Chapter 480-62 WAC
RAILROAD COMPANIES—OPERATIONS

WAC

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480-62-040 Exemption. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-040, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-050 Passenger carrying vehicles—General. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-050, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-060 Passenger carrying vehicles—Equipment. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-060, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-070 Passenger carrying vehicles—Operation. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-070, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-080 Accident reports. [Statutory Authority: RCW 80.01.040 and 81.44.065. 81-10-017 (Order R-162, Cause No. TR-1456), § 480-62-080, filed 4/27/81. Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-085 Annual reports. [Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-085, filed 5/4/94, effective 6/4/94; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-62-085, filed 12/15/89, effective 1/15/90.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-090 Hazardous materials regulations. [Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-62-090, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-090, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 80.01.040 and 81.44.065. 82-05-020 (Order R-182, Cause No. TR-1579), § 480-62-090, filed 2/10/82. Statutory Authority: RCW 80.011.040 [80.01.040] and 81.44.065. 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040,

81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-100 Bridge safety rules. [Statutory Authority: RCW 80.01.040, 80.01.010 and 81.44.065. 83-09-004 (Order R-201, Cause No. TR-1696), § 480-62-100, filed 4/7/83. Statutory Authority: RCW 80.01.040 and 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed 4/27/81.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-120 Train operations—Tacoma. [Statutory Authority: RCW 80.01.040 and 81.01.010. 83-09-003 (Order R-200, Cause No. TR-1692), § 480-62-120, filed 4/7/83.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-155 Train speeds. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-155, filed 1/30/01, effective 3/2/01.] Repealed by 07-10-028 (Docket TR-070198, General Order R-542), filed 4/23/07, effective 5/24/07. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.353.

PART 1: GENERAL AND PROCEDURAL RULES

WAC 480-62-125 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Class I railroad company" means a railroad company having annual operating revenues of $250 million or more;

"Class II railroad company" means a railroad company having annual operating revenue of less than $250 million, but more than $20 million; and

"Class III railroad company" means a railroad company having annual operating revenues of $20 million or less.

"Commission" means the Washington utilities and transportation commission.

"Department of labor and industries" means the Washington state department of labor and industries.

"Department of transportation" means the Washington state department of transportation.

"On track equipment" means self-propelled equipment, other than locomotives, that can be operated on railroad tracks.

"Passenger carrying vehicle" means those buses and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicles and are designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

"Railroad" means every permanent road with a line of rails fixed to ties providing a track for cars or equipment drawn by locomotives or operated by any type of power, including interurban and suburban electric railroads, for the public use of conveying persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. Unless otherwise provided by rule, the term "railroad" does not include logging and industrial railroads, or street railways operating within the limits of any incorporated city or town.

"Railroad company" means every corporation, company, partnership, association, joint stock association, or person, their lessees, trustees, or receivers appointed by any court, and any common carrier owning, operating, controlling or managing any railroad or any cars or other equipment used on, or in connection with the railroad within this state.

"Railroad police officer" means a peace officer who is commissioned in his or her state of legal residence or state of employment by a railroad company to enforce state laws for the protection of railroad property, personnel, passengers and/or cargo.

"Remote-control area" means any place remote-control operations are conducted on a railroad.

"Remote-control operations" means controlling the movement of locomotives through the use of radio transmitter and receiver systems by persons not physically located at the controls within the confines of a locomotive cab.

"Remote-control zone" means a designated area where access is restricted in which remote-control operations may occur under alternative point protection procedures.

"State" means the state of Washington.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 04-11-023 (Docket No. TR-021465, General Order No. R-514), § 480-62-125, filed 5/11/04, effective 6/11/04. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.-101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-125, filed 1/30/01, effective 3/2/01.]

WAC 480-62-130 Application of this chapter. The rules in this chapter apply within certain cities and to any railroad company subject to the jurisdiction of the commission under RCW 81.04.010 and chapters 81.04, 81.24, 81.28, 81.36, 81.40, 81.44, 81.48, 81.52, 81.53, 81.54, 81.60, and 81.61 RCW, as set forth below:

(1) To all Class I, II, and III railroad companies operating within the state of Washington, with the exceptions noted in subsections (2), (3), and (4) of this section.

(2) To and within first class cities except for WAC 480-62-145, 480-62-150, 480-62-155, and 480-62-225.

(3) To and within cities with a population of more than 400,000 except for WAC 480-62-145, 480-62-150, 480-62-155, 480-62-225, 480-62-230, and 480-62-235.

