



SERVICE DATE

SEP 16 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

September 15, 1999

**NOTICE OF RULEMAKING WORKSHOP**  
**(9:30 a.m., Tuesday, September 28, 1999)**

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

TO INTERESTED PERSONS:

On April 1, 1999, the Commission filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) noticing its intention to review railroad company operations rules for possible changes, additions or deletions. Written comments were requested by April 30, 1999. Many comments were received. On May 27, 1999 and June 17, 1999, the Commission held workshops to discuss possible rule changes in Chapter 480-62 WAC. Commission staff reviewed written and verbal comments in preparing the enclosed initial discussion draft of proposed rule changes.

**NOTICE IS GIVEN that the Commission will conduct a workshop regarding possible changes, additions, or deletions to rules regarding railroad company operations on Tuesday, September 28, 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 at 360-664-3846. The twelve teleconference ports are available on a first-come, first-serve basis.

Commission staff encourages you to participate by attending the workshop or by submitting written comments. If you submit written comments, please reference the page, line number and title of the rule you are commenting on. There will be opportunity for further comment as we move through the rulemaking process. If you have any questions or comments regarding the rulemaking proceeding, 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

Enclosure



# Railroad Companies - Operations Rulemaking

## Chapter 480-62 WAC

## Docket No. TR-981102

---

**September 14, 1999**

Proposed Rules Prepared for  
Public Stakeholder Workshop

by  
Washington Utilities and Transportation Commission Staff

Draft 1

# Draft 1

## Proposed Rules

### Chapter 480-62 WAC

#### RAILROAD COMPANIES—OPERATIONS

Last Update: 9/14/99

WAC

- ~~480-62-XXX Definitions.~~
- ~~480-62-XXX Adoption by reference defined.~~
- ~~480-62-XXX Saving clause.~~
- ~~480-62-XXX Commission proceedings.~~
- ~~480-62-XXX Exemptions from rules.~~
- ~~480-62-XXX Compliance policy.~~
- ~~480-62-XXX Grade crossing petitions.~~
- ~~480-62-XXX Procedure to set train speeds.~~
- ~~480-62-010 Locomotive speedometers.~~
- 480-62-020 Traffic control devices.
- 480-62-030 Flagpersons.
- 480-62-040 Exemption for Cities with Populations over 400,000.
- 480-62-050 Passenger carrying vehicles--General
- ~~480-62-060 Passenger carrying vehicles--Equipment.~~
- ~~480-62-070 Passenger carrying vehicles--Operation.~~
- ~~480-62-XXX Railroad community notice requirements.~~
- ~~480-62-XXX Miscellaneous reporting requirements.~~
- 480-62-080 Accident reports.
- 480-62-085 Annual reports.
- ~~480-62-XXX Remote controlled operations.~~
- ~~480-62-XXX Railroad police officers - notice to state officials.~~
- 480-62-090 Hazardous materials regulations.
- ~~480-62-100 Bridge safety rules.~~
- ~~480-62-120 Train operations--Tacoma.~~
- ~~480-62-XXX Roadway worker safety and operating rules and statutes.~~
- ~~480-62-XXX Blockage of Public Grade Crossings.~~
- ~~480-62-XXX Crossing surfaces.~~
- ~~480-62-XXX Track safety standards.~~
- ~~480-62-XXX Crossing Signal Circuitry.~~
- ~~480-62-XXX On track equipment.~~

#### New Section

WAC 480-62-XXX Definitions. The definitions in this section apply through this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Company" means any railroad company subject to commission jurisdiction.

42 (3) "On Track Equipment" means self-propelled equipment, other than locomotives,  
43 that can be operated on railroad tracks.

44 (4) "Passenger Carrying Vehicle" means those buses and trucks owned, operated, and  
45 maintained by a railroad company which transports railroad employees in other than the cab of  
46 such vehicle and designed primarily for operation on roads which may or may not be equipped  
47 with retractable flanged wheels for operation on railroad tracks.

48 (5) "Railroad" means every railroad, including interurban and suburban electric  
49 railroads, by whatsoever power operated, for the public use in the conveyance of persons or  
50 property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks,  
51 stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by  
52 or in connection therewith. Unless otherwise stated, the said term does not include logging and  
53 other industrial railways or street railways operating within the limits of any incorporated city or  
54 town.

55 (6) "Railroad Police Officer" means a peace officer who is commissioned in a state of  
56 legal residence or the state of employment by the railroad to enforce state laws for the protection  
57 of railroad property, personnel, passengers and/or cargo.

58 (7) "State" means the state of Washington.

59 **New Section**

60 **WAC 480-62-XXX Adoption by reference defined.** Where referred to in this chapter,  
61 the following definitions apply:

62 (1) "Title 49 Code of Federal Regulations," cited as 49 C.F.R., includes the regulations  
63 and all appendices and amendments in effect on October 1, 1999.

64 (2) "Title 49 United States Code" cited as 49 U.S.C., includes all appendices and  
65 amendments in effect on ???.

66 (2) "Manual on Uniform Traffic Control Devices," cited as MUTCD, includes the  
67 regulations and all appendices and amendments in effect on ???.

