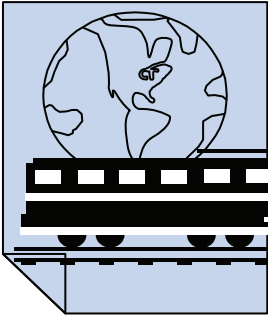


Moving the People who Move the World



ACRE

SPRING 2009

A Publication for the Members of ACRE

BANNED MEDICATIONS

In keeping with its mandate to place the highest priority on safety and security, the Federal Railroad Administration has begun a crack-down on the use of certain prescription drugs while performing service. A list of prescription drugs which preclude you from performing service is available on our website at www.GoACRE.com/Conductors.htm.

If you are seeing a physician who recommends a treatment plan which includes prescription or over the counter medications it is important that you make them aware of the FRA's program. Ask them to examine the list of banned substances to insure you will not be in violation of the federally mandated regulations. In the event you or your physician are not sure they can call Angela Pitaro at the Medical Department at 212-499-4725 or 4720. continued on page 2.....

Inside this issue;
Scholarship Deadline
page 3.....
Pension Q&A page 4.....
Benefits page 5.....
Maintainer News page 8...
Retirees page 10.....

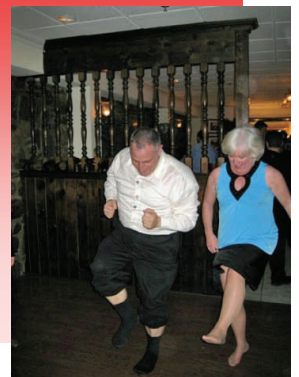
**Summer Fun
back cover**

RECOMMENDATIONS FOR H.O.S.

In 1996, the Federal Railroad Administration (FRA) established the Railroad Safety Advisory Committee (RSAC) to develop consensus recommendations concerning safety issues. RSAC is comprised of representatives from all major groups interested in rail safety. The FRA seeks RSAC's recommendations on specific tasks; on each task RSAC can decide whether or not to accept it and begin work. On those tasks that it accepts, RSAC members appoint a working group of those most involved with the subject covered by the task. If the working group's recommendations are unanimously adopted by that group and by a majority of the full RSAC, they are sent to the FRA Administrator. While FRA is free to accept or reject, Continued on page 2.....

**FUN
FOR A
GREAT
CAUSE**

Page 14



FRA ENFORCEMENT PROGRAM

Continued from front cover.....

Unfortunately, the FRA's enforcement program has resulted in some employees being removed from service. Once removed employees will not be permitted to return until such time as there are no traces of the medication in their system. If you are currently taking a prescription that is on the list of banned medications it is highly recommended that you seek the advice of your physician for an alternative medication.

This FRA crack-down is the result of a series of accidents in which banned prescription drugs were found in the employees' systems. As a result, transportation departments all over the nation have been left with no discretion in allowing employees to work even if there are only small traces of banned medications in the employee's systems. Until such time as the FRA

and the DOT allows the carriers some discretion in applying these regulations we advise everyone to please consult with their physicians in the event they might be taking a banned substance.

All safety sensitive employees are responsible for notifying the medical department of any medical condition or medication they are taking that could affect their performance or appears on the list of banned substances. If you have any questions please don't hesitate to call the union office. ●



Railroad Safety Advisory Committee (RSAC) to make recommendations for Hours of Service changes for Commuter Railroads continued.....

RSAC's recommendations, FRA is fully engaged in the working group process to ensure that the recommendations are consistent with FRA's goals for the rulemaking project. As a result, FRA's proposed and final rules that arise from RSAC recommendations usually incorporate those recommendations substantially.

RSAC will begin holding hearings on Hours of Service changes for the Commuter Railroad Industry. Under the Rail Safety Improvement Act of 2008 effective July 16, 2009, Section 108(b) and (g) amends the existing hours of service laws to establish the following provisions with respect to all train employees

except for train employees providing commuter rail passenger transportation or intercity rail passenger transportation, who are covered under Section 108(d) and (e):

- a. Limit train employees to 276 hours per calendar month of time on duty, awaiting or in deadhead transportation to final release, or in any other mandatory service for the carrier.
- b. Retain the existing maximum of 12 consecutive hours on duty.
- c. Increase the minimum off-duty period from 8 consecutive hours to 10 consecutive hours during the prior 24 hours.

Provide for 48 or 72 hours off duty at the home terminal after an employee has worked for 6 or 7 consecutive days.

