



# Rail Incident Investigation Report

Docket No: TR-  Report Date:

Railroad Owning Track:  Railroad Operating on Track:

FRA Investigation: Yes  No  Inspector:

## I. Type of Accident

Public Crossing  Private Crossing  Trestle  Pedestrian at Crossing

Pedestrian Not at Crossing  Other (explain)

## II. Time and Location of Accident

Date:  Time:

USDOT Crossing No.:  UTC Crossing No.:

Railroad Milepost:  GPS Identifier: Lat:  Lon:

Number of Tracks:  City:  County:

Road name, yard name, bridge:

## III. Conditions Surrounding the Accident

Weather: Clear to cloudy  Fog  Rain  Snow

Road Condition: Dry  Wet  Snow  Ice

Visibility Due to Weather: Daylight  Darkness  Unknown

Train Type: Freight  Passenger  Locomotive only  Cars only  Train Speed:

Haz-Mat on Train: Yes  No  N/A  Remote Control: Yes  No  N/A

Type of Haz-Mat:

## IV. Pedestrian, Driver, or Passenger Fatalities Does this section apply? Yes No

Number of Fatalities:  of 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  Suicide: Yes  No  Undetermined

Alcohol: Yes  No  Undetermined  Information supplied by:

Drugs: Yes  No  Undetermined  Information supplied by:

Names of additional fatalities:

Docket No: TR- 180603

**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):

Google Earth overview.

**IX. Comments**

**Event Summary:**

The BNSF Railway Co., freight train was traveling east at 33 miles per hour when the train crew first saw a man walking on the tracks, about 100 yards in front of the train. The man was walking down the center of the track in the same direction the train was traveling. The man did not respond when the train horn was sounded by the train crew. Emergency braking procedures were immediately initiated and the train slowed to under 30 miles per hour by the time the freight train struck the man. Despite repeated blasts from the horn, the man continued to walk in the center of the tracks with his back to the train until he was struck. The victim's hat, sunglasses, cell phone and earbud headphones were all found on the front of the train.

**Site Description:**

This site is west of Cashmere, just outside the city limits. The tracks follow the Wenatchee River in an east-west direction with many curves as it follows the river. There are numerous farms and orchards to the west and south of the accident site. Access to this site is very limited as the tracks run on a stretch of land directly between private property to the south and the Wenatchee River bank to the north. The distance to the nearest at-grade crossing is 3400' to the west and 2600' to the east. Access to the accident site is possible but difficult without fouling the tracks. This accident site is directly between two curves with only 300' of sight distance in either direction. The maximum railroad track speed for this section of track is 35 miles per hour for freight trains and 40 miles per hour for passenger trains.

**Inspector Recommendations:**

No recommendations at this time. I found no obvious signs of trespassing. This appears to be an isolated incident where a trespasser was walking on the tracks presumably using earbud headphones and was subsequently struck from behind by an oncoming freight train.

Docket No: TR-180603

**Rail Safety Supervisor Comments/Sign Off:**

Reviewed and approved 5-12-2020 - EE

**Director of Transportation Safety Comments/Sign Off:**

Reviewed and approved to close 5-13-2020 KH





TR 180603 Cashmere, WA. 1/4 mile west of Goodwin Rd.



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 100 ft

Measure distance  
Total distance: 1,320.81 ft (402.58 m)















From: [Service, Interruption Desk](#)  
 To: [OPR DL \(SI Desk Use ONLY\) Cargo-related; Gabriel, Jon; Moyer, Jason; Ruby Jr, Jan E; Ugrin, Garrett K; Wessler, Richard W; Noel, Tamara T; Huston, Scott T; Melonas, Gus S; Wallace, Courtney; Halstead, Lori \(UTC\)](#)  
 Cc: [OPR DL \(SI Desk Use ONLY\) North Region Incident](#)  
 Subject: 070518 ERBCSCM163 - Trespasser Scenic Sub.doc  
 Date: Thursday, July 5, 2018 9:25:59 PM

