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Office of Administration

Mayor Janda Volkmer

September 27, 1999

Secretary Carole J. Washburn
WUTC
PO Box 47250
Olympia, WA 98504-7250

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

RECEIVED
99 SEP 27 AM 11:55
STATE OF WASHINGTON
OFFICE OF THE ATTORNEY GENERAL
COMMUNICATIONS SECTION

Dear Secretary Washburn:

On behalf of the Town of Steilacoom, I would like to submit the following comments in advance of the September 28 Rulemaking Workshop on Docket No. TR-981102:

1. **Procedure to set train speed limits** - page 4, lines 137-184;

The Town of Steilacoom supports the proposed process to set train speeds to eliminate or reduce local safety hazards.

2. **Railroad community notice requirements** - page 10, lines 381 - 383;

The Town of Steilacoom supports the proposed requirement to notify a community in advance of significant actions.

As with the procedure to set train speed limits (page 5, line 160), I would request that the community notice be sent to the chief executive officer of the local jurisdiction rather than "governing authority of the community." It may be difficult to have multiple names and addresses for the same jurisdiction; if the chief executive officer is used throughout the Rule, then it should be easier for the railroads and WUTC to contact the town.

In addition to notifying the community, the notice should be prominently posted at the site where the planned action is to take place. Posting the notice will serve to notify affected persons of possible disruptions and let them plan accordingly. The example I would like to use is the Union Avenue crossing in Steilacoom, which is used by the Department of Corrections and the Pierce County ferry service. Employees and users of these services should have the same 10-day advance notice.

Secretary Carole J. Washburn - Docket No. TR-981102

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3. **Miscellaneous reporting requirements** - page 11, lines 432-436;

In addition to sending incident/accident reports, and hazardous materials incident or accident reports, to WUTC, copies should also be sent to the chief executive officer of the jurisdiction where the event occurred. Every jurisdiction is responsible for providing fire protection and hazardous material services, as well as protecting ground water sources and other environmental resources. The local jurisdictions deserve to know about these types of accidents and incidents.

4. **Crossing surfaces** - page 16, lines 634-638 and 640-641;

There should be no expectation that highway authorities will maintain or repair roadway approaches as described in this text. First of all, this appears to be an unfunded mandate to perform maintenance and repair work on railroad property or right-of-way. Second, state and local governments may not have accepted the road improvements or the road improvements may not have been dedicated to the highway authority. Given these circumstances pertaining to ownership, it is not acceptable for highway authorities to assume the responsibility and resulting liability for work performed in the right-of-way of another agency.

The suggestion here is that a railroad must maintain and keep in repair the roadway approaches within the full right-of-way or property held by the respective railroad. This language should be added to the text in lines 640-641.

I am unable to attend the September 28 workshop on these proposed changes, so I invite interested persons to contact me at (253) 581-1900 if any additional information is needed.

Sincerely yours,



Eric A. Shields, AICP
Interim Community Development Director



Office of Administration

Mayor Janda Volkmer

September 27, 1999

Secretary Carole J. Washburn
WUTC
PO Box 47250
Olympia, WA 98504-7250

Subject: Railroad Company Operations Rulemaking
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RECEIVED
09 SEP 29 AM 8:39
OFFICE OF THE TOWN CLERK
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