



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

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BMWED SAFETY ALERT

Two members of the BMWED were struck and killed in separate roadway worker accidents in Pennsylvania and Wyoming on November 5th and 6th, respectively. Our thoughts and prayers are with their families, loved ones, and co-workers at this difficult time.

In both fatalities, watchman/lookout protection was reportedly being utilized as the form of on-track safety. Although watchman/lookout protection is currently recognized as a method of providing on-track safety under the Roadway Worker Protection regulations (49 CFR 214), watchman/lookout protection does not establish "working limits" where trains are held clear of the work area by a train dispatcher or control operator.

Working limits can be established on controlled track under the provisions of §214.321 *Exclusive Track Occupancy*, §214.323 *Foul Time*, or §214.325 *Train Coordination*. BMWED members are strongly encouraged to establish working limits to protect the track they are working on in the performance of their duties. Working limits provide "positive protection" which is far superior to watchman/lookout protection under which trains are not withheld by order of the dispatcher or control operator.

Where train approach warning provided by watchman/lookout is utilized, all the provisions of §214.329 *Train Approach Warning Provided by Watchman/lookouts* must be adhered to at all times. Remember, every member has an ABSOLUTE RIGHT to challenge in good faith the on-track safety provisions to be applied at the job location. If you have any concerns whatsoever about the on-track safety protections at the worksite, particularly as conditions change throughout the workday, you must exercise your right to initiate a good faith challenge and remain clear of the track until the challenge is resolved under the challenge resolution procedures in effect on the property. You can be confident in knowing that BMWED will stand behind any member who finds it necessary to make a good faith challenge under the Roadway Worker Protection rules.

Historically, the 4th quarter of the year (Oct., Nov., Dec.) is the most dangerous for roadway workers. Unfortunately, this trend continues unabated. Of the 44 Roadway Worker fatalities which occurred since 1997, 20 (i.e., 45 percent of all RWP fatalities) occurred during the 4th quarter of the year.

BMWED reminds members of these dreadful statistics and encourages each of you to remain hyper-vigilant at all times, establish positive protection (working limits) under the rules when out on the track, and always expect a train on any track, at any time, in any direction. Your life, and the lives of your coworkers, depends upon it.

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