

SR 530 Landslide Commission

Friday, August 22, 2014; 12:00 – 3:30 p.m.
The Everett Community Center ~ Everett, WA

Meeting Summary

ATTENDANCE

See Attachment 1

DECISIONS & ACTION ITEMS The following items were decided during the meeting:

Purpose, Scope and Deliverables

- The Commission approved the August 22nd meeting agenda.
- The Commission discussed and adopted the Charter.
- The Commission adopted the meeting agreements.
- The Commission discussed and agreed on the following decision-making process:
 - The Commission will strive to operate by consensus, as described in the meeting agreements.
 - In the event that consensus cannot be reached in a timely manner, the Commission will apply the “consensus minus three” rule. In summarizing the decision of the Commission, a summary of opposing opinions and statement of explanation will also be provided.

Communications

- Kathy Lombardo will be the point person for media inquiries when they pertain to the Commission as a whole and its work. Commissioners will respond to media inquiries that pertain to their individual expertise.
- The Commission was in favor of Kathy reaching out to a small subset of Commissioners, as needed to accompany her to meetings with community members. The Commission agreed that the substance of any such outreach will be reported back to the Commission as a whole – in writing or through verbal briefing, and should be a standing agenda item at each meeting.
- The Commission agreed that communications, to and from the Commission should come from Kathy (email address: sr530commission@gov.wa.gov). Kathy will look into what approach works best for commissioner to commissioner emails and how best to provide the Commission with the inquiries and questions being sent to the sr530commission@gov.wa.gov email from interested parties.

Timeline Discussion and Information Needs

- Commissioners discussed the task of reviewing the incident and establishing a timeline of events. Commissioners discussed and agreed to further explore how to capture both the

structural/government timeline of events and the human/community timeline at the next meeting (August 28th).

- Kathy will post to the Box.com (The Box) a list of reports and other materials she has identified to date. Commissioners will also post to The Box any materials and timelines they have identified. Paul Chiles will post the Seattle Times timeline.
- JoAnn Boggs will send Kathy information about the WSEMA conference. Kathy will post the information on The Box. For more information about the WSEMA conference, visit <http://www.wsema.com/>

Upcoming Meetings and Next Tasks

- The Next Commission meeting will be August 28th, 5-8pm at the Everett Community Center. The Commission discussed and agreed on the following agenda topics for the August 28th meeting:
 - A “Emergency Management 101” presentation
 - A SR 530 landslide emergency response presentation
 - Continue conversation about timeline and further explore how to capture both the structural/government timeline of events as well as the human/community timeline.
 - Kathy will contact Gregg Sieloff (assistant chief of operations for the Lynnwood Fire Department and Deputy Incident Commander, Northwest Washington Incident Management Team) and John Pennington (Director, Snohomish County Emergency Management) regarding their availability to deliver the emergency management presentations at the August 28th meeting.
 - Mike Gaffney and Amanda Murphy (Ruckelshaus facilitation team) and Kathy will put together a draft meeting agenda and will distribute to the Commission for review in advance of the next meeting.
 - Kathy, Mike, and Amanda will put together a draft summary of the August 22nd meeting and will distribute to the Commission for review in advance of the next meeting.
 - The Commission agreed on the dates, times and locations of meetings. The September 18th location is TBD, likely at the Darrington Community Center. Kathy will follow up and confirm.
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WELCOME AND INTRODUCTIONS

Kathy Lombardo, Executive Director of SR 530 Landslide Commission introduced herself and welcomed Commissioners and attendees to the meeting. Kathy provided a brief overview of the purpose and scope of the Commission, noting the important task assigned to the Commission to learn from the recovery effort and identify suggestions for future improvements in emergency responses to landslides. She briefly reflected on the site visit conducted earlier in the day and asked Commissioners to think about their hopes and outcomes for the Commission. Kathy then asked Commissioners to introduce themselves.

