Atchison, Topeka, & Santa Fe Frisco System Federation Holds Second Quadrennial Convention

Brother Jeffrey L. Fry elected new General Chairman

The Atchison, Topeka & Santa Fe Frisco (AT&SFF) System Federation held its Second Quadrennial Convention in Orlando, Florida on June 6 and 7, 2017. The Convention was conducted with 42 Joint Protective Board Members present with 34 voting delegates. Brother Jeffrey L. Fry was elected General Chairman. The remaining elected officers are as follows:

- Vice General Chairman/Secretary Treasurer – Vern Van Ausdall
- Assistant General Chairman region 1 – Randy Lunow
- Assistant General Chairman region 1 (2) – Thomas Blackwell
- Assistant General Chairman region 1 (3) – Nick Haiston
- Assistant General Chairman region 2 – Shane Lindsey
- E-Board region 1 (1) - Jackson Powell
- E-Board region 1 (2) - Bobby Tindell
- E-Board region 1 (3) - Rex Proctor
- E-Board region 1 (4) - Tony Halsa
- E-board region 2 (1) - Don Lee
- E-board region 2 (2) - Tim Bunch

Add Washington to the list of states — 12 in total — that have passed railroad crossing laws requiring vehicles to stop for on-track equipment.

Washington State Senator Curtis King (R-Yakima) sponsored SB 5227, which amends existing state law to include on-track hi-rail equipment, most of which is operated by BMWEA members. It breezed through both chambers and was signed into law by Gov. Jay Inslee on April 20.

Adding on-track equipment to state crossing laws is important to help protect BMWEA operators from unjust liability in the event of a vehicle collision. It is BMWEA Government Affairs Director Charlie Hogue’s goal to have on-track equipment added to every state railroad crossing statute in the lower 48 states.

Director Hogue said Sen. King was very helpful and committed to swiftly passing the law as soon as it was brought to his attention. “He met with me and quickly decided that the law needed to be amended to include our equipment,” Director Hogue said. “He took initiative on it and went to work on making it law.”

“This bill clarifies that cars, trucks, commercial vehicles, all need to stop at a railroad crossing for the on-track equipment,” Sen. King said. “This is a safety issue for those running the on-track equipment and the motor vehicles trying to cross the tracks.”
JUNE-JULY-AUGUST, 2017 ■BMWE DIVISION JOURNAL ■VOLUME 126 ■ NUMBER 2

The BMWED Journal is the official news publication of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Freddie N. Simpson  President and Editor
Perry K. Geller, Sr.  Secretary-Treasurer
C. Clark Ballew  Associate Editor

The BMWED Journal (ISSN 1049-3921/USPS 067460) is published bi-monthly—6 times annually at 41475 Gardenbrook Road, Novi, MI 48375-1328. Periodicals postage paid at Southfield, Michigan and additional mailing offices.

ATTENTION POSTMASTER
Send address changes to BMWED, 41475 Gardenbrook Road, Novi, Michigan 48375-1328.

Subscription Price: U.S. and Canada—$20.00 (U.S.) per year, in advance.

Visit the BMWED Journal website at: www.bmwe.org

Do you have an interesting hobby or a great story to tell? Pictures from a recent lodge meeting or event? We want to hear and see them.

Contact the Journal at:
cballew@bmwe.org

Change of Address Request
Please remember to notify your System Office or the National Division of any change of address or telephone number. It is vital that this information be kept current. Railroad employers do not always provide this information to the BMWED. Phone numbers can be found at BMWE.org.

If you have a special hobby or talent, hold public office, or have a story you would like to share, we would like to hear from you. Share your story with our BMWED Brothers and Sisters in the BMWED Journal.

Please send us your pictures and brief details along with a name, address and telephone number.

You may email cballew@bmwe.org or send by U.S. Mail to:
BMWED Journal
c/o Clark Ballew
41475 Gardenbrook Road
Novi, MI 48375-1328

Atchison, Topeka, & Santa Fe Frisco System
Federation Holds Second Quadrennial Convention
Washington becomes 12th state to add OTE to crossing law
Keep up with BMWE on Facebook
Legislative Director Educational Held in Washington, DC
Secretary-Treasurer's Report
2017 BMWE Scholarship Announcement; Enrollment Now Open
Son of BMWE member graduates from Harvard Univ.
Brother Ray Olinger, former Pres of Local 499, passes away
Retirement Changes During 03/01/2017 to 05/31/2017
A Reminder on Holiday Rules
A Vice President Speaks
Death Benefit Department
Roll of Honor
Around the Brotherhood
President's Perspective
Legal Aid Program List
Longtime BMWE leader, Brother Rick Inciema, retires
TEAMStar Medicare Part D
Open Enrollment Period Begins October 15

© BMWED 2017 All rights reserved.
The convention began with a vibrant rendition of the National Anthem sung by Lauren Fry, followed by the invocation. From there, delegates proceeded with the business of the Federation, hearing reports from the committees, nominating and electing officers, and further discussing the state of the AT&SFF. It was a convention of Brotherhood Unity and lively deliberation amongst fellow Joint Protective Board Members and Officers.