(4) To logging and industrial railroads except for WAC 480-62-200, 480-62-205, 480-62-215, 480-62-240, 480-62-245, 480-62-250, 480-62-300, the portions of WAC 480-62-310 that do not involve grade crossing accidents, WAC 480-62-315 (2), (4) and (5), and WAC 480-62-325.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-130, filed 1/30/01, effective 3/2/01.]

WAC 480-62-135 Additional requirements. (1) These rules do not relieve any railroad company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any railroad company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-135, filed 1/30/01, effective 3/2/01.]

WAC 480-62-140 Exemptions from rules. (1) The commission may grant an exemption from the provision of any rule in this chapter, when doing so in chapter 480-62 WAC is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-62-140, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-140, filed 1/30/01, effective 3/2/01.]

WAC 480-62-145 Commission proceedings. The commission's rules governing administrative practices and procedures are in chapter 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-62-145, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-145, filed 1/30/01, effective 3/2/01.]

WAC 480-62-150 Grade crossing petitions. (1) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.020 and 81.53.060:

(a) Opening a railroad-highway crossing at-grade, or by constructing an overcrossing or undercrossing;

(b) Closing a railroad-highway crossing;

(c) Constructing supplemental safety measures under RCW 81.48.015(1), including, but not limited to, median barriers;

(d) Realigning highway or railroad tracks;

(e) Widening highways;

(f) Constructing multiple tracks; or

(g) Changes to crossing surfaces that alter:

- The dimensions of an existing surface;

- The angle at which the tracks intersect a highway; or

- The vertical alignment of a crossing (i.e., to accommodate track superelevation, or changes in railroad or roadway grade).

(2) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.261:

(a) Modifying or upgrading warning signals or devices;

(b) Adding a crossing signal;

(c) Adding gates to a crossing signal;

(d) Modifying or upgrading circuitry for a warning signal; or

(e) Installing an intertie between railroad crossing signals and highway traffic signals.

(3) This rule applies to all railroad companies, including logging and industrial railroads, however, it does not apply to crossings within the limits of first class cities, unless federal funding is used at the crossing.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-150, filed 1/30/01, effective 3/2/01.]

WAC 480-62-160 Compliance policy. (1) The commission encourages voluntary compliance with state statutes, rules, and commission orders through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including inspections and investigation of railroad company operations:

(i) For compliance with state statutes, rules, and commission orders;

(ii) For compliance with Federal Railroad Administration (FRA) rules through the State Safety Participation Program, 49 C.F.R. Part 212. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) The commission may pursue administrative actions, including, but not limited to, issuing defect notices to railroad companies, reports and recommendations to the FRA, warnings, sanctions, and penalty assessments.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No.

TR-981102, General Order No. R-477), § 480-62-160, filed 1/30/01, effective 3/2/01.]

WAC 480-62-165 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-165, filed 1/30/01, effective 3/2/01.]

WAC 480-62-170 Resolving disputes about the meaning of these rules. If the interpretation of any rule in this chapter is questioned by a railroad company, a request for clarification may be filed with the commission.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-170, filed 1/30/01, effective 3/2/01.]

PART 2: SAFETY RULES

WAC 480-62-200 Roadway worker safety and operating rules and statutes. (1) The commission adopts by reference the following parts of Title 49 of the Code of Federal Regulations (C.F.R.) and all pertinent appendices:

(a) 49 C.F.R. Part 209: Railroad safety enforcement procedure;

(b) 49 C.F.R. Part 214: Railroad workplace safety;

(c) 49 C.F.R. Part 217: Railroad operating rules;

(d) 49 C.F.R. Part 218: Railroad operating practices;

(e) 49 C.F.R. Part 219: Procedures for transportation workplace drug testing programs;

(f) 49 C.F.R. Part 220: Radio standards and procedures;

(g) 49 C.F.R. Part 221: Rear end marking device - Passenger, commuter and freight trains;

(h) 49 C.F.R. Part 225: Railroad Accidents/Incidents: Reports classification, and investigations;

(i) 49 C.F.R. Part 228: Hours of service of railroad employees;

(j) 49 C.F.R. Part 239: Passenger train emergency preparedness;

(k) 49 C.F.R. Part 240: Qualification and Certification of Locomotive Engineers Hours of Service;

(l) 49 C.F.R. Part 211: Hours of Service.

(2) Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(3) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 12-05-063 (Docket A-111722, General Order R-564), § 480-62-200, filed 2/15/12, effective 3/17/12. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-200, filed 1/30/01, effective 3/2/01.]

WAC 480-62-205 Track safety standards. (1) Rules governing track safety standards are prescribed by the United States Department of Transportation in Title 49, Part 213, of the Code of Federal Regulations, along with appendices. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-205, filed 1/30/01, effective 3/2/01.]

