



SERVICE DATE

APR - 8 1999

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 753-6423 • TTY (360) 586-8203

April 1, 1999

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS

(April 30, 1999)

NOTICE OF WORKSHOP

(May 27, 1999)

RE: Railroad Company Operations Rulemaking
Chapter 480-62 WAC
Docket No. TR-981102

TO INTERESTED PERSONS:

The Washington Utilities and Transportation Commission is considering amending or repealing rules contained in Chapter 480-62 WAC in accordance with Executive Order 97-02. That order requires agencies to review significant rules against specified standards, including:

1. Do the rules comply with authorizing statutes?
2. Are the rules written and organized in a clear and concise manner so they are readily understood by those to whom they apply?
3. Are the current rules obsolete, duplicative, or in need of repeal?
4. Do the current rules provide the results that they were originally intended to achieve?

The rulemaking process will also review and determine whether there is a need to add rules concerning:

1. Reporting requirements regarding notification of:
Any railroad company activity that will affect a surrounding community;



NOTICE

If you do not wish to comment at this time, but would like to receive future information regarding this rulemaking, please notify the Secretary in a manner referenced above and request to be included on the Docket No. UG-990294 mailing list.

Questions regarding this rulemaking docket may be addressed to Kim Dobyms, Regulatory Services, at the above address, (360) 664-1242, or e-mail at <kdobyms@wutc.wa.gov>.

Sincerely,



CAROLE J. WASHBURN
Executive Secretary

Enclosure



PREPROPOSAL STATEMENT OF INQUIRY (RCW 34.05.310)

CR-101 (7/10/97)

Do NOT use for expedited repeal or adoption SERVICE DATE

Agency: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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Subject of possible rule making: Rules relating to railroad company operations. The Commission will review provisions codified in chapter 480-62 WAC to consider whether existing rules should be modified or repealed. In addition, the Commission will consider new rules requiring notification of: any activity that may affect a surrounding community; company ownership changes and related information; remote control train operations; and, company time tables, bulletins, and notices. The Commission will also consider new rules concerning: blocking crossings; maintenance and standards regarding crossing surfaces, crossing signals and circuitry; safety and operating rules regarding industrial railroads, commuter rail, and track motor cars; and, whistle ban procedures and petitions for grade crossing improvements. The commission will also consider adopting by reference, applicable portions of the Federal Railroad Administration and Federal Highway Administration regulations and railroad company General Codes of Operating Rules (GCOR). Related issues brought up by stakeholders may also be considered. Docket No. TR-981102

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, RCW 81.53.420, and RCW 81.61.020

(b) Reasons why rules on this subject may be needed and what they might accomplish: 1) Executive Order 97-02 requires agencies to review significant rules against specific standards identified in the order. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. 2) Technological advances and changes in railroad company business practices have resulted in a need to explore whether federal standards and safety rules should be adopted; whether new reporting and notification requirements are appropriate; whether the commission's process for company petitions can be streamlined; and whether rules are necessary to establish procedures for considering petitions for whistle bans. New rules may be needed to protect the public welfare and safety.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Federal Railroad Administration, Washington State Department of Transportation, Washington Department of Labor and Industries and the Washington Military Department may have parallel or overlapping jurisdiction. Staff will work directly with these agencies and consider these agencies' rules and laws to ensure consistency where appropriate.

(d) Process for developing new rule (check all that apply):
[] Negotiated rule making
[] Pilot rule making
[X] Agency study
[X] Other (describe) The Commission will call for initial written comments, and will provide the opportunity for interested persons to make additional comments throughout the rulemaking process. The Commission will schedule one or more workshops with the representatives of affected constituencies and other interested parties in a manner designed to develop consensus regarding any rule proposal.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: (List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

SEE ATTACHED.

NAME (TYPE OR PRINT)
Carole J. Washburn

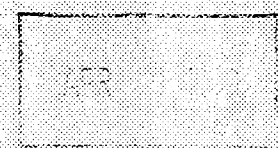
SIGNATURE
Carole J. Washburn

TITLE
Secretary

DATE
March 31, 1999

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STATE OF WASHINGTON
FILED



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NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS

RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. TR-981102, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. TR-981102, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <http://www.wutc.wa.gov/>.

THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.