Part 240 Submission

November 1, 2012

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ALL REGULATION REFERENCES WITHIN THE PROGRAM ARE 49 CFR PART 240, UNLESS NOTED.

Section 1: General Information and Elections

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A. Election to Train 240.103(b)(1)

BNSF accepts the responsibility to educate previously untrained persons to be qualified engineers and/or remote control operators (RCO). The training program is described in section five of this program.

B. Classes of Service 240.107(b)

Locomotive engineers or remote control operators must be certified in the appropriate class of service in order to operate remote equipment or a locomotive. Engineers or remote control operators must have an appropriate certificate in their possession while operating and must display that certificate when requested by a company officer or FRA representative. BNSF will issue certificates for the following classes of service:

1. **Train Service Engineer -** Certified train service engineers are permitted to operate locomotives with or without cars in yard or road service.

2. **Student Engineer** - Certified student engineers may operate locomotives under the close supervision of a certified train service engineer or certified locomotive servicing engineer and will be governed by the limitations of the specific class of service.

3. **Remote Control Operator -** (RCO) Certified remote control operators may work with equipment by means of portable controller at selected locations where the job will be involved in gathering and distribution of freight and/or equipment that is typically required of yard, road switcher, or other similar assignments at the implementing location(s). A detailed explanation of the BNSF Remote Control Operator Training Program is included in Appendix B of this program.

4. **Student Remote Control Operator** - Certified student remote control operators may work with equipment by means of a portable controller under the close supervision of a certified remote control operator.

5. **Locomotive Servicing Engineer (Hostler)** - Certified locomotive servicing engineers may operate locomotives within a yard or terminal area for hostling purposes. They may not move cars coupled to the locomotive.

Section 2: Selection of Supervisors of Certified Employees

Contact Person: Jeremy Hammett

A. Designating Supervisors 240.105

The following procedure will be used for designating supervisors of locomotive engineers or remote control operators:

Only experienced locomotive engineers and remote control operators will be considered for qualification as "Designated Supervisors of Locomotive Engineers" (DSLE) and/or “Designated Supervisors of Remote Control” (DSRC). Candidates will receive instruction on the requirements of Part 240 and the BNSF Engineer and Remote Control Operator Certification Program.

The DSLE will be considered qualified on the physical characteristics once the minimum number of trips, on the assigned territory, have been completed, as determined by Superintendent of Operating Practices (SOP). The SOP will establish the minimum number of trips based on the following criteria:

1. Experience level of DSLE
2. Type of territory/grade conditions to be supervised
3. Type of territory with previous experience as an engineer
4. Experience level with equipment used on territory to be supervised

If the DSLE has not performed duty on the particular territory within a one (1) year period, the DSLE must re-qualify on the territory. The re-qualification process will require a minimum of one trip over the territory. In certain situations, BNSF elects to use hi-rail equipment, lite engines, video, or simulators with the actual or simulated territory to observe and experience the territory. This type of familiarization is designed to accelerate the DSLE’s ability to obtain the operating skills and physical characteristic knowledge of a section of track. These methods of territory familiarization may be used exclusively for re-qualification. However, for familiarization and qualification on territory on which not previously qualified, this training may be supplemented with actual train rides.

The Superintendent of Operating Practices (SOP) and the Manager Training Support Transportation Certification will determine if the candidate meets the requirements of 240.105(b). In making the determination, consideration will be given to the candidates train handling knowledge, skill level, territory qualification and supervisory experience. The candidate must also be administered the current DSLE/DSRC examination, passing scoring is 90% or higher. The testing may take place via web based training or in a classroom environment or a combination of both. If the above requirements have been satisfied, the candidate will be designated as a supervisor of locomotive engineers or remote control operators. DSLE or DSRC knowledge will be updated periodically.

Section 3: Training Persons Previously Certified

Contact Person: Jeremy Hammett

A. Continuing Education 240.123(b)

Mandatory training programs will be used to ensure that each certified employee maintains proficiency. Program content will be revised periodically to ensure that certified employees receive a progressive continuing education program. Copper City employees will have the same program requirements as BNSF employees.

1. **Train Service Engineers, Remote Control Operators, Locomotive Servicing Engineers (Hostler)** are required to complete a recurring program during their 36-month cycle. This recurring training may be conducted at the employees' work location or at the Technical Training Center in Overland Park, Kansas.

The recurring training program will consist of the following:

Within each three year cycle certified employees will receive a minimum of the following training:

Instruction on Air Brake and Training Handling Rules including the procedures for performing air brake tests and mechanical inspections. Also, any pertinent areas of new technology will be covered. Instruction on the General Code of Operating Rules and signal aspects and indications will be covered. A portion of this time will be devoted to specific safety rules for TYE employees concerning personal safety. This section will also review "current event" federal safety rules and/or emergency orders, etc.

B. Territory Qualification

Territory qualification is required to perform service as a train service engineer without the assistance of a qualified pilot. Train service engineers assigned to new routes or who become unqualified on current assigned routes due to lack of route familiarization will be required to contact their Road Foreman of Engines (RFE), or other supervisor. The number of trips needed for territory qualification will be determined by the local RFE for that territory. The engineer will be considered qualified on the physical characteristics once the minimum number of trips on the assigned territory has been completed, as determined by RFE. The RFE will establish the minimum number of trips based on the following criteria:

1. Experience level of the engineer
2. Type of territory/grade conditions to be operated on
3. Type of territory with previous experience as an engineer or trainman
4. Previous training
5. Experience level with equipment used on territory to be supervised

Certified engineers/pilots will remain territory qualified if they have traversed the territory in the previous 12 months (6 months on certain mountain territories) as: A train service engineer; a student engineer, under the direct supervision of a qualified engineer, who has met the minimum number of trips as outlined by the Designated Supervisor of Locomotive Engineers; or a trainman on board the controlling locomotive.

In certain situations, BNSF elects to use hi-rail equipment, lite engines, video, or simulators with the actual or simulated territory to observe and experience the territory. This type of familiarization is designed to accelerate the engineer's/pilot's ability to obtain the operating skills and physical characteristics knowledge of a section of track. For other than re-qualification, this training will be supplemented with actual train operation. For initial training, prior to the engineer's first solo operation of a train over the territory, the engineer will be evaluated and qualified by a DSLE.

