



Peter J. Rickershauser
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August 19, 2009

Mr. John Maddox
Manager, Freight and Rail Unit Program
Kansas Department of Transportation
Bureau of Transportation Planning
700 SW Harrison, 2nd Floor Tower
Topeka, KS 66603

Dear Mr. Maddox:

The Federal Railroad Administration's (FRA) \$8 Billion American Recovery and Reinvestment Act's (ARRA) High Speed and Intercity Passenger Rail (HSIPR) grant program offers the State of Kansas a unique opportunity to accelerate its long planned rail improvement program. BNSF looks forward to working with you on a program designed to expand a partnership that can achieve outstanding passenger rail service without degrading present or future freight service, and to build upon proven principles which have enabled BNSF to achieve one of the highest on-time passenger rail service performance records in the industry.

Over the last several months, our respective staffs have worked closely to develop a project that could bring real benefit to Amtrak's passenger rail program in Kansas, and we are pleased to endorse and support your HSIPR Track 1 application for Federal funding to aid in financing the replacement of rail on BNSF's Topeka Subdivision.

Please be assured that:

- BNSF has reviewed the FRA's grant application guidelines and has not found any requirement that would stop us from carrying out your proposed project, if those requirements are found to be applicable to the work BNSF will perform as part of the grant program and if, after good faith negotiations, those requirements are passed on to us in the form of a project contract requirement;
- BNSF has the experience, staff, procedures, and controls in place to carry out the State of Kansas' proposed project, as demonstrated by BNSF's completion of dozens of passenger rail improvement projects implemented with all or a portion of US Department of Transportation funding over a period spanning more than thirty years;

Given the fact that the project listed above will be built on a part of BNSF's core railroad, we cannot foresee, short of some turn of events over which BNSF has no control, that this project will not serve its intended purpose throughout its useful life;

- BNSF has the capability to maintain the proposed project during its useful life;
- The proposed project does not require the approval of any other railroad to be carried out;
- BNSF is prepared to begin work as soon as appropriate contracts between the Kansas DOT and BNSF are negotiated and executed and a Notice to Proceed is sent to us.

If there is anything else BNSF can do to support your efforts, please do not hesitate to ask. BNSF and I appreciate this unique opportunity to partner with you to improve our railroad's capabilities in the State of Kansas to the benefit of current Amtrak operations.

Sincerely,



Peter J. Rickershauser
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