

"An Injury To One Is An Injury To All"

Pennsylvania Federation

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Office of the General Chairman
Jed Dodd

August 25, 2008

To: Frank Vacca
Chief Engineer Amtrak

Re: Current Roadway Worker Safety Emergency

In a short five month period we have suffered two horrible roadway worker accidents. On March 13, 2008, a former Amtrak manager, Gary Graves, working as a consultant for Amtrak was struck and killed by a passing train outside of Providence, RI. Track Foreman Richard Mollette was mutilated in the same accident. Last week, on August 20, 2008, Signal Inspector Steven Rychwalski was struck and killed while working in New Carrollton, MD.

These deaths and mutilations are tragic and completely unnecessary. Nothing that we do will restore the painful void that is left in the lives of the loved ones, friends and co-workers left behind by these accidents. These tragic deaths and mutilations coming within five months of each other must serve as a wake-up call to us. We must re-engage to ensure a safe working environment for all Amtrak employees and redouble our efforts to ensure that everyone goes home to their families after work alive and whole. We also need to look at some of the changes that have been made in Amtrak's safety policies in the recent past to determine if they have led to a less safe working environment for Maintenance of Way employees. I am certain that you agree with this sentiment.

Recently, the Union has been systematically excluded from advancing safety on the Amtrak property. This is partly because we drifted far apart in our eight year contract struggle. It is also because management has determined that they don't need to fight with the Union over safety matters, but also they don't need to include the union in safety matters. I don't think the Union has all of the answers to ensuring a safe workplace, but I also don't think that management has all of the answers either. We

must struggle with our differences over these issues deliberatively and respectfully and arrive at solutions to ensure that the work is performed safely and efficiently.

We need to review some of the unilateral changes that Amtrak has engaged in over the last period that in our opinion has excluded the Union from engaging effectively in helping create a safe work environment and have made the property a more dangerous place to work.

1. **NORAC Qualifications:** In May 2006, the NORAC training was taken away from the Engineering Department and given to the Transportation Department. The classes went from six hour classes to two hour classes. They are given by transportation people instead of people from the Engineering Department. The transportation people have no idea what it is like to pilot equipment that moves without cab signals, or to sit on the boom of a burro crane when they are the pilot, or do not possess first hand knowledge of taking track out of service which are just a few of the problems that resulted from this change. The classes were also changed and given according to your Class. Track people are Class "B" and C&S people are Class "C". Class B takes track out of service and requires more knowledge than Class C. The classes have also been combined and this has the effect of even further diluting the Class.

Recommendation One: Restore the NORAC training to qualified instructors from the Engineering Department and restore the formal six hour class for all employees required to receive NORAC. In addition, separate the classes for those qualifying as Class B and those qualifying as Class C. We could work out a special agreement for their rates of pay, method of selection and other conditions of work.

2. **RWP and PAT** classes were always given by trainers who were workers from the field. They would teach for a number of months and then they would go back to their craft jobs in the field. This way when they taught the classes they had first hand knowledge of the RWP rules, whistle boards, job briefings, and actually having a train pass you at 130 miles per hour. Now the trainers are managers and most have never even worked under the new RWP rules, never erected a whistle board, or held a job briefing. In fact, it is my understanding that the current slide show being presented by these management trainers regarding the 15 second rule is incorrect. This has been brought to the attention of the training department and the problem has been ignored.

Recommendation Two: Restore the RWP and PAT classes to qualified instructors from the Engineering Department who

would work as trainers for a six month period and then return to their positions in the field. We could work out a special agreement for their rates of pay, method of selection and other conditions of work.

3. **Physical Characteristics:** The change last year to reduce the quality of the qualifications required to renew physical characteristics was a mistake. In the past, PCs used to be face to face time with an instructor to qualify and re-qualify. Eliminating this process for those who had worked on the territory in the past year, or who ride the head end of a train through the territory in question was a mistake. It sends a signal that we can short change important safety issues and qualifications. The tests themselves do not adequately test ones knowledge of PCs and my understanding is that an interlocking test involves four questions with multiple choice answers. The test is designed for employees to pass it and not to test their knowledge of PCs on the territory for which they are responsible.

Recommendation Three: Restore the old PC testing policy.

