



SERVICE DATE

MAY 18 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

May 17, 1999

**NOTICE OF RULEMAKING WORKSHOP**

**(9:30 a.m., Thursday, May 27, 1999)**

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

TO ALL INTERESTED PERSONS:

On March 31, 1999, the Commission filed with the Code Revisor a Preproposal Statement of Inquiry (CR-101) noticing its intention to review railroad company operations rules for possible changes, additions or deletions. The Commission provided notice of this rulemaking to all parties that Commission Staff identified as having a potential interest, and requested comments by April 30, 1999. Many comments have been received.

**NOTICE IS GIVEN that the Commission will conduct a workshop regarding possible changes, additions, or deletions to rules regarding railroad company operations on Thursday, May 27, 1999 from 9:30 a.m. to 4:00 p.m.** in the Commission's Hearing Room #206, Second Floor, Chandler Plaza, 1300 S. Evergreen Park Drive SW, Olympia, Washington. The Commission's teleconference bridge line will be available for this workshop. However, a limited number of teleconference ports are available and will be available first-come, first-served. The conference bridge line is (360) 664-3846.

The workshop will consist of discussions as identified in the enclosed issue paper. Other issues may be discussed if time allows.

Commission Staff strongly encourages you to participate. Your participation is welcome via written comments and/or attendance at the workshop. If you have any questions or comments regarding the rulemaking proceeding or the workshop, please contact Kim Dobyms at (360) 664-1242, or via e-mail at [kdobyms@wutc.wa.gov](mailto:kdobyms@wutc.wa.gov).

Sincerely,

  
CAROLE J. WASHBURN  
Secretary

Encl.



1 **PART 1 - Existing Rules**

2 **1. Locomotive speedometers**

3 The Federal Railroad Administration (FRA) has locomotive speedometer rules that require  
4 speedometers to be accurate at a certain level. The Commission’s existing rule requires railroads  
5 to report speedometer accuracies that are different from the FRA rule.

6 **Question to stakeholders: Is there a need for the existing rule or a revised rule regarding**  
7 **locomotive speedometers?**

8 **WAC 480-62-010 Locomotive speedometers.** (1) Filing required. On or before July  
9 1, 1978, every railroad designated Class I by the Interstate Commerce Commission operating  
10 locomotive equipment within the state of Washington, shall file with the Commission a list  
11 identifying all points within the state at which facilities are available for the calibration, repair or  
12 replacement of locomotive speedometers, or locomotive equipment may be available for  
13 substitution. Any changes therein shall be promptly reported to the Commission to the end that  
14 the list be kept at all times current.

15 (2) Records. Reports of speedometers which are out of calibration to the extent of five  
16 miles per hour or more shall be made in writing, and shall be submitted at the first point within  
17 the state at which repair facilities are available or locomotive equipment with a properly  
18 calibrated speedometer may be substituted. Any such report and a record of any action taken by  
19 the railroad company in response thereto shall be maintained at the office of the division in  
20 which the report was originally filed. In addition to the foregoing, at each location in the state of  
21 Washington at which work is performed upon a locomotive speedometer, complete records shall  
22 be maintained showing the locomotive number, serial number, if any, of the speedometer,  
23 calibration data, and detail of any defect found and repair work performed. The records required  
24 to be kept shall be maintained for a period of not less than one year.

25 **2. Highway Traffic Control Devices During Construction**

26 RCW 81.53.420 requires the Commission to adopt rules regarding traffic control devices. Staff  
27 believes this rule should be rewritten in a clear English format and the current Manual on  
28 Uniform Traffic Control Devices (MUTCD) should be adopted by reference. “Adoption by  
29 reference” rules must refer to a specific date.

30 **Question to stakeholders: Should the Commission consider any other information when**  
31 **redrafting this rule?**

32 **WAC 480-62-020 Traffic control devices.** Whenever any railroad company engages

33 in the construction, maintenance, or repair of a crossing or overpass, traffic control devices  
34 installed and maintained in accordance with the requirements of chapter 168, Laws of 1977 ex.  
35 sess., shall be in conformity with Part I, Part II-A, and Part VI of the currently effective Manual  
36 on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator as a  
37 national standard for application on all classes of highways, all of which are hereby adopted by  
38 reference as if set out in full, together with all subsequent additions, deletions, or amendments  
39 thereto.

### 40 **3. Flagpersons**

41 By statute, (RCW 81.53.420 and 81.53.410) the Commission is required to adopt rules regarding  
42 flagpersons. Staff believes the existing rule asks for flagperson qualifications that are not  
43 measurable and while the language is in statute, Staff believes the Commission rule should be  
44 limited to the safety aspects of the flagperson's work.