The election of officers was held on Tuesday morning. This was the last convention of General Chairman Gary Marquart, who stepped down to take a position with the BMWED National Division in the Education Department.

“I am extremely proud of all of our officers. They work tirelessly to protect and advance the welfare of our membership. I truly wish these guys all the best, I know they will do a fantastic job,” outgoing General Chairman Gary Marquart said.

Assistant General Chairman, Vern Van Ausdall, proudly presented the financial report of the Federation. “At the time of the last Quadrennial Convention this System Federation was in a financial downfall. With strong efforts from the officers of this Federation and the National Division, I am pleased to present to you today that the net worth of the AT&SFF Federation is the strongest it has been in four years.”

The current group of Officers and E-Board members made a commitment to the membership and were successful in attaining financial solvency over the last four years. A great turnaround and a testament to the hard work demonstrated by the officers and staff of AT&SFF.

A number of informative speakers were on hand to share their expertise on topics such as railroad retirement and healthcare. Guests from the National Division offered information and general overviews of the current state of the Brotherhood. National Division attendees included Vice Presidents, System Officers, and staff. BMWED President Fred Simpson was also in attendance and addressed the convention. President Simpson gave an update on bargaining and spoke to the unjust 40-year war against labor and the importance of preserving the middle class.

“I would like to congratulate all of the AT&SFF officers on their elections, and all of the delegates and members on a very constructive and successful convention,” President Simpson said.

Sign up for BMWED News Alerts and get the latest news sent directly to your email account. To sign up visit the BMWED webpage at www.bmw.e.org, or send your name and email address to dinclima@bmwe.org, along with a request to be added to the BMWED News Alert list.
FRA Drug and Alcohol testing for MOW employees became effective June 12, 2017

In response to a Congressional mandate in the Rail Safety Improvement Act of 2008, FRA is expanding the scope of its drug and alcohol testing regulation to cover railroad employees and contractors/subcontractors who perform maintenance of way (MOW) work.

Under the final rule [49 CFR, Part 219], maintenance of way employees are persons meeting the § 214.7 regulatory definition of Roadway Worker. As defined, Roadway Worker means “any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near the track or with the potential of fouling a track, and flagmen and watchmen/lookouts” as defined. Therefore, any person (railroad or contractor employee, volunteer, and probationary employee) meeting the definition of Roadway Worker has become a “regulated employee” subject to FRA D&A testing effective June 12, 2017.

MOW employees will be subject to all FRA Part 219 testing including random testing, post-accident toxicology (PAT) testing, reasonable cause testing, pre-employment testing, return-to-duty testing, and follow-up testing. Random testing for MOW employees will be conducted at an annual rate of 50% for drugs and 25% for alcohol.

Under the final rule, no regulated employee may use or possess alcohol or any controlled substance when on duty or subject to duty. There are some exceptions to the prohibition on possession or use of controlled substances for certain drugs prescribed by a treating physician, and certain over-the-counter medications, taken at the prescribed dosage. However, the federal regulation does not restrict the discretion of railroads to require employees to notify the railroad of therapeutic drug use or to obtain prior approval for such use.

In addition to the prohibition on alcohol use while on duty or subject to duty, the FRA regulation prohibits the use at any time or in any quantity the following substances: marijuana, cocaine, amphetamines (including methamphetamine, MDMA, MDA, MDEA), opiates (including heroin, codeine and morphine) and phencyclidine (PCP). FRA/DOT is also considering expanding this panel of drugs to include newer synthetics and designer drugs in a future rulemaking. Company policy testing can include additional substances outside of federal testing.

It is also very important to note that while some states have legalized or decriminalized marijuana for medical or recreational use, it is still considered a banned substance under federal law, even if you have a prescription or bought it legally in your state. As such, a positive test for marijuana will be considered a violation of FRA D&A regulations.

The FRA final rule, as well as a BMWED summary of the final rule, is posted on our website at www.bmwe.org. I urge every member to become familiar with these new federal rules and, if you have issues with substance use or abuse, contact your General Chairman and seek qualified medical help to protect your health, your safety, and your livelihood.

