

## AGREEMENT

between

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

and its employes represented by the

UNITED TRANSPORTATION UNION (CT&Y Committee)  
EASTERN AND WESTERN LINES  
(excluding Northern and Southern Divisions)

IT IS AGREED:

Pursuant to Article IX, UTU National Agreement of October 31, 1985, The Atchison, Topeka and Santa Fe Railway Company may establish interdivisional (ID) service for pool freight crews as set forth below:

### Terminals

Interdivisional pool freight crews will operate between the terminals of Amarillo, Texas and La Junta, Colorado. Amarillo and La Junta will remain home terminals as presently defined. Pool freight crews in interdivisional service will only protect ID runs and will not be used in turnaround service, except as provided herein.

### Calling Ratio

Carrier will determine the ratio of calling home terminal/away-from-home terminal pool freight crews at Amarillo and La Junta dependent upon the needs of service and distribution of away-from-home and home terminal crews, which ratio will not exceed 5:1.

If either party to this Agreement is of the opinion application of the specified ratio creates an undue hardship and imbalance, the matter will be discussed between the General Chairman and the General Manager, or his representative. Failing to resolve the issue at this level, the matter may be appealed to the Vice President-Personnel and Labor Relations in an effort to reasonably resolve the dispute, including conference, if necessary, which will be held as soon as possible.

### Active-Inactive Boards

When a pool freight crew arrives at its home terminal, such crew will be placed to the bottom of the home terminal board. Crews from the other home terminal arriving at the same location will be placed to the bottom of the away-from-home terminal board. These boards shall be designated as the "inactive boards."

For the benefit of pool freight crews at their home terminal, Carrier will move sufficient home terminal and away-from-home terminal crews from the inactive boards to a so-called "active board", which board will govern the order in which home and away-from-home crews will be called during the next eight-hour period based on anticipated service, and such "active board" will only protect ID service. While Carrier has the right to determine the ratio for calling pool freight crews, Carrier will not exceed a ratio of 5:1, away-from-home terminal vs. home terminal or vice versa.\* If the Carrier determines a need to deadhead surplus away-from-home pool freight crews, such crews will not be counted in the ratio, but will be counted as turns.

\*NOTE: In the absence of an available (rested) away-from-home terminal pool freight crew, home terminal crews may be called in excess of the ratio of 5:1. In an emergency, the ratio will not be applicable.

The active board will be updated each four (4) hours by deleting crews that have been called during the prior four hours, as well as adding crews to the active board. Home terminal crews (at their home terminal), when placed on the active board, will not have their order (number of times out) changed.

#### Balancing of Pools

As of 12:01 a.m. each Tuesday, UTU/CT Local Chairmen will be provided a status report of trips made by Amarillo and La Junta pool freight crews during the preceding 7 days (from the preceding Tuesday at 12:01 a.m.). The carrier will then be obligated to attain a trip balance between Amarillo and La Junta crews at any point in time between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day. If at any point during the 72-hour period from 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day, the trips between the pools are balanced then no adjustment will be made on the part of the carrier to balance said trips between the pools. A new balance cycle will not start until 12:01 a.m. on the fifteenth day, or 12:01 a.m. on the third Tuesday. If a balance between trips obtained by each pool cannot be reached at any point in time between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day of the cycle, the carrier will be obligated to balance the trips to the pool with the lesser number of trips obtained from the beginning of the balance cycle based on the imbalance as of 11:59 p.m. on the fourteenth day, within four (4) one-way trips.

If the trips balance at any point between 12:01 a.m. on the twelfth day of the balance cycle and 11:59 p.m. on the fourteenth day, but the trips as of 11:59 p.m. on the fourteenth day were not in balance, any imbalance will be carried over and the new cycle would start with this imbalance. If, however, the trips between the pools did not balance at any point between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day, the carrier will be obligated to make an adjustment to the extent that the imbalance exceeds four (4) one-way trips.

When carrier desires to change the starting day of the balancing cycle it will provide a minimum of 15 days advance written notice to the Local Chairmen, who will have the opportunity, within this notice period, to discuss the matter with the Superintendent, or his representative, if they so desire. The carrier will not serve a notice to change the starting day of the balancing cycle more often than once every 90 days.

The United Transportation Union may request mileage equalization, which will be accomplished by adjusting the number of carryover trips on the first day of a 14-day checking period. Such mileage equalization will not occur more often than each 30 days.