45 **Question to stakeholders: Do railroad companies have any processes or measurement tools**  
46 **that are used to quantify the qualifications required of a flagperson? What elements**  
47 **should be included in a rule addressing the qualifications of flagpersons and the procedure**  
48 **for flagging? Would adopting by reference, the MUTCD and Washington State**  
49 **Department of Labor and Industries rules for flagpersons (WAC 296-155-305) be**  
50 **adequate? Is there a certification requirement for flagpersons that should be included in**  
51 **the rule?**

52 **WAC 480-62-030 Flagpersons.** (1) Qualifications and equipment. Since flagpersons  
53 are responsible for human safety and make the greatest number of public contacts of all  
54 construction personnel, it is important that qualified personnel be selected. Flagpersons shall, as  
55 a minimum, be of average intelligence; in good physical condition, including sight and hearing;  
56 be mentally alert; have a courteous but firm manner; be of neat appearance; and have sense of  
57 responsibility for safety of public and crew.

58 The use of an orange vest, and/or an orange cap shall be required for flagpersons. For  
59 nighttime conditions similar outside garments shall be reflectorized.

60 Flagpersons are provided at work sites to stop traffic intermittently as necessitated by  
61 work progress or to maintain continuous traffic past a work site at reduced speeds to help protect  
62 the work crew. For both of these functions the flagperson shall, at all times, be clearly visible to  
63 approaching traffic for a distance sufficient to permit proper response by the motorist to the  
64 flagging instructions, and to permit traffic to reduce speed before entering the work site. In  
65 positioning flagpersons, consideration shall be given to maintaining color contrast between the  
66 flagperson's protective garments and his or her background.

67 (2) Hand signaling devices.

68 (a) General. Red flags or STOP/SLOW paddles or lights may be used in controlling traffic  
69 through work areas.

70 (b) Flags. Flags may be used only during daylight hours and shall be a minimum of 24 by

71 24 inches in size, made of a good grade of red material securely fastened to a Staff approximately  
72 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically,  
73 even in heavy winds.

74 (c) Sign paddles. Sign paddles shall be at least 24 inches wide, with 6 inch series C  
75 letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet  
76 metal or other light semirigid material. The background of the STOP face shall be red with white  
77 letters and border. The background of the SLOW shall be orange with black letters and border.  
78 When used at night the STOP face shall be reflectorized red with white reflectorized letters and  
79 border, and the SLOW face shall be reflectorized orange with black letters and border.

80 (3) Flagging procedures.

81 (a) To stop traffic the flagperson shall face traffic and extend the flag horizontally across  
82 the traffic lane in a stationary position so that the full area of the flag is visible hanging below the  
83 Staff. For greater emphasis, the free arm may be raised with the palm toward approaching traffic.

84 (b) When it is safe for traffic to proceed the flagperson shall stand parallel to the traffic  
85 movement, and with flag and arm lowered from view of the driver, motion traffic ahead with his  
86 or her free arm. Flags shall not be used to signal traffic to proceed.

87 (c) To alert or slow traffic by means of flagging, the flagperson shall face traffic and wave  
88 the flag in a sweeping motion of the arm across the front of the body without raising the arm  
89 above a horizontal position.

90 If a sign paddle is used, it shall be held in a stationary position with the arm extended  
91 horizontally away from the body.

92 Whenever practicable, the flagperson should advise the motorist of the reason for the  
93 delay and the approximate period that traffic will be halted. Flagpersons and operators of  
94 construction machinery or trucks should be made to understand that every reasonable effort must  
95 be made to allow the driving public the right-of-way and prevent excessive delays.

#### 96 **4. Exemption**

97 Statute (RCW 81.53.420) requires the Commission to recognize that cities with a population at  
98 or above 400,000 may not need to comply with rules regarding flagpersons. Staff proposes a  
99 plain English re-write for this section retaining the current exemption for cities with populations  
100 over 400,000.

101 **Question to stakeholders: Is there any opposition to Staff's proposal?**

102 **WAC 480-62-040 Exemption.** WAC 480-62-020 and 480-62-030 shall not apply to  
103 construction, maintenance, or repair of crossings or overpasses situated within cities having a  
104 population in excess of 400,000.

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**5. Passenger Carrying Vehicles**

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RCW 81.61.020 requires the Commission to write rules regarding passenger carrying vehicles. Staff believes the current passenger carrying vehicle rules could be merged into one rule. Further, Staff is considering adopting by reference the “North American Uniform Out-of-Service Criteria,” which is published by the Commercial Vehicle Safety Alliance, and applicable sections of Title 49 Code of Federal Regulations. An adoption by reference would shorten the rule and allow the Commission and railroad companies to keep current regarding national safety standards. In addition, Staff is considering adopting the Washington Department of Labor and Industries’s first aid kit requirements set out in WAC 296-24-065. Note: L&I’s first aid kit requirements do not include safety gear to handle blood born pathogens.

