



Investigation Report

Union Pacific Railroad

TR-180854

Betty Young
Rail Safety
Oct. 2018

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation was to determine if Union Pacific Railroad (UPRR) failed to timely report an event that occurred Aug. 6, 2018, connected to the operation of the railroad, involving the release of a hazardous material as required in Washington Administrative Code (WAC) 480-62-310 – Accident reports.

Scope

The scope of the investigation focuses on information obtained by Washington Utilities and Transportation Commission (commission) staff related to UPRR's operations.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 80.01.040(2) and 81.01.010. RCW 81.04.070 makes it clear that the commission is authorized to conduct such an investigation. RCW 81.04.380 and 81.04.405 authorize the commission to assess penalties against companies for violation of the statutes, rules, orders, decisions, or directives of the Legislature or the commission. Appendix A includes copies of the appropriate laws and rules.

BACKGROUND

WAC 480-62-310 requires railroad companies to provide to the commission detailed reports for any event connected to the operation of the railroad company that results in an accident.

Specifically, railroad companies must report:

- Release of a hazardous material (*i.e.*, a material that is corrosive, flammable, explosive, reactive with other materials, or toxic).
- Death of any person.
- Injury to a person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid.
- Property damage of \$50,000 or more.

Railroad companies must make a telephone report of such events, within 30 minutes of learning of the event, to the to the commission’s designee, the Washington State Emergency Operations Center (EOC) 24-hour duty officer. The report must provide detailed information of the event to the duty officer, as outlined below. After receiving the telephone report from the railroad company, the duty officer identifies the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event. The duty officer notifies the commission, the affected county or city emergency management office, and other appropriate agencies of the event report.¹

Each event report made by a railroad company must state, to the extent known, the:

- a. Name of the railroad(s) involved;
- b. Name and position of the reporting individual;
- c. Time and date of the event;
- d. Circumstances of the event;
- e. Number and identity of persons suffering injuries;
- f. Number of fatalities and the identities of the deceased;
- g. The type and amount of hazardous material spilled; and,
- h. Other details that will assist in identifying the necessary response, as prompted by the duty officer.

Prior Technical Assistance Provided

In Feb. 2015, commission staff sent a letter providing specific technical assistance regarding the reporting requirements in WAC 480-62-310 to all regulated railroad companies operating in Washington, including UPRR.²

¹ These provisions must be carried out in accordance with the state’s 24-hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

² Feb. 4, 2015, Dave Pratt letter to John Turner, UPRR, at Appendix B.

In Feb. 2017, commission staff met with staff from UPRR, discussed the reporting requirements in WAC 480-62-310, and established points of contact at UPRR for hazardous material and other incidents.³

³ Feb. 7, 2017, email from Aaron Hunt, UPRR Public Affairs Director, to Betty Young at Appendix C.

INVESTIGATION

Aug. 6, 2018, Hazardous Material Incident

On Aug. 17, 2018, the EOC notified the commission of a UPRR hazardous material incident report that an “unknown amount of an unknown material” in an intermodal container leaked onto the cement at 1738 Milwaukee Way in Tacoma, WA. The date of the event is shown as Aug. 6, 2018, and the time is shown as “unknown.” The date and time reported to the EOC are shown as Aug. 17, 2018, at 11:35 a.m.⁴

By request, commission Rail Safety Hazardous Material Inspector Cal Stocking received a copy of the U.S. Dept. of Transportation Hazardous Materials Incident Report for the incident from UPRR.⁵ According to the report, the event occurred on Aug. 6, 2018, at 11:01 a.m. The rail yard crew found a container was leaking clear liquid, identified in the report as nitric acid, a corrosive hazardous material.⁶ The total quantity released is shown as 10 gallons.

The 30-minute telephonic reporting requirement in WAC 480-62-310 applied to this incident. Because the incident was reported 11 days after it was discovered, commission Rail Safety staff followed up with UPRR for additional details. When asked about the delay in reporting the incident to the EOC, Dana Pompetti, UPRR Hazardous Materials Management, stated that the incident was reported internally to various departments on Aug. 6, 2018, but the reporting party failed to report the release to UPRR’s Response Management Communications Center (RMCC). The RMCC makes all regulatory notifications for UPRR. Mr. Pompetti indicated he was notified of the incident by the RMCC on Aug. 17, 2018, and dispatched contractors to handle remediation and cleanup. He also provided a copy of the RMCC Incident Report. The report’s incident narrative identifies the leaking rail car as UMXU 936118, located at the TacSim Yard in Tacoma. The report confirms that the incident occurred on Aug. 6, 2018, and that the EOC was notified on Aug. 17, 2018, at 1:36 p.m. (Central Standard Time).⁷

⁴ Aug. 17, 2018, email from the EOC at Appendix D.

⁵ Oct. 8, 2018, email from Cal Stocking at Appendix E.

⁶ 49 CFR Part 172.101 – Hazardous Materials Table – Identification number UN2031.

⁷ Oct. 16, 2018, email from Dana Pompetti at Appendix F.

