



The Highball

Official Publication of
Railroad Workers United

Uprising in the Heartland -- Time for Rail Labor to Mobilize!

The last few months have witnessed an amazing spectacle, as working people, their unions and allied groups have taken to the streets in mass protest throughout the Midwest. From Wisconsin, Ohio, Michigan, Indiana and other states, workers have taken action – staging impressive demonstrations, occupying the state capitol in Wisconsin, engaging in mass sick call-ins, walking off the job, and otherwise flexing their collective muscle. Working class people in the U.S. have a lot to be proud of these days, as we stand up for our dignity, our freedom, our democratic rights, and each other.

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At this point it is unclear exactly what direction this newly unleashed power will go in. There are efforts to recall elected officials, more plans of mass demonstrations and “days of action”, calls for strikes and even a general strike. One thing for certain however is that the movement is not going away anytime soon. What we are witnessing is truly historic, nothing short of the rebirth of the American Labor Movement. The sleeping giant has awakened. Workers are fired up like they have not been for decades.

Railroad workers have begun to participate. While some national rail leaders have put out the call to action, many rank-and-file members have participated in rallies and demonstrations in a display of solidarity with the public employees and their unions who are under fire. Railroad Workers United applauds these labor leaders for their willingness to engage in solidarity actions, and we commend

all railroaders who have taken part in these actions. If you have yet to attend one of the many events around the country, we urge you to get involved in the new workers movement ASAP.

But the protests are now winding down. So where do we go from here? RWU has issued a resolution of support and has drafted an “open letter” to all railroad workers of North America stating our position (See the website for the complete documents). Like the rail trade unions, we have encouraged railroaders to get involved in the protests and demonstrations; however, we have a vision of a deeper more profound involvement.

The union leadership’s vision is one that translates into workers lobbying their elected officials, going to work as usual, obeying the letter of the law, and relying ultimately on their leadership outside of the workplace – be it union or governmental – to solve our problems. If the ultimate conclusion of all this action is to leave it in the end to the union bureaucrats and the politicians, then all our efforts will have gone for naught. And while we support the efforts in Wisconsin to recall the Governor (and any other politician) who attacks the working class, we need a broader overarching strategy to win, one that includes unleashing the power of the rank-and-file.

And perhaps it’s time to rock the boat in our own house. Perhaps it’s time to bring the fighting spirit of the public employees to the property of the nation’s railroads. While we are not immediately threatened with mass concessions or the outright destruction of our unions (like countless public workers are), we are under attack. In case you

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Rails Coast-to-Coast Catch “The Spirit of Wisconsin”

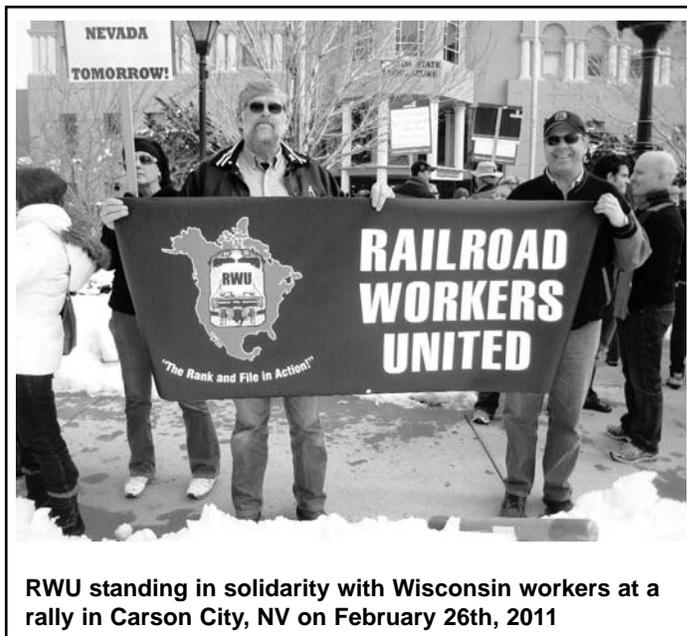
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hadn't noticed, the last thirty years has been one long and prolonged sustained assault upon rail labor by the rail carriers of North America. Massive job cuts and short staffing; crew fatigue coupled with draconian availability policies; spying, harassment and intimidation; record numbers of firings and discipline cases; reprisals against workers who are injured on the job; phony “blame-the-worker” safety programs; increasing co-pays and deductibles; wholesale violation of and disrespect for our union contracts.

