

# STEGNALMAN'S JOURNAL

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2nd Quarter 2016





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#### **FEATURES:**

#### **Brothers Helping Brothers**



What began as a normal day for Michael Kennedy quickly turns tragic when the unthinkable happens and suddenly his family is left to face the future without him. What happens next is a story of compassion, respect, and love a story about what it truly means to be part of a Brotherhood. ...... 4

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**COVER:** Photo taken of newer style, bidirectional colorlight signals on the BNSF — Pueblo Subdivision between Pueblo, Colorado, and Dodge City, Kansas.

Photo submitted by Local 161 member, Danny Chaparro, Assistant General Chairman BNSF General Committee.



## **On-Track Safety Saves Lives**

y now, most of you have learned that three of our brothers belonging to the BMWED have lost their lives while performing the duties of a roadway worker. Dawud Buhr, a trackman at Amtrak, was struck and killed by a New Jersey Transit train on March 1, 2016; and Joe Carter, an equipment operator at Amtrak, and his supervisor, Pete Adamovich, were both killed April 3, 2016, when the backhoe Mr. Carter was operating was struck by Amtrak Train 89. I

mourn the loss of these men, and my heart goes out to their families, friends, fellow employees, and also to the train crews and passengers traumatized or injured in these tragedies.

While it is clear that the RWP regulations have reduced the number of fatalities suffered by roadway workers, it is just as clear that we have failed to capitalize on the protections RWP provides.

It has not been that long ago that our sister, Minwella (Nikki) Kline-Hagen, was struck and killed by an Amtrak train. Unfortunately, this trend is not exclusive to Amtrak; roadway workers continue to suffer fatalities at railroads across the nation following the implementation of the Roadway Worker Protection (RWP) regulations in January of 1997. In fact, there is mounting evidence that the rail industry as a whole has failed to make any further progress in ensuring that all of its roadway workers implement these provisions consistently to their benefit.

The record speaks for itself — the rail industry suffered 46 roadway worker fatalities in the decade prior to the implementation of the RWP regulations, and it suffered 29 roadway worker fatalities in the first decade following the regulations' implementation. We are now almost through the second decade since implementation, and the death toll stands at 31. So, while it is clear that the RWP regulations have reduced the number of fatalities suffered by roadway workers, it is just as

clear that we have failed to capitalize on the protections RWP provides.

The Fatality Analysis of Maintenance-of-Way Employees and Signalmen (FAMES) Committee, consisting of safety representatives from a cross section of rail labor, railroad management, and federal regulators, has analyzed virtually all of these incidents. Judging by the reports the Committee has published, it is clear to

me that, in almost every instance, the fatality could have been avoided if the RWP regulations had been fully complied with. The only exceptions being where the train entered an established work zone and struck and killed the roadway worker.

Employees are under no obligation to endanger themselves in order to perform their duties. It is the roadway worker's responsibility to comprehend and apply the RWP regulations. These regulations grant the employee the right, under federal law, to refuse any directive to violate an on-track safety rule. Moreover, federal law guarantees the employee the right to challenge, in good faith, the on-track safety procedures to be applied and to remain clear of the track until that challenge is resolved. These regulations are found in the Code of Federal Regulations (CFR) at Title 49: Part 214 — Railroad Workplace Safety, Subpart C — Roadway Worker Protection. CFR 49 \$214.313 (d) states:

"(d) Each roadway worker may refuse any directive to violate an on-track safety rule, and shall inform the employer in accordance with \$214.311 whenever the roadway worker makes a good faith determination that on-track safety provisions to be applied at the job location do

not comply with the rules of the operating rail-road."

And CFR 49, §214.311 (b), which states:

"(b) Each employer shall guarantee each employee the absolute right to challenge in good faith whether the on-track safety procedures to be applied at the job location comply with the rules of the operating railroad, and to remain clear of the track until the challenge is resolved."

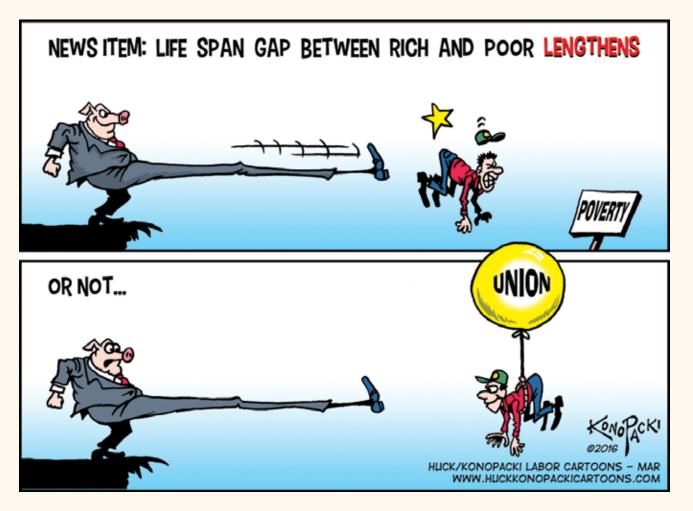
Every one of our members should familiarize themselves with these provisions and have the confidence to refuse to foul the track until they are certain adequate on-track safety protections are in place.

Now, some might argue that the RWP regulations are not sufficient and that additional protections are required if we hope to end the possibility of roadway workers losing their lives as a result of a train or

Roadway Maintenance Machine (RMM) strike, but I have yet to see the evidence that would support such a conclusion. The reduction in fatalities following the implementation of the RWP regulations coupled with the reports compiled by the FAMES Committee leads me to believe that the RWP regulations are capable of virtually eliminating roadway worker fatalities due to train or RMM strikes — if our brothers and sisters take it upon themselves to fully comply with the RWP regulations every time they work on or near the track.

In Solidarity,
W. Dan Siekett

W. Dan Pickett BRS President



## Drothers Helping Brothers

"You cannot see brotherhood; neither can you hear it nor taste it. But you can feel it a hundred times a day. It is the pat on the back when things look gloomy. It is the smile of encouragement when the way seems hard. It is the helping hand when the burden becomes unbearable."— PETER E. TERZICK



LEFT TO RIGHT: Brad Belka (Local 8), Gary Engelken (Local 8), Trenton Kennedy (Michael Kennedy's son), Robert "Bob" Thompson (Local 8), Melissa Kennedy (Michael's wife), Jordan Kennedy (Michael's daughter), Roger Magnett (retired-Local 8), Shawn Tilley (Local 8), Daryl Seematter (retired-Local 8), Chuck Wullschleger (Local 8), Josh Boswell (Local 8), and Susan Magnett.

"...our family has had more love and

support from the men of the Union

relayed in a simple article or letter."

It was June 29, 2015, and honestly, a typical Monday morning in our Frankfort, Kansas, home. My husband, Michael Kennedy, was up and leaving extra early for a

hectic week in McPherson. He had worked hard for every detail of the upcoming cutover to run smoothly, but he was still stressed out. I received my usual goodbye kiss and the

"I'll call you tonight" farewell. He headed west, and I went about what I assumed would be a normal week of Union Pacific (UP) widowhood.

At 12:23 p.m. Robert "Bob" Thompson, Mike's boss, called me, and I should have known when I heard his voice that he wasn't calling to chat, but I didn't. He was at the McPherson hospital with Mike. Just as Mike was preparing to begin a meeting, he told Bob and another co-worker that he had a bad headache and thought he

needed to go to the hospital. After Mike relayed the important information needed for others to lead the meeting, they loaded him into Bob's vehicle and he

lost consciousness before they arrived. Bob relayed all the information he could and told me that he had given the doc-Pacific Signal Department than can be tor my number and he would be calling me. He also promised me that he would stay

with Mike regardless of where they sent him.

Mike ended up being transported to the Salina Regional Hospital. Sure enough, Bob and another coworker and close friend of Mike's were there when we arrived. Mike was in surgery at the time having a drain placed in his brain to relieve the pressure from a massive stroke. Those two men stayed with us until Mike was taken into the critical care unit, being kept alive on a ventilator. They repeated over and over again to let

them know what I needed, asking me to keep them informed, and letting me know they would be back.

The following day, an MRI gave my children and I the news we had feared. The damage was severe and irreparable. Mike's current condition would never change. We made the decision that every child and wife fears, but we knew it was the only one to make. We prolonged removing the life support until Bob and Mike's other close co-workers and friends could say goodbye. At the age of 48, Michael James Kennedy took his last breath at noon on July 1, 2015. His funeral was on July 6, and half of our Catholic church was filled with "railroaders" from near and far. They will never know how much their presence meant to us that day.

From the very moment Mike was put in the vehicle to be taken to the hospital, our family has had more love and support from the men of the Union Pacific Signal Department than can be relayed in a simple article or letter. The monetary donations, flowers, cards, pictures, and loving gestures have been astounding, and they continue yet today, nearly nine months later. They continue to check in with us, just to see what's up with the kids or ensure we aren't in need of anything. In November,

I broke my leg in a fall which left me non-weight bearing for seven weeks. At this point, I was no longer surprised when our family was "adopted" by

his co-workers with a generous check, or that I received Christmas cards containing cash and well wishes from signal gangs all around us. Not to mention yet another check from the Friend to Friend Network. I don't know the names of all the men who contributed because they just "gave." They didn't do it for thanks, they just did it because they cared. I hope they know, that they have helped me through some pretty tough times.

Like every one of us, Mike was sometimes frustrated with his job. It was stressful and he was gone much more than he was at home throughout his 26 years with Union Pacific. He missed many of the activities and momentous events of his three children as they grew up. But the beauty of these Union Pacific workers, is that they still go home on the weekend or the off days of their compressed halves, and do everything they can to make up for their absence. They're still great dads, and husbands, and boyfriends. They support the discipline their wives handed down dur-



**PICTURED:** Michael J. Kennedy, Signal Foreman and Local Trustee for Local 8.

ing the week, they tackle the honey-do lists, they farm, they mow the yard, they laugh, they parent, and they love.

