



Brotherhood of Locomotive Engineers & Trainmen

International Brotherhood of Teamsters – Rail Conference Division

Union Pacific Railroad General Committees of Adjustment

David Geisler
Eastern District

Richard Crow
Northern Region

Steve Leyshon
Western Region

Bill Hannah
Western Lines

Ronnie Rhodes
Central Region

Warren Dent
Southern Region

May 3, 2017

Lance Fritz
Chairman, President - Union Pacific Railroad
1400 Douglas Street, Mail STOP – RM 19th Floor
Omaha, NE 68179

RE: Deadheading crews on trailing units

Dear Mr. Fritz:

This is to advise you and the top management of the Union Pacific Railroad, on behalf of BLET members across the Union Pacific system, that your new procedure to instruct crews to deadhead on trailing units is unsafe, in violation of the previous practices as set forth in the 2004 Deadhead guidelines (attached), exposes our hardworking members to dangerous carcinogenic materials and carbon monoxide, and was imposed without bargaining or union input as required by our agreement.

The Carrier's 2004 Deadhead Guidelines supplied to these offices, made clear that it is indeed unsafe to expose railroad workers to the fumes that unquestionably exist on trailing locomotive units. That is why in those same guidelines, such deadheading on trailing units, in lieu of using vans to transport crews, was admittedly unsafe and something that should not be done, except possibly, in extraordinary circumstances.

Now, you have made clear in your written materials, when UP Manager Cameron Scott was present with us on April 6th, that the sole reason for eliminating the Deadhead Guidelines of 2004, is to benefit the Carrier financially. Mr. Scott falsely stated that there is nothing dangerous about deadheading on trains. He also discussed the millions of dollars the railroad intends to save in costs while risking serious health effects of its employees, including cancer, carbon monoxide poisoning, benzene exposure (which is contained in diesel fumes and causes cancer), as well as nausea, headaches, and lung conditions.

This is not a hypothetical danger. Numerous medical articles make clear that diesel fumes cause these conditions. For example, you have previously been made aware by us that the state of California has confirmed in studies that diesel exhaust is a carcinogen. Further, as you well know, Federal Law makes it clear that the Carrier has a strict duty to furnish a safe place to work to each of its employees. This cannot be accomplished under the new policy.

Furthermore, we already have an example of crews suffering from this exposure. You should be aware of an employee in Kansas, who just in the last couple of days, reported an injury from inhaling diesel fumes,

whereas your own medical employees admitted he needed medical attention. If this policy is not discontinued, there will certainly be more injured employees, and we do not want to see our members getting injured and risking contracting cancer.

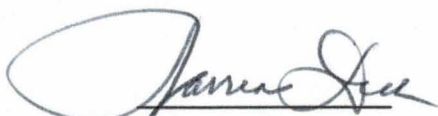
The Carrier has been making record profits, and there is no financial need for this policy, even if finances were a factor, the Carrier must still comply with its duty to furnish a safe workplace for its employees.

We are putting you on notice that this is an extremely dangerous practice, and to put this in place without discussion to make more profits for the railroad, is unacceptable. We insist that it be halted.

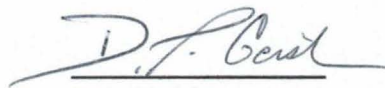
Sincerely,



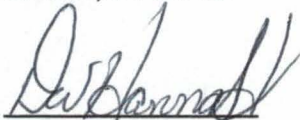
R. E. Crow
501 North 2nd Street
Suite #2
Clinton, IA 52732



J. W. Dent
607 W. Harwood Road
Hurst, TX 76054-3161



D. L. Geisler
2024 S. Xenon Court
Lakewood, CO 80228



D. W. Hannah
1902 Orange Tree Lane
Suite #120
Redlands, CA 92374



S. A. Leyshon
7331 W. Charleston Blvd.
Suite #120
Las Vegas, NV 89117



R. E. Rhodes
320 Brookes
Hazelwood, MO 63042

Cc: Cameron A. Scott – COO - Union Pacific Railroad

DEADHEADING GUIDELINES

December 15, 2004

Absent a governing labor agreement, the following guidelines apply. These guidelines supercede previous guidelines, notices or policies regarding deadheading.

UP DEADHEADING GUIDELINES

The following guidelines apply where there is not a more restrictive labor agreement. The Director-Train Management is authorized to make exceptions to these guidelines for reasons of safety, emergency, or extraordinary circumstances.

