



# 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 11

Summer 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)

## Little Rock Auxiliary Going Strong!

By Mary Anna Mullins, Secretary/Treasurer



Left to right: Loyce Duke, Brooksie Read-Duncan, Patsy Bratton, Velma Williams, Ellen DeGroot, receiving her 50-year membership pin, and Mary Anna Mullins.

Greetings to each of you from members of Generosity Auxiliary No. 37, in Little Rock, Arkansas. Since we last wrote an article for the newsletter, we have lost several of our beloved members, and our membership grows smaller each year. Even so, we continue to meet monthly, and enjoy being together – in fact, we think of each other as family – and are very important to one another!

Generosity Auxiliary is 113 years old. Our 12 charter members were initiated on July 3, 1896. The total membership reached over 125, in our peak years. Today, we have a total of 22 members, with half of them being active. Three members are confined to nursing facilities, and two other members are physically unable to attend our functions. We remember them at Christmas with a poinsettia, taken to each one by a member.

Last December, we held our annual Christmas party in the home of Sister Brooksie Read-Duncan. At that time, a 50-year membership pin was presented to Sister Ellen DeGroot, our capable president who has served us in that capacity for the past 10 years. I had the privilege of making the presentation,

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## Our New Logo - Can you Believe it???

By Becky Schneider, National President

We finally have a new logo for the BLET Auxiliary. I have to say, when we started the process of changing our logo after we changed our name back in June 2006, I would have never dreamed how arduous a journey it would be. In looking back through newsletter updates on the subject, I guess every quarter I was a little too optimistic.

A number of people have contributed to this process. Many thanks to all of our members who submitted artwork way back in the beginning. I also want to thank American Time Company, especially Sherry Schirripa and Neil Stein for their enduring patience. In early April, we thought we had achieved our final design, then we learned that it would be very expensive to reproduce, and decided it was just too “busy.” The logo we have finally adopted was the brainstorm of Mike Slade, an El Paso locomotive engineer for Union Pacific. He stopped by my home to drop off a disk with what we thought was the final design and saw one of our pictures. Eureka, he went home and, working with his friend Stickle, came up with the design in an evening. With a little tweaking, we eventually found something that everyone liked, and would be easier to transfer to letterhead, shirts, etc. (Stickle did ask Mike why he hadn’t come up with the idea two years ago – such is the way of artistic inspiration, I guess.)

We thank the BLET for allowing the Auxiliary to use their logo in the interim, and for their admittedly extreme patience as we made our way through the process. Other thanks go to the El Paso Model Railroaders Club for allowing us to photograph some of their model trains in an attempt to find something that would work. Turns out it didn’t, but we thank them nonetheless for their participation. And thanks go to Brenda Roberts for helping me photograph the model trains. Lastly, thanks to the members of the Executive Council for your patience and participation in the seemingly never ending quest.

All I have to say is, it is good to be moving forward. We are currently obtaining bids for membership pins, have procured enough stationary to last until the next National Convention, and we will be making arrangements to have shirts, and possibly other promotional items, available with the new logo.

It’s been a long and rocky road, but, all things considered, the journey was worth it. A color copy of the new logo is included with this issue of the newsletter - notice the stripes on the train are the old GIA colors of royal purple, red, and royal blue.

## From the President:



Well butter my buns and call me a biscuit! We finally have a new Auxiliary logo! I won't dwell too much on the details here, but adopting our new logo certainly is a load off of our collective minds. For more details, please see cover story.

It's been a busy Spring, mixing much-needed home improvements in between Auxiliary meetings and duties. As reported in the Spring newsletter, I attended the Legislative Training Workshop the first week of March, and we held our annual Executive Council meeting the third week of April.

Thanks to the generosity of many, we were able to award 13 scholarships this year, and while we can't give one to every student who applies, we thank all of those who submitted applications and wish you the best of luck as you pursue your education. This year we had two scholarships given in memory of loved ones. The first, which has been ongoing for a number of years, was the John Thomas and Mary M. Collins Memorial Scholarship given by John F. Collins, former New York State Legislative Board Chairman and BLET Designated Legal Counsel. The second is a new memorial scholarship named the Leona A. Louis Memorial Scholarship, given by Jim and Janet Louis in memory of his mother, who was an active union member and Teamster. Jim is the current New York State Legislative Board Chairman and General Chairman for Conrail SAA/CSXT North District. Jim and Janet have kindly donated "seed money" for a number of years for the 50/50 raffle at the EUMA Regional Convention. We thank both of them for their generosity in helping our children.

Also, sincere thanks to Sereena Hogan for hosting our Executive Council meeting in spite of her busy schedule. Many of you may not realize how much work each of us must do in preparation for this annual two-day meeting, the broad range of topics we must cover, or the enormous amount of work generated as a result of our brainstorming. We do it because we believe in the value of our organization and the contributions we can all make to better the lives of our members and BLET members. I am eternally grateful to all our Council members for all of their hard work and dedication. For more details related to our meeting, please refer to the article on page 9.

At our meeting, we also discussed new fundraising ideas, including a new cookbook endeavor, giving all of you who expressed regret for not submitting recipes for the first one the opportunity to do so.

I would like to extend a personal welcome to the members of our newest auxiliary, Crossroads Auxiliary 212. By establishing new local auxiliaries, we are better able to help with local issues affecting BLET members and their families.

As we gear up for summer, the regional conventions are once again at hand, and as stated in the last newsletter, these meetings provide the opportunity to network with fellow railroaders and their families, and to learn new information about our unique lives that you may not have known or have run into in everyday life. Remember, the Regional Conventions are not just for officers but for the members as well, and the access to National Officers and General Chairmen all in one location is a positive thing.

On a sad note, our thoughts and prayers are with Past International President Sister Ruth Pillman Windham in the loss of her husband, Windy. Sister Ruth and Brother Windy did a lot for the BLET and the Auxiliary through their years of dedicated service.

Have a safe summer and hope to see you at one of the regional conventions!