My husband was a company man. He followed the rules, and at the expense of a cursing, he made sure that those under his supervision did, too. Despite those "higher up"

"If the tenacity and perseverance to pursue this

doesn't say something about the men of Union

Pacific Railroad, I'm not really sure what does.

decisions that sometimes frustrated him, he did his job, and he did it very well. He supported the company and never failed to connect its success to his own. Perhaps one of

the reasons Mike never complained about going to work each day was because of the men he worked with. His biggest fear was the retirement of Robert "Bob" Thompson. Mike loved Bob, and he would tell you so directly. He admired his leadership, his protection of the men who worked for him, his firm, but soft-spoken management, and especially his friendship. And just as fiercely, he loved the men he worked with every day. His goal at retirement was to drive around the Midwest and visit all the men in Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Utah, and New Mexico that he had worked with through the years. Let me tell you, they have all reached out to us. And let me tell you, it says a lot about the men employed by Union Pacific.

Mike wasn't anyone that upper management would have known, but that is how it is and the way it was designed

continued on page 6

#### **Brothers Helping Brothers**

continued from page 5

to be. It's hard for me to talk about the men that my husband worked with without tearing up. From the day that Mike fell ill on the job in McPherson, his co-workers, along with a group of trainmen that worked with him on a regular basis, rallied tirelessly to have the Control Point in McPherson named after him. From what I hear, it wasn't an easy task, yet they were relentless in their effort to honor him. After all, Mike wasn't upper management and they were told that this just "doesn't happen," as he was just a signal guy who happened to die way too young — but it did happen. I am unsure to whom I owe the gratitude for the ultimate decision to allow this, but from the bottom of many hearts, thank you.

If the tenacity and perseverance to pursue this doesn't say something about the workers of the Union Pacific Railroad, I'm not really sure what does. Most striking to me is that this was done by them with no gain for themselves or for the company. This wasn't a Union Pacific initiative, it was a workingman initiative. It was done out of compassion, respect, and love. It was done for his three

children and myself. Although it was done as a tribute to him, it is also a small victory for the men in the field — the men who do the work, who get dirty digging ditches, who show up early and stay late, who stay up all night until the signal is working just right, who wear multiple layers to face subzero temps, who grab lunch at a Quick Shop to get back to the job site, who spend more time in a hotel room than their own bed, who leave their families for days or weeks at a time — the men who keep Union Pacific running. CP Kennedy in McPherson, Kansas, will forever be a symbol of so much more than the man whose name it carries.

My sincerest wish is that as the railroad executives go about their day — planning and attending meetings, catching up on email, and making executive decisions, that they are cognizant of the men and women of their company, the workers that they will never meet. They each have a story. This is the story of one.

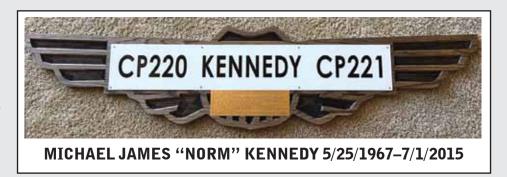
Melissa Kennedy

#### Control Point Renamed in Honor of Signalman Michael Kennedy

n July 1, 2015, Union Pacific Railroad placed FRONTIER Siding into service on the Herington Subdivision near McPherson in south-central Kansas, to provide service to NCRA Cooperative Refinery.

Michael Kennedy was instrumental in planning

and coordinating the construction and installation of the new wayside signal system through McPherson and the new control points and power switches at the east and west end of the FRONTIER siding, along with the new crossing warning system on Frontier Road near the west end of the siding. That same day Michael Kennedy passed away unexpectedly.



On December 10, 2015, Union Pacific renamed FRONTIER Siding as "KENNEDY" in Mike's memory as a dedicated, hardworking, and talented Signalman.

Mike's fellow employees will long remember him for his work ethic and incredible ability to make each of us laugh.

Mike's contribution to the Union Pacific and his railroad family will not soon be forgotten. ■

## Brandon E. Elvey Grand Lodge Representative

Pennsylvania. He is a graduate of West Chester University of Pennsylvania with a Bachelor's Degree in Education. After graduating in 2010, he worked as a substitute teacher and served at Lancaster Recreational Center. Brandon began his railroad career in 2012 as a Signal Helper in a Construction Gang on Amtrak's Mid-Atlantic South Division. He developed a strong interest in the craft, as he learned from knowledgeable Maintainers and worked with his classmates. In 2015, Brandon was promoted to Signal Maintainer and was working as a Gang Maintainer in Baltimore, Maryland, at the time of his appointment.

Brandon was nominated and elected to serve as Recording Secretary of Local 48 in 2013. His involvement in Union activities continued and he was appointed to the Local Chairman position in 2015, after completing Local Chairman Training.

Brandon is proud to be joined in the Brotherhood by his father, Douglas, of Local 106 with Amtrak and his brother, Jordon, of Local 2 with Norfolk Southern. He is looking forward



**BRANDON E. ELVEY** 

to the opportunity to support and serve the members of the Brotherhood of Railroad Signalmen. ■



#### **Union Veterans Council Stickers**

To request a Union Veterans Council (UVC) sticker, please submit your information via our online form at: https://actionnetwork.org/groups/afl-cio-union-veterans. Please email your photos of you proudly sporting your new UVC sticker to unionveterans@aflcio.org.

Also, remember to have your Union sisters and brothers join the Union Veterans Council at *unionveterans.org*.

**NOTE:** We do limit orders to five stickers. If you would like more than five stickers, please email your request to: *unionveterans@aflcio.org*. Stickers can only be shipped to the US and Canada.

LEFT TO RIGHT: Chuck Adamson, U.S. Army Veteran and member of the Brotherhood of Maintenance of Way Employes, pictured with Dan Huss, U.S. Navy Veteran and member of the Brotherhood of Railroad Signalmen — Local 119 member and Local Chairman.

Brother Adamson and Huss are both proud members of the AFL-CIO Union Veterans Council.

## Brother Kenneth Harm — "Courage to Care"

ounding a blind curve on February 16, 2016, Signal Maintainer Kenneth Harm saw an overturned vehicle on Highway 70 near the Canyon Subdivision and immediately stopped to provide assistance to a vehicle that had crashed while attempting to pass another vehicle.

A dazed man walked around the wrecked vehicle and said there was another passenger in the car.

"At that time, another gentleman who saw the accident stopped to help. We both helped the passenger out of the vehicle," Harm said.

Lacerations covered the woman's face and head. Harm administered first aid, putting pressure on her wounds and covering her with his coat.

Exhibiting courage to care for others, Harm didn't have the heart to pass the vehicle and waited with the passengers until emergency crews arrived.



"The communities know that Union Pacific is a place that takes safety seriously, in every given scenario," said Garrett Brooks, Manager-Signal Maintenance. "Ken has the courage to care, no doubt about it."

Brother Harm is a Local Trustee and member of Local 229. ■

### DID YOU KNOW?

## **Title 49: Transportation** §234.209 INTERFERENCE WITH NORMAL FUNCTIONING OF SYSTEM

- (a) The normal functioning of any system shall not be interfered with in testing or otherwise without first taking measures to provide for safety of highway traffic that depends on normal functioning of such system.
- (b) Interference includes, but is not limited to:
- (1) Trains, locomotives or other railroad equipment standing within the system's approach circuit, other
- than normal train movements or switching operations, where the warning system is not designed to accommodate those activities.
- (2) Not providing alternative methods of maintaining safety for the highway user while testing or performing work on the warning systems or on track and other railroad systems or structures which may affect the integrity of the warning system.

#### NATIONAL HEALTH AND WELFARE PLAN

### **Cost Sharing Calculations**

s a result of the Cooperating Railway Labor Organizations' 2012 Agreement with the National Railway Labor Conference, the employee cost-sharing contribution under the Railroad Employees National Health and Welfare Plan remains frozen at \$198 until June 30, 2016.

However, in accordance, with the provisions of the 2011 National Agreement covering freight railroads, adjustments are allowed to the employee monthly cost-sharing contribution amount. In particular, the formula set out

in the National Agreement provides that the employee cost-sharing contributions amount shall be adjusted so as to equal the lesser of 15 percent of the carriers' monthly payment rate for 2016 or \$230 unless otherwise mutually agreed to by the parties during negotiations.

Be advised that effective July 1, 2016, the employee cost-sharing contribution will be 15 percent of the 2016 rate-renewal Health and Welfare payment calculations or \$228.89. ■

## PRESENTATION AT THE RAILROAD RETIREMENT BOARD Highlights Hazards Signalmen Encounter





On April 5, 2016, Grand Lodge Representative Tim Tarrant and Local Chairman of Local 183, Jim Hansen, provided a lecture and training at the Railroad Retirement Board (RRB) in Chicago, Illinois. The training is designed to educate and provide exposure to RRB Disability Examiners regarding the many different physical aspects and hazards Signal employees face every day they perform work.

### **Amtrak Collision in Chester, Pennsylvania**

n April 3, 2016, Amtrak Train No. 89 collided with a backhoe performing track maintenance work in the Northeast Corridor near Chester, Pennsylvania. The accident took the lives of two Amtrak track workers and injured approximately three dozen passengers aboard the train.

"The Brotherhood of Maintenance of Way Employes Division (BMWED) mourns the tragic loss of life in Chester, PA. Our thoughts and prayers are with the families of the fallen at this extremely difficult time. We also express our concern for those passengers on Train 89 who suffered injuries in this tragic accident," said BMWED National President Freddie N. Simpson.

BMWED is fully cooperating with the National Transportation Safety Board and the Federal Railroad Administration to determine the cause of the tragic accident in Chester, Pennsylvania, and prevent recurrence.

BMWED is a railroad labor union representing approximately 35,000 hardworking men and women who build, inspect, maintain, and repair the tracks, bridges and related infrastructure on all Class I freight railroads, Amtrak, and a number of commuter and shortline railroads throughout the United States. BMWED was founded in 1887 and is a division of the 1.4 million member International Brotherhood of Teamsters.

