



Rail Incident Investigation Report

Docket No: TR-	180311	Report Date:	4-9-2020
Railroad Owning Track:	BNSF Railway	Railroad Operating on Track:	Sound Transit
FRA Investigation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inspector: Cory Caron		
I. Type of Accident			
Public Crossing <input type="checkbox"/>	Private Crossing <input type="checkbox"/>	Trestle <input type="checkbox"/>	Pedestrian at Crossing <input type="checkbox"/>
Pedestrian Not at Crossing <input checked="" type="checkbox"/>	Other (explain) <input type="checkbox"/> []		
II. Time and Location of Accident			
Date:	03-22-2018	Time:	7:50 am
USDOT Crossing No.:	[]	UTC Crossing No.:	[]
Railroad Milepost:	28.5X	GPS Identifier: Lat:	47.206504 Lon: -122.238964
Number of Tracks:	2	City:	Sumner County: Pierce
Road name, yard name, bridge: []			
III. Conditions Surrounding the Accident			
Weather: Clear to cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input checked="" type="checkbox"/> Snow <input type="checkbox"/>			
Road Condition: Dry <input type="checkbox"/> Wet <input checked="" type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/>			
Visibility Due to Weather: Daylight <input type="checkbox"/> Darkness <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>			
Train Type: Freight <input type="checkbox"/> Passenger <input checked="" type="checkbox"/> Locomotive only <input type="checkbox"/> Cars only <input type="checkbox"/>			Train Speed: UNK
Haz-Mat on Train: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>			Remote Control: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Type of Haz-Mat: []			
IV. Pedestrian, Driver, or Passenger Fatalities Does this section apply? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Number of Fatalities: 1		f a vehicle accident, number of passengers: []	
Name: Justin Potter		Age: 38 Gender: Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> non-binary <input type="checkbox"/>	
Driver: <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input checked="" type="checkbox"/>		Suicide: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Undetermined <input type="checkbox"/>	
Alcohol: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Undetermined <input type="checkbox"/>		Information supplied by: Police Report	
Drugs: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Undetermined <input type="checkbox"/>		Information supplied by: Police Report	
Names of additional fatalities: []			

Docket No: TR- 180311

V. Pedestrian, Driver, or Passenger Injuries Does this section apply? Yes No

Number of people injured: _____ If a vehicle accident, number of passengers: _____
Name: _____
Driver: _____ Passenger: _____ Pedestrian: _____ Age: _____ Gender: Male _____ Female _____ non-binary _____
Pedestrian trying to get on/off train? Yes _____ No _____
Drugs: Yes _____ No _____ Undetermined _____ Alcohol: Yes _____ No _____ Undetermined _____
Names of additional injured persons: _____

VI. Pedestrian Access (not at a Crossing) Does this section apply? Yes No

Obvious signs of consistent pedestrian trespass? Yes No
If yes, describe: _____
Pedestrian (not at a crossing) information: Accessing public area? Yes No
If yes, describe: _____
Deterrents at site, e.g. fence, signs, other? Yes No
If yes, describe: _____
Previous collisions at or near site? Yes No
If yes, describe: _____

VII. Crossing History Does this section apply? Yes No

Prior accidents at this crossing? Yes _____ No _____ How many? _____
Dates of prior accidents: _____
Description of prior accidents (fatalities, injuries, property damage) _____
Last inspection date? _____
Defects? Yes _____ No _____ If yes, describe: _____

VIII. Attachments

Railroad incident report? Yes No Local law enforcement report? Yes No
Coroner/medical examiner report? Yes No Pictures? Yes No
Death Certificate? Yes No Copy of most current inventory? Yes No
Other (describe): _____

Docket No: TR-180311

IX. Comments

Event Summary:

The victim was struck by a southbound Sounder Commuter train 1503 on main track 1, 200 feet south of the Zehnder Street railroad crossing on the Seattle Sub at milepost 28.5 in Sumner. Per the police report, the death was ruled accidental and notes that the victim was intoxicated at the time of the accident.

Site Description:

The accident did not occur at a railroad crossing. There was unobstructed, adequate sight distance both north and south.

Inspector Recommendations:

No recommendations.

Docket No: TR-180311

Rail Safety Supervisor Comments/Sign Off:

Reviewed and approved to close. 4-10-2020 EE

Director of Transportation Safety Comments/Sign Off:

Reviewed and approved to close. 4-10-2020 KH



Approximate Location



Sight Distance North



Sight Distance South

From: [State Emergency Operations Officer \(MIL\)](#)
To: [ECY DL SWRO ERTS COORDINATOR](#); [PCEOC](#); [Banks, Daniel C \(MIL\)](#); [Elizabeth Klute](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)
Subject: NRC#1207446, Deceased Person Located Near RR Tracks in Sumner | 18-1027
Date: Thursday, March 22, 2018 10:55:51 AM

Please find the attached NRC report regarding the discovery of a deceased person near the BNSF tracks in Sumner, WA. At this time, we have only received the NRC report and have no additional information. The event is under investigation.

The state incident number is 18-1027.

Kindly acknowledge your receipt of this email with a reply.

Thanks!

Elizabeth Byrd-Rand
State Emergency Operations Officer
Washington State Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122
1-800-258-5990

-----Original Message-----

From: HQS-PF-flidr-NRC@uscg.mil [<mailto:HQS-PF-flidr-NRC@uscg.mil>]
Sent: Thursday, March 22, 2018 10:58 AM
To: DUTYOFFICER@EMD.WA.GOV; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>
Subject: NRC#1207446

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1207446

INCIDENT DESCRIPTION

*Report taken by: CIV NICHULUS THREATT at 13:53 on 22-MAR-18

Incident Type: RAILROAD NON-RELEASE

Incident Cause: TRESPASSER

Affected Area:

Incident was discovered on 22-MAR-18 at 07:50 local incident time.

Affected Medium: RAIL REPORT (N/A)

REPORTING PARTY

Name: STEVE YOST
Organization: BNSF RAILWAY
Address: 2200 LOU MENK DRIVE
FORT WORTH, TX 76131

PRIMARY Phone: (817)3522832

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY
Name: UNKNOWN

Type of Organization: UNKNOWN

INCIDENT LOCATION

County: PIERCE
City: SUMNER State: WA
MILEPOST: 28.5X

RELEASED MATERIAL(S)

DESCRIPTION OF INCIDENT

CALLER IS MAKING A REPORT INVOLVING A DECEASED BODY THAT WAS FOUND NEAR THEIR TRACKS WHICH ALSO ENDED UP DELAYING THREE PASSENGER TRAINS. CAUSE OF THE FATALITY IS UNKNOWN IF IT WAS TRAIN RELATED AT THIS TIME.

