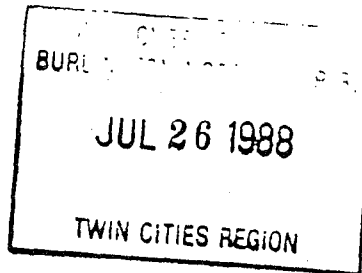




**BURLINGTON NORTHERN RAILROAD**

Fort Worth, Texas  
July 22, 1988



File: CT-22(a)

L. R. Burk  
S. C. Ellis  
T. H. Lynch  
J. A. Mills  
W. C. Sheak

RE: Handling of Rear-End Device

On July 19, 1988, we met with the General Chairmen representing the UTU in an attempt to solve, among other issues associated with caboosless operation, an ongoing dispute involving circumstances which would allow a train or yardman to be required to handle a rear-end device. After several hours of discussion, which included examples from both sides of the table showing how the 419 Awards were being misinterpreted, the following language was understood to reflect circumstances when a train or yardman may be required to handle the rear-end device at points where other "appropriate personnel" are on duty and available.

"At locations where a train is inspected by other than train or yardmen prior to departure or after arrival, and prior to switching, classification or further handling; appropriate personnel, other than train and yardmen, will be required to handle the rear end device. When a train is to be doubled into the yard by a crew other than the inbound road crew, interchanged or handled to another location within the terminal, in whole or in part, train or yardmen may be required to handle the rear end device provided that the cut of cars or train upon which such device is located is in connection with the train or yardmens' assigned duties and the handling of the rear end device is necessary in order to accomplish the movement."

The intent of the above is to clarify that a train or yardman will not be required to handle the rear-end device of the train if employees of other crafts will be performing the inbound or outbound inspections or air tests. If train or yardmen are doing their own inspection or air test or in the event the train is being delivered to a connecting carrier, these UTU-represented employees may be required to handle the rear-end device. Moreover, if other than UTU-represented employees are not involved with inspecting or testing of cars prior to switching, classification or further handling of the train upon arrival, the train or yardmen may be required to handle their FRED. It is crucial that the rear-end device being handled by UTU-represented employees is in connection with the train or cut of cars being handled by the crew and that the removal or installation of the device is necessary in order to accomplish whatever assignment they are attempting to accomplish.

CARRIER'S EXHIBIT NO. 4

L. R. Burk, et al.  
July 22, 1988  
Page 2

By copy of this letter to the involved General Chairmen, I am confirming our understanding reached on July 19, 1988, in Fort Worth, Texas.

*R. E. Cassity*  
R. E. Cassity

cc: D. W. Hill  
G. D. Hitz  
A. M. Lankford  
R. L. Marceau  
J. H. Rogers  
G. D. Welch  
M. M. Winter

## NOTES REGARDING 7-22-88 SETTLEMENT re HANDLING FRED

These are suggested guidelines for applying the understanding reached in conference on July 19, 1988, concerning the handling of rear end devices by road and yard crews.

I think we can eliminate many disputes by identifying specific situations when the question of availability of a car department employee is obviously not at issue. For example:

If a carman is to perform any function on the train between the handling of the train by two (road or yard) crews, then that carman is obviously "available". In other words, if the sequence of events is ROAD OR YARD CREW (A) / CARMAN (C) / ROAD OR YARD CREW (B), then there is no question that the carman is available because he is actually, physically there.

If the handling of FRED is not necessary in order for a crew to complete its handling of the cars or train, then that crew should not be required to handle the FRED. This matter of necessity in handling the device in order to make the move is emphasized repeatedly in Cassity's letter. If FRED must be handled to complete the move, then see notes below.

It appears that the parties intended that if a train or cut is to be handled by a crew or crews and car department employees will not perform any inspections or testing at any time, then the crew may handle FRED as necessary for their handling of the cut or train, even if carmen were available.

There are times when availability of a car department employee may be a factor. These situations occur only when:

1. FRED must be handled in order to complete the move, and
2. no car department employee will actually work the train between the two crews, but
3. car department employees will be performing some testing or inspection at some time.

In other words, availability of a carman could be a factor if the sequence of events is (C) / (A) / (B), or (A) / (B) / (C)

In these disputable situations, I think we would have the burden of proving that a carman could have handled the FRED at the same time he performed the test or inspection, or that he was available to handle the FRED at the time the crew did it. To prove availability, we probably have to identify the carman and document what he was actually doing at the time. Obviously, a statement (or better yet a claim) from that carman would be ideal.