

supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

- 6 **REFERENCE TO AFFECTED RULES:** This Order repeals WAC 480-62-155, Train Speeds, of the Washington Administrative Code.
- 7 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed an expedited rulemaking, CR-105, on February 7, 2007, at WSR # 07-04-110. The statement advised interested persons that the rulemaking would repeal WAC 480-62-155, Train speeds. In June 2006, the state Legislature adopted revisions to RCW 81.48.040, including a specific process for railroads to follow to increase train speeds. The Commission's rule governing train speeds, WAC 480-62-155, establishes the Commission's current process for considering whether to alter train speed limits, either upon petition or upon its own motion. Because the revisions to RCW 81.48.040 established a new process for considering train speed increases, this rule is no longer necessary. The Commission also informed persons of the matter by providing notice of the subject and the CR-105 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), the Commission's lists of all railroad companies operating in the state, persons interested in railroad issues, as well as attorneys representing the industry, and by posting all information on the Commission's web site.
- 8 **WRITTEN COMMENTS:** The Commission received no written comments on the proposal to repeal the rule.
- 9 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should repeal WAC 480-62-155 as proposed in the CR-105 at WSR # 07-04-110.
- 10 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-62-155 should be repealed as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

11 **THE COMMISSION ORDERS:**

12 The Commission repeals WAC 480-62-155 as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

13 This Order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01, RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, April __, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.