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Washington State Utilities and Transportation Commission
Attention: Docket TR-170780
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, WA 98504-7250

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Records Management
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UTIL. AND TRANSP.
COMMISSION

Sent electronically to: mperkinson@utc.wa.gov and records@utc.wa.gov

Dear Commissioners:

Thank you for this opportunity to submit comments about the formal rulemaking to implement Engrossed Substitute House Bill (ESHB) 1105, Docket TR-170780. The docket concerns regulation of contract operations used to transport railroad crews. The BNSF Railway utilizes these services to safely move railroad crews as part of their regular work service. These comments reflect our interest in ensuring safe and efficient crew transportation through a regulatory process that is effective and enforceable. The comments in this letter are specific to the rule draft published on-line at the Washington State Utility and Transportation Commission (the "Commission") web page under the title "Draft Rules Version 2-23-18"; all page and section references are specific to this draft.

These comments follow our previous letter – dated December 20, 2017 – and reflect our ongoing correspondence over the past few months. We sincerely appreciate the Commission’s efforts to address issues raised over the course of this process. However, we remain concerned about the following areas of the recent draft:

- **Vehicle and Driver Safety Requirements – WAC 480-62-278**: Regarding equipment requirements, our understanding based on discussion with the Commission and staff is that it is the Commission’s intent to only require items that are applicable as the vehicle manufacturer originally intended; however, we note that this intent is not specifically addressed in the draft rule and request language to specify this intent in order to clarify future interpretations.

- **Notice Requirements – WAC 480-62-287:** The notice requirements refer to the Commission’s motor carrier safety manager and would require posting of the individual’s telephone number and e-mail address. Timely contact information seems a reasonable requirement. However, we are concerned that the rule language does not allow flexibility to accommodate staffing changes, such as temporary postings to the position of motor carrier safety manager or periods of high turnover for this position. For example:
 - Would carriers need to replace their notifications for each new manager if a series of individuals served this position over the course of a year?
 - How would the carriers be alerted that such hiring changes had occurred?
 - What if a Commission staff person temporarily filled this position either due to vacancy or extended leave of absence?

For these reasons we submit that a general telephone number (rather than an individual staff person) and e-mail address (i.e. motorcarriersafetymanager@utc.wa.gov) be established to accommodate passenger concerns.

- **Safety Training – WAC 480-62-290:** We sincerely appreciate the Commission’s efforts to draft language in this section that achieves the correct balance of expertise and oversight. To this end, we respectfully submit that another way of meeting the intent might be to require that each company providing contract crew transportation “develop its safety training using written safety and operating rules provided by the railroad.”

In closing, I would just reiterate our mutual goal of ensuring the safety of railroad employees and the communities we serve. As always, we would be pleased to discuss any aspect of this rule in more detail. Thank you for your consideration.

Sincerely,


Johan Hellman