April 23, 2015

To: Amtrak Board of Directors

From: Jed Dodd

Re: Crisis on the Amtrak Property

Attached is a letter that describes the breakdown in the relationship between our Union and Amtrak regarding safety. In fact the “One Amtrak Way” that is being orchestrated by the new Amtrak management team is causing a total breakdown in any relationship that our Union has with Amtrak.

We understand you don’t want to get involved and prefer to let the “professionals” handle this problem. This is a mistake and unless you are willing to be proactive and involve yourself in this crisis you will become part of the problem.

We hope you read the letter, get yourself informed about the terrible direction that the company is taking with respect to its employees and involve yourself in a solution. Should you desire to communicate with me directly my email is doddied@verizon.net and my cell phone is 215 275 0169.

While previously copied to you I have also enclosed another copy of our newsletter to the Amtrak membership asking for a strike authorization in the event we are required to defend ourselves against further management attacks from the One Amtrak Way team.
April 23, 2015

National Railroad Passenger Corporation
Andy Keefe, Deputy Chief Engineer - Maintenance
Matthew Porto, Director of Safety
30th Street Station
Philadelphia, PA 19103

Dear Deputy Chief Engineer - Maintenance Keefe and Director of Safety Porto:

Reference is made to your letter dated April 10, 2015 canceling the Safe-2-Safer Agreement dated February 1, 2011. The letter was addressed to BMWED General Chairmen Bogart, Long, Morrow, Below, Granier, Albers and myself. Please be advised that Wayne Morrow is no longer an officer of the Union and Louis Below is the General Chairman. Please update your records accordingly. I will be representing the BMWED in this matter and have the authority to speak for the other five Amtrak BMWED General Chairman.

Your notice canceling the Safe-2-Safer Agreement is defective. Article G of the February 1, 2011 Agreement states,

"Either party may cancel this agreement, in whole or in part, by providing sixty days advance written notice of such intent. During the sixty day period, the parties will meet in an effort to resolve the dispute. If a mutually-acceptable resolution cannot be reached during such period, the agreement or part thereof shall be cancelled as outlined in the notice unless the parties agree otherwise."

It is unclear if the intent of your letter was to provide the sixty day notice upon which we will establish a time to meet to discuss your concerns. In any event, the officer of
Amtrak that must serve the sixty day notice is the Director of Labor Relations, not the Director of Safety.

With respect to your irresponsible and self serving remarks wherein you expressed an intent to cancel the agreement because:

"The organization has consistently maintained the declarations that Safe-2-Safer is not working. Without the support from the leaders of the organization, the carrier agrees, Safe-2-Safer will not work,"

we would like to review the history of the Union's cooperative efforts regarding improving working conditions for our members in relationship to their safety. Our System Safety Agreement was originally negotiated in 1996 and revised in 2003. It is an agreement that requires the mutual cooperation of the parties to create a safe work environment and reduce injuries. Either party can simply withdraw support for the effort and the agreement will stop functioning. Fortunately, we were able to put many of our differences aside with the previous Amtrak management and by implementing and supporting the System Safety Agreement of 1996, we saw enormous progress in the reduction of reportable injuries and lost time as a result of injuries. The following chart represents this progress for the Engineering Department on Amtrak.

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<thead>
<tr>
<th></th>
<th>1996</th>
<th>2003</th>
<th>2010</th>
<th>2013</th>
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<tbody>
<tr>
<td>Reportable Injury Ratio</td>
<td>5.5</td>
<td>3.7</td>
<td>2.39</td>
<td>3.41</td>
</tr>
<tr>
<td>Lost Time Ratio</td>
<td>3.7</td>
<td>2.52</td>
<td>1.57</td>
<td>2.48</td>
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</tbody>
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In 2010, Amtrak management listened to some consultants who sold them a program based upon magic proprietary software analysis, the idea that employee behavior was the basis of all accidents absolving management of any responsibility to maintain a safe work environment, and the idea that you can have a safety program and not count reportable injuries and lost time as a measure of its success! For this program Amtrak spent 35 million dollars that went directly to the pockets of the for profit consultants.

We had serious misgivings about this idea and the affect it would have on the positive and continuous progress we were making with the System Safety Agreement. However, we readily admit that we do not have all of the answers to creating a safe work environment and because we are the ones who pay the ultimate price in this situation we engaged management on this Safe-2-Safer concept and negotiated the February 1, 2011 Agreement. One of the impetus for our entering this agreement was that it was to serve as an addition to the work we were doing under the System Safety
Agreement. Additionally, we were very concerned with the introduction of Safe-2-Safer. We were witnessing a marked reduction in management participation in the work under the System Safety Agreement. It was our hope that management would re-engage in their commitment to the System Safety Agreement with our signing of the February 1, 2011 Agreement and that we were wrong about our analysis of the Safe-2-Safer program. However, our doubts lingered because the February 1, 2011 agreement was negotiated by an Amtrak Chief spokesman who knew nothing about maintenance of way work, or the System Safety Agreement and the success we have had in reducing reportable injuries and lost time under it. Moreover, the Safe-2-Safer Agreement was implemented by an Amtrak management team who completely disregarded our System Safety Agreement, and Amtrak engineering was instructed to focus all of their efforts in the Safe-2-Safer arena. None-the-less, the Union cooperated on all levels to introduce the Safe-2-Safer Agreement and encouraged our activists to get involved in the committees and become facilitators.