SENSITIVE INFORMATION

INCIDENT DETAILS

Grade Crossing: NO
Location Subdivision: SEATTLE
Railroad Milepost: 28.5X
Type of Vehicle Involved:
Crossing Device Type:
Device Operational: YES
DOT Crossing Number:
Date and Time Service was/will be Restored:
Brake Failure: UNKNOWN
Federal Post-Accident 219.201 Sub Part C Testing Required: NO
Passenger Train Route: YES
Passenger Train Delay Expected: YES
Passenger Train Delay Handling: PASSENGERS STAYED ONBOARD.
---RAILROAD INFORMATION---
Railroad Involved: BNSF RAILWAY
Train Number: N/A
Train Type: OTHER Train Direction:
Train Speed: Track Speed:
Locomotives: Cars: Derailed:
Suspected DOT Regulation Non Compliance: UNKNOWN
DERAILED CARS:
Pos. Car number Type Cargo

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: NO Hospitalized: Empl/Crew: Passenger:
FATALITIES: YES 1 Empl/Crew: Passenger: Occupant:
EVACUATIONS: NO Who Evacuated: Radius/Area:

Damages: NO

Closure Type	Description of Closure	Hours	Direction of Closed	Closure
N				
Air:				
N			Major	
Road:			Artery:N	
N				
Waterway:				
Y	MAIN TRACK 1 & 2	2	E/W	
Track:				

Environmental Impact: UNKNOWN

Media Interest: UNKNOWN Community Impact due to Material:

REMEDIAL ACTIONS

LOCAL POLICE AND FIRE EMS RESPONDED.

Release Secured: UNKNOWN

Release Rate:

Estimated Release Duration:

WEATHER

ADDITIONAL AGENCIES NOTIFIED

Federal:

State/Local:

State/Local On Scene: LOCAL POLICE; EMS

State Agency Number:

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)

22-MAR-18 13:57 (770)4887100

CGIS D13 FIELD OFFICE (CGIS D13 COMMAND CENTER)

22-MAR-18 13:57 (206)2207141

DHS DEFENSE THREAT REDUCTION AGENCY (CHEMICAL AND BIOLOGICAL TECHNOLOGI

22-MAR-18 13:57 (703)7673477

NATIONAL COORDINATING CTR FOR COMMS (NCC COMM-ISAC)

22-MAR-18 13:57 (703)2355626

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

22-MAR-18 13:57 (202)3661863

FEDERAL RAILROAD ADMIN. (MAIN OFFICE (AUTO))

22-MAR-18 13:57 (202)4930636

FEMA REGION 10 (MAIN OFFICE)

22-MAR-18 13:57 (425)4874704

NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)

22-MAR-18 13:57 (202)2829201

NOAA RPTS FOR WA (MAIN OFFICE)

22-MAR-18 13:57 (206)5264911

NTSB RAIL (MAIN OFFICE)

22-MAR-18 13:57 (202)3146293

OREGON TITAN FUSION CENTER (FUSION COMMAND CENTER)

22-MAR-18 13:57 (877)6204702

WA STATE EMERGENCY MANAGEMENT (MAIN OFFICE)

22-MAR-18 13:57 (800)2585990

TSA SURFACE TRANSPORTATION SECURITY (TWIC ENFORCEMENT)

22-MAR-18 13:57 (206)3875236
WASHINGTON STATE FUSION CENTER (FUSION COMMAND CENTER)
22-MAR-18 13:57 (877)8439522
WASHINGTON STATE NATIONAL GUARD (COMMAND CENTER)
22-MAR-18 13:57 (253)5128159

ADDITIONAL INFORMATION

*** END INCIDENT REPORT #1207446 ***
Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

From: Service, Interruption Desk <ServiceInterruptionDesk@BNSF.com>
Sent: Tuesday, April 10, 2018 4:59 PM
To: Halstead, Lori (UTC)
Subject: 032218 Train - Trespasser - Seattle Sub.doc

BNSF Fort Worth – Network Operations Center – INCIDENT REPORT

				D-Code:	183143
Date:	03-22-18	Time:	0950CT	MP:	28.50X
Time & Date Last Revised:					
Subdivision:	Seattle	State:	WA	County:	Pierce
Line Segment:			51		
Nearest Station:			Sumner, WA		
Nearest Major Terminal (distance/direction):			Seattle, WA (28.5 miles/east)		
Weather Conditions (Temp, wind, precipitation):			44*, rain, SSW wind 11mph		

Injuries or Fatalities?	(01) Trespasser - fatally injured	Employee?	
Name:		Craft:	

Symbol:		If Yard Job, is it Remote Control Operation?	
Lead Locos:		L-E-T-F:	
DP Locos:		Direction:	
Conductor:		Engineer:	
Prior Rest		Prior Rest	
On Duty Time/Date:		Origin/Destination:	
Crew Interviewed by:	TM Hana Hunn		
Event Recorder/Camera:	HROOINB821 camera request to Interbay Mech		

Locomotives video equipped?											
Lead Locos	Y/N		Y/N		Y/N		Y/N		Y/N		Y/N

Crossing Name:		DOT Number:	
Equipped with:		Functioning?	
Vehicle Direction:		Vehicle Description:	
Law Enforcement Agency:		Citations?	

Haz Material ?		Release (Y/N):		# Cars, Amount:	
Commodity:					

Derailed Locomotives / Cars:				
Init. Number:	Line:	Position (upright?):	Contents:	Disposition:
Heavy equipment ordered:				
Equip. ETA:		Equipment Arrived:		Equipment Released:
Main Blocked?	Yes, MT1 and MT2	Estimated Reopen:		Actual Reopen:
				MT1: 1201CT MT2: 1220CT

Estimated Damages and Costs:

\$		Track	Track, Track Structures, and Roadbed Damages.
\$		Signal	
\$		"Other"	Adjacent buildings, other private property, etc.
\$		Car Damages	Car damage, incl. flat cars but excluding their trailers/containers and contents.
\$		Locomotive Damages	
\$	0	FRA Reportable Subtotal	2017 FRA Reportable \$10,700

\$		Contractor Expense	Rerailing & clearing expenses only. Do not include environmental cleanup, air monitoring, etc.
\$		Estimated Lading Recovery Costs	Source is usually Damage Prevention/LARS. This figure includes trucking charges and site remediation charges.
\$		Prelim. Lading Loss Estimates	Railcar/Trailer/Container Contents ONLY
		Trailer/Container Damages	Excludes contents. (Mktg-Equip Mtce Team – Evita Murdock)
\$	0	Not FRA Reportable Subtotal	
\$	0	Estimated Grand Total	(FRA Reportable Subtotal + Not FRA Reportable Subtotal)

Cause Code:		Description:	
--------------------	--	---------------------	--

Brief Narrative of Incident:

0950CT Seattle Sub: at 0950CT crew on A1514-12 reported what appeared to be a deceased individual lying in mud about 5 feet off MT1. Following train H ROOINB8 21 crew confirmed individuala was deceased. Trainmaster arriving on scene reported that it appeared the individual was struck by a train.

1230CT UPDATE: MT2 released for restricted speed at 1041CT, then released for normal operations at 1201CT. MT1 released for normal operations at 1220CT.

