

Utilities and Transportation Commission Inventory of Rail Safety Oversight

Workshop

July 6, 2022

Welcome



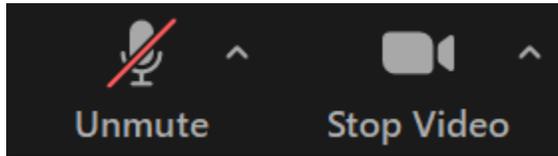
Purpose: Progress Update on Rail Governance Inventory

- Welcome and Introductions
- Overview of Legislative Proviso
- Inventory of Rail Safety Oversight
- Information Gathered from Other States
- Next Steps

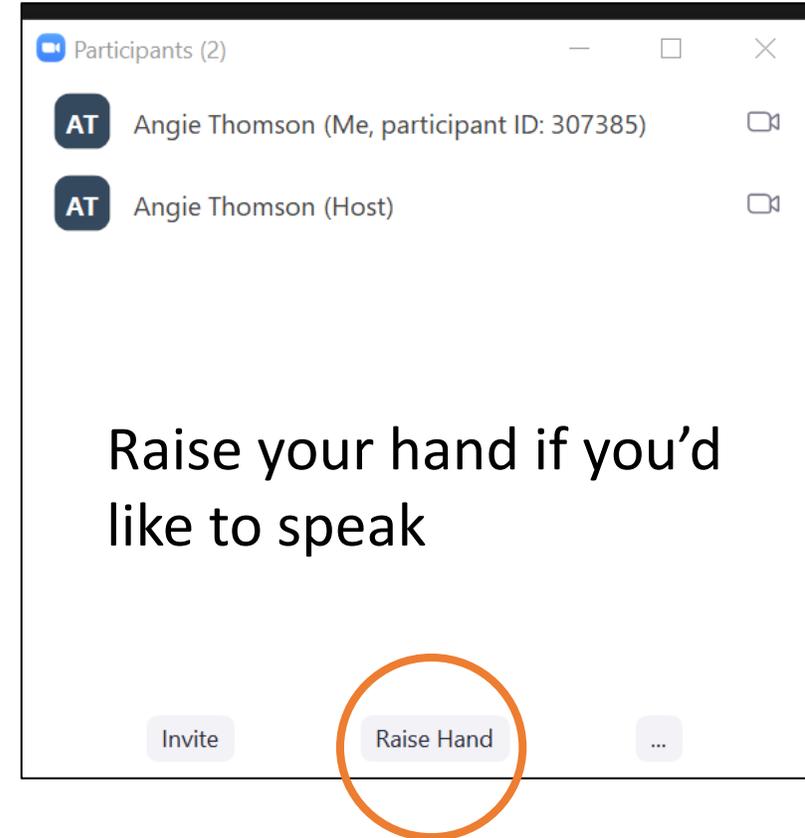
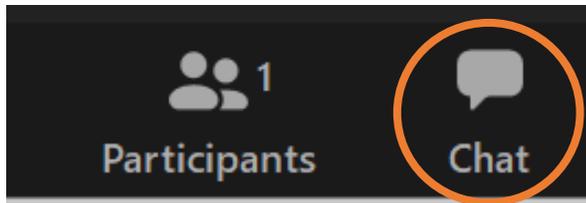


