

LOCAL FREIGHT SERVICE

RULE 23: LOCAL FREIGHT SERVICE

- a) Trains loading or unloading way freight handling supply trains, working battery cars, spotting stock cars to load or unload, spotting and unloading water cars, or doing station switching will be classed as local freight trains.

NOTE: This does not apply to through or irregular freight trains setting out or picking up cars at stations, or picking up or dropping tonnage enroute, or loading or unloading small lots of perishable freight, except that pool freight crews required to place cars on two or more tracks when one track will hold the set-out will be allowed local freight rates of pay. Replacing cars displaced in picking up or setting out cars will not be classed as switching.

Crews on through freight trains will be allowed local rates of pay when required to pick up car or cars at one intermediate point and set out the cars at another intermediate point for the convenience of another train subsequently picking up the cars.

Engineers in through freight service required to pick up and/or set out a car or cars at three (3) or more intermediate points between terminals in road territory will be paid local freight rates for the entire trip.

Local rate will not be allowed when:

- 1) Cars are picked up at one intermediate point and set out at another intermediate point account bad-order.
 - 2) Cars are picked up or set out account tonnage.
 - 3) Cars are picked up at an intermediate point and set out at a diverging point for delivery to a point on a diverging line over which crew making set-out does not operate. (A diverging point is understood to mean a junction where two or more lines converge, one or more on which the crew making the set-out does not operate.) Example: Cars picked up at Borie and set out at LaSalle, which cars were destined to points between LaSalle and Julesburg.
 - 4) Cars are picked up at an intermediate point and destined to a point on that district and are set out at other than the destination point to avoid additional stops. Example: Cars picked up at Morgan destined to Aspen and set out at Evanston, to be subsequently moved Evanston to Aspen by the local.
 - 5) Cars set out as described in Sections (3) and (4) also include cars destined to the crew's terminal or beyond, if such cars are included in the one set-out and handled by crew assigned to local service, in accordance with Section (b) of this rule.
- b) Local work will be confined to local trains as far as possible.

c) Engineers on local freight trains will be paid local freight rates of pay. Where any member of crew receives local rate for local work performed en route over district on which Engineer performs service, Engineer will also be paid local rate.

d) This Section modified by Agreement #1807279456:

Effective October 1, 1994, all assigned local freight service (other than Zone Locals) on the Eastern District will be allowed a basic's day pay for each day an assigned Engineer is held in on an assigned work day. It is further understood that in order to qualify for this payment, the Engineer must either be available or work on the work days immediately preceding and following the day or days for which the guarantee is claimed as well as being available on the guarantee day or days. In connection therewith, Rules 97(c) and (d) will not apply to all assigned local freight service (other than Zone Locals).

Nothing in this section in any way limits the right of the Company to abolish local freight assignments and it is understood that the Company retains the right to bulletin local freight assignments on a 5, 6 or 7 day basis.

e) Eliminated in Working Agreement.

f) Retained but not reproduced herein.

g) Retained but not reproduced herein.

h) Engineers regularly assigned to local or mixed runs of over 100 miles, who on any date cover only a portion of their run, will be compensated on basis of actual service performance with minimum payment of not less than the equivalent of the mileage of their regular run.

i) Engineers on regularly assigned local or mixed runs of less than 100 miles required to make side or lap back trips not included in their assignment will be compensated as follows:

1) Actual mileage of side or lap back trips in addition to minimum day for service on assignment.

2) See Rule 17 (a) for calculation of when overtime accrues on runs of less than or greater than 100 miles.

3) When overtime accrues, allowance will be made on overtime basis or as provided in Paragraph 1 above, whichever the greater.

j) Bulletins covering regularly assigned local or mixed service will show points between which assigned; whether straightaway or turnaround; number of trips; turning points; home and far terminals; days assigned and starting time.

k) 1) Crews may be started later than bulletined starting time according to service conditions and time will commence at time required to report for duty. Engineers will not be required to hold themselves in readiness for an earlier call than prescribed in the bulletin.