STAFF FINDINGS AND RECOMMENDATION

Commission staff has determined that UPRR violated WAC 480-62-310 when it failed to timely report to the EOC the release of a hazardous material within 30 minutes as required on Aug. 6, 2018. The requirement to notify the EOC of any hazardous material release is a serious matter. When UPRR fails to notify the EOC that such an incident has occurred, the EOC will not know to identify the necessary critical response and remediation resources and agencies to respond to the incident, causing potential harm to the public. Commission staff provided technical assistance to UPRR regarding WAC 480-62-310 on several occasions. UPRR knew or should have known how to comply with reporting requirements.

RCW 81.04.010(11) states that a common carrier “... includes ... railroads, railroad companies...”

RCW 81.04.010(16) states that a public service company “... includes every common carrier.”

RCW 81.04.380 Penalties – Violations by public service companies states, in part:

“Every public service company ... shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense ...”

Recommendations

Commission staff recommends the commission file a complaint on its own motion setting forth any act or omission by Union Pacific Railroad that violates any law, or any order or rule of the commission, as provided by RCW 81.04.110.

In addition, staff recommends that the commission impose penalties of up to \$1,000 per violation for 11 violations of WAC 480-62-310, as provided by RCW 81.04.380.

APPENDICES

APPENDIX A

RCW 80.01.040 General powers and duties of commission.

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, all persons engaging in the transportation of persons or property within this state for compensation.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation.

(4) Make rules and regulations necessary to carry out its other powers and duties.

[2007 c 234 § 1; 1985 c 450 § 10; 1961 c 14 § 80.01.040. Prior: (i) 1949 c 117 § 3; Rem. Supp. 1949 § 10964-115-3. (ii) 1945 c 267 § 5; Rem. Supp. 1945 § 10459-5. (iii) 1945 c 267 § 6; Rem. Supp. 1945 § 10459-6. Formerly RCW 43.53.050.]

RCW 81.01.010 Adoption of provisions of chapter 80.01 RCW.

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein.

RCW 81.04.010 Definitions.

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

(1) "Commission" means the utilities and transportation commission.

(2) "Commissioner" means one of the members of such commission.

(3) "Corporation" includes a corporation, company, association, or joint stock association.

(4) "Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

(5) "Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

(6) "Person" includes an individual, a firm, or copartnership.

(7) "Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

(8) "Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

(9) "Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all facilities and equipment, used, operated, controlled, or owned by or in connection with any such railroad.

(10) "Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

(11) "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, commercial ferries, motor freight carriers, auto transportation companies, charter party carriers and excursion service carriers, private nonprofit transportation providers, solid waste collection companies, household goods carriers, hazardous liquid pipeline companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

(12) "Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the

conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(13) "Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

(14) "Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

(15) "Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of persons transported and their baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of persons transported.

(16) "Public service company" includes every common carrier.

(17) The term "service" is used in this title in its broadest and most inclusive sense.

[2007 c 234 § 4; 1993 c 427 § 9; 1991 c 272 § 3; 1981 c 13 § 2; 1961 c 14 § 81.04.010. Prior: 1955 c 316 § 3; prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.]

RCW 81.04.070 Inspection of books, papers, and documents.

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers, and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent, or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his or her authority from the commission to make such inspection.

[2013 c 23 § 287; 1961 c 14 § 81.04.070. Prior: 1911 c 117 § 77; RRS § 10415.]

RCW 81.04.110 Complaint—Hearing.

Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service company or any person, persons, or entity acting as a public service company in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission.

When two or more public service companies or a person, persons, or entity acting as a public service company, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service companies in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service company or companies complained of in any other locality or localities in the state.

All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: PROVIDED, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or company complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission.

[1994 c 37 § 2; 1961 c 14 § 81.04.110. Prior: 1913 c 145 § 1; 1911 c 117 § 80; RRS § 10422.]

RCW 81.04.380 Penalties—Violations by public service companies.

Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

[1961 c 14 § 81.04.380. Prior: 1911 c 117 § 94; RRS § 10443.]

RCW 81.04.405 Additional penalties—Violations by public service companies and officers, agents, and employees.

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission, every person or corporation violating the provisions of any cease and desist order issued pursuant to RCW 81.04.510, and every person or entity found in violation pursuant to a complaint under RCW 81.04.110, shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

[1994 c 37 § 4; 1973 c 115 § 2; 1963 c 59 § 3.]

WAC 480-62-215 Hazardous materials regulations.

(1) Rules governing hazardous materials are prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Parts 171 through 174, and Parts 178 and 179, and the appendices to Title 49. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101- 81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-215, filed 1/30/01, effective 3/2/01.]

WAC 480-62-310 Accident reports.

(1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1- 800-258-5990 of any event connected to the operation of the railroad company that results in the:

(a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with

other materials, or toxic);

(b) Death of any person;

(c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or

(d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the event;

(d) Circumstances of the event;

(e) Number and identity of persons suffering injuries;

(f) Number of fatalities and the identities of the deceased;

(g) The type and amount of hazardous material spilled; and

(h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101- 81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-310, filed 1/30/01, effective 3/2/01.]