AMTRAK:

- Crews may deadhead by Amtrak.

FREIGHT TRAINS:

- Crews may deadhead in lead locomotive or in lead unit of DPU consist.
- When deadheading on freight trains, the preferred train symbols are Z, I, or A. This does not prohibit use of other trains based on availability in certain corridors.
- Crews may not deadhead in trailing units unless: inclement weather creates hazardous driving conditions, or road closure precludes highway travel, or isolated or extreme operational conditions dictate. In such instances, the crews should be deadheaded under the following conditions if possible:
 - The trailing unit is a North American Comfort Cab. This includes GE-8, GE-9, GP-60M, SD-90, C-44 AC, C-60 ; and
 - Trailing locomotives transporting deadhead crews are short hood forward; and
 - Doors, windows, and cab air intake vents must be closed; and
 - During hot weather, trailing locomotives used for deadheading must be equipped with functioning air conditioning; and
 - Door and window seals must be in good condition; and
 - Locomotive toilets are serviced and functioning.

Crews may never deadhead in trailing units or DPU units through the Donner, Moffat, Cascade Sub, and Aspen/Altamont tunnels.

VANS/LIMOS:

- Crews may deadhead in vans at any time *except crews may not begin to deadhead between midnight and 5 a.m. between terminals*. Crews may deadhead in vans to or from service at any time.

Vans are for expedient transportation for company business only. Side trips and unauthorized stops are prohibited.

COMMERCIAL BUS SERVICE:

- Crews may deadhead in Greyhound or other commercial buses.



Friday, June 2nd, 2017

Brotherhood of Locomotive Engineers & Trainmen (BLET):

Dear Crow, Dent, Geisler, Hannah, Leyshon, and Rhodes:

I am writing in response to yours of May 3, 2017 concerning deadheading on trailing units. Union Pacific published the policy that allows for head end consist deadheading on February 1, 2017 and has been safely transporting crews per that policy since that time. In exercising ordinary care to provide deadhead employees a reasonably safe place to work, Union Pacific has monitored the air quality in trailing units and that monitoring has consistently shown that the all measured particulates are well below the permissible exposure limits established by OSHA. As such, head end consist deadheading is, in fact, reasonably safe.

Union Pacific's 2004 Deadhead Guidelines are not properly read to suggest that trailing unit deadheading is unsafe – in fact, as you have noted, even the 2004 Guidelines allowed for such deadheading in certain circumstances as Union Pacific even then had air monitoring results from trailing units that supported it is reasonably safe.

I was present at the April 6th meeting and at that time and no other time(s) have I heard Cameron Scott say that Union Pacific was saving costs at the risk of health effects to employees. As noted above, Union Pacific's analysis of the air quality in head end trailing units demonstrates no such health effects risk is present. Union Pacific has taken into account medical and scientific literature concerning diesel exhaust when it has measured the air in trailing units and those measurements show the air quality to be reasonably safe thus meeting Union Pacific's obligation to its employees.

Consistent with Union Pacific's ongoing commitment to safety the recent event you refer to of an employee in Kansas is being fully investigated and will be taken into account as head end consist deadheading moves forward.

Finally, the 2017 Deadhead Guidelines were implemented so that Union Pacific could continue to meet its obligation to safely and efficiently deadhead crews and not for any financial need.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Lischer".

Thomas A. Lischer
Vice President - Harriman Dispatching Center & Network Operations
850 Jones Street
Omaha, NE 68102

Cc: Lance Fritz, Cameron Scott, Joseph O'Connor



Deadhead Guidelines

Updated: 2/1/2017

General

Absent a governing labor agreement, the following guidelines apply.

The Director-Train Management is authorized to make exceptions to these guidelines for reasons of safety, emergency, or extraordinary circumstances.

FREIGHT TRAINS:

- Crews may deadhead in any unit within the head end consist equipped with a functioning HVAC system, serviceable toilet and properly functioning doors, windows and intake vents.
- Crews may not deadhead in trailing units through the Donner, Moffat, Cascade Sub, and Aspen/Altamont tunnels.
- Preferred deadhead freight trains are Z, I, K and A symbols

VANS/LIMOS:

- Crews may deadhead in vans/limos.
- Vans/limos are for company business only. Side trips and unauthorized stops are prohibited.
- Preferred van deadhead times are from 05:00-23:59

COMMERCIAL BUS SERVICE:

- Crews may deadhead in Greyhound or other commercial buses.

AMTRAK:

- Crews may deadhead by Amtrak.