Post Accident Testing (FRA):		
Did this incident meet FRA Post Accident Testing criteria?	No	
Contact MEH Dept at: (817) 352-1648 during normal business hours. (817) 352-1613 after hours, weekends and holidays. If no answer, page email Carolyn Hemrick as Primary, Chris Kowalkowski as Secondary when the following applies: -Employee/Contractor Fatality. -Damage to railroad property exceeding \$1.5 million. -Human Factor Grade-Crossing Accident? If Yes, Name of Claims Agent. -A release of hazardous material that results in an evacuation or a reportable injury.		
Does the NOC GDT agree with the above analysis?	Yes	
Craft being Post Accident Tested:	N/A	

Notifications:			
Time:	Entity:	Person Notified:	Reminders:
0950CT	Service Interruption:	sly, by DS 75	Include who notified SID.
0956CT	Resource Operations:	Esther Chavez, by SID	
1113CT	Page email: OPR DL Cargorelated	E-mail from SID	Notify of all derailments, collisions, shipment damages, any incident affecting main track velocity
Yes	Trainmaster:	Hana Hunn, by others	Get ETA, check Cell number.
1004CT	RFE:	Matt Tysdal, by SID	Get ETA, check Cell number.
	Signal Desk:		593-5998
	MOW Desk:		593-6823 Option 1
	Mechanical Desk:		593-9128
1010CT	GST/NOC GDT:	Brandon Archambeau	
	Div. General Manager:	Jared Wootton – copy of report	
	Div. GDT:	Jason Moyer – copy of report	
	Corridor Supt:	Jan Ruby – copy of report	

	Div. Sup Ops / Term Sup:																						
1014CT	MDPR	Dan McCaslin, by SID	352-1312																				
1014CT	Passenger Service:	Dana Williams, by SID	Email report to Rich Wessler and Tamara Noel.																				
1113CT	Superintendent Safety and Operating Practices	Scott Huston paged by SID, plus copy of this report	<table border="0"> <tr> <td>California</td> <td>Coleman, Herbert T</td> </tr> <tr> <td>Chicago</td> <td>Wazny, William A</td> </tr> <tr> <td>Red River</td> <td>Cleveland, Scott M</td> </tr> <tr> <td>Kansas</td> <td>Valencia, Randy J</td> </tr> <tr> <td>Montana</td> <td>Mizelle, Nicholas O</td> </tr> <tr> <td>Heartland</td> <td>Musgrove, Chris E</td> </tr> <tr> <td>Northwest</td> <td>Huston, Scott T</td> </tr> <tr> <td>Powder River</td> <td>Hein, Joshua B</td> </tr> <tr> <td>Southwest</td> <td>Remington, John R</td> </tr> <tr> <td>Twin Cities</td> <td>Lund, Michael E</td> </tr> </table>	California	Coleman, Herbert T	Chicago	Wazny, William A	Red River	Cleveland, Scott M	Kansas	Valencia, Randy J	Montana	Mizelle, Nicholas O	Heartland	Musgrove, Chris E	Northwest	Huston, Scott T	Powder River	Hein, Joshua B	Southwest	Remington, John R	Twin Cities	Lund, Michael E
California	Coleman, Herbert T																						
Chicago	Wazny, William A																						
Red River	Cleveland, Scott M																						
Kansas	Valencia, Randy J																						
Montana	Mizelle, Nicholas O																						
Heartland	Musgrove, Chris E																						
Northwest	Huston, Scott T																						
Powder River	Hein, Joshua B																						
Southwest	Remington, John R																						
Twin Cities	Lund, Michael E																						
	The following group list is for the following departments: Safety, Law, Rules, Transportation Support, Rules and field Support, Corporate Relations, Government Affairs, and Evidence Preservation Major event group page list (Not MIP) Also page Region VP. (It is located with the SID Locomotive group lists)		Page for the following events: Major derailments or train collisions which are expected to exceed 16 hours or \$1,000,000 in damages. Derailments or collisions with evacuations, explosions, or involving crude oil trains. Major Hazardous Incidents Employee Fatalities, life threatening injuries, or amputations.																				
	Conference Calls:		If Conf Call is being established: Notify: NOC MECH/MOW Desk & ROC																				
	Hazardous Incidents: Contact East/West On-call Manager		Page for all Hazardous Incidents: Pat Brady, Piper, Justin, Reid, Clay D, Howard Horn, David C Clark, John D. Lovenburg, Allen Stegman, Laura Fiffick																				
	ChemTrec (USA) 800-424-9300 CanuTec (Canada) 888-226-8832 or 613-996-6666		Call Emergency Number listed on the Waybill whenever a HAZ MAT car is involved in a derailment or damaged; whether leaking or not. Run TSS: WBCOPY & HAZ & EXCR																				
1251CT	NRC: 800 - 424 - 8802 (Initial SID Analysis) Examples for notifying: Passenger Train/Route \$150,000 incident Employee/Contractor Fatality	Mr Threatt 120 7446	Obtain their Report Number and name of person who took the report.																				
1304CT	State:	WA OES-Jim. Report 18-1027																					
	California - CUPA																						
	Foreign Railroad:																						
	Page "Go Team"		If appropriate notify Mark Schulze.																				
1113CT	State Corporate Relations:	Gus Melonas & Courtney Wallace paged by SID, plus copy of this report	Notify of all significant Incidents: Ross Richard Lane: MT, WY Matt Jones: MT, ID Joe Faust: AL, AR, LA, MS, TN, TX Lena Kent: AZ, CA Amy McBeth: MB, MN, ND, SD, WI Joe Sloan: CO, OK, NM, UT, NV Gus Melonas/Courtney Wallace: BC, ID, OR, WA Andy Williams: KS, MO, NE, IL, KY, IA																				
	Energy Desk:		Notify the Energy Desk of crude oil train derailments: OPR DL Energy Desk managers 817-8670021																				

Halstead, Lori (UTC)

From: Service, Interruption Desk <ServiceInterruptionDesk@BNSF.com>
Sent: Wednesday, April 4, 2018 3:19 PM
To: Halstead, Lori (UTC)
Subject: RE: March 22, 2018 at Sumner, Washington State

Follow Up Flag: Follow up
Flag Status: Flagged

For: b745872 @ 4/4/2018 5:18:06 PM

SID TICKET REPORT

Trouble Ticket#: 1209
Create Date/Time: 3/22/2018 9:53:19 AM
Creator: b745872
Created-by-FullName: Yost, Steve L
STATUS: Closed
LOCATION: 085680H
Subdivision: Seattle
Mile Post: 28.5X
EVENT CODE: Trespasser
EVENT DESCRIPTION: 183144 Possible dead body near tracks off MT1. HROOINB821 crew reports person is deceased. Body 5' from tracks.

-----EVENTS-----

SID - 03/22/18 09:56:19 b745872 (Yost, Steve L)
NOTIFIED - ROC --> Esther Chavez
SID - 03/22/18 09:56:19 b745872 (Yost, Steve L) >>> NOTIFIED - ROC --> Esther Chavez-00001209

SID - 03/22/18 10:04:34 b745872 (Yost, Steve L)
NOTIFIED - RFE --> Matt Tysdal
SID - 03/22/18 10:04:34 b745872 (Yost, Steve L) >>> NOTIFIED - RFE --> Matt Tysdal-00001209

SID - 03/22/18 10:06:47 b745872 (Yost, Steve L)
NOTIFIED - Trainmaster --> Rob Hiller
SID - 03/22/18 10:06:47 b745872 (Yost, Steve L) >>> NOTIFIED - Trainmaster --> Rob Hiller-00001209

SID - 03/22/18 10:10:54 b745872 (Yost, Steve L)
NOTIFIED - GST/AGST --> Brandon Archambeau
SID - 03/22/18 10:10:54 b745872 (Yost, Steve L) >>> NOTIFIED - GST/AGST --> Brandon Archambeau-00001209

SID - 03/22/18 10:13:06 b745872 (Yost, Steve L)

NOTIFIED - Passenger Service --> Dana Williams

SID - 03/22/18 10:13:06 b745872 (Yost, Steve L) >>> NOTIFIED - Passenger Service --> Dana Williams-00001209

