



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

July 21, 2017

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By August 28, 2017)
and
NOTICE OF WORKSHOP
(Set for October 5, 2017, at 1 p.m.)

Re: Rulemaking to implement Engrossed Substitute House Bill (ESHB) 1105, which was passed by the legislature, Docket TR-170780

TO ALL INTERESTED PERSONS:

On July 20, 2017, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to implement Engrossed Substitute House Bill 1105, which was passed by the legislature. The Commission filed the CR-101 under Docket TR-170780.

Railroad companies transport employees from one location to another to perform their duties. Railroad companies either provide transportation directly or contract with a private company to transport the employees. The commission regulates charter companies that provide passenger transportation in a vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver.

The commission regulates and enforces safety requirements for these vehicles, including but not limited to controlled substance and alcohol testing requirements, insurance, driver hours of service, vehicle maintenance, and emergency equipment. A railroad company that contracts with a company operating vehicles with a seating capacity of seven or fewer, including the driver, is not required to follow the same safety standards. This rulemaking will:

- Establish rules to regulate persons providing contract railroad crew transportation and every contract crew transportation vehicle with respect to driver qualifications, equipment safety, safety of operations, hours of service by drivers, passenger safety, drug testing requirements, and record retention.

- Establish rules that will require all vehicles transporting railroad employees, regardless of vehicle size, to meet commission safety standards consistent with the manner in which the commission regulates these areas under chapter 81.70 RCW and the manner in which it regulates safety under chapter 81.68, as well as with the approach used in federal motor carrier safety regulations under Title 49 of the code of federal regulations.
- Implement Engrossed Substitute House Bill 1105, which was passed by the legislature.
- Establish rules that will require at least eight hours of commission approved safety training that includes, but is not limited to, vehicle and passenger safety awareness, rail yard safety, grade crossing safety, load securement, and prevention of distracted and fatigued driving.

Responses to the following questions would be most useful to the Commission in conducting its inquiry:

1. Does your company currently employ drivers that operate vehicles with a seating capacity of seven or fewer, including the driver, AND employ drivers that operate vehicles with a seating capacity of eight or more, including the driver? If so:
 - a. Is there a difference in how your company manages its controlled substance and alcohol testing for each class of driver? If so, please explain.
 - b. Are driver qualifications different for each class of driver? If so, please explain.
 - c. Are hours of service requirements different for each class of driver? If so, please explain.
2. Does your company currently operate vehicles with a seating capacity of seven or fewer, including the driver, AND operate vehicles with a seating capacity of eight or more, including the driver? If so:
 - a. Is there a difference in how your company ensures safety of the equipment for each class of vehicle? If so, please explain.
 - b. Is there a difference in how your company ensures safety of operations for each class of vehicle? If so, please explain.
 - c. Is there a difference in how your company ensures passenger safety for each class of vehicle? If so, please explain.
 - d. Is there a difference in how your company maintains records for each class of vehicle? If so, please explain.
3. Does your company currently require driver safety training? If so:
 - a. Please describe your training program (e.g., who provides the training, how long training is for new drivers, whether and how you provide ongoing refresher training for current drivers, etc.)

- b. Is the training the same for drivers of all vehicles, regardless of the size of the vehicle? If not, please explain.

The Commission invites initial written comments in response to these questions and will conduct a workshop to address the relevant issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <http://www.utc.wa.gov/TR-170780>. If you are unable to access the Commission's website and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234.

WRITTEN COMMENTS

Written comments on the CR-101 inquiry must be filed with the Commission no later than **5:00 p.m., on August 28, 2017**. 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. You may submit comments via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (Docket TR-170780)
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a thumb drive, CD, or DVD in .pdf format (created using Adobe Acrobat or comparable software) or in Microsoft Word. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/TR-170780>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may email staff lead Mathew Perkinson at mperkinson@utc.wa.gov, or contact by phone at (360) 664-1236.

STAKEHOLDER WORKSHOP

In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **October 5, 2017, beginning at 1 p.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington**. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's

website as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1234
- Email the Commission at records@utc.wa.gov
- Mail written comments to the address below

When contacting the Commission, please refer to Docket TR-170780 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
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Olympia, WA 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket TR-170780. If you do not do this, you might not receive further information about this rulemaking.

STEVEN V. KING
Executive Director and Secretary