

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

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**Amtrak and the BMWED/ARASA-MW/ BRS Reach Agreement  
to Improve Safety Conditions for Unionized Engineering Workers**

August 22, 2018

Dear Brothers and Sisters,

On April 24, 2018 Brother Luke Gsell, a twenty year old trackman with eight months service on the railroad, was struck and killed by an Amtrak train when he was performing his watchman duties. This tragedy follows an unprecedented slaughter of Engineering Department workers on the Northeast Corridor where four other workers were struck and killed by moving trains. In remembrance they were: Minwella Lane, C&S helper on October 29, 2014; Dawud Bahr, Trackman on March 1, 2016; Joe Carter, Equipment operator on April 3, 2016 and Pete Adamovich, Supervisor on April 3, 2016.

The loss of our Brothers and Sister can never be adequately explained. What we can do is resolve to give their deaths meaning by ensuring that every one of us goes home to our families at the end of our tour of duty alive and well. To this end, the three unions have stuck together and engaged Amtrak management to make meaningful safety reform. This required that we overcome our righteous rage and anger at the failed Amtrak policies that led to this tragic state and seek constructive ways to ensure no more deaths.

We are pleased to report that after long, difficult and acrimonious meetings which began several years ago we have reached an agreement with Amtrak over a series of safety reforms which we believe will help prevent future fatalities. They are:

- **New Voluntary Safety Reporting Policy** - This policy will replace the former close call reporting program (cancelled by Amtrak management in 2014) and allow workers to report any safety situation that has not already become an accident without fear of discipline. The issue will be investigated by a joint team of labor and management and corrective action will be taken. The phone number to report these close calls and other safety situations in need of correction is: 1-800-288-1310. A complete copy of the policy is attached at the end of this letter for electronic copies and if you are receiving the letter in the

mail it can be found on our websites.

- **60 MPH SLOW BY SPEED RESTRICTION** - During a continuous and planned track outage, or when an Undercutter or TLM is working on an out of service track, a 60 MPH Slow By restriction will be issued.
- **Watchmen May Not Be in the Foul of the Track** - The RWP rules have been revised so that watchmen may never be in the foul of a track except during walking inspections, or in yards and terminals when the written permission of the Division Engineer is obtained and the Roadway Worker in Charge agrees to the placement. It is recognized that sometimes it is uncomfortable for the watchman to be standing off the track and the Liaisons and Safety Committees are working with management to construct platforms for the watchmen outside of the fouling envelop where they are needed. Also, we are working with Amtrak management to produce a stand that can be attached to the cat poles for this purpose.
- **Hot Spot Book to be Reprinted and Used** - the hot spot book is a book that identifies the hot spots on the railroad and the number of watchmen needed to protect that work area. This book was developed by labor and management to prevent jobs from being started when the requisite manpower was not supplied to properly protect the work area and to eliminate the bickering and arguments about the number of watchmen needed to protect a work area. This book will be reissued and labor and management will put greater reliance on it when setting up protection for work locations.

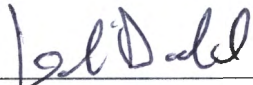
We still have work to do, but these reforms are significant and we are pleased to report them to you. Both sides agree that the training needs to be corrected and we are working on ways to make improvements in this area. We still disagree on the application of the cardinal rules program, but for the first time management is discussing it with us. We have not yet convinced management that using the whip is the sign of a weak manager and not productive; however, the discussions on this subject are continuing.

## **Membership Responsibility**

Every member of our Unions have the right to refuse to work in unsafe situations without the fear of discipline. Now we have a new right to report unsafe conditions, particularly close calls, without the fear of discipline. Our lives literally depend on all members of our Unions sticking together regarding enforcing the rules and reporting problems. We have this responsibility to our co-workers and more importantly to our families who expect us to return home to them alive and well at the end of each work day. Use these rights to stay alive.

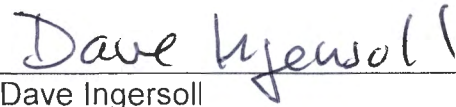
Nothing we can do will replace the loss of our five Brothers and Sister. However, we can learn from these tragic deaths and give them meaning by preventing additional deaths. Our struggle for better conditions will continue. We have reached an important milestone in advancing safety on the Northeast Corridor and are pleased to make this report to you.

In solidarity,



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Jed Dodd  
General Chairman  
Pennsylvania Federation BMWED - IBT



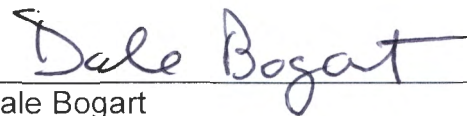
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Dave Ingersoll  
General Chairman  
Amtrak Eastern General Committee - BRS



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Sonny Shelton  
General Chairman  
America Railway and Airway Supervisors  
Association



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Dale Bogart  
General Chairman  
Northeastern System Federation BMWED  
- IBT

***“Pray for the Dead but Fight Like Hell for the Living”***

**Mother Jones - organizer against child labor and for the  
United Mine Workers Union**

**1925**



## **BMWED, ARASA-MW, BRS & AMTRAK ENGINEERING DEPARTMENT VOLUNTARY SAFETY REPORTING POLICY**

### **Introduction:**

“Voluntary Safety Reports” are safety events that both labor and management desire to more fully and thoroughly understand. These events must be identified quickly to allow timely, thorough inquiries, and to 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 consistently prevent a recurrence or mitigate risk.

