BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of: Application No. 2013-01 TESORO SAVAGE, LLC TESORO SAVAGE DISTRIBUTION TERMINAL	CASE NO. 15-001 SWORN PRE-FILED TESTIMONY OF DAVA KAITALA

I, Dava Kaitala, state as follows:

1. I swear under the penalty of perjury of the laws of Washington and the United States that the following statements are true and correct.

2. I am over eighteen years of age and am otherwise competent to testify in this case. My testimony is based upon my education, training, experience, professional qualifications, and understanding of the matters herein.

3. I am the General Director, Construction Permitting, at BNSF Railway Company ("BNSF"). In that position, it is my responsibility to advise different departments within BNSF on environmental clearance processes, including permitting, National Environmental Policy Act ("NEPA") reviews, and state environmental processes.

4. The purpose of my declaration is to provide testimony on behalf of BNSF to provide EFSEC with information it should have related to BNSF's rail operations, safety protocols, and investments in rail infrastructure. My testimony is based on conversations I have had with a number of persons and groups within BNSF as well as review of the Draft Environmental Impact Statement ("DEIS") that was prepared for this project.

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I. BNSF'S SYSTEM HAS THE CAPACITY TO HANDLE TRAFFIC FROM THE PROJECT

5. It is not at all clear that the Tesoro Savage Petroleum Terminal LLC, d/b/a Vancouver Energy (hereinafter, "TSPT") for the Vancouver Energy Terminal (the "Project") will increase traffic along any of BNSF's routes. If the Project reaches full capacity, the terminal is expected to receive up to four unit trains per day. Although it seems like an easy answer to say that a project adding four trains to the system will automatically result in an increase of four trains per day to overall rail traffic, this is an oversimplification of BNSF's system.

6. Rail traffic is dynamic, not static or subject to precise prediction. BNSF has a diverse set of customers, each with variable schedules. BNSF operates in a freight market that is driven by global supply, commodity prices, and demand factors, none of which are subject to reliable prediction. BNSF competes with different modal freight choices, such as truck, airplane, pipeline, and boat, which themselves are influenced by factors such as highway congestion and fuel prices. Business shifts between modes and carriers based on price, service, capability, and reliability. These shifts can be meaningful and can have major impacts on our network volumes. Rail traffic also fluctuates based on population growth and resultant demand, energy and environmental concerns, and scheduling factors such as seasonality and weather events. These factors play out every day across the entire rail system in the United States.

7. The dynamic nature of BNSF's system makes it impossible to conclude with any certainty if or how much one single customer will change rail traffic years from now as compared to current or historic volumes.

8. Even assuming the BNSF system is static and the Project will add four trains per day to a static system, such an increase would be insignificant in comparison to

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overall traffic. Washington rail traffic is predicted to increase steadily, for an estimated increase of 13% by the year 2040 per the Federal Highway Administration. In the 30 years from 2010 to 2040, the State of Washington is expected to grow annual truck volumes by 6.4 million trucks to 15.8 million. This increase in truck traffic will result in additional highway congestion and may drive additional freight to the more energy and environmentally efficient rail system, although the timing or amount of that shift cannot be predicted with any certainty.

9. The length and weight of a unit train is not significantly different than the length or weight of other trains that routinely travel on the BNSF system. As a result, unit trains that would serve the Project would not have unique impacts on the BNSF system, such as maintenance or inspection of track or bridges, crossing delays, capacity of the BNSF system, noise, or safety.

10. BNSF's rail system has adequate capacity to handle any increase in traffic. BNSF has adequate capacity in the near and long term to accommodate current and future traffic growth in Washington. Despite assertions to the contrary, we do not have a looming regional capacity issue. In fact, rail volumes are currently down throughout the United States. Adding four trains per day to BNSF's network would not cause any impacts beyond what are currently seen or have been seen in the recent past from having a robust freight rail system in the State.

11. As discussed below in more detail, BNSF has a robust program to fund capacity improvements. BNSF plans to implement these improvements whether or not the Project is built because BNSF must maintain its system and plan for growth. BNSF is a common carrier and is required to maintain and expand its system to meet the needs of all of its customers. As such, we will continue to invest in capacity improvements, as we

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have done in Washington and the rest of our network for years, to accommodate all of the growth in our freight business as such improvements are needed.