#### **DID YOU KNOW?**

## **Title 49: Transportation**§ 236.14 SPRING SWITCH SIGNAL PROTECTION; REQUIREMENTS

- (a) The indication of signal governing movements from siding to main track with the current of traffic on track signaled for movements in only one direction through a spring switch in automatic block signal territory shall be not less restrictive than "Proceed at Restricted Speed" when the block, into which movements are governed by the signal, is occupied, and shall be "Stop" when the main track is occupied by a train approaching the switch within at least 1,500 feet in approach of the approach signal located stopping distance from the main track signal governing trailing movements over switch, except that the indication may be caused to be less restrictive if approach or time locking is used.
- (b) The indication of signal governing movements against the current of traffic from the reverse main of main tracks to a single track, or signal governing movements from a siding to a main track signaled for movements in either direction, through a spring switch, in automatic block signal territory, shall be not less restrictive than "Proceed at Restricted"

- Speed" when the block, into which movements are governed by the signal, is occupied by a preceding train, and shall be "Stop" when the block on the single track into which the signal governs is occupied by an opposing train.
- (c) The indication of signal governing movements against the current of traffic from the reverse main of main tracks to a single track or signal governing movements from a siding to a main track signaled for movements in either direction through a spring switch in automatic block signal territory shall be "Stop" when the normal direction main track of the double track or the single track signaled for movements in both directions is occupied by a train approaching the switch within at least 1,500 feet in approach of the approach signal located stopping distance from the main track signal governing trailing movements over switch, except that indication may be caused to be less restrictive if approach or time locking is used.

## **Hearing Protection**

#### IS A SOUND INVESTMENT

#### **Hearing Damage Depends on Three Things:**

How loud the noise is, how long you are exposed to the noise, and how close you are to the source. The best way to avoid developing noise-induced hearing loss is to keep away from loud noise as much as you can. Just because a sound isn't annoying doesn't make it safe. Recreational loud noise (such as iPods, loud music in the car, and concerts) is thought to be why hearing loss is increasingly affecting younger people.



#### Here's a guide to some typical noise levels (measured in decibels, or dB)

The higher the number, the louder the noise.

Normal conversation:	60–65 dB	Rock concert/ambulance siren:	120 dB
Lawn mower/heavy traffic:	85 dB	A busy street:	75–85 dB
Locomotive at 100 ft.:	90–95 dB	Forklift truck:	90 dB
Hand drill:	98 dB	Motorbikes:	100 dB
Cinema:	100 dB	Disco/nightclub/car horn:	110 dB
during big action scenes		Chainsaw:	115-120 dB
MP3 player on loud:	112 dB	Rail cars 50 mph at 100 ft.:	75–85 dB
Train horns at 100 feet:	95-115 dB	T	, , , , , , , , , , , , , , , , , , , ,

When working, remember to protect your hearing by wearing approved hearing protection.

#### **Treasury Department Makes Corporate Inversion Less Profitable**

In early April, the U.S. Treasury Department and the Internal Revenue Service announced temporary restrictions aimed at curbing corporate inversions. Inversion is when corporations move their tax headquarters overseas by buying a company

in a lower, tax-foreign jurisdiction and relocating the combined entity's head-quarters to that country. The Obama administration and Treasury Secretary Lew have been working on ways to try to end the practice that slashes federal tax collection. President Obama has pre-

viously said that firms that utilize the tax-saving tactic were unfairly "gaming the system."

These new temporary regulations seek to slow down inversions by closing a loophole that allowed foreign companies to make a number of smaller purchases of U.S. companies to avoid the inversion thresholds that triggered more rules.

Additional rules are expected to follow. They would be aimed at preventing the practice of a U.S. subsidiary shifting debt to a foreign-parent company as a way to maximize deductions.

#### JAMES DEMONTIGNEY

## One Man's Journey



OMAHA, NEBRASKA — James stands beside a BNSF signal located in his old territory.

This colorlight signal replaced an older semaphore signal that was in operation for nearly 62 years.

James DeMontigney, a Signal Maintainer with the Chicago, Burlington & Quincy — Burlington Northern (CB&Q) (BN), began his railroad career on February 28, 1948, and retired on July 31, 1989, after serving over 41 years.

Jim served his country in the 171st Field Artillery Battalion during the Korean War and was assigned, along with another soldier, the duty of stringing out communication wire from hilltop-to-hilltop. Jim trained in the mountains of Japan prior to entering the Korean War front lines so this mountainous range in Japan was very similar to the terrain in Korea. Only two soldiers in their army unit had experience climbing poles, but with Jim's experience working on a signal crew climbing poles and stringing new line wire, he and another soldier were assigned the task of placing the lines overhead so that the allied tanks could proceed forward. In order to keep the communication lines open from the battlefront to headquarters, Jim and his fellow serviceman carried two miles of wire each along with communication equipment, rifles, and backpacks. The job was difficult and dangerous as they were fired upon almost daily.

Jim's Army unit was instrumental in capturing Hill 266 in Korea, better known as the Battle of Old Baldy. The Battle of Old Baldy refers to a series of five engagements for Hill 266 in west-central Korea that occurred over a period of 10 months in 1952–1953.

After completing his military service, he returned home to his railroad career with the CB&Q in late 1952. Jim soon found himself in a new position on the CB&Q in Ralston, Nebraska, as the only Signal Maintainer headquartered in the location. In 1953, the signal territory was equipped with semaphore signals

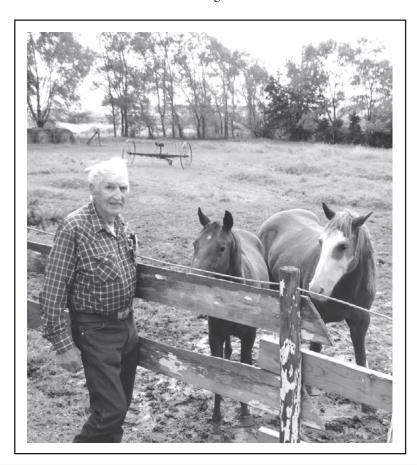


James DeMontigney carrying communication equipment while serving in Korea.

and soon they were installing new General Railway Signal Company (GRS) searchlight signals for the Centralized Traffic Control (CTC) Project. Upon Jim's retirement in July 1989, the Signal Maintainer head-quarters was moved to Gretna, Nebraska. Throughout Jim's career, he worked on everything from semaphore, searchlight, and colorlight signals to CTC and Positive Train Control systems.

Jim DeMontigney, is from a small town along the Canadian border with North Dakota called Belcourt, North Dakota. Jim and his family are proud of their Native American Indian Heritage and are members of the Chippewa Tribe.

Jim will be age 89 in September 2016, and he and his wife Jane are still active in their community and enjoy attending family events with their children and grandchildren.







Jim's favorite hobbies are tending to his horses on his acreage in West Omaha, his tree carving art, and cattle skull artwork.

## FRA Rolls Out New Railroad Crossing and Trespassing Website to Increase Rail Safety

The site makes accessing information

about railroad crossing safety and

trespass prevention more streamlined,

with a focus on education.

he U.S. Department of Transportation's (DOT) Federal Railroad Administration (FRA) launched a redesigned website — http://www.fra.dot.gov/Page/P0841 — to serve as a one-stop shop to help drivers, pedestrians, and law enforcement stay safe around the nation's more than 200,000 railroad crossings and 140,000 miles of track. The new railroad crossing portal is part of the agency's ongoing campaign to reduce fatalities at railroad crossings and tracks to zero by building partnerships that increase education, step up enforcement, and leverage engi-

"Railroad crossings are in nearly every city and town across America," said U.S.
Transportation Secretary
Anthony Foxx. "Preventing

neering.

fatalities at crossings and on tracks takes innovative solutions, increased enforcement actions, and robust safety education efforts. FRA's new website is an important tool to help us achieve our goal of zero deaths at crossings and along tracks."

FRA data show that 96 percent of rail-related fatalities, most of which are preventable, are the result of incidents at railroad crossings and by trespassers. That's why the new FRA portal has more interactive features with downloadable fact sheets on safety and a resource library that is easy to navigate. The site makes accessing information about railroad crossing safety and trespass prevention more streamlined with a focus on education.

"Ending fatalities at railroad crossings and by trespassers is not a goal FRA can achieve with just another regulation or rule. It will take a strong commitment from everyone—law enforcement, regulators, railroads, and motorists who drive over railroad track every day—and better education," said FRA Administrator Sarah E. Feinberg. "Providing information on a clean, user friendly, and interactive website will help people stay safe around railroad crossings and tracks and get us one step closer to stopping these preventable deaths."

Last year, the FRA launched a new, comprehensive campaign to reverse the uptick in fatalities at railroad cross-

ings. The campaign includes partnering with Google and other tech companies to use FRA data that pinpoints the country's approximately 200,000 railroad crossings to add crossing alerts to map applications. The FRA has also worked with local law enforcement to increase enforcement around railroad crossings. In 2015, 244 individuals died at railroad crossings, down from 264 in 2014.

Last month, the FRA awarded nearly \$10 million in

grants for nine projects in eight states to upgrade and increase the safety of railroad crossings along energy routes. In addition, FRA Administrator Feinberg highlighted the importance of partnerships between the

states and railroads in her letter to state DOTs urging them to conduct inspections with railroads on traffic lights connected to railroad crossings. Furthermore, funds available to states through the Federal Highway Administration's Section 130 Program, which provides funds for the elimination of hazards at railway-highway crossings, will increase to \$350 million from \$220 million in 2016.

#### **DID YOU KNOW?**

## Title 49: Transportation §234.217 FLASHING LIGHT UNITS

- (a) Each flashing light unit shall be properly positioned and aligned and shall be visible to a highway user approaching the crossing.
- (b) Each flashing light unit shall be maintained to prevent dust and moisture from entering the interior of the unit. Roundels and reflectors shall be clean and in good condition.
- (c) All light units shall flash alternately. The number of flashes per minute for each light unit shall be 35 minimum and 65 maximum. ■

### **Voter Registration Frequently Asked Questions**

#### Am I registered to vote?

- Many states let you check your registration status online.
- Most states will send you a voter registration card within a few weeks if you've successfully registered to vote, or a notification if there is a problem with your application.
- Check with your state or territory election office for procedures for your location.

#### Where do I register?

- You can begin your voter registration online at Vote.
   USA.gov. Depending on your state's rules, the site can
  help you register online, download the National Mail
  Voter Registration Form, or find guidance for states
  and territories with different registration procedures.
- You can call your state or territory election office to have a mail-in voter registration form sent to you.
- You may be able to register to vote in person at public facilities such as state or local voter registration and/ or election offices, the department of motor vehicles, armed services recruitment centers, and state or county public assistance offices. Check with your state or territory election office before heading to any of these locations.

