

BMWED

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

JOURNAL

Volume 115 ■ Number 1

www.bmwe.org

January/February 2006



Carriers Withdraw Request for Mediation Board Release

NCCC must Bargain with Rail Unions

On February 13, the National Carriers' Conference Committee (NCCC), the railroad industry's bargaining coalition for national negotiations, formally withdrew its request to the National Mediation Board (NMB) for release from mediation. Withdrawing the request means that the NCCC must continue bargaining with Rail Labor, as opposed to their goal of obtaining an NMB release in order to force a settlement through Congressional imposition of a Presidential Emergency Board's recommendations.

Almost two months earlier, on December 16, 2005, the NCCC requested the NMB to "terminate mediation in this case because the parties were at impasse." However, a flurry of letters from key members of the House and Senate demanding the parties continue bargaining, and thousands of calls from rank-and-file members to the

NMB, forced the carriers to withdraw their request for release. This was not the first time the carriers have tried, and failed, to "game" the system by seeking some type of "procedural advantage" rather than engage in good faith bargaining with the Rail Labor Bargaining Coalition (RLBC) and other Rail Unions.

The Teamster's Department of Government Affairs has worked alongside the legislative departments of the BMWED, BLET, and the other Rail Unions to generate the political pressure necessary to cause the carriers to withdraw their premature request for release. Substantial support for continued bargaining was also garnered from the RLBC, the AFL-CIO, the Change to Win Federation, and the active, vocal support of a mobilized rank-and-file membership. Labor's campaign for "fairness and good faith bargaining" influenced key Congressional leaders



BMWED President Simpson, 3rd from left, at bargaining table with Rail Labor Bargaining Coalition partners.

to issue stern warnings to the carriers not to seek the assistance of Congress in imposing a forced contract on Rail

Labor through a Presidential Emergency Board.

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Rail Labor Wins Major Family and Medical Leave Act Case

Suit initiated by BMWED leads to favorable ruling for all of Rail Labor

In a recent landmark decision by the U.S. District Court for the Northern District of Illinois, the court ruled that railroad employers cannot require their union-represented employees to take paid leave (i.e., vacation time and personal leave) in lieu of unpaid leave under the Family and Medical Leave Act (FMLA) if such policies would violate the rights of employees under their union collective bargaining agreement. The case was docketed as the *Brotherhood of Maintenance of Way Employees, et al v. CSX Transportation, Inc., et al*.

In this important case, U.S. District Judge Wayne R. Andersen ruled that "if a collective bargaining agreement (CBA) gives employees the right to determine when, or in what manner, they take accrued vacation and/or personal leave, an employer cannot force employees covered by that CBA to use such vacation and/or personal leave at a time of the employer's choosing." Judge Andersen noted that

the Railway Labor Act (RLA) "gives legal and binding effect to collective bargaining agreements." The court held, against the carriers, that the FMLA did not in any way override these basic RLA requirements.

FMLA was passed in 1993, but the carriers lawfully maintained our agreements until August, 1999 when Indiana Harbor Belt Railroad sent a letter to Consolidated Rail System Federation General Chairmen Perry Geller announcing that the "IHB will now require that any employee requesting FMLA and approved for FMLA, must exhaust all applicable paid time off before the unpaid leave would begin."

General Chairman Geller (now National Division Secretary-Treasurer) took strong exception to the carrier's position, stating via letter that "I strongly disagree with the carrier's attempt to arbitrarily modify the existing Leave of Absence Rule under the current CBA. It is my position that if

the carrier attempts to arbitrarily change Rule 7 of our CBA, this would constitute a violation of the Railway Labor Act. If you wish to make such changes, you would be required to serve the BMWED notice when our Moratorium expires in 1999." IHB then dropped the policy. In December, 1999, the DMIR, a carrier in Minnesota, attempted the same action but a strike by BMWED stopped it. An attempt by NS in April, 2000 was also stopped by prompt BMWED action.

The IHB again notified Brother Geller in July 2003 that it would institute the policy requiring employees to exhaust any unused paid leave for FMLA purposes effective August 15, 2003. Upon unilateral implementation of the policy by the carrier, General Chairman Geller protested it and informed the carrier BMWED would take all necessary action to protect its' agreements.

IHB's parent carrier, CSX, then filed

suit in Florida federal court, against both BMWED and Brother Geller, individually. The CSX suit was joined by other railroads, including BNSF, UP, and Norfolk Southern. BMWED immediately initiated a suit in the U.S. District Court for the Northern District of Illinois to force all the carriers to rescind the policy on the grounds that it violated both the CBA and the FMLA. The BMWED suit was joined the following month by all major rail union crafts.

The case was decided in favor of the BMWED and other rail unions, affirming that the FMLA does not allow carriers to force employees to substitute paid vacation and personal leave for unpaid leave when existing CBAs give the employees – not the carriers – the right to decide when to use their paid leave. Charles A. Collins, an attorney from St. Paul, MN was counsel of record for the BMWED. The carriers are expected to appeal the ruling.



Rail Workers' Hazmat Training Program

On Track for 2006 and Gathering Steam

Good news for all BMWED members! This past fall, the Rail Workers Hazardous Materials Training Program, administered through the George Meany Center/National Labor College (GMC/NLC), was funded for another five years through a grant from the National Institute of Environmental Health Sciences (NIEHS). The Rail Worker's NIEHS training grant was awarded to the GMC/NLC in partnership with the International Brotherhood of Teamsters as a Hazmat Transportation Consortium. The better news is that the GMC/NLC's most recent grant has been expanded to include the addition of two new training program areas.

The newest training programs will address Hazmat Disaster Worker and US Department of Energy (DOE) Radiation Worker Training. Brenda Cantrell, Program Director for the Railworkers' Program said, "The disaster training can encompass anything from security and terrorism to natural disasters, such as work performed in the aftermath of Hurricane Katrina. The DOE training will provide radiation

awareness training for rail workers involved with the transportation of radioactive materials. We are currently involved in developing curricula and training schedules for these two new training programs, and we will provide additional details to the rail unions in the near future."

If you're not yet aware of the BMWED's involvement with the GMC/NLC and the Rail Workers Hazmat Training Program, or what this training can mean to your health and safety on the railroad, here is your chance to learn more.

On August 31, 2005, the Rail Workers Hazardous Materials Training Program completed its 14th year of training, having shared this lifesaving training with more than 19,500 rail workers nationwide. In 2006, the Rail Workers' Program will conduct three separate 5-day hazardous materials transportation/chemical emergency response training programs at the George Meany Campus as follows:
May 7-12, 2006 - Silver Spring, MD
June 4-9, 2006 - Silver Spring, MD
July 16-21, 2006 - Silver Spring, MD



Members discuss hazardous materials safety at GMC/NLC training program.

The 5-day training, which is eligible for three academic credits from the National Labor College, addresses the criteria for First Responder Awareness and Operations Level Training under OSHA 1910.120 and the requirements of the Department of Transportation (DOT) Hazardous Material Regulations. The training also includes instruction pertaining to weapons of mass destruction awareness and an overview of the incident command system (ICS). In addition, participants completing the course will receive OSHA-10 Certification, the "basic safety training" certified by OSHA. Training includes advanced classroom instruction, small group activities, intensive hands-on drills, and a simulated hazmat response in full safety gear.

In addition to funding through NIEHS, the Rail Workers Hazardous Materials Training Program is also supported by funding from the union-based North American Railway Foundation (NARF). Funding for the 5-day programs provide participants with transportation, lodging, meals, and all course materials and instruction. In addition, participants who are unable to secure regular pay through their railroad to attend training are eligible, upon completion of the course, for a stipend of \$550.00.

GMC/NLC also periodically conducts 4-day hazmat training "field programs" at various regional locations around the country. The first "field program" for 2006 was conducted in Gary, Indiana the week of February 13th. A second 4-day "field program" is planned for 2006, however, the location for that class has not yet been determined. Enrollment in our "field training" pro-

grams is geographically limited to members who reside *within daily commuting distance* of the designated local training facility. Schedule information regarding "field programs" is communicated to the area membership by way of their General Chairmen, the BMWED web-site, and other appropriate means. It is important to note that, while participants in our 4-day "field programs" are provided a \$110.00 a day stipend (\$440.00 upon completion), the funding for these local "field programs" does not include expenses for transportation or lodging.

If hazmat training through the Rail Workers Hazardous Materials Training Program sounds like something that interests you, you should act quickly, as space is limited to approximately 25-30 for each program and applications are currently being accepted. Selected participants will be individually notified of their acceptance into the program approximately 6-8 weeks before the scheduled program. Each participant will be responsible for securing time off duty to attend.

A registration form and program information may be downloaded from the BMWED web-site at: <http://www.bmwe.org>. Completed registration forms should be faxed or mailed to the GMC/NLC Hazmat office as soon as possible. If you prefer, you can register on-line and check for schedule updates through the GMC/NLC Rail Workers' website at: <http://www.hazmatgmc.org>. Applications are also available through your System Federation/ Division or by contacting the BMWED Department of Safety and Education at 202-638-2135, Extensions 12 or 14.



Railworkers participate in decontamination exercise at GMC/NLC.

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Jan./Feb. 2006 ■ BMWE DIVISION JOURNAL ■ VOLUME 115 ■ NUMBER 1

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

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The BMWED Journal (ISSN 1049-3921 /USPS 067640) is published bi-monthly-6 times annually at 20300 Civic Center Drive, Suite 320, Southfield, Michigan 48076-4169. Periodicals postage paid at Southfield, Michigan and additional mailing offices.

ATTENTION POSTMASTER:

Send address changes to BMWED, 20300 Civic Center Drive, Suite 320, Southfield, Michigan 48076-4169.

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

www.bmwe.org

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Around the Brotherhood

South Kansas-Oklahoma Railroad Workers Vote BMWED/Teamsters

By a strong majority, maintenance of way workers at South Kansas-Oklahoma Railroad voted to be represented by the Brotherhood of Maintenance of Way Employees Division of the Teamsters (BMWED). The results, tabulated at the National Mediation Board, were made public on February 3, 2006.

"We have a terrific group of new members at this short line railroad," said Tim McCall, Director of Organizing for the BMWED. "They were enthusiastic when they first contacted us about obtaining union representation, and they have kept it up ever since. I commend these men for staying focused to win this election and the right to bargain for better wages, benefits and stability in the workplace."

South Kansas-Oklahoma railroad is a freight railroad that operates in southeastern Kansas and northeastern Oklahoma. These maintenance of way workers build, repair and maintain approximately 244 miles of track, and also make repairs to bridges and buildings for the railroad.

"We are certainly very pleased to welcome these new members into the family of BMWED, and look forward to representing them in a productive relationship with management," said BMWED President Fred Simpson.

