crossed that Larry and I can finish the home improvements we started this Spring. We’re down to picking carpet, so wish us luck. To everyone, enjoy the comfort of Fall (especially those of us who have lived through another scorching summer in the southwest), and have a very happy Thanksgiving. If you’re working over the holiday, stay safe out there! Please also keep our troops in your prayers that they may make it home safely to their families.

**Becky Schneider, National President, BLET Auxiliary**  
515 W. Redd Road, El Paso, Texas 79932  
Ph: 915-581-1373, e-mail: [BeckyGIA1@earthlink.net](mailto:BeckyGIA1@earthlink.net)

## Cookbook Update

**ATTENTION AUXILIARY MEMBERS, BLET MEMBERS, AND FAMILY MEMBERS!**

**The second edition of the cookbook, *Mainline Cooking*, will be published soon. Please submit your recipes no later than November 30, 2009!**

**Please send your recipes to:**

**Becky Schneider**  
515 W. Redd Road  
El Paso, TX 79932,

**or e-mail them to:**  
[beckygia1@earthlink.net](mailto:beckygia1@earthlink.net),

**or fax them to Becky at 915-587-6897.**

**To make it easier, you can download a recipe form from our website at [www.bletauxiliary.net](http://www.bletauxiliary.net).**

**Please do it today so that we can have our cookbooks ready for sale at next year’s conventions!**

**If you have any questions, please e-mail Becky or give her a call at 915-581-1373. Thanks, and we look forward to hearing from you.**

**See Page 5 for info about ordering fun and pretty hand-crafted pillowcases and helping out our Scholarship Fund at the same time!**

## Tidbits from YOUR Secretary, Anita J. Caruso

### Auxiliary News

Welcome to all the members who joined at the four regional conventions this year. We are so happy to have you in the Auxiliary. I've forwarded your names to our Publisher and Editor, Sereena Hogan (also our Vice President and NLR) so that you can read this "welcome" in your first newsletter.

**New members who joined at the SMA in June:** April Truesdale, Inman, SC; Loretta Aldridge, Millwood, KY; Beth A. Baca, Winslow, AZ; J.M. Robb, Mechanicsburg, PA; Kevin Potts, Salt Lake City, UT; Lori Nystrom, Plant City, FL; Johna W. Weeks, Seminole, FL; Anne W. Mowbray, Marietta, SC.

**New members who joined at EUMA in July:** Leslie Robb, Mechanicsburg, PA; Shelley Barker, New Haven, IN; Kathy Raptis, Ft. Wayne, IN.

**New members who joined at IWC in August:** Jodi L. Wallace, Lagrande, OR; Greg Powell, Waterford, MI; John Casteel, Newport, AR; Peggy Dayton, Dayton, OR; Willow J. Anderson, Edina, MN.

**New members who joined at SWCM in September:** Debbie Tanner, Longview, TX; Arlin S. Todd, Houston, TX; Ashley Derden, Houston, TX; Michael D. Twombly, Andover, MA.

And finally, welcome to Cheryl Nowak Fields of Mokena, Illinois, and to Peggy Sturdivant, of Cynthia, Kentucky, who took the initiative, mailed in their applications, and are now new MALs.

### Member-at-Large News

Yearly dues of \$50.00 for Members-at-Large were due March 1, 2009. There are about 34 members who haven't paid dues. If you are unsure about this year's dues, or if you've misplaced your "Notice of Dues" form, call or e-mail me and I'll tell you what your status is regarding dues.

### In Memoriam

On July 8, Member-at-Large Freida Mallard passed away at the age of 90. Sister Mallard was a long-time member of Auxiliary #73 in Manchester, Georgia, who transferred to MAL status when that auxiliary gave up their charter a few years ago. She was one of the monthly stipend recipients of our Care and Assistance (CAP) program. Our deepest condolences go to her family.

### Care and Assistance Program (CAP)

For those who may not be familiar with the CAP, it was established in 1921, and is our organization's way of saying thank you to long-time members. These members are widows and their incomes are such that some of life's little pleasures are out of their reach. At the present time, we have four members who are beneficiaries of the CAP. The program provides a \$100.00 a month stipend to qualifying members to help them to maintain a little bit more of the dignity they deserve. All of the CAP recipients are very grateful for this program.



### This 'N' That...

I recently spoke to past International President Onita Wayland, of Mart, Texas. Tony and Onita have been keeping busy with their farm, flowers, remodeling projects, and visiting with family and friends. Sister Mary Anna Mullins and her husband Bill, from Little Rock, Arkansas, were among their guests. Tony goes to the farm daily and checks on his babies (calves). Because of the tremendous heat and drought experienced in this area of Texas over the summer, water was in high demand and water rationing was in effect. The Waylands were fortunate to get water from the farm or from friends. We've had an abundance of rain here in Omaha—too bad there wasn't any way to get it to her.

As I mentioned in the Summer Newsletter, Sam and I did quite a bit of traveling this year and even added a first-time experience to our travels when we were in Fairbanks, Alaska, during an earthquake. It was a 3.9 (all right you Californians, you can quit laughing now). We were asleep when we were shaken in our beds and I woke up asking what the heck was going on. I must say Sam was rather cool and collected when he promptly replied it was an earthquake. I didn't believe him (I was rather skeptical) until he called the front desk and received confirmation. It wasn't as scary as I thought it would be and I'm grateful that there were no aftershocks or much to be concerned about the rest of the trip.

