

[Service Date November 6, 2015]



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
November 6, 2015

**NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN COMMENTS
ON PROPOSED RULE
(By Monday, December 7, 2015)**
and
**NOTICE OF PROPOSED RULE ADOPTION HEARING
(Set for Wednesday, January 6, 2016, at 1:30 p.m.)**

RE: Rulemaking to Consider Adoption of Rules Relating to Rail Safety, WAC 480-62
Docket TR-151079

TO ALL INTERESTED PERSONS:

This letter informs you of the progress made in this rulemaking docket concerning the possible adoption of new rules to address rail safety. 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 1:30 p.m., on Wednesday, January 6, 2016.

On May 20, 2015, the Utilities and Transportation Commission (Commission) filed with the Office of the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider adoption of new rules within WAC 480-62. The new rules update railroad annual reporting requirements on financial responsibility and safety standards for private crossings and to provide opportunities for first-class cities to opt in to the Commission crossing safety program. The Commission filed the CR-101 under Docket TR-151079.

On May 22, 2015, prior to drafting any revised rule language the Commission issued a notice of opportunity to file written comment to questions posed by the Commission on:

1. What is your definition of a reasonably likely worst-case spill of oil?
2. What is a reasonable per-barrel cleanup and damage cost of spilled oil?
3. What risk factors should the Commission consider in establishing safety standards on private crossings?

Comments were due on June 22, 2015, and the Commission accepted additional comments during a workshop held on July 8, 2015.

On August 21, 2015, the Commission published informal draft rule language relating to chapter 480-62-130, 480-62-260, 480-62-270 and 480-62-300 WAC and issued a notice requesting responses on the informal draft revisions. Comments were due on September 21, 2015.

A summary of the comments submitted is available on the Commission's website. All documents submitted to, or issued by, the Commission in this matter are available on the Commission's website located at: www.utc.wa.gov/151079.

On November 4, 2015, the Commission filed a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser. The Commission has reviewed comments from stakeholders received to date in this docket and has prepared proposed rules for review and comment by interested persons.

The proposed rules are available for inspection on the Commission's website at www.utc.wa.gov/151079. If you are unable to access the Commission's website and would like a copy of the proposed rules mailed to you, please contact the Commission's Records Center at (360) 664-1234. The CR-102 filing initiates the final part of the rulemaking process, which includes a written comment period, a public adoption hearing, and a decision by the Commission.

WRITTEN COMMENTS

The Commission gives notice of your opportunity to submit written comments on the proposed rules to the Commission by filing with the Commission's Executive Director and Secretary either by electronic transmission as described below, or by physical delivery to 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, Washington, 98504-7250, no later than **5:00 p.m., Monday, December 7, 2015**. The proposed rules, as filed with the Code Reviser, are available for inspection on the Commission's website at www.utc.wa.gov/151079.

The Commission requests that commenters use the standard comment form published on the Commission website.

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. You may submit comments via the Commission's Web portal at <http://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-151079)
- 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 flash drive, or compact disk (CD) in .pdf Adobe Acrobat format or in Word 2010 or later format. Include all of the information requested above. The Commission will post on the Commission's website all comments that are provided in electronic format. The website is located at www.utc.wa.gov/151079. If you are unable to file your comments electronically or to submit them on a flash drive or CD, the Commission will always accept a paper document. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

ADOPTION HEARING

The Commission gives further notice of your opportunity to attend the public hearing and make oral comments about the proposal for the adoption of the proposed rules at **1:30 p.m., on Wednesday, January 6, 2016**. This public hearing will be held in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington.

Questions? If you have questions regarding this rulemaking, you may contact staff lead, Jason Lewis, at (360) 664-1206, or by email at jlewis@utc.wa.gov.

STEVEN V. KING
Executive Director and Secretary