



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.

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Summer 2010

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

Destination GRAND SIERRA RESORT Reno, Nevada - October 4-7, 2010!

First Quadrennial Convention

It seems fitting that our National Convention this year is called the "First Quadrennial Convention," especially since our name changed in 2006. Of course, that is not the whole story—it has more to do with the change from a five-year schedule to a four-year schedule resulting from the merger of the BLET with the International Brotherhood of Teamsters. As promised in the last issue, we are providing an overview in order for our members, both old and new, to understand the intricacies of the convention and its importance in enabling the Auxiliary to move forward.

Last year, local auxiliaries elected a delegate and alternate delegate to represent them at the General Sessions. Members-at-large elected their delegates and alternate delegates at the regional conventions last summer. If for some reason a delegate or the alternate is unable to attend, the National President appoints a proxy to act in their stead. Our delegate system allows a multitude of voices and opinions to be heard in one place.

Once the General Session is officially opened by the Chaplain, national officers report on their activities over the last four years. Most of the time spent in General Session involves addressing resolutions that are submitted prior to and at the convention. In 2006, because of major changes to our organization's status from International to National, changing our name, and refocusing our mission and purpose, there were a large number of resolutions to be considered. We do not anticipate quite as many this year, but we do need to introduce a number of resolutions to "tweak" our Constitution and Bylaws.

The only way our Constitution and Bylaws, and any forms used by the Auxiliary, can be changed or updated is by a resolution submitted by one of our members at the General Session. Auxiliaries are encouraged to review the Constitution and Bylaws with the intent of proposing possible changes that they feel would improve our organization or make it run more smoothly.

Pursuant to current Bylaws, resolutions must be received by the National Auxiliary sixty days prior to the opening of the General Session, which would be on or before August 5, 2010. This year, we are asking auxiliaries and members-at-large to submit their resolutions to our National Secretary, Anita Caruso, for receipt no later than August 5. Resolutions submitted will be organized by Anita and distributed to delegates in August. Delegates should review the resolutions with their Auxiliary members at their September meeting to receive any instructions their Auxiliary may have as to the direction of their delegate's vote.

Pursuant to a change to our bylaws made in 2006, resolutions submitted by the August 5 deadline are to be read once at the convention and acted upon at that time. Resolutions may also be submitted at the convention, and those will require two readings before they can be voted upon. Resolutions must receive approval by a two-thirds majority in order to pass.

National officers are elected and installed during our National Convention. These officers serve for the term set forth in our bylaws, currently four years, with the exception of the Secretary and Treasurer who serve eight-year terms that overlap one another so that one officer who is familiar with Auxiliary finances is in office at



all times. At the upcoming convention, the office of National Secretary will be up for election. Currently, our bylaws state that in order to run for national office, a candidate must be a member of the Auxiliary for four years. In order to run for President, a candidate must have served at least one term on the Executive Council. Those who nominate a member for office are allowed to speak for three minutes on behalf of the nominee. Members who have a desire to run for national office are encouraged to bring information for distribution as to their experience, interest, and desire to run for a particular office.

The Auxiliary has a number of new members in our ranks as we move forward into the future. This convention, as was the last, is pivotal for our organization. The Carriers have not changed their ways, but we have. Using our ability and willingness, we will continue to take on their self-serving practices and corporate greed, and help to improve the health, safety, and quality of life of our loved ones. So long as there are railroads and railroad workers, we will have issues to address and will need each other's support as we live the "railroad life." Hopefully, we will come up with new and even better ideas to deal with a myriad of issues at the National Convention.

Auxiliary members who will be at the convention with their spouses but who are not delegates for the Auxiliary are welcome to attend our meetings and provide input.

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From the President:

Since 2010 began, this year has been a very busy one for the Auxiliary. Busy is good, not only because it keeps me out of trouble, but because it signals good news for the Auxiliary.

On the “new auxiliary” front, we have a lot going on. We have four groups that are very close to formal organization. We have received Petitions for Charter from Erwin, Tennessee; Pittsburgh, Pennsylvania; and Toledo, Ohio. Another group in Pocatello, Idaho, is also very close to formal organization. We have worked very hard over the last four years to get our message to BLET members and their spouses at every opportunity we are afforded, and our efforts are really starting to bear fruit. In a rather unorthodox move, the Auxiliary in Toledo, Ohio, will be organized by proxy. I met with three ladies from Toledo during the Ohio State Legislative Board Meeting in Columbus, administered the obligation, and provided them with detailed instructions as to how to proceed. Although the auxiliary in Pittsburgh has not been formally organized, they are meeting regularly to help at the EUMA convention to be held in that city this August, and we plan to schedule their organizational meeting and install their officers during the time we are there for the convention.

Our sincerest thanks go to BLET Designated Legal Counsel (DLC) for once again approving a subsidy for our Newsletter expenses. While it does not cover the entire cost, it sure makes a big difference in our ability to get information to our members. Sereena does an excellent job of editing and publishing our quarterly newsletter, and we truly appreciate the informative articles provided by our DLC to keep our members informed and updated about the various aspects of the Federal Employers Liability Act and other important information we need to know.

Once again, I had the privilege of attending the annual meeting of the National Association of State Legislative Board Chairmen in Mobile, Alabama. As always, it was a very informative meeting. I will miss this group of wonderful brothers who work so hard on behalf of the BLET. The California State Legislative Board Meeting, which was held at the same time as our Executive Council Meeting thereby precluding attendance by any of our national officers, was attended by two of our new Auxiliary members from Northern California. I also attended the Ohio State Legislative Board Meeting held in Columbus, Ohio, and the Oregon State Legislative Board meeting in Portland, Oregon.

