

Exhibit 16

mike.elliott.wslb@comcast.net

From: mike.elliott.wslb@comcast.net
Sent: Wednesday, December 22, 2010 7:03 PM
To: nick flores
Cc: mike elliott; allan manson; Tom Frederick
Subject: Re: Signal trouble at Nisqually

Nick - As further info, I did asked that UP members be allowed to attend BNSF Safety Committee meetings. You guys have excellent ideas and have provided a lot of valuable input on safety related matters. We all work in the same piece of real estate and it made perfect sense to me. However, BNSF was cool to this idea account you're employees of another company and they're concerned it will create problems. Perhaps I should try progressing this idea again. Should the two companies agree to allow this, I think whomever represents Div. 892 should be compensated (make whole) by your employer for attending the meetings. Mike

----- Original Message -----

From: "mike elliott wslb" <mike.elliott.wslb@comcast.net>
To: "nick flores" <bletp892@yahoo.com>
Cc: "mike elliott" <mike.elliott.wslb@comcast.net>
Sent: Wednesday, December 22, 2010 6:47:06 PM
Subject: Re: Signal trouble at Nisqually

There will be a meeting. If it's ok with you, I'll start working on having BNSF come to the January division meeting of 892 (@ 12p.m.). Doug Jones is the General Manager of the NW Division so we're at the level where our concerns are being heard. You guys on the UP are doing a good job of reporting problems but both the railroads need improve the communication channels on all fronts. The BNSF Signal Response form (with no phone numbers) is just one example of a poor communication system. I think the dispatcher staffing levels need to be examined too and that is part of my response letter to Mark Daniels (still in the works).

On the BNSF, we have paid safety committee representation by nearly all of the major crafts. If UP does not have something similar, and it's my understanding they do not, it may be worthwhile to ask UP about trying something like that. Jones is talking to Meriwether so that might be one way to progress new ideas on the UP. The safety committee is a forum for voicing concerns and finding a better way (Similar to what you're describing below in the Longview Junction forum at FRA Vancouver). Some like to call it "kissing company ass" but I disagree. FRA does come to some of these types of meetings (System SACP) and the process has brought about change.

I will gladly continue with the current approach (report it to FRA), but I would like to see real change for the better out there rather than business as usual. Mike

----- Original Message -----

From: "nick flores" <bletp892@yahoo.com>
To: "mike elliott wslb" <mike.elliott.wslb@comcast.net>
Sent: Wednesday, December 22, 2010 5:43:30 PM
Subject: Re: Signal trouble at Nisqually

3/23/2011

Mike,

After the last collision at Longview Jct. the FRA, BNSF, UPRR along with "labor" sat together at the FRA Region 8 office in Vancouver, WA.

Items discussed were clearing the line of site northbound to Longview Jct. The then B yard blocks distinguished so that the siding block is more easily identified. The UPRR use of the BNSF signal awareness forms. Among other items.

This was a productive meeting.

We didn't get all that we requested but what "we" did made a significant difference in obtaining a safer operation.

I don't understand what the problem is with conducting a joint meeting! Perhaps we should include the FRA if that's what it will take.

The BNSF doesn't seem to have a problem with efficiency testing of UPRR employees.

As far as a meeting location, whatever location, date and time that is convenient to the carriers!

From: "mike.elliott.wslb@comcast.net" <mike.elliott.wslb@comcast.net>
To: Douglas B Jones <Douglas.Jones@bnsf.com>
Cc: Robert A Johnson (Seattle) <Robert.Johnson@bnsf.com>; Robert W Raglin <Robert.Raglin@BNSF.com>; Nick Flores <bletp892@yahoo.com>; allan manson <allan_notch8@earthlink.net>; Tom Frederick <t.frederick@comcast.net>
Sent: Wed, December 22, 2010 2:11:35 PM
Subject: Re: Signal trouble at Nisqually

Doug - Unfortunately, I have not received an email message from your office as to meeting with my UP membership. Bob Raglin and I did discuss a meeting between BNSF Signal (Jerry Specht) and BLET Div. 892 (UP Seattle). However, that plan fell through when, apparently, there were some concerns on the part of BNSF as to meeting with another company's employees. Bob emailed me a few weeks ago indicating that it may not be appropriate for BNSF managers to be addressing UP employees (separate corporations, etc.) and that was the last I have heard about a meeting. If the offer to meet with the UP engineers is still open, I will try to re-schedule a meeting with them in January. Thanks.
Mike Elliott

----- Original Message -----

From: "Douglas B Jones" <Douglas.Jones@bnsf.com>
To: "mike.elliott.wslb@comcast.net" <mike.elliott.wslb@comcast.net>, "Robert W Raglin" <Robert.Raglin@BNSF.com>
Cc: "Robert A Johnson (Seattle)" <Robert.Johnson@bnsf.com>
Sent: Wednesday, December 22, 2010 12:33:40 PM
Subject: RE: Signal trouble at Nisqually

Mr. Elliott, I will let Bob Raglin respond to the crew hauler issue you reference.