In determining qualification for pilots, the supervisor will take into consideration the experience level of the employee on that territory. If the pilot is deemed not qualified, the supervisor will use the same criteria as established in paragraph one, items 1-5, listed above for qualification requirements.

Territory qualification and the use of pilots are not required if the movement is on a section of track with an average grade of less than 1% over 3 continuous miles, and

1. The track is other than a main track; or
2. The maximum distance the locomotive or train will be operated does not exceed one mile; or
3. The maximum authorized speed for any operation does not exceed 20 miles per hour; or
4. Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision.

A person acting as a pilot may not be an assigned member of the crew. In addition,

1. When a pilot is required account an engineer has no previous experience on the route, the pilot must be a certified train service engineer qualified on the route.
2. When a pilot is required account an engineer requires re-familiarization on a route where previously qualified; any person with route familiarization may be used as a pilot.

During the normal bidding and bumping process, remote control operators may be required to move from one type of yard operation to another. They might also be required to move from one terminal to another in which a different manufacturer of remote control equipment is in use. In either event, adequate familiarization trips and/or additional training in the use of the equipment they will be using will be provided.

C. Operational Changes

When the need arises for training in the area of new technology or new operating rules, the training will occur in the form of safety and quality improvement classes. These type classes are conducted at various locations and times across the system until the message has reached the affected certified employees. This training can be either voluntary or mandatory depending upon the safety sensitivity of the subject matter and may be delivered in any form of training medium.

General Notices and General Orders are used to communicate rule changes, changes in physical plant affecting train operation, and other matters such as new or changed operating practices or safety policies.

Section 4: Testing and Evaluating Persons Previously Certified

Contact Person: Jeremy Hammett

A. Knowledge Examination 240.125

Multiple choice examinations are used to ensure that certified employees are knowledgeable in the areas of personal safety, operating rules and practices, mechanical condition of equipment, power brake regulations, train handling methods as they relate to physical characteristics of the railroad, and federal safety rules. These examinations will be administered to test the certified employee's ability to use reference books or materials. These examinations are conducted in conjunction with the training described in section three.

Questions for the examinations are drawn from the Safety Rules, General Code of Operating Rules, Air Brake and Train Handling Rules, Timetable and Special Instructions.

The Locomotive Engineer, Remote Control Operator and Locomotive Servicing Engineer will be given a composite examination with a minimum of 50 questions, requiring a score of 90% or higher for passing. The testing will take place either at a WBT machine or in a classroom environment.

Copper City employees will be required to maintain the same standards as outlined in Section 4.

Certified employees who fail a written or WBT knowledge examination will not be allowed to perform service as a certified employee until they achieve a passing score during a reexamination.

Certified employees not capable of passing the examination will be denied certification.

B. Skills Performance Examination 240.127

The skills performance evaluation will be accomplished with train rides or by using Type II simulators that monitor compliance with:

- General Code of Operating Rules
- BNSF Railway Air Brake and Train Handling Rules
- Written and mandatory directives including timetable, general order, track warrants and general track bulletins

Additional items that may be evaluated during the skills evaluation on train or created in the simulator environment include, but are not limited to:

- Diverging route movements
- Unanticipated stop conditions
- Movement at restricted speed
- Equipment failure
- Equipment inspection practices
- Operating practices, including securing equipment, recharging air brake system, and air brake tests

1. Train Ride

The performance skills of certified employees may be examined while they are at the controls of the type of train or equipment (remote control) they would be permitted or required to operate. A designated supervisor of certified employees of the appropriate class of service must conduct the examination. The supervisor will evaluate the certified employee while they are performing the most demanding type of operations for the class of service being examined. The skills performance evaluation is based on a 100 point scale. Employees receive deductions for exceptions, but must receive 90% to pass. Any exception that results in a FRA decertification will result in a failure. The minimum duration of the on board skills performance examination for train service engineers is two hours or 50 miles. A minimum of one hour is required to conduct this test for remote control operators and 30 minutes for locomotive servicing engineers. Employees who maintain certification in two classes of service will satisfy this requirement by being examined in either one of their dual certified classes. A train ride in both classes will not be required. Employees who are unsuccessful in their skill performance evaluation will be given subsequent opportunities for reexamination after remediation. Remedial training could include, but not limited to: simulator evaluations, additional rides with the RFE or selected engineers which would provide guidance for any performance deficiencies. Remedial training must be completed before each subsequent skills performance evaluation.

2. Simulator

Currently BNSF only uses simulator technology for locomotive engineers. BNSF uses type II locomotive simulators for enhanced training with emphasis on unusual conditions. As part of this training performance skills of certified engineers may be examined on a Type II simulator prior to the recertification decision. The simulator evaluation is approximately one hour in length. Computer aided scoring may be used to assist in this evaluation. The minimum passing score is 90%. A designated supervisor of locomotive engineers will supervise the simulator skills evaluation program and the simulated trip will be of sufficient length to make a thorough evaluation.

Prior to making a run, each engineer will participate in an orientation session relating to locomotive simulator operations and the associated graphical displays. Additionally, each engineer will receive the following information relating to the run: track profile, train consist information, tonnage distribution profile, timetable/special instructions, track warrants and general track bulletins as required.

Failure of a skills performance examination will occur when an engineer fails to demonstrate minimum skill requirements as determined by the DSLE or whenever an engineer fails to comply with any item under Part 240.117 (e)1-5.

Engineers who do not pass the simulator evaluation after two attempts may be evaluated by a DLSE during an actual train ride. This reexamination should occur no later than thirty days from the initial simulator evaluation. Failure to successfully pass a skills performance evaluation will result in additional remedial training with the RFE or a selected engineer. During the remediation time the employee would not be allowed to perform service as the engineer of record.