The Executive Council held our annual meeting at the end of April and covered a very long agenda of business on behalf of the Auxiliary. I know that Anita will include the particulars pertaining to scholarships, one of the more pleasant subjects we are tasked with every year. We also had some hard decisions to make at this year’s meeting and did so in the best interest of the Auxiliary. During our meeting, we received a surprise delivery of shirts embroidered with our new logo. A special shout out goes to Member-at-Large Kathy Raptis, from Indiana, for the expedited procurement of the shirts on our behalf, for her beautiful embroidery work, and for priority shipping them to us during the meeting. We are still working on a way to make them available to our members and will keep you posted.

As I am sure Sereena will report, the National Mediation Board has leveled the playing field making it easier for representation elections to be held, at least under the Rail Labor Act. If there is a way to pass the Employee Free Choice Act (EFCA) with the crazy partisan politics going on in Washington, that would make it easier for middle class America to vote for union representation. Perhaps, if EFCA had been in effect, the horrific mine disaster in West Virginia might have been averted since it would have added another layer of those concerned with safety to raise red flags about mine conditions.

The BLET has announced that it is once again fully implementing its National Mobilization Program in light of the successes they have seen recently on various issues. In response, the Auxiliary will be doing the same. Gina Forman, our 1st Vice President and National Outreach Coordinator, has been tasked with making sure our network is in place and that we have our members’ current contact information so that we can respond quickly when needed. The BLET will be offering classes on mobilization at this year’s regional conventions and I encourage our members present at the conventions to attend if possible.

As promised, this issue of newsletter includes information delegates need to know in preparation for the upcoming National Convention in Reno in October, and provides an overview for our members of what delegates will be doing while in attendance. If you are a delegate, you should have received a preliminary letter and packet of information explaining what you need to do and what is expected during the convention. For local auxiliaries, we encourage you to review your Bylaws and Constitution, and to submit resolutions if there are sections you believe should be changed, or if you have ideas to add. A special section has been added to our website to allow easy access to information about the National Convention.

The cookbooks are in and they turned out very nice. We are selling the second edition of MAINLINE COOKING at all of the Regional Conventions, along with a limited printing of our first edition. Of course, you can always download an order form online at www.bletauxiliary.net.

As we near the end of this administration, I wish to thank all of you for your belief in the Auxiliary and your support of our mission. It has been a pleasure to meet you all as we continue to move forward and see the Auxiliary grow. It seems like this year, Larry and I are like ships passing in the night, but I truly appreciate Larry's help and support during the past four years and for his agreeing to allow me to take on this responsibility. The experiences I have had as a National officer and now as President have been priceless.

As we move into the heat of summer, please keep all of our railroaders in your prayers that they may be safe and return home to us. For the railroaders who have lost their lives, the coal miners, the oil rig workers, and our military, we pray for their families. Have a good summer and may God keep you safe."

In Sisterhood,

Becky Schneider, National President. BLET Auxiliary
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WHAT RAILROAD CLAIMS AGENTS DO NOT WANT INJURED RAIL WORKERS TO KNOW

by Richard N. Shapiro, BLET Designated Legal Counsel

As a prolific personal injury law blogger, I have written hundreds of injury law articles, many on railroad issues. One of my most popular railroad blogs is a "rebuttal" to a Norfolk Southern (NS) claims department brochure, entitled **Injured at Work**, that NS has provided to thousands of its workers. This slick brochure was blessed by the NS lawyers and is still given to all NS workers who are injured on the job, essentially trying to persuade workers **NOT** to consult with a union designated attorney, or with any attorney. Below, in italics, are excerpts from the Q and A's in the brochure, followed by my "real responses" that BLET members and their spouses should know.

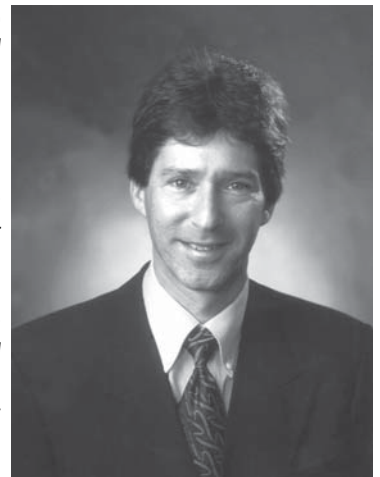
Q: What should I do if I am injured on the job?

A: You must report the injury to your supervisor immediately so that medical care can be arranged and information obtained to comply with federal reporting requirements. Your supervisor will see that arrangements are made to insure that you receive necessary medical attention promptly, as well as transportation to the doctor or hospital. You should report all injuries, whether or not they appear to be serious....

Real Response: The railroad claims that it is most interested in complying with federal reporting requirements pertaining to injuries and accidents. We believe that NS is more interested in obtaining the E.H. Harriman Award—an annual award presented to American railroad companies in recognition for outstanding safety achievements—than in your health and welfare. Part of the award criteria pertains to the number of reported workplace injuries as tracked by the Federal Railroad Administration (FRA). The railroads' efforts to keep the number of reportable incidents to a minimum has led to disciplinary action and even dismissal for employees at some railroads. In fact, we have learned of innumerable instances in which NS was aware of on-the-job injuries and the supervisor urged the worker not to make the injury "reportable" to the FRA, and asked the worker to allow the supervisor to list the worker as out sick or on vacation rather than have to formally file with the FRA and blemish the NS safety record. Congress has recently investigated NS and other railroads for intimidation and harassment of injured workers.

Q: If it is necessary for me to obtain medical attention, will my supervisor go with me to the hospital or the doctor's office?

A: Yes. Your supervisor is charged by the company with seeing that you receive proper medical attention promptly... He or she can also provide the doctor or hospital with information concerning payment of medical bills, the processing of forms and procedures for obtaining prescribed medications.



