



January 17, 2018

Washington Utilities & Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O Box 47250, Olympia, WA 98504-7250

RE: Docket TR – 170780 – Comments on rulemaking draft.

Dear Chairperson Danner, Commissioner Rendahl, and Commissioner Balasbas:

As the two labor organizations representing over 2800 railroad operating craft members working for the BNSF, Union Pacific, AMTRAK, Sounder Services, and other shortline railroads in Washington State, all who are required to ride as passengers in railroad contract crew transportation vehicles as a condition of employment; together the Sheet Metal Air Rail & Transportation (SMART-TD /UTU) along with the Brotherhood of Locomotive Engineers & Trainmen (BLET) jointly submit these comments:

We appreciate the thoroughness by which the UTC is considering this rulemaking, we are in full support of nearly all the proposed regulations, with the following three exceptions:

Driver Age: We strongly oppose allowing any person under 25 to be working in this occupation, and even more so anyone under 21. We urge the Commission to raise the proposed age of drivers for this occupation from 18 to 25.

Driver Training: We feel strongly that the proposed rule on driver training is inadequate; Washington State requires that professional passenger vehicle drivers (16+ passenger vehicles) undergo 36 hours of training; while to be certified as a road flagger in our state one must undergo a minimum of 24 hours of state approved training. We assert the proposed driver training and testing standards are inadequate for the dangerous nature of this specialized driving in and around railroad facilities. Please be aware that initially this legislation would have required a minimum of 40 hours of driver training, however the minimum was whittled down to appease the steadfast opposition of railroad carriers to the enactment of this law. The compromise was to require a MINIMUM of just eight hours of training, while allowing the commission to determine if additional training time should be required.

Again, we remain steadfast in our request that the Commission mandate that much of the training be conducted by state certified driving instructors and schools, rather than allowing crew van transport companies to self-administer their own employee training. They have been free to do exactly this for too many years prior to the enactment of this legislation, resulting in a long list of horrible and deadly outcomes. We suggest the Commission require two days of training, with one full day dedicated to professional driving instruction focusing on safe operations involving transportation of passengers, and the second day focusing on specialized instruction of the hazards and risks associated with railroad industry facilities and operations.

Furthermore, we believe drivers should be required to pass a UTC or state approved and administered written qualification test to insure prospective drivers are able to demonstrate their knowledge of rules, laws and safety procedures involving this work. Please be aware that state licensed driving instruction firms are permitted to administer DOL written tests to their students.

Traction Tires: We are extremely concerned that absolutely no rules, regulations, or oversight exists or has been proposed regarding the absolute necessity of traction tires. Railroad transportation vans traverse our state in all geographic areas at all hours of the day and night and in all weather conditions. We urge the commission to mandate that crew transportation vehicles be equipped with studded snow tires whenever a reasonable possibility exists that passenger vehicles may encounter such adverse weather conditions. No other issue raises as much concern by our individual member passengers as the lack of snow tires on long distance crew vans traversing through snow and icy winter conditions!

We submit for your consideration the North Dakota regulations pertaining to these identical operations: **NDCC 38-09-01-04 Maintenance and repair program, paragraph 2 e: "Each vehicle must have traction devices, studs, or chains when weather requires."** Washington State should at least match the requirements of North Dakota regarding the use of appropriate effective winter traction tires.

We urge the commission in the strongest possible terms to please adopt appropriate regulations mandating the use of studded tires for rail crew transportation vehicles being utilized for service in winter conditions.

Lastly, we wish to express to each of you how grateful our organizations members are regarding this rulemaking process, it's openness to provide input as well as the fairness and transparency by which the UTC is operating in advancing toward the final adoption of rules. For too many years our members have been subjected to enormous risks daily, because of the extremely limited to non-existent safety standards of these railroad contracted charter party carriers, where achieving the lowest possible costs were paramount to the safety and lives of railroad employee passengers. This practice continued for years at the cost of numerous careers of our members who were needlessly injured, and at the expense of too many human lives.

As Chairperson Danner so eloquently expressed during the rulemaking workshop, this law was enacted to improve rail crew transportation safety, the Commission's intent is to adopt the highest standards and best practices to insure safe operations in Washington state, not to lessen safety requirements just for consistency with other states that may have adopted lower safety standards.

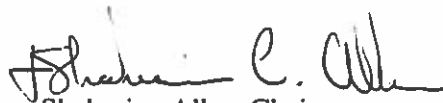
We respectfully request the Commission review and consider revisions to the proposed regulations to address these significant safety concerns.

Thank you very much for all your diligence as well as for your due consideration of our request.

Respectfully yours,



Herb Krohn, Director
Wash. State Legislative Board
11225 Roosevelt Way N.E.
Seattle, WA. 98125



Shahraim Allen, Chairman
Wash. State Legislative Board
517 S. 45th Street
Tacoma, WA. 98418