### How can I find out what state I'm registered in? I have moved several times.

- You must register to vote in the state or territory where you legally reside. You cannot be registered to vote in more than one place at a time.
- If you don't know whether you're registered under your current legal address, check with your state or territory election office. Many states let you check your registration status online.
- When you register to vote in a new location, you'll be asked for the address where you were last registered to vote. Your new election office will send a cancellation form to your previous election office. Your voter registration record should always reflect your current residence.

### How do I update my name or address for my voter registration?

- If your state has online voter registration, you can usually do this online.
- In most cases, you can use the National Mail Voter Registration Form to report a change of name or address. A few states and territories require you to use their state/territory form.
- Some states let you report a change of name or address by phone.
- Check with your state or territory election office for procedures in your area.

#### What party am I registered with?

- You may be able to find this information on your voter registration card or in an online voter registration look-up.
- You can contact your state or territory election office for help finding this information.
- It's possible that you're not registered with any political party, either because your state doesn't accept party affiliations or because you didn't indicate a party preference when you registered to vote. You can register to vote and participate in general elections and nonpartisan primary elections without ever choosing a party affiliation.
- In some states, you must register with a party if you want to take part in that party's primary election, caucus, or convention.

#### When is the general election?

The 2016 general election will be held on Tuesday, November 8, 2016.

#### **How to Research Candidates**

When evaluating candidates for public office, it's important to decide what strengths you're looking for in a candidate, to research their positions on the issues, to learn about their leadership abilities, and to recognize any distortions in the information and opinions they express.

## WASHINGTON REPORT

- SEPTA and Amtrak Operating with ACSES
- Senate Appropriations Subcommittee Approves Fiscal Year (FY) 2017 Bill



#### **SEPTA and Amtrak Operating with ACSES**

The Rail Safety Improvement Act of 2008 mandated that many freight lines and all intercity and commuter rail systems install Positive Train Control (PTC) by December 31, 2015. Upon request from Congress, the Government Accountability Office (GAO) released its report on the PTC Implementation progress of the nation's railroads in September of 2015.

The GAO used a structured interview guide to interview 29 railroads identified by the FRA or others as

To date, the Northeast Corridor (NEC) is the busiest passenger rail line in the country.

period of testing to ensure that every aspect of the system meets the guidelines established by the FRA and our own reliability requirements for this critical safety system," said SEPTA General Manager Jeffrey D. Knueppel.

An important part of SEPTA's PTC rollout program

will be continuing to work cooperatively with Amtrak

regarding the operations of trains, under Advanced Civil Speed Enforcement System (ACSES), on their PTCequipped lines. Amtrak

operates ACSES as an intercity carrier.

ACSES is an overlay system used with the cab signal system to enforce all speeds, both permanent and temporary. The ACSES system supplements the cab signal system to enforce the speeds which the cab signal system cannot, such as curve speeds, maximum authorized speed, and temporary speed restrictions and to enforce a positive stop at interlocking home signals displaying "Stop." The system uses transponders installed in the track bed which contain data about speed restrictions ahead. It uses a data radio to obtain information about signal and switch status ahead as a train approaches an interlocking. The data radio also collects any temporary speed restriction information that must be enforced ahead.

Amtrak first installed ACSES on parts of the Northeast Corridor (NEC) for the startup of the Acela service in 2000. To date, the NEC is the busiest passenger rail line in the country moving 17.1 million passengers in fiscal year 2015. In December 2015, Amtrak placed ACSES in service between New Rochelle, New York, and Washington, D.C. This project consisted of approximately 235 route miles of two- and four-track territory. This territory required the installation of 2,583 transponders, 109 wayside interface units (WIUs), and 45 base radio locations, as well as new Temporary Speed Restriction (TSR) servers at the dispatching centers in Wilmington, Delaware; New York, New York; and Boston, Massachusetts.

This March, Amtrak placed ACSES in service between Zoo Interlocking in Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania. This project consisted of

implementing PTC — including the 4 largest freight railroads, 13 commuter railroads, and 12 smaller freight railroads — regarding their progress and challenges. Most of the railroads (20 of 29) estimated to have PTC fully operational in revenue service 1 to 5 years after the 2015 deadline. Three railroads did not have an estimated completion date. Of the remaining 6 railroads, 1 was excepted from installing PTC based on limited speeds on its track, and 4 commuter railroads and 1 small freight railroad estimate they will have PTC operational on their own tracks by the deadline. On October 29, 2015, President Obama signed H.R.3819: Surface Transportation Extension Act of 2015 into law, which included a threeyear extension of the PTC Implementation deadline.

In April 2016, the Federal Railroad Administration (FRA) gave the Southeastern Pennsylvania Transportation Authority (SEPTA) written authorization to commence Provisional Revenue Service Operations for its Positive Train Control (PTC) system. Despite the three-year extension, SEPTA has been working very hard at implementing its PTC-compliant system as soon as possible.

As reported in SEPTA's previous updates, its plan was to launch the PTC program on its Warminster Regional Rail Line. The 20-mile line has 17 stations and provided approximately 2.5 million trips in 2014. With FRA approval, SEPTA implemented PTC Revenue Service Operations on this Line on Monday, April 18, 2016, beginning with the first scheduled train.

"Getting to this point has taken an extensive and intensive

approximately 104 route miles of two- and four-track territory. This territory required 740 transponders, 28 WIUs, and 14 radio base stations. All of the installation work on both projects was completed by Amtrak forces.

Before any new territory could be placed in service, the entire NEC locomotive fleet had to be upgraded with new Aspect/ACSES displays and new software to accommodate the changes made to the ACSES system. This work started in June 2015 upon FCC approval of the use of the radio spectrum purchased by Amtrak. Between June and December 2015, 143 locomotives and 17 cab cars were retrofitted by Amtrak's mechanical department.

Amtrak is currently working on the design of PTC for the Hudson Line and plans to complete the installation of ACSES on that line by the end of 2017. Amtrak controls the Hudson line from Poughkeepsie, New York, to Hoffman, New York, where the Hudson Line joins CSX Transportation's Chicago Line.

**National Infrastructure** 

Investments (TIGER)

Amtrak CEO Joseph Boardman said of its commitment to safety, "We were the first railroad to implement PTC in America, and we're still far ahead of the industry... I still believe that the single greatest contribution that my generation of railroaders can make to the industry is to implement PTC as rapidly as possible."

## Senate Appropriations Subcommittee Approves Fiscal Year (FY) 2017 Bill

The FY2017 Senate Transportation, Housing and Urban Development (THUD) bill was passed by the Senate Appropriations Committee on Thursday, April 21. The bill was a bipartisan effort and approved by a unanimous vote of 30–0. It provides \$56.5 billion total for both the U.S. Department of Transportation (DOT) and the U.S. Department of Housing and Urban Development, and related agencies (HUD), a decrease from the FY2016-enacted level of \$57.3 billion.

## Transportation Accounts FY2017 Funding Levels: Senate THUD Committee Draft vs. FY2016 Enacted

ransportation Programs	FY2016 Enacted (Omnibus HR 2029)	Senate FY2017 THUD Committee-Passed Bill
RA Amtrak Grants	Amtrak Capital and Debt Service Grants	National Network Grants
	1.101 billion	1.075 billion
	Amtrak Operating Grants	Northeast Corridor Grants
	288.5 million	345 million
RA Research & Development	39.1 million	40.1 million
RA Safety & Operations	199 million	208.5 million
	50 million	Consolidated Rail Infrastructure & Safety Improvement CRISI (§ 11102 FAST Act) <b>50 million total</b> *
FRA Rail Grants	(25 million – 49 USC 20167 railroad safety infrastructure improvement grants; 25 million–49 USC 20158 RR safety technology grants (for PTC))	Federal-State Partnership for State of Good Repair (§ 11103 FAST Act) <b>20 million</b>
		Restoration and Enhancement (§ 11104 FAST Act) 15 million total**

500 million

## To the left, is a table highlighting the rail provisions:

\*Of the total \$50 million available, \$25 million is appropriated for deploying safety technology and another \$25 million is appropriated for highway-rail grade crossings; line relocation and improvement; improving short-line or regional rail infrastructure; or developing safety programs to improve rail safety. See FRA section 145 for more information.

\*\*Of the \$15 million total available, \$5 million is appropriated for carrying out 49 USC 24408 (restoration and enhancement grants) and \$10 million is appropriated for restoration/initiation of intercity passenger rail service.

continued on page 21

525 million



## Buy-Outs and Railroad Retirement Benefits

Railroad employees frequently ask the Railroad Retirement Board (RRB) how the acceptance of a buy-out from a railroad employer affects their future eligibility for benefits under the Railroad Retirement and Railroad Unemployment Insurance Acts. The following questions and answers provide information on this subject.

## Would leaving railroad work and accepting a buy-out mean that an employee forfeits any future entitlement to an annuity under the Railroad Retirement Act?

As long as an employee has acquired at least 10 years (120 months) of creditable rail service, or 5 years (60 months) of creditable service if such service was performed after 1995, he or she would still be eligible for a regular railroad retirement annuity upon reaching retirement age, or, if totally and permanently disabled, for an annuity before retirement age, regardless of whether or not a buy-out was ever accepted.

However, if a person permanently leaves railroad employment before attaining retirement age, the employee may not be able to meet the requirements for certain other benefits, particularly the current connection requirement for annuities based on occupational, rather than total, disability and for supplemental annuities paid by the RRB to career employees.

In addition, if an employee does not have a current connection, the Social Security Administration, rather than the RRB, would have jurisdiction of any survivor benefits that become payable on the basis of the employee's combined railroad retirement and social security covered earnings in the future. The survivor benefits payable by the RRB are generally greater than those paid by the Social Security Administration.

## 2 t

#### How are buy-out payments treated under the Railroad Retirement and Railroad Unemployment Insurance Acts?

Buy-out payments that result from the abolishment of an employee's job are creditable as compensation under the Railroad Retirement and Railroad Unemployment Insurance Acts. While the actual names of these employer payments may vary, the treatment given them by the RRB will depend upon whether the employee relinquished or retained his or her job rights. If the employee relinquishes job rights to obtain the compensation, the RRB considers the payment a separation allowance. This compensation is credited to either the month last worked or, if later, the month in which the employee relinquishes his or her employment relationship. While all compensation subject to tier I payroll taxes is considered in the computation of a railroad retirement annuity, no additional service months can be credited after the month in which rights are relinquished.

