
HOUSE BILL 1978

State of Washington

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2011 Regular Session

By Representatives Liias, Zeiger, Billig, Armstrong, Asay, Wilcox, Moscoso, Rivers, Ryu, Jenkins, Dunshee, Fitzgibbon, Stanford, Ladenburg, Rolfes, Moeller, Roberts, and Reykdal

Read first time 02/16/11. Referred to Committee on Transportation.

1 AN ACT Relating to railroad safety; and creating new sections.

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

3 NEW SECTION. **Sec. 1.** (1) An advisory committee on railroad safety
4 is created within the utilities and transportation commission.

5 (2) The committee shall advise the utilities and transportation
6 commission as the commission develops rules under section 2 of this
7 act.

8 (3) The committee consists of the following members:

9 (a) Two members who are conductors, brakemen, switchmen, switch
10 foremen, or locomotive hustlers on a Class I railroad;

11 (b) One member who is a conductor, brakeman, switchman, switch
12 foreman, or locomotive hustler on a short line railroad;

13 (c) Two members who are locomotive engineers on a Class I railroad;

14 (d) One member who is a locomotive engineer on a short line
15 railroad;

16 (e) Two members who represent management from each of the two Class
17 I railroads operating in Washington state;

18 (f) Two members who represent management from short line railroads
19 operating within Washington state;

1 (g) The executive director of the utilities and transportation
2 commission or the director's designee;

3 (h) One member from the federal railroad administration;

4 (i) One member from the United States department of labor,
5 occupational safety and health administration;

6 (j) One member from the United States department of homeland
7 security;

8 (k) The secretary of transportation or the secretary's designee;
9 and

10 (l) At least two members of the Washington state legislature, one
11 member from the house of representatives and one member from the
12 senate.

13 (4) The committee shall select its chair from among its members.

14 (5) The utilities and transportation commission shall provide the
15 necessary administrative support for the committee.

16 (6) The members of the committee shall serve without compensation,
17 but must be reimbursed for travel expenses as provided in RCW 43.03.050
18 and 43.03.060. Members of the committee who are not state employees,
19 appointive officials, or elective officials must be reimbursed for
20 travel expenses at the same rate as state employees.

21 (7) The committee expires June 30, 2013.

22 NEW SECTION. **Sec. 2.** The utilities and transportation commission
23 shall develop rules to improve railroad safety and operations. The
24 utilities and transportation commission shall consider rule making in
25 the following areas:

26 (1) Defining walkways to include areas between the rails of a track
27 that are adjacent to switches within fifty feet on either side of a
28 switch stand, derail, or switch where train service employees must
29 traverse across the track or walk in between the rails inside the track
30 to access, operate, or inspect the switch and switch points or derail
31 and utilize the switch or derail;

32 (2) Addressing walkway safety, including the size and functionality
33 of drainage or water-carrying facilities or systems and clearance of
34 debris and water;

35 (3) Addressing corrective action needed to improve hazardous areas,
36 including timelines for railroad owners to bring facilities into
37 compliance with requirements;

- 1 (4) Addressing switch and derail safety, including the following:
- 2 (a) Safety and upkeep of manually operated switches and permanently
- 3 installed derails;
- 4 (b) Routine cleaning and inspection of switches and derails to
- 5 ensure that they can be safely operated by rail employees;
- 6 (c) Development of an approved list of ergonomically correct
- 7 manually operated rail switch and derail handle designs and selection
- 8 of rail switch and derail handle designs that improve overall railroad
- 9 employee safety; and
- 10 (d) Timelines regarding replacement or upgrade of rail switches and
- 11 derail handles;
- 12 (5) Addressing usage of trackmobiles by private, nonrailroad
- 13 companies on public crossings;
- 14 (6) Addressing retaliation by railroad carriers against rail
- 15 employees who are injured on the job;
- 16 (7) Addressing operations of remote controlled equipment or
- 17 technology and grade crossing enhancements; and
- 18 (8) Providing penalties for violations of the rules adopted under
- 19 this section.

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