ERBCSCM163 struck a trespasser at Cashmere, WA

**BNSF Fort Worth – Network Operations Center – INCIDENT REPORT**

				<b>D-Code:</b>		187037	
<b>Date:</b>	07-05-18	<b>Time:</b>	2000CT	<b>MP:</b>	1662.5	<b>Divn:</b>	Northwest
<b>Time &amp; Date Last Revised:</b>							
<b>Subdivision:</b>		Scenic		<b>State:</b>		WA	
<b>Line Segment:</b>				<b>County:</b>		Chelan	
<b>Nearest Station:</b>						37	
<b>Nearest Major Terminal (distance/direction):</b>						Cashmere, WA	
<b>Weather Conditions (Temp, wind, precipitation):</b>						Wenatchee, WA (11 miles/east)	
						101*, Cloudy, Wind SE 2 mph	

<b>Injuries or Fatalities?</b>	01 trespasser fatally injured	<b>Employee?</b>	No
<b>Name:</b>		<b>Craft:</b>	

<b>Symbol:</b>	E RBCSCM1 63F	<b>If Yard Job, is it Remote Control Operation?</b>	
<b>Lead Locos:</b>	BNSF 5917, BNSF 7578, BNSF 6040	<b>L-E-T-F:</b>	0-125-2647-6929
<b>DP Locos:</b>	BNSF 9607	<b>Direction:</b>	Eastbound
<b>Conductor:</b>	A Schimke	<b>Engineer:</b>	J Graham
<b>Prior Rest</b>		<b>Prior Rest</b>	
<b>On Duty Time/Date:</b>	1101CT / 07-05-18	<b>Origin/Destination:</b>	Everett, WA/Wenatchee, WA
<b>Crew Interviewed by:</b>	Div Trainmaster Justin Sparks		
<b>Event Recorder/Camera:</b>	RFE Danny Bennett will handle downloads		

<b>Locomotives video equipped?</b>										
Lead Locos	Y/N		Y/N		Y/N		Y/N		Y/N	Y/N
BNSF 5917	Y	BNSF 7578	Y	BNSF 6040	Y					

<b>Crossing Name:</b>	Not at a crossing	<b>DOT Number:</b>	
<b>Equipped with:</b>		<b>Functioning?</b>	
<b>Vehicle Direction:</b>		<b>Vehicle Description:</b>	
<b>Law Enforcement Agency:</b>	Chelan County Sheriff	<b>Citations?</b>	

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

<b>Derailed Locomotives / Cars:</b>				
<b>Init. Number:</b>	<b>Line:</b>	<b>Position (upright?):</b>	<b>Contents:</b>	<b>Disposition:</b>
<b>Heavy equipment ordered:</b>				



<b>Equip. ETA:</b>		<b>Equipment Arrived:</b>		<b>Equipment Released:</b>	
<b>Main Blocked?</b>	Yes	<b>Estimated Reopen:</b>		<b>Actual Reopen:</b>	2315CT/05

**Estimated Damages and Costs:**

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

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

**Cause Code:**      **Description:**

**Brief Narrative of Incident:**  
 ERBCSCM163F struck a trespasser on single main track at MP 1662.5. This did not occur at a crossing. Trespasser was fatally injured.  
 2156CT: Coroner is on site. Authorities have requested the train to be separated to remove the body.  
 2315CT: Body has been removed. Train is back together. Inspections complete and all clear to resume operations.

**Post Accident Testing (FRA):**

<b>Did this incident meet FRA Post Accident Testing criteria?</b>	No	
<b>Contact MEH Dept at:</b> (817) 352-1648 during normal business hours. (817) 352-1613 after hours, weekends and holidays. If no answer, page email Chris Kowalkowski 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.		
<b>Does the NOC GDT agree with the above analysis?</b>	Yes	
<b>Craft being Post Accident Tested:</b>	N/A	

<b>Notifications:</b>			
<b>Time:</b>	<b>Entity:</b>	<b>Person Notified:</b>	<b>Reminders:</b>
2002CT	Service	JG by DS 82	Include who notified SID.