FRA Denies BMWED Petition

On January 5, 2006 President Simpson received a letter from FRA Administrator Joseph H. Boardman denying BMWED's Petition for Emergency Order submitted to FRA in October 2005. BMWED's Petition was filed after Brother William F. Halte, Jr., a Tamper Operator for the Union Pacific Railroad, was struck and killed by an adjacent track movement on October 5, 2005 near Laramie, WY.

In denying the Brotherhood's petition, Administrator Boardman expressed his "condolences for the loss of William F. Halte, Jr. on October 5, 2005." "There can be no higher sense of need to improve safety for fellow workers than when someone from your membership receives injuries that cause their death. Thank you for the way in which you responded by placing the issue squarely in front of the Federal Railroad Administration (FRA) by petition for Emergency Order," said Boardman.

"After consultation with FRA staff, I have decided that the issuance of an Emergency Order is not the correct remedy," stated Boardman. "As you know, the Railroad Safety Advisory Committee (RSAC) working group on Roadway Worker Protection (RWP) met on November 8 & 9, 2005, and discussed this issue. A consensus

did not occur, but there is an expectation that discussions will continue, and FRA staff is committed to presenting comprehensive draft language at the next working group meeting scheduled for January 10-11, 2006 that would more closely tailor the solution to the problem. Staff has indicated that BMWED has given some indication that they have a willingness to consider such a presentation."

At a subsequent meeting of the RWP Working Group held February 1-2, 2006, both FRA and BMWED submitted additional proposals for improving adjacent track protection. After two days of intense deliberations and discussion on the FRA and BMWED proposals, the working group reached general consensus for improving adjacent track protection based upon BMWED's draft proposal. The working group has a number of outstanding RWP issues to address prior to submitting its consensus recommendations to the FRA. A summary of the working group's activity and any consensus recommendations submitted to FRA for promulgation by the group will be highlighted in a future edition of the BMWED Journal.

The RWP Working Group consists of representatives from BMWED and other Rail Labor Organizations, the Carriers, and FRA.

Wisconsin Central System Division Training

On Saturday, January 28, 2006 approximately 18 Local Lodge and System Officers from the Wisconsin Central System Division (WCSD) attended a training program for local officers conducted by the National Division, in cooperation with WCSD General Chairman Mark Philipp.

The training program began with welcoming/opening remarks by General Chairman Philipp, National Division Secretary-Treasurer Perry Geller, and BMWED Vice President Leon Fenhaus. In their opening remarks, both Secretary-Treasurer Geller and Vice President Fenhaus emphasized the importance of education in achieving the overall goals of the union. "I really appreciate you guys getting up on a Saturday morning to attend this important session," said Brother Geller. "You are on the front lines every day, and we are here to provide assistance and support to you and your Brothers and Sisters whenever you need it," said Geller. Vice President Fenhaus echoed those sentiments, stating, "The union is not just one person or one officer, we all are the union. Each one of us has to support the other because, at the end of the day, we only have each other to rely on. Educational programs such as this help us all to become better

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Rail Labor Testifies on BNFS Waiver

One-person freight train operations at issue

BNSF Railway should not be permitted to operate trains with single-person crews, the Federal Railroad Administration was told by Rail Labor in a public hearing on February 23, 2006 in Washington, DC.

Safety representatives from the Brotherhood of Locomotive Engineers and Trainmen, the United Transportation Union, the Brotherhood of Maintenance of Way Employees Division, and the Brotherhood of Railroad Signalmen told FRA safety experts that a request by BNSF Railway to extend its existing special waiver to operate an experimental version of positive train control (PTC) should not be granted until employee and public safety can be assured.

BNSF is seeking to expand operation of a pilot project called the Electronic Train Management System (ETMS) over 329 miles of track on its Ft. Worth and Red Rock subdivisions in Texas. BNSF already has a waiver to operate ETMS on its 115-mile Beardstown, IL., subdivision.

BNSF wants the FRA to grant it authority to operate ETMS-equipped

trains with a single crew member. "This specific waiver request is an underhanded attempt by BNSF to confuse FRA enough to ignore the severe ramifications of single-person operations to the overall rail safety equation," said UTU Alternate National Legislative Director James Stem.

"The multiple safety functions of the second operating crew member are not replaced by ETMS," Thomas Pontolillo, BLET's Director of Regulatory Affairs, told the FRA. "We believe that the most effective positive train control is one that complements and supplements the work of today's two- or three-person train crew, and that PTC as a means of further reducing crew size will diminish - rather than enhance - safety."

Rick Inclima, Director of Safety for the Brotherhood of Maintenance of Way Employees Division, testified "BMWED is opposed to an expansion of the existing waiver to an additional 329 miles on BNSF's Fort Worth and Red Rock Subdivisions primarily because of the adverse safety impact

the waiver, with its stated goal of one-person train operations, will have on the safety of Roadway Workers. ETMS is not a true PTC system. It does not meet the third core feature of PTC, namely the protection of Roadway Workers operating within the limits of their authority. This is of grave concern to BMWED given BNSF's intent to reduce already overburdened train crews from 2 or 3 person operations, to single person operations. The BNSF ETMS system does not enforce automatic train stop before incursion into Roadway Worker work limits. Therefore, from the perspective of Roadway Workers, safe train operations continue to necessitate a minimum of 2 person crews for the safety of Roadway Workers, in addition to the detailed and valid safety concerns articulated by the BLET and the UTU."

Rail Labor made clear to the FRA that it fully supports development of PTC systems, which have been on the National Transportation Safety Board's most-wanted list for nearly two decades. What Labor does not

support is the attempt by BNSF and/or other railroads to use experimental PTC as a Trojan Horse to reduce crew size absent appropriate studies - followed by regulations - into the public safety and homeland security implications of those reduced crews.

Brother Inclima concluded his testimony by stating, "BMWED supports the testimony of the BLET and the UTU, and their sound public and railroad safety rationale for requesting denial of this waiver. In addition to the reasons stated by the BLET and UTU, BMWED wants to emphasize that a 50% reduction in train crew personnel without any technological safety redundancy to enforce automatic train stop for the protection of Roadway Workers operating within the limits of their authority puts the lives of 40,000 Roadway Workers at risk and should not be allowed."

FRA is expected to issue its decision on the BNSF waiver request, FRA Docket No. FRA-2003-15432, some time later this year.



Freddie N. Simpson

P R E S I D E N T ' S PERSPECTIVE

Together, We Weather the Storm *Unity is Not Just a Slogan; It is Our Greatest Strength*

Within the union movement in general, and Rail Labor in particular, we oftentimes underestimate the power of unity and solidarity in the face of adversity and struggle. Critics of Organized Labor have long belittled our admitted overuse of slogans such as, "United we Stand; Divided we Fall," and "An Injury to One, is an Injury to All."

But these slogans are more than just words; they are part of Labor's living history and a rallying cry for Labor's most desperate struggles. Throughout Labor's storied history, the principles of Labor unity and solidarity have anchored the workingman's ship against the tempest storm of capitalism and greed. Throughout history, unity has been Labor's only safe harbor, and solidarity its guiding light against the shoals of despair and defeat.

I believe Rail Labor is at a very decisive period in its history, and it is up to each of us, individually and collectively, to seize the moment for the greater good of all. The tempest winds of carrier greed are blowing hard against Labor's bow. The carriers have tried to whip the churning seas of inter-craft animosity in an unrelenting effort to dishearten our crewmembers and crash Labor's ship upon the craggy shores of disunity and spiteful pride. So far, they have failed and, indeed, the recent cooperation between the BLET and UTU shows that our alliance is growing in strength and solidarity.

The armada of Rail Labor must sail in tight formation in order to safely navigate these storm-tossed seas. Only a foolhardy captain would break formation and risk floundering alone and adrift on the windswept waters. Like any seasoned captain and crew, no rail union should mistakenly believe that their own ship is somehow more seaworthy than the rest, and can survive on its own against the raging storm; a storm of carrier greed.

Rail Labor has sounded battle stations and "all hands on deck" in what will be the fight of our working lives. The countervailing winds of an angry, mobilized Rail Labor are building in size and strength just beyond the horizon. This Labor storm is intensifying as it moves within striking distance of the carrier's war fleet,

threatening to disrupt its broadside attack against Rail Labor. The winds of unity and solidarity are blowing the carriers off their course, forcing unanticipated and awkward adjustments in what they thought was a carefully charted plan of attack.

Solidarity among rail workers and their Unions is our north star; and unity is our guiding light. Beyond the talking stages, the winds of solidarity are now blowing steadily within the ranks of our membership, and within the highest levels of Rail Labor. With our collective survival at stake in this national round, the awakening of Rail Labor solidarity has come none too soon.

Through the Rail Labor Bargaining Coalition (RLBC), seven Rail Unions are united together as a "Band of Brothers" in this round of national bargaining. The RLBC has stood strong in repelling the carriers' every attempt to scatter our forces to the seven seas and destroy each union one by one. Like the siren's song of Greek mythology, the carriers use every deceitful seduction to lure each Rail Union toward the craggy shores of destruction. While feigning concern and promising rewards and safe harbor to any captain and crew willing to break way from its deployment within Labor's armada, the siren is a demon who can never be trusted and whose seductive song must be resisted at all costs. Only by watching each others backs, and raising our voices in solidarity to drown out the siren's seductive song, can we be successful.

Thankfully, rather than succumbing to the siren's song and crashing our ship on the rocky shores of disunity, the majority of Rail Unions have been readying battle stations, putting false carrier-inspired differences aside, and finally coa-

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Message from Teamsters General President Jim Hoffa

Teamsters are proving again and again that teamwork among unions works. When we left the AFL-CIO last year and joined the Change to Win Federation we did so because our need to organize was not being taken seriously by the AFL-CIO. Now we, and you, are part of a dynamic new labor federation composed of six other like-minded unions: Laborers, SEIU, Unite-HERE, Farmworkers, Carpenters and UFCW. In March we will participate in an organizing conference with our Change to Win brothers and sisters. And, in June, we will host a Teamsters organizing conference prior to our International Convention. Both of these are opportunities for you to join together with progressive union brothers and sisters who have taken the call for organizing to heart.

Even though some technical jobs have been shipped overseas, the core American jobs such as maintenance

of way workers, locomotive engineers, warehouse workers, and waste haulers are in need of unionization. Companies are expanding, and in some cases, becoming multinational. We, too, are expanding our alliances and partnerships so that we can coordinate strategies with other union negotiators.

That's why the Rail Labor Bargaining Coalition (RLBC) has been so effective. Instead of bargaining separately with rail carriers, the Brotherhood of Maintenance of Way Employees Division and the Brotherhood of Locomotive Engineers and Trainmen (BLET) joined forces with the Sheet Metal Workers, Boilermakers, Firemen and Oilers, Train Dispatchers and Railroad Signalmen to confront the collective bargaining power of the carriers. This year the RLBC showed the carriers that we were completely united against the rail corporations' scheme



to contract out thousands of our members' jobs and reduce the required crew size on trains. The RLBC asserts that having two crew members on

board trains, and qualified and experienced employees inspecting and maintaining the tracks, is the

See **Hoffa** on Page 5





Perry K. Geller, Sr.

