

**RCW 81.04.010 Definitions.**

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

- (1) "Commission" means the utilities and transportation commission.
- (2) "Commissioner" means one of the members of such commission.
- (3) "Corporation" includes a corporation, company, association, or joint stock association.
- (4) "Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.
- (5) "Low-level radioactive waste" means low-level waste as defined by RCW [43.145.010](#).
- (6) "Person" includes an individual, a firm, or copartnership.
- (7) "Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.
- (8) "Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.
- (9) "Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all facilities and equipment, used, operated, controlled, or owned by or in connection with any such railroad.
- (10) "Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.
- (11) "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, commercial ferries, motor freight carriers, auto transportation companies, charter party carriers and excursion service carriers, private nonprofit transportation providers, solid waste collection companies, household goods carriers, hazardous liquid pipeline companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.
- (12) "Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.
- (13) "Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

(14) "Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

(15) "Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of persons transported and their baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of persons transported.

(16) "Public service company" includes every common carrier.

(17) The term "service" is used in this title in its broadest and most inclusive sense.

**RCW 81.04.070 Inspection of books, papers, and documents.**

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers, and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent, or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his or her authority from the commission to make such inspection.

[2013 c 23 § 287; 1961 c 14 § [81.04.070](#). Prior: 1911 c 117 § 77; RRS § 10415.]

**RCW 81.04.110 Complaint — Hearing.**

Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service company or any person, persons, or entity acting as a public service company in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission.

When two or more public service companies or a person, persons, or entity acting as a public service company, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service companies in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service company or companies complained of in any other locality or localities in the state.

All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: PROVIDED, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

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Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or company complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission.

### **RCW 81.04.380 Penalties --Violations by public service companies.**

Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

**RCW 81.04.405 Additional penalties – Violations by public service companies and officers, agents, and employees.** This statute states, in part: “In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates...any provision of this title or any order, rule, regulation or decision of the commission...shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day’s continuance shall be and be deemed to be a separate and distinct violation.”

### **WAC 480-62-215 Hazardous materials regulations.**

(1) Rules governing hazardous materials are prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Parts 171 through 174, and Parts 178 and 179, and the appendices to Title 49. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-215, filed 1/30/01, effective 3/2/01.]

### **WAC 480-62-310 Accident reports**

(1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1- [800-258-5990](tel:800-258-5990) of any event connected to the operation of the railroad company that results in the:

- (a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);
- (b) Death of any person;
- (c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or
- (d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the

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completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four hour duty officer standard procedures and the Washington Emergency Management Act, chapter [38.52](#) RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

- (a) Name of the railroad(s) involved;
- (b) Name and position of the reporting individual;
- (c) Time and date of the event;
- (d) Circumstances of the event;
- (e) Number and identity of persons suffering injuries;
- (f) Number of fatalities and the identities of the deceased;
- (g) The type and amount of hazardous material spilled; and
- (h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time. [Statutory Authority: RCW [80.01.040](#), 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters [81.48](#), 81.53, 81.54, 81.60, and [81.61](#) RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-310, filed 1/30/01, effective 3/2/01.]

### **WAC 480-62-999 Adoption by reference.**

In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 25, 2013.

(b) This publication is referenced in WAC [480-62-160](#) (Compliance policy), WAC [480-62-200](#) (Roadway worker safety and operating rules and statutes), WAC [480-62-205](#) (Track safety standards), WAC [480-62-210](#) (Crossing signal circuitry), WAC [480-62-215](#) (Hazardous materials regulations), WAC [480-62-235](#) (Flaggers), and WAC [480-62-240](#) (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) Manual on Uniform Traffic Control Devices, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 25, 2013.

(b) This publication is referenced in WAC [480-62-230](#) (Traffic control devices) and WAC [480-62-235](#) (Flaggers).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October 25, 2013.

(b) This publication is referenced in WAC [480-62-240](#) (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace

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First Aid Kits and Supplies are available from Global Engineering Documents in Englewood, Colorado.

(4) ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October 25, 2013.

