

April 28, 2000

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Gentlemen:

This refers to and confirms our understanding relative to the handling of BMW seniority per the January 14, 1999 New York Dock Arbitrated Implementing Agreement, as modified by the May 6, 1999 Memorandum of Agreement effecting adjustments to Appendix A of Attachment No. 1, for former Conrail employees who were assigned to an URSA represented or non-agreement position on the "allocation date."

Any employee of Conrail occupying a non-BMW represented position on "allocation date" who:

- (1) previously established seniority on BMW rosters,
- (2) satisfied the conditions for retention of BMW seniority as of June 1, 1999, and
- (3) continued to satisfy those conditions through this date,

will have any listings on Conrail BMW rosters in effect on May 31, 1999 credited to either CSXT, NSR, or Conrail (Shared Asset Areas) as if on "allocation date" they had been working their last held BMW represented position.

Subsequent to this date, such employees who continue to satisfy the conditions for retention of BMW seniority while working a non-BMW represented position may exercise BMW seniority in accordance with the applicable agreements on the respective Carriers. However, those employees who on or about June 1, 1999 commenced work on a non-BMW represented position on a Carrier

