

SENATE BILL REPORT

SB 6652

As of January 28, 2009

Title: An act relating to establishing rules for certain railroad activities.

Brief Description: Establishing rules for certain railroad activities.

Sponsors: Senators King and Honeyford.

Brief History:

Committee Activity: Transportation: 1/27/10, 1/28/10 [DPF].

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kelly Simpson (786-7403)

Background: Federal law preempts state regulation of many aspects of railroad operations. Although the Federal Railroad Safety Act (FRSA) preempts state authority to adopt safety rules, states may adopt railroad regulations if federal law has not prescribed a regulation or issued an order covering the subject matter of the state requirement. While current federal law does not specifically preempt state laws governing wildfire prevention practices of railroads, any such state regulation may not interfere with the FRSA, or other federal laws such as the Locomotive Inspection Act or the Safety Appliance Act.

The Utilities and Transportation Commission (UTC) is statutorily granted limited regulatory authority over specified rail safety matters.

Summary of Bill: The UTC must establish rules to minimize the risk of fire resulting from rail grinding, welding, or vegetation clearing activities by railroads. A railroad may not engage in these activities without complying with the UTC rules. Each violation of the rules established by the UTC is punishable by a monetary fine of up to \$20,000.

Appropriation: None.

Fiscal Note: Requested on January 27, 2010.

Committee/Commission/Task Force Created: No.

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: This bill is similar to last session's bill, which passed out of committee. The bill is primarily in response to a significant fire caused by railroad operations along the Columbia River back in 2007. Six homes were damaged at a cost of several million dollars. Fires caused by railroad operations are a huge safety concern. The Department of Natural Resources has similar rail fire safety rules applicable to land under its jurisdiction. Washington State needs a comprehensive approach to address this issue. The UTC has worked with legislators on this bill. Existing federal rules are not entirely precise in this area. Class III railroads should be exempted from the bill.

CON: Fires caused by railroads are continuing to decline and the bill is unnecessary. Modern railroad equipment allows for sufficient protection against significant railroad fires. Class III railroads should not be exempted.

Persons Testifying: PRO: Senator King, prime sponsor; Senator Honeyford, co-sponsor; Joseph Shramek, Department of Natural Resources; Dave Danner, UTC.

CON: Terry Finn, BNSF Railway Co.