WAC 480-62-999 Adoption by reference.

In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, 2016.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, 2016.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices) and WAC 480-62-235 (Flaggers).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First**

Aid Kits is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, 2016.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from IHS Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, 2016.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from IHS Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-62-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-62-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-62-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-62-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-62-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-62-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-62-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-62-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101- 81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

APPENDIX B



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

February 4, 2015

John Turner
General Superintendent, UPRR Portland Service Unit
Union Pacific Railroad
5424 SE McLaughlin Blvd
Portland, OR 97202

RE: Railroad Company Accident Reporting Requirements

Dear Mr. Turner:

The Washington Utilities and Transportation Commission (commission) requires railroad companies to provide detailed reports for any event connected to the operation of the railroad company that results in an accident as described below. (See Washington Administrative Code or WAC 480-62-310, enclosed.)

Specifically, commission rules require railroad companies to report the following:

- Release of hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic).
- Death of any person.
- Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid.
- Property damage, amounting to fifty thousand dollars or more to property.

Railroad companies must make a telephone report of such events, within **30 minutes** of learning of the event, to the commission's designee: the Washington State Emergency Operations Center's 24-hour duty officer (duty officer) at 1-800-258-5990. The report must provide detailed information of the event to the duty officer as outlined below. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the

Respect. Professionalism. Integrity. Accountability.

John Turner
February 4, 2015
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completion of the response to the event. The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.¹

Each event report by a railroad company must state, to the extent known, the:

- a) Name of the railroad(s) involved;
- b) Name and position of the reporting individual;
- c) Time and date of the event;
- d) Circumstances of the event;
- e) Number and identity of persons suffering injuries;
- f) Number of fatalities and the identities of the deceased;
- g) The type and amount of hazardous material spilled; and
- h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

In addition to the immediate reporting requirements outlined above, railroads must also provide copies of reports to the commission at the same time when submitting event reports to the Federal Railroad Administration.

WAC 480-62-310(5) requires that whenever a railroad company submits an event report to the Federal Railroad Administration, *it must submit a copy to the commission at the same time.*

Please submit the incident reports to WUTCRailIncidentRptg@utc.wa.gov via email.

Hazardous Materials Incident or Accident

WAC 480-62-310(6) requires that whenever a railroad submits a report to the United States Department of Transportation concerning a **hazardous materials incident or accident**, *it must submit a copy of the report to the commission at the same time.*

Please submit the hazardous materials incident report (Form DOT F 5800.1) to WUTC5800Reporting@utc.wa.gov via email.

¹ These provisions must be carried out in accordance with the state's 24-hour duty officer standard procedures and the Washington Emergency Management Act, chapter [38.52 RCW](#).

John Turner
February 4, 2015
Page 3

Failure to provide these required reports is a violation of commission rules. Commission staff will recommend that the commission take enforcement action against railroad companies that fail to report incidents or accidents as required. Each day's continuance of a violation is considered a separate and distinct violation and may result in monetary penalties.

If you have any question about these requirements, please contact Lori Halstead, Rail Safety, at 360-664-1262 or lhalstea@utc.wa.gov.

Sincerely,



David Pratt
Assistant Director, Transportation Safety

Enclosure

WAC 480-62-310
Accident reports.

(1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1- [800-258-5990](tel:800-258-5990) of any event connected to the operation of the railroad company that results in the:

(a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);

(b) Death of any person;

(c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or

(d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four hour duty officer standard procedures and the Washington Emergency Management Act, chapter [38.52](#) RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the event;

(d) Circumstances of the event;

(e) Number and identity of persons suffering injuries;

(f) Number of fatalities and the identities of the deceased;

(g) The type and amount of hazardous material spilled; and

(h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time.

APPENDIX C

From: [Aaron M. Hunt](#)
To: [Young, Betty \(UTC\)](#); [Kasha A. Thompson](#)
Cc: [Pratt, David \(UTC\)](#); [Hunter, Kathy \(UTC\)](#); [Curl, Paul \(UTC\)](#); [Ty Wyman](#); [David M. Pickett](#)
Subject: Re: UTC Accident Reporting and Community Impact Notices
Date: Thursday, February 16, 2017 12:55:50 PM
Attachments: [ATT00004.png](#)
[ATT00005.png](#)
[ATT00007.png](#)

Hi Betty,

Kim Keeling is the right contact for Hazmat.

For other incidents, it should be **Kasha Thompson** - 916-789-6177

We should discuss this process at our forthcoming meeting.

Many thanks,

Aaron Hunt
Director, Public Affairs
Union Pacific Railroad
301 NE 2nd Ave
Portland, OR 97232
503-249-3079
@aaronmhunt

From: "Young, Betty (UTC)" <byoung@utc.wa.gov>
To: "amhunt@up.com" <amhunt@up.com>
Cc: "Pratt, David (UTC)" <dpratt@utc.wa.gov>, "Hunter, Kathy (UTC)" <khunter@utc.wa.gov>, "Curl, Paul (UTC)" <pcurl@utc.wa.gov>
Date: 02/07/2017 10:49 AM
Subject: UTC Accident Reporting and Community Impact Notices

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Hi Aaron – it was great meeting with you today.

