



# Department of Public Works

Mayor Janda Volkmer

November 27, 2000

State of Washington  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW, PO Box 47250  
Olympia, WA 98504-7250

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NOV 29 AM 8:55  
STATE OF WASHINGTON  
UTILITY & TRANSPORTATION  
COMMISSION

**RE: Draft Railroad Operation Rules – Written Comments**

Dear Commission:

Thank you for the opportunity to submit comments again on your Draft Railroad Operation Rules. The following Town of Steilacoom comments were submitted by our letter of October 13, 2000 and have not been incorporated into the latest draft we have reviewed:

**New Section WAC 480-62-155(3), Evidence of what constitutes an “essentially local safety hazard.”** Item (b) covers only natural conditions. Human-made conditions should also be considered. For example, track curvature/geometry can limit sight distance and cause a local safety hazard. Another example in the Town of Steilacoom is the ferry dock, a human-made condition, where school children to/from Anderson Island and McNeil Island must cross the tracks twice a day. This safety concern would not be considered by the rule as written.

**WAC 480-62-235, Flaggers.** In paragraph (8)(e) concerning flagger breaks, add to the end of this paragraph, “During breaks, another qualified flagger must take over the flagging duties”.

If you have any questions, please don't hesitate to call me at (253) 581 1912.

Sincerely,

David K. Gebert, P.E.  
Director of Public Works

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14 minutes. The assumption is that the time listed on the form is when the call (tape recorder) begins, 8-10 minutes for the call to take place, including logging, and another 2-3 minutes to send and receive the fax. We'll continue to receive the fax and make the notifications, as appropriate.

We are offering the Railroads to contact the state Duty Officer as a tool for mitigation of liability. All calls are tape recorded. This can be critical for notification sequences. The duty officer would take the information provided and make the notifications. The duty officer does not call back the NRC or the Railroad

As was discussed at the October 2 workshop, WAC 480-62-X3.3 should be two different reporting requirements. First is for immediate telephone reports of accidents and second for written reports of accidents. This would help clarify the intent.

Also discussed at the October 2 workshop, WAC 480-62-X3.2, Railroad community notice requirements are specifically for planned actions which does not require emergency responders. Recommend using the original draft language. Part of the education process, however, may be of interest to have the railroads and local road authorities meet and discuss with local emergency responders or management agencies in the future.

The following is the most relevant authority for our offer to WUTC and the Railroads.

### **RCW 38.52.030**

**Director -- Comprehensive emergency management plan -- State-wide enhanced 911 emergency communications network -- State coordinator of search and rescue operations -- State program for emergency assistance -- State coordinator for radioactive and hazardous waste emergency response programs.**

- (1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
- (2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.
- (3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.
- (4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.
- (5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010

(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

[1997 c 49 § 2; 1995 c 269 § 1201. Prior: 1991 c 322 § 20; 1991 c 54 § 2; 1986 c 266 § 25; 1984 c 38 § 4; 1975 1st ex.s. c 113 § 3; 1973 1st ex.s. c 154 § 58; 1967 c 203 § 3; 1951 c 178 § 4.]

#### **NOTES:**

**Effective date -- 1995 c 269:** See note following RCW 9.94A.040

**Part headings not law -- Severability -- 1995 c 269:** See notes following RCW 13.40.005

**Findings -- Intent -- 1991 c 322:** See note following RCW 86.12.200

**Referral to electorate -- 1991 c 54:** "Sections 1 through 6 and 9 through 16 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this