### **Union/Amtrak Leadership Commitment:**

The Amtrak Engineering Department’s “Voluntary Safety Reporting” policy is a collaborative effort between Amtrak’s management, agreement employees, and the labor organizations that represent the employees to assist in enhancing safety of operations in the Engineering Department. It covers, embraces and promotes employee self-reporting as more covered below. Management participants in the program are Amtrak leadership from the Engineering Department and leadership from Amtrak’s Safety, Compliance, and Training Department. Agreement participants are comprised of members of the American Railway and Airway Supervisors Association (ARASA-MW), the Brotherhood of Maintenance of Way Employees (BMWED), and the Brotherhood of Railroad Signalmen (BRS), and their respective union leadership.

For the Voluntary Safety Reporting program to enhance safety of operations, the lessons learned from the voluntary safety reports must be captured and shared. The program must collect data in such a way that safety trends can be identified and mitigated. A joint agreement/non-agreement committee will be established to oversee the program and the committee will be chaired by the Vice President of Safety, Compliance, and Training. The committee shall meet monthly to assess the effectiveness of the program and to address any issues related to the administration or performance of the program. Simultaneously, at the meetings data will be reviewed, and discussions will take place around any unresolved safety issues and/or concerns. The meeting date will be established by Amtrak Engineering Department leadership and attendance is to include designated union leadership from each labor organization and at least one member of the Amtrak System Safety group. The frequency of the meetings can be changed if such a change is desired by union leadership and Amtrak leadership.

It is understood that the goal of the Voluntary Safety Reporting program is that upon review of events, union leadership and Amtrak leadership reach a mutual consensus on the corrective action that needs to be taken. Furthermore, participants agree that there will be events that are reviewed where not all participants may agree on the corrective action to take. General principles are:

1. Mistakes are addressed through counseling, coaching and/or training, in a non-discipline structure and environment if deemed appropriate by the reviewing group.
2. We coach and/or train and mutually reinforce against at risk behaviors.
3. The alleged event must be inadvertent.

**Union/Amtrak Leadership Training:**

The Voluntary Safety Reporting program will reflect elements of self-reporting and a “just culture”. To most effectively oversee an effective voluntary safety reporting program, Union and Amtrak leadership shall jointly receive training in just culture concepts. The training is intended to aid in collectively determining what events would be excluded from the policy due to not being inadvertent.

**Employee Participation:**

The Engineering Department’s Voluntary Safety Reporting program is a collaborative effort to enhance safety of operations supporting honesty and integrity in both reporting and reviewing events. 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 safety reports must be non-punitive or corrective to foster honesty and forthrightness. Employees must feel they can speak freely when reporting voluntary safety reports.

**Description:**

Determination of a voluntary safety report can be subjective and ultimate classification rest on the judgment of those involved. If one or more individuals believes the incident was a voluntary safety report, it should be investigated as such. To encourage reporting of all related events, two classification levels have been established: First Level and Second Level.

- First Level  
Requires immediate attention or intervention. Includes life threatening events or those that could have resulted in serious injury. Prime examples include near strikes of employees, equipment, or materials.

**FIRST LEVEL**

<b>Reporting Process</b>	<b>STEP</b>	<b>DESCRIPTION</b>
	<b>1</b>	Engineer, pilot or equipment operator reports incident to Train Dispatcher, Supervisor, or calls the Engineering Action Line (1-800-288-1310) as quickly as possible. Provides pertinent details such as milepost, track number, 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.
	<b>2</b>	Train dispatching office notifies Trouble Desk, Division AVP, and Safety Department (incidents involving Police, Mechanical, Commissary, or other groups should be directed to the Safety Department).
	<b>3</b>	Trouble Desk immediately notifies appropriate supervision.
	<b>4</b>	Immediate supervisor establishes response team charged with interpreting events and identifying contributing factors and root cause. Team to include Local Safety Representatives and/or Liaisons from the craft and the Safety Department. Once the root cause of the incident is determined, the employee behavior associated with the event will be identified.

<b>5</b>	Results and assessment of team inquiry is shared with the departments involved. Determination is made by trained personnel as to whether employee behavior was appropriately categorized. If it is deemed not inadvertent, the voluntary safety reporting process will not apply. If it meets the voluntary safety reporting criteria, affected department reviews the outcome with employee(s) who submitted the voluntary safety report, identifies appropriate action plan, and develops a summary for general distribution.
<b>6</b>	Inquiry team provides oversight committee and the Safety Department with information required to maintain incident log and identify areas requiring action (i.e. coaching, training, procedural changes, counseling, etc.). System Safety will provide a general overview to all employees concerned and can be contacted at 1-800-288-1310 for information regarding specific events.

- **Second Level**

Events that may not require immediate attention 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 of placement of watchmen, clearing times for workers (in the clear no less than 15 seconds prior to trains arrival), absence of whistle boards, trains not blowing, etc.

**SECOND LEVEL**

<b>Reporting Process</b>	<b>STEP</b>	<b>DESCRIPTION</b>
	<b>1</b>	Employee(s) contacts supervisor or calls Engineering Action Line (1-800-288-1310).
	<b>2</b>	Immediate supervisor establishes inquiry team, which includes local Safety Representatives and/or Liaisons from the craft and a Safety Department representative. Once the root cause of the incident is determined the employee behavior associated with the event will be identified. Concerns will be addressed jointly by said team.
	<b>3</b>	Results of team inquiry shared with the departments involved. Determination is made by trained personnel as to whether the event was not inadvertent. If it is not inadvertent the voluntary safety reports process will not apply. If it meets the voluntary safety reporting criteria, affected department reviews the outcome with employee(s) who submitted the voluntary safety report, identifies appropriate action plan, and develops a summary for general distribution.
	<b>4</b>	System Safety is notified by response team of findings, conclusions, and recommendations, and logs incident into database.