Accident Reporting: As we discussed, the commission's rules ([WAC 480-62-310](#)) require railroad companies that are subject to the UTC's jurisdiction to notify the UTC's designee (the Washington state emergency operations center's 24-hour duty officer or EOC), by telephone, of any event connected to the operation of the railroad company that results in the (a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic); (b) Death of any person; (c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or (d) Property damage, amounting to fifty thousand dollars or more to property. The report must be made by the railroad company within thirty minutes of when it learned of the event. UPRR generally reports these events to the EOC as required. My goal is to establish a point (or points) of contact at UPRR for questions on reported events, if further investigation is required and/or the

information reported is insufficient or unclear. To date, I've been provided the following contact names:

- **Hazardous Material incidents:** Kim Keeling, Program Manager – Hazardous Materials
- **Other Incidents** (death of a person, injury to a person at crossing requiring medical treatment, property damage over \$50K): Carl Nagy, Western Region Office

Could you confirm that these are the contacts UPRR would like me to use?

Community Impact Notices: Railroad companies are required to notify the commission and the governing authority of a community at least 10 days prior to taking any planned action that may have a significant impact on the community. Such actions can include disrupting the use of a crossing for track inspection, reconstruction, maintenance, or blocking a crossing. For more information, see [WAC 480-62-305 - Railroad Community Notice Requirements](#). To submit a community impact notice, email: [WUTCCommunityNotice](#)

Please let me know if you have any questions or if I can provide additional information.

Betty Young

Transportation Planning Specialist
Rail Safety
(360) 664-1202

Utilities and Transportation Commission (UTC)

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www.utc.wa.gov



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**

APPENDIX D

From: [State Emergency Operations Officer \(MIL\)](#)
To: [ECY DL SWRO ERTS COORDINATOR](#); [Banks, Daniel C \(MIL\)](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgaard](#); [Mark Daniels \(FRA\)](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Stephen Pugsley \(pugsles@amtrak.com\)](#); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)
Cc: [FM Duty Officer](#)
Subject: 18-3129 Union Pacific report of Unknown Material Released, Tacoma
Date: Friday, August 17, 2018 11:44:12 AM

Please see the below information involving a railroad that has been reported the State Emergency Operations Center (EOC). Please reply to this email to confirm receipt of this message.

Thank you,

Time Called in to the State EOC: 8/17/18, 1135 hrs

Reporting Party Name, Position and Contact Number: Andrew Karstrom, 888-877-7267

Name of Railroad(s) involved: Union Pacific

Date/Time of Event: 8/6/18; Unknown Time

Milepost and/or Address of Event: 1738 Milwaukee Way, Tacoma, WA

Type of Rail Car Involved: None

Number of Injuries/Fatalities: None

Type and Amount of HAZMAT Spilled: Unknown amount of unknown material

Circumstances of the Incident: Intermodal container leaked material to cement. No drains or waterways impacted. Contractors contacted today and are enroute to remediate.

Name and Phone of Local Contact: Joel Greenwalt, Contractor, 253-627-4999

Railroad Incident Number: 20180817155AAK

State EOC Incident Number: 18-3129

No other information provided.

Jerald "Jaye" Compton
State Emergency Operations Officer
Washington Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122

800-258-5990

dutyofficer@mil.wa.gov

APPENDIX E

From: [Stocking, Cal \(UTC\)](#)
To: [Young, Betty \(UTC\)](#)
Subject: FW: 5800
Date: Monday, October 8, 2018 1:28:42 PM
Attachments: [incidentReportTacoma.pdf](#)

Here is the 5800 For one.. he is providing another when he gets it for one other incident.

Cal


From: Dana W. Pompetti [mailto:dwpomp@up.com]
Sent: Monday, October 8, 2018 11:03 AM
To: Stocking, Cal (UTC) <cal.stocking@utc.wa.gov>
Subject: 5800

Dana W. Pompetti
Hazardous Materials Management
301 N.E. 2nd. Ave.
Portland, OR 97232
(503) 249-3024 *Office*
(402) 271-5537 *Fax*
(801) 386-4208 *Cell*