Zoom Overview

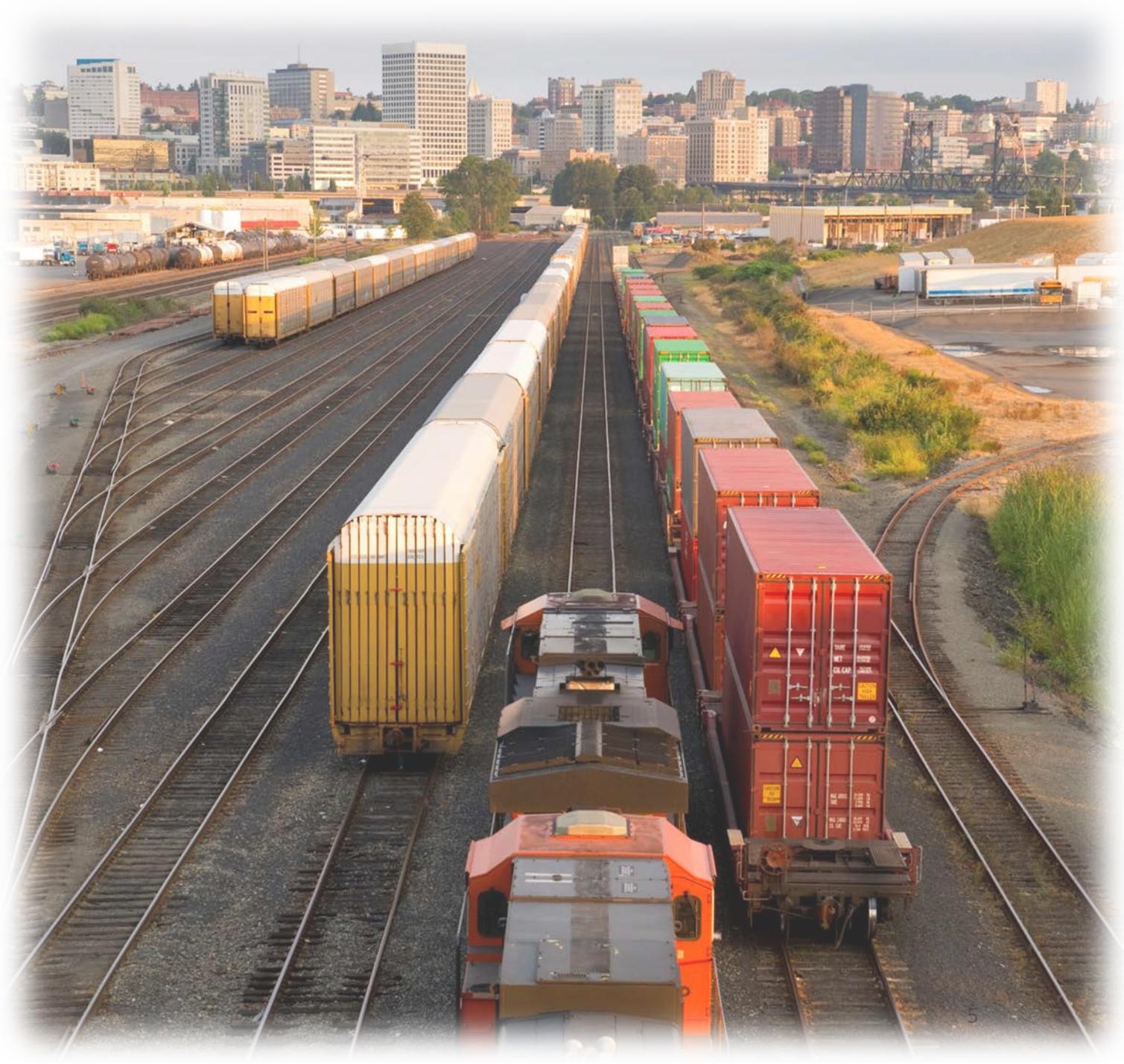
- Please mute yourself if you have background noise:



- You can use the chat to communicate with us

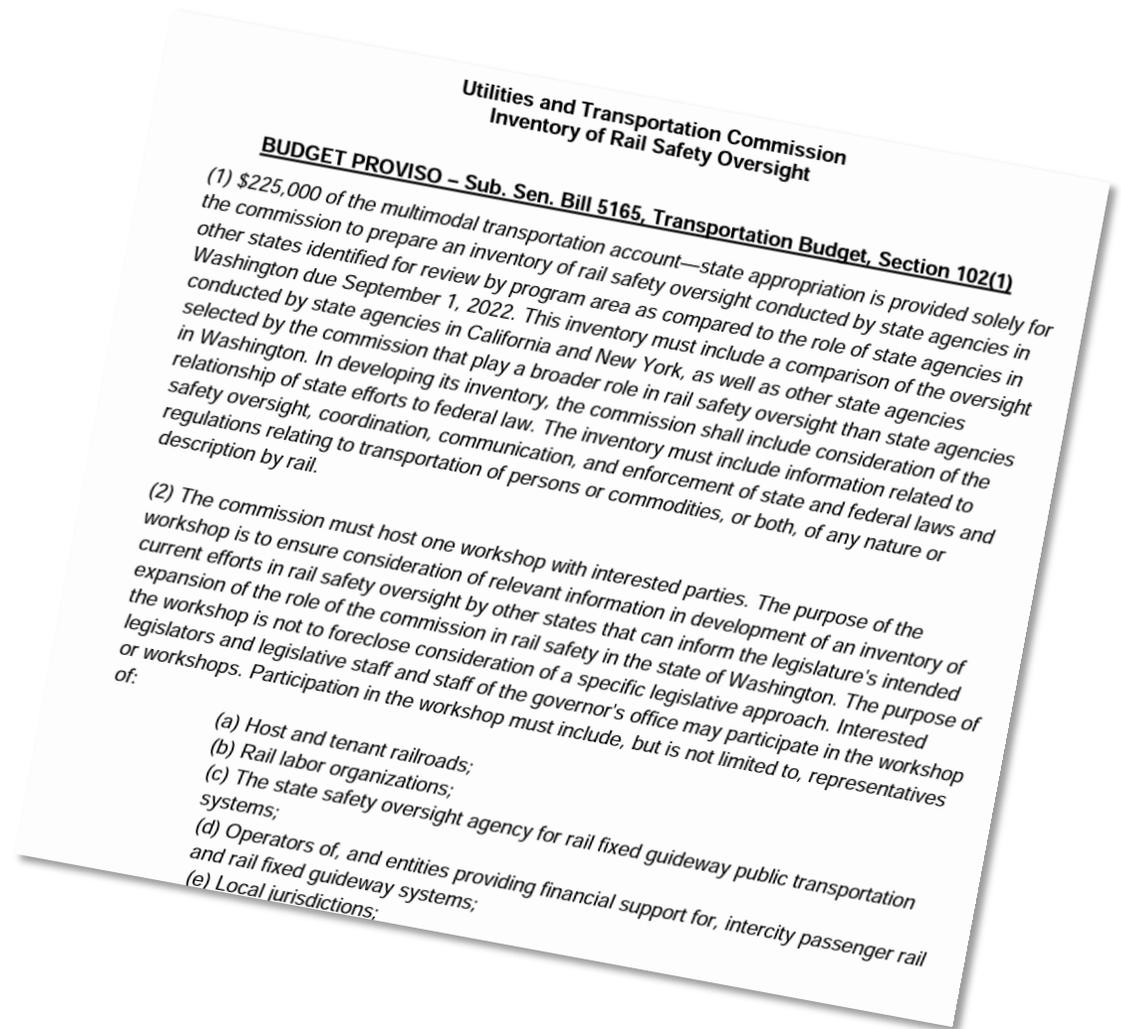


Opening Remarks



Overview of Legislative Proviso

- Increased focus on rail safety
- Gather information from other states about their approach to safety
- Include study of:
 - Safety oversight
 - Coordination
 - Communication
 - Enforcement of state and federal laws and regulations



Inventory of Rail Safety Oversight



Consultant Team Introductions: David Evans and Associates (DEA)

- Jeff Schultz: PM, Senior Transit and Rail Planner, DEA
- Chris Bonanti: CEO, Baluster Group
- Angie Thomson: Principal, Envirolssues
- James “Abe” Zumwalt: Rail Planner II, DEA



DAVID EVANS
AND ASSOCIATES INC.

DEA Approach

- Scoping
- Assessment
- Fiscal Analysis
- Workshop



Progress to Date – Scoping Phase

- Developed interview plan
- Background literature review, as required by proviso
- Conducted peer interviews with CA, ID, NY, OR, and WA

Interview Question Topics:

- New and updated railroad operations and infrastructure
- Operator safety management practices
- Safety of transportation of crude oil by rail and enforcement
- Safety and oversight of rail fixed guideway systems
- Annual reporting practices for each state
- Railroad safety communication and collaboration efforts

Progress to Date – Assessment Phase

- Analyzing data, developing inventory white paper
- Review of federal preemption issues
- Level of liability analysis

Progress to Date – Fiscal Analysis Phase

- Examining revenue data from CA, ID, NY, OR, and WA
- Developing cost analysis framework

Progress to Date – Workshop Phase



Inventory of Rail Safety Oversight

| | February | March | April | May | June | July | August | September |
|----------------------------------|----------|-------|-------|-----|------|------|--------|-----------|
| Work Plan | | | | | | | | |
| PHASE | | | | | | | | |
| Scoping | █ | █ | █ | █ | █ | █ | | |
| Assessment | | | █ | █ | █ | █ | █ | |
| Fiscal Analysis | | | | █ | █ | █ | █ | |
| Workshop | | | | █ | █ | █ | █ | |
| Draft and Final Inventory | | | | | | | █ | █ |

Note: A yellow star is located in the July column of the Workshop row. Two document icons are located in the August and September columns of the Draft and Final Inventory row.

Information Gathered from Other States



Federal Railroad Administration

- Regulates passenger, freight and commuter railroads that operate on the national railroad network
- State participation agreements

Federal Transit Administration

- Provides financial assistance to public transit systems
- Oversees safety criteria and regulations
- Delegates safety oversight to states

New York State Department of Transportation

- **Freight and passenger railroad:** Rail Safety Inspection Section
- **Rail fixed-guideway:** Public Transportation Safety Board

California Public Utilities Commission

- **Freight and passenger railroad:** Railroad Operations and Safety Branch
- **Rail fixed-guideway:** Rail Transit Safety Branch

Washington Utilities and Transportation Commission

- **Freight and passenger railroad:** Railroad Safety Program

Washington State Department of Transportation

- **Rail fixed-guideway:** State Safety Oversight program

Oregon Department of Transportation

- **Freight and passenger railroad:** Commerce & Compliance Division
- **Rail fixed-guideway:** Commerce & Compliance Division