Perhaps it is time for rail labor to come together – much the same way our brothers and sisters in Wisconsin have done – and say “Enough!” Rail workers are getting the shaft – and this at a time when we are vital to the nation's economy, when the private carriers are raking in record profits, and when passenger rail is on the ascendency.

Maybe we need a national day of action ourselves! How about rail labor calling for actions of ALL railroad workers to stand together, to stand up, and to put the carriers on notice that, like in Wisconsin “We Are One!”; that “An injury to One is An Injury to All!”; and that we are not going to take the abuse any longer.

Our unions were not built by currying favor with the rail carriers. Our unions were not built by sucking up to the company. Our unions were not built by “taking it to arbitration” or electing politicians. They were built by rank-and-file workers taking action – on the job and in our communities – sometimes at great cost. Rail workers waged countless strikes, engaged in myriad untold job actions, and otherwise took “self help” to build their unions and



RWU standing in solidarity with Wisconsin workers at a rally in Carson City, NV on February 26th, 2011

win better wages, benefits, and working conditions.

Railroad Workers United urges all railroad workers to catch the “Spirit of Wisconsin” and fight back! Attend your union meeting. Run for office. Get involved in the lifeblood of your labor organization. Familiarize yourselves with the issues. Talk with your co-workers, not just those in your own craft and your own union, but every brother and sister on the property. Take “concerted activity” on the job, stand up for one another, don't let the company divide & conquer. Raise hell! Read your history, study the struggles of the past and prepare for the uprising that lies ahead!

Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank-and-file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call or email the address below.

Statement of Principles

- Unity of All Rail Crafts
- An End to Inter-Union Conflict
- Rank-and-File Democracy
- Membership Participation & Action
- Solidarity Among All Railroaders
- No to Concessionary Bargaining

Railroad Workers United P.O. Box 1053 Salem, IL. 62881

International Steering Committee

Penny Artis	IBEW #813	NS	Roanoke, VA	
Steve Desavouret	TCU #6608	CN	Chicago, IL	
Jon Flanders	IAM #1145	CSX	Selkirk, NY	
Robert Hill	BLET #75	BNSF	Vancouver, WA	
Ron Kaminkow	BLET #51	Amtrak	Reno, NV	
Mike Matson	UTU #911	CP	St. Paul, MN	
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Railroad Workers Memorial Day is June 17th, 2011

On Mother's Day, 2009, a young conductor, Jared Boehlke, was killed on the job in Selkirk, NY while working a single-employee RCO job in the hump yard. Like so many other railroad fatalities, Jared's death could so easily had been avoided had the carrier maintained a safe workplace. In response to this tragic accident, Railroad Workers United called for a national day of remembrance a few weeks later, on Father's Day Friday. Urging all railroaders to wear black shirts to work that day, we proclaimed the day "Railroad Workers Memorial Day", and have pledged the organization to observe this day every year in honor and remembrance of those railroad workers who died on the job.

In 2010, we observed the day by honoring and remembering the increasing number of brothers and sisters who were killed on the railroad in the previous 12 months. Despite the recession and the decrease in rail employment by more than 10%, the number of fatalities had risen dramatically. In fact, twenty fellow workers lost their lives on the railroad between Mothers' Day 2009 and 2010! (see the RWU website for details).

This year we once again call on all railroaders to observe Railroad Workers Memorial Day. As many already are aware, on March 23rd we lost an engineer and a conductor in a fatal crash in Longview, WA. Another conductor lies in critical condition while the driver of the van that these men were riding in also perished in the accident. While the company flails about wildly searching for workers to blame, their actions beg the question: why was such a dangerous crossing -- an obvious hazard, an accident waiting to happen -- allowed to go unprotected year after year? (See Page 7 for more information).