68 (3) "Department of Labor and Industries" includes the regulations and all appendices  
69 and amendments in effect on October 1, 1999.

70 (4) "The documents are available for public inspection at the commission branch of the  
71 Washington state Library, located with the headquarters office of the commission. The Code of  
72 Federal Regulation and the MUTCD is available for purchase at the Seattle Office of the  
73 government printing office. Labor and Industries rules are available from the Department of  
74 Labor and Industries or on the internet from the Office of the Code Revisor.

75 **New Section**

76 **WAC 480-62-XXX Saving clause.** The Commission may impose additional or different  
77 requirements on any railroad company in response to a complaint or on its own motion. These  
78 rules do not relieve any railroad company from any of its duties and obligations under the laws of

79 the state of Washington.

80 **New Section**

81 **WAC 480-62-XXX Commission Proceedings.** The commission's rules governing  
82 administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter  
83 conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad  
84 companies.

85 **New Section**

86 **WAC 480-62-XXX Exemptions from rules.** (1) The commission may grant an  
87 exemption of any rule in this chapter, if consistent with the public interest, the purposes  
88 underlying regulation, and applicable statutes.

89 (2) To request a rule exemption, a person must file with the commission a written request  
90 identifying the rule for which an exemption is sought and giving a full explanation of the reason  
91 the exemption is requested.

92 (3) The commission will assign the request a docket number, if needed, and schedule the  
93 request for consideration at one of its regularly scheduled open meetings or, if appropriate under  
94 Chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the  
95 exemption, and other interested persons, of the date the commission will consider the request.

96 (4) The commission will enter an order granting or denying the request or setting it for  
97 hearing, pursuant to Chapter 480-09 WAC.

98 **NEW SECTION**

99 **WAC 480-62-XXX Compliance Policy** (1) The commission may encourage voluntary  
100 compliance with state statutes, rules, and commission orders through the following:

101 (a) A program emphasizing education and technical assistance; and

102 (b) A compliance program including inspections and investigation of railroad operations:

103 (i) for compliance with state statutes, rules, and commission orders;

104 (ii) for compliance with Federal Railroad Administration (FRA) rules through the State  
105 Safety Participation Program, 49 C.F.R. Part 212.

106 (2) The commission may pursue administrative actions, including but not limited to,  
107 issuing defect notices to the railroads, reports and recommendations to the FRA, warnings,  
108 sanctions, and penalty assessments.

109 **New Section**

110 **WAC 480-62-XXX Grade Crossing Petitions.** (1) If a railroad, city, county, the  
111 department of transportation, the parks and recreation commission, or the commission seeks to  
112 take any of the following actions at a railroad-highway grade crossing, it must file a petition with  
113 the Commission seeking approval pursuant to RCW 81.53.060:

114 (a) Open a railroad-highway crossing at-grade, or by construction of an overcrossing or

- 115 undercrossing.  
116 (b) Close a railroad-highway crossing.  
117 (c) Construct supplemental safety measures pursuant to RCW 81.48.015(1), including,  
118 but not limited to, median barriers.  
119 (d) Realign highway or railroad tracks.  
120 (e) Widen highways.  
121 (f) Construct multiple tracks.  
122 (g) Change crossing surfaces; or,  
123 (g) Make any other physical change to the crossing or to its highway approaches.

124 (2) If a railroad, city, county, the department of transportation, the parks and recreation  
125 commission, or the commission seeks any of the following actions at a railroad-highway grade  
126 crossing, it must file a petition with the commission seeking approval pursuant to RCW  
127 81.53.261:

- 128 (a) Modify or upgrade warning signals or devices;  
129 (b) Add a crossing signal;  
130 (c) Add gates to a crossing signal;  
131 (c) Modify or upgrade circuitry for a warning signal;  
132 (d) Install an intertie between railroad crossing signals and highway traffic signals; or,  
133 (e) Make any other changes to warning signals, gates or other warning devices.

134 (3) This rule applies to all railroads, however, it does not apply to crossings within the  
135 limits of first class cities.

## 136 New Section

137 WAC 480-15-XXX Procedure to Set Train Speed Limits. (1) Scope of  
138 Commission Authority. The commission's authority to regulate the speed of trains is  
139 established in RCW 81.48.030 limited by federal law. Pursuant to RCW 81.48.030, the  
140 commission has the power to "fix and regulate" the speed of trains within the limits of any city  
141 and town, other than a first class city and at grade crossings outside the limits of cities and towns.  
142 However, under section 205 of the Federal Railroad Safety Act, 49 U.S.C. §20106, states are  
143 limited to actions which are "necessary to eliminate or reduce an essentially local safety hazard."  
144 Accordingly, the commission will act to set a train speed limit that varies from the speed limit set  
145 under federal law only where the commission finds that there exists such local safety hazard and  
146 the train speed is necessary to eliminate or reduce that hazard.

147 (2) Procedure for Setting Train Speed Limits. The commission will consider whether  
148 or not to set a train speed limit either upon petition or upon its own motion.