Life has been wonderful with our grandsons this summer. We've been able to see them often and try to take the oldest grandson to the park, museum, and/or to see the trains in town. Dominic turned two on August 17 and Samuel Christopher just turned nine months old. He's a happy-go-lucky child, always has a beautiful smile on his face, and is now crawling. It won't be long before he's walking all over the place.

I wish you a most beautiful fall season with family and friends. Happy Thanksgiving everyone!

Anita can be reached at (402) 330-6348; at 3341 S. 112th Street, Omaha, NE 68144, or e-mail at [bunziegia@cox.net](mailto:bunziegia@cox.net).



# WITNESSES IN FELA CASES

by Bill Jungbauer, BLET Designated Legal Counsel

Like a chain, a union is only as strong as its weakest link. Union rights, including rights of injured workers under the FELA, are linked together with and depend upon union members who witness such injuries telling the truth in carrier investigations and in Court. Railroad worker witnesses are protected from carrier harassment and intimidation by Section 60 of the Federal Employer's Liability Act and the new federal Whistleblower laws found in 49 CFR 20109. Section 60 of the FELA provides for up to a \$1,000 fine and a year in prison and, under the new Whistleblower Act 20109, it also provides for \$250,000 punitive damages fee for any company official who harasses a witness in an FELA case.

***"Rail carriers have tried their best to destroy the rights of injured railroad workers by trying to break unions."***

The vast majority of union members gladly tell the truth in company investigations or in court. We salute those union Brothers and Sisters who quietly do the right thing day in and day out.

Rail carriers have tried their best to destroy the rights of injured railroad workers and their families by trying to break unions, abolish the FELA, and have failed in all such attempts.

The injured union members and witnesses of union members gladly enjoy the wages, benefits, and protections of their union that have been earned by the blood, toil, sweat, and tears of other union members and their families who were willing to sacrifice wages, intimidation, and, in some cases their lives, to fight for the rights of ALL union members.

Statistically most railroad workers will either be injured or be a witness in a case where another worker is injured in their career. When deciding what to do in such a situation, union members should be guided by the Golden Rule of witness testimony: Testify truthfully on behalf of your union Brother if you would want your union Brother to testify truthfully for you.

If every union member would follow this rule, there would be no weak



**Bill Jungbauer testifying before Congress on the harassment and intimidation of railroad employees.**

link in the chainmail of union armor defending truth, justice, and the American way.

Bill Jungbauer, President of Yaeger, Jungbauer & Barczak, PLC  
745 Kasota Ave. SE  
Minneapolis, Minnesota 55414  
(612) 333-6371 (800) 435-7888  
(612) 333-3619 (fax)  
wjungbauer@yjblaw.com  
www.yjblaw.com

**To read the entire testimony of Mr. Jungbauer before the House Transportation and Infrastructure Committee on October 25, 2007, please go to the BLET Auxiliary website at <http://www.bletauxiliary.net/PDFs/Testimony%20Bill%20Jungbauer%20Harr-Int.pdf>, or to the law firm's website at <http://www.yjblaw.com/docs/TestimonyofWilliamGJungbauer.pdf>.**

## 1st Quadrennial National Convention *continued from cover page*

Delegates are responsible for reviewing all information forwarded to them prior to the convention, and attending all meetings during the convention.

I ask that everyone take the time to think about how your Auxiliary works and examine the existing bylaws to evaluate if the bylaw provisions that are now in force either stifle growth or omit rules that would benefit how the auxiliary conducts business between conventions. Numerous changes were made at the last Convention, in 2006. We changed our name, eliminated some of the National Officer positions that had minimal duties, and decreased the salaries of our National Officers in order to save some precious funds. We also enacted numerous changes to update some of the older provisions that no longer applied to our evolving organization.

In order to adjust to an ever-changing culture, the Auxiliary has made substantive changes from the time when we were first founded in 1887. Our Bylaws must continue to be tweaked at each convention if we are to continue to grow our organization and adapt to our present and future.

Look for more information about the particulars of the National Convention in next year's newsletters. The Executive Council feels that it is important for everyone to start thinking about the process now. Most of us today are very busy with our lives that also entail being married to a railroader, so don't let this opportunity to take part in the process slip to the bottom of the pile.

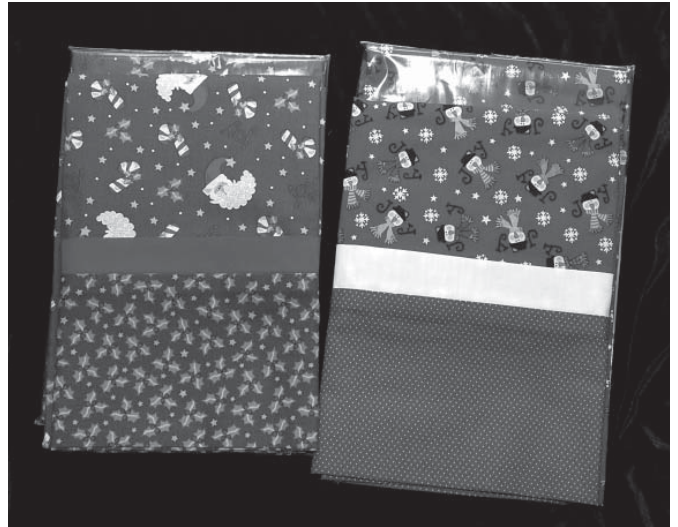
### In the Line of Duty - In Memoriam

Josh Osborn, 27  
Andrew Reed, 27  
BLET Division 266 – Savannah, Illinois  
July 14, 2009

Robert M. Sanchez, 47  
BLET Division 20 – Los Angeles, California  
September 12, 2008

Please take a moment to remember the families of these brothers who lost their lives during this past year on our nation's rails.