**

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**

	<h2 style="margin: 0;">Hazardous Materials Incident Report</h2>	Form Approval OMB No. 3137-0039
U.S. Department of Transportation Research and Special Programs Administration		
According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 2137-0039. The filling out of this information is mandatory and will take 96 minutes to complete.		
INSTRUCTIONS		
Submit this report to the Information Systems Manager, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety, DHM-63, Washington, D.C. 20590-0001. If space provided for any item is inadequate, use a separate sheet of paper, identifying the entry number being completed. Copies of this form and instructions can be obtained from the Office of Hazardous Materials Website at http://hazmat.dot.gov . If you have any questions, you can contact the Hazardous Materials Information Center at 1-800-HMR-4922 (1-800-467-4922) or online at http://hazmat.dot.gov .		
PART I - REPORT TYPE		
1. Incident Id: E-2018100097		
2. This is to report: A		
PART II - GENERAL INCIDENT INFORMATION		
3. Date of Incident: 08/06/2018		4. Time of Incident (use 24-hour time): 11:01
5. Enter National Response Center Report Number (if applicable):		6. If you submitted a report to another Federal DOT agency, enter the agency and report number:
7. Location of Incident:		
City: TACOMA County: PIERCE State: WA Zip Code: (if known): 98401		
Street Address/Mile Marker/Yard Name/Airport/Body of Water/River Mile: Mile Marker 145.25		
8. Mode of Transportation: Rail 9. Transportation Phase: In Transit 10. Carrier/Reporter:		
Name: Union Pacific Railroad Street: 1400 Douglas St. City: Omaha State: NE Zip Code: 68179-0002		
Federal DOT Id Number: 53433		Hazmat Registration Number: 060315550066X2
11. Shipper/Offeror:		
Name: Ioup intermodal Street: Douglas 1400 St. City: Omaha State: NE Zip Code: 68179		
Waybill/Shipping Paper: 566596		Hazmat Registration Number:
12. Origin (if different from shipper address)		
Street: 750 LImar St. City: Omaha State: CA Zip Code: 90031		
13. Destination:		
Street: 1738 Milwaukee Way City: TACOMA State: WA Zip Code: 98401		

14. Proper Shipping Name of Hazardous Material: NITRIC ACID OTHER THAN RED FUMING, WITH AT LEAST 65 PERCENT, BUT NOT MORE THAN 70 PERCENT NITRIC ACID

15. Technical/Trade Name:

16. Hazardous Class/Division: Corrosive Material

17. Identification Number: UN2031
(E.g. UN2764, NA 2020)

18. Packing Group: (if applicable) II

19. Quantity Released: (Include Measurement Units) 10 Liquid - Gallon

20. Was the material shipped as a hazardous waste? False
If yes, provide the EPA Manifest Number:

21. Is this a Toxic by Inhalation (TIH) material? False
If yes, provide the Hazard Zone:

22. Was the material shipped under an Exemption, Approval, or Competent Authority Certificate? False
If yes, provide the Exemption, Approval, or CA number:

23. Was this an undeclared hazardous materials shipment? False

PART III - PACKAGING INFORMATION

24. Check Packaging Type (check only one - if more than one, list type of packaging, copy Part III, and complete for each type:
Non-Bulk

25. See instructions and enter the appropriate failure codes found at the end of the instructions. Be sure to enter the codes from the list that corresponds to the particular packaging type checked above. Enter the number of codes as appropriate to describe the incident.

Enter the most important failure point in line 1. If there are more than two failure points, provide in this format in part VI.

What Failed: -
How Failed: -
Causes of Failure: -

26a. Provide the packaging identification markings, if available.
Identification Markings:
(Examples: 1A1/Y1.4/150/92/USA/RB/93/RL, UN31H1/Y0493/USA/M9339/10800/1200, DOT - 105A - 100W (RAIL), DOT 406 (HIGHWAY), DOT 51, DOT 3-A)

26b. For Non-bulk, IBC, or non-specification packaging, if identification markings are incomplete or unavailable, see instructions and complete the following:

Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
Packaging Type: Jerrican Material of Construction: Plastic Head Type (Drums only): Non - Removable	Packaging Type: Can Material of Construction: Plastic
27. Describe the package capacity and the quantity:	
Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
Package Capacity: 5 Liquid - Gallon Amount in Package: 5 Liquid - Gallon Number in Shipment: 48 Number Failed: 3	Package Capacity: Amount in Package: Number in Shipment: Number Failed:
28. Provide packaging construction and test information, as appropriate:	
Manufacturer: Serial Number: Material of Construction: (If Tank Car, CTMV, Portable Tank, or Cylinder) Design Pressure: (If Tank Car, CTMV, Portable Tank)	Manufacture Date: Last Test Date:

Shell Thickness: (If Tank Car, CTMV, Portable Tank)
 Head Thickness: (If Tank Car, CTMV)
 Service Pressure: (If Cylinder)
 If valve or device failed:
 Type:
 Model:
 Manufacturer:

29. If the packaging is for Radioactive Materials, complete the following:

Packaging Category:
 Packaging Certification:
 Certification Number:
 Nuclide(s) Present: Transport Index:
 Activity:
 Critical Safety Index:

PART IV - CONSEQUENCES

30. Result of Incident (check all that apply):

- Spillage: True
- Explosion: False
- Vapor (Gas) Dispersion: False
- No Release: False
- Fire: False
- Material Entered Waterway/Storm Sewer: False
- Environmental Damage: False

31. Emergency Response: The following entities responded to the incident: (Check all that apply)

Fire/EMS Report #: False
 Police Report #: False
 In-house cleanup: False
 Other Cleanup: False

32. Damages Was the total damage cost more than \$500? False

If yes, enter the following information: (If no, go to question 33.)

