

BMWE-NEC
New York Pilot Agreement, March 19, 2024

Anthony Sessa, *General Chairperson*
Brotherhood of Maintenance of Way Employees
190 South Broad Street
Trenton, NJ 08608

RE: New York Pilot Agreement

Dear Mr. Sessa:

This refers to our recent discussions regarding the above subject. As indicated during the conference, in connection with the six (6) below capacity expansion projects at Penn Station, New York, Sunnyside Yard, and New Jersey, as well as the tunnels in that area, Amtrak shall maintain a minimum of three (3) Pilot positions per project listed below. It is understood the three (3) or more pilot positions assigned to each project may be eliminated at the completion of each project. It is further understood that employees assigned to positions maintained under this agreement will not be used on projects other than those listed unless all other qualified available employees on the division have been offered the opportunity to work such assignments. It is agreed:

- 1) This agreement shall cover the following projects:
 - East Side Access – through 2028
 - Portal North Bridge Project – through 2027
 - Penn Access – End Date To Be Determined
 - PSNY Escalator/Elevator Replacement Program (rail support only) - now through 2025
 - Benchwall & Track Rehabilitation (NRT & ERT) - 2017 through 2028
 - PSNY Platform Lighting Upgrades Program (rail support only) - 2017 through 2025

It is understood that Amtrak will advise BMWED should the estimated start or completion dates of the above projects be changed by more than ninety (90) days. It is further understood that additional projects may be included under this agreement by written concurrence of the parties.

- 2) The following conditions shall apply to employees occupying BMWED Pilot positions established under this agreement:
 - Rate of Pay - \$44.98 per hour (subject to future general wage increases and assuming these positions remain subject to the November 2022 Lock in Agreement)
 - Headquarters – Penn Station, New York, Sunnyside Yard, and/or Kearney, NJ.

- The provisions of Articles V through IX of Rule 90-A and the November 3, 1976, Special Construction Agreement, shall apply.

NOTE: To facilitate the utilization of employees from other Divisions for these projects, Amtrak will make lodging available to successful applicants for positions covered by this agreement for whom the daily commute to and from the advertised headquarters exceeds seventy (70) miles and who indicate their desire for and intent to utilize such lodging.

- 3) Positions established in accordance with this agreement will be awarded to employees possessing seniority in either the Bridge & Building or Track Sub-Departments based on the earliest date entered service.
- 4) The successful applicants for these new positions must be qualified on operating rules (NORAC), as well as on the physical characteristics of the territory between North Portal and Gate, including Sunnyside Yard. To facilitate employees obtaining the necessary qualifications, the following provisions shall apply to successful applicants for these positions:
 - a. Successful applicants who are not qualified on operating rules shall attend and must successfully complete a five (5) day NORAC Operating Rules Class.
 - b. Successful applicants who are not qualified on the physical characteristics of the territory between North Portal and Gate, including Sunnyside Yard, shall participate in and must successfully complete the following:
 - A one (1) day introductory class on qualifying on physical characteristics.
 - Physical Characteristics Training as outlined in Attachment A to this agreement.
 - c. Upon completion of the training outlined above, incumbents of these positions will be required to remain on such assignments for a minimum of six (6) months, commencing from the date of successful completion of the qualifying requirements. In the event of personal hardship, an employee may be released from a position covered by this agreement by agreement between the designated representative and the New York Deputy Chief Engineer, Maintenance.
 - d. If, while training, management believes an applicant will not be able to qualify successfully, the employee and the designated representative shall be notified and, following a joint review of the employee's performance in such training, may be removed from the program. An employee so removed who is dissatisfied with the decision may file a grievance with the New York Deputy Chief Engineer, Maintenance. The burden in such case shall be on Amtrak to demonstrate the employee's inability to qualify.

- e. Applicants who are unable to complete the qualifying requirements outlined above successfully shall be governed by Rule 6 of the agreement.
- 5) Should existing Track and B&B Foremen and Inspectors in Zone 6 on the Metropolitan Division be the successful applicants for these new positions, in order to fulfill operational requirements in that territory, Amtrak may hold such employees on their current positions until such time as qualified replacements can be obtained. It is understood that should Amtrak hold Inspectors or Foremen on their current assignments, they shall only be held until their positions are advertised and awarded or, in the event there are no qualified applicants, until the employee assigned under Rule 18 is provided the necessary training on physical characteristics. If held beyond the commencement of actual work in the project for which the specific position is established, the employee shall be made whole for any earnings lost as a result of being held off the assignment. It is understood that under no circumstance will Amtrak hold Inspectors or Foremen on their current assignment beyond thirty (30) calendar days in a BMWED Pilot position contemplated by this Agreement. If held, the employee shall be made whole for any earnings lost as a result of being held off the assignment.
- 6) The above provisions governing training and qualifications shall apply to future advertisements of new BMWED Pilot positions established under this agreement. In addition, due to the length of the overall projects, Amtrak shall offer similar training to establish a pool of qualified employees who shall be subject to utilization on and assignment to vacancies on positions established under this Agreement, as may be necessary. One (1) such training programs consisting of not less than twelve (12) available training opportunities shall be offered in calendar years 2024 and 2025. Additional training programs may be scheduled at Amtrak's discretion.
- 7) Employees who are senior and qualified on operating rules (NORAC) and on the physical characteristics of the territory between North Portal and Gate, including Sunnyside Yard, and who are entitled to a displacement right under the agreement, may displace onto these positions and shall not be subject to the requirements of Article 4.c.
- 8) Employees who are senior and qualified on operating rules (NORAC), but are not qualified on the physical characteristics of the territory between North Portal and Gate, including Sunnyside Yard, and who are entitled to a displacement right under the agreement and are unable to hold any other position in Work Zone 6, may displace onto

