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HOUSE BILL 3052

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Clibborn, Wallace, Jarrett and Ericks

Read first time 01/18/2006. Referred to Committee on Transportation.

1            AN ACT Relating to the jurisdiction of regulating train speeds; and  
2 amending RCW 81.48.030 and 81.48.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 81.48.030 and 1994 c 81 s 83 are each amended to read  
5 as follows:

6            Except to the extent preempted by federal law, the right to fix and  
7 regulate the speed of railway trains within the limits of any city or  
8 town other than a first class city, and at grade crossings as defined  
9 in RCW 81.53.010 where such grade crossings are outside the limits of  
10 cities and towns, is vested exclusively in the commission: PROVIDED,  
11 That RCW 81.48.030 and 81.48.040 shall not apply to street railways  
12 which may be operating or hereafter operated within the limits of said  
13 cities and towns.

14            **Sec. 2.** RCW 81.48.040 and 1994 c 81 s 84 are each amended to read  
15 as follows:

16            After due investigation, the commission shall make and issue an  
17 order fixing and regulating the speed of railway trains within the  
18 limits of cities and towns other than first class cities. Except to

1 the extent preempted by federal law, the speed limit to be fixed by the  
2 commission shall be discretionary, and it may fix different rates of  
3 speed for different cities and towns, which rates of speed shall be  
4 commensurate with the hazard presented and the practical operation of  
5 the trains. Except to the extent preempted by federal law, the  
6 commission shall also fix and regulate the speed of railway trains at  
7 grade crossings as defined in RCW 81.53.010 where such grade crossings  
8 are outside the limits of cities and towns when in the judgment of the  
9 commission the public safety so requires; such speed limit to be fixed  
10 shall be discretionary with the commission and may be different for  
11 different grade crossings and shall be commensurate with the hazard  
12 presented and the practical operation of trains. The commission shall  
13 have the right from time to time, as conditions change, to either  
14 increase or decrease speed limits established under RCW 81.48.030 and  
15 81.48.040.

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