**Becky Schneider, National President, BLET Auxiliary**  
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## Cookbook Update

### Now's your chance!

For all of those who have approached us wishing they had sent in their favorite recipes for our first cookbook, *Mainline Cooking*, published in 2006, now's your chance to give us your recipes.

We are doing another edition of the cookbook, which, depending on the number of recipes received, will either be a supplement to the *Mainline Cooking* book, or a whole new "Part 2" cookbook.

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)

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

We will be collecting recipes over the course of the summer, but all are due by November 1, 2009.

Thanks and we look forward to hearing from you.

**IMPORTANT NOTICE  
FROM OUR NATIONAL  
TREASURER - AUX.  
SECRETARIES AND  
TREASURERS, PLEASE  
SEE PAGE 11!**

## Tidbits from YOUR Secretary, Anita J. Caruso

### Auxiliary News

I would like to welcome the members who joined Auxiliary #212, Crossroads of Big Spring, TX. National Vice President/NLR Sereena Hogan went to organize our newest auxiliary on March 9, 2009. We welcome the following members to the auxiliary: Teresa Bullard, Cassandra Shifflett, Marguerite Fletcher, Cindy Tubb, Karen McCormick, Alisa K. Jaid and Dot Tidwell. Also, three associate members joined: Pete McKinney, Patrice McKinney, and Joe Rouse. We are pleased that you all have decided to join the BLET Auxiliary family! And I hear that you ladies are off to a great start, having already completed a successful fundraiser... congratulations! More about that in the next issue.

There are still a few auxiliaries that have not sent in their dues for 2008. We need to receive your annual report and dues as soon as possible! If I can assist you with anything, please don't hesitate to contact me.

**Member-at-Large Update**  
Yearly dues for all Members-at-Large were due by March 1, 2009. Thank you to the members who paid after reading the Spring newsletter; I appreciate your prompt response. Approximately 38 members still have outstanding dues for 2009. If you are unsure if your dues have been paid, or if you misplaced your "Notice of Dues" form, please call or e-mail me. As my tenure as National Secretary is coming to an end next year, I want to make sure our members-at-large are current so I can leave my files in pristine order for the new National Secretary.

### Scholarship Information

Please refer to the article on page 11 for the names of the 13 recipients of the BLET Auxiliary Scholarships, the Leona A. Louis Memorial Scholarship, John T. Collins & Mary M. Collins Memorial Scholarship, and the joint IWC-BLET Auxiliary Scholarships.

### In Memoriam

Past International President Ruth Pillman-Windham lost her husband, Roland Wilson "Windy" Windham, on April 2, 2009. Our thoughts and prayers

are with Ruth and her family. Please refer to article on page 6.

### This 'N' That...

I recently heard from member-at-large Jackie Monroe of Monroe, Louisiana, that she has been busy getting ready for the Louisiana State Conference on May 1-3, 2009, in Lafayette, Louisiana. Sister Jackie has been selected Faithful Navigator for the Knights of Peter Claver Ladies of Grace, 4th Dengue Chapter #7. Jackie was also selected as President for the American Legion Auxiliary Post #225 in Church Point, Louisiana.

Sister Jackie and her husband Joe both serve as Louisiana State Board members for District #7 Knights of Peter Claver. They will be attending the 100th Centennial Celebration of the Knights of Peter Claver in New Orleans, July 31-August 5, 2009. You both have fun this summer! Sam and I hope to see you in Kansas City, Missouri, at the SWCM in September!

**Update on Brother Al Williams:** As reported in the Spring issue, Brother Al Williams (retired BLET Division 37) and his son suffered gunshot wounds while trying to help someone on December 30, 2008. The following is a note I received from Sister Velma regarding updated information on Al's health.

*Anita, we received your lovely letter this date, May 1, 2009. We certainly appreciate all of the prayers and thoughts that have been sent to the Lord in our behalf. I would love to give you an update on Al's condition.*

*It has been four months since the December 30, 2008 incident where Al and our son, Al II, were injured. Al's condition has somewhat improved and he's moving around the house slowly. Although he's getting better, he still has a few hurdles to cross. The doctor told us with the injuries Al received, it will be a year or more before he will have his energy back and feel like doing anything or even feel like himself.*

*We are taking one day at a time. We know through our faith and prayers, and our*



**Anita Caruso and Jackie Monroe**

*friends' prayers and good wishes God's will will continue to be done.*

*Our son, Al II, returned to work full time on March 2, 2009. He has fully recovered and is doing great. In fact, he is doing some of the things for us his father did not care to do. He keeps the yard work done and that is a big help to us.*

*We solicit your continued prayers during Al's recovery process. God Bless you and the members of our Railroad family.*

*Love in Christ,  
Alvin & Velma Williams*

On another note, I would like to thank National VP/NLR, Sereena Hogan, for hosting our annual Executive Council meeting, April 4-7, 2009 in Tucson, AZ. Even though we work very hard at these meetings, it was great being able to see this part of the country, enjoy her beautiful home, gorgeous scenery, and gracious hospitality. Thanks for all the work that hosting a meeting entails. We had a grand time!

Our precious grandsons are providing us with a lot of fun and laughter. Dominic is 21 months old and Samuel is 5 months old. Our daughter, Paula, is not happy that we have many travel plans this summer, but I'm sure they will fly by quickly.

I wish everyone a great summer, safe travels, and good health in the process!

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).



# YOUR RIGHTS WHEN INJURED

by Steve Young, BLET Designated Legal Counsel

If you are injured while on duty for the railroad, you **must verbally** report your injury to your supervisor immediately. If in a yard or terminal, call the trainmaster or yardmaster. If on the road, call the dispatcher or trainmaster

You **must** complete a **written** accident report form as soon as possible. The General Code of Operating Rules (GCOR) does not require an immediate written report, rather an immediate verbal report. GCOR 1.3.3 states: "All cases of personal injury, while on duty, or on company property, must be immediately reported to the proper manager and the prescribed form completed." Complete the written report applicable to your railroad as soon as possible: UP accident report form 52032, BNSF accident report form SAF 51662, KCS accident report form 68D, or PTRS Special and Accident Report form 86219 (Rev 9/02)

It is a **violation** of Federal Law for a railroad to "discharge, discriminate, demote, suspend, reprimand, or in any way discriminate, in whole or in part, against an employee that **notifies or attempts to notify the railroad of a work related personal injury or illness**" (49 U.S.C. 20109(a)(4)).

