

WESTERN IMPLEMENTING AGREEMENT

3. Employees commencing the Engineers' Training Program after the effective date of the Master Implementing Agreement, upon successful completion of the Program, or hired Engineers, will establish seniority as Engineers on the Western District behind all Engineers referred to in 1. and 2. above. Such Engineers will be referred to as consolidated rights Engineers.

4. A seniority roster for the Western District will be prepared by the Carrier as of the effective date of the Master Implementing Agreement and will be maintained on a continuing basis thereafter in the Crew Management System.

5. The initial position on the Western District roster for each Engineer referred to in Article I C. will be determined by their date of hire in engine service on their current seniority roster. When two or more Engineers have the same hire date, they will be placed in relative order on the Western District roster based on the earliest year, month, and day of birth, except that relative standing among prior rights Engineers will not change.

6. Engineers shall have the right to protest their initial placement on the Consolidated Western District roster provided they do so in writing to the General Chairman and Carrier's Highest Designated Officer within 180 days of its first listing.

7. Prior right Engineers may exercise seniority to any position accruing to such prior rights. Such Engineers may also exercise seniority to any position on the Western District outside the zone in which they are working subject to applicable rules.

8. Engineers may exercise seniority to any position within the Western Consolidated District based on their consolidated rights Western District seniority.

9. CSXT Engineers holding seniority on the date of the transaction will be ranked on the Western District roster in accordance with their earliest current engine service date on their current seniority roster.

10. Former CR Engineers in Locomotive Engineer school or Locomotive Engineer training on the effective date of the Master Implementing Agreement will be ranked in accordance with the earliest locomotive Engineer's training physical date of Engineers in their training class and will maintain the same relative order within a class as their train service seniority.

11. There will be prior rights for all CSXT Engineers on all jobs, currently theirs, in the Eastern and Western Seniority Districts. There will be prior rights for all Conrail Engineers on all jobs, currently theirs, in the Eastern and Western Seniority Districts. (Kasher Award at page 22)

12. Assignments operating in the territory between Willard and Chicago will be filled on the basis of prior rights. Former B&O and former CR prior rights positions in this corridor will be allocated on a basis to be determined.

February 11, 2005

All Local Chairmen
Brotherhood of Locomotive Engineers and Trainmen
CSX Transportation, Inc.
Northern Railroad Lines

Re: Seniority Roster Adjustments

Dear Sirs and Brothers:

This is in further reference to my letter dated January 24, 2005, regarding the lawsuit filed against CSX Transportation, Inc. and the United Transportation Union, asking that the Award rendered by Arbitrator Fischbach on October 18, 2004, be vacated. In the aforementioned letter, I unequivocally stated that it was my position that Mr. Fischbach went outside the scope of arbitral jurisdiction, in rendering the award. As I stated, you will be kept apprised as this matter proceeds through the Federal District Court.

As a result of the above ruling, the carrier had advised this office of its intent to proceed, with the changes to the respective rosters, in line with Mr. Fischbach's ruling, however, due to the changes being handled through the Crew Management Center, no definite date could be ascertained. When the carrier was questioned about a date, we were advised that no date could be determined, and that the CMC was still working on this matter. Not hearing from the carrier, led us to believe that such a change would not transpire until our case had been progressed, especially, after we filed the Petition in District Court.

On Tuesday, February 8th during an unrelated conference with Mr. Hiel, I questioned him about a phone call from a member that we received, concerning adjustments to the Eastern Consolidated District Roster. Mr. Hiel stated that no adjustments had been made, however, he thought that the Eastern Roster was near completion, but there were no changes anticipated to the Western District Roster, as he was scheduled to go to the Crew Center on February 9th to discuss the roster. However, on February 9th while at the Crew Center meeting with Messrs. Hiel and Kintzler, Mr. Hiel confirmed (see enclosure) the fact that the Carrier had implemented the changes, which undoubtedly contained numerous errors, aside from the fact that the professional hires and permanent transfers should not even be part of the equation.

Nevertheless, it is requested that any member, who feels that they have been erroneously misplaced on the roster, provide the pertinent information to you in writing, at their earliest convenience. Further, if any member who has a seniority date prior to June 1, 1999 as a locomotive engineer, should not be affected by the Fischbach Award. If this is not the case, their names should be presented to the office as soon as practical.

In addition, anyone that feels that they are harmed, a result of the most recent changes to either roster, especially pro hires and permanent transfers, should file a claim for each date that they are incorrectly sequenced on the roster. The following information should be entered in the text field as follows:

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Claim on behalf of engineer (name of employee)(employee identification number) for one day at the applicable rate of pay, in addition to all other compensation, account being incorrectly repositioned on (appropriate seniority roster id) by the Crew Management Center on February 8, 2005. This claim will continue for each calendar day, until the roster is readjusted to reflect my proper standing.

Note: The above claim text should be inputted under constructive code CE.

Regardless of all of our ongoing efforts, it is unfortunate that the employees affected by this outrageous decision were victims, as a result of the failure of others to properly handle the scheduling of trainmen for promotion to a locomotive engineer, consistent with the applicable labor agreement. This travesty has lead to mass chaos, however, if the truth is to prevail, we will overcome this unfounded inequity.

In closing, I only encourage every locomotive engineer, who is impacted by the above changes, to initiate a claim on each date, until this matter is successfully resolved.

As always, I remain

Fraternally yours

General Chairman

Enclosure

Cc: All Division Presidents
All Division Secretary-Treasurers
Affected Members

DMM/jre

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