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Even with “adoption by reference” language, certain aspects of the existing rule and statute requirements would not be included. Staff believes subsections to the rule would need to be added to include the topics of anti-spray devices (mud flaps), communication between the cab and a separated passenger compartment, and heating system requirements.

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**Question to stakeholders: Would Staff’s proposal meet the needs of stakeholders? Are there any other issues that should be considered?**

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**WAC 480-62-050 Passenger carrying vehicles--General.** In addition to complying with any applicable equipment requirements of Title 46 RCW, including but not limited to those relating to motor vehicle lights and reflectors, horns, braking systems, exhaust systems, tires, warning and signaling devices, and windshield wipers, all of which are hereby adopted as minimum standards, every passenger carrying motor vehicle owned, operated and maintained by any railroad company in this state used for the purpose of transporting railroad employees other than in the cab thereof, shall, as a minimum, be in conformity with the equipment specified in WAC 480-62-060 and operated in a manner consistent with WAC 480-62-070.

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**WAC 480-62-060 Passenger carrying vehicles--Equipment.** (1) Passenger compartment. Any passenger compartment separate from the cab of the vehicle shall be of metal construction fastened directly to the frame of the vehicle and not to the surface of the bed thereof. It shall be equipped with an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor shall be of substantial construction, free from unnecessary openings and shall be maintained so as to prevent the entry of noxious fumes or permeation with flammables of any variety. Such passenger compartments shall also be equipped with a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and with a tailgate which must be closed at all times that the vehicle is in motion. Truck equipment having a bed in excess of three feet six inches above ground level shall be equipped with permanent or temporary steps designed for safe boarding and discharge of passengers.

141 (2) Communication devices. Communication between a cab and a separated passenger  
142 compartment shall be provided by means of a light or audible device mounted in the cab of the  
143 vehicle which may be activated by an employee in the rear compartment.

144 (3) Coupling devices. Coupling devices used on any passenger carrying vehicle equipped  
145 with retractable flange wheels for operation on railroad tracks shall be of substantial metal  
146 construction and shall be equipped with safety chains or straps of sufficient strength to prevent  
147 separation in the event of accidental uncoupling.

148 (4) Exhaust systems. Exhaust systems shall be designed and maintained so as to  
149 eliminate exposure of passengers to toxic agents.

150 (5) Rear vision mirrors. Passenger carrying vehicles shall be equipped with two external  
151 rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so  
152 located as to accord the driver a view of the highway to the rear along both sides of said vehicle:  
153 *Provided*, That only one outside mirror shall be required, which shall be on the driver's side, on  
154 vehicles which are so constructed that the driver has a view to the rear by means of an interior  
155 mirror.

156 (6) Steering mechanisms. All passenger carrying vehicles will be equipped with a  
157 steering system which is maintained to insure that lash or preplay do not exceed those values set  
158 forth in Title 49, CFR 570.7 and 570.60 (Vehicle in Use Inspection Standards).

159 (7) Heating systems. Passenger carrying vehicles shall be equipped with a heating system  
160 sufficient to maintain an ambient temperature of no less than 55 degrees in passenger areas.

161 (8) Road warning devices. All passenger carrying vehicles will be equipped with at least  
162 three red-burning fusees, or three red portable emergency reflectors, or at least two red cloth flags  
163 suitable for warning the motoring public in the event of an emergency. It shall be the  
164 responsibility of the driver to assure that such equipment is in the vehicle and is maintained in  
165 good condition. Any devices which may create a spark or open flame shall be carried in a  
166 separate compartment or a closed metal container provided for that purpose.

167 (9) Emergency exits. On vehicles designed to transport nine or more passengers, an  
168 emergency exit of not less than six and one-half square feet in area, with the smaller dimension  
169 being not less than eighteen inches, shall be placed at the end of the vehicle opposite the regular  
170 entrance. The route to and from the emergency exit shall be at all times unobstructed.

171 (10) Fire extinguishers. Every passenger carrying vehicle must be equipped with a two  
172 and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located so  
173 as to be readily accessible for use. Such extinguisher must be designed, constructed, and  
174 maintained so as to permit visual determination of the state of its charge. The extinguishing  
175 agent shall be nontoxic and preferably noncorrosive, and the fire extinguisher shall be suitable  
176 for attachment to the motor vehicles, shall bear the label of approval by the Underwriters  
177 Laboratories, Inc., and shall be kept in good working condition at all times.

