



STATE OF WASHINGTON  
 MILITARY DEPARTMENT  
 EMERGENCY MANAGEMENT DIVISION

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November 10, 1999

Executive Secretary Carole Washburn  
 Washington Utilities and Transportation Commission  
 1300 S. Evergreen Park Dr. SW  
 PO Box 47250  
 Olympia, Washington 98504-7250

TR-981102

STATE OF WASHINGTON  
 UTIL. AND TRANS. COMMISSION

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Dear Ms. Washburn:

The proposed rules concerning Railroad Company Operations Rulemaking for Chapter 480-62 WAC, Docket No. TR-981102 have been reviewed by the Washington Military Department, Emergency Management Division. At the workshop on September 28, 1999, several suggestions were made and the following represents proposed language for consideration.

In accordance with the Washington State Comprehensive Emergency Management Plan (CEMP), the Washington Military Department, Emergency Management Division (EMD), coordinates and updates notification lists and the CEMP in addition to maintaining a 24-hour notification capability. The State Duty Officer system serves as the state's single point of contact for hazardous materials spills reporting, wildland fires, and other emergencies—in support of several agencies and their stakeholders. As part of its responsibilities, EMD staffs the State Emergency Response Commission and provides technical support to the Local Emergency Planning Committees in compliance with the Community Right To Know Act.

Currently, the EMD Duty Officer receives information when there is a railroad incident that requires notification to the federal entity. While EMD does receive copies of the National Response Center's notification report with a quick turnaround, the details provided are very limited. This prompts the State Duty Officer to call the railroad representative to obtain additional details necessary to assist the local emergency manager and other appropriate agencies, including the WUTC. It is necessary for EMD to find someone with the railroad to obtain further clarification prior to notifying local emergency managers.

These are actions already being taken by the duty officer and forges partnerships with the railroads and the Commission. EMD would like to provide clarity in the proposed rules in chapter 480-62 WAC that EMD is the primary, one stop notification for emergencies and warnings as the WUTC's agent. EMD notifies local emergency management offices of any relevant reports.



EMD would like to propose the following changes to the September 14, 1999 discussion draft rules based upon discussion of the September 28, 1999 workshop:

**Page 10, Line Numbers 383, 393, 394, 400 Title of Rule: 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  
382 impact  
383 on a community, a railroad company must notify, in writing, the governing  
384 authority of the  
385 community of the planned action and must call the ~~((Washington utilities and~~  
386 transportation commission of the planned action )) **Commission's designee, the**  
387 **Washington state emergency operations center 24-hour duty officer (duty**  
388 **officer) at 1-800-258-5990 which will notify the Commission and the affected**  
389 **county or city emergency management office and other appropriate**  
390 **agencies in accordance with the state 24-hour duty officer standard**  
391 **operating procedures and the state comprehensive emergency**  
392 **management plan.**  
393 (2) The following are examples of actions that may have significant impact on a  
394 community:  
395 (a) Any event that will impede vehicle traffic flow, including disrupting use of a  
396 crossing  
397 for track inspection, reconstruction, or maintenance;  
398 (b) Blocking a crossing for longer than 10 minutes.  
399 (3) The notice must contain a heading with the words "Important Notice" in  
400 prominent  
type and contain, at a minimum, the following:  
401 (a) Date the notice is issued;  
402 (b) A clear explanation of the type of planned event;  
403 (c) Specific location of the ~~((project)) event;~~  
404 (d) The start and completion date of the ~~((project)) event;~~  
405 (e) Any additional information that will assist the community to plan for the event;  
406 (f) Railroad contact person and phone number; and  
407 (g) A statement substantially as follows: "If you have questions about the  
408 regulatory  
409 process, you may contact the Washington Utilities and Transportation  
410 Commission at: WUTC,  
411 1300 S. Evergreen Park Dr. SW, PO Box 47250, Olympia, WA 98504-7250; 1-  
412 800-562-6150  
413 (toll free). Also, you may contact the Federal Railroad Administration at 1-800-  
414 724-5998 (tollfree)."

Reason: Major disruptions to transportation may result in concerns that the 24-hour Duty Officer could help alleviate—however, of more concern is the life and safety aspect of ensuring immediate notifications for response organizations. While city hall or public works departments provide some notification to other departments when permits are obtained—if required; at times the local emergency management organization may not be aware of possible temporary disruptions. By the State EOC notifying the local emergency management office, it allows that office to coordinate with their executive head and appropriate agencies. The State EOC maintains contact lists with many

organizations—public and private in following the state's Comprehensive Emergency Management Plan.

Page 11, Line Numbers 405, 409, 412, 413, 414, 416-422, 425, 426, 429, 432. Title of Rule: WAC 480-62-080 Accident reports.