II. BNSF HAS A ROBUST PROGRAM TO INSPECT AND MAINTAIN ITS SYSTEM TO PREVENT ACCIDENTS AND DERAILMENTS

12. BNSF performs regular and thorough inspections of its tracks. In fact, BNSF inspects its tracks more frequently than is required under applicable federal regulations. Trains that carry 20 or more cars of hazardous materials such as crude oil are designated by the FRA as "key trains." Routes on BNSF lines that handle key trains are visually inspected four times per week, more than twice the inspection frequency required by the Federal Railroad Administration ("FRA"). Our busiest main lines can be inspected daily.

13. BNSF performs many different types of inspections. These inspections include routine visual inspections by qualified track inspectors who are chartered by the FRA to comply with FRA regulations. Visual track inspections on BNSF main lines occur by a hy-rail vehicle, which rides on the rails. In addition to hy-rail inspections, on-foot visual inspections of all turn-outs on the main lines and yard tracks are required at least monthly. Supervisors are also required to make regular train rides over their assigned territories. There are some types of inspections that can be performed accurately only by machines. BNSF conducts these inspections with specially equipped rail cars that use ultrasonic and other advanced technology to look for flaws in the rail and to test track geometry. BNSF also deploys equipment along the tracks to detect defects in rail cars as they pass the detection equipment. BNSF has made significant investments in inspection and detection technology to enhance the regular manual inspection process. This includes the following:

- Rail Detectors. BNSF's rail detectors use ultra-sonic rays to detect internal (and external) flaws in the rail. The frequency of inspections is determined

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by the tonnage moved over a given section of track. The main line routes across BNSF's system receive rail detector testing every 30 to 50 days on average.

- Track Geometry Car. BNSF's track geometry car measures major main line routes annually and up to three times a year depending on rail volume. The track geometry car is a specially-equipped passenger car that measures the tracks' surface under load for gauge, cross-level, alignment, and vertical acceleration. A computerized print-out of the trackage indicates where the measured flaws exist in the track. This information is immediately communicated to field personnel to ensure that any defects are addressed.

- Freight Car Defect Technology. BNSF has an extensive network of special detection technology along key routes on its network to monitor each passing rail car for early signs of potential problems that could cause premature equipment wear or failure. Detecting such defects early has helped improve safety and extend the service life of equipment.

- Wheel Impact Load Detector. BNSF uses a wheel impact load detector to measure forces applied to the rail to evaluate wheel surface defects. This helps decrease the number of high impact wheels and can prevent derailments.

- Warm Bearing Detection System. BNSF has a set of monitors for excess wheel-bearing heat. These help identify internal bearing defects and thus prevent potential derailments.

- Hot/Cold Wheel Detector & Technology Drive Train Inspection. BNSF uses technology to measure wheel tread temperature, which helps identify sticking or inoperative brakes. Acoustic Bearing Detectors use a microphone array to evaluate and identify internal journal bearing flaws.

- Machine Vision System. BNSF has a Machine Vision System that utilizes cameras to evaluate and identify component wear or damage of wheels, brakes, draft gear and truck components. The early warning this technology provides enables BNSF to repair trucks before safety issues occur.

- Truck Performance Detector. BNSF uses a Truck Performance Detector to measure forces applied to the rail to evaluate each truck's ride performance. Early warning of truck performance issues enable BNSF to perform repairs before safety issues occur.

14. These inspections supplement visual inspections performed by BNSF personnel. These multiple forms of monitoring help BNSF ensure that its tracks and locomotives stay as safe as possible.

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15. BNSF plans for seismic and slide events. When a significant earthquake is reported, BNSF inspects track based on the magnitude and epicenter location of the earthquake.

16. BNSF takes measures to reduce dangers associated with seismic and slide events. This is especially true in the winter months when risk of slide is at its highest.

17. BNSF also invests in slide fences. These fences are strategically placed in potential slide areas to ensure that approaching rail traffic is warned in advance of possible dangerous track conditions stemming from rock or mud slides. When contact is made with the fences, a red block signal indication is displayed to provide advance warning to approaching trains.

