



**PROPOSED RULE MAKING
(RCW 34.05.320)**

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Washington Utilities and Transportation Commission

Original Notice

Preproposal Statement of Inquiry was filed as WSR 03-04-004 ; or
 Expedited Rule Making -- Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Supplemental Notice to WSR _____
 Continuance of WSR _____

(a) Title of rule: (Describe Subject) Remote-Control Locomotive (RCL) Operations. Rules relating to public safety when railroads operate locomotives with remote-control technology.
 The proposal would amend WAC 480-62-320, Remote Control Operations, to clarify and expand reporting requirements to include notice of railroads' intention to use cameras for point protection at crossings. In addition, the proposal would amend WAC 480-62-125, definitions, to add definitions of "remote-control area," remote-control operations," and remote-control zone."
 Purpose: See j. below.
 Other identifying information:
 Docket No. TR-021465

(b) Statutory authority for adoption: RCW 80.01.040, RCW 81.04.160.

Statute being implemented: N/A

(c) Summary: See j. below.
 Reasons supporting proposal: See j. below

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Mike Rowsell, Rail Safety Mgr.	1400 S. Evergreen Park Drive S.W., Olympia WA 98504	360-664-1265
2. Implementation.... Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia WA 98504	360-664-1174
3. Enforcement..... Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia WA 98504	360-664-1174

(e) Name of proponent (person or organization): Washington Utilities and Transportation Commission
 Private
 Public
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
 None

(g) Is rule necessary because of:
 Federal Law? Yes No If yes, ATTACH COPY OF TEXT
 Federal Court Decision? Yes No Citation:
 State Court Decision? Yes No

(h) HEARING LOCATION:
 Commission Hearing Room 206
 Second Floor, Chandler Plaza Building
 1300 S. Evergreen Park Drive S.W.
 Olympia, WA 98504
 Date: April 28, 2004 Time: 9:30 a.m.
 Assistance for persons with disabilities: Contact Mary DeYoung by April 23, 2004
 TDD (360-586-8203) or 360-664-1133

Submit written comments to:
 Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504,
 or
 E-mail to records@wutc.wa.gov. Please include Docket No. TR-021465 in your communication
 FAX 360-586-1150 by March 10, 2004

DATE OF INTENDED ADOPTION: April 28, 2004

CODE REVISER USE ONLY
 Filed with the Code Reviser's Office
 February 18, 2004, 9:25 a.m.
 WSR# 04-05-104

NAME (TYPE OR PRINT)
 CAROLE J. WASHBURN

SIGNATURE
 TITLE EXECUTIVE SECRETARY DATE FEBRUARY 18, 2004

(j) Short explanation of rule, its purpose, and anticipated effects: The rule will improve public safety in areas where railroads use remote control locomotives by improving Commission Staff awareness of remote-control operations in the state of Washington. Overall, the rule adds definitions to clarify the meaning of the rule. The rule clarifies existing reporting requirements and expands reporting requirements to include remote-control zones and the use of cameras for protection of train movements.

The reporting requirements in subsection 1 of the existing rule could be read to require reporting only in the first instance of railroad use of remote-control locomotives. The proposed rule amends the existing rule to ensure that the Commission will be made aware of all locations where railroads intend to use remote-control locomotives, including remote-control zones. Remote-control zones are locations within areas where remote control locomotives are used where protection rules are relaxed. The rule expands reporting requirements to include these areas and zones because of the additional safety concerns involved. The information provided as a result of the proposed rule will allow Commission Staff to timely perform safety evaluations of locations where remote control operations will occur. The use of cameras to provide protection is not a standard railroad practice and poses limitations on the ability to protect crossings. The reporting requirement will allow Commission Staff to conduct safety diagnostic evaluations before cameras are used at specific locations.

In public meetings with interested persons concerning this rulemaking, Commission Staff and others had discussed draft rules concerning protection of the point of movement of remote-controlled trains at grade crossings and where trains can enter mainline tracks. The Commission will address the issue of point protection of trains, generally, in a new rulemaking, Docket No. TR-040151, to consider a new rule in chapter 480-62 WAC concerning point protection.

Does proposal change existing rules? YES NO If yes, describe changes:

Definitions of remote-control area, remote-control operations, and remote-control zone are added to WAC 480-62-125. WAC 480-62-320 is amended as described above.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ())
faxing: ())

No. Explain why no statement was prepared

The proposed rule will not result in or impose an increase in costs for any businesses in the railroad industry. Because there will not be any increase in costs resulting from the proposed rules, an SBEIS is not required under RCW 19.85.030(1).

(l) Does RCW 34.05.328 apply to this rule adoption? Yes No

Please explain:

The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).