178 (11) First-aid kits. All passenger carrying vehicles shall be equipped with a first-aid kit  
179 which will be readily accessible and shall contain as a minimum the following items: (1) One  
180 package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty  
181 inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch  
182 by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and  
183 individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll,

184 two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-  
185 quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first-aid book or  
186 adequate printed first-aid instruction; (8) one package burn ointment or other burn compound; (9)  
187 some form of antiseptic, the type of which will be left to the judgment of the railroad company.  
188 Items used from first-aid kits shall be replaced before the next shift, and kits shall be checked for  
189 compliance with the above specifications if the seal on the kit is broken.

190 **WAC 480-62-070 Passenger carrying vehicles--Operation.** (1) General. All  
191 passenger carrying motor vehicles shall at all times be operated in accordance with the  
192 requirements of state law, and no driver or operator thereof shall operate the same in any other  
193 than a careful and prudent manner nor at any greater speed than is reasonable and proper, having  
194 due regard to circumstances and to the use of highways by others, so as not to endanger the life  
195 and limb of any person.

196 (2) Minimum age, skill, and physical condition of drivers. Drivers or operators of  
197 passenger carrying vehicles shall be not less than eighteen years of age and shall have  
198 demonstrated the physical capability of handling the controls of the vehicle with ease. Such  
199 drivers must obtain and maintain in effect and carry on their persons at all times while operating  
200 a passenger carrying vehicle either a valid Washington state driver's license or a valid license  
201 from the state of the driver's residence. If the passenger carrying vehicle is a type for which the  
202 state of Washington requires an extraordinary license or endorsement, the driver shall be required  
203 to have such license or endorsement.

204 (3) Driver's daily hours of service. No driver or operator of any passenger carrying motor  
205 vehicle shall be permitted to or required to drive for more than a maximum of ten driving hours  
206 without a following minimum of eight consecutive hours rest.

207 (4) Refueling. No driver or any employee of a railroad company operating within the  
208 state shall (a) fuel a passenger carrying vehicle with the engine running; (b) smoke or expose any  
209 flame in the vicinity of a vehicle being fueled; (c) fuel a passenger carrying vehicle unless the  
210 nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (d) insofar  
211 as practicable, permit any other person to engage in activities that might result in a fire or  
212 explosion. Except on buses, all occupants of the vehicle, except the driver and those within the  
213 operating cab, must dismount and stand clear while the vehicle is being refueled.

214 (5) Driving rules.

215 (a) Drivers of passenger carrying motor vehicles shall bring such vehicles to a full stop  
216 not less than fifteen feet of any grade crossing of any railroad before crossing the track. Gears  
217 should not be changed while approaching or crossing the tracks. No stop need be made at any  
218 such crossing where a police officer or traffic control signal is directing traffic to proceed.

219 (b) No driver or operator of any passenger carrying motor vehicle shall drink intoxicating  
220 liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance  
221 which might impair the ability to drive.

222 (c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with  
223 the gears in neutral or the clutch disengaged.

224 (d) At the beginning of his or her use of passenger carrying vehicles, the driver or  
225 operator thereof shall make a brake test immediately before, and immediately after the vehicle

226 commences moving to ascertain that the brakes are functioning properly.

227 (6) Loading and carrying of passengers. Drivers or operators of passenger carrying  
228 vehicles are in charge of the vehicle and shall require passengers to observe vehicle rules.  
229 Passengers will not be permitted to enter or exit from the vehicle while it is in motion, or to ride  
230 on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting  
231 beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the  
232 vehicle they shall be stored in enclosed racks or boxes which shall be properly secured to the  
233 vehicle in order to prevent their striking employees in the event of sudden starts, stops, or turns.  
234 It shall be the responsibility of the driver to assure that tools and materials are properly secured  
235 before moving the vehicle.

236 (7) Limitation on transportation of explosives, gasoline, and other hazardous materials on  
237 passenger carrying vehicles. Explosives other than track torpedoes and fusees shall not be  
238 carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew  
239 members in a passenger compartment. If track torpedoes or fusees are carried in a passenger  
240 carrying vehicle, they shall be carried in a separate compartment or container provided for that  
241 purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the  
242 passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and  
243 regulators have been removed with caps in place before loading. Passenger carrying vehicles  
244 may be used to carry flammables when such flammables are located outside of and isolated from  
245 the passenger carrying area, and are stored in containers approved by the Underwriters  
246 Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the  
247 hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or  
248 drums shall be properly secured while being transported, and shall be located so as not to  
249 interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials  
250 shall not be parked within 300 feet of an open fire. Smoking shall be prohibited within 50 feet of  
251 the vehicle carrying explosive or flammable materials.