(b) This publication is referenced in WAC [480-62-235](#) (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW [80.01.040](#), 80.04.160, 81.04.160, and 34.05.353. WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-62-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-62-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-62-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-62-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-62-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW [80.01.040](#), 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters [81.48](#), 81.53, 81.54, 81.60, and [81.61](#) RCW. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

**Young, Betty (UTC)**

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**From:** Arnold, Matthew (UTC)  
**Sent:** Monday, March 21, 2016 3:17 PM  
**To:** Young, Betty (UTC)  
**Subject:** BN875110 Diesel spill  
**Attachments:** IMG\_0079.JPG; IMG\_0081.JPG; IMG\_0082.JPG; IMG\_0084.JPG; IMG\_0085.JPG; IMG\_0086.JPG; IMG\_0089.JPG; IMG\_0092.JPG

Betty- On Wednesday, March 16<sup>th</sup> 2016, I was inspecting freight cars in the BNSF Elliott Yard. During my inspections, I noticed a tank car (BN875110) leaking from the manway cover and puddling on the ground. I noticed the car had HAZMAT placard 1202 (Diesel Fuel). I immediately called Washington State HAZMAT inspector Cal Stocking and explained my findings. He gave me contact information for BNSF Blaine Trainmaster Ed Lutz. I contacted Mr. Lutz by phone and explained to him what I had found and he said he would take care of it. As I concluded my inspections, I observed someone repairing the car at the crossing on the North end of the yard. I spoke to a BNSF conductor, as I was waiting for the train to move again, and he said the person repairing the car was from the shipper of the diesel. The car appeared to be repaired and cleaned a short time later. I called Cal again and let him know the car was back in service. He said he was going to write a violation on the spill, so I forwarded him the pictures I took. I have included those pictures in this email.

Let me know if you need anything else.

Thanks,

Matt Arnold  
MP&E Safety Inspector  
W.U.T.C.  
e-mail marnold@utc.wa.gov  
P 360-664-1149  
C 360-338-1979







CONTINGENCY

ITEM	QUANTITY	UNIT
1	1	UNIT
2	1	UNIT
3	1	UNIT
4	1	UNIT
5	1	UNIT
6	1	UNIT
7	1	UNIT
8	1	UNIT
9	1	UNIT
10	1	UNIT
11	1	UNIT
12	1	UNIT
13	1	UNIT
14	1	UNIT
15	1	UNIT
16	1	UNIT
17	1	UNIT
18	1	UNIT
19	1	UNIT
20	1	UNIT

OWNERSHIP SUBJECT TO SECURITY AGREEMENT FILED  
UNDER THE INTERSTATE COMMERCE ACT, SECTION 11003.