C. Acquiring Additional Certifications

To obtain additional certification employees will be required to comply with the programs in place for initial certification. The following guidelines would be used to certify exempt certified engineers as RCO:

Remote Control Operators – Previously Certified Train Service Engineers will receive as a minimum the following training on the technology and operation of remote control equipment. The program will allow for hands on operation on a production assignment that operates using remote control equipment.

The BNSF reserves the right to require more than the minimum requirements.

- 1. 5 days Classroom Instruction
- 2.5 days Field Training
- 1.0 day Final Operating/written examination

D. Vision and Hearing Acuity 240.121

Certified employees will have their vision, color-vision and hearing acuity checked prior to certification or re-certification. Candidates who do not meet the requirements of CFR 240.121 may be required to provide updated results from a re-test approved by the BNSF medical examiner. Candidates may be referred to their personal health care provider (i.e. licensed ophthalmologist, optometrist, or audiologist) for evaluation. Individuals failing after a second examination may be required by the BNSF medical examiner to have a designated supervisor of certified employees accompany the candidate into the work environment and observe their response to visual and/or audible signals. The supervisor will document the results of the field tests and provide that information to the BNSF medical examiner. Information concerning the type of operation and the duties the candidate will be expected to perform may be required by the BNSF medical examiner as part of this documentation.

If the BNSF medical examiner concludes that, despite not meeting the thresholds, the candidate has the ability to safely operate the candidate will be certified subject to any restrictions the BNSF medical examiner determines in writing to be necessary.

Also, it is the certified employee's responsibility to notify BNSF's medical department or appropriate railroad official if the person's best correctable vision or hearing has deteriorated to the extent that the person no longer meets one or more of the prescribed vision or hearing standards or requirements of this section. Notification is required prior to any subsequent performance as a certified employee.

Section 5: Training, Testing and Evaluating Persons Not Previously Certified

Contact Person: Jeremy Hammett

BNSF will typically select candidates from current BNSF train service employees for training, testing and evaluating for the position of train service engineer, remote control operator or locomotive servicing engineer and subsequent certification. Persons selected under these criteria will complete training as outlined in subsection (A), (B) or (C).

BNSF also hires employees who have been certified by other railroads. When hired and the certified employee does not meet the time-frame criteria outlined in 240.217 (c)(2), this person will be evaluated. This evaluation could be conducted by Superintendent of Operating Practices, or Operating Practices group, or members of the Technical Training Staff or the local Road Foreman of Engines. The evaluation will determine which portions of subsection (A) (B) or (C) would be required for training, testing and familiarization trips. Such factors as: previous rules qualification, duration of actual train operation as an engineer, previous training, type of equipment and type of grade conditions operated on will be considered in making the determination. It is anticipated that in most cases a reduced training program will be utilized.

The employee will not be able to operate equipment, other than as a student until he/she meets the criteria determined during the evaluation.

A. Train Service Engineers

The Locomotive Engineer Training Program is approximately 20 weeks in length and includes five weeks of formal classroom training. The skill performance component of the training allows students to experience all types of train operations. The preponderance of the training, however, will be in road service in the form of on-the-job training. The following is a description of the program:

Weeks 1-3: Formal Classroom Training at the Technical Training Center

The first two weeks focus on Air Brake and Train Handling, Safety Rules, General Code of Operating Rules and System Special Instructions. Instruction in the classroom will include verbal, written and simulator demonstrations addressing the operation of locomotive and freight car air brakes systems, required air brake tests, train handling rules and procedures, train handling methods and basic track and train dynamics. Students will put into practice lessons learned in the classroom using locomotive simulators. Additionally operating rules reinforcement will be accomplished through scored simulator exercises.

The third week will provide an introduction to locomotive mechanical systems, daily inspections, and distributed power operations. Train handling instruction will include heavy grade operation, distributed power linking/unlinking and DP operation, with observation and practice techniques done via simulators. Mid-term examinations will be given on Mechanical, ABTH and GCOR. A review of the OJT objectives and requirements will be completed before the student returns to their home territory.

Weeks 4-18: On-the-Job-Training

Weeks four through eighteen will be devoted to On-the-Job-Training at the trainee's home location. Respective DSLE will meet with each student to convey expectations about: (1) the number of trips each student is expected to make, (2) what constitutes satisfactory progress during the OJT period, and (3) the skills each student will need to demonstrate before they can be considered qualified locomotive engineers. The DSLE will maintain close contact with each student while monitoring their progress. Students will complete a log of their training trips. The DSLE will make a minimum of two observation rides with the student(s) during the OJT.

Weeks 19-20: Formal Classroom/Final Examination at the Technical Training Center

The nineteenth week will expand on the operation of Distributed Power trains, and unusual conditions. Additionally, fuel conservation as well as components of the requirements for Engineer Certification will be covered. Week 19 will also introduce new technology such as PTC, Fuel Optimizer, and ECB. Simulator training during this week will include DP and GCOR unusual conditions, fuel training and Intermodal familiarization. An open book Mechanical final exam will be administered.

The twentieth week will include comprehensive GCOR and ABTH review, final examinations for GCOR and ABTH and simulator skill performance evaluations. Upon return to their home territory they will be given a final skills performance evaluation by a DSLE.

The final written examinations will cover the operating rules, air brake and train handling rules and mechanical operations. The minimum passing score will be 90% (89.5% will round up). Questions for the examination are drawn from the Safety Rules, General Code of Operating Rules, Air Brake and Train Handling Rules, Timetable and Special Instructions. Students are allowed to reference the BNSF Locomotive Mechanical and Electrical Systems manual to answer those questions on the examination.

The simulator performance evaluations are conducted on Type II locomotive simulators. Final simulator performance evaluation will consist of two separate runs, each one with a different train and designed to demonstrate different skill sets. Each of the examination runs are approximately one hour in length and a minimum score of 90% is required on each run. The student engineer must make the run alone and without assistance.

Students will be exposed to approximately 34 hours of locomotive simulator training during their five weeks at the Technical Training Center. Students will be paired up during a portion of their simulator time as crew members and will also operate as a single person crew over a varied grade territory. The accumulated time at the controls will be approximately 18 hours.

This type of instruction provides an introduction to many operating conditions that may be encountered during actual train operation. Computerized scoring will be used to measure progress and provide student feedback.