149 (a) Petition Process. (i) Any person who seeks to have the commission fix a train speed  
150 limit or modify an existing limit must file with the commission a petition. Such petition must  
151 contain the following information:

- 152 (A) name and address of the petitioner;  
153 (B) specific location and length of track over which a speed limit is sought;  
154 (C) reasons for the speed limit;  
155 (D) if the petitioner seeks a speed limit different from the federally set speed limit, a

156 detailed explanation of why there exists an “essentially local safety hazard” and  
157 why that speed limit is necessary to eliminate or reduce the hazard; and  
158 (E) any other information the petitioner deems relevant.

159 (ii) Upon receipt of the petition, the commission will serve the petition on the railroad,  
160 the chief executive officer of any local government within which the proposed speed limit is  
161 intended to apply; and the secretary of the Washington department of transportation. The  
162 commission will ask for responses from those persons. The commission will set the matter for  
163 consideration at a regularly scheduled or special open meeting or, in its discretion, for a formal  
164 adjudicatory proceeding under chapter 34.05 RCW.

165 (b) Commission-Initiated Process. After investigation, the commission may also  
166 initiate a proceeding to set a railroad speed limit. Such a proceeding will be initiated by serving a  
167 notice on the railroad company or companies, the chief executive officer of any local  
168 government within which the proposed speed limit is intended to apply; and the secretary of the  
169 Washington department of transportation. The notice will contain the information described in  
170 subparagraph (a)(i)(A)-(E), the time for filing responses to the notice and the date, time, and  
171 place at which the commission will consider the matter. Such consideration may be at a regular  
172 or special open meeting or, in the commission’s discretion, in a formal adjudicatory proceeding  
173 under chapter 34.05 RCW.

174 (3) Evidence of What Constitutes an “Essentially Local Safety Hazard.” In  
175 determining whether a train speed limit lower than authorized by federal law is necessary to  
176 eliminate or reduce an essentially local safety hazard, the commission will include in its  
177 consideration the following:

178 (a) Whether the local situation is one that is covered by or is capable of being adequately  
179 covered by uniform national standards;

180 (b) Whether there exist unique local geographic or other natural conditions which  
181 contribute to the existence of the hazard;

182 (c) The history of accidents or potential for accidents at the location; and

183 (d) Whether there exist alternate means to reduce or eliminate any hazard that can be  
184 included as conditions to an order setting a train speed.

## 185 **Repeal**

186 ~~—————WAC 480-62-010 Locomotive speedometers. (1) Filing required. On or before July 1,~~  
187 ~~1978, every railroad designated Class I by the Interstate Commerce Commission operating~~  
188 ~~locomotive equipment within the state of Washington, shall file with the commission a list~~  
189 ~~identifying all points within the state at which facilities are available for the calibration, repair or~~  
190 ~~replacement of locomotive speedometers, or locomotive equipment may be available for~~  
191 ~~substitution. Any changes therein shall be promptly reported to the commission to the end that~~  
192 ~~the list be kept at all times current.~~

193 ~~—————(2) Records. Reports of speedometers which are out of calibration to the extent of five~~  
194 ~~miles per hour or more shall be made in writing, and shall be submitted at the first point within~~  
195 ~~the state at which repair facilities are available or locomotive equipment with a properly~~  
196 ~~calibrated speedometer may be substituted. Any such report and a record of any action taken by~~  
197 ~~the railroad company in response thereto shall be maintained at the office of the division in~~

198 which the report was originally filed. In addition to the foregoing, at each location in the state of  
199 Washington at which work is performed upon a locomotive speedometer, complete records shall  
200 be maintained showing the locomotive number, serial number, if any, of the speedometer,  
201 calibration data, and detail of any defect found and repair work performed. The records required  
202 to be kept shall be maintained for a period of not less than one year.

203 [~~Statutory Authority: RCW 80.01.040(4) and 81.44.031(5). 78-05-053 (Order R-114, Cause No.~~  
204 ~~TR-1100), § 480-62-010, filed 4/26/78.~~]

205 **WAC 480-62-020 Traffic control devices.**

206 Draft will be available at workshop.

207 [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-  
208 62-020, filed 4/26/78.]

209 **WAC 480-62-030 Flagpersons.**

210 Draft will be available at workshop.

211 [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-  
212 62-030, filed 4/26/78.]

213 **WAC 480-62-040 Exemption for Cities with Populations over 400,000.** Rules in this  
214 chapter governing the use of flaggers and traffic control devices during construction  
215 maintenance, or repair of crossings or overpasses do not apply WAC 480-62-020 and 480-62-030  
216 shall not apply to construction, maintenance, or repair of crossings or overpasses situated within  
217 cities having a population in excess of 400,000.  
218

219 [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-  
220 62-040, filed 4/26/78.]

