

BMWED

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
Of The International Brotherhood Of Teamsters

JOURNAL



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BNSF Signs Accord with OSHA Regarding Employee Injury Policies

ACCORD ADDRESSES PERSONNEL POLICIES ALLEGED TO VIOLATE FEDERAL WHISTLEBLOWER LAW

The BNSF Railway (BNSF), under pressure from the Occupational Safety and Health Administration (OSHA), signed an accord voluntarily revising policies that OSHA alleged violated the whistleblower provisions of the Federal Railroad Safety Act (FRSA). OSHA acted after receiving information and complaints from BMWED and others that the discipline policies of BNSF violated the FRSA by blatantly discouraging rail workers from reporting on-the-job injuries. OSHA's actions were based on Section 20109 of the FRSA, as amended in 2007, which provided rail workers with rights and remedies against unlawful carrier retaliation for reporting on-the-job injuries or safety and security concerns.

In a January 15, 2013 OSHA News Release, Assistant Secretary of Labor Dr. David Michaels announced that BNSF agreed to change its disciplinary policies so that injuries no longer play a role in determining the length of an employee's probation following a record suspension; eliminate its policy of assigning "points" to employees who sustained on-the-job injuries; revise its safety counseling and operations testing program so that work-related injuries are no longer the basis for

enrolling employees in the program; and institute a high-level review of injury cases where discipline is assessed. BNSF also agreed to implement a training program for managers regarding their responsibilities under the FRSA, and to make settlement offers to 36 employees who filed whistleblower cases alleging they were harmed by the company's previous policies.

"Protecting America's railroad workers who report on-the-job injuries from retaliation is an essential element in OSHA's mission. This accord makes significant progress toward ensuring that BNSF employees who report injuries do not suffer any adverse consequences for doing so," said Dr. Michaels. "It also sets the tone for other railroad employers throughout the U.S. to take steps to ensure that their workers are not harassed, intimidated or terminated, in whole or in part, for reporting workplace injuries."

"BMWED is very appreciative of the leadership of Dr. Michaels and OSHA's efforts to convince BNSF to end these retaliatory policies," said BMWED President Freddie Simpson. "Railroad workers must have the right to report on-the-job injuries without fear of retaliation, and while BNSF de-

serves credit for revising these policies, BNSF and other railroads have much more work to do before anyone can be assured that workplace injuries can be reported without fear of reprisal or discipline. All too often railroads have engaged in the old game of 'whack a mole' where a railroad changes their conduct to comply with the law, but then substitutes a new retaliatory program for the old one under a different name," said Simpson. The BMWED will be vigilant in protecting the rights of its members against such conduct, and I join Dr. Michael's call for other railroads to take steps to assure workplace injuries can be reported without fear of reprisal or discipline. Retaliation and harassment of our members for reporting on-the-job injuries must end once and for all," Simpson said.

Between August 2007 and September 2012, OSHA received 1,206 FRSA whistleblower complaints from rail employees. The number of whistleblower complaints that OSHA currently receives from rail employees surpasses the number of whistleblower complaints that OSHA receives under any of the other 21 whistleblower protection statutes it enforces except one.

According to OSHA, more than 60 percent of the FRSA complaints filed by rail workers involve an allegation that the worker has been retaliated against for reporting an on-the-job injury. Dr. Michaels said, "Ensuring that employees can report injuries and illnesses without fear of retaliation is crucial to protecting worker safety and health. If employees do not feel free to report injuries or illnesses, the employer's entire workforce is put at risk because employers do not learn of and correct dangerous conditions that have resulted in injuries."

"The high number of FRSA whistleblower cases filed by rail workers confirms our long-held belief that harassment and intimidation for injury reporting is rampant in our industry," President Simpson said. "It should be clear to the railroads that business as usual will not be tolerated."

OSHA's press release regarding the BNSF accord can be accessed at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&P_id=23529.

The full text of the accord between OSHA and BNSF can be found at: http://www.whistleblowers.gov/acts/bnsf_accord.html.

Members on DM&E Railroad Ratify First Agreement

BMWED Members employed by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) recently ratified their first agreement. The Agreement became effective on January 1, 2013, and will not expire before December 31, 2014.

DM&E employees voted to join the BMWED after a successful organizing drive by the BMWED. Since that time BMWED Representatives had been in exhaustive negotiations with DM&E management. With the input of the members, as well as their patience and

support, BMWED and DM&E reached a tentative Agreement on October 5, 2012. The terms and conditions of the Agreement were sent out to the membership for ratification and were approved on November 12, 2012, by over 71% of the membership returning ballots, and more than 70% of those returned being in favor of the proposed contract.

Western Region Vice President David Tanner offered, "It has been a long, tough struggle getting to this point. Our members employed at DM&E knew

they wanted representation and a voice in the workplace and placed their trust in the BMWED and the Unified System Division. They now have a binding Agreement that gives them that voice. I congratulate the DM&E members and the Unified System Officers who drove this process to fruition."

The new Agreement provides competitive wages and benefits and provides immediate and equitable hourly increases to certain key positions. The Agreement includes annual general

percentage wage increases to all positions retroactively beginning January 1, 2010, and improvements in work rules that include; uniformity for position titles, improvement in seniority for temporary employees, improvements in grievance and discipline processes, and continued health benefits at their current level.

"I extend my congratulations to our members at DM&E and our officers who worked so hard during this long process," said BMWED National Division President Freddie Simpson.





2012 ELECTIONS ARE OVER, NOW WHAT?

BMWED Legislative Issues—113th Congress



**Director of Government Affairs
Charlie Hogue**

Will stalemate and gridlock continue into 2013, or will the 113th U.S. Congress start working together to solve our country's urgent problems?

That's what the American people want. On Jan. 14, for example, more than a thousand political activists rallied in New York for reforms to end dysfunctional politics. They were joined by members of Congress, governors, state legislators and mayors from across the political spectrum. It was

only weeks after a polarizing election and a huge budget battle in the lame duck 112th U.S. Congress that resolved little. And it was apparent to them that Washington needs a new attitude. They have named themselves the "No-Labels" caucus.

Voters don't trust our political leaders, who seem to act only when forced by some manufactured crisis. Digging in over debt, Republicans in Congress are demanding spending cuts in exchange for increasing the debt ceiling, but President Barack Obama has said he won't negotiate, raising the possibility of another government showdown.

Voters are saying that's not the way to govern our country.

The gathering in New York of people from all political viewpoints showed that lawmakers in both parties want to claim the political middle as voters increasingly view government as bitter and paralyzed. The rally came ahead of grappling in Congress over raising the nation's debt ceiling, along with

fighting over delayed cuts to defense and domestic programs and the need for a new spending plan to prevent a government shutdown.

About a dozen members of Congress, wearing orange "No Labels" lapel pins, joined with West Virginia Sen. Joe Manchin, a Democrat, and former Utah Gov. Jon Huntsman, a Republican who unsuccessfully sought his party's presidential nomination last year. They stood against the poisonous atmosphere in Washington. Organizers said they hoped to attract about 70 members of Congress from all political persuasions to agree to meet regularly and try to work with each other.

Jon Huntsman said the dysfunction of Congress, "makes our own nation dysfunctional." Huntsman was joined on stage by Sen. Manchin under an orange banner etched with the words, "Problem Solvers." Huntsman and Manchin, who worked together as governors, showed a refreshing bipartisan relationship as they complimented each other. However, presidential politics was not the focus at this event, rather to point out a number of reforms that could make government function more properly.

Among the proposed reforms: Requiring Congress to work five days a week instead of the typical late Monday-Thursday schedule; demanding an annual address to Congress on the fiscal condition of the nation; withholding congressional pay if lawmakers fail to pass a budget; forcing an up-or-down vote on presidential appointments within 90 days of a nomination; and changes to the rules for filibuster in the Senate that now allows the minority party to stall the process on bills and nominations that have fewer than 60 votes.

Reforms will not be made easily. There are real philosophical differences between Democrats

and Republicans that can't be glossed over with mere pledges of civility. Jonathan Miller, a No Labels co-founder and former Kentucky state treasurer, alluded to the unpopularity of Congress. He said Congress' approval ratings were "somewhere below Brussels sprouts and Lindsay Lohan although it is slightly above root canals and Duke basketball."

