

"An Injury To One Is An Injury To All"

Pennsylvania Federation

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Office of the General Chairman
Jed Dodd

April 15, 2003

overnight mail

David Gunn, President
National Railroad Passenger Corporation
60 Massachusetts Avenue
Washington, DC 20002

Dear Mr. Gunn:

EMERGENCY EMERGENCY EMERGENCY

SAFETY OF PASSENGERS AND WORKERS AT RISK!

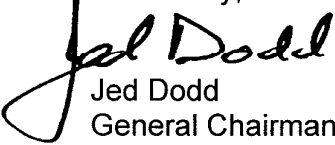
Attached is a letter from BMWV Vice Chairman Hussey to Metropolitan Division Engineer Falkenstein regarding a situation, that, if left unresolved, is of immediate threat to life and limb of both railroad passengers and members of our Union. In the interest of meeting budgets, the stage is once again being set to risk the same accident at Portal Bridge that injured 46 passengers on November 23, 1996. Following this terrible tragedy, safeguards were instituted to ensure that this accident could not be repeated. As a result of these safeguards over 450 passenger trains a day have crossed Portal Bridge without derailing and injuring passengers.

Amtrak management is now abolishing the employees responsible for ensuring that the trains may pass safely over Portal Bridge. In addition, Amtrak management will institute the same procedures that existed prior to the November 23, 1996 accident that did not prevent that accident from occurring. As Vice Chairman Hussey's letter clearly demonstrates these procedures will also place the remaining employees in danger of

serious injury or death.

Your immediate intervention is required to stop this madness. The safety of the passengers and the employees require it.

We can not stand idly by and leave the riding public and our members in danger.

Yours truly,

Jed Dodd
General Chairman

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KEVIN E. HUSSEY
Vice Chairman



Pennsylvania Federation
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Affiliated with AFL - CIO AND CLC

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Mr. Steven C. Falkenstein
Amtrak, Division Engineer
400 West 31st Street, Box - 12
New York, New York 10001

April 14, 2003

Dear Sir,

Effective this Friday, April 18, 2003, by notification from the Amtrak M/W assignment office, 3 of the 4 Portal Bridge Track Foreman Safety Assurance Positions in are to be abolished. The BMWÉ urges you to rescind these abolishment notices immediately. Last Monday, April 7, 2003 the BMWÉ New York Division Grievance Committee expressed the Union's opposition to these abolishments to your Deputy Division Engineer, Mr. R. Bernaski. At that meeting the Union explained that the Union's concerns are driven more by anxiety about the traveling public's safety and anticipated train delays than by the loss of jobs.

On November 23, 1996 at Portal Bridge Amtrak train #12 derailed, sideswiped Amtrak train #79 and was wrecked. Forty six persons were injured. Since that wreck and subsequent serious bridge failures at Portal Bridge there has been round the clock coverage provided by MW-1000 qualified Track Foremen. These Foremen besides inspecting the miter rails before and after each opening and closing of the bridge also perform many other services to the railroad and the passengers riding the rails. Some of these services include emergency inspections of the Hudson River Tunnels, inspecting other bridges after bridge strikes, piloting M/W equipment and supervising emergency repairs throughout the area. During these times of international conflict and heightened security concerns these employees have also warned trespassers to stay away from railroad property or contacted the police if suspicious persons were on or about the right of way.

Portal Bridge is over 90 years old. A minimum of 450 passenger trains per day ride over this antiquated structure. The Brotherhood of Maintenance of Way Employees insists that continual monitoring of the Bridge's Structural integrity be maintained to assure the hundreds of thousands of daily rail passengers a safe ride over the Hackensack River.



You and Mr. Bernaski have informed the Union that a 1994 modified directive addressed to Portal Bridge operators will be reinstated. This directive orders the Bridge Operator to leave the operator's cabin before and after each bridge opening and walk on track level to the miter rail locations and visually inspect the bridge and track apparatus, then before returning the railroad to normal train traffic state "I have inspected the bridge and tracks, the bridge and Track 2 and Track 3 are ready for rail service". The BMWWE has numerous objections to this procedure. I will describe some but not all of the Union's objections.

Objection #1. This was the procedure in place when the wreck and derailment as well as other serious failures and delays occurred. Why is a failed procedure being reinstated?

Objection #2. Bridge Operators are not trained and or qualified to inspect track or to detect other possible structural defects which will jeopardize the safety of the traveling public. For example, during each opening at present the Track Foremen take the opportunity while river traffic is passing to check on the bridge plates, the miter rail side bars and securing bolts. On numerous occasions these Foreman have detected and corrected conditions which might have led to failures and or accidents or delays.


Objection #3. Ordering a Bridge operator to proceed to the 4 miter rail locations on the bridge without required RWP watchman protection or a Job and RWP briefing is a violation of Federal Railroad Administration regulations. RWP Lone worker provisions do not apply in this instance since Lone Workers are required to have Physical Characteristics for the territory involved. The bridge operators at Portal Bridge are not qualified on Physical Characteristics.

Objection #4. During Portal Bridge openings and closings for the past 6 years the Bridge Operators and Track Foremen have coordinated their efforts and reduced the amount of time needed for a safe bridge opening, boat passage and safe bridge closing to between 9 to 12 minutes. After the planned abolishments the amount of time for the procedure will take 30 to 45 minutes and will not be safe. On frequent occasions after the bridge is closed, poor circuits or faulty signal indications are transmitted although the bridge is safely closed. On these occasions only a MW-1000 qualified employee (Track Foreman) is permitted by NORAC rules to walk a train over the affected area, thereby facilitating train movement while the electrical problems are being addressed. As stated earlier, at least 450 trains each day travel over Portal Bridge. Most transportation experts agree that passenger train traffic to New York City is expected to increase this year and for the foreseeable future. Knowingly slowing the operation of such a vital bridge does not make any sense to the BMWWE. When Portal Bridge fails or has slow openings and closings Penn Station New York becomes jammed with backed up passengers and trains of both Amtrak and New Jersey Transit. Trains and thousands of passengers throughout New Jersey, Pennsylvania and points west and south will also be adversely affected each time the bridge causes delays.

Objection #5. The National Transportation Safety Board made recommendations on December 18, 1997 after investigating the Portal wreck of November 23, 1996. Recommendation – (R-97-50) states; “Continue to monitor the safety of special trackwork on your movable bridges and ensure that your special inspections are adequate and of sufficient frequency to detect failures or potential failures involving all components of all your special trackwork. Develop and put procedures in place to ensure that any failures that are noted during these inspections are corrected before they develop into safety hazards.” The BMWE is quite sure that by abolishing 3 of the 4 positions at Portal Bridge, Amtrak has decided to ignore the recommendations of the NTSB.

Please contact this office to discuss this matter. The organization feels that the New York Metropolitan area's passenger rail system's efficiency and safety are endangered. Thank you.

Yours truly,


Kevin Hussey