## **Helen Gould Auxiliary 235 Offering Hand Crafted Pillowcases in Exchange for a Small Donation to the Scholarship Fund**



Helen Gould Auxiliary 235 in Osawatomie, Kansas, is offering these hand-crafted pillowcases in exchange for a small donation to the National Auxiliary Scholarship Fund. For a \$20 donation, you will receive one pillowcase, and for a \$35 donation, you will receive a pair of pillowcases.

The photo above shows just one design that is being offered. Unfortunately, this grayscale photo does not do justice to these colorful pillowcases. To see a full-color flyer that includes the rest of the whimsical designs being offered, please go to [www.bletauxiliary.net](http://www.bletauxiliary.net), or contact Helen Brand at [brand51@hotmail.com](mailto:brand51@hotmail.com) and she will send you the flyer in PDF format that shows all of the designs being offered.

Auxiliary 235 members spend a day together laughing, talking, and sewing. Helen says, "It's one of the perks of belonging to a local auxiliary. It's like having an extended family with which you have a lot in common."

The pillowcases are available now and can be ordered by contacting Helen Brand at 38768 Crescent Hill Road, Osawatomie, Kansas, 66064, or by e-mail at [brand51@hotmail.com](mailto:brand51@hotmail.com).

Please specify the design you prefer and provide your mailing address. Shipping is included in your donation.

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# Legislative Update

By Sereena Hogan, National Legislative Representative

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Many thanks to all of you who gave me positive feedback about this quarterly update at the various meetings and conventions this past year. I am pleased to know that the information is helpful to those of you who are working hard to support legislation that is of benefit to our railroad workers and their families. Keep up the good work!

## Railroad Antitrust Legislation

The House Judiciary Committee approved H.R. 233, by voice vote without amendment, on September 16. This bill, introduced in January by Rep. Tammy Baldwin (D-Wis), would repeal the antitrust exemptions for freight railroads that have been in place since 1914. These exemptions have allowed the railroads to seek clearance for rate changes or mergers from the Surface Transportation Board (STB) rather than the Department of Justice. The new legislation would require the Justice Department's approval for any mergers, acquisitions, or collective rate-making agreements, as is the case with the trucking and airline industries. It would also allow state attorneys general and private parties to file antitrust suits in federal court. Under the current law, parties can file a complaint with the STB but are not allowed to file lawsuits. Lamar Smith of Texas, ranking Republican on the Judiciary Committee, stated that he is concerned that this legislation could cause pending lawsuits to shut down entire railroads, but also said that he would not oppose the legislation and would try to find a compromise.

In the Senate, the Commerce, Science & Transportation Committee is still working on coming up with a plan to reform rail economic regulations, and Committee Chairman Jay Rockefeller (D-W.Va.) said on September 16 that they are "very close." Their proposed measure would reauthorize the STB, the rail regulator for economic issues between rail shippers and railroads, making it easier for shippers to challenge

railroads on rates, access, and service issues. Shippers have complained that the STB is pro-railroad and that many customers are held captive to a single railroad, without enough power to negotiate rates or service issues. The new law could also expand the STB from three to five members and beef up the agency's budget. Some think that the legislation could also authorize the STB to initiate more enforcement actions themselves rather than wait for shippers or other parties to file challenges. The railroads argue that toughening regulation could endanger the solid profits that have allowed them to invest in track system upgrades and head them back toward bankruptcies that led to deregulation in the first place.

Sen. John Thune of South Dakota, the ranking Republican on the Committee, stated that there is a tremendous amount of interest in coming up with a good solution for regulatory change that would bridge the issues between the shippers and the carriers. He went on to say that there is a consensus that the STB process has to be reformed so that there is a less expensive way for shippers to challenge railroads on rates, etc., but the details are still being worked out. Stock analysts have warned rail shares investors, whose investments have held strong despite the recession, that regulatory reform could pose more risk for rail firms. Morgan Stanley Rail Stocks Analyst William Greene told clients that the "mere introduction of rail legislation will create headline risks for rails." He also stated that the fast timeline to get a bill passed by Congress "decreases risk of draconian legislation" and that it may be in the best interest of the railroads to support a compromise bill to avoid potentially more onerous legislation, while shippers may accept a compromise bill to avoid walking away with nothing.

## Rail Security

IBT General President Hoffa recently expressed that our nation's rail system remains vulnerable to terrorist attack, stating that rail workers do not have adequate security training. Engineers, trainmen, and track and bridge workers need to know how to thwart a train hijacking, an attack on criti-

cal infrastructure, or the planting of a bomb on freight or passenger train cars. We are aware that rail lines routinely run through our communities carrying hazardous materials, yet freight rail corporations are not providing fire and rescue operators with real-time information about the cargo that is traveling through their cities and towns.