The meeting, held at a large ballroom in a New York hotel, felt like a bipartisan pep rally at times. Photographs of past presidents like Harry Truman, Dwight Eisenhower and John F. Kennedy were displayed at the entrance. Young ushers wore orange T-shirts resembling the garb of a political campaign.

Nevada Sen. Dean Heller, a Republican, addressed the group by video because he was attending the swearing-in ceremony of his son-in-law, a Democrat, to the Arizona state Senate. "We're a No Labels family," Heller quipped. Maine Sen. Angus King, who was elected to the Senate last fall as an independent, recounted a man in northern Maine telling him: "All my life I've wanted the chance to vote for 'none of the above' and you're it!"

In many ways, the movement is an outgrowth of the frustration over the paralysis in government. Its success will measure whether targeting political gridlock is good politics at a time when congressional approval ratings remain low.

Politicians of all stripes said the main message from the 2012 election was setting aside differences and tackling longstanding problems. So far, it isn't looking good. A broad agreement on taxes and spending cuts to avert the so-called fiscal cliff failed to materialize. But hope springs eternal.

LEGISLATIVE, Continued on Page 19

BMWED Division JOURNAL CONTENTS

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BNSF Accord with OSHA Regarding Employee Injury Policies	1	BMWED Diversity Committee Attends MLK Event and Performs Community Service	13
Members on DM&E Railroad Ratify First Agreement	1	Gary W. Marquart Elected General Chairman	14
BMWED Legislative Issues—113th Congress	2	Richard C. Sandlin Retires	14
Centenarians	2	National Labor College to Offer Hazmat Training at Regional Locations	14
President's Perspective	3	Brotherhood Awards 2012 BMWED Scholarships	15
Legal Aid Program List	4	BMWED Scholarship Essay Excerpts	
BMWED Advanced Officer Training January 20 - February 1, 2013		Children and Dependents Understand Union's Role	15
Volunteer State Community College	5	Railroad Retirement and Unemployment Insurance Taxes in 2013	16
Secretary-Treasurer's Report	6	BMWED/IBT Human Rights Commission Continues Community Service	16
Strong Steps on Immigration Reform	6	A Vice President Speaks	17
Retirement Changes During 11/02/2012 to 12/31/2012	7	Around the Brotherhood	18
Roll of Honor	7	Death Benefit Department	19
BMWED Webstore	8	Job Openings	19
BMWED Directory	9-12		
Horace Alton Atwood	13		
Duane L. Maier Retires	13		



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Centenarians

Belated "Happy Birthday" wishes to the following BMWED Retiree who recently celebrated his 100th birthday:

Albert Taten

A Pine Bluff, Arkansas resident, Brother Taten celebrated his 100th birthday on November 16, 2012. Brother Taten retired from his position as a Trackman with the St. Louis Southwestern Railway Company in January, 1975.

The BMWED extends its sincere best wishes to Brother Taten!





Freddie N. Simpson

PRESIDENT'S PERSPECTIVE

When Workers Unite It Can Still Make a Difference



There is no denying that over the past several decades, union membership has declined. Likewise, with the decline of union membership, Labor's clout diminishes as well. However, there are signs that the Labor movement may be making a recovery.

Union activity in recent years is evidence that workers are still willing to take a stand when their backs are against the wall. First, there was the attack on workers in Wisconsin where the Republican-led Legislature passed unprecedented anti-union legislation in its attack on workers. It caused a tremendous outpouring of support for Wisconsin workers from all over the country. While the recall of

Wisconsin Governor Walker failed, it illustrated that Labor could come together to protest a common enemy. It also prepared the Labor movement for battles to come.

The lessons learned in Wisconsin helped workers organize in Ohio, where they educated the public and used a referendum to beat back similar attacks. There have been other wins and losses since, but the point is that workers are beginning to realize that we all sink or swim together.

Recently, workers even stood up to giant Wal-Mart. It began as a warehouse workers' strike in California and has grown into a worldwide struggle for Wal-Mart's 2.1 million workers. More than a

thousand Wal-Mart workers in Argentina went on strike in December in solidarity with their American counter parts. The Argentine strike followed a global day of action by Wal-Mart workers in 10 different countries.

The point here is that throughout history, change has come on the heels of a few key actions. There is obviously no way to know if we have reached that point, but some signs are there.

It could be tempting for railroaders to believe what happens to workers in other industries is bad, but doesn't really have an impact on railroad workers. While rail jobs took a hit over a couple of decades late in the last century, we still have enjoyed a certain amount of security during this decline. Line sales and advanced technology have taken its toll, but shipping railroad jobs overseas is not likely. So why should we be concerned about Labor's decline in other sectors?

We shouldn't fool ourselves. Decline in union membership affects us all. As unions decline so does support for workers, and laws and regulations that protect us all deteriorate, and we all suffer. We shouldn't forget the recent attack on our pension, our right to bargain, and yes our very right to exist. It wasn't just one group of

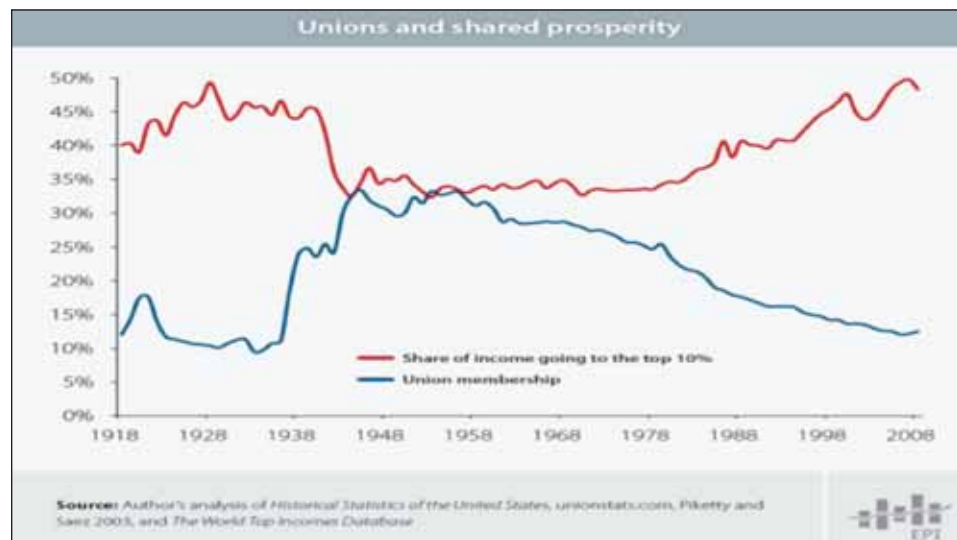
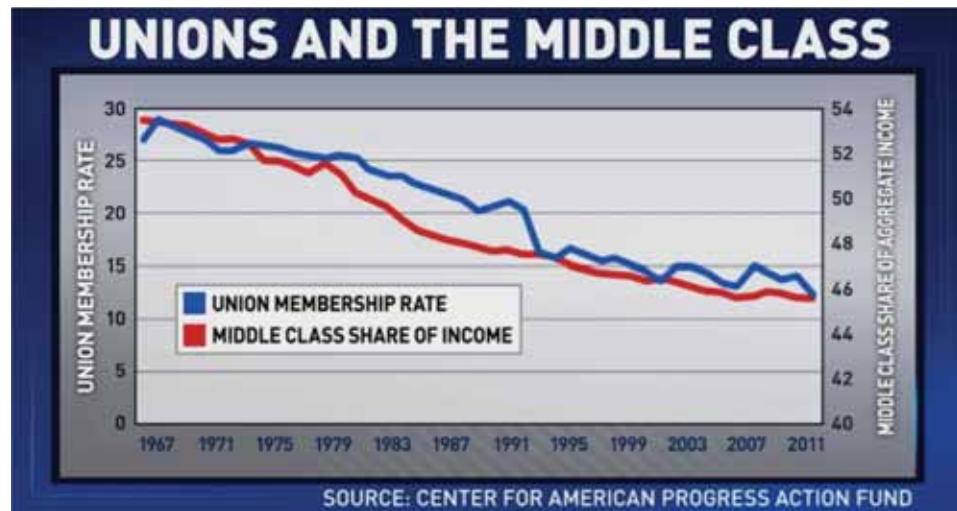
workers, or one union that was responsible for turning back the folks intent on making this happen.

