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HOUSE BILL 2718

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Halper, Blake, Zeiger, Ormsby, Wilcox, Orcutt, Stanford, Chandler, Ryu, Moscoso, Magendanz, Fey, Hayes, Sells, Reykdal, Pollet, Appleton, Farrell, Tarleton, Morris, Riccelli, Takko, Jinkins, Moeller, Morrell, and Bergquist

Read first time 01/28/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to railroad crews; amending RCW 81.40.010;  
2 repealing RCW 81.40.035; prescribing penalties; and providing an  
3 effective date.

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

5 **Sec. 1.** RCW 81.40.010 and 2003 c 53 s 386 are each amended to read  
6 as follows:

7 ~~(1) ((No law or order of any regulatory agency of this state shall~~  
8 ~~prevent a common carrier by railroad from staffing its passenger trains~~  
9 ~~in accordance with collective bargaining agreements or any national or~~