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**Transportation Committee**

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**ESSB 6679**

**Brief Description:** Revising the provisions regulating train speeds.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senator Haugen).

**Brief Summary of Engrossed Substitute Bill**

- Clarifies that the Washington Utilities and Transportation Commission (UTC) has the authority to regulate railway train speeds within the limits of cities and towns and at grade crossings only to the extent that its authority is not preempted by federal law.
- Establishes a process for railroads and government agencies to raise operating speeds absent a determination by the UTC that a lower speed is necessary to address local conditions.

**Hearing Date:** 2/20/06

**Staff:** David Munnecke (786-7315).

**Background:**

The Federal Railroad Safety Act (FRSA) preempts state and local regulation of railroad safety. The federal regulations implementing the FRSA prescribe operating speed limits for each class of railroad track.

Under the FRSA, a state may adopt or continue in force a more stringent law, regulation, or order with respect to railroad safety when the law, regulation, or order: 1) is necessary to eliminate or reduce an essentially local safety hazard; 2) is not incompatible with a law, regulation, or order of the United States government; and 3) does not unreasonably burden interstate commerce.

The Washington Utilities and Transportation Commission (UTC) has the authority to regulate the railway train speeds within the limits of cities and towns, other than first class cities, and at grade crossings.

**Summary of Bill:**

The UTC has authority to regulate railway train speeds within the limits of cities and towns and at grade crossings only to the extent that its authority is not preempted by federal law.

Any speed limit fixed by the commission prior to the effective date of this act but without a finding of an "essentially local safety hazard" within the meaning of 49 U.S.C. 20106 shall be of no force or effect.

Before increasing operating speeds, a railroad company or government agency or jurisdiction must provide 60 days written notice to the UTC and the city, town, or road authority that is effected. At the end of 60 days, the railroad company may raise the speed limit unless the UTC finds that a lower speed limit is necessary to reduce or eliminate an essentially local safety hazard. In the event the railroad company or government agency or jurisdiction disagrees, the matter will be scheduled for a hearing.

A railroad company or government agency or jurisdiction may provide no more than five notices in any 60-day period without the UTC's consent.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.