SID - 03/22/18 10:14:02 b745872 (Yost, Steve L)

NOTIFIED - Passenger Service --> Danna Williams

SID - 03/22/18 10:14:02 b745872 (Yost, Steve L) >>> NOTIFIED - Passenger Service --> Danna Williams-00001209

SID - 03/22/18 10:14:55 b745872 (Yost, Steve L)

NOTIFIED - MDPD --> Dan McCaslin

SID - 03/22/18 10:14:55 b745872 (Yost, Steve L) >>> NOTIFIED - MDPD --> Dan McCaslin-00001209

SID - 03/22/18 12:51:10 b745872 (Yost, Steve L)

NOTIFIED - NRC --> Mr. Threatt 120 7446

SID - 03/22/18 12:51:10 b745872 (Yost, Steve L) >>> NOTIFIED - NRC --> Mr. Threatt 120 7446-00001209

SID - 03/22/18 13:04:39 b745872 (Yost, Steve L)

NOTIFIED - State --> WA OES-Jim. 18-1027

SID - 03/22/18 13:04:39 b745872 (Yost, Steve L) >>> NOTIFIED - State --> WA OES-Jim. 18-1027-00001209

SID - 03/22/18 16:13:24 b149318 (Clifton, Brock H)

Between Center Street and Main Street. See Event Logs for contact info. 1041CT MT2 released at restricted speed. 1201CT MT1 released for normal operations

SID - 03/22/18 16:13:24 b149318 (Clifton, Brock H) >>> Between Center Street and Main Street. See Event Logs for contact info. 1041CT MT2 released at restricted speed. 1201CT MT1 released for normal operations-00001209

Once again, no incident report created as BNSF equipment was not involved.

Steve Yost

Service Interruption Manager

817-352-2832 (North) 817-352-2833 (South)

From: Halstead, Lori (UTC) [mailto:lori.halstead@utc.wa.gov]

Sent: Wednesday, April 04, 2018 5:16 PM

To: Service, Interruption Desk <ServiceInterruptionDesk@BNSF.com>

Subject: March 22, 2018 at Sumner, Washington State

EXTERNAL EMAIL

Hello again,

Do you have an incident report for the discovery of a deceased person near the BNSF tracks in Sumner, WA, Pierce County?

I show a discovery date of March 22 at 0750 hours. The railroad milepost is 28.5X.

Lori Halstead | Transportation Specialist

Utilities & Transportation Commission

Phone: 360.664.1262 | Fax: 360.586.1172

Lori.Halstead@utc.wa.gov

www.utc.wa.gov



Halstead, Lori (UTC)

From: State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>
Sent: Thursday, March 22, 2018 10:55 AM
To: ECY DL SWRO ERTS COORDINATOR; PCEOC; Banks, Daniel C (MIL); Elizabeth Klute; Hunter, Kathy (UTC); Kenneth W. Holgard; Mark Daniels (FRA); Stacey Thompson (Fed Railroad Association Reg 8); Steven Travers; UTC DL WUTC Rail Reporting
Subject: NRC#1207446, Deceased Person Located Near RR Tracks in Sumner | 18-1027

Please find the attached NRC report regarding the discovery of a deceased person near the BNSF tracks in Sumner, WA. At this time, we have only received the NRC report and have no additional information. The event is under investigation.

The state incident number is 18-1027.

Kindly acknowledge your receipt of this email with a reply.

Thanks!

Elizabeth Byrd-Rand
State Emergency Operations Officer
Washington State Emergency Management Division Building 20, MS: TA-20 Camp Murray, WA 98430-5122
1-800-258-5990

-----Original Message-----

From: HQS-PF-fl dr-NRC@uscg.mil [mailto:HQS-PF-fl dr-NRC@uscg.mil]
Sent: Thursday, March 22, 2018 10:58 AM
To: DUTYOFFICER@EMD.WA.GOV; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>; State Emergency Operations Officer (MIL) <Dutyofficer@mil.wa.gov>
Subject: NRC#1207446

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1207446

INCIDENT DESCRIPTION

*Report taken by: CIV NICHULUS THREATT at 13:53 on 22-MAR-18

Incident Type: RAILROAD NON-RELEASE

Incident Cause: TRESPASSER

Affected Area:

Incident was discovered on 22-MAR-18 at 07:50 local incident time.

Affected Medium: RAIL REPORT (N/A)

REPORTING PARTY

Name: STEVE YOST

Organization: BNSF RAILWAY

Address: 2200 LOU MENK DRIVE

FORT WORTH, TX 76131

PRIMARY Phone: (817)3522832

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: UNKNOWN

Type of Organization: UNKNOWN

INCIDENT LOCATION

County: PIERCE

City: SUMNER State: WA

MILEPOST: 28.5X

RELEASED MATERIAL(S)

DESCRIPTION OF INCIDENT

CALLER IS MAKING A REPORT INVOLVING A DECEASED BODY THAT WAS FOUND NEAR THEIR TRACKS WHICH ALSO ENDED UP DELAYING THREE PASSENGER TRAINS. CAUSE OF THE FATALITY IS UNKNOWN IF IT WAS TRAIN RELATED AT THIS TIME.

SENSITIVE INFORMATION

INCIDENT DETAILS

Grade Crossing: NO

Location Subdivision: SEATTLE

Railroad Milepost: 28.5X

Type of Vehicle Involved:

Crossing Device Type:

Device Operational: YES

DOT Crossing Number:

Date and Time Service was/will be Restored:

Brake Failure: UNKNOWN

Federal Post-Accident 219.201 Sub Part C Testing Required: NO

Passenger Train Route: YES

Passenger Train Delay Expected: YES

Passenger Train Delay Handling: PASSENGERS STAYED ONBOARD.

---RAILROAD INFORMATION---

Railroad Involved: BNSF RAILWAY

Train Number: N/A

Train Type: OTHER Train Direction:

Train Speed: Track Speed:

Locomotives: Cars: Derailed:

Suspected DOT Regulation Non Compliance: UNKNOWN

DERAILED CARS:

Pos. Carnumber Type Cargo

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: NO Hospitalized: Empl/Crew: Passenger:
FATALITIES: YES 1 Empl/Crew: Passenger: Occupant:
EVACUATIONS:NO Who Evacuated: Radius/Area:

Damages: NO

Closure Type	Description of Closure	Hours	Direction of	Closed	Closure
N					
Air:					
N			Major		
Road:			Artery:N		
N					
Waterway:					
Y	MAIN TRACK 1 & 2	2	E/W		
Track:					

Environmental Impact: UNKNOWN

Media Interest: UNKNOWN Community Impact due to Material:

REMEDIAL ACTIONS

LOCAL POLICE AND FIRE EMS RESPONDED.