Real Response: We have been involved in many cases where the supervisor has intervened with the railroad worker's doctor, pleading with the doctor not to prescribe medications that would make an injury a "federal reportable" injury. NS wants your first medical visit to be to a doctor with whom it has a prior relationship. The railroad's hope is that this doctor will "help" the railroad to avoid an FRA reportable injury. The railroad cannot demand that you go to some pre-approved railroad company doctor. Under a recently enacted federal regulation, it is your right to receive care at the closest available emergency care facility.

Q: Am I required to make an injury report?

A: All on-the-job injuries must be promptly reported by either the injured employee or the employee's immediate supervisor. The supervisor will notify the appropriate claim agent that you have been injured.... [remainder omitted]

Real Response: If you require prescription medications, diagnostic tests, or lose even a day of work, your injury must be reported to the FRA. NS supervisors are penalized both on job performance

and possibly financially by the number of injuries that occur under their district of supervision. They have no interest in seeing that your injury report is made, particularly if a careless work practice or defective piece of equipment may be involved. Their priority is to figure out how to make the injury non-reportable to the FRA. However, if a worker fails to make a report the day of injury, not understanding how significant the injury may later become, the railroad will try to fire the worker for failure to make the injury report. It becomes a “catch 22” situation. Our advice is to **always** report an injury for anything more than the most minor scratch or scrape. *Note this:* While it is true that an injury report should always be made, federal law (the FELA) does NOT require any written injury report.

Q: Who pays the medical bills?

A: In most cases the company will assume responsibility for medical bills that have been incurred by an employee who sustained an on-the-job injury. [remainder omitted]

Real Response: This is one of the most deceptive statements in the brochure. Union railroad workers’ medical expenses are covered by a health insurance policy, whether an injury occurs on the job or off the job. Cooperation with NS or its claim agent has nothing to do with your entitlement to your medical coverage under the health insurance contract. Your health insurance will cover your medical care no matter where you are hurt.

NS’s medical personnel may telephone one of your medical providers and urge the doctor to put you back to work, even though you are not capable of returning to the duties of your position. The railroad may want you back to work immediately to reduce its exposure to your injury claim. Another common NS tactic is to fax your physical job duties to your doctor to influence the doctor to release you for duty. NS will fail to list the majority of physically demanding duties of your position, making your job seem like a “piece of cake.” We have seen these job duties sheets and they are incredibly deceptive!

Q: What happens if I have a lost-time injury?

A: If you have a lost-time injury, a claim agent will contact you and your family promptly to offer assistance and to determine your medical and financial needs....your claim agent is authorized to make cash advancements to you to help supplement your income while you are off the job. These advancements are without interest and are usually tax-free, but are deductible from any final settlement that is reached.

Real Response: The railroad will not make a wage advancement (which, by the way, must be paid back in full) unless you give a recorded statement to the claim agent, and this is where real legal problems start for railroad workers. The railroad will not make cash advancements if you retain a lawyer to represent your interests. We advise against making any recorded statements to the railroad. A recorded statement goes far beyond writing a short note about what you know about something. Typically, a short note about how the accident happened explains what you do know. However, in statement taken by the claim agent who is closely following a script provided by the railroad, you will be asked many other questions to foreclose your possible claims under various other scenarios of which you may not be aware. These are big differences.

Q: Since my case could go to court, and I have the right to sue, doesn't it make sense for me to have a lawyer representing me from the beginning?

A: You should hire a lawyer only after careful consideration of whether it is in your best interest to do so....you should remember that you have three years from the time of your injury to start a court action, so there is no need to hire a lawyer immediately. It is a good idea to try to reach a suitable agreement with the claim agent before employing a lawyer.

Real Response: NS is essentially saying, don't call that lawyer because you have three years—wait a year or two! The problem with getting that quick settlement is that the railroad worker has no idea of the value of the claim right away, without obtaining legal advice from a skilled railroad injury lawyer.

The biggest problem we see with cases where we are retained a year or more after an injury is sustained is that the evidence is gone. Oftentimes, the workers who can provide evidence are difficult to locate and there are innumerable changes to the involved equipment or scene of the accident because of the delay. The precise reason you need to consult with a lawyer is so you can obtain attorney-client privileged advice before you decide. An experienced FELA attorney will know if your circumstances involve a regulatory violation that would eliminate a need to prove that the railroad even knew about the violation, unlike the legal standards for negligence cases against railroads. The railroad claim agent will never explain this to you. How can you know if a settlement offer is “good” if you do not understand all that you may be entitled to under the law?

Q: How is my compensation for an injury determined?

A: In those cases in which compensation is due, the amount largely depends on your age, your lost time, the severity of your injury and the facts of the accident.

Real Response: This answer is highly deceptive because the railroad does not include what the federal law allows to be recovered:

1. Past and future medical expenses (all past and future medical expenses may be recoverable—however, if there is a union-railroad health insurance contract that covers medical expenses, then in a lawsuit the medical expenses covered by health insurance may not be reimbursed);
2. Past and future lost wages or lost income (wages lost due to the injuries);
3. Pain, suffering, scarring, impairment, inconvenience, disability;
4. Wrongful Death claims: There are special provisions pertaining to some of the above items in the case of a death of a railroad worker and skilled legal advice should be obtained early to learn exactly what is recoverable in wrongful death situations.

Additionally, NS fails to note that the federal law allows for a jury trial wherein a jury decides the total compensation, not a claim agent. There is no cap or ceiling on the amount of a verdict under the federal act (the “FELA”) as it is a jury decision based on all the evidence in your case.

Richard N. Shapiro is a designated BLET attorney since 2000, based in Virginia Beach, Virginia, with Shapiro, Cooper, Lewis & Appleton. He is a consistent injury law “blogger,” is Board Certified in Civil Trials, and has been named among the “Best Lawyers In America” (2009 Ed.) and as a “Virginia Super Lawyer” (2010 Ed.).