You can now visit the BMWED on Facebook at Brotherhood of Maintenance of Way Employes, and follow us on Twitter at BMWEDIBT.
2017 BMWED SCHOLARSHIP ANNOUNCEMENT; ENROLLMENT NOW OPEN

BMWED members and their dependents encouraged to apply

Pursuant to BMWED Resolution #38, reaffirmed by the 2014 BMWED Convention, two annual scholarships in the amount of $2,000.00 each will be awarded in November 2017 to BMWED members or eligible dependents, with preference given to applicants enrolled or scheduled to enroll in an accredited college or university in the pursuit of labor-related studies. The annual scholarship award is designed to encourage and recognize the achievements of BMWED members and their dependents, and assist them in obtaining a college education.

“This is an especially important benefit to BMWED families in light of the escalating cost of higher education,” said BMWED President Freddie Simpson. “For many working families, the cost of a college education has become largely unaffordable. The BMWED scholarship is intended to help educate the future leaders of our nation and our unions, and will serve to strengthen Organized Labor’s efforts to protect workers’ rights and preserve the middle class.”

ELIGIBILITY:
Applicant must be: (1) a dependent of a BMWED member in good standing who is a high school senior enrolled or planning to enroll in an accredited college or university, or a full-time undergraduate or graduate student enrolled at an accredited college or university; or, (2) a BMWED member in good standing enrolled as an undergraduate or graduate student at an accredited college or university.

Preference will be given to applicants pursuing the study of labor-related subjects or pursuing a degree in labor-related subjects.

APPLICATION PROCEDURE:
To apply for the BMWED scholarship, an applicant must meet all the eligibility requirements and submit via mail the following: (1) A completed application form (available on-line at www.bmwe.org); (2) Most recent academic transcript (if applicable); (3) College entrance examination, i.e., ACT and/or SAT scores (if applicable); (4) A list of extra-curricular, community service and/or union activities; (5) A statement of 300 words or less written by the applicant outlining his or her employment history and career goals; and, (6) A statement of 300 words or less written by the applicant explaining how the BMWED has impacted his or her life.

SELECTION CRITERIA:
Three (3) applications verified to meet all necessary criteria will be selected by random draw from the pool of applications received by the close of business on October 31, 2017. The selected applications will be copied and distributed to the BMWED Vice Presidents who will independently review and rank each application on a scale of 1 - 3, with 3 being the highest ranking and 1 being the lowest ranking. The two applicants garnering the highest aggregate rankings will receive notice of the scholarship award in November. Any tie in ranking score will be decided by the National Division President based upon his final review of the tied applications.

The BMWED Scholarship award check will be made out directly to the college or university where the award recipients are enrolled or accepted for enrollment. Upon notification of the award, it will be necessary for each recipient to furnish the National Division President with information to facilitate the issuance of the award check payable to the accredited college or university where the applicant is accepted or enrolled.

Application materials must be submitted by mail* (USPS or UPS only) and be received by BMWED at the address below no later than the close of business October 31, 2017. Faxed or emailed applications will not be accepted.

Please submit to:

BMWED Scholarship
Attn: Katie Fruzynski
International Brotherhood of Teamsters
25 Louisiana Ave., NW, 7th Floor
Washington, DC 20001

An application form and a complete description of the application procedures and eligibility requirements can be downloaded from the Brotherhood’s website at www.bmwe.org. Any questions regarding the BMWED Scholarship or the application process may be forwarded via e-mail to Katie Fruzynski, Assistant to the President-Education, at Katie@bmwe.org or by calling 202-508-6446.

*Note: Pursuant to Teamster policy, delivery of any package or mail by non-union carriers will not be accepted by the Teamster’s shipping/receiving department. Therefore, to assure delivery please mail through the United States Postal Service [USPS] or United Parcel Service [UPS] only.

Son of BMWED member graduates from Harvard Univ.

Andrew Barnett, son of BMWED AT&SFF Local Lodge 2600 member Mike Barnett, graduated from Harvard University in Cambridge, Mass. on May 25 with a degree in Government.

Brother Mike and his wife, Barb, both from Jonesboro, Ark., are very proud of their son for his impressive accomplishment. The Brotherhood sends its warmest congratulations to the new Ivy League graduate.

Brother Ray Olinger, former Pres of Local 499, passes away

BMWED Brother Ray Olinger passed away last November from kidney cancer at the age of 59. Brother Ray was well-respected within the Allied Federation, and there was never any doubt of his commitment and belief in the Brotherhood and unionized labor.

Brother Ray served stints as President, Secretary-Treasurer, and a number of other positions with Local Lodge 499. He also served as the lodge’s delegate to both the National and Federation conventions and was very active in our union. He was well-respected by all of the Allied Fed officers and they all knew he would speak his mind and stand up for what he believed. His home in Mount Alto, W.V. was known for its “Proud Union Home” sign proudly displayed in the front yard.