The RRB considers the buy-out payment a dismissal allowance, even though the employer might designate the payment a separation allowance, if the employee retains job rights and receives monthly payments credited to the months for which they are allocated under the dismissal allowance agreement. This is true even if the employee relinquishes job rights after the end of the period for which a monthly dismissal allowance was paid. However, supplemental unemployment or sickness benefits paid under an RRB-approved nongovernmental plan by a railroad or third party are not considered compensation for railroad retirement purposes.

## 3

## How would acquiring 25 years of railroad service assist an employee in maintaining a current connection?

The current connection requirement is normally met if the employee has railroad service in at least 12 of the last 30 consecutive months before retirement or death. If an employee does not qualify on this basis but has 12 months of service in an earlier 30-month period, he or she may still meet the requirement if the employee does not work outside the railroad industry in the interval following the 30-month period and the employee's retirement, or death if that occurs earlier. Nonrailroad employment in that interval will likely break the employee's current connection.

However, since 1981, a current connection can be maintained for purposes of supplemental and survivor annuities, but not occupational disability annuities, if the employee completed 25 years of railroad service, was involuntarily terminated without fault from the railroad industry, and did not thereafter decline an offer to return to work in the same class or craft as his or her most recent railroad service, regardless of the location of the work offered. If all of these requirements are met, an employee's current connection may not be broken, even if the employee works in regular nonrailroad employment after the 30-month period and before retirement or death.

## Would the acceptance of a buy-out have any effect on determining whether an employee could maintain a current connection under the exception provision?

In cases where an employee has no option to remain in the service of his or her employer, the termination of the employment is considered involuntary, regardless of whether the employee does or does not receive a separation or dismissal allowance.

However, an employee who chooses a separation allowance instead of keeping his or her seniority rights to railroad employment would, for railroad retirement purposes, generally be considered to have voluntarily terminated railroad service and consequently would not maintain a current connection under the exception provision.

An employee with 25 years of service is offered a buy-out with the option of either taking payment in a single lump sum or of receiving monthly payments until retirement age. Could the method of payment affect the employee's current connection under the exception provision?

If the employee had the choice to remain in employer service and voluntarily relinquished job rights prior to accepting the payments, his or her current connection would not be maintained under the exception provision, regardless of which payment option is chosen. Therefore, nonrailroad work after the 30-month period and before retirement, or the employee's death if earlier, could break the employee's current connection. Such an employee could only meet the current connection requirement under the normal procedures.

## Is it always advantageous to maintain a current connection?

While a current connection is generally advantageous for railroad retirement purposes, the costs of maintaining a current connection could outweigh its value depending on individual circumstances. There may be other financial or personal factors involved besides railroad retirement eligibility and/or the preservation of a current connection, and these will vary from individual to individual.

## Are separation and dismissal allowances subject to railroad retirement payroll taxes?

Under the Railroad Retirement Tax Act, which is administered by the Internal Revenue Service, payments of compensation, including most buy-outs, are subject to tier I, tier II, and Medicare taxes on earnings up to the annual maximum earnings bases in effect when the compensation is paid. This is true whether payment is made in a lump sum or on a periodic basis.

To the extent that a separation allowance does not yield additional tier II railroad retirement service credits, a lump sum, approximating part or all of the railroad retirement tier II payroll taxes deducted from the separation allowance, will be paid upon retirement to employees meeting minimum service requirements or their survivors. This lump sum applies to separation allowances made after 1984.

If an employee receives a dismissal allowance, he or she receives service credits for the tier II taxes deducted from the dismissal allowance payments. Consequently, such a lump sum would not be payable.

If an employee has an option about how a buy-out is to be distributed, he or she should consider the impact of both payroll taxes and income tax on the payments. Employees with questions in this regard should contact the payroll department of their railroad employer and/or the Internal Revenue Service.

#### **OPERATION LIFESAVER**

### **The Dangers of Train Track Selfies**

o warn smart phone users of the dangers and illegality of taking "selfies" while on train tracks, the national nonprofit rail safety education group Operation Lifesaver, Inc. (OLI) is releasing a new animated video public service announcement (VPSA). The VPSA takes a humorous approach to raise awareness of the perils of this activity among the selfie-obsessed, especially younger social media fans and their parents, as well as risk-taking 18–28 year old males. The VPSA is the second in Operation Lifesaver's campaign to dissuade people from taking train track photos.

Railroad tracks rank as the world's third most deadly place to take a selfie, according to a January 2016 study by Priceonomics, yet the trend of photos on tracks does not seem to be slowing.

"Operation Lifesaver shares a growing concern about this deadly trend with our partners at the Federal Railroad Administration (FRA) who funded the video," said OLI President and CEO Bonnie Murphy. "A total of 13 deaths and 4 injuries have resulted from people photographing on train tracks since 2011. With more train track selfies being posted online each day, we fear that these preventable tragedies will continue. This VPSA is part of our effort to engage with, and warn, anyone who mistakenly thinks that train tracks are an appropriate place for a selfie," she stated.

The VPSA campaign will include Facebook and Instagram video sponsored posts, along with YouTube advertising and other targeted ad placements to bring the message to smart phone users on the social media outlets they post on every day.

Murphy said the VPSA will be available on the OLI website and via social media as part of Operation Lifesaver's ongoing "See Tracks? Think Train!" campaign.

Last fall, Operation Lifesaver released the first VPSA in the animated campaign, aimed at professional photographers, and worked with Professional Photographers of America (PPA) to promote the VPSA and educate members via a webinar, "Safety First: Photography Near Tracks and Trains." OLI has also blogged about the issue and released sharable social graphics aimed at photographers, selfie-takers, and teens.

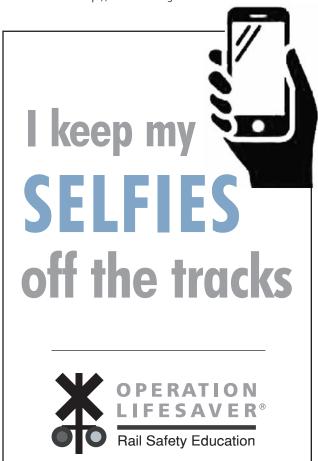
Operation Lifesaver launched the "See Tracks? Think Train!" campaign in 2014. Preliminary 2015 statistics from the FRA cite an increase of 2 percent in overall trespass casualties and 7.6 percent in trespass deaths; trespass injuries fell 4.3 percent.

Said Murphy, "We want to caution everyone with a smart phone or a camera about the dangers of photographing on or near tracks. We encourage people to share our video, spread the safety message and save lives."

#### ABOUT OPERATION LIFESAVER — Operation

Lifesaver's mission is to end collisions, deaths, and injuries at highway-rail grade crossings and along railroad rights of way. A national network of trained volunteers provides free presentations on rail safety.

Learn more at http://www.oli.org.



#### **WASHINGTON REPORT**

continued from page 17

#### Summaries of Changes Across the Agencies:

#### **Amtrak Grants:**

- NEC Grants: \$345 million is appropriated, and DOT may retain up to \$5 million of these funds to fund expenses association with NEC Commission.
- National Network Grants: \$1.075 billion is appropriated, and DOT may retain up to \$2 million of these funds to fund expenses associated with the state-supported route committee.
- Of the funds made available by the NEC and National Network Grants identified above, not less than \$50 million shall be allocated to bring Amtrakserved facilities/stations into compliance with the Americans with Disabilities Act (ADA).

#### FRA:

Section 145 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grants:

This new grant program was created by the Fixing

America's Surface Transportation (FAST) Act to fund capital projects that improve safety, efficiency, and reliability of rail service. Under the statute (49 USC 24407), 12 differing types of projects are eligible under CRISI (projects to relocate lines, address congestion, make rail grade improvements, workforce development/ training etc.) Under this bill, however, only 5 of the 12 types of projects are eligible for funding. Capital projects that are eligible for funding include:

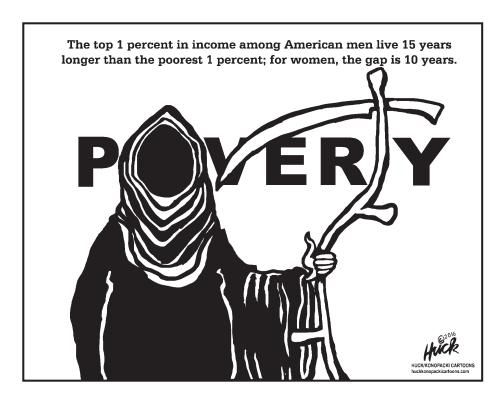
- Deploying safety technology;
- Grade crossing improvements;
- Rail line relocation;
- Improving short-line/regional rail infrastructure; and
- Developing safety programs designed to improve safety.

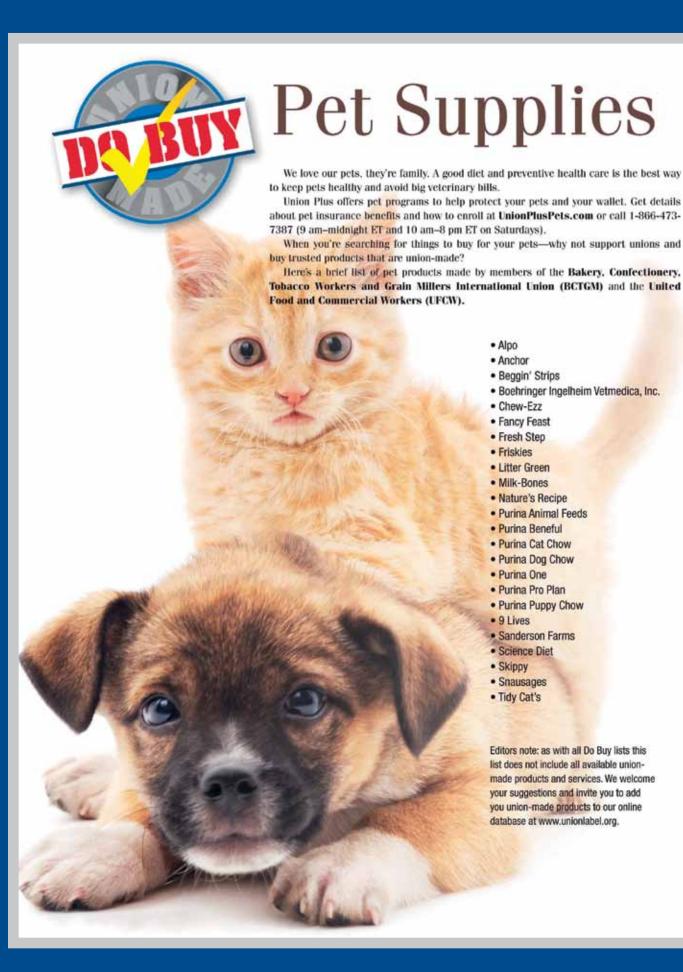
Section 151 Restoration and Enhancement Grants:

Appropriators made changes to 49 USC 24408, which is the new Restoration and Enhancement Grants created by the FAST Act. Currently, these grants are available

for operating assistance grants to applicants for the purpose of initiating, restoring, or enhancing intercity passenger service. The funds were meant to be temporary and not intended to support existing service.

