



Investigation Report

BNSF Railway Company

TR-171021

Betty Young
Rail Safety
Jan. 2018

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation was to determine if BNSF Railway Company (BNSF) failed to timely report an event that occurred Sept. 1, 2017, connected to the operation of the railroad, involving the release of a hazardous material as required in Washington Administrative Code (WAC) 480-62-310 – Accident reports.

Scope

The scope of the investigation focuses on information obtained by staff of the commission relating to BNSF's operations.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 80.01.040(2) and 81.01.010. RCW 81.04.070 makes it clear that the commission is authorized to conduct such an investigation. RCW 81.04.380 and 81.04.405 authorize the commission to assess penalties against companies for violation of the statutes, rules, orders, decisions, or directives of the Legislature or the commission. Appendix A includes copies of the appropriate laws and rules.

BACKGROUND

The Washington Utilities and Transportation Commission (commission) requires railroad companies to provide detailed reports for any event connected to the operation of the railroad company that results in an accident per WAC 480-62-310. Specifically, railroad companies must report:

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

Railroad companies must make a telephone report of such events, within 30 minutes of learning of the event, to the to the commission’s designee, the Washington State Emergency Operations Center (EOC) 24-hour duty officer at (800) 258-5990. The report must provide detailed information of the event to the duty officer as outlined below. After receiving the telephone report from the railroad company, the duty officer identifies the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event. The duty officer notifies the commission, the affected county or city emergency management office, and other appropriate agencies of the event report.¹

Each event report 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.

Prior Enforcement - Dockets TR-150284 & TR-160912

The commission took enforcement action against BNSF on two prior occasions for violations of this same rule:

¹ These provisions must be carried out in accordance with the state’s 24-hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

- TR-150284 – In March 2015, the commission filed a formal complaint against BNSF alleging numerous violations of WAC 480-62-310 related to 14 incidents of hazardous material releases. The enforcement proceeding resulted in a settlement agreement between commission staff and BNSF, which the commission approved with conditions. The commission imposed a penalty of \$71,700 for 239 violations, which BNSF paid in December 2015.
- TR-160912 – In Aug. 2016, commission staff filed a formal complaint against BNSF alleging seven violations of WAC 480-62-310 related to one incident of hazardous material release. The commission approved a settlement agreement and imposed a \$7,000 penalty against BNSF, which the company paid in Jan. 2017.

INVESTIGATION

Sept. 1, 2017, Hazardous Material Incident

On Sept. 1, 2017, the EOC notified the commission of a BNSF hazardous material incident report of gasoline leaking from a loose valve on tank car UTLX201722 in BNSF's Spokane railyard. According to the report, material went to the exterior of the tank car and onto some railroad ties. The time of the event is shown as 5:00 p.m. and the time reported to the EOC is shown as 10:34 p.m.²

By request, commission Rail Safety Hazardous Material Inspector Cal Stocking received an Emergency Response Incident Report for the incident from BNSF.³ Based on the report, the initial inspection of the top of the tank car showed gasoline leaking from the housing cover. Upon further inspection, the gasoline was observed to be leaking from between the flanges on the unloading valve and the flange bolts were found to be less than finger tight.

The 30-minute telephonic reporting requirement in WAC 480-62-310 applied to this incident. Because the incident was reported more than five hours after it was discovered, commission Rail Safety staff followed up with BNSF for additional details. When asked about the delay in reporting the incident to the EOC, Patrick Brady, BNSF's General Director of Hazardous Materials Safety, reported that the hazardous material response and mitigation was handled in a safe and timely manner but communication between two BNSF managers was poor, resulting in one manager thinking the other one made a timely notification to the EOC. Mr. Brady indicated that both managers are aware of the reporting requirement and are aware of their mistake.⁴

² Sept. 1, 2017, email from the EOC at Appendix B.

³ Sept. 25, 2017, email from Cal Stocking at Appendix C.