SECRETARY-TREASURER'S REPORT

As I sit at the bargaining table with the Class I Railroads, I can't help but ask myself, "what's wrong with this picture?" Across the table, the carrier's bargaining coalition, the National Carriers' Conference Committee (NCCC), say they need more from labor. More jobs, more concessions, more healthcare contributions, more work rule changes. What they are really after is, in two simple words, more money. Nothing else seems to matter to the carriers, except more and more money.

They ask for more not because they actually need it, but simply because they can. Never mind the Maintenance of Way worker who gets up every morning and heads out

in every kind of weather to assure the tracks are safe to move their money-generating cargo; nothing else matters except more money! Never mind the Maintenance of Way worker who works on a system production gang for months on end with little precious time to spend with his family; nothing else matters except more money! Never mind the Maintenance of Way worker that prevents a derailment, steadily increases productivity, and contributes to the safety and reliability of the enterprise; nothing else matters except more money!

And the carriers should know about more money, because they have more – a lot more – than at virtually any time in recent history. How did they get more? From you, from me, and from every rail worker in the nation. Labor has suffered through the slash and burn mentality of ill-conceived railroad mergers which have cut the workforce and heaped additional burdens and hardships upon those who remain. Rail Labor has kept the railroads operating despite poor decisions by management and their high-priced consultants. In short, the carriers have filled their coffers by reaping the fruits of our hard labor, and by quenching their insatiable greed from the sweat of our brow.

Apparently, that is not enough. They now demand the right to put their hand into your pocket and take whatever else they can grab. They demand the right to enter your pantry and take your daily bread. And they demand the right to send you straight to the poor house if you or a loved one are unfortunate enough to become ill and require medical attention. To the carriers, nothing else matters except more money!

Greed is like a cancer. It will continue to grow and mutate until its host can no longer tolerate the malignancy and dies. But when the host dies, so does the cancer. Thus, should the carriers succeed in killing off Labor, they too shall die because Rail Labor has been the goose that lays the

golden eggs for the carriers. Rail Labor productivity continues to grow, and so do the railroads' profits. The overall number of rail workers continues to drop, all the while the carriers' incomes continue to rise. Financially, these have been good times for the carriers due to Labor's productivity and skill, and what we are demanding at the bargaining table is our fair share. Nothing more, nothing less.

According to a report prepared for the Rail Labor Bargaining Coalition, entitled "Class I U.S. Railroads: Financial and Operating Update: 2005," the Class I Railroads have had a remarkable run, with high profits anticipated well into the future. The report highlights include:

- Overall fourth quarter and year-end financial results were nothing short of spectacular. The five Class I Carriers (BNSF, CSX, KCS, NS, and UP) posted a combined average year-over-year increase in quarterly operating revenue of 15%. More impressive was operating income which grew by 43% and net income which rose by a whopping 75% in the period.

- Robust freight volumes in 2005 and stable system capacity allowed rail carriers to price the business to maximize profits. Total revenues reached more than \$45 billion in 2005 for these five carriers and net profits were \$5 billion, despite high fuel costs and severe weather in many parts of the country.

- For the first time ever, all Big Four Carriers (BNSF, CSX, NS, & UP) made more than \$1 billion each in net income last year.

- Average total employment for the four largest carriers was up only 4% in 2005 when compared to 2004.

- Despite the reported dip in Gross Domestic Product (GDP) last quarter, the demand for freight services continues unabated with coal and consumer goods leading yield growth for most carriers.

Clearly, the industry is doing well. So are their CEOs. The CEOs of America's railroads have siphoned off

more than their fair share of the profits generated by our labor.

In 2004, Matt Rose, Chairman and CEO of Burlington Northern Santa Fe raked in \$10,616,262 in total compensation and has approximately \$30 million more in unexercised stock options. A Trackman fortunate enough to earn \$40,000 per year at BNSF would have to work 265 years to equal Matt Rose's 2004 compensation. But, nothing else matters except more money!

In 2004, Michael Ward, Chairman and CEO of CSX raked in \$2,143,094 in total compensation and has approximately \$4.3 million more in unexercised stock options. A Trackman fortunate enough to earn \$40,000 per year at CSX would have to work a mere 53 years to equal Michael Ward's 2004 compensation. But, nothing else matters except more money!

In 2004, David Goode, Chairman and CEO of Norfolk Southern raked in \$11,529,414 in total compensation

and has approximately \$40 million more in unexercised stock options. A Trackman fortunate enough to earn \$40,000 per year at NS would have to work 288 years to equal David Goode's 2004 compensation. But, nothing else matters except more money!

In 2004, Richard Davidson, Chairman and CEO of Union Pacific raked in \$10,361,870 in total compensation and has approximately \$19.2 million more in unexercised stock options. A Trackman fortunate enough to earn \$40,000 per year at UP would have to work 259 years to equal Richard Davidson's 2004 compensation. But, nothing else matters except more money!

In view of the excellent financial shape of the rail industry and the obscenely handsome compensation of railroad executives, we demand our fair share of the wealth we have generated. Nothing else matters to us; Nothing!

Hoffa Continued from Page 4

right and safe thing to do. I commend the RLBC for standing up and staying united. There will be more bargaining to come as part of these national negotiations, but we are confident that we will succeed.

Rail Safety Legislation

We were proud to support Sen. Steve Lynch's (D-MA) legislation for rail safety that required rail employee training that he introduced last year. For too long the rail corporations have kept silent on their safety and security plans. They wouldn't even give the plans to Congress. Sen. Lynch's proposal was one of the first to recognize the integral role our members perform with safety and security on the job. No one knows better than you that what you see daily on the rails is vulnerable and unsecured. And, in order to better perform your jobs and protect our nation's rail infrastructure, you need

specific safety and evacuation training. As first-responders to all rail accidents, you need to know how to deal with suspicious packages, unauthorized individuals, and derailments that may include toxic chemicals.

In Nebraska, which boasts some of the largest freight shipments in the United States, Sen. Matt Conneally (D-NE) just introduced legislation that calls for increased communications between the rail corporations and police and fire officials. This is an example of local government leaders taking seriously the threat of accidents and terrorism on the rails.

Together, we will keep fighting to bring workplace safety and public safety on the rails to the forefront of America's security agenda.

James P. Hoffa
Teamsters General President



LEGAL AID PROGRAM LIST

Here is an updated list of the approved attorneys in the BMWED'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.

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 case of personal injury or death while employed on a railroad, a BMWED member or his family has access to competent legal counsel in making claims under the FELA.

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

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PERSPECTIVE

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lessing into a united force. The carriers' desire to jettison its workforce through wholesale contracting out and job elimination across all crafts has brought the majority of Rail Labor to its senses. The move to force one-man train operations on the operating crafts, with little concern for safety and at the expense of one operating craft over the other, has recently lead to a "burying of the hatchet" in the long-simmering feud between the two operating crafts. They too have each realized that their interests are aligned with one another, and with all of Rail Labor. As any field general can attest, you cannot win decisive battles with disunity and mistrust within the ranks. To achieve victory, we must stand together and fight together; or we will surely be picked off one-by-one.

Rail Labor has countered the carriers' divide and conquer strategy with our own strategy of unity, solidarity, and cooperation. The National Carriers' Conference Committee (NCCC), the railroad industry's own bargaining coalition, has been uncertain in its direction, unable to keep an even keel in the face of labor's surge of unity. Several times over the past year, the carriers have requested release from mediation, only then to withdraw their request in order to quell the rising tide of political indignation. In bargaining, they have insisted on their need to cut the workforce to the bone, while at the same time each individual railroad desperately struggles to hire and retain qualified employees to man their money-making enterprise. And many times, most recently during Hurricanes Rita and Katrina, railroad managers have lauded the skills and dedication of their loyal employees in restoring rail service; all the while as their bargaining representatives continue seeking the wholesale destruction of Rail Labor and its workforce.

The recent winds of change should be taken as a good omen, and an opportunity, by all the leadership and membership of Rail Labor. When our organizations and our memberships stand united, we are undoubtedly a more formidable force than when we stand divided. When we unite around the principle, "an injury to one is an injury to all," we are better positioned to withstand the coming onslaught and defend our individual and collective interests against our powerful adversaries. And when we put aside all of our petty craft differences and rally around those interests that unite us, Rail Labor will defeat the forces aligned to destroy our jobs, our families, and our way of life.

"United we Stand; Divided we Fall" is not just a slogan. It is a means to an end, a path to a goal, and our last and greatest hope for victory.

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 BMWED-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."

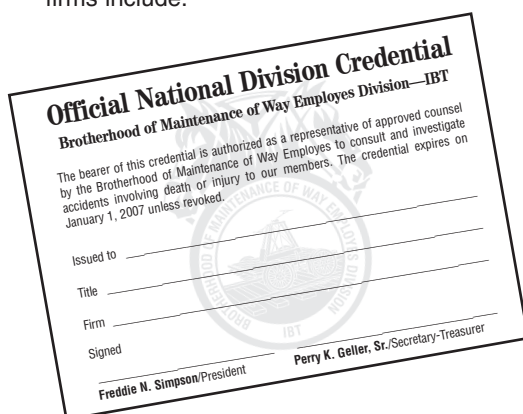
Since most people don't deal with lawyers except in a time of need, the BMWED has a long-standing policy of evaluating FELA law firms. Using established guidelines, the BMWED chooses the best to be on its approved or designated list which is printed twice yearly in the BMWED Journal.

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 BMWED 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 BMWED credentials each year. If an attorney contacts you, be sure to ask for his credential.



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Carriers Withdraw Request for Mediation Board Release

Continued from Page 1

Representative Don Young (R-Alaska), Chairman of the House Transportation & Infrastructure Committee, wrote "Congressional intervention in any transportation labor dispute should always be a very last resort. My additional concern is that we may be headed for conflict among the branches of government. I therefore recommend that the Board carefully consider whether it would be prudent to release the parties from mediation before the courts have resolved the pending litigation."

Representative Steven LaTourette (R-OH), Chairman of the Railroad Subcommittee of the T&I Committee, echoed Rep. Young's warning, stating "Congressional intervention is neither assured nor guaranteed for either party if resolution is left to the Congress. Again, I encourage both parties to redouble their efforts to reach an agreement."

Representative James Oberstar (D-MN), Ranking Democrat on the House Transportation & Infrastructure Committee, wrote "I want to be very clear. There should be no expectation by either party that the Congress will become involved in this dispute, even in the event a PEB is established and recommendations are issued. It is never certain what Congress will do in these situations. Countermeasures and other safeguards, possibly even unrelated railroad measures, could be attached to such legislation. It is therefore in the best interest of both parties to reach voluntary agreement."