It is a **violation** of Federal Law for a railroad to:

- a. Harass or intimidate an employee in a manner designed to discourage or prevent such employee from receiving proper medical treatment or from reporting an accident, incident, or injury (49 C.F.R. 225.33).
- b. Tell an injured employee that he will be disciplined or investigated if an injury report is filed (49 C.F.R. 225.33).
- c. Discipline an employee if the railroad interfered with the employee's ability to make prompt report of the

injury (49 C.F.R. 225.33).

- d. Refuse to furnish the injured worker with an injury report form (49 C.F.R. 225.33).

## QUESTIONS REGARDING ACCIDENT REPORTS & REPORTING:

**1. Do I have to fill out an accident report when I am injured at work?** The answer is yes. GCOR rules require immediate verbal reporting (GCOR1.3.3). GCOR requires a written report be completed, but the rule does not specify when. However, the best rule is to complete the accident report as soon as possible (GCOR 1.3.3). Many board awards have upheld employee discharge and other lesser discipline for late reporting

**2. How much time do I have to fill out the accident report?** Accident reports should be completed as soon as possible after the injury occurs. GCOR requires immediate verbal reporting to the supervisor. It does not require an immediate written report; however, the written report should be completed as soon as possible.

The BNSF has a 72-hour rule. Many BNSF employees think the rule is to report an injury within 72 hours, not immediately. This is simply not the case. The BNSF rule provides: "If the employee experiences muscular aches and pains from routine work that do not appear to be serious when they first occur, he or she has 72 hours to notify the appropriate supervisor that an injury has occurred," provided: (a) The supervisor is notified before seeking medical attention and (b) The medical attention **verifies that the injury was most likely linked to the event specified**. Thus, parts a & b must be satisfied or the rule has no



application. The best advice is not to rely on this rule for late reporting, but rather to immediately verbally report to the supervisor and then make a written report

**3. What if I don't realize I am hurt at the time of the incident?** Many times the injury will not manifest itself until some hours after the event. If the event occurs on Thursday afternoon but the employee does not have symptoms until Friday morning, the injury should be reported Friday morning. This is in compliance with GCOR and FRA regulations 49 C.F.R. 225.33. The later the report, the less credibility the claim has

**4. Will I get fired if I late report?** Probably so; however, there are some Public Law Board awards that do help. For example, Award 5, PLB 6931, rendered by Chairman Lyn Ellsworth, that held the employee's duty to report begins "when they reasonably believe they are injured."

**5. Can I get help completing the accident report?** There is no law that provides the injured worker with the right to confer with his attorney, a fellow co-worker, or the union before completing the accident report. Some labor agreements do provide for this right and, if

so, the employee would then have the right to confer. There are no Weingarten rights for rail workers, so no absolute lawful right to demand that a union officer be present before completing the report (944 F.2nd. 247 (1991)).

Nothing prohibits asking for assistance or having someone present, so the injured worker **should** certainly call his Local Chairman for advice and/or ask that the Local Chairman be present. An injured worker **should** contact designated legal counsel by phone for assistance before completing the report.

**6. Do I have to let the supervisor help me fill out the report?** The answer is no. The report must be complete and accurate (49 CFR 225.33). The law prohibits a company officer from an act of intimidation or harassment of an employee in connection with reporting. There is no rule that requires assistance from a supervisor. The new whistleblower protection specifically prohibits a RR officer from interfering with the reporting of an injury (49 U.S.C. 20109(a)(4)).

**7. Do I have to fill out a written report before I get medical attention?** The answer here is maybe/maybe not. This will depend on the circumstances of the injury. However, the real issue is not to look for excuses to put this off, but to complete as soon as possible. The new 20109 law helps with this question as it states: *"If transportation to a hospital is requested by an employee injured in the course and scope of employment, the railroad shall promptly arrange for transportation to the nearest hospital..."*

The question then becomes: "What is promptly?" Being interrogated about the injury for two hours before being transported is probably not **"promptly."** There is no case law at this time that defines "promptly;" however, one case is currently being pursued where the employee was interrogated for two hours before being taken to the hospital. Also

note that 20109(a)(4) is applicable, as one can argue that a lengthy interrogation prior to receiving medical attention is "interfering" with reporting.

**8. Why does the RR accident report ask who is at fault?** Under FELA law, the RR does not owe the injured worker any money for the claim unless the RR is at fault. Thus, if the employee indicates on the accident report that the RR is not at fault, the RR probably does not owe for the injury.

**9. Why does the RR accident report ask if I am at fault?** Under FELA law, any percentage of fault the employee has in connection with the accident is deducted from the damages. For example, if the employee is found to be 40% at fault and awarded \$100,000.00, he/she would only recover 60%, or \$60,000.00.

#### **AN INJURED EMPLOYEE HAS THE ABSOLUTE RIGHT TO SELECT HIS OWN DOCTOR**

If injured at work, you have the right to request transportation to a hospital and the *"railroad shall PROMPTLY arrange to have the injured employee transported to the NEAREST hospital where the employee can receive safe and APPROPRIATE medical care"* (49 U.S.C. 20109(c)(1)). *"A railroad carrier may not deny, delay, or INTERFERE with medical or first aid treatment of an employee who is injured during the course and scope of his employment"* (49 U.S.C. 20109(c)(1)). A railroad may not discipline, or threaten to discipline, an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician (49 U.S.C. 20109(a)(2)).