- 2) Crews assigned to local, mixed, or combination switch and road service will be allowed 100 miles for service performed in advance of bulletined starting time at rate applicable to class of service performed, except as provided in following Paragraph (3).
 - 3) When crews assigned to local, mixed, or combination switch and road service are brought on duty in advance of bulletined starting time for extra road service, time will be computed from time required to report for duty for the extra road service until released there from, with minimum allowance of 100 miles and new day will begin when brought on duty for regular assignment.
- l) A minimum of 100 miles will be allowed for trips out of turning points of assignments outside of the territory included in the assignment at the rate and under the rules governing the service performed, but such time or miles will not be used in computing overtime on the assignment.

RULE 24: COMBINATION SWITCH AND ROAD SERVICE

- a) Engineers assigned to combination switch and road service may be called to make one or more turnaround trips out of the same terminal within a zone extending 50 miles in any direction and paid actual miles with a minimum of 100 miles or 8 hours, provided that crew will not be required to make a succeeding trip out of their terminal after they have run 100 miles or been on duty 8 hours, except as a new day. Engineers will begin a new day when required to make trip out of their terminal if on duty 8 hours before their train is coupled together and air test made.
- b) All initial and final terminal time or work shall be paid for on minute basis and all time elapsing at terminal of assignment between trips which are commenced prior to Engineer having run 100 miles or been on duty 8 hours shall be paid for on same basis as final terminal time or work.
- c) See Rule 17 (a) for calculation of when overtime accrues on runs of less than or greater than 100 miles.
- d) Time on trips which constitute a day's work as provided herein will be allowed on basis of continuous time from time of reporting for duty until released, or on basis of actual miles run and time consumed at terminal of assignment in switching, including preparatory and held time, whichever the greater.

Example 1:

On duty in Cheyenne at 0600 hours
Departs at 0900 hours; makes trip to Granite and returns at 1330 hours
Departs Cheyenne a 2nd time at 1430 hours
Makes trip to Granite and returns
Released at 1700 hours

Compensation – 100 mile basic day (0600-1400), 30 minutes overtime (1400-1430), new day (100 miles) for departing after 8 hours. Terminal time does not apply as time on duty exceeded 8 hours.

Example 2:

On duty in Cheyenne at 0600 hours
Switches from 0630-0830 hours
Departs at 0830 hours; makes trip to Granite and returns at 1330 hours
Released at 1400 hours.

Compensation – 100 mile basic day (0600-1400). Payment of continuous time exceeds miles run (48 miles) and terminal time (3 hours).

Example 3:

On duty in Cheyenne at 0600 hours
Switches from 0630-0830 hours
Makes trip to Granite and returns at 1030 hours
Departs at 1100 hours; makes trip to Granite and returns at 1330 hours
Released at 1400 hours

Compensation – Paid actual miles (94 miles) and terminal time (3:30 hours) which exceeds continuous time compensation.

- e) A minimum of 100 miles will be allowed for service performed beyond the limits of the 50-mile zone at the rate and under the rules governing the service performed, but such time or miles will not be used in computing overtime on the assignment.
- f) Engineers regularly assigned to combination switch and road service will be paid 5-day yard rates, and guaranteed not less than 100 miles or 8 hours for each day assigned or held available for service. Engineers may be used in any other service to make up guarantee on days regularly assigned service is discontinued, but such service shall be paid for at schedule rates with minimum allowance of 100 miles at 5-day yard rates. However, this does not permit using such Engineers in pool freight service out of Beatrice or Sterling ahead of Engineers in pool freight service.
- g) It is understood that this provides how Engineers may be used in any class of service in lieu of their assigned service, but it does not authorize compensation thus earned to be applied to make up any time that Engineers were ready for service and not used.
- h) Bulletin will show terminal, starting time and days included in assignment.

