

**Pennsylvania Federation BMWED - IBT
Northeast System Federation BMWED- IBT
Amtrak Eastern General Committee - BRS
American Railway and Airway Supervisors Association - IAM**

421 North Seventh Street
Suite 299
Philadelphia, PA 19123

Overnight UPS Mail

May 14, 2018

National Railroad Passenger Corporation
Richard Anderson, President
1 Massachusetts Avenue, N.W.
Washington, D. C. 20001

Dear Mr. Anderson:

**Re: Luke Gsell - Another MW Worker Fatality on the
Northeast Corridor**

On April 24, 2018, Luke Gsell, a twenty year old trackman with eight months service on the railroad, was struck and killed at 9 AM by Amtrak Train #86. He was performing watchman duties for workers and equipment involved in an Undercutting operation at Bowie State Station in Bowie, MD. This accident was wholly avoidable. Unfortunately, given the history of safety on the Amtrak property, it was also predictable. The conditions that led to the snuffing out of this young life still exist and will undoubtedly kill again if we do not make radical change. The purpose of this letter is to provide you with our initial findings regarding the fatality of Luke Gsell, make recommendations to begin the process of the need for reform and to engage you in a serious dialogue about implementing these recommendations. Luke Gsell joins a roster of four other MW workers who have been struck and killed by moving trains in the last four years. Three of the five were young, short service employees who had been trained and qualified by Amtrak on the Roadway Worker Protection Rules.

Initial Investigation

The FRA and NTSB are conducting formal investigations regarding Luke Gsell's death and hopefully they will eventually issue recommendations we can use to prevent future roadway worker fatalities. At this point, our initial investigation of Luke Gsell's death indicates he was working as a gang watchman in three track territory at Bowie

State Station. Track No. 2 was out of service. He was standing at the edge of the ties in the foul of the field side of Track No. 1. A welding unit was on No. 2 track performing destressing procedures following the Undercutter, which had worked there previously. Watchman Gsell was adjacent to the welding gang on No. 2 track and he was providing watchman protection for the welders. He was up on the edge of the ties because the footing was bad for him to stand in the clear of the track. A commuter train came on No. 3 track and Luke Gsell blew the horn and held up his disk. He was looking North towards the commuter train when Amtrak train 86 came up behind him and killed him. Luke Gsell was trained and qualified by the Amtrak Training Department on the Roadway Worker Protection procedures.

There were not enough watchmen posted at the time of the accident. There were no advance watchmen posted to Luke Gsell's north. However, the train came from the south and the lack of a sufficient number of watchmen to the south is the issue. At the time of the impact there were 3 watchmen (including Luke Gsell) posted. All 3 were posted on the east side of No. 1 track. The first was an advance gang watchman who was posted on the northbound platform at Bowie State passenger station at the northern most end. He would have had the first view of northbound Amtrak Train 86. The second advance watchman was posted 3 catenary poles north of the first watchman. Cat poles in this territory are typically centered at 275 feet which makes the second advance watchman about 825 feet north of the first watchman. See the map of the accident site in Attachment A. This distance is excessive and does not permit sufficient warning of approaching trains.

The authorized speed on this section of track is 105 mph. Given the speed of the track and manner in which the watchmen were placed there wasn't enough time to provide the ability to get into a predetermined place of safety 15 seconds before the train passes Luke Gsell's location. The second watchmen reports that he blew his horn repeatedly to warn Luke Gsell and was too far away for Luke Gsell to hear him. The On-Track Safety briefing form identifies the location where they were working as a "hot spot." The hot spot book was developed by labor and management in 2009 after an extensive joint review of the hot spot areas on the NEC. This report indicates that 1/2 mile to the south at MP 119.7, on curve 404, that 2 or 3 advance watchmen are needed and .08 miles north of the point of impact, at MP 118.4, that 3 advance gang watchmen are needed. Including Luke Gsell, this location requires 7 watchmen, not 3, in order to ensure that workers in the foul can be in a place of safety 15 seconds before the train passes their work location.

Please see the Amtrak track chart in Attachment A which illustrates what we are describing. You can see that the point of impact is between two curves and at the lower end of elevation. In other words, Amtrak Train 86 pops up over the hill and from around a curve at MP 120 and is suddenly in view of the first watchman and even if he

reacts immediately to the train traveling at 105 mph there is not going to be enough time for the second watchman to notify Luke Gsell. Moreover, the spacing prevents Luke Gsell from hearing the second watchman's horn with the machines operating on track 2.

When the NTSB was on site doing its investigation they used 7 watchmen and a tap man. It should also be noted that equipment was not running and foul time was being used.