He is survived by his wife, Debbie, and sons, Ray Jr. and Franklin. Brother Ray Olinger will be missed.
If you are a furloughed employee of a railroad covered by the U.S. National Agreement with at least 60 days of seniority or 60 calendar days of continuous service preceding a covered holiday, and if you had compensation paid by the carrier credited to 11 or more of the 30 calendar days immediately preceding the holiday, you may be entitled to pay for that holiday even though you are furloughed.

For detailed information contact your General Chairperson.

The complete list of holidays are:
- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve (the day before Christmas is observed)
- Christmas Day
- New Year's Eve (the day before New Year's Day is observed)
A Vice President Speaks
It's beholden of us to maintain the moral way

When people commit terrible, polarizing and appalling acts, our Brotherhood will always condemn such ignorance and hate.

Railroaders work together as a team, day and night, year after year. We do not all look alike; we do not all sound alike. We hail from different ethnicities, different religions. But, we have each other's back. We are bonded.

The idea when our Union was founded in 1887 was that together we are stronger. We still believe that. BMWED members in Georgia may never communicate over the CB radio with our Italian-heritage

Amtrak Brothers in Sunnyside Queens. Yet, despite our differences, we are all connected by rail. Literally and figuratively. But most importantly, compassionately.

Hate is wrong. We will always stand together to oppose it.

After the racist and violent group's invasion in Charlottesville, Virginia, I am afraid — and saddened — that we cannot count on the President of the United States for moral leadership. He has just two personal settings: egomaniac and selfishness. He only sees power in the presidency. He does not see empathy. His path in life has lead him to the pinnacle of American political achievement, but it is not the path we should strive for.

Donald Trump can talk like a tough guy. He can call his rivals “Little” Marco, “Lying” Ted, “Pocahontas,” “Killary.” He can blame Mitch McConnell for legislative losses. He can call John McCain a “loser” who “got caught” in Vietnam. He can mock a handicapped news reporter with despicable hand gestures, he can call women ugly, he can provoke small-minded Twitter wars. He does this because he was elected as President of the United States and he feels he can do this without any recourse.

But for all the macho, bully talk, Donald Trump can’t reach people through compassion. It makes him uncomfortable. He perceives it as weakness. He cannot lead with kindness.

So, it is up to us to be the better examples of human decency. It’s dependent on us to show our children that humility, kindness, compassion, empathy, and love for all people is the way we should leave our mark on the world. That those — like the awful group in Charlottesville — who so easily spew hateful things, that are so quick to belittle or denigrate or demean others for power and self-perseverance, are not just wrong, but vile and intolerable.

It is ok to actively participate in democracy's vibrant arguments. There would be no labor movement without it. Differing minds and competing ideas and challenging those in power are healthy and instrumental in America’s success. Standing up and taking stands are important. Labor’s biggest victories were won through struggles and strikes.

But, when racism and hate and Nazism are involved, there are no comparisons to be drawn. That kind of talk is wrong. It is untenable. It is antithetical to our ideals. It cannot be allowed daylight to fester.

Our Brotherhood is a reflective slice of our country. We are different, yes, but yet we are so closely alike. Division is not the way forward. I hope that we — as a union — can lead the way and show unity and love for all people.

DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING MARCH, APRIL AND MAY, 2017

<table>
<thead>
<tr>
<th>NAME</th>
<th>CITY/STATE</th>
<th>LODGE/SYSTEM/RR</th>
<th>D.O.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>MELVIN L. SELL</td>
<td>BRIDGEPORT, NE</td>
<td>0961</td>
<td>BURL/BNSF</td>
</tr>
<tr>
<td>KENNETH D. CLARK</td>
<td>SPOKANE, WA</td>
<td>0104</td>
<td>BURNOR/LIFE</td>
</tr>
<tr>
<td>SOLLIE WILKINS</td>
<td>LA CROSSE, VA</td>
<td>0598</td>
<td>ASF/LIFE</td>
</tr>
<tr>
<td>W.B. MIRACLE</td>
<td>CALVIN, KY</td>
<td>2606</td>
<td>AF/LIFE</td>
</tr>
<tr>
<td>GILBERT ZYLKA</td>
<td>DULUTH, MN</td>
<td>0320</td>
<td>BURNOR/LIFE</td>
</tr>
</tbody>
</table>

PAID MARCH 1, 2017 TO MAY 31, 2017 ........................................ $ 2,500.00
AMOUNT PREVIOUSLY PAID .................................................. $45,541,307.75
TOTAL AMOUNT PAID TO DATE ........................................... $45,543,807.75
NUMBER OF CLAIMS PAID – 5

