

WSR 14-10-053
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 1, 2014, 12:28 p.m.]

Title of Rule and Other Identifying Information: Chapter 392-145 WAC, Transportation—Operations rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Allan J. Jones, Office of Superintendent of Public Instruction (OSPI), P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY July 7, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The 2014 session of the Washington state legislature passed HB 2137 which included changes concerning required stops by school buses at all railroad crossings. The effective date of those changes to RCW 46.61.350 is June 12, 2014. The emergency rule-making process is required to bring the language in WAC 392-145-070 into compliance by the effective date.

Reasons Supporting Proposal: Current language in WAC 392-145-070 provides an exemption for stopping at railroad crossings based on local school board decisions. That exemption was eliminated and failure to stop at those crossings would result in a disqualification of the school bus driver's commercial driver license and resulting revocation of their school bus driver authorization. The proposed change will remove the language providing for the school board exemption process.

Statutory Authority for Adoption: RCW 46.61.380.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [OSPI], governmental.

Name of Agency Personnel Responsible for Drafting: Allan Jones, OSPI, Office of Professional Practice, (360) 725-6121; Implementation: JoLynn Berge, OSPI, Financial Resources, (360) 725-6292; and Enforcement: Allan Jones, OSPI, Student Transportation, (360) 725-6121.

May 1, 2014
 Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 07-05-058, filed 2/20/07, effective 11/1/07)

WAC 392-145-070 Rail grade crossings. The following requirements apply to drivers of school buses during rail grade crossings:

(1) All school buses shall stop at all rail grade crossings except:

(a) Where traffic is controlled by a police officer or ~~((duly authorized flagman))~~ flagger;

(b) Where ~~((an official))~~ a functioning traffic control ~~((device gives notice that the general stopping requirements do not apply))~~ signal is transmitting a green light;

(c) Where ~~((local regulations or school district policy expressly prohibit stopping))~~ the tracks are used exclusively for a streetcar or industrial switching purposes;

(d) Where the utilities and transportation commission has approved the installation of an "exempt" sign; or

(e) Where the crossing is abandoned and is marked with a sign indicating it is out-of-service.

(2) In order to lessen the potential for collisions, school bus drivers shall use simultaneously flashing amber hazard lamps within two hundred feet prior to stopping for a rail grade crossing.

(3) The school bus driver shall open the door and driver window to listen for approaching trains.

(4) Drivers shall take reasonable action to insure that passengers are quiet and shall turn off all noise making devices such as fans and radios while listening for approaching trains.

(5) Drivers shall not proceed until the door is closed, visibility is clear, and the school bus can safely proceed across and completely clear the rail grade.

(6) Drivers shall not change gears of a school bus equipped with a manual transmission while the school bus is crossing a rail grade.