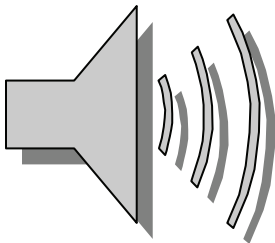
Continued on page 3.....



Recommendations for Hours of Service

Continued from page 2.....

Regarding train and engine service employees providing commuter rail transportation the Act grants the Secretary of Transportation authority to issue hours of service rules which differ from those outlined above no later than October 16, 2011. The current hours of service rules will remain in effect until the effective date of new regulations providing hours of service requirements for commuter rail employees. ACRE will be working with the Railroad Safety Advisory Committee to ensure that any changes to the current Hours of Service Rules in effect will enhance safety without negatively impacting our members ability to perform service when properly rested. •



Scholarship Deadline

The deadline to return your ACRE scholarship applications for students enrolling for the 2009-2010 school year is Friday, June 5, 2009. The application must be hand delivered or postmarked no later than June 5, 2009. ACRE will not be responsible for applications lost in the mail. We suggest you contact the union office to verify your application has been received. Please remember, the ACRE scholarship fund is reserved for the children of ACRE members going into their first year of undergraduate study. All members can pick up an application at the union office or download it from the ACRE web site. Should you have any questions please contact Ken Curry at the union office.

We want to thank the founding father of the scholarship Drive. Ken Curry whose tireless efforts and commitment should be recognized. Thanks Ken. •

Vision and Hearing

Railroads have also been given and are now complying with stricter hearing and vision requirements. A vision standard of 20/40 with correctable lenses is required in each eye. Members who are not certain they can meet the new requirements should seek the advice of a healthcare provider.

In order to pass a hearing test and remain qualified to work, a conductor must be able to hear sounds of 30Db(decibels) in at least one ear. A conductor who fails to pass the required periodic hearing test will be referred to an audiologist for review.

Once again, please call the union office if you need help or have any questions. •

Pension Question:

What would my beneficiaries receive if I were to pass away?

This all depends on your status, active or retired.

Active employees receive an “ordinary death benefit” in the event of their death. The “ordinary death benefit” is calculated in the following manner: plan members with (1) year of completed service will receive an amount equal to the compensation received in the previous 12 months. Members with (2) years of completed service will receive the amount equal to the compensation received in the previous 12 months multiplied by (2). Members with (3) years or more of completed service will receive the amount equal to the compensation received in the previous 12 months multiplied by (3). In addition any contributions made by the member (3%, military time, non-vested time, etc) will be refunded with an additional 5% annum.

For example a member earned \$50,000 the previous twelve months before their passing. The member had ten (10) years of service and earned \$50,000 each year for the ten years. If they pass their beneficiary would be entitled to an “ordinary death benefit” of \$150,000. Plus all their contributions to the defined benefit plan ($\$1500 \times 10 = \$15,000$) with additional amount of 5% interest per annum on the contributions only. The 5% interest per annum also applies to all contingent service (military, non-vested, vested) time purchased by the member.

Active (Accidental Death On The Job) A provision for “accidental death while on duty” applies to members who lose their life while performing compensated service. The plan provides a payment of the “ordinary death benefit” or a lifetime pension equal to 50% of the amount equal to the compensation received in the previous 12 months. This election to receive a 50% pension is exclusive to a surviving spouse only! Children, parents or other non-spousal beneficiaries are not eligible for the 50% election.

Retired employees receive an “ordinary death benefit” calculated on reducing scale in the event of their death. The first year of retirement the retiree’s beneficiary receives 50% of the “ordinary death benefit”. The second year, 25% of the “ordinary death benefit”. From then on it’s 10% of the “ordinary death benefit” for the rest of your life. This is in addition to any elections the retiree made for a beneficiary pension. Contributions are not refunded in this instance being that the retiree is collecting a pension.

If you have any questions please contact the union office (212)599-5856.

Benefits:

Recently, NYSHIP mailed to you a yearly summary of benefit changes under the Empire Plan. Some medications are no longer covered under Empire such as Nexium and Lunesta. Alternative covered medications are listed. Some members have expressed concern over the ineffectiveness of the replacement drugs. If you are one you may be able to return to the original medication and be reimbursed by Empire provided you have taken the appropriate steps.