On September 10, law enforcement officers from Amtrak, the Transportation Security Administration, and more than 100 federal, state, local railroad and transit police agencies conducted Operation ALERTS, an expanded counter-terrorism and incident response exercise, by patrolling 150 stations in the Northeast Corridor. Operation ALERTS (Allied Law Enforcement for Rail Transit Security) involved heightened station patrols, increased security presence onboard trains, performing explosive detection canine sweeps, and random passenger bag inspections at unannounced locations in 13 states, and Washington, D.C. The exercise is now being reviewed by the involved parties to help evaluate effective tactics for preventing and responding to possible threats or incidents. Similar future ALERTS exercises are being planned for the Northeast Corridor and other parts of the U.S. rail system.

The "Surface Transportation Act of 2009: A Blueprint for Investment and Reform" SAFETEA-LU (the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), signed into law on August 10, 2005, was due to expire at midnight on September 30, the end of the fiscal year. This bill authorized \$286 billion in spending for the six-year period 2004-09 for numerous surface transportation programs, such as highways, transit, freight, safety and research. On Friday, September 25, 2009, the House voted almost completely along party lines to approve a continuing resolution that would keep this and 11 other government programs funded at the current level through the end of October. On the evening September 30, the Senate passed the same measure.

In the past, the transportation reauthorization bill has been funded through

the highway trust fund; however gas tax receipts have seriously declined in the last few years. The current user fees generate only enough revenue to finance \$35.1 billion of investments from this year's \$53.1 billion funding level. And without additional revenues, a six-year surface transportation authorization bill could fund only \$236 billion in highway, safety, and transit investment—that is \$90 billion less than the current investment level over the next six years, according to Oberstar.

### High Speed Rail

A delegation of passenger rail leaders from the BLET and the BMWED attended a Federal Railroad Association (FRA)-sponsored Passenger Rail Forum on June 2. They came away highly encouraged by President Obama's vision for high speed rail, which includes the planning of a number of 100- to 600-mile rail corridors that range from upgrades to existing rail lines, to entirely new rail lines exclusively devoted to 150 to 250 mph trains. This is to be accomplished through long-term commitments at both the federal and state levels. BLET President Rodzicz cited the meeting as "another example of how both BLET and BMWED are staying ahead of the curve and helping to fashion a future where Americans will enjoy reliable, frequent passenger trains operated by Rail Conference members over Rail Conference maintained rights of way."

On June 17, the FRA published Interim Program Guidelines for states and regions to apply for federal funds for high speed rail projects. Officials from the Department of Transportation and the FRA met with more than 1,000 people across the country to receive input in preparation for developing the program's grant application guidelines. The guidelines require extensive financial and environmental planning to ensure that projects are worthy of investment and hold the promise of being successful. Grants will be offered for both planning and construction so that states can apply for funds no matter what stage of development their project is in. Proposals will be considered on the merits for their ability to make trips quicker and more convenient; to reduce congestion on highways and at airports; and to meet other environmental, energy, and safety goals. These guidelines also authorize the Department of Transportation to actively promote standard specifications for rail cars and other equipment. When I

published the legislative update for July, the FRA had already received 278 pre-applications for grant funding of high-speed rail projects, totaling \$102 billion. Secretary of Transportation Ray LaHood sees this as a sign that the country is ready for high-speed rail.

There has been some controversy about what the top speed of these high-speed trains will actually be able to safely achieve. FRA Administrator Joe Szabo stated, "We've got to stop worrying about achieving top-end speeds like they have in Europe and Asia and focus instead on reducing trip times and increasing reliability."

### Department of Transportation Appropriations

H.R. 3288, the Department of Transportation Appropriations Act of 2010 was introduced by Rep. John Olver (D-Mass) on July 22, 2009, to appropriate funds for the Department of Transportation, Housing, and Urban Development for the fiscal year ending September 30, 2010. It passed in the House on July 23, 2009, and in the Senate on September 17, 2009.

The House bill contains \$4 billion for high speed rail (a \$3 billion increase over President Obama's request). In total, the bill would provide \$75.8 billion for the Department of Transportation, including \$1.5 billion for Amtrak. The FRA was appropriated \$172,533,000 for safety and operations, and \$34,145,000 for railroad research and development. The NTSB was appropriated \$99,200,000 for its salaries and expenses.

The Senate bill would provide \$67.7 billion in discretionary spending, compared with \$68.8 billion in the version passed by the House. This bill would provide \$1.2 billion for high-speed rail, which is in line with President Obama's requested level.

These bills are now being conferenced in the two houses to work out the differences. **Please continue to encourage your Senators to keep the funding for high speed rail at the level that was included in the legislation that was passed by the U.S. House of Representatives in July.**

Firearms on Amtrak... No Way!  
During consideration of H.R. 3288 (see above), Senator Roger Wicker (R-Miss.)

offered an NRA-backed Amendment to reform policies regarding the transportation of firearms on Amtrak trains. Currently, citizens who choose to travel by passenger rail in the United States cannot transport a firearm in checked baggage as they can on airlines.

