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Mr. W.E. Young
General Chairman UTU
12465 Mills Ave.
Suite B-5
Chino, CA 91710

September 1, 2005

Dear Mr. Young,

This refers to our formal conference held in Houston, Texas during the week of August 1, 2005 wherein we discussed the proper handling of meal period claims in yard service.

We agreed that Article 8 of the current agreement provides that yardmen are entitled to a 20 minute meal period between 4 ½ and six hours. If this first meal period is not allowed, the yardman is entitled to payment of 6 miles. The yardman then should be afforded a meal period to be started no later than the beginning of the 7th hour. If this meal period is likewise not afforded, the yardman is entitled to payment of an additional 6 miles. At this point, the yardman must specifically request a meal period. If the meal period is denied, the yardman must identify when the meal period was requested and the name of the individual who denied the request. Then, if the yardman is not afforded a meal period to commence before the beginning of the 10th hour, and additional 50 miles shall be allowed. In addition, in the event BNSF disputes the information provided by the yardman, the declination must identify who either granted a request for a meal period or instructed the yardman to observe a meal period, when the request/instruction occurred, and the site of the eating location.


It was further understood that yardmen making claim under this provision must show that an appropriate eating location was available within the identified time parameters. We agreed that a "proper eating location" would be a location that contemplates a lunchroom, restaurant or other location that allows the crew to get off the locomotive, sit down and consume a meal, including, but not limited to, the on/off duty location. Notwithstanding the foregoing, yardmen on duty for 10 hours or more, who have not been afforded a meal period, shall be allowed a meal period as soon as operationally possible upon arrival at the on/off duty location.

If the foregoing accurately reflects our understanding, please affix your signature in the space provided on copy of this letter, and return a fully executed copy to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly "W. E. ...".

I AGREE:

A handwritten signature in black ink, appearing to be "W. E. ...", written over a horizontal line. Below the signature, the text "General Chairman" is printed.

General Chairman