REPORT OF DEATH NOTICES RECEIVED DURING MARCH, APRIL & MAY 2017

<table>
<thead>
<tr>
<th>NAME</th>
<th>CITY/STATE</th>
<th>LODGE/SYSTEM/RR</th>
<th>D.O.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAMUEL M. ARTRIP</td>
<td>CLEVELAND, VA</td>
<td>0571</td>
<td>ASF/NS</td>
</tr>
<tr>
<td>CARLOS RECIO</td>
<td>LOREDO, TX</td>
<td>1563</td>
<td>AF-SW/UP</td>
</tr>
<tr>
<td>MARCUS D. MANYGOATS</td>
<td>PINON, AZ</td>
<td>2921</td>
<td>AF-SW/UP</td>
</tr>
<tr>
<td>DICKIE G. BARNETT</td>
<td>PLACEDO, TX</td>
<td>1021</td>
<td>AF-SW/UP</td>
</tr>
<tr>
<td>MICHAEL T. MC ALISTER</td>
<td>LEXINGTON, MO</td>
<td>1353</td>
<td>AF-SW/UP</td>
</tr>
<tr>
<td>ROBERT T. HANSON</td>
<td>VICTORVILLE, CA</td>
<td>0134</td>
<td>USD/UP</td>
</tr>
<tr>
<td>BOBBY R. HUFF</td>
<td>MARTINSVILLE, VA</td>
<td>0599</td>
<td>ASF/NS</td>
</tr>
<tr>
<td>HENRY BITSUI</td>
<td>CHINLE, AZ</td>
<td>2417</td>
<td>AT&amp;SFF/BNSF</td>
</tr>
</tbody>
</table>
Roll of Honor, Continued on Page 9
Around the Brotherhood

BMWED Allied Fed members retire

Congratulations to Brothers Clinton Moore (left) and Bobby Walker (right), recently retired BMWED Allied Fed Local Lodge 1035 members. They duo were presented with retirement certificates from General Chairman Dennis Albers on June 17 at a meeting in Evansville, Ind.

BNSF TP02 gang gathers for meeting

BMWED Burlington Northern System Federation working on the BNSF’s Tie Production 02 gang came together for a union meeting. From left, they are: Stephen Arnold, Patrick Banta, Christopher Sights, Jamie Elker, Jeremy Paulson, Myles Alteri, Jacob Folven, Sky Clemmer, Kole Hutton, Michael Wallestad, Michael Paul, Christopher Miller, Patrick Hofstad, Charles Hansen, Gary Billie, Alan Goettl, Derek Hughes, Matt Boser, Marcus Smith, Nathan Klug, Stephen Dehaven, and Jeffrey Weller.

Members of Local Lodge 1300 honor retired brothers

Members of Allied Federation Local Lodge 1300 gathered recently to honor a group of retired brothers in Sutton, WV. It was a good gathering with great food and camaraderie. The retirees started on the old B&O (now CSX). They are: John Berry, Doy Clifton, Carl Bauer Sr., John Carson, Harry Farley, Bob Ellison, Bobby Holcomb, Kenton Knicely, Carl Bauer Jr, Bernard Williams, James Rose, and Len Buckley, AF First Vice Chairman

Brothers Bobby Peace and “Gopher” Roberson retire

BMWED Brothers Bobby Peace and M.M. “Gopher” Roberson, members of Allied Fed Local Lodge 2163 in Waycross, Ga., both retired recently after long careers on the railroad. Brother Peace retires with 39 years service, while Brother Roberson hangs them up after 40 years. Here they are pictured with Allied Vice Chairman Russell Farmer.
The latest on National Bargaining and our 357 Plan

The BMWED/SMART-Mechanical bargaining group met with the railroads for mediation on August 2 and 3 in Arlington, Virginia. On the first mediation day, the railroads (bargaining together as the National Carriers’ Conference Committee) presented their latest offer. It includes, amongst other backward, insolent proposals, no “retro pay,” a paltry increase of $10,162 per member over the course of the five-year contract, and health insurance plan design changes that would increase family deductibles to $1,400 and family out-of-pocket maximum payments to $600 in each calendar year, coupled with “indexing” that would automatically raise those amounts each year. The details of the railroad’s proposal can be found on the BMWED website (bmwe.org).

BMWED/SMART-Mechanical made a counterproposal August 3. Our proposal includes retro pay, an average increase in pay of $30,703 per member over the course of the five-year contract, no increase in cost-sharing, and no changes to co-pays for medical services except a $25 increase in the emergency room co-pay. Nevertheless, we proposed over $140 million in annual savings to the National Health & Welfare Plan through our “357 Plan” (a name bestowed recently by the mediator), which attains savings to the plan without any cost-sharing changes or financial concessions to BMWED and SMART-Mechanical membership. Our latest proposal can also be found on our website (bmwe.org).