Facilitators Mike Gaffney and Amanda Murphy from the William D. Ruckelshaus Center welcomed Commissioners and attendees and introduced themselves. The Ruckelshaus Center is a joint center of the University of Washington and Washington State University, acting as a neutral resource for collaborative problem solving for policy development and multi-party dispute resolution in the State of Washington and Pacific Northwest. Mike and Amanda introduced Michael Kern, Director of the Ruckelshaus Center and John Snyder, who will be assisting the Commission in drafting the report. The role of the Ruckelshaus Center Facilitation team is to support and facilitate the operations of the Commission, maintaining a neutral stance to assist the Commission in achieving its purpose and goals.

PURPOSE SCOPE AND DELIVERABLES

Review of Agenda, Charter and Meeting Agreements

Mike Gaffney reviewed the meeting agenda and materials. He then reviewed the Charter and walked through the scope. He noted the call for public safety, for lessons to be learned from the landslide, to establish a timeline of the events, review the response to the slide, identify the information gaps and look for opportunities to propose changes for future emergency responses. The Commission discussed the Charter and determined that lessons learned, referred to in the third bullet under “Scope” was not restricted to only emergency responses. With no additional comments or suggestions from the Commission, the Charter was adopted.

Mike Gaffney introduced proposed meeting agreements for how the Commission will work together. Mike explained that the proposed meeting agreements are based on standard operating principles he and Amanda have used previously and found work well for meetings. The proposed meeting agreements included roles and responsibilities of the Commission and Ruckelshaus Center Facilitation Team, the process for decision-making, and meeting discussion guidelines.

Mike Gaffney asked that the Commission discuss and agree on a decision-making process, and suggested the Commission use a consensus decision-making process. Mike explained that with consensus, the decision standard is not unanimity in thought but a willingness to honor the process of having come to a decision, an understanding of the points of view expressed by others, and a willingness to support the decision due to the process leading up to it. A consensus decision should reflect the Commission as a whole and be a decision Commissioners can live with.

Commissioners discussed the decision-making process in detail, including how consensus would be achieved, what to do if consensus could not be reached, and the use of minority reports. The Commission decided it will strive to operate by consensus, as described in the meeting agreements. In the event that consensus cannot be reached in a timely manner, the Commission will apply the “consensus minus three” rule. In summarizing the decision of the Commission, a summary of opposing opinions and statement of explanation will also be provided.

Mike reviewed the remainder of the meeting agreements and asked for comments and suggestions. There were no additional comments and the Commission adopted the meeting agreements.

Communications and sharing of materials

Mike Gaffney listed channels of communication that exist to date and asked the Commission to discuss and decide on a process for communicating amongst one another, communicating with the public and the press, and sharing documents and materials:

- Website for Commission for all documentation of the Commission available to the public: www.bit.ly/sr530commission
- The Box for Commissioners to post and share documents. Kathy Lombardo reviewed how to work with documents and incoming information, using the timeline as an example.
- Email, Commissioners should have received instructions for how to set up their email address.

The Commission agreed that communications, to and from the Commission should come from Kathy Lombardo (email address: sr530commission@gov.wa.gov). Kathy agreed to look into what approach works best for commissioner to commissioner emails and how best to provide the Commission with the inquiries and questions being sent to the sr530commission@gov.wa.gov email from interested parties.

The Commission was in favor of Kathy reaching out to a small subset of Commissioners, as needed to accompany her to meetings with the Tribes and with community members. Kathy agreed to send out an email to get a group together. The Commission agreed that the substance of any such outreach will be reported back to the Commission as a whole – in writing or through verbal briefing, and should be a standing agenda item at each meeting.

The Commission also decided Kathy will be the point person for media inquiries when they pertain to the Commission as a whole and its work. Commissioners will respond to media inquiries that pertain to their individual expertise.

