

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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STB Docket No. Ex Parte 724

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UNITED STATES RAIL SERVICE ISSUES

**BNSF RAILWAY COMPANY'S OPPOSITION TO
WESTERN COAL TRAFFIC LEAGUE'S PETITION FOR AN ORDER
REQUIRING SUBMISSION AND ENFORCEMENT OF
A COAL SERVICE RECOVERY PLAN**

Pursuant to the Board's October 24, 2014 Decision in the above-captioned proceeding, BNSF Railway Company ("BNSF") files the following Opposition to the Petition for an Order Requiring BNSF to Submit a Coal Service Recovery Plan filed by the Western Coal Traffic League on October 22, 2014 and supported by several other electricity generation and utility-focused trade associations by a letter dated October 31, 2014 (collectively the "WCTL Petition"). As BNSF indicated in its October 28, 2014 letter to the Board, which set out in detail the significant efforts that BNSF is taking in the short term and long term to improve service for its coal customers, the measures requested in the WCTL Petition are unnecessary, counterproductive and in some respects unauthorized. In this Opposition to the WCTL Petition, BNSF elaborates on the reasons that the Board should decline to take those requested steps.

I. Introduction

The WCTL Petition asks the Board to open a new chapter in its oversight of the current service problems on the U.S. rail network. Over the course of this year, the Board has been carefully monitoring BNSF's and other carriers' efforts to improve service, with the objective of ensuring the transparency of those efforts and the progress being made, while avoiding regulatory actions that would be counterproductive by interfering with a carrier's operating

decisions or that would favor one group of shippers over another. In the WCTL Petition, trade associations representing coal shippers now appear to be asking the Board to change course and become even more actively involved in regulating BNSF's service recovery efforts on behalf of their members. BNSF explains below why it believes that there is no legal authority for the expanded and interventionist role of the Board in regulating rail service that the WCTL Petition proposes.

The Board has authority under the statute to monitor railroads' efforts to better understand rail service problems. But BNSF believes that absent a Board-declared service emergency, the Board is not authorized to impose operating requirements on a railroad through Board approval and enforcement of a mandatory service recovery plan as requested in the WCTL Petition. BNSF readily acknowledges that current service has not met its customers' expectations or its own high standards in all parts of the network, and BNSF is working aggressively through its ongoing service restoration efforts to remedy these service issues and meet customer demand. However, while the proponents of the WCTL Petition claim that some of their members have been affected by a decline in rail service, none of the filings in this matter has alleged circumstances that would meet the test for a service emergency and BNSF submits that no service emergency exists. To the contrary, as discussed extensively in its October 28 Letter, BNSF coal service is improving – October was the best month for deliveries since August 2013 – and we expect service improvements to continue.

Significantly, the vast majority of BNSF's coal is transported under individually negotiated rail transportation contracts not subject to the Board's regulatory authority. There is no valid legal basis for the Board to become involved in regulating service under these transportation contracts by imposing new duties and penalties on contract service beyond those

included in individual contracts. Even in a true service emergency, which does not exist, regulation of transportation subject to an existing transportation contract would be an extraordinary step with questionable legal foundation. The concern raised in the WCTL Petition is about the *level* of service that coal shippers are receiving, but those service issues are governed by the terms of negotiated contracts, not common carrier concepts. Fundamentally, the WCTL Petition asks the Board to rewrite the contracts of virtually all of BNSF's coal shippers to impose new obligations and penalties.

Those steps are not appropriate or necessary. As the Board knows, BNSF has been working hard to resolve the service problems affecting a broad range of its shippers. In the area of coal transportation, where service needs are heavily driven by the circumstances of individual shippers, BNSF has been working extensively one-on-one with its coal shippers to understand and respond to individual needs and will continue to do so. BNSF is keeping the Board informed of its efforts to address coal service issues in weekly conference calls that address the needs and circumstances of individual shippers. Given the commercial sensitivity and confidentiality of individual shipper circumstances, as well as the unique and constantly evolving needs of individual shippers, an individualized approach is the most effective way of dealing with the current service issues affecting coal movements.

