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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

April 29, 1999

Carole J. Washburn, Executive Secretary
WUTC
1300 South Evergreen Park Drive
P.O. Box 47250
Olympia, WA 98504-7250

Re: Railroad Company Rulemaking
Chapter 480-62 WAC
Docket No. JTR-981102

Dear Ms. Washburn:

It is our understanding that the WUTC is considering rulemaking on a variety of issues related to railroad operations. Further, we understand that you are seeking input into the nature, scope and direction of those potential rules. Please incorporate our comments in your process.

1. Reporting requirements regarding notification of:

Any railroad company activity that will affect a surrounding community.

It has been Auburn's experience that the railroads seldom provide notice of activities of concern to cities. Where we have been notified of activities it may be insufficient as to time or information provided. Notice must be provided early in the planning process to allow for a legitimate dialog with the railroad on measures to minimize related impacts. We are also asking the WUTC to consider that notice, even when timely and comprehensive, is insufficient. A meaningful dialog concerning impact mitigation with at least an appeal or dispute resolution process before the WUTC, is critical. Issues of importance to communities include increased or decreased service levels, construction of new facilities, changes in operations (particularly those resulting in off-site impacts), and changes in schedules which may result in traffic impacts.

Company ownership changes and related information.

This information would not normally be of critical importance to Auburn unless the change in ownership results in operational changes. However, we have learned that a change in ownership may be one of the few instances where the Federal Surface Transportation Board chooses to exercise jurisdiction and requires environmental and other reviews prior to acting upon the request. Since this process is critical to

communities seeking resolution of potential impacts, it is imperative that the WUTC require early and comprehensive notice of such changes.

Remote control train operations.

Not an issue for us unless there are safety implications.

Company timetables, bulletins and notices.

This is essential information that the railroads rarely provide. For example, the *BNSF* never informed Auburn that they were rerouting a large number of trains over Stampede Pass when Stevens' traffic was disrupted by weather and maintenance a few months ago. We had numerous noise and traffic complaints, but zero information. The information could allow for improved traffic management and response by emergency services. It could also promote a dialog between the communities and railroad on modifications to schedules to minimize traffic disruptions.

Identity and contact information of railroad police.

This information would be useful to the City in coordinating public safety matters. We would also like the railroads to be obligated to provide contact numbers for dispatch and train control centers to better coordinate emergency responses.

2. Identifying Commission processes.

We are not clear on what this item refers to nor what direction the WUTC would take.

3. Blocking crossings.

Blocked crossings are a major issue for Auburn. The City has 11 major (excludes numerous sidings) at-grade crossings. Most of the blocked crossing events are associated with train movements and these alone cause critical disruptions to traffic and emergency services. However, the problem is compounded by switching movements and other operations that have blocked intersections for up to 30 minutes. We have also had a number of incidents of false signal activation, which induces many motorists to run the barricades. Clearly, Auburn is of the opinion that the railroads must be obligated to better manage their crossings. Further, we believe that the railroads must be obligated to contribute to grade separation programs to a considerable greater extent than the 5% they maintain is the present limitation.

4. Identifying specific maintenance requirements and standards regarding crossing surfaces and signals and circuitry.

Auburn Public Works staff have indicated that it would be useful to establish these requirements for the sake of consistency and understanding as well as insuring that minimum standards are adhered to.

5. Identifying specific safety and operating rules regarding industrial and logging

railroads, commuter rail, track motor cars and related on-track equipment and post-accident drug and alcohol testing.

Auburn is developing a commuter rail station with Sound Transit. Rules pertaining to commuter rail are of interest to us as are those that would impact traffic operation and safety. While we are interested in participating in this dialog, we do not have the technical expertise to propose the new rules.

6. Identifying specific procedures when considering petitions to implement whistle bans.

While rail noise is an issue in Auburn, we have not yet had specific requests to consider a whistle ban. However, we may need to take this action in the future. Other communities that have attempted to institute such bans have informed us that the process is a frustrating and lengthy one. As such, we are assuming that improvements are warranted. The WUTC should also consider adopting noise standards and procedures for non-whistle related noise (engines, car coupling, track-related and rail yard activities). Noise mitigation is an accepted operational requirement for all other modes of transportation.

7. Improving the process for filing petitions for grade crossing improvements.

Auburn supports procedural improvements in this area although our recent experiences appear to have been good ones other than very minor participation by the railroads.

Thank you for considering this input. Auburn staff will be an active participant in the rulemaking process. We also encourage the WUTC to actively solicit input from other communities impacted by rail operations. Specifically, we include the FAST Corridor cities of Puyallup, Sumner, Tacoma, Pacific, Kent, Tukwila, Seattle, and Everett. In addition, Shoreline, Mukelto, Yakima, Covington, and Maple Valley have expressed interest in the issue.

Sincerely,

Paul Krauss, AICP
Director of Planning and Community Development

cc: Mayor Charles Booth
Christine Engler, Public Works Director
Peter Eglick, Attorney, Helsell and Fetterman
Judy Ausman, Assistant City Attorney
Steve Mullen, Traffic Engineer

CHARLES A. BOOTH, MAYOR
Paul Krauss, A.I.C.P., Planning Director



PLANNING & COMMUNITY DEVELOPMENT DEPT.
25 West Main, Auburn, WA 98001
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April 28, 1999

Carole J. Washburn, Executive Secretary
WUTC
1300 South Evergreen Park Drive
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Re: Railroad Company Rulemaking
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Docket No. JTR-981102

Dear Ms. Washburn:

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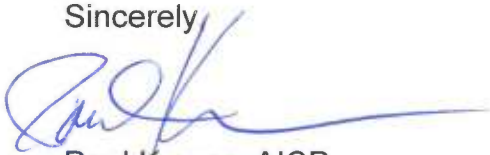
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