18. BNSF has worked extensively with the Washington Department of Transportation ("WSDOT") on a Landslide Mitigation Action Plan for the Pacific Northwest Rail Corridor, including the Everett area.[1]

19. BNSF regularly performs comprehensive bridge inspections that are supervised by trained BNSF personnel. These inspections are typically performed three times per year, exceeding FRA standards. BNSF has approximately 13,000 bridges across its network. Every bridge receives one comprehensive inspection per calendar year by a qualified bridge inspector and an inspection by a supervisor, with a more frequent inspection schedule occurring in some cases. Inspections are made on a periodic basis for underwater bridge components, movable bridge machinery, and other specific contract inspections. Additional inspections are performed when special conditions and events warrant, such as high water, vehicle/boat strikes, fire, etc.

[1] http://www.wsdot.wa.gov/NR/rdonlyres/8B3B653E-5C50-4E2B-977E-AE5AB36751B7/0/LandslideMitigationActionPlan.pdf

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20. Further, if we receive an inquiry on a particular bridge, our Structures team will perform an inspection to determine whether repairs are needed. BNSF has a staff of trained bridge inspectors, as well as structural engineers, consultants, and specialized contractors. We maintain bridge inspection reports, which the FRA can review. The FRA can also inspect our structures.

21. BNSF bridges have an excellent safety record. 99.9995% of bridge train miles occur without any type of service interruption. 0.02% of service interruptions across our entire network are caused by a bridge being removed from service. No derailments have been caused by the loss of structural integrity of a bridge. BNSF's certified Railroad Bridge Inspectors performed more than 35,000 Comprehensive Inspections in 2015.

22. Special inspections are required during extreme weather conditions, such as heat or cold, storms, or high water periods. BNSF monitors weather conditions on our network 24/7 and issues severe weather alerts that enable our dispatchers to bring trains to a stop when severe local weather conditions are present, such as tornadoes, very high winds, or flash flooding. When wind warnings are received that indicate possible high wind speeds, BNSF instructs passenger trains to reduce speed. For wind warnings of possible wind speeds over 61mph, BNSF instructs passenger trains to stop. Depending on the type of freight trains in the area, some freight trains must come to a stop if wind speeds exceed 51mph.

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III. BNSF INVESTS HEAVILY IN RAIL INFRASTRUCTURE

23. BNSF invests heavily in rail infrastructure. All freight capacity expansion needed on BNSF's right of way is paid for by the railroad. We have invested more than $53 billion of our own private capital on our network since 2000. In 2015, we invested another $6 billion across our network, with $1 billion of that capital being invested in expansion and maintenance on the Northern Corridor alone, more than any other part of the network. BNSF has continued to make these improvements to its lines that have resulted in improved system-wide train velocity over the last few years.

24. Much of this investment is in Washington. BNSF's history of investment in the Pacific Northwest demonstrates its commitment to this important region. In 2015, BNSF invested nearly $200 million in Washington, and BNSF expects to make a similar capital investment this year. In the last nine years, BNSF has invested approximately $1.5 billion in Washington. Since 2013, BNSF has invested approximately $3.5 billion to maintain and add capacity improvements in the Northern Corridor.

25. This investment has been statewide. The three existing BNSF rail routes through Washington have available capacity and offer flexibility in ensuring network fluidity. In fact, to provide more capacity to move goods in and out of Washington, we invested more than $150 million in the mid-1990's to reopen the Stampede Pass Route. For an overview of 2015 capital projects across our system, including in Washington, see pages 11-12 of BNSF's Comments in Response to Publication of Draft Environmental Impact Statement, Tesoro Savage Energy Distribution Terminal, attached hereto as Attachment A which is incorporated herein by reference.

26. Our existing system and planned improvements will ensure all of our customers' needs are met, including Vancouver Energy.

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IV. GRADE CROSSINGS ON BNSF'S SYSTEM ARE ADEQUATELY PROTECTED

27. The length and weight of a unit train is not significantly different than the length or weight of other trains that routinely travel on the BNSF system. As a result, unit trains that would serve the Project would not have unique impacts on the BNSF system, including crossing safety. BNSF works to ensure that train crossings are safe for vehicles, trains, and pedestrians.

