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April 3, 2017

Valued Service Provider,

In June 2016, the Federal Railroad Administration issued a Final Rule on *Control of Alcohol and Drug Use: Coverage of Maintenance of Way (MOW) Employees and Retrospective Regulatory Review-Based Amendments*. The rule expands the drug and alcohol testing requirements of 49 C.F.R. part 219 to cover Maintenance of Way workers, regardless of whether the work is performed by a railroad employee or a contractor. BNSF has reviewed its list of service providers and determined that your company may fall under the requirements of this rule. **Railroads and contractors that perform services for a large railroad must ensure compliance with the Final Rule by June 12, 2017.**

The Final Rule holds both a railroad and its contractors responsible for ensuring that any contractor employees who perform regulated service for the railroad are in compliance with the requirements of part 219.

In order to meet the obligations imposed on railroads under the new rule, BNSF has engaged the assistance of a third party contractor, BROWZ, to serve as a repository for the required copies of your compliance plans submitted to the FRA, to manage the data contractors are periodically required to submit, and to provide BNSF with reports detailing contractor compliance with the components of part 219. In the coming months, representatives from BROWZ will contact you directly to complete the registration process.

Complying with this Final Rule includes, but is not limited to:

1. Ensuring that a plan exists which demonstrates that all regulated employees are subject to part 219 (including, as applicable, random testing under subpart G, pre-employment drug testing under subpart F, and a previous employer background check as required by § 40.25);
2. Submitting the plan and necessary documentation of compliance to the railroad for review;
3. Reporting, in an FRA model format, summary part 219 testing data to the railroad at least every six months.

BNSF has determined that it will not be incorporating contractor employees into its part 219 plan, except to the extent required for post-accident testing. As such, it will be up to your company to develop a plan to ensure compliance with the testing requirements of part 219.

It is extremely important that you understand the Final Rule and its implications for your company. The Final Rule can be found at the FRA website link below.

<http://www.fra.dot.gov/eLib/details/L17465>

Failing to ensure your company's compliance with the Final Rule by the deadline could result in termination of service by BNSF.

If you have questions regarding the Final Rule, please consult the FRA website or contact the FRA at rrswebinquiries@dot.gov

If your company determines that it is not required to comply with Part 219, please provide BNSF with written notice of that decision within 30 days of your receipt of this letter.

Sincerely,



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