Tidbits from YOUR Secretary, Anita J. Caruso



Auxiliary News

Welcome to our newest Auxiliary in Toledo, Ohio. President Schneider traveled to Ohio to attend the Ohio State Legislative Board meeting and did double duty by meeting with three new members to assist them with getting organized. We are very pleased to have you as part of the Auxiliary. I look forward to meeting some of you in the near future. If there is anything I can do to make

your transition to auxiliary membership with regard to monthly meetings, taking minutes, banking, or dues setup, please let me know and I'll be happy to assist in any way I can.

Thank you to all the auxiliary secretaries for getting their 2009 dues to me by the March 31, 2010 deadline. I thank you all and appreciate your efforts.

Member-at-Large Update

There are still many of you who haven't paid dues for this year. A "Second Notice of Dues" was sent to you a month ago. If you owe dues for 2010, please remit to me as soon as possible. If payment is not received by July 31, 2010, you will be removed from our database. If you do not wish to remain a BLET Auxiliary member, please e-mail, call, or write to let me know.

Scholarship Recipients

This year we added some new "special awards," such as the Leona A. Louis Memorial Scholarship, the John O. & Brenda Casteel Scholarship, and the joint IWC/BLET Auxiliary scholarships. A complete list of all of our scholarship recipients is highlighted on this page. Congratulations to everyone!

National Convention Delegate Information

By now, every National Officer, Delegate, and Proxy should have received an informational letter regarding the First Quadrennial Convention in October in Reno, Nevada. If you have not received anything from me pertaining to the Convention and you are a national officer or delegate, please let me know and I will make sure that you get this important information.

This 'N' That....

I'd like to thank my new Alternate Secretary, Rachael Grimes, for mailing the Second Notice of Dues to some Members-at-Large. I really appreciate the fact you volunteered to assist by taking over this project. Thanks so much for your help!

Here is a little news about our former International Treasurer, Bettye Dollar. Six weeks ago, Bettye broke her left foot and has been in a cast. Hopefully, by the time this newsletter arrives to you, she will be free from her cast. We wish Sister Dollar a speedy recovery and hope she's back to running around soon.

If you would like to send Sister Dollar a card or note her address is 2308 Ridgewood Road, Fultondale, Alabama 35068. I'm sure Bettye would be happy to hear from you!

Congratulations to my Auxiliary 12 sister, Vicki Leaders, who is now officially retired from teaching. I know you will enjoy your retirement with your adorable grandchildren, spending time at your lake home, raising your prize cattle, and kicking back while your dear husband continues to ride the rails!

Thank you to President Schneider and her husband, Chef Lawrence, for their gracious hospitality during our Executive Council meeting in El Paso. We held our meetings the week of April 28 to April 30 and accomplished quite a lot during our time together. Chef Lawrence treated us to a delicious, authentic Mexican dinner on our first evening in El Paso. It was as fabulous as I remembered when we were there in 2007. It has been really great these past four years having our Executive Council meetings in members' homes—so much nicer than being in a meeting room at a hotel. Again, thanks to the Schneiders for opening their home to us for two of our four council meetings; we appreciated it very much!

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

2010-2011 Scholarship Recipients

IWC Recipients:

- Mark Willard, son of Mr. & Mrs. Kenneth Willard, BLET Division 122 (Leona A. Louis Memorial Scholarship)
- Brooke Switzer, daughter of Mr. & Mrs. Ricky Switzer, BLET Division 811

SWCM Recipients:

- Stephen M. Sequenzia, son of Mr. & Mrs. Michael J. Sequenzia, BLET Division 183 (John & Brenda Casteel Scholarship)
- Michaela M. Sequenzia, daughter of Mr. & Mrs. Michael J. Sequenzia, BLET Division 183
- Samuel Wells Dowell, son of Mr. & Mrs. Carl Dowell, BLET Division 871

Joint IWC/BLET Auxiliary Recipients:

- Jacqueline Marie Shrader, daughter of Mr. & Mrs. Thomas J. Shrader, BLET Division 134
- Brian Thomas Shrader, son of Mr. & Mrs. Thomas Shrader, BLET Division 134
- Morgan Kaye Stinson, daughter of Mr. & Mrs. Charles M. Stinson, BLET Division 228

1st Alternate: Julia Schuster, daughter of Mr. & Mrs. Ron Schuster



Legislative Update

By Sereena Hogan, National Legislative Representative

We are pleased that subscriptions to our newsletter are being requested by more State

Legislative Boards for all their members. Brian Kelley, Missouri State Legislative Board Chairman, was the first to initiate this practice and other state chairmen have followed his lead. For a minimum donation of \$7.00 per member per year to the Auxiliary to cover the additional expenses for publishing and postage, we are happy to add the legislative reps to our mailing list.

Hours of Service

Late last year, the BLET and the UTU asked the FRA to reconsider its interpretations of the new laws created by the October 2008 passage of the Rail Safety Improvement Act (RSIA). It is of utmost importance that changes be made to address the hardships and dangers that have come about from the changes in the hours of service regulations that resulted from that action. Although it was the intent of Congress to provide a predictable and defined work-rest period for rail crews, the resulting law, as interpreted by the carriers, has created some serious situations for our engineers and conductors.

The unions have asked the FRA to: (1) reduce the mandatory undisturbed rest period at the away-from-home terminal from 10 hours to 8 hours; (2) require a 10-hour call for all unassigned road service (3) reaffirm the "fresh-start lookback period" analysis that was in place for almost for 40 years before the RSIA, (4) limit the number of excess limbo time hours an employee can have in a duty tour to two hours, and (5) require notification of the crew before going off duty in the event of an interim release.

If the FRA fails to adequately address these issues in their reconsideration, then the BLET will be asking Congress to make some amendments to the RSIA.

Family Medical Leave Act Amendment

The amendment submitted to Congress by the BLET to lower the threshold for hours worked for railroad operating crews will soon be introduced by Rep. Tim Bishop (D-NY).