In the face of these unexpected pressures, the carrier's letter to the NMB withdrawing their request for release stated, "While our view regarding the likelihood of reaching voluntary agreement with the RLBC and the UTU have not changed, and we remain confident that the railroads will ultimately prevail in the UTU litigation, we believe Chairman Young's concerns and admonitions must be given serious consideration. Moreover, we are mindful that this situation has placed the Board in a very difficult position."

The Board has directed the parties to continue negotiations. The NCCC and RLBC met on January 31 and

February 1, and again on February 7 and 8, 2006. Additional sessions have been scheduled for April 11-13, 2006, May 22-24, 2006 and June 13-15, 2006 as this edition of the Journal went to press. BMWED President Freddie Simpson said, "I'm pleased the NMB rejected the Carrier's premature request for release from mediation. It is premature to refuse to bargain over the serious items both sides have placed on the table. What this round of negotiations needs is patience, hard work and willingness on both sides to listen and respond meaningfully to the other's issues. I look forward to sitting down with the

rest of the RLBC members and engaging in meaningful bargaining with the carriers over the important issues facing all rail workers."

The RLBC consists of 7 Rail Unions, including the Brotherhood of Maintenance of Way Employees Division (BMWED), Brotherhood of Locomotive Engineers and Trainmen (BLET), American Train Dispatchers Association (ATDA), National Conference of Firemen and Oilers (SEIU), International Brotherhood of Boilermakers (IBB), Sheet Metal Workers International Association (SMWIA), and the Brotherhood of Railroad Signalmen (BRS). Both the BMWED and the BLET are members of the Teamsters Rail Conference.

ELECTION SUPERVISOR'S REPORT TO BMWED MEMBERS

Delegate Nominations Complete-Elections are Underway: – All BMWED System Federations are finished with nominations. The calendar for March and April 2006 is already marked with election dates for System Federations that are having mail ballot elections. It's easy to get information about the nomination meeting results, the date of your System Federation mail ballot election in any contested delegate election, and the names of any delegates certified as elected. Just go to www.ibtvote.org and follow the links.

The image shows three screenshots from the IBTVote website. The first screenshot is the homepage with a 'Welcome to IBTVote' message and links for 'Delegate Elections', 'Nominations', and 'Ballot Count'. The second screenshot is the 'Delegate Elections' page, showing a list of local union nominations and election dates. The third screenshot is the 'Dates, Times, and Places - BMWED' page, which lists the tentative dates, times, and places for BMWED nominations, meetings, and election ballot counts. A table is provided for the 'As of: February 3, 2006'.

OF	FED	BAR	DESIGNATION	NOMINATIONS MEETING	DATE/TIME/LOCATION	WALL OFF NAME	ELECTION BALLOT COUNT
1	1	1	Water Spring	January 27, 2006, 7PM, Water Spring, not Counted Exchange, South Road, N.Y. 11975	WHITE BALLOT		
2	2	2	Water Spring	January 28, 2006, 7PM, Water Spring, not Counted Exchange, South Road, N.Y. 11975	WHITE BALLOT	February 10, 2006	March 8, 2006, 10AM, 10000 1st Ave, N.Y. 11975
3	3	3	Water Spring	February 10, 2006, 7PM, 1000 1st Ave, N.Y. 11975	WHITE BALLOT	March 15, 2006	April 5, 2006, 10AM, 1000 1st Ave, N.Y. 11975
4	4	4	Water Spring	February 11, 2006, 7PM, 1000 1st Ave, N.Y. 11975	WHITE BALLOT	March 15, 2006	April 5, 2006, 10AM, 1000 1st Ave, N.Y. 11975

Voter participation – If you believe that you are eligible to vote and have not received a mail ballot packet within fourteen days of the date that ballots must be received at the return post office address for counting, contact your System Federation and ask to have a ballot mailed to you. To be eligible to vote you must have your dues paid up through the month before the month of the election. For your ballot to be counted, you must be eligible to vote and your ballot must be received at the post office box for voted ballots on or before the date of the election.

Correct Date for the International Convention: – The 27th IBT International Convention will take place in Las Vegas, Nevada on **June 26-30, 2006**. The Timetable of Events published in the 2006 Rules erroneously states June 25-29, 2006 as the dates for the 27th IBT International Convention. Disregard that printed date and write the correct date for the convention in your booklet or other copy of the 2006 Rules.

International Officer Campaign Material: – Accredited candidates for IBT International Office published campaign material in the February 2006 issue of Teamster magazine.

The image shows a screenshot of the Teamsters website. The main heading is '2006 Election Campaign Literature'. Below the heading, there are links for 'Resources', 'Join', 'Member Benefits', 'Resources', 'Divisions/Conferences', and 'Teamster Action'. The 'Resources' link is highlighted, and a box labeled '2006 Election Campaign Literature' is shown. The box contains links for 'For Local Union Leaders', 'For Local Union Stewards', 'For Local Union Organizers', 'For Local Union Students', 'For Local Union Retirees', and 'For Local Union Members'.

Want to review that material or get another copy? Go to www.teamster.org

Click on "2006 Election Campaign Literature," and follow the links to the campaign literature of the slates.

Do You Want Your Own Copy of the 2006 Rules? – Contact the Election Supervisor's Office in Washington, D.C. and request your copy of the 2006 Rules. Rules booklets are available in English, Spanish and French. Call toll-free 888-IBT-2006 (888-429-2006) or send your request by email to ElectionSupervisor@IBTVote.Org

Richard W. Mark
Election Supervisor

Centenarians

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

Alvero Jones

A Pleasanton, California resident, Brother Jones celebrated his 100th birthday on December 9, 2005. He last worked for the Feather River Railway Company, where he retired as a Foreman.

Lester E. Schweiger

A King Wisconsin resident, Brother Schweiger celebrated his 100th birthday on December 19, 2005. He last worked for the Chicago & North Western Railroad Company where he retired as a Section Laborer.

David Nelson

A Ponce De Leon, Florida resident, Brother Nelson celebrated his 100th birthday on February 13, 2006. He last worked for Louisville and Nashville Railroad Company, where he retired as a Section Laborer.

The BMWED extends sincere best wishes to all of our retired centenarians. Happy Birthday!



ROLL OF HONOR



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
Benjamin Armour	CRSF	0305	1941
Anthony Buoncore	CRSF	0305	1943
William M. Carter	AEF	0338	1945
Jesse H. Chambers	SP ATL	1137	1939
Harry A. Chrell	CRSF	1234	1943
Cosmo Costello	CRSF	1650	1944
Foster Cranshaw	CRSF	0305	1944
Anthony D Intino	CRSF	0305	1942
Frank J. Danicic	CRSF	1234	1936
Phillip Deciuceis	CRSF	0305	1944
Edward Demba	CRSF	0305	1939
Andrew Gargan	CRSF	0305	1937
Antonio Giuttari	CRSF	0305	1935
Alvin E. Graf	BURNOR	0303	1945
Charles M. Gresham	CRSF	0305	1944
John Gura	CRSF	0305	1948
Kenneth Haley	CRSF	0305	1942
Annette E. Harvey	CRSF	0305	1944
George A. Krykowsky	CRSF	0305	1943
Jacob P. Kuntz	BURNOR	0303	1937
Lloyd E. Linn	AEF	0061	1944
Anthony J. Malinconico	CRSF	0305	1938
Michael Mariano	CRSF	0305	1942
Sam Paonessa	CRSF	0305	1928
Harold E. Plocker	C&NW	1879	1945
Frank Potenza	CRSF	0305	1944
Alfred Puryear	CRSF	0305	1942
Emidio Quatrocchi	CRSF	0305	1935
Donald Roberg	C&NW	0519	1945
Thomas Savino	CRSF	0305	1942
Fred R. Seman	CRSF	1234	1942
Noble L. Shinn	BURL	0788	1944
Kenneth Shively	CRSF	0305	1942
Harold T. Smith	CRSF	0305	1942
John W. Summers	UN PAC	0874	1941
Fred H. Thomas	UN PAC	0874	1943
Frank Vecchione	CRSF	0305	1936
Amedeo Velocci	CRSF	0305	1938
Steve Whoric	CRSF	2779	1945



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
Manuel C. Acevedo	CRSF	1396	1952
Virgil Aggazio	CRSF	2775	1949
Cruz C. Arroyo	CRSF	1396	1953
Harry C. August	CRSF	1234	1950
Gust J. Bellas	CRSF	1037	1948
Eugene E. Boone	CRSF	1396	1948
L. A. Brunory	CRSF	2779	1946
Albert C. Burley	CRSF	1396	1948
Harold T. Cerilli	CRSF	2775	1951
Paul Crowley	CRSF	1234	1951
Louis Cusano	CRSF	2775	1946
Peter De Filippo	CRSF	0305	1952
Orlando De Stefano	CRSF	0305	1952
Alessandr Di Valentino	CRSF	0305	1951
Anthony Dilisio	CRSF	2775	1946
Paul G. Everhart	BURL	1105	1954
Joseph Fleming	CRSF	2779	1948
Michael L. Fontana	CRSF	2775	1948
Clifford B. Foulk	SP ATL	1137	1947
Sam L. Frank	CRSF	2775	1953
Peter Galisin	CRSF	2775	1951
William C. Gibson	CRSF	0305	1952
Steve Gripp	C&NW	2854	1955
Leonard W. Harris	CRSF	1657	1948
Lloyd E. Hedlund	BURL	1888	1953
James E. Hewitt	UN PAC	0874	1952
Edgbert Hicks	CRSF	1264	1949
Michael Kresho Jr	CRSF	2779	1946
Raymond Lambert	CRSF	1037	1948
Francis Lavadour	UN PAC	0874	1950

John H. Mandralla	CRSF	1650	1946
Edward P. Mascio	CRSF	1234	1948
Willie A. Mc Michael	CRSF	1657	1949
Arthur F. Miley	CRSF	1900	1949
Lawrence H. Mitchell	CRSF	1904	1952
James E. Moore	SP ATL	1137	1946
Ernest Morris	UN PAC	0874	1950
Donald Otto	BURNOR	0249	1955
Julio Pacheco	CRSF	1900	1948
Lemon W. Paige Jr	CRSF	1657	1949
Angelo Polignano	CRSF	2775	1952
Robert E. Powell	BURL	0788	1953
James R. Prescott	BURNOR	0303	1955
Joseph W. Pugh	ASF	0599	1956
Albert H. Riesterer	CRSF	1650	1949
Carl L. Rogiero	CRSF	2775	1946
Alberto Romagna II	CRSF	2775	1947
Eugene Romano	CRSF	2775	1954
Walter H. Ropke	CRSF	1900	1952
Salvador O. Santana	CRSF	1595	1953
R. J. Schmoker	BURNOR	0303	1951
Lawrence W. Seaman	CRSF	2780	1952
Jerome Shapiola	CRSF	0305	1951
Dominick Sparandeo	CRSF	0305	1951
Douglas Tabor	CRSF	1657	1949
Eddie Teck	CRSF	2775	1951
Luther Tennie	CRSF	0305	1952
Pierino Troia	CRSF	2775	1951