BNSF's latest technology in locomotive simulation can duplicate a multitude of unusual conditions and events on specific territories that individuals may be expected to operate on during their training.

Students failing any of the final written examinations or simulator evaluations on the first attempt will be given one more opportunity to successfully pass. The second attempt must be completed between 30 and 90 days of the first failure.

Students successfully passing both written and simulator performance examinations at the Technical Training Center, and who are otherwise eligible, will be designated as entitled to a final evaluation by a DSLE on his/her home territory. If the Road Foreman or other qualified DSLE, so designated by the Road Foreman determines the student engineer passes the final evaluation, the student engineer will be certified to operate as a train service engineer. If, the student fails the final evaluation, they will be given one more opportunity to successfully pass. This second attempt must be completed within 30 days of the first failure.

Students who fail the second attempt for the written examination, simulator performance skill evaluation or final train ride evaluation by DSLE will no longer be entitled to progress toward the position of locomotive engineer, and will be governed by their collective bargaining agreement.

A. (1) Copper City Employees

The BNSF Copper City Subdivision operation limits are restricted to 51 miles between Butte and Garrison, Montana. This is non-signaled territory and method of operation is TWC. Interchanges are at Butte (MP 0) with the RARW railway, Silverbow (MP 7) with UPRR and Garrison (MP 51.1) with MRL. Yard limits are established at Butte, Silverbow and Garrison. One local and one yard job operate five days a week, Monday thru Friday, with crews reporting at Butte, Montana. These employees are limited to this subdivision operation only. The Copper City Subdivision is contained within its 51 miles of main track and does not connect with any portion of BNSF track.

The Locomotive Engineer Training Program is approximately 14 weeks in length with 3 weeks of formal classroom training at the Technical Training Center.

The following is a description of the program:

Weeks 1-3: Formal Classroom Training at the Technical Training Center

The first two weeks focus on Air Brake and Train Handling, Safety Rules, General Code of Operating Rules and System Special Instructions. Instruction in the classroom will include verbal, written and simulator demonstrations addressing the operation of locomotive and freight car air brakes systems, required air brake tests, train handling rules and procedures, train handling methods and basic track and

train dynamics. Students will put into practice lessons learned in the classroom using locomotive simulators. Additionally operating rules reinforcement will be accomplished through scored simulator exercises.

The third week will provide an introduction to locomotive mechanical systems, daily inspections and distributed power operations. Train handling instruction will include heavy grade operation, distributed power linking/unlinking and DP operation, with observation and practice techniques done via simulators. Mid-term examinations will be given on Mechanical, ABTH and GCOR. A review of the OJT objectives and requirements will be completed at the student's home territory.

Weeks 4-13: On-the-Job-Training

Weeks four through thirteen will be devoted to On-the-Job-Training at the trainee's home location. Respective DSLE will meet with each student to convey expectations about: (1) the number of trips each student is expected to make, (2) what constitutes satisfactory progress during the OJT period, and (3) the skills each student will need to demonstrate before they can be considered qualified locomotive engineers. The DSLE will assign each student to an experienced engineer trainer, who will assist them while traversing specific territories. The DSLE will maintain close contact with each student while monitoring their progress. Students will complete a log of their training trips. The DSLE will make a minimum of two observation rides with the student during the OJT.

Weeks 14: Formal Classroom/Final Examination

The fourteenth week will include a comprehensive review session.

The final written examinations will cover the operating rules, air brake and train handling rules and mechanical operations. The minimum passing score will be 90% (89.5% will round up). Questions for the examination are drawn from the Safety Rules, General Code of Operating Rules, Air Brake and Train Handling Rules, Timetable and Special Instructions. Students are allowed to reference the BNSF Locomotive Mechanical and Electrical Systems manual to answer those questions on the examination. They will be given a final skills performance evaluation by a DSLE.

Students will be exposed to approximately 24 hours of locomotive simulator training during their three weeks at the Technical Training Center. Students will be paired up during a portion of their simulator time as crew members and will also operate as a single person crew over a varied grade territory. The accumulated time at the controls will be approximately 18 hours. This type of instruction provides an introduction to many operating conditions that may be encountered during actual train operation. Computerized scoring will be used to measure progress and provide student feedback.

BNSF's latest technology in locomotive simulation can duplicate a multitude of unusual conditions and events on specific territories that individuals may be expected to operate on during their training.

Students failing any of the final written examinations on the first attempt will be given one more opportunity to successfully pass. The second attempt must be completed within 7 days of the initial failure.

Students successfully passing the written examination and who are otherwise eligible will be designated as entitled to a final evaluation by a DSLE on his/her home territory. If the Road Foreman or other qualified DSLE, so designated by the Road Foreman determines the student engineer passes the final evaluation, the student engineer will be certified to operate as a train service engineer. If, the student fails the final evaluation, they will be given one more opportunity to successfully pass.

Students who fail the second attempt for the written examination, or final train ride evaluation by DSLE will no longer be entitled to work in a certified position.

B. Remote Control Operators

Remote Control Operators will be trained in accordance with the following guidelines:

Employees who are enrolled in the Conductor New Hire program (former BN locations) will receive RCO training (80 hours) during weeks 13-14 or between weeks 16-19 based on scheduling. If a conductor new hire is at a non BN RCO location, they will not receive any RCO training in the conductor new hire program. Conductor New Hire programs (former Santa Fe locations) will not receive any RCO training during the 13 week program. Those employees who do not receive RCO training in the Conductor New Hire program will be trained as noted below:

After selection, individuals will attend a formal training class at a location designated by the carrier. Instruction will include lecture, field exercises, RCO Performance Task list and a final operating and written examination.

The classroom portion will address the remote equipment and the safety and general rules involving remote operations. The skills performance component of the course includes field operation of the remote equipment.

At the completion of training, the individual will be given a written or WBT based examination consisting of a minimum of 50 multiple choice questions, The minimum passing score is 90% (89.5% will round up). A skills performance examination of at least one hour's duration will be conducted while the individual is actively engaged in the operation of the remote equipment. The instructor/supervisor will make the determination of pass/fail based on compliance with safety and operating rules, train handling rules, and federal safety rules.