Two-thirds of our BLET members work in pools or on extra boards and a percentage of these members do not meet the current threshold of hours worked (1250 hours per year) to qualify for FMLA. The amendment states that, in addition to the number of hours actually on duty, the number of hours that a railroad employee is required to be *available for work* must be included in the minimum number of hours required to qualify for the FMLA.

H.R. 912, the Airline Flight Crew Technical Corrections Act, a very similar bill pertaining to airline crews who fell into the same loophole, was submitted by Rep. Bishop in February 2009. It was introduced in the Senate as S.1422 on July 9, 2009, and became law on December 9, 2009, with widespread support. Because our amendment is very similar to the airline flight crew amendment, which is still fresh in the minds of those serving in Congress, the outlook is good for its passage in both houses.

National Mediation Board Rule Change Re: Representation Voting

The National Mediation Board issued its final rule on May 10 that changed how workers could unionize at companies covered by the Railway Labor Act. Previously, any workers who did not vote in a representation election were counted as "no" votes. Under the new rule, if a majority of workers who cast votes in favor of forming a union, the property will be unionized. Those who fail to vote will not count for either side, which, by the way, is the way votes are counted in Congress and in our national election system.

The proposed rule change received widespread support. The NMB reported that they received letters from 39 Senators, 179 Democratic House Members, and 13 Republican House Members. However, it is not without opposition—Senator Johnny Isakson (R-GA) has stated that the NMB had no authority to make this change without congressional authorization and has threatened to use the Congressional Review Act to overturn the decision. This rarely-used Act allows lawmakers to overturn regulations issued by any executive branch agency; however, in order to overturn a rule requires a resolution of disapproval approved by both the Congress and the President in the few

months after the rule is issued.

A copy of the NMB Rule is on the BLET website at: http://www.ble-t.org/pr/pdf/NMB_Final_Rule.pdf

FRA Proposed Rule

Re: Ban of Electronic Devices

The BLET and UTU filed a joint Petition for Review in November 2008, requesting that the FRA make specific exceptions to Emergency Order 26 (EO 26), "the cell phone ban." In a Proposed Rule published in the May 18 Federal Register, the FRA seeks to codify EO 26 into a federal regulation. The specific exceptions requested by the BLET and UTU include: (1) permitting the use of electronic devices by deadheading employees traveling in the body of a passenger train or railroad business car, or inside the cab of a locomotive that is not the controlling locomotive for that train; (2) permitting the use of a camera to document safety violations and hazards; (3) permitting the use of calculators for train handling purposes; and (4) permitting the use of GPS tracking devices to verify the accuracy of the speed indicator in a controlling locomotive.

With regard to GPS devices, the FRA denied the request for exemption, stating that they present a high risk of distraction. Regarding the other requests, the proposed rule states that, while in the cab of a moving train, the locomotive engineer would be prohibited from using any electronic device under any circumstances; however, with regard to operating employees who are deadheading in the lead locomotive, the proposed rule would allow those deadheading employees or other crew members to use a mobile phone or remote computing device for an approved business purpose if all crew members first conduct a safety briefing and conclude that its use is safe at that time. The proposed rule also would permit the use of an electronic device to photograph or video a safety hazard or violation of a rail safety law if: (1) the device's primary function is as a camera (i.e., use of a cell phone or other multi-functional electronic device is not included in the exception); (2) the camera, unless otherwise permitted, is turned off immediately after documentation has been made; and (3) the use of the camera is by a crew member other than the engineer operating the locomotive.

The FRA proposed rule also states that an operating employee, other than a locomotive engineer at the controls of a moving train, would be permitted to use the following if it does not interfere with any employee's performance of safety-related duties:

- digital storage and display function of an electronic device to refer to a railroad rule, special instruction, timetable, or other directive, if such use is authorized under a railroad operating rule or instruction;
- an electronic device as necessary to respond to an emergency situation involving the operation of the railroad or encountered while performing duty for the railroad;
- a medical device that is consistent with the railroad's standards for medical fitness for duty, such as a hearing aid or a glucose monitor.

The proposed rule would also continue in effect an exemption for some shortline railroads under which the use of wireless communication devices to conduct train or switching operations is permitted if the railroad operating employee is part of a crew assigned to a train that is exempt from the requirement of a working radio when the employing railroad has fewer than 400,000 annual employee work hours.

The BLET praised the FRA for publication of the proposed rule and is grateful to the FRA for taking into consideration their concerns regarding this issue.

Reauthorization of Surface Transportation Board

S. 2889, a bill to reauthorize the Surface Transportation Board, was introduced by Senator Jay Rockefeller on December 16, 2009, and reported out by the Senate Committee on Commerce, Science, and Transportation. The railroads fear that this legislation will be tantamount to re-regulation and reduce their money-making ability because it protects shippers. A companion bill has not yet been introduced in the House and a House hearing on the issue has been postponed indefinitely.

The bill proposes to make the STB an independent government agency, no longer governed by the U.S. Department of Transportation, and provides the board appropriations for fiscal years 2010 through 2014. It would also expand the STB from three commissioners to five; add a ninth voting member to the Railroad-Shipper Transportation Advisory

Council; provide funding for an Office of Public Assistance, Government Affairs, and Compliance that would be authorized to mediate disputes, monitor railroad operations, and appoint a customer advocate to address shipper inquiries; and enable the STB to eliminate paper barriers.