John Fabe Fatality of November 4, 1997

Luke Gsell's death is a repeat of the circumstances that led to the death of John Fabe on November 4, 1997. John Fabe was working as an advance gang watchman. He was also in the foul of the track when he was struck and killed by a SEPTA commuter train. The safety and RWP rules at the time permitted Brother Fabe to stand in the foul of the track when in his judgement it was not practicable to stand outside the foul of the track. Following his death, labor and management met and agreed to change the rules so that no employee providing watchman protection would be permitted to stand in the foul of the track. A year after this agreement was made management unilaterally reversed it to again permit a watchman to stand in the foul of a track. We protested this unilateral change bitterly, but Amtrak ignored our letter. See Attachment B with our October 8, 1998, letter to C. J. Bianco, Assistant Vice President Safety. In the letter, we stated that it was plain to us that another fatality would occur while a watchman stood in the foul of the track performing his/her duties and unfortunately our prediction has come true.

The argument could be made that the circumstances that would permit Luke Gsell to stand in the foul of the track were not present on the day he was struck. While this may or may not be true, what is true is that the minute there is equivocation in a safety rule or RWP regulation there is danger it will be misunderstood. Amtrak training can not teach that a watchman should never stand in the foul of a track because the unilaterally imposed rule equivocates all over the place and becomes subject to misapplication.

The Unions maintain that if the conditions do not permit a watchman to stand outside the foul of a on-coming train then watchman protection should not be used and a higher form of protection should be used to perform the work safely.

Recommendation Number 1: Watchmen Should be Prohibited from Ever Fouling a Live Track in the Performance of their duties.

- A. Immediately issue instructions that under no circumstances should a watchman be in the foul of live tracks while performing their duties.
- B. That the RWP training be adjusted to be clear and concise on this issue.
- C. That RWP and NORAC training be adjusted so that if the employee in charge determines that the watchmen can not perform their duties outside of the foul of live tracks that they have been trained on obtaining another form of protection.

Non Punitive Close Call Reporting Process Needs Reinstating

Amtrak had a working close call reporting policy that was non-punitive for the fourteen year period from 1999 to 2014. Attachment C contains that now terminated policy. Management and Labor would jointly investigate close call reports and work together to ensure that they were not repeated. During this period many close calls were reported and many problems were addressed. During the fourteen year period one employee was struck and killed by a moving train. In 2014, management unilaterally cancelled the close call policy and shortly after began to institute a cardinal rule policy where violations of RWP or NORAC rules were greeted with dismissal. Since the termination of the close call policy we have had five fatalities, no close calls reported and no joint investigations to fix problems. The fact of the matter is, that if employees think they are going to be dismissed or disciplined for reporting problems, they are not going to report them. Additionally, if they are questioned about a situation that will lead to their dismissal if they tell the truth, they are not going to tell the truth. This crisis needs to be immediately addressed so that we can work on fixing close calls before they become fatalities.

This crisis has repeatedly been brought to the attention of Amtrak management and either dealt with in bad faith or ignored. Attachment D contains a September 19, 2016, letter to Amtrak President Charles Moorman asking him to reinstate the close call policy and containing a petition signed by 1500 engineering workers supporting this idea. Amtrak President Charles Moorman ignored this letter.

Recommendation Number 2: Reinstate the Close Call Policy

Reinstate the Close Call policy that was terminated in 2014.

Recommendation Number 3: Terminate the Cardinal Rule program.

Terminate the Cardinal Rule discipline program.

Hot Spot Watchman Program

On March 13, 2008, a terrible accident occurred in Providence, RI when a train struck and killed a former Amtrak manager and badly mutilated a BMWED track foreman. Labor and Management jointly determined that not enough watchmen were present to properly protect these men. It was also determined that these staffing requirements were the basis of bitter arguments at job briefings and on the job and that we could go a long way to resolving these conflicts if we jointly determined how many watchmen would be needed at the various locations on the railroad and publish these findings. We formed a hot spot committee and teams of labor and management went to every curve and hot spot on the railroad and performed whistle tests and used stop watches to establish what was needed. Attachment E contains a letter dated August 6, 2009, to the Amtrak BMWED membership that provides some explanation of this process.

The hot spot manual worked well for a number of years as everyone understood it was a product of labor and management cooperation and its purpose was to protect lives. Initially, it was published in a 8.5 by 11 report which did not lend itself to field use. It was later published in a format that could fit into the RWP manual. In the last five years management has been very reluctant to publish it at all. The legal department has insisted that big disclaimers be put on the cover of the book and this causes new Amtrak managers, usually with no experience working on the railroad and with no history of how it was developed focus upon the disclaimer rather than the important information it contains. The training department refuses to teach about it in RWP classes. We have had Chief Engineers who have stated that the hot spot book is no longer relevant because it was published in 2009 and the infrastructure in 2014 is not the same. The Northeast Corridor has had the same basic infrastructure for 150 years.

Recommendation Number 4: Endorse and Promote the Hot Spot Book

- A. Reprint the hot spot manual and ensure every single Amtrak MW worker has a copy of it.
- B. Print the hot spot manual in a form that can be put into the RWP manual.
- C. Take the disclaimer off of the hot spot manual and indicate that the recommendations are minimal recommendations and that more watchmen

could be needed and if that is not practical then a higher form of protection should be used or the work postponed until it can be done safely.