#### **QUESTIONS REGARDING DOCTORS**

**1. Do I have to see the company doctor for a second opinion?** The answer is no. There is no rule or law that requires the injured worker to see a company doctor for a second opinion. In fact, under 20109(c)(1), it is unlawful

for the RR to interfere with the orders of his selected treating physician or the treatment plan selected by the treating physician. Thus, under this provision, it is clearly improper for the RR to demand a second opinion unless the treating physician has recommended a second opinion.

**2. Does the RR pay for my job related medical bills?** The answer is no. United Health Care, Plan GA 23000 (medical policy for active employees), pays for all medical treatment and care of an on-duty injury. There is no requirement to obtain approval from the RR or the RR claim agent to get treatment or to get the policy to pay for the treatment. The employee is initially responsible for the co-pays, but they are recoverable at the end of the case

#### **STATEMENTS TO A CLAIM AGENT WHEN INJURED**

The injured employee is not required to give a recorded verbal statement to the claim agent. It is not an insubordinate act to refuse to give a recorded verbal statement to the claim agent. GCOR does not require an injured worker to give a recorded verbal statement to the claim agent.

#### **REMEDIES PROVIDED BY 49 U.S.C. 20109**

If the RR violates any of the provisions of 20109, the employee has individual recourse against the railroad. The employee must file a complaint with OSHA. If the complaint is valid, the aggrieved employee is entitled to reinstatement, back pay with interest, attorney fees, and punitive damages up to \$250,000.00.

**Steve Young, Designated Legal Counsel, 1300 Post Oak Blvd. Ste. 1750, Houston, Texas 77056, 713-333-3070**  
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## A Tribute to Roland Wilson "Windy" Windham

Our sincere condolences go out to Past International President Ruth Pillman Windham as she grieves the loss of her husband, former BLE General Chairman Roland Wilson "Windy" Windham, who passed away peacefully on April 1 at the age of 86. Windy dedicated his life to helping others, faithfully serving the Brotherhood as General Chairman of the Missouri Pacific General Committee of Adjustment (Western District) for many years. He also held the office of Local Chairman of Division 182 in North Little Rock, Arkansas, served the union as Chairman of the Western General Chairman's Association (WGCA), and represented his Division as a delegate to several BLE national conventions. Windy was a member of the Brotherhood for 46 years. He and Ruth were regular attendees at BLE regional meetings over the years, particularly the Southwestern Convention Meeting (SWCM) and the Southeastern Meeting Association (SMA).

After graduating from Gurdon High School in 1941, Windy began working for the Missouri Pacific Railroad in North Little Rock as a locomotive fireman. In 1943, he was drafted into the U.S. Army. He received his training at Fort Leonard Wood, Missouri, which is where he met Ruth Elizabeth Pillman. They were married April 12, 1944, in Camp Plauche, Louisiana. He served a total of three years during World War II, much of the time spent in the European Theatre. After his discharge, he returned to work on the MoPac and served as Local Chairman and General Chairman throughout the remainder of his railroad career. He also served as Chairman of MoPac hospitals and Southwest Hospital in St. Louis and Little Rock.

Windy was an avid Arkansas Razorbacks college sports fan. After his retirement, he and Ruth played golf every Sunday afternoon. He played golf five days a week at the Maumelle Country Club, where he and his friends were often referred to as the "Dew Sweepers."



In addition to his loving wife Ruth, Brother Windham is survived by: Daughter Sharon Kay Windham Heflin; two grandsons, Jay Michael Heflin and wife Andrea, and Marc Windham Heflin and wife, Billie; four great grandchildren, Grace Elizabeth, Sarah Lynn, Benjamin David and Anna Jayne Heflin; several sisters-in-law; and many loving nieces and nephews.

Memorials can be made to: the Arkansas Hospice, who took such wonderful care of Windy and his family during his final days, 5600 West 12th St., Little Rock, Ark. 72204; or Alzheimer's Arkansas, 10411 W. Markham, Suite 130, Little Rock, Ark. 72205-1409; or Pulaski Heights United Methodist Church, Roland W. Windham Endowment Fund, 4823 Woodlawn Dr., Little Rock, Ark. 72205; or Easter Seals, 3920 Woodland Heights Rd., Little Rock, Ark. 72212; or another charity of your choice.

We are thinking of you Sister Ruth and sending you big hugs. When you are feeling up to it, we would love to see you again at one of the upcoming regional conventions.

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### Little Rock Auxiliary Going Strong *continued from front cover*

followed by congratulations and hugs all around for Sister Ellen. Sister Amy Spoon was recognized as also being the recipient of a 50-year pin, and we regretted that she was unable to be with us for the occasion. President DeGroot later delivered the pin to Amy.

Other members recognized were those who had earned 40-year membership pins: Sisters Edith Wilson, Mary Lou Wright, and Ruth Windham. We were sorry that none of them were able to attend the presentation, and pins were sent to them.

We meet monthly for lunch and a business meeting, on the

fourth Tuesday of each month, except June, July and August, at American Legion Post No. 1 in Little Rock. One of our long-time members, Jan Haver Crow, and her husband manage the Post, and they graciously allow us the use of a meeting room. They serve buffet lunch to the public daily, so we have a varied and delicious selection of food from which to choose.

This May, two of our members celebrate a birthday – Ellen and Brooksie. We surprised them at our last regular meeting before summer break with a decorated birthday cake (with only minimum number of candles!), along with a rousing "Happy Birthday to you!" song.

Generosity Auxiliary wishes each of you a pleasant, happy summer. May you and your loved ones be blessed with good health, love, laughter, and lasting friendships.



# Legislative Update

**By Sereena Hogan, National Legislative Representative**

As the summer months descend upon us, and our minds wander off into daydreaming about days at the beach and other summer activities, please remember to put safety first... wear your sunscreen and be alert to your surroundings!

## Increased Rail Fatalities

Several months ago, Jo Strang, the Associate Administrator for the Federal Railroad Administration (FRA), issued a call for help due to the rise in rail fatalities during 2008, which has continued into 2009. The number of employee on-duty fatalities in 2008 reached an alarming 19. If trends continue as they have, 2009 will surpass 2008 in the number of fatalities. In the first quarter of 2009, there were seven employee on-duty fatalities. The FRA is asking rail union members to be on constant alert for the risk and dangers associated with working in the rail industry.

