UNION PACIFIC RAILROAD COMPANY

OLIVER W. CROMWELL
General Superintendent

BRIAN E. BUSSEY
Manager Administration

19100 Slover Avenue
Bloomington, CA 92316

April 13, 2005

[redacted]

Incident Date: 04-09-05

US REGULAR & UPS NEXT DAY AIR
SIGNATURE REQUIRED

[redacted]

NOTICE OF INVESTIGATION AND HEARING

Dear Mr. Schiller:

Please report to the First Floor Conference Room, 19100 Slover Avenue, Bloomington, California, on **Friday, April 15, 2005, at 1000 hours** for an investigation and hearing to develop the facts and place individual responsibility, if any, in connection with the following charge:

> While employed as Engineer on the [redacted] at South Fontana, California, near Milepost 529.3, at approximately 1110 hours on April 9, 2005, you were allegedly grossly negligent in your duties as locomotive engineer regarding train handling requirements which required you to place your train air brakes in emergency in order to stop short of signal displaying stop and short of other authorized train fouling your movement. In addition, it is alleged that you were using your personal cellular telephone while moving in a critical operational condition (cab red zone), placing you and other employees in danger. These allegations are in possible violation of Rule 1.6 (Conduct), Rule 1.1.2 (Alert and Attentive), Rule 1.10 (Games, Reading, or Electronic Devices), Rule 1.47 (Duties of Trainmen and Enginemen), Rule 9.2.6 (Approach), Rule 33.0 (Train Handling), and Rule 33.6.4 (Stopping), as contained in the General Code of Operating Rules, effective April 3, 2005, Revised System Special Instructions, effective April 3, 2005, Air Brake & Train Handling Rules, revised July, 2004, and Superintendent Bulletin No. 9, Item 3 (Cellular Phone Policy), issued January 1, 2005.

This investigation and hearing will be conducted in conformity with applicable provisions of the collective bargaining agreement between the company and the organization representing your craft or class and you are entitled to representation and witnesses as provided in that agreement.

You are being withheld from service pending the results of this investigation and hearing.

Please be advised that if you are found to be in violation of this alleged charge, that the discipline assessment may be a Level 5 and may result in your dismissal.

If you have any questions, feel free to contact me at 909-879-6362.

Sincerely,

S. L. Thompson
Manager of Operating Practices
Fax: 909-879-6674

cc: L. Law, LC-BLE, 404 North 7th St, Colton CA 92324 / Emailed
CMS – Omaha