RWU members will be wearing our RWU T-shirts to work



on June 17th. We ask that ALL railroaders wear a black shirt to work and join with us in standing in solidarity with our fallen comrades. Help us to make a statement to the carriers that we will not go along with business-as-usual corporate sponsored safety programs that only look at our behaviors and fail to take an interest in alleviating the hazards that lead to accident, injury and death on the job. See the RWU website for posters, flyers and more.

RWU Membership Drive

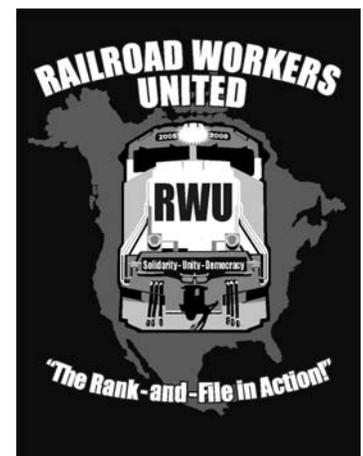
Join RWU and get a FREE T-shirt from now until Labor Day!

Railroad Workers United is supporting a campaign to make Father's Day Friday every year "Railroad Workers Memorial Day". (see article above). If you support this idea, we ask you to wear a black shirt to work on Friday, June 17th.

And to assist you, we are offering FREE RWU T-shirts to all those railroaders who join (or re-join) RWU for one year or more from now through Labor Day. The shirts are 100% cotton with the 4-color RWU logo on the front, and are union made in the USA.

Don't delay, join and order your T-shirt today (see the website or the membership application and T-shirt order form on the back of this newsletter). Currently we have all sizes available from Small on up through to 4X Large but supplies are limited.

Join RWU and proudly wear your black T-shirt on Black Shirt Friday, June 17th, 2011 and stand in solidarity with your brothers and sisters in defense of our jobs, our safety and our lives.



RWU Conducts Survey on Rail Safety Improvement Act

J.P. Wright, BLET #78, RWU Steering Committee

In January, RWU posted an internet survey to be able to take a look at what trainmen and engineers thought of the new Railroad Safety Improvement Act of 2008. After eight weeks, we took the survey down and tabulated the results. The raw data is summarized below and is available in full for all to see on the RWU website.

When I made up this survey I pretty much knew how the results would look. The two main points I wanted to focus on were: 1) How effective has the bill been so far in preventing fatigue?; and 2) Is the bill costing our members money? Well, sure enough, more than 50% of the respondents say that this bill has done nothing to fix the problems associated with fatigue, while 75% of the responders say that they have lost money as a result of the bill.

The bill does nothing to protect wages. Nothing. Likewise, it can be argued that the bill does little to deal with crew fatigue either. While the Federal Government and the carriers are trying to sweep fatigue issues under the carpet with a bad safety act, we are forced to let the FRA and Carriers screw with OUR Hours of Service, trying to paint a picture that they have done something about fatigue. In reality this bill adds more challenges to the already very complex crew scheduling issues surrounding 24/365 railroad operations, costing the crews lost wages, while failing to properly address the crew fatigue issue.

It is up to all train and engine employees to speak up! The RSIA has a section that allows for unions and their members to participate in the process: *Section 103(g)(1):(g) CONSENSUS.— (1) IN GENERAL. — Each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall consult with, employ good faith and use its best efforts to reach agreement with, all of its directly affected employees, including any non-profit employee labor organization representing a class or craft of directly affected employees of the railroad carrier, on the contents of the safety risk reduction program.*

The rank & file at the lower level can get involved by asking their local chairman this question; What is the union doing to be part of this safety risk reduction plan? We all know what is best for us, and these hearings and comments are our best chance to get real changes made to the bill. If the jacked-up incorrect train line-ups are the problem, then that is something that needs to be highlighted. If draconian availability policies are contributing to fatigue, then we need to address the question of reasonable mark-off time. If current contracts are part of the problem, then new ideas need to be mined from the rank & file and written into new contracts.

