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Brotherhood of Locomotive Engineers

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BNSF/MRL

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ALL LOCAL CHAIRMEN
BNSF NORTHLINES AND MRL

January 27, 2002
File: Remote Control Case

Dear Sirs and Brothers:

Enclosed please find copy of a Preliminary Injunction against Brotherhood of Locomotive Engineers regarding the BNSF's plans to implement remote control technology. Please make the Injunction available to your membership and make every effort to insure that they understand the seriousness of the Court's decision.

As information, it is our understanding that the Carrier intends to initiate training for remote control operators in Newton, Kansas and Mandan, North Dakota in the near future utilizing ground crew personnel. As most of you are aware, the Court has also ruled that our dispute with the Carrier over implementation of this service is a minor dispute under the Act. Resolution of so called minor disputes is accomplished through arbitration and we are working in concert with the International Division to pursue an arbitrated resolution as expeditiously as possible. At the same time, we will continue to meet with the Carrier, attempting to protect our membership from the impact of implementation to whatever extent possible. Please contact the Office if any questions arise and we will continue to update you as more information becomes available.

Fraternally,

Dennis R. Pierce
General Chairman



Brotherhood of Locomotive Engineers

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January 16, 2002

All General Chairmen on the Following Railroads:

**Burlington Northern Santa Fe Railway Company
Consolidated Rail Corporation
CSX Transportation, Inc.
Kansas City Southern Railway Company
Norfolk Southern Railway Company
Union Pacific Railroad Company**

Sent by fax and U.S. mail

Dear Sirs and Brothers:

Enclosed is a copy of the Preliminary Injunction issued today by Judge Joan B. Gottschall, in the case of *BNSF, et al. v. Brotherhood of Locomotive Engineers* (Remote Control Case).

This is being provided for your information and attention. A legal synopsis of this Preliminary Injunction will be forthcoming.

With best wishes and warmest personal regards, I remain

Fraternally yours,

President

Enclosure

Cc: Advisory Board (w/enc.)

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

BURLINGTON NORTHERN AND SANTA FE
RAILWAY CO.
2500 Lou Menk Drive
Fort Worth, Texas 76102

CONSOLIDATED RAIL CORP.
2001 Market Street
Philadelphia, Pennsylvania 19103

CSX TRANSPORTATION, INC.
500 Water Street
Jacksonville, Florida 32202

KANSAS CITY SOUTHERN RAILWAY CO.
114 West 11th Street
Kansas City, Missouri 64105-1804

NORFOLK SOUTHERN RAILWAY CO.
Three Commercial Place
Norfolk, Virginia 23510-2191

UNION PACIFIC RAILROAD CO.
1416 Dodge Street
Omaha, Nebraska 68179

Plaintiffs,

v.

BROTHERHOOD OF LOCOMOTIVE
ENGINEERS
Standard Building
1370 Ontario Street
Cleveland, Ohio 44113-1701

Defendant.

Civil Action No. 01-C-7743
Judge Joan B. Gottschall

PRELIMINARY INJUNCTION

PRELIMINARY INJUNCTION

This matter came to be heard upon a complaint, motion for preliminary injunction, and

supporting declarations and memorandum of points and authorities filed by plaintiffs Burlington Northern and Santa Fe Railway ("BSNF"), Consolidated Rail Corporation ("CRC"), CSX Transportation ("CSXT"), Kansas City Southern Railway ("KCS"), Norfolk Southern Railway ("NS"), and Union Pacific Railroad ("UP"), from which it appears that the defendant Brotherhood of Locomotive Engineers ("BLE") is threatening to commence a strike against the plaintiff railroads over disputes arising from the railroads' plans to use remote control technology in locomotive operation in their terminal operations in or around terminals and work assignments in connection therewith; that such disputes are minor disputes subject to mandatory arbitration under § 3 of the Railway Labor Act, 45 U.S.C. § 153 First(i); that strikes over such disputes are unlawful under § 3; and that such a strike will, unless enjoined, cause a shutdown of the plaintiffs' rail operations, with resulting immediate and irreparable harm to the plaintiffs, their shippers, commuters, and employees, and the public generally.

IT IS THEREFORE ORDERED:

1. That the defendant, its subordinate units, divisions, lodges, locals, officers, agents, employees, members, and all persons acting in concert or participation with any of them, is hereby enjoined from authorizing, encouraging, permitting, calling, engaging in, or continuing any strikes, work stoppages, picketing (other than for informational purposes), slowdowns, work-to-rule campaigns, or other self-help against the plaintiffs over any disputes concerning the plaintiffs' use or plans to use remote control technology in the operation of locomotives in their terminal operations in or around terminals, or work assignments in connection therewith, until a hearing is held and final judgment entered on the complaint herein.

2. That the defendant is hereby directed to make every reasonable effort to prevent and discourage its subordinate units, divisions, lodges, locals, officers, agents, employees, and

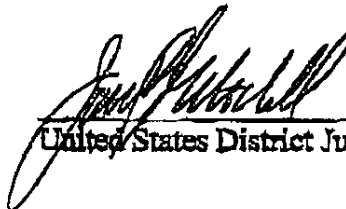
members, and all persons acting in concert or participation with any of them, from engaging in conduct enjoined by this injunction;

3. That defendant shall notify all of its subordinate units, divisions, lodges, locals, officers, agents, employess, and members having jurisdiction or working on any of the plaintiff railroads of the issuance, contents, and meaning of this injunction, and that failure to comply could result in the imposition by the Court of fines and/or imprisonment;

4. That this injunction is granted upon the condition that an undertaking in the sum of twenty-five thousand dollars (\$25,000), or cash in that amount, be filed within 72 hours from the time and date of this injunction to make good such damages not to exceed said sum as may be sustained by anyone who is found to be wrongfully enjoined; and

5. That for purposes of service of notice of this injunction, in addition to the methods of service of process provided by statute, notice may be given to defendant, its members, and all other persons by the posting of copies of this decree at the entrances of the plaintiffs' premises, which shall be considered prima facie evidence of notice and knowledge of this injunction to and by all persons who may commit, or attempt to commit, any act or acts in violation thereof at or near the premises of the plaintiffs. In addition, this injunction may be served by any person over the age of eighteen years selected for the purpose by the plaintiffs.

Dated: 11/15 o'clock a m. on January 16, 2002


United States District Judge