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May 3, 2006

To All BNSF BLET and UTU General Chairmen

Re: Handling Whistle Violations

Gentlemen:

As you know, regulatory changes in 2005 resulted in specific requirements for sounding the locomotive whistle in advance of a public road crossing, specifying whistle timing, length and sequence. The purpose for this letter is to advise how we will handle a **complete** failure to sound the whistle at a grade crossing.

Failure to blow the whistle properly may pose a public safety hazard and will be a violation of both the new federal regulation and existing state laws. And, the FRA and law enforcement may hold the train crew personally responsible for proper sounding of the whistle.

More to the point, any complete failure to sound the whistle (i.e., no whistle in advance of the crossing), proven in a formal discipline investigation, will be treated as a rule violation calling for dismissal. This violation will be handled under Item 8, Appendix C of PEPA, "Knowingly placing the safety of themselves and others in immediate danger." Accordingly, a complete failure to sound the whistle in advance of a road crossing is considered a rule violation not eligible for Alternative Handling under Part I, Section III. E (conduct) of the Safety Summit Agreement.

This is a serious safety rule with serious consequences. Dave Dealy and I wanted you to be the first to hear how we would be handling this violation under PEPA so you can communicate with the BNSF people you represent the importance of compliance with this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "John", written in a cursive style.

cc: Dave Dealy
Regional Vice Presidents