A look at the charts below illustrate two things. The first illustrates how middle-class income has declined along with union membership. The second chart illustrates the shift in income, and illustrates the point that the prosperity is still there, but as the unions have been diminished, a few at the top have become even richer.

Without Unions there is no shared sacrifice and no one to prevent this country from going back to a time in our history where there was only the very rich and the very poor, and workers' rights were non-existent.

We need to continue to be involved in worker struggles regardless of who they are, union or non-union. Only together can workers survive and provide a decent living that once again means each generation can do better than the last.

Let us hope that we are at a turning point in history, when organized Labor makes its resurgence. No one wants to stifle innovation or take from those who build industry and create jobs. We just want workers to get a fair share of the prosperity they have helped create.



Legal Aid Program List

Below 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 case of on-the-job personal injury or death.

Brotherhood of Maintenance of Way Employes Division (BMWED) 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 BMWED member or his or her family survivors have access to competent legal counsel in making claims under the FELA.

The BMWED-designated legal aid attorneys are well qualified to handle cases under the FELA.

LAW FIRMS APPROVED TO HANDLE CASES FOR MAINTENANCE OF WAY EMPLOYEES UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT:

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OFFICIAL NATIONAL DIVISION CREDENTIAL

Brotherhood of Maintenance of Way Employes Division

International Brotherhood of Teamsters

The bearer of this credential is authorized as a representative of approved counsel by the Brotherhood of Maintenance of Way Employes Division to consult and investigate accidents involving death or injury to our members. The credential expires on January 1, 2014 unless revoked.

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Signed _____
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***Note: Primary office location.**

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 settle-

ment 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 "attorney-client" privilege).

Must charge a contingency fee of no more than 25 percent.

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.

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.



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LOCAL LODGES

Please notify the BMWED National Division of the passing of any retired BMWED member.

Call (248) 662-2660
extension 636.

BMWED Advanced Officer Training January 20 - February 1, 2013
Volunteer State Community College





Perry K. Geller, Sr.

SECRETARY-TREASURER'S REPORT

We are all affected by laws passed by Congress. Sometimes these laws have an adverse impact on BMWED members and their families, and sometimes they have a positive impact. One law that has, and continues to have, a

positive impact on BMWED members employed on U.S. railroads is the Whistleblower Protection provisions of the Federal Railroad Safety Act (FRSA).

In August 2007, Section 20109 of the FRSA was amended by *The Implementing Recommendations of the 9/11 Commission Act* to transfer authority for rail employee whistleblower protections from the Federal Railroad Administration to the Occupational Safety and Health Administration (OSHA).

The revised whistleblower law provides railroad workers with new rights and remedies against unlawful carrier retaliation for reporting injuries and/or violations of laws and regulations related to railroad safety and security. The law also protects railroad workers from retaliation for reporting hazardous safety or security concerns, refusing to perform unsafe work under certain conditions, or refusing to authorize the use of any safety or security related equipment, track or structure. Your right to report on-job injuries and safety/security

concerns are considered "protected activities" under the law for which a rail worker cannot be discharged or retaliated against.

"Protected activity" also includes employee requests for medical treatment or first aid associated with an on-the-job injury. Additionally, a railroad carrier may not deny, delay or interfere with the medical or first aid treatment of an employee injured during the course of employment and, if transportation to a hospital is requested by an employee injured on-the-job, the railroad is required to transport the injured employee to the nearest hospital where the employee can receive safe and appropriate medical care.

BMWED's Department of Safety and our Legal Department has worked closely with OSHA since the law's passage to help them understand the culture of the railroad industry and the disciplinary investigation process that is often used to punish or terminate employees who are injured on-the-job. We have also

worked successfully to encourage the signing of a recent Memorandum of Understanding between OSHA and FRA regarding inter-agency cooperation on whistleblower complaints filed by rail workers. And, we are working diligently to vet BMWED cases in order to assure that any whistleblower cases we bring to OSHA under the statute have merit and set precedent for good case law.

Whistleblower cases filed by railroad employees will be investigated by OSHA. If the evidence supports your claim of retaliation and a settlement cannot be reached, OSHA will issue an order requiring the railroad to reinstate you with seniority, pay back wages, restore benefits, and other possible relief to make you whole. Such other possible relief can include compensatory damages, including compensation for special damages, expert witness fees, and reasonable attorney fees. The statute also allows for the awarding of up to \$250,000 in punitive damages (i.e., punishment damages against the

railroad) for certain egregious violations of employee "protected activity" rights under the law.

Whistleblower complaints must be filed with OSHA within 180 days of the alleged unfavorable action (i.e., when you become aware of the retaliatory action associated with your "protected activity"). If you believe you have suffered an unfavorable action (termination, demotion, discipline, loss of benefits, blacklisting, demotion, intimidation, etc.) for engaging in protected activity, contact your General Chairman immediately.

Thanks to the efforts of the BMWED, and the Obama Administration's strong support for whistleblower protection for rail workers, railroads are finally being held responsible for unlawful retaliation against rail employees. This law represents significant progress for BMWED members and all rail workers, and I am proud of BMWED's leadership role in the development and evolution of these new whistleblower protections under the FRSA.

Strong Steps on Immigration Reform



James P. Hoffa, General President, International Brotherhood of Teamsters

President Obama's comprehensive immigration reform proposal offers a straightforward approach to a problem that can no longer be ignored.

The President's plan offers a more complete approach to addressing the challenges that are at the root of the problem. It would continue to strengthen our borders, crack down on companies that hire undocumented workers, hold undocumented immigrants accountable and overhaul the legal immigration system. For the first time, we have a proposal that will hold all parties accountable – undocumented workers, unscrupulous employers and the federal government.

We look forward to working with

the President and Congress to review the details of the legislation. We're especially concerned that the final result truly protects all workers and isn't reminiscent of guest worker programs of the past. Those programs allowed employers to create an underclass of workers who depress wages and labor standards overall, while furthering the profits of multinational companies.

I commend the President for taking these steps to ensure that workers, no matter where they come from, enjoy the protections they deserve in the workplace. We have seen far too many employers threaten with deportation workers who speak out for just treatment on the job.

Retirement of an Advocate for Working Families

Early in January we learned of the retirement of Hilda Solis as secretary of Labor. Hilda was a strong advocate for working families throughout her entire public career. As the daughter of a Teamster shop steward, she learned early in life the value of a strong labor movement.

As Secretary of Labor she worked diligently to create a department that protects workers and ensures that we have the strongest workforce in the world.

Secretary Solis worked hard over the past four years at the Labor Department to help working men and women achieve fairness and dignity on the job. We will miss her.





BMWED ONLINE STORE



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Apple Setup Instructions

From your Apple device, open the App Store, single click the Search button that is in the bottom, right corner. At the top of the screen, type "rss" in the search field and click Search. Scroll down the results until you get to XFeed RSS Reader and click it. You will be presented with more info on the application. Single click the Free button so it changes to say Install. Single click the Install button so the app is added to your phone. Once finished, click the icon to start the app. Single click the plus button at the bottom of the screen and type <http://www.bmwe.org/rss.xml> in the feed URL box. Single click Search so the feed can be found.



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MacArthur Bridge
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Louisville & Nashville Railroad
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High Point, Thomasville & Denton Railroad
Huron & Eastern Railway
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Former—Quanah, Acme & Pacific Railway Company
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Kansas City Terminal Railway Company
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Horace Alton Atwood

Brother Horace Atwood passed away at Methodist Hospital in Houston, Texas, on December 9, 2012. He is survived by his wife Fay Reeves Atwood, a son, Dr. H. Daniel Atwood, daughter, Christy A. Mills, and extended family including six grandchildren and five great-grandchildren.