UNITED STATES DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC 20590

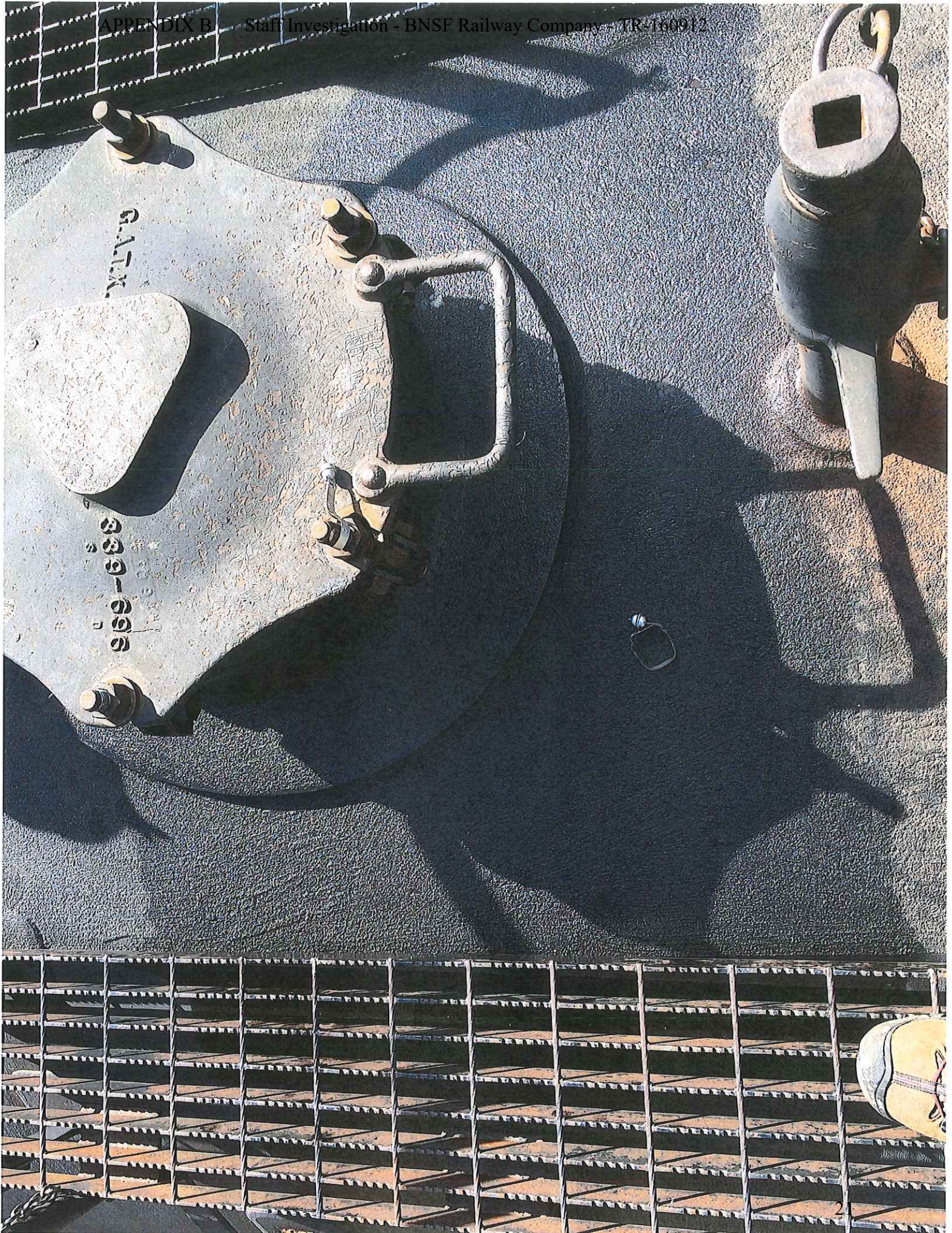
EM 612110



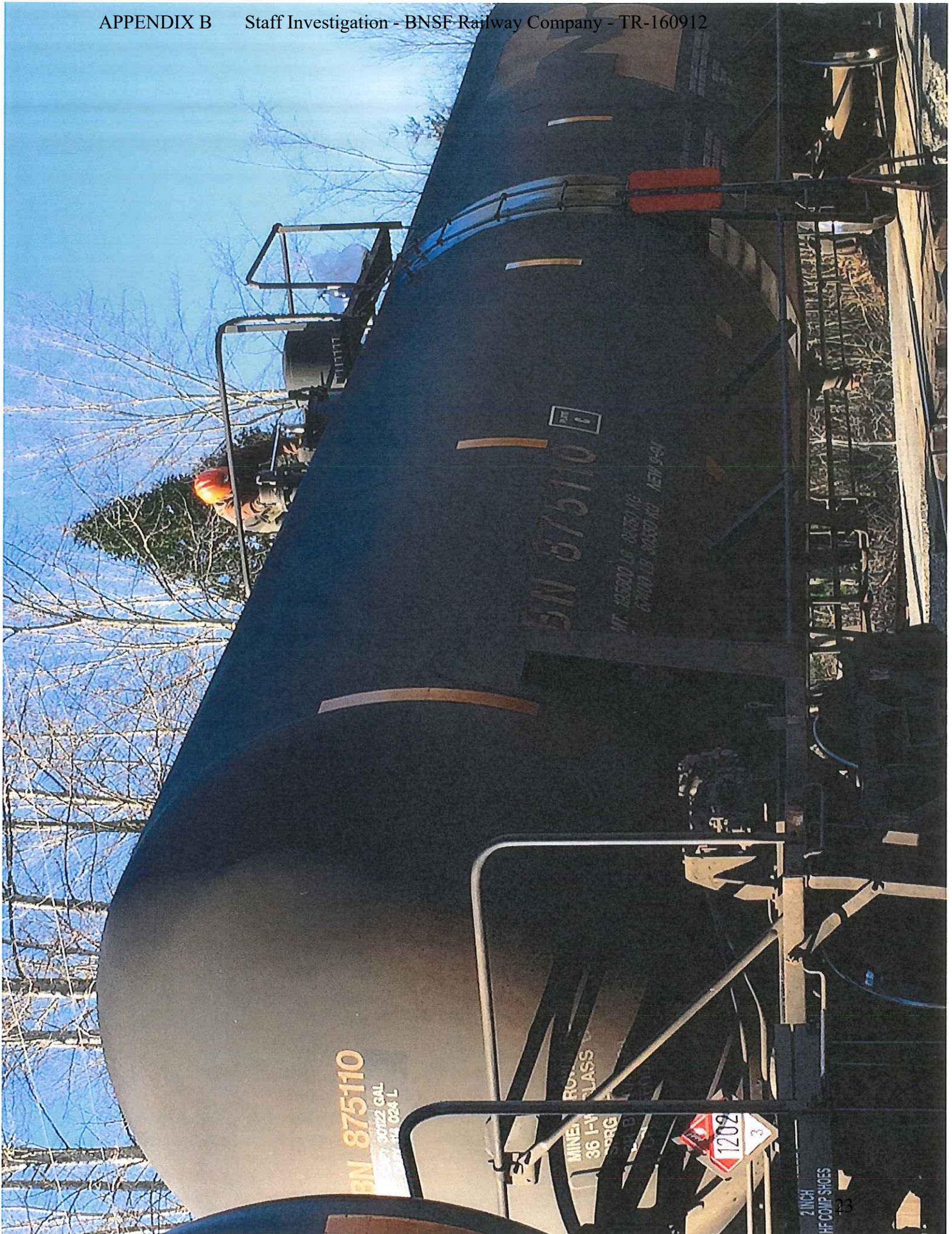












**From:** [Compton, Jerald \(MIL\)](#)  
**To:** [Young, Betty \(UTC\)](#)  
**Cc:** [Utzinger, Chris \(MIL\)](#)  
**Subject:** RE: BN875110 Diesel spill  
**Date:** Tuesday, March 22, 2016 8:48:30 AM

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Betty:

On March 16, the AWC received 7 Hazmat Reports – 1 regarding a semi truck, 1 mineral oil from a transformer, 1 sheen in the Straits of Juan de Fuca, 1 vessel aground in Kitsap, 2 regarding separate gas stations with leak issues, and 1 BNSF report regarding a leak at the Centennial Station in Lacey.

Just to be thorough, I also checked March 17. Of the 10 reports received that day, only one was a BNSF report - regarding 2 cups of hydraulic oil leaked to tracks in Thurston County.

No reports matching the below email from Mr. Arnold.

Jaye Compton  
Deputy EOC Manager  
Washington Emergency Management Division  
(253) 512-7027

**PLEASE BE ADVISED, OUR AGENCY WORK HOURS HAVE CHANGED TO 10 HOUR DAYS ON TUESDAY THROUGH FRIDAY. MONDAY IS NOW A PART OF THE WEEKEND.**

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**From:** Young, Betty (UTC)  
**Sent:** Tuesday, March 22, 2016 8:07 AM  
**To:** Compton, Jerald (MIL) <Jerald.Compton@mil.wa.gov>  
**Subject:** FW: BN875110 Diesel spill  
**Importance:** High

Hi Jaye – I’ve checked my records and I only show one report from you folks on 3/16 – see attached email – and it wasn’t this spill. Can you double check if you received any notifications from BNSF regarding the spill described below on 3/16? Thanks.

Betty Young  
Transportation Planning Specialist  
Rail Safety  
Washington Utilities and Transportation Commission (UTC)  
360-664-1202

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**From:** Arnold, Matthew (UTC)  
**Sent:** Monday, March 21, 2016 3:17 PM  
**To:** Young, Betty (UTC) <[byoung@utc.wa.gov](mailto:byoung@utc.wa.gov)>  
**Subject:** BN875110 Diesel spill