WAC 480-62-210 Crossing signal circuitry. (1) Rules governing grade crossing signal system safety are prescribed by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, Part 234 along with appendices. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212.

(3) Violations involving all railroad companies not subject to the jurisdiction of the Federal Railroad Administration will be enforced pursuant to WAC 480-62-160, Compliance policy.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-210, filed 1/30/01, effective 3/2/01.]

WAC 480-62-215 Hazardous materials regulations. (1) Rules governing hazardous materials are prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Parts 171 through 174, and Parts 178 and 179, and the appendices to Title 49. Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 C.F.R. Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-215, filed 1/30/01, effective 3/2/01.]

WAC 480-62-220 Blockage of public grade crossings. (1) Railroad companies must not block a grade crossing for more than ten consecutive minutes, if reasonably possible.

(2) A blocked grade crossing must be cleared immediately by the fastest available method, if the train movement will not violate rules issued by the Federal Railroad Administration, upon the request of law enforcement or other emergency services personnel, or when the engineer becomes

aware that the crossing is being approached by a law enforcement or other emergency services vehicle with its emergency lights flashing or that such a vehicle is stopped with its emergency lights flashing at the crossing blocked by the train.

(3) A grade crossing is "blocked" if any part of a stopped train occupies the crossing or causes warning devices to be activated.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-220, filed 1/30/01, effective 3/2/01.]

WAC 480-62-225 Crossing surfaces. (1) **Areas of responsibility.**

(a) Highway authorities must maintain and keep in repair the surfaces and the subgrades of the roadway approaches up to one foot from the outside of either rail at a grade crossing with one track. At crossings involving more than one track, the highway authority must maintain and keep in repair the roadway approaches up to one foot from the outside of each of the two outside rails.

(b) At a grade crossing with one track, railroad companies must maintain and keep in repair the crossing surfaces between the rails and for a distance of one foot on the outside of either rail. At crossings involving more than one track, railroad companies must maintain and keep in repair the crossing surfaces and the roadway for the entire area between the outermost rails at the crossing, and for a distance of one foot outside of the two outermost rails.

(c) If tracks at a crossing involving more than one track are owned by different railroad companies, each company must maintain and keep in repair the crossing surfaces and roadway within its right of way that is within the area specified in (b) of this subsection.

(2) **Crossing surfaces.**

(a) Crossing surfaces include shoulders and pedestrian walkways immediately adjacent to a roadway or shoulder. If reasonably possible, roadways and adjacent shoulders and pedestrian walkways must be continued through a crossing without narrowing the roadway, shoulder or walkway.

(b) The subgrade to a crossing surface must be maintained in a manner which minimizes damage to the crossing surface, taking into account the effects of topography, water tables, weather, and the types of vehicular traffic generally using the crossing.

(3) **Roadways.**

(a) Roadways between tracks at crossings involving more than one set of tracks, including the roadway subgrade, must be of the same quality as the roadway approaches to the crossing unless the highway authority and the railroad company agree to a higher quality.

(b) Roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is on the same plane and smooth.

(c) At grade crossings where track superelevation exists, roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is as smooth as practicable.

(4) **Standards for surface maintenance and repair.** Crossing surfaces must be convenient and safe for passage. Some factors in determining compliance with this general standard are:

(a) Whether crossing surfaces and the adjacent roadways are level with the top of the rails on the plane created by each set of tracks.

(b) Whether crossing surfaces are broken or loose.

(c) The existence of potholes.

(d) The existence of curled or rolled asphalt.

(e) Whether traffic generally slows to traverse the crossing.

(f) Citizen complaints.

(5) **Notice.** Notice requirements for highway authorities and railroad companies when performing maintenance on a crossing surface are located in WAC 480-62-305 (4) and (5).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-225, filed 1/30/01, effective 3/2/01.]

WAC 480-62-230 Traffic control devices. (1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employees as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD), Part 8, Traffic Control for Railroad and Light Rail Transit Grade Crossings, as published by the United States Department of Transportation. In addition, railroads must maintain all crossings with proper traffic control devices as prescribed in the MUTCD, Part 8. The commission adopts, by reference, the MUTCD, Part 8, as described in WAC 480-62-999. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

(2) Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

(3) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

(4) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

(5) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 11-04-041 (Docket A-101466, General Order R-562), § 480-62-230, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-230, filed 1/30/01, effective 3/2/01.]

WAC 480-62-235 Flaggers. (1) The rules in this section apply whenever a railroad company engages in the maintenance, repair, or construction of a grade crossing or grade separated crossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 C.F.R.,

Part 234. In addition, 49 C.F.R. Part 234.5 recommends that railroad companies follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 C.F.R. Part 234.