The proposal for more active regulatory intervention in coal markets proposed in the WCTL Petition is inappropriate and, if granted, could readily lead to a decline in service and overall volumes of coal shipments. The steps requested in the WCTL Petition, even if they were authorized, would not improve upon BNSF's own intensive efforts to address service issues. The WCTL Petition apparently hopes to force BNSF to devote increased resources to serving Powder River Basin ("PRB") coal shippers through the threat of penalties under a Board-

enforced service recovery plan, and BNSF submits that this Petition should not be allowed to interfere with BNSF's overall efforts to improve service on its rail network.

II. Background

The Board has been closely monitoring rail service issues in the United States since the brutal winter of 2013-14. In February 2014, the Board members met with BNSF to discuss the decreased velocity that was being experienced across BNSF's network. Since March 2014, BNSF has provided the Board with bi-weekly reporting of various metrics, including data relating to movements of coal, intermodal traffic, and agricultural commodities, as well as operating information such as train speed and dwell time.¹ The Board initiated this formal proceeding in early April 2014 to study rail service issues in the United States and subsequently held two hearings and solicited comments from shippers of all commodities, including coal. After the hearings, the Board ordered BNSF to report extensive data on transportation of fertilizer and grain and on BNSF's plans to improve service in those areas.² These data reports have allowed the Board to monitor the progress that BNSF has made in serving shippers in the important agricultural sector of the economy. As the Board observed from the extensive data reports, BNSF's fertilizer deliveries met demand for spring planting, and BNSF's service improvements were successful in reducing the number of backlogged grain car orders and reducing the average number of days late for those orders.³

¹ BNSF's bi-weekly reports are available from the Board's website. *See, e.g.*, Letters from Carl Ice, President and CEO, *available at* <http://www.stb.dot.gov/peakletters1.nsf>.

² *United States Rail Serv. Issues*, STB Docket No. EP 724 (Sub-No. 1), at 2 (STB served Apr. 15, 2014) (fertilizer); *United States Rail Serv. Issues—Grain*, STB Docket No. EP 724 (Sub-No. 2), at 3 (STB served June 20, 2014).

³ *United States Rail Serv. Issues*, STB Docket No. EP 724, at 3, 4 (STB served Aug. 18, 2014).

Coal shippers, along with shippers of other commodities, have responded to the Board's information requests. Coal shippers participated in the Board's public hearings in April 2014 in Washington, D.C. and in September 2014 in Fargo, North Dakota and submitted comments in this docket. Coal shippers discussed the increased demand for coal that has contributed to congestion on BNSF's rail lines and the costs associated with longer cycle times.⁴ They also acknowledged the extensive one-on-one communications they have on a regular basis with BNSF, but suggested that there was a need for increased transparency regarding efforts being taken by BNSF to improve service.⁵

In October, the Board responded to calls by coal shippers and shippers of other commodities for more transparency on service conditions across the rail network by ordering Class I railroads to submit extensive weekly reports containing service metrics and other data.⁶ Among other data, the Board required railroads to submit data specific to coal transportation, including (1) average train speed for coal unit trains; (2) origin dwell times for coal unit trains; (3) the number of coal trains held for longer than 6 hours with details on cause; (4) the number of loaded coal cars that have not moved in more than 48 hours and 120 hours; and (5) average daily coal loadings, actual versus plan, for the PRB and other BNSF-served regions. The Board also required railroads to report data on service conditions across the rail network, including dwell times in key terminals, the total number of gondolas online, and operating conditions in Chicago,

⁴ See Statement of Bob Kahn for TMPA, Public Hearing Transcript, *United States Rail Serv. Issues*, STB Docket No. EP 724, at 74:15-21, (Apr. 10, 2014) (“[O]ur usage of coal has gone up as gas prices go up.”) (“*April Hearing*”).

⁵ Statement of Mark Adkins for TUCO, *April Hearing*, at 390:6-11; Statement of Tom Canter for National Coal Transportation Association, *April Hearing*, at 379:3-9.

⁶ *United States Rail Serv. Issues—Data Collection*, STB Docket No. EP 724 (Sub-No. 3), at 2-5 (STB served Oct. 8, 2014).

such as terminal inventories and trains held for delivery in Chicago. BNSF filed its initial weekly report on October 22, 2014, and its second weekly report on October 29, 2014.

On October 22, 2014, the same day that the first expanded data reports were due, WCTL filed its Petition seeking increased Board intervention into rail operations relating to BNSF's PRB coal transportation to its members. The WCTL Petition makes general claims about "poor BNSF service" and coal "stockpiles [that] are well below target levels." WCTL Petition, at 2. However, the WCTL Petition submits no detailed evidence regarding individual shipper stockpiles or BNSF's service as it relates to particular utilities. The WCTL Petition refers generally to decisions that have been made by some electric utilities to "curtail coal-fired production" of electricity, *id.*, but offers no detail about the circumstances of particular shippers' rail service.

