



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: February 23, 2018

TIME: 10:57 AM

WSR 18-06-010

Agency: Utilities and Transportation Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-16-007 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Implement Engrossed Substitute House Bill (ESHB) 1105, Chapter 333, Laws of 2017, to establish rules for railroad contract crew transportation.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 12, 2018	1:00 p.m.	Utilities and Transportation Commission Building, 1300 S Evergreen Park Drive S.W., Room 207, Olympia, WA 98504-7250	Public hearing to consider adoption of proposed rules

Date of intended adoption: April 12, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Utilities and Transportation Commission
Address: 1300 S Evergreen Park Drive S.W., Olympia, WA 98504-7250
Email: records@utc.wa.gov
Fax: (360) 586-1150
Other: N/A
By (date) March 30, 2018

Assistance for persons with disabilities:

Contact Ashley Miller
Phone: (360) 664-1130
Fax: (360) 586-1150
TTY: (360) 586-8230 or (360) 664-1132
Email: asmiller@utc.wa.gov
Other: N/A
By (date) March 16, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Commission proposes to adopt rules as required in ESHB 1105, Chapter 333, Laws of 2017, for regulation of railroad contract crew transportation companies. The proposed rules adopt the requirements of the legislation. These are new rules, not changes to existing rules.

Reasons supporting proposal: The Commission is required by the legislation to adopt rules. In addition, the rules will provide necessary safety regulation of companies, vehicles, and drivers that transport railroad crews from one location to another. No such safety requirements currently exist.

Statutory authority for adoption: RCW 81.04.160 and RCW 81.61.050

Statute being implemented: ESHB 1105, Chapter 333, Laws of 2017

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: N/A

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

Name of proponent: (person or organization) Utilities and Transportation Commission

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Mathew Perkinson	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1236
Implementation:	Mathew Perkinson	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1236
Enforcement:	Mathew Perkinson	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1236

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to the Utilities and Transportation Commission, as it is not one of the listed agencies in RCW 34.05.328(3)(a)(i).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. UTC mailed a notice to all stakeholders for this rulemaking, providing a copy of the draft rules and an opportunity to identify rules that would have a cost impact and what that impact would be. No stakeholder indicated that any rules would have a cost impact.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Jason Lewis
Address: 1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250
Phone: (360) 664-1206
Fax: (360) 586-1150
TTY: (360) 586-8230 or (360) 664-1132
Email: jlewis@utc.wa.gov
Other:

Date: February 23, 2018
Name: Steven V. King
Title: Executive Director & Secretary

Signature: 