The “357 Plan” — so-named for the 357 standard metropolitan statistical areas identified by our experts’ analysis — re-draws a 20-year-old healthcare network map to most-efficiently apply the best network discounts currently offered. A lot has changed in 20-plus years since the map was drawn, and applying our plan modifications provides the railroads with greater financial savings than they received in the last round through PEB 243, while asking nothing more of the members in terms of monthly contributions, co-pays, or deductibles. We believe it is a good path forward and a strong starting point to reaching a voluntary deal.

Naturally, there are questions. In a video that can be found on the BMWED YouTube page (search YouTube for BMWED), Director of Strategic Coordination and our lead negotiator at the table, Brother Don Griffin, answers many of the most commonly asked ones. Please take the time to watch. He dives into the numbers and the issues and we hope and think that he provides real-time, helpful information and lays out our strategy in a straightforward manner.

Continued on Page 16
Legal Aid Program List

Here is an updated list of the approved attorneys in the Brotherhood of Maintenance of Way Employes Division’s Legal Aid Program who can be called on for advice and assistance when needed in cases of on-the-job personal injury or death.

Brotherhood of Maintenance of Way Employes Division members who are injured on the job, or the dependents of members killed as a result of such injuries, should ascertain their rights and protections under the Federal Employers’ Liability Act (FELA) before attempting any settlement with a railroad company.

Under the Legal Aid Program, in cases of personal injury or death while employed on a railroad, a Brotherhood of Maintenance of Way Employes Division member or his family has access to competent legal counsel in making claims under the FELA.

The Brotherhood of Maintenance of Way Employes Division-approved legal aid attorneys are well qualified to handle cases under the FELA.

**LAW FIRMS APPROVED TO HANDLE CASES FOR MAINTENANCE OF WAY EMPLOYES UNDER THE FEDERAL EMPLOYEES’ LIABILITY ACT**

Blunt & Slocomb, Ltd.
60 Edwardsville Professional Park
P.O. Box 373
Edwardsville, IL 62025
TELEPHONE: (618) 856-7744
FAX: 618-856-7849
TOLL FREE NATIONAL: (800) 323-5538
www.bluntlaw.com

Hubbell Law Firm, L.C.
1100 Main Street, Suite 2930
Kansas City, MO 64105
TELEPHONE: (816) 221-5666
FAX: 816-221-5259 & 816-472-5972
TOLL FREE NATIONAL: (800) 821-5257
www.hubbelfirm.com

Ingebritson & Associates, PA.
7141 Amundson Avenue
Edina, MN 55439
TELEPHONE: (612) 340-8290
FAX: 612-342-2990
TOLL FREE NATIONAL: (800) 282-6393
www.ingebritson.com

James A. Ebert, LLC
Attorney at Law
80 Whitlock Place, Suite 100
Marietta, Georgia 30064
TELEPHONE: (404) 872-7759
FAX: 404-872-9430
TOLL FREE: (888) 753-0533
jebert@jamesebert.com
www.jamesebert.com

Jones, Granger, Tramuto & Halstead
P.O. Box 4340
Houston, TX 77210-4340
TELEPHONE: (713) 668-0230
FAX: 713-956-7139
TOLL FREE TX ONLY: (800) 392-0620
NATIONAL: (800) 231-3359
www.jonesgranger.com
weldon@wgranger.com

Naumes Law Group LLC
2 Center Plaza, Suite 620
Boston, MA 02108
TELEPHONE: (617) 227-8444
FAX: 617-227-1270
TOLL FREE NATIONAL: (844) 826-8445
www.naumeslaw.com
Robert@naumeslaw.com

Ridge & Downes, P.C.
101 N. Wacker Drive, Suite 200
Chicago, IL 60606
TELEPHONE: (312) 372-8282
FAX: 312-372-8560
TOLL FREE: (800) 572-1136
(800) 624-2121
ddownes@ridgedownes.com
www.rigatedownes.com

Pratt & Tobin, P.C.
P.O. Box 179
Portsmouth, VA 23704
TELEPHONE: (866) 357-RAIL (7245)
FAX: 425-646-8004
TELEPHONE: (425) 646-8003
www.prattandtobin.com

Rossi Vucinovich P.C.
1000 Second Avenue, Suite 1610
Seattle, WA 98104
TELEPHONE: (206) 648-6003
FAX: 425-646-8004
TOLL FREE: (866) 357-RAIL (7245)
www.rail-accidents.com

The Moody Law Firm
500 Crawford Street, Suite 300
Portsmouth, VA 23704
TELEPHONE: (757) 393-4093
FAX: 757-397-7257
TOLL FREE NATIONAL: (800) 368-1033
www.moodylaw.com

Why Choose a BMWED-Designated FELA Attorney?