Based on its general claims about inadequate rail service, the WCTL Petition requests that the Board require BNSF to publicly file a "coal service recovery plan" that includes specific milestones and performance standards, including coal train speed, coal car miles, coal sets, and schedules for increasing coal service. WCTL Petition, at 6-7. The WCTL Petition also seeks "Board review and approval of the coal service recovery plan," following the submission of public comments on the sufficiency of the plan. *Id.* at 7. It calls for Board revisions to the plan if "any element ... is deficient," and it asks the Board to "issue an order directing BNSF to comply with the Board-approved plan." *Id.* at 8. The WCTL Petition requests "oversight and enforcement of [the] coal service recovery plan," which would entail weekly "compliance updates that include all the specific service metrics needed to verify compliance with the plan" as well as a proposal for the Board to "enforce compliance with the plan ... including fines...." *Id.*

On October 31, 2014, four other coal trade associations filed a joint letter in support of the WCTL Petition.⁷ The APPA Letter provided no further information regarding the individual circumstances of any of their members.

III. Further Expansion of the Board’s Oversight of BNSF’s Service on PRB Coal Movements as Requested in the WCTL Petition Is Unnecessary and Unwarranted.

The Board is well aware of BNSF’s extensive efforts to improve service for its coal shippers. As BNSF explained in its October 28, 2014 letter, BNSF is investing record amounts to increase capacity in the most constrained portions of its network, including portions that are heavily traversed by coal traffic. BNSF has made additional investments across the network this year that benefit coal shippers, including terminal and line capacity expansion projects on core subdivisions handling coal traffic. BNSF has taken steps to improve fluidity on the coal network through critical maintenance of existing facilities, which may require short-term delays while the work is performed but will help maintain consistent service across the coal network in the short and long term. BNSF has made additional investments in preparation for winter across the Northern region, including installation of switch heaters, adding new winter mitigation equipment to locomotives, and keeping on more than 300 maintenance of way employees who are traditionally furloughed during the winter to assist with snow removal.⁸

BNSF has kept its shippers and the Board well informed about these efforts. As BNSF explained in the public hearings that the Board has held on service issues, BNSF communicates

⁷ See Letter of American Public Power Association, Edison Electric Institute, National Association of Regulatory Utility Commissioners, and National Rural Electric Cooperative Association, at 1, STB Docket No. EP 724 (filed Oct. 31, 2014) (“APPA Letter”).

⁸ See Letter from Steve Bobb, Executive Vice President and Chief Marketing Officer, BNSF 2014-2015 Winter Preparations and Plans (Oct. 29, 2014), *available at* <http://domino.bnsf.com/website/updates.nsf/updates-customer-agricultural/4D2E5B33D11BE01D86257D80006080F1?Open>.

on a daily basis with its coal shippers about issues such as the level of their coal stockpiles, the status of trains and car sets, particular service challenges affecting delivery of their coal and the range of short-term and long-term measures that BNSF is taking to improve service. In addition, BNSF provides regularly updated information to its shippers through a website that BNSF has dedicated to informing its customers about its efforts to improve service and capacity.⁹ BNSF publishes weekly service updates for its customers that include extensive data, such as total trains on the system, total trains held for power, locomotive velocity, locomotives added as compared to plan, and locomotive terminal dwell time.¹⁰ Through its website, BNSF also provides weekly information to customers regarding current track maintenance and planned track maintenance by subdivision, including estimated delays that could impact coal and other types of traffic.¹¹

Indeed, much of the information that the WCTL Petition asks that the Board require BNSF to report is already being provided on BNSF's website. For example, the WCTL Petition at 6-7 asks the Board to require BNSF to report information about BNSF's track maintenance and infrastructure projects, crew hiring, and equipment purchases, as well as plans to handle severe weather events, other potential service disruptions, and seasonal variations in demand for coal. This information is already available to coal shippers on BNSF's website. In addition, the

⁹ BNSF Service Overview, *available at* <http://www.bnsf.com/customers/service-page/index.html> (includes capacity expansion investment made, locomotives added, employees added, and railcars added thus far in 2014).