- D. Put the Amtrak, BRS, BMWED and ARASA logos on the manual so that it is clear it is a joint endeavor supported by both labor and management.
- E. Make it a requirement to be taught in the RWP training classes.
- F. On the track charts, upon which the MW Foremen rely, put in a notation where the hot spots are and how many watchmen are required to protect that area.
- G. Make the hot spot points a part of the physical characteristic test required to obtain forman qualifications.

RWP Training

RWP training used to be conducted by long term craft employees and it was discussed by knowledgeable individuals with real world experience. These employees taught the classes to save lives. The classes are now taught to comply with a regulation and employees are being trained and qualified on the RWP regulations by Amtrak and then going out on the railroad and being struck and killed by trains. Attachment F contains the current list of RWP trainers. Only one or two have any real track experience and one has not been near the railroad in twenty years.

Recommendation Number 5: Revamp RWP Training

- A. Negotiate a joint agreement with ARASA, BRS and BMWED to provide for the selection of all RWP trainers from the ranks and they must have 5 or more years of service on the railroad. Agreement will provide for the selection process, qualifications, hours, rest days, wages etc.
- B. Establish a blue ribbon joint labor/management committee to review how and what is being taught in RWP school, make recommendations to enhance and change it and then promptly meet for the purpose of implementing the changes.
- C. While the blue ribbon committee is doing its review make the hot spot book a mandatory source of training at RWP school.
- D. While the blue ribbon committee is doing its review ensure that the new

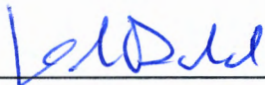
rule that no watchman may ever be in the foul of a live track is thoroughly understood by all of the attendees.

- E. Hold separate and immediate meetings of all Foremen where the leadership of the Unions and the leadership of Amtrak explain the hot spot book and the new rule that no watchman may be in the foul of a live track in the performance of their duties.

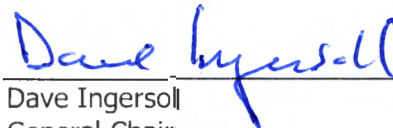
It is our desire to meet as soon as possible and discuss our recommendations to work towards a railroad operation where fatalities are rare and not the norm.

Please contact us to arrange for a time and place in which these discussions may begin and continue with the urgency that this crisis requires so that we may implement much needed reform as quickly as possible.

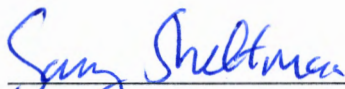
Yours truly,



Jed Dodd
General Chairman
Pennsylvania Federation BMWED - IBT



Dave Ingersoll
General Chairman
Amtrak Eastern General Committee - BRS



Sonny Sheltman
General Chairman
America Railway and Airway Supervisors
Association