(2) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD). The commission adopts, by reference, specific portions of the MUTCD, as follows:

(a) Chapter 8A.08, Temporary Traffic Control Zones;

(b) Chapter 6A, General;

(c) Chapter 6B, Fundamental Principles;

(d) Chapter 6D, Pedestrian and Worker Safety;

(e) Chapter 6E, Flagger Control;

(f) Chapter 6G.18, Work in the Vicinity of a Grade Crossing.

(3) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in work zones. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(4) Standards for high-visibility safety apparel.

(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006, American National Standard for High-Visibility Public Safety Vests, specifically, a garment containing at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material; and

- A high-visibility hard hat.

(b) While flagging at night, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 207-2006 over white coveralls, or other coveralls or trousers designed according to ANSI/ISEA 207-2006 standards; and

- A high-visibility hard hat that is marked with at least twelve square inches of reflectorized material providing three hundred sixty degrees of visibility.

(c) While flagging during inclement weather, yellow rain gear, white rain gear, or rain gear designed according to ANSI/ISEA 207-2006 may be substituted for white coveralls.

(5) Railroad companies must develop and use a method to ensure that whenever there is any potential hazard associated with motor vehicles, construction equipment, or on-track equipment, that flaggers have adequate warning of objects approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:
- Mount a mirror on the flagger's hard hat;
- Use a motion detector with audible warning; or
- Use a spotter.

(6)(a) Railroad companies must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when job site conditions change significantly. The briefing must include applicable portions of the traffic control plan and any changes applicable during the flagger's shift. If not covered in the traffic control plan, the briefing must also include:

- The flagger's role and location at the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- Expected train and other on-track equipment movements;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job site at a roadway allowing speeds of forty-five mph or more and the job will last more than one day, the railroad company must keep on the site a current site-specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and
- Surveillance and inspection.

(7)(a) Where flaggers are used on roads allowing speeds of at least forty-five mph, the railroad company must provide an additional warning sign marked "BE PREPARED TO STOP."

(b) This sign is in addition to those required by Part VI of the Manual on Uniform Traffic Control Devices. It should be placed between the last two warning signs in the series or on the opposite side of the road when used on undivided roads.

(c) This additional sign does not increase the required advance warning area.

(d) The purpose of this additional sign is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(8) To protect flaggers, railroad companies must ensure that:

(a) Flagger workstations are illuminated at night and during inclement weather by floodlights. It is important to adequately illuminate the workstation without creating glare in the eyes of approaching drivers. The adequacy and proper placement of floodlights can best be determined by driving through and observing the workstation from each direction on the roadway.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs should either be taken down or covered.

(c) Flaggers are not assigned other duties while engaging in flagging activities.

(d) Flaggers do not use devices (e.g., cell phones, pagers, or radio headphones) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communication between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert.

(9) Unless an emergency makes it impossible, before performing any work, railroad companies must coordinate all repair, maintenance, and construction work with the governing authority responsible for the road on which the crossing exists.

(10) Information about Title 49 C.F.R., the Manual on Uniform Traffic Control Devices, and ANSI/ISEA 207-2006 regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 11-04-041 (Docket A-101466, General Order R-562), § 480-62-235, filed 1/25/11, effective 2/25/11; 10-03-044 (Docket A-091124, General Order R-557), § 480-62-235, filed 1/14/10, effective 2/14/10. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-235, filed 1/30/01, effective 3/2/01.]

WAC 480-62-240 Passenger carrying vehicles—Equipment. (1) Equipment requirements for all vehicles.

(a) Vehicles must comply with all applicable equipment requirements of Title 46 RCW.

(b) Vehicles must have exhaust systems that prevent exposure of passengers to the vehicle's emissions.

(c) Vehicles must have two external rear vision mirrors, one at each side of the cab. The mirrors must be firmly attached to the motor vehicle at a point where the driver is provided a view of the highway to the rear along both sides of the vehicle. An outside mirror may be placed only on the driver's side on vehicles in which the driver has a view to the rear by means of an interior mirror.

(d) Vehicles must be equipped with a steering system maintained to insure that lash or preplay do not exceed those values set forth in 49 C.F.R., Parts 570.7 and 570.60 (Vehicle in Use Inspection Standards). Information about Title 49 C.F.R. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(e) Vehicles must have a heating system that will maintain an ambient temperature of at least fifty-five degrees in passenger areas.