	<b>Interruption:</b>																																										
2004CT	<b>Resource Operations:</b>	Ebony Harris																																									
This report	<b>Page email: OPR DL Cargorelated</b>	Email notification	<b>Notify of all derailments, collisions, shipment damages, any incident affecting main track velocity</b>																																								
2009CT	<b>Trainmaster:</b>	Justin Sparks	<b>Get ETA, check Cell number.</b>																																								
2010CT	<b>RFE:</b>	Danny Bennett	<b>Get ETA, check Cell number.</b>																																								
2012CT	<b>Signal Desk:</b>	Donovan Waldrop	<b>593-5998</b>																																								
	<b>MOW Desk:</b>		<b>593-6823 Option 1</b>																																								
	<b>Mechanical Desk:</b>		<b>593-9128</b>																																								
2007CT	<b>NOC GDT:</b>	Mike Lee																																									
This report	<b>Div. General Manager:</b>	Jon Gabriel																																									
This report	<b>Div. GDT:</b>	Jason Moyer																																									
This report	<b>Corridor Supt:</b>	Jan Ruby																																									
This report	<b>Div. Sup Ops / Term Sup:</b>	Garrett Ugrin																																									
	<b>MDPR</b>	Randy Busboom	<b>352-1312</b>																																								
2014CT This report	<b>Passenger Service:</b>	Bob Raglin Wessler and Noel	<b>Email report to Rich Wessler and Tamara Noel.</b>																																								
This report	<b>Superintendent Safety and Operating Practices</b>	Scott Huston	<table border="0"> <tr> <td>California</td> <td>Coleman,</td> </tr> <tr> <td>Chicago</td> <td>Herbert T</td> </tr> <tr> <td>Red River</td> <td>Wazny,</td> </tr> <tr> <td>Kansas</td> <td>William A</td> </tr> <tr> <td>Montana</td> <td>Cleveland,</td> </tr> <tr> <td>Heartland</td> <td>Scott M</td> </tr> <tr> <td>Northwest</td> <td>Valencia,</td> </tr> <tr> <td>Powder River</td> <td>Randy J</td> </tr> <tr> <td>Southwest</td> <td>Mizelle,</td> </tr> <tr> <td>Twin C ties</td> <td>N cholas O</td> </tr> <tr> <td></td> <td>Musgrove,</td> </tr> <tr> <td></td> <td>Chris E</td> </tr> <tr> <td></td> <td>Huston, Scott</td> </tr> <tr> <td></td> <td>T</td> </tr> <tr> <td></td> <td>Hein, Joshua</td> </tr> <tr> <td></td> <td>B</td> </tr> <tr> <td></td> <td>Remington,</td> </tr> <tr> <td></td> <td>John R</td> </tr> <tr> <td></td> <td>Lund, Michael</td> </tr> <tr> <td></td> <td>E</td> </tr> </table>	California	Coleman,	Chicago	Herbert T	Red River	Wazny,	Kansas	William A	Montana	Cleveland,	Heartland	Scott M	Northwest	Valencia,	Powder River	Randy J	Southwest	Mizelle,	Twin C ties	N cholas O		Musgrove,		Chris E		Huston, Scott		T		Hein, Joshua		B		Remington,		John R		Lund, Michael		E
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	<b>The following group list is for the following departments:</b>  <b>Safety, Law, Rules, Transportation Support, Rules and field Support, Corporate Relations, Government Affairs, and Evidence Preservation</b>  <b>Major event group page list (Not MIP)</b> <b>Also page Region VP.</b>  <b>(It is located with the SID Locomotive group lists)</b>		<b>Page for the following events:</b> <b>Major derailments or train collisions which are expected to exceed 16 hours or \$1,000,000 in damages, 4-8 hour range after the 1<sup>st</sup> conference call.</b>  <b>Derailments or collisions with evacuations, explosions, or involving crude oil trains.</b>  <b>Major Hazardous Incidents</b>  <b>Employee Fatalities, life threatening injuries, or amputations.</b>  <b>Add "Preliminary Report" to the subject line.</b>																																								
	<b>Conference Calls:</b>		<b>If Conf Call is being established:</b> Notify: NOC MECH/MOW Desk & ROC																																								
	<b>Hazardous Incidents: Contact East/West On-call Manager</b>		<b>Page for all Hazardous Incidents:</b> Pat Brady, Piper, Justin, Reid, Clay D, Howard Horn, David C Clark, John D. Lovenburg, Allen																																								