Brother Atwood was born May 5, 1930, in Crystal Springs, Mississippi. After high school he attended Southwest Mississippi Junior College and then Southeastern Louisiana University.

He worked as a Track Welder for the Illinois Central Railroad before being elected to serve as a Vice Chairman for the Illinois Central Gulf Federation, a position he held until accepting the position of BMW Grand Lodge Auditor. He served in that position until the



time of his retirement on May 2, 1992.

Brother Atwood was interred December 14, 2012, in the Reeves Cemetery in McComb, Mississippi.

Duane L. Maier Retires

On February 1, 2013, after nearly 37 years of service, Duane L. Maier retired from his position as Vice General Chairman for the Burlington Northern System Federation.

Brother Maier began his railroad career with the former Burlington Northern Railroad on May 17, 1976 in Forsyth, Montana, as a Track Repairman on an Undercutter Gang. He was later promoted to the position of Machine Operator.

He was first elected to the Audit Committee for Local Lode 297 in 1991, and four years later he was elected to serve his Lodge as Local Chairman. In February, 2006, Brother Maier was elected to serve as Vice General Chairman and held that position until his retirement.

"I extend my congratulations to Brother Maier and his family and



wish him a long and healthy retirement," said BMWED President Freddie Simpson.

After retirement Brother Maier plans to have more time to spend with his wife Debbie and grandson Carter.

The BMWED wishes Brother Maier a long and happy retirement.

WE WANT TO HEAR FROM YOU

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, or send by U.S. Mail to:

Rbrassell1@aol.com

Or,

BMWED Journal
c/o Randall Brassell
242 West Main Street #394
Hendersonville, TN 37075

BMWED Diversity Committee Attends MLK Event and Performs Community Service

The BMWED Diversity Committee attended the Martin Luther King Jr. celebration held in Philadelphia, Pennsylvania the week of January 17. During the celebration they attended a number of meetings and workshops.

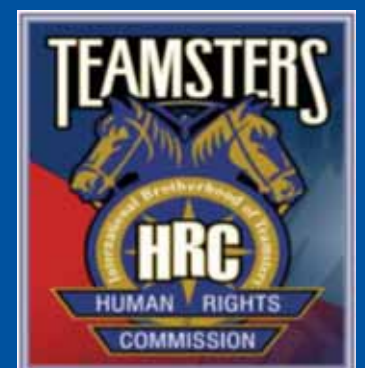
The BMWED Committee also attended a solidarity rally for Save Our Schools/Don't Cut Services, and attended the Dr. Martin Luther King Jr. Awards Banquet. During the event they also found time to perform community service which included painting the inside of the Francis J. Myers Youth Association Complex.



You can now visit the BMWED on *Facebook* at **Brotherhood of Maintenance of Way Employees**, and follow us on *Twitter* at **BMWEDIBT**.

Learn more about the Teamsters Human Rights Commission, and how you can participate.

Contact BMWED Vice President Roger Sanchez at (281) 354-4812, or, by email at lodge1507@aol.com.



Gary W. Marquart Elected General Chairman



Gary W. Marquart was recently elected to head the Atchison, Topeka & Santa Fe Frisco System Federation. Brother Marquart took over the reins as General Chairman on January 1, 2013.

Brother Marquart began his railroad career as a Track Repairman with the former Santa Fe Railroad on May 13, 1974. During his railroad career he worked as a Machine Operator, Assistant Foreman, Foreman, and Track Supervisor.

As a member of Local Lodge 2412, headquartered in Lubbock, Texas, he was elected to serve as Local Chairman in 1980. He held that position until 1990 when he was elected to serve as Secretary-Treasurer, a position he still holds today. He was also elected to serve

as Secretary for the AT&SF Executive Board in October 1994. In 1998 he was elected to serve as Assistant General Chairman. In 2000 he was elected to the position of Vice General Chairman/Secretary-Treasurer. In 2009 he was elected to serve the newly merged ATSFF System Federation as Assistant General Chairman.

On July 1, 2011 he left the System to serve as Staff Assistant Organizing for the National Division. In December 2012, he returned to the ATSFF System Federation and was elected to serve as General Chairman.

Western Region Vice President David Tanner offered, "Gary has had a long union career that has given him the opportunity to experience every facet of the Organization. I am confident that he will use that knowledge and experience to do a great job for his membership."

Two new officers recently joined the ATSFF staff and will be working closely with Brother Marquart. Cory Wilbanks came on board on July 6, 2012 and Jeff Fry started January 7, 2013.

The BMWED wishes Brothers Marquart, Wilbanks and Fry congratulations on their recent achievements.

National Labor College to Offer Hazmat Training at Regional Locations

The National Labor College will conduct hazardous materials training workshops for railroad workers at various regional locations throughout the United States during 2013.

The first two programs of 2013 are 5-day Hazardous Materials Chemical/Emergency Response Training Programs, which will be held as follows:

April 14-20, 2013
Houston, Texas
Val Jahnke Training Facility
8030 Braniff Street
Houston, TX 77061

May 5-10, 2013
Laurel, Maryland
Holiday Inn
15101 Sweitzer Lane
Laurel, MD 20707

These programs will begin at 8 a.m. and end at 5 p.m. daily (with a one-hour noon lunch break).

The 5-day Hazardous Materials Chemical/Emergency Response Training Programs address OSHA and DOT required training. Additionally, the workshops cover procedures and different levels of response and worker protection in a hazardous materials emergency or release, as well as weapons of mass destruction awareness and the incident command system. The training also provides components required to complete the OSHA 10-Hour Outreach certification. The training includes classroom instruction, small group activities, hands-on drills and a simulated hazmat response in full safety gear.

The Rail Workers Hazardous Materials Training Program is funded by a federal grant from the National Institute of Environmental Health Sciences. These five-day regional hazmat training courses target rail workers at the local level. Applicant selection will be in the following order: (1) Local participants not requiring lodging; (2) Participants within a 500-mile driving radius; and, (3) Participants requiring air transportation to attend.

A stipend of \$625.00 per week is available to all training participants in these programs, except those who are able to secure regular pay through their employer, or are paid union officers. The funding will also provide the following to confirmed participants:

Local Participants: Travel and meal allowance @\$45.00 per day.
Traveling Participants: Travel reimbursement, lodging, and meal allowance in accordance with program policies.

Interested parties are urged to register as soon as possible. Selected participants will be responsible for securing time off duty to attend. All questions should be directed to the National Labor College program coordinator, Freddie Thomas, at (301) 431-5457 or fthomas@nlc.edu.

For more information or to register online, please visit the Rail Workers Hazardous Materials Training Program website at http://www.nlc.edu/~bcantrell/course_dates.htm.

NOTICE

Article XV, Section 8 - Transfer Refunds

Sec. 8. Refunds of monthly dues, fees and assessments for those who transfer outside the jurisdiction of BMWED will only be allowed for the months following the month the applicable General Chairman involved receives a written request and/or a valid revocation of the Dues Deduction Agreement wage assignment authorization. A notice pertaining to the Brotherhood's dues refund Bylaws provision will be published semi-annually in the Secretary-Treasurer Report of the Journal or its successor publication.

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.bmwe.org, or send your name and email address to dyack@bmwe.org, along with a request to be added to the BMWED News Alert list.

Richard C. Sandlin Retires

On January 1, 2013, Richard C. Sandlin retired from his position as General Chairman for the Atchison, Topeka, & Santa Fe Frisco System Federation after a career that has spanned nearly four decades.

Brother Sandlin began his railroad career with the former Frisco Railroad in Frisco, Texas on March 4, 1974 as a Bridge and Building Helper. He also worked as a Special Equipment Operator in the Track Department.

His Career within the BMWED began when he helped establish



Local Lodge 355 in Henrietta, Oklahoma in 1977, and was elected

to serve as its Secretary-Treasurer. He also served as Local Chairman for Lodge 355 for 20 years. In October 1999, he was elected to serve full-time as Vice General Chairman/Secretary-Treasurer for the former Frisco Federation. In 2001 he was elected to serve as General Chairman.