Betty- On Wednesday, March 16<sup>th</sup> 2016, I was inspecting freight cars in the BNSF Elliott Yard. During my inspections, I noticed a tank car (BN875110) leaking from the manway cover and puddling on the ground. I noticed the car had HAZMAT placard 1202 (Diesel Fuel). I immediately called Washington State HAZMAT inspector Cal Stocking and explained my findings. He gave me contact information for BNSF Blaine Trainmaster Ed Lutz. I contacted Mr. Lutz by phone and explained to him what I had found and he said he would take care of it. As I concluded my inspections, I observed someone repairing the car at the crossing on the North end of the yard. I spoke to a BNSF conductor, as I was waiting for the train to move again, and he said the person repairing the car was from the shipper of the diesel. The car appeared to be repaired and cleaned a short time later. I called Cal again and let him know the car was back in service. He said he was going to write a violation on the spill, so I forwarded him the pictures I took. I have included those pictures in this email.

Let me know if you need anything else.

Thanks,

Matt Arnold  
MP&E Safety Inspector  
W.U.T.C.  
e-mail [marnold@utc.wa.gov](mailto:marnold@utc.wa.gov)  
P 360-664-1149  
C 360-338-1979





**From:** [Piper, Justin](#)  
**To:** [Young, Betty \(UTC\)](#)  
**Subject:** Re: BN875110 Diesel spill - March 16, 2016  
**Date:** Wednesday, March 23, 2016 12:58:11 PM

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Received, looking into this and will provide results soon. Thanks.

Justin Piper, CHMM  
Director, Hazardous Materials  
BNSF Railway

On Mar 23, 2016, at 12:01 PM, Young, Betty (UTC) <[byoung@utc.wa.gov](mailto:byoung@utc.wa.gov)> wrote:

EXTERNAL EMAIL

I received a bounce-back error message when I first sent this – I believe the photos made the email too large, so I will send them separately.

Betty Young  
Transportation Planning Specialist  
Rail Safety  
Washington Utilities and Transportation Commission (UTC)  
360-664-1202

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**From:** Young, Betty (UTC)  
**Sent:** Wednesday, March 23, 2016 11:54 AM  
**To:** Justin Piper ([justin.piper@bnsf.com](mailto:justin.piper@bnsf.com)) <[justin.piper@bnsf.com](mailto:justin.piper@bnsf.com)>;  
'[BNSFHAZMATTEAM@BNSF.COM](mailto:BNSFHAZMATTEAM@BNSF.COM)' <[BNSFHAZMATTEAM@BNSF.COM](mailto:BNSFHAZMATTEAM@BNSF.COM)>  
**Cc:** Pratt, David (UTC) <[DPratt@utc.wa.gov](mailto:DPratt@utc.wa.gov)>; Hunter, Kathy (UTC)  
<[khunter@utc.wa.gov](mailto:khunter@utc.wa.gov)>  
**Subject:** FW: BN875110 Diesel spill - March 16, 2016  
**Importance:** High

Justin – One of our Rail Safety Inspectors provided us with the following report and photos of a hazardous material spill he identified during an inspection in the BNSF Elliott Yard on March 16. Our hazardous materials inspector has confirmed that this was hazmat. We've checked with the state Emergency Operations Center (EOC) and they do not show any record of receiving notification of the spill by BNSF (see attached email).

Can you please look into this to determine what happened, including whether BNSF notified the EOC, and let me know your findings? Thanks.

Betty Young  
Transportation Planning Specialist  
Rail Safety  
Washington Utilities and Transportation Commission (UTC)  
360-664-1202

---

**From:** Arnold, Matthew (UTC)

**Sent:** Monday, March 21, 2016 3:17 PM  
**To:** Young, Betty (UTC) <[byoung@utc.wa.gov](mailto:byoung@utc.wa.gov)>  
**Subject:** BN875110 Diesel spill

Betty- On Wednesday, March 16<sup>th</sup> 2016, I was inspecting freight cars in the BNSF Elliott Yard. During my inspections, I noticed a tank car (BN875110) leaking from the manway cover and puddling on the ground. I noticed the car had HAZMAT placard 1202 (Diesel Fuel). I immediately called UTC HAZMAT inspector Cal Stocking and explained my findings. He gave me contact information for BNSF Blaine Trainmaster Ed Lutz. I contacted Mr. Lutz by phone and explained to him what I had found and he said he would take care of it. As I concluded my inspections, I observed someone repairing the car at the crossing on the North end of the yard. I spoke to a BNSF conductor, as I was waiting for the train to move again, and he said the person repairing the car was from the shipper of the diesel. The car appeared to be repaired and cleaned a short time later. I called Cal again and let him know the car was back in service. He said he was going to write a violation on the spill, so I forwarded him the pictures I took. I have included those pictures in this email.