			Stegman, Laura Fiffick
	<b>ChemTrec (USA)</b> <b>800-424-9300</b>  <b>CanuTec (Canada)</b> <b>888-226-8832 or</b> <b>613-996-6666</b>		<b>Call Emergency Number listed on the Waybill whenever a HAZ MAT car is involved in a derailment or damaged; whether leaking or not.</b>  <b>Run TSS: WBCOPY &amp; HAZ &amp; EXCR</b>
2025CT	<b>NRC:</b> <b>800 – 424 – 8802</b> <i>(Initial SID Analysis)</i> <b>Examples for notifying:</b> Passenger Train/Route \$150,000 incident Employee/Contractor Fatality	Justin Murray: Report # 1217449	<b>Obtain their Report Number and name of person who took the report.</b>
2015CT	<b>State:</b>	Washington Emergency Operations - Kareen: Report # 18-2443. This report to: lori.halstead@utc.wa.gov	
	<b>California - CUPA</b>		
	<b>Foreign Railroad:</b>		
	<b>Page "Go Team"</b>		
This report	<b>State Corporate Relations:</b>	Gus Melonas / Courtney Wallace	<b>If appropriate notify Mark Schulze.</b> <b><u>Notify of all significant Incidents:</u></b> <b>Ross Richard Lane:</b> MT, WY <b>Matt Jones:</b> MT, ID <b>Joe Faust:</b> AL, AR, LA, MS, TN, TX <b>Lena Kent:</b> AZ, CA <b>Amy McBeth:</b> MB, MN, ND, SD, WI <b>Joe Sloan:</b> CO, OK, NM, UT, NV <b>Gus Melonas/Courtney Wallace:</b> BC, ID, OR, WA <b>Andy Williams:</b> KS, MO, NE, IL, KY, IA
	<b>Energy Desk:</b>		<b>Notify the Energy Desk of crude oil train derailments: OPR DL Energy Desk managers 817-8670021</b>



**From:** [State Emergency Operations Officer \(MIL\)](#)  
**To:** [Kent Sisson](#); [rich.magnussen@co.chelan.wa.us](mailto:rich.magnussen@co.chelan.wa.us); [diana.hogan@co.chelan.wa.us](mailto:diana.hogan@co.chelan.wa.us); [Stan.Smoke@co.chelan.wa.us](mailto:Stan.Smoke@co.chelan.wa.us); [Banks, Daniel C. \(MIL\)](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Stephen Pugsley \(pugsles@amtrak.com\)](mailto:Stephen.Pugsley@amtrak.com); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)  
**Subject:** Train vs. Trespasser  
**Date:** Thursday, July 5, 2018 6:23:35 PM

---

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: 1815 hours

Reporting Party Name, Position and Contact Number: Jose Granados 817-352-2832

Name of Railroad(s) involved: BNSF

Date/Time of Event: 7-5-18 1802 hours PST

Milepost and/or Address of Event: Scenic Subdivision, Milepost 1662.5, Chelan County

Type of Rail Car Involved: Freight Train

Number of Injuries/Fatalities: Unknown of the Trespasser

Type and Amount of HAZMAT Spilled: None

Circumstances of the Incident: Train struck Trespasser on the train track

Name and Phone of Local Contact: Chelan County Sheriff's Office has been dispatched

Railroad Incident Number: None

State EOC Incident Number: 18-2443

**Kareen K. Medeiros**  
**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](mailto:dutyofficer@mil.wa.gov)



**From:** [State Emergency Operations Officer \(MIL\)](#)  
**To:** [Banks, Daniel C \(MIL\)](#); [Hunter, Kathy \(UTC\)](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Stephen Pugsley \(pugsles@amtrak.com\)](mailto:pugsles@amtrak.com); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)  
**Subject:** FW: Train vs. Trespasser  
**Date:** Thursday, July 5, 2018 10:16:01 PM

---

FYI . . . The trespasser died (see below).

Dan Fox  
State Emergency Operations Officer  
Washington State Emergency Management Division  
Building 20, MS: TA-20  
Camp Murray, WA 98430-5122  
1-800-258-5990  
[dan.fox@mil.wa.gov](mailto:dan.fox@mil.wa.gov)

---

**From:** Kent Sisson [mailto:[Kent.Sisson@CO.CHELAN.WA.US](mailto:Kent.Sisson@CO.CHELAN.WA.US)]  
**Sent:** Thursday, July 5, 2018 10:06 PM  
**To:** State Emergency Operations Officer (MIL) <[Dutyofficer@mil.wa.gov](mailto:Dutyofficer@mil.wa.gov)>  
**Subject:** Re: Train vs. Trespasser

We cleared this incident/investigation at 2045hrs. It was a fatality. Tracks are clear and operational again.

