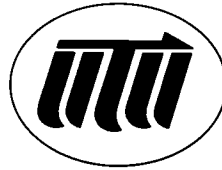


**Tom Retterath**  
**State Legislative Director**  
**Washington State**  
**Legislative Board**



**united transportation union**

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January 21, 2005

Carole J. Washburn, Commission Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive, S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Docket No. TR-041051

Dear Secretary Washburn:

I hereby request that rulemaking under TR-041051 be terminated. During the events leading up to the workshop and during the workshop on Tuesday, January 18, 2005 the BNSF railroad admitted that a "mistake" was made in applying material that was a violation of the provisions of WAC 480-60-035 Walkways.

From the events that have happened since that inappropriate material, which did not meet size requirements for crushed material was used on the East Lead at Delta Yard, it is quite apparent that the railroad was trying to test how the UTU and the WUTC would react to violation of rule requirements. After being shown samples of the material at the Vancouver SACP meeting last spring, BNSF officers in attendance stated that they planned on extensive use of similar crushed material in other BNSF yards in Washington.

Since we already had knowledge that the rock did not meet requirements of WAC 480-60-035 the United Transportation Union had to take action to protect our members. That is why I wrote my June 7, 2004 missive requesting changes. We will not allow material that fails to meet WUTC walkway requirements be used. The use of that material on a switching lead was unimaginable. We will continue to demand that material appropriate for switching leads be used by all railroads operating in Washington State.

Since the start of remote control operations in Washington State it is even more important that the rule requirements for ease and safety of walking are upheld. Using crushed material larger than 3/4" on switching leads could possibly lead to accidents caused by unsafe footing. I'm sure that would be a major consideration in any actions brought by a member hurt on larger crushed material on a switching lead, especially in light of all the

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duties they must attend to with reduced crew size.

Now that we have assurance from the BNSF, both in written form and on tape that the situation in Everett will be corrected in two weeks, we can hopefully put this experience behind us and move on. I also hope and pray that the WUTC would be a little more diligent in enforcing future violations. The Everett unsafe condition caused by using the crushed rock that does not meet standards has been ongoing for over a year and half. Perhaps future violations can be handled in a more timely manner.

Sincerely,

A handwritten signature in cursive script that reads "Tom Retterath".

Tom Retterath  
Washington State Legislative Director  
United Transportation Union

Cc: Washington State UTU Legislative Representatives