

EXHIBIT P



Brotherhood of Locomotive Engineers and Trainmen
A Division of the Rail Conference — International Brotherhood of Teamsters

Washington State Legislative Board

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January 14, 2011

Mark Daniels
Administrator, Region 8
Federal Railroad Administration
500 Broadway, Suite 240
Vancouver, WA. 98660

Re: Signal Problems/Safety Issues, Seattle Subdivision

Dear Mr. Daniels:

This letter is to document our ongoing dialog on rail safety issues in Washington State and, particularly on the Seattle Subdivision. The safety issues I would like to address include: signal problems, signal visibility issues (vegetation), and inter-carrier communication. The signal problems, as reported primarily by my Union Pacific membership, are the top priority.

Brotherhood of Locomotive Engineers and Trainmen, Division 892 has been very consistent in filing signal problem reports occurring on the Seattle Subdivision with my office. Their timely reporting of signal incidents has shed light on more than one area, related to the signal system that, I believe, needs examination. There have been far too many physical plant issues (bad rectifier, loose or worn rail anchors, communication failures) and signal-related operational issues (dispatcher errors, non-reporting) not to warrant a thorough audit of all railroad processes in use related to the signal system on the Seattle Subdivision. Per your January 7th email, I am in full agreement with FRA's decision to conduct two, separate inspection projects (Track and Signal) on the Seattle Subdivision over the course of the next 5 months. Hopefully, these inspections will provide additional information for not only the betterment of the current signal system, but for the implementation of the Positive Train Control systems that are soon to follow.

The physical plant is the foundation of the entire signal system and, therefore, it is essential it functions properly at all times. Failure of rectifiers, communication (Quest or other systems), rail anchors, signal bonds, or any other physical plant component is unacceptable. The railroad has the resources to ensure every single component of the physical plant is functioning properly at all times but has, apparently, chosen to allow components to fail prior to initiating maintenance activities. Clearly, there needs to be more frequent inspections of all physical plant components affecting signal function and replacement of components prior to failure.



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If a single rectifier is the corner stone of an entire “state of the art” system, then there needs to be a re-thinking of signal system design. I am amazed at the apparent lack of redundancy in the current signal system electronics in use on this particular subdivision.

Related to the design, there needs to be a discussion as to “contributing” factors to signal problems. Are increased speeds, tonnages, and train lengths having a contributing adverse effect on signal component service life (i.e. wear)? Hopefully, the FRA track inspection project will help provide answers to this and other questions. In the 16 plus years I have worked on the railroad, I have watched train speeds, lengths, and tonnages increase in the interest of production without there really being a balanced discussion as to the consequences this particular business model has on safety. Perhaps sectioning of heavy trains, better route planning (dedicated runs), or reduced use of turnout/crossover movements could be considered as a means to mitigate physical plant wear. As another example, I have noticed a marked increase in track speeds on portions of the Seattle Subdivision between Tacoma and South Seattle without any substantial improvements being made to bridge structures and/or signal spacing along the route. Train crews are expected to speed up and slow down, in relatively short distances, to comply with structure speed limitations and/or signal indication. There have been few (if any) official briefings, education, meetings, or instruction by management on how to negotiate these new speed changes with the various train make-up scenarios (other than a posting of yard notice). This leaves all interpretation as to proper train handling to the individual. There needs to be better instruction, continuing education, route familiarization, and localized instruction resources available to employees at all locations.

Another element of the signal problem issue that should be considered involves dispatcher staffing level. As documented by FRA, there have been incidents of non-reporting of crew observed signal problems (accidental and intentional) and improper lining of control point switches on the various segments of the Seattle Subdivision. I have tried to obtain input from the dispatcher union’s leadership on this issue but, to date, have not gotten any response. However, it is my observation that the dispatching resources may be spread too thin thus creating an unreasonable workload on individual dispatchers. I base this observation on the fact that dispatcher territories that were consolidated during the economic downturn have not been restored to their previous staffing levels as freight volumes have recovered. Dispatcher staffing levels should be increased to avoid overloading of individual dispatcher responsibilities. By refusing to do so, the carriers are increasing the chances of human factor problems, incidents, and accidents.



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A related safety issue on the Seattle Subdivision involves signal visibility caused by vegetation growing near the Right-of-Way and obstructing the view of signals. Again, my UP membership has been pro-active in documenting and reporting these types of problems. While progress has been made, vegetation is still an on-going issue that needs attention and along with the development of a permanent solution. The carrier has addressed some of the vegetation issues but a better, permanent process is needed to ensure the timely clearing of vegetation obstructing signals on a year-round basis. Part of the problem in resolving this issue seems to be with inter-carrier communication.

When considering the fact two, separate Railroad companies share a substantial amount of the same real estate, I am surprised a more efficient carrier-to-carrier communication system has not been developed and made available to all the employees of both companies. Really, safety should be a universal language. The safety line of communication should be relatively direct, open to all, and capable of being documented to ensure the issue has been resolved (BNSF has a Safety Issue Resolution Process that satisfies these conditions). As it stands today, UP employees are expected to report issues UP managers who, in turn, are supposed to contact BNSF managers, who, in turn, are supposed to route the issue to the proper BNSF managers who, in turn, are supposed to address the issue. To say the least, the process is cumbersome, only as strong as the weakest link, and not adequately documented. There are too many ways for an issue to get side tracked, fall through the cracks, or be lost before finding its way to responsible manager's desk for resolution. UP should adopt a practice similar to the BNSF SIRP process for addressing safety issues.

Along these lines, I personally have participated in SACP committees on the BNSF where FRA is in attendance and could assist with getting a safety issue addressed promptly. I think these types of forums are useful and, perhaps, FRA could help drive the development of a joint UP/BNSF committee for the Seattle Subdivision (if one does not already exist). This is just one suggestion. There are many other possibilities and it is the responsibility of the carriers to develop a better process for reporting safety issues.

I appreciate FRA's willingness to listen and respond to the safety concerns discussed in this letter. The Washington State Legislative Board is committed to working with all stakeholder groups for a safer railroad environment. Thank you for your time and consideration of these important issues. Mark. I look forward to talking with you soon.

Sincerely,

Mike Elliott, Chairman
Washington State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen

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