Idaho Public Utilities Commission

- **Freight and passenger railroad:** Public Utilities Commission
- **Rail fixed-guideway:** n/a

State Oversight

| | Freight & passenger rail | Rail fixed-guideway |
|---|---------------------------------------|------------------------------------|
| New York State Department of Transportation | Rail Safety Inspection Section | Public Transportation Safety Board |
| California Public Utilities Commission | Railroad Operations and Safety Branch | Rail Transit Safety Branch |
| Washington Utilities and Transportation Commission | Railroad Safety Program | |
| Washington State Department of Transportation | | State Safety Oversight Program |
| Oregon Department of Transportation | Commerce & Compliance Division | Commerce & Compliance Division |
| Idaho Public Utilities Commission | Idaho Public Utilities Commission | |

State and Federal Oversight

- **New York:** Established Public Transportation Safety Board in 1984
- **California:** California Public Utilities provides transit oversight since 1950s
- **Washington:** Separates rail and transit safety oversight
 - No required annual reporting



Associated costs – overhead and revenue

- **New York DOT:** No legislated maximum percentage of gross income
- **California PUC:** Any percentage that does not affect competition
- **Washington UTC and Oregon DOT:** Limited to maximum percentage by statute

More FTA funding available for all states for fixed-rail guideway state safety oversight



Crude oil by rail safety oversight

- **New York:** Increased fees for oil transported through the state by 1.5 cents per barrel
- **California:** Crude Oil Reconnaissance Team (CORT)
- **Washington:** Maximum one percent surcharge in addition to standard regulatory fee



Questions?



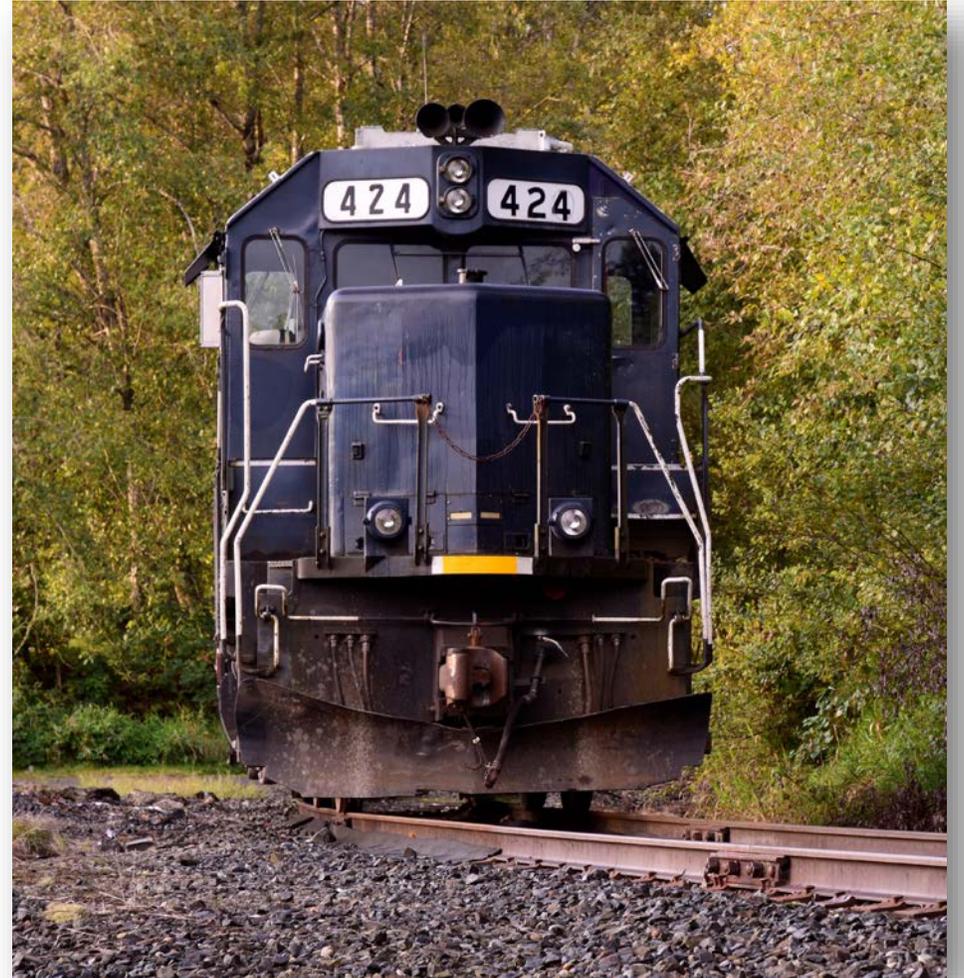
Inventory Due Sept. 1, 2022

Contact Information

Betty Young

360-292-5470

betty.young@utc.wa.gov





Thank You