High Speed Rail

China may benefit more than the United States from the development and building of high speed rail in America, particularly with regard to the San Francisco to Los Angeles high speed corridor. The New York Times published an article on April 7, 2010, *China Again Hopes to Drive U.S. Rail Construction*, by Keith Bradsher (see <http://www.bletauxiliary.net/High%20Speed%20Rail%20and%20China.htm>). In response, David Cameron, Assistant to the Director of the Teamsters Rail Conference, stated, "China will be bidding for work that should remain the dominion of our country and could help revive our manufacturing base. Investing in high-speed rail is very expensive, but unlike tax cuts – which often go to the purchase of imported goods – the money spent on high-speed rail would go directly into reviving American industry and improving the country's trade balance, not just creating hundreds of thousands of jobs to build dedicated tracks or new rail stations, but to revive our faltering manufacturing base."

Railroad Tax Credits

Several pieces of legislation amend the tax code to provide for railroad infrastructure tax credits. Among these are H.R. 1789 and H.R. 1806. These bills amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity. The legislation would give the railroads a 25 percent tax credit on qualifying infrastructure and locomotive properties which could then be used to help finance positive train control implementation. It also extends the maintenance tax credit for shortlines.

Remote Control Operations

The BLET DC office has reported that the Carriers are trying to expand guidelines to operate RCOs on the mainline. They have asked any BLET members who may observe these type of mainline operations to report the pertinent information as soon as possible to the DC office, at 202-624-8776.

Railroad Retirement

August 29, 2010, marks the 75th Anniversary of the Railroad Retirement Act of

1935. In commemoration of this milestone, the Railroad Retirement Board issued a history of the Act, including its subsequent amendments. The full publication is posted on our website at <http://www.bletauxiliary.net/RRB%20History.htm>. It is interesting to see how the Act has evolved over the years, and so far is still going strong.

Employee Free Choice Act

Compromise legislation is being worked out. Supporters of the legislation are concerned about getting cloture to bring the legislation to the floor for a vote and are considering using budget reconciliation as a way to get it passed in the Senate. Cloture requires 60 votes, but budget reconciliation only requires a simple majority of 51 votes.

Operation Lifesaver

The current transportation budget bill contains no funding for Operation Lifesaver. Cutting this program from the budget is not good news. When grade crossing accidents occur, not only is it tragic for the victims and their families, it also takes its toll on the crew involved. To cut the educational funding out of the bill could possibly lead to an increase in grade crossing accidents.

Positive Train Control (PTC)

The Carriers filed their PTC implementation plans on April 16. The Federal Railroad Administration (FRA) now has 90 days to review and approve those plans. The goals, as stated by the FRA, are to implement PTC to provide an added measure of safety for collision prevention. They also want to see PTC standardized between rail carriers, a concept that has encountered resistance by the Carriers, citing cost as a major issue.

Carrier Pilot Projects

The FRA, they is currently reviewing the lack of regulations pertaining to extra long trains. Apparently, when the Union Pacific recently ran their three-mile-plus train "pilot project," they failed to notify the FRA of their intentions. The concern stems from not only the potential for extensive blocked crossings in case of a malfunction, but also the loss of communication between the head end of the train and the rear end of the train. The FRA is working to update the regulations to keep up with technology.

Sereena Hogan can be reached by phone at (520) 297-0944; by mail at 8720 N. Myrtle Dr., Tucson, Arizona 85704, or by e-mail at vp3sereena@aol.com.

Annual Executive Council Meeting April 28 – 30, 2010

By Becky Schneider, National President



The final Executive Council annual meeting for this administration was held at our home in El Paso, Texas, April 27-30. By special request, my husband Larry, aka "Chef Lawrence," prepared his unique and excellent Mexican

recipes for the Council members on the day of their arrival. On Wednesday morning, we began our meeting in earnest with a video conference call to Brian Moland of ORBA Financial. We reviewed the Auxiliary finances with Brian and discussed our needs for this fiscal year in light of the upcoming National Convention. Your Executive Council has once again done an excellent job of holding down Auxiliary expenses, allowing us to use precious resources in the most effective way possible to continue to grow our numbers. The BLET National Division was also recognized for their assistance in covering some of our expenses in connection with legislative activities, recruiting, and training.

Each council officer read her report of the activities performed on behalf of the National Auxiliary since our last meeting, and provided a calendar of duties associated with that position that we hope will help our successors understand their responsibilities. Gina Forman, 1st Vice President/National Outreach Coordinator, reported on the status of existing Auxiliaries and her efforts to follow up with those expressing interest; Helen Brand, National Treasurer, reported on the Auxiliary finances, distributing a financial statement to Council members, and explained our new practice of accepting credit card payments for donations and purchases of cookbooks, etc.; Anita Caruso, National Secretary, provided new Membership Directory binders for council members and reported on the numerous duties of her position;

Sereena Hogan, National Vice President/National Legislative Representative, reported on her various presentations at state legislative board meetings, training workshops, and regional conventions to promote the Auxiliary, along with current legislative concerns; and finally, I gave my report on the various meetings and conventions attended to promote the Auxiliary, as well as an overview of the new local auxiliaries that have been organized, along with the many other duties of the National President.

As always, one of our main functions at these meetings is to award Scholarships. We had a very good fundraising year in 2009, and were able to award eight scholarship based on the applications received. Please see the National Secretary's report on page 5 for a list of our scholarship winners.

Other business included review and approval of our Care and Assistance Program (CAP) recipients. Our meeting also covered our continued recruiting efforts and ideas; new ways to raise money for the Auxiliary and our Scholarship Fund; website updates; marketing ideas; personnel matters; innovative ways to keep local auxiliary members connected; continued efforts to make our regional convention business meetings not only informative, but also fun; how to encourage member participation in our fundraising efforts; and assignment of Executive Council liaisons for the regional conventions.

A good portion of the meeting was spent discussing logistics of the upcoming National Auxiliary Convention, delegate pay rates, committee assignments, and Resolutions to change the Constitution and Bylaws that will be submitted by the Executive Council.