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
Ray Bolen	CRSF	1595	1964
Gerald R. Clark	BURNOR	0236	2001
John C. Epler	PACFED	1054	1956
Robert J. Feigert	BURNOR	0303	1956
Wilford Fiest	CRSF	1234	1959
Roy L. Gardner	UN PAC	0874	1963
John R. Gray Jr	UN PAC	0874	1968
Dale L. Klipfel	BURNOR	0303	1965
Duane J. Klostreich	BURNOR	0303	1964
Eugene Lemley	CRSF	2779	1957
Virgil E. Malard	BURNOR	0303	1962
William D. Nicklow Jr	CRSF	1657	1964
Floyd W. Ryhal	CRSF	1234	1963
Leon Saldana	PACFED	1054	1957
Rodney Speidel	BURNOR	0303	1965
Bob E. West	UN PAC	0874	1957
Freeman O. Wilson	CRSF	1657	1964



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
Robert L. Adams	CRSF	1264	1975
William M. Alert	CRSF	0991	1976
Fred E. Allen	BURL	0788	1974
George L. Allen	CRSF	1904	1973
Vann E. Allen	CRSF	1037	1969
Wesley R. Allen	UN PAC	0874	1973
Steven J. Anger	C&NW	1879	1975
Dennis K. Ansley	CRSF	1900	1974
John N. Anthony	ICGF	1067	1968
Elmer Auch	PACFED	1054	1967
Dave E. Austin	C&NW	1757	1975
Joseph R. Austin	CRSF	1650	1970
Kenneth E. Backhaus	PACFED	1054	1970
Kempie L. Baker	CRSF	1037	1975
William J. Baldwin	UN PAC	0874	1969
Joseph E. Baragona	CRSF	1234	1973
Robert D. Barrett	CRSF	1037	1975
Edward B. Barrow	PACFED	1054	1970
Wayne W. Becker	BURNOR	0303	1974
William T. Benner	CRSF	1234	1972
David W. Bledsoe	CRSF	1396	1974
Randy A. Bledsoe	CRSF	1396	1974
Gary L. Blose	CRSF	1904	1967
Allen A. Bollinger	BURNOR	0303	1973
Earl Bostick	CRSF	1657	1974
Wayne L. Bowen	CRSF	1234	1970
Harold Bowman	SP ATL	1137	1974
James Bowman	SP ATL	1137	1974
James L. Bradley	CRSF	2775	1975
L. C. Brandenburg	BURNOR	0303	1970
C. A. Branham	CRSF	1264	1973
Joseph P. Brewer	C&NW	0381	1976
Jeffrey J. Briley	CRSF	0305	1974
Herbert Britton	SEAB	2067	1970

Gary E. Bronson	BURL	0788	1974
Cleveland L. Brown	SP ATL	1137	1970
Tyrone C. Brown	AEF	0075	1975
R. N. Brumley Jr	CRSF	2779	1970
Paul Burns	CRSF	2779	1970
Steven D. Burns	CRSF	1595	1970
Richard E. Bushinski	C&NW	1879	1975
Richard C. Burrows	CRSF	1657	1974
Danny R. Buxton	UN PAC	0874	1975
Jan M. Bylin	SOO	0019	1972
David G. Cable	C&NW	0298	1975
Steven R. Campbell	CRSF	1657	1970
David E. Canas	CRSF	1037	1974
Ernest B. Capps	AEF	0075	1975
Nick Cardera	CRSF	1650	1974
V. S. Cardona	CRSF	1650	1974
Scott J. Carlson	CRSF	1900	1975
Michael A. Carpenter	CRSF	1037	1975
Samuel L. Carpenter	UN PAC	0874	1974
Wayne G. Carter	AEF	0075	1975
Richard L. Caskey	ICGF	1067	1974
H. D. Caudill	CRSF	1396	1974
Rodney J. Chamness	ICGF	1069	1975
Kenneth G. Champa	CRSF	1657	1975
Clarence R. Charles	CRSF	1037	1975
Harvey Chase	CRSF	1037	1971
Huntington B. Christie	CRSF	1904	1973
Charles A. Christman	CRSF	1900	1974
Robert R. Clark	UN PAC	0874	1970
Wesley A. Cleaver	UN PAC	0874	1975
Galen L. Clifton	CRSF	1037	1974
Donald J. Cole	CRSF	1657	1975
A. P. Colecchi	CRSF	2779	1970
Michael L. Collier	BURL	0788	1975
Steve Cool	CRSF	1595	1973
Robert A. Cooper	SEAB	2067	1971
Charles Cordell	CRSF	1900	1971
Wade L. Courtney	PENNN	3007	1975
Norman C. Cushing	CRSF	1264	1975
Joseph Cvelbar	CRSF	1234	1974
Quincy Daniels	SEAB	2067	1972
R. R. Dauer	CRSF	2775	1973
Anthony De Vivo	CRSF	0305	1975
William R. Dickinson	CRSF	1657	1970
Steven W. Diesem	BURNOR	0303	1973
Robert Dixon III	CRSF	0305	1972
George E. Dombroski	CRSF	0305	1974
Brian J. Donnelly	CRSF	2775	1975
Billy E. Dossett	ICGF	1067	1969
Lester Dukes	CRSF	1595	1971
David Durham	SP ATL	1137	1972
Brian L. Eckart	BURNOR	0303	1972
Scott Edwards	C&NW	0239	1975
Ricky Engler	C&NW	0239	1975
Sam Emery	CRSF	1396	1970
Ralph Evans	SEAB	2067	1974
Everett L. Everett	PACFED	1054	1971
Richard D. Fairbaugh	CRSF	2779	1974
Blaine Fanning	UN PAC	0874	1971
George S. Favire Jr	CRSF	0305	1975
Ronald D. Finstad	C&NW	0298	1975
James Fleming	SEAB	2067	1973
Charles B. Flick	CRSD	2910	1975
Teddy G. Floyd	CRSF	1264	1972
Terry A. Floyd	BURL	0788	1974
Ronald Foster	CRSF	1657	1973
Charles S. Fountain	SEAB	2067	1974
Larry L. Fountain	CRSF	1037	1975
Thane K. Friedl	C&NW	1034	1975
Mark S. Galiyas	CRSF	2779	1973
Kenneth E. Ganoe	AEF	0695	1975
Douglas Ganster	CRSF	1904	1968
James H. Garden	CRSF	1234	1973
Rodney L. Garhart	UN PAC	0874	1975
Charles R. Gatewood	C&NW	1148	1975
James P. Gee	CRSF	1264	1971
William J. Geer	CRSF	2775	1972
Gary W. Geho	CRSF	1037	1975
Robert M. Germano	CRSF	1234	1974
Michael T. Gibson	CRSF	1900	1973
S. J. Gifford	CRSF	1900	1973
Ronald R. Gilliland	CRSF	1904	1973
Clinton A. Gillis	SEAB	2067	1972
Donald A. Glista	CRSF	1234	1973
Jimmie L. Golden	SEAB	2067	1972
Robert Gonzales	PACFED	1054	1971
Henry L. Gordon	SEAB	2067	1973
Raymond E. Gordon	C&NW	0343	1976
Melvin A. Grames Jr	CRSF	1037	1974
Kent A. Gutierrez	UN PAC	0874	1974
Gale A. Hamel	SOO	0019	1971
Steve D. Hamm	CRSF	1264	1973
William L. Harrison	C&NW	0342	1975
James E. Harsh	CRSF	1264	1972
Lorenzo Heard	CRSF	2775	1969
Moses Hepburn	CRSF	1657	1969
Robert E. Hill	UN PAC	0874	1975
Dennis L. Hitt	SP ATL	1137	1971
Michael P. Hixenbaugh	CRSF	2779	1972
William D. Hodgkins	C&NW	2854	1976
Trevor E. Hoffman	CRSF	1234	1972
John M. Holler	CRSF	1900	1972
Frank B. Hone	CRSF	2779	1972
James E. Hopkins	CRSF	1037	1970
William H. Irvine	CRSF	1657	1971
James J. Jackson	CRSF	1037	1974
John A. Jarrell	CRSF	1595	1975
Obbie Jarrell	CRSF	1595	1970