¹⁰ BNSF Service Update for Friday, October 31, 2014, *available at* <http://domino.bnsf.com/website/updates.nsf/updates-service-coal/D1CDE1BC464C4A4086257D820074ECF6?Open>; *see also* BNSF Service Update – 10/27/14, *available at* <http://www.bnsf.com/customers/service-page/pdf/bnsf-service-deck.pdf>.

¹¹ *See* BNSF Customer Notifications, Planned Track Maintenance 11/2 to 11/8, *available at* <http://domino.bnsf.com/website/updates.nsf/updates-network-consumer/F63233E5FE48E88886257D8200731CB9?Open>.

coal transportation data required by the Board's October 8, 2014 order to be reported on a weekly basis includes many of the data disclosures that the WCTL Petition asks the Board to require, such as information regarding coal train speeds, coal sets in service, plans to reduce coal sets held for more than 8 hours by cause (*i.e.*, locomotives, crews, and traffic congestion). See WCTL Petition, at 6-7.

BNSF has kept the Board informed of its efforts to improve PRB coal transportation service in several ways. In addition to the formal data reports that BNSF provides to the Board on coal transportation, BNSF has for several months engaged on a weekly basis with Board staff in regular conference calls with the Board's Office of Public Assistance, Government Affairs and Compliance ("OPAGAC"). BNSF also responds frequently to calls from Board staff with inquiries regarding individual shippers. BNSF submits that these direct and informal discussions between BNSF and the Board staff are the best and most appropriate way for the Board to keep informed about the efforts that BNSF is taking to address the needs of its coal shippers. A major focus of BNSF's service recovery efforts in the area of coal transportation must necessarily focus on addressing the needs and circumstances of individual shippers. Public reports about these service recovery efforts would not be appropriate given the diversity of circumstances of individual shippers and the commercial sensitivity of individual shipper needs.

BNSF serves a discrete set of coal shippers, and each shipper has its own needs based on the configuration and status of its electricity generating facilities, its regulatory obligations, its commercial strategies regarding fuel usage and stockpile policies, and its rail transportation contract terms, among numerous other matters. BNSF's efforts to improve coal transportation service involve responding to the needs of particular customers based on information provided to it by each customer, information that often needs to remain confidential because of its

commercial sensitivity. The detailed weekly calls with Board staff allow the Board to remain closely informed about BNSF's service recovery efforts in a confidential setting that protects the commercial sensitivity of issues relating to individual shippers. Coal shippers have made it clear at the Board's oversight hearings that they are uncomfortable providing public information about their coal stockpiles or their commercial decisions relating to coal storage. Similarly, BNSF's production of such data on shipments, stockpiles and plans for service to individual utilities could conflict with BNSF's confidential contract obligations.

In addition, BNSF could not effectively address the service needs of its individual shippers through a rigid, formalized and public service recovery plan of the type requested by the WCTL Petition. As BNSF explained in its October 28, 2014 letter to the Board, BNSF does not believe that the steps requested in the WCTL Petition would improve upon the actions that BNSF is already taking to increase coal deliveries. As a practical matter, BNSF must have the flexibility to adjust its service recovery efforts as network conditions and the circumstances of individual shippers change. A regulatory mandate that required adherence to a formal plan could seriously impair BNSF's ability to respond to the critical needs of individual shippers or respond to constantly changing conditions on the railroad network.

As BNSF works to improve coal transportation service, a major objective is to ensure that BNSF's coal shippers do not run out of coal. As BNSF explained in its October 28, 2014 letter to the Board, an important part of BNSF's service planning for individual customers involves identifying customers with critical service needs, namely customers that have coal stockpiles at or below a 10-day supply. When BNSF identifies such a customer, it works to ensure that the customer does not run out of coal. For that process to work, BNSF has to be responsive to changing circumstances and not governed by a rigid set of requirements.

The Board has an important role in keeping informed of the efforts that BNSF is taking to address service issues affecting coal movements on its network. The data reports and information that BNSF already provides to the Board as well as the informal OPAGAC process described above gives the Board ample information about BNSF's efforts and progress in improving service for its coal shippers. Adding formality and legal rigidity to the process of providing information to the Board as proposed by the WCTL Petition would impede progress by focusing recovery efforts on plans that quickly become stale in light of continuously evolving real world circumstances. Even if the Board had authority to implement regulation of the type advocated by the WCTL Petition, and as discussed below BNSF believes it does not, such regulation would be inappropriate and unwarranted.