(f) Vehicles must have at least three red-burning fusees, three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in an emergency. The driver must ensure that such equipment is in the vehicle and is maintained in good condition. Any devices that may create a spark or open flame must be carried in a separate compartment or a closed metal container provided for that purpose.

(g) Vehicles must have a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located where it is readily accessible for use. The extinguisher must allow visual determination of the state of its charge at all times. The extinguishing agent must be nontoxic and preferably noncorrosive. The fire extinguisher must be suitable for attachment to the motor vehicle, bear the label of approval by the Underwriters Laboratories, Inc., and be kept in good working condition at all times.

(h) Vehicles must have a first-aid kit located where it is readily accessible. The kit must contain all of the items specified in ANSI Z308.1-2009, Minimum Requirements for Workplace First Aid Kits. Additionally, the kit must contain gloves capable of preventing exposure to bloodborne pathogens. Items used from first-aid kits must be replaced before the next shift, and kits must be checked for compliance with this rule if the seal on the kit is broken. Information about ANSI Z308.1-2009 regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) Equipment requirements for specified vehicles.

(a) Coupling devices used on a vehicle equipped with retractable flange wheels for operation on railroad tracks must be substantial and made of metal. The devices must be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(b) A passenger compartment separate from the cab of the vehicle must be made of metal and be fastened directly to the frame of the vehicle. The compartment must have an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor of the compartment must be constructed to bear the weight of all cargo and passengers. The floor must not have unnecessary openings, and it must be constructed to prevent the entry of noxious fumes or permeation with flammable materials. The compartment must have a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and a tailgate which must be closed whenever the vehicle is in motion. If the bottom of the entrance to the passenger compartment is more than three feet six inches above ground level, the vehicle must have permanent or temporary steps designed for the safe boarding and discharge of passengers.

(c) Communication between a cab and a separated passenger compartment must be provided by means of a light or audible device mounted in the cab of the vehicle that may be activated by a passenger in the rear compartment.

(d) On vehicles designed to transport nine or more passengers, an emergency exit must be placed at the end of the vehicle opposite the regular entrance. The exit must be at least six and one-half square feet in area, and the smallest dimension must be at least eighteen inches. The route to and from the emergency exit must be unobstructed at all times.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 10-03-044 (Docket A-091124, General Order R-557), § 480-62-240, filed 1/14/10, effective 2/14/10; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-240, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-240, filed 1/30/01, effective 3/2/01.]

WAC 480-62-245 Passenger carrying vehicles—Operation. (1) **General.** All passenger carrying motor vehicles must be operated in compliance with state law no matter where the vehicle is operated. Drivers must operate vehicles in a careful and prudent manner and at reasonable and proper speeds, with due regard to circumstances and to the use of highways by others.

(2) **Minimum age, skill, and physical condition of drivers.** Drivers of passenger carrying vehicles must be at least eighteen years old. Before being allowed to drive or operate a passenger carrying vehicle, drivers must have demonstrated the physical capability of handling the controls of the vehicle with ease. Before driving a vehicle, drivers or

operators must obtain either a valid Washington state driver's license or a valid license from the state of the driver's residence. The driver must carry the license at all times while operating a vehicle. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver must have such license or endorsement.

(3) **Driver's daily hours of service.** No driver of any passenger carrying vehicle may drive for more than ten hours without resting afterward for a minimum of eight consecutive hours.

(4) **Refueling.** No driver or any employee of a railroad company operating within the state may:

(a) Fuel a passenger carrying vehicle with the engine running;

(b) Smoke or expose any flame in the vicinity of a vehicle being fueled;

(c) Fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank;

(d) Insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) **Driving rules.**

(a) Drivers must bring vehicles to a complete stop not less than fifteen feet from the nearest rail of any at-grade crossing before crossing the track except:

- Where traffic is controlled by a police officer or a duly authorized flagger;

- Where traffic is regulated by a traffic control signal;

- Where traffic is controlled by crossing gate arms or an alternately flashing light signal intended to give warning of the approach of a train;

- Where an official traffic control device as designated by the commission pursuant to RCW 81.53.060 (i.e., an "EXEMPT" sign, specified as R15-3 by the Manual on Uniform Traffic Control Devices) gives notice that the stopping requirement imposed by this section does not apply. Information about the Manual on Uniform Traffic Control Devices regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(b) Drivers must not change gears while crossing any railroad tracks.

(c) No driver may drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(d) No driver may proceed down a grade with the gears in neutral or the clutch disengaged.

(e) At the beginning of his or her use of a vehicle, the driver must perform a brake test immediately before, and immediately after, the vehicle begins moving to ensure that the brakes are functioning properly.