28. Promoting grade-crossing safety is an essential part of BNSF's operation and culture. In recent years, we have invested an average of $95 million annually on grade-crossing maintenance, improvements, and safety programs. Our initiatives include community education and awareness, train crew education and testing, crossing closures, new safety technology, vegetation control, and track and signal inspection and maintenance. For more information, see BNSF Grade Crossing Safety brochure, attached hereto as Attachment B which is incorporated herein by reference. To accomplish these educational and program activities, BNSF has dedicated 17 grade crossing safety managers and 9 public projects managers.

29. BNSF has grade crossings throughout its network. Our network includes just over 25,800 grade crossings, including approximately 17,200 public and 8,700 private and pedestrian at-grade crossings. In addition, BNSF has more than 3,700 public grade separations and 650 private and pedestrian grade separations.

30. BNSF has one of the lowest highway-railroad grade crossing collision rates in the rail industry. Since 1995, the rate of grade crossing collisions on BNSF's system has declined about 68 percent—from 5.3 per million train miles in 1995 to a rate of 1.7 per million train miles in 2013.

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31. Locomotive horns are also a critical element of rail safety. Since there will be a minimal increase in rail traffic as a result of the Project, there should be no increase in noise from locomotive horns. The use of locomotive horns is regulated by the Federal Government, and BNSF diligently complies with these regulations. For example, the installation and use of train horns is governed by the FRA Train Horn Rule. This same rule allows for the establishment of quiet zones at various locations along the tracks according to pre-set diagnostic criteria. These regulations and others already consider noise in rail-adjacent communities.

V. BNSF IS IMPLEMENTING PTC

32. BNSF is implementing Positive Train Control ("PTC") technology. In 2008, Congress mandated that PTC technology be installed on routes that carry passengers and/or toxic-by-inhalation ("TIH") commodities. This installation is underway.

33. PTC uses a radio-controlled system to monitor train movement and provide warnings to crews, stopping the train when certain conditions arise.

34. The scope of BNSF's PTC installation is immense. It covers more than 11,400 miles of track, equating to roughly half of the entire BNSF system and 80% of BNSF's freight density. This installation also requires equipping 6,000 locomotives with PTC technology. PTC deployment is an unprecedented technical and operational challenge that requires the entire U.S. railroad network to develop, test, and implement this new safety system, all while avoiding impacts to network capacity and fluidity.

35. BNSF has made great progress and devoted significant resources to making its PTC efforts successful. Specifically, BNSF has invested over $1.5 billion in the testing, development, purchase, and installation of PTC components out of an estimated total exceeding $2 billion. Thousands of BNSF employees have been trained on PTC.

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36. Implementation is on schedule. BNSF expects to install and operate PTC on all legislatively mandated territories in the state of Washington within the federally mandated PTC timelines.

VI. BNSF SPEED LIMITATIONS

37. Speed limitations for trains by class of track and type of cargo are set by the FRA and can be located on the FRA's website.

38. BNSF sets a 35 mph speed limit for all shale crude trains traveling through municipalities of 100,000 or larger. Trains carrying other hazardous materials are limited to 50 mph. Trains carrying crude oil are limited to 40 mph if they carry one or more DOT-111 or CPC-1232 tank cars, when moving through federally-designated "high-threat urban areas."

VII. BNSF'S LOCOMOTIVE FLEET IS CLEAN AND EFFICIENT

39. BNSF has the industry's newest and most fuel-efficient fleet of road locomotives. More than ninety-eight percent (98%) of BNSF's locomotives, including all high horse power locomotives, are equipped with an Automatic Emission Shutdown System which automatically shut down a locomotive not in use to reduce idling emissions. In addition to idle control technology, improvements in operation and maintenance practices also have an impact on the inherent fuel efficiency of rail. BNSF currently has 92 ultra-low-emission locomotives in use and is able to move one ton of freight 500 miles on a single gallon of fuel.

VIII. THE PROJECT WILL NOT INCREASE WILDLIFE COLLISIONS OR BARRIER EFFECTS FROM TRAINS

40. Since it is impossible to say there will be an increase in rail traffic as compared to current or historic train counts as a result of the Project, and any increase would be minimal at most, there should be no increase in risk to wildlife.