Sergeant Kent Sisson  
Chelan County Sheriff's Office

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "State Emergency Operations Officer (MIL)" <[Dutyofficer@mil.wa.gov](mailto:Dutyofficer@mil.wa.gov)>  
Date: 7/5/18 6:23 PM (GMT-08:00)  
To: Kent Sisson <[Kent.Sisson@CO.CHELAN.WA.US](mailto:Kent.Sisson@CO.CHELAN.WA.US)>, Rich Magnussen <[Rich.Magnussen@CO.CHELAN.WA.US](mailto:Rich.Magnussen@CO.CHELAN.WA.US)>, Diana Hogan <[Diana.Hogan@CO.CHELAN.WA.US](mailto:Diana.Hogan@CO.CHELAN.WA.US)>, Stan Smoke <[Stan.Smoke@CO.CHELAN.WA.US](mailto:Stan.Smoke@CO.CHELAN.WA.US)>, "Banks, Daniel C (MIL)" <[Daniel.Banks@mil.wa.gov](mailto:Daniel.Banks@mil.wa.gov)>, "Hunter, Kathy (UTC)" <[kathy.hunter@utc.wa.gov](mailto:kathy.hunter@utc.wa.gov)>, "Kenneth W. Holgard" <[kenneth.holgard@dot.gov](mailto:kenneth.holgard@dot.gov)>, "Mark Daniels (FRA)" <[mark.daniels@dot.gov](mailto:mark.daniels@dot.gov)>, "Stacey Thompson (Fed Railroad Association Reg 8)" <[stacey.thompson@dot.gov](mailto:stacey.thompson@dot.gov)>, "Stephen Pugsley ([pugsles@amtrak.com](mailto:pugsles@amtrak.com))" <[pugsles@amtrak.com](mailto:pugsles@amtrak.com)>, Steven Travers <[steven.travers@amtrak.com](mailto:steven.travers@amtrak.com)>, UTC DL WUTC Rail Reporting <[WUTCRailReporting@utc.wa.gov](mailto:WUTCRailReporting@utc.wa.gov)>  
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**State Emergency Operations Officer**  
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**800-258-5990**  
[dutyofficer@mil.wa.gov](mailto:dutyofficer@mil.wa.gov)



