

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-171021

COMPLAINT

1 The Washington Utilities and Transportation Commission (Commission), on its own
motion, and through its Staff, alleges as follows:

I. JURISDICTION

2 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040,
RCW 80.01.060, RCW 81.01.010, RCW 81.04.010, RCW 81.04.110,
RCW 81.04.380, and WAC 480-62.

II. PARTIES

3 The Commission is an agency of the state of Washington.

4 BNSF Railway Company (BNSF) is a “public service company” within the meaning
of RCW 81.04.380.

5 BNSF is a “railroad company” within the meaning of WAC 480-62-310.

III. BACKGROUND

6 The following allegations are based on the Staff Investigation Report filed in this
docket.

7 WAC 480-62-310 requires railroad companies to report certain events, including
accidents involving the release of a hazardous material. To comply with WAC 480-
62-310, a railroad company must, within 30 minutes of learning of an event’s

occurrence, report it to the Washington State Emergency Operations Center (EOC). The report required by WAC 480-62-310 allows the EOC to identify the critical response and remediation resources necessary to respond to the event.

8 On September 1, 2017, the Commission received an incident report notification from the EOC.

9 According to the notification, BNSF reported to the EOC that one gallon of gasoline leaked from a loose valve on tank car UTLX201722 in BNSF's Spokane railyard.

10 According to the notification, BNSF reported that the gasoline leaked onto the exterior of the tank car and onto some railroad ties.

11 According to the notification, BNSF reported that the incident occurred at 5:00 p.m. on September 1, 2017.

12 According to the notification, BNSF submitted its incident report to the EOC at 10:34 p.m. on September 1, 2017.

IV. CAUSE OF ACTION

13 The gasoline release was an "event connected to the operation of the railroad company" that resulted in the "release of any hazardous material." WAC 480-62-310(1).

14 The gasoline was a "hazardous material" within the meaning of WAC 480-62-310(1)(a).

15 BNSF failed to report the gasoline release to the EOC within 30 minutes after learning of the incident, as required by WAC 480-62-310(2)(a).

16 BNSF committed one violation of WAC 480-62-310.

V. REQUEST FOR RELIEF

17 Staff requests that the Commission impose a penalty of up to \$1,000 for the violation of WAC 480-62-310 alleged above.

18 Staff further requests that the Commission order such other relief as is appropriate under the circumstances.

VI. PROBABLE CAUSE

19 Based on a review of Staff's investigation report and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

DATED at Olympia, Washington, and effective January 30, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

NOTICE

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The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes)_____ (No)_____

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English-speaking person who can be contacted if there are questions:

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