(6) **Loading and carrying of passengers.** Drivers are in charge of the vehicle and must require passengers to observe vehicle rules. Passengers may not enter or exit from the vehicle while it is in motion, or ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle, they must be stored in enclosed racks or boxes that are secured to the vehicle in a manner that prevents employees from being struck in the event of sudden starts, stops, or turns. The driver must assure that tools and materials are properly secured before moving the vehicle.

(7) **Limitation on transportation of explosives, gasoline, and other hazardous materials on passenger carrying vehicles.** Explosives other than track torpedoes and fusees may not be carried in or on any vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes or fusees are carried in a passenger carrying vehicle, they must be carried in a separate compartment or container provided for that purpose. Gasoline, or other hazardous materials, must not be carried in either the cab or in the passenger compartment; however, oxygen or acetylene cylinders may be carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammable materials when they are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuel must be vented in a manner that prevents the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums, must be properly secured where they will not interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials must not be parked within three hundred feet of an open fire. Smoking is prohibited within fifty feet of a vehicle carrying explosive or flammable materials.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-245, filed 1/30/01, effective 3/2/01.]

WAC 480-62-250 On-track equipment. (1) When approaching and passing over a railroad-highway grade crossing, operators of motor track cars, speeders, or other on track equipment must remain in complete control of the equipment, be prepared to stop for vehicular or pedestrian traffic on the highway, stop if necessary to avoid an accident, and provide effective warning for vehicular or pedestrian traffic at the crossing.

(2) Railroad companies that allow persons other than railroad personnel on official railroad business to operate motor track cars, speeders, or other on track equipment on their track must ensure that the operators comply with subsection (1) of this section.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-250, filed 1/30/01, effective 3/2/01.]

PART 3: REPORTING REQUIREMENT RULES

WAC 480-62-300 Annual reports—Regulatory fees. (1) The surface transportation board annual report form R1 must be used by Class I railroad companies as the annual report form for submission to the commission. Class II and Class III railroad companies must use report forms periodically published by the commission.

(2) Each year every railroad company is responsible for obtaining the proper report form from the commission. Reports must be completed for the preceding calendar year's operations. One copy of the completed annual report, along with the regulatory fee, must be submitted to the commission no later than May 1 of each year.

(3) **Regulatory fees.** The railroad company regulatory fee is set by statute at one and one-half percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a railroad company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any railroad company with less than one thousand three hundred dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-62-300, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-300, filed 1/30/01, effective 3/2/01.]

WAC 480-62-305 Railroad community notice requirements. This rule is not intended to cover immediate safety hazards or emergencies.

(1) At least ten days prior to taking any planned action that may have a significant impact on a community, railroad companies must notify, in writing, the governing authority of the community and the commission of the planned action.

Note: Maintenance practices, such as replacing broken planks if the opportunity to do so is unexpectedly presented, are not considered to be planned actions and would likely prevent safety hazards. In such situations, advance notice would not be required.

(2) Examples of actions that may have significant impact on a community include disrupting the use of a crossing for track inspection, reconstruction, maintenance, or blocking a crossing.

(3) The notice must contain a heading with the words "important notice" in prominent type and contain, at a minimum, the following:

(a) Date the notice is issued;

(b) A clear explanation of the type of planned event;

(c) Specific location of the event;

(d) An estimation of the start and completion date of the event;

(e) Any additional information that will assist the community to plan for the event;

(f) Railroad company contact person and phone number; and

(g) A statement substantially as follows: "If you have questions about the regulatory process, you may contact the Washington Utilities and Transportation Commission at: WUTC, 1300 S. Evergreen Park Dr. S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free). Also, you may contact the Federal Railroad Administration at 1-800-724-5998 (toll-free)."

(4) Whenever a highway authority plans to perform maintenance that will affect a crossing, it must notify the railroad company and local jurisdiction at least ten days before performing the maintenance.

(5) Whenever a railroad company plans to perform maintenance that involves changing the type of material used as a grade crossing surface, it must also notify the commission at least ten days prior to performing the replacement.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-305, filed 1/30/01, effective 3/2/01.]

WAC 480-62-310 Accident reports. (1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1-800-258-5990 of any event connected to the operation of the railroad company that results in the:

(a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);

(b) Death of any person;

(c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or

(d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the event;

(d) Circumstances of the event;

(e) Number and identity of persons suffering injuries;

(f) Number of fatalities and the identities of the deceased;

(g) The type and amount of hazardous material spilled; and

(h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-310, filed 1/30/01, effective 3/2/01.]

