

# HOUSE BILL REPORT

## EHB 1130

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### As Passed House:

March 9, 1995

**Title:** An act relating to railroads.

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

**Sponsors:** Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler.

### Brief History:

#### Committee Activity:

Transportation: 2/15/95, 2/28/95 [DP].

#### Floor Activity:

Passed House: 3/9/95, 95-0.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 16 members: Representatives Benton, Vice Chairman; Skinner, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Cairnes; Chandler; Johnson; Koster; McMahan; Ogden; Quall; Robertson; D. Schmidt and Scott.

**Minority Report:** Do not pass. Signed by 9 members: Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Chopp; Elliot; Hankins; Horn; Romero and Tokuda.

**Staff:** Jeff Doyle (786-7322).

**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 when at least 80 rods (1/4 mile) from a railroad crossing.

The new federal High Speed Rail Act of 1994 ("Swift Rail Act") directs the federal Department of Transportation (USDOT) to prescribe regulations requiring all trains to sound their horns while approaching and entering public grade crossings. This law effectively preempts local and state train whistle bans as they currently exist. However, the federal act does allow the secretary of the USDOT to grant waivers in those instances where, in the judgement of the secretary, supplemental safety

measures will fully compensate for the absence of the warning provided by train whistles.

**Summary of Bill:** Cities and counties are authorized to enact ordinances limiting train whistles at crossings equipped with "supplemental safety measures," as defined in P.L. 103-440, section 20153(a)(3).

Supplemental safety measures that prevent careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates extending the full width of the lanes in a particular direction of travel), shall be deemed to conform to federal standards, unless specifically rejected by Emergency Order issued by the USDOT.

Prior to enacting an ordinance, affected railroad companies and the state Utilities and Transportation Commission must be notified in writing of the proposed ordinance, so that they will have opportunity for comment.

Nothing in the law shall be construed as limiting the state's rights.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Persons living in populated but unincorporated areas of a county should be able to petition their county commissioners for a ban on train whistles. Cities already have this ability.

**Testimony Against:** Train whistles are required by the Federal Railroad Administration (FRA) because they are effective in preventing accidents. Any train whistle ban enacted by a county will be stricken down by the FRA, just as whistle bans have been all over the rest of the country. The FRA is currently developing regulations that would permit train whistle bans if certain safety measures are in place. The Legislature should not pass this bill until after we know what the FRA safety regulations are.

**Testified:** Representative Crouse, Prime Sponsor (pro); Representative Padden (pro); Tony Lazanis, Spokane Valley Citizens (pro); Ray Thieman, Washington State Hotel & Motel Association (pro); Randy Scott, Spokane County Commissioners (pro); Senator McCaslin (pro); Pat Halstead, Burlington Northern and Union Pacific Railroads (con); Dale Jeremiah, Brotherhood of Locomotive Engineers (con); Tom Retterath, United Transportation Union (con); and Alan Scott, Utilities & Transportation Commission (con).