## Standardized Signals

Recently, the National Transportation Safety Board (NTSB) issued its findings regarding a 2007 collision between a Norfolk Southern train and an Amtrak train near Chicago. The recommendation was issued to address a long-standing problem with non-standardized signals between railroads and territories, which contributed to the misinterpretation of a signal by the Amtrak crew involved in the accident, and the failure to resolve the miscalled signal prior to the accident. The NTSB recommended that the FRA "establish uniform signal aspects that railroads must use to authorize a train to enter an occupied block, and prohibit the use of these aspects for any other signal indication." It also recommended that the FRA "study the different signal systems for trains, identify ways to communicate more uniformly the meaning of signal aspects across all railroad territories, and require the railroads to implement as many uniform signal meanings as possible."

The Board determined that if Positive Train Control (PTC) had been in use, the accident would have been prevented by stopping the train when it exceeded restricted speed. The Rail Safety Act, passed in

January, mandates the implementation of PTC by all railroads before 2014. The recommendation has been made that all railroads, Amtrak, AAR, ASLRRRA, the BLET, and UTU use the circumstances of this accident during training to re-emphasize the importance of communicating any disagreement on a signal call immediately and, if needed, to take action to ensure the train is operated safely.

## Railroad Antitrust Enforcement Act of 2009

In early April, the BLET announced their opposition to the Antitrust legislation, stating that, "Instead of passing the Act, the BLET encourages increased cooperation between labor, the government, shippers, and carriers." The newsflash referred to BLET National President Ed Rodziewicz's March 23 letters to the House and Senate committees handling the issue to explain the BLET's position. President Rodziewicz's letter stated, in part, "While carriers, labor, and shippers have not been uniformly satisfied with all processes and decisions of the STB [Surface Transportation Board], we believe that this oversight has served its public purpose well, as evidenced by the industry's renaissance over the past decade." He goes on to say, "A short-term gain for some shippers could result in crippling the industry just as the nation's dependence on railroads becomes critical. To the extent the Congress believes that the ability of STB to vigorously oversee the railroad industry should be strengthened, we strongly urge you to sit down with the railroads and the shippers and work out the necessary reforms. The BLET supports such a plan of action because it would address legitimate grievances shippers may have without jeopardizing the stability of the industry. Unfortunately, the Act would have the opposite effect. Under these circumstances, we have no option but to oppose passage."

On May 21, Senator Harry Reid (D-NV) made a motion to proceed to consideration of the Railroad Antitrust Bill, S.146. A vote on invoking cloture on the motion to proceed was scheduled for June 2 and BLET members and their families were encouraged to contact their senators right away to ask them to oppose the cloture vote and vote no on the motion to proceed

on the antitrust bill. Many thanks to all of you who made those contacts. On June 1, the Committee on Commerce, Science & Transportation and the Judiciary Committee jointly asked Senator Reid to withdraw the pending cloture petition and stated their intent to work together on comprehensive rail competition legislation. They stated that they will make it a priority to put together a bipartisan package for the consideration of the full Senate that reforms the STB and repeals the antitrust exemption.

## High Speed Rail

At a press conference held on April 16 by President Obama, Vice-President Biden, and Secretary of Transportation LaHood, the Administration announced its plan for high speed rail development in the United States. They touted the benefits of high speed rail to the nation's economic future and stated that the \$8 billion allocated for high speed rail in the stimulus package is just a "down payment" on the overall package. The President mentioned several pieces of legislation passed in the last year and a half that are good first steps in the development of a high speed rail system. In early May, the Obama Administration released detailed FY 2010 budget recommendations for all federal programs. The budget recommends \$1 billion for high-speed and intercity passenger-rail service, the first of a five-year program to build on the \$8 billion stimulus package allocation.

## **BLET's position on High Speed**

**Rail:** The BLET Legislative Department recently released its "High Speed Rail Position Paper," which states that the BLET believes that the implementation of high speed rail could greatly benefit the membership and the country as a whole, with a few adjustments to the current strategy. The BLET wants to redefine the definition of high speed rail, which was established approximately 40 years ago. The current definition relates to passenger trains traveling 110 mph or faster.

Other items on the BLET "wish list":

- including intermodal freight operations at between 70 and 125 mph in the definition of "high speed rail" (this would greatly increase volume and revenue for the railroads)
- prohibiting passenger trains traveling in excess of 150 miles per hour to commingle with freight operations and

may not be supported by the freight railroads

- implementing the use of temporal separation, which would allow freight and passenger trains to operate on the same track as an intermodal system and thereby remove the question about which takes precedence on a particular line. (The report states that “Temporal separation would provide a buffer so that freight cannot operate on the line at the same time as passenger rail, without decreasing the safety of either or the ability to thrive in a competitive market.”)
- standardizing any new system to create a seamless network coast-to-coast that can be integrated with the current freight and passenger rail service infrastructure
- ensuring that a federally certified locomotive engineer is present in the cab of any high speed locomotive
- ensuring that all jobs created by the implementation of a high speed rail system are safeguarded and that all workers in the project are covered by federal laws relating to railroad workers

The report closes with the following statement: “The bottom line is that high speed rail is the solution to resolving most of our passenger/freight railroad challenges in this nation.”

#### FY 2010 Appropriations for Passenger Rail

In its federal programs budget recommendations released in early May, the Obama Administration proposed \$1.5 billion for Amtrak in FY 2010. This is slightly higher than the railroad’s \$1.49 billion appropriation for FY 2009.

However, the funding recommendation for the Rail and Public Transportation Security Grants program was reduced from \$400 million (plus \$150 million in ARRA funds) in FY 2009 to \$250 million in FY 2010. The 9/11 Commission Recommendations Act authorizes \$900 million for transit security grants in FY 2010.

