

TO: Kim Dobyns
FROM: Rexanne Gibson
DATE: September 24, 1999
RE: Railroad Company Operations Rulemaking, Docket No. TR-981102

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On behalf of my client, The Burlington Northern and Santa Fe Railway Company (BNSF), I am writing to provide additional comments on the subject addressed in Lori Olson's message to you of 9/10/99.

Ms. Olson was one of the plaintiffs in two lawsuits that arose out of a fire that occurred in July, 1998, adjacent to BNSF's right-of-way in the Tokio-Ritzville area. Both BNSF and the plaintiffs invested a good deal of time and effort in investigating this incident. As often happens, the plaintiffs and the railroad had substantial disagreements about the cause of the fire, the efficacy of fire suppression efforts, intervening acts, and the activities of railroad employees during the fire suppression efforts. Nonetheless, the parties were able to resolve both lawsuits to a mutually satisfactory conclusion by May, 1999. In settling the cases, the parties essentially agreed to disagree on their views of the underlying facts. Just as Ms. Olson has resolved to prevent a repeat of this tragic event, BNSF has likewise resolved to make every effort to keep an event such as this from happening in the future.

The fire that unfortunately happened in Ritzville last summer occurred during a concrete tie replacement project which extended from Lind to Cheney. Local officials, including those from Adams County, met with railroad personnel in the planning stages of the project and had more than 10 days notice of the work and of potential crossing blockages. Thus, a project such as this one would not fall within the purview of the rules currently under discussion by the WUTC.

The Commission may be interested in knowing that since the fire, BNSF has undertaken a comprehensive review of track department safety and operating rules with respect to fire prevention and suppression, including the actions of its employees during fire suppression activities. In addition, a standardized risk assessment checklist for right-of-way fire prevention and emergency preparedness is being finalized. The wildfire prevention and suppression training segment has been extended to include additional engineering and track department personnel and wildfire awareness and prevention has been made a component of the track department safety certification program. Other preventive measures include fire safety and

emergency preparedness at job safety briefings; protocols for the evaluation of fire suppression equipment and materials by welding and grinding crews; fire safety and suppression inclusion as a topic during track department and contractor safety orientation classes.

BNSF is committed to the evaluation of fire prevention and suppression equipment on an ongoing basis, as well as improving fire prevention and suppression strategies. The company is continually evaluating the types and amounts of onsite suppressant materials and the type, number, and design of protective welding blankets and screens.

Fire safety is important to BNSF and the company is actively involved in internally regulating its performance in this area.

c: Mike Rowswell/WUTC@WUTC
Ann Rendahl/WUTC@WUTC
Karen Caille/WUTC@WUTC
Scott Barrett/WUTC@WUTC
Penny Hansen/WUTC@WUTC
Teresa Osinski/WUTC@WUTC
Jeff Goltz/WUTC@WUTC
Paul Curl/WUTC@WUTC
Lori Olson shadow@agritel.net