

MEMORANDUM OF AGREEMENT

Between

The Burlington Northern and Santa Fe Railway Company

And

Brotherhood of Locomotive Engineers

As part of the Safety Summit process, this Agreement is designed to enhance employees' work/rest schedules as well as provide the manpower necessary to meet our customers' expectations.

**Foot of Board**

1. An employee assigned to the Havre West Pool at Havre, Montana, may, at anytime before reaching six (6) times out, request to move his turn to the foot of the board (FOB). Upon receipt of the request, crew management shall immediately move that turn to the bottom of that board.
2. An employee assigned to this pool may at anytime before reaching six (6) times out, request that his turn be marked pending foot of board (NFB). Upon such election, the turn will remain in rotation until reaching six (6) times out, at which time the NFB will change to a FOB designation and the turn moved to the foot of the board. The employee may, at his option, remove the designation NFB from his turn at any time before it reaches the predetermined position and the turn will be called in normal rotation.
3. An employee may make a request to mark his turn FOB/NFB only once during a layover at the home terminal.
4. Pools covered by this Agreement shall be regulated in accordance with existing agreements.
5. Fatigue countermeasure programs such as the 7 & 3 overlay may be incorporated with FOB arrangements where applicable.
6. Boards under the jurisdiction of this General Committee that currently have an FOB/NFB agreement in force may choose to retain the original agreement in place of the provisions for FOB/NFB contained in this Agreement.
7. Employees working under this Agreement who are covered by a protective agreement will not have their guarantee offset when utilizing FOB/NFB.

8. This Agreement is made on a without prejudice basis and either party may cancel the Agreement by serving ten days' written notice on the other party.

This Agreement is effective at 10:00 AM on October 19, 2004.

FOR THE BROTHERHOOD OF  
LOCOMOTIVE ENGINEERS:

FOR THE BURLINGTON NORHTERN  
AND SANTA FE RAILWAY COMPANY:

APPROVED:

---

D. R. Pierce  
General Chairman  
Brotherhood of Locomotive Engineers

---

K. J. McGinn  
Asst. Vice President Labor Relations  
Burlington Northern and Santa Fe  
Railway Company