Following sections modified by Agreement dated January 16, 1987 Modification of Rule 24

- i) “Engineers may be started up to two hours later than bulletined starting time according to service conditions, provided they are advised prior to the end of the preceding shift each day-of the changed starting time, and time will commence at time required to report for duty. If started more than two hours later than the bulletined time, pay will commence at the bulletined starting time.

NOTE: For service performed in advance of bulletined starting time, see Rule 23(k)(2) and (3).

.... **Reference LOU dated January 16, 1987 File # 1860-1**

- j) "It was understood that if a combination switch and road service job is worked three consecutive days, it will be considered regularly assigned."

Modified by
1986 Arbitrated National Agreement, Article VII [Road Switchers, etc.]

"Section 1: Reduction in Work Week

- (a) Carriers with road switcher (or similar operations), mine run or roustabout agreements in effect prior to the date of this Agreement that do not have the right to reduce six or seven-day assignments to not less than five, or to establish new assignments to work five days per week, shall have that right.
- (b) The work days of five-day assignments reduced or established pursuant to Section 1(a) of this Article shall be consecutive. The five-day yard rate shall apply to new assignments established pursuant to Section 1(a) of this Article. Assignments reduced pursuant to Section 1(a) shall be compensated in accordance with the provisions of Section 1(c).
- (c) If the working days of an existing assignment as described in Section 1(a) are reduced under this Article, an allowance of 48 minutes at the existing straight time rate of that assignment in addition to the rate of pay for that assignment will be provided. Such allowance will continue for a period of three years from the date such assignment was first reduced. However, such allowance will not be made to employees who establish seniority in train or engine service on or after November 1, 1985. Upon expiration of the three year period described above, the five day yard rate will apply to any assignment reduced to working less than six or seven days a week pursuant to this Article.
- (d) The annulment or abolishment and subsequent reestablishment of an assignment to which the allowance provided for above applies shall not serve to make the allowance inapplicable to the assignment upon its restoration.

"Section 2: New Road Switcher Agreements

- (a) Carriers that do not have rules or agreements that allow them to establish road switcher assignments throughout their system may serve a proposal for such a rule upon the interested general chairman or chairmen. If agreement is not reached on the proposal within 20 days, the question shall be submitted to arbitration.
- (b) The arbitrator shall be selected by the parties or, if they fail to agree, the National Mediation board will be requested to name an arbitrator.

- (c) The arbitrator shall render a decision within 30 days from the date he accepts appointment. The decision shall not deal with the right of the carrier to establish road switcher assignments (such right is recognized), but shall be restricted to enumerating the terms and conditions under which such assignments shall be compensated and operated.
- (d) In determining the terms and conditions under which road switcher assignments shall be compensated and operated, the arbitrator will be guided by and confined to what are the prevailing features of other road switcher agreements found on Class 1 railroads, except that the five day yard rate shall apply to any assignment established under this Section.”

RULE 25: WORK AND WRECK TRAIN SERVICE

- a) Work train in service five consecutive days will be considered an assigned work train on which the hours of service must be fixed.
- b) Crews in assigned work train service will be allowed a minimum of 100 miles for service performed in advance of bulletined starting time, except as provided in Section (e) of this rule.
- c) When crew having tie-up point away from terminal is run into terminal Friday or Saturday, they may be brought on duty at such terminal Monday morning in advance of bulletined starting time and time will commence at time required to report for duty.
- d) Compensation for crews in assigned work train service will not begin later than the fixed starting time, unless crews are tied up for rest.
- e) When the fixed starting time is changed one hour or more the assignment will be promptly bulletined for Engineer and the incumbent will remain on the assignment until filled under bulletin.
- f) Engineers on assigned work trains will be allowed full time (including Sundays).
 - 1) Extra Engineer on an assigned work train which comes into home terminal or point where an extra list is maintained, on a day prior to a layover day (Saturday, Sunday, or a holiday other than Monday) and the assignment is not going to work on such layover day, will be held on the assignment each layover day until the expiration of the minimum working hours of the assignment and paid for the day or days held. At the expiration of the minimum working hours on Sunday or holiday other than Monday, the Extra Engineer will be placed last-out on the extra list.
 - 2) When Monday is a holiday and a layover day, the regularly assigned Engineer may report for work prior to Monday and will be available for service on Monday and compensated therefore. This provision is also applicable to a senior Engineer exercising displacement rights to an assigned work train in accordance with schedule rules.