In this day of specialization, most lawyers, like most doctors and other professionals, tend to specialize. If you have tax problems, you go to a lawyer who knows the tax laws. If you have family matters to be handled, you go to a lawyer who knows the laws about wills, estates, probate, divorce, etc. That is why, if you’re injured on the railroad, you need to go to a lawyer who knows the Federal Employers’ Liability Act (FELA).

FELA became law in 1908. Under FELA, an injured railroad employee or his/her family survivors have the right to recover damages in court (state or federal). They have the right to a jury trial which can award damages based upon the railroad’s negligence that resulted in the employee’s injury or death.

Choosing a Brotherhood of Maintenance of Way Employes Division-designated FELA attorney is important because, as one court case stated, “injured workers or their families often fall prey to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not competent to try these lawsuits against the able railroad counsel or too willing to settle a case for a quick dollar.”

Since most people don’t deal with lawyers except in a time of need, the Brotherhood of Maintenance of Way Employes Division has a long-standing policy of evaluating FELA law firms. Using established guidelines, the Brotherhood of Maintenance of Way Employes Division chooses the best to be on its approved or designated list which is printed twice yearly in the Brotherhood of Maintenance of Way Employes Division Journal.

Criteria used for evaluating FELA law firms include:

- Must have an established record of successful litigation experience.
- Must furnish National Division with a summary of cases handled (insofar as such disclosure is consistent with “atorney-client” privilege).
- Must charge a contingency fee that has been established by BMWED Policy.
- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the Brotherhood of Maintenance of Way Employes Division recognizes the importance of competent and fair legal counsel for its members, it regularly monitors the activities of the law firms on its list and makes changes when needed.

If you do not have a copy of the approved list of attorneys when you need it, just call your system division or federation office and they will give you names and other necessary information. In addition, all approved attorneys are issued official Brotherhood of Maintenance of Way Employes Division credentials each year. If an attorney contacts you, be sure to ask for his credential.

---

**Law Firms include:**

- **James A. Ebert, LLC**
  - Attorney at Law
  - 80 Whitlock Place, Suite 100
  - Marietta, Georgia 30064
  - TELEPHONE: (404) 872-7759
  - FAX: 404-872-9430
  - TOLL FREE: (888) 753-0533
  - jebert@jamesebert.com
  - www.jamesebert.com

- **Jones, Granger, Tramuto & Halstead**
  - P.O. Box 4340
  - Houston, TX 77210-4340
  - TELEPHONE: (713) 668-0230
  - FAX: 713-956-7139
  - TOLL FREE TX ONLY: (800) 392-0620
  - NATIONAL: (800) 231-3359
  - www.jonesgranger.com
  - weldon@wgranger.com

- **Naumes Law Group LLC**
  - 2 Center Plaza, Suite 620
  - Boston, MA 02108
  - TELEPHONE: (617) 227-8444
  - FAX: 617-227-1270
  - TOLL FREE NATIONAL: (844) 826-8445
  - www.naumeslaw.com
  - Robert@naumeslaw.com

- **Ridge & Downes, P.C.**
  - 101 N. Wacker Drive, Suite 200
  - Chicago, IL 60606
  - TELEPHONE: (312) 372-8282
  - FAX: 312-372-8560
  - TOLL FREE: (800) 572-1136
  - (800) 624-2121
  - ddownes@ridgedownes.com
  - www.rigatedownes.com

- **Pratt & Tobin, P.C.**
  - P.O. Box 179
  - Portsmouth, VA 23704
  - TELEPHONE: (866) 357-RAIL (7245)
  - FAX: 425-646-8004
  - TE...
Longtime BMWED leader, Brother Rick Inclima, retires

BMWED Director of Safety and Education Rick Inclima retired earlier this summer. His retirement is a cause for tremendous celebration, but we would be remiss if we didn’t say we’re going to miss him.

Brother Rick would say that the hardest-working men and women in this Brotherhood are the ones swinging and sweating between the rails, and he would certainly be correct. But, with that said, if you’re looking for a better Union man — a kinder, more dedicated, more committed member of this Brotherhood — you’re not going to find one. And that is not an overstatement.

Brother Inclima’s resume is prodigious. By that, we mean, it is difficult to know where to even begin reciting the accolades.

