



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
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July 31, 2014

RE: *In the Matter of a Penalty Assessment Against BNSF Railway Co. in the Amount of \$105,000, Docket TR-121921*

TO ALL PARTIES:

On June 7, 2013, the Washington Utilities and Transportation Commission (Commission) issued Order 01, Order Granting Mitigation (Order 01) in the above matter. Order 01 assessed a penalty against BNSF Railway Co. (BNSF or Company) in the amount of \$105,000, of which \$50,000 was suspended subject to the condition that BNSF timely respond to any and all notices from the Commission regarding crossing defects and document repairs to defective crossings as required by the terms of the Settlement Agreement.

On June 13, 2014, Staff filed a letter with the Commission stating that Staff reviewed BNSF's compliance with the conditions of Order 01 during the period of June 7, 2013, through June 7, 2014, as follows:

- Staff issued 15 routine crossing surface defect notices to BNSF for crossings located in Whatcom, Skagit, and Snohomish counties. BNSF responded to all of the defect notices within the required 30-day period. Nine defects were repaired by the commitment date provided by BNSF. The remaining six defects were issued in May 2014 and are still in the process of being addressed by BNSF.
- Staff issued no serious grade crossing defect notices during the compliance period.
- BNSF provided photographic evidence of the repairs for each corrected defect.

Staff concluded that the conditions of the Commission's Order 01 in this docket have been met.

The Commission finds that BNSF Railway Co. has complied with the conditions under which the Commission suspended \$50,000 of the penalty assessment. The Commission, therefore, will permanently waive enforcement and collection of the \$50,000 the Commission suspended.

Sincerely,

STEVEN V. KING
Executive Director and Secretary