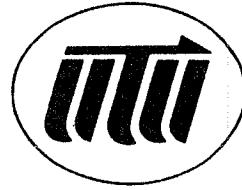


# *united transportation union*



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GENERAL COMMITTEE OF ADJUSTMENT GO-001  
BURLINGTON NORTHERN SANTA FE RAILROAD  
SAND SPRINGS RAILWAY

October 29, 1999

Local Chairmen (former Frisco)  
United Transportation Union  
Burlington Northern Santa Fe

## **Re: Locomotive Standards – Cabooseless Operations**

Dear Sirs and Brothers:

Many of you have indicated that your members are asking about their right to refuse to depart a terminal with a locomotive not equipped with a desk and light, now that Public Law Board No. 6003 has sustained our position that the desk and light are required on all locomotives used on trains operating exclusively within former BN territories.

Attached is a copy of Award 46 of PLB 6003. The Award recognized that for runs originating or terminating at a former Santa Fe location, a locomotive that meets the minimum standards of the SF 419 Award could be used on the entire run. However, for runs that operate exclusively on former BN territory, the BN 419 standards still apply. Also attached is a Bulletin you may wish to post at on-duty points that contains a citation of the standards applicable to these exclusively BN runs.

Some employees may still wish to file claims when instructed to use a locomotive not properly equipped. The defect must be reported before departing the initial terminal and the employee must record the name of the supervisor who instructs them to depart with the defective locomotive. However, if the defect is clearly one of the items listed on the attached Bulletin, and if the operation is entirely on former BN territory, then the employee may refuse to depart the terminal, and may not be censured or disciplined in any manner for such refusal.

Please advise if you have any questions in this regard.

Fraternally,

R. D. Kerley  
General Chairman

RK/cs

cc: Associate General Chairmen, GO-001  
Secretaries, GO-001 (former Frisco)

From the office of UTU General Chairman Robert Kerley  
(417) 862-5459

## UTU BULLETIN

### RE: LOCOMOTIVE STANDARDS IN CABOOSELESS OPERATIONS

On August 2, 1999, Award 46 of Public Law Board No. 6003 confirmed that for trains operated exclusively within former BN territories, the provisions of the BN Award of Arbitration Board No. 419 still apply. Thus, **all locomotives in those exclusively BN operations must be equipped with a Conductors' desk and light**, as well as the other items specified below. If employees elect to use a locomotive not properly equipped, the appropriate claim is two hours pay for each member of the train crew. However, we have had numerous inquiries about the employees' right to refuse such locomotives rather than submitting a claim, since the Carrier routinely declines those claims, delaying payment as long as possible. The BN 419 Award reads as follows:

"Employees represented by the UTU operating without a caboose will not be disciplined or censured in any manner for refusal to leave the initial terminal of their run if the engine they are required to ride in does not meet the following standards:

- A. Sanitary toilet.
- B. Controlled heat.
- C. Paper towels, toilet paper, cooled sanitary water in sealed containers, and a dispenser of hand cleaner, will be supplied in quantity sufficient to make the trip.
- D. Windows and doors in condition to provide adequate protection against weather conditions.
- E. A seat for conductor will be provided with a mounted writing surface with adequate lighting. Also, all stationery and supplies necessary will be provided.
- F. Refrigerator for water cooling and lunches will have to be investigated – no agreement as to size was made. (This did intend that a refrigerator [cooling device] would be furnished for these purposes and that the parties so agreed...)"

Please note that **these locomotive standards apply only to trains operated entirely within former BN territories**. They do not apply to "run-through" operations (that is, trains that either originate or terminate on former Santa Fe territories). In such "run-through" operations, Article XI of the October 31, 1985 National Agreement provides that a locomotive which meets basic minimum standards of the home section of the railroad may be operated on any part of the railroad. Also, this right of refusal does not apply to Engineers, since BLE Arbitration Board 458 permits the system-wide use of any locomotive that meets the basic minimum standards of any component of a merged carrier.

Conductors or Brakemen electing to exercise the right of refusal should be certain that the train is to be operated entirely within former BN territory, and that the condition on which refusal is based is one of the items specifically cited above. The locomotive should be inspected at the first opportunity and the defect reported to the appropriate supervisor as soon as possible. Any employee who is threatened with discipline in any way after exercising the right of refusal under these conditions should contact their Local or General Chairman's office immediately and provide information as to location, nature of the defect and the name of the supervisor involved.

END