Individuals that fail the written examination on the first attempt will be given remedial training on the questions missed and an opportunity to retake only the questions missed during the second attempt. If a third and/or subsequent attempt are necessary, the individual must retake the examination in its entirety.
Individuals failing the performance examination will receive additional hands on training with an opportunity to retake the examination as scheduling of the instructor/supervisor permits.

Additional information can be found in Appendix "B" of this submission.

C. Locomotive Servicing Engineers (Hostlers)

Locomotive servicing engineers will be trained in accordance with the following guidelines:

After selection, students will attend three days of formal training at a specific division location or as a participant in new-hire conductor training. Instruction will include lecture, OJT, main line operation, if applicable, and evaluation. The classroom portion will address operating rules instruction. The instructor–led or WBT training modules will cover the General Code of Operating Rules, main track authority, signal system rules along with Air Brake and Train Handling Rules; including required air brake tests and moving locomotives.

For those individuals subject to assignments which would require Main Track operation additional training may be required. This additional training consists of four days of, on the job training, each of which will include Main Track operation under the supervision of a certified hostler qualified on the Main Track.

At the completion of training the student will be given a written or WBT based multiple choice examination. A minimum score of 90% (89.5% will round up) is required to successfully pass the examination. A skills performance examination of at least one hour will be conducted by a Designated Supervisor of Locomotive Engineers while the student is actively engaged in the operation of a locomotive. The skills performance component includes operation of locomotives with emphasis placed on proper inspection and reporting procedures and multiple unit set-up and operation. The supervisor will make a determination based on compliance with safety and operating rules, train handling rules, and federal safety rules. The knowledge test answer sheet and the engineer operations report form must be sent to the Certification department for computer entry and inclusion in the engineer's file.

Students failing either the written examination or performance examination will be given a second opportunity within the 15th week of the program. Students failing the second attempt will fail the program and will be governed by their collective bargaining agreement and provisions of CFR part 240.219.

Section 6: Monitoring Operational Performance of Certified Employees

Contact Person: Jeremy Hammett

A. Monitoring Operational Performance 240.129

BNSF will perform the annual performance monitoring of its certified employees in accordance with the following:

1. Annual Observation

Each active certified train service engineer, locomotive servicing engineer, or remote control operator will be monitored by a Designated Supervisor of Locomotive Engineers or Designated Supervisor of Remote Control Operators at least once during each calendar year. A skill performance examination as described in sections four and five will satisfy the annual observation requirement for that calendar year.

a. Train Ride

The performance skills of certified employees may be examined while they are at the controls of the type of train or equipment (remote control transmitter) they would be permitted or required to operate. A designated supervisor of certified employees must conduct the examination. The DSLE or DSRC must document observations on an engineer or remote control operations report. The evaluation is an exception based scoring system. All certified employees begin with 100 points. As noted on the evaluation form, each item has a point value and points will be deducted only when exceptions are noted. Any item that would result in a FRA decertification event will result in a failure of this performance evaluation. A cumulative score of 90% or less would result in a failure. An item will be considered evaluated by either observing completion or by questions/answer session during the trip. The supervisor must inform the engineer or remote control operator of his or her overall performance and explain any needed action that must be taken to correct deficiencies. The date of the operational train ride must be indicated on the certified employee's certificate. Employees who are unsuccessful in their skill performance evaluation will be given subsequent opportunities for reexamination after remediation. Remedial training must be completed before each subsequent skills performance evaluation. During remediation time the employee would not be allowed to perform service as the certified employee of record.

Those individuals who do not receive their annual train ride and unannounced operating rules compliance (OPS) test and who are working a certified position on 12/31 will be restricted immediately. Once an employee assumes a certified position the DSLE/DSRC will have 30 days to obtain the missing requirement. If the train ride/ OPS test is done within the 30 days the restriction will be lifted.

If the train ride/OPS test is not completed within 30 days the employee will be held from service until the requirements are met.

The minimum duration of an operational performance check ride for a train service engineer is two hours or 50 miles during which the engineer is actively engaged in train or locomotive operation. Remote control operators must be observed for a minimum of one hour while involved in a pitch/catch operation. Locomotive servicing engineers must be observed for a minimum of 30 minutes.

b. Simulator

A Type II locomotive simulator may be used to satisfy the annual performance monitoring requirement of train service or locomotive servicing engineers. The evaluation utilizing a locomotive simulator will be supervised by a DSLE. Program results may be developed by computer aided processing with a minimum score of 90% required for passing. Normally, the DSLE who will be supervising and monitoring the operation during the simulator performance run will be at the Technical Training Center in Overland Park, KS, with the engineer being tested located at a remote NetSim location. The date of the simulator train ride must be indicated on the certified employee's certificate.

Prior to making a run, each engineer will participate in an orientation session relating to locomotive simulator operations and the associated graphic displays. Additionally, each engineer will receive the following information relating to the run: track profile, train consist information, tonnage distribution profile, timetable/special instructions, track warrants and general track bulletins as required.

c. Event Recorder

Analysis of event recorder data may be used to satisfy the annual performance-monitoring requirement. A DSLE will analyze the engineer's skills and operating practices and record the results on the engineer operations report form. An explanation of any noted deficiencies must be reviewed with the engineer in order for them to make any necessary correction. Within 30 days after the event recorder analysis is complete, the date of the analysis must be indicated on the employee's certificate.

2. Unannounced Operating Rules Compliance Tests

The required unannounced operating rules compliance tests will be administered through the BNSF Operations Testing Program on file with FRA. Active certified employees will be given at least one unannounced operations test per calendar year. Types of tests and conditions of tests deemed as qualifying will be determined from studies of previous years safety, accident, derailment, injury, event recorder and operations test data. Operations tests will be distributed at random around the clock and without notice to the certified employee being tested. Test results will not be recorded on the certificate but will be maintained in computer database available for FRA inspection. For any deficiencies noted, the handling would be covered by collective bargaining agreement or the Policy for Employee Performance Accountability (PEPA).