# Chelan County Sheriff's Office

Incident Report for Incident 18C07019

**Nature:** ASSIST AGENCY

**Address:** GOODWIN RD & RUBY ST ; 1/2  
MI WEST

**Location:** 5

CASHMERE WA 98815

**Offense Codes:** AGAS, DEB

**Received By:** SEIBERT  
MONICA

**How Received:** T

**Agency:** CCSO

**Responding Officers:** BRUNNER ZACH J, MATHENA JEREMY, MOHNS CARL, SHEPARD AARON, DILKS JEFF,  
SISSON KENT

**Responsible Officer:** DILKS JEFF

**Disposition:** TOD 07/06/18

**When Reported:** 18:03:56 07/05/18

**Occurred Between:** 18:03:14 07/05/18 and 18:03:14 07/05/18

**Assigned To:** DILKS JEFF

**Detail:** DEAT

**Date Assigned:** 07/05/18

**Status:** ASN

**Status Date:** 07/06/18

**Due Date:** \*\*/\*\*/\*\*

**Complainant:** S16177

**Last:** BURLINGTON  
NORTHERN  
SANTE FE

**First:** RAILROAD

**Mid:**

**DOB:** \*\*/\*\*/\*\*

**Dr Lic:** HF8377

**Address:** 409 S COLUMBIA ST

**Race:**                      **Sex:**

**Phone:** (800)832-5452 1

**City:** WENATCHEE, WA 98801

### Alert Codes:

TRES TRESPASS LETTER ON FILE WPD

### Offense Codes

**Reported:** AGAS Agency Assist

**Observed:**

**Additional Offense:** AGAS Agency Assist

**Additional Offense:** DEB Dead Body

### Circumstances

#### Responding Officers:

#### Unit :

BRUNNER ZACH J

K34

MATHENA JEREMY

K15

MOHNS CARL

K64

SHEPARD AARON

K26

DILKS JEFF

K48



SISSON KENT

K6

**Responsible Officer:** DILKS JEFF

**Agency:** CCSO

**Received By:** SEIBERT MONICA

**Last Radio Log:** 21:12:47 07/05/18 CMPLT

**How Received:** T Telephone

**Clearance:** RR Report Received by Records

**When Reported:** 18:03:56 07/05/18

**Disposition:** TOD **Date:** 07/06/18

**Judicial Status:**

**Occurred between:** 18:03:14 07/05/18

**Misc Entry:**

**and:** 18:03:14 07/05/18

**Modus Operandi:**

**Description :**

**Method :**

**Involvements**

<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Method</b>
07/17/18	Name	VILLALOBOS-SUBIAS, MARIO	DECEASED
07/06/18	Name	SCHMITTEN, MICHAEL RAYMOND	CONTACTED
07/05/18	Name	FITZGERALD, ANTHONY WAYNE	TRACK INSPECTOR
07/05/18	Name	SPARKS, JUSTIN HENRY	TRAINMASTER
07/05/18	Name	SCHIMKE, AUSTIN JOSEPH LEE	CONDUCTOR
07/05/18	Name	GRAHAM, JEROME	ENGINEER
07/05/18	Name	BENNETT, DANIEL VAUGHN	ROAD FOREMAN
07/05/18	Name	BURLINGTON NORTHERN SANTE FE, RAILROAD	Complainant
07/05/18	Name	SMITHSON, RICHARD ALLISON	CONTACTED
07/05/18	Cad Call	18:03:56 07/05/18 TRAIN	Initiating Call
07/18/18	Evidence	VICTIMS HAT/SUNGLASSES/PHONE	Evidence Incident
07/10/18	DS	BNSF FIELD INVESTIGATOR	RECORDS REQUEST

## Narrative

On July 5, 2018 I responded to assist at the scene of a train versus pedestrian collision on the BNSF tracks just west of Cashmere. When I arrived, I found the freight train stopped with the lead locomotive approximately one-quarter mile west of the Goodwin Street bridge. The deceased pedestrian was directly in the center of the tracks, underneath the train, approximately 300 feet west (behind) of the lead locomotive.

The victim's hat, sunglasses, and earbuds were all attached to the front of the train. His cell phone was on a ledge behind the "knuckle", or large steel bumper, on the front of the train. Deputy Brunner's report covered the basic information regarding the train crew, etc. I was present when the train crew tested both the locomotive's warning bell and the horn and found both to be functional. The headlights on the front of the locomotive were on.

Once the train cars were uncoupled and the front cars were moved eastward, we could access the victim. I photographed him as he lay between the rails with his head pointed to the south and his lower body pointed north. A cell phone battery and back cover, presumably from the victim's cell phone, were between the rails just a short distance west of the body. I was present when Deputy Coroner Earl Crowe and CCSO Sgt. Sisson removed the body from the tracks. At this point the victim's identity was unknown.

Richard Smithson (669-3551) and Mike Schmitt (860-1537) arrived on scene and informed me that they thought the victim was likely one of their H2A migrant orchard workers. They showed me a photograph of an H2A visa bearing the name Mario Villalobos Subias, date of birth 4/12/86. The visa listed the employer as Schmitt Orchards, Inc. There was a photograph on the visa, but due to the injuries suffered by the victim we were not able to compare him to the photograph in order to identify him.

Villalobos had been staying with other H2A workers in a camp just west of the gun club off of Turkey Shoot Road. He had left camp earlier that day on foot. He told his coworkers that he was going to send some money back to Mexico and to play soccer. When he did not return to camp, and when news of the train collision reached the camp, they surmised that the victim was Villalobos.

WAFLA is the organization that supplies seasonal and agricultural employees, i.e., H2A workers, to the orchards in this area. Schmitt provided me with email address for Amy Childers of WAFLA. I contacted Childers via email on July 6 in the hope that she could assist in identifying the victim by supplying Villalobos' fingerprints. In addition, I hoped that she might be of assistance in notifying the victims' family and Mexican consulate, if necessary.

Deputy Coroner Crowe had taken fingerprints from the victim's right and left thumbs and index fingers. He gave me these prints on July 6. I gave these print cards to local Homeland Security ICE Agent Ken West on July 6 and asked him to check the prints against the HSI database. Agent West electronically submitted these prints to the Department of Homeland Security database and learned that they matched those on file for Mario Villalobos Subias, date of birth 4/12/86. Agent West's report is attached to this report.

I notified Deputy Coroner Crowe of this information. I also notified Amy Childers with WAFLA and have not yet received a response.

On July 11 I was contacted by Rodney Hudnall with the BNSF Claims Department. Hudnall told me that there was video of the collision and that the video would be made available to me upon request. I would likely, however, have to travel to Tacoma in order to view it. Hudnall said that the video would also include the train speed. The track limit where the collision occurred was 35 mph, and the train was traveling at approximately 33 mph when the crew first saw the pedestrian on the tracks.