Known as the Wicker Amendment, the measure was adopted by the Senate on Wednesday, September 16, by a vote of 68-30, and would allow law-abiding Amtrak passengers the ability to securely transport firearms in their checked baggage while traveling by Amtrak train.

The BLET and the UTU have joined forces to oppose this amendment, citing safety, occupational, and financial concerns. In a joint letter to the Senate and House Appropriations Committee, presidents of both unions stated: "We strongly believe that this provision would seriously jeopardize the safety of our membership, of other crew members on Amtrak trains, and of the intercity rail traveling public."

From a safety and security standpoint, the weapons would be too easily accessible to terrorists or others passengers. When firearms are transported in checked baggage on aircraft, passengers do not have access to the firearms because they are stored in a segregated cargo hold. However, the possibility remains that anyone traveling on an Amtrak train could overpower the on-board crew and gain access to the baggage car and any weapons being transported therein.

The amendment makes no provision for additional funding to train Amtrak personnel to handle baggage with checked firearms. Even if Amtrak were given additional funds to accommodate the changes necessary to transport firearms, the extra procedures during check-in and baggage handling could affect on-time performance, and any additional funds could be better spend elsewhere on the Amtrak system, such as infrastructure and rolling stock.

**Please let your Senators know that we strongly oppose the Wicker Amendment.**

Hours of Service Law  
Discussion continues as to the myriad of issues created by the changes in the Hours

of Service Requirements following the passage of the Rail Safety Improvement Act of 2008. The BLET released a Newsflash on September 25 regarding *Deadheading and New Hours of Service Regulations*. To see the complete Newsflash, go to [www.ble-t.org](http://www.ble-t.org). A chart has also been posted online at [www.ble-t.org/pr/pdf/HOSchart.pdf](http://www.ble-t.org/pr/pdf/HOSchart.pdf) to help members understand the Hours of Service process.

**Congratulations to Deborah Hersman, New NTSB Chairman**  
Deborah A.P. Hersman was sworn in on July 28 as the Chairman of the National Transportation Safety Board (NTSB). The NTSB conducts comprehensive investigations of transportation accidents. Ms. Hersman has been a member of the Board for five years and has been the Board Member on scene at 16 major transportation accidents, including the disastrous freight train collision and hazmat spill in Graniteville, S.C., in 2009, that killed nine people, as well as the recent collision between two Washington Metropolitan Area Transit Authority trains that resulted in nine fatalities.

### Funding for Positive Train Control

Another provision of the Rail Safety Improvement Act passed last Fall authorizes the establishment of a railroad safety technology grants program. The legislation states that the program is to be fully funded in the Fiscal Year 2010 Transportation, Housing, and Urban Development Appropriations Bill, at a minimum of \$50 million. This program will provide for critical funding for the implementation of Positive Train Control Technology, which has been mandated across most of the U.S. rail network by the year 2015. With more commuters turning to commuter rail in today's struggling economy, some senators, including Barbara Boxer (D-CA) and John D. Rockefeller IV (D-VA), are asking that this grant be fully funded at a minimum, at the authorized amount.

### BLET and UTU File Joint Petition to Prohibit One-Person Crews

On June 12, the BLET and the UTU filed a joint petition for an emergency order with the FRA seeking prohibition of one-person train crews, including conventional as well as remote-control yard switching

operations. The petition states that: "The workload associated with [remote control operations], while performing other safety critical tasks, demands too much of a single individual, including loss of situational awareness," and cites the May 10 accident in Selkirk, NY, that took the life of a UTU-represented conductor who was working alone and using a remote control device. It also states that a 2006 FRA report entitled "Safety of Remote Control Operations" contains major flaws. The FRA report contains erroneous figures that resulted from the formulas they used to calculate the statistics. Once this was corrected, the data showed that the RCL injury rate was almost 80 percent higher than the conventional switching injury rate, and the normalized RCL fatality rate was over 3.5 times the normalized conventional switching fatality rate. The petition concludes: "It is time for the FRA to take a proactive safety stance, and not merely a band-aid reactive approach to this issue." The BLET and the Auxiliary have fought for many years for passage of two-man crew legislation.

### Family Medical Leave Act

On June 1, a three-member arbitration panel ruled that qualified grievants who were forced to use vacation time, or accrued-but-not-yet-scheduled personal leave days instead of Family Medical Leave are entitled to receive a day's pay at their then-obtaining straight-time rates for each of those days. The panel stated that the remedy is compensatory, not punitive: "What grievants lost was a contract right of significant value. Grievants suffered more than 'mere inconvenience' when they lost their contract right to choose when to take paid time off. Our purpose is to provide compensation for those losses, not to punish the carriers for having caused them."

However, the remedy does not apply to everyone. The report states that, "[g]rievants who asked for and later did receive unpaid vacation and personal leave for paid leave days that the carriers who employed them had substituted Family Medical Leave are not entitled to the remedy ... only for those lost vacation and personal leave days for which they elected to and did receive unpaid leave."

In order to receive compensation, employees must have submitted a claim in a timely manner following the infraction.

