

[Service Date June 10, 2003]

June 10, 2003

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(Tuesday, July 8, 2003)**

**NOTICE OF WORKSHOP
(Tuesday, August 12, 2003)**

RE: Remote Control Locomotive Operations Draft Rules.
Docket No. TR-021465

TO INTERESTED PERSONS:

Commission Staff has completed a discussion draft of WAC 480-62-320 Remote Controlled Operations. Staff considered the written comments submitted by interested persons, as well as the oral comments from the stakeholder workshop held on March 19, 2003, in drafting this rule proposal. The draft rules are available for inspection on the Commission's web site at www.wutc.wa.gov/021465. The Commission will send a paper copy of the draft rules or will send the proposal via electronic mail, if requested.

Our legal advisors have determined that federal statutes governing railroad companies place certain limits on the authority of states to regulate railroad companies and their operations. However, they have also determined that federal statutes do not completely preempt state authority to regulate railroads. To that end, Staff has drafted rules to address possible safety hazards that might arise with the use of remote control technology at grade crossings and other publicly accessible areas over which Washington State has authority to regulate. Specifically, Staff proposes remote control locomotive operations rules that require:

- More detailed reporting of the location of remote controlled operations and any changes to those operations.
- Reporting of implementation of remote control zones, as well as limiting operation in remote control zones to locations where physical barriers exist or have been constructed to prevent pedestrian access to the zone.
- Installation of signs warning of remote controlled operations.
- Railroad employees to view a crossing and roadway approaches when conducting remote controlled operations over any at-grade crossing.
- Protection at the point of movement at any location accessible to the general public and at any location where remote controlled operations can foul mainline tracks.

STAKEHOLDER WORKSHOP

We encourage your attendance and participation in a stakeholder workshop. The workshop will be held **Tuesday, August 12, 2003** in Room 206 at the Commission's headquarters, beginning at 9:30 a.m. Free parking is available. The Commission's address is:

Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504-7250

If you need additional information please call Mike Rowswell at (360) 664-1265 or e-mail at mrowswel@wutc.wa.gov.

WRITTEN COMMENTS

Written comments on the remote control locomotive operations draft rules must be filed with the Commission no later than **Tuesday, July 8, 2003**. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (TR-021465)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at www.wutc.wa.gov/021465.

If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document. The Commission's mailing address is:

Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Sincerely,

CAROLE J. WASHBURN
Secretary