



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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December 3, 2015

Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

**RE:** Docket No. TR-151079, Rulemaking to Consider Adoption of Rules Relating to Rail Safety, WAC 480-62

Dear Mr. King:

The Washington Utilities and Transportation Commission (Commission) has proposed rules to update railroad annual reporting requirements on financial responsibility and safety standards for private crossings and to provide opportunities for first-class cities to opt-in to the Commission's crossing safety program. The Washington State Department of Ecology (Ecology) has reviewed the proposed changes to Washington Administrative Code (WAC) 480-62 and respectfully submits this correspondence in response to the proposed rule.

As noted in our prior comments on this rulemaking, the Commission and Ecology, along with the Washington Military Department and the Washington State Department of Transportation, recently collaborated on the *2014 Marine and Rail Oil Transportation Study*. This study analyzed risks to public health and safety and the environment associated with the transport of oil in Washington. The changes in the proposed rule reflect several specific recommendations from our study, and have Ecology's inherent support. Washington's ability to directly address rail incident prevention is largely dictated by federal regulation, but the Commission's effort represents a significant action to protect the safety of our citizens and the unique natural resources of our state. We recognize the importance of these rule changes and believe they will bolster protection of public safety and the environment.

Ecology would also like to express support for the Commission's effort to promote and secure a demonstration of financial responsibility from railroad companies for the potential cleanup costs of oil spills in Washington. Based on data available at the present time, the proposed rule appears to establish a reasonable level of financial responsibility for cleanup costs associated with an oil spill, although Ecology continues to note that the estimated

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cleanup cost of \$400.00 per gallon is only a portion of the overall cost of an oil spill. The potential costs for restoration of property and natural resources, not to mention the potential for loss of life, would be additional costs above and beyond the cost for cleanup of spilled oil. In the event of a worst case spill, the true cost of damages incurred could certainly exceed the level established within the proposed rule.

On behalf of the citizens of the State of Washington, Ecology encourages the Commission to adopt the rule as currently proposed. These changes represent a substantial effort to protect the safety of the citizens of Washington and the significant natural and economic resources of our state. The number of trains carrying substantial volumes of crude oil into and through our state is reasonably expected to increase over time, and Washington must continue its efforts to increase the safety and transparency of crude oil transportation by rail.

Sincerely,



Dale Jensen  
Program Manager  
Spill Prevention, Preparedness & Response Program

cc: Maia Bellon, Director  
Robert Duff, Policy Advisor  
Jason Lewis, UTC Policy & Research  
Robert Ezell, Director EMD