New FRA Administrator President Obama’s nomination of Joe Szabo was confirmed as Federal Railroad Administrator by the U.S. on May 1. Mr. Szabo is a fifth generation railroader who values safety in the railroad industry, is

passionate about Amtrak, and supports the high speed rail initiative. Mr. Szabo’s appointment is yet further proof that Obama supports leadership from organized labor.

**Freight-Rail Funding Bill Introduced in the House**  
On May 20, Rep. Jerrold Nadler (D-N.Y.) introduced H.R. 2530, the Freight Rail Economic Development Act of 2009. This bill proposes to authorize the Secretary of Transportation to make capital grants to fund the construction or rehabilitation of rail switches and sidings in parts of the country with insufficient or underutilized freight-rail infrastructure. The legislation aims to restore and renew economic development opportunities in locations hardest hit by the recession.

Nadler stated: “Depressed economies, like those we have in upstate New York and many other industrialized parts of the Northeast, would benefit greatly from an improved and expanded freight-rail infrastructure. New switches and sidings could mean new jobs and opportunities for regions working to bring in investment.”

#### Toxic Materials, Rail Security, and Public Safety

The railroads are pressing federal regulators to cut back on trains carrying hazardous materials through urban areas. Rail companies fear that they could be liable for billions in legal claims in the case of a catastrophic incident involving a toxic spill caused by a derailment, accident, or act of sabotage. Railroads are bound by federal law to transport numerous toxic materials used in agriculture, manufacturing, and water treatment, but rail industry associations are petitioning to allow railroads to refuse to carry toxic chemicals over long distances. The Obama administration and others are opposed to this effort, stating that rail is the safest way to move these materials. If trucks were to start hauling the materials that railroads reject, the danger would be greater.

Union Pacific recently refused to transport chlorine from a plant in Utah to Texas and Louisiana, claiming that millions of people in cities such as Salt Lake City, Kansas City, and Fort Worth would be exposed to a remote, yet deadly, risk as these materials were hauled through their communities. Union Pacific claimed that Texas and Louisiana could purchase the chlorine

from nearby suppliers. Other railroads and rail associations urged the Surface Transportation Board to grant UP’s request.

Scott Jensen, American Chemistry Council spokesman, stated that railroads “would effectively control the supply and demand” of materials if they could refuse to carry certain shipments and that simply cannot be tolerated.

Along those same lines, the Government Accountability Office (GAO) has completed a two-year study of freight rail security. Since 9-11, federal rail security efforts have been focused on hazardous cargo; however, the GAO takes the position that emphasis must also be placed on protecting the sector’s physical and cyber assets, such as bridges and control systems. BLET First Vice-President Paul Sorrow stated that “while the recent TSA rule ensures that hazardous cargo is not left unattended, non-hazmat carrying trains are still left unsecured. One way to secure trains – hazmat carrying or not – would be to equip all locomotives with locking air brake valves. We have been pushing this idea for several years now and are hoping that it becomes a standard practice throughout the industry.”

Since 9-11, the Transportation Security Administration (TSA) has focused on the security of toxic-inhalation hazard (TIH) chemicals, guided by the White House’s Homeland Security Council, based on the inherent vulnerability of sprawling rail sector, and the dangers posed by intentional release of common industrial chemicals like chlorine or anhydrous ammonia.

The TSA enacted a rule last year that requires that carriers maintain a documented chain of custody for TIH cargos, and that they are never left unattended in urban areas designated as “high-threat” by the Department of Homeland Security. A rule enacted by the Department of Transportation’s Pipeline and Hazardous Materials Administration requires that shippers conduct route risk assessments and, where commercially practicable, choose routes that present the least risk.

#### Railroad Retirement Board News **Benefit Rate Increase for Railroad**

—continued on Page 10

# Annual Executive Council Meeting - April 20-23, 2009

By **Becky Schneider, National President**



This year's Executive Council Meeting took place in "the land of the Saguaro Cactus," otherwise known as Tucson, Arizona. Sereena Hogan hosted the meeting, as has become the practice of this Executive Council. With the generosity of our council members opening up their homes, we save on expenses because at least one member does not have to travel to the meeting, and dining tables work just as well as hotel conference room tables. Since everyone was on the same connecting and departing flight in and out of Tucson this year, I was able to pick them up at the Tucson airport on my drive over from El Paso, saving us even more money on transportation costs. It was "just the girls," as Sereena's husband Ken was away on travel, and the rest of our guys stayed behind to keep the home fires burning.

As always, our meeting was jam-packed with business and fellowship. We began on Monday evening with our traditional dinner at the host's home. With the mountainous desert backdrop, we enjoyed wonderful appetizers and dinner on Sereena's poolside patio. A special thanks goes out to old Osiris and Shekhina (Sereena and Ken's furry four-legged family members) for their contributions

and entertainment.

The following morning, we got down to serious business, beginning with officers' reports about their activities on behalf of the National Auxiliary since last year's meeting. Na-

tional Secretary Anita Caruso provided members with an update of auxiliaries and membership in a handy packet for easy reference not only at the Council meeting, but for use throughout the year. Following a conference call with Brian Moland of ORBA Financial, we got down to the stark reality of Auxiliary finances. As with the rest of the nation, the market has not been kind to the Auxiliary this year. But, thanks to Brian's sage advice, we did not take as big a hit as we could have. Regarding finances, your Executive Council officers have done a great job in holding down our costs, even to the extent of clipping coupons for office supplies and using frequent flyer miles when possible.

As always, one of the functions of the Council is to award Scholarships. We had a good year as far as fundraising efforts, and were able to award thirteen \$1,000 scholarships. Please see the list of our scholarship winners on Page 11.

Other business included approving our Care and Assistance Program recipients for this year; recruiting efforts and ideas; new ways to raise money for scholarship funding; and regional conventions, including attendance, ways to make

business meetings informative and fun, and how to encourage our members to participate in our fundraising efforts in their region. In a "hallelujah" moment, we finalized our auxiliary logo, and discussed our needs now that we finally have the logo in place.

