



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAR 29 2010**

Mr. Jim Vena  
Senior Vice President, Southern Region  
Canadian National Railway Company  
935 de La Gauchetiere Street West  
Montreal-Quebec, H3B2M9 Canada

Mr. Malcolm B. Futhey  
International President  
United Transportation Union  
14600 Detroit Ave.  
Cleveland, OH 44107

Mr. Paul T. Sorrow  
National President  
Brotherhood of Locomotive Engineers and Trainmen  
1370 Ontario St.-Mezzanine  
Cleveland, OH 44113

Re: Docket Number FRA-2009-0075

Dear Messrs. Vena, Futhey, and Sorrow:

This letter is in response to the petition filed jointly by the Canadian National Railway Company (CN), the United Transportation Union, and the Brotherhood of Locomotive Engineers and Trainmen to grant an extension of the regulatory relief previously granted in Docket Number FRA-2009-0075. In that docket, by letter dated September 29, 2009, the Federal Railroad Administration (FRA) waived the calendar-month requirement of 49 U.S.C. § 21103(a)(1) and granted the petitioners' request for an alternative means of calculating the monthly on-duty hours of covered service employees.

FRA's Railroad Safety Board (Board) has determined that granting the petitioners' request to extend the regulatory relief provided is in the public interest and consistent with railroad safety. Accordingly, the Board extends the relief granted in Docket Number FRA-2009-0075, subject to the following conditions:

1. This waiver is specifically limited to covered service employees of those carriers owned by CN and represented by the petitioning employee labor organizations as listed in Attachment A to the July 10, 2009, petition.

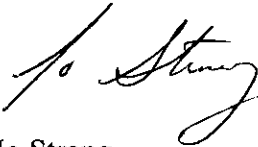
2. The petitioners shall designate the employees whose monthly on-duty hours will be measured starting on the 1st of the month and the employees whose on-duty hours will be measured starting on the 15th of the month. The petitioners shall maintain a record (either written or electronic) of such designations and such record shall be made available to FRA upon request.
3. This waiver expires 2 years from the date of this letter. At the conclusion of this 2-year period, FRA reserves the right to extend this waiver if conditions warrant, and the petitioners have made a written request for an extension to FRA's Office of Safety Assurance and Compliance at least 45 days prior to the expiration date.

Nothing in this letter authorizes the petitioners or any covered service employee to exceed the statutory limit of 276 on-duty hours per month.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this waiver.

In any future correspondence regarding this waiver request, please refer to Docket Number FRA-2009-0075.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo Strang".

Jo Strang  
Associate Administrator for Safety