



LEGAL DEPARTMENT
 200 South Third Street
 Yakima, Washington 98901-2830

RECEIVED BY FAX ON 4-30-99
 HARD COPIES RECEIVED 5-3-99

April 30, 1999

Carole J. Washburn, Executive 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 Ms. Washburn:

The City of Yakima respectfully submits the following suggestions and comments regarding the proposed rulemaking for railroad company operations. In addition to submitting these comments, the City would appreciate being included in the Commission's list of interested persons for the proceeding.

The UTC should consider whether there is a need to add rules concerning railroad special police. RCW 81.60.010 provides that the governor shall have the power to appoint and commission special police officers at the request of any railroad corporation and may revoke any such appointment at his pleasure. Although RCW Chapter 81.60 sets forth the general duties of a railroad special police officer, the statute does not specifically address a number of issues regarding railroad police. The UTC should consider whether the following matters could be dealt with through rulemaking:

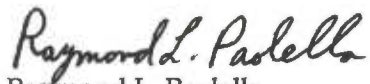
1. Do commissioned railroad special police officers have full arrest powers?
2. Should railroad special police officers be required to attend the same police academy training as any other law enforcement officer in the state (e.g., Fish and Wildlife, Gambling, and Liquor Enforcement officers)?
3. Should railroad special police be firearms qualified and obtain first aid certification?
4. What types of cars, emergency equipment, and markings should a railroad special police officer use?
5. Are railroad special police officers required to wear uniforms?
6. What are the precise jurisdictional boundaries of railroad special police officers?
7. Which agencies have jurisdiction over incidents that occur on railroad property?
8. When a railroad special police officer makes an arrest, which entity pays for the costs of incarceration and other mandatory state proceedings?
9. Are railroad special police officers required to obtain a state vehicle license plate, or are they considered to be exempt from state vehicle licensing laws?

Carole J. Washburn
April 30, 1999
Page 2

The City of Yakima believes that specific regulations and procedures should be promulgated and adopted to more specifically set out the authority and responsibilities of special police officers.

Thank you for this opportunity to submit comments as part of the proposed rulemaking process.

Very truly yours,


Raymond L. Paoella
City Attorney

Enclosure

cc: Dick Zais, City Manager
Don Blesio, Chief of Police

C:\Karen's Files\CORRESPONDENCE\LETTERS\PAOLELLA\Wash Util and Transp Commission.doc



LEGAL DEPARTMENT
200 South Third Street
Yakima, Washington 98901-2830

RECEIVED
90 MAY -3 10:29
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

April 30, 1999

Carole J. Washburn, Executive 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 Ms. Washburn:

The City of Yakima respectfully submits the following suggestions and comments regarding the proposed rulemaking for railroad company operations. In addition to submitting these comments, the City would appreciate being included in the Commission's list of interested persons for the proceeding.

The UTC should consider whether there is a need to add rules concerning railroad special police. RCW 81.60.010 provides that the governor shall have the power to appoint and commission special police officers at the request of any railroad corporation and may revoke any such appointment at his pleasure. Although RCW Chapter 81.60 sets forth the general duties of a railroad special police officer, the statute does not specifically address a number of issues regarding railroad police. The UTC should consider whether the following matters could be dealt with through rulemaking:

1. Do commissioned railroad special police officers have full arrest powers?
2. Should railroad special police officers be required to attend the same police academy training as any other law enforcement officer in the state (e.g., Fish and Wildlife, Gambling, and Liquor Enforcement officers)?
3. Should railroad special police be firearms qualified and obtain first aid certification?
4. What types of cars, emergency equipment, and markings should a railroad special police officer use?
5. Are railroad special police officers required to wear uniforms?
6. What are the precise jurisdictional boundaries of railroad special police officers?
7. Which agencies have jurisdiction over incidents that occur on railroad property?
8. When a railroad special police officer makes an arrest, which entity pays for the costs of incarceration and other mandatory state proceedings?
9. Are railroad special police officers required to obtain a state vehicle license plate, or are they considered to be exempt from state vehicle licensing laws?



Carole J. Washburn
April 30, 1999
Page 2

The City of Yakima believes that specific regulations and procedures should be promulgated and adopted to more specifically set out the authority and responsibilities of special police officers.

Thank you for this opportunity to submit comments as part of the proposed rulemaking process.

Very truly yours,



Raymond L. Paoella
City Attorney

Enclosure

cc: Dick Zais, City Manager
Don Blesio, Chief of Police