I would like to thank the 347 railroaders that participated in the Railroad Workers United first online survey. Look for more surveys in the future on our website.

Survey Results Show Train Crews Critical of RSIA

Question 1: The Hours of Service reform has allowed me better rest. Strongly Agree:8% Agree: 23% Neutral:18% Disagree: 25% Strongly Disagree:26%.

Question 2 : The Hours of Service reform has caused me a loss in wages: Yes 75% No 25% No Answer: 0%.

Question 3: My Company and Union has worked together to come up with solutions to ease rest / fatigue issues: Yes 7% No 70% Yes but they don't help 12% I don't know 12%.

Question 4: My start times have been used to reset my consecutive calendar day starts. (ie. 2359 vs. 0001 on duty call.)

Yes 67% No 33%.

Question 5: Should a "Start" mean, Calendar day or Consecutive? Calendar Day Start 33% Consecutive (6 starts and off) 67%.

Question 6: When train line ups are reliable, i can get better rest. Strongly Agree 73% Agree 21% Neutral 4% Disagree 1% Strongly Disagree 1%.

Question 7: Do you think it is necessary to be off duty a full 10 hours at the away from home terminal? YES 41% No 59%.

Question 8: Should LIMBO Time be added to the required rest: Only at the Away from Home Terminal 12% Only at the Home Terminal 55% Never 33%.

Question 9: I have been called unexpectedly, causing me to be fatigued at work. Strongly Agree 73% Agree 19% Neutral 5% Disagree 2% Strongly Disagree 1%.

Question 10: Does your contract allow for "Drop Turns"? Yes 40% No 30% I Don't Know 30%.

Question 11: Have you worked 276 hours in a month and been held out for HOS? Yes 7% No 93%.

Question 12: What sort of Job do you work the most? Pool Job 45% Yard Service 10% Extra Board 29%

Local Job 10% I have no set job most of the time 6%.

Question 13: What Railroad do you work for: BNSF 17% NS 11% CSX 21% KCS 14 4% UP 43% Other 4%

Question 14: What union are you in? BLET 65% UTU 35%.

Question 15: How many years of service do you have? 0-5 16% 10-15 42% 15-20 11% 20-30 4% 30-40 23% 40+ 3%.

For complete survey results, see the RWU website at www.railroadworkersunited.org

Rail Labor & Industry Shorts

Please submit your short news clips to [The Highball](mailto:info@railroadworkersunited.org) at info@railroadworkersunited.org.

Whistle Blowers Win in Recent OSHA Cases on UP and BNSF

In April, a member of the Machinists' Union (IAM) was ordered rehired with back pay in a ruling by the Occupational Health and Safety Administration (OSHA) that found Union Pacific had violated the worker's rights under the Federal Rail Safety Act of 2007. The railroad also was ordered to post a workplace notice admitting that it had retaliated against an employee for reporting a work-related injury.

In December 2010, OSHA ordered a UTU member employed by BNSF to be reinstated with back pay after finding BNSF guilty of improper retaliation after the worker

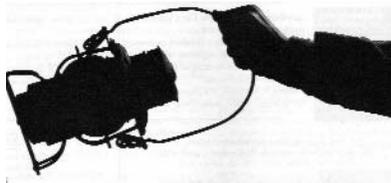
RCO Article Published by Linda Niemann

RWU member Linda Niemann has published a piece on RCO in [Railfan & Railroad Magazine](#). Her article, entitled "The Lost Arts: Remote Control Locomotives Bring Change to Working the Yard," appears in the April, 2011 issue on Pages 38-47. See the website: railfan.com.

Linda is a retired SP-UP-Amtrak conductor, associate professor at Kennesaw State University in Marietta, GA., and the author of a number of books revolving around life and work on the railroad. See the RWU website to purchase her works and to read this piece on RCO.

Her article is accompanied with photos by Joel Jensen and focuses on the issue of safety: conventional vs. RCO switching operations.

