

MEMORANDUM OF AGREEMENT
Between
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
And
UNITED TRANSPORTATION UNION

The following modifies the Dilworth/Mandan ID Pool Agreement only to the extent necessary to provide for an "active/inactive" system for the handling of pool conductors at Dilworth, MN and Mandan, ND.

A pool of conductors will be establish and maintained at each home terminal sufficient to man this service between Dilworth and Mandan. At each terminal a crew board having an "active" and "inactive" list will be maintained in the manner described below:

- (1) The active list maintained at each terminal will be the list from which conductors will be called in turn to work or deadhead to the other terminal except as other wise provided.
- (2) The inactive list will be a list of conductors who are at their home terminal but who have not been advanced to the active list.
- (3) Each conductor arriving at the home terminal will be placed at the bottom of the inactive list except when a conductor is entitled to restoration of turn when runaround en route by another conductor.
- (4) Except when arriving out of turn and entitled to restoration, each conductor arriving at the away from home terminal will be placed at the bottom of the active list relative to their arrival time.
- (5) The maximum number of conductors (i.e. quota) that will normally be on the inactive lists at Dilworth and Mandan will be initially determined and later changed each Tuesday, when/if necessary pool adjustments are required, subject to concurrence of the Local Chairmen and the designated carrier officer. The difference of inactive between Dilworth and Mandan shall be no more than three (3).
- (6) When a conductor ties up at the home terminal (except when arriving out of turn) and adding the conductor to the inactive list causes that list to exceed its current quota, the first out conductor on the inactive list will immediately be moved to the bottom of the active list. If a conductor arrives at the home terminal out of turn, the conductor will be marked up in accordance with paragraph four (3) as soon as the proper order of mark-up can be determined.

- (7) Except as otherwise provided, conductors will be called first-in, first-out from the active list at each terminal provided the first out conductor has sufficient time to perform the service for which they are called. If the first out conductor does not have sufficient time under the hours of service then the conductor next out who has sufficient time under the hours of service for the service will be called.
- (8) Each conductor arriving at either terminal will be marked up at the bottom of the appropriate active or inactive list except when entitled to restoration of turn or when the conductor has bypassed some other conductor who is entitled to restoration of turn under the provisions of the agreements.

It is understood that either party may discontinue this agreement with a ten (10) day written notice given to the other party. This agreement does not prejudice other agreements or the Dilworth/Mandan ID Run Through Agreement.

This agreement shall become effective upon the date signed and may be implemented by the Carrier at any time thereafter.

Signed at Fort Worth, Texas, this 5th day of May 2004.

For the
United Transportation Union

AK Virgin
General Chairman

For The
Burlington Northern and
Santa Fe Railway Company

MH Siegle
AVP Labor Relations

Q L Luther
General Director Labor Relations

Question and Answer
for
Active/Inactive Agreement

Q1) If no active or inactive pool conductor is available for service under the provisions of this agreement for the service to be performed, can a setup turn be used?

A Yes.

Q2) Three conductors are called at Mandan. The first is a Dilworth, the second and third are Mandan. A Mandan conductor runs around the Dilworth conductor en route. Is the Dilworth conductor entitled to restoration of turn upon tie up at Dilworth?

A No. The Dilworth conductor would be added to the bottom of the inactive list and can not transfer his/her restoration to another inactive home terminal crew.

Q3) Three conductors are called at Mandan. The first conductor is a Mandan, the second and third are Dilworth. The Mandan conductor is run around en route by the Dilworth conductor. Is the Mandan conductor entitled to restoration of turn at Dilworth?

A Yes, the Dilworth conductor may activate another Dilworth conductor upon tie up, however a slot must be maintained for the Mandan conductor in the order that they were called.

Q4) Three conductors are called at Mandan. The first and second conductors are Dilworth, the third is a Mandan. All conductors depart and arrive at the same time at Dilworth but at different locations. How are these conductors placed on the board at Dilworth?

A The Mandan conductor is placed on the active list based on the arrival time and the Dilworth conductors are placed on the inactive list based upon tie up. No Dilworth conductors can be activated until incoming crews tie up and the quota on the inactive list is exceeded.

Q5) A Dilworth conductor is called at Dilworth for 0800 hours on duty to work a train. At 1000 hours a Mandan conductor is called at Dilworth to deadhead. The Mandan conductor runs around the Dilworth conductor en route. Is the Dilworth conductor entitled to restoration of turn at Mandan?

A Yes. The proper order of turn is based on the original order called at the initial terminal and the Dilworth conductor would be restored at Mandan. The Mandan conductor would be placed at the bottom of the inactive board. Also refer to question and answer in Q3 and A.

Q6) Would the answer apply as stated in Q5 if a deadhead crew was run around en route by a working crew?

A Yes.

Q7) Do the above situations apply equally to Dilworth and Mandan conductors?

A Yes.

Q8) What is the meaning of the word "quota"?

A Quota is the number of inactive conductor(s) maintained on a list at each terminal as stated in paragraph six (6) of the agreement.

Q9) What is the intent of this agreement?

A To provide for and regulate an active/inactive system of crew management of conductors working at Dilworth, MN and Mandan, ND in through freight service between these terminals.