Let me know if you need anything else.

Thanks,

Matt Arnold  
MP&E Safety Inspector  
W.U.T.C.  
e-mail [marnold@utc.wa.gov](mailto:marnold@utc.wa.gov)  
P 360-664-1149  
C 360-338-1979  
<image001.jpg>

<mime-attachment>

APPENDIX E Staff Investigation – BNSF Railway Company - TR-160912

**From:** [State Emergency Operations Officer \(MIL\)](#)  
**To:** [Banks, Dan C \(MIL\)](#); [Elizabeth Klute](#); [Kenneth W. Holgard](#); [Mark Daniels \(FRA\)](#); [Stacey Thompson \(Fed Railroad Association Reg 8\)](#); [Steven Travers](#); [UTC DL WUTC Rail Reporting](#)  
**Subject:** BNSF Spill Report - Spill occurred 3/16, Whatcom County  
**Date:** Wednesday, March 23, 2016 1:43:56 PM

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At 1313, received a call from Justin Piper at BNSF, 360-553-8672, reporting a 1 gallon spill of Diesel Fuel that occurred on March 16, 2016 in the Elliott Yard off Alderwood Grove Road in Ferndale. Fuel leaked from tank car #BN875110 due to a loose manway bolt on top of car. Material spilled to side of car and railway ballast. Shipper was Energy Logistics and they sent responder to secure the bolt and clean the car. Information passed to Dept of Ecology NW Regional Office and Whatcom Unified.

Thank you.

Jerald "Jaye" Compton  
State Emergency Operations Officer  
Washington State Emergency Management Division  
Building 20, MS: TA-20  
Camp Murray, WA 98430-5122  
1-800-258-5990  
Stateemergency.operationsofficer@mil.wa.gov

**From:** [Piper, Justin](#)  
**To:** [Young, Betty \(UTC\)](#)  
**Cc:** [Brady, Patrick M](#)  
**Subject:** RE: BN875110 Diesel spill - March 16, 2016  
**Date:** Monday, March 28, 2016 4:16:58 PM

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Betty –The BN 875110 was found by a WA UTC MP&E inspector to be leaking on 3/16/16 near Ferndale, WA. The car had just been picked up by the BNSF from the shipper (Energy Logistics – Arco, WA) and was currently staged in the Elliott Yard. The WA UTC inspector then notified the BNSF Trainmaster (TM) of the suspected leaking car who immediately notified Energy Logistics regarding the situation. Energy Logistics mobilized to inspect the car. It was found that the manway swing bolts had not been properly tightened which allowed for diesel fuel to be released between the manway lid and sealing surface as the liquid sloshed during car movement. Energy Logistics secured the manway and cleaned the sides of the tank car.

Unfortunately, the local TM made a mistake and did not follow our internal notification procedures by contacting the BNSF Service Interruption Desk (SID) in Ft. Worth, TX. This would have initiated the timely notification to the WA EMD on March 16<sup>th</sup>. BNSF provided notification to the WA EMD on 3/23/16 at approximately 13:13 once BNSF Hazmat confirmed the details of the release.

As you know from our recent discussions, we take these issues very seriously. We make absolutely every effort to be in compliance with these rules 100% of the time. We have since provided direct follow up to the Bellingham Trainmaster who has received additional support and counseling on proper spill notification procedures and the policy. Additionally, the spill reporting policy and procedure has been reiterated to our Operations employees in the NW Division.

A USDOT 5800.1 Release Report will be submitted to the USDOT and a copy sent to the WA UTC. I have discussed the incident response and root cause of the release with Energy Logistics and they have provided additional re-training to their responsible employee who did not properly secure the tank car prior to it being released into transportation.

