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Washington Utilities and Transportation Commission
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Olympia, WA 98504-7250

Submitted electronically to: records@utc.wa.gov; jlewis@utc.wa.gov

RE: Docket TR-151079, Rulemaking to Consider Adoption of Rules Relating to Rail Safety

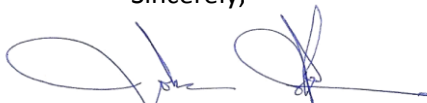
Dear Commission:

The following comments regard Docket TR-151079, a rulemaking concerning rail safety that was put forward by the Washington Utilities and Transportation Commission (the "Commission").

As previously stated, BNSF believes the definitions of "reasonable worst case" used in both the CR-101 and CR-102 are flawed. The formula put forth by the Commission focuses on one aspect of rail safety – speed. In focusing on this single aspect, the Commission ignores numerous other factors that may influence the potential of a rail car carrying crude oil to not only derail, but also to potentially spill its contents in the event of a derailment. Furthermore, the authority of any state government to regulate train speeds is questionable since the federal government has exclusive jurisdiction over train speed limits. Finally, a definition based solely on speed could negatively impact other aspects of rail safety and operations across the state, including public impacts at road-rail crossings.

For these reasons, we remain critical of the Commission's approach.

Sincerely,



Johan Hellman