IV. The Extensive Regulatory Measures Requested in the WCTL Petition Are Not Authorized Under The Statute.

The WCTL Petition asks the Board to go far beyond its current oversight of service issues and become actively involved in regulating BNSF's coal transportation service through the review and approval of a detailed service recovery plan and enforcement of the plan through a new regulatory regime of data reports, plan revisions and fines. The extensive regulatory action contemplated by the WCTL Petition is unprecedented and unauthorized.

The WCTL Petition points to 49 U.S.C. § 11145 as authority for its proposed new regulatory regime. *See* WCTL Petition, at 7. But the authority given to the Board under that statutory provision is far narrower than the WCTL Petition contends. Section 11145(a)(1) authorizes the Board to require railroads "to file annual, periodic, and special reports with the Board containing answers to questions asked by it." Section 11145 authorizes data reporting under appropriate circumstances. It does not authorize the Board to involve itself in the

development of operating plans through a public comment and Board review and approval process and then to supervise the implementation of those plans and enforce their terms. The statute is designed to ensure that the Board is adequately informed about relevant developments in rail markets, not to give the Board authority to intervene in rail markets or to regulate rail conduct in any way.

The WCTL Petition also cites 49 U.S.C. § 11123, the statutory provision dealing with service emergencies, as authority for the Board to “review, revise and approve any such plan.” WCTL Petition, at 8. The Board’s authority under Section 11123 to address service emergencies extends beyond the data reporting authority in Section 11145 to require appropriate data reports. However, the authority granted to the Board under Section 11123 does not come into effect unless the Board finds that there is a service emergency. *See* 49 U.S.C. §11123(a). The trade associations that have filed and supported the WCTL Petition do not allege circumstances that meet the test of a service emergency, and there is no evidence that the service problems affecting coal shippers constitute an emergency within the meaning of Section 11123(a).

Indeed, the WCTL Petition provides information about service delays and the impact of congestion on BNSF’s coal transportation network that is selective and in some cases inaccurate and misleading. For example, the WCTL Petition erroneously claims that BNSF is planning to cut back on coal service by removing approximately 60 coal train sets from service. *See* WCTL Petition, at 3. The APPA Letter in support also misconstrues BNSF’s objectives in removing train sets from service. In fact, by controlling the volume of cars on its network, BNSF is working to *expand* coal service by freeing up line capacity that will improve overall velocity on congested lines and allow BNSF to *increase* its coal deliveries. Based on a review of operational and contractual factors, BNSF has determined that it can reduce the number of train sets (less

than 30 sets, not 60 sets), on the most congested lines. For the WCTL Petition to portray these efforts to address congestion and make the network more fluid as reflecting a desire by BNSF to reduce coal deliveries is simply incorrect.¹² Furthermore, as the operator of its network, BNSF must maintain the operational flexibility to adjust trainsets and car volumes to optimize its network. To require Board approval for such changes, as apparently sought in the WCTL Petition, would seriously undermine BNSF's – and any railroad's – ability to operate its network. As BNSF has explained in discussions with individual customers, the planned coal set reduction will have a significant positive impact on train velocity and will result in increased coal deliveries. BNSF's data reports will allow all stakeholders to assess the impact of BNSF's efforts. As BNSF indicated in its October 28, 2014 letter, BNSF will make adjustments if its actions are not effective.

Another serious flaw in the WCTL Petition is that it goes far beyond the Board's jurisdiction by asking the Board to impose service obligations and service-related remedies relating to transportation that is provided under rail transportation contracts entered into under 49 U.S.C. § 10709. The vast majority of BNSF's coal transportation is provided under contracts. The statute states unambiguously that “[a] party to a contract entered into under this section shall have no duty in connection with services provided under such contract other than those duties specified by the terms of the contract.” 49 U.S.C. § 10709(b). The Board does not have authority to impose service recovery obligations on BNSF that would over-ride any obligations and remedies that the parties have negotiated in their contracts.

¹² WCTL also selectively cites a question posed by Federal Energy Regulatory Commissioner Philip Moeller, WCTL Petition, at 4, but it omitted the response of FERC staff, available at the same location on the archived video, that the railroads and the STB are working on service issues and that improvements are expected in 2015 and 2016.