Question and Answer No. 1(a)

- Q. If the balance between pools was to be "0" at 11:00 p.m. on the eleventh day of balancing cycle and did not "0" at any point between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day, while ending up 8 one-way trips out of balance at 11:59 p.m. on the fourteenth day, what is the obligation of the carrier?
- A. The carrier would be obligated to balance the trips in favor of the pool with the lesser number of trips in the amount of 4 one-way trips (8 one-way trips out of balance - 4 one-way trips limit = 4 one-way trips). The new balance cycle will start with four one-way trips in favor of the pool with the greater number of trips.

Question and Answer No. 1(b)

- Q. When carrier is obligated to make the trip balance in Question 1(a) above, how shall it be accomplished?
- A. The carrier will call from the pool with the lesser number of one-way trips the required number of crews from the home terminal or the away-from-home terminal, or a combination thereof, to deadhead by 11:59 p.m. of the fourteenth day.

Question and Answer No. 1(c)

- Q. What is the penalty if the carrier fails to deadhead the number of pool freight crews required in Question 1(a)?
- A. The required number of crews that should have been called to deadhead by 11:59 p.m. of the fourteenth day (Question and Answer 1(b)) will, when going on duty after 11:59 p.m. of the fourteenth day be allowed a one-way working trip in addition to all other earnings on that trip.

Question and Answer No. 2

- Q. If the balance of trips between the pools were to be 10 out of balance on the seventh day of the balancing cycle, yet a "0" balance was reached at 9:00 p.m. on the twelfth day, while ending up 8 trips out of balance at 11:59 p.m. on the fourteenth day, what is the obligation of the carrier?
- A. The carrier would not be obligated to make any adjustments since a "0" balance was reached between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day.

Question and Answer No. 3

- Q. If at 11:59 p.m. on the fourteenth day, the balance was off by 7 one-way trips between the pools yet 3 crews were en route, what is the obligation of the carrier?
- A. Carrier would not be obligated to make any adjustments, since the three crews en route as of 11:59 p.m. on the fourteenth day will be counted as having completed their trip for purposes of trip balance, i.e., within four (4) one-way trips.

Question and Answer No. 4

- Q. Will pool freight crews who are on duty but have not departed as of 11:59 p.m. on the fourteenth day be counted in the trip balance?
- A. Crews who are on duty but have not departed at 11:59 p.m. on the fourteenth day will be counted in the trip tabulation between pools the same as those in Question 3.

Question and Answer No. 5

- Q. How will pool freight crews overtaken by the Hours of Service Law be treated with respect to the trip balance?
- A. A crew in ID service overtaken by the Hours of Service Law will be credited with the entire one-way trip. Likewise, any ID crew utilized to dog catch the crew en route will be credited with an entire one-way trip for trip balancing purposes. Other than this, there will be no count to the trip balance.

Question and Answer No. 6

- Q. What if an involuntary closure of mainline(s) between Denver and Sweetwater occurs between 12:01 a.m. of the 8th day and 11:59 p.m. of the 14th day of the balancing cycle?

- A. If such a closure of mainline(s) occurs, the carrier will attempt to balance the trips at some point between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day. However, if conditions were such that a trip balance of "0" cannot be obtained between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day as a result of this service interruption, the carrier will not be responsible for balancing trips between the pools for that particular cycle; however, the imbalance will be carried over to the next balancing cycle.

Question and Answer No. 7

- Q. If a trip balance of "0" is obtained on the twelfth or thirteenth day of the cycle, when does a new cycle begin?
- A. Regardless of when a "0" balance is reached between 12:01 a.m. on the twelfth day and 11:59 p.m. on the fourteenth day, a new balance cycle begins at 12:01 a.m. on the fifteenth day, or every third Tuesday at 12:01 a.m.

Question and Answer No. 8

- Q. Will any trips incurred as a result of work/wreck trains be utilized for trip balancing purposes?
- A. No, only trips incurred in ID freight service will be included in trip balance.

Held-Away-From Home Terminal

Crews in interdivisional pool freight service held at their away-from-home terminal will be paid continuous time for all time held after expiration of sixteen hours from the time relieved from previous duty at the rate paid for last service, until called for service or ordered to deadhead, in which case HAFHT time shall cease at the time pay begins for such service, or when deadheading, at the time the train departs on its road trip. If transportation other than train is used for deadheading, HAFHT time shall cease at the time of departure of the other mode of transportation.

NOTE: If a crew is called and released, held time will not be broken. However, there will be no duplicate payment for held time and time on duty.