221 *WAC 480-60-050, 480-62-060, and 480-62-070 have been merged into one rule as follows:*

222 Alternate draft will be available at workshop.

223 **WAC 480-62-050 Passenger carrying vehicles--General** (1) All passenger carrying  
224 vehicles operating under the provisions of this chapter must comply with all state and local motor  
225 vehicle safety laws and rules, be maintained in a safe and sanitary condition, be free of defects  
226 likely to result in an accident or breakdown and be made available for inspection by commission  
227 representatives.  
228 (2) The Commission adopts by reference the following Department of Labor and  
229 Industries rules:



- 230 ~~(a) WAC 296-24-06145: What is the requirement for first-aid supplies?~~
- 231 ~~(b) WAC 296-24-06160: APPENDIX 2 -- First-aid kit guidance.~~
- 232 ~~(c) WAC 296-54-519: Motor Vehicles.~~
- 233 ~~(d) WAC 296-54-521: Transportation of crews by use of speeders and trailers.~~
- 234 ~~(e) WAC 296-54-523: Methods of crew transportation other than those specified.~~
- 235 ~~(3) Driver age minimum. The minimum age for drivers of passenger carrying vehicles~~
- 236 ~~operating solely intrastate is eighteen years of age.~~

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

245 Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-  
 246 1100), § 480-62-050, filed 4/26/78.

247 ~~REPEAL: 480-62-060 MERGE INTO 480-62-050~~

248 ~~WAC 480-62-060 Passenger carrying vehicles--Equipment. (1) All passenger~~  
 249 ~~carrying vehicles must comply with all state and local motor vehicle safety laws and rules,~~  
 250 ~~including but not limited to, those contained in this chapter and any applicable equipment~~  
 251 ~~requirements of title 46 RCW.~~

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

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

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

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

272 ~~(5) Rear vision mirrors. Passenger carrying vehicles shall be equipped with two external~~  
 273 ~~rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so~~

274 located as to accord the driver a view of the highway to the rear along both sides of said vehicle.  
275 *Provided*, That only one outside mirror shall be required, which shall be on the driver's side, on  
276 vehicles which are so constructed that the driver has a view to the rear by means of an interior  
277 mirror:

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

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

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

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

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

300 ——— (11) First-aid kits. All passenger carrying vehicles shall be equipped with a first-aid kit  
301 which will be readily accessible and shall contain as a minimum the following items: (1) One  
302 package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty  
303 inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch  
304 by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and  
305 individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll,  
306 two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-  
307 quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first-aid book or  
308 adequate printed first-aid instruction; (8) one package burn ointment or other burn compound; (9)  
309 some form of antiseptic, the type of which will be left to the judgment of the railroad company.  
310 Items used from first-aid kits shall be replaced before the next shift, and kits shall be checked for  
311 compliance with the above specifications if the seal on the kit is broken:

312 [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR=  
313 1100), § 480-62-060, filed 4/26/78.]

314 ~~REPEAL 480-62-070 MERGE INTO 480-62-050~~

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

320 and limb of any person.

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

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

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

339 ~~————(5) Driving rules.~~

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

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

347 ~~————(c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with~~  
348 ~~the gears in neutral or the clutch disengaged.~~

349 ~~————(d) At the beginning of his or her use of passenger carrying vehicles, the driver or~~  
350 ~~operator thereof shall make a brake test immediately before, and immediately after the vehicle~~  
351 ~~commences moving to ascertain that the brakes are functioning properly.~~

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

361 ~~————(7) Limitation on transportation of explosives, gasoline, and other hazardous materials on~~  
362 ~~passenger carrying vehicles. Explosives other than track torpedoes and fusees shall not be~~  
363 ~~carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew~~  
364 ~~members in a passenger compartment. If track torpedoes or fusees are carried in a passenger~~  
365 ~~carrying vehicle, they shall be carried in a separate compartment or container provided for that~~  
366 ~~purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the~~  
367 ~~passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and~~  
368 ~~regulators have been removed with caps in place before loading. Passenger carrying vehicles~~

369 may be used to carry flammables when such flammables are located outside of and isolated from  
370 the passenger carrying area, and are stored in containers approved by the Underwriters  
371 Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the  
372 hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or  
373 drums shall be properly secured while being transported, and shall be located so as not to  
374 interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials  
375 shall not be parked within 300 feet of an open fire. Smoking shall be prohibited within 50 feet of  
376 the vehicle carrying explosive or flammable materials.

377 [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-  
378 1100), § 480-62-070, filed 4/26/78.]

379 **New Section**

380 **WAC 480-62-XXX Railroad community notice requirements.**

381 (1) At least 10 days prior to taking any planned action that may have a significant impact  
382 on a community, a railroad company must notify, in writing, the governing authority of the  
383 community and the Washington utilities and transportation commission of the planned action.

384 (2) The following are examples of actions that may have significant impact on a  
385 community:

386 (a) Any event that will impede vehicle traffic flow, including disrupting use of a crossing  
387 for track inspection, reconstruction, or maintenance.

388 (b) Blocking a crossing for longer than 10 minutes.

389 (3) The notice must contain a heading with the words "Important Notice" in prominent  
390 type and contain, at a minimum, the following:

391 (a) Date the notice is issued;

392 (b) A clear explanation of the type of planned event;

393 (c) Specific location of the project;

394 (d) The start and completion date of the project;

395 (e) Any additional information that will assist the community to plan for the event;

396 (f) Railroad contact person and phone number, and

397 (g) A statement substantially as follows: "If you have questions about the regulatory  
398 process, you may contact the Washington Utilities and Transportation Commission at: WUTC,  
399 1300 S. Evergreen Park Dr. SW, PO Box 47250, Olympia, WA 98504-7250; 1-800-562-6150  
400 (toll-free). Also, you may contact the Federal Railroad Administration at 1-800-724-5998."