Brother Rick has done more to protect the safety of railroaders at the state and federal level than many could even recognize. It’s an unassuming job, advocating over rail safety regulations, heading up “working groups” and “task forces,” representing labor in federal rulemaking proceedings and advisory committees. But Brother Rick is nothing if not modest. We don’t have to be as humble. No disrespect to our other Brothers in Washington, D.C., but Brother Rick Inclima was the most important and significant advocate for rail labor and railroad worker safety on Capitol Hill, bar none.

Brother Rick Inclima began his career as a trackman on Penn Central Railroad in New Haven, Conn. in 1975, transferring to Amtrak Northeast Corridor in 1976 where he worked as a welding foreman for 15 years. He was elected Secretary-Treasurer and Local Chairman for BMWED Lodge 1718 in 1984, and later elected as Secretary-Treasurer and Vice General Chairman of the Northeast System Federation-BMWE, positions he held until accepting his full-time appointment with the BMWED National Union in 1991. Prior to being appointed Director of Safety, he held the positions of Staff Assistant, Director of Education, Administrative Assistant to the President, and Director of Communication for the National Union.

All of us — every Brother, Sister, officer, appointee, any and every one ever associated with the BMWED — wishes Rick Inclima the happiest and longest of retirements. Enjoy it, Brother. We will miss you.

Brother Rick Inclima (holding the ballast fork far left), a picket sign (top), and front-and-center on his retirement day in D.C. Brother Rick was among the most influential members to ever belong to the BMWED.

QR Codes

A QR code (Quick Response Code) is a two-dimensional code that can be scanned with a mobile phone to gain access to specific information via the mobile web.

Scan me to Visit the BMWED website!

Brother Rick Inclima, from page 11

System Federation Convention

Lauren Fry, daughter of ATSFF General Chairman Jeffrey Fry, sang a beautiful rendition of the National Anthem at the system federation convention.

Continued on Page 16
“Faster than a speeding bullet, more powerful than a locomotive, able to leap tall buildings in a single bound and more productive than 1,000 Maintenance of Way Workers”

The Infant of Greed is now the Man of Steal: Hunter Harrison!

CSX paid Hunter Harrison $84M to buy out his non-compete with CP. $84M divided by $84,000 (the average total wages and benefits paid to a Class I MOW worker) is 1,000 (employees). Fair?
Open Enrollment Period Begins October 15, 2017!

The International Brotherhood of Teamsters is proud to announce the open enrollment period for the TEAMStar Medicare Part D Program. This annual open enrollment period will begin on October 15, 2017 and end on December 7, 2017. Teamster retirees and spouses who are currently enrolled in Medicare Parts A and/or B qualify for TEAMStar Medicare Part D coverage. Enrollment packets will be arriving in the mail soon. If you didn’t receive an enrollment packet or need another one, please call us and we will send you one. Don’t wait! The open enrollment period is for a limited time.

Enjoy the following TEAMStar Part D Program benefits:

- **Competitive union group rates** – TEAMStar Medicare Part D is not available to the general public. The rates and benefits are set by your union.

- **Union Preferred Pricing** – certain Preferred Generic drugs are available for as low as $2 at a Union Preferred Pharmacy.

- **Coverage Options** – three unique plans that offer different levels of security to Teamsters.

- **Coverage through the donut hole** – if you select the Platinum Plan you can get coverage for most generics at a low copay after you get to the Coverage Gap.

To get additional information or an enrollment packet, visit our website at www.teamstarpartd.com or call 1-866-524-4173.
BurNor Brothers gather for meeting

BMWED BurNor Brothers working on the BNSF TMGX 2361 and TRWX 2149 gangs convened recently for a union meeting. From left, they are: Brandon Hinrichs, Eric Westerlund, Ron Hudson, Brandon Decent, Doug Welte, Jeffrey Bloom, Bruce Luchsinger, Chad Brasel, Mike Bradley, Dustin Strickland, Raymond Harewood, Benjamin Loock, Paul Morris, Shane Fosse, Adam Jones, James Mertens, Matt Brusch, and Darrin Polansky.

President’s Perspective, from page 15

In the time that it takes for this column to go to print, we will again meet at the table with the NCCC and the mediator (it is scheduled for the end of September). Like always, we hope to make progress that leads to a fair contract for our members — a contract that recognizes our labor and our value. Please keep an eye on our Facebook account (give us a follow there, if you haven’t already) and our website. We will provide an update at the conclusion of the next meetings. Information is vital in this process, and the BMWED intends to keep all members updated and informed.

As always, thank you for your solidarity to our Brotherhood. Together, we truly are stronger. As I say in the video, we are optimistic that we’ve started down a path to a voluntary agreement, but time will tell. We will head back to mediation soon, and will report back with any and all developments.