

Snyder, Jennifer (UTC)

From: Rendahl, Ann (UTC)
Sent: Friday, March 20, 2015 10:20 AM
To: mike elliott; Danner, Dave (UTC); Jones, Philip (UTC)
Cc: Herb Krohn; UTC DL Records Center; King, Steve (UTC)
Subject: RE: reporting fines

Thank you, Mike, for submitting your comments about the pending complaint in Docket TR-150284. I am copying the Records Center so that they can include your comments in the docket.

As Commissioners, Chairman Danner, Commissioner Jones and I will be hearing this matter and cannot discuss the details or merits of the pending complaint.

Please direct any future comments on the complaint to the Records Center concerning Docket TR-150284.

Thank you,

Ann E. Rendahl

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Utilities and Transportation Commission

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From: mike elliott [mailto:mike.elliott.wslb@gmail.com]
Sent: Friday, March 20, 2015 9:33 AM
To: Danner, Dave (UTC); Rendahl, Ann (UTC)
Cc: mike elliott; Herb Krohn
Subject: reporting fines

Dear Mr. Danner and Ms. Rendahl-

I noticed The Commission is considering imposing fines against BNSF for not reporting haz-mat spills in a timely manner. There can be no excuses for them not following the reporting protocol as required. They have resources beyond all imagination. Did you know former BNSF General Manager Robert Johnson held our membership to a "100% compliance, 100% of the time" standard during his tenure on the BNSF Northwest Division? Please consider that when BNSF comes asking for reduced fine amounts to these recent violations.

Beyond Mr. Johnson's Draconian standard imposed on the workforce, the commission should take into account the BNSF vast corporate resources for ensuring every federal and state regulation is followed to the letter. In the case of the oil tank car leaks and associated spills, I was told there may have been attempts to conceal evidence the spills had occurred. If true, the fines should be increased.

A word about FRA: It seems the FRA's Washington D.C. office has embraced the dubious practice of negotiating fines down or, in some cases, away completely. This has been one of my pet peeves about the FRA enforcement/fine policies for many years. Basically, it's turned into a "Good 'ole boys" club with the railroads simply calculating fines amounts into their operating budgets. What kind of a message does that send? Business as usually, that's what.

In my opinion, industry has gotten way too cozy, in too many critical areas, with the current regulatory enforcement/fine processes at FRA. Industry now expects FRA to be a "one stop" for "anything railroad." In my opinion, that has lead to complacency and, ultimately, a compromise of public safety. I've been critical of FRA's approach to regulatory enforcement and have express my displeasure on these very points with our congressional delegation in recent conversations.

Finally, the current "oil transportation safety" legislation now progressing through the state legislature to further enhances WUTC regulatory authority is "spot-on" and we fully support it. I hope the commission will consider these comments regarding fines and the fine appeal process. If "100% compliance, 100% of the time" is the BNSF management standard imposed on the workforce, then it certainly should be the standard imposed on industry too. Thank you.

Mike Elliott
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