

**BNSF Railway Company**  
**49 CFR Part 272 – Critical Incident Plan**

The following is BNSF Railway Company's (BNSF) submission of its Critical Incident Plan ("Plan") to the FRA for approval as required by 49 CFR Part 272. BNSF reserves the right to offer services above and beyond the scope of 49 CFR Part 272.

Responsible Official:

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BNSF has provided services to its employees involved in critical incidents for well over 20 years, recognizing the value of providing supportive/counseling services to its affected employees as critical to its overall safety initiatives. This well-established program offers relief from tour/shift of duty, transportation to home terminals, access to licensed Employee Assistance Program (EAP) professionals for assessment/psychological first aid, and/or referral to behavioral health professionals and additional leave from normal duty as may be necessary and reasonable to receive preventive services and/or treatment related to the incident.

DEFINITIONS as per 49 CFR Part 272.9:

"Critical Incident means either (1) an accident/incident reportable to FRA under 49 CFR Part 225 that results in a fatality, loss of limb, or a similarly serious bodily injury; or (2) a catastrophic accident/incident reportable to FRA under 49 CFR Part 225 that could be reasonably expected to impair a directly-involved employee's ability to perform his or her job duties safely."

"Directly-involved employee means a BNSF employee covered under 49 CFR § 272.7 (1) whose actions are closely connected to the critical incident; (2) who witnesses the critical incident in person as it occurs or who witnesses the immediate effects of the critical incident in person; or (3) who is charged to directly intervene in, or responds to the critical incident (excluding BNSF police officers or investigators who routinely respond to and are specially trained to handle emergencies)."

"Home terminal means an employee's regular reporting point at the beginning of the tour of duty."

Employees covered under this plan include:

- (1) BNSF Train Service employees subject to the hours of service laws (49 U.S.C. 21103)
- (2) BNSF Signal employees (49 U.S.C. 21104).
- (3) BNSF Dispatchers (49 U.S.C. 21105).
- (4) BNSF Engineering employees (BNSF employees who inspect, install, repair, or maintain railroad right-of-way or structures).
- (5) BNSF Mechanical employees (BNSF employees who inspect, repair, or maintain locomotives, passenger cars, or freight cars).

At its discretion BNSF may make its Critical Incident Program available to employees who are not directly involved in a Critical Incident. Likewise, BNSF may make the Plan available in connection with incidents that are not considered Critical Incidents under 49 CFR Part 272.

Recognizing that there are significant variances in an individual's perception of trauma as well as the reaction and subsequent recovery, BNSF provides access to counseling, guidance and other appropriate support services through its EAP to all affected employees. Furthermore, BNSF empowers employees to not perform service when they cannot do so safely.

#### Informing BNSF employees about the Plan:

BNSF makes information regarding the Plan readily available to all BNSF employees on the BNSF intranet site. Information about the Plan also is presented at new hire training, recurring periodic training, safety meetings, in articles in BNSF Today and in Management Instructions and System General Orders.

In addition, BNSF will provide training on how managers and supervisors should interact with an employee who is directly-involved in a Critical Incident. Pre-incident education and training for employees will be structured to provide employees information about normal reactions to stress, ways to cope with stress, and options for leave, counseling, and other support services.

#### Relief from Duty Tours:

The responding officer will, as soon as practicable at the site of the incident, offer any Directly-Involved Employee relief from the balance of the duty tour or shift after the employee has performed any actions necessary for the safety of persons and contemporaneous documentation of the Critical Incident. A Directly-Involved Employee may also request relief from the duty tour(s) subsequent to the Critical Incident (see "Additional Time Off" section below).

#### Timely Transportation:

The responding officer will, as soon as practicable at the site of the incident, offer each Directly-Involved Employee the option for timely transportation (provided by BNSF Railway) to the employee's "home terminal," after the employee has performed any actions necessary for the safety of persons and contemporaneous documentation of the incident.

#### Counseling, Guidance, and Support Services:

The responding officer will, as soon as practicable at the site of the incident, offer each Directly-Involved Employee the option for counseling, guidance, and other appropriate support. The employee may obtain these services

through a variety of methods (e.g., directly, through the Health Plan, BNSF EAP). In addition, BNSF Railway does not restrict the employee's choice of health care practitioner (e.g., certified employee assistance professional, or personal licensed psychiatrist, clinical psychologist, clinical social worker, or physician). BNSF Railway does provide free EAP services and will put each Directly-Involved Employee in contact with EAP by providing the telephone number for use in contacting EAP 24/7 in order to obtain counseling, guidance, and other appropriate support services through this program. Employees electing to contact EAP through this number will receive timely telephonic counseling/support services from an EAP professional. In addition, the Employee Assistance Manager (EAM) will attempt to contact directly involved employees upon a request of a BNSF Officer following a Critical Incident. If such request is made and employees avail themselves of Employee Assistance Program Services, the EAP assessment will determine referral for behavioral health therapy. In addition, an employee can request such a referral at any time.

Additional Time Off:

The responding officer will, as soon as practicable at the site of the incident, offer each Directly-Involved Employee the option for relief from duty tours subsequent to a Critical Incident. BNSF does not require a diagnosis for such additional time off within 72 hours after a Critical Incident.

If a Directly-Involved Employee is unable to report for his or her next tour of duty or shift, the employee must contact his or her supervisor and report the absence from work. The supervisor will (1) confirm that the employee has access to counseling, guidance, and support as described in the "Counseling, Guidance, and Support Services" section above; (2) report the Critical Incident case to the Injury Care Nurse hotline (888-634-1011), and (3) grant the time off as appropriate. Employees who need additional time off will be granted such time as may be necessary and reasonable to receive preventive services or treatment related to the incident or both, provided the employee's clinical diagnosis supports the need for additional time off or the employee is in consultation with a health care professional related to the incident and such health care professional supports the need for additional time off in order for the employee to receive preventive services or treatment related to the incident, or both.

BNSF Employees Operating/Working on Non-BNSF Track:

Supervisors will promptly respond to Critical Incidents involving these BNSF employees and implement the same services and processes described above.