



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: Remote Control Locomotive (RCL) Operations. Rules related to public and employee safety, and the protection of property from damage associated with RCL operations may be adopted. The possible need for amendments to existing Commission rules related to RCL operations may also be considered.
Docket No. TR-021465.

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040 – General; RCW 80.04.160 – Utility; RCW 81.04.160 Transportation.

(b) Reasons why rules on this subject may be needed and what they might accomplish: The Washington State Legislative Board of the Brotherhood of Locomotive Engineers (BLE) petitioned the Commission to adopt rules relating to RCL operations. The BLE contends that existing Commission rules are inadequate because they do not address RCL safety issues, and that federal safety guidelines are inadequate because they are voluntary. The Commission directed this rulemaking to consider the subjects addressed by the BLE’s petition. Rules may improve public and employee safety, and protect property from damage associated with RCL operations.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: RCL operations are regulated, in part, by the FRA. Further, the FRA has promulgated voluntary safety guidelines for RCL operations. The Commission will consider whether it is preempted to any degree by federal law from adopting rules and whether federal safety guidelines provide sufficient public protection. FRA staff will be invited to participate in the rulemaking process.

(d) Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The Commission will hold public workshops and request written comments on the topics of the rulemaking to assist in deciding whether state rules would be lawful, whether state rules are needed, and what language should express any such rules.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested persons may contact the Secretary at: Washington Utilities and Transportation Commission
P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250 or by
Telephone: (360) 664-1160; Facsimile: (360) 586-2260; or E-mail: records@wutc.wa.gov

Interested persons may file written comments by **February 27, 2003**

A stakeholder workshop will be held on **Wednesday, March 19, 2003**, in Room 206, at the Commission’s headquarters beginning at 9:30 a.m. until 4:30 p.m.

Please refer to **Docket No. TR-021465** on all correspondence.

CODE REVISER USE ONLY

**Filed with the Code Reviser's Office
January 24, 2003 at 2:49 p.m.**

WSR# 03-04-004

NAME (TYPE OR PRINT)
Carole J. Washburn

SIGNATURE

TITLE
Secretary

DATE
January 24, 2003

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET NO. TR-021465**

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **Wednesday, February 27, 2003**, for consideration at the **March 19, 2003, stakeholder workshop**.

Electronic copies. 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. Please include:

- The docket number of this proceeding (TR-021465)
- 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/021465>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

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 or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket No. TR-021465 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mike Rowswell (360) 664-1265 or e-mail at mrowswel@wutc.wa.gov.

NOTICE:

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. TR-021465, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. TR-021465, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <http://www.wutc.wa.gov/021465>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**