Material Loss: \$
 Carrier Damage: \$
 Property Damage: \$
 Response Cost: \$
 Remediation/Cleanup Cost: \$
 (See damage definitions in the instructions)

33a. Did the hazardous material cause or contribute to a human fatality? False

If yes, enter the number of fatalities resulting from the hazardous material:

Employees:
 Responders:
 General Public:

33b. Were there human fatalities that did not result from the hazardous material? False

If yes, how many?

34. Did the hazardous material cause or contribute to personal injury? False

If yes, enter the number of injuries resulting from the hazardous material:

Hospitalized (Admitted Only):

Employees:
 Responders:
 General Public:

Non-Hospitalized:
 (e.g.: On site first aid or Emergency Room observation and release)

Employees:
 Responders:
 General Public:

<p>35. Did the hazardous material cause or contribute to an evacuation? If yes, provide the following information: Total number of general public evacuated: Total number of employees evacuated: Total evacuated: 0</p> <p style="text-align: center;">Duration of the evacuation:</p>	
<p>36. Was a major transportation artery or facility closed?</p>	False
<p>If yes, how many?</p>	
<p>37. Was the material involved in a crash or derailment?</p>	False
<p>If yes, provide the following information: Estimated speed (mph): Weather conditions: Vehicle overturned? Vehicle left roadway/track?</p>	
<p>PART V - AIR INCIDENT INFORMATION (please refer to § 175.31 to report a discrepancy for air shipments)</p>	
<p>38. Was the shipment on a passenger aircraft? If yes, was it tendered as cargo, or as passenger baggage?</p>	
<p>39. Where did the incident occur (if unknown, check the appropriate box for the location where the incident was discovered)?</p>	
<p>40. What phase(s) had the shipment already undergone prior to the incident? (Check all that apply)</p> <p>- Shipment had not been transported - Transported by air (first flight) - Transport by air (subsequent flights) - Initial transport by highway to cargo facility - Transfer at sort center/cargo facility</p>	
<p>PART VI - DESCRIPTION OF EVENTS & PACKAGE FAILURE</p>	
<p>- Describe the sequence of events that led to the incident and the actions taken at the time it was discovered. Describe the package failure, including the size and location of holes, cracks, etc. Photographs and diagrams should be submitted if needed for clarification. Estimate the duration of the release, if possible. Describe what was done to mitigate the effects of the release. Continue on additional sheets if necessary.</p> <p>Describe:</p> <p>Yard crew found container to be leaking clear liquid. After inspection it was found that the load had shifted due to proper blocking and bracing. One pallet had buckets that were crushed or damaged and three failed .</p>	
<p>PART VII - RECOMMENDATIONS/ACTIONS TAKEN TO PREVENT RECURRENCE</p>	
<p>- Where you are able to do so, suggest or describe changes (such as additional training, use of better packaging, or improved operating procedures) to help prevent recurrence. Provide recommendations for improvement to hazardous materials transportation beyond the control of your individual company. Continue on additional sheets if necessary.</p> <p>Describe:</p> <p>Proper inspection of load prior to departure would have prevented this.</p>	
<p>PART VIII – CONTACT INFORMATION</p>	
<p>Contact's Name: Contact's Title: Business Name and Address: E-mail Address: Telephone Number: Fax Number: Hazmat Registration Number: Date: Preparer is:</p>	<p>Dana Pompetti Manager of Hazardous Materials Union Pacific Railroad 301 NE 2nd Ave Portland OR 97232 dwpomp@up.com (801)386-4208 (402)271-5537 10/04/18 Carrier</p>

APPENDIX F

From: [Dana W. Pompetti](#)
To: [Young, Betty \(UTC\)](#)
Subject: RE: FW: 18-3129 Union Pacific report of Unknown Material Released, Tacoma - Please respond by Oct. 19, 2018
Date: Tuesday, October 16, 2018 8:40:58 AM
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)
[ATT00004.png](#)
[ATT00005.png](#)
[ATT00006.png](#)
[Tacoma Incident Summary.pdf](#)

Betty,

I apologize, I got the dates confused for the notification, I was notified on the 17th please see the report from RMCC.

RMCC stands for Response Management Communication Center which is the same to 911 for Union Pacific. All class one rail roads have this, for instance BNSF has the same thing however, theirs is called ROC for Response Operations Center. In any situation they will be the ones making state, federal, and tribal notifications. In this instance they were the ones that contacted the EOC. Unfortunately they did not get the notification until 8/17/2018.