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41. BNSF works hard to minimize wildlife collisions along its tracks. In particular, BNSF complies with the Endangered Species Act to ensure that all threatened and endangered species are protected under the law. When there is a threatened or endangered species that is likely to be affected by the movement of trains, BNSF works closely with federal and state regulators to take measures to protect these populations. As an example, BNSF is proud of the work it has done in Montana to protect grizzly bears. Although the grizzly bear population has increased in recent years, and many other groups are seeing increases in fatal grizzly bear incidents, BNSF has actually seen a significant decrease in incidents along our tracks.

42. Since it is impossible to say there will be an increase in rail traffic as compared to current or historic train counts as a result of the Project, any increase would be at most minimal, and no new tracks are necessary, the Project will not create an additional barrier to wildlife or collision hazard on the BNSF system. This issue has been considered before in connection with rail projects adding twice the number of trains to the network and has been rejected by government agencies like Washington's Department of Transportation, which concluded that an addition of eight trains per day along BNSF's north-south mainline (from Vancouver, WA to Blaine, WA) would not create significant barrier effects:

> *The corridor currently hosts more than 60 trains per day in some rural segments, therefore the addition of eight trains per day is a relatively small increase in train frequency. Additionally, on average a train passes any given location on the corridor approximately once an hour. This frequency is far less than the vehicle frequency on I-5, which is in close proximity to the rail corridor over most of the route. Finally, nearly all the specific improvements in the corridor expansion are proposed to improve an existing corridor, so wildlife in the vicinity are already accustomed to the passing of trains.*

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See Washington State Department of Transportation Response to the Washington State Department of Fish and Wildlife comments on the Pacific Northwest Rail Corridor Program Environmental Assessment, attached hereto as Attachment C which is incorporated herein by reference.

IX. BNSF AND THE COMMUNITIES IT SERVES ARE PREPARED FOR DERAILMENTS AND SPILLS

43. As noted above, BNSF has a robust system of inspection and maintenance of its system to prevent derailments or other incidents that might cause a spill. 99.99% of hazardous materials shipments occur without incident on BNSF's system. If a spill or other emergency does occur, BNSF is prepared. BNSF dedicates countless hours to ensuring that, if and when emergency spills or incidents occur, BNSF is ready to respond.

44. BNSF plans response efforts in tandem with local emergency responders. BNSF has developed and shared geographic response plans ("GRPs") with state and local emergency response organizations in many areas as adopted by the Northwest Area Committee ("NWAC") and as directed within the Northwest Area Contingency Plan ("NWACP"). In many instances, BNSF developed these GRPs in consultation with local response agencies.

45. Along these same lines, BNSF keeps local communities apprised of hazardous material shipments. We understand that local elected officials and emergency responders have an expectation to know what moves through their communities. Accordingly, for more than 20 years, BNSF has provided, upon request, comprehensive hazmat rail traffic flow reports to first responders and emergency managers. The reports contain a list of all hazardous materials that are transported through a city or county over the preceding 12 months along with proper shipping names and ID numbers. In 2014, BNSF began providing county-specific reports with the number of trains per week

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transporting one million gallons or more of Bakken crude oil. These reports are provided to the State Emergency Response Commissions ("SERCs"), including Washington's, and sends updates if traffic changes up or down by 25 percent.

46. BNSF invests heavily in training emergency responders. BNSF provided free railroad hazmat response training to over 8,500 local emergency responders nationwide in 2014 and over 10,250 in 2015. BNSF has provided training to more than 80,000 emergency responders since 1996. BNSF also provides a computer-based emergency response training program on hazardous materials to every fire department within 2 miles of its rail lines. This includes Washington. In 2015, BNSF trained more than 900 first responders in Washington, many from communities along the Columbia River. In the past five years, BNSF has trained fire fighters on hazmat protocols across Washington, including in Anacortes, Auburn, Bellingham, Camas, Centralia, Edmonds, Longview, North Bend, Olympia, Pasco, Seattle, Spokane, Tacoma, Vancouver, and White Salmon.