Dale Bogart
General Chairman
Northeastern System Federation BMWED -
IBT

cc Amtrak Board of Directors

Attachment A

Hand Drawn Map of the Accident Site

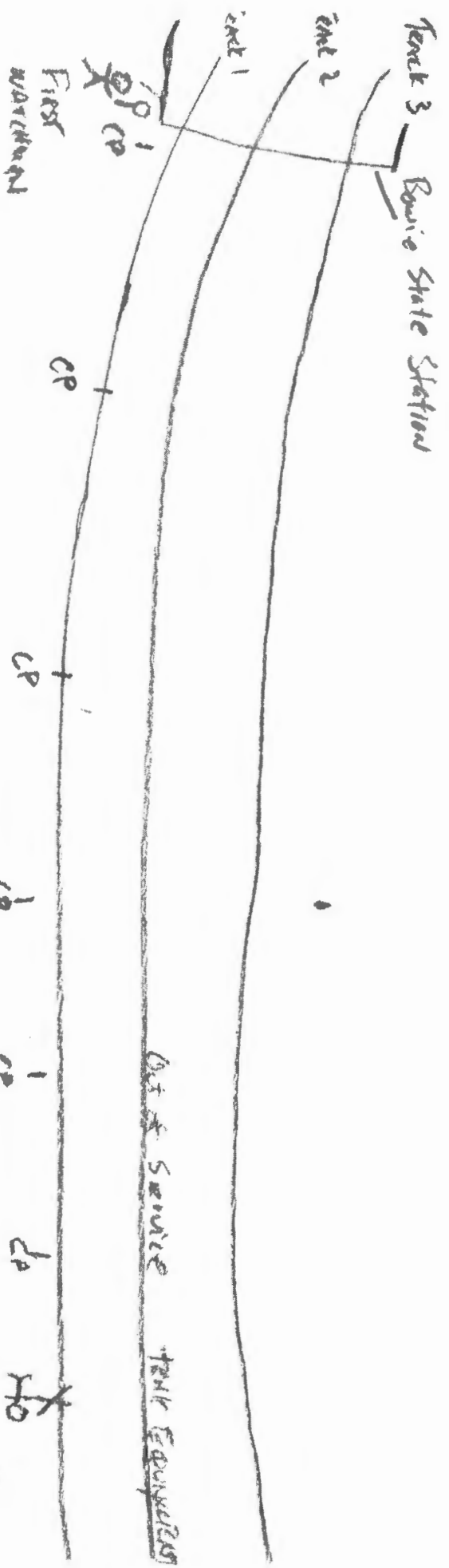
Track Chart of the Accident Site

WASHINGTON, DC



N

BALTIMORE, MD



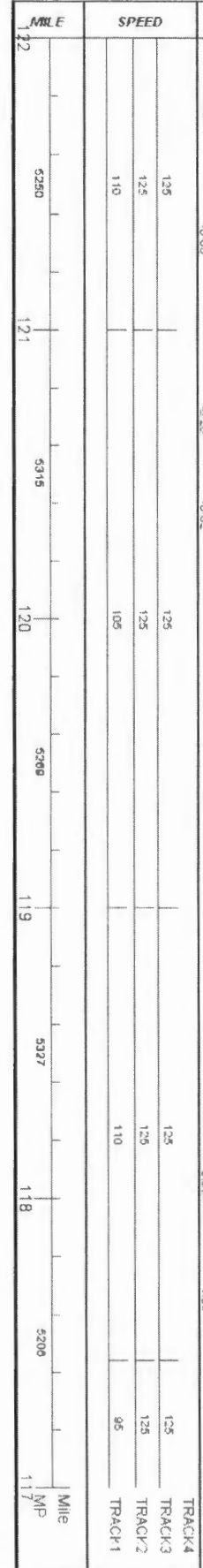
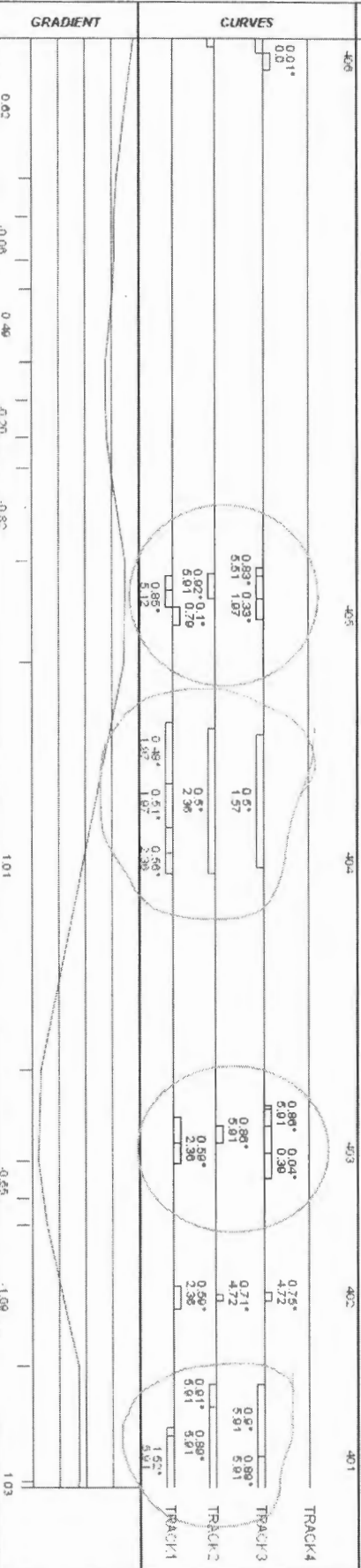
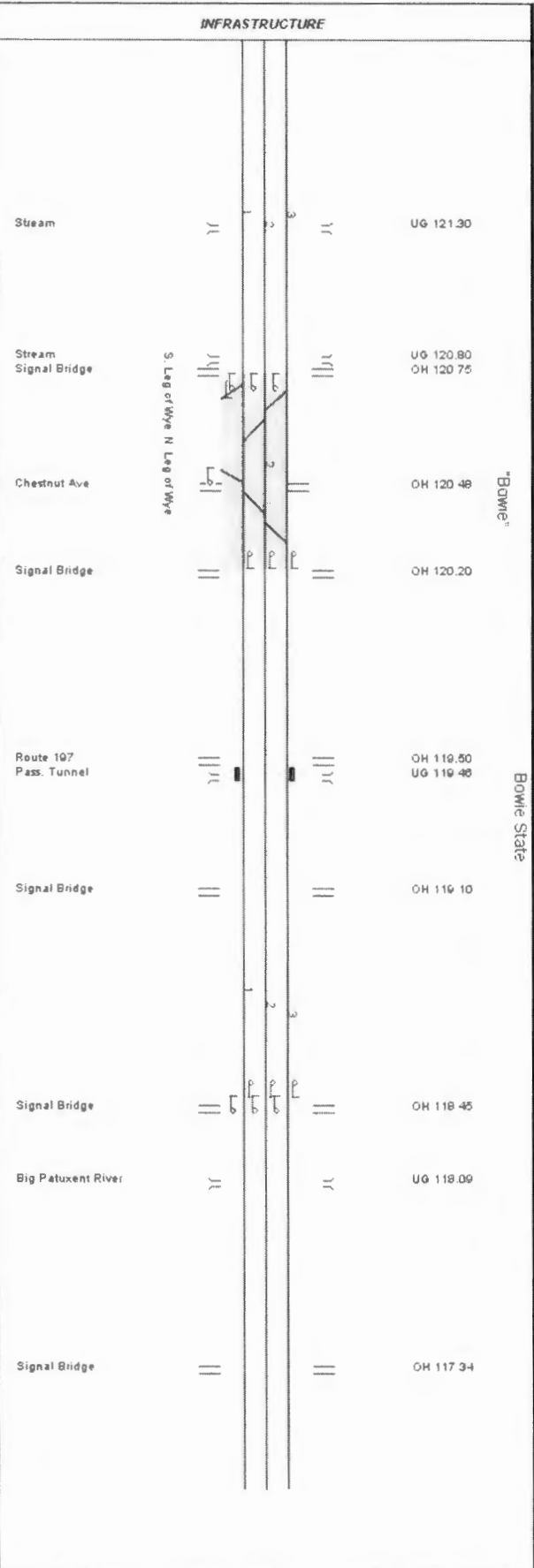
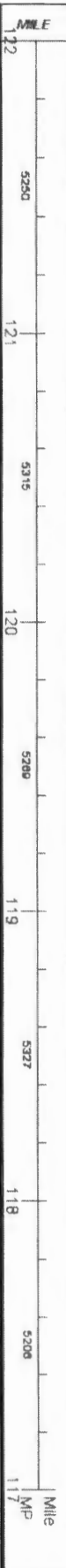
CP = CRT POLE