4. **Safety Dispute Resolution:** In March of this year, there was a dispute in Perryville about an unsafe order regarding the protection of contractors while on the right of way. The manager asked that a dispute resolution committee be convened, as is his right, per our safety agreement. The committee consists of our joint representatives. They convened and determined the method of work that the manager ordered violated a number of RWP and Amtrak Safety Rules and should not be supported. When the committee reviewed the circumstances around the dispute consensus was quickly reached. Our agreement requires that this determination be placed in writing. The written determination has not been made because the management representative refuses to release the determination. We are not writing the Magna Carta here and I have approached the managers involved and they say they are responsible for it not being released, but will not engage us on the reasons why it won't be released. Refusing to engage us in the satisfactory resolution of disputes in the field should not occur. The purpose of our safety agreement is for the prompt resolution of problems when they occur. In my opinion, it does harm to our safety relationship if we are trying to micro manage our representatives in the field and that they should be free to engage each other and resolve work place differences without our direct interference. This is healthy. What is not healthy is to sit on a report since March 2008 without so much as a reason. This is very bad for morale and further alienates the Union from the safety process.

Recommendation Four: Immediately release the dispute resolution report and in the future ensure that this process is given the

space needed to function effectively without the over management from our respective offices.

5. **Hot Spot Detection Committee:** After the accident in Providence RI, we engaged in an effort to identify hot spots on the railroad and to make recommendations as to the number of watchmen needed to comply with the 15 second advance warning rule. It was thought that the work product of the committee could be appended to the RWP manual for the use by Employees In Charge when posting watchmen for protection against moving trains. Both parties understood the complexity of the problem, but determined that given the circumstances of the accident in Providence it was a good and positive exercise. Management insisted that management members be co-chairmen of the respective committees established in New England, New York and Philadelphia. The Union had no objection and actually welcomed their active participation and leadership in this process. To date, only the New York Committee has actually produced a tentative work product the New England Committee has not even started and the Philadelphia Committee has about 10% of their property studied. The success of the New York Committee is a direct result of the resources that management was willing to put into the project. The failure of the New England and Philadelphia Committees is a direct result of the resources those managements were willing to put into the project. The nature of this project makes it a management driven process because management needs to allocate the resources to make this process function. The back burning of this joint process by the Philadelphia and New England managements sends the wrong message to the men who are engaged on these properties attempting to ensure a safe work place for all of the employees.

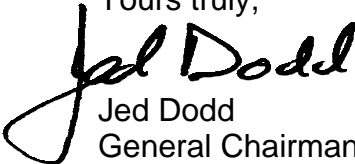
Recommendation Five: Invest serious time and resources into the Hot Spot Detection Committee in the New England and Philadelphia areas and if the management employees who have been assigned to these committees are not equipped to function effectively then replace them with management employees who are able to effectively complete this task.

6. **Safety Bulletins:** The distribution of safety bulletins and alerts to be discussed at job briefings before employees go to work has become inadequate. Recently a train came into the tunnel in New York when the men were given foul time. There was no bulletin issued about this very serious incident. The information coming out about the recent fatality of Steven Rychwalski is thin. The press release is fine but there should be a safety bulletin and information regarding the accident out to the field to ensure that the same accident does not happen again. This has not been done.

Recommendation Six: Issue instructions that all close calls and serious accidents need to be followed up with a safety bulletin and that this safety bulletin is required discussion at all job briefings.

All of the changes in NORAC, RWP and PCs were objected to when they were being made by either myself directly, or our safety representatives. The changes were made for budgetary reasons and not to advance safe working conditions. We need to understand that it is possible to violate a safety rule 100 times and not get hurt, but that the safety rule is there to prevent the injury the 101st time. By the same analysis the changes that were made a year or two ago in NORAC, RWP and PCs are now having a negative effect on work place safety and we need to reform these essential components of our safety fabric.

I look forward to discussing these issues with you and working for a mutually agreeable solution to them.

Yours truly,

Jed Dodd
General Chairman

cc Dave Ingersoll, General Chairman BRS
All BMWED General Chairmen
Pennsylvania Federation Joint Protective Board
All Amtrak Safety Committees
Fred Simpson, President BMWED