

**Before the  
United States House of Representatives  
Committee on Transportation and Infrastructure**

**Hearing on  
The Impact of Railroad Injury, Accident and Discipline Policies on  
the Safety of America's Railroads**

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November 5, 2001 started out as a normal workday in the life of this average 28 year old Union Pacific Railroad Employee. Less than 2 hours later my life, as I knew it, would be changed forever.

I was born November 10, 1972 as a future third generation railroader. My grandfather was a conductor for the Union Pacific who had hired out in 1949 and worked until his death in 1975. My father was a signal maintainer for the Union Pacific who hired out in 1957 and retired in 2000 with 43 years of service.

As a young boy, I was the typical kid fascinated by trains, except for the fact I was privileged to get first hand looks. From the age of eight all the way through high school, my mother allowed me to go to work with my dad numerous times when he would get that call late at night, or during storms -- both rain and snow -- or on the weekends, when crossing gates failed, when a broken rail snapped on the coldest of nights, or when a switch would not line to allow a train into the pass. I would sleep lightly just to make sure I would hear the ring of the phone that I knew would bring me closer to the trains I loved. It was an easy sell for my mom as she felt comfort in the fact even though I might have been young, my dad would not be alone. I could not wait for my chance to do what I was born to do!

That opportunity finally came in late 1997 when my father called me with the news that he had pulled some strings and I was being hired into train service. I had been through college but I still knew what I wanted to do with my life.

I was the type of employee the railroad was looking for. I spent the first three years working every time the phone rang, which many times was 90 times in 90 days. As I am sure you are aware, these days would consist of 15-16 hour days with some 18-20 hours days on duty spread through. I was living a dream until that morning of November 5, 2001, when I found myself in a nightmare, that still to this day I can not seem to wake from.

The morning of November 5, 2001 I was struck in the head by a piece of steel on a rail car brought into Kansas City to install rail in a switching yard. The free swinging steel bar was used to caution people that they were working near live track. I would later find out it had been broken for more than three weeks prior to the accident, but the company needed the car to lay rail and could not spare the loss of taking the car out of service.

When I came to, I was laying face down on the rail car in my own blood, and was not sure exactly what happened. Minutes later, Union Pacific management was on scene and my lesson in harassment and intimidation was just beginning. For nearly two hours as my head continued to bleed, I laid in the bed of a Union Pacific maintenance truck as management tried to determine what to do with me. I was out of it enough that I did not realize the seriousness of the injury, until a fellow employee showed up on scene and told me it looked like I was shot in the head. No call to 911 was ever made. No one volunteered to rush me to an emergency room. No one with medical knowledge was ever brought to the scene. They just sat back, hoped and waited to see if my head quit bleeding.

Nearly two hours later after management huddled to determine their course of action,

management informed me they were taking me to get medical attention. One would think that I was taken to the nearest emergency room, but guess again. I was transported by a Director of Operations, 30 minutes to a business and industry clinic in Missouri, less than a quarter mile behind Union Pacific's Regional Headquarters. Again, this facility was in Missouri. I was injured in Kansas. We passed four major hospitals that were all closer than this facility. You might ask why, as I did myself.

I entered the clinic with the manager by my side. A nurse behind the desk rushed to me, keep in mind I had blood soaked clothes as well as a towel trying to control the bleeding. She informed the manager that they do not handle injuries like this. He quickly informed her that the Union Pacific's nurse had called ahead, and the doctor on call would handle it. To keep me from bleeding on the floor of the waiting room the nurse escorted me to an examination room. Within minutes a doctor was at my side. The director told the doctor we were here to see a different doctor. With a stunned look on his face he quickly turned and left the room. Approximately fifteen minutes later, according to facility records, the doctor that Union Pacific's nurse had talked to, entered the room. After a quick examination, he informed us I would need staples to close the wound. He told me to talk with the manager about what I wanted to do. The Director informed me that if I received staples my injury would turn into an FRA reportable accident and would follow me for the rest of my railroad career, and I would have no chance at promotion.

I was scared to death. I was doing the job I was born to do, and here I was about to lose it all. I chose not to have the staples, as the doctor informed me he could just bandage it. I informed him my head felt like it was ready to explode. He told me he could prescribe something, but it would be the same as taking four 200mg Tylenol that I probably had at home. The nurse informed the doctor that I had not had a Tetanus shot in over ten years. The doctor informed the Director and myself that they would love to give me a Tetanus shot, but they were all out of it due to 911. You probably have not caught on to the Tylenol and Tetanus shot issues, as I did not either until much later. You see if he would have prescribed the 800mg Tylenol or given me a Tetanus shot it would have become an FRA Reportable Accident to the Union Pacific. I left with a bandage on my head and Tylenol for the pain waiting at home. I was taken back to my vehicle in Kansas and drove the thirty minutes to my home, of which still to this day I have little recollection of. Upon arriving home at about 5:00 p.m., nearly eight hours after the accident, I took my four 200mg Tylenol and went and laid down. I awoke 17 hours later, at 9:00 a.m. the next day to bloody sheets, nausea and a head pounding. As miserable as I was, I later found out I was lucky to have awoken at all. I took more Tylenol and vomited though out the day.

