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**UNITED TRANSPORTATION UNION**  
**BNSF GENERAL CHAIRMEN'S ASSOCIATION**  
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R. D. Kerley, Secretary  
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October 15, 2007

**Re: BNSF Negotiations Update Video**

Dear Mr. Fleps:

This is in response to certain items addressed in your recent video posted on BNSF's Labor Relations Web Site, relative to the current negotiating round.

First, we want to make it clear that we have no desire or intention to involve ourselves in the apparent personality conflict between you and President Thompson. Whatever is behind all that and whoever is to blame for firing the proverbial first shot, such conflict clearly has no positive impact on the task at hand, which is (or at least should be) to negotiate a fair contract for your employees/our members. They are, after all, the people who move the freight and pay the bills. There are two comments in your recent video that beg for clarification.

One is your suggestion that President Thompson is to blame for scuttling the promising on-property discussions that we were engaged in during 2004. In fact, you have no one but yourself to blame for dynamiting those talks. You had what could accurately be described as the opportunity of a lifetime, with every UTU *and* BLET General Chairman on BNSF in the same room *voluntarily* talking about the same subject. That is, how to manage the implementation of new technologies on BNSF in a way that meets the core concerns of all parties. Certainly this is a complex issue that would have involved much hard work, but at least all of the people with the authority to address that thorny question were at the same table and focused on a common goal.

This was no small thing for the involved UTU General Chairmen. Under the controlling provisions of the UTU Constitution, we collectively sought and were granted authority from the other U.S. UTU General Chairmen to be released from national handling so that we could continue to pursue an on-property settlement. Sadly, you either lost faith in that process or you were never really committed to it in the first place, because *you* made the decision to join the other Carriers in national handling to pursue an illegal Section Six Notice demanding total elimination of traditional craft distinctions and complete and unilateral control over crew size. You then advised each of us that we would either enter national handling or face legal action to be forced into that forum.

Of course, you made that regrettable decision at a time when rail management's "perfect storm" loomed large just off shore. Who could have guessed that monstrous storm could have been so dramatically spent on the rocks of the 2006 mid-term elections? And now that BNSF has made

an agreement with the BLET, that opportunity of a lifetime that you knowingly and willingly traded for the “perfect storm” may now be lost forever.

The other item that you have again raised in your video is the idea that if BNSF is required to actually comply with the obvious intent and purpose of the Hours of Service Act, we will all suddenly become paupers. Really John, it's not rocket science to figure out that if you can't consistently get crews from A to B in less than 12 hours, then either A to B is simply too far to go, or management just ain't what it used to be when those same crews on those same runs *were making it!* You must be at least a little bit embarrassed by the fact that your department continues to serve formal notices to establish long interdivisional runs (some in excess of 350 miles), repeatedly insisting to us and to the arbitrators involved that the proposed runs are "reasonable" in terms of miles and hours on duty, all based on supposedly exhaustive studies by BNSF's experts. If BNSF's current management team can't run the railroad without excessive limbo time, then shorten the runs until you find a management team who can.

And you might want to rethink your repeated assertion that the shortening of these long runs will bring an end to the highly desirable working conditions enjoyed by your employees/our members working those runs. Many of these Conductors and Engineers spend 12+ hours getting to their away-from-home terminal and 12+ hours getting home (with wildly variable layovers) only to find that the crew equity rotation back home is in its usual state of utter chaos, so they will probably get called out again in place of a crew who should have been there but isn't because of mismanagement of the pool. Sure, 48 hours off between trips *sounds* good, but when you spend the first 24 hours just trying to feel human again and the next 24 hours trying to stay rested enough to begin another nightmare run, it's not quite the nirvana that you make it out to be.

Incidentally, your employees/our members are acutely aware that interdivisional crews today generally have no right to a meal period en route on those 12+ hour runs, whereas crews on traditional shorter runs generally have the option to stop for a meal period. Let's see... a lower overtime threshold, more tolerable hours and predictable work schedules, a stop for lunch, and a new test period for a trip rate based on pre-1985 employees' earnings. You might want to look closer before you again threaten to throw your employees/our members into this briar patch.

Our members want more civil communication and more meaningful negotiations, and they want to work for an employer who keeps its promises (like the promise to address entry rates and the promise to honor crew consist moratoriums and the promise of a safe workplace) without the necessity of court action. Perhaps if we all focused more on those things and less on personalities, we would begin to see some progress on behalf of your employees/our members.

Sincerely,

General Chairmen  
BNSF General Chairmen's Association  
United Transportation Union