



Washington Utilities & Transportation Commission
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September 4, 2020
Received
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State Of WASH.
UTIL. AND TRANSP.
COMMISSION

RE: Docket TR – 200536– Comments regarding initial rulemaking.

Dear Chairperson Danner, Commissioner Rendahl, and Commissioner Balasbas:

As the two primary railroad labor organizations representing over 2800 railroad operating craft members who serve as train crew members on the great majority of trains traversing the State of Washington; including the BNSF, Union Pacific, AMTRAK, Cascade & Sounder Services, as well as several short line railroads, the Sheet Metal Air Rail & Transportation (SMART-TD /UTU) together with the Brotherhood of Locomotive Engineers & Trainmen (BLET) jointly submit these comments pertaining this rulemaking process:

Response to Commission questions on CR-101:

1(a) Owned would be the parent company, corporate entity, partnership, and/or Limited Liability Company (LLC) that owns, receives revenues from, and/or has controlling interest of a carrier, as well as any entity exercising or through the possession of any agreement or by contractual authorization manages or operates a railroad on behalf of another party.

1(b) Operated would be any corporate entity, partnership, LLC, authorized representative, contractor, subcontractor, agent or subagent controlling, managing, directing or overseeing either the financial or operational or both functions of a railroad carrier.

1(c) Combined total revenues derived from all customary activities involving railroad ownership, including but not limited to operational and support services facilitating the safe and efficient operation of a railroad carrier engaged in the transportation of freight and/or passengers. This includes all direct and indirect revenues from derived from all subsidiary corporate entities including short line rail carriers, as well as contracted and subcontracted management and service operations by the corporation as a whole.

2. Railroad company should be required to provide a copy of their track profiles, timetables, system and special instructions for all routes which it operates showing the maximum track speeds accompanied by a signed and sworn affidavit by the carrier’s CEO certifying the accuracy of their submission.

3. Among the risk criteria that should be considered include and are not limited to:

- The class of rail carrier involved, their history of compliance with railroad regulatory rules, and the ability of the carrier to handle the burden of financial liabilities in the event of a catastrophic event.
- the operational hours of the carrier at the specific locations where operations are being conducted.
- The specific types and quantity of railroad activities during hours of darkness.

- The volume of cars being handled by the carrier in road and/or switching activities.
- The type, classification, volume, tonnage and length of trains being operated.
- The geography/topography of operational areas.
- The frequency, velocity, and operational speed of train movements.
- The types, quantities, classifications and volatility of any hazardous material cargo.
- The proximity to residential or urban areas,
- The track integrity for the train's safe movement, including track maintenance, condition and ranking of the trackage, as well as whether movement will traverse any FRA excepted trackage.
- The types of territory traversed including grades, environmentally sensitive and/or pristine lands, as well as nearby locations historical or social significance. (i.e. proximity to bodies of water including the Puget Sound & Columbia River, watersheds, bays, inlets, channels, wetlands / tidelands, farmlands, etc.)
- The ability of emergency responders to access the operational area in the event of an incident.
- Issues pertaining to the impact of blocked grade crossings in communities being traversed and the impact on emergency services to respond to requesting residents.
- Issues hindering the ability of train crew members to access, assess and determine train operational safety issues along the length of a train, in the event of an incident. (i.e. An undesired emergency brake application at any given location, trackside detector alert notifications, reports communicated from third parties of a problem aboard the train.
- Issues impeding the ability of train crew members to quickly cut grade crossings in the event of mechanical breakdowns; as well as their ability to access and separate involved rail cars from uninvolved cars in the event of a derailment or hazardous material spill. (i.e. train length, adjacent walkways and footpaths along the track, presence or absence of walkways on bridges, tunnels, etc.
- Factors regarding the effective evacuation of nearby residents, towns and cities, if an incident necessitates such action.
- Identification of Localized Safety Hazards requiring mitigation.
- The adequacy of training and experience level of the carrier's train crew members.
- The carriers route familiarization requirements of train crew members.
- The carrier's activities to address and mitigate crew fatigue.

Summary:

We request the Commission to consider that the speed at which a railroad operates its trains is irrelevant to operational and public safety. The majority of all Class III railroads operate at speeds of 25 miles per hour or less. It is known in the railroad industry that many serious and catastrophic accidents and derailments occur at speeds at or less than 25 miles per hour. An understanding of the Class III's operating speed is determined by the integrity of the track and roadbed, and should include factors such as the poundage rating of the rail and its ability to manage the weight and speed of trains moving over it

There is factual data which supports that many of the worst offenders of Rail Safety Regulations are Class III railroad carriers. This fact should not only be understood, but considered when determining whether an exemption for Class III railroads from the two-person minimum train crew requirements should be granted, as there is a considerable history of the assessment of monetary fines having been imposed on the Class III railroad carriers operating in Washington State for violations of federal rail safety regulations.

Lastly, we wish to express to each the willingness of our respective organizations to work with your agency throughout this rulemaking process.

Respectfully & Cooperatively yours,

A handwritten signature in black ink, appearing to be 'HK' followed by a stylized flourish.

Herb Krohn, Director
Wash. State Legislative Board
11225 Roosevelt Way N.E.
Seattle, WA. 98125

A handwritten signature in black ink, reading 'Shahrain C. Allen' in a cursive style.

Shahrain C. Allen, Chairperson
Wash. State Legislative Board
517 S. 45th Street
Tacoma, WA. 98418