Brother Sandlin was instrumental in affecting the merger between the Frisco Federation and the Atchison, Topeka & Santa Fe Federation which formed the Atchison, Topeka & Santa Fe Frisco System Federation. Brother Sandlin served as General Chairman for the new Federation until the time of his

retirement.

"Brother Sandlin has been a great advocate for our members since the day he was first elected as a Local Lodge Officer," said BMWED National Division President Freddie Simpson. I know I speak for all of BMWED in expressing our gratitude for his years of service to this Brotherhood, and wish him a long and healthy retirement."

Brother Sandlin plans to retire to his home in Weleetka, Oklahoma, where he hopes to spend more time with his wife Linda and their children and grandchildren. He also plans to raise appaloosa horses.

Brotherhood Awards 2012 BMWED Scholarships

The Brotherhood is pleased to announce the two winners of the 2012 BMWED Annual Scholarship Award. BMWED scholarships were recently awarded to Erica Jean Johnson, and Charles Adam Hansler. Each scholarship award is in the amount of \$2,000.00.

Erica Jean Johnson

Erica is the daughter of BMWED member Eric L. Johnson who is a member of Lodge 014 and is employed by the BNSF Railroad.

Erica will be attending Arizona State University as a freshman where she will be seeking a degree in Business/Entrepreneurship. She is a member of the National Honor Society and very active in her community.

In writing about how the BMWED had impacted her life, Erica wrote in part, "The benefits my father has received over the years through the BMWED has allowed him to earn an income that can provide for our family and offers an array of insurances that benefit our family as a whole. These benefits include high quality

health insurance, dental insurance, and optical insurance, which help me maintain a good healthy lifestyle. It has provided my father with a retirement package and a 401K which will impact me in the future, giving me the opportunity to spend time with my father without money becoming an issue and still providing a high quality of life. The BMWED provides my father with paid vacation and personal leave which allows him to be involved with activities and other events that I participate in, still giving him an opportunity to earn an income without physically being on the job. In the event that my father becomes ill or injured the union has provided a benefit allowing him to still draw wages while being away from work during recovery."

Charles Adam Hansler

Adam is the son of BMWED member and Pennsylvania Federation Vice Chairman Charles W. Hansler. He attends Temple University as a senior where he will earn a degree in Political Science. Adam earned an Associate's Degree cum

laude from Lehigh Carbon Community College before entering school at Temple University. He is very active in politics and volunteered to work for the Obama campaign.

In writing about how the BMWED has impacted his life, Adam wrote in part, "Being a part of a union family (my father a BMWED member and my mother, a PSEA) I was able to grow up in a fairly comfortable middle class home that allowed me to receive a college education within my reach..." He added, since my father is a member of the BMWED I have learned about the importance of politics in affecting my life and the lives of all other fellow Americans. In fact I attribute my passion for pro-labor, progressive politics to my father."

President Simpson said that he was proud to congratulate the recipients of the BMWED Scholarship Award. In a letter to each of the winners President Simpson wrote, "The BMWED has had a long history of helping its members achieve the American dream, and we are particularly proud to be able

to assist you and your family with this scholarship award. On behalf of the officers and members of the BMWED, please accept our sincere congratulations and best wishes for your continued academic success and all your future endeavors."

The BMWED Scholarship Award was originally established by action of the 2002 Grand Lodge Convention. The program has awarded one \$1,500.00 scholarship annually to a BMWED member or dependent since 2002. However, by action of the First Regular National Division Convention held the week of June 19, 2006, BMWED delegates revised the annual scholarship award by increasing the number of BMWED scholarships from one to two, and by increasing each annual scholarship to \$2,000.00.

The eligibility criteria, application procedures, and award selection criteria for the BMWED Scholarship is published each summer in the BMWED Journal and posted on our website at www.bmwed.org. All members and eligible dependents are encouraged to apply for next year's 2013 BMWED Scholarship.

BMWED Scholarship Essay Excerpts Children and Dependents Understand Union's Role

Based upon the 2011 scholarship applications received, it is clear that the children and dependents of BMWED members understand and appreciate the role of the BMWED in their personal lives. The BMWED Scholarship program requires each applicant to submit an essay of 300 words or less describing "How the BMWED has impacted my life." Below are some selected excerpts drawn from student essays submitted with their BMWED Scholarship applications. All excerpts are from the children and dependents of BMWED members:

"I'm fascinated as to how each generation worked and fought for future generations.... Whenever I read about poor wages and how millions of Americans are out of work and losing jobs, I wish they had someone fighting for them. I wish everyone could have positive collective bargaining and be inspired in the way I have."

Caleb H. -Morganton, NC

"The BMWED [provides] its employees with options, such as being able to take your children to the doctor, with healthcare, and dental along with vision insurance.... Over the years I've learned

that the union gives a person the strength to exercise the rights to fairness and equality."

Samantha L. - Southgate, MI

"By giving railroad workers health and dental insurance the BMWED has given me, my dad, and our family this insurance. If my dad was not provided this insurance he would never have gotten to have back surgery and go back to work to provide for his family. Insurance is a very important thing and I greatly thank the BMWED for providing my family with insurance." **Cassandra P. - Marion, IN**

"[Without] the BMWED I would not have received all of the necessities one needs to survive.... I'm thankful everyday my father was provided with [representation] from the BMWED and without them my window of opportunities would have been slim."

Jasmine L. -Gretna, VA

"With BMWED looking for better healthcare for employees, we are able to receive high quality care at an affordable price. If there is one thing my dad taught me about BMWED, it is that they help make sure his job will remain secure and they will always fight

for his beneficial needs as their top priority.... I hope when I get a job, I have a [union] like BMWED fighting for me like they have fought for my dad." **Michael H. -Bancroft, WI**

"My father has been a BMWED member for over 20 years now. The union has been there for him just like my dad has been there for me. BMWED has ensured that my father has a stable, protected position. Many labor-intensive jobs have been lost during this tough economy. However, we know that we have a strong union protecting the jobs and livelihood of its members." **Tracey Lynn G. - Highland Lake, UT**

"The BMWED has given our family medical benefits and got my dad a forty-hour work week. The BMWED also helps by making sure my dad has as safe a work environment as possible.... In the end I hope BMWED keeps on fighting for my dad and other employees to help us live our lives without some worries." **Marshall S. -Minot, ND**

"BMWED has helped me and my family by relieving us of the stress of wondering if our father has a reliable and secure job. Security is a major issue in today's

job market, and the great thing about my father being with the BMWED, is that he has that certainty. Without [BMWED provided] healthcare, vision, or dental insurance we would not be able to afford to see our doctor or get eye exams, or have our teeth cleaned and cared for properly."

Torie P. -Lynnville, IN

"I am aware and appreciative of the benefits that BMWED provides to my family. In addition to a good standard of living, my father has the benefit of holidays and vacation time.... His union affiliation also has helped me understand that membership and collective agreements give rights and a voice to people at all levels of an organization." **William L. -Bennett, CO**

"I feel very fortunate to know that the BMWED negotiates benefits for my father and our family. I am especially grateful to know that the union works hard for medical benefits. I have a brother with autism. I know that the medical expenses that my parents would have endured would be overwhelming without wonderful medical benefits."

Maverick W. -Plymouth, IL

See Scholarship Essay, Page 16



Railroad Retirement and Unemployment Insurance Taxes in 2013

The amounts of compensation subject to railroad retirement tier I and tier II payroll taxes will increase in 2013. The tier I tax rates will remain the same on railroad employers, while railroad employees will see their effective tier I rate increase from 5.65 percent to 7.65 percent. The tier II tax rate on both employers and employees will increase by 0.5 percent. Also, railroad unemployment insurance tax rates paid by employers will not include a surcharge in 2013.

Tier I and Medicare Tax.—The railroad retirement tier I payroll tax rate on covered rail employers for the year 2013 remains at 7.65 percent. However, railroad employees will see their effective tier I rate increase from 5.65 percent to 7.65 percent. Legislation enacted in 2011 and 2012 provided for a temporary reduction of 2 percentage points in the social security payroll tax paid by employees, but that is currently scheduled to expire at the end of 2012. The railroad retirement tier I

tax rate is the same as the social security tax, and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance. The maximum amount of an employee's earnings subject to the 6.20 percent rate increases from \$110,100 to \$113,700 in 2013, but there is no maximum on earnings subject to the 1.45 percent Medicare rate.