47. Much of this training is specifically geared toward crude oil incidents. In 2014 and 2015, BNSF underwrote the travel and training expenses for nearly 1,200 local first responders, including 256 from Washington, for specialized training conducted at a national training and research center, the Security and Emergency Response Training Center ("SERTC") in Pueblo, Colorado. This involves three days of hands-on field exercises at SERTC and 24 hours of specialized training for crude oil incidents.

48. The following points emphasize BNSF's commitment to incident response and hazmat safety:

- BNSF has earned the national TRANSCAER (Transportation Community Awareness and Emergency Response) award 14 times since 1998 for our national outreach efforts to assist communities in preparing for and responding to possible transportation-related hazardous material incidents.

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- BNSF has specialized equipment and hazmat responders staged across its network to deal with hazmat and crude oil incidents, including for firefighting and spill cleanup. This includes several locations in Washington such as Everett, Seattle, Longview, Wishram (30 miles east of White Salmon on the Columbia River), Pasco, and Spokane.

- BNSF has more than 250 trained hazmat responders at 60 locations on our network who are supported by a network of contract emergency and environmental responders.

- BNSF has a geographic information system ("GIS") for emergency incidents that enables BNSF to quickly identify and contact the local emergency responders closest to any incident on our network.

- BNSF was the first railroad in the industry to deploy a fleet (28) of industrial fire-fighting foam trailers on hazmat routes around its network. BNSF also makes the trailers available to other railroads and communities. The trailers produce alcohol-resistant foam to extinguish fires involving materials such as ethanol and crude oil by covering the spilled material and depriving it of oxygen. In the event of an incident that requires these trailers (you cannot, for example, extinguish a crude oil or ethanol fire by putting water on it), we mobilize the trailers to the incident location and deploy contract industrial fire fighters to operate the equipment.

- BNSF also mobilizes local, regional, and national contractors to fight fires, mitigate incidents, remediate environmental damage, direct traffic, and so on. This allows local fire and police to return to their typical duties. Moreover, BNSF compensates local fire and police for costs incurred in responding to incidents.

- BNSF has developed and shared geographic emergency response plans with state and local emergency response organizations, engages in ongoing planning, drills, and rapid response exercises with local, state, and federal agencies, and reports hazmat traffic and volumes to state emergency response agencies.

49. BNSF uses the "AskRail" system. AskRail is a new mobile application that gives emergency responders swift access to necessary information from a secure mobile device application. For information, see https://askrail.us/. AskRail was created by BNSF and the other Class I railroads. It provides first responders immediate access to accurate real time data about individual rail cars on a train, which can help emergency responders make informed decisions about how to respond on the scene of a rail emergency. AskRail is available to emergency response planners as well as first

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responders. It does not replace current communication channels. It is intended as a real-time supplement to the existing incident response processes described above.

50. BNSF has also developed its own secure mobile device application called "SECURETRAK." This application provides near-real-time locations and content information on hazardous material trains (including crude and ethanol trains) on the network using a GIS interface. The locations of trains are indicated on a map and are color-coded by type of train. Users can obtain a train list that includes the sequencing of the train and hazmat commodity detail by clicking through the user interface. SECURETRAK also provides a "2 hour look ahead" that estimates the location of the train in two hours. SECURETRAK is available to emergency response planners as well as first responders.

51. During an incident response, BNSF shares information on specific trains and cars through multiple channels to ensure there are no gaps in communication. Train crews carry a list that provides the location of every car as well as hazmat emergency response information to share with first responders. Critical information is also faxed to the designated local first responder. Upon request, BNSF provides the same information to CHEMTREC, National Response Center and other local, state, and federal responders. A BNSF Rail Safety Presentation is attached hereto as Attachment D, which is incorporated herein by reference, to provide additional information.

X. BNSF WORKS TO MINIMIZE WILDFIRES AND TO RESPOND WHEN NECESSARY

52. BNSF takes special measures to prepare for wildfires in the Northwest Division, including in Washington. Within the Northwest Division, BNSF has created a wildfire preparedness team, takes special maintenance and inspection precautions, prepares for emergency response, maintains and distributes contact information for

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responders and other key personnel, and follows best practices for operation in various levels of fire danger.

