UNION PACIFIC RAILROAD

2645 North New York Street Wichita, Kansas 67219

September 30, 2013

Bill Baker City Manager 115 E. Choctaw Sallisaw, OK 74955

U.S. CERTIFIED MAIL 7002 2030 0003 9536 1184 RETURN RECEIPT REQUESTED

Dear Mr. Baker:

As you are aware, the interstate railroad industry is regulated by the federal government by virtue of the commerce clause of the United States Constitution and the Interstate Commerce Act. In 1970, Congress enacted the Federal Rail Safety Act, 45 U.S.C. § 421, et seq. recodified at 49 U.S.C. § 20101, et seq., which imposes uniform national railroad safety standards. Under this Act and Federal Railroad Administration (FRA) regulations adopted pursuant to the Act, the federal government, among other things, sets speed limits for all trains based on the classification of the track on which they run. These regulations can be found in the Code of Federal Regulations at 42 C.F.R. § 213.9.

The Union Pacific tracks through your area are Class 4 track, for which the speed limit for freight trains is 60 miles per hour. Although we have in the past restricted speeds over this track to 35 miles per hour for various reasons, we will increase the speed to 50 miles per hour. Weekly speed increases of not more than 5 miles per hour will start on November 1, 2013 and will be 50 miles an hour effective December 1, 2013. The speed increase will start at Mile Post 525 to Mile Post 526.2. There are 8 crossings in this area. These crossings include Dogwood, US59 or Wheeler, Oak, Elm, Maple, Hickory, Washington, and Adams in downtown Sallisaw.

In most such instances, such changes are not noticeable and may actually enhance traffic flows and grade crossing safety. For example, more highway-rail grade crossing collisions actually occur at slower train speeds than at faster train speeds. Also, in many instances, the risk of derailments is greater at slower speeds. Moreover, on a very practical note, slower train speeds result in trains occupying crossings for longer periods of time, thereby increasing inconvenience to motorists waiting for trains to pass and, in some instances, increasing the likelihood that motorists will try to outrun trains through crossings.

With public safety in mind, Union Pacific will be notifying local media throughout the area about the upcoming maximum speed changes prior to the effective date. As such, we wanted to ensure that you were aware of the changes before making the announcement public.

Please contact me if you have any questions or would like to discuss this matter further. I may be reached at 316-268-9485.

Sincerely.

Jason D. Wilkerson Superintendent

cc: Shannon Vann, Mayor, 115 E. Choctaw, Sallisaw, OK 74955 Jim Rogers, County Commissioner, 117 S. Oak, Sallisaw, OK 74955

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