The changes made by this appropriations bill essentially makes this money available for the long term, allowing the funds to "support" current service, and eliminating requirements for the development of plans showing that the rail service will be financially sustainable in the near term.





#### **AFL-CIO NATIONAL BOYCOTTS**

1111111111111111111111111111

#### HOSPITALITY, TRANSPORTATION & TRAVEL

#### SUBMITTED BY UNITE HERE!

Please support the workers in these hotels by continuing to boycott the following properties:

- ANCHORAGE, AK: Hilton: Sheraton
- → CALIFORNIA: Hillon LAX, Hyatt Regency Santa Clara, Hyatt Regency Sacramento, Hyatt Fisherman's Wharf San Francisco, Hilton Long Beach, Embassy Suites Irvine, Le Meridien San Diego
- RHODE ISLAND: Renaissance Providence Downtown Hotel
- SEATTLE: Grand Hyatt Seattle and Hyatt at Olive 8 Seattle

#### SUBMITTED BY United Steelworkers (USW)

→ PALERMO PIZZA

#### LEGAL

SUBMITTED BY American Federation of State, County & Municipal Employees

- GLEASON, DUNN, WALSH & O'SHEA
- HARDIN, LAZARUS AND LEWIS, LLC
- → MCDONALD, LAMOND, CANZONERI AND HICKERNELL

#### OTHERS

#### SUBMITTED BY American Postal Workers Union

- STAPLES retail stores





The global Hyatt boycott has ended. However, there are a number of local Hyatts with continuing labor disputes.

To avoid current or future strikes, boycotts, and other labor disputes at Hyatts or any other venues, use the UNITE HERE Union Hotel Guide at unionhotelguide.com or download their iPhone App, which lists which hotels to patronize or avoid.

To avoid the prospect of labor conflict during your stay at a hotel, insist on protective contractual language when you make a reservation or organize an event. Suggested model protection language can be found on UNITE HERE's wobsite at www.hotelworkersrising.org/media/modelprotectivelanguage.pdf

#### POLICY GUIDELINE FOR ENDORSEMENT OF AFFILIATES' BOYCOTTS

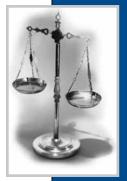
The AFL-CIO Executive Council has developed policy guidelines that regulate how the federation endorses boycotts undertaken by its affiliates. To get AFL-CIO sanction, boycotts should be directed at primary employers.

#### THE GUIDELINES INCLUDE THESE PROVISIONS:

- All requests to the national AFL-ClO for endorsement must be made by a national or international union.
- Any affiliated union with a contract in force with the same primary employer will be contacted by the AFL-CIO to determine whether there is an objection to the federation's endorsement.
- Affiliates will be asked to provide the AFL-CIO with background information on the dispute in a confidential information survey. Prior to endorsement of the boycott, the executive officers, or their designees, will meet with the national union's officers, or their designees, to discuss the union's strategic plan and timetable for the boycott, or other appropriate tactics, and to discuss the federation's role.
- The national or international union initiating the boycott is primarily responsible for all boycott activities; the AFL-CIO will provide supplemental support.
- Boycotts will be carried on the AFL-CIO national boycott list for a period of one year, and the endorsement will expire automatically at the end of that time. National and international unions may request one-year extensions of the listings for actions where an organizing or bargaining campaign is actively in place.

(These guidelines were adopted by the AFL-CIO Executive Council in April 2011.)

## RS DESIGNATED COUNSEL



When Signalmen suffer a work-related injury or illness, BRS members or their families are encouraged to determine their rights and benefits under the Federal Employers' Liability Act before agreeing to any settlement with the railroad employer. The Brotherhood of Railroad Signalmen has designated the attorneys listed in this directory to serve as qualified counsel for BRS members in employee injury cases covered by FELA.

Attorneys are listed by state and are designated to serve BRS members living or working in the general region of their offices. Designation of FELA counsel is by authority of the BRS Executive Council only.

BRS members are encouraged to provide information regarding FELA cases, including criticism or commendations regarding the service of designated counsel, and information on injuries and settlements. This information, which will be used in the continuing evaluation of this program, should be sent to W. Dan Pickett, President, Brotherhood of Railroad Signalmen, 917 Shenandoah Shores Road, Front Royal, VA 22630-6418.

#### **ALABAMA**

W.C. Tucker, Jr. Maples, Tucker & Jacobs, LLC 2001 Park Place North Suite 501 Birmingham, AL 35203 Tel. (205) 322-2333

#### **ARIZONA** Lloyd L. Rabb, III

www.mtandj.com

Rabb & Rabb, PLLC P.O. Box 64040 Tucson, AZ 85728 Tel. (520) 888-6740 800-354-3352 www.1stinjurylaw.com

#### **ARKANSAS**

**Chris Christy** Law Office of H. Chris Christy 201 W. Broadway Street Suite G12 North Little Rock, AR 72114 Tel. (501) 758-0278

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#### Anthony S. Petru

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apply to Amtrak employees)

## **CONTINUOUS MEMBERSHIP**

The Brotherhood of Railroad Signalmen, in recognition of BRS members' contributions to the Signalman's craft and their dedication to the principle of trade unionism, has established a Continuous Service program to honor longtime BRS members. Continuous Service lapel pins are presented to members every five years, beginning with their 25th year of membership.



The following is a list of the active members who recently received Continuous Service pins in recognition of their years as BRS Members:

45 YEARS OF SERVICE		35 YEARS OF SERVICE	
KE Hinsley	16	RD Grossnickle	8
40 YEARS		GJ Hemmert	10
OF SERVICE		GA Connolly	16
SA Bockbrader	10	GW Carroll	18
MA Childers	16	SL Turner	33
HC Frias	18	SL Suzewits	55
JC Bitters	20	BJ Brauchle	57
JR Balla	57	RB Wyatt	57
KA Lamey	62	GV Lee	65
WH Radiger	68	JD Homan	72
CT Lewis, Jr.	77	TD Ives	72
JJ Dottino	80	BA Walker	72
JS Dailey	84	EL Gill	77
AE DeNully	84	DE Burns	99
GR Guenther	84	SA Kusanovich	153
MC Kubicki	84	SR LaBelle	182
SD Smith	92	MK Owens	183
RA Shultz, Jr.	106	PG Schlotterer	228
SR Hoogheem	108	DR Zachary	229
S Quinteros, Jr.	121	21(Zachar)	22)
MD Knick	148		
JJ Kaiser	154	30 YEARS OF SERVICE	
RW Lawson	158		22
RL Brinkley	162	DL Porter	33
TR Haley	188	WA Smith, Jr.	33
LW Taylor	206	JA Barbarello	56
WA Seagraves, Jr.	208	RW Farrell	56
JP Lawless	213	PR Holm	56
R Streifeneder	230	J Piotrowski	56
TF Drupieski	238	SJ Slater	56

30 YEARS OF SERVICE		25 YEARS OF SERVICE	
DH Charles	77	DE Podlesnik	31
JB Clayton	77	RA Witt	31
EV Gleaves	77	RL Couch, Jr.	34
FA Taylor, Jr.	84	RJ Connell	48
DJ Gibson, Jr.	110	KM Biehner	102
RE Wagener	130	R Jann	102
DL Gillam	179	MF Fuller	123
RC McCauley	188	AD Morey	123
TA Bogard	194	RJ McNiel, Jr.	153
25 YEARS		MC Newsom	156
OF SERVICE		SJ Strode	156
EJ Doyle, Jr.	5	TS Humble	157
BA George	15	EC Dalquist	226
CJ McIntire	20	JS Flingai	226
WW Harvey	24	PC Swendsrud	226

#### **DID YOU KNOW?**

## **Title 49: Transportation** §236.56 SHUNTING SENSITIVITY

Each track circuit controlling home signal or approach locking shall be so maintained that track relay is in deenergized position, or device that functions as a track relay shall be in its most restrictive state if, when track circuit is dry, a shunt of 0.06 ohm resistance is connected across the track rails of the circuit, including fouling sections of turnouts.



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TIME	You save time utilizing in-network providers since they handle the insurance paperwork and submit claims for you.	Out-of-network providers may not be willing to request pre- authorization for services or be willing to advocate on your behalf for payment of services. Additionally, out-of-network providers and facilities generally do not submit claims for you. This may make it difficult for you to provide enough information for your health insurer to approve the care provided or pay the claim.
BEST MATCH	We help you to identify a clinician whose training, background and expertise suit your specific needs.	Even if friends or family recommend someone, you can't be sure that the professional has the right background or training to address your unique challenge.
QUALITY	Our providers are reviewed regularly to ensure the quality of their services.	No one consistently checks provider background, license or practice history to ensure you're receiving the best possible care.

## **OBITUARIES**

MILES E. AVEY—retired member of LOCAL 31. Brother Avey retired in 1995 after 44 years of service with CSX Transportation. Brother Avey was a Signal Maintainer at Keyser, West Virginia, at the time of his retirement.