Try the all alternative suggestions first

If no success or less than regular results, write a "Letter of Concern" to

**Empire Plan Prescription Drug Plan
PO Box 5900
Kingston, NY 12402-5900**

You must include the following information:

- ✦ Policy holder name
- ✦ Infirm members name
- ✦ Address
- ✦ Date of birth
- ✦ Reason for taking medicine
- ✦ Treating physician's name, address and phone number
- ✦ Prescription documentation
- Explanation of the diminished results from taking the alternative medication

Go to www.medco.com, register with the website, and then go to "2009 Empire Plan Preferred Drug List" for a listing of non-covered medications. ●

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Join Our E-mail List

Log onto to the craft links at www.GoACRE.com for access to our latest crewbook, relief day slip, deadhead mileage forms, qualification slips, employee benefits summary, railroad retirement annuity estimate requests and much more. In addition, join the hundreds of ACRE members receiving regular e-mail updates from our union by contacting our local secretary Paul Holland at pholland5@aol.com or (203) 948-5067. A few members have reported that they have stopped receiving e-mail updates. The majority of these members have Yahoo e-mail accounts which are mistaking our mail for spam since there are hundreds of recipients. If you are experiencing this difficulty, go to your on-line e-mail settings and insert pholland5@aol.com as an address you will always accept e-mail from. ●

Disbursements from 457 Accounts in New York

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Disbursements from 457 accounts in New York:

Here is the NYS tax code regarding original 457 funds and their tax liability status in the eyes of New York State:

Pension and Annuity Exclusion

New York State, city of New York and city of Yonkers resident individuals, estates, and trusts distributions from government section 457 plans are included in federal adjusted gross income and also included in New York adjusted gross income. However, under section 612(c)(3-a) of the New York Tax Law, an individual who has reached the age of 59 ½ may exclude up to \$20,000 of certain pension and annuity income included in his or her federal adjusted gross income when computing his or her New York adjusted gross income. Effective for tax years beginning on or after January 1, 2002, distributions from government section 457 deferred compensation plans will qualify for this exclusion, provided the individual is age 59 ½ or older at the time of the distribution and the distribution from the plan is made in periodic payments. Periodic payments are a series of payments made over a period of more than one year. If an individual, estate or trust received pension and annuity income of a decedent, they may also qualify for the \$20,000 exclusion if the decedent would have been entitled to it, had the decedent continued to live, regardless of the age of the beneficiary. Important Note: Under the new federal rules, participants in a government section 457 plan may make a tax-free rollover of their section 457 plan funds into an IRA

Taxpayers who wish to withdraw their government section 457 plan funds in a lump-sum or in a series of payments made within one year should note that distributions from an IRA qualify for the \$20,000 exclusion even if the payments are not periodic. Accordingly, these taxpayers may wish to first roll-over their government section 457 plan funds into an IRA, thus making them eligible for the exclusion when they withdraw the funds from the IRA (provided they are age 59 ½ or older at the time of the withdrawal).

It is important that retirees who rollover a 457 to an IRA, do not combine them with 401k accounts! Any disbursements made from a combined 457/401 rollover IRA will be taxed by the state on a 50% basis. For example, a \$1000 disbursement will have a tax liability on \$500. An IRA comprised of combined 457/401 funds will be disbursed on an equitable basis, \$500 from 457 and \$500 from 401. Therefore, you would lose part of that \$20,000 NYS tax exemption. For all other states please check with your tax advisor.

Special Thanks to John Dunford & John Potthast for their input. •

On April 27, 2009, we met with Arbitrator Josef Sirefman to adjudicate two disciplinary cases. Both cases involved customer complaints and accusations of unprofessional behavior against two employees. The cases are summarized below.

CASE NO. 16

Claimant was the conductor on a train with five open cars out of seven. A customer boarded the train and entered one of the cars that was closed to the public. He sat down, put on his iPod and started reading the newspaper. Claimant came by and asked him twice to leave the car but the customer failed to respond. Claimant then raised his voice to get the customer's attention over his iPod and the customer took exception to Claimant's loud tone of voice. Eventually, an off-duty police officer who was sitting nearby came up and ordered the customer out of the car. The customer reported the incident to Metro-North stating that he was inconvenienced and treated rudely. Claimant was assessed a two day actual suspension.

At the hearing, we argued that the Claimant was within his authority to order the customer out of the closed car and was not rude or unprofessional. He only raised his voice to be heard over the customer's iPod and his behavior never approached that described by the customer in his written statement.