WAC 480-62-315 Miscellaneous reporting requirements. (1) Within thirty days of a request from the commission, every railroad company must report to the commission on the sales, transfers or abandonments of all trackage which crosses a public road. The report must contain a description of the transaction, clear identification of the track involved in the transaction, the effective date of the transaction, and the name and address of the last known owner(s) or operator(s) of the section transferred.

(2) Upon request, every railroad company and railroad company official must report to the commission the information then available to it regarding the average number of daytime through trains, nighttime through trains, and switching movements over specific grade crossings in its control. Reports must identify each crossing by USDOT number and road name.

(3) Upon request, every railroad company must inform the commission in writing of the names, addresses, and telephone numbers of the persons to whom to report emergencies of any nature, and problems or defects with crossing signals, passive warning devices, and crossing surfaces. The information must be current at all times.

(4) Upon request, every railroad company must provide the commission with access to or copies of track profiles. This requirement may be satisfied by allowing electronic access to track profiles.

(5) Upon request, every railroad company must provide the commission with access to or copies of its timetable. This requirement may be satisfied by allowing electronic access to the timetables.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-315, filed 1/30/01, effective 3/2/01.]

WAC 480-62-320 Remote controlled operations. (1) Railroad companies, including logging and industrial railroad companies, must report to the commission their intention to create or enlarge a remote-control area at least thirty days before remote-control operations begin. Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The location of remote-control operations. Railroads should provide sufficient information to allow the commission to determine what road crossings at grade are included within the remote-control area.

(2) Railroad companies must report to the commission their intention to create or enlarge a remote-control zone at least thirty days before remote-control operations begin. Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The remote-control area within which the zone will be created.

(3) Railroads must report to the commission their intention to use cameras for point protection at crossings at least thirty days prior to the intended implementation date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 04-11-023 (Docket No. TR-021465, General Order No. R-514), § 480-62-320, filed 5/11/04, effective 6/11/04. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-320, filed 1/30/01, effective 3/2/01.]

WAC 480-62-325 Railroad police officers—Notice. (1) Every railroad company that has employees who are commissioned as railroad police officers pursuant to chapter 81.60 RCW must send written notice to the commission within thirty days after the effective date of these rules.

(2) When any person is commissioned as a railroad police officer, an officer's commission is terminated, or a change occurs in the information previously reported under subsection (3) of this section, the affected railroad company must send written notice to the commission within ten days after the change occurs.

(3) The notices specified in subsections (1) and (2) of this section must contain the following information:

(a) The name of the railroad police officer;

(b) The badge number, identification number, code or other identifying information assigned to the railroad police officer;

(c) The date of commission;

(d) The state or states where the railroad police officer is commissioned; and

(e) The address and telephone number of the officer's primary business office.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-325, filed 1/30/01, effective 3/2/01.]

PART 4: GRADE CROSSING PROTECTIVE FUND

WAC 480-62-400 Purpose. (1) As authorized by chapter 81.53 RCW, this chapter prescribes the manner in which a public, private or nonprofit entity may apply to the commission for grants from the grade crossing protective fund, and to prescribe a program for the award of such grants.

(2) Grade crossing protective fund grants are to fund projects that:

(a) Reduce accident frequency and severity at either public and private railroad crossings; or

(b) Reduce pedestrian, trespassing, and motorist injuries and deaths on railroad rights of way at places other than crossings.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-400, filed 2/6/06, effective 3/9/06.]

WAC 480-62-405 Applications. (1) Any public, private or nonprofit entity may submit an application to the commission for a grant from the grade crossing protective fund. The commission will consider applications that propose projects that are within one of the following categories:

(a) **Grade crossing signals or other warning devices at public crossings.** This category includes safety improvement projects at public crossings under RCW 81.53.261 and 81.53.295.

(b) **Trespass prevention and motorist safety projects.** This category includes, but is not limited to, fencing or other physical barriers; warning devices; channeling devices; public information efforts; and enforcement-related activities.

(c) **Private crossing safety improvements.** This category includes, but is not limited to, crossing closures or consolidations; signals or warning devices; nighttime and off-hours locked gates; and making existing warning devices more noticeable.

(d) **Miscellaneous safety projects.** This category includes other projects within the scope of WAC 480-62-400(2) to foster creative and effective ideas and to address newly discovered problems. Such projects might include, but are not limited to, roadway improvements at or approaching grade crossings; mitigation of problems created by crossing closures; and removal of sight obstructions to signals or trains for the traveling public.

(2) An applicant may at any time submit an application on a form provided by the commission for a grant to pay for costs of public grade crossing signals or other warning devices as described in subsection (1)(a) of this section. The commission will evaluate and act on such applications as they are received.

