



COLUMBIA BASIN RAILROAD

April 26, 1999

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Secretary, Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

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

Dear Sir,

The following comments are the result of considering the above-mentioned docket in light of the standards spelled out in your letter of April 1, 1999.

1. Reporting requirements:
 - a. Concerning railroad activities that affect a surrounding community. There is already a requirement to report all accidents and incidents of any significant magnitude as well as any accident/incident or spillage of hazardous materials related to Transportation. It seems there is sufficient legislation in place to cover the relationship of railroads to the surrounding community.
 - b. Company ownership changes and related information. The requirements of existing laws seem sufficient in covering this concern.
 - c. Remote control train operation has been a matter of concern in the rail industry for several years now. It is being used in Canada and has been undergoing testing on several U.S. railroads in conjunction with the Federal Railroad Administration. It would seem prudent to wait for the results of the test and the rules that are promulgated through the FRA process.
 - d. Company Timetables, Bulletins and Notices. Federal rules seem sufficient. 49 CFR Part 217.

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- e. Identity and contact information of Railroad police.
No comment at this time.
- 2. Identifying Commission Processes.
No comment at this time.
- 3. Blocking Crossings.

Verbiage in GCOR works best because, when we legislate the impossible we create an environment of failure. There are certain conditions under which it is impossible for crewmembers to clear up a grade crossing even within 10 minutes, because of the laws that govern the movement of trains and engines. Under certain conditions the length of the train will necessitate blocking highway grade crossings. The necessary air test and inspections prior to movement will require additional time in order to legally move the train. Mechanical problems or air problems may add to the additional time required. Therefore, the verbiage "if possible, not longer than 10 minutes" notifies the crew to expedite clearing the crossing without creating an impossible requirement that allows the attitude of "what difference does it make, we cannot comply anyhow".
- 4. Crossing Surfaces. WUTC rules govern.
Signals and Circuits. 49 CFR Parts 234 and 236 govern.
- 5. Identify Specific Safety and Operating Rules regarding:
Industry and Logging Railroad
Commuter rail
Motor cars and related on track equipment – 49 CFR 214
Post accident drug and alcohol – 49 CFR 219
- 6. Procedure for considering whistle bans.
Requirement for those who petition for the whistle ban to accept the liability that the whistle ban creates.
- 7. Improving the process for filing petitions for grade crossing improvements.
In any legislation of this type, include language that prevents increased liability to the railroad or state agency involved, due to the fact of the petition.

Additional considerations for adopting applicable portions of:

- 1. Federal Railroad Administration regulations.
- 2. Federal Highway Administration regulations.
- 3. General Code of Operating Rules
Not all railroads use the General Code of Operating Rules. 49 CFR Parts 217 and 218 govern.

In summary:

The Rail Safety Act and the Rail Safety Improvement Acts have caused many changes in railroad operating rules and practices, safety rules, mechanical rules, and rules governing the handling of hazardous materials.

One downside of the magnitude and frequency of these changes has been the ability to train and retain the changes in the everyday operation of the railroad. I would encourage you to consider this fact while reviewing the existing rules and adopting new ones. I believe it to be in the best interest to delete existing regulations that are duplicated and to refrain from establishing redundancy by creating new laws governing material that is already covered by existing federal regulations.

If the state deems it necessary to include duplicate legislation, then I would urge you to also duplicate the language of the law in order to prevent confusion. In cases where it is necessary to create more stringent requirements than exist in current federal law, I would urge the governing bodies to collaborate and reach a singular understanding.

Sincerely,

COLUMBIA BASIN RAILROAD

A handwritten signature in black ink that reads "Robert J. Burke". The signature is written in a cursive style with a large, prominent initial "R".

Robert J. Burke
General Manager

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