ARBITRATION

CASE NO. 17

This case also involved alleged rude and unprofessional behavior by an employee. The Claimant was waiting for a deadhead train when he was approached on the platform by a passenger requesting information on a track change. Claimant recognized the customer as the person who two years prior had accused him of threatening behavior on a train. This accusation which resulted in discipline against Claimant. The two had words on the platform and the customer again accused Claimant of making threats. An investigation was held and Claimant was assessed a ten day actual and twenty day deferred suspension.

ACRE argued that the customer's statements were exaggerations and that Claimant never used threatening words or gestures. Claimant was merely expressing his displeasure with the customer's accusations in the prior incident and his statements never reached the level that warranted the excessive discipline assessed. ●

SIGNALMEN NEWS

This notice is being distributed to all ACRE Signalmen due to the increase by the C&S department in blanking positions. Many members who are faced with the working alone should follow all Roadway Worker Protection Guidelines.

Below is a list of suggestions from your committee that should be followed when needs of service positions are not covered.

Maintainer's sections

Maintainer alone on duty due to a vacancy whether it is your entire shift or just a part of your shift:

-Notify the Section RTC, Chief RTC, Signal Control desk and the Signal Supervisor on duty that you are manning your section alone. Include the block of time you will be alone.

-If you are notified of a trouble call you should make a request for assistance.

-If your request for assistance is granted please take the safe course and wait for that assistance to arrive.

-If your request for assistance is denied and are ordered by a supervisor or manager to work on the trouble call alone, follow their instructions but at all times make sure you receive a block from the RTC before fouling to perform work.

Gang Maintainers being utilized to fill vacant positions

-The headquarters of the gang maintainer must be honored at all times.

Gang maintainers are not allowed to begin or end their day at the work site in order to accommodate the needs of service vacancies. You start and finish at your headquarters.

-The company is required to supply transportation to the job location. Gang members are not required to use their personal vehicles to transport themselves to the work site.

-The regularly assigned hours of the gang maintainer must be honored. Gang maintainers are not allowed to modify their hours to accommodate any coverage.

Electronic Specialists and Electronic Technicians

-Electronic Specialists and Technicians if you are required to work in a CP or on or about the tracks and you don't have another Specialist or Technician to accompany you, notify the Supervisor on duty so arrangements can be made to have maintainers accompany you as lookouts or to "watch your back". The safe course is the only course.

SIGNALMEN INFORMATION

Please use the contact information below if you have any questions or concerns for your ACRE Signalmen union officials.

Title	Name	Phone #	E-mail
General Chairman	Darren Berger	914.400.8097	ACREDARREN@aol.com
Vice General Chairman	Andy Marussich	347.723.0048	aobsmb@uas.com
President	Steve Fonseca	914.844.1707	Starling68@OTP.net.com
Local Chairman GCT	Mathew Byrns	646.465.2666	MTunaman@aol.com
Local Chairman H&H/PJ	Matt Florio	914.218.1431	MattFlorio@yahoo.com
Local Chairman NH	Kevin Eaton	203.627.6896	Whipnst@aol.com
Local Chairman Const/Shop	James Joyce	914.497.0453	IrishJimmy59@aol.com
Local Chairman Tech/Spec/SC	Arnold Baron	917.533.3930	Sandsun@usa.com
Secretary Treasurer	Bill Zettergren	203.213.2344	bzettergren14@hotmail.com

LOCAL 137 ELECTIONS

The members of ACRE Local 137 have elected the following officers:

General Chairman Joseph Savio
President Anthony Salamone
Office Chairman Edward Frawley
Secretary/Treasurer Lester Walters
Asst Secretary/Treasurer Jeremy Davis
Trustees Richard Reynolds and Nicolas Galotti
Legislative Representative William Borrell.



RETIREE ASSOCIATION

Join us in welcoming the latest folks to join our Retiree Association

http://www.goacre.com/Retiree_Association.htm

The password for our retiree membership list is Danbury (with a capital D).

Carl Walz
Fred Blount
Bill Miller



Trustee Anthony Aprea Available

ACRE Local 1 Trustee Anthony Aprea is available for all local 1 members working at night should they need any help. Should you need to get any forms or paperwork to or from the office after 5pm Anthony will help you get that done. He will have access to the office at night and will also meet with all the Local Chairman and General Chairman each week, if not daily, to bring them up to speed on any issues that might need to be addressed for the members working in the evening. Anthony will be in New York until 9pm and he can also be reached at 914- 447-8463 or you can send him an email to anthonyaprea@gmail.com. His email goes directly to his phone so don't hesitate to email him. Anthony has been gracious enough to volunteer his time and is not paid. Anthony is there to help facilitate and communicate your concerns. •

MEMBERS SAVINGS PROGRAM

We are pleased to announce that JP Morgan Chase Bank, with a branch conveniently located across from GCT in the Chrysler Building has joined our members savings program. Benefits include reduced rates on mortgages, private student loans, home equity loans, auto loans, etc and higher rates on investment products.