401 **New Section**

402 **WAC 480-62-XXX Miscellaneous reporting requirements.**

403 Draft will be available at workshop.

404

### WAC 480-62-080 Accident reports.

405 (1) Each A railroad must promptly ~~make a telephone report of~~ by telephone to a specific  
406 telephone number and/or person to be designated from time to time by the commission whenever  
407 the railroad learns of the occurrence of an accident and/or incident arising from any event  
408 connected to the operation of the railroad which results in the:

409 (a) ~~Leakage or spillage~~ Release of hazardous material, ~~which could endanger railroad~~  
410 ~~employees or the public at the scene of an accident;~~

411 (b) ~~Death of a railroad employee, rail passenger or any other person;~~

412 (c) ~~Death of or i~~ Injury to any person involved in a railway-highway crossing accident, which  
413 requires treatment in addition to first aid;

414 (d) Damages of ~~five hundred fifty~~ thousand dollars or more to ~~railroad and/or nonrailroad~~  
415 ~~property.~~

416 (2) Reports of incidents listed in subsection (1) must be made by the railroad within four  
417 hours of when it learned of the event. After making the telephone report, the railroad must  
418 promptly submit a written report by fax or e-mail. Each report made by telephone shall be  
419 promptly followed by a telegraphic report to the commission. Reports must be made to  
420 telephone numbers, fax numbers and/or e-mail addresses given to the railroad by the  
421 Commission.

422 (3) Each report must state, to the extent known, the:

423 (a) Name of the railroad(s) involved;

424 (b) Name and position of the reporting individual;

425 (c) Time and date of the ~~event, accident and/or incident;~~

426 (d) Circumstances of the ~~event, accident and/or incident;~~

427 (e) ~~Identity of casualties, if any, and;~~ Number and identity of persons suffering injuries;

428 (f) ~~Identity of fatalities, if any.~~ Number of fatalities and the identities of the deceased;

429 (g) The type and amount of hazardous material spilled.

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

432 (5) Whenever a railroad submits an incident/accident report to the Federal Railroad  
433 Administration, it must submit a copy to the Commission at the same time.

434 (6) Whenever a railroad submits a report to the United States Department of Transportation  
435 about a hazardous materials incident or accident, it shall submit a copy of the report to the  
436 Commission at the same time.

437 [Statutory Authority: RCW 80.01.040 and 81.44.065. 81-10-017 (Order R-162, Cause No. TR-  
438 1456), § 480-62-080, filed 4/27/81. Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-  
439 122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.]

440 Amend

### 441 WAC 480-62-085 Annual reports.

442 (1) The Surface Transportation Board annual report form R1 promulgated by the Interstate  
443 Commerce Commission is hereby adopted for must be used by Class I railroad companies as the  
444 annual report form for submission to the commission. The commission shall publish the annual  
445 report forms for the Class II and Class III railroad companies must use report forms periodically  
446 published by the Commission.

447 ~~(2) At the close of each calendar year every railroad company must secure from the commission~~  
448 ~~two copies of the annual report form applicable to its business. Each year every railroad is~~  
449 ~~responsible for obtaining the proper report form from the Commission. Reports must~~ The annual  
450 ~~report is to be completed for the preceding~~ calendar year's operations. One copy of the  
451 ~~completed annual report will~~ must be submitted to the commission no later than May 1 of the  
452 ~~succeeding year. The second completed copy is to be retained by the company.~~  
453 ~~(3) The regulatory fee for the Class I railroad companies will be due and payable upon a schedule~~  
454 ~~established by commission order.~~

455 [Statutory Authority: RCW 80.01.040, 94-11-003 (Order R-413, Docket No. TR-940126), §  
456 480-62-085, filed 5/4/94, effective 6/4/94; 90-01-058 (Order R-313, Docket No. U-89-3099-R), §  
457 480-62-085, filed 12/15/89, effective 1/15/90.]

458 **NEW SECTION**

459 **WAC 480-62-XXX Remote controlled operations.** (1) A railroad must report its  
460 intention of using remote control devices to operate trains thirty days before operations begin.

461 The report must include:

462 (a) The name of the railroad;

463 (b) The date operations will start;

464 (c) The location of the operations; and,

465 (d) Whether remote controlled trains will travel over at-grade pedestrian or vehicular  
466 crossings.

467 (2) If remote controlled trains will be operated over crossings, the railroad must supply a  
468 map showing affected crossings and the limits of remote controlled operations.

469 (3) Each railroad using remote control devices on the effective date of this rule must submit  
470 the report within thirty days after the effective date.

471 **NEW SECTION**

472  
473 See 49C.F.R. Ch. 207.4 and RCW 81.60

474 **WAC 480-62-XXX Railroad Police Officers - Notice.** (1) Every railroad that has  
475 employees who are commissioned as railroad police officers pursuant to RCW 81.60 must send  
476 written notice to the commission within thirty days after the effective date of these rules.