Release Secured: UNKNOWN

Release Rate:

Estimated Release Duration:

WEATHER

ADDITIONAL AGENCIES NOTIFIED

Federal:

State/Local:

State/Local On Scene: LOCAL POLICE; EMS

State Agency Number:

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)

22-MAR-18 13:57 (770)4887100

CGIS D13 FIELD OFFICE (CGIS D13 COMMAND CENTER)

22-MAR-18 13:57 (206)2207141

DHS DEFENSE THREAT REDUCTION AGENCY (CHEMICAL AND BIOLOGICAL TECHNOLOGI

22-MAR-18 13:57 (703)7673477

NATIONAL COORDINATING CTR FOR COMMS (NCC COMM-ISAC)

22-MAR-18 13:57 (703)2355626

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

22-MAR-18 13:57 (202)3661863

FEDERAL RAILROAD ADMIN. (MAIN OFFICE (AUTO))
22-MAR-18 13:57 (202)4930636
FEMA REGION 10 (MAIN OFFICE)
22-MAR-18 13:57 (425)4874704
NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)
22-MAR-18 13:57 (202)2829201
NOAA RPTS FOR WA (MAIN OFFICE)
22-MAR-18 13:57 (206)5264911
NTSB RAIL (MAIN OFFICE)
22-MAR-18 13:57 (202)3146293
OREGON TITAN FUSION CENTER (FUSION COMMAND CENTER)
22-MAR-18 13:57 (877)6204702
WA STATE EMERGENCY MANAGEMENT (MAIN OFFICE)
22-MAR-18 13:57 (800)2585990
TSA SURFACE TRANSPORTATION SECURITY (TWIC ENFORCEMENT)
22-MAR-18 13:57 (206)3875236
WASHINGTON STATE FUSION CENTER (FUSION COMMAND CENTER)
22-MAR-18 13:57 (877)8439522
WASHINGTON STATE NATIONAL GUARD (COMMAND CENTER)
22-MAR-18 13:57 (253)5128159

ADDITIONAL INFORMATION

*** END INCIDENT REPORT #1207446 ***

Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

Sumner Police Department Incident Report

Incident No. 1808100405.1
Jurisdiction Agency: Sumner Police Department

PDA:	Homeland Security:	Subject:	Death Investigation	Incident No. 1808100405.1
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	SU123 - Silveria, Andrew 3/23/2018 07:29:52	
Case Report Status:	Approved	Reviewed By/Date:	SU114 - Kurle, Matt 3/23/2018 09:49:05	

Related Cases:

Case Report Number	Agency
--------------------	--------

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
-----------------	-------------------------	-------

Location Address:	1360 Zehnder St	Location Name:	BNSF - ZEHNDER ST SUMNER
City, State, Zip:	Sumner, WA 98390	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	062 - Sumner	District/Sector:	SU04 - Sumner
Occurred From:	3/22/2018 08:00:00 Thursday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Railroad Tracks / Right of Way	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:	Unknown						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Victim V1: Potter, Justin R.

PDA:

Aliases:									
DOB:	2/15/1980	Age:	38	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	5' 9"	Weight:	160	Hair Color:	Brown	Eye Color:	Green		
Address:	3782 Olympic Blvd			County:		Phone:			
City, State Zip:	University Place, WA 98466			Country:		Business Phone:			

Call Source:		Assisted By:				
Phone Report:		Notified:				
Insurance Letter:		Entered By:	SU123 - Silveria, Andrew			
Entered On:	3/23/2018 06:36:40	Approved By:	SU905 - Medina, Dan			
Approved On:	3/23/2018 17:13:27	Exceptional Clearance:				
Adult/ Juvenile Clearance:		Exceptional Clearance Date:				
Additional Distribution:		Other Distribution:				
Validation Processing	Distribution Date: 3/23/2018	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: MEDINA, DAN	City Pros. Atty.	Military	DSHS	PreTrial	
Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.						Printed: 3/23/2018 17:13:27 Printed By: SU905 - Medina, Dan

Sumner Police Department Incident Report**Incident No. 1808100405.1**

Page 2 of 4

Jurisdiction Agency: Sumner Police Department

Other Address:			Other Phone:	
Resident:	Unknown	Occupation/Grade:	Employer/School:	
SSN:			Place of Birth:	
Driver License No:		Driver License State:	Driver License Country:	
Attire:			Complexion:	
SMT:			Facial Hair:	
Victim Of:	0810 - Death Investigation		Facial Shape:	
Victim Type:	Individual	Circumstances:	Weapon Used:	
Injury:		Testify:	Reporting Statement Obtained:	
Type of Injury:			Fire Dept Response:	
Hospital Taken To:		Medical Release Obtained:	Taken By:	
Attending Physician:		Hold Placed By:		

Victim Offender Relationships

Offender:	Relationship:
-----------	---------------

Law Enforcement Officer Killed or Assaulted Information	Type:		Justifiable Homicide Circumstances:
	Assignment:		
	Activity:		

Victim Notes:	
---------------	--

Other Entity O1: Hiller, Rob**PDA:**

Aliases:									
DOB:		Age:	40	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:		Weight:		Hair Color:		Eye Color:		Phone:	206-423-1833
Address:	1315 A. St. Se			County:		Business Phone:		Other Phone:	
City, State Zip:	Auburn, WA 98002			Country:		Other Phone:		Employer/School:	
Other Address:								Place Of Birth:	
Resident:	Unknown	Occupation/Grade:				Driver License Country:		Complexion:	
SSN:								Facial Hair:	
Driver License No:		Driver License State:				Facial Shape:		Reporting Statement Obtained:	
Attire:								Facial Shape:	
SMT:								Facial Shape:	
Entity Type:	Other Individual	Reporting Statement Obtained:				Facial Shape:		Facial Shape:	
Entity Notes:	Asst. Road Foreman with BNSF Railroad.								

Other Entity O2: Hunn, Hana**PDA:**

Aliases:									
DOB:		Age:	35	Sex:	Female	Race:	White	Ethnicity:	Non-Hispanic
Height:		Weight:		Hair Color:		Eye Color:		Phone:	206-423-1833
Address:	1315 A. St. Se			County:		Business Phone:		Other Phone:	
City, State Zip:	Auburn, WA 98002			Country:		Other Phone:		Employer/School:	
Other Address:								Place Of Birth:	
Resident:	Unknown	Occupation/Grade:				Driver License Country:		Complexion:	
SSN:								Facial Hair:	
Driver License No:		Driver License State:				Facial Shape:		Facial Shape:	
Attire:								Facial Shape:	
SMT:								Facial Shape:	

Printed: 3/23/2018 17:13:27
 Printed By: SU905 - Medina, Dan

Sumner Police Department Incident Report**Incident No. 1808100405.1**

Page 3 of 4

Jurisdiction Agency: Sumner Police Department

Entity Type:	Other Individual	Reporting Statement Obtained:	Facial Shape:
Entity Notes:	Train Master with BNSF Railroad		

Property Item No. 1/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	30	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Transferred To Case Images	Insurance Company:	
Disposition Location:		Policy No:	

Vehicle Information:

License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Drivable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	

Drug Information:

Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	

Jewelry Information:

Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	

Firearm Information:

Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	

Property Notes:	
-----------------	--

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Printed: 3/23/2018 17:13:27
Printed By: SU905 - Medina, Dan

Jurisdiction Agency: Sumner Police Department

Synopsis: Train vs. Pedestrian.

Narrative:

On 03/22/18 at approximately 0800 hrs, I responded to the BNSF Railroad tracks near the Zehnder St. crossing to a report of a dead body being found on the railroad right of way. It had been reported by a train engineer that a white male subject was lying on the west side of the tracks near mile marker 28 (just south of the Zehnder St. crossing).