Linda compares and contrasts the culture of a conventional "crew-based" yard job versus that of an "individual based" RCO yard job. She can be reached at: lniemann@kennesaw.edu.



Rails Attend Funerals after Longview, WA. Crash; Two More Die in Iowa Collision

Fellow workers of those killed in the March 23rd crash in Longview, WA. turned out in droves to honor their brothers at funerals held in the Pacific Northwest in mid-April. BNSF employees Thomas J. Kenny (engineer), Christopher J. Loehr (conductor trainee), and van driver Steven Dean Sebastian (an employee of Coach America) were all killed when a BNSF freight train hit the van they were riding in. A fourth crew member, veteran conductor Dwight Leonard Hauck remains in critical condition at a local hospital. (For an RWU Commentary on this issue, see Page 7)

filed an injury report with the Federal Railroad Administration. The Federal Rail Safety Act of 2007 protects rail workers from retaliation and threats of retaliation if they report injuries, safety law violations, or if the employee refuses to work under certain unsafe conditions ("right to refuse").

This legal protection is known as "whistleblower protection." Relief may include reinstatement with the same seniority and benefits, back pay with interest, compensatory damages (including witness and legal fees), and punitive damages as high as \$250,000. A rail employee may file the complaint directly with OSHA, or may contact a designated legal counsel, general chairman or state legislative director to help out.



Budget Bill Does Hatchet Job on Passenger & Transit

The Budget Bill adopted by Congress in mid-April to keep the federal government operating through September 30, 2011, is disastrous for passenger rail and transit. Amtrak funding was cut together with mass transit funding, despite Obama's pledge to make rail travel the wave of the future. All funding was cut for the high-speed and intercity passenger rail program for the remainder of fiscal year 2011.

Additional Amtrak and transit budget cuts are probable when Congress begins working on a fiscal year 2012 budget for the 12 months beginning Oct. 1, 2011.

Note: Look for the Summer 2011 issue of [The Highball](#) for a complete article on the crisis in passenger rail & transit.

No sooner did Chris Lloehr's funeral draw to close, than two other BNSF employees -- conductor Patricia Hyatt and engineer Tom Anderson -- were killed April 17th when their coal train rear-ended a work train on the BNSF Creston Subdivision near Des Moines, IA. As [The Highball](#) goes to press, there are few details available on this wreck.

The RWU Steering Committee offers our condolences to the family members of all the victims of these accidents. We pledge to do what we can to stop these tragic losses.

Labor Actions Planned for International Workers Day

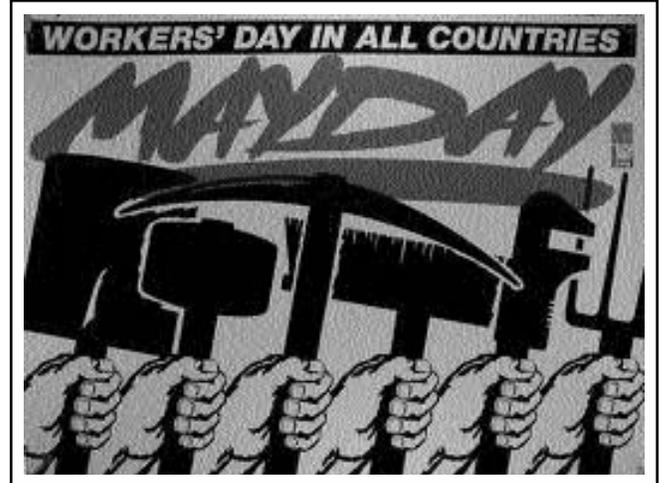
On Sunday, May First, working people across the U.S. will join with our fellow workers around the world in celebrating International Workers Day. While May Day is celebrated around the world and is a national holiday in more than 80 countries, "World Labor Day" is downplayed in the home of its origin -- the United States of America.

In the late nineteenth century, working conditions were severe and it was quite common to work 10 to 16 hour days in unsafe conditions. Death and injury were commonplace at many work places. As early as the 1860's, working people agitated to shorten the workday without a cut in pay, but it wasn't until the late 1880's that organized labor was able to garner enough strength to declare the 8-hour workday an achievable goal.