I have to say thank you to Sereena for finding locations for us to eat during and after our meetings. Because Larry and I both enjoy cooking, we have a somewhat limited knowledge of cuisine in our hometown, but Sereena did an excellent job and found some great restaurants. We finished our labors with a fine meal at Billy Crews, a local steakhouse that I actually knew about, and celebrated three Council members' birthdays—Anita, Sereena, and Gina.

As stated above, our Executive Council has done our best to save money for operating expenses in every possible way. Taking turns hosting our meetings at various members' dining tables rather than paying for meeting space is just one example of how we have cut back.

We had a very productive meeting and, although our efforts are more a labor of love, we work very hard before, during, and after the council meeting to represent our members' interests. If you have a chance to thank a council member, please do so. It's always nice to know one's efforts are appreciated.

First Quadrennial Convention continued from cover page

Parliamentary procedures, however, mandate that only delegates and officers may participate in floor debates during general sessions. If members wish to express their opinions, an open forum will be provided between official General Sessions to accommodate them. Another alternative for members who may be a bit shy is to pass along your concern or idea to a delegate or national officer who can then bring it before the body on your behalf. This is **your** National Convention, so please take the time to let us know your concerns and/or recommendations.

To help our members who wish to submit resolutions or to learn more about the National Convention, a section has been set up on our website. The suggested form for submitting resolutions, along with other convention information can be found there. Please check back on the website often as it will be updated as new information is received.

Delegate Information

If you are a delegate, you should by now have received a letter with information needed to make hotel reservations for the convention as well as information pertaining to your responsibilities as a delegate; committee assignments, if applicable; and local Auxiliary verification of your election to be signed by your local auxiliary president and secretary. **This form needs to be completed and returned to our National Secretary Anita Caruso by July 1, 2010.** In August, delegates will receive a packet containing resolutions we have received that must be reviewed prior to attendance at the convention. Delegates are also required to bring a copy of the BLET Auxiliary Constitution and Bylaws with them. Upon arrival and registration, you will receive a packet containing the 2006 Journal of Proceedings, credentials for attendance, agenda, and other information. As a delegates, you are paid for your time at the National Convention, but you must attend all required meetings in order to qualify for that pay.

The Auxiliary National Convention is scheduled to adjourn on October 6, one day

earlier than the BLET National Convention. If your spouse is a delegate for the BLET National Convention, you may be staying for an extra day; however, the Auxiliary will reimburse you for hotel expenses for only the days you are required to stay for attendance at the Auxiliary Convention.

Please make your hotel reservations as soon as possible, but in any event, prior to September 3, 2010. The hotel requires a prepayment of one night's stay as a deposit to confirm your stay. Reimbursement for lodging will be at the standard room rate. If you will be traveling by air, please secure your airfare early enough to get the best price.

Registration and credential pick-up will be from 1 p.m. to 5 p.m. on October 3, and a reception for the BLET and BLET Auxiliary will be held from 6:00 p.m. to 8:00 p.m. that evening. The reception is a good opportunity to meet the brothers, sisters, and officers of both organizations. There will also be a banquet on Wednesday, October 6, for the BLET and BLET Auxiliary.

Additional information pertaining to reservations, reimbursements, and other details regarding the convention are detailed in the letter you received from our National Secretary and on the website. If you are a delegate and have not yet received your letter, please contact Anita Caruso as soon as possible at 402-330-6348. We look forward to seeing you in October!

National Officers

Below is a list of offices to be filled at the National Convention, along with a brief description of duties and the eligibility requirements to run for office. Depending on the vote of the delegates at this year's convention, some eligibility requirements and duties for these offices may change.

President – Establishes the National Auxiliary's headquarters in her home and sees to the administrative decisions of the Auxiliary. Must have served at least one term on the Executive Council and be able to travel to represent the National Auxiliary.

Vice President* – Takes over the duties of President in her absence, doing what

ever is necessary to assist the President. Editor and/or publisher of the newsletter. Requires four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

Secretary – Keeps accurate listings of members; receives all monies; maintains a set of books; sends correspondence as requested or required; handles scholarship applications and questions; and performs other duties as requested by the President. Requires secretarial skills, four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary. Serves one eight-year term. This position is up for election in 2010.

1st Vice President/National Legislative Representative* – Assists the President and Vice President in whatever is requested. Represents the legislative interests of the National Auxiliary, providing action alerts and any other information our members need to support the efforts of the BLET and the Rail Conference in Washington, DC. Recruits and recommends State Legislative Reps as needed. Requires good writing skills, four years of membership, ability to travel when necessary to promote legislation, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

2nd Vice President/Assistant National Legislative Representative – Assists the President and National Legislative Representative on administrative and legislative matters as requested. Requires good writing skills, four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

3rd Vice President – Assists the President as requested. Requires four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

Chaplain – Opens and closes each General Session of the National Auxiliary. Requires four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

—continued next page

Alternate Secretary – Assists the President as requested. Requires secretarial skills in the event of vacancy in the office of the National Secretary, four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

as requested. Requires knowledge of investments and accounting procedures and principals in the event of vacancy in the office of the National Treasurer, four years of membership, attendance at home regional convention, and ability to travel to represent the National Auxiliary.

occurring during the current administration, the NLR job is currently connected to the office of Vice President, and the 1st Vice President position has the duty as National Outreach Coordinator, staying in contact with current Auxiliaries and following up on those interested in forming Auxiliaries in addition to duties as Mobilization Coordinator.

Alternate Treasurer – Assists the President

*Due to circumstances and events

One Thing Leads to Another - Synchronicity!

By Rachael Grimes, Iowa State Legislative Representative

Back in March, my little four-year-old daughter Riley asked me where it is that I go when I leave to do stuff for the auxiliary. I told her, "I go to the Capitol and talk to people about making Daddy's job safer." She, in all her innocence, said to me, "I don't know what a 'capitol' is, but I wanna go." So later that week, when I didn't have a hundred other things going on, we took a drive down to the beautiful Iowa State Capitol in Des Moines.

