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February 19, 2015

The Honorable Mike Peterson
Kansas State Capitol
300 SW 10th Street, Room 345-S
Topeka, KS 66612

RE: Response to SB 164 Testimony

Dear Chairman Peterson:

I cannot be in attendance at tomorrow's hearing on Senate Bill 164; however, I was in attendance at today's hearing and wish to respond directly to some of the statements that were made.

First, I object to SMART-TD's insinuations that BNSF tried to force this agreement on SMART-TD. In fact, SMART-TD General Operating Committee GO-001 approached BNSF wanting this agreement. In the words of another group of union members: **"Without any input or feedback from the rank and file, without any consultation with the local unions, without issuing one single update or bulletin, the general committee goes and offers us up – completely out of the blue – a tentative agreement."** (Emphasis added)

Second, we are currently in negotiations with SMART-TD and we are not even putting this issue on the collective bargaining table.

Third, on April 9, 2014, the U.S. Department of Transportation's Federal Railroad Administration (FRA) announced its intention to issue a proposed rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations. Thus, a federal regulation is already in the works and, once that regulation is promulgated, it will supersede any state law or regulation in this area.

Safety is of paramount concern to BNSF. The last two years have been some of the safest years in the history of BNSF Railway. We believe every accident is preventable and continuously work toward that goal. Please let me know if you have further questions.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey N. Davis". The signature is written in a cursive, flowing style.