

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6213**

61st Legislature  
2010 Regular Session

Passed by the Senate February 5, 2010  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House February 28, 2010  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6213** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6213**

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Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Haugen and Swecker; by request of Utilities & Transportation Commission and Washington State Patrol)

READ FIRST TIME 01/20/10.

1            AN ACT Relating to vehicles at railroad grade crossings; and  
2 amending RCW 46.61.350.

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

4            **Sec. 1.** RCW 46.61.350 and 1977 c 78 s 1 are each amended to read  
5 as follows:

6            ~~((1) The driver of any motor vehicle carrying passengers for hire,~~  
7 ~~other than a passenger car, or of any school bus or private carrier bus~~  
8 ~~carrying any school child or other passenger, or of any vehicle~~  
9 ~~carrying explosive substances or flammable liquids as a cargo or part~~  
10 ~~of a cargo, before crossing at grade any track or tracks of a railroad,~~  
11 ~~shall stop such vehicle within fifty feet but not less than fifteen~~  
12 ~~feet from the nearest rail of such railroad and while so stopped shall~~  
13 ~~listen and look in both directions along such track for any approaching~~  
14 ~~train, and for signals indicating the approach of a train, except as~~  
15 ~~hereinafter provided, and shall not proceed until he can do so safely.~~  
16 ~~After stopping as required herein and upon proceeding when it is safe~~  
17 ~~to do so the driver of any said vehicle shall cross only in such gear~~  
18 ~~of the vehicle that there will be no necessity for changing gears while~~

1 ~~traversing such crossing, and the driver shall not shift gears while~~  
2 ~~crossing the track or tracks.~~

3 ~~(2) This section shall not apply at:~~

4 ~~(a) Any railroad grade crossing at which traffic is controlled by~~  
5 ~~a police officer or a duly authorized flagman;~~

6 ~~(b) Any railroad grade crossing at which traffic is regulated by a~~  
7 ~~traffic control signal;~~

8 ~~(c) Any railroad grade crossing protected by crossing gates or an~~  
9 ~~alternately flashing light signal intended to give warning of the~~  
10 ~~approach of a railroad train;~~

11 ~~(d) Any railroad grade crossing at which an official traffic~~  
12 ~~control device as designated by the utilities and transportation~~  
13 ~~commission pursuant to RCW 81.53.060 gives notice that the stopping~~  
14 ~~requirement imposed by this section does not apply.))~~

15 (1)(a) The driver of any of the following vehicles must stop before  
16 the stop line, if present, and otherwise within fifty feet but not less  
17 than fifteen feet from the nearest rail at a railroad grade crossing  
18 unless exempt under subsection (3) of this section:

19 (i) A school bus or private carrier bus carrying any school child  
20 or other passenger;

21 (ii) A commercial motor vehicle transporting passengers;

22 (iii) A cargo tank, whether loaded or empty, used for transporting  
23 any hazardous material as defined in the hazardous materials  
24 regulations of the United States department of transportation in 49  
25 C.F.R. Parts 107 through 180 as it existed on the effective date of  
26 this section, or such subsequent date as may be provided by the state  
27 patrol by rule, consistent with the purposes of this section. For the  
28 purposes of this section, a cargo tank is any commercial motor vehicle  
29 designed to transport any liquid or gaseous materials within a tank  
30 that is either permanently or temporarily attached to the vehicle or  
31 the chassis;

32 (iv) A cargo tank, whether loaded or empty, transporting a  
33 commodity under exemption in accordance with United States department  
34 of transportation in 49 C.F.R. Part 107, Subpart B as it existed on the  
35 effective date of this section, or such subsequent date as may be  
36 provided by the state patrol by rule, consistent with the purposes of  
37 this section;

1 (v) A cargo tank transporting a commodity that at the time of  
2 loading has a temperature above its flashpoint as determined by the  
3 United States department of transportation in 49 C.F.R. Sec. 173.120 as  
4 it existed on the effective date of this section, or such subsequent  
5 date as may be provided by the state patrol by rule, consistent with  
6 the purposes of this section; or

7 (vi) A commercial motor vehicle that is required to be marked or  
8 placarded with any one of the following classifications by the United  
9 States department of transportation in 49 C.F.R. Part 172 as it existed  
10 on the effective date of this section, or such subsequent date as may  
11 be provided by the state patrol by rule, consistent with the purposes  
12 of this section:

13 (A) Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

14 (B) Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3  
15 poison gas, or Division 2.3 chlorine;

16 (C) Division 4.1 or Division 4.3;

17 (D) Division 5.1 or Division 5.2;

18 (E) Division 6.1 poison;

19 (F) Class 3 combustible liquid or Class 3 flammable;

20 (G) Class 7;

21 (H) Class 8.

22 (b) While stopped, the driver must listen and look in both  
23 directions along the track for any approaching train and for signals  
24 indicating the approach of a train. The driver may not proceed until  
25 he or she can do so safely.

26 (2) After stopping at a railroad grade crossing and upon proceeding  
27 when it is safe to do so, the driver must cross only in a gear that  
28 permits the vehicle to traverse the crossing without changing gears.  
29 The driver may not shift gears while crossing the track or tracks.

30 (3) This section does not apply at any railroad grade crossing  
31 where:

32 (a) Traffic is controlled by a police officer or flagger.

33 (b) A functioning traffic control signal is transmitting a green  
34 light.

35 (c) The tracks are used exclusively for a streetcar or industrial  
36 switching purposes.

37 (d) The utilities and transportation commission has approved the

1 installation of an "exempt" sign in accordance with the procedures and  
2 standards under RCW 81.53.060.

3 (e) The crossing is abandoned and is marked with a sign indicating  
4 it is out-of-service.

5 (f) The state patrol has, by rule, identified a crossing where  
6 stopping is not required.

7 (g) The superintendent of public instruction has, by rule,  
8 identified a circumstance under which a school bus or private carrier  
9 bus carrying any school child or other passenger is not required to  
10 stop.

11 (4) For the purpose of this section, "commercial motor vehicle"  
12 means: Any vehicle with a manufacturer's seating capacity for eight or  
13 more passengers, including the driver, that transports passengers for  
14 hire; any private carrier bus; any vehicle used to transport property  
15 that has a gross vehicle weight rating, gross combination weight  
16 rating, gross vehicle weight, or gross combination weight of 4,536 kg  
17 (10,001 pounds) or more; and any vehicle used in the transportation of  
18 hazardous materials as defined in RCW 46.25.010.

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