53. BNSF maintains rail-mounted fire suppression equipment in Washington that can respond in the event of a fire. These "fire suppression trains" are often used by state and local officials to respond to various non-railroad caused fires near BNSF's right-of-way and to help establish a line of defense or fire break. In addition, BNSF trains firefighters and other first responders and often provides equipment to fire departments. If a wildfire occurs near a BNSF rail line, BNSF would restrict travel on the rail line based on smoke, visibility, or potential harm to cargo. BNSF would also protect its tracks and bridges, erect a firebreak, and mobilize in response to any situation threatening its tracks.

54. As stated above, BNSF was the first railroad in the industry to deploy a fleet (28) of industrial fire-fighting foam trailers across its network. BNSF makes the trailers available to other railroads and communities. The trailers produce alcohol-resistant foam to extinguish fires involving materials such as ethanol and crude oil by covering the spilled material and depriving it of oxygen. In the event of an incident that requires these trailers (you cannot, for example, extinguish a crude oil or ethanol fire by putting water on it), we mobilize the trailers to the incident location and deploy contract industrial fire fighters to operate the equipment.

55. After any wildfire incident in BNSF's right-of-way, BNSF inspects for thermal buckling, damaged track components, burned ties, burned communication poles, and similar issues.

XI. BNSF'S SYSTEM HAS A POSITIVE ECONOMIC IMPACT ON WASHINGTON STATE

56. BNSF's rail system provides dramatic benefits to the economy of Washington State. Freight rail contributes more than $28.5 billion to the state's

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economy—accounting for more than 7.5 percent of Washington's Gross Domestic Product. More than 342,000 workers in this state depend on freight rail in some manner for their livelihood. In Washington alone, BNSF employs nearly 4,000 people with a combined payroll of more than $260 million. In 2010, freight-dependent businesses represented 44% of Washington state jobs. Likewise, the Washington Council on International Trade has stated that 40 percent of all jobs in Washington are tied to international trade.

XII. VEGETATION IMPACTS

57. The Project will not have significant impacts on vegetation. BNSF dedicates substantial resources to the proper treatment of terrestrial vegetation. BNSF has also established vegetation standards in an effort to maintain a safe and environmentally conscious rail operation that complies with all federal laws and regulations.

58. Vegetation on BNSF's tracks is carefully managed. BNSF's comprehensive vegetation policy is designed to maintain a safe working environment for employees, reduce the spread of noxious weeds, maintain visibility at grade crossings, signs, and signals, allow for needed inspections, and comply with all federal regulations.

59. The use of herbicides is closely monitored. BNSF uses only EPA-approved herbicides that are applied by licensed applicators under strict BNSF Engineering Instructions. Applications of herbicides on BNSF property are only to be handled by licensed contractors and with the permission of BNSF's Manager of Vegetation Control in Ft. Worth, Texas, who consults with BNSF's Technical Research & Development Department to ensure that such materials are within the guidelines of federal regulations. This includes the October 31, 2011, NPDES nationwide restrictions for herbicide use on a landowner's property as well as the responsibility for violations.

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60. The following documents are attached to my testimony and are hereby incorporated by this reference:

Attachment A: BNSF's Comments in Response to Publication of Draft Environmental Impact Statement, Tesoro Savage Energy Distribution Terminal

Attachment B: BNSF Grade Crossing Safety brochure

Attachment C: Washington State Department of Transportation Response to the Washington State Department of Fish and Wildlife comments on the Pacific Northwest Rail Corridor Program Environmental Assessment

Attachment D: BNSF Rail Safety Presentation

[Signature on the Following Page]

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DATED this 12 th day of May, 2016.

Dava Kaitala

Dava Kaitala, Declarant

STATE OF TEXAS)
)
COUNTY OF TARRANT)

DAVA KAITALA, being duly sworn upon oath, deposes and says: The foregoing testimony is true, correct and complete to the best of my knowledge, information and belief and is given subject to the laws of perjury in the State of Washington.

GIVEN under my hand and official seal this 12TH day of MAY, 2016

Winona Garrett

NOTARY PUBLIC in and for the State of:
TEXAS

Residing at: FORT WORTH, TX

My Commission Expires: 12-12-16

Printed Name of Notary:
WINONA GARRETT

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