one of these positions and shall be provided training on physical characteristics similar to that outlined in Article 4.b. and, shall be subject to the requirements of Article 4.c.

- 9) The BMWED Northeast Corridor Agreement shall apply except as specifically modified by this agreement.
- 10) A copy of this agreement shall be attached to the advertisements for positions subject to the terms of this agreement.
- 11) The designated representative may request from the Deputy Chief Engineer, Maintenance, a copy of payroll records covering the preceding thirty (30) days for the involved employees covered by this agreement. Such payroll records shall be provided within fifteen (15) days and shall identify the projects to which such employees have been assigned.

If you are in agreement with the above and attachments to this letter, please indicate so by affixing your signature below.

Sincerely,



Christopher Richtarich
Sr. Manager, Labor Relations

I Concur:



Anthony Sessa
General Chairperson, BMWE-IBT

PILOT TRAINING PROGRAM

1. Rules Training/PC Overview – Five (5) Work Days
2. Physical Characteristics Training – Thirty (30) Work Days
3. OJT/Pilot Experience – Twenty (20) Work Days

1. Rules Training:

Employees attend the standard “Maintenance of Way” five (5) day initial NORAC Class that is given to all Engineering Department employees whose duties require them to request foul time, take track out of service, or pilot track cars on Main Line Tracks. Class will be held Monday to Friday.

On Friday, trainees will report to the Rules Office for a Physical Characteristics Overview Class in which maps will be distributed and reviewed. The requirements of what it means to be “qualified” will be discussed and finally, the specific territory involved, Gate to North Portal, Sunnyside Yard, New York Penn Station, North Portal New Jersey including all East River and North River Tunnels will be examined. Employees are shown how Rules, Timetable Special Instructions, etc. come into play.

Thirty (30) days of Physical Characteristics Training will be divided into the following segments:

Day 1 – Sunnyside Yard: Meet with the Rules Examiner in New York and travel to Sunnyside Yard. The Rules Examiner will walk employees from Loop Interlocking to R and Q through the Yard Tracks, North Runner, Hump, etc.

Day 2 – Again, meet in New York with the Rules Examiner for a Tunnel Emergency and Evacuation training. This involves classroom instruction as well as a trip on a train that stops in the tunnel. Employees will get off the train, walk on the bench wall adjacent to the train, and visit 1st Avenue Shaft. Employees will be shown all the available communication and safety equipment (fire extinguishers, safety stations, etc.)

Days 3 to 14– Employees are provided head end passes, paired up, and required to ride and/or walk the territory from JO/C to Gate (including Sunnyside Yard).

Day 15 Employees will report to the Rules Office in New York to be examined on the territory JO/C to Harold, including Sunnyside Yard. (If an employee fails, up to five additional days will be provided for them to qualify on the above-referenced territory.)

Day 16 Employees report to the Rules Office and spend the entire day walking Pennsylvania Station, New York. Both ends of the Station, as well as all yards will be visited.

Day 17-29 - Employees will walk in the station, ride trains, etc. on their own. Personnel from Rules Office will be available to answer questions but will not necessarily accompany employees.

Day 30 - Employees report to Rules Office to be examined on the territory North Portal to JO/C (Same five-day Rule applies.)

Physical Characteristics Exams are verbal, conducted in pairs, and includes Rules and Special Instructions.

2. OJT/Pilot Training

Employees are assigned to a qualified Track Car Foreman or Pilot for twenty days (20). This will bring everything together. Employees will spend time moving in the Station, using the radio, copying Form D's, etc. On the first day or two, the trainee will only observe the Qualified Pilot's activities; on days 3 through 10, the trainee will, under the direction of the Qualified Pilot, assume more of the duties necessary to move equipment through the territory safely.

On Day ten (10) of the OJT Program, Engineering and Rules Department Representatives will meet with the employees to review the training progress, i.e., what they have seen, where they have been, problems, concerns, etc., and make adjustments to the program if necessary.

Trainees will continue with Pilot Training for the remaining ten (10) days, and prior to the completion of the program, an Engineering Department Representative will ride with the trainee to verify the employee's qualifications. If the trainee does not initially qualify, the Engineering Department Representative will provide instruction and up to ten (10) additional days of On-the-Job Training. Prior to completion of the additional training period, an Engineering Department Representative will again ride with the Trainee to verify the employee's qualifications.