DISCUSS, IDENTIFY INFORMATION NEEDS AND NEXT TASKS

Timeline Discussion

Kathy Lombardo presented Commissioners with a list of reports and information she has so far identified that is available for review:

- Washington Military Department – Emergency Management Division, provided by John Ufford.
 - State Emergency Planning – Overview/Primer
 - Snohomish County/FEMA/SEOC Hot Wash – 4 joint sessions on Resource Management, Operational Coordination, Public Information and Financial Issues.
 - Preliminary Lessons from SR 530 Flooding and Mudslide Disaster, as of July 9, 2014
- City of Arlington Staff Debriefing on SR 530 Land Slide
- OICO Interoperability Report
- City of Seattle, Office of Emergency Response, SR 530 Lessons
- Emergency Dispatch Call Logs

Kathy agreed to post to The Box a list of reports and other materials she has identified to date. Kathy asked Commissioners to provide additional reports and information and post them to The Box.

Commissioners also discussed the task of reviewing the incident and establishing a timeline of events. The development of a timeline from many perspectives was discussed in detail. Suggested perspectives to consider in the timeline included: high-level view, thematic perspectives, functional perspectives, and individual perspectives, regional perspectives, overlaying the multiple perspectives with historical or geologic timelines, immediate and long-term perspectives, structural/government and human perspectives, and more. Commissioners also discussed and brainstormed how to collect the differing perspectives and synthesize them into a manageable and readable report by December 15, 2014. Commissioners agreed to further explore how to capture both the structural/government timeline of events and the human/community timeline at the next meeting (August 28th). Commissioners agreed to post to The Box any materials and timelines they have identified.

Information Needs

Commissioners discussed information needs and identified individuals and entities they would like to speak with to gather the information.

Information needs:

- Lessons we can learn from how landslides are assessed in this state

- Geology from the incident forward
- What DNR and USGS need to help them be better prepared on how hazards are assessed
- What worked very well and what help or resources was needed
- How accessible were the services in the area
- The shortcomings experienced

Who to speak with:

- Community members
- Geologists
- Responders
- Tribes
- Fatality management
- Volunteers
- Department of Natural Resources (DNR)
- USGS

UPCOMING MEETINGS, NEXT TASKS

Hopes for the Commission

Kathy asked Commissioners to write down three things they hope the Commission will accomplish.

Human element

- Provide hope and assist in healing for the community.
- Listen to human element.
- Get a clear picture of the human element.
- Recognize first responders and those who are now rebuilding the site.
- Learn lessons that can be applied more broadly in our communities.

Service element

- Look at all the infrastructure impacts—transportation, energy, water, food.
- Broadly share lessons learned between and among agencies, responders, and communities as a platform for moving forward with hazard management, planning, and zoning.
- Explore how volunteers were managed and which community assets were strained (such as food banks).
- Recommend protocols and processes for breaking down barriers in communication within and between departments and agencies.
- Recommend community preparedness actions in areas subject to geologic hazards.
- Identify what we can do better as a state and citizens to respond, recover and better prepare.

- Learn about how disaster response is conducted and serves to identify how to better help responders.
- Raise awareness of landslide hazards relative to other hazards.
- Understand the timing of events and recommend improvements to the system.
- Understand the land use issues and make recommendations on what can be done to improve safety.
- Are the responses used in Oso applicable all over State?

Technical

- Develop recommendations for more coordinated method(s) for assessing risk associated with geologic hazards.
- Identify natural geologic conditions leading to the event and be able to apply that information to other sites with similar characteristics.
- Recommend revisions to the State GMA and address the identification of statewide geologic hazards in areas of human habitation.
- Prepare meaningful steps to better identify and reduce landslide risks.

General

- Provide recommendations that will have positive impacts in the future.
- Have good communication.
- Report the good, bad and ugly.
- Capture the stories of all those involved.
- Don't promise what you can't deliver.
- Learn lessons that can be applied more broadly in our communities.
- Have honest conversations no matter the subject.
- Work with follow through and get something done with the recommendations.
- Set an example of collaboration and credible process to make a positive difference.
- Create tangible recommendations that are used and do not sit on shelves.
- Leverage local resources.
- Look into incident response command, the successes and challenges.

Next Meetings

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PUBLIC COMMENT

(see Appendix 2. For written public comment submissions)

Gordon Ness: Initial purpose of commission was to determine physical cause of landslide (Herald, April 29), now it is on post-event actions. Missing forestry representatives, which means that discussion will be limited. There should be more geologists present. There should be a discussion of the cause. See geology report by David Mont.