⁴ Oct. 2, 2017, email from Patrick Brady at Appendix D.

STAFF FINDINGS AND RECOMMENDATION

Commission staff has determined that BNSF violated WAC 480-62-310 when it failed to timely report the release of a hazardous material as required to the EOC within 30 minutes on Sept. 1, 2017. The requirement to notify the EOC of any hazardous material release is a serious matter. When BNSF fails to notify the EOC that such an incident has occurred, the EOC will not know to identify the necessary critical response and remediation resources and agencies to respond to the incident, causing potential harm to the public. BNSF is well aware of the reporting requirements related to hazardous material. The commission has provided more than adequate technical assistance to BNSF regarding WAC 480-62-310 and penalized the company for its failure to comply with those requirements in two other enforcement proceedings.

RCW 81.04.010(11) states that a common carrier "... includes ... railroads, railroad companies..."

RCW 81.04.010(16) states that a public service company "... includes every common carrier."

RCW 81.04.380 Penalties – Violations by public service companies states, in part:

"Every public service company ... shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title 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 ..."

Recommendations

Commission staff recommends the commission file a complaint on its own motion setting forth any act or omission by BNSF Railway Company that violates any law, or any order or rule of the commission, as provided by RCW 81.04.110.

In addition, staff recommends that the commission impose penalties of up to \$1,000 for one violation of WAC 480-62-310, as provided by RCW 81.04.380.

APPENDICES

APPENDIX A

RCW 80.01.040 General powers and duties of commission.

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, all persons engaging in the transportation of persons or property within this state for compensation.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation.

(4) Make rules and regulations necessary to carry out its other powers and duties.

[2007 c 234 § 1; 1985 c 450 § 10; 1961 c 14 § 80.01.040. Prior: (i) 1949 c 117 § 3; Rem. Supp. 1949 § 10964-115-3. (ii) 1945 c 267 § 5; Rem. Supp. 1945 § 10459-5. (iii) 1945 c 267 § 6; Rem. Supp. 1945 § 10459-6. Formerly RCW 43.53.050.]

RCW 81.01.010 Adoption of provisions of chapter 80.01 RCW.

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein.

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.

[2007 c 234 § 4; 1993 c 427 § 9; 1991 c 272 § 3; 1981 c 13 § 2; 1961 c 14 § 81.04.010. Prior: 1955 c 316 § 3; prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.]

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.

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.

[1994 c 37 § 2; 1961 c 14 § 81.04.110. Prior: 1913 c 145 § 1; 1911 c 117 § 80; RRS § 10422.]

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.

[1961 c 14 § 81.04.380. Prior: 1911 c 117 § 94; RRS § 10443.]

RCW 81.04.405 Additional penalties—Violations by public service companies and officers, agents, and employees.

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 or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission, every person or corporation violating the provisions of any cease and desist order issued pursuant to RCW 81.04.510, and every person or entity found in violation pursuant to a complaint under RCW 81.04.110, 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. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

[1994 c 37 § 4; 1973 c 115 § 2; 1963 c 59 § 3.]

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 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 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 December 31, 2016.

(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 December 31, 2016.

(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 - 2015 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 December 31, 2016.

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

(c) Copies of ANSI Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from IHS 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 December 31, 2016.

(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 IHS Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-62-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-62-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-62-999, filed 3/2/15, effective 4/2/15; 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.]