Joe Jelks	ICGF	1069	1974
James W. Jensen	C&NW	1847	1975
Arthur Johnson Jr	CRSF	1595	1973
Bernice Jones	CRSF	0305	1974
Darrell R. Jones	CRSF	1595	1971
Gordon Jorgenson	SOO	0019	1973
Cecil F. Joyner	SEAB	2067	1969
Paul Q. Junger	C&NW	0298	1975
Edwin Keffer	CRSF	2779	1973
Larry E. Keller	ICGF	1069	1974
Lamar Kemp	CRSF	1657	1974
Benjamin R. Kennedy	BURL	0788	1974
Francis V. Kenney	CRSF	2779	1973
Michael Key	CRSF	1900	1972
Rex P. Kline	CRSF	1037	1975
Charles F. Knappe	UN PAC	0874	1967
James D. Knight	SEAB	2067	1974
Philip J. Kolcan	CRSF	1657	1974
Thomas L. Koon	CRSF	2779	1974
Harry J. Korn	CRSF	2779	1974
Gary W. Kratz	ICGF	1067	1972
Douglas D. Krizan	CRSF	1900	1974
Thomas R. Laird	UN PAC	0874	1968
Robert M. Lay	CRSF	1037	1970
James Lee	BURNOR	0303	1973
Dolan T. Leguard	CRSF	1234	1975
John P. Lesko	CRSF	1234	1973
James M. Letro	CRSF	1234	1971
Artie L. Lett	ICGF	1067	1970
Thomas E. Lilly	CRSF	1264	1975
Bradley Littleton	CRSF	1595	1967
B. J. Lloyd	SEAB	2067	1974
Harry Lloyd Jr	SEAB	2067	1971
Andrew J. Lodzinski	CRSF	1037	1975
Patrick W. Love	CRSF	1595	1968
Terry E. Lowman	C&NW	1757	1975
Michael R. Luteran	CRSF	1234	1972
John D. Lybarger	ICGF	1069	1975
Neil F. Magoulick	CRSF	1595	1974
James B. Manning	CRSF	1037	1975
Bernard W. Mason	CRSF	2775	1972
Robert M. Matherne	SP ATL	1048	1976
Tullio Mattie	CRSF	2779	1971
Patrick J. Mc Carthy	CRSD	2910	1975
Steven C. Mc Clard	SP ATL	1137	1974
Randy D. Mc Kee	CRSF	1900	1974
Raymond L. Mc Neese	UN PAC	0874	1975
Richard A. Mc Nutt	PACFED	1054	1968
Steve Mc Pherson	CRSF	1037	1975
John A. Mc Quillen	CRSF	1595	1970
Marvin M. Meisch	BURNOR	0303	1975
Donald W. Melhouse	SOO	0019	1974
Roger D. Meridith	ICGF	2834	1975
Jerome D. Meyer	ICGF	1067	1974
Marlin G. Miller	SOO	0019	1969
Michael K. Miller	CRSF	1900	1973
William P. Moglia	CRSF	0305	1975
Allen D. Mohr	ICGF	1069	1975
Pete R. Molina	CRSF	1037	1971
Louie G. Mongenel	CRSF	1650	1974
Lee A. Montgomery	C&NW	2853	1975
Reynaldo Moreno	UN PAC	0874	1974
Gerald W. Morgan	SEAB	2067	1972
Leonard C. Morlan	CRSF	1595	1971
Rodney W. Mullins	CRSF	1264	1975
Charles C. Musgraves Jr	SP ATL	1137	1975
Marvin J. Naegele	BURL	1105	1975
Richard K. Nelson	CRSF	1037	1975
Willie L. Nesmith	CRSF	0305	1972
Daryl R. Neumiller	BURNOR	0303	1967
Merle A. Neunaber	BURL	0788	1974
Lonnie R. Nielsen	C&NW	1879	1975
James K. Noble	AEF	1745	1975
Walter E. Nowalk	CRSF	1264	1972
David E. Nygren	BURNOR	0303	1972
Jack F. O'Brien	CRSF	1595	1974
Robert A. O'Neil	C&NW	2853	1975
Jim T. Ogdahl	CRSF	1037	1974
Donald M. Oren	CRSF	1900	1973
John C. Oros	BURL	1302	1975
William Orr	CRSF	1234	1973
William A. Overton	BURL	0788	1970
D. F. Pack	SEAB	2067	1974
Mark A. Pahls	CRSF	1234	1973
Jack W. Palmer	CRSF	1037	1975
Lawrence S. Papalas	CRSF	1234	1973
Richard W. Papst	CRSF	1264	1975
Leroy Parker	CRSF	0305	1973
Clayton M. Parrigan	CRSF	1900	1974
Jack A. Patterson	CRSF	1900	1974
Peter M. Paulson	C&NW	0298	1975
Randy G. Paulson	C&NW	1125	1975
Gregg G. Perrenoud	UN PAC	0874	1973
Michael F. Perrier	C&NW	1879	1975
Benny Perry	CRSF	1900	1972
Danny Perry	CRSF	1595	1973
Dwain Perry	CRSF	1595	1969
Joseph P. Pesartic	CRSF	1037	1971
Ronald L. Peters	BURL	0788	1973
Michael Petronio	CRSF	1234	1974
Mike R. Pfister	ICGF	1069	1974
H Allen Pickell III	CRSD	2910	1975
Thomas E. Pierce	CRSF	2779	1975
Louis D. Pinola	CRSF	0305	1976
Earnest H. Porter	CRSF	1900	1970
Antonio Rijo	CRSF	0305	1975
Aaron L. Robinson	SEAB	2067	1971
Gary L. Robinson	ICGF	1067	1970



Hilario Rodriguez	CRSF	1037	1970
Jose G. Rodriguez	C&NW	1152	1975
Paul W. Rollo	CRSF	1037	1974
M. Roman	CRSF	1396	1969
Jack Rosario	CRSF	1650	1975
Danny A. Rose	SP ATL	1137	1974
Kirk D. Rosel	C&NW	1847	1975
Joe H. Ruepke	BURL	0788	1974
Hardy H. Rushing	SEAB	2067	1973
Richard J. Sailsbury	C&NW	0437	1976
Joel Salazar	CRSF	1657	1969
Louis E. Salvati	CRSF	1264	1975
Gilbert A. Sampson	PACFED	1054	1971
Jose R. Santiago	CRSF	2775	1968
Cleo L. Schaefer	SP ATL	1137	1972
Douglas C. Schaubert	BURL	0788	1974
Daniel H. Schmidt	CRSF	1657	1974
Charles D. Schwab	CRSF	1904	1969
Donald E. Scott	CRSF	1234	1974
Mark A. Secco	C&NW	0377	1976
Robert J. Seckinger	SEAB	2067	1972
Jack W. See	CRSF	1595	1974
Gary L. Self	ICGF	1067	1966
John D. Senich	CRSF	1234	1972
Larry W. Shafer	CRSF	1264	1975
Jack A. Shank	CRSF	1904	1973
John M. Shopinski	BURL	0788	1973
James E. Shrieve	CRSF	1657	1975
Eric V. Silket	CRSF	1595	1973
Louis Silvestre	CRSF	2779	1971
Robert L. Sims	SEAB	2067	1973
James R. Sloan	C&NW	0343	1975
William H. Smith Jr	SEAB	2067	1972
Douglas A. Snider	CRSF	1037	1974
Jack L. Snyder	ICGF	1067	1967
Tim S. Sobie	CRSF	1657	1975
T. C. Sochor	CRSF	2775	1970
Rocco L. Sperati	CRSF	1234	1973
Terry L. Sproat	CRSF	2779	1969
Thomas D. Sprouse	CRSF	1396	1972
Michael W. Stasik	CRSF	2779	1972
Harry E. Stewart	BURL	0788	1974
Carl L. Stickelmeyer	CRSF	1234	1971
James D. Stimmler Jr	CRSD	2910	1975
Evan H. Stromberg	CRSF	1657	1975
Richard A. Stull	CRSF	2775	1973
Robert L. Sweigart	CRSD	2910	1975
Gerard R. Swenson	BURNOR	0303	1971
William B. Sweval	CRSF	1264	1970
Raymond I. Tate	CRSF	1037	1975
Mack Taylor	SEAB	2067	1973
William J. Taylor	UN PAC	0874	1974
David L. Terrill	SP ATL	1137	1971
Danny C. Thorn	C&NW	0381	1975
Alfred D. Todd Jr	CRSF	1657	1973
Steven E. Tompkins	BURNOR	0303	1975
Melferd L. Torkelson	C&NW	1757	1975
Danny Tropea	CRSF	2775	1972
James R. Troup Jr	CRSF	1904	1971
Edward Tucker	SEAB	2067	1970
James F. Turner	SEAB	2067	1971
Terry S. Van Sickle	CRSF	2779	1973
Juan M. Vega	PACFED	1054	1969
E. R. Velez	CRSF	2775	1973
Elia V. Vicente	CRSF	1650	1968
Mike F. Vines	CRSF	1264	1975
Lonnie J. Vodenichar	CRSF	2775	1975
Arthur L. Wallace	CRSF	1904	1969
Charles H. Wallwork	UN PAC	0874	1973
Bernard M. Walton	CRSF	1595	1973
Bruce L. Ward	C&NW	1034	1975
Mike L. Watson	CRSF	1900	1971
Charles D. Watts	AEF	1745	1975
James Watts	CRSF	1657	1975
Michael Weber	SOO	0019	1972
James A. Wheeler	UN PAC	0874	1972
Mark W. Whitacre	CRSF	2779	1972
Robert H. Wiederrich	BURNOR	0303	1973
Daniel J. Williams	CRSF	1264	1975
Joseph Williams	CRSF	2775	1969
Gary D. Wilson	PACFED	1054	1967
John T. Wilson	CRSF	2775	1973
Gordon L. Winchester	C&NW	0410	1975

G. N. Windisch	CRSF	1037	1974
Randolph Winn	SEAB	2067	1973
Timothy W. Wireman	CRSF	1900	1973
John A. Wiseman	AEF	1745	1975
Donald R. Wood	ICGF	1067	1972
Wesley Wood	SOO	0019	1974
Robert A. Zenner	C&NW	2854	1975



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
E. Aguilar	C&NW	0377	1986
Ben R. Bartmess	UN PAC	0874	1976
Allan M. Bland	SEAB	2067	1986
Steve E. Burgus	UN PAC	0874	1977
James R. Chastain	SP ATL	1137	1978
Timothy Chicirda	CRSD	2910	1985
Ricky D. Conner	SEAB	2067	1979
Timothy J. Coon	CRSF	1037	1978
Theodore T. Cooper	SEAB	2067	1977
Christopher R. Covill	CRSF	1037	1976
D. E. Crews	SEAB	2067	1978
Donald W. Dacus	UN PAC	0874	1976
Ronnie M. Davis	SEAB	2067	1979
Warren M. Davis	CRSF	2779	1976
Mitchell Davis Jr	SEAB	2067	1977
Curtis D. Diede	BURNOR	0303	1981
Patrick K. Donohue	ICGF	1067	1977
John A. Dorazio	CRSF	1650	1979
Larry A. Duncan	UN PAC	0874	1979
Daryl Eckes	SOO	0019	1977
Johnny Edwards	CRSD	2910	1985
Vincent Endrik	CRSD	2910	1985
Russell J. Fiebigler	SOO	0019	1991
T. C. Fitzgibbon	SEAB	2067	1981
Nathaniel Gadsdon	CRSF	0305	1978
Max F. Garner	UN PAC	0874	1976
Lane R. Gillis	UN PAC	0874	1976
Hector Guerra	UN PAC	0874	1977
David F. Hansley	SEAB	2067	1977
Marion Hawkins	CRSF	0305	1983
Brian Hubbard	CRSF	1657	1976
Edgar T. Hughes	UN PAC	0874	1976
Wallace J. Keith	PACFED	1246	1979
Albert L. Kelley	UN PAC	0874	1976
E. C. Madray	SEAB	2067	1978
Richard L. Matson	UN PAC	0874	1979
T. Mc Iver	SEAB	2067	1977
Thomas G. Melvin	CRSF	2775	1978
Louie G. Mongenel	CRSF	1650	1974
Kim E. Murphy	UN PAC	0874	1977
Felipe R. Navarrete	UN PAC	0874	1977
R. B. Oliver	SEAB	2067	1981
James D. Orlando	CRSF	2779	1978
Steven W. Pfel	UN PAC	0874	1977
Gary D. Pittser	UN PAC	0874	1979
Louis J. Pizano	C&NW	0377	1985
Timothy N. Roberts	UN PAC	0874	1979
Jose M. Sanchez	UN PAC	0874	1978
Richard D. Shade	UN PAC	0874	1977
Elmer J. Shaw	SP ATL	1137	1980
Steven H. Smaage	SOO	0019	1980
Michael A. Smietana	UN PAC	0874	1976
Earl M. Smith	SEAB	2067	1981
Richard N. Sorn Jr	UN PAC	0874	1984
R. T. Spangler	UN PAC	0874	1977
Cleophus H. Staples	CRSF	1037	1980
Lorenzo Toledo	UN PAC	0874	1981
Randy L. Treanor	UN PAC	0874	1977
Richard L. True	UN PAC	0874	1977
R. C. Van Hoozer	SP ATL	1137	1979
Terrence L. Zbylut	UN PAC	0874	1984
Darrell E. Zimmerman	SP ATL	1137	1976