**DENNIS H. BACHMANN**—retired member of **LOCAL 9.** Brother Bachmann retired in 1997 after 35 years of service with the Chicago & North Western Railway and Union Pacific Railroad. Brother Bachmann was a Signal Maintainer at Clyman, Wisconsin, at the time of his retirement.

MARSHALL T. BIDDLE—retired member of LOCAL 106. Brother Biddle retired in 1983 after 33 years of service with the Pennsylvania and New York Central Railroads and Amtrak. Brother Biddle was a Signalman at Lancaster, Pennsylvania, at the time of his retirement. Brother Biddle is a U.S. Army Veteran and was a member of Post No. 135 Perryville American Legion. Brother Biddle was also a volunteer firefighter and lifetime member of the Perryville Fire Company.

**JAMES M. BRINKLEY**—retired member of **LOCAL 162**. Brother Brinkley retired in 1986 after 39 years of service with the Illinois Central Gulf Railroad. Brother Brinkley was a Signal Inspector at Fulton, Kentucky, at the time of his retirement.

WILLIAM M. BRODERICK—retired member of LOCAL 213. Brother Broderick retired in 2015 after 20 years of service with CSX Transportation. Brother Broderick was a Signal Maintainer on the Fitchburg Line in Massachusetts at the time of his retirement.

**BILLY I. CLAWSON**—retired member of **LOCAL 41**. Brother Clawson retired in 1987 after 40 years of service with Conrail. Brother Clawson was a Signal Maintainer at Danville, Illinois, at the time of his retirement.

MARSHALL A. COBURN—retired member of LOCAL 77. Brother Coburn retired in 2000 after 30 years of service with the Norfolk Southern Railway. Brother Coburn was a Signal Maintainer at Roanoke, Virginia, at the time of his retirement. Brother Coburn is a U.S. Army Veteran who served during the Korean War.

**CORNELIUS J. CONWAY**—retired member of **LOCAL** 31. Brother Conway retired in 1989 after 43 years of service with the New York Central and Baltimore & Ohio Railroads and the Staten Island Railway. Brother Conway was a Signal Maintainer at Staten Island, New York, at the time of his retirement.

**R.J. CORRIN**—retired member of **LOCAL 153**. Brother Corrin retired in 1973 after 25 years of service with the Southern Pacific Railroad. Brother Corrin was a Signal Maintainer at King City, California, at the time of his retirement.

**RAYMOND O. DANIELS**—retired member of **LOCAL 11**. Brother Daniels retired in 2008 after 35 years of service with the Norfolk Southern Railway. Brother Daniels was a Signal Maintainer at Millen, Georgia, at the time of his retirement.

JOHN J. DASCOLI—retired member of LOCAL 35.
Brother Dascoli retired in 1982 after 41 years of service with Conrail. Brother Dascoli was a Signal Maintainer at Ashtabula, Ohio, at the time of his retirement. Brother Dascoli served as Local President and Local Chairman.

**DAVID A. DEADMOND**—retired member of **LOCAL 81**. Brother Deadmond retired in 1992 after 15 years of service with the Illinois Central Railroad. Brother Deadmond was a Signalman at Effingham, Illinois, at the time of his retirement.

**PATRICK F. FERGUSON**—retired member of **LOCAL 56**. Brother Ferguson retired in 1980 after 32 years of service with the Long Island Rail Road. Brother Ferguson was a Communications Foreman at Jamaica Station, New York, at the time of his retirement. Brother Ferguson served as Local President and Recording Secretary.

**BRUCE L. FROST**—retired member of **LOCAL 134**. Brother Frost retired in 1991 after 42 years of service with Conrail. Brother Frost was a Test Inspector C&S at Corry, Pennsylvania, at the time of his retirement. Brother Frost served as Local President.

**EVERETT E. GIBSON**—retired member of **LOCAL 43**. Brother Gibson retired in 1986 after 39 years of service with the Chicago & North Western Railway. Brother Gibson was a Signal Maintainer at Missouri Valley, Iowa, at the time of his retirement.

**ORVILLE S. GILREATH**—retired member of **LOCAL 49**. Brother Gilreath retired in 2000 after 28 years of service with the Norfolk Southern Railway. Brother Gilreath was a Signal Maintainer at Norris Yard in Irondale, Alabama, at the time of his retirement.

**FARRELL D. HARDY**—retired member of **LOCAL 14**. Brother Hardy retired in 1997 after 30 years of service with the Canadian National Railway. Brother Hardy was a Signal Maintainer at Detroit, Michigan, at the time of his retirement.

**RICHARD C. HILL, SR.**—retired member of **LOCAL 48**. Brother Hill retired in 1980 after 39 years of service with Amtrak. Brother Hill was a Communication Maintainer at Wilmington, Delaware, at the time of his retirement. Brother Hill served as Local President and Local Chairman.

RAYMOND H. HONAKER—retired member of LOCAL 136. Brother Honaker retired in 1981 after 33 years of service with the Chesapeake & Ohio Railway. Brother Honaker was a Signal Foreman at Huntington, West Virginia, at the time of his retirement. Brother Honaker served as Local Trustee.

**RAYMOND F. HUGHES**—retired member of **LOCAL 227**. Brother Hughes retired in 1991 after 28 years of service with the Soo Line Railroad. Brother Hughes was a Signal Testman at Sturtevant, Wisconsin, at the time of his retirement.

**IRVIN N. KLINE**—retired member of **LOCAL 94**. Brother Kline retired in 1984 after 24 years of service with the Baltimore & Ohio Railroad. Brother Kline was a Signal Maintainer at North Baltimore, Ohio, at the time of his retirement.

**RODNEY L. LENNON**—retired member of **LOCAL 55**. Brother Lennon retired in 1996 after 24 years of service with the Norfolk Southern Railway. Brother Lennon was a Signal Maintainer at New Haven, Indiana, at the time of his retirement.

**LESLIE T. LYLE**—retired member of **LOCAL 16**. Brother Lyle retired in 1986 after 44 years of service with the Seaboard Coast Line Railroad. Brother Lyle was a Signal Inspector at Sanford, Florida, at the time of his retirement.

**THOMAS MANCINELLI**—retired member of **LOCAL 53**. Brother Mancinelli retired in 1984 after 42 years of service with the Reading Railroad and Conrail. Brother Mancinelli was a Maintainer Test at Philadelphia, Pennsylvania, at the time of his retirement. Brother Mancinelli served as Local President.

JAMES J. MOLNAR—retired member of LOCAL 68. Brother Molnar retired in 1986 after 38 years of service with the Indiana Harbor Belt, Pennsylvania, and Penn Central Railroads and Conrail. Brother Molnar was a Signal Inspector at Chicago, Illinois, at the time of his retirement. Brother Molnar served as Recording-Financial Secretary.

**THOMAS J. MURPHY**—retired member of **LOCAL 56**. Brother Murphy retired in 1996 after 31 years of service with the Long Island Rail Road. Brother Murphy was a Signal Technician at Babylon, New York, at the time of his retirement.

CHARLES F. NICHOLSON—retired member of LOCAL 8. Brother Nicholson retired in 1990 after 20 years of service with the Union Pacific Railroad. Brother Nicholson was a General CTC Maintainer at North Platte, Nebraska, at the time of his retirement. Brother Nicholson is a U.S. Army Veteran who served as a Military Policeman in Japan.

HAROLD K. NORTON—retired member of LOCAL 214. Brother Norton retired in 1989 after 40 years of service with the Detroit & Toledo Short Line and Grand Trunk Western Railroads. Brother Norton was a Signal Inspector at Trenton, Michigan, at the time of his retirement.

**ELLWOOD T. PERIN, SR.**—retired member of **LOCAL 120**. Brother Perin retired in 1990 after 43 years of service with the Boston & Maine Railroad. Brother Perin was a Signal Maintainer at Beverly, Massachusetts, at the time of his retirement. Brother Perin served as Recording-Financial Secretary.

WILLIAM I. PLATT—retired member of LOCAL 62. Brother Platt retired in 1988 after 8 years of service with the Providence & Worcester Railroad. Brother Platt was a Project Engineer at Woonsocket, Rhode Island, at the time of his retirement. Brother Platt served as Local Chairman.

**DONSEL L. POST**—retired member of **LOCAL 94**. Brother Post retired in 1982 after 35 years of service with the Baltimore & Ohio Railroad. Brother Post was a Signal Maintainer at Heath, Ohio, at the time of his retirement. Brother Post served as Local Chairman.

**EDWARD L. RAMSEY**—retired member of **LOCAL 10**. Brother Ramsey retired in 1992 after 35 years of service with the Pennsylvania and Penn Central Railroads and Conrail. Brother Ramsey was a Signal Maintainer at Kendallville, Indiana, at the time of his retirement.

**TERRY L. RAY**—active member of **LOCAL 185**. Brother Ray had 25 years of service with the Southern Pacific and Union Pacific Railroads. Brother Ray was a Signal Maintainer at Tupelo, Mississippi, at the time of his passing.

**E.M. REDDEN**—retired member of **LOCAL 64.** Brother Redden retired in 1987 after 42 years of service with the New York Central and Penn Central Railroads and Conrail. Brother Redden was a Signal Inspector at Findlay, Ohio, at the time of his retirement.

**RICHARD K. SHIPLEY**—retired member of **LOCAL 2**. Brother Shipley retired in 1989 after 35 years of service with Conrail. Brother Shipley was an Inspector C&S at Conway, Pennsylvania, at the time of his retirement.

**JOHN W. STREET**—retired member of **LOCAL 16**. Brother Street retired in 2011 after 18 years of service with CSX Transportation. Brother Street was a Signalman at Fort Lauderdale, Florida, at the time of his retirement.

**EDGAR A. TERRILL**—retired member of **LOCAL 225**. Brother Terrill retired in 1989 after 34 years of service with the New York Central and Penn Central Railroads and Conrail. Brother Terrill was a Signal Maintainer at Corfu, New York, at the time of his retirement.

**ERNEST M. TERRY**—retired member of **LOCAL 138**. Brother Terry retired in 1990 after 42 years of service with the Richmond, Fredericksburg & Potomac Railroad. Brother Terry was a Signalman at Doswell, Virginia, at the time of his retirement. Brother Terry served as Local President.