## 252 **6. Accident Reports**

253 Staff believes the accident reporting requirements should be rewritten in clear English.

254 **Questions to stakeholders: Staff is also interested in knowing about *any* leak or spill**  
255 **involving hazardous materials and not just in those incidents described in the existing rule.**  
256 **What kind of administrative burden would this pose to railroad companies? Also, is the**  
257 **dollar amount of \$500,000 as a threshold for reporting property damage incidents to the**  
258 **Commission appropriate? Should it be higher, lower, or remain the same?**

259 **For the sake of simplicity regarding *who* should report accidents during joint operations,**  
260 **would it be appropriate to require *all* railroad companies to make a report regarding the**  
261 **accident/incident?**



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**What other state or federal agencies *are* notified by railroad accident/incident reports?  
What other agencies *should be* notified of railroad accident/incidents?**

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**WAC 480-62-080 Accident reports.** (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the Commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

- (a) Leakage or spillage of hazardous material which could endanger railroad employees or the public at the scene of an accident;
- (b) Death of a railroad employee, rail passenger or any other person;
- (c) Death of or injury to any person involved in a railway-highway crossing accident;
- (d) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the Commission.

(3) Each report must state the:

- (a) Name of the railroad(s) involved;
- (b) Name and position of the reporting individual;
- (c) Time and date of the accident and/or incident;
- (d) Circumstances of the accident and/or incident;
- (e) Identity of casualties, if any; and
- (f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

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**7. Annual Reports**

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Staff believes this section should be rewritten in plain English, the different classes of railroads should be defined, and those who are exempt should be identified.

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**Question to stakeholders: Are there any other issues that need to be addressed by this rule?**

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**WAC 480-62-085 Annual reports.** (1) The annual report form R1 promulgated by the Interstate Commerce Commission is hereby adopted for Class I railroad companies. The Commission shall publish the annual report forms for the Class II and Class III railroad companies. At the close of each calendar year every railroad company must secure from the Commission two copies of the annual report form applicable to its business. The annual report is to be completed for the calendar year's operations. One copy of the completed annual report will be submitted to the Commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

298 (2) The regulatory fee for the Class I railroad companies will be due and payable upon a  
299 schedule established by Commission order.

## 300 **8. Hazardous Materials**

301 Staff believes the hazardous materials rules need to be rewritten in plain English and the  
302 adoption by reference needs to be updated.

303 **Questions to stakeholders: Are there any other issues that need to be addressed?**

304 **WAC 480-62-090 Hazardous materials regulations.** (1) The rules and regulations  
305 governing hazardous materials prescribed by the United States Department of Transportation in  
306 Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as  
307 and including all appendices and amendments thereto, in effect on January 1, 1992, are adopted  
308 and prescribed by the Commission to define hazardous materials for purposes of carriage by rail,  
309 and to state the precautions that must be observed in storage packaging, loading, and unloading  
310 such materials, and in maintaining, placarding, marking, and certifying railroad cars and  
311 equipment used in transporting such materials, and in the maintenance of shipping papers  
312 prepared in conjunction with transporting such materials. The rules and regulations adopted and  
313 prescribed by this rule shall be observed by all railroad companies operating in this state. A copy  
314 of the federal rules referenced in this chapter is available for inspection at the Commission  
315 branch of the Washington state library, located in conjunction with the Commission's  
316 headquarters office. A copy may be obtained from the secretary of the Commission, upon  
317 payment of any required fee, or from the United States government printing office, which  
318 operates a retail sales facility in Seattle, Washington.

319 (2) In addition to any accident reporting requirement now or hereafter prescribed by the  
320 Commission, every railroad company operating in this state who reports to the United States  
321 Department of Transportation any incidents occurring in this state involving hazardous materials,  
322 shall send a copy of any such report to the Commission.

## 323 **9. Bridge Safety Rules**

324 Staff believes this rule needs to be rewritten in plain English and adopting FRA Railroad  
325 Workplace Safety rules should be considered.

326 **Question to Stakeholders: Do any elements of the existing rules need to be updated,**  
327 **changed, or repealed?**

328 **WAC 480-62-100 Bridge safety rules.** Whenever any railroad is involved in bridge  
329 construction, bridge structure repairs, track structure repairs or replacement on bridges, the

330 railroad shall comply with the provisions of this rule, except that track structure repairs which are  
331 of a minor nature and short duration and can be completed working between the rails such as spot  
332 welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard,  
333 safety nets and life preserver requirements of this rule.

