

MEMORANDUM OF AGREEMENT
BETWEEN THE
NATIONAL RAILROAD PASSENGER CORPORATION
AND
BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES DIVISION – IBT

This Memorandum of Agreement (Agreement) memorializes discussions between the parties regarding the East River Tunnel (ERT) Project as described in the Labor Clearance Notice. This Agreement is for the East River Rehabilitation Project as described in Labor Clearance Notice 02-LCR-03-0323, and completely resolves the issues related thereto:

The Parties Hereby Agree to the following:

1. Contractors will be authorized to perform scope-covered work as outlined within our discussions in accordance with the following terms:
 - a. Amtrak will remit \$1,500,000.00 to BMWED-represented Amtrak employees to compensate them for contractors engaged in scope covered work for the duration of the project. The Organization will determine the employees to receive payment, as well as the amount of said payment, and will make those designations to Amtrak.
 - b. Such designations will be made within 30 days of the execution of this Agreement. Payments will be split into two (2) separate payments. The first payment to employees for designations received by Amtrak will occur within 30 days of the Contractor beginning work on the project. The second payment will occur six (6) months later. Any needed readjustment of payment amounts shall be done 30 days before the second payment.
2. BMWED represented employees will be responsible for the following items to the extent they are covered by the scope of the Collective Bargaining Agreement between the parties and in accordance with the East River Tunnel Project Schedule:
 - a. All items as enumerated to Amtrak employees in the above referenced labor clearance.
 - b. BMWED to install the 3rd Rail within the scope of ERT project including the installation of composite rail, end approaches, board and brackets and all associated traction power cabling, terminations, and testing. All associated 2 circular mil feeder cabling installations to be performed by the contractor.

- c. Installation of new overhead contact system including grounding, insulators and pull offs tie-ins and commissioning as per RFP drawings and specifications.
 - d. Coordination between all parties, including ERT General Contractor and Amtrak, will be required to ensure project schedule.
 - e. Inspections and RWP protection as required.
3. It is further agreed that Nordco Crane Operator positions will be advertised as "EWE A"/MO "A" positions. All existing positions will be upgraded to the "EWE A" rate of pay.
4. Amtrak is solely responsible for the financial commitments made in this agreement, as well as any arrangements to secure needed funding or reimbursement of funds distributed from other parties.
5. The Parties acknowledge that this agreement is reached with the understanding it does not create precedent and will not prejudice the position of either party in the handling of similar issues in the future. As such, the terms of this agreement shall not be referenced in any matter other than the enforcement of the instant agreement.
6. BMWED agrees to take such action as may be necessary to dismiss with prejudice all claims against Amtrak in *Brotherhood of Maintenance of Way Employees Division/IBT v. National Railroad Passenger Corporation, d/b/a Amtrak*, 1:24-cv-02171-CRC, filed July 24, 2024 (the Lawsuit). Should the Lawsuit not be dismissed with prejudice, this Agreement shall be null and void and neither party shall have any obligations pursuant to it.

This represents the full agreement between the parties regarding the East River Tunnel Project.

For the:

National Passenger Railroad Corporation

Brotherhood of Maintenance of Way Employees



Christopher Richtarich

Senior Manager, Labor Relations



Anthony Sessa

General Chairperson, BMWED-IBT