405 (1) Each ~~A~~ railroad must promptly make a telephone report to the  
406 Commission's designee, the Washington state emergency operations center 24-  
hour duty officer (duty officer) at 1-800-258-5990 ~~of~~ ~~by telephone to a specific~~  
~~telephone number and/or person to be designated from time to time by the~~  
407 ~~commission whenever~~  
~~the railroad learns of the occurrence of an accident and/or incident arising from any~~  
408 ~~event~~  
~~connected to the operation of the railroad which results in the:~~  
409 (a) ~~Leakage or spillage~~ Release of any 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)) that  
413 requires medical treatment in addition to first aid; or  
414 (d) Damage((s)) of any property, amounting to five hundred fifty thousand  
415 dollars or more to railroad and/or nonrailroad  
property.

416 (2) Reports of ((incidents)) events listed in subsection (1) must be made by the  
railroad within ((four  
417 hours)) ten minutes of when it learned of the event. The report must provide  
detailed information of the event to the duty officer.  
a. After ((making)) receiving the telephone report((r)) from the railroad, ~~must~~  
418 promptly submit a written report by fax or e-mail. the duty officer will identify the  
needed critical response and remediation resources and agencies on an initial  
and continuous basis through the completion of the response to the event;  
and  
b. The duty officer will notify the Commission, the affected county or city  
emergency management office and other appropriate agencies of the  
event report. ((Each report made by telephone shall be  
416 promptly followed by a telegraphic report to the commission. Reports must be made  
to  
417 telephone numbers, fax numbers and/or e-mail addresses given to the railroad by  
the  
418 Commission.))  
c. Provisions (a) and (b) of this subsection shall be carried out in  
accordance with the state 24-hour duty officer standard procedures and  
the state comprehensive emergency management plan.

422 (3) Each event report made pursuant to subsection (1) by the railroad 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 identify of persons suffering~~  
~~injuries;~~
- 428 ~~(f) Identify of fatalities, if any. Number of fatalities and the identities of the~~  
~~deceased;~~
- 429 ~~(g) The type and amount of hazardous material spilled((-)); and~~  
~~(h) Other details that will assist in identifying the necessary response,~~  
~~as prompted by the duty officer.~~
- 430 (4) Accidents involving joint operations must be reported by the railroad that  
431 controls the  
track and directs the movement of trains where the accident has occurred.
- 432 (5) Whenever a railroad submits an ((incident)) event/accident report to the  
433 Federal Railroad  
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  
435 Transportation  
about a hazardous materials incident or accident, it shall submit a copy of the  
report to the Commission at the same time.

Reason: Derailments and other incidents may require immediate response. The local Enhanced 911 center may not be in the local emergency management's operations center where coordination of all appropriate resources can occur in a timely manner. For instance, an incident involving multiple jurisdictions or multiagencies requires the use of the incident command system (RCW 38.52.030 (3)). While the Washington Military Department, Emergency Management Division, does receive copies of the National Response Center's notification report with a quick turnaround, the details provided are very limited. This prompts the State Duty Officer to call the railroad representative to obtain additional details necessary to assist the local emergency manager and other appropriate agencies. (Please see form C-24, A-4—this could easily be modified to address lines 422-431 or an additional form for railroad incidents can be developed for use in the state emergency operations center.)

A call early in the process allows for a clearer understanding of the nature of the emergency and the 24-hour Duty Officer can begin to identify needed critical response and remediation resources and agencies. All calls to the duty officer are recorded and are part of the public record. Due to this, the required time of notification can be verified for investigative purposes. This continues the providing of service—to ensure that the hazardous materials spill reporting requirement is recorded timely and to coordinate with the local emergency management office and other organizations, including the WUTC—with the state EMD acting WUTC's agent.

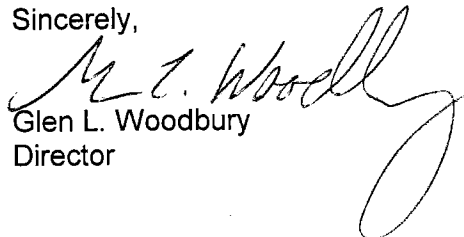
Additionally, the State Emergency Management Public Information Officer can provide accurate and coordinated details to the media in support of the Governor, the affected jurisdiction and affected business and industry. These actions support the state's Comprehensive Emergency Management Plan.

For lines 432-436, the form could be submitted to the state duty officer if the form provides additional information that would help in notification and coordination efforts.

I would like to thank your staff for including Ken Parrish, State Emergency Operations Center Supervisor, and Joan Sterling, Legislative and Policy Analyst, during the September 28, 1999 workshop. EMD looks forward to continuing our working together.

If you have any questions regarding these comments, please call me at (253) 512-7001 or Ken Parrish, State Emergency Operations Center Supervisor, at (253) 512-7022.

Sincerely,



Glen L. Woodbury  
Director

Enclosure

cc: Ms. Kim Dobyms, WUTC Policy Research Specialist,  
Railroad Rules Team Leader  
Mr. Mike Rowswell, WUTC Rail Operations Manager  
Mr. Ken Parrish, State Emergency Operations Center Supervisor  
Ms. Joan Sterling, Legislative and Policy Analyst  
Ms. Linda Burton-Ramsey, WSMD, Staff Director/Rules Coordinator  
Ms. Willette Rowe, Assistant Attorney General for the Washington Military  
Department

