

Kim Dobyys210/14/9910:18:53 AM

10-14-99

TR-981102

Greetings Kim,

I am in receipt of "Railroad Companies - Operations Rulemaking..." September 14, 1999, Draft. Thank you for providing it and I am glad that there will be further opportunity for comment as the rulemaking process continues. As a City Council member, a focused concern is the need to significantly influence the amount of train noise (horn blasts) generated into our community. I would very much appreciate future editions of the Rulemaking code in an electronic format, floppy disk or email.

Sincerely,

Rolando Mendez-Treneman

log: file per
RMS
RMS



To: Mendez-Treneman <rolando@gorge.net>
cc: Records Center, Mike Rowswell/WUTC@WUTC, Ann Rendahl/WUTC@WUTC, Karen Caille/WUTC@WUTC, Scott Barrett/WUTC@WUTC, Kim Dobyons/WUTC@WUTC, Penny Hansen/WUTC@WUTC, Teresa Osinski/WUTC@WUTC, Jeff Goltz/WUTC@WUTC
Subject: TR-981102 written comments and response

Thank you for your comments. The Commission has not established a process to ensure electronic documents are sent to all those who make such a request. However, I think it's a great idea and will pass the request on to our records management section as a possible process improvement idea.

In the meantime, we publish these documents on our internet home page at <www.wutc.wa.gov> in a wordperfect format and in a PDF format.

Regarding the whistle ban issue. Staff has reviewed the issue and decided to recommend this issue be dropped from the current rulemaking for the following reasons:

1. The federal government will be publishing a proposed rulemaking regarding whistle bans at the national level in the near future. Their rulemaking, when complete, will "occupy the field" and preempt any rules or laws at the state level.
2. The current law, RCW 81.48.015, provides the Commission with authority to **comment only** on local ordinances concerning whistle bans. As the law was written, cities and counties are authorized to enact ordinances limiting or prohibiting the sounding of locomotive horns, provided the ordinance applies only at crossings equipped with supplemental safety measures in addition to signals and gates. Railroad companies have raised issues concerning local government's authority to implement such whistle bans. Staff discussed the possibility of writing a rule that would provide cities with a procedure to follow when considering whistle bans or asking the legislature to further define the process in law. However, due to the proposed federal rulemaking, staff believes neither option would be successful.

If you have any further questions concerning staff's recommendation or existing laws, please contact Mike Rowswell at (360) 664-1265 or <mrowswe@wutc.wa.gov>.

Thank you for your interest in this rulemaking,
Kim Dobyons
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Mendez-Treneman <rolando@gorge.net> on 10/09/99 09:17:16 AM



Mendez-Treneman <rolando@gorge.net> on 10/09/99 09:17:16 AM

To: Kim Dobyons/WUTC@WUTC
cc:
Subject: rulemaking workshop, 9/28/99