Will Knedlik: Request for systemic approach to risk triage. Need to consider finite resources. Important issues have been known for years (1897 study of impact of mudslides on passenger trains).

Dustin Hoegemeyer: Part of the long-term recovery group: Family resource centers are best sources for providing the contacts you need. It will require reaching out and being sensitive to barriers erected and listening respectfully. Also, the navigators, county and the county disaster case managers have contact with those affected by the slide.

Kevin Ashe: There were three responses: the one on television, the immediate response from the neighbors and the Darrington fire department, then there was a pause after the first day, and then there wasn't any help. Later a series of events motivated Darrington to take over the rescue operation. Loggers and cutters went in; they knew how to cut the trees, the responders did not. Darrington had problems that will need careful attention. Arlington has more resources.

Attachment 1
Meeting Attendees

Name	Title and Affiliation	Phone	Email
COMMISSION			
Kathy Lombardo	Executive Director		sr530commission@gov.wa.gov
Joann Boggs	Pend Oreille County Emergency Management Director, current Chair Washington state Emergency Management Association		joann.boggs@gov.wa.gov
Jill Boudreau	Current Mayor, Mount Vernon		jill.boudreau@gov.wa.gov
Paul Chiles	Owner/ President, Chiles & Co Real Estate		paul.chiles@gov.wa.gov
John Erickson	Former Director of Emergency Preparedness, Department of Health		john.erickson@gov.wa.gov
Wendy Gerstel	Principle, Qwg Applied Geology		wendy.gerstel@gov.wa.gov
David Montgomery	Director,UW Geomorphological Research Group		david.montgomery@gov.wa.gov
Renee Radcliff-Sinclair	Former Representative, Current Strategic Initiatives for Western United States for Apple Inc.		renee.radcliff-sinclair@gov.wa.gov
Lee Shipman	Emergency Management Director, Shoalwater Bay Tribe		lee.shipman@gov.wa.gov
Steve Strachan	Chief, Bremerton Police Department		steve.strachan@gov.wa.gov
Diane Sugimura	Director, Seattle Dept. of Planning and Development		diane.sugimura@gov.wa.gov
Bill Trimm	FAICP		bill.trimm@gov.wa.gov
RUCKELSHAUS CENTER			
Mike Gaffney	Ruckelshaus Center		mjgaffney@wsu.edu
Amanda Murphy	Ruckelshaus Center		amanda.g.murphy@wsu.edu
John Snyder	Ruckelshaus Center		john.s.snyder@wsu.edu
Michael Kern	Ruckelshaus Center		m.kern@wsu.edu

SR 530 LANDSLIDE COMMISSION MEETING SIGN-IN SHEET

Meeting Date & Time: August 22, 2014, 12:00pm - 3:30pm

Location: The Everett Community Center, Board Rooms (A&B), 3900 Broadway, Everett, WA 98201

Name	Title	Affiliation	Phone	E-Mail
Austin McQuinn		DNR	360-856-3500	Austin.McQuinn@DNR.WA.gov
Gene Griener	Civil Engr	-	425 481 6280	griener@speakeasy.net
GORDON NESS	GEORGIST	RETIRED	425-743-9071	gkness@comcast.net
GRAHAM SMITH	CM SR	Brewerton PD	360 473 5524	
Karen Haglund	Reporter	Everett Herald	425-339-3465	nhaglund@kernelnet.com
ROBERT KNOWL	U.S. Cong. Liaison	U.S. Congress	425 495 0085	robert.knowl@everett.wa.gov
MIC COBURN	Resident	State Rep	725-822-1388	mcoburn@wa.gov
KEVIN ADAMS		DARRINGER RES.	360-631-9315	DATA@PLUMMER.COM
XXXXXXXXXX				

Attachment 2

Written Public Comment

We here must highly resolve that forty three of our fellow citizens shall not have died in vain

Five months ago, today, a gargantuan saturated expanse of Hazel ridge collapsed above Steelhead Haven, near Oso, thus exposing a colossal gaping wound to endure for centuries across that face, and then imposing loss of 43 souls from one small enclave to abide for as long in human hearts.

