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## Commerce & Labor Committee

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### HB 2695

**Brief Description:** Providing for railroad safety.

**Sponsors:** Representatives Conway, Lysen, Wood, Kenney and Kirby.

#### Brief Summary of Bill

- Allows railroad company employees that are fatigued and unable to safely perform their duties to absent themselves from service to their companies.
- Authorizes the Utilities and Transportation Commission to fine railroad companies that take adverse actions against these employees.

**Hearing Date:** 2/4/02

**Staff:** Jill Reinmuth (786-7134).

#### Background:

In the early 1900s, state and federal laws were enacted that restricted the hours of service that railroad companies could require of certain railroad employees.

The state law prohibits railroads from requiring train employees to remain on duty more than 12 consecutive hours, except in emergencies. It also prohibits railroads from requiring train employees who have been on duty for 12 consecutive hours to go on duty without having had at least 10 hours off duty, or from requiring train employees who have been on duty an aggregate of 12 hours in a 24-hour period to continue on duty without having had at least eight hours off within the 24-hour period.

The federal Hours of Service Act prohibits a railroad carrier from requiring a train employee to remain or go on duty: (1) unless the employee has had at least eight consecutive hours off duty during the prior 24 hours; or (2) after the employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty. Other restrictions apply to the hours of service performed by signal employees and dispatching service employees. The federal law notes that these restrictions are the maximum number of hours that an employee may be on duty consistent with safety.

The U.S. Supreme Court has explained that the federal law resulted from casualties in railroad transportation which resulted from requiring the discharge of arduous duties by tired and exhausted men whose power of service and energy had been so weakened by overwork.— The U.S. Supreme Court has also held that the federal law makes state laws restricting the hours of labor of interstate railroad employees inoperative.

In 1970, the federal Railroad Safety Act was enacted. It provides that laws, regulations, and orders related to railroad safety shall be nationally uniform to the extent practicable.— It permits a state to adopt more stringent laws or rules related to railroad safety when it: (1) is necessary to eliminate or reduce an essentially local safety hazard; (2) is not incompatible with a federal law, regulation, or order; and (3) does not unreasonably burden interstate commerce.

**Summary of Bill:**

Railroad company employees that are fatigued and unable to safely perform their duties may absent themselves from service to their companies. These employees must not be subject to intimidation, retribution, or negative notation on their employment records.

The Utilities and Transportation Commission may fine railroad companies that take adverse actions against these employees as follows:

- \$25 to \$100 for a first offense;
- \$100 to \$500 for a second offense within three years of the prior offense; and
- \$500 to \$1,000 for a third or subsequent offense within three years of a prior offense.

**Rule Authority:** The bill does not contain provisions addressing the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2002.

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