Unfortunately, in the period following the introduction of Safe-2-Safer to the Engineering Department we started to pay a price with the rise in reportable injuries and lost time. During this same period we saw the following:

1. A complete withdrawal of management from supporting and implementing the System Safety Agreement until about the end of 2014, when then Chief Engineer Polhot began to refocus the Engineering Department’s efforts in a total reinvigoration of both programs. With this change we had hopes of reversing the accident trend and NORAC violations. However, with his departure, all of those plans were put on hold and we have only been able to implement a small number of the ideas we had regarding this effort.

2. A politicalization of the safety efforts on the property led by senior Amtrak managers who no longer interface directly with leadership of the Union. These managers have no railroad experience and hide behind their emails and memos. They refuse to deal directly with the hard work of making the work place safer. This has led to a polarization of the process which led to situations like the following:

A. An inspector general investigation of the membership of a Safe-2-Safer committee, who were interrogated and treated like criminals for their volunteer work in the program. This is unnerving in itself, but made worse by the fact that the committee received no help or support from the management team who is responsible for overseeing the Safe-2-Safer program.

B. A witch hunt conducted by Deputy Chief Engineer Verhelle against Safe-2-Safer Facilitator Anthony Sessa, which
resulted in the Union's representative in the safety program being discharged for stealing time. The witch hunt was conducted in such a way that Anthony Sessa was not even asked about his time, Verhelle brought the charges, was the chief witness and then discharged Anthony Sessa. An arbitration board found there was no evidence to suggest any wrong doing on Anthony Sessa's part and reinstated him with a cleared record and full back pay. During the witch hunt, that lasted more than a year, the Union repeatedly attempted to correct this injustice with senior management who were totally unresponsive, refused to deal with any of the facts and only saw it as an opportunity to teach the Union a lesson. This utter lack of cooperation on the part of management, and the victimization of our representative in the program, created distrust and anger not seen on this property in quite some time. This is particularly egregious when this Facilitator should be getting a Presidential Achievement Award for his work in Safe-2-Safer and for designing of a greatly needed training program for third rail electricians. Amtrak made it very difficult to convince members to participate in the program with these unfounded and vicious attacks on our volunteers.

3. The treating of the BMWED participation in the program in a second class manner as opposed to the resources that the Transportation Department I provided for their participation. In the Transportation Department, a conductor is permitted to mark off his regular assignment and do observations for the day. That conductor would be paid the rate of his assignment and another Conductor would be called in to cover the marked off Conductor's assignment. Amtrak was paying for these observations. When BMWED was asked to perform the observations during their work day they did so while also performing their assigned duties.

4. From the beginning Amtrak mismanaged the implementation of the Safe-2-Safer Agreement and attempted to undermine the System Safety Agreement. This was done by ignoring many of the issues raised by the Safety Liaisons, but if someone raised the same issue through the Safe-2-Safer process it would be resolved immediately.

As the statistics readily reveal, BMWED members are the victims of Amtrak management's folly in respect to the implementation of the Safe-2-Safer program. The workers in the engineering department are paying too high a price with the increased injuries. We are not at the level yet that existed in the late 1980s and early 1990s which forced the Union to respond to unsafe conditions and worker intimidation with
strikes, boycotts, demonstrations, picketing, hundreds of complaints before regulatory agencies and frequent lawsuits. However, we are headed in that direction. We realize that Amtrak management has purged its institutional memory from its senior management ranks and thinks the implementation of some of these regressive policies are new ideas. They are not new and they make things much worse, while the conflict goes on for years without any benefit to either side.

We would urge you to put your ideological nonsense aside and meet with us for the hard work of implementing a cooperative safety program that reduces injuries and treats workers with dignity and respect. We all think negligence should be held accountable, but sending employees threatening and condescending memos and refusing to work with the Union's representatives in the field on disciplinary issues regarding safety are not helpful or constructive methods to resolve our conflict in this area.

Your notice to reform the System Safety Agreement is also defective. We do not see a need to reform the agreement as the implication of what you seek can easily be done by policy, if we agree, set by the Safety Advisory Council.

We suggest that we put all of the procedural objections aside. While we do not think your letter of April 10, 2015 cancelling the Safe-2-Safer Agreement complies with the agreement, we are waiving this procedural violation and consider the sixty day clock to start on April 10, 2015.

We are willing to discuss this cancellation notice and other ideas you may have regarding the System Safety Agreement on May 18, 2015. We would request that Amtrak put four hours or more aside for these discussions. In addition we would ask that Amtrak have the necessary people at the table on May 18, 2015 to have a beneficial discussion and can make decisions. I have been authorized to make these decisions for the BMWED. It is our desire to return to the environment that existed prior to 2011 where the senior decision makers of both organizations were all present and doing the hard work necessary to make Amtrak a safer place to work for all of the employees.

Yours truly,

Jed Dodd
General Chairman

cc  All Amtrak General Chairmen via email
Sonny Sheltman, ARASA General Chairman via email
Dave Ingersoll, BRS General Chairman via email
Amtrak Board of Directors - via US Mail