Brotherhood of Maintenance of Way Employes Division
of the International Brotherhood of Teamsters

Freddie N. Simpson
President

Perry K. Geller, Sr.
Secretary-Treasurer

August 14, 2018

To: All System and National Division Officers

Dear Brothers and Sisters,

The enclosed letter(s) have been sent to the following Class I Railroad CEOs:

Amtrak
President & CEO Richard H. Anderson
1 Massachusetts Avenue NW
Washington, DC 20001

Canadian National Railway
President & CEO Jean-Jacques Ruest
935 de La Gauchetière Street West, Montreal
Quebec H3B 2M9
Canada

CSX Transportation
Chairman & CEO James Foote
500 Water Street, 15th Floor
Jacksonville, FL 32202

Norfolk Southern
Chairman, President & CEO James Squires
223 E City Hall Avenue, Suite 302
Norfolk, VA 23510

Burlington Northern and Santa Fe
President & CEO Carl Ice
PO Box 961030
Fort Worth, TX 76161

Canadian Pacific Railway
President & CEO Keith Creel
7550 Ogden Dale Road S.E.
Calgary, Alberta T2C 4X9
Canada

Kansas City Southern Railroad Company
President & CEO Pat Ottensmeyer
PO Box 219335
Kansas City, MO 64121

Union Pacific
Chairman, President & CEO Lance Fritz
1400 Douglas Street, Stop 0710
Omaha, NE 68179

Fraternally,

Freddie N. Simpson
President

41475 Gardenbrook Road
Novi, MI 48375-1328
Telephone 248.662.2660 Facsimile 248.662.2659
www.bmwe.org
Dear CEO:

BMWED and the railroad company you lead share the common need to provide our members, your employees, with the safest workplace possible. This goal is embedded in the Preamble to the BMWED Bylaws: “The objectives of the Brotherhood are,... 4) to alleviate distress and suffering caused by sickness and disability among our members.” The same aspiration is foundational to industry safety rules advanced by you and others.

Similar interests are also reflected in numerous federal statutes and regulations. Several of these regulations specifically encourage and even require collaboration and cooperation between BMWED and railroad companies to identify and mitigate, or if possible eliminate, health and safety hazards associated with the workplace.

Over the years, BMWED representatives have anecdotally noted reports of adverse health and safety outcomes among our members. But action cannot be predicated on mere anecdotal reports. Seeking clarity, BMWED embarked on a mission to establish objective scientific metrics concerning the health and safety status of our members and retirees. Beginning in 2015, BMWED engaged a team of highly-credentialed researchers to design, direct and author a Maintenance-of-Way (MOW) Health and Safety study. The purpose of this effort was to identify potential safety and health risks, if any, impacting MOW workers.

We are confident that our research study is mirrored in similar efforts conducted under your leadership.

In our respective leadership roles, we are mutually bound by common purpose, moral obligation, and legal requirements to understand and address potential health and safety hazards in the railroad work environment. We are also obligated to collaborate and cooperate by statutory and regulatory incentive. Our statutory mandate begins with the Rail Safety Improvement Act (RSIA) of 2008, which requires the development of railroad-specific risk reduction programs that systematically evaluate safety risks on railroad transportation systems. The same mandate requires the management of those risks to reduce railroad accidents, incidents, injuries, and fatalities. The Federal Railroad Administration (FRA) has promulgated additional regulations (49 CFR Parts 270 and 271) to implement the requirements of the Act for passenger and freight railroads, respectively.

Section 20156(g)(1) of the RSIA states, “Each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall consult with, employ good faith and use its best efforts to reach agreement with, all of its directly affected employees, including any non-profit employee labor organization representing a class or craft of directly affected employees of the railroad carrier, on the contents of the safety risk reduction program.”

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OSHA, Assistant Secretary Loren Sweatt
NIOSH, Director John Howard
RRB, Labor Member of the Board Walter Barrows
RRB, Management Member of the Board Steven Anthony
Mr. Rick Inclima
BMWED System Officers