**Operation Lifesaver Awarded \$1 Million Rail Safety Grant**  
The Virginia-based nonprofit Operation Lifesaver, Inc. (OLI) has received a \$1,015,000 grant from the Federal Railroad Administration (FRA) to continue its wide-ranging public education outreach efforts to raise awareness about the potential hazards at grade crossings and the dangers of illegal trespassing on railroad property. Amongst other things, the grant agreement provides 75 percent matching funds toward state programs, educational programs and materials, and a three-year public service campaign entitled, "Take Safety to Heart."

There were 2,395 grade crossing incidents in 2008, resulting in 287 deaths, as well as 453 deaths due to rail trespassing. Deaths from both trespass and vehicle collisions have decreased somewhat due to decreased train traffic resulting from the recession as well as increased safety effort. FRA Administrator Joseph Szabo stated that, "despite decreases in the number of train-vehicle collisions, promoting railroad safety is as important as ever."

The grant supports the goals of the U.S. Secretary of Transportation's Action Plan for Highway Rail Grade Crossing Safety and Trespass Prevention, as well as the recently enacted Rail Safety Improvement Act of 2008, which provides a roadmap to guide federal, state, local, industry, and other entities in combating the dangers associated with highway/railway crossings and pedestrians on the tracks.

### PAC Fund

At the National Association of State Legislative Board Chairmen's Meeting in Philadelphia, June 30 – July 3, discussion ensued about the importance of the BLET Political Action Committee (PAC) Fund. As you know, our legislators are the ones making decisions that govern our everyday lives and the future of our nation. Although the word "politics" has a negative connotation to many in this day and age, this is the system that is in place in our country, so we just have to make the best of it and do what we can to help those political candidates who support our interests and our causes get elected and/or re-elected. Millions of dollars are spent by Big Business each year in support of anti-union candidates. PAC Fund monies raised through voluntary contributions of

BLET members are used to support the campaigns of labor-friendly politicians (Democrat & Republican). If every BLET family would contribute just \$5 a month to the PAC Fund, our Legislative Department would be in a better position to support more candidates. With the recent pay increase for railroad employees, this seems a good time to commit just a little of that monthly paycheck to the PAC Fund. Division secretary-treasurers can set up payroll deduction for you, so it's fairly painless. To sign up for payroll deduction to the PAC Fund, go to the BLET Legislative Department website at [www.bletdc.org](http://www.bletdc.org) or contact your division secretary-treasurer to obtain a form.

### Just My Opinion

I don't usually do much editorializing in my updates, and I realize this is not really a railroad issue, but the controversy around the Obama speech that was delivered to those schoolchildren whose parents did allow their children to attend school on September 8 really got to me. Turns out the President's "controversial" message was pretty traditional and conservative: work hard to succeed, do your homework, stay in school. Far be it from me to see how this kind of discourse could be considered "dangerous" for the youth of our nation. I love that he told the kids "you don't get something for nothing," and that even those children whose lives and living situations are less than ideal need to take responsibility for their lives instead of seeing themselves as victims of society. The "blame game" goes on far too often in our country. And all this talk about keeping the government out of our lives, be it health care, education, whatever, is very amusing. Don't people realize that we—all of us—are the government! Granted there are many things about it that are broken, but we can't keep blaming it on "them." We must all take responsibility.

Although I have never believed in being a "blind follower," it seems that for those kids whose parents kept them home from school on September 8 for fear of their kids being "brainwashed" into some kind of socialistic ideology, those children were instead shown that it's okay to disrespect the office of president and that you shouldn't even bother to listen to someone whose ideas might be different than yours or those of your family. No wonder we're in the mess we are in this country where

we can't come to any kind of agreement on issues of importance that affect us all because so many of us just aren't willing to even listen to the other side, never mind reach some sort of compromise. Those kids whose parents shielded them from the President's speech were pretty much shown that it's cool to just "drop out" if you disagree with authority. What kind of lesson is that for kids? I certainly don't remember this much hubbub when Ronald Reagan addressed school children in 1988 specifically about politics and called predominately black colleges "negro" colleges, or when President George H.W. Bush spoke to school children via teleconference in 1991, or even when the more recent George W. Bush asked America's kids to each donate a dollar to the plight of children in Afghanistan back in 2001. So what's going on here now?

**Sereena Hogan can be reached by telephone at (520) 297-0944; by mail at 8720 N. Myrtle Dr., Tucson, AZ 85704, or by e-mail at [vp3ser](mailto:vp3ser)**

#### Summary of Legislative Issues Requiring Action:

**High Speed Rail** - As HR 3288 is being conferenced in the House and Senate, please encourage your Senators to keep the funding for high speed rail at the level that was included in the legislation that was passed by the U.S. House of Representatives in July (see section entitled *Department of Transportation Appropriations on Page 7*).

**Hours of Service Law** - Please ask your Congressmen to refuse to help the railroads when they request a "technical correction" that would remove the statutory deadline for working things out with the unions.

**Wicker Amendment** - Please let your Congressmen know that we are opposed to the Wicker Amendment to H.R. 3288 that would allow Amtrak passengers to transport firearms in their checked luggage. This provision would seriously jeopardize the safety of our membership, of other crew members on Amtrak trains, and of the intercity rail traveling public (see *Firearms on Amtrak... No Way! on Page 7*).