Trading Trains

Crews will not be required to trade trains in opposite directions.

Meals En Route

In order to expedite the movement of these interdivisional pool freight runs, the Carrier shall determine the conditions under which such crews may stop to eat. When crews, working or deadhead, are not permitted to stop to eat, they will be paid an allowance of \$1.50 for the trip, unless the crews is on duty in excess of eight hours, in which event \$5.00 will be allowed in lieu of \$1.50.

Basis of Pay

All miles run in excess of the miles encompassed in the basic day shall be paid for at a rate calculated by dividing the basic daily rate of pay in effect on October 31, 1985 by the number of miles encompassed in the basic day as of that time.

Current miles are as follows:

Westbound -	<u>Conductor/Brakeman</u>	<u>Head Brakeman</u>
Amarillo-La Junta	259	260
Eastbound -		
La Junta-Amarillo	259	260

Pool freight crews called for and departing the terminal in interdivisional service will be allowed the mileage terminal to terminal, except when the service is interrupted by an emergency such as flood, washout, derailment, and pool freight crew is returned to the originating terminal. In that event, the crew will be placed first out over all others on the inactive board after eight hours rest, being given first consideration for deadhead to its home terminal. It is understood the foregoing does not modify the current call and release rule.

Call and Release

When a crew in interdivisional pool freight service is called and released, after time of going on duty, but before road trip commences, such crew will be paid as provided in the Schedule, Awards or practices, and stand first out.

When a crew in interdivisional pool freight service is called and released before going on duty, they will be paid as provided in the Schedule, Awards or practices, and maintain their standing on the board.

Formal Investigations

Applicable schedule rules will apply to pool freight crews required by Carrier to attend formal investigations; however, a crew or member

thereof in interdivisional service who is ordered by carrier to appear for a formal investigation at a location not on their original seniority district will be compensated for the deadhead miles over the other seniority district when dismissed or suspended.

To the extent possible, formal investigations will be held at the home terminal of the employe(s) involved.

#### Providing Relief for HSL Crews

In connection with relieving interdivisional pool freight crews tied up under the Hours of Service Law, the following will prevail when it is necessary to call a road crew out of the terminal:

##### EASTBOUND TRAINS

Between La Junta & Boise City - ID pool freight crew standing first including Boise City out at La Junta

Between Boise City & Amarillo - Extra board crew at Amarillo

##### WESTBOUND TRAINS

Between Amarillo & Boise City - ID pool freight crew standing first including Boise City out at Amarillo

Between Boise City & La Junta - Extra board crew at La Junta

When an interdivisional pool freight crew is tied up under the Hours of Service Law and is to be transported to the distant terminal to complete the trip, the following will govern:

1. One hour will be free time.
2. Straight time allowance will be paid for any time in excess of free time calculated from time tied up under the Hours of Service Law and time transportation became available.

#### Protecting Other Than ID Service

All service, other than ID, between La Junta and Boise City will be protected by the La Junta extra boards. All service other than ID, between Boise City and Amarillo will be protected by the Amarillo extra boards. Regular assignments will continue to be protected as at present.

#### Deadheading

If at the home terminal or away-from-home terminal a crew stands to deadhead but also deadheaded the previous trip, the turn will be

runaround without penalty to the Carrier and the next out turn, having the same terminal, will be used to deadhead if available.

Laying Off

Employees in interdivisional service will lay off at home terminal, except in case of emergency, such as illness or injury, and will report to home terminal only. They will be permitted to ride train to home terminal provided they notify dispatcher in advance.

Vacations

A pool freight crew in interdivisional service will be permitted to advance the starting date of a scheduled vacation period to coincide with the start of layover days.

Protection

Article XIII of the January 27, 1972 agreement will be made a part of this Agreement.

Disputes

Should a dispute arise as to the proper application or interpretation of this agreement, the parties hereby agree to submit such dispute, on an expedited basis, to either a Public Law Board or some other tribunal having jurisdiction for final and binding adjudication.

This Agreement shall become effective May 1, 1987.

Signed at Chicago, Illinois this 23rd day of April, 1987.

FOR THE UNITED TRANSPORTATION UNION:

FOR THE CARRIER:

M. R. Hicks  
General Chairman, UTU(CTY)

John P. Frestel, Jr.  
Vice President - Personnel and Labor Relations

APPROVED:

J. W. Smart  
Vice President, UTU  
M.R.H.