Please give me a call hen you have a moment and we can discuss this in greater detail,

Thank you,

Dana W. Pompetti
Hazardous Materials Management
301 N.E. 2nd. Ave.
Portland, OR 97232
(503) 249-3024 *Office*
(402) 271-5537 *Fax*
(801) 386-4208 *Cell*

From: "Young, Betty (UTC)" <betty.young@utc.wa.gov>
To: "Dana W. Pompetti" <dwmpomet@up.com>
Date: 10/16/2018 07:07 AM
Subject: RE: FW: 18-3129 Union Pacific report of Unknown Material Released, Tacoma - Please respond by Oct. 19, 2018

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Thank you for the information. Can you tell me:

- What is RMCC?
- Why was the notification not made to the EOC until 8/17/18?

Thanks.

Betty Young

Transportation Planning Specialist
Rail Safety
(360) 664-1202

Utilities and Transportation Commission (UTC)

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From: Dana W. Pompetti [<mailto:dwpomp@up.com>]

Sent: Monday, October 15, 2018 10:34 PM

To: Young, Betty (UTC) <betty.young@utc.wa.gov>

Subject: Re: FW: 18-3129 Union Pacific report of Unknown Material Released, Tacoma - Please respond by Oct. 19, 2018

Betty,

This incident did happen on 8/6/2018 and was reported internally to various departments, however the reporting party failed to report the release to RMCC who makes all regulatory notifications as well as notify my department of any releases. I was notified on 8/11/2018 and dispatched contractor's to handle the remediation and cleaning of the trailer as well as disposal of all material associated with the clean up. Please feel free to contact me with any other questions,

Thanks,

Dana W. Pompetti
Hazardous Materials Management
301 N.E. 2nd. Ave.
Portland, OR 97232
(503) 249-3024 *Office*
(402) 271-5537 *Fax*
(801) 386-4208 *Cell*

From: "Young, Betty (UTC)" <betty.young@utc.wa.gov>
To: "dwpomp@up.com" <dwpomp@up.com>
Cc: "Robert X. Ellis Jr" <RXELLISJ@up.com>
Date: 10/11/2018 07:40 AM
Subject: FW: 18-3129 Union Pacific report of Unknown Material Released, Tacoma - Please respond by Oct. 19, 2018

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Mr. Pompetti:

I understand that you are the contact for Union Pacific Railroad (UPRR) for hazardous-material related incidents. UTC staff's previous contact person was Kim Keeling. I also understand that you've been working with Cal Stocking of our staff on this and other reported hazardous material incidents. The 8/6/18 hazardous material release in Tacoma has been referred to me for additional review and investigation.

The UTC's rules([WAC 480-62-310](#)) require railroad companies that are subject to the UTC's jurisdiction to notify the UTC's designee (the Washington state emergency operations center's 24-hour duty officer or EOC), by telephone, of any event connected to the operation of the railroad company that results in the:

- (a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);
- (b) Death of any person;
- (c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or
- (d) Property damage, amounting to fifty thousand dollars or more to property.

The report must be made by the railroad company ***within thirty minutes of when it learned of the event.***

Additionally, whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the UTC at the same time. And, whenever a railroad submits a report to the US Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the UTC at the same time.

The 8/6/18 incident was reported to the EOC 11 days after it occurred. We understand from the 5800 form (attached) that this was a hazardous material incident, which means it was required to be reported to the EOC within 30 minutes of UPRR learning of the incident.

By Oct. 19, 2018, please provide me with a written response outlining the circumstances surrounding the 8/6/18 incident and what occurred, including actual dates and times of how the incident unfolded, and why UPRR did not report this incident for 11 days.

Thank you.

Betty Young

Transportation Planning Specialist
Rail Safety
(360) 664-1202

Utilities and Transportation Commission (UTC)

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From: State Emergency Operations Officer (MIL) [<mailto:Dutyofficer@mil.wa.gov>]
Sent: Friday, August 17, 2018 11:44 AM
To: ECY DL SWRO ERTS COORDINATOR <swroerts@ECY.WA.GOV>; Banks, Daniel C (MIL) <Daniel.Banks@mil.wa.gov>; Hunter, Kathy (UTC) <kathy.hunter@utc.wa.gov>; Kenneth W. Holgard <kenneth.holgard@dot.gov>; Mark Daniels (FRA) <mark.daniels@dot.gov>; Stacey Thompson (Fed Railroad Association Reg 8) <stacey.thompson@dot.gov>; Stephen Pugsley (pugsles@amtrak.com) <pugsles@amtrak.com>; Steven Travers <steven.travers@amtrak.com>; UTC DL WUTC Rail Reporting <WUTCRailReporting@utc.wa.gov>
Cc: EM Duty Officer <dutyofficer@ci.tacoma.wa.us>
Subject: 18-3129 Union Pacific report of Unknown Material Released, Tacoma

Please see the below information involving a railroad that has been reported the State Emergency Operations Center (EOC). Please reply to this email to confirm receipt of this message.

Thank you,

Time Called in to the State EOC: 8/17/18, 1135 hrs

Reporting Party Name, Position and Contact Number: Andrew Karstrom, 888-877-7267

Name of Railroad(s) involved: Union Pacific

Date/Time of Event: 8/6/18; Unknown Time

Milepost and/or Address of Event: 1738 Milwaukee Way, Tacoma, WA

Type of Rail Car Involved: None

Number of Injuries/Fatalities: None

Type and Amount of HAZMAT Spilled: Unknown amount of unknown material

Circumstances of the Incident: Intermodal container leaked material to cement. No drains or waterways impacted. Contractors contacted today and are enroute to remediate.

