

SENATE BILL REPORT

SB 6353

AS REPORTED BY COMMITTEE ON TRANSPORTATION, FEBRUARY 11, 1992

Brief Description: Restricting the ringing of bells or sounding of whistles on locomotives.

SPONSORS: Senator McCaslin

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness, and Vognild.

Staff: Jeff Doyle (786-7322)

Hearing Dates: February 6, 1992; February 10, 1992; February 11, 1992

BACKGROUND:

Under current Washington law, it is a misdemeanor for an engineer driving a locomotive to fail to ring the bell or sound the whistle at least 80 rods (1/4 mile) from a railroad crossing. There is no federal law requiring that train whistles or bells be sounded.

Locomotives traveling within cities are exempt from this law.

SUMMARY:

Certain counties may adopt ordinances regulating the ringing of locomotive bells and whistles at railroad crossings, so long as those crossings are outside of city limits and have automatic grade crossing signals or gates in place.

Only counties with a population of 210,000 or more that do not adjoin a county with a population greater than 125,000 or more may adopt such ordinances. The only county in Washington that currently qualifies is Spokane County.

EFFECT OF PROPOSED SUBSTITUTE:

Any county enacting a train whistle ordinance shall hold harmless and indemnify the railroad for any accident that might occur at a crossing subject to the ordinance. The county is not required to indemnify the railroad if the railroad is guilty of a criminal act or gross negligence.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The railway running by or through a certain Spokane County area has seen such an increase in usage that local residents are not able to sleep at night because of train whistles. Local motel business has been particularly harmed by the increase in late-night train whistles. The bill has been drafted so narrowly that it does not pose any significant threat to public safety.

TESTIMONY AGAINST:

Train whistles are an integral part of railway safety. Not all vehicles are deterred by signals from crossing the path of oncoming trains, and whistles help alert people of the nearby train. Pedestrians, children and vagrants are particularly at risk if train whistles are restricted because they may not be able to see the signal lights through trees, fog, hedges or fences.

TESTIFIED: PRO: Senator McCaslin, prime sponsor; Tony Lazanis, East Gate Motel; Ray Thieman, Red Top Motel; Don Severns, self; George Tyler, self; CON: Dale Greenwood, BN Railroad; Jim Shelley, United Transportation Union; Dale Jeremiah, Brotherhood of Locomotive Engineers