334 (1) **Safety belts, lifelines, lanyards.**

335 (a) Where workers are employed on railroad bridges twenty-five feet or more above the  
336 ground or water surface, and it is impractical to provide staging, ladders, scaffolds, or safety nets,  
337 safety belts and lifelines shall be provided and used.

338 (b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding.  
339 Any lifeline, safety belt, or lanyard actually subject to in service loading, as distinguished from  
340 static load testing, shall not be used again for employee safeguarding.

341 (c) Lifelines shall be secured to an anchorage or structural member capable of supporting  
342 a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the  
343 point of their attachment so that a falling man will not swing into the substructure immediately  
344 below the floor of the bridge.

345 (d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a  
346 maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal  
347 breaking strength of 5,400 pounds.

348 (e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium  
349 plated in accordance with type 1, class B plating specified in Federal Specification QQ-P-416.  
350 Surface shall be smooth and free of sharp edges.

351 (f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a  
352 tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

353 (2) **Safety nets.**

354 (a) Where workers are employed on railroad bridges twenty-five feet or more above the  
355 ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts  
356 and lifelines, safety nets shall be provided and used.

357 (b) Where safety net protection is required by this rule, operations shall not be undertaken  
358 until the net is in place and has been tested. The manufacturer's current certification of testing  
359 shall satisfy the requirements of this subsection.

360 (c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees  
361 are exposed and shall be installed as close under the work surface as practical but in no case  
362 more than twenty-five feet below such work surface. Nets shall be hung with sufficient clearance  
363 to prevent user's contact with the surface or structures below. Such clearances shall be  
364 determined by impact load testing.

365 (ii) It is intended that only one level of nets be required for bridges.

366 (d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall  
367 meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as  
368 determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes  
369 shall provide a minimum breaking strength of 5,000 pounds.

370 (e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

371 (f) Connections between net panels shall develop the full strength of the net.

372 (3) **Life preservers.**

373 (a) Where workers are employed on railroad bridges less than twenty-five feet above the  
374 water surface and are working under conditions which expose them to a risk of drowning, they  
375 shall wear a United States Coast Guard approved life saving device, unless it can be shown that  
376 conditions, such as shallow water, are such that flotation would not be achieved.

377 (b) Prior to and after each use, the buoyant life saving device shall be inspected for  
378 defects which would alter their strength or buoyancy. Defective units shall not be used.

379 (c) Ring buoys with at least ninety feet of line shall be provided and readily available for  
380 emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.

381 (4) **Boats.**

382 (a) Where workers are employed on railroad bridges less than twenty-five feet above the  
383 water surface and are working under conditions which expose them to a risk of drowning, one  
384 life saving boat shall be immediately available.

385 (b) The boat requirement of this subsection shall not apply when the water surface is of  
386 such a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be  
387 safely moored and used in effecting a rescue.

388 (c) Whenever boats cannot be used, well marked lifelines close to the water surface shall  
389 be provided, and wherever practical, the line shall be stretched across the water.

390 (5) **Exemptions.**

391 Bridges which have solid bottom ballast decks with walkways and handrails on both sides are  
392 exempt from the provisions of this rule, provided that the work being performed on the bridge  
393 does not involve or necessitate the removal of the walkways, handrails, or any portion of the  
394 deck.

## 395 **10. Train Operations**

396 It appears this rule was written in response to an accident that occurred at the referenced  
397 intersection several years ago. There are existing statutes and federal rules that are in place  
398 regarding stopping at railroad crossings. Staff has considered recommending repealing this rule,  
399 or if needed, writing a rule that would apply to the general situation rather than the specific.

400 **Question to stakeholders: If this rule was repealed would it send a message that the**  
401 **Commission is not concerned about safety? What is the best way to handle this rule?**

402 **WAC 480-62-120 Train operations--Tacoma.** All trains and yard trains handling  
403 railroad cars shall come to a full stop at a distance not greater than five hundred feet before the  
404 railroad crossing on the Pacific Division, 3rd subdivision of the Burlington Northern Railroad at  
405 the Muni Line and Union Pacific Diamond, Union Pacific, milepost 146.5, and shall not proceed  
406 across such crossing until it has been specifically determined that no other train is approaching  
407 the crossing, or is in any other respect in a position whereby a collision could occur.