Chase has created a log-in page specifically dedicated to ACRE members. To log in, click on the Financial Services link in the lower left corner of our website at; www.GoACRE.com

You may also contact Chase directly:

Christian Rocchio
Vice President
Branch Manager
Chrysler Branch

A few folks have attempted to log onto Chase Banks ACRE member dedicated website only to reach a screen that say "Session Timed Out." If that occurs there is a box that requests your employers name. Type in ACRE. The link is available in the left corner www.GoACRE.com

RETIREES

We would like to wish a fond farewell to the following members;

Local 9 Engineer

Jack Gaines
Mike Coar
Gordon Murdock
John Buhl
John Novelli

Local 113 Rail Traffic Controller

Gerald Maldonado Sr.

Local 37 Power Directors

Lou Grosso-October
Pat Donovan-June

Take advantage of our ACRE Members Savings Program!

Log on to http://www.goacre.com/ACRE_Card1.htm
for these and many more savings offers!

Rave reviews have been received for retired Conductor Eddie Barra's car detailing service. Our New York members should consider giving Ed a call so as to make your vehicle shine inside and out! If you know Ed you know he's meticulous. (845) 227-1777

<http://www.goacre.com/BarraEd.htm>

Our Connecticut members are reminded about the house painting services provided by conductor John Burke's son. Once again the reviews have been excellent! 1-877-44Scholar

<http://www.goacre.com/ScholarPainting.htm>

Making your vacation plans? Don't forget our vacation destinations.

Book a romantic weekend at The Inn at Mount Pleasant Farm

<http://www.goacre.com/TheInn.htm>

If you're considering our Myrtle Beach member savings, please make your reservations soon. May is booked solid and half the summer has already been reserved by our members.

<http://www.goacre.com/MyrtleBeach.htm>

The KMF Group is a unique real estate service group offering a discounted one stop shopping solution specifically to benefit New York's union members and their families. This program offers No Points, No Fees mortgages below market rates for all union members.

<http://www.goacre.com/Realtor4.htm>

Verona Walk, Naples, Florida seasonal rentals. Gorgeous lakefront two bedroom villa offers pool, bocce, tennis courts, restaurant, computer library and more. Join many fellow retired rails on several championship level golf courses. Just three miles to white, sandy beaches.

<http://www.goacre.com/Naples.htm>

Cell Phone Savings ! We are happy to announce that our members, as Metro North employees are eligible for the discounts with following cell phone providers. Verizon, Nextel, AT&T and T-Mobile

http://www.goacre.com/Cell_phone.htm

Craig Browning Custom Jewelry "Your Friend in the Jewelry Business" Specializing in wedding & engagement rings, diamond, chains and more. Trust Craig Browning Custom Jewelers for all your jewelry needs. Located in the heart of Manhattan Jewelry Exchange

<http://www.goacre.com/jewelers.htm>

Blue Mountain Coffee Roasters Located in the newly renovated Victorian Johnson building at Dooly Sq. across from the Poughkeepsie train station

<http://www.goacre.com/BlueMountain.htm>

ACRE Mourns The Passing of Friends

Our members extend our condolences to the friends and family of two of our beloved retirees. George Calise was a Harlem line conductor known for his great sense of humor. George will be missed by his many friends on the railroad. John Grant was a Hudson conductor who spent many years in the training department assisting our newer members. His compassion for our members and wonderful demeanor will be missed by his many friends as well as his family on the railroad.

ACRE also mourns the loss of the legendary Phil Toscano, a rail traffic controller whose presence on the railroad was huge.

EYE CARE

Grand Central Optical is relocating its GCT location to a bigger site directly across from their former office. Their new office is now open and they ask that their customers stop by and say hello to Scott and the staff.

INVESTIGATIONS

Under our new agreement we now have the option of engaging in pre-trial hearings to discuss and hopefully resolve rules violations short of having a formal investigation. If you find yourself in a situation that you are not sure about please contact the union office 212-599-5856.

