

February 20, 2004

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS  
(Friday, March 19, 2004)**

RE: Rulemaking to Consider Possible Rules in Chapter 480-62 WAC, Railroad Operating Rules Relating to Point Protection.  
Docket No. TR-040151

TO INTERESTED PERSONS:

On February 18, 2004, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider possible rules in Chapter 480-62 WAC, Railroad Companies - Operations rules relating to point protection. The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's web site at [www.wutc.wa.gov/040151](http://www.wutc.wa.gov/040151). If you are unable to access the Commission's web page and would like a copy of the CR-101 mailed to you, please contact the Records Center at (360) 664-1234.

During the Commission's rulemaking in Docket No. TR-021465 addressing remote control operations, it became apparent that adequate protection of the leading end of the train is a general safety concern, not one that is limited to remote control operations. Information provided during the remote control operations rulemaking indicated that the greatest need for point protection occurs at grade crossings and where trains may enter mainline tracks. This information also indicated that the safety concerns involved were present in all types of moves, not just moves made by remote control trains.

The Federal Railroad Administration (FRA) requires railroads to adopt operating rules. Almost all of the railroad companies operating in Washington State have signed the General Code of Operating Rules (GCOR), which are filed with the FRA. The FRA, however, does not enforce these operating rules. The focus of this rulemaking is to

determine whether there is a need for the Commission to establish enforceable rules that provide protections equivalent to the GCOR.

Commission Staff has reviewed the GCOR to determine which rules address point protection at grade crossings and where trains may enter mainline tracks. Staff has also reviewed other internal rules adopted by Burlington Northern and Santa Fe Railroad Company and Union Pacific Railroad Company. Based upon GCOR Rules 6.5 and 6.32.1, and these internal rules, Staff has drafted the following language for a general point protection rule intended to allow the Commission to enforce GCOR 6.5 and 6.32.1 and the internal rules:

### **WAC 480-62-XXX Point Protection**

(1) When cars or engines are shoved and conditions require, a crew member must take an easily seen position on the leading car or engine, or be ahead of the movement, to provide protection. Cars or engines must not be shoved to block other tracks until it is safe to do so.

(2) When railroad cars are shoved, kicked or dropped over road crossings at grade, a crew member must be on the ground at the crossing to warn traffic until the crossing is occupied. Movements over the crossing may only be made on the crew member's signal.

(3) The warning required by subsection (2) is not required when crossing gates are in the fully lowered position, or it is clearly seen that no traffic is approaching or stopped at the crossing.

(4) Movements performed under remote control operation are to be considered "shoving" movements, regardless of the direction or position of the remote control locomotive, except when the primary remote control operator is riding the leading locomotive.

### **WRITTEN COMMENTS**

Because the issue has been addressed substantially in written comments and during workshops held in Docket No. TR-040151, the Commission intends to obtain comments in this rulemaking docket solely through written comments. Written comments addressing: (1) whether the Commission should adopt general point protection rules;

(2) the draft point protection rules set forth above; and (3) whether the draft point protection rules would create an increase in costs for any railroad, including a description of the nature of those costs, must be filed with the Commission no later than **Friday, March 19, 2004**.

The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Please include:

- The docket number of this proceeding (TR-040151)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <<http://www.wutc.wa.gov/040151>>.

If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document. Questions may be addressed to Mike Rowswell at (360) 664-1265 or e-mail at <[mrowswel@wutc.wa.gov](mailto:mrowswel@wutc.wa.gov)>.

Your participation is welcomed via written comments. Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at (360) 664-1234, (2) e-mail the Commission at <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>, or (3) mail written comments to the address below. When contacting the Commission, please refer to Docket No. TR-040151 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, Washington 98504-7250

**NOTICE**

**If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Secretary in one of the ways described above and ask to be included on the mailing list for Docket No. TR-040151 If you do not do this, you might not receive further information about this rulemaking.**

Sincerely,

CAROLE J. WASHBURN  
Executive Secretary