408 **PART 2 - New Issues**

409 **1. Clarifying Rules**

410 **Clarifying Rules:** Staff would like to consider adding rules that clarify the processes and  
411 policies of the Commission. The Commission has included similar clarifying rules when  
412 reviewing other chapters of rules. Subjects for these possible rules include:

- 413 a. Definitions - defines words and phrases
- 414 b. Communicating with the Commission - Tells stakeholders how to contact the  
415 Commission (addresses, phone numbers, fax numbers and e-mail addresses).
- 416 c. Document filing - Tells stakeholders how and where to file formal documents.
- 417 d. Commission Proceedings - Directs stakeholders to the correct chapter of rules  
418 governing formal proceedings.
- 419 e. Exemptions from rules - Outlines the process to be followed for any regulated  
420 company wishing to request an exemption from a rule.
- 421 f. Compliance Policy - Defines the Commission policy for seeking voluntary  
422 compliance before issuing penalties or invoking other sanctions against an out-of  
423 compliance company.

424 **Question to Stakeholders: Would the above referenced issues be useful in rule?**

425 **2. Notification Issue**

426 **Notification.** Based on comments the Commission has received in past hearings on railroad  
427 issues, Staff would like to explore how to notify communities of planned railroad activities.  
428 Staff believes such notice is important to ensure emergency services routes are adequate and  
429 traffic flow disruption is kept to a minimum.

430 **Questions to Stakeholders: Would requiring community officials to be provided advance**  
431 **written notification of planned railroad activities be appropriate? If yes, how much**  
432 **advance notice is reasonable? Who should be notified? What activities should require**  
433 **notice? How should notification be handled in an emergency situation?**

434 **3. Blocking of Crossings**

435 **Blocking of Crossings:** The Commission Staff has received many complaints concerning the  
436 blocking of crossings throughout the state. The issues involved in blocked crossings are complex  
437 because the legitimate needs of communities often compete with the legitimate needs of  
438 railroads. Local geography and how communities use crossings also make matters complicated,  
439 as does the amount of time needed for the procedure for breaking trains at crossings and  
440 reconnecting them.

441 **Question to Stakeholders:** Are there some basic concepts which can be formalized to  
442 eliminate a substantial number of blocked crossings? For other situations, are there  
443 considerations or procedures that can help reduce the problem?

444 **4. Remote Control Trains**

445 **Remote Control Trains:** Certain railroads are operating trains in certain situations by remote  
446 control. There are no specific rules governing these types of operations in Washington State.

447 **Question for stakeholders:** What type of concerns surround remote control operations?  
448 Would rules alleviate these concerns? To what level does the FRA address remote control  
449 train operations? Finally, should railroads notify the Commission when they plan to use  
450 remote controlled trains?

451 **5. Motor Track Cars**

452 **Motor Track Cars:** Commission Staff is concerned that operators of non-railroad owned track  
453 equipment operating on the rails may be unaware of safety rules concerning at-grade crossings.

454 **Question to Stakeholders:** What requirements, if any, should be imposed on railroad  
455 companies to ensure private operators will operate safely at grade crossings?

456 **6. Post Accident Alcohol and Drug Testing.**

457 **Post Accident Alcohol and Drug Testing:** Staff considered exploring whether to require  
458 testing if an engineer's post accident behavior provided probable cause to conduct such a test.  
459 However, after research into FRA's rules governing post-accident testing, Staff believes the  
460 FRA rules address this issue.

461 **Question to stakeholders: Is there any reason this issue should be pursued?**

462 **7. Commuter Rail.**

463 **Commuter Rail.** The Commission and FRA have rules concerning heavy rail tracks, crossings,  
464 and hazardous materials, and Staff enforces FRA and USDOT rules on these topics.

465 **Question to Stakeholders: Given that commuter rail is scheduled to begin in December**  
466 **1999, should the Commission be looking at any other safety related issues concerning**  
467 **commuter rails? Note: The FRA has just issued rules that address passenger safety.**

468 **8. Railroad Special Police**

469 **Railroad Special Police:** Chapter 81.6 RCW authorizes the Governor to appoint special police  
470 for railroad companies. Federal rules (49 CFR Part 207) require railroads to provide states with  
471 particular information about each railroad police officer commissioned in the state. The  
472 Commission has not received this information. Staff has had recent inquires from law  
473 enforcement agencies regarding: Who are railroad police for a certain railroad? What do they  
474 do? How can law enforcement activities be coordinated? Staff believes the Governor's office  
475 has jurisdiction in this matter, not the Commission.

476 The Commission has received written comments requesting that several other issues be  
477 addressed including such things as Commission authority over railroad special police, officer  
478 jurisdiction in surrounding communities, certification and qualification issues, vehicle markings  
479 and identification issues, and arrest and cost of incarceration.

