
SENATE BILL 5760

State of Washington

62nd Legislature

2011 Regular Session

By Senators White, King, Haugen, and Sheldon

Read first time 02/10/11. Referred to Committee on Transportation.

1 AN ACT Relating to the clarifying regulations that impact freight
2 rail operations necessary to improve Washington state's trade
3 competitiveness, economic viability, and multimodal transportation
4 infrastructure; amending RCW 49.17.400 and 49.17.410; and creating a
5 new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that railroads
8 operating within the state of Washington are critical to the state's
9 competitiveness in moving freight and trade-related cargo.

10 (2) The legislature also finds that maintenance and upgrading of
11 rail infrastructure is a necessary and desirable function to preserve
12 interstate transportation opportunities that are important to the
13 state's ports and major manufacturing industries.

14 (3) The legislature recognizes that many aspects of maintenance of
15 rail right-of-way and railway operation fall under the auspices of the
16 federal government, including the general outlines of safe and
17 efficient maintenance of our rail corridors. The legislature also
18 recognizes that railroad operations and governance generally fall to
19 the federal government and that congress has generally assumed

1 responsibility of such in order to streamline governance and to
2 discourage state-based regulation that invites different state-by-state
3 operating and maintenance requirements on railroads important to
4 interstate commerce.

5 (4) In recognition of the necessity to maintain efficient,
6 uninterrupted rail service and maintenance functions, the legislature
7 advances the changes in this act to ensure efficient regulation and to
8 prevent duplication of regulatory activity.

9 **Sec. 2.** RCW 49.17.400 and 2007 c 27 s 2 are each amended to read
10 as follows:

11 The definitions in this section apply throughout RCW 49.17.400
12 through 49.17.430 unless the context clearly requires otherwise.

13 (1) "Apprentice operator or trainee" means a crane operator who has
14 not met requirements established by the department under RCW 49.17.430.

15 (2) "Attachments" includes, but is not limited to, crane-attached
16 or suspended hooks, magnets, grapples, clamshell buckets, orange peel
17 buckets, concrete buckets, drag lines, personnel platforms, augers, or
18 drills and pile-driving equipment.

19 (3) "Certified crane inspector" means a crane inspector who has
20 been certified by the department.

21 (4) "Construction" means all or any part of excavation,
22 construction, erection, alteration, repair, demolition, and dismantling
23 of buildings and other structures and all related operations; the
24 excavation, construction, alteration, and repair of sewers, trenches,
25 caissons, conduits, pipelines, roads, and all related operations; the
26 moving of buildings and other structures, and the construction,
27 alteration, repair, or removal of wharfs, docks, bridges, culverts,
28 trestles, piers, abutments, or any other related construction,
29 alteration, repair, or removal work. "Construction" does not include
30 manufacturing facilities or powerhouses.

31 (5) "Crane" means power-operated equipment used in construction
32 that can hoist, lower, and horizontally move a suspended load. "Crane"
33 includes, but is not limited to: Articulating cranes, such as knuckle-
34 boom cranes; crawler cranes; floating cranes; cranes on barges;
35 (~~locomotive cranes;~~) mobile cranes, such as wheel-mounted, rough-
36 terrain, all-terrain, commercial truck mounted, and boom truck cranes;
37 multipurpose machines when configured to hoist and lower by means of a

1 winch or hook and horizontally move a suspended load; industrial
2 cranes, such as carry-deck cranes; dedicated pile drivers;
3 service/mechanic trucks with a hoisting device; a crane on a monorail;
4 tower cranes, such as fixed jib, hammerhead boom, luffing boom, and
5 self-erecting; pedestal cranes; portal cranes; overhead and gantry
6 cranes; straddle cranes; side-boom tractors; derricks; and variations
7 of such equipment.

8 (6) "Crane operator" means an individual engaged in the operation
9 of a crane.

10 (7) "Professional engineer" means a professional engineer as
11 defined in RCW 18.43.020.

12 (8) "Qualified crane operator" means a crane operator who meets the
13 requirements established by the department under RCW 49.17.430.

14 (9) "Safety or health standard" means a standard adopted under this
15 chapter.

16 **Sec. 3.** RCW 49.17.410 and 2007 c 27 s 3 are each amended to read
17 as follows:

18 (1) RCW 49.17.400 through 49.17.430 apply to cranes used with or
19 without attachments.

20 (2) RCW 49.17.400 through 49.17.430 do not apply to:

21 (a) A crane while it has been converted or adapted for a
22 nonhoisting or nonlifting use including, but not limited to, power
23 shovels, excavators, and concrete pumps;

24 (b) Power shovels, excavators, wheel loaders, backhoes, loader
25 backhoes, and track loaders when used with or without chains, slings,
26 or other rigging to lift suspended loads;

27 (c) Automotive wreckers and tow trucks when used to clear wrecks
28 and haul vehicles;

29 (d) Service trucks with mobile lifting devices designed
30 specifically for use in the power line and electric service industries,
31 such as digger derricks (radial boom derricks), when used in the power
32 line and electric service industries for auguring holes to set power
33 and utility poles, or handling associated materials to be installed or
34 removed from utility poles;

35 (e) Equipment originally designed as vehicle-mounted aerial devices
36 (for lifting personnel) and self-propelled elevating work platforms;

- 1 (f) Hydraulic jacking systems, including telescopic/hydraulic
2 gantries;
- 3 (g) Stacker cranes;
- 4 (h) Powered industrial trucks (forklifts);
- 5 (i) Mechanic's truck with a hoisting device when used in activities
6 related to equipment maintenance and repair;
- 7 (j) Equipment that hoists by using a come-along or chainfall;
- 8 (k) Dedicated drilling rigs;
- 9 (l) Gin poles used for the erection of communication towers;
- 10 (m) Tree trimming and tree removal work;
- 11 (n) Anchor handling with a vessel or barge using an affixed A-
12 frame;
- 13 (o) Roustabouts;
- 14 (p) Cranes used on-site in manufacturing facilities or powerhouses
15 for occasional or routine maintenance and repair work; (~~and~~))
- 16 (q) Crane operators operating cranes on-site in manufacturing
17 facilities or powerhouses for occasional or routine maintenance and
18 repair work; and
- 19 (r) Cranes used for railroad operations and maintenance functions
20 on railroad property and crane operators operating cranes for railroad
21 operations and maintenance functions. Federal railroad administration
22 regulations for railroad crane equipment certification fulfill
23 requirements of this section. Existing railroad training programs and
24 certification procedures for railroad crane operators shall fulfill the
25 requirements of this section.

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