—an opinion from our President, **Becky Schneider:**

### Tom Delay Dancing With the Stars?

#### Are You Kidding Me?

I came very close to staging a personal boycott of ABC when they announced one morning on Good Morning America that Tom "the Hammer" Delay would be one of the celebrities on Dancing With The Stars. Are you kidding me? I admit, I have a personal grudge against the man, in part because of all of the shenanigans he pulled during an unnecessary redistricting in Texas (coming only two years after the Texas Supreme Court had already ruled in favor of his party's redistricting plan), making one of the craziest district maps in history. Seriously, the man is a morally bankrupt criminal!

Tom Delay was admonished four times by the bipartisan House Ethics Panel, and when he got tired of getting in trouble, he and the speaker removed Republican conservatives who thought he had done something wrong, and changed the rules to boot, to make it harder to file a complaint. In addition, he was indicted in 2005 for money laundering and violating campaign finance laws, so he "took his ball and bat and went home," so to speak, resigning from office to become a lobbyist in Washington, D.C. This is also the same guy who arm-twisted and threatened his own party colleagues in order to pass the Medicare Drug Plan by one vote in the middle of the night.

Again, to ABC, I say, "Are you kidding me?" Who's next, William Jefferson, the Democrat from Louisiana who was caught red-handed with some seriously cold cash found in his freezer? Of course, they'll have to wait until he gets out of prison!

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# Do We Need Health Care Reform? You Betcha!

**By Becky Schneider, National President**

While the debate over health care reform has many twists and turns, there is one thing everyone agrees with – we need it in some shape or form. While costs continue to skyrocket far and away above increases in income, access to care is nonexistent for some or very expensive for the rest of us. I'll leave the debate about how to go about reform to those who are smarter than me, but rather focus on one particular problem with the system. Claims have been made that no one wants the government to get between you and your doctor, but many may not realize that the insurance companies are already in the middle and have been for years. Rather than citing rhetoric, here are some real stories:

My great nephew was born without the flap to keep food down in his tiny stomach. Every time my niece fed him, it all came right back up, so basically he was starving. As a nurse for an area hospital, she was covered by an HMO. Following many trips to the pediatrician, the HMO refused to allow her to take her son to a specialist and nothing the doctor was doing was working. Finally, my sister said, "I don't care if I have to pay for it, we're going to Houston." Through contacts she had, they were able to get in to see a pediatric gastroenterologist who diagnosed the problem. Again, the HMO refused to pay for the surgery needed to save the baby's life. My great nephew was lucky that his parents were able to find a doctor willing to spend the hours necessary to fight the HMO and get the surgery approved, including a few threats as to what would happen if the child died waiting for the surgery. They performed the procedure, the insurance paid in network rates, and my great nephew is now 13 years old.

Why is healthcare so expensive? Some blame the doctors for ordering unnecessary tests to make sure they do not leave themselves open to malpractice lawsuits. One side of the argument is to eliminate or limit the doctor's liability, which might cut down on frivolous lawsuits but would not address damages done by doctors who are actually guilty of malpractice. The insurance companies are also to blame for unnecessarily increasing costs. This is demonstrated in the case of one of our Auxiliary members whose family practitioner, after trying a number of less invasive treatments, determined that she needed a hysterectomy in order to resolve her problems. Instead of respecting the doctor's diagnosis and prescribed treatment, and because of our member's age, her family practitioner was told that she would need to first perform

a D&C (dilatation and curettage) to see if that would fix the problem. She would then have to wait for at least 30 days following that procedure before a complete hysterectomy would be authorized, if it was then determined to be necessary. She underwent the painful procedure, which did nothing to relieve her symptoms, and, during her recovery, contracted an infection. The lab results came back and guess what, she had fibrous tumors and an enlarged uterus, indicating she needed a hysterectomy, something her doctor knew from the outset. So, instead of enduring and recovering from only one procedure, she was unnecessarily subjected to two procedures, requiring two periods of recovery and who knows how much excessive expense.

The same scenario occurred thousands of miles away to a nurse who underwent thumb surgery for a problem caused by rheumatoid arthritis. The surgeon recommended a procedure he believed would resolve the problem and reduce the amount of medication being taken, but the insurance company had a different idea. Once again, they required that she first undergo a less complicated surgery to see if that would alleviate the problem. It did not, and now the ICU nurse not only has to continue on higher doses of medication, but also has to wait a year to get the surgery that the surgeon recommended in the first place. Not only will this plan of action incur additional costs to the insurance company, but it also requires that this nurse take two leaves of absence from work instead of one, and additional recovery time. Does this make sense to anyone?

All too often, the insurance companies are standing between doctors and their patients, increasing costs to the system when there is no need to do so, and forcing physicians to perform unnecessary procedures. Joe Bageant, author of *"Deer Hunting with Jesus,"* posed a good question in his article, *"The Entertainment Value of Snuffing Grandma."* While this work is satirical in nature, Bageant raises an interesting point: "If insurance corporation profits are one-third the cost of healthcare, and all insurance corporations do is deliver our money to healthcare providers for us, . . . why do we need insurance companies at all?" I realize that this summation is far too simplistic, but it is certainly food for thought. Managing the plans is worth compensation, but does it need to be quite so much when other agencies have proved it can be done for less money?

