

[Service Date October 18, 2004]

October 18, 2004

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By December 20, 2004)**

**NOTICE OF STAKEHOLDER WORKSHOP
(Set for Tuesday, January 18, 2005)**

RE: Rulemaking to consider Amendment of WAC 480-60-035, Walkways, to Address Rock Size for Walkways; Docket No. TR-041051

TO INTERESTED PERSONS:

The Washington Utilities and Transportation Commission (Commission) has authorized the filing of a Preproposal Statement of Inquiry (CR-101) with the Code Reviser in Docket No. TR-041051. The Commission will consider in this rulemaking docket whether to amend WAC 480-60-035, Walkways, to specify the size of crushed rock material to be used on walkways on switching leads used by railroad employees in railroad yards. The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's web site at <http://www.wutc.wa.gov/041051>. If you are unable to access the web site and would like a copy of the CR-101 mailed to you, please contact the Commission's Records Center at (360) 664-1234.

The United Transportation Union (UTU) filed a petition for rulemaking with the Commission on June 9, 2004, requesting amendment of WAC 480-60-035 to require $\frac{3}{4}$ inch rock for walkways along switching leads. The current walkway rule adopted in 2000, WAC 480-60-035, suggests, but does not require the use of $\frac{3}{4}$ inch crushed rock for switching lead walkways. The UTU asserted that railroads in Washington state were not adhering to the suggestion for $\frac{3}{4}$ inch rock on switching lead walkways and that conditions on these walkways were deteriorating rather than being improved. The UTU asserts that railroad employees perform most of their work on switching leads.

The Commission denied the UTU's petition at its October 13, 2004, open meeting, and directed that the issue be addressed through the initiation of a rulemaking proceeding. A good walkway surface reduces repetitive motion injuries and tripping incidents. The rulemaking process will determine whether establishing a standard rock size for switching lead walkways would reduce discretion on rock size and make working conditions safer for railroad employees.

The Commission requests written comments from interested persons regarding whether the Commission should amend WAC 480-60-035 to establish a standard rock size for switching lead walkways.

WRITTEN COMMENTS

Written comments must be filed with the Commission no later than **Monday, December 20, 2004** for consideration at the January 18, 2005, workshop. The Commission requests that comments be provided in electronic format to reduce the need for paper copies, to enhance public access, and to facilitate reference to the comments. Comments may be submitted by electronic mail to the Commission's Records Center at <records@wutc.wa.gov>. Please include:

- The docket number of this proceeding (TR-041051)
- The commenting party's name
- The subject and date of the comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in Adobe Acrobat format (.pdf) or in Word 97 or later (.doc). Include all of the information requested above. All comments that are provided in electronic format will be posted and made publicly available on the Commission's web site at <http://www.wutc.wa.gov/041051>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept paper documents.

Questions may be directed to Mike Rowswell at <mrowswel@wutc.wa.gov> or (360) 664-1265.

STAKEHOLDER WORKSHOP

We encourage your attendance and participation in a stakeholder workshop to be held on **Tuesday, January 18, 2005**, in Room 206 at the Commission's headquarters, beginning at 9:30 a.m. and continuing through 4:30 p.m. Workshops are informal meetings that provide the Commission and interested persons an opportunity to identify any issues related to the subject of the rulemaking, to discuss options for addressing those issues, and to gather information before beginning to draft rules. Free parking is available. The Commission's street address is:

Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504-7250

If you cannot attend the workshop, you can arrange to participate in the workshop via teleconference. Ports are available on a first-come, first-served basis. You may reserve a port by calling Kippi Walker at (360) 664-1139.

GENERAL INFORMATION

Your participation is welcomed via written comments and stakeholder workshops. Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may: (1) contact Mike Rowsell at <mrowswel@wutc.wa.gov> or (360) 664-1265; (2) contact the Commission's Records Center at <records@wutc.wa.gov> or (360) 664-1234; or (3) notify the Commission in writing at the address below. When contacting the Commission, please refer to "Docket No. TR-041051" to assure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Secretary in one of the ways described above and ask to be included on the mailing list for Docket No. TR-041051. If you do not do this, you might not receive further information about this rulemaking.

Sincerely,

CAROLE J. WASHBURN
Executive Secretary