



SERVICE DATE

MAY 08 2018

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 • www.utc.wa.gov

May 8, 2018

NOTICE OF BENCH REQUESTS
(Due by Tuesday, May 15, 2018, at 3 p.m.)

RE: *Washington Utilities and Transportation Commission v. BNSF Railway Company*,
Docket TR-171021

On January 30, 2018, the regulatory staff (Staff) of the Washington Utilities and Transportation Commission (Commission) issued a Complaint against BNSF Railway Company (BNSF or Company) alleging that the Company violated WAC 480-62-310 when BNSF failed to report a hazardous spill occurrence to the Washington State Emergency Operations Center (EOC) within 30 minutes of the event. On April 12, 2018, BNSF and Staff filed a full Settlement Agreement whereby BNSF admits that it did not call the EOC for five and one-half hours after the incident and agrees to pay \$1,000, the maximum penalty allowed under RCW 81.04.380.

TO BNSF:

BENCH REQUEST NO. 1:

What remedial measure(s) has BNSF taken to prevent this delay from happening in the future?

TO STAFF:

BENCH REQUEST NO. 2

How many formal complaints has Staff initiated against BNSF in the last five years for violation of WAC 480-62-310(2)(a), specifically the provision that reads:

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.

Please provide the total number of cases and each associated docket number.

THE COMMISSION GIVES NOTICE That BNSF and Staff must respond to these Bench Requests no later than 3 p.m. on Tuesday, May 15, 2018, by electronic filing and one (1) hard-copy original for the Commission's Records Center. Please provide courtesy copies by email to all parties of record and Administrative Law Judge Marguerite Friedlander at marguerite.friedlander@utc.wa.gov.

A handwritten signature in black ink, appearing to read "Marguerite E. Friedlander". The signature is written in a cursive, flowing style.

MARGUERITE E. FRIEDLANDER
Administrative Law Judge