Section 7: Procedures for Routine Administration of the Employee Certification Program

Contact Person: Jeremy Hammett

A. General Criteria for Eligibility Based On Prior Safety Conduct - 240.109

BNSF will evaluate the prior safety conduct of any person considered for qualification as a locomotive engineer or remote control operator. Consideration will be given to relevant data from BNSF records, any other railroad formerly employing the person and any governmental agency with pertinent motor vehicle driving records.

If it is determined that the candidate does not meet the eligibility requirements of 240.115, 240.117, or 240.119, they will be considered ineligible.

1. Prior safety conduct as a motor vehicle operator - 240.115

Motor vehicle driving records will be obtained and evaluated for incidents described in 240.115. If the records indicate an incident(s) occurred within the time specified, the candidate will be referred to the Employee Assistance Program (EAP) counselor. The counselor must advise the Certification department of the results of the EAP evaluation as it relates to certification eligibility.

2. Operating rules compliance - 240.117

An evaluation of operating rules compliance will be made by reviewing a candidate's work record. If the candidate was previously employed by another railroad, they must take the necessary action to obtain a copy of his/her work record from the former railroad.

3. Substance abuse disorders - 240.119

Employees who are determined to have active substance abuse disorders will not be certified or allowed to remain certified.

B. Determinations required as a prerequisite to certification - 240.203

Certification candidates must meet the requirements of this program to be certified or re-certified. Certification candidates must meet the requirements of this program to be certified or re-certified. BNSF may rely on qualification determinations made by another railroad subject to the provisions of 240.225, 240.217, and 240.307. BNSF may elect to employ contractors to provide training for employees. The contractor's former certification would be documented by completion of the "BNSF Service Record request form". This form must be completed by the contractor's former employing railroad. The contractor would attend additional training at a BNSF location specific to the type of operations they would be performing. The contractor must successfully pass a knowledge exam. A skills performance evaluation could be performed on each contractor to evaluate their skills and ability to train BNSF employees. Upon successful completion of the above mentioned requirements the contractor would be issued a certificate in the appropriate class of service. This certificate would enable them to instruct BNSF employees. The

certificate would be valid for the duration of the former railroad's certification cycle and/or the length of the BNSF contract.

C. Time limitations for making determinations - 240.217

Certification requirements must be met with the time frames set forth in 240.217 as follows:

Safety conduct record	366 days
Vision and hearing acuity	366 days (24 months for students)
Knowledge examination	366 days
Skills performance test	366 days
Reliance on another railroad	36 months
Issue certificate within	30 days of a decision to certify

The representatives of the Certification department will verify that the necessary determinations have been made within the time frames before concluding that the candidate is qualified.

D. Denial of certification - 240.219

When information is discovered which forms a basis for denying certification, the candidate will be advised in writing and given an opportunity to respond. If certification is subsequently denied, the candidate will be notified in writing within 10 days of that decision.

E. Reliance on qualification determination by another railroad - 240.225

BNSF may rely on qualification determinations made by another railroad subject to the provisions of 240.201, 240.217(c)(2) and 240.307. An eligible engineer or RCO certified by another railroad who is subsequently employed by BNSF will be evaluated. This evaluation could be conducted by Superintendent of Operating Practices, or Operating Practices group, members of the Technical Training staff or the Road Foreman of Engines. The evaluation will review each individual and make a determination on the required training, testing and familiarization trips. Factors for consideration are: previous rules qualification, duration of actual train operation as a certified employee and previous training will be considered in making the determination.

The engineer, remote control operator or hostler will not be permitted to operate other than as a student, until he/she meets the criteria established during the evaluation.

F. Reliance on qualification requirements of other countries - 240.227

BNSF may rely on qualification determinations made by a Canadian railroad subject to the provisions of 240.227.

G. Requirements for joint operations territory - 240.229

BNSF will keep on file a listing of certified engineers and remote control operators for purposes of joint operations as required by 240.221. The listing will be updated at least annually.

H. Replacement of certificates - 240.301

A lost, stolen or mutilated certificate will be replaced after verification that the certification is still valid in accordance with 240.201, 240.217, and 240.307. The Certification department representative, will generate replacement certificates and distribute by US Mail. Designated individuals are authorized to issue paper certificates. A paper certificate will be effective until the replacement certificate is received, but not to exceed 30 days.

I. Revocation of certification - 204.307

A review of an engineer's or RCO certification will be initiated promptly upon any occurrence of conduct described in 240.117(e). Certification will be suspended pending a hearing, which will be consolidated with the formal investigation required by the collective bargaining agreement. An engineer or RCO who chooses to waive his or her rights to a formal investigation will also be allowed to waive the hearing required by 240.307. BNSF has further defined the conduct described in 240.117(e) in a document titled "BNSF Engineer Certification - Suspension and Revocation Policy". That policy is included as Appendix A of this program.

J. Return to Active Status and/or Recertification after Certification Expires

BNSF currently has a system policy covering reinstatement of Train, Engine and Yard employees who have been absent from service for a period of more than six months. Certified employees must complete any overdue training, safety review and division specific training, and certification requirements as outlined in the policy. Train handling procedures must be reviewed by the DSLE/DSRC for certified engineers, RCO's and hostlers. Certified employees may be required to complete a qualifying trip as determined by the DSLE/DSRC. At DSLE/DSRC discretion an employee may be required to attend a formal training seminar if absent less than three years. Formal training will be required if absent more than three years.

The engineer or RCO will not be able to operate, other than as a student, until he/she meets the criteria established during the evaluation.

Appendix A to the BNSF Employee Certification Program November 1, 2012

Certification Suspension and Revocation Policy

240.117 and 240.307 require railroads to examine incidents in which certified employees may have violated operating rules, safety rules or procedures intended to ensure the safe operation of trains or remote control equipment. An individual who has dual certification will not be able to perform duties in either class of service until the period of ineligibility has been served.