The Medicare payroll tax on high-income earners will also be increasing. Starting in 2013, an additional tax of 0.9 percent will be due on an individual's income exceeding \$200,000, or \$250,000 for a married couple filing a joint tax return. While employers will begin withholding the additional Medicare tax as soon as an individual's wages exceed the \$200,000 threshold, the final amount owed or refunded will be calculated as part of the individual's Federal income tax return.

Tier II Tax.—The railroad retire-

ment tier II tax rate on employees will increase to 4.4 percent in 2013, up from 3.9 percent, and the employers' rate will increase to 12.6 percent from 12.1 percent. The maximum amount of earnings subject to railroad retirement tier II taxes will increase from \$81,900 to \$84,300 in 2013. Since 2004, tier II tax rates are based on an average account benefits ratio reflecting railroad retirement fund levels. Depending on this ratio, the tier II tax rate for employees can be between 0 percent and 4.9 percent, while the tier II rate for employers can range between 8.2 percent and 22.1 percent.

Unemployment Insurance Tax.—Employers, but not employees, pay railroad unemployment insurance taxes, which are experience-rated by employer. The Railroad Unemployment Insurance Act also provides for a surcharge in the event the Railroad Unemployment Insurance Account balance falls below an indexed threshold

amount, and a surcharge of 1.5 percent applied in 2012. The accrual balance of the Railroad Unemployment Insurance Account was more than \$184.9 million on June 30, 2012. Since the balance exceeded the indexed threshold of \$137.3 million, no surcharge applies to the basic tax rates for 2013. A surcharge of 2.5 percent applied in 2011, with a surcharge of 1.5 percent in the years 2004-2010.

As a result, the unemployment insurance tax rates on railroad employers in 2013 will range from the minimum basic rate of 0.65 percent to the maximum of 12 percent on monthly compensation up to \$1,405, an increase from \$1,365 in 2012.

In 2013, the minimum rate of 0.65 percent will apply to 74 percent of covered employers, with 10 percent paying the maximum rate of 12 percent.

During the year, new employers will pay an initial tax rate of 3.69 percent, which represents the average rate paid by all employers in the period 2009-2011.

BMWED/IBT Human Rights Commission Continues Community Service

BMWED HRC Representatives stayed busy during the Thanksgiving and Christmas holidays with a number of community projects.

BMWED HRC Director and BMWED Vice President Roger Sanchez worked with other volunteers in Houston, Texas, in order to provide Thanksgiving dinner to nearly a thousand people at the Farrington Mission. The mission is operated by Northeast Houston Community Center. Brother Sanchez reports that they cooked 50 turkeys and hams with all the trimmings.

BMWED HRC Representative Kristy Delgado coordinated contributions from Local Lodge 1142 to donate to the Douglas, Wyoming

Food Bank, and food from BMWED members at the Alliance, Nebraska Section House.

Brother Roger Sanchez continues to encourage BMWED members to get involved in the HRC food drive and volunteer to serve as Local HRC Representatives.



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.

Scholarship Essay, Continued from Page 15

"I have observed my father's work ethic and how he performs his job duty with great pride. He has told me, 'my job is very important to me and things may not always go my way, but I have someone to speak on my behalf.' BMWED has been very instrumental in making my father's job less stressful...which is very important and healthy..."

Briar B. - Shuqualak, MS

"My dad is proud of the work the BMWED does. When I had to do 'work experience' my dad suggested that I come with him to a union meeting.... We went to a Lodge meeting and listened to a discussion about holiday pay, rights of representation for a man under investigation, and a discussion about work rules. All of these things... are benefits negotiated by the union." Nina G. -Blain, WA

Upon reviewing the scholarship applications with the Vice Presidents, President Simpson said, "I am extremely impressed with the quality of the essays and the applicants' thoughtful and reflective insights regarding the impact BMWED has had on their young lives. I only wish we had the means to provide each and every one of these deserving students with a scholarship award. These young Americans are keenly aware of the role BMWED plays in negotiating quality insurance benefits for their

families as well as our work in areas such as job security, wages, and safety. I congratulate the parents of these future leaders of America for raising such fine young men and women and instilling within them a deep appreciation for the contributions of organized labor to American working families and the American dream. On behalf of the members and officers of BMWED, I extend to each student our best wishes for continued academic success and in all their future endeavors."



A Vice President Speaks



Dave Joynt
Vice President of
Northwest Region

It's Time To Raise The Minimum Wage

The wealthiest Americans just got another big tax break on investments and for the inheritance on multi-million dollar estates while the rest of us got a big boost in the payroll tax we pay. It is bad enough for those in the middle income bracket, but imagine taking that hit on a minimum wage salary.

Even in states where the minimum wage was modestly increased, any gain in income will be eaten up by the payroll tax increase that is going to fund tax breaks for the wealthy. It's time for this pathetically incompetent Congress to do something for low income earners and finally increase the minimum wage.

The federal minimum wage was last increased 4 years ago to its current rate of \$7.25 per hour. Our politicians have yet to act on President Obama's promise to raise the federal minimum wage to \$9.50 by 2011. Even at that rate, it would be woefully inadequate.

There are a number of inaccurate arguments against minimum wage increases, generally from folks like the Chamber of Commerce. They argue that it would eliminate jobs for teenagers, run small businesses in the ground, and hurt the economy. The truth is that most minimum wage earners are over 20 years old, and a boost in their pay would give them more spending power, stimulate the economy, and create more jobs.

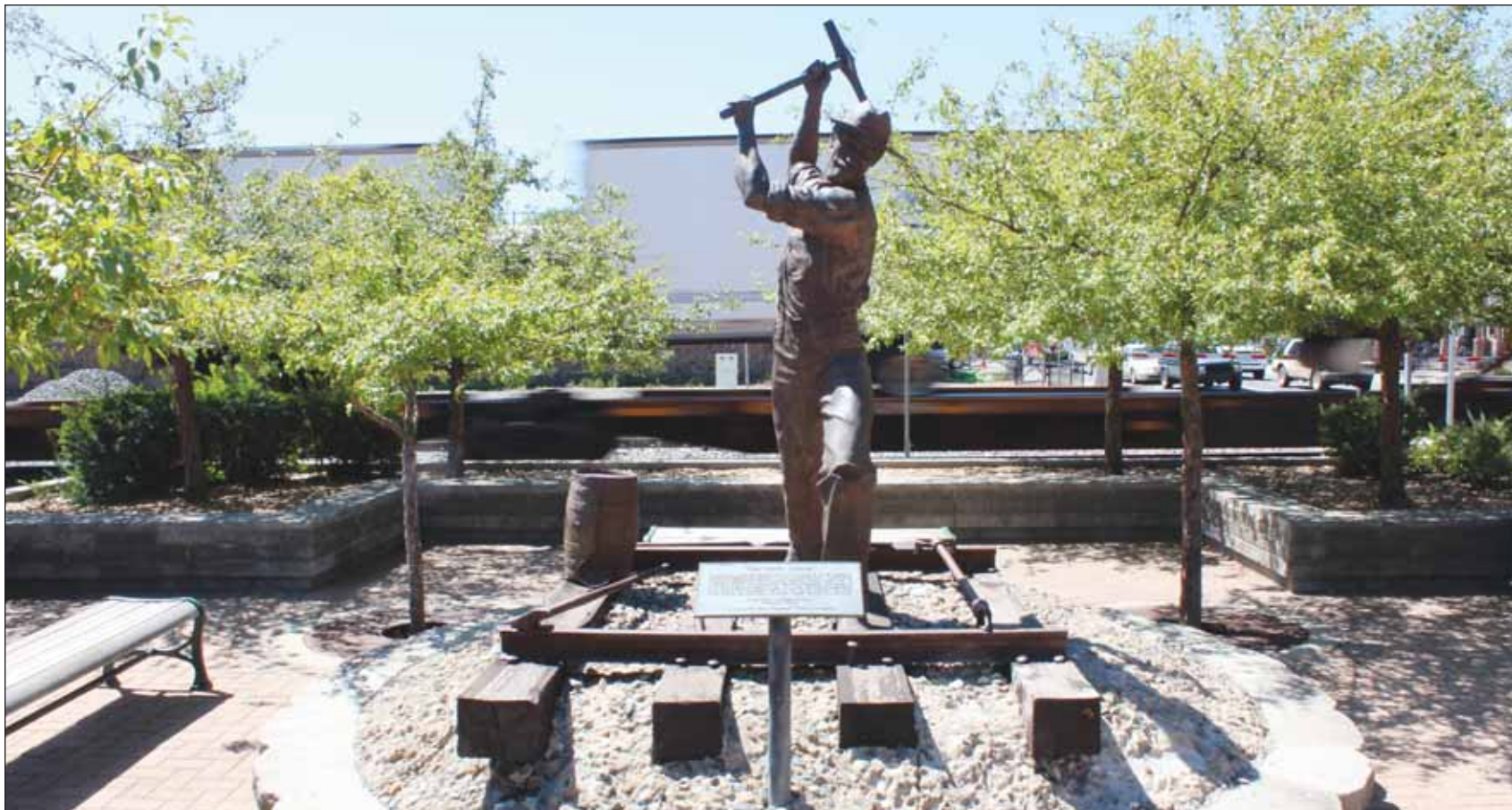
After the minimum wage was enacted under President Roosevelt in 1938, it rose steadily with the rate of inflation until 1968. However, since then Congress has failed to pass legislation that would keep the minimum wage on a par with the rate of inflation. As the chart below illustrates, since 1968, the value of the minimum wage compared to the rate of inflation has declined dramatically.