The enormity of resulting landslides, which yielded theretofore-unimaginable breadth and depth and length, was almost immediately comprehended by regional seismologists, and was thereafter analyzed with amazing celerity, despite the destructive span, by geologists and by other scientists.

Seismographic records document two gigantic events, the first commencing at 10:37:22 a.m., and lasting 150 seconds, followed by another pulse of briefer duration at 10:41:53 a.m., from data that started flowing, instantaneously, even as numerous lesser rumblings continued for several hours.

Seared into the psyches of those living from Arlington to Darrington, around Snohomish County, statewide and beyond – who shall remember that tragic early spring morning for scores of years to come – is a nearly inconceivable heartbreak from losses of lives and of homes and of dreams.

Science lacks instrumentations adequate to calibrate magnitudes of human suffering – for so long to follow – as President Barack Obama acknowledged when he travelled here, one month later, to pay our nation’s fitting-and-proper respect, in person, as well as to offer consolation to survivors.

Dedication of purpose and generosity of spirit have been repeatedly in view – within innumerable acts of good will – over the several months necessary to recover all remains at long last, to reopen State Route 530 and to restore infrastructure required for life to begin to return toward normalcy, albeit across a physical-and-human environment altered forever by tragedies, on March 22nd, as I feel in my sense of loss for the one victim known to me among all those taken suddenly from us.

Thus, despite some fits-and-starts by the Snohomish County Council in enacting an ultimately *de minimis* legislative response to seemingly slack county land-use oversight previously, despite self-protective bureaucratic responses by the office of our state Lands Commissioner to its apparently likewise lax oversight of logging, rather near the slide zone, perhaps contributing to the collapse with runoff from clear cutting and despite one property owner’s perceived gouging of taxpayers, substantially, for temporary access to skirt a debris field, much fine work has been done on myriad pivotal fronts, over a terrible 153 days, meritorious of public recognition and of sincere gratitude.

However, quintessential actions both necessary and also sufficient are required to see that not one of our 43 fellow citizens shall have died in vain by ensuring – in the only manner left available to those of us who remain – that **no** human life is lost again, **unnecessarily**, from lethargy or worse.

Indeed, critical policy changes need to be undertaken over coming months if we are truly to honor our dead, thereby, in part because legislative-and-bureaucratic inertia is inevitable politically, in part because realities of rain and of gravity that felled Hazel ridge are inexorable physically and in part because dangers created by supersaturation of soils are becoming ever clearer scientifically.

Testimony by Will Knedlik* to the Joint SR 530 Landslide Commission on August 22, 2014 – 1 of 3

The Joint SR 530 Landslide Commission fashioned by Gov. Jay Inslee and by Snohomish County Executive John Lovick affords opportunity for our state to make certain that losses there yield not just futility, given able appointees, given directives to “Operate independently from the state and county executive branches” and to “Produce a report of prioritized recommendations” and given members’ repeated focus on balanced analyses of several urgent risks, geological and otherwise.

These elements are crucial because serious problems from state-and-local government neglect, or worse, have been exposed by Hazel ridge, and because needless threats to human life so recklessly imposed by such violations of statutory duties and of public trust were thereby painfully clarified.

As comments by multiple Landslide Commissioners have noted since appointment – even before this body’s initial formal meeting in Everett today – complexity must be recognized with honesty for sound development, and a correct weighing, of probabilities for future slide events that, even though quite rare, can have catastrophic consequences causing titanic losses of life for innocents.

Further, this reality implicates the paramount importance of recognizing necessity for policies to ensure institution of a systematic risk triage methodology required to allocate finite tax funds so as to identify – and to protect against – the greatest hazards, jeopardies, perils, threats and risks, statewide, commencing with comprehensive assessment of our state’s most slide-prone regions.

