

Train Staffing Requirements at BNSF Railway

Under existing labor agreements, we are required to have a minimum of one locomotive engineer and one conductor on each through freight train. Here is the relevant agreement language:

In 2007, we agreed with the Brotherhood of Locomotive Engineers and Trainmen (BLET) that a locomotive engineer will operate the controls of any locomotive in road service. The Agreement reads in pertinent part:

ARTICLE 2 - Scope

A. Road Service

1. (a) On any job or assignment in any class of road service, a BNSF locomotive engineer will operate every conventional (on-board, fixed control) and every non-conventional (remote control) locomotive or form of motive power used in assigned or unassigned service, whether such operation requires the use of conventional controls or any human control of any other operating equipment or system of controls. On any job or assignment in any class of road service, a locomotive engineer will be assigned use of any remote control locomotive equipment deployed by the company, provided such assignment would not preclude use of remote control equipment by others in addition to the engineer.

Additionally, our labor agreements with the Sheet Metal and Rail Transportation – Transportation Division (SMART-TD) require at least one conductor on each through freight train. We have several agreements with each of our predecessor roads that specifies this requirement:

1993 Crew Consist on the CB&Q, C&S, FWD, JTD, SLSF

Article I – Crew Consist

Section 1.

The basic crew consist for all crews shall be one (1) conductor/foreman and one (1) brakeman/ helper, except as otherwise provided in this Agreement.

Section 2.

Crews on through freight trains (including hours of service relief crews and crews on trains which convert to the local rate under existing rules) may be conductor-only crews; however, such conductor-only crews may only make straight pick-ups and set-outs between the initial and final terminal of the crew.

1993 Crew Consist on the GN, NP, SP&S

Article I – Crew Consist

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1989 Crew Consist Agreement – ATSF Coast Lines

Article 3 - Crew Size

a. A standard crew shall consist of one conductor/engine foreman and one brakeman/helper, except as otherwise provided herein.

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c. Carrier may establish conductor-only service subject to the following conditions:

1992 Crew Consist Agreement – ATSF Coast Lines

ARTICLE II - Conductor-only Conditions and Restrictions

As of January 29, 1992 Article 3(c) of the Memorandum of Agreement dated August 21, 1989, effective September 1, 1989, shall be abrogated. In its place the following terms in this Article II shall establish the conditions and restrictions which govern conductor-only service performed on and after January 29, 1992 by employees subject to this Agreement:

1. Conductor-only service. may be established on through freight trains between terminals, initially as described in paragraph 8 herein.

2. Conductors in conductor-only service will not be required to make more than three straight set-outs or three straight pick-ups, or any combination not to exceed three per tour of duty, including work at a terminal or en route, excluding bad orders. For purposes of this Article II, cutting in or cutting out helper power will be considered a pick-up or set-out unless such move is performed by someone other than the conductor on the conductor-only train.

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8. Conductor-only trains may be operated in the freight pools between terminals pursuant to the restrictions set forth in Section 2 above.

1990 Crew Consist Agreement – ATSF East/West Lines

ARTICLE I - CREW CONSIST

a. The basic crew consist for all crews operated shall be one (1) Conductor/Foreman and one (1) Brakeman/ Yard Helper, subject to the provisions of this Agreement.

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ARTICLE V - CONDUCTOR ONLY

Carrier may establish conductor-only service subject to the following conditions:

1992 Crew Consist Agreement – ATSF East/West Lines

ARTICLE I - Conductor-only Conditions and Restrictions

As of the effective date of this Agreement, Article V (Conductor Only) of the December 4, 1990 Crew Consist Modification Agreement is abrogated. In its place, the following terms in this Article

shall establish the conditions and restrictions which govern conductor-only service performed on and after the effective date of this Agreement:

1. Conductor-only service may be established on through freight trains between pool freight terminals.

1989 Crew Consist Agreement – ATSF Northern/Southern Division

Article 3 - Crew Size

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- b. A standard crew shall consist of one conductor/engine foreman and one brakeman/helper, except as otherwise provided herein.

...

- c. Carrier may establish conductor-only service subject to the following conditions:

1992 Crew Consist Agreement – ATSF Northern/Southern Division

ARTICLE II - Conductor-only Conditions and Restrictions

As of February 1, 1992 Article 3(c) of the Memorandum of Agreement dated August 21, 1989, effective September 1, 1989, shall be abrogated. In its place the following terms in this Article II shall establish the conditions and restrictions which govern conductor-only service performed on and after February 1, 1992 by employees subject to this Agreement:

1. Conductor-only service may be established on through freight trains between terminals, initially as described in paragraph 8 herein.
 2. Conductors in conductor-only service will not be required to make more than three straight set-outs or three straight pick-ups, or any combination not to exceed three per tour of duty, including work at a terminal or en route, excluding bad orders. For purposes of this Article II, cutting in or cutting out helper power will be considered a pick-up or set-out unless such move is performed by someone other than the conductor on the conductor-only train.
- ...
8. Conductor-only trains may be operated in the freight pools between terminals pursuant to the restrictions set forth in Section 2 above.

Many sections of the above quoted labor agreements with the Sheet Metal and Rail Transportation – Transportation Division (SMART-TD) require more than one conductor on each train based on the specific type of service the crew will perform.

ALL OF THESE PROVISIONS ARE SUBJECT TO NEGOTIATIONS UNDER THE RAILWAY LABOR ACT (RLA) AND CANNOT CHANGE UNLESS CHANGED THROUGH THE PROCESS OF COLLECTIVE BARGAINING PURSUANT TO THE RLA