Had the minimum wage been funded in accordance with the rate of inflation, it would be at \$10.59 per hour instead of \$7.25. About 6% of American workers earn the minimum wage or less. That's

about 4.4 million American workers. Instead of helping these struggling Americans, some Republicans in Congress are trying to decrease the minimum wage. Republican Representative Darrell Issa has introduced a bill in the House that would effectively cut the minimum wage in states where it was higher than the federal threshold by allowing employers to count health benefits toward wages. In Nevada, the Las Vegas Chamber of Commerce is pushing to repeal the state's minimum wage.

Fortunately, a few states realize the impact a substandard minimum wage has on their state's economy and have gone ahead and raised the state minimum wage. More need to do the same if the Republican-led House continues to refuse to act.

If just doing the right thing is not enough, we should all at least remember that a rising tide lifts all boats. If we want to get our country out of the mess we are in and create decent paying jobs and see our economy recover, we better start telling our politicians to stop worrying about multi-millionaires who need no help and start acting to help all Americans. Let your Representatives know it is time to raise the minimum wage.



Do you know the location where this picture was taken?

Answer:
BNSF Division
Office,
Flagstaff,
Arizona



Around the Brotherhood

Burlington System Division Local Lodges Hold Quarterly Meetings

Local Lodge 331 held their regular quarterly meeting on December 14, 2012, in Wabasha, Minnesota. A System Officer was on hand to discuss current issues with the members.



Lodge 331 Wabasha, Minnesota meeting on December 14, 2012.

Local Lodge 1965 Quarterly Meeting

Local Lodge 1965 held their regular quarterly meeting on December 15, 2012 in La Crosse, Wisconsin. A System Officer was on hand to discuss current issues with the members.



Lodge 1965 La Crosse, Wisconsin meeting on December 15, 2012.

Local Lodge 420 Quarterly Meeting

Local Lodge 420 held their regular quarterly meeting on December 15, 2012 in Hastings, Minnesota. A System Officer was on hand to discuss current issues with the members.



Lodge 420 Hastings, Minnesota meeting on December 15, 2012.

Local Lodge 1214 Quarterly Meeting

Local Lodge 1214 held their regular quarterly meeting on January 5, 2013. A System Officer was on hand to discuss current issues with the members. Retiring Local Chairman Gerald Spencer was also in attendance. Brother Spencer retired on January 4, 2013 after more than 35 years of service in the Track Department of BNSF Railway. Brother Spencer has served as Local Chairman for Lodge 1214 since 1995.



Lodge 1214 members. Gerald Spencer far right.

Allied Federation Local Lodges Hold Regular Meetings

Allied Local Lodge 562

Allied Federation Local Lodge 562 held their regular quarterly meeting and annual Christmas gathering on December 8, 2012, in Florence, South Carolina. Allied Federation General Chairman Dennis Albers, and BMWED National Division President Freddie Simpson were on hand to discuss issues with the members and guests.



A few of those in attendance took time out of the festivities for a photo. Seated left to right are Harry Campbell, James Tart and Bryant Moses. Standing left to right, Richard Gordon, Freddie Simpson, Nathaniel Davis.

Allied Local Lodge 1563

Allied Federation Local Lodge 1563 held their regular quarterly meeting on December 29, 2012, in Laredo, Texas. Retiring member Abelino M. Cisneros was honored during the meeting and presented a plaque commemorating his retirement by General Chairman Dennis Albers.



Lodge 1563 members and guests.



General Chairman Dennis Albers presents Abelino Cisneros with plaque honoring his years of membership in the BMWED.



DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING NOVEMBER AND DECEMBER, 2012

NAME	CITY/STATE	LODGE/SYSTEM/RR	D.O.D.
IRVIN L. CHAMBERS	LARIMORE, ND	1280 BURNOR/LIFE	10/31/12
JACK CLAY	JACKSON, OH	1664 CRSF/LIFE	10/20/12
ROBERT S. DIETZMAN	STOUGHTON, WI	2643 BURL/LIFE	10/24/12
DALE L. GELMSTEDT	FERNLEY, NV	0085 USD/LIFE	10/18/12
JEWEL F. GRAVES	MARSHALL, TX	1193 AF/LIFE	10/07/12
DONALD L. HARTMAN	FULTON, IL	0036 BURL/LIFE	10/13/12
GRANT L. HYMES	FLINTSTONE, MD	1028 AF/LIFE	10/30/12
EDGAR D. LANGHAM	LONGVIEW, WA	0309 BURNOR/LIFE	09/15/12
JOSEPH H. PARSONS	KLAMATH FALLS, OR	0236 BURNOR/LIFE	11/18/12

PAID NOVEMBER 1, 2012 TO DECEMBER 31, 2012	\$ 4,500.00
AMOUNT PREVIOUSLY PAID	\$45,422,807.75
TOTAL AMOUNT PAID TO DATE	\$45,427,307.75
NUMBER OF CLAIMS PAID - 7	

REPORT OF DEATH NOTICES RECEIVED DURING NOVEMBER AND DECEMBER, 2012

JAMES D. ACORD	BALDWINVILLE, NY	0891	CRSF/CSXT	1/30/12
LARRY R. COOPER	BRUSHI, CO	1351	BURL/BNSF	09/23/12
MICHAEL F. GERBER	JIM THORPE, PA	0935	PENN/NS	11/10/12
TIMOTHY J. MILLER	MANDAN, ND	0306	BURNOR/BNSF	10/25/12
JAMES M. NETTLETON	DULUTH, MN	0320	BURNOR/BNSF	11/08/12
ARTHUR PLATEK	S. AMBOY, NJ	3082	PENN/NRPC	09/16/12
MATT R SALAZAR	BILLINGS, MT	0295	BURNOR/BNSF	11/08/12
CURTIS A. SHOCKEY	CENTRALIA, WA	0309	BURNOR/BNSF	09/02/12
LYNNARD K. SPIRY JR.	MOBRIDGE, SD	0306	BURNOR/BNSF	12/09/12
BRANDON L. WERNER	CALEDONIA, MN	0509	BURL/BNSF	11/27/12
GEORGE WILLIAMS	MANSFIELD, LA	0564	AF/RETIRED	06/18/12

JOB OPENINGS

Assistant to the President

National Division Headquarters is seeking applicants for two positions of Assistant to the President. Both positions will be headquartered at the BMWED National Division headquarters in Novi, Michigan. Candidates must excel in their attention to detail and accuracy, be a self-motivated, organized, independent person able to multi-task.

