

# **MEMORANDUM OF UNDERSTANDING**

**between**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**and**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

WHEREAS, the parties desire to transfer the Brandt Material Handling Truck position and the Log Loader position from the Northern Region Vehicle Operator Roster to the Northern Region Class I Machine Operator;

IT IS AGREED, the July 1, 1986 NW-WAB Agreement, as amended, is revised as follows:

1. Rule 2 (h) Track Sub-department (B) 3 and (E) are revised to remove the Brandt Truck and the Log-loader from the list of equipment contained under Vehicle Operator and add them to the list of machine types that are included in the Class I Machine Operator Roster.
2. The Brandt Material Handling Truck and the Log Loader are separate particular types of Class I machines for which employees must qualify in accordance with Rule 11. The current occupants of the Brandt Material Handling Truck and the Log Loader positions, listed on Attachment A, will be deemed to be qualified on their respective Brandt Material Handling Truck or Log Loader, regardless of whether they currently possess Class I Machine Operator seniority. Those current occupants who do not already possess Class I Machine Operator seniority will not establish a Class I Machine Operator seniority date as a result of this recognition of their qualification on the respective machine.
3. Employees who are listed on the Vehicle Operator roster, with a Vehicle Operator seniority date that is prior to the date of this Agreement, will be grandfathered so as to have preferential rights to such respective position regardless of their relative standing on the Class I Machine Operator Roster. Accordingly, a grandfathered employee cannot be displaced from a Brandt Material Handling Truck or a Log Loader position by an employee who is not grandfathered, regardless of their relative standing on the Class I Machine Operator roster. Grandfathered employees will be considered ahead of Class I Machine Operators in filling temporary positions in accordance with Rule 13.

4. Subsequent to the date of this Agreement, the occupants of the Brandt Material Handling Trucks and the Log Loader positions will be paid at the Class I Machine Operator rate of pay. Any subsequent bulletining of new positions or vacancies for the Brandt Material Handling Trucks and the Log Loaders will be as Class I Machine Operator positions. However, if any grandfathered employees submit a bid on the position the assignment of the Log Loader or Brandt Material Handling Truck position will be made on the basis of the relative standing of such grandfathered applicants on the Vehicle Operator roster. The grandfathered employee awarded the position will be subject to the qualification requirements of Rule 11 (b) if such employee has not previously qualified. Any awarding of a Brandt Material Handling Truck or Log Loader position when no grandfathered employees submit a bid, or any exercise of a displacement right to a Brandt Material Handling Truck or Log Loader position not occupied by a grandfathered employee, will be based on Class I Machine Operator seniority and subsequently satisfying the qualification requirements of Rule 11 (b).

This agreement made and executed in Norfolk, Virginia, this 28th day of September, 2007.

FOR THE ORGANIZATION:

Jed Dodd  
General Chairman, BMW

Bradley A. Winter  
General Chairman, BMW

FOR NORFOLK SOUTHERN  
RAILWAY COMPANY:

Kenneth J. O'Brien  
Assistant Vice President  
Labor Relations

APPROVED:

Anthony W. W. Jr.  
Vice President, BMW

**ATTACHMENT A**

**VEHICLE OPERATORS ASSIGNED TO BRANDT MATERIAL HANDLING TRUCK  
OR LOG LOADER**

EMPLOYEE	EIN	POSITION	CUR. LOCATION	CL I SEN.
G. L. Shaw, Jr.	0752621	Brandt Truck	Burns Harbor, IN	Yes
R. B. Smith	0204860	Brandt Truck	Lewistown, PA	Yes
J. R. Armagost	0215868	Log Loader	Northumberland, PA	Yes
J. L. Baker	0991664	Log Loader	Harrisburg, PA	Yes
M. L. Banks	0100668	Log Loader	Elkhart, IN	No
T. M. Bingaman	0991515	Log Loader	Shiremanstown, PA	No
D. A. Burnett	0769142	Log Loader	Sandusky, OH	No
M. W. DePrano	0209443	Log Loader	Sharon, PA	Yes
J. A. Dixon	0237166	Log Loader	Rockport, OH	No
E. Fisher	0262884	Log Loader	Canton, OH	No
R. A. Gibbon	0254088	Log Loader	Leechburg, PA	No
D. M. Hall	0118644	Log Loader	Kankakee, IL	No
R. M. Hunt	0230981	Log Loader	Huntington, IN	No
T. L. Johnson	0235802	Log Loader	Conway, PA	No
D. McCullough	0200750	Log Loader	Ashtabula, OH	No
M. S. Melson	0071162	Log Loader	Harrington, De	Yes
D. E. Miller	0235438	Log Loader	Lock Haven, PA	No
W. L. Morgan	0200234	Log Loader	Cresson, PA	No
I. C. Myers, Jr.	0854423	Log Loader	Elmira, NY	No
J. New	0751562	Log Loader	Kalamazoo, MI	Yes
W. E. Nowalk	0217879	Log Loader	Island, Ave, PA	No
T. Paup	0905374	Log Loader	Columbia, PA	Yes
T. A. Rightnour	0760556	Log loader	Abrams, PA	No
R. Seay	0768065	Log Loader	Chicago, IL	No
R. Stemmerich	0254087	Log Loader	Latrobe, PA	Yes
D. T. Stetar	0270842	Log Loader	Mingo Jct, OH	No
D. R. Stinchcomb	0234208	Log Loader	Alliance, OH	Yes
R. I. Tate	0439218	Log Loader	Bryan, OH	Yes
W. Watson III	0273368	Log Loader	Columbus, OH	Yes
D. W. Williams	0191124	Log Loader	Waynesburg, PA	Yes