APPENDIX B

From: [State Emergency Operations Officer \(MIL\)](#)
To: [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](#)
Cc: ["countydemdutyofficer@spokanecounty.org"](mailto:countydemdutyofficer@spokanecounty.org)
Subject: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407
Date: Friday, September 1, 2017 10:56:53 PM

Reporting Party Name & Position: Steve Yost, BNSF
Name of Railroad involved: BNSF
Date/Time of Event: 1 Sept/1700
Time Reported to State EOC: 1 Sept/2234
Milepost and/or Address of Event: Spokane Railyard, 5318 East Trent Ave, Spokane
Type of Rail Car Involved: Tank Car (#UTLX201722)
Number of Injuries/Fatalities: None
Type and Amount Of HAZMAT Spilled: Gasoline, 1-gallon
Circumstances of the Incident: Gasoline was discovered leaking out of a loose valve at the top of the tank car. Material went to the exterior of the car and onto some railroad ties. NRC Environmental responded for cleanup and securing the release.
Name and Phone of Local Contact: Regional Contact: Ryan Ridsen, 509-430-8497
Railroad Incident Number: None
State EOC Incident Number: 17-3407

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

APPENDIX C

From: [Stocking, Cal \(UTC\)](#)
To: [Young, Betty \(UTC\)](#)
Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407
Date: Monday, September 25, 2017 6:42:31 AM
Attachments: [117686 BNSF Incident Report.pdf](#)
[image002.png](#)

Betty see BNSF report attached it states it was gasoline in the car.

From: Stocking, Cal (UTC)
Sent: Thursday, September 21, 2017 6:45 AM
To: randall.boyington@dot.gov
Cc: kenneth.holgard@dot.gov
Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

Randy do you want to do this violation or would you like me to.

Let me know

Cal

From: Piper, Justin [<mailto:Justin.Piper@BNSF.com>]
Sent: Monday, September 18, 2017 8:56 AM
To: Stocking, Cal (UTC) <cstockin@utc.wa.gov>
Cc: Risdon, Ryan R <Ryan.Risdon@BNSF.com>
Subject: RE: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

Hey Cal – Sorry for the delay on this, I just received the contractors report. See attached. All 4 flange bolts on the liquid line valve were less than finger tight. BNSF will have the 5800 out within 30 days of the incident.

Thanks,
Justin

From: Stocking, Cal (UTC) [<mailto:cstockin@utc.wa.gov>]
Sent: Monday, September 11, 2017 6:54 AM
To: Piper, Justin <Justin.Piper@BNSF.com>
Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

EXTERNAL EMAIL

Justin when you can could you possibly send me the info on this report and any pics etc you have.

Thanks

Cal

Cal Stocking
Hazardous Materials Specialist
Email: cstockin@utc.wa.gov
Cell: 360-338-8236
Utilities and Transportation Commission
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From: State Emergency Operations Officer (MIL)
Sent: Friday, September 1, 2017 10:57 PM
To: Banks, Daniel C (MIL) <Daniel.Banks@mil.wa.gov>; Elizabeth Klute <elizabeth.klute@amtrak.com>; Hunter, Kathy (UTC) <khunter@utc.wa.gov>; Kenneth W. Holgard <kenneth.holgard@dot.gov>; Mark Daniels (FRA) <mark.daniels@dot.gov>; Stacey Thompson (Fed Railroad Association Reg 8) <stacey.thompson@dot.gov>; Steven Travers <steven.travers@amtrak.com>; UTC DL WUTC Rail Reporting <WUTCRailReporting@utc.wa.gov>
Cc: 'countydemdutyofficer@spokanecounty.org' <countydemdutyofficer@spokanecounty.org>
Subject: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

Reporting Party Name & Position: Steve Yost, BNSF
Name of Railroad involved: BNSF
Date/Time of Event: 1 Sept/1700
Time Reported to State EOC: 1 Sept/2234
Milepost and/or Address of Event: Spokane Railyard, 5318 East Trent Ave, Spokane
Type of Rail Car Involved: Tank Car (#UTLX201722)
Number of Injuries/Fatalities: None
Type and Amount Of HAZMAT Spilled: Gasoline, 1-gallon
Circumstances of the Incident: Gasoline was discovered leaking out of a loose valve at the top of the tank car. Material went to the exterior of the car and onto some railroad ties. NRC Environmental responded for cleanup and securing the release.
Name and Phone of Local Contact: Regional Contact: Ryan Ridsen, 509-430-8497
Railroad Incident Number: None
State EOC Incident Number: 17-3407