477 (2) When any person is commissioned as a railroad police officer, an officer's commission is  
478 terminated, or a change occurs in the information previously reported pursuant to subsection (3),  
479 the affected railroad must send written notice to the commission within ten days after the change  
480 occurs.

481 (3) The notices specified in subsections (1) and (2) must contain the following information:

482 (a) The name of the railroad police officer;

483 (b) The badge number, identification number, code or other identifying information assigned  
484 to the railroad police officer;

485 (c) The date of commission;

486 (d) The state or states where the railroad police officer is commissioned; and

(e) The address and telephone number of the officer's primary business office.

488 **WAC 480-62-090 Hazardous materials regulations.** (1) ~~The rules and regulations~~  
 489 governing hazardous materials ~~are~~ prescribed by the United States Department of Transportation  
 490 in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well  
 491 as ~~and including all and the~~ appendices to Title 49. ~~The Commission adopts these rules by~~  
 492 ~~reference.~~ ~~and amendments thereto, in effect on October 1, 1998, are adopted and prescribed by~~  
 493 the commission to define hazardous materials for purposes of carriage by rail, and to state the  
 494 precautions that must be observed in storage packaging, loading, and unloading such materials,  
 495 and in maintaining, placarding, marking, and certifying railroad cars and equipment used in  
 496 transporting such materials, and in the maintenance of shipping papers prepared in conjunction  
 497 with transporting such materials. The rules and regulations adopted and prescribed by this rule  
 498 shall ~~They must~~ be observed by all railroad companies operating in this state. ~~Title 49 of the~~  
 499 ~~Code of Federal Regulations may be viewed at the branch of the Washington State library housed~~  
 500 ~~at the commission's headquarters and is available for a fee from the United States Government~~  
 501 ~~Printing Office which operates a retail sales facility in Seattle, Washington. A copy may be~~  
 502 ~~obtained from the secretary of the commission, upon payment of any required fee, or from the~~  
 503 ~~United States government printing office, which operates a retail sales facility in Seattle,~~  
 504 ~~Washington.~~

505 — (2) In addition to any accident reporting requirement now or hereafter prescribed by the  
 506 commission, every railroad company operating in this state who reports to the United States  
 507 Department of Transportation any incidents occurring in this state involving hazardous materials,  
 508 shall send a copy of any such report to the commission.

509 (2) All violations of the above incorporated rules and statutes will be submitted to the  
 510 Federal Railroad Administration for enforcement action pursuant to the State Safety Participation  
 511 Program, 49 C.F.R. Part 212.

512 [Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), §  
 513 480-62-090, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 80.01.040 and 81.44.065.  
 514 82-05-020 (Order R-182, Cause No. TR-1579), § 480-62-090, filed 2/10/82. Statutory Authority:  
 515 RCW 80.011.040 [80.01.040] and 81.44.065. 81-10-019 (Order R-164, Cause No. TR-1458), §  
 516 480-62-090, filed 4/27/81.]

## 517 REPEAL

518 — **WAC 480-62-100 Bridge safety rules.** Whenever any railroad is involved in bridge  
 519 construction, bridge structure repairs, track structure repairs or replacement on bridges, the  
 520 railroad shall comply with the provisions of this rule, except that track structure repairs which are  
 521 of a minor nature and short duration and can be completed working between the rails such as spot  
 522 welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard,  
 523 safety nets and life preserver requirements of this rule.

524 — (1) **Safety belts, lifelines, lanyards:**

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

528 — (b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any  
 529 lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static  
 530 load testing, shall not be used again for employee safeguarding.