Policymaking needed to protect all state citizens through applied risk triage shall almost certainly require deployment of now-readily-available mapping based upon airborne Light Detection And Ranging technologies. With LiDAR tools affording ever increasing capabilities, even as costs are decreasing, any list of “prioritized recommendations” to be delivered by this panel of competent-and-disciplined professionals will likely determine baselining with such techniques as essential.

Yet, state-of-the-art risk triage essential to prevent slides with far larger potentials for still greater losses of human life than at Oso, five months ago, must start with facts indisputably well known long before LiDAR’s creation and yet longer before Hazel ridge’s collapse onto Steelhead Haven.

Indeed, four times as many as two score and three who died near Oso – and who are, also, mostly Snohomish County residents – board rail cars in Everett and in Seattle eight times each weekday, and thus five days a week, to traverse one of the most dangerous and slide-prone rail corridors, in all of America, with its stark history of slides thoroughly documented back to at least May, 1897, when then-still-“recent landslides of sound bluffs on the line of the Great Northern railway, near point Edmonds,” were the core illustration used by James Kimball for then-already-“Well-known engineering difficulties,” more-than-117 years ago, in his seminal “Physiographic Geology of the Puget Sound Basin” study in the *The American Geologist*, a century before later slides pushed rail cars into the sound at Woodway, in January, 1997, and over 100 years before further slides have repeatedly derailed trains, in this decade, including in a very chilling derailment film at YouTube.

Importantly, concern for decades by state legislators respecting literally thousands and thousands of landslides onto railroad tracks in the Everett-to-Seattle corridor, since statehood, was a central factor underlying our state’s direct policy decision to demand, through state law, that its “utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines,” in 1990, by means of statute law codified as RCW 81.104.120(c).

The state UTC's responses to this overt statutory order by our state's policymakers to protect **all** state citizens have been either to ignore it, or else to defy them, resulting in needless exposure of hundreds of thousands of commuter-rail passengers to unconscionable dangers which dwarf huge losses of life, at Steelhead Haven, and in reckless imposition of perils for regional rail operations known to be recurrently so hazardous that the Burlington Northern Santa Fe Railroad does, time after time, what our state fails to do, despite a totally clear state law obligation, when BNSF halts all passenger-rail service, over its track, as bluffs and ridges become supersaturated and collapse.

Despite this pivotal state agency squarely claiming that "**Our Mission** is to protect consumers" – emphasis by the UTC before it identifies public transport that is "fairly priced, available, reliable and safe" – it has not only completely failed to shield commuter-rail passengers in a treacherous corridor, for nearly 25 years now, but it has squelched multiple questions raised by its own staff.

Not one of those 43 souls lost five months ago, today, can be replaced, but their deaths shall not have been in vain if trains hauling four-or-five-or-six-or-seven times as many Washingtonians in a patently unstable rail corridor, during winter rains, are prevented from playing Russian roulette – trip after trip, day after day, week after week – below supersaturated hillsides between Everett and Seattle (despite repeated derailments occurring since the UTC started to stonewall state law).

As the Joint SR 530 Landslide Commission formally begins its critically important endeavors this afternoon – after first appropriately touring the site of the Hazel ridge tragedy at Oso this morning – its members cannot dedicate, nor consecrate, nor hallow that ground, which is well above your power to add or detract, but it is for us the living, rather, to be dedicated here to unfinished work, and for us to be devoted, thus, to the great task remaining before us whereby we must boldly take all acts needful to evidence that we here highly resolve that no state citizen shall have died in vain.

Exposure of trainloads of people to risks of major losses of life or of serious injuries, from long-and-well known slide dangers, may **not** be the worst jeopardy that competent risk triage can soon identify, but it creates a hazard that cries out for resolution after burials at Oso, and it evidences a like crying need to put a stop to at least those perils **beyond** tragedy interred beneath Hazel ridge.

Yet, while risk triage has been designed, developed and deployed for many health-care, internet-security and other important private-and-public functions, its estimable powers for assessment of dangers to human life and for improving safety – as well as for optimizing allocations of limited tax dollars – lag badly in formalization and in implementation for public policy decisionmaking.