On the case specific Nisqually item, for almost 48 hours after a wind storm, Nisqually was in "brown out" due to communications issues with the Quest fiber system (power outage). Signals did work as intended and they were set to stop.

At a high level, during a communications failure, the dispatcher will not know the indication and therefore cannot line the system. Trains will have to stop and operate on hand, per the rules. Once the Quest power and communications were restored, we were then able to trouble shoot the location and repair power surge damage.

3/23/2011

Jerry Specht was heavily involved during this entire event; we did not have an unsafe situation.

I have no idea where the form originated without contact information. Again, any signal issues should be reported immediately to the dispatcher.

Pat Meriwether (UP) and I, along with Mr. Specht, have no issue addressing this group, but I have yet to see a response from my previous email on a location suitable to the BLET.

Thanks.

From: mike.elliott.wslb@comcast.net [mailto:mike.elliott.wslb@comcast.net]
Sent: Saturday, December 18, 2010 1:32 PM
To: Raglin, Robert W
Cc: Johnson, Robert A (Seattle); Jones, Douglas B
Subject: Re: Signal trouble at Nisqually

Here's the attachment...

----- Original Message -----

From: "mike elliott wslb" <mike.elliott.wslb@comcast.net>
To: "robert raglin" <robert.raglin@bnsf.com>
Cc: "mike elliott" <mike.elliott.wslb@comcast.net>, "robert johnson" <robert.johnson@bnsf.com>, "douglas jones" <douglas.jones@bnsf.com>
Sent: Saturday, December 18, 2010 1:26:04 PM
Subject: Signal trouble at Nisqually

Bob - Below is another report from my UP membership as to signal trouble on the Seattle Subdivision. Please follow-up with the Signal Department as to the root cause of the problem.

This past week, I attended the division meeting of the Seattle BLET Div. 892 (UP engineers) and they are not satisfied with BNSF's response to signal issue reporting or the overall functioning of the signal system on the Seattle Subdivision. The list of trouble reports continues to grow and we are all concerned there has not been sufficient progress in resolving the various signal issues. Beyond company-to-company and labor-to-company communications, more needs to be done to ensure the system is fail-safe.

Please find attached a BNSF Signal Response Form. This form was presented to me at the UP engineer's meeting last Monday and I was told it is now "laying around the yard office" where the UP crews go on-duty. As you can see, there is no information as to where to fax the document or whom to contact to follow-up on a signal issue. This is just one example of how important information is not finding it's way to the proper manager due to poor communication.

On a separate topic, were you able to look into the crew hauler seating issue? I would like to put together a proposal for improving crew hauler services on the BNSF in general. Over the years, I watched as crew transportation has deteriorated to the point

3/23/2011

that a complete re-thinking of how we transport our crews is needed.

Thanks, Bob. Mike Elliott

warded Message -----

From: "nick flores" <bletp892@yahoo.com>
To: "mike elliot" <mike.elliott.wslb@comcast.net>
Cc: "Mike Turnbull" <michael.turnbull@dot.gov>
Sent: Friday, December 17, 2010 5:02:53 PM
Subject: Fw: Signal trouble at Nisqually

If this is what it seems?

I think we all need to reassess our respective positions on "signals not functioning as intended" before their is a catastrophe on the rails. Affecting those of us in operating, the communities we operate through, as well as the pristine environment that we all enjoy.

Thank you for your interest in Safety!

Lets get some answers and or resolutions that we can all agree to, to make a safe and less stressful working environment.

----- Forwarded Message -----

From: Jeff Neal <JKRRNeal@Comcast.Net>
To: nick flores <bletp892@yahoo.com>
Sent: Fri, December 17, 2010 3:46:10 PM
Subject: Signal trouble at Nisqually

Nick,

To follow up on yesterday's voicemail: Things were a mess out on the BNSF Seattle Sub yesterday, 16 DEC 10. I was working the IG4SEX 11 northbound with Conductor Clearly and Pilot Conductor RR George. We got stopped at Chehalis Jct. During our wait I heard the BNSF Dispatcher's side of a conversation where he stated to a train; no matter what the signal is at Nisqually don't take it, stop and let me talk you by. This happened and approximately 6:20 AM Pacific. Later we heard two BNSF crews talking on the radio that the signals at Nisqually had been out all night and trains were stacked up from Nisqually to Chehalis.

Please add this to our on going log of signal issues on the BNSF.

For any further question, comments, or concerns please to not hesitate to call or click,

Jeff Neal
Locomotive Engineer
Union Pacific Railroad

Cell: 541-953-6959
Eaddress: JKRRNeal@Comcast.net

Information from ESET NOD32 Antivirus, version of virus signature database 5726

3/23/2011

(20101222) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

3/23/2011

3/23/2011