531 ~~—(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a~~  
532 ~~minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point~~  
533 ~~of their attachment so that a falling man will not swing into the substructure immediately below~~  
534 ~~the floor of the bridge.~~  
535 ~~—(d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a~~  
536 ~~maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal~~  
537 ~~breaking strength of 5,400 pounds.~~  
538 ~~—(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated~~  
539 ~~in accordance with type 1, class B plating specified in Federal Specification QQ-P-416. Surface~~  
540 ~~shall be smooth and free of sharp edges.~~  
541 ~~—(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile~~  
542 ~~loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.~~  
543 ~~—(2) Safety nets:~~  
544 ~~—(a) Where workers are employed on railroad bridges twenty-five feet or more above the~~  
545 ~~ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts~~  
546 ~~and lifelines, safety nets shall be provided and used.~~  
547 ~~—(b) Where safety net protection is required by this rule, operations shall not be undertaken~~  
548 ~~until the net is in place and has been tested. The manufacturer's current certification of testing~~  
549 ~~shall satisfy the requirements of this subsection.~~  
550 ~~—(c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees are~~  
551 ~~exposed and shall be installed as close under the work surface as practical but in no case more~~  
552 ~~than twenty-five feet below such work surface. Nets shall be hung with sufficient clearance to~~  
553 ~~prevent user's contact with the surface or structures below. Such clearances shall be determined~~  
554 ~~by impact load testing.~~  
555 ~~—(ii) It is intended that only one level of nets be required for bridges.~~  
556 ~~—(d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall meet~~  
557 ~~accepted performance standards of 17,500 foot-pounds minimum impact resistance as~~  
558 ~~determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes~~  
559 ~~shall provide a minimum breaking strength of 5,000 pounds.~~  
560 ~~—(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.~~  
561 ~~—(f) Connections between net panels shall develop the full strength of the net.~~  
562 ~~—(3) Life preservers:~~  
563 ~~—(a) Where workers are employed on railroad bridges less than twenty-five feet above the~~  
564 ~~water surface and are working under conditions which expose them to a risk of drowning, they~~  
565 ~~shall wear a United States Coast Guard approved life saving device, unless it can be shown that~~  
566 ~~conditions, such as shallow water, are such that flotation would not be achieved.~~  
567 ~~—(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects~~  
568 ~~which would alter their strength or buoyancy. Defective units shall not be used.~~  
569 ~~—(c) Ring buoys with at least ninety feet of line shall be provided and readily available for~~  
570 ~~emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.~~  
571 ~~—(4) Boats:~~  
572 ~~—(a) Where workers are employed on railroad bridges less than twenty-five feet above the~~  
573 ~~water surface and are working under conditions which expose them to a risk of drowning, one~~  
574 ~~life saving boat shall be immediately available.~~  
575 ~~—(b) The boat requirement of this subsection shall not apply when the water surface is of such~~  
576 ~~a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be~~  
577 ~~safely moored and used in effecting a rescue.~~  
578 ~~—(c) Whenever boats cannot be used, well marked lifelines close to the water surface shall be~~  
579 ~~provided, and wherever practical, the line shall be stretched across the water.~~



580 ~~(5) Exemptions:~~

581 ~~—Bridges which have solid bottom ballast decks with walkways and handrails on both sides are~~  
582 ~~exempt from the provisions of this rule, provided that the work being performed on the bridge~~  
583 ~~does not involve or necessitate the removal of the walkways, handrails, or any portion of the~~  
584 ~~deck.~~

585 [Statutory Authority: RCW 80.01.040, 80.01.010 and 81.44.065. 83-09-004 (Order R-201,  
586 Cause No. TR-1696), § 480-62-100, filed 4/7/83. Statutory Authority: RCW 80.01.040 and  
587 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed  
588 4/27/81.]

589 **REPEAL**

590 ~~—WAC 480-62-120 Train operations--Tacoma. All trains and yard trains handling railroad~~  
591 ~~cars shall come to a full stop at a distance not greater than five hundred feet before the railroad~~  
592 ~~crossing on the Pacific Division, 3rd subdivision of the Burlington Northern Railroad at the Muni~~  
593 ~~Line and Union Pacific Diamond, Union Pacific, milepost 146.5, and shall not proceed across~~  
594 ~~such crossing until it has been specifically determined that no other train is approaching the~~  
595 ~~crossing, or is in any other respect in a position whereby a collision could occur.~~  
596 ~~Statutory Authority: RCW 80.01.040 and 81.01.010. 83-09-003 (Order R-200, Cause No. TR-~~  
597 ~~1692), § 480-62-120, filed 4/7/83.~~

598 **New Section**

599 WAC 480-62-XXX Roadway worker safety and operating rules and statutes. (1) The  
600 Commission adopts by reference the following parts of the Title 49 of the Code of Federal  
601 Regulations (C.F.R.) and Title 45 of the United States Code (U.S.C.) and all pertinent  
602 appendices:

- 603 (a) 49 C.F.R. Part 214: Railroad workplace safety;
- 604 (b) 49 C.F.R. Part 217: Railroad operating rules;
- 605 (c) 49 C.F.R. Part 218: Railroad operating practices;
- 606 (d) 49 C.F.R. Part 219: Control of alcohol and drug use;
- 607 (e) 49 C.F.R. Part 220: Radio standards and procedures;
- 608 (f) 49 C.F.R. Part 221: Rear end marking device - passenger, commuter and freight trains;
- 609 (g) 49 C.F.R. Part 225: Railroad Accidents/Incidents: Reports classification, and  
610 investigations;
- 611 (h) 49 C.F.R. Part 228: Hours of service of railroad employees;
- 612 (i) 49 C.F.R. Part 239: Passenger train emergency preparedness;
- 613 (j) 49 C.F.R. Part 240: Qualification and Certification of Locomotive Engineers  
614 Hours of Service.

615 (k) 49 U.S.C. Chapter 211: Hours of Service.  
616 (2) These rules must be observed by all railroad companies operating in this state that are  
617 subject to regulation by the Federal Railroad Administration. Title 49 of the Code of Federal  
618 Regulations and the referenced United States Code may be viewed at the branch of the  
619 Washington State library housed at the commission's headquarters and are available for a fee  
620 from the United States Government Printing Office which operates a retail sales facility in  
621 Seattle, Washington.

622 (3) All violations of the above incorporated rules and statutes will be submitted to the Federal  
623 Railroad Administration for enforcement action pursuant to the State Safety Participation  
624 Program, 49 C.F.R. Part 212.

625 **New Section**

626 **WAC 480-15-XXX Blockage of Public Grade Crossings.** (1) A railroad may not block a  
627 crossing for more than ten consecutive minutes, if possible.

628 (2) A blocked crossing must be cleared immediately by the fastest available method, if legally  
629 possible, upon the request of law enforcement or other emergency services personnel, or when  
630 the crossing is approached by a law enforcement or other emergency services vehicle with its  
631 emergency lights flashing.

632 (3) A crossing is "blocked" if a motor vehicle cannot legally travel over the crossing.

633 **NewSection**

634 **WAC 480-15-XXX Crossing surfaces.** (1) Highway authorities must maintain and keep  
635 in repair the roadway approaches within one foot of the outside of either rail at a grade crossing  
636 with one track. At crossings involving more than one track, the highway authority must maintain  
637 and keep in repair the roadway approaches within one foot of the outside of each of the two  
638 outside rails.

639 (Add clarifying diagram)

640 (2) At a grade crossing with one track, railroads must maintain and keep in repair the crossing  
641 surfaces between the rails and for one foot on the outside of either rail. At crossings involving  
642 more than one track, railroads must maintain and keep in repair the crossing surfaces and the  
643 roadway for one foot on the outside of the two outside rails and between the two outside rails.

644 (3) Roadway approaches must blend into crossing surfaces to provide a level, smooth  
645 transition.

646 (4) Crossing surfaces must be level with the top of the rails on the plane created by each set  
647 of tracks at a crossing for one foot from the outside rail through the tracks to one foot from the  
648 inside rail.

649 (5) There must be no more than a four inch gap between a crossing surface and the outside of  
650 each rail. There must be no more than a one inch gap between a crossing surface and the inside  
651 of each rail.

652 (6) Crossing surfaces must not be broken or loose.

653 (7) Crossing surfaces include shoulders and pedestrian walkways immediately adjacent to a  
654 roadway or shoulder. If reasonably possible, roadways and adjacent shoulders and pedestrian  
655 walkways must be continued through a crossing without narrowing the roadway, shoulder or

656 walkway.

657 (8) Roadways between tracks at a multi-track grade crossing, including the roadway  
658 subgrade, must be of the same quality as the roadway approaches to the crossing unless the  
659 highway authority and the railroad agree to a higher quality and who will pay for the upgrade.

660 (9) The subgrade to a crossing surface must be maintained in a manner which minimizes  
661 damage to the crossing surface taking into account the effects of topography, water tables,  
662 weather and the type of vehicular traffic generally using the crossing.

663 (10) Whenever a highway authority plans to perform maintenance which will affect a  
664 crossing, it must notify the railroad at least ten days before performing the maintenance.  
665 Whenever a railroad plans to perform maintenance which will affect a crossing, it must notify the  
666 highway authority at least ten days before performing the maintenance.

667 **New Section**

668 WAC 480-15-XXX Track safety standards. (1) Rules governing Track Safety Standards  
669 are prescribed by the United States Department of Transportation in Title 49, Code of Federal  
670 Regulations, part 213 along with appendices. The Commission adopts these rules by reference.  
671 They must be observed by all railroad companies operating in this state that are subject to  
672 regulation by the Federal Railroad Administration. Title 49 of the Code of Federal Regulations  
673 may be viewed at the branch of the Washington State library housed at the commission's  
674 headquarters and is available for a fee from the United States Government Printing Office which  
675 operates a retail sales facility in Seattle, Washington.

676 (2) All violations of the above incorporated rules will be submitted to the Federal Railroad  
677 Administration for enforcement action pursuant to the State Safety Participation Program, 49  
678 C.F.R. Part 212.

679 **New Section**

680 WAC 480-15-XXX Crossing Signal Circuitry. (1) Rules governing Grade Crossing  
681 Signal System Safety are prescribed by the United States Department of Transportation in Title  
682 49, Code of Federal Regulations, part 234 along with appendices. The Commission adopts these  
683 rules by reference. They must be observed by all railroad companies operating in this state. Title  
684 49 of the Code of Federal Regulations may be viewed at the branch of the Washington State  
685 library housed at the commission's headquarters and is available for a fee from the United States  
686 Government Printing Office which operates a retail sales facility in Seattle, Washington.

687 (2) All violations of the above incorporated rules will be submitted to the Federal Railroad  
688 Administration for enforcement action pursuant to the State Safety Participation Program, 49  
689 C.F.R. Part 212.

690 (3) Violations involving all other railroads will be enforced pursuant to WAC 480-62-XXX -  
691 Compliance policy.

692 **New Section**

693 WAC 480-15-XXX On track equipment. (1) When approaching and passing over a

694 railroad/highway grade crossing, operators of motor track cars, speeders, or other on-track  
695 equipment must remain in complete control of the equipment, be prepared to stop for vehicular  
696 or pedestrian traffic on the highway, stop if necessary to avoid an accident, and provide  
697 protection for vehicular or pedestrian traffic if necessary.

698 (2) Railroads that allow persons other than railroad personnel on official railroad business to  
699 operate motor track cars, speeders, or other on-track equipment on their track must ensure that  
700 the operators comply with subsection (1).