Myself, railroad employees, and other law enforcement were in the area attempting to locate the subject. Two BNSF employees, Rob Hiller (Asst Road Foreman) and Hana Hunn (Train Master), located the subject (on the west side of the tracks just south of the Zehnder ST. crossing) and saw that he was deceased. I contacted Mr. Hiller and Ms. Hunn as did Det. Schliesman and Det. Nikolao.

Mr. Hiller stated that he and Ms. Hunn were notified of the body being on the tracks by railroad dispatch and responded to the area. Mr. Hiller said that they found the body and notified police. Mr. Hiller pointed out the body that was approximately 200' south of the Zehnder St. crossing and approximately 7' to the west of the rails. I saw that the deceased was a white male subject approximately thirty years of age.

The body was badly twisted/distorted as if having suffered severe impact. I saw that the deceased had been bleeding from the mouth and nose but had been dead for some time. The deceased was missing both of his shoes which were found a little further south/west of the body. There was a grocery bag of belongings (assumed to be of the deceased) along the rails approximately 44' north of where the body was found.

All trains were halted through the area and I assisted Det. Nikolao in measuring/photographing the scene. A Pierce County Medical Examiner responded to the scene to conduct an investigation and collect the body. The Medical Examiner located the deceased person's wallet/driver's license in his back pocket and the deceased person was identified as Justin R. Potter (02/15/80).

It was concluded that Mr. Potter was struck by a train but it is unknown at this time when, or by what train, Mr. Potter was struck. Det. Nikolao collected all of Mr. Potter's effects as evidence and the Medical Examiner took custody of Mr. Potter. At this point all law enforcement personnel left the scene. Upon return to the Sumner Police Department, I uploaded all photos taken at the scene (30) to the LESA server.

File Report.

Officer Silveria #123

Reviewed By:

Reviewed Date:

Sumner Police Department Supplemental Report

Incident No. 1808100405.2
Jurisdiction Agency: Sumner Police Department

PDA:	Homeland Security:	Subject:	Death Investigation	Incident No. 1808100405.2
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	SU128 - Schliesman, Jeremiah 3/23/2018 07:30:09	
Case Report Status:	Approved	Reviewed By/Date:	SU102 - Engel, Jeffrey 3/23/2018 09:20:30	

Related Cases:

Case Report Number	Agency
--------------------	--------

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
-----------------	-------------------------	-------

Location Address:	1360 Zehnder St	Location Name:	BNSF - ZEHNDER ST SUMNER
City, State, Zip:	Sumner, WA 98390	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	062 - Sumner	District/Sector:	SU04 - Sumner
Occurred From:	3/22/2018 08:00:00 Thursday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:		Hate/Bias:	None (No Bias)
Criminal Activity:		Type of Security:		Using:		Tools:	
Location Type:	Railroad Tracks / Right of Way	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:	Unknown						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Property Item No. 2/1: 1323 - Evidence - Photo / Audio / Video / Data - CD / DVD / Blu-Ray Disc - Officer Generated

Other Common Item:	Photographed:
Description:	Fingerprinted:

Call Source:	Assisted By:					
Phone Report:	Notified:					
Insurance Letter:	Entered By:					
Entered On:	3/22/2018 12:05:06	Approved By:	SU128 - Schliesman, Jeremiah			
Approved On:	3/23/2018 17:14:13	Exceptional Clearance:	SU905 - Medina, Dan			
Adult/ Juvenile Clearance:	Exceptional Clearance Date:					
Additional Distribution:	Other Distribution:					
Validation Processing	Distribution Date: 3/23/2018	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: MEDINA, DAN	City Pros. Atty.	Military	DSHS	PreTrial	
Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.						Printed: 3/23/2018 17:14:13 Printed By: SU905 - Medina, Dan

Sumner Police Department Supplemental Report

Jurisdiction Agency: Sumner Police Department

Incident No. 1808100405.2

Page 2 of 3

Quantity:	4	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Transferred To Case Images	Insurance Company:	
Disposition Location:		Policy No:	

Vehicle Information:

License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Drivable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	

Drug Information:

Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	

Jewelry Information:

Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	

Firearm Information:

Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	

Property Notes:

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	
-----------	--

Narrative:	On 3/22/18 at about 0814Hrs I responded to the area of Zehnder ST and the BNSF railroad tracks, in the City of Sumner, Washington, for a report of a deceased subject. It was reported that there was a subject lying face down in the mud near the "Main One Track".
------------	---

Jurisdiction Agency: Sumner Police Department

While en route to the area, Ofc Silveria stated that he was out with BNSF employees and had located the body. Ofc Silveria stated the body was on the west side of the tracks and just south of Zehnder ST.

I arrived in the area and observed the body of a deceased male, about 5-7 feet from the tracks. The male was later identified as Justin R. POTTER (2/10/1980). The body was contorted and there were obvious injuries to all observable areas. I could see the male had lost both "Romeo" style shoes; they were located about 30-40 feet south of his position. I also located other tissue matter on the railroad ties, north of the body and just to the west of the outside rail. There were two small plastic bags containing personal effects that appeared to belong to POTTER; they were leaned up against the outside rail and just north of the first tissue matter. I did not locate anything of evidentiary value east of the most west rail.

I took four photographs of the plastic bags and uploaded them to Case Images.

I contacted the Pierce County Medical Examiner (ME) and informed them of the situation. I was informed that they would be en route to the scene.

At about 0923Hrs Medical Examiner Investigator (MEI) Sale arrived and conducted her investigation. MEI Sale located a wallet in the right back pocket of POTTER's jeans. In the wallet was POTTER's Washington Driver License. At the conclusion of MEI Sale's investigation, I assisted her with the removal of POTTER's body.

This concludes my involvement.

Det Schliesman #128

Reviewed By:

Reviewed Date:

Sumner Police Department Supplemental Report

Incident No. 1808100405.3
Jurisdiction Agency: Sumner Police Department

PDA:	Homeland Security:	Subject:	Death Investigation	Incident No. 1808100405.3
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	SU115 - Nikolao, Troy 3/30/2018 14:47:02	
Case Report Status:	Approved	Reviewed By/Date:	SU102 - Engel, Jeffrey 4/2/2018 08:40:02	

Related Cases:

Case Report Number	Agency
--------------------	--------

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
PROP - Property / Evidence / Inventory Document (copy/digital)		1

Location Address:	1360 Zehnder St	Location Name:	BNSF - ZEHNDER ST SUMNER
City, State, Zip:	Sumner, WA 98390	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	062 - Sumner	District/Sector:	SU04 - Sumner
Occurred From:	3/22/2018 08:00:00 Thursday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:		Hate/Bias:	None (No Bias)
Criminal Activity:		Using:		Tools:			
Location Type:	Railroad Tracks / Right of Way	Type of Security:					
Total No. of Units Entered:		Evidence Collected:					
Entrance Compromised:	Unknown						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Other Entity O3: Potter, David Allen

PDA:

Aliases:									
DOB:	8/17/1949	Age:	68	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	6' 0"	Weight:	180	Hair Color:		Eye Color:	Brown		

Call Source:		Assisted By:				
Phone Report:		Notified:				
Insurance Letter:		Entered By:	SU115 - Nikolao, Troy			
Entered On:	3/30/2018 14:35:52	Approved By:	SU903 - Duggan, Sherrie			
Approved On:	4/2/2018 09:04:43	Exceptional Clearance:				
Adult/ Juvenile Clearance:		Exceptional Clearance Date:				
Additional Distribution:		Other Distribution:				
Validation Processing	Distribution Date: 4/2/2018	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: DUGGAN, SHERRIE	City Pros. Atty.	Military	DSHS	PreTrial	

Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: 4/2/2018 09:04:43
Printed By: SU903 - Duggan, Sherrie

Sumner Police Department Supplemental Report

Jurisdiction Agency: Sumner Police Department

Incident No. 1808100405.3

Page 2 of 5

Address:	3782 Olympic Blvd W	County:		Phone:	253-377-4063
City, State Zip:	University Place, WA 98466-1412	Country:		Business Phone:	
Other Address:				Other Phone:	
Resident:	Nonresident	Occupation/Grade:		Employer/School:	Snider Petroleum - Sumner
SSN:				Place Of Birth:	
Driver License No:	(4b)	Driver License State:	Washington	Driver License Country:	United States of America
Attire:				Complexion:	
SMT:				Facial Hair:	
Entity Type:	Parent	Reporting Statement Obtained:		Facial Shape:	
Entity Notes:					

Other Entity O4: Young, Martin

PDA:

Aliases:								
DOB:	Age:	00	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	Weight:			Hair Color:			Eye Color:	
Address:				County:	King			
City, State Zip:				Country:			Business Phone:	206-398-5115
Other Address:	401 S. Jackson St. Seattle, WA					Other Phone: 206-423-9517		
Resident:	Unknown	Occupation/Grade:	Sounder Operations Mgr.		Employer/School: Sound Transit			
SSN:						Place Of Birth:		
Driver License No:				Driver License State:			Driver License Country:	
Attire:						Complexion:		
SMT:						Facial Hair:		
Entity Type:	Other Individual	Reporting Statement Obtained:			Facial Shape:			
Entity Notes:								

Other Entity O5: Hudnall, Rodney L

PDA:

Aliases:								
DOB:	Age:	00	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	Weight:			Hair Color:			Eye Color:	
Address:				County:				
City, State Zip:				Country:			Business Phone:	206-402-2785
Other Address:	605 Puyallup Ave Tacoma, WA 98421					Other Phone: 206-625-6292		
Resident:	Unknown	Occupation/Grade:	Claim Rep		Employer/School: BNSF			
SSN:						Place Of Birth:		
Driver License No:				Driver License State:			Driver License Country:	
Attire:						Complexion:		
SMT:						Facial Hair:		
Entity Type:	Other Individual	Reporting Statement Obtained:			Facial Shape:			
Entity Notes:								

Investigative Information

Means:			Motive:		
Vehicle Activity:			Direction Vehicle Traveling:		

Synopsis:

Narrative:

On 03-22-2018 at approx. 08:00 hours I, Detective Nikolao, heard patrol units being dispatched to mile marker #28 on the Burlington Northern Santa Fe (BNSF) railroad tracks for a subject face down in the mud. Initially there was an issue locating the subject, who was later identified as Justin Potter, but finally patrol units determined the location to be approx. 100 yards south of the Zehnder St. railroad crossing.

Detective Schliesman and I arrived at the scene at approx. 0815 hours. Upon arrival I observed Sumner Police Officer Silveria speaking with BNSF employees Rob Hiller and Hana Hunn who were also dispatched to check the area for a report of a body near the tracks. I was advised that the BNSF employees located Potter but they did not disturb him. This conversation took place approx. 50 feet to the north of the decedent. From this vantage point I could clearly see Potter's contorted body to south of our location & to the west of the westernmost track, which was identified as BNSF Main Line #1.

Detective Schliesman and I made our way towards Potter's body and I observed two small grocery bags containing unknown items located against the outside west rail of Main Line #1, which was approx. forty feet to the north of Potter's body. A couple small pieces of what appeared to be human tissue were located near the westernmost portion of the railroad ties approx. fifteen feet to the south of the grocery bags. Another piece of tissue and a gray sock were located on rocks approx. ten feet to the north of Potter's body. I noted the gray sock matched the sock that was still on Potter's right foot and his left foot was bare. One shoe was located approx. ten feet to the southwest of Potter's body and the matching shoe was another thirty feet to south of it. No shoes were present on Potter's feet and these two shoes appeared to be an appropriate fit. Given the presumed mechanism by which Potter succumbed it would be appropriate that Potter had been separated from his shoes.

I visually inspected Potter and observed that although he was in a supine position the remainder of his body was contorted very unnaturally. It appeared to me that Potter suffered breaks to several if not all of his limbs & it was likely his spine was fractured too, which I based on the extremely unnatural compressed position of his body. Blood emanated from Potter's mouth and nose and several obvious abrasions were noticeable on his hands, exposed back/buttocks, and his bare foot. I would place number placards near several of the aforementioned items to photo-document the scene awaiting the Medical Examiner (ME) Investigator to arrive. I did not move the body but a tarp was placed over it to keep it out of the public's view.

At approx. 09:23 hrs., ME Investigator Sale arrived on scene. Although my partner had initially contacted her and requested her response I briefed her on what we had learned since their conversation. ME Investigator Sale photographed the scene and prior to moving Potter she removed a billfold from his rear pants pocket, which revealed Potter's Washington driver license that was issued in 2016. Based on Potter's I.D. photo it was apparent to me that he was the decedent. After Potter's body was unfolded more photographs were taken to document the injuries. My camera became inoperable when the battery expired so I used Officer Silveria's phone camera to photo Potter prior to placing him in the body bag. My photos and photos from Officer Silveria's phone would later be uploaded to the case images database. Sale would take custody of both Potter and his wallet.

Detective Schliesman and I inspected the items contained in the two shopping bags. The items consisted of alcohol, toiletries and a small amount of clothing/personal belongings, which was presumed to be Potter's property. Detective Schliesman photographed the items and would later upload them to case images. The personal items were saturated with water and the remaining clothing items that had been on Potter's person were too. Some of the clothing items also had dermal tissue/blood on them so they were collected and disposed of.

On 03-23-2018 at approx. 10:25 hrs., I spoke with David Potter, the decedent's father, via telephone. I shared with D. Potter what my investigation had revealed to that point and also advised him that the three railroad entities, which utilize that particular rail line, were in the process of reviewing on-board video to determine what train had struck his son.

D. Potter shared with me that his son was homeless and despite battling alcohol addiction his son had held down a job at Port Logistics, in Sumner, for several months. D. Potter advised that his son had

been living near a building behind the Sumner Post Office, which I determined to be 1125 57th St. E., Sumner. The BNSF railroad tracks are located directly behind this building and likely served as a frequent path of travel. D. Potter advised that he had last seen his son at approx. 20:30 hrs. on 03-20-2018 when he dropped him off at the Sumner Library. D. Potter explained that he and his son had been at a celebrate recovery event in Tacoma & D. Potter believed his son wanted to turn his life around based on their recent conversations. I advised D. Potter that I would keep him apprised of new information/developments as they became available and encouraged him to call me with any questions he may have.

At approx. 12:00 hrs. I received a phone call from BNSF Claim Rep. Rodney Hudnall. I had previously met Hudnall at the scene and was expecting a call from him. Hudnall advised that they had reviewed two BNSF freight trains' on-board video for two trains that had traveled through Sumner at 05:22 and 05:52 hrs. respectively. However, neither of the videos revealed anything of evidentiary value.

