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Side Letter #40

T. Smith, General Chairman
Brotherhood of Locomotive Engineers & Trainmen
P. O. Box 1207

Troy, AL 36081-1207
D. L. Moates, General Chairman
Brotherhood of Locomotive Engineers and Trainmen
274 Highway 310
Etowah, TN 37331

R. A. Finamore, General Chairman
Brotherhood of Locomotive Engineers & Trainmen
6 Fairfield Boulevard, Suite 12
Ponte Vedra Beach, FL 32062

Re: Articles 40, 42, 45, 74, 75, 81

Gentlemen:

This refers to our discussion which led to the BLET/CSXT Single System Agreement dated April 25, 2007. Side Letter #3, Section D of the aforesaid agreement grants management additional time from the effective date of the Single System Agreement to implement those rules linked to the Electronic Bid System (EBS). It is the company's position that the following Articles are EBS-related and will be activated at the time the EBS is rolled out: Articles 40E, 42, 45B, 74, 75 and 81. All of the other Articles have been implemented.

All of the above-noted Articles will take substantial programming to integrate with the EBS. It was agreed that during this transitional period engineers could avail themselves of the benefits of Article 40E (beginning May 19, 2007) by calling CMC prior to 1600 hours and notify the crew dispatcher that he is not available for service. Such engineers must be granted such time off unless it is clear that no other employee at the location (includes demoted engineers) is available to protect the service. Such engineers electing to use the benefits of Article 40E will not be subject to any loss of guarantee, perfect attendance consideration or inclusion of such authorized time off in any absenteeism calculation. Any disputes arising out of this understanding will be resolved by the General Chairman of jurisdiction and the HDO exclusively.

Very truly yours,

S. E. Crable

Agreed: Tony Smith
T. Smith

Don Moates
D. L. Moates

RA Finamore
R. A. Finamore

Approved: P.T. Sorrow
P. T. Sorrow