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**SUBSTITUTE SENATE BILL 6679**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senator Haugen)

READ FIRST TIME 02/07/06.

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            (1) 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.

16 (2) Any speed limit that the commission fixed by order prior to the  
17 effective date of this act, but without finding an "essentially local  
18 safety hazard" within the meaning of P.L. 91-458, Sec. 205 (49 U.S.C.  
19 Sec. 20106), has no force or effect.

20 (3) Before increasing operating speeds, the railroad company,  
21 government agency, or jurisdiction that owns or operates the railroad  
22 must provide a sixty-day written notice to the commission and to either  
23 the governing body of the city or town within which the limit applies  
24 or the road authority that has control over the grade crossing at which  
25 the limit applies. In the notice, the railroad company, government  
26 agency, or jurisdiction must provide the existing timetable speed  
27 limits and new passenger and freight speed limits, the milepost limits  
28 where the speed increase is to occur, and the federal track class  
29 standard to which the track will be maintained. At the end of sixty  
30 days, the railroad company, government agency, or jurisdiction may  
31 raise the speed limit unless the commission staff, after investigation,  
32 finds that a limit lower than any allowed by federal regulation is  
33 necessary to reduce or eliminate an essentially local safety hazard.  
34 In the event of such a finding by the staff that is not agreed to by  
35 the railroad company, government agency, or jurisdiction, the matter  
36 shall be scheduled for a hearing before the commission. A railroad  
37 company, government agency, or jurisdiction may provide no more than

1 five notices in any sixty-day period without the consent of the  
2 commission. The railroad company, government agency, or jurisdiction  
3 and the commission may extend the sixty-day period by mutual consent.

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