

PETITION SUBMITTED TO THE UTILITIES AND TRANSPORTATION COMMISSION OF THE STATE OF WASHINGTON FOR A RULEMAKING NECESSARY, AND SUFFICIENT, FOR THAT STATE AGENCY TO FULFILL MINIMUM LAWFUL COMPLIANCE WITH ITS NONDISCRETIONARY DUTY TO "MAINTAIN SAFETY RESPONSIBILITY FOR PASSENGER RAIL SERVICE OPERATING ON FREIGHT RAIL LINES" (UNDER 81.104.120 RCW)

COMES NOW petitioner Will Knedlik, who is a citizen of the state of Washington and president of Eastside Rail Now!, and whose mailing address is P.O. Box 99, Kirkland, Washington 98083, hereby petitioning the Washington State Utilities and Transportation Commission, pursuant to all authority of 34.05.330 RCW, to amend WAC 480-60-010 as necessary, and as sufficient, for that agency to fulfill minimum lawful compliance with its nondiscretionary duty to "maintain safety responsibility for passenger rail service operating on freight rail lines" (under 81.104.120 RCW), in the form set forth hereinbelow, including each indicated underscoring, as fully incorporated for every legal purpose by this reference thereto (subject to all rights of appeal granted by law and to a core state constitutional right to original *mandamus* litigation pursuant to Article IV, section 4):

**WAC 480-60-010 – Application of rules.**

(1) The rules in this chapter shall apply to every common carrier railroad, as defined by 81.04.010 RCW statutorily, subject to the commission's nondiscretionary duty to maintain safety responsibility, for certain passenger rail service, as further established by 81.104.120 RCW statutorily; to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad or company; ~~and to the construction and reconstruction of tracks or structures adjacent thereto; and to adjacent dangers to public safety from any landslide hazards or from any mudslide perils.~~

(2)(a) A common carrier railroad subject to the commission's duty to maintain safety responsibility for passenger rail service as established by 81.104.120 RCW, and operating on any slide-prone freight rail line adjacent to any bluff 60 feet or more in height identified by the United States Geological Survey as at-risk for slides, including trackage between the city transit center in Everett and King Street Station in Seattle, must not transport any passengers during any days, weeks or months after any at-risk bluff, thus identified, first reaches 60 percent of saturation, until its saturation level has been measured daily at below 60 percent, continuously, for a period of no-less-than-30 days, unless the commission enters an order that temporarily grants an exemption, fully consistent with its safety responsibility, after public hearings in each city served.

(2)(b) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

Given that lives of fully 500 state citizens have for years been, and continue still to be, jeopardized as commuter-rail passengers between Everett and Seattle **twice** each weekday (when slides do not prevent Sounder North rail operations repeatedly) due to ongoing commission failures to discharge its nondiscretionary duty quoted hereinabove (contrary to patent intent of legislation adopted on an **emergency** basis in March, 1990 by the 51st Legislature), given all geomorphological similarities between numerous existing slide zones at issue and the Hazel ridge collapse (near Oso), and given substantial risks for every Sounder North rider known clearly at least since May, 1897 (when *The American Geologist* identified, at its page 319, a then-recent slide at "point Edmonds" onto then-Great Northern trackage), an expedited hearing is requested (after, respectively, 24 and 117 years).

Respectfully submitted,



Will Knedlik

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