Arrive Train 810
Travel North on 1 track
towards Baltimore

MP 119.2



Line Code: AP-Philadelphia Line
122 0 - 117 0



Attachment B

**BMWE October 8, 1998 to Amtrak Regarding the Termination
of Watchman Safety Reforms Made by Amtrak Following the
Death of John Fabe**

"An Injury To One Is An Injury To All"

Pennsylvania Federation

1930 Chestnut Street - Suite 607
Philadelphia, Pennsylvania 19103
phone: (215) 569-1285
fax: (215) 569-0676



Office of the General Chairman
Jed Dodd

overnight mail

October 8, 1998

National Railroad Passenger Corporation
C. J. Bianco, Assistant Vice President S
Safety and Environmental Control
30th Street Station - 5th Floor, South
Philadelphia, PA 19104

Dear Mr. Bianco:

Re: Safety Rules Revisions
RWP Rules 4138 and 4125

On October 1, 1998 you unilaterally issued instructions to change safety and RWP rules 4138 and 4125. Prior to these changes, employees working as a gang watchman or advanced gang watchman were not permitted to stand in the foul of live track when performing their duties. The unilateral change which you instituted on October 1, 1998 now permits employees who provide watchman and advanced gang watchman protection to work in the foul of live track while providing watchman protection. These changes now provide that those that are providing protection are ironically not protected themselves. The purpose of this letter is to object to the manner and the substance in which safety and RWP rules 4138 and 4125 have been revised.

On November 4, 1997, BMW member John Fabe was tragically taken from us when he was struck and killed by a SEPTA train while in the performance of his duties. Brother Fabe was working as an advanced gang watchman. Obviously he was in the foul of the track when he was struck by the train and killed. The safety and RWP rules at the time permitted Brother Fabe to stand in the foul of the track when in his judgement it was not practicable to stand outside the foul of the track. Following his death, the safety rules were changed to provide that no employee providing watchman protection would be permitted to stand in the foul of the track. Your October 1, 1998 memo now changes the safety rules to permit employees to provide watchman protection and stand in the foul of the track when it is not "practical" to do otherwise. With this change, management has recreated the exact same working parameters that framed the death of John Fabe on November 4, 1997.

In terms of process, the Union wishes to protest the manner in which management has made this change. The Union learned of this change when it was mailed to us. Attached is the Safety News bulletin and your memo dated October 1, 1998 informing us of the changes. It is unfortunate that this change was done without consultation with us. Amtrak and the BMW

have worked very hard at attempting to take the unilateral decision making and conflict out of the safety process and work together towards a safer and healthier work environment. The change in safety rules is literally a change involving matters of life and death and was done unilaterally and without consultation with the Union. Your action threatens to set our joint process back years. Although we have gone a great distance together in the recent past the tenuous relationship upon which our trust is built is extremely fragile. Your actions show contempt for the joint processes which we have attempted so hard to build.

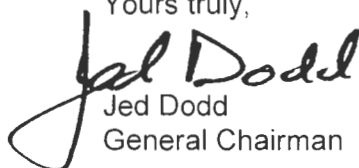
With respect to the substance of the change we can only say that it is ill conceived and fool hardy. We believe that it will lead to additional BMW/Amtrak fatalities. In our joint BMW/Amtrak Safety Advisory Committee we have discussed some of the problems associated with a safety rule in which a watchman can never stand in the foul of the track and we are attempting to jointly identify the specific areas where this problem exists and to work on the specific solutions. Had you bothered to contact us about your proposal which killed Brother Fabe you would have been aware of this.