The regulation requires that certified employees who have demonstrated a failure to comply with railroad rules and practices as described in 204.117 paragraphs (e)(1) through (6) have their certification revoked per 240.117(c). Certification will be revoked for violations described in 240.117(e)(1) through (5) as follows:

1. First violation, revocation will be for one month (30 days).
2. Two separate violations within 24-months, revocation will be for six months.

Revocation for violations described in 240.117(e)(1) through (6) as follows:

3. Three separate violations within 36-months, revocation will be for one year.
4. Four separate violations with 36-months, revocation will be for three years.

   Note: Incidents involving 240.117(e)(6) deals with alcohol and drug rules and have different periods of ineligibility. The requirements for handling these violations are covered later in this policy.

If a single incident involves more than one of the specified rule violations, that incident will be treated as a single violation for the purpose of revocation.

In accordance with certain provisions of the regulation, a person may be allowed to return to work after serving at least one half of the pertinent period of ineligibility. Language relevant to this provision may be found in Part 240.117(h), (1 through 5) allowing employees to return to work after serving half the revocable time if they meet the pertinent conditions of the regulation.

A period of ineligibility shall begin for a person not currently certified on the date the railroad determines that the most recent incident has occurred. For a person currently certified, ineligibility shall begin on the date the railroad notifies the person that re-certification has been denied or certification has been revoked.

The regulation requires that each railroad establish its criteria for revocation of a certified employee's certificate. The following are some guidelines for identifying conduct that requires the revocation of a certificate. BNSF will not attempt to describe every possible incident that may result in suspension/revocation, therefore, each case will be reviewed on its own merit.

1. Signal Indications:

240.117(e)(1) "Failure to control a locomotive or train in accordance with a signal indication, excluding a hand or a radio signal indication or a switch, that requires a complete stop before passing it."

The following are considered stop signals for the purpose of this regulation:

a. Active stop signals e.g. block or interlocking signals which require a complete stop before passing.

b. Passive stop signals or a stop indication that is permanently affixed or static would include a controlled signal, intermediate signal, properly displayed blue signal, remote control zone, red flag and a barrier gate protecting diamonds.

2. Train Speed:

240.117(e)(2) "Failure to adhere to limitations concerning train speed when the speed at which the train was operated exceeds the maximum authorized limit by at least 10 miles per hour."

a. Speeding as described above is a violation. Maximum authorized speed is defined as the maximum allowable speed a train or engine is authorized to operate for a given operating situation. For example:

Maximum authorized speed is 50 MPH, 60 MPH or higher is a violation.

Maximum speed specified in special instruction is 60 MPH and signal indication requires movement at 35 MPH; 35 MPH is the maximum authorized speed for the situation. 45 MPH or higher is a violation.

Maximum speed specified in special instruction is 60 MPH and restricted speed is required by rule or signal indication; 20 MPH is the maximum authorized speed for the situation. 30 MPH or higher is a violation.

b. Violations of "A speed that allows stopping within half the range of vision" as required by GCOR 6.27 "Movement at Restricted Speed" or 6.28 "Movement on Other than Main Track" which results in FRA reportable accidents or incidents under 49 CFR Part 225. For example:

Failure to stop short of train, engine, railroad car or equipment fouling the track, or a switch or derail lined improperly, resulting in property damage exceeding the current FRA reporting threshold or a FRA reportable personal injury, is a violation.

c. Violations of any one of the other provisions of 240.117(e) while operating at restricted speed are subject to revocation. For example:

A person operating a locomotive at restricted speed could be found to have violated 240.117(e) (1) if he or she failed to stop at a signal that required a complete stop before passing it; any reference to damage thresholds would not be applicable since the other provision of 240.117(e) was simultaneously violated.

3. Air Brake Tests:

240.117(e)(3) "Failure to adhere to procedures for the safe use of train or engine brakes when the procedures are required for compliance with the Class I, Class IA, Class II, Class III, or transfer train brake test provisions of 49 CFR Part 232 or when the procedures are required for compliance with the Class I, Class IA, Class II or running brake test provisions of 49 CFR part 238.

a. Failure to perform the required initial, transfer, intermediate terminal or running air brake test as specified by Air Brake and Train Handling rules is a violation.

The following Air Brake and Train handling rules will be considered for the purpose of revocation:

100.10 (Class 1)	Initial Terminal Air Brake Test
100.11	Transfer Train and Yard Movement Test
100.12 (Class 1A)	Intermediate Brake Test
100.13	Running Air Brake Test for passenger trains
100.15 (Class 3)	Application and Release Test

Required locomotive air brake tests are not addressed in this regulation and will not be considered for suspension or revocation.

4. Main Track Authority:

240.117(e)(4) "Occupying the main track without proper authority or permission."

For this regulation, main track means a track upon which the operation of trains is governed by one or more of the following methods of operation: timetable, mandatory directive, signal indication, or any form of absolute or manual block system. Mandatory directive does not include occupying a segment of track contrary to advisory information, such as that from a yardmaster relative to which track to use in a yard.

Occupying a main track or a portion of a main track without proper authority/permission as specified in GCOR 6.2, GCOR 6.3, GCOR 6.4.2A or 15.2 is a violation.

5. Tampering with Safety Devices:
240.117(e)(5) "Failure to comply with prohibitions against tampering with locomotive mounted safety devices or knowingly operating or permitting to be operated a train with an unauthorized disabled safety device in the controlling locomotive."

Unless authorized, rendering a device inoperative or impairing the intended function of a locomotive mounted safety device is a violation.

Locomotive mounted safety devices including, but not limited to: event recorders, alerter, dead man controls, automatic cab signals, cab signal whistles, automatic train stop equipment and automatic train control equipment.

6. Alcohol and Drug:
240.117(e)(6) "Incidents of Noncompliance with 49 CFR Part 219.101 of This Chapter."

219.101 reads in part:

(a) Prohibitions - Except as provided in 219.103 (Prescribed and over-the-counter drugs) -

(1) No employee may use or possess alcohol or any controlled substance while assigned by a railroad to perform covered service;
(2) No employee may report for covered service, or go on or remain on duty

in covered service while –

(i) Under the influence or impaired by alcohol.
(ii) Having .04 percent or more alcohol in the blood; or
(iii) Under the influence of or impaired by any controlled substance.

