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VIA E-MAIL

November 14, 2019

Mark Personius, Director
Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226

Dear Mr. Personius:

BNSF Railway appreciates the opportunity to provide details regarding our freight railroad pursuant to your November 5, 2019 inquiry. Safety has never been a buzzword for BNSF. It has always been the foundation of who we are and what we do. It is in the forefront of every railroaders' mind as they work around the clock, 24/7, to haul the goods we all use every day. That has been the case since we began operating in Washington state more than 150 years ago.

We believe it is important that all parties have a common understanding of the federal regulations and obligations that govern freight railroads, in addition to the policies and protocols railroads deploy in supporting their safety efforts. As you may know, federal law imposes a common carrier obligation on BNSF, and as such, we have a legal obligation to provide reasonable transportation services upon reasonable request. In fulfilling this obligation, we strive to move all commodities safely, and I am proud that BNSF and the rail industry as a whole have made tremendous strides in rail safety over the last three decades. We continue to invest in our infrastructure, technology and overall operations to ensure we're safely moving all of the diverse commodities we transport.

As we've previously shared with the Whatcom County Council, BNSF has a strong track record of corporate responsibility. We have never asked taxpayers to assume the expense of a clean up after a derailment, and we stand by the practices that allow us to maintain that approach. Regarding the ability of railroads to pay for damages in the event of an accident or spill, the Washington State Legislature addressed this question in 2014. Over a year-long public discussion, the Legislature considered all aspects of this matter, including harmonization with existing federal requirements.

The Legislature held several public meetings and took comments from numerous stakeholders and the general public. After careful consideration, the Legislature passed a statute in 2015 requiring each railroad to annually submit information to state regulators confirming its ability to pay for damages resulting from a worst case oil spill. This information is submitted as part of each railroad's annual report to the State of Washington. I have included a copy of the most recent report with this letter, which shows that BNSF is in full compliance with the financial standards outlined by the Washington Utilities and Transportation Commission.

I also want to emphasize BNSF's commitment to safety. BNSF's unrelenting focus on safety is reflected in our excellent safety record, which includes the fact that 99.999% of all BNSF customer hazardous materials shipments are delivered without incident. The first line of defense is prevention—policies, training, technologies and preventative maintenance—to avoid incidents before they happen. We invest billions of dollars each year to continuously improve our operations, infrastructure and preventative safety efforts.

BNSF continually invests in new technologies and infrastructure to further reduce risks and enhance safety. For example, BNSF has a very robust track inspection program, which meets all federal standards and utilizes highly skilled track inspectors in combination with advanced technology. Rail detectors and track

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geometry cars are key components of BNSF's track inspection program that utilizes state-of-the-art technology to help identify defects or problem areas that cannot be detected by the human eye. BNSF has special detection technology along key routes on our network that sends back thousands of messages daily, monitoring for early signs of potential problems that could cause premature equipment wear or failure. BNSF has also been developing predictive analytics to leverage the combined information received from the multiple types of detectors to discover potential issues before they arise.

Being prepared and preventing incidents is the best way to keep everyone safe. We recognize that incidents can occur, and that strong emergency response can help minimize their scope and duration. This is why BNSF has worked extensively with local, state and federal officials from environmental and first responder agencies to protect our communities through an extensive emergency preparedness and planning program. This includes year-round emergency response preparation, training, exercises and having access to the best-in-class response equipment. BNSF has response plans for different scenarios and commodities, specialized equipment, and on-staff as well as contracted responders all ready to deploy at a moment's notice.

BNSF works continuously to meet and surpass all applicable safety and security requirements. These efforts make our rail transportation system one of the safest in the world. BNSF's commitment to preventing incidents contributed to the Federal Railroad Administration declaring the last several years the safest for freight rail in United States history. This is a legacy BNSF is committed to maintaining and improving in the years to come.

Sincerely,

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