We would request that you do the following:

1. Immediately reinstate the safety rule revisions made after the death of Brother Fabe where the words "whenever practical" and "if practical" were deleted from the safety rule.
2. Meet with the Union and we will expand our committee investigating the areas of concern to include you and your organization and we will work together to make a list of specific concerns by geographic location and specific solutions.

Consider this letter fair warning. Do not make an error and ignore this letter. Please do not underestimate our resolve to defend the lives of our members. Issue the changes at once and we will meet and work on the solutions to the other problems. Take any other action at your own peril. We are also capable of unilateral actions when necessary.

Yours truly,


Jed Dodd
General Chairman

cc George Warrington
Stan Bagley
Alison Smith
Safety Advisory Committee
All Federation Officers

Attachment C

Amtrak Non-Punitive Close Call Policy Terminated by Amtrak in 2014

REPORTING POLICY FOR "CLOSE CALLS" ON OR ABOUT RAILROAD RIGHT-OF-WAY

Introduction	<p>"Close Calls" are occurrences that could have easily resulted in accident or injury. These potentially serious events must be identified quickly in order to conduct timely through inquiries and determine actions necessary to prevent recurrence. An appreciation for "lessons learned" will foster greater awareness and understanding of potential hazards and present opportunity for new and renewed prevention efforts. The goal must be to prevent a recurrence- Possibly one serious outcomes.</p>
Employee Participation	<p>Employees must be encouraged to share experiences that can benefit themselves or others. This is best accomplished in an environment free of criticism, discipline, and retaliation. Response to the voluntary reporting of close calls must be non-punitive in order to foster honesty and forthrightness. Employees must feel they can speak freely when reporting.</p>
Description	<p>Determination of close call can be subjective and ultimate classification rests on the judgment of those involved. If one or more individuals believes the incident is a close call. It should be addressed as such. To encourage reporting of related events, two classification levels have been established. First Level and Second Level</p> <ul style="list-style-type: none"> • First Level Includes life threatening events or those that could have resulted in serious injury. Prime examples include near strikes of employees, equipment, or machines. • Second Events that may not require immediate alienation. but warrant response and/or intervention. In cases when dispatcher notification does not occur or is unnecessary, employees should directly contact their immediate supervisor or call the Engineering Action Line at 1-800-288-1310. Examples absence or placement of watchmen, clearing times for workers (15) Seconds, absence of whistle boards, trains not blowing, ect.

REPORTING POLICY FOR "CLOSE CALLS" ON OR ABOUT RAILROAD RIGHT-OF-WAY

FIRST LEVEL

STEP	DESCRIPTION
1	Engineer, pilot, or equipment operator immediately reports incident to Train Dispatcher. Provides pertinent details such as milepost, Track equipment/train description, number of employees, etc. If incident is observed by workers on the right-of-way only. Involved employees must notify immediate supervisor who will conduct steps 4, 5, and 6 below.
2	Train dispatching office notifies Trouble Desk, Division General Manager, and local Safety Department (incidents involving Police, Mechanical, Commissary or other groups should be directed to the Safety Department).
3	Trouble Desk immediately notifies appropriate supervision.
4	Immediate supervisor establishes response team with focus on interpreting and finding cause, not blame. Team to local Safety Representatives and/or Liaisons and the Safety Department.
5	Results of team inquiry shared with the departments involved. Affected department reviews outcomes with employees (s) who reported close call and develops summary for general distribution.
6	Inquiry team provides Engineering Employee Service and Safety Department with information required to maintain incident log and identifying areas requiring action (i.e. training, procedural changes counseling). Engineering Employee Services will provide a general overview to all employees concerned and can be contacted at (ATS 728-2882 or -3580) for information regarding specific events.

SECOND LEVEL

STEP	DESCRIPTION
1	Employee(s) contacts supervisor or calls Engineering Action Line at 1-800-288-1310
2	Immediate supervisor establishes inquiry team, which includes local Safety Representatives and/or Liaisons and the Safety Department Engineering Action Line concerns will be addressed jointly by the Engineering Employee Services and Safety Department.
3	Affected department reviews outcome with employee(s) initiating report of close call. Inquiry results shared with the affected departments employees and summary prepared for general distribution.
4	Engineering Employee Services notified by response team of findings. conclusions, and recommendation. Logs incident into database.

Attachment D

**Union Letter Dated September 19, 2016 to Amtrak President
Charles Moorman Regarding Reinstating the Close Call Policy
Accompanied by 1500 Engineering Worker's Signatures**

**Pennsylvania Federation BMWED - IBT
Northeast System Federation BMWED- IBT
Amtrak Eastern General Committee - BRS
American Railway and Airway Supervisors Association - IAM**

421 North Seventh Street
Suite 299
Philadelphia, PA 19123

UPS overnight mail

September 19, 2016

National Railroad Passenger Corporation
Charles Moorman, President
60 Massachusetts Avenue
Washington, D.C. 20002

Dear Mr. Moorman:

Re: Continuing State of Safety Emergency on the Amtrak Property

Congratulations on your appointment to lead the National Railroad Passenger Corporation. While normally we would like to take some time to get to know a new CEO, we feel that the current conditions on the Amtrak property are so dangerous that your immediate intervention is required. On April 3, 2016, two engineering department workers were killed, and third mutilated, when an Amtrak train slammed into a backhoe upon which they were working in Chester, PA. These deaths represent the third and fourth fatalities in two years and are directly the result of the failed policies of Amtrak's senior management. Due primarily to the work of our three Unions the property has become somewhat safer, but unfortunately these senior managers are still in charge and still pursuing dangerous policies. Your direct and immediate intervention into the management of Amtrak, and the adoption of policies to promote a safe work place, is required. Otherwise, we are just waiting for the next fatality to occur. These policies must include, but are not limited to, the adoption of the discontinued close call policy, the discontinuance of the cardinal rule program and the removal of the inward facing cameras in Amtrak vehicles.