At its national convention in Chicago, held in 1884, the Federation of Organized Trades and Labor Unions (predecessor of the American Federation of Labor), proclaimed that "eight hours shall constitute a legal day's labor from and after May 1, 1886," and sought support from the Knights of Labor and other working class organizations. They appealed to the working class the world over to join in calling for the 8 hour day in their respective countries as well, and urged strikes and demonstrations in support of this noble goal. On May 1, 1886, more than 300,000 workers at 13,000 businesses across the United States walked off their jobs in the first May Day celebration.

On May 1, 2011, members of Railroad Workers United will be taking part in actions across the country, including San Francisco, Seattle, Portland, Reno, Chicago, New

York and other cities. The San Francisco Labor Council is urging the AFL-CIO to endorse "A Day Without Workers" and to support the call to avoid work, shopping, and school-related activities on May Day. In New York city, a coalition of union and community groups plans a mass event with music, speakers, a march and rally in Union Square. And of course numerous May Day events are



scheduled in the heartland (Wisconsin, Ohio, Michigan, etc.) where the recent labor uprising has rocked the nation (see article Page 1).

Railroad Workers United urges all railroaders to take part in these activities and express our solidarity with the working class around the country and around the world. Solidarity Forever!

Longview Tragedy: Textbook Case Failure of "Behavior Based Safety"

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Finally, there is an additional ironic twist in the case of the Longview tragedy. The driver of the crew van was not a BNSF employee, and as such was not trained by, nor was he directly answerable to BNSF, but rather to his own employer, Coach America, that BNSF contracts with to



Rescue workers in Longview, WA carry victims of the fatal March 23rd crash in which a Coach America van was struck by a BNSF freight train, killing three and injuring one

haul train crews. Like most of the companies that transport rails, Coach America is non-union. Before all these jobs were contracted out by the railroads in a cost-saving maneuver, it was our union brothers and sisters -- railroad employees -- who transported the crews. In its Safety Briefing, BNSF cynically states that the company "...will continue to look for ways to further improve the quality of crew van driver training and crew van pre-trip safety briefings." The carrier could start by moving this work back in-house where they could ensure that all drivers would be professional, well-trained union railroad employees.

Like the other railroads, BNSF likes to say, "We believe every accident or injury is preventable." The company proudly proclaims that "Our vision is that BNSF will operate free of accidents and injuries." We challenge the BNSF, and all of the rail carriers that have adopted this mantra: If you are serious about our safety and our lives, if you want to earn our respect as railroad workers, then "Fix the Hazards, Don't Blame the Victims!"

Message to the Rail Carriers: Fix the Hazards, Don't Blame the Victims!

The recent tragedy in Longview, Washington in which two BN employees and one contract driver lost their lives while a fourth employee was critically injured, exemplifies all that is wrong with "behavior-based safety programs". The BNSF, like the other major rail carriers, spends millions on these programs that are purposefully designed to 1) focus on worker behavior rather than hazard elimination and, 2) cause the underreporting of injuries. As a

COMMENTARY

result, blatant hazards – like the ones in existence at the March 23rd accident scene – continue to go unrecognized, unnoticed, and unabated.

As can be expected, the carrier quickly issued a "Safety Briefing" which points to various worker behaviors as the cause of the tragedy, and completely ignores the hazards present. The briefing notes that the train crew on main #1 made the cut on their train too close to the crossing. It then goes on to suggest that the crew in the van could also be complicit in the wreck because they likely failed to have the proper job briefing and may have failed to "review the importance of identifying risks related to riding in or operating vehicles."

While these "Safety Briefings" can be useful in helping us to understand who did what, by themselves they are worthless in preventing future accidents and injuries. We know that in most accidents, someone may have made a mistake. But what is far more interesting and far more helpful in preventing future accidents and injuries is to determine why the error was made. Systemic, cultural, and institutional factors – chronic short staffing and a lack of time off work, resultant crew fatigue, a lack of safety appliances, a hazardous work environment, poor training, low morale, etc. are all hidden (or not so hidden) factors that ultimately contribute to why many accidents happen. We believe that employee safety primarily depends on a safety program that focuses on identifying and eliminating these factors; i.e., eliminating hazards.

