



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Utilities and Transportation Commission (UTC)

Subject of possible rule making: The purpose of this rulemaking is to implement Engrossed Substitute House Bill (ESHB) 1105, Chapter 333, Laws of 2017, which was passed by the legislature and subsequently signed by Governor Inslee. The effective date of the legislation is January 1, 2018. This potential rulemaking is recorded as Docket TR-170780 at the commission.

Statutes authorizing the agency to adopt rules on this subject: ESHB 1105, Section 2, Paragraph (2), which states, "The commission must adopt rules under chapter 34.05 as necessary to carry out this chapter regarding the operation of contract crew transportation vehicles."

Reasons why rules on this subject may be needed and what they might accomplish:
Railroad companies transport employees from one location to another to perform their duties. Railroad companies either provide transportation directly or, quite often, contract with private companies to transport employees. The commission currently regulates companies that provide passenger transportation if the vehicle used for transportation has a seating capacity for eight or more passengers, including the driver. The commission regulates and enforces safety requirements for these vehicles, including insurance coverage requirements, purchasing and maintaining vehicles, drivers' hours of service, controlled substance and alcohol testing requirements, and provisions for emergency equipment, among other requirements. Under the current statutes and rules, however, if a railroad contracts with a company that operates vehicles with a seating capacity of seven or fewer passengers, none of these safety requirements apply. This legislation eliminates the seating capacity threshold and requires all vehicles transporting railroad employees, regardless of size, to meet commission safety standards.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The commission will ask for initial written comments on the CR-101 by August 28, 2017, and plans to host a stakeholders' workshop on October 5, 2017.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties may contact the UTC by telephone at 360-664-1174; by fax at 360-586-1150, or in writing at:

Executive Director and Secretary
Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Drive SW
Olympia, WA 09504-7250

Interested persons may file written comments on the CR-101 by fax, by mail or via web at <http://www.utc.wa.gov/TR-170780> by August 28, 2017.

DATE
July 20, 2017

NAME (TYPE OR PRINT)
Steven V. King

SIGNATURE

TITLE
Executive Director and Secretary

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STATE OF WASHINGTON
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