LODGE NAME	MEMBER SYSTEM	NUMBER	SINCE
Thomas G. Beck	CRSF	0305	1993
W. D. Bennett	UN PAC	0874	1989
Brian M. Blaylock	UN PAC	0874	1992
Levi W. Boggs	BURL	0788	1994
Brian A. Buchholtz	BURNOR	0303	1995
Elvis P. Burton	UN PAC	0874	1989
Donnie W. Dennis	ICGF	1067	1989
Thomas M. Depcik	C&NW	0591	1995
Danny G. Ederer	ICGF	1067	1994
Robert B. Elder	SP ATL	1137	1980
Henry T. Eoff	UN PAC	0874	1989
Audrey J. Garcia	BURNOR	0297	1995
Roger A. Greenstein	BURNOR	0303	1992
Enrique Guzman	C&NW	0591	1995
Daron J. Hamilton	UN PAC	0874	1993
Reginald B. Hart	ICGF	1067	1989
Dale L. Hendrickson	UN PAC	0874	1990
Michael A. Hill	C&NW	0377	1995
Patrick J. Hill	ICGF	1067	1994

T. D. Hudson	SP ATL	1137	1995
Stanley A. Johnson	UN PAC	0874	1987
Milton G. Jones	ICGF	1067	1989
Charles Krzywicki	CRSF	0305	1993
Matthew J. Ludwig	C&NW	0591	1995
Frank Mead	C&NW	0377	1995
Michael J. Moore	CRSF	0305	1993
Ernie Morrison	UN PAC	0874	1990
Douglas W. Newton	BURL	0788	1994
Eric Ottwell	ICGF	1067	1995
Patrick M. Piggott	UN PAC	0874	1992
Perry D. Powell	UN PAC	0874	1993
John A. Ptak	CRSF	0305	1992
Robert E. Reese	UN PAC	0874	1986
Kevin S. Robins	UN PAC	0874	1991
D. R. Ruark	SP ATL	1137	1995
Robert D. Sarman	UN PAC	0874	1993
Gary A. Saunders	UN PAC	0874	1990
Chris A. Schlader	BURNOR	0303	1992
Richard A. Smith	UN PAC	0874	1989
John B. Stout	ICGF	1067	1989
Edward J. Straatman	ICGF	1067	1987
Adolfo Terrazas	ICGF	1067	1994
Michael G. Whitebread	UN PAC	0874	1993
Henry E. Wilhelm	UN PAC	0874	1991
Charles A. Wilson	C&NW	0377	1995
Larry G. Williams	SP ATL	1137	1995
Richard D. Wright Jr	UN PAC	0874	1991
Daniel J. Zimney	BURNOR	0303	1982
Michael W. Zin	CRSF	0305	1994
Michael A. Zupan	BURNOR	0303	1993

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DEATH BENEFITS

Report of Claims Paid during Nov. thru Dec., 2005

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
KENNY M. NEYENS	0389	BURNOR	DONALD E. THOMAS	1148	C&NW
HENDERSON DAWKINS	2800	CRSF	THURMAN J. CASH	0599	ASF
GEORGE E. REINHART	1012	MO PAC	PAUL J. DRAGOS	0893	SOO
WILLIAM A. MORGAN	2600	FRISCO	JOSEPH CROSS	1664	NPW&LE
DANIEL V. MARQUEZ	0204	MT&PLS	ROBERT H. DAVIS	0586	SOU
FIELDING P. ZIMMERMAN	2417	AT&SF	PAUL A. NEBGEN	3030	PENN
ELMER D. GRAY	0493	FRISCO	GEORGE BURGGRAF	0424	AEF
EDWARD COLE	1363	NPW&LE	LEOPOLDO TRUJILLO	1516	MT&PLS
WILLIAM K. WILSON	3077	PENN	PAID NOV. 1, 2005 TO DEC. 31, 2005	\$ 10,000.00	
JAMES A. HALPIN	1629	CRSF	AMOUNT PREVIOUSLY PAID	\$44,881,307.75	
CLELL H KILMER	1097	C&NW	TOTAL AMOUNT PAID TO DATE	\$44,891,307.75	
ERIC J. ROLLEY	0910	CRSF	NUMBER OF CLAIMS PAID - 20		

Ole M. Berge, President Emeritus

1921 - 2005

February 11, 2006 marked the one year anniversary of the passing of BMWED President Emeritus Ole M. Berge. In an effort to honor the memory of his remarkable life and career, your *Journal* staff has interviewed former friends and co-workers, and researched the personal life of this respected leader, in a tribute to our former President and President Emeritus.

Ole M. Berge was born in Canada on July 22, 1921. At age twenty, on October 21, 1941, he went to work as a B&B Helper on the former Great Northern Railway and joined our Brotherhood shortly thereafter. Eight months later, he enlisted in the Royal Canadian Air Force. He received his pilot's wings at Calgary, Alberta in September 1943, and thereafter served as a staff pilot at the Winnipeg Navigation School. He was honorably discharged from active military service in May 1945, at which time he returned to railroad service with the Great Northern. Three years later, with two young daughters and his wife Kay by his side, he exercised his seniority and moved to Seattle, Washington. Their third daughter was born shortly thereafter.

Brother Berge held various positions in his Subordinate Lodge, including Secretary-Treasurer and Local Chairman. In addition to these duties, in 1963 he was elected to the System Executive Board. It was at this time that his potential came to the attention of, then President, Harold C. Crotty. President Crotty convinced Ole to attend the fall class of the Harvard Trade Union Program, where he graduated with honors.

In further recognition of his great potential, Brother Berge was then appointed to the position of Staff Officer in the Chicago office. While there, he prepared numerous cases for submission to the Third Division of the National Railroad Adjustment Board, was afforded the opportunity to serve as a negotiator, and served as our representative in Arbitration proceedings and Special Boards of Adjustment. Brother Berge's work in Chicago was extremely beneficial to the Brotherhood. While there, he worked with agreements from all Regions in the United States, worked with the Canadian agreements, and worked with the National Protective Agreement.

Brother Berge is said to have been extremely proficient in analyzing rules and was able to easily detect the good language from the bad, an ability he demonstrated numerous times to the dismay of many railroad officers, attorneys, and arbitrators.

Brother Ole M. Berge became President of the BMWED in 1978. He



held this position and served with distinction until his retirement on August 31, 1986. Brother Berge was elected President Emeritus of BMWED shortly thereafter.

Brother Roger Bobby, Vice Chairman and Secretary-Treasurer of the Burlington Northern System Federation, had the privilege, as a young man, of seconding Brother Berge's nomination for President at the 1978 Grand Lodge Convention. Brother Bobby recently had this to say about Brother Berge; "It's hard to describe, in words, the level of fairness with which Ole dealt with people. Simply stated, he was one of the fairest and most decent men I've ever known."

Brother Bill LaRue, retired BMWED Secretary-Treasurer and former Vice President under President Berge, expressed these thoughts regarding his friend; "Ole believed in his family and in the Brotherhood. He served this Brotherhood like he served his family, with love and dedication. He was a leader who was also a friend. Not many leaders are able to be both."

Retired BMWED President Mac Fleming summed it all up with his words of admiration for Brother Berge; "Ole was always a fair and honest man who gave his best effort to everyone he knew and everything he did. He meant a great deal to me during my career. Ole had everyone's respect."

In recognition of the one year anniversary of his passing, let us pause to honor and remember this great and respected leader. Our hearts and prayers go out to Brother Berge's family and to all those whose lives he touched in so many ways. He is greatly missed by all those who knew and loved him, especially Kay Berge, who stood by his side as his loving and devoted wife for more than 62 years.

Around the Brotherhood Continued from Page 3

representatives for the membership who elected us."

The morning session included presentations by BMWED Director of Safety and Education Rick Inclima regarding the structure of the BMWED, the roles and responsibilities of local lodge officers, and an overview of the Railway Labor Act (RLA). The RLA presentation discussed both the process and the political nature of the RLA, emphasizing the importance of political activism among rank-and-file members of the Brotherhood.

During the afternoon session, BMWED Public Law Board Coordinator Don Bartholomay conducted sessions regarding the handling of claims, grievances, and disciplinary proceeding under the Wisconsin Central agreement and the Railway Labor Act. Brothers Philipp and Bartholomay also fielded questions regarding various provisions of the WC agreement and their applicability to specific situations out on the property. All throughout the day there was a free flow of questions and plenty of back-and-forth discussions. By all accounts, the program was well received by the members and officers in attendance.

Maintenance of Way workers on the Wisconsin Division of the Canadian National Railway voted to join the BMWED in 2002.

FRA Announces 2006 Accident Reporting Threshold Adjustment

On December 20, 2005 FRA published a notice in the Federal Register announcing the accident monetary reporting threshold for 2006. The final rule, FRA docket number FRA-2005-20680, increases the monetary threshold for reporting rail equipment accidents from \$6,700 to \$7,700, and applies to accidents and incidents involving railroad property damage that occur on or after January 1, 2006.

Under 49 CFR part 225.19, a "rail equipment accident/incident" is defined as "a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that causes reportable damages greater than the reporting threshold for the year in which the event occurs to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and materials."

Rail equipment accidents that do not meet the 2006 monetary threshold of \$7,700 do not have to be reported to FRA.

President Makes Recess Appointments to Amtrak Board

On January 4, 2006, President Bush made recess appointments to the Amtrak Board while the Senate was out of session. Bypassing Senate confirmation, Bush named Floyd Hall and Enrique Sosa to the Amtrak Board. Recess appointments are permitted by the Constitution

when the Senate is out of session, but such recess appointments are intended only to be used in extraordinary situations.

Why a recess appointment under cover of night with no Senate confirmation? According to the Reuters News Service, neither Hall nor Sosa "has support among Amtrak backers on Capitol Hill." The two men are Bush loyalists who support the Bush Administration's goal of dismantling Amtrak – a proposal that the House and Senate soundly rejected last year by voting to provide Amtrak with \$1.3 billion in funding for 2006.

According to White House sources, the recess appointments were necessary in order to establish a quorum and allow the Amtrak Board to conduct its business. However, this is the second time that Hall and Sosa were named to the Amtrak Board in recess appointments by President Bush. They were also appointed to the Board in 2004 without Senate confirmation.