In a departure from our usual practice, and since it was just the girls this year, at the end of a long first day, we decided to order pizza and hang out at Sereena's to watch American Idol and Dancing with the Stars. Admittedly, after a very long day with our noses to the grindstone, it was a very relaxing evening.

Following our adjournment on Wednesday, we all enjoyed our last meal together at a lively Greek restaurant. Opa! On Thursday morning, we all went our separate ways, knowing that once again we had a very productive meeting steering the course of the Auxiliary for the next year. You should all know that, even though it is a labor of love, the Executive Council members work very hard, not just at the annual meeting but throughout the year, to keep the Auxiliary moving forward and to represent our members' interest. If you have a chance to say "thank you" to any of them, please do.

Many thanks to Sereena and Ken for opening up their home, providing food and treats during our meetings, and for their general hospitality in making us feel welcome. Next year, our meeting will be back in the "Pass of the North," El Paso, to allow us the time we need to tackle logistics and resolutions in preparation for the National Quadrennial Convention in October of 2010.

## Summary of Legislative Issues Requiring Action:

- 1. High Speed Rail** - Please let your elected representatives know that we support the high speed rail initiatives **with the considerations stated in the BLET's High Speed Rail Position Paper** (see page 7).
- 2. Employee Free Choice Act (EFCA)** - Although this does not directly impact our BLET members, it does affect their working family members. The EFCA is an important piece of legislation for our nation as a whole and the International Brotherhood of Teamsters has asked us to support it. BLET National President Ed Rodzicz has asked us to support it as well. Please keep up the pressure on your elected representatives to support the Employee Free Choice Act.
- 3. 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.

**Unemployment & Sickness Benefits:**

Beginning July 1, 2009, the maximum daily benefit rate payable for claims under the Railroad Unemployment Insurance Act will increase from \$61 to \$64. Benefits are normally paid for the number of days of sickness or unemployment exceeding four in a 14-day registration period. Maximum benefits for biweekly claims will total \$640.

During the first 14-day period in a benefit year, benefits are payable for each day of unemployment or sickness exceeding seven days, rather than four, which, in effect, provides a one-week waiting period. An initial claim for sickness must also begin with four consecutive days of sickness. However, only one waiting period is required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year. Claimants already on the rolls will, therefore, normally not be required to serve another waiting period because of the onset of the new benefit year.

For more details on these benefits, please go to [www.rrb.gov](http://www.rrb.gov) or call the Railroad Retirement Board office at 1-877-772-5772.

**No Cost of Living Adjustment:** For the first time in over 30 years, Social Security recipients (Railroad Retirement Tier I) could possibly see no cost-of-living adjustment (COLA). The economic downturn and lower energy prices have led to low inflation over the last year and this trend is predicted for several more years, meaning the possibility of no COLA increase until January 2013.

**Railroad Retirement Solvency:** Job cutbacks occurring in the rail industry have been a concern for some beneficiaries; however, the Railroad Retirement Trust Fund is still extremely solvent. The fund currently has approximately \$21.3 billion, and pays out \$7.1 billion in annuities. According to BLET Vice President John Tolman, unless there is a momentous downturn in the entire rail industry and the account loses significant money, Railroad Retirement is set for the next 25 years and beyond.

**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 [vp3sereena@aol.com](mailto:vp3sereena@aol.com).**

## ***Just My Opinion - By Becky Schneider***

One perk to being the Auxiliary National President is that I get to express my opinion to our members. One big issue that has arisen in the last few months that I believe merits someone speaking out is the Rail Safety legislation that was put on the front burner and passed, based on the knee jerk reaction of Congress following the Chatsworth accident in California involving a commuter and freight train. The accident was a tragedy, but in its wake, it thrust upon us a bad bill, at least as far as the Hours of Service issue is concerned. One of the reasons I chose this topic to discuss is the amount of misinformation that is out there as to what will result from the requirements set to take effect on July 16 as far as the cap on hours worked and limbo time. I too was a victim of the rumor train until a meeting was held in our area explaining exactly who would be affected and how they would be affected.

Let's all remember, this is not the bill our BLET and Auxiliary Legislative Representatives and members lobbied to pass. In fact, when it was changed, the BLET did not support it. It was the hope that, because the Senate had made changes in the House version of the bill that did not help our members, allowing the Senate version to die with the 110th Congress would have given us the opportunity to start all over with a more labor-friendly administration. The cap on the monthly hours of service was something added by our "buddies" at the American Association of Railroads. The monthly cap on hours worked did absolutely nothing to mitigate fatigue because an engineer who works on a pool freight board still cannot pinpoint when he or she is actually going to work with any kind of certainty. That was the purpose of including a provision for a 10-hour call—so the crew would know that in 10 hours, they were going to work, and could make sure they were rested for that tour of duty.

The only thing our Congress did for us was to give the Carriers ammunition to further harass the troops and our General Chairmen in trying to negotiate better Hours of Service provisions, as allowed by the law if acceptable to the FRA. According to one General Chairman on the Union Pacific lines, their response to the law at the first round of negotiations in January was, "You wanted it; now you're going to pay for it." This was nothing but pure antagonism, for which UP is so famous. Unfortunately, it's not just limited to UP, but all of the Class I railroads jumped on the band wagon. From what I understand, negotiations are going a little better at this point, but we need to hold the Carriers' and our Congressional representatives' feet to the fire to make sure that what is done is in the interest of safety does not harm our members' ability to earn a living. This is not something that should result in penalties because the railroads do not consider their employees as the valuable asset they are to their operations and profits.

Rather than trying to throw the baby out with the bathwater, as has been suggested in some parts of the country, we need to work together to bring about effective change that provides the fatigue mitigation necessary to keep our railroaders and our communities safe. Asking for the resignation of every BLET legislative representative who did not support the final version of this bill, as has been suggested by some, is not how this issue should be handled. We all need to stick together and figure out how to deal with what we were reluctantly handed by Congress, not turn against one another pointing fingers.

There were a lot of other provisions in this bill that do speak to safety, but that seems to be lost in the current arguments. I know there will be those who vehemently disagree with me. Feel free to write me at [beckygial@earthlink.net](mailto:beckygial@earthlink.net).

