

Surface Transportation Board
Docket No. AB 575 (Sub-No. 2X)

Dear Ms. Brown,

In light of recent events involving other Class I railroads, and their derailing of trains carrying hazardous materials, and BNSF's recent history of negligence when it comes to safety, I would request that the Board Stay the Effectiveness of the Exemption until it can be assured BNSF has not just the capability to run a safe railroad, but actually implements changes and rules necessary to carry that out.

While the derailment in East Palestine, Ohio, on February 3rd was by Norfolk Southern, the train that derailed (NS 32N), originated in TRRA's Madison Yard, in East St. Louis, Illinois. TRRA, being a terminal railroad, interchanges with six Class I railroads, including BNSF and Norfolk Southern. This leads to the possibility that the car which caused 32N to derail came from BNSF, or travelled on a BNSF train at some point during its journey. While Norfolk Southern should ultimately be responsible for the derailment and poor car maintenance, if another railroad had handled that car earlier, they, too, could have spotted issues and fixed them.

Additionally, even if BNSF did not play a role in the derailment of NS 32N, they still have had multiple fatal accidents on their tracks within the last 2 years, while MRL has had zero. The first, an Amtrak derailment on BNSF trackage, occurred near Joplin, Montana, in September of 2021. The train derailed in part due to a bend in the rails that was made worse by BNSF freight trains travelling over the track. This accident, partially caused by lax BNSF maintenance, killed 3 passengers. The second was another Amtrak derailment, this time near Mendon, Missouri, in June of 2022. This time, the Amtrak train was travelling on BNSF trackage when it struck a loaded dump truck at an uncontrolled grade crossing with poor visibility and bad design geometry. While the truck driver, who was killed in the accident, was ultimately responsible for the collision, BNSF also played a major role by neglecting to improve the safety conditions at the crossing in question. While only 2 passengers died, it could have been worse if it were a freight train carrying hazardous materials, and the derailment occurred next to a major tributary of the Missouri River

Another derailment that BNSF caused was on the Swinomish Reservation in Washington. While this derailment wasn't fatal, it did spill over 3,000 gallons of diesel fuel into the nearby waters. The derailment was caused by the crew ignoring GCOR (General Code of Operating Rules) policies and failing to stop short of a derail lined in the derailing position. Either the crew was not adequately trained by BNSF, or BNSF is lax on enforcement of proper operating practices.

The root cause of these, and other safety issues on most Class I's, is workforce and infrastructure reduction, commonly pushed as "Precision Scheduled Railroading" (or "PSR") by railroad executives. BNSF will say they don't practice PSR and therefore don't have the same issues as the other Class I's. This is partially true. BNSF is correct in saying they don't practice PSR. This is because only CN,

CP, and (to some extent) CSX practice PSR. The other Class I's (including BNSF) only employ the workforce and infrastructure reduction part of PSR, sometimes described as "doing less with less." Thus, BNSF falls into the same safety issues that plague other railroads, such as Norfolk Southern with their uncanny ability to derail trains on straight and well-maintained tracks.

Montana Rail Link, being a Class II (Regional) Railroad, doesn't fall into these same traps, as they have the workforce necessary to practice PSR safely and effectively. MRL, despite running primarily BNSF run-through trains, with BNSF cars and locomotives, doesn't derail at the same rate as BNSF. My request is that the Petition for Exemption be Stayed until BNSF is able to demonstrate they are capable of keeping up the high safety standards set by MRL, to ensure the safety of Montana, and the rest of the country.

Please note that while I myself do not live in Montana, I am writing this on behalf of a friend who lives in Montana, adjacent to the MRL mainline (Second Subdivision). She wishes to remain anonymous, out of fear of repercussion for any anti-BNSF statements made with her name attached to them.

Thank you for your consideration,

Chandler J Kitson, EIT

cc: Rose-Michele Nardi

Crystal M. Zorbaugh

Joe Racicot (Montana Rail Link)

All parties of record