\_\_\_\_\_  
Responsible LEO:

\_\_\_\_\_  
Approved by:

\_\_\_\_\_  
Date

## Supplement

### NARRATIVE:

The following occurred in the county of Chelan while I, Deputy Zach Brunner, worked for the Chelan County Sheriff's Office as a Patrol Deputy. The following incident was recorded by audio and video.

On July 5, 2018 at approximately 1803 hours Rivercom dispatched advised me of an accident involving a train versus pedestrian on the train tracks in the area of Goodwin Road and Ruby Street in Cashmere, WA. The reporting party, Ebony from Burlington Northern Santé Fe Railroad (BNSF), told Rivercom the accident occurred near train track milepost 1662.5.

I arrived in the area along with multiple Chelan County Fire Department units, Ballard Ambulance, and Corporal Mathena. The victim was located underneath one of the box cars approximately 250 feet west from the front of the train by fire and medical personnel. Ballard Ambulance Paramedics confirmed the victim was deceased at approximately 1831 hours, as noted in the Rivercom Call Log. When I arrived on scene with the victim I observed the victim's body was underneath the train and I observed a large piece of brain matter near the body.

The BNSF train displayed number 5917. I contacted the operators of the train inside of the main cabin. The conductor identified himself via US passport as Jerome Graham 3/28/77. The engineer identified himself via US passport as Austin J L Schimke 11/28/95. I advised Jerome and Austin of their Miranda rights from my Miranda card due to the seriousness of this incident. I advised them they were not under arrest but I wanted them to be fully aware of their rights at this point in our investigation. Both Austin and Jerome acknowledged they understood their rights.

Jerome was the conductor of the train at the time of this incident. Jerome told me the train was traveling eastbound going approximately 20-30 miles per hour in the area of railroad track mile mark 1662.6 when they observed a male approximately 200-300 feet in front of their train. The male was wearing headphones and walking eastbound on the tracks. Jerome told me he activated the trains horn multiple times but the male did not respond to the horn and continued to walk eastbound on the tracks.

Jerome activated the emergency stop process on the train. Jerome told me after he had activated the emergency stop process he estimated they traveled 400-600 feet until they came to a complete stop. The train was unable to stop in time and struck the victim. Jerome told me this incident was captured on video on a camera which was mounted in the front window of the train. Jerome mentioned precise numbers regarding the milepost, speed, etc would be available for download.

At the front of the train I observed white headphones entangled around a portion of the train. I also observed a hat caught in the front of the train. One of the victim's shoes was located stuck in a wheel of one of the box cars.

Corporal Mathena and I photographed the incident and I uploaded the photos to the Chelan County common drive. Coroner Earl Crowe, Detective Dilkes, and Sergeant Sisson responded to the scene. Detective Dilks took control of the investigation.

At this time in the investigation the victims identity is unknown.



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For more information regarding this case please review Detective Dilks report.  
End of report.

I certify under penalty of perjury under the laws of the state of Washington that I have issued this on the date and at the location above, that I have probable cause to believe the above named person(s) committed the above offense(s) and my report written on this document is true and correct.

Zach Brunner      1310/k34 7/6/18

\_\_\_\_\_  
Deputy:                  Number                  Date

Leavenworth, WA

\_\_\_\_\_  
Location

**Supplement**

NARRATIVE: On July 19, 2018 I met with BNSF Claim Representative Rodney Hudnall and BNSF Agent Loren Barger at the BNSF office in Wenatchee. Hudnall had obtained the video footage from the locomotive involved in the July 5 collision with Mario Villalobos Subias in Cashmere. Hudnall explained that BNSF policy prohibited dissemination of this video. He could, however, allow Agent Barger and me to view the footage.

The video screen included not just the visual image, but also had data including the train speed, and graphs that showed when the train horn and warning bell were activated. This data was synchronized with the visual image. The footage showed that the train speed was 33 mph when the crew first saw Villalobos. It was difficult to judge distance, but it appeared that Villalobos was less than 100 yards in front of the train when he first came into view. The posted speed limit for that section of track was 35 mph. The train horn was activated immediately. Villalobos was walking down the center of the track in the same direction as the train travel and did not respond at all to the horn or warning bell. Emergency braking procedures were initiated and the train slowed to under 30 mph by the time it struck Villalobos. Despite repeated blasts from the horn, he continued to walk in the center of the track with his back to the train until he was struck.