My mother, after failing to get a hold of me through out the day on Tuesday, November 6, 2001 (I was injured on Monday), called my sister -- a Neurological ICU nurse in Kansas City -- on Wednesday, November 7, 2001 to check on me. Upon hearing about my headaches and vomiting, she called a friend of hers who was a Neurological Surgeon at Saint Luke's Hospital in Kansas City, and after hearing of my symptoms, he told her to get me there immediately. I was rushed to Saint Luke's hospital where I was diagnosed with Post Concussive Syndrome and referred to a Neurologist. The emergency room doctor told me I was lucky to awake after that seventeen hour nap.

Upon the railroad hearing of my emergency room visit, they placed me in O.S., short for "Other Service", saying I was in training. I spent the next month at home in bed on narcotic pain medicines to try and control headaches, all the while still in O.S. The O.S. status kept the railroad from having to report my injury to the FRA as lost work days. I still had no lost time from work according to Union Pacific.

Even as I continued to take narcotic medicines as well as nerve medications, I wanted to get back to my life long dream, working for the railroad. The Railroad authorized me to come out of O.S. and return while on the medications. I continued to work with the railroad's approval for over two years while still undergoing treatment for the headaches. The railroad, in December of 2003, informed me I could no longer work while taking these medications, unless one of my treating physicians would put in writing I was safe to perform my duties. I was devastated to say the least. I went to all my doctors pleading for a written statement that I was safe to work. All the begging in the world could not get this done.

From my injury in 2001 until 2004 I underwent seventeen surgeries on my head and neck trying to alleviate the headaches and return to what I thought was the best job in the world. As a last ditch resort I underwent a surgical procedure where they inserted a probe in the back of my neck that was heated to 178 degrees for 60 seconds three times to burn the nerve endings as a hope they would no longer send pain signals to my brain. Unfortunately, it did not work. The most difficult thing about this surgery was the fact that no anesthesia could be given to me because the probe would shock each nerve, and the Surgeons needed to make sure they were not burning a nerve that went elsewhere to my body. You never will be able to imagine how excruciating a pain this was. The nurse had to place a towel in my mouth to keep me from biting through my lip and tongue. I have been asked to describe the pain of this surgery and the best analogy I can come up with is to place your hand on a stove top, on high, and leave it there until you can no longer feel your hand. I am sure my screams could be heard through out the hospital. The surgery left me with a constant pain in the left side of my head.

I still battle headaches every day. I have lost every ounce of pride I once had and I deal with impotency and depression that no 34 year old man should ever have to go through. Prior to my accident I lifted weights and ran three miles daily. I have gained over thirty five pounds and am lucky to run thirty feet without getting a headache. I am still not married and probably never will be. Depression floods my life and I constantly battle suicide demons.

I am no different than many of you as all I ever wanted was for my father to be proud of me. Every time prior to my accident, my Father and I always had railroad stories to talk about. Since my injury we struggle to carry a conversation. I know my Dad loves me and is proud, but I also know that he loses sleep over how the company that he dedicated forty three years of his life to treated his son as he lay there bleeding.

There will be more stories like mine as long as the railroads are allowed to harass and intimidate employees, as is current practice. The current reporting procedures give incentive to the railroads to keep an accident from becoming FRA reportable. I do not know if those

first 48 hours prior to me landing in the emergency room would have made a difference in my health today, but I do know if every injury, no matter what type of medical treatments are involved, had to be reported to the FRA, employees like me would be treated by emergency room doctors that were trained to treat injuries like mine. The doctor that treated me at the Business and Industry clinic was a retired Ophthalmologist. Yes that is right, a retired eye doctor. If your son had a severe head injury would you want him treated and diagnosed by an eye doctor?

To this day the Union Pacific's own documents show my accident never became an FRA reportable. I have not worked for the Union Pacific since December 1, 2003, but to this day the Union Pacific still shows I have never lost a day to my injury. The most ironic thing about my accident is that according to the Union Pacific's Records, I never even worked on November 5, 2001. If only it was that easy to erase my headaches.