Name and Phone of Local Contact: Joel Greenwalt, Contractor, 253-627-4999

Railroad Incident Number: 20180817155AAK

State EOC Incident Number: 18-3129

No other information provided.

Jerald "Jaye" Compton
State Emergency Operations Officer

Washington Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122
800-258-5990

dutyofficer@mil.wa.gov

[attachment "incidentReportTacoma - UPRR 8-6-18 incident.pdf" deleted by Dana W. Pompetti/UPC]

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**



RMCC Incident Management System

Incident Report

Incident Number : 2018-08-17-155AAK **Date Time Occurred** : 08/06/18 01:01 P
Incident Name : Hazardous Material Release, TA **Date Time Reported** : 08/17/18 01:01 P
 COMA, WA
Created By : Karstrom, Andrew A **Date Time Resolved** : 08/17/18 09:43 P

Incident Summary

Incident displayed / included on the RMCC Morning Report YES

Incident is Police Sensitive and should have limited visibility NO

Does this incident involve loaded railcars, containers or trailers? YES
Incident meets State Regulatory Agency notification criteria. YES

Incident Narrative :	<p>Jake Dunn, Associate Operations, reported a possible hazardous material release of an unknown substance with an unknown amount from railcar UMXU 936118 on 08/06/2018 at the TacSim Yard, which is at Mile Post 145.54 of the Seattle Subdivision, in Tacoma, WA. Mr. Dunn advised the contact person at TacSim Yard was Joel Greenwalt, Contractor. Dana Pompetti, Hazardous Materials Manager was notified and conferred with Joel Greenwalt, Contractor. Mr. Pompetti advised a contractor would be en route for remediation. Seth Cox, Shipment Quality, was notified and was aware of the incident. State notifications were made within the prescribed time requirement.</p> <p>UPDATE: At 09:51 PM, Dana Pompetti, Hazardous Materials Manager, was left a voice message requesting he contact RMCC with updated information.</p> <p>UPDATE: On 08/18/2018 at 12:10 PM, Dana Pompetti, Hazardous Materials Manager was contacted and advised remediation was completed and the incident could be closed.</p> <p>AA Karstrom 08/18/18 12:15 PM (Central Time)</p>
-----------------------------	--



RMCC Incident Management System

Incident Report

Incident Number	: 2018-08-17-155AAK	Date Time Occurred	: 08/06/18 01:01 P
Incident Name	: Hazardous Material Release, TA COMA, WA	Date Time Reported	: 08/17/18 01:01 P
Created By	: Karstrom, Andrew A	Date Time Resolved	: 08/17/18 09:43 P

Incident Sub Type

Response Level 1

Reporting Party Data

Last Name	: Dunn	Street Address	: 1400 DOUGLAS ST
First Name	: Jacob	City	: Omaha
Title	: Associate Operations	State	: NEBRASKA
Employee ID	: 478488	Zip	: 68179
Phone Number	: 262-254-9278	Alt. Phone #	:
Email	: JCDUNN@UP.COM	Reporting Party Type	: UP Employee/Contractor

Location Details

Common Place Name	: TacSim Yard	DOT Number	: 808730K	Service Unit	: PORTLAND
Common Place Address	: 1738 Milwaukee Way	Sub Division	: SEATTLE SUB	Operating Region	: Western
Common Place Zip	:	Mile Post	: 145.24		
Common Place Type	: Yard	Track Type	: YARD		
Common Place Major Business Unit	: Transportation Service Unit	Control Point	: AGXOVER		
Nearest Street Crossing	: ST PAUL AVENUE	Circ-7	: OX916	UPRR Police Division	: Portland Division
Other Name	:	Nearest Facility	:	UPRR Police Region	: NORTHERN
Warning Device	: XBUCKS/YIELD SIGNS	Station	: SEATTLE	HDC Corridor	:
City	: TACOMA				
County	: PIERCE				
State	: WA				
Latitude	: 47.25345847				
Longitude	: -122.42477818				

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RMCC Incident Management System
Incident Report

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Weather Details for TACOMA, WA

Weather Details : Conditions as of 08/06/2018 13:00

M/SUNNY  73°

Barometer : 1021Millibars and rising
Humidity : 61%
Visibility : 9.0Statute Miles
Dew Point : 59F
Wind : 150° at 4MPH
Cloud Cover : 16%

Requested Latitude: 47.25 **Requested Longitude:** -122.4
Response Latitude: 47.24 **Response Longitude:** -122.42
The difference between the incident location and the reporting weather location is : 0.8 miles.

Weather data is generated by Accuweather.com at the time of incident documentation. When Accuweather data is unavailable, weather details are manually retrieved from various internet sites.

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No Location Map Available

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