Hall was the former chief executive of K-mart, and has no railroad experience. However, according to the Center for Responsive Politics, Hall made contributions of \$250,000 in 2002 to the Republican National Committee. Sosa, former president of BP Amoco Chemicals also has no previous railroad experience but is a contributor to Republican political campaigns.

When news of the recess appointments became public, BMWED President Simpson stated, "Maybe if the Administration's goal was the preservation of Amtrak rather than its demise, we would see railroad experts instead of political donors appointed to the Amtrak Board. If the Administration's goal was to preserve passenger rail service, we would see Senate confirmation hearings and open and frank public debate about Amtrak's financial needs instead of recess appointments under the cover of darkness." "Is this any way to run a railroad?" Simpson asked. "I think not."

FRA Determines Random D & A Testing Rates for 2006

Using data from Management Information System annual reports, FRA has determined that the 2004 rail industry random testing positive rate was 0.94 percent for drugs and 0.18 percent for alcohol. Since the industry-wide random drug testing positive rate has remained below 1.0 percent for the last two years, the Federal Railroad Administrator has determined that the minimum annual random drug testing rate for the period January 1, 2006, through December 31, 2006, will remain at 25 percent of covered railroad employees. Since the random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the

See **Brotherhood** on Page 11

BMWED Legislative Issues – 109th Congress

Amtrak FY 2006 Appropriations

On November 30, 2005 President Bush signed legislation (PL 109-115) that will fund Amtrak through 2006. The \$1.3 billion appropriation is actually a \$108 million increase over current funding and is broken down into \$495 million for operating subsidies, and \$780 million for maintenance and capital infrastructure repair. There is also a provision that states Amtrak can use part of the \$780 million to cover some of its debt service obligations. The White House had threatened to veto this bill if lawmakers insisted on keeping the bill's \$1.3 billion for Amtrak without overhauling the system.

The \$1.3 billion Amtrak subsidy was part of a massive \$137.6 billion FY 2006 transportation funding bill (HR 3058), and should not be confused with the bipartisan Amtrak legislation (S 1516) addressing long-term financing.

Amtrak Reauthorization/Reform

As reported in the last issue of the Journal, Senator Lott offered S 1516 as an amendment to the budget reconciliation package (S 1932) on November 3, 2005. The amendment was added to the budget reconciliation package due to the White House threat to veto the FY 2006 Transportation bill. It would reauthorize Amtrak at \$12 billion through 2011. But the measure was stripped from the budget package in conference. With the White House posed to release its fiscal 2007 budget, Senator Lott recently stated that he is ready to resume efforts to pass his Amtrak reauthorization bill.

As in past years, the Senate is expected to continue its support for federal subsidies for Amtrak; it is the House that poses the real challenge.

In order to avoid Senate confirmation, President Bush made recess appointments of Floyd Hall and Enrique Sosa to the Amtrak Board of

Directors on January 4, 2006. Both Hall and Sosa are loyal to the Administration's plan to dismantle Amtrak. These two recess appointments maintain the four-member quorum needed for the board to carry out Amtrak business.

Amtrak FY 2007 Appropriations

On February 6 President Bush submitted his 2007 fiscal budget request to Congress. Amtrak would receive \$900 million under the Bush budget, a cut of about \$400 million from current levels. In last year's Transportation request, the administration sought no money for Amtrak, a proposal that Congress resoundingly rejected. On the same day Bush submitted the budget, Senators Rick Santorum (R-PA) and Arlen Specter (R-PA) sent a letter to the Chairman and Ranking Member on the Senate Budget Committee urging the Committee to include a greater level of funding for Amtrak in the FY 2007 Budget Resolution than was requested by the Bush administration. Based on the effects of reforms and recent congressional actions to allocate sufficient funding levels for Amtrak, the Senators pointed out that continually targeting Amtrak is irresponsible during a time when consistency and assurances are needed to solidify Amtrak's business model and reassure its riders. And that it is up to members of Congress to take it upon themselves to ensure that Amtrak is supported and those assurances are provided.

High Speed Rail

On February 1 the House Ways and Means Committee voted to send to the floor HR 1631 (RIDE-21) without recommendation after striking all of the bond authority provisions in the bill under the committee's jurisdiction. The gutted bond provisions would have authorized two kinds of tax-advantaged bonds for high-speed rail infrastructure development; tax-

exempt private-activity bonds and tax-credit bonds. The states could have issued up to \$12 billion total in each type of bond through fiscal 2015. The committee's action leaves only provisions to authorize loan guarantees for high-speed passenger rail corridors and other rail infrastructure already enacted in the 2005 surface transportation reauthorization (PL 109-59).

The bill would authorize \$100 million a year through fiscal 2013 for expanding the existing Swift Rail Development Act grant program for high-speed rail planning and technology development.

Asbestos (FELA)

Senator Arlen Specter (R-PA) continued to make an asbestos trust fund bill (S 852) his top legislative priority and managed to bring the measure approved by the Judiciary Committee in May 2005 to the Senate floor for consideration beginning the week of February 6, 2006. In addition to significant opposition by Democrats, Republican conservatives threatened to bring the bill down in a variety of ways, including poison pill amendments, budget points of order, and, ultimately, a filibuster. The bill made little progress and several procedural challenges were beat back by Senators Specter (R-PA) and Leahy (D-VT) before supporters fell two votes short of the 60 votes needed to waive a budget point of order on February 14. Senator Inouye (D-HI) was absent from the vote due to his wife's illness, and Senator Frist (R-TN) at the last minute voted with opponents so that he might be able to demand a revote at a later date. With Frist and Inouye's votes, backers would have the 60 they need to advance the measure if no other senators switch sides. Majority Leader Frist considers the bill still alive. However, it is unclear whether he would call for another vote prior to the President's Day recess.

Organized labor continues to attack the size of the trust fund as inadequate to compensate claimants fairly. As reported earlier, a successful and reasonable compromise was reached on the so-called "FELA Special Adjustment," however, BMWED remains opposed to the bill.

Rail Security/Safety

The Senate Banking Committee approved a draft bill on November 16, 2005 that would authorize \$3.5 billion in public transit security grants over the next three years. The measure sponsored by Chairman Richard Shelby (R-AL) and Sen. Paul Sarbanes (D-MD) would authorize approximately \$2.4 billion on surveillance and communication equipment. Training and public awareness campaigns would receive much of the rest. A one-year, \$1.2 billion version

of the proposal was introduced by Sen. Shelby as an amendment to the fiscal 2006 Homeland Security appropriations bill in July, shortly after the London bombing, but even though a majority of the Senate voted in favor of the measure, it was seven votes short of overcoming a budget point of order challenge from Sen. Judd Gregg (R-NH).

Rep. Stephen Lynch (D-MA) introduced the Rail Worker Emergency Training Act of 2005 (HR 4372) on December 6, 2005. The bill would require the Secretary of Homeland Security, within 90 days of enactment, to establish comprehensive guidelines for a rail worker emergency training program; require the Secretary to consult with the Secretary of Transportation and appropriate rail entities; require rail carriers to develop a rail worker training program and to train all of their rail workers within one year; authorize the Secretary to issue letters of noncompliance to any carrier that fails to comply with the Act's requirements; and appropriate \$100 million to carry out the act. The Teamster Rail Conference supports HR 4372.

On January 12 the Association of American Railroads sent a letter to members of Congress urging them not to support Rep. Lynch's bill, HR 4372, and attacking the Teamster Rail Conference security survey results as a tactic aimed at the bargaining table that ignores the facts and misrepresents the industry's strong safety record. The AAR specifically opposes a federal approval process for the railroads' security training programs.

Pension Reform (Railroad Retirement Act)

On November 16, 2005 the Senate passed S 1783, The Pension Security and Transparency Act of 2005. The bill contains two provisions that amend the Railroad Retirement Act (RRA). Section 902 amends section 2 of the RRA to permit a divorced spouse to become entitled to an annuity without regard to the entitlement of the railroad employee. Section 903 amends section 5 of the RRA to add language which would provide that a portion of the employee's tier II component awarded to a former spouse pursuant to a property award will continue to be paid to the former spouse after the death of the railroad employee.

In December the House passed its own pension reform legislation, HR 2830, The Pension Reform Bill, which does not contain these provisions.

Conferees plan to meet in early 2006 to iron out differences between the two bills aimed at forcing companies to better fund their pension plans and shoring up the finances of the Pension Benefit Guaranty Corporation.

Around the Brotherhood

minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2006, through December 31, 2006. (Source: Federal Register, 1/10/06, page 1498)

"Covered railroad employees," as the term is used above means those rail employees covered under FRA Hours of Service, 49 CFR Part 228.

ATDA Files to Represent UP Dispatchers

In mid-January, the American Train Dispatchers Association (ATDA) launched a representation election drive to organize approximately 550 dispatchers at Union Pacific Railroad. "For many years, UP's train dispatchers have not had a say in their terms

Continued from Page 10

and conditions of employment. There is no better time to change that than now," said ATDA President Leo McCann.

BMWED President Freddie Simpson said, "I wish the ATDA every success in this campaign. All rail workers need the benefits and protections of a union contract. The ATDA can count on the membership of the BMWED to support this organizing campaign and bring UP train dispatchers into the house of Rail Labor."

ATDA is a member of the Rail Labor Bargaining Coalition (RLBC), an alliance of seven Rail Labor unions, including BMWED and BLET, currently engaged in collective bargaining with the National Carrier's Conference Committee.

Convention Preparations Under Way

On June 19, 2006, our Brotherhood will mark yet another milestone in our long and distinguished history. On that day, at 9:00 a.m., the *First Regular National Division Convention* of our Brotherhood will convene at the Flamingo Hotel in Las Vegas, Nevada to conduct the business of this great organization. In preparation for that moment in time, the design for the convention logo was recently selected and unveiled.

"While there have been forty-four previous conventions of the BMWED," said President Freddie Simpson, "this will be our *first* as the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters. That makes it an historic event and I assure you that your National Division officers and staff, with assistance from the Teamsters communications depart-

ment, began working months ago to assure that this convention will be as productive and unifying as any other in our history." Said Secretary-

Treasurer Perry Geller of the occasion, "I believe our convention logo says it all . . . As Teamsters, we're moving forward together. I'm

enthusiastic about the future of this great Brotherhood like never before!"

Since January 1, 2006, Local Lodges across the country have been conducting elections to select their delegate to this historic event and will continue to do so until the latter part of May, when the election cutoff must occur. "If your Local has not held its election meeting yet," expresses President Simpson, "it's not too late for you to be part of this important process. I strongly encourage every member to participate in selecting the delegate who will carry their Lodge's voice to the convention floor."

To confirm where and when your convention nomination and election meeting will be conducted, refer to the 15-day election notice you'll receive in the mail from your Local Lodge Secretary-Treasurer prior to that meeting.



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