



D. L. Carroll  
Burlington Northern System Federation

S. R. Moody-Gilbert  
Burlington System Division

G. W. Marquart  
AT&SFF System Federation

D. R. Albers  
Allied Federation

FROM THE OFFICES OF THE GENERAL CHAIRPERSONS  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION

April 17, 2017

Certified Mail: 7015 0640 0004 9575 7864

Joe Heenan  
General Director  
BNSF Labor Relations  
2600 Lou Menk Drive  
Fort Worth, TX 76131

Re: EFB Welding Gangs

Dear Mr. Heenan

On March 27, 2017, BMWED filed a lawsuit against BNSF asserting that BNSF has violated Section 2 Seventh of the Railway Labor Act by unilaterally changing and abrogating our agreement concerning staffing of Electric Flash Butt welding gangs associated with Region and System production gangs. Instead of staffing such gangs with a Welder Foreman, an EFB Welder and a Grinder, as required by the December 2, 2009 Agreement (as amended by the November 2, 2010 Agreement), BNSF staffed such gangs with a Welder and an EFB Welder. In December of 2016, we discussed BNSF's plans to Staff the EFB Welding Gangs this way despite the clear requirements of the EFB Welding Agreement; and we exchanged correspondence on this issue, but BNSF proceeded with its plan to staff these gangs with a Welder and an EFB Welder, so the Union filed its complaint.

When you learned of the complaint you wrote via email to the General Chairpersons and to Vice President Glover on March 28, 2017, stating that you were prepared to discuss the issues raised in the lawsuit. Vice President Glover answered that same day, stating that if you wished to discuss the matter further, you could contact him and he would facilitate discussions

between the Carrier and the General Chairpersons. He also reiterated that it was necessary for BNSF to abide by its unambiguous contractual obligations.

More than three weeks have passed since your communications with Vice President Glover, and you have not contacted him or any of us regarding this issue. And BNSF is still refusing to comply with the express requirements of the EFB Welding Agreement, and has effectively repudiated that agreement. The Union has therefore determined that it may engage in its own exercise of self help in response to the Carrier's effective abrogation of the agreement. Accordingly, pursuant to the injunction issued in *Burlington Northern and Santa Fe Ry. Co. et al. v. Brotherhood of Maintenance of Way Employes*, No. 4:00-CV-0441-A, BMWED hereby gives ten (10) days notice that if BNSF does not refrain from abrogating its agreement with BMWED concerning EFB welding, the Union and/or one or more of our respective Federations/Divisions will engage in a strike, work stoppage, and/or picketing against BNSF some time after expiration of that ten day period. In that regard, please be advised that if the Carrier seeks (baselessly) to enjoin BMWED's actions. BMWED will be represented by Richard Edelman (202 783-0010) ([Redelman@mooneygreen.com](mailto:Redelman@mooneygreen.com)).

Sincerely,



D. L. Carroll  
General Chairman  
Burlington Northern  
System Federation



Staci Moody Gilbert  
General Chairwoman  
Burlington System Division



D. R. Albers  
General Chairman  
Allied Federation



Gary Marquart  
General Chairman  
ATSF&F Federation