- g) 20 Minutes will be allowed for meals between the fourth and sixth hours; such time to be considered a part of the 8 consecutive hours constituting a day's work.
- h) Terminal time will not be allowed in temporary work service when constructive mileage is allowed.
- i) Actual miles will be allowed in work train and pile-driver service when 100 miles or more are made in a day.
- j) Engineers flanging side tracks with flangers will be allowed actual side track mileage flanged, added to actual mileage of trip.
- k) Unassigned work trains originating at the home terminal and work trains under bulletin will be manned by Extra Engineers. Unassigned work trains originating at the far terminal will be manned by pool Engineers.
- l) Engineers in work train service may tie up between terminals subject to Rule 68. When tied up at points where food and lodging are not available will be paid actual miles deadheading to nearest point where food and lodging can be obtained. Such miles will be paid as an arbitrary separate from the service trip.

RULE 26: SNOW PLOW SERVICE

- a) In snow plow service, Engineers will be paid at the current through freight rate per class of engine used with minimum of a basic day [Rule 2 Section (c)].
- b) Engineers operating rotary snow excavators will be paid in the same manner defined in Section (a) above. Engineers assigned to rotary snow excavators, and held at any point, will be allowed one day for each 24 hours so held.
- c) When snowplows are double crewed, Engineers will alternate at the end of each twelve hours. Basic day and overtime provisions for snowplow service shall apply to the service period and miles or time at pro rata rate, whichever the greater, for the deadhead movement.

RULE 27: HELPER SERVICE

- a) Engineers assigned to helper service shall be called first-in and first-out for initial service on each 8-hour helper day.
- b) Assigned helper Engineer, who is available and ready for service the entire month, shall be guaranteed 3300 miles per month.
- c) If an assigned man lays off of his own accord or is relieved during the month he shall receive what he earned but not less than his proportion of the monthly guarantee for the number of days worked or held.
- d) Extra Engineer relieving a regular man shall be paid not less than his proportion of the monthly guarantee for the number of days worked or held, except that in the operation of rules regulating mileage, the guarantee shall not apply to the relieving man or men.

- e) In case traffic is interrupted to the extent of 48 hours or more at one time in any calendar month from any cause over which the Company has no control, the guarantee will not apply during the period of such interruption.
- f) When crews are released and called on duty again before the expiration of 8 hours, their time will be computed as continuous. If called on duty after 100 miles have been ran or after expiration of 8 hours from starting time of initial trip, a new day will begin.
- g) Terminal time will not be paid to assigned helpers except when 100 miles or more are made.
- h) Road Engineers will not be required to do helping service except in emergencies, in which case they will be paid in accordance with Rule 71.

RULE 28: CIRCUS TRAINS

- a) When circus trains are operated over districts or branches and they do not make any intermediate stops (or stands); freight rates and conditions will apply.
- b) When service requires intermediate stops (or stands), the loading or unloading of the circus en route over a district, or at a terminal, Engineers will be paid 175 miles for each 24-hour period or portion thereof, computed from time first required to report for duty. Overtime or terminal time will not be paid while on the 175-mile basis.
- c) Where movement starts after the expiration of a 24-hour period and terminates at a terminal and the crew released, minimum of 100 miles will be allowed. Where movement starts prior to the expiration of a 24-hour period and terminates at a terminal and the crew released after the expiration of that 24-hour period, actual time or mileage, whichever is greater, will be allowed. These allowances will be made in addition to 175 miles for each 24-hour period in which circus was loaded or unloaded.
- d) Circus trains tied up between terminals for one or more days account washouts or other obstructions, 100 miles for each 24 hours will be allowed.