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To The Surface Transportation Board,

My name is Kelly Pettus. I am the wife of a locomotive engineer working as a conductor in San Antonio, Texas. My husband has been hauling freight for BNSF for 29 years, originally an ATSF employee. He has a spotless employment record except for a time he was disciplined for taking a pre-approved vacation in 2016. I want the company to bring that up because it only validates my point about the railroad implementing inhumane policies that diminish quality of life for workers and families. I want the railroad to read his file and defend their unrealistic expectations. Those expectations have only gotten worse.

He is a 3rd generation railroad worker and has witnessed the working conditions worsen throughout his career. I am struggling hard, but I also realize there is a spouse behind me with 20 years to go and they are trying to figure out how to escape or keep it all together. As a railroad wife in our last 9 years, all I can hope for is change. I've lived in multiple states and 3 railroad terminals. I could write a book about what it's done to my mental health and the obstacles my marriage has survived.

My husband worked in unassigned service most of our marriage and we passed in the hallways for years. There is a reason the divorce rate is high amongst railroad workers. It's the same reason that you'll notice a thicker skin from the spouses who have stood by them, and we are screaming the loudest. We are enduring a marriage ending hell most people cannot survive. We live the life and schedule even though we don't work the job. Railroad spouses are tough as nails because we have to be. We spend most of our time managing our lives alone while our railroad spouse makes brief appearances to sleep and fill their cooler to leave again. We live a life of service because our spouses aren't home long enough to handle any business, even their own. My regular quote is, "Railroad wife, first out life," because we are always managing the unmanageable, and without a schedule.

He made a seniority move to San Antonio (at 26 years) so we could have a more predictable life. He is now in assigned service with 2 rest days, Saturday and Sunday. That is a railroader's dream and we were finally there! We were finding balance for the first time in our lives, but Hi-Viz ignited a whole new kind of hell for us.

Since we relocated in 2018, the railroad has eliminated jobs and scaled back their extra boards to the point where they cannot operate properly without setting unrealistic expectations of their crews, including cutting corners and costs at the expense of safety. They are also failing their customers and the American supply chain.

My husband still holds the only shuttle job left in San Antonio, but when we moved here there were 3. They eliminated 2 regular jobs that employed 4 high seniority people. What do you think that did to morale? The railroad eliminated the other 2 jobs but there is still freight moving which means one crew is doing the work of 3. He often calls me at the end of a day, 40 miles out, when he's already worked 12 hours to tell me he is waiting for a van back to the yard. His 12 hour days are more like 14. He services the same customers weekly and they are all screaming for better service. Many of them call my husband after hours, on rest and vacation days, or anytime they want to vent to someone who cares. He delivers to a shortline railroad and the BNSF treats them terribly!

His rest days are Saturday and Sunday so if he gets sick, if I get sick, or our daughter gets sick, or anything unplanned happens MONDAY-FRIDAY, he receives 7 points for an absence. He gets 30 for his entire career. Our 2-year-old daughter was sick for 5 days, then hospitalized. You can't plan for that. Our closest family member is 1,800 miles away so during difficult times, we only have one another. He had to spend a night in the hospital with her because after caring for her by myself, I also got too sick to care for her. Our 2-year-old baby was in the hospital with acute acidosis, and I was vomiting into a trash can in the

emergency room, but we were discussing how many points it was going to cost him and whether there was allocation available for him to take the PLD days he had earned to avoid points so he could care for us.

When he tried to lay off there was no time available so he decided she was more important, and he would deal with the points. He logged in obsessively throughout day and night from the hospital trying to get the time approved. His 2-day absence and overnight hospital stay would have cost 14 points but he was finally able to log in late at night prior to his absence and get a PLD approved because someone else had purged one, opening up the allocation at the last minute. He got lucky that time.

He missed 2 days caring for us, then got the flu on his rest days and went to work on Monday with mild symptoms anyway because there was no allocation available for him to take a PLD or vacation day to care for himself. I hope he didn't pass the illness on to the next person. He didn't have a choice.

The feeling of worry about his job security while our baby was so sick is indescribable. I physically could not care for her. I was separated from her when they took her by ambulance from the ER to the hospital and it made me feel helpless that he was in that position. I was worried about his job and our daughter; he was worried about his whole family and his job. He was torn between 2 places he needed to be. I promise, his family needed him more. It's fueled an anger in me that no mother can ever let go of. They can ignore me and try to intimidate me but I'm going to keep telling my story anyway.

BNSF does not accept doctor notes and our doctors are limited on assisting us with FMLA. There isn't a proper way to file the paperwork without a specific health condition listed that requires regular care and because I am also here, they won't file paperwork for him. They think a doctor note is sufficient for a 2-3-day occurrence because most employers will accept that. Why wouldn't it be? Why is a hospitalized child not a good enough excuse for the railroad? No one should have to choose between work and caring for a sick baby. Is the administrative and executive staff held to the same cruel attendance policy or are they enjoying scheduled breaks mandated by federal law?

Taking pre - approved earned time off automatically generates attendance points under this flawed Hi-Viz policy. We took a long-awaited vacation this month. The time was a combination of PLD (personal leave days) and vacation time, but my husband had to jump through hoops to avoid 23 points. That's right, he had to fight to take his pre-approved time off without getting points.

His time off included 2 personal leave days to cover Thursday and Friday. His rest days are Saturday and Sunday. His vacation starts Monday morning at 4:30am and he had a week off to cover Monday - Sunday. Then, he took 2 PLDs on Monday and Tuesday. In total, he had 11 days of pre-approved scheduled time off. No problem, right?