Here are some questions I have:

- Why in the world would it cost \$5,200 to have a tooth pulled at the only in-network dentist in the Dallas

Metro area? Can an extraction have gone up 67% in just a few years?

- If a patient is not adequately covered, or has only catastrophic insurance (in-hospital coverage), why do those patients have to pay full retail for procedures, often three times more than the insurance companies pay for the same procedures? Yes, I realize they negotiate rates, but does it force the hospital to make up the difference on the backs of those who obviously can't afford better insurance?

My favorite doctor of all time practiced what I call "common sense" medicine. He was a General Practitioner and, if you met him, you would have never guessed that he was also certified in Trauma Care and General Surgery. Unless you saw him in his scrubs, you would probably have thought he was just another area rancher. He listened to his patients, treated them with respect, and, if you didn't need a diagnostic procedure, he would not order it. Perhaps if we start with the medical schools and get them back to teaching how to be a "Doc" first and a physician second, we could make a dent in the cost of health care just as soon as we get the insurance companies to quit playing "Father Knows Best."

While care needs to be taken to ensure we proceed cautiously and make sure it's done right, the old arguments just don't fly anymore. It has been 40 years since health care reform became a national issue, and we don't have another 40 years to wait for something to be done. The system is broken and we are out of time. Our federally elected representatives need to stop playing politics with our lives and start finding ways to truly fix the system.

Taxing benefits to pay for the plan makes no sense and will only add fuel to an already burning fire, placing an even greater burden on the working class. We need to try to change the mentality of the for-profit insurance companies, who are getting a better rate of return than casinos in Vegas, and address the corporate greed that is so prevalent throughout our country. If we could get the insurance companies to agree to a more reasonable rate of return, making sure they are getting the best deals on prescription medication for their customers in order to keep rates low, and eliminating the pre-existing conditions clause which so many Americans are subject to, then maybe we can begin to have true reform. Once these are reigned in, we have a chance to see real change; however, until Washington stops listening to industry lobbyists, there will be no change.

## **Greetings from your Editor, Sereena Hogan:**

Hope you are all getting some reprieve from a long, hot summer. We are excited to have temperatures down in the high 80s this week... finally!

I was sorry to have to miss the SWCM this year as I was busy taking care of my mom and getting her moved into an assisted living facility following her fall and hip fracture in late July. She's all moved in and loves it, but now we're trying to get her long-term care insurance policy to help pay for her monthly fees. Because her policy was purchased over 22 years ago when assisted living facilities did not exist, we are having trouble getting her claim approved. I am only mentioning this as a warning to those who may have long-term care policies. You might check into your policy to ensure that it does not exclude this kind of facility as they are becoming more and more popular, and I must say that the place she is in is really great. As a matter of fact, my father-in-law is now living in the same facility and it's so close to our home we could walk there, so we see them often.

Our daughter, son-in-law, and grandson from Vancouver, Washington, will be here next week for a visit. Skylar is 2-1/2 now so that should be fun!

Wishing everyone an abundant  
Autumn filled with all that  
brings you happiness...  
and a very Happy  
Thanksgiving to all!



**Please send us your stories, articles,  
photos, poems, etc., for our publication.  
You can e-mail them or snail-mail them to:**

**Sereena Hogan, Editor & Publisher  
BLET Auxiliary News  
8720 N. Myrtle Drive  
Tucson, AZ 85704  
Phone: 520-297-0944  
e-mail: [vp3sereena@aol.com](mailto:vp3sereena@aol.com)**

**The next issue will be published in  
December. Please have your submissions to  
Sereena no later than November 28.**

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## Save these dates now!

### REGIONAL CONVENTIONS:

#### **Southeastern Meeting Association (SMA) Cincinnati, Ohio – June 13-18, 2010**

Hilton Cincinnati Netherland Park  
Rate: \$139 - Ph: 513-421-9100  
Chairman: Jerry Sturdivant, Ph: 859-234-6308  
e-mail: [jpsturdivant@gmail.com](mailto:jpsturdivant@gmail.com)

#### **International Western Convention (IWC) Bismarck, North Dakota – July 13-17, 2010**

Radisson Hotel Bismarck  
Rate: \$89 - Ph: 701-255-6000  
Chairman: Mike Muscha, Ph: 701-437-3881  
e-mail: [loceng671e@mlgc.com](mailto:loceng671e@mlgc.com)

#### **Eastern Union Meeting Association (EUMA) Pittsburgh, Pennsylvania – August 8-11, 2010**

Sheraton Station Square Hotel  
Rate: \$155 - Ph: 412-261-2000  
Host Chairman: Tom Caruso, Ph: 412-337-9524  
e-mail: [EUMA2010@verizon.net](mailto:EUMA2010@verizon.net) or  
[BLET335@yahoo.com](mailto:BLET335@yahoo.com)

#### **Southwestern Convention Meeting (SWCM) San Antonio, Texas – September 12-16, 2010**

Hyatt Regency on the Riverwalk  
Rate: \$139 - Ph: 210-227-1234  
Host Chairman: Russell Elley, Ph: 830-303-0035  
e-mail: [r.elley@att.net](mailto:r.elley@att.net)

### **BLET Auxiliary 1st Quadrennial Convention Reno, Nevada – October 4-7, 2010**

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8720 N. Myrtle Drive  
Tucson, AZ 85704