**STANLEY O. THOMPSON**—retired member of **LOCAL 154.** Brother Thompson retired in 1980 after 39 years of service with the Burlington Northern Railroad. Brother Thompson was a Signal Inspector at St. Paul, Minnesota, at the time of his retirement. Brother Thompson served as Local Trustee.

**RICHARD G. TROSKY**—retired member of **LOCAL 10**. Brother Trosky retired in 2006 after 32 years of service with the Norfolk Southern Railway and Conrail. Brother Trosky was an Electronic Specialist at Dearborn, Michigan, at the time of his retirement. Brother Trosky served as Recording-Financial Secretary.

**RALPH N. VAN WINKLE**—retired member of **LOCAL 8**. Brother Van Winkle retired in 2008 after 35 years of service with the Union Pacific Railroad. Brother Van Winkle was a Signal Maintenance Foreman at Cheyenne, Wyoming, at the time of his retirement.

**LYLE H. VANNATTA**—retired member of **LOCAL 154**. Brother Vannatta retired in 1994 after 44 years of service with the Burlington Northern Railroad. Brother Vannatta was a Traveling Signal Maintainer at Mitchell, South Dakota, at the time of his retirement.

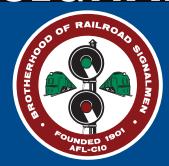
**GROVER C. WEBB**—retired member of **LOCAL 104**. Brother Webb retired in 1988 after 30 years of service with the Southern Pacific Railroad. Brother Webb was a Signal Maintainer at Palmdale, California, at the time of his retirement.

**KENNETH J. ZURN**—retired member of **LOCAL 154**. Brother Zurn retired in 1992 after 30 years of service with the Burlington Northern Railroad. Brother Zurn was a Signal Inspector at Dilworth, Minnesota, at the time of his retirement.

#### Editor's Note:

Please notify Grand Lodge of the passing of retired BRS members. **Email:** membership@brs.org

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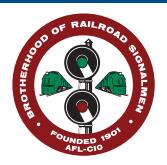
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**BLACK CANVAS COAT** 





**Navy Golf Shirt** BRS logo on front only

White Golf Shirt BRS logo on left sleeve only

**Red Golf Shirt** BRS logo on left sleeve only



**BLACK SWEATSHIRT** 

**GRAPHIC T-SHIRT** 

**GOLF SHIRTS WITH PIPING** 



lettering on brim lettering on brim



Black w/colorlight





Baseball caps have the BRS colorlight emblem stitched on the front. Made of medium-weight cotton, they have an adjustable headband and come in different styles and colors.



When you purchase a Pink BRS Cap, a \$5 donation will be sent to the National Breast Cancer Foundation, Inc.

**BASEBALL CAPS** 





Coffee Mugs are available individually or in a set of 4





**GOLF BALLS** 

**MANTLE CLOCK** 

**COFFEE MUG** 

**POCKET WATCH** 

**WRIST WATCH** 

FLAG

## Bakery Workers Double Down on Nabisco Consumer Boycott

he Bakery, Confectionery, Tobacco Workers and Grain Millers Union (BCTGM), which represents nearly 4,000 members at Mondelez International, maker of Nabisco snack products — escalated its efforts to promote its "Check the Label" campaign. The action is in response to the layoff of the first 277 workers at the Southside Nabisco Chicago Bakery. The campaign encourages American consumers to reject Nabisco products made in Mexico, and instead buy those that are produced in America in support of American jobs. BCTGM will send teams of the laid-off workers around the country, focusing on large urban areas, to meet with unions, social organizations, churches, state labor federations, and others to enhance support for the efforts and continue to expand its coalition.

"The layoff of the first 277 employees from the Nabisco Chicago Bakery should not be seen as the end of the Union's effort to save these American jobs, but rather the launch of an intensified effort to educate the American consumer on the transfer of this work from the hard working employees of Chicago to low wage jobs at Nabisco's production facility in Salinas Victoria, Mexico," said David B. Durkee, International President of the BCTGM. "We will send teams of these laid-off workers to talk to thousands in multiple communities across America to tell their

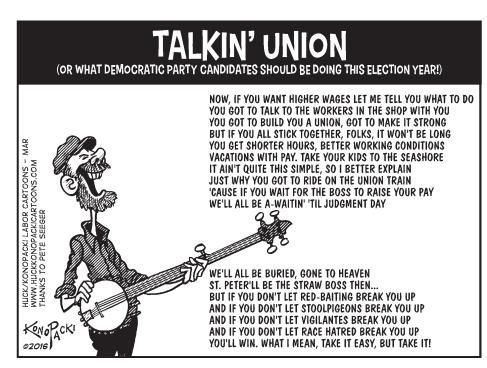
story, redoubling our efforts on their behalf to educate the American consumer regarding the importance of withholding their consumer dollars from the purchase of Nabisco's Mexican-made products."

Mondelez, the owner of the Nabisco brand, told workers at the Chicago bakery back in May of 2015 that they would consider putting new technology in Chicago if the workers would take a 60 percent reduction in wages and benefits or 46 million dollars per year every year into the future to secure a \$130,000,000 investment.

"They made an offer that was so ridiculous they knew it could never be accepted," Durkee added.

"American workers cannot compete with workers in Mexico making \$60 per week with little or no benefits. Nabisco's plans to lay off American workers, put their jobs in Mexico and then return the products to the United States to sell is the ultimate insult to both the American worker and consumer. They want the American consumer to support them by purchasing their products, but they have no loyalty to any country, community, or worker that has contributed to their billions in profits in the past. By dispatching boycott education teams to inform consumers that every dollar denied to the purchase of these products supports American jobs, we'll send a loud and clear message to this company via their balance sheet, effectively making no benefit for Nabisco to run those plants in Mexico. This is not over, and will not be over, as long as this company continues to destroy families and communities by moving work from the United States to these low wage countries."

The National contract between Mondelez International and over 2,000 of its 4,000 workers represented by the BCTGM expired on February 29, 2016. BCTGM continues to be resolute in its commitment to securing a quality contract for its members — one that is in the very best interests of all members and their families today and into the future. For more information about announced job losses in Chicago, visit: <a href="http://www.fightforamericanjobs.org">http://www.fightforamericanjobs.org</a>.



# SUPPORT AMERICAN JOBS! CHECK THE LABEL! AFL-CIO Endorsed!

Nabisco/Mondelēz is slashing good middle-class American jobs and shipping them to Mexico.

#### Do YOU know if your favorite Nabisco products are **MADE IN MEXICO?**

Nabisco/Mondelēz has plants in Monterrey and Salinas, Mexico where low-wage workers, in workplaces with lax regulatory standards, are producing Nabisco products.

Make sure your family only purchases Nabisco snacks made by your fellow American workers. **CHECK THE LABEL** on the back of every Nabisco package (near the expiration date and UPC code) before you purchase.

## There are TWO ways to tell if your Nabisco snacks are MADE IN MEXICO:

1

Check for the words "Made in Mexico"



4

#### Check the plant identification code:

#### DO NOT BUY:

MM = Monterrey, Mexico

## MS = Salinas, Mexico DO BUY:

AE = Chicago

AH = Portland, Ore.

AP = Fairlawn, N.J.

 $\Delta X = \Delta t lanta$ 

AZ = Richmond, Va.

XL = Naperville, Ill.



**DO NOT BUY** Nabisco products made in Mexico and tell your grocery manager to stock ONLY **AMERICAN-MADE** Nabisco/Mondelēz snacks!

#### **LEARN MORE:**



www.fightforamericanjobs.org



**BCTGM International Union** 



@BCTGM\_Nabisco

#### **WATCH OUR VIDEOS:**

The 600

Check the Label









## <u>MEETING PHOTOS</u>



### **Retirement** — **Terry** Maher

New Jersey Transit, General Chairman

LEFT-RIGHT: Dave Ingersoll, Amtrak Eastern General Chairman; Mark Culver, New Jersey Transit Assistant General Chairman, Dennis Boston, BRS Vice President Commuter, Passenger, Transit/Political Director; Terry Maher, New Jersey Transit General Chairman; Jerry Boles, BRS Secretary-Treasurer; Jason Worcester, United General Committee General Chairman.







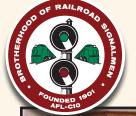


### Local Chairmen's Training

Front Royal, VA

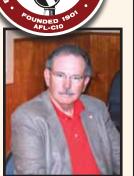


## MEETING PHOTOS



**Local 120 Meeting** •

Boston, MA





















## MEETING PHOTOS



### **Local 89 Meeting**

Lewisburg, WV











## PHOTO CONTEST WINNERS FOR 2nd Quarter 2016



Signal Maintainer Steven Smith of Local 226, who recently retired, checks the foundation to make sure it is level prior to the installation of a PTC antenna tilt tower at the Lewiston West control point on the Tomah Subdivision on the Soo Line.

Photo submitted by Keith Huebner, Soo Line General Chairman and Local 226 member.



Shelby, Montana Signal Maintainer Leonard Fugle calls it a day. Brother Fugle is a Local Trustee and member of Local 87.

Photo submitted by Signal Inspector and Local 87 member, Scott Marksbury.



Signal Maintainer Cory Claypool, Local Chairman and Member of Local 98, makes repairs to LEDs on a cantilever. Photo taken near an ethanol plant in Golfield Iowa, on the Union Pacific Jewell Subdivision. Photo submitted by Signal Maintainer and Local 98 member, Adam Eckley.



The Union Sportsmen's Alliance and Sqwincher Hydration have teamed up to send one lucky AFL-CIO union member on an all-expense paid muzzleloader hunt in famed Buffalo County, Wisconsin - the #1 county in the world for Pope & Young record whitetails - for trophy whitetail with outdoor celebrity couple Pat and Nicole Reeve of Driven TV.

#### **GRAND PRIZE PACKAGE**

- · Roundtrip airfare
- Onsite lodging and meals at Bluff Country Outfitters lodge
- Ground transportation
- · 5-day guided hunt
- License and tags
- · Thompson Center rifle
- · Carhartt hunting gear



A \$5,000 VALUE! \* ENTER TODAY AT: WWW.UNIONSPORTSMEN.ORG/SQWINCHERHUNT

Deadline: August 5, 2016. Promotion available to AFL-CIO union members.