At approx. 12:50 hrs., I received a phone call from Sound Transit Commuter Rail Operations Manager Martin Young. Young advised that in reviewing on-board video from three Sounder trains they determined Sounder train #1503 had struck Potter. Young agreed to make the videos available for me to view and a copy would be available the following week.

On 03-28-2018 at approx. 09:30 hrs., I made contact with Port Logistics Administrator Bill Rosling at the business. I identified myself to Rosling and informed him the reason for my visit. Rosling was unfamiliar with Potter and advised that they contract out labor duties with three temporary employment companies. I was advised that Potter would not have had any personal belongings at the business and was provided with Potter's employer info. - which was identified as Professional Staff Northwest.

At approx. 10:00 hrs., I made contact with a rep from Professional Staff Northwest. The company was unaware that Potter was deceased and advised me that would explain why they hadn't heard from him since he last reported to work the previous Wednesday on 03-21-2018. The rep advised that Potter didn't have any personal property at their business but two paychecks would be available by 03-30-2018. I advised that rep that I would provide that information to Potter's father, who was the next of kin, and also provide their business's contact number to him. The rep was familiar with D. Potter from previous interactions surrounding an injury that Justin Potter had incurred the previous year.

At approx. 12:50 hrs., I arrived at the Sound Transit Headquarters, in Seattle, and met with Martin Young. Young and I met with a BNSF employee who displayed three separate Sounder trains' on-board video segments related to my investigation. I did observe all three segments and noted that each had a date and time display in the upper left corner. The following is a list of each identified train and the time they had passed by the location near the Zehnder crossing where the collision with Potter took place:

- 1) Train #1510 - traveling n/b on Main Line #2 - 07:01 hrs. - 03/22/2018
- 2) Train #1503 - traveling s/b on Main Line #1 - 07:10 hrs. - 03/22/2018
- 3) Train #1512 - traveling n/b on Main Line #2 - 07:20 hrs. - 03/22/2018

The following is what I observed from viewing the video segments:

Train #1510 travels past the collision site at 07:01 hrs. and an image of what appears to be a body can be observed lying near the opposite tracks (Main Line #1). It does appear that something is atop the outer rail of Main Line #1 but due to both the lack of clarity of the video and the precipitation on the train's window I cannot say with any certainty that whatever is on the tracks is a portion of Potter's body. I noted that this was the same location that we had discovered Potter's personal property on the day of collision.

Train #1503 traveling on s/b Main Line #1 passes the Zehnder crossing and approaches an image of a body at 07:10 hrs.. The image of what appears to be a body can be observed lying next to the outer rail on Main Line #1. Again due to both the lack of clarity of the video and the large amount of precipitation on the windshield I cannot say with any certainty that the body is perpendicular or parallel to the Main Line #1. This appears to be the same location where the body image was observed on train #1510's camera just ten minutes prior.

Jurisdiction Agency: Sumner Police Department

Train #1512 traveling n/b on Main Line #2 at 07:20 hrs. passes by the collision site and a contorted figure can be observed approx. 10 feet to the west of Main Line #1. Although it's not a vivid image it was discernable enough that I recognize it is Potter, which I based on how I observed his body in its final resting spot.

Based on the three on-board Sounder train videos it is evident that train #1503 was the train that struck Potter. Potter appeared to be lying next to Main Line #1 when train #1510 passed by at 07:01 and appears to be in the same position at 07:10 when train #1503 approaches and strikes him. Because of the poor quality of the video there is no way to determine if the manner of death was accidental or intentional. Perhaps the pending toxicology report will provide data to consider in making that determination.

I was provided with a USB media storage device that contained each video segment, colored still images that were extrapolated from the video segments, and the Sound Transit Incident report. I was unable to play the video segments on my work computer because I believe that it requires a proprietary video player that was not included on the media storage device. I was able to print the colored still images as well as the incident report and both will be attached to the case file. Since I have observed the video segments and articulated my observations in the report I will not be contacting Sounder/BNSF to obtain the video player. I will submit the USB storage device into property as evidence.

Young had informed me that the Engineer and crew of train #1503 were unaware that they had struck a pedestrian, which the Sound Transit Incident report reflects. At this point I have no intentions of obtaining train #1503's crew information for contact. Martin Young and Sound Transit have been transparent and have made every effort to provide me evidence, in the forms of video, still photos, documents and the like, to aid in this investigation. The Sound Transit Incident report will suffice in the absence of contacting those crew members.

I have been in constant communication with Pierce County Medical Examiner's Office Investigator Sale to keep her apprised of my investigation. On 03-30-2018 I formally requested a copy of the Medical Examiners report upon its completion.

Case open - awaiting Medical Examiner/ ME Investigator's reports.

T.M. Nikolao

Reviewed By:

Reviewed Date:

Sumner Police Department Supplemental Report

Incident No. 1808100405.4
Jurisdiction Agency: Sumner Police Department

PDA:	Homeland Security:	Subject:	Death Investigation	Incident No. 1808100405.4
IBR Disposition:	Active	Case Management Disposition:		
Forensics:		Reporting By/Date:	SU115 - Nikolao, Troy 8/7/2018 09:14:54	
Case Report Status:	Approved	Reviewed By/Date:	SU102 - Engel, Jeffrey 8/8/2018 16:32:45	

Related Cases:

Case Report Number	Agency
--------------------	--------

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
MER - Medical Examiners Report (copy/digital)		2

Location Address:	1360 Zehnder St	Location Name:	BNSF - ZEHNDER ST SUMNER
City, State, Zip:	Sumner, WA 98390	Cross Street:	
Contact Location:		City, State, Zip:	
Recovery Location:		City, State, Zip:	
CB/Grid/RD:	062 - Sumner	District/Sector:	SU04 - Sumner
Occurred From:	3/22/2018 08:00:00 Thursday	Occurred To:	
Notes:			

Offense Details: 0810 - Death Investigation

Domestic Violence:	No	Child Abuse:		Gang Related:	No/Unknown	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:		Hate/Bias:	None (No Bias)
Criminal Activity:		Type of Security:		Using:		Tools:	
Location Type:	Railroad Tracks / Right of Way	Evidence Collected:					
Total No. of Units Entered:							
Entrance Compromised:	Unknown						
Entry Method:							
Suspect Description:							
Suspect Actions:							
Notes:							

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Call Source:	Assisted By:					
Phone Report:	Notified:					
Insurance Letter:	Entered By:	SU115 - Nikolao, Troy				
Entered On:	Approved By:	SU905 - Medina, Dan				
Approved On:	Exceptional Clearance:					
Adult/ Juvenile Clearance:	Exceptional Clearance Date:					
Additional Distribution:	Other Distribution:					
Validation Processing	Distribution Date: 8/9/2018	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	By: MEDINA, DAN	City Pros. Atty.	Military	DSHS	PreTrial	
Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.						Printed: 8/9/2018 10:30:35 Printed By: SU905 - Medina, Dan

Sumner Police Department Supplemental Report

Jurisdiction Agency: Sumner Police Department

Incident No. 1808100405.4

Page 2 of 2

Synopsis:

Narrative:

On 08-01-2018 this agency received the Pierce County Medical Examiner's Office reports, consisting of the post mortem exam and the Investigator's report, for Justin Ray Potter. I, Detective Nikolao, reviewed the reports and both will be attached to the case file.

(4d)

T.M. Nikolao

Reviewed By:

Reviewed Date: