



SERVICE DATE

OCT - 6 1999

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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October 5, 1999

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN COMMENTS

(Monday, November 1, 1999)

NOTICE OF RULEMAKING WORKSHOP

(9:30 a.m., Monday, November 8, 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. On September 28, 1999, the Commission held a workshop to discuss staff's first draft of proposed rules. Time did not allow for a complete discussion of all rules. Therefore, the Commission will hold a second workshop to continue the discussion of staff's proposed rules. Enclosed are additional draft rules which were distributed at the September 28, 1999, workshop. These additional draft rules were not a part of the mailing preceding the September 28, 1999, workshop

NOTICE IS GIVEN that the Commission will conduct a workshop regarding possible changes, additions, or deletions to rules regarding railroad company operations on Monday, November 8, 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. **Staff requests that written comments be submitted not later than November 1, 1999.** 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.

Sincerely,

A handwritten signature in cursive script that reads "Carole J. Washburn".

Carole J. Washburn
Secretary

Enclosure

Railroad Companies - Operations Rulemaking

Chapter 480-62 WAC

Docket No. TR-981102

October 5, 1999

Proposed Additional Rules Prepared for
Public Stakeholder Workshop

by
Washington Utilities and Transportation Commission Staff

Attachment 1

**Attachment 1
to Draft 1**

1 **The following additional proposed rules were distributed at the 9/28/99 public workshop**

2 **AMEND**

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

4 (1) Whenever a railroad company performs any construction, maintenance or repairs at a crossing
5 or overpass, the company must install and maintain traffic control devices adequate to protect the
6 public and railroad employees. Flaggers must also be provided where necessary to adequately
7 protect the public and railroad employees.

8 2) The Rules governing traffic control devices are prescribed in the Manual on Uniform Traffic
9 Control Devices. The Commission adopts these rules by reference. They must be observed by
10 all railroad companies operating in this state. The Manual on Uniform Traffic Control Devices
11 may be viewed at the branch of the Washington State library housed at the commission's
12 headquarters and is available for a fee from the United States Government Printing Office which
13 operates a retail sales facility in Seattle, Washington.

14 (3) Any traffic control device must be used only as long as the device is needed or applicable.
15 Any device that is no longer needed or applicable must be immediately removed or inactivated so
16 as to prevent confusion.

17 (4) All barricades, signs, and similar devices must be constructed and installed in a workmanlike
18 manner.

19 (5) Buses, weeds, or any other material or object must not be allowed to obscure any traffic
20 control devices.

21 (6) All signs, barricades, and other control devices intended for use during hours of darkness
22 must be adequately illuminated or reflectorized, with precautions taken to protect motorists from
23 glare.

24 ~~Whenever any railroad company engages in the construction, maintenance, or repair of a crossing~~
25 ~~or overpass, traffic control devices installed and maintained in accordance with the requirements~~
26 ~~of chapter 168, Laws of 1977 ex. sess., shall be in conformity with Part I, Part H-A, and Part VI~~
27 ~~of the currently effective Manual on Uniform Traffic Control Devices, as adopted by the Federal~~
28 ~~Highway Administrator as a national standard for application on all classes of highways, all of~~
29 ~~which are hereby adopted by reference as if set out in full, together with all subsequent additions,~~

30 deletions, or amendments thereto:

31 [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-
32 62-020, filed 4/26/78.]

33 Amend

34 WAC 480-62-030 ~~Flagpersons:~~ Flaggers.

35 (1) Flaggers must be used when required by any law or rule of the United States or of the State of
36 Washington or by the railroad's own rules or procedures.

37 (2) The rules governing flaggers are prescribed in Chapter 6 subsection (F) of the Manual on
38 Uniform Traffic Control Devices. The Commission adopts these rules by reference. They must
39 be observed by all railroad companies operating in this state. The Manual on Uniform Traffic
40 Control Devices may be viewed at the branch of the Washington State library housed at the
41 commission's headquarters and is available for a fee from the United States Government Printing
42 Office which operates a retail sales facility in Seattle, Washington.

43 (3) Flaggers must be able to read, write and speak the English language.

44 (4) Railroads must train all persons used as flaggers to understand and follow the rules adopted in
45 subsection (2). Railroads must maintain a record of the training dates for each flagger and the
46 content of the training program for inspection by the Commission.

47 ~~(1) Qualifications and equipment. Since flagpersons are responsible for human safety and make~~
48 ~~the greatest number of public contacts of all construction personnel, it is important that qualified~~
49 ~~personnel be selected. Flagpersons shall, as a minimum, be of average intelligence; in good~~
50 ~~physical condition, including sight and hearing; be mentally alert; have a courteous but firm~~
51 ~~manner; be of neat appearance; and have sense of responsibility for safety of public and crew.~~

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

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

61 ~~—(2) Hand-signaling devices:~~

62 ~~—(a) General. Red flags or STOP/SLOW paddles or lights may be used in controlling traffic~~
63 ~~through work areas:~~

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

65 24 inches in size, made of a good grade of red material securely fastened to a staff approximately
66 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically,
67 even in heavy winds.

68 ~~———— (c) Sign paddles. Sign paddles shall be at least 24 inches wide, with 6 inch series C~~
69 ~~letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet~~
70 ~~metal or other light semirigid material. The background of the STOP face shall be red with white~~
71 ~~letters and border. The background of the SLOW shall be orange with black letters and border.~~
72 ~~When used at night the STOP face shall be reflectorized red with white reflectorized letters and~~
73 ~~border, and the SLOW face shall be reflectorized orange with black letters and border.~~

74 ~~———— (3) Flagging procedures.~~

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

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

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

84 ~~———— If a sign paddle is used, it shall be held in a stationary position with the arm extended~~
85 ~~horizontally away from the body.~~

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

90 [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-
91 62-030, filed 4/26/78.]

92 **New Section**

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

94 **(1) Every railroad must report to the Commission sales, transfers or abandonments of all or any**
95 **portion of any spur, branch, or line within ten days of the transaction. The report must contain a**
96 **description of the transaction, clear identification of the track involved in the transaction, the**
97 **effective date of the transaction, and the name and address of the new owners or operators of the**
98 **section transferred.**

99 **(2) Every railroad must report to the Commission the number of daytime through trains, night**
100 **time through trains, and switching movements over each grade crossing in its control**
101 **semiannually. Reports must be submitted by June 30 and December 31 of each year. Reports**

102 must identify each crossing by USDOT number and road name.

103 (3) Every railroad must inform the commission in writing of the names, addresses and telephone
104 numbers of the persons to whom to report emergencies of any nature, and problems or defects
105 with crossing signals, passive warning devices, and crossing surfaces. The information must be
106 updated to be current at all times.

107 (4) Every railroad must provide the Commission with copies of track profiles. Information must
108 be updated annually.

109 (5) Every railroad must provide the Commission with copies of its timetable. Changes to the
110 timetable shall be provided to the Commission within ten days after they are made.