An employee assigned to perform covered service who is subjected to a breathalyzer or blood test and the result of the test is determined to be positive for alcohol (.04 percent or more alcohol in the blood) is in violation of 49 CFR Part 219.101.

Noncompliance with 49 CFR Part 219.101 is a violation of 240.117(e)(6) and the first offense is a mandatory NINE-month revocation.

The presence of a controlled substance in the body fluid does not necessarily indicate impairment. Therefore, for the purpose of revocation, an employee in covered service that tests positive for a controlled substance is in violation of 49 CFR Part 219.101 if it can be determined that they were under the influence or impaired. If not, the employee is in violation of 49 CFR Part 219.102.

49 CFR Part 219.102 reads in part:
“No employee who performs covered service may use a controlled substance at any time, whether on duty or off duty, except as permitted by 49 CFR Part 219.103 of this part (Prescribed and over-the-counter drugs).”

Noncompliance with 49 CFR Part 219.102 is not a violation of 240.117(e)(6) and is, therefore, not a revocable offense. However, these violations must be tracked and the employee must be referred to the employee assistance counselor. The employees certificate will be deemed suspended (not revoked) during evaluation and any required treatment. Different periods of ineligibility for subsequent violations are listed in 240.119(c)(4).

This policy is to establish guidelines for identifying conduct that constitutes the revocation of certified employee's certificate. Any instances in question should be directed to the Certification department in Overland Park, Kansas or Operating Practices for clarification.

Appendix "B" Remote Control Operator

Remote Control Operation Training

Program Overview

Introduction	This outlines a program for the initial education of a ground employee who will operate remote control equipment.
Assumptions	The student RCO is either a promoted conductor, student conductor who has completed at least 12 weeks of training, or an exempt who is rules qualified.
Instructional Strategies	The program would consist of but not be limited to classroom instruction with study material, field training, proficiency-skill evaluation, at the location, which is specific to the operation, and a written examination.
Materials	Remote Operators Training Manual (used in class) Task Checklist and Briefing on its use Daily Study Material Remote Operation Job Aid (pocket guide) Required Company Material (Special Instructions, Rule Book Inserts)
Course Timeline	1.5 days classroom instruction 2.5 days field training 1.0 day for written examination / continued skills enhancement 5.0 day's field training for demonstration of skills proficiency under the direction of a qualified employee who has been appropriately trained /qualified as determined by the railroad and has completed at least 30 tours of duty as an RCO or is DSRC qualified.
Total Hours	Minimum of 80
Task Checklist	To ensure RCO students are properly trained, during their training and before they complete their Skills Proficiency Evaluation, they must complete all applicable tasks that an RCO operator would be required to perform at their location. A task checklist is the means that will be used to determine a student is ready to demonstrate their Skills Proficiency. The task checklist, and Job Task Analysis that was used to create it, are both on file at BNSF's Certification Office in Overland Park, Kansas and included as electronic attachments to this document.

Daily Overview

Day One	Students will receive a comprehensive Task Checklist and briefing on its use. The Checklist will be carried by the student during all field training and each task represented on the list will need to be completed by the student before they are eligible to receive a Skills Performance Evaluation.
Learning Objectives	Individuals will understand the: Main components of the Locomotive Computer Unit (LCU), Operator Control Unit (OCU) Proper positioning of the equipment controls and switches
Learning Outcomes	Identify and describe how the LCU and OCU relate to each other Describe LCU equipment setup and operation Setup cab controls and switches for remote operation Describe the start up, shut down and inspection of remote control equipment Describe OCU equipment operation Describe the safety controls and understand results of error message
Content	Safety Briefing Introduction to the program Required paperwork Definitions Inspection and Setup of Equipment Basic Car Air Introduction to the Locomotive Computer Unit (LCU) Introduction to the Operator Control Unit (OCU) Study Material

Day Two, Three, Four

Learning Objectives	Individuals will understand: Related ground equipment And be able to: Trouble shoot conditions or faults Learn proper/safe yard procedures
Learning Outcomes	Describe LCU trouble shooting procedures Be able to locate and rectify basic equipment and system faults and understand whom to contact when necessary Describe digital talk-back messages and respond properly Perform proper/safe yard procedures and operations

Content (Classroom & Switching Yard)	Classroom: Review Study Material Introduction to Ground Based Equipment Introduction to Safety Controls Trouble Shooting Operating & Safety Rules Switching Yard Train Operations
Day Five Outcome	Testing Procedures
Content (Classroom Switching Yard)	Written examination, continued completion of Task Checklist items
Day Six - Ten	
Learning Objectives	Individuals will use remote equipment to switch cars, move cars from yard to yard, to industries and/or interchange points and service industries as needed, and perform required inspections and tests.
Learning Outcomes	Describe and perform what is required when commencing duty Describe and perform all the required tests of the system and what is required to properly take charge of and secure a remote controlled unit Perform remote control operations covering a broader range of assignments and complexities

Content (Switching Yard)	Hands on operation on specific assignments that operate using remote control equipment under supervision of a qualified employee who has been appropriately trained and qualified as determined by the railroad.
Skills Performance Evaluation	After ensuring the employee has completed the Student RCO Task Checklist, the DSRCO will perform the Skills Performance Evaluation that the employee must pass before becoming RCO certified. If all of the other certification criteria has been successfully completed by the employee, they will be considered RCO certified.

Enhanced RCO Training

At locations where remote control locomotive operations are implemented that require the movements to perform a transfer air test prior to departure, all RCO operators will receive a 2 hour training module that will include the following:

1) The related text in the BNSF RCO Manual;
2) The applicable BNSF Air Brake and Train Handling Rules;
3) A discussion on Track Train Dynamics such as L/V, Stringlining, Jacknifing, and other train handling concepts;
4) Location specific instruction such as grade, curvature, or other conditions that may affect such RCO operations.

In addition to the above training, all RCO operators who are not qualified on these transfer moves will be accompanied by a DSRCO, Leave Behind Trainer, or an RCO operator qualified on the operation, for at least 2 trips over the designated trackage, or more if conditions require.