The immediate purpose of this correspondence is to draw your attention to our concerns related to the discontinued use of the corporate close call policy. Attached is a petition signed by 1,275 Engineering Department employees asking that the close call policy of 2000 be reinstated. Also, attached for your ready reference is a copy of the original close call policy. This close call policy was adopted in the year 2000 when the operating and engineering unions, in conjunction with management, reached a consensus on how close calls could be reported and investigated without fear that it would become a disciplinary issue. This permitted joint teams of management and union representatives to investigate the close call, find out the truth of the incident and take steps to prevent it from occurring

again.

This close call policy was terminated in 2014 by acting Chief Engineer Scott Naparstek and Vice President of Human Capital Barry Meinkovic. During the fourteen years the close call policy was in effect there were two Engineering Department fatalities, dozens of close calls were investigated and many corrections were made to prevent them from occurring again. In the two year period since the cancelling of the close call policy there has been four Engineering Department fatalities, one or two close calls reported and no reform or joint investigations. Simply stated, if employees are going to be disciplined, or cause other employees to be disciplined, then close calls are not going to be reported. If the application of discipline is the basis for a close call investigation, then the truth of the matter will never be known. Without a collaboration between Labor and Management and a work environment free of intimidation and fear, then the property will continue to be a dangerous and unsafe place to work.

We would urge you to immediately reinstate the close call policy of 2000 as a corporate wide policy. With this you can demonstrate to all of us that you are committed to working with the Unions, employees and managers to create a safe and productive work place for all, that is free of intimidation and fear on this critical issue of life and death.

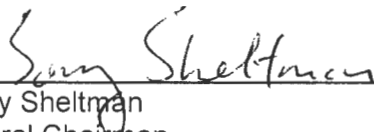
In solidarity,



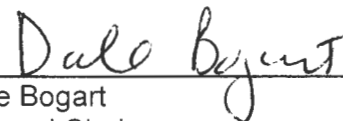
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cc Amtrak Board of Directors

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421 North Seventh Street
Suite 299
Philadelphia, PA 19123

UPS overnight mail

October 17, 2016

National Railroad Passenger Corporation
Charles Moorman, President
60 Massachusetts Avenue
Washington, D.C. 20002

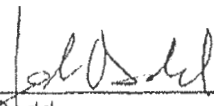
Dear Mr. Moorman:

Re: Matters of Life and Death for Engineering Workers on the Northeast Corridor


Thank you for taking the time recently to discuss the lack of an effective close call policy for Engineering Department employees with BRS General Chairman Dave Ingersoll. In that discussion it was evident you were not aware of the letter we wrote to you on September 19, 2016 regarding this issue. Also enclosed with that letter is a petition signed by now 1500 engineering department workers.

Attached is that letter and petition. Hopefully we can sit down in the near future and work to adopt the cancelled close call policy that has served labor and management so well for 14 years.

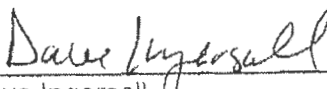
Yours truly,




Jed Dodd
General Chairman
Pennsylvania Federation BMWED - IBT



Sonny Sheltman
General Chairman
America Railway and Airway Supervisors
Association



Dave Ingersoll
General Chairman
Amtrak Eastern General Committee - BRS



Dale Bogart
General Chairman
Northeastern System Federation BMWED -
IBT

LOCAL 3028

To: Amtrak CEO Charles Moorman

We, the undersigned, respectfully insist that the Close Call Policy be restored. The current blaming of front line workers is unacceptable. We insist that management work with us to find solutions to safety issues.

