

MEMORANDUM

TO: ALL GENERAL CHAIRMAN AND NATIONAL DIVISION OFFICERS

FROM: RICK INCLIMA, BMWED DIRECTOR OF SAFETY

DATE: FEBRUARY 13, 2009

RE: Nationwide Roadway Worker Protection Audits/Inspections by FRA

Dear Sirs and Brothers:

Due to the rising number of Roadway Worker fatalities nationwide (9 fatalities in the past 12 months alone), FRA is expected to significantly increase inspection of roadway worker activities for incidences of non-compliance.

FRA inspectors will be aggressively pursuing full compliance with Roadway Worker Protection (RWP) and, where non-compliance by any roadway worker is observed, FRA will issue violations and/or personal liability citations against those found to be in non-compliance.

Compliance with the RWP regulations is mandatory under Federal Law and employees can be held individually liable and subject to civil penalties for violation of the RWP regulations. Most importantly, full compliance saves lives.

Every member has a right and an obligation to challenge in good faith any and every directive that violates the Roadway Worker Protection rules. Every instance of non-compliance puts roadway workers in danger of being struck by a moving train or equipment. Every instance of non-compliance also puts roadway workers in danger of carrier discipline and FRA citations and fines.

When confronted with instances of non-compliance, members must exercise their legally protected right to a good faith challenge and remain clear of the track until the challenge is resolved under required challenge resolution procedures.

Please do not hesitate to contact me if you have any questions regarding FRA's RWP compliance blitz or any other RWP issue. Please share this information with your members.

###