State Emergency Operations Officer/ERD
Washington State Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122



Emergency Response Incident Report

Customer: BNSF Railway
Job Number: 117686 **Customer PO/Reference Number:** UTLX201722
Date of Incident: 9/1/17 **Time of Initial Call:** 1650
Time of Incident: **Onsite Arrival Time:** 1805 **Departure from Site:** 1945
Reporting Source: Ryan Risdon **Phone:** (509) 430-8497

Railcar Initial and Number: UTLX 201722
Incident Location: 5324 E Trent Ave, Spokane, WA 99212
Product Involved: Gasoline
Size of Spill (if any): _____
Was there a component failure? No
 If 'yes' - manufacturer: _____
 Cause of failure: _____
Tank Car Test Date: 2014
Tank Car Test Due Date: 2024
Pressure Relief Valve Test Date: 2014
Pressure Relief Valve Test Due Date: 2024
Tank Car Built Date: 02-1994
Were seals intact? No
 Old Seal: BL-653311
 New Seal: _____
AAR NARRI Cause Code(s): 270

Waste Generated From Spill? No

Brief Synopsis of Incident: Upon arrival, NRC personnel performed air monitoring around tank car UTLX 201722 with 4-gas meter. Observed no LEL and nothing measurable on PID. Upon inspection of the top of the car, gasoline was observed to be leaking from the housing cover. With permission from BNSF Representative custody seal # BL-653311 was cut and the housing cover was opened. Gasoline was observed to be leaking from between the flanges on the unloading valve (liquid line). Upon further inspection, it was found that the flange bolts were less than finger tight. NRC personnel tightened the flange bolts (tool tight). Next, NRC personnel removed the plug from the Air Line and opened the valve slightly. No liquid came out of this valve, indicating that the car was not overloaded. However, there was significant pressure built up in the car. NRC personnel allowed much of this pressure to vent from the car before closing the valve and re-installing the plug (tool tight). With these tasks completed, NRC personnel proceeded to check the tightness of all of the other bolts on the upper portion of the car. All of the other bolts were found to be tool tight. Upon completion of these tasks, NRC personnel contacted BNSF Representative and reported that the leak had been stopped and that the car was ready to be released. There was no impact to soil from the leak as the leak was extremely slow and with the high temperature of the day, the gasoline seemed to be evaporating as fast as it was leaking.

Supervisor: Ray Wilson
Title: Operations Manager
Phone: 206-473-8118

Report of Activities
 ER to Leaking Tank Car UTLX 201722
 Prepared by NRC Environmental Services
 September 13, 2017

BNSF Railway
 Spokane, WA
 NRC Project #117686
 N 47 40.231, W 117 20.312
 Page 2



Photo 1: Tank car identification markings.



Photo 2: Tank car stencil.



Photo 3: Tank car stencil.



Photo 4: Custody seal removed from manway.

Report of Activities
ER to Leaking Tank Car UTLX 201722
Prepared by NRC Environmental Services
September 13, 2017

BNSF Railway
Spokane, WA
NRC Project #117686
N 47 40.231, W 117 20.312
Page 3



Photo 5: Product visible around manway.



Photo 6: Flange bolts found less than finger tight.

APPENDIX D

From: [Brady, Patrick M](#)
To: [Young, Betty \(UTC\)](#)
Cc: [Hill, Sean P](#); [Kuhl, Brooke](#); [Brady, Patrick M](#); [Piper, Justin](#)
Subject: RE: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407
Date: Monday, October 2, 2017 3:47:12 PM
Attachments: [image001.jpg](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)

Hazmat response and mitigation was handled in a safe and timely manner.

Communications between two BNSF managers was poor which resulted in one manager thinking the other one made the timely notification. Both parties are aware of the UTC's 30 minute notification requirement and they are also aware of their mistake.