Hudnall also provided valuable insight as to what might have happened to Villalobos when he was struck by the train. From Villalobos' position in the center of the track, I thought it likely that he had been struck by the knuckle on the front of the locomotive. The knuckle was high enough that it would likely have struck Villalobos in the back. Hudnall thought it likely that Villalobos was immediately knocked forward and down and struck the railroad bed face first. This was consistent with the massive injury to the front of Villalobos' skull. The damage to his lower body may have been caused by the low clearance "cow-catcher" at the front of the train. For the most part, the location of Villalobos' body was likely to be at or very near to the initial point of impact.

I certify under penalty of perjury under the laws of the state of Washington that I have issued this on the date and at the location above, that I have probable cause to believe the above named person(s) committed the above offense(s) and my report written on this document is true and correct.

Jeff Dilks      1116    7/19/18

\_\_\_\_\_  
Deputy:            Number            Date

Wenatchee, WA

\_\_\_\_\_  
Location



**Name Involvements:**

**ROAD266255**

**FOREMAN :**

**Last:** BENNETT

**First:** DANIEL

**Mid:** VAUGHN

**DOB:** 08/20/73

**Dr Lic:** (4b)

**Address:** 358 MANOWAR LN

**Race:** W      **Sex:** M

**Phone:** (509)860-7021

**City:** EAST WENATCHEE, WA 98802

**Complainant : S16177**

**Last:** BURLINGTON

**First:** RAILROAD

**Mid:**

NORTHERN

SANTE FE

**DOB:** \*\*/\*\*/\*\*

**Dr Lic:** HF8377

**Address:** 409 S COLUMBIA ST

**Race:**      **Sex:**

**Phone:** (800)832-5452 1

**City:** WENATCHEE, WA 98801

**CONTACTED :S110099**

**Last:** SMITHSON

**First:** RICHARD

**Mid:** ALLISON

**DOB:** 08/24/56

**Dr Lic:** (4b)

**Address:** 7101 US 97; POB 441

**Race:** W      **Sex:** M

**Phone:** (509)548-1101

**City:** PESHASTIN, WA 98847

**TRACK221671**

**INSPECTOR :**

**Last:** FITZGERALD

**First:** ANTHONY

**Mid:** WAYNE

**DOB:** 05/19/70

**Dr Lic:** (4b)

**Address:** 7890 BRENDER CANYON RD

**Race:** W      **Sex:** M

**Phone:** ( ) -

**City:** CASHMERE, WA 98815

**CONDUCTOR :266247**

**Last:** SCHIMKE

**First:** AUSTIN

**Mid:** JOSEPH LEE

**DOB:** 11/28/95

**Dr Lic:** (4b)

**Address:** 4822 106TH ST NE

**Race:** W      **Sex:** M

**Phone:** ( ) -

**City:** MARYSVILLE, WA 98270

**DECEASED : 266810**

**Last:** VILLALOBOS-

**First:** MARIO

**Mid:**

SUBIAS

**DOB:** 12/04/86

**Dr Lic:**

**Address:** DECEASED

**Race:** H      **Sex:** M

**Phone:** ( ) -

**City:** ,

**CONTACTED :116386**

**Last:** SCHMITTEN

**First:** MICHAEL

**Mid:** RAYMOND

**DOB:** 05/02/90

**Dr Lic:** (4b) [REDACTED]

**Address:** 7591 PESHASTIN CREEK RD

**Race:** W      **Sex:** M

**Phone:** (509)860-1537

**City:** PESHASTIN, WA 98847

**TRAINMASTE**261600

**R :**

**Last:** SPARKS

**First:** JUSTIN

**Mid:** HENRY

**DOB:** 03/29/84

**Dr Lic:** (4b) [REDACTED]

**Address:** 1712 WASHINGTON ST

**Race:** W      **Sex:** M

**Phone:** ( ) -

**City:** WENATCHEE, WA 98801

**ENGINEER :** 266248

**Last:** GRAHAM

**First:** JEROME

**Mid:**

**DOB:** 03/28/77

**Dr Lic:** (4b) [REDACTED]

**Address:** 9732 240TH PL SW

**Race:** W      **Sex:** M

**Phone:** ( ) -

**City:** EDMONDS, WA 98020