After vast destruction at Oso, we as Washingtonians cannot pay full-and-proper respect for the 43 souls taken, in a brief moment of human history, without ensuring that a key state law intended by our state policymakers to protect every person is not spurned by state bureaucrats, as the UTC has been doing for decades and is continuing to do today, and this minimum step must be undertaken by the Landslide Commission's able members to foster public safety as a *sine qua non* to prevent a polity of the people, by the people and for the people from perishing under the earth here **again**.

*Will Knedlik, J.D. (Harvard), Ph.D. (Washington), is president of Eastside Rail Now and secretary of the Eastside Transportation Association. He served in the Washington State House of Representatives from the 45th Legislative District. His email address is wknedlik@aol.com.

Testimony by Will Knedlik* to the Joint SR 530 Landslide Commission on August 22, 2014 – 3 of 3

PETITION SUBMITTED TO THE UTILITIES AND TRANSPORTATION COMMISSION OF THE STATE OF WASHINGTON FOR A RULEMAKING NECESSARY, AND SUFFICIENT, FOR THAT STATE AGENCY TO FULFILL MINIMUM LAWFUL COMPLIANCE WITH ITS NONDISCRETIONARY DUTY TO “MAINTAIN SAFETY RESPONSIBILITY FOR PASSENGER RAIL SERVICE OPERATING ON FREIGHT RAIL LINES” (UNDER 81.104.120 RCW)

COMES NOW petitioner Will Knedlik, who is a citizen of the state of Washington and president of Eastside Rail Now!, and whose mailing address is P.O. Box 99, Kirkland, Washington 98083, hereby petitioning the Washington State Utilities and Transportation Commission, pursuant to all authority of 34.05.330 RCW, to amend WAC 480-60-010 as necessary, and as sufficient, for that agency to fulfill minimum lawful compliance with its nondiscretionary duty to “maintain safety responsibility for passenger rail service operating on freight rail lines” (under 81.104.120 RCW), in the form set forth hereinbelow, including each indicated underscoring, as fully incorporated for every legal purpose by this reference thereto (subject to all rights of appeal granted by law and to a core state constitutional right to original *mandamus* litigation pursuant to Article IV, section 4):

WAC 480-60-010 – Application of rules.

(1) The rules in this chapter shall apply to every common carrier railroad, as defined by 81.04.010 RCW statutorily, subject to the commission’s nondiscretionary duty to maintain safety responsibility, for certain passenger rail service, as further established by 81.104.120 RCW statutorily; to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad or company; and to the construction and reconstruction of tracks or structures adjacent thereto; and to adjacent dangers to public safety from any landslide hazards or from any mudslide perils.

(2)(a) A common carrier railroad subject to the commission’s duty to maintain safety responsibility for passenger rail service as established by 81.104.120 RCW, and operating on any slide-prone freight rail line adjacent to any bluff 60 feet or more in height identified by the United States Geological Survey as at-risk for slides, including trackage between the city transit center in Everett and King Street Station in Seattle, must not transport any passengers during any days, weeks or months after any at-risk bluff, thus identified, first reaches 60 percent of saturation, until its saturation level has been measured daily at below 60 percent, continuously, for a period of no-less-than-30 days, unless the commission enters an order that temporarily grants an exemption, fully consistent with its safety responsibility, after public hearings in each city served.

(2)(b) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

Given that lives of fully 500 state citizens have for years been, and continue still to be, jeopardized as commuter-rail passengers between Everett and Seattle **twice** each weekday (when slides do not prevent Sounder North rail operations repeatedly) due to ongoing commission failures to discharge its nondiscretionary duty quoted hereinabove (contrary to patent intent of legislation adopted on an **emergency** basis in March, 1990 by the 51st Legislature), given all geomorphological similarities between numerous existing slide zones at issue and the Hazel ridge collapse (near Oso), and given substantial risks for every Sounder North rider known clearly at least since May, 1897 (when *The American Geologist* identified, at its page 319, a then-recent slide at “point Edmonds” onto then-Great Northern trackage), an expedited hearing is requested (after, respectively, 24 and 117 years).

Respectfully submitted,

Will Knedlik