## 2009-2010 Scholarship Recipients

### EUMA Recipients:

- Kyle P. Willard, son of Mr. & Mrs. Kenneth Willard, BLET Division #122 (Leona A. Louis Memorial Scholarship)
- William B. Mueller, son of Mr. Forrest Wayne Lumpkins and Mrs. Sheryl Mueller-Lumpkins, BLET Division #294
- Brett L. Phillips, son of Mr. & Mrs. Donnie L. Phillips, BLET Division #284 (John T. Collins & Mary M. Collins Memorial Scholarship)

### SWCM Recipients:

- Nicholas P. Davis, son of Mr. & Mrs. William E. Davis, BLET Division #235
- Ashley Taylor Derden (Bailey) daughter of Kathie Bailey and the late G.Y. Bailey, BLET Division #62
- Sam Dowell, son of Mr. & Mrs. Carl Dowell, BLET Division #871
- Christopher S. Keefer, son of Mr. & Mrs. Jeffrey A. Keefer, BLET Division #183
- Jake Gordon McKay, son of Mr. & Mrs. Russell J. McKay, BLET Division #206
- Natalie Hannah McKay, daughter of Mr. & Mrs. Russell J. McKay, BLET Division #206

### 1st Alternate

- John Garcia, Jr.; son of Mr. & Mrs. John G. Garcia, Division #192

### Joint IWC/BLET Auxiliary Recipients:

- Allyson K. Booth, daughter of Mr. & Mrs. James H. Booth III, BLET Division #28
- Darren Green, son of Mr. & Mrs. Barry E. Green, BLET Division #180
- Kellie Howard, daughter of Mr. & Mrs. Kevin Howard, BLET Division #758
- Brooke Switzer, daughter of Mr. & Mrs. Ricky Switzer, BLET Division #811

### 1st Alternate

- Jacqueline Marie Shrader, daughter of Mr. & Mrs. Thomas J. Shrader, BLET Division #134

### 2nd Alternate

- Heather Green, daughter of Mr. & Mrs. Barry E. Green, BLET Division #180

## A Note from National Treasurer Helen Brand



Summer is fast approaching; children are out of school; it's time for vacations and those lazy days of summer. It's time for summer activities, such as baseball, swimming, playing in the park, and trying to keep cool. While it is such a busy time, we still have to meet certain deadlines.

The National Auxiliary's fiscal year runs from April 1 to March 30, so soon it will be time to file our reports with the IRS. The BLET Auxiliary is the reporting organization and all the local auxiliaries are non-reporting organizations. If any local auxiliary received a Form 1099-INT for the 2008 year, I need you to send it to me by June 15, and the BLET Auxiliary will report it in our annual report to the IRS.

If you have any questions please feel free to call me at 913-256-2741 or e-mail me at [brand51@hotmail.com](mailto:brand51@hotmail.com). My address is:

Helen Brand  
38768 Crescent Hill Road  
Osawatomie, KS 66064

Have a wonderful summer. Laugh and play a lot!

## Greetings from Editor Sereena Hogan:

It was my pleasure to host the Council Meeting here at my home in April. The weather here in Tucson at that time of year is usually quite pleasant; however, this year we were experiencing unusually high temperatures. It was already in the mid to high nineties that week... sorry ladies; I had nothing to do with that! Thank goodness for air conditioning!

Thank you all for the nice hostess gifts and the flowers... aw gee, ya didn't have to! And a big thank you also to my husband, Ken Kroeger, for sending us the beautiful and delicious edible bouquet made up of chocolate-covered fruit... yum!

Although I will miss the SMA this year because I've just got to get up to Washington and get a "Skylar fix" (Skylar is our two-year-old grandson whom I haven't seen since February), I do plan to be at the other three conventions and I hope to see many of you there. Ken and I are looking forward to spending the Fourth of July in historic Philadelphia in between the National Association of State Legislative Board Chairmen Meeting and the EUMA. Wishing you all a happy holiday and a great summer!

## Regional Conventions

### **Eastern Union Meeting Association**

#### **Philadelphia, Pennsylvania - July 5-9, 2009**

Brother Sean Simon, Vice President of BLET Division 226, Newark, NJ, is Arrangements Chairman of the 2009 EUMA in Philadelphia, PA. It will be held at the Hyatt Regency Philadelphia at Penn's Landing, 201 S. Columbus Blvd., Philadelphia, PA 19106: Phone: (215) 928-1234. The room rate will be \$169 per night. To contact Brother Simon, call (609) 558-6405 or e-mail: [EUMA2009@aol.com](mailto:EUMA2009@aol.com).

### **International Western Convention**

#### **Green Bay, Wisconsin - Aug. 9-14, 2009**

Brother John Reynolds, Wisconsin Central General Chairman and member of BLET Division 209, Green Bay, WI., is Chairman of the 2009 IWC in Green Bay, WI. It will be held at Radisson Hotel & Conference Center Green Bay, 2040 Airport Drive, Green Bay, WI 54313; Phone: (920) 494-7300. The room rate will be \$94 per night. To contact Brother Reynolds, call (920) 462-4509 or e-mail: [JReynoldsBLET@newbc.rr.com](mailto:JReynoldsBLET@newbc.rr.com).

### **Southwestern Convention Meeting**

#### **Kansas City, Missouri - Sept. 13-16, 2009**

Brother Mike Zenner, Secretary-Treasurer of BLET Division 130, Kansas City, KS, is Hosting Chairman of the 2009 SWCM in

Kansas City, MO. It will be held at the Hyatt Regency Crown Center, 2345 McGee St., Kansas City, MO 64108; Phone: (816) 421-1234. The room rate will be \$139 per night. To contact Brother Zenner, call (816) 804-9107 or email: [zmike5@kc.rr.com](mailto:zmike5@kc.rr.com).

**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**

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**The next issue will be published in October. Please have your submissions to Sereena no later than September 20.**

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