Patrick Brady
General Director
Hazardous Materials Safety
817-352-3652 - Office
817-821-1325 – Cell



www.BNSFHAZMAT.COM

From: Young, Betty (UTC) [mailto:byoung@utc.wa.gov]
Sent: Monday, October 02, 2017 5:33 PM
To: Brady, Patrick M <Patrick.Brady@bnsf.com>
Cc: Hill, Sean P <Sean.Hill@BNSF.com>; Kuhl, Brooke <Brooke.Kuhl@BNSF.com>
Subject: RE: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

EXTERNAL EMAIL

Thank you for responding.

The EOC report below shows the following:

Date/Time of Event: 1 Sept/1700
Time Reported to State EOC: 1 Sept/2234

It appears that several hours elapsed between when BNSF learned of the incident vs. when it reported the incident to the EOC. Can you provide information about why the incident was not reported within 30 minutes of BNSF learning of the spill? (For UTC reporting requirements, release of any hazardous material must be reported within 30 minutes of the railroad learning of the event. WAC 480-62-310.)

Betty Young

Transportation Planning Specialist
Rail Safety
(360) 664-1202

Utilities and Transportation Commission (UTC)

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From: Brady, Patrick M [<mailto:Patrick.Brady@bnsf.com>]

Sent: Monday, October 2, 2017 3:07 PM

To: Young, Betty (UTC) <byoung@utc.wa.gov>

Cc: Hill, Sean P <Sean.Hill@BNSF.com>; Kuhl, Brooke <Brooke.Kuhl@BNSF.com>; Brady, Patrick M <Patrick.Brady@bnsf.com>

Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

This was a spill of less than 1 gallons of gasoline. BNSF reported the time of discovery to the State Emergency Operations Officer and that is recorded in the report a copy of which was sent to the UTC

Patrick Brady
General Director
Hazardous Materials Safety
817-352-3652 - Office
817-821-1325 – Cell



www.BNSFHAZMAT.COM

From: Young, Betty (UTC) [<mailto:byoung@utc.wa.gov>]

Sent: Monday, September 25, 2017 3:26 PM

To: Hill, Sean P <Sean.Hill@BNSF.com>

Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

EXTERNAL EMAIL

Hi Sean – can you give me the detail on this incident re: the time discovered vs. time reported to EOC? Thanks.

Betty Young

Transportation Planning Specialist

Rail Safety
(360) 664-1202

Utilities and Transportation Commission (UTC)

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From: Stocking, Cal (UTC)
Sent: Monday, September 25, 2017 6:43 AM
To: Young, Betty (UTC) <byoung@utc.wa.gov>
Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

Betty see BNSF report attached it states it was gasoline in the car.

From: Piper, Justin [<mailto:Justin.Piper@BNSF.com>]
Sent: Monday, September 18, 2017 8:56 AM
To: Stocking, Cal (UTC) <cstockin@utc.wa.gov>
Cc: Risdon, Ryan R <Ryan.Risdon@BNSF.com>
Subject: RE: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

Hey Cal – Sorry for the delay on this, I just received the contractors report. See attached. All 4 flange bolts on the liquid line valve were less than finger tight. BNSF will have the 5800 out within 30 days of the incident.

Thanks,
Justin

From: Stocking, Cal (UTC) [<mailto:cstockin@utc.wa.gov>]
Sent: Monday, September 11, 2017 6:54 AM
To: Piper, Justin <Justin.Piper@BNSF.com>
Subject: FW: BNSF HAZMAT Report - 1 Sep 2017, State EOC #17-3407

EXTERNAL EMAIL

Justin when you can could you possibly send me the info on this report and any pics etc you have.

Thanks

Cal

Staff Investigation – BNSF Railway Company - TR-171021

Cal Stocking
Hazardous Materials Specialist
Email: cstockin@utc.wa.gov
Cell: 360-338-8236
Utilities and Transportation Commission
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State Emergency Operations Officer/ERD
Washington State Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122
1-800-258-5990