In effect, the relief sought in the WCTL Petition is to have the Board rewrite BNSF's existing contracts, contrary to the express limitations on the Board's authority over service provided under a contract. The Board has repeatedly recognized that it does not have the authority to interfere with the service provided under transportation contracts. *See e.g., Union Pac. R.R. Co.—Petition for Declaratory Order*, STB Docket No. FD 35021, at 2 (STB served May 16, 2007) (“Under 49 U.S.C. § 10709, we have no authority to regulate rail rates and services that are governed by a contract.”).¹³ Indeed, any action taken by the Board to favor transportation provided under some contracts could undermine BNSF's ability to meet its obligations under other contracts. The Board has been and should remain careful to avoid unintended consequences that would result from injecting itself into rail operations, particularly where the transportation at issue is subject to individual and confidential contracts.

Even in the context of a true service emergency, which does not exist, the Board has recognized that the statute limits its authority to regulate transportation provided under Section 10709 contracts. When the Board adopted the current regulations in 49 C.F.R. § 1146, Expedited Relief for Service Emergencies, the Board acknowledged that even in a service emergency “we cannot enforce, interpret, or disturb the contracts themselves, nor can we directly regulate transportation that is being provided under such a contract.” *Expedited Relief for Serv. Inadequacies*, STB Docket No. EP 628, at 10 (STB served Dec. 21, 1998). The Board suggested that it might have authority to take actions affecting contract service in particular emergency

¹³ *Rail Transp. Contracts Under 49 U.S.C. 10709(c)*, STB Docket No. EP 676, at 2 (STB served Jan. 6, 2009) (“Congress expressly removed all matters and disputes arising from rail transportation contracts from the Board's jurisdiction in Section 10709(c.”); *Arizona Elec. Power Coop., Inc. v. BNSF Ry. Co. & Union Pac. R.R. Co.*, STB Docket No. 42113, at 3 (STB served Apr. 23, 2009) (“If a contract exists for rail services between one or more rail carriers and one or more shippers under 49 U.S.C. 10709(c), a party to the contract may seek redress related to that contract only in an appropriate state or federal court, unless the parties otherwise agree”).

circumstances where *no* transportation was being provided as a result of a service breakdown or to avoid regional gridlock situations where no traffic can move. *Id.* Neither circumstance exists here. It is unnecessary to consider whether other circumstances might justify Board regulation of transportation covered by a contract in a service emergency, because those circumstances clearly are not present in coal transportation markets today, where BNSF's velocity and coal loadings have been improving.

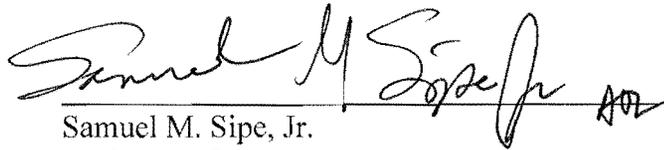
WCTL, speaking on behalf of its members, and the other organizations that have supported the WCTL Petition, are dissatisfied with the *level* of service being provided to coal shippers. While BNSF agrees that the level of coal service has not met all customer expectations, that service is governed by the terms of the transportation contracts with individual customers. When transportation is being provided under a contract, the Board does not have authority to enforce existing contractual obligations, let alone impose new service obligations on either party to a contract through fines or penalties.

In the area of coal transportation, where most transportation is provided under individually negotiated contracts that specify particular service terms and remedies, service issues cannot be effectively addressed by dealing with an association such as WCTL or the associations included in the APPA Letter. BNSF's coal transportation service is driven by circumstances related to individual shippers and other facts that are not in evidence. Even if the Board believed it had authority to consider the WCTL Petition's request, it would not be able to act without further information about circumstances of particular shippers. Any meaningful consideration of service in coal transportation markets must focus on specific facts and individual shipper circumstances, and that cannot be done in the context of the general assertions in the WCTL Petition.

V. Conclusion

The WCTL Petition apparently hopes that the establishment of new regulatory requirements enforced through fines will force BNSF to devote more resources to coal transportation for PRB shippers. But the Board knows that BNSF is working hard across its network in an even-handed way to improve service to all affected shippers. It would be inappropriate, as well as unauthorized, for the Board to respond affirmatively to a short-sighted desire for special treatment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samuel M. Sipe, Jr.", with a horizontal line underneath it. To the right of the signature, there are initials "AJL".

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