If you are scheduled to attend an investigation please contact local 1 Hearing Officer Lloyd Fischbeck. His work has led to many cases being overturned either in appeal conferences or at arbitration. He works tirelessly at keeping the costs of the investigations down by working them into his regular assignment.

While some investigations are unavoidable there are an equal number that are avoidable. Failure to turn in cash fare reports is one such violation of the rules that in the past year has caused the expense of representing a member to climb dramatically.

There is no justification in repeatedly turning in cash fare reports late.

As always should anyone be scheduled for an investigation please call Lloyd at 914-827-9270. Please remember the union is not notified of pending investigations. It is imperative that if you want representation you must call Lloyd.

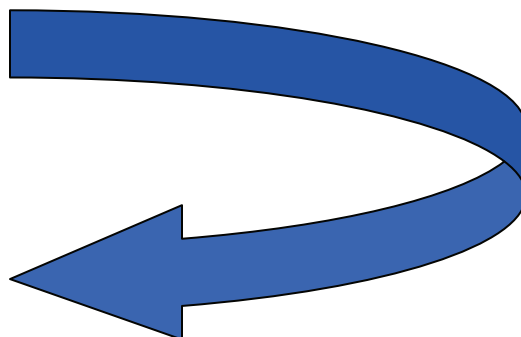
WHAT'S IN A FACE

As our members continue to grow it has become more and more difficult to put a beautiful face with a name. Therefore, local 1 has created an on-line photo album which already includes the photos of over 700 conductors, yardmasters and assistant stationmasters!

We've shared the link with all the folks who are already included in the album. If you're in local 1 and not already included, please e-mail Paul Holland at Holland@GoACRE.com so you can be included and sent the link to the album!

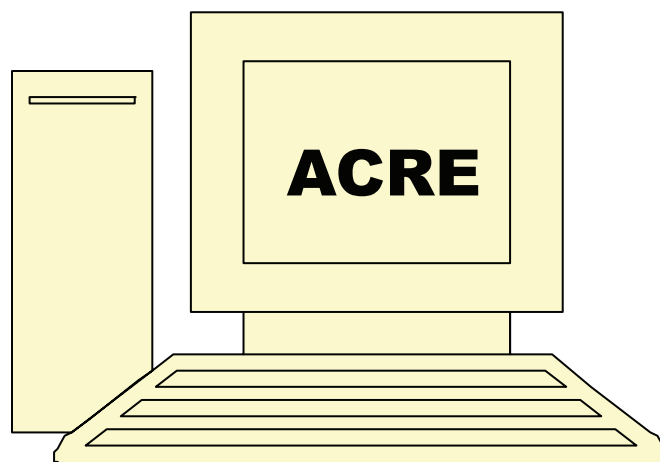
Here's the latest members included in our on-line photo album;

Neville Grant
Tashi Gyaltzen
Joe Lee
Pete Meizies
Damian Padilla
Bill Ponterella
Sal Salmeri
Bill Savoia
Chris Seger



CONTRIBUTORS TO THE NEWSLETTER

Mark Amorello
Darren Berger
Anthony Bottalico
Ken Curry
Michael Doyle
Chris Faherty
Paul Holland
Joe Lindenberg
Mike Shaw



DINNER DANCE SUCCESS

Our members had a wonderful evening at our 2009 ACRE Dinner Dance. Thank you to Mike Shaw and our Entertainment Committee for once again organizing a successful event.

We are pleased to report that our 2009 Dinner Dance raised over \$12,000.00 for our Scholarship Fund. It's financial success was due largely to our raffle and the generosity of our friends who placed ads in our journal.

Please join us in supporting the following professionals and businesses who were the top contributors and who continue to show their loyalty to our members. Log on to the Members Savings link on www.GoACRE.com for more information and special savings offers.

The Law Offices of Kantor & Godwin, PLLC

260 Madison Ave 18th Fl
New York, NY
1.877.SKANTOR

A. Benja-Athon, M.D.

Pain relief through massage & acupuncture
Empire accepted
210 E36th St NY NY
212.545.7075

Cahill, Goetsch & Perry, Attorneys at Law

405 Lexington Ave, NY
& 43 Trumbull St, New Haven
1.800.654.RAIL

Grand Central Optical

369 Madison Ave
New York, NY
212.599.1220

W.V. Valone Agency

Financial Advisory Firm
260 Madison Ave, New York, NY
& 450 Post Rd E Westport, CT

Cucina & Company

MetLife Building, NYC





**Join us again
next year for
our annual
dinner dance
fund raiser.**

THANKS