Duties of the positions will vary, and will be determined and assigned by the President.

If you are energetic, self-confident, motivated and well-organized, we would like to hear from you as soon as possible. Benefit package includes health, dental and optical insurance. Salary is commensurate with duties.

Please send resume to:

BMWED/IBT
Attn: Freddie N. Simpson
41475 Gardenbrook Rd.
Novi, MI 48375

LEGISLATIVE, Continued from Page 2

Fiscal Year '13 Budget and Appropriations Pending Legislation

Just before breaking off for the Presidential elections last year, Congress passed a Continuing Resolution which provides continued spending for the United States Government. This continuing resolution authorized spending from October 1, 2012 through March 27, 2013. This was done to prevent the government from shutting down. The continuing resolution does not include superfluous provisions or riders, but does provide partial FY'13 funding. This partial funding is based on the FY '12 funding levels with an additional \$8B in spending, government-wide. However, the appropriated funding levels do not reflect the higher FY'13 levels which were authorized for highway and transit programs in the Moving Ahead for Progress in the 21st Century (MAP-21) legislation.

Last year, when the House voted to approve the FY '13 appropriations bill, only a few transportation-related amendments were offered on the floor; but, mostly all were rejected by voice vote.

By contrast, the amendments that were actually offered focused more on cutting funding for a

myriad of DOT programs, especially administrative expenses for several of DOT's modes. And, although the U.S. House action is already complete, The U.S. Senate still has to pass its own version of the bill on the Senate floor.

The U.S. House Appropriations Committee approved the FY'13 DOT Appropriations bill on June 19, 2012. By the way, neither bill includes any project earmarks.

Program FY'12 Enacted
House FY'13 Comte Passed
Senate FY'13 Comte Passed
FHWA Ob Limit \$39.14B,
\$39.14B, \$39.14B
Transit - New Starts/SS, \$1.95B,
\$1.82B, \$2.04B
Transit- Formula & Bus, \$8.36B,
\$8.36B, \$8.36B
Amtrak - Capital and Debt
Service, \$952M, \$1.45B includes
\$500M for tunnels & bridges,
\$1.05B
Amtrak - Operating, \$466M,
\$350M, \$400M
High Speed Rail, \$0, \$0, \$100M
Airport Improvement Program,
\$3.35B, \$3.35B, \$3.35B
TIGER Grants, \$500M, \$0,
\$500M
National Infrastructure Bank,

\$0, \$0, \$0

The FY '13 transportation funding bill was approved by the House Appropriations Transportation, Housing and Urban Development, and Related Agencies, (THUD) Subcommittee. Last April, while unusual, the Senate acted on its own version of the FY '13 transportation appropriations bill just before the House did. Both the sub and full committees passed the Senate bill. The bill is still pending. It has not been brought to the Senate floor.

The House bill calls for \$39.1B to fund the highway program, which is the same level as the current program; however, it is actually \$2B less than the funding it received for FY'11. Some of the language included in the House bill says that the appropriators will revisit their bill if a surface transportation authorization bill passes soon and authorizes higher funding levels.

The House bill does not provide any funding for high-speed rail; however, the Senate bill is allocating \$100M for high-speed rail. The House did, however, provide a considerable amount of funding for Amtrak -\$1.80B with an additional \$500M for Amtrak bridges

and tunnels in the northeast corridor. The Senate transportation appropriations bill which has not been brought to the Senate floor includes:

Amtrak - \$1.45B, the same as FY'12, although less than the \$1.55B the Administration requested and the \$2.17B Amtrak requested

High Speed Rail - \$100M, there was no money appropriated for HSR in FY'12.

Rail Reauthorization

This will continue to be one of the issues we will closely monitor during the 113th Congress. The current law for Rail Reauthorization will expire in September, and it will more than likely set off major disagreements with regards to President Obama's high speed rail initiative. The problem here is that many Republicans strongly disagree with the President's plan for a countrywide system of fast and efficient passenger trains. The plan does have strong support, albeit primarily in the Northeast Corridor.

Although some appropriators in both the House and the Senate did

LEGISLATIVE, Continued on Page 20



LEGISLATIVE, Continued from Page 19

not make any provisions for the program in their FY '13 spending bills, United States Department of Transportation Secretary Ray LaHood has indicated that President Obama will include funding for Rail Reauthorization in his FY '14 budget.

AMTRAK and Super Storm Sandy

January 15, 2013 the U.S. House took up the Super Storm Sandy Relief Bill. After four hours of testimony, the Rules Committee decided that a total of 14 amendments would be considered on the House floor. In spite of the GOP's attempts to amend and cut the transportation funding, none of their amendments were made to order. This still left the question of how much, if any, money should be granted to transportation, including Amtrak.

The argument against funding for Amtrak was that the money would be going to areas unaffected or not directly related to Super Storm Sandy. Ranking Democrat Rules Committee member Congresswoman Louise Slaughter (NY-28th) went to bat for Amtrak, arguing fiercely that funding shouldn't be cut for Amtrak pointing out that funding Amtrak would, "make a tremendous difference to

the Northeast and the entire economy of America." Republican Congressman Rodney Frelinghuysen (NJ-11th) also defended Amtrak funding, telling the panel "we're not handing out money to Amtrak that's not related to the disaster."

The following day the U.S. House came to an agreement and passed the Super Storm Sandy relief bill, including an amendment to add \$33 billion in separate relief for future catastrophes. Overcoming opposition from the majority of the GOP, the U.S. House approved \$50.7 billion dollars to be distributed to disaster relief. The vote scored 241-80 to help repair damages done by Super Storm Sandy.

The voice of the conservatives did not go unnoticed, and they were especially unhappy about Congressman Frelinghuysen's measure within an amendment, which included more than \$300 million dollars for Amtrak and other long-term infrastructure spending. The House narrowly approved the amendment, including Frelinghuysen's measure in a 228-192 vote that saw 190 Republicans vote against it.

State Highlights

Arkansas – The state of Arkan-

sas will begin studying the possibility of high-speed rail connecting Memphis, Little Rock and Texarkana. State transportation officials anticipate spending between \$1 million and \$1.25 million in federal and state funds to study two long range railroad transportation plans. BMWED/IBT State Legislative Director Jeffery Fry will be involved in promoting this effort.

Wyoming – The Wyoming State Legislature is considering two pieces of legislation that affect the railroads. HB 0148 would provide railroad "special agents" or "security officers" the power to enforce the laws of the state of Wyoming for the protection of railroad employees, passengers or patrons and railroad property or possessions in the care of the railroads. HB 0095 would amend railroad crossing safety requirements to include on-track equipment in addition to trains. BMWED/IBT State Legislative Director Kristina Delgado and Assistant State Legislative Director Glen Hackman are leading the efforts in promoting the railroad crossing legislation in an effort to improve crossing safety in Wyoming.

Michigan – The Michigan "lame duck" legislature passed a Right-to-Work bill just before the new year

in an effort to cripple unions, allowing employees to benefit from union contracts without having to pay union dues. BMWED/IBT Michigan State Legislative Director Jason Richert is leading the fight to repeal the anti-union Right-to-Work (for less) legislation.

New Jersey – The gubernatorial election takes place this year with Republican incumbent Chris Christie running for re-election. There are no other announced candidates at this time.

Virginia – The 2013 Virginia Legislature has just voted down anti-union legislation that would have made it nearly impossible to have a union certification election. The gubernatorial election takes place this year with Republican incumbent Bob McDonnell not able to run for re-election due to term limits. Potential Republican candidates include Lieutenant Governor Bill Bolling and State Attorney General Ken Cuccinelli. A potential Democratic candidate is ex-DNC Chairman Terry McAuliffe.

BMWED/IBT Virginia State Legislative Director Gregory Marston was instrumental in defeating the anti-union legislation and will be involved in supporting a worthy candidate to be the next Virginia Governor.



Brotherhood of Maintenance of Way Employees Division
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Novi, MI 48375-1328



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