

Brotherhood of Locomotive Engineers and Trainmen

Washington State Legislative Board

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August 9, 2004

Carole J. Washburn, Commission Secretary

Washington Utilities and Transportation Commission

1300 S. Evergreen Park Drive, S.W., P.O. Box 47250

Olympia, WA. 98504-7250

Re: Docket No. TR-040151

Sent VIA Electronic Transfer Format

Dear Commissioners:

The Washington State Legislative Board, Brotherhood of Locomotive Engineers and Trainmen, appreciate the opportunity to provide comments on the Notice of Proposed Rule in Chapter 480-62 WAC, Railroad Operation Rules Relating to Point Protection.

During the workshop process first started in Docket No. TR-021465 and now filed anew under Docket No. TR-040151 all stakeholders have participated in a comprehensive discussion of point protection issues as related to railroad Remote Control Operations in particular and railroad operations generally. WUTC staff has carefully looked at the issues of federal preemption, the hazard to the citizens of Washington, the need for regulation, and the impact on railroad operations in Washington State. The WUTC staff has wisely crafted rules that are modest as regulations go, yet comprehensive enough to address at least some of the safety concerns that are reported in Dockets TR-021465 and TR-040151.

Rather than recount a nearly two year process to address safety concerns from railroad operations in Washington State, the WSLB-BLET encourages everyone to explore the vast dockets cited above that were created in this two year process. Those dockets provide scientific documentation, citizen concerns, and professional railroad worker's insights. In the opinion of the WSLB-BLET, the dockets more than justify the action proposed by WUTC staff for the Commission to answer a call for regulatory oversight of railroads on the issue of point protection.

*A DIVISION OF THE RAIL CONFERENCE OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS
AFFILIATED WITH THE WASHINGTON STATE LABOR COUNCIL, A.F.L.-C.I.O.*



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Yet, the dockets do not fully personalize the most telling cause for regulatory intervention as was demonstrated in the death of Mr. Lopez near Pasco, Washington, and the subsequent victimization of his widow, Ms. Lopez and her four young children, as documented by the New York Times on July 11, 2004. The article relates how a railroad was negligent in failing to maintain a crossing free from hazardous defect. The article continued with the accusation, confirmed by a court of law, that the railroad had attempted by management action to keep information about the railroad negligence from the widow and orphans who righteously demanded compensation for the railroad's negligence. This article is in the docket TR-040151.

That railroads act at times with callous disregard or negligence for Washington State's public safety in their train operations, as reported by the New York Times, begs for State intervention to provide a measure of safe responsible coexistence between railroads and the citizens of Washington State. That the railroads have acted to overwhelm innocent citizens with an expensive process when those citizens ask for redress from railroad irresponsibility, even to the point of violating the legal process to thwart the claims for accountability from a widow and her orphaned children, more than corroborates the concerns for public safety and the need for State action that were raised in Dockets TR-021465 and TR-040151.

Point protection is wholly necessary at railroad crossings and at locations where operations intersect with other railroad operations (i.e. foul other railroad operations) to protect Washington citizens from railroads that demonstrate a "denial of reality" as experienced in Washington State. Action taken now cannot change the heartache or frustration experienced by the many families like the Lopez family reported in the New York Times article at the hands of a US railroad, but it can attempt to avoid future Washington families from experiencing a similar painful ordeal inflicted on our citizens by a US railroad in Washington State.

The WSLB-BLET does not ask for regulatory intervention from the WUTC for any other reason than to shelter innocent citizens in Washington State from a railroad culture that is indifferent to the needs of the communities where they operate trains. WSLB-BLET members are Washington citizens also, and like the "canary in the coal mines" warning workers of invisible dangers in days past, railroad workers are speaking with intimate knowledge of railroad operations when they issue a clarion call for action to address serious railroad safety concerns here in Washington State. The WSLB-BLET wholeheartedly supports the Washington Utilities and Transportation Commission in establishing rules relating to general point protection.

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Thank you for the opportunity to participate in this important public safety issue.

Respectfully submitted,

Mark K. Ricci, Ph.D., Chairman
WSLB-BLET

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