Now that the company has blamed the workers involved, let's look a little deeper at this accident. Most importantly, is the issue of the crossing itself. The road is used regularly by railroad crews, and crosses a busy (70 trains per day) mainline, including freight trains of both BNSF and UP as well as Amtrak. Track speed for passenger is 79 MPH. The double main is on a curve which limits visibility from the crossing, and the area is often subject to fog. There are no whistle boards so approaching trains are not required to sound a warning. There are no instructions as to how trains must approach the crossing. There are no

warning flashing lights nor bells or any other device to alert traffic that a train is approaching. Had this been a "public crossing", the FRA would no doubt have mandated better protection. But since the crossing is a "private" crossing closed to public traffic, the railroad saw fit not to spend a penny on its protection. Whistle boards, gates, flashers and bells would be nice. But even just one of these simple infrastructural improvements would have easily prevented this tragedy.

But the company – and all-too-often its "union partners" – have been blinded by the "logic" of behavior based safety, and as a result, cannot see the forest for the trees. A glaring, obvious danger such as the Longview crossing in question becomes invisible. Why? Because safety programs on the railroad revolve around worker behavior, not hazard identification and elimination. Sadly, this same mindset is what has cost numerous brothers and sisters their lives and limbs on the railroad these past few years, from Selkirk, NY, and Riverdale, IL, to Langhorne, PA and Wilmar, MN.



RWU is distributing stickers and buttons (shown above) to railroaders of all crafts across North America. Get yours!

The simple fact remains that we are human beings. As such, we are imperfect and prone to making mistakes and miscalculations, and sometimes fail to recognize potential hazards. Therefore, we need safety programs that don't just attempt to perfect our behavior and make us safer workers, but ones that focus on underlying factors and hazard elimination as well. To use an obvious example: A sawmill has a history of workers being injured or killed by an unguarded saw blade. When tragedy strikes, the company issues a series of rules and regulations governing worker behavior when working with and around the saw, but fails to install a shroud, guard or other safety appliance to protect the saw. To even the most casual observer, it is painfully obvious what is wrong with this picture.

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Railroad Workers United Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers' "Behavior Based Safety" Programs do more harm to us than good, and If you want real union-based safety committees built upon cross-craft solidarity and rank-and-file control, then RWU is for you. If you want to fight against single employee operations; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you!

JOIN RWU BETWEEN NOW AND LABOR DAY AND GET A FREE RWU T-SHIRT!!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

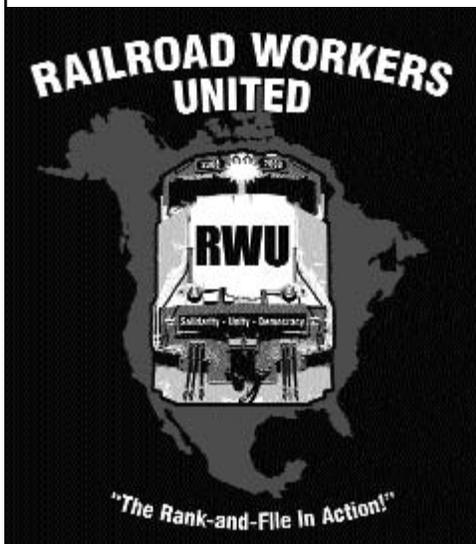
Union Position (if any) _____

I'd like to join for (check one):

1 year \$50.00 2 Years \$90.00 3 Years \$120.00

Clip and mail together with your dues to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

Get Your RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Gray or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (15.00 for RWU members **BUT FREE WHEN YOU JOIN RWU BETWEEN NOW & LABOR DAY**)

Postage Paid By RWU if mailed to addresses in North America

Make your check to RWU and mail with your order to:

Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

OR

Order and pay with your paypal or credit card via our website at www.railroadworkersunited.org