(3) An applicant may at any time submit an application for a grant to pay for projects falling within the categories described in subsection (1)(b), (c), and (d) of this section. When funds are available for disbursement, the commission will issue a call for grant applications with a deadline by which applications must be submitted for competitive consideration. The commission will evaluate and act on all pending applications, deciding whether each application should be granted, in whole or in part; whether the application should be retained for further consideration if funds become available; or whether the application should be denied. Applications that have not been denied may remain active until the next ensuing call for grant applications is issued, not to exceed two years from the date of the application, or such shorter time as the commission may specify.

(4) Applicants for projects described in subsection (1)(b), (c), and (d) of this section must submit grant applications on a form provided by the commission that requires applicants to provide the following information:

(a) A detailed summary of the hazard to be addressed, including location, accident history, and the identities of the relevant railroad company and local agency (local government that has jurisdiction over the issue and/or territory involved);

(b) A summary of the project and how its implementation will mitigate or eliminate the hazard;

(c) Cost estimates;

(d) An estimated timeline for project completion;

(e) A description of how the project's success can be measured;

(f) A summary of efforts to coordinate with the railroad and/or local government, and the results of those efforts;

(g) A description of the applicant's experience, capacity, and competency to complete the project; and

(h) Such other information as the commission may require.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-405, filed 2/6/06, effective 3/9/06.]

WAC 480-62-410 Funding for project categories. The commission may set aside a specific amount for the category that includes public grade crossing signals and other warning devices. It may designate a portion of the total available funds for each of the other project categories. The commission may limit the amount of funding per project for each project category. The commission may also award a grant that pays a portion of a larger safety project.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-410, filed 2/6/06, effective 3/9/06.]

WAC 480-62-415 Evaluation and award process. (1) The commission will evaluate each petition for a project involving grade crossing signals or other warning devices at a public crossing when it is filed. The commission will evaluate projects in other categories after the deadline specified in a call for grant applications. When evaluating projects, the commission may perform diagnostic reviews at the site of proposed projects and may inquire about possible revisions to improve the proposal. If the applicant modifies the grant application in response to commission inquiries, the commission will consider the application in its modified form.

(2) The commission will consider grant applications at regularly scheduled open meetings. Any interested person may speak at the open meeting regarding the grant applications.

(a) The commission will award a grant for a project involving grade crossing signals or other warning devices at a public crossing if funds are available and the commission determines that the public safety requires the project. The commission will consider the severity of the hazard addressed by the project and the safety benefits expected to be achieved.

(b) The commission will award grants to projects in other categories that, in the commission's judgment, will achieve the greatest gains in safety relative to their cost. The commission will consider the relative severity of the hazard

being addressed in each application, the safety benefits expected to be achieved by the proposed projects, the costs of implementing each project, the likelihood that the applicant can complete the project, and whether the applicant coordinated with and sought approval from the relevant local agency and railroad. The commission may also consider geographic diversity. The commission may condition an award on an amendment of the application regarding the requested level of funding, the suggested time limit for completion of the grant project, and any other proposed term or condition.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-415, filed 2/6/06, effective 3/9/06.]

WAC 480-62-420 Grant documents, timelines and fund transfers. (1) As a condition of every grant award, award recipient must sign an agreement provided by the commission specifying the terms of the grant.

(2) If it appears that an award recipient is not meeting the timelines specified in the application, commission order, or agreement, the commission may set specific project milestones and deadlines for meeting them. The commission may withdraw the award if the award recipient does not achieve a milestone on time.

(3) When an award recipient completes a project, it must submit its request to the commission for disbursement of grant funds on a form provided by the commission.

(4) The commission will verify that the project is complete and meets all terms and conditions of the application, order, and agreement. When the commission confirms that the project has been completed consistent with the application, order, and agreement, the commission will disburse grant funds to the award recipient.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-420, filed 2/6/06, effective 3/9/06.]

PART 5: ADOPTION BY REFERENCE

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations,** cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on September 30, 2011.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices,** cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on September 30, 2011.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices) and WAC 480-62-235 (Flaggers).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(3) **ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on September 30, 2011.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on September 30, 2011.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2006 - American National Standard for High-Visibility Public Safety Vests are available from Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 12-05-063 (Docket A-111722, General Order R-564), § 480-62-999, filed 2/15/12, effective 3/17/12; 11-04-041 (Docket A-101466, General Order R-562), § 480-62-999, filed 1/25/11, effective 2/25/11; 10-03-044 (Docket A-091124, General Order R-557), § 480-62-999, filed 1/14/10, effective 2/14/10; 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.-105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]