Printed Name	Signature
DAVID JACKSON SR.	<i>[Signature]</i>
DAVID CROUCH ^{UPON REQUEST} PRESIDENT LOCAL 3028	<i>[Signature]</i>
Lydell Owens	<i>[Signature]</i>
Darius Alton	<i>[Signature]</i>
Darryl Johnson	<i>[Signature]</i>
MARVIN C. DUNN	<i>[Signature]</i>
NEAL MCKENZIE	<i>[Signature]</i>
AARON HARPER JR	<i>[Signature]</i>
ROBERT O. DAVE	<i>[Signature]</i>
STEVEN LOCKRIDGE	<i>[Signature]</i>
DAVID [unclear]	<i>[Signature]</i>
Rakeem Coston	<i>[Signature]</i>
Fernando Jones II	<i>[Signature]</i>
Nelson Hicks Nelson Hicks	<i>[Signature]</i>
Darius Helton	<i>[Signature]</i>
FERDINAND HELTON	<i>[Signature]</i>



Attachment E

**Union Membership Letter Dated August 6, 2009 Announcing
the Hot Spot Manuel for Placing Watchmen at
Hot Spots on the Northeast Corridor**

"An Injury To One Is An Injury To All"

Pennsylvania Federation

421 North Seventh Street - Suite 299
Philadelphia, Pennsylvania 19123
www.pennfedbmwe.org
phone: (215) 574-3515
fax: (215) 574-1910



Office of the General Chairman
Jed Dodd

August 6, 2009

To: All Amtrak Committees

Re: Hot Spot Committee Report

Dear Brothers and Sisters:

On March 13, 2008, a terrible accident occurred in Providence, Rhode Island when a train struck and killed a former Amtrak manager and badly mutilated a BMWED Track Foreman. Both management and labor have examined the facts of this accident and concluded that not enough watchmen were posted to permit these men to get to a place of safety at least fifteen seconds before the train passed their work location. Labor and management agreed to form a Hot Spot Committee, charged with investigating the hot spots on the railroad to determine how many watchmen would be required at each location to permit compliance with the fifteen second rule.

Attached are the recommendations of the Hot Spot Committee for the number of watchmen required to work safely at hot spots on the Northeast Corridor. This report only applies to situations where the form of protection provided is by watchmen. The tests to establish these numbers were performed during daylight hours, clear weather conditions and no machinery on the track. The findings are called recommendations because if conditions are other than these it will be necessary to post more watchmen to perform the job in accordance with the fifteen second rule. It is important to discuss these issues at the job briefing before work begins.

This is a big victory for the employees of Amtrak as these recommendations are the product of consensus reached by labor and management and it is a good tool to significantly reduce arguments and questions about the number of watchmen needed to safely work. When there are not enough watchmen present a more restrictive form of protection needs to be used or the job should not be done.

Absolute Right to Enforce the Rules

We have an agreement with Amtrak about safety. This agreement gives us an absolute right to enforce the rules and not work until the rules are followed. Our safety agreement was literally paid for with the blood of our members who died needlessly because they were instructed to work in unsafe conditions that violated the rules.

Article V of the agreement states, in relevant part:

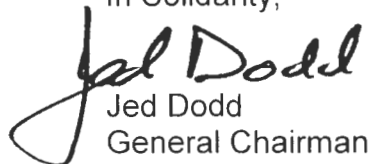
'It shall not be a violation of this agreement for employees to refuse to start work, return to work, or continue working when any condition exists that violates an applicable local, state or federal law or regulation or Amtrak safety rule or procedure. Employees exercising their right under the Article shall be governed by Attachment 4 to this Agreement, "Procedures for Resolution of Work Place Safety Issues."

A complete copy of our safety agreement can be found on our web site at www.pennfedbmwe.org , or if you contact the Federation office and one will be sent to you.

We would like to thank our Safety Liaisons and our grievance officers and safety committeemen who worked on this project. We would also like to thank the management officers who worked on this project with us and made these recommendations possible.

This is a very useful and powerful tool that we now have which helps us ensure that adequate numbers of watchmen are on the job when we are protecting ourselves with watchmen. Please use it to ensure that you, and your fellow workers, are able to go home to your families at the end of the work day alive and well.

In Solidarity,


Jed Dodd
General Chairman

cc All Federation Officers

Attachment F

Survey of Current RWP Trainers

Amtrak RWP Trainers

First	Last	DOH	Depts worked	Time on Tracks	Current Position	Location
Steve	Ladislaw	Jul-09	Management/Finance	None	Director Training 11/16	30th St
Debbie	Pirrami	Sep-93	Clerk/Management	None	Manager Training	30th St
Carlos	Pineda	Sep-09	B&B /RWP Trainier	limited 3 years	RWP Trainer	30th St
Ryan	Cameron	Aug-11	ET/Management RWP trainer	limited 3.5 years	RWP Trainer	30th St
Bill	Waldenmaier	Sep-91	C&S Maintainer/RWP Trainer	Not since 1995	RWP Trainer	Newark NJ
Kimberly	Matthews	Nov-08	On Board Service attendant 1.5 years/ RWP Trainer 4/2010	None	RWP Trainer	Newark NJ
Kevin	Little	Jul-84	Track/recent RWP trainer	20+	RWP Trainer	Baltimore
Johhny	Elrod		Not sure but has a lot of time and very knowledgable		RWP Trainer	Chicago
Patrick	Fitzgerald	Mar-09	Trackman/S2S/Trainer 7/2014	2 years	RWP Trainer	New Haven CT
Shawn	O'Keefe	Nov-07	Track/S2S /Trainer 1/2015	7 years	RWP Trainer	New Haven CT
Kevin	McCarthy	2010 ?	Dispatcher/Management	None	Sr Mgr Training & Development	30th St