480 **Question to stakeholders: What other concerns exist regarding railroad police? Is this an**  
481 **appropriate issue to be addressed by the Commission? Would this subject be more**  
482 **appropriately addressed outside the rulemaking within a working group?**

483 **9. Petitions for Grade Crossing Improvements**

484 **Petitions for Grade Crossing Improvements:** Whenever grade crossings are opened, closed, or  
485 modified, or when changes are made to crossing signals, statutes require petitions requesting the  
486 change to be filed with the Commission and that the change be approved by the Commission.  
487 Staff would like to clarify the situations requiring a petition to be filed and to improve the  
488 petition process.

489 **Question to Stakeholders:** What situations should require a petition to be filed? How can  
490 the current process for filing petitions be improved?

491 **10. Crossing Surfaces Standards**

492 **Crossing Surface Standards:** The Commission Staff has received a number of complaints  
493 about crossing surfaces. Currently there are no specific standards governing maintenance of  
494 crossing surfaces. Staff is interested in establishing standards so that direction to railroads, road  
495 authorities, and owners of industrial railroads or spurs can be more clear.

496 **Question to stakeholders:** Are there specific standards for crossing surfaces that can be  
497 reasonably followed by all parties who might be responsible for maintaining those surfaces  
498 and the approaches to the crossings? Should specific crossing surface materials be  
499 required for specific applications? Who should be required to maintain the elevation of a  
500 crossing and its approaches?

501 **11. Signal Maintenance**

502 **Signal Maintenance:** Specific signal maintenance rules do not exist for industrial railroads and  
503 other entities with crossings that are not subject to FRA rules.

504 **Question to Stakeholders:** Should FRA rules be adopted for the situations mentioned  
505 above to ensure public safety and consistency?



506 **12. Procedures for Implementing Whistle Ban Requests**

507 **Procedures for Implementing Whistle Ban Requests:** State statutes require cities and  
508 counties that approve an ordinance allowing whistle bans at crossings to notify the Commission  
509 prior to enacting the ordinance to allow the Commission to comment on the proposed ordinance.  
510 By statute, crossings at which whistles are banned must be equipped with "supplemental safety  
511 measures," generally requiring the crossing to be reconstructed. Statutes also require that any  
512 proposed reconstruction of a crossing be approved by the Commission.

513 **Question to Stakeholders: Given the Commission's limited involvement in approving**  
514 **requests for whistle bans, what procedures should the Commission adopt concerning this**  
515 **issue?**

516 **13. Miscellaneous Reporting Requirements**

517 **Miscellaneous Reporting Requirements:** The major railroads sometimes provide copies of  
518 track profiles, general codes of operating rules, timetables, system general orders and special  
519 instructions to the Commission. These often prove helpful in the day to day work of  
520 Commission Staff, and in answering questions posed by the public. Having these materials  
521 allows Commission Staff to limit contacts with rail authorities to those questions and concerns  
522 not answered by such materials. It would also be helpful to have accurate, up-to-date,  
523 information on railroad ownership and contact persons for specific types of questions including  
524 spurs and branch lines.

525 **Question to stakeholders: Is there any reason why a rule should not be adopted**  
526 **formalizing the practice currently in place, and extending it to all railroads? What is the**  
527 **best way to minimize any burden this might impose? Is there any reason why railroads**  
528 **should not be required to provide certain up-to-date information as mentioned above? Is**  
529 **there any other information that would assist the railroads if Commission Staff kept it for**  
530 **use by Staff and/or by the railroads?**

531

532 **Part 3 - Stakeholder issues**

533 **1. Train Speeds.**

534 **Train Speeds.** The Commission has received written comments requesting it to consider writing  
535 rules regarding train speeds. Staff has discussed the issue and is of the opinion that under federal  
536 law, the Commission can only consider whether unique local conditions are present when  
537 considering each request. Therefore, Staff believes a rule regarding train speeds would not be  
538 likely to address all potential variables. Rather it is important for the Commission to make its  
539 decision on a case-by-case basis. Staff proposes withdrawing this issue from consideration in  
540 this rulemaking.

541 **Question to stakeholders: Is there a need to address this issue in this rulemaking?**

542 **2. Railroad crossing coordination with community comprehensive**  
543 **development plans.**

544 **Community Comprehensive Development Plans.** The Commission has received written  
545 comments requesting that the Commission consider writing rules requiring railroad crossings  
546 (locations, openings, and closings) be coordinated with community comprehensive developments  
547 plans. Staff believes such development plans are currently considered when these types of  
548 crossing activities come before the Commission through the petition process.

549 **Question to Stakeholders: What are the scope of problems others have encountered by not**  
550 **having a rule as described above? What are the costs and benefits of such a rule?**