I have a good friend in the Senate so we asked if he would come out to meet us. He was meeting with a few gentlemen, so my daughter and I waited in the background. Suddenly, Senator Beall decided I just had to meet these gentlemen, so I went over to where they were standing, smiled apologetically, and shook hands with them. I was excited when I realized I was meeting Derrick James, the Senior Officer for Government Affairs for Amtrak. I explained why my daughter was with me that day, and that I was very happy to meet them, but I was unprepared as I was not really expecting to meet with anyone. We all visited for about 20 minutes, shared business cards, and promised to be in touch soon.

Less than a month later, I was invited to a luncheon in Chicago aboard an Amtrak "Superliner" with the Board of Directors from Amtrak. That evening, we were asked to join them again for dinner at the Holiday Inn Mart Center. The Iowa State Legislative Board First Vice Chairman Chuck Hintz had agreed to accompany me, along with his wife Marcy.

The luncheon showcased Amtrak's four different menus based on the destination of the train. Our menu was a composite of those four menus prepared fresh to order on the train. Amtrak has been working to improve their food service—which had become more like a snack bar than a dining car—and they have certainly done well. While enjoying lunch, we went on a rail tour of the Chicago Region Environmental and Transportation Efficiency (CREATE) rail improvement projects. We traveled through many local rail areas in Chicago, and were shown how much railroad land was currently unused. There are still many rights of way in the area that have not been developed or maintained, and Amtrak is changing that. They are laying new rail in some of the areas that no longer had rail, upgrading some areas, and building new rail in others. Amtrak is working hard to improve passenger rail in all areas,



Iowa State Senator Daryl Beall pinned Riley Grimes as an Honorary Senator.

and the improvements we saw will reduce trips in and out of Chicago by 20 minutes.

At the dinner, each table was seated with a board member host, and our host was Nancy Naples. The conversation was relaxing and easy, and most of the dinner was spent networking and building relationships with others who could benefit substantially from passenger rail connecting the Midwest states. The Chairman of the Iowa Interstate Railroad Commission was there, hoping also to encourage bringing passenger rail into Iowa. At the end of the evening, guests were given Amtrak collector coins. The day and evening events were fun, educational, and beneficial for everyone.

I support high speed passenger rail, not just because I am a railroad wife, but because it directly affects my household and others in the community where we live. Auxiliary members represent more than just the union. We are regular citizens who are looking at more than our husband's jobs; we are also a voice for our communities. We want to see more economic development, job development, security, a cleaner environment, and reliable means of connecting the Midwest cities in an affordable way for everyone. Just as Amtrak wants to build a relationship with the BLET, they will also want to foster a relationship with the Auxiliary because we do represent a broader demographic.

Order Mainline Cooking II now!



The first and second editions of *Mainline Cooking* are both now available. Both cookbooks features a variety of recipes submitted by BLET Auxiliary and BLET members across the country, as well as some amusing railroad trivia. Order forms are available on our website, www.bletauxiliary.net, or you may fill out the order blank here and mail with your check to:

Becky Schneider
515 W. Redd Road
El Paso, Texas 79932

Please send me _____ cookbooks.

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\$3.50 each for orders of 10 or more,
or \$5.00 each for orders less than 10

Please enclose check or money order payable to BLET Auxiliary.

Greetings from your Editor, Sereena Hogan:

The first quarter of the year are always overwhelmingly busy for me. I always find myself asking, "Why do all these meetings seem to happen during these first few months?" And now I breathe a sigh of relief that I have survived another busy one and can look forward to an at least **somewhat** slower pace of summer.

I was unable to attend all of the meetings to which I was invited in March, April, and May, and am very grateful to our President Becky Schneider that she was able to make it to some of those to which I could not, especially the National Association of State Legislative Board Chairmen's Meeting, at which Becky took some great notes during the presentations and was gracious enough to share them with me so I could use the information in my legislative updates. Becky has been an invaluable mentor to me during my initiation into the legislative arena and has continued to keep abreast of legislative matters of importance to our members and their families.

Many congratulations to all of the State Legislative Board Chairmen who were recently re-elected, as well as those new elected State Board Chairmen. And congratulations to our good friends Ed Way, Illinois State Board Chairman; Jim Chappelle, New Jersey State Board Chairman; and Tommy Hudson, Alabama State Board Chairmen, all of whom are retiring from their positions. We wish Tommy Hudson good luck in his campaign for Alabama State House Representative. Congratulations also to our retiring BLET National President Paul Sorrow. We are sorry to let him go, but he has certainly earned the right to spend some time with his family after 38 years of service to BLET.

I look forward to seeing many of you this summer at the regional conventions and at the National Convention in Reno. In the meantime, keep up the good work you do in your auxiliaries, and as members-at-large, and enjoy the summer months!

In Memoriam

Two of our BLET brothers lost their lives in the line of duty during the last quarter. Our prayers go out to their families.

BLET Division 700 Member, Engineer **Andrew Monheim**, 54, killed in a Union Railroad freight train collision near Pittsburgh, Pennsylvania, March 16, 2010.

BLET Division 272 Member, Hostler **Gregory G. Kastner**, killed when he was struck by a locomotive in the Jew Jersey Transit Maintenance Complex in Kearney, NJ, May 21, 2010.

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 September. Please have submissions to Sereena by August 31, 2010.

Save these dates now!

**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

**Eastern Union Meeting Association (EUMA)
Pittsburgh, Pennsylvania – August 8-12, 2010**

Sheraton Station Square Hotel
Rate: \$155 - Ph: 412-261-2000
Host Chairman: Tom Caruso, Ph: 412-337-9524
e-mail: EUMA2010@verizon.net or
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

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

**Teamsters Women's Conference
Minneapolis, MN - September 16-18**

More details soon to be available on the Teamsters
website at www.teamster.org.

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