**BEFORE THE** **WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  BNSF RAILWAY COMPANY,  Respondent. |  | DOCKET TR-150284    RESPONDENT BNSF RAILWAY COMPANY’S RESPONSE TO  BENCH REQUEST NO. 4 |

RESPONDENT, BNSF RAILWAY COMPANY (“Respondent”), by its attorneys of record herein, responds as follows to Bench Request No. 4 for information regarding the Federal Railroad Administration (“FRA”) directive on McKenzie valves:

On March 18, 2015, the FRA published a Railworthiness Directive applicable to railroad tank cars equipped with certain valves marketed and sold by McKenzie Valve & Machining LLC (formerly McKenzie Valve & Machining Company). A copy of the FRA’s website notice about the Directive, which can be found at https://www.fra.dot.gov/Page/P0790, is attached hereto as Exhibit 1. A copy of the FRA’s March 18, 2015 Railworthiness Directive is attached as Exhibit 2. The Directive mandated the removal and replacement of certain identified McKenzie valves by May 12, 2015 (3" valves), and others by June 11, 2015 (1" and 2" valves). On May 12, 2015, the FRA issued a letter to the Railway Supply Institute authorizing a modified compliance schedule, which extended the deadline for replacement of 3" valves to December 31, 2015, and extended the deadline for replacement of 1" and 2" valves to correspond to certain specified events, such as a repair or retrofit. A copy of the FRA’s May 12, 2015 letter is attached as Exhibit 3. A copy of the FRA’s Q&A sheet about the Directive and modification, which can be found at https://www.fra.dot.gov/Page/P0790, is attached as Exhibit 4.

DATED this 21st day of October, 2015.

FOSTER PEPPER PLLC

*/s/ P. Stephen DiJulio*

P. Stephen DiJulio, WSBA #7139

Christopher G. Emch, WSBA #26457

1111 Third Avenue, Suite 3400

Seattle, Washington 98101-3299

Telephone: (206) 447-4400

Facsimile: (206) 447-9700

Email: dijup@foster.com  
Email: emchc@foster.com

Attorneys for BNSF Railway Company

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon the persons and entities listed on the Service List below via electronic mail and by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

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| **For Washington Utilities and Transportation Commission:**  Julian Beattie  Office of the Attorney General  Utilities and Transportation Division  1400 S. Evergreen Park Drive SW  PO Box 40128  Olympia, WA 98504-0128  Email: jbeattie@utc.wa.gov |  |

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED October 21, 2015, at Seattle, Washington.

*/s/ Debra A. Samuelson*

Debra A. Samuelson