Wrong!

Prior to Hi-Viz, he has taken his time off in a similar way. During our 2 previous vacations he's received a call at 4am from a Trainmaster saying, "I thought you were on vacation? You are marked up on the job today?" Both times we were out of state. Since Sunday is a rest day, he is already off, and the computer automatically marks him up for his 6am shift on Monday morning at 4am. Despite that being day one of vacation, the railroad will penalize him for not working it. When he is absent, the scheduled call time to call an extra board person to cover his shift is 4:30am. That 30-minute time window has required him to lay off at the last minute in the past to cover the time. Laying off under those circumstances today generates points.

He was forced into a logistical nightmare with no solid answers. He technically needed to lay off but that would mean using an entire day of earned time to cover 30 minutes. Even if he had gone that route, there was no guarantee because if there was no allocation for a PLD, it would be denied, and he would be penalized even more heavily.

Here are the scenarios we faced:

Assume that since all vacation and PLD is approved, we can leave without worrying.

NOS (no show) - Monday morning (day 1 of vacation) 20pts, plus - 3pts for conjunction. Total attendance points (23).

Los (lay off sick) Monday for 30 minutes to avoid missing his first day of vacation would have been - 7pts plus, -3pts conjunction. Total attendance points (10).

Lay off sick Easter Sunday, a High Impact Day, and a rest day ahead of vacation, -10pts plus -3pts conjunction (13)

Fortunately, since we have had an issue on 2 prior vacations, he knew he needed to cover those 30 minutes and he took every proactive step possible. He spoke to his terminal manager over a month in advance, but he was unable to guarantee he wouldn't be automatically marked up. The only thing they could do was leave notes for the Trainmaster in duty and hope he remembered. They requested a reminder call.

My husband called at 2:30am from our hotel in Las Vegas to remind him and he asked for another call to be reminded again just before 4am. He set the alarm again to make the 2nd call. Why are we on vacation setting alarms in the middle of the night to make sure he doesn't get points for taking pre-approved time off?

3 verbal conversations in advance and 2 phone calls overnight to take time off that he earned and was pre-approved. What happens to crews working in terminals where the terminal manager or Trainmaster doesn't care, or is unwilling to do the extra work? That's what most employees are dealing with. We should not have to make extra calls or worry on vacation about getting penalized with over 1/3 of his points! Our whole life revolves around our spouses checking their phones to monitor the boards every hour trying to figure out when they are going to work. It is unacceptable that we are now doing it on vacation.

A BNSF executive blatantly lied during a recent Surface Transportation Board hearing when he said that Hi- Viz is "working well for everyone." and "change is hard." I am not sure I have a civil response to that. First, if my husband lies, he will be terminated but executives and managers do it every day. That's a separate letter. The executive who told that lie must have never worked or lived this way. Has he ever been subjected to this treatment in the name of "change" and record profits? If not, he can't begin to understand what "hard" is.

When will the company decision makers be expected to embrace change and be held accountable when they lie? Listening to employees who built their profits would be a huge change and we would embrace that!! Is it that HARD to appreciate the people who make you wealthy? it's about time they come to the table and stop playing the blame game. Change is hard, Mr. Executive. Are YOU up for the challenge??

The pain I've endured is my motivation! I am not afraid of speaking out. The company has "spies" and they are watching me, or anyone as loud as me, because I've openly and truthfully exposed their tactics.

Who do they think they are trying to intimidate me with their money and power?? They can't. I'm tough as nails, remember? It's going to be hard to shut me up. Really hard!

My husband has a spotless employment record and receives a postcard thanking him for “perfect attendance” in 2020 during the pandemic, right before they introduced Hi-Viz! This life is already overwhelming. This policy has been a hard blow for all of us, some harder than others. My power is in my voice and sharing the truth. We’ve been told, essentially, that the corporation losing profit is more detrimental than our physical and mental health because of their inhumane abuse.

Berkshire Hathaway owns BNSF. They just reported record profits in 2021. Their operating income for the year was \$8.8 billion, a 13.7% increase from 2020. Revenue increased 11.6%, to \$22.5 billion. Warren Buffet is worth \$117 Billion and is the top investor in history. Railroad crews have been working on an expired contract for over 2 years, with no pay raise and he is sitting on \$117 Billion. \$117 Billion!

Aside from tearing families apart, railroad attendance policies create a direct threat to public safety, nationally. It impacts every American household because the railroad is the lifeblood of the supply chain. It is crumbling. It is abusing American workers and failing to deliver goods on time. They are doing more with less, building longer trains, disregarding public safety and the risk involved. They are still delivering record profits to shareholders, though.

I understand that we are not going to see progress overnight. This goes far beyond my husband and the BNSF. This is about class 1 railroads and their shareholders making billions on the backs of workers who are treated like collateral damage. Railroad workers, regardless of who they work for, need public support and change! We need to see a revision to the outdated Railway Labor Act because it was established in 1926, with only 2 minor amendments in 1934 and 1966. It is outdated at best. We need the railroads to treat crews like human beings instead of a B number!

I will not sit quietly and be ignored, intimidated, or silenced. It’s time these railroad executives and shareholders start acknowledging who brings them profit and treat their crews as the ESSENTIAL asset that they are.

This is just my story, one of thousands. We are American families, and we need support!

Railroad workers and families deserve better than Hi-Viz! Communities, shippers, and consumers deserve better!

I welcome any opportunity to discuss this further with you, or anyone who has questions regarding my experience. I am comfortable with my comments being public and you have my permission to share as you see fit.

Sincerely,

Kelly Pettus