



November 17, 2009

Mr. J. Dodd, General Chairman
 Pennsylvania Federation – BMWED
 421 North 7th Street – Suite 299
 Philadelphia, PA 19123

Mr. S. A. Hurlburt, Jr., General Chairman
 Northeast System Federation - BMWED
 135 Mick Lane
 Oneonta, NY 13820-4316

Re: 12-LCR-02-0409 03-LCR-09-0309 01-LCR-13-0809
 Security Upgrades Platform Lighting Springfield Tree Cutting

03-LCR-07-0309 12-LCR-01-0409 02-LCR-07-0809
 Signal Bridges Right of Way Improvements Guard Rail – NY Division

12-LCR-04-0509
 Tactile Edging

Dear Gentlemen:

This is in reference to our recent discussions regarding Amtrak’s efforts under the American Recovery and Reinvestment Act, and specifically the above projects.

As indicated during our discussions, in order facilitate the performance of the projects anticipated under the ARRA, Amtrak has engaged in substantial increases in the workforce, as outlined below:

Department	Division	2008 Hires	2009 Hires	2010 Hires*	Total
B&B	Mid-Atlantic	9	26		
	New England	2	9		
	New York	10	19		
B&B Total		21	54	30	105
ET	Mid-Atlantic	19	32		
	New York	14	15		
ET Total		33	47	35	115

Department	Division	2008 Hires	2009 Hires	2010 Hires*	Total
Track	Corridor Units	28	54		
	Mid-Atlantic	13	29		
	New England	19	27		
	New York District	16	46		
	Units(N)	36	56		
	District Units(S)	7	9		
Track Total		119	221	90	430
Grand Total		173	322	155	650

* Estimated Hiring – Location & Number to be determined based on actual needs

Without prejudice to the position of either party in connection with the contracting out of certain work identified in the notices involving ARRA projects, we agreed to the following:

- Right of Way Improvements
 - Amtrak shall establish an additional Equipment Operator position and an additional Truck Driver position in each of the three (3) Right of Way Improvement gangs which have been or will soon be established. These gangs are currently programmed to consist of a minimum of six (6) employees each. Additionally, the two (2) five (5) man gangs assigned to the Slot Machines will continue operation on the Northeast Corridor. It is understood that due to the complexity of the work at the following locations, contractors shall be utilized to perform the work identified:
 - Menlo to Lincoln – MP 23.4 to 24 – Reprofile Drainage Ditch, Vegetation Mat & Soil Retention shrubs.
 - Lehigh to Mantua – MP 86 to 86.5 – Re-profile Drainage Ditch, Cover with Asphalt
 - Phil to Baldwin – MP 4 to 5.7 – Reprofile Drainage Ditch, clear cross drain pipes, install new drain line at MP 5.4
 - Perry to Prince – MP 59.5 to 57 – Reprofile Drainage Ditch, install vegetation mat

It is further understood that contractor forces will be utilized for the installation of guard rails and that BMW forces will be responsible for attachment of fencing to guard rails as required.
 - Amtrak shall utilize three (3) gangs, each consisting of 12 BMW employees, for Right of Way brush cutting.

- **Springfield Line Tree Cutting**
 - Tree cutting on the Springfield Line shall be performed by Amtrak forces, except that trees requiring climbing or special rigging shall be removed by contractor forces, who will also be responsible for chipping and removal of all debris.

- **Safety & Security**
 - Amtrak shall establish five (5) new B&B Capital Improvement gangs (1 in New England, 2 in New York, 1 on MidAtlantic North and 1 on MidAtlantic South) on the Northeast Corridor consisting of 6 employees, for the installation of right of way fencing as well as other fencing that may be required in connection with ARRA funded security programs, specifically excluding the following which shall be performed by contractor forces:
 - Fencing necessary for and associated with the Virtual Fence Projects at the following facilities:
 - 30th Station Street Complex
 - Baltimore Station Complex
 - Chicago Station Complex
 - The parties recognize there will be certain locations and/or fencing types that will require utilization of contractor forces for installation based on specific circumstances. Amtrak will advise the organization as promptly as possible of these areas as they are identified so that the parties can meet to resolve any potential disputes regarding this work. However, it is understood that at no time shall the number of contractor employees exceed the number of BMW employees assigned to the performance of fencing work under this section.

 - Amtrak shall operate four (4) Capital Improvement gangs in the Northeast Corridor Southern District consisting of 6 employees on the New York Territory, 6 employees in each of two gangs on the MidAtlantic North and 3 employees on the MidAtlantic South, for the installation of security signage on various structures in the territory.

 - On the installation of bollards, BMW forces will be utilized for “at grade” installation, involving boring holes in soil and installing the bollards. Where bollards are to be installed on elevated structures, an engineered system will be designed and installed by contractor forces.

- Signal Bridges
 - In connection with the Fall Protection Project outlined in the original notice, which, as discussed, is expanded to include signal bridges on the Harrisburg Line as well as additional signal bridges on the New York Division which were not completed in the previous fall protection project in that territory, Amtrak shall operate two (2) new B&B Capital Improvement Gangs, one new B&B Capital Improvement gang on the MidAtlantic North and one new Capital Improvement gang on the MidAtlantic South, each consisting of 5 employees, for the installation of planking on signal bridges and assistance as may be required in conjunction with contractor installation of fall protection equipment. These gangs shall be retained as long as contractor forces are performing fall protection installation work in their respective territories. It is understood that such gangs may be used for the installation of fencing, bollards and signs in their respective territories when planking or fall protection installation work is not completed but unavailable to be performed.
- Platform Lighting
 - Amtrak BMW forces shall perform the installation of lighting at Baltimore Station. Accordingly, our notice on the performance of that work by outside forces is withdrawn.
- Tactile Edging
 - Amtrak BMW forces shall perform the installation of tactile edging on existing concrete platforms at Hartford, CT; Mystic, CT; New London, CT and Providence, RI.

Consistent with previous advice in connection with the above projects, Amtrak BMW employees shall perform all protection and inspection work associated with these projects.

Other projects, as outlined in the attached listing, will proceed consistent with the understanding reached and the advice provided by Amtrak following discussion with the organization on each of those projects, except as may be modified by the above. Amtrak and the BMWED will continue to meet in an effort to reach understandings in connection with notices served or to be served in connection with other ARRA funded projects.

It is understood that positions established under this agreement shall be retained for the duration of use of contractor forces on the involved projects. It is further understood that contractor forces engaged in fencing and fall protection work shall not exceed February 17, 2011, unless otherwise agreed to by the parties. In the event there is a substantial alteration in the February 17, 2011, deadline for completion of other ARRA funded projects, the parties will meet as promptly as possible to discuss the circumstances for such change.

If the above properly reflects our understanding, please sign below.

Very truly yours,



R. F. Palmer
Director-Labor Relations

I concur:



Jed Dodd, General Chairman- BMWED

11.23.2009
Date



Stuart A. Hurlburt, Jr. General Chairman, BMWED

11.23.2009
Date

<u>LCR FILE NO:</u>	<u>PROJECT</u>
01-LCR-02-0309	Niantic River Bridge Construction (Hurlburt)
01-LCR-03-0309	New England Bridge Rehabs: Miamicock, East & West Harbor, Hammonasset & Painting of Thames River (Hurlburt)
01-LCR-13-0809*	Tree Cutting Springfield Line MP-2 to MP 62 (Hurlburt)
02-LCR-08-1108	Pelham Bay Bridge Rehab. (Dodd)
02-LCR-08-0809	Bronx Kill Bridge Painting (Dodd)
02-LCR-09-1009	Transmission Cable Installation; Edison to Metuchen (Dodd)
03-LCR-07-0309*	Signal Bridge Fall Protection (Dodd)
03-LCR-08-0309	Middletown, Pa Bridges; Union Street & Wood Street (Dodd)
03-LCR-11-0409	30 th St Roof Replacements; 2 nd & 3 rd Floor (Dodd)
04-LCR-03-0707	Wilmington Station Renovations (Dodd)
05-LCR-02-0706	MAD Roofing Replacements; Perryville, Odenton & Quad Ave (Dodd)
05-LCR-06-0609	PIDS Installation: Baltimore, New Carrollton & Aberdeen (Dodd)
06-LCR-01-0109	Substation Construction & Transmission Line Extension; Landover-Washington, DC (Dodd)
06-LCR-02-0209	Roof Replacement; Ivy City (Dodd)
06-LCR-03-0209	Roof Replacement; Substation #25, Washington, DC (Dodd)
08-LCR-09-0509	Central Division Tie Replacement- Chicago Piece (Dodd)

Below are projects for which notices have been issued but that remain open.

03-LCR-20-0909	Air and water Line Installation; PCY, Phila.
12-LCR-01-0409*	NEC Right of Way Improvements (Dodd) & (Hurlburt)
12-LCR-02-0409*	Security Upgrades Bollards & Fencing (Dodd & Hurlburt)
12-LCR-04-0509	ADA/Mobility First; Harrisburg Station Tactile Edging (Dodd)

* Denotes projects included in and resolved by the letter.