Thank you,  
Justin

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**From:** Young, Betty (UTC) [mailto:byoung@utc.wa.gov]  
**Sent:** Monday, March 28, 2016 3:27 PM  
**To:** Piper, Justin <Justin.Piper@BNSF.com>  
**Subject:** Re: BN875110 Diesel spill - March 16, 2016

**EXTERNAL EMAIL**

Justin- I got your message but am in meetings this afternoon. Your voicemail last week said you would follow up with an email- if you could please respond and summarize your findings regarding the incident, as well as the steps BNSF has taken since you received notification of this incident, that would be most helpful.

Thanks

Betty

Sent from my iPhone

On Mar 23, 2016, at 12:58 PM, Piper, Justin <[Justin.Piper@BNSF.com](mailto:Justin.Piper@BNSF.com)> wrote:

Received, looking into this and will provide results soon. Thanks.

Justin Piper, CHMM  
Director, Hazardous Materials  
BNSF Railway

On Mar 23, 2016, at 12:01 PM, Young, Betty (UTC) <[byoung@utc.wa.gov](mailto:byoung@utc.wa.gov)> wrote:

EXTERNAL EMAIL

I received a bounce-back error message when I first sent this – I believe the photos made the email too large, so I will send them separately.

Betty Young  
Transportation Planning Specialist  
Rail Safety  
Washington Utilities and Transportation Commission (UTC)  
360-664-1202

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**From:** Young, Betty (UTC)  
**Sent:** Wednesday, March 23, 2016 11:54 AM  
**To:** Justin Piper ([justin.piper@bnsf.com](mailto:justin.piper@bnsf.com)) <[justin.piper@bnsf.com](mailto:justin.piper@bnsf.com)>; 'BNSFHAZMATTEAM@BNSF.COM' <[BNSFHAZMATTEAM@BNSF.COM](mailto:BNSFHAZMATTEAM@BNSF.COM)>  
**Cc:** Pratt, David (UTC) <[DPratt@utc.wa.gov](mailto:DPratt@utc.wa.gov)>; Hunter, Kathy (UTC) <[khunter@utc.wa.gov](mailto:khunter@utc.wa.gov)>  
**Subject:** FW: BN875110 Diesel spill - March 16, 2016  
**Importance:** High

Justin – One of our Rail Safety Inspectors provided us with the following report and photos of a hazardous material spill he identified during an inspection in the BNSF Elliott Yard on March 16. Our hazardous materials inspector has confirmed that this was hazmat. We've checked with the state Emergency Operations Center (EOC) and they do not show any record of receiving notification of the spill by BNSF (see attached email).

Can you please look into this to determine what happened, including whether BNSF notified the EOC, and let me know your findings? Thanks.

Betty Young  
Transportation Planning Specialist  
Rail Safety  
Washington Utilities and Transportation Commission (UTC)  
360-664-1202

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**From:** Arnold, Matthew (UTC)  
**Sent:** Monday, March 21, 2016 3:17 PM  
**To:** Young, Betty (UTC) <[byoung@utc.wa.gov](mailto:byoung@utc.wa.gov)>  
**Subject:** BN875110 Diesel spill

Betty- On Wednesday, March 16<sup>th</sup> 2016, I was inspecting freight cars in the BNSF Elliott Yard. During my inspections, I noticed a tank car (BN875110) leaking from the manway cover and puddling on the ground. I noticed the car had HAZMAT placard 1202 (Diesel Fuel). I immediately called UTC HAZMAT inspector Cal Stocking and explained my findings. He gave me contact information for BNSF Blaine Trainmaster Ed Lutz. I contacted Mr. Lutz by phone and explained to him what I had found and he said he would take care of it. As I concluded my inspections, I observed someone repairing the car at the crossing on the North end of the yard. I spoke to a BNSF conductor, as I was waiting for the train to move again, and he said the person repairing the car was from the shipper of the diesel. The car appeared to be repaired and cleaned a short time later. I called Cal again and let him know the car was back in service. He said he was going to write a violation on the spill, so I forwarded him the pictures I took. I have included those pictures in this email.

Let me know if you need anything else.

Thanks,

Matt Arnold  
MP&E Safety Inspector  
W.U.T.C.  
e-mail [marnold@utc.wa.gov](mailto:marnold@utc.wa.gov)  
P 360-664-1149  
C 360-338-1979  
<image001.jpg>

<mime-attachment>