



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

February 23, 2018

**OPPORTUNITY TO SUBMIT WRITTEN COMMENTS ON
PROPOSED RULES
(Due March 26, 2018)**

**NOTICE OF PROPOSED RULE ADOPTION HEARING
(Set for Monday, April 12, 2018 at 1:00 p.m.)**

RE: Rulemaking to Consider Adoption of Rules Within WAC 480-62, Relating to Railroad Contract Crew Transportation
Docket No. TR-170780

TO ALL INTERESTED PERSONS:

This letter is to inform you of the status of the Utilities and Transportation Commission (Commission) rulemaking to implement Engrossed Substitute House Bill (ESHB) 1105, Chapter 333, Laws of 2017, to establish rules for railroad contract crew transportation providers. This letter also provides notice of an opportunity to file written comments on the proposed rules and to participate in the formal rule adoption hearing scheduled for Monday, April 12, 2018, at 1:00 p.m.

On July 20, 2017, the Commission filed a Preproposal Statement of Inquiry (CR-101) in this docket with the Code Reviser to consider adoption of rules to implement ESHB 1105. To date the Commission has completed the following steps in the rulemaking process:

1. On July 21, 2017, issued:
 - CR-101, Preproposal Statement of Inquiry.
 - Notice of Opportunity to File Written Comments by August 28, 2017.
 - Notice of Workshop set for October 5, 2017.
2. Received comments from Professional Transportation, Inc. (PTI) and the
3. United Transportation Union (UTU) in response to the July 21, 2017, notice.

4. On October 5, 2017, held a workshop attended by stakeholders BNSF Railway (BNSF), United Transportation Union (UTU) representing railroad workers, and Professional Transportation, Inc. (PTI), a currently contracted crew transportation company serving both BNSF and Union Pacific Railroad.
5. Received comments from Mike Elliott (private citizen and railroad employee) in response to the workshop.
6. On November 20, 2017, issued draft rules and Notice of Opportunity to Submit Written Comments by Friday, December 22, 2017.
7. Received comments from BNSF and comments from UTU in response to the November 20, 2017, notice of draft rules.
8. On November 20, 2017, issued Notice of Opportunity to Respond to Small Business Economic Impact Statement (SBEIS) Questionnaire by Friday, December 22, 2017. The Commission receive
9. d no comments in response to the SBEIS Questionnaire.

On Friday, February 23, 2018, the Commission filed a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser, including draft rules that reflect the work done to date. The proposed rules add sections to Chapter 480-62 WAC and amend other sections within the chapter. The proposed rules are available for inspection on the Commission's web page at <http://www.utc.wa.gov/170780>. The CR-102 filing initiates the final part of the rulemaking process which includes a written comment period, a public adopt hearing, and a decision by the Commission regarding final rules.

WRITTEN COMMENTS

The Commission gives notice of the opportunity to submit written comments on the proposed rules. Comments must be filed with the Commission no later **5:00 p.m. on Friday, March 30, 2018**. Comments must be provided in electronic format. 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 (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 all comments on its website. The website is located at <http://www.utc.wa.gov/170780>.

ADOPTION HEARING

The Commission gives further notice of the opportunity to attend the public hearing and make oral comments about the rules proposed for adoption on **Monday, April 12, 2018, at 1:00 p.m.** This public hearing will be held in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington.

If you have questions regarding this rulemaking you may contact staff lead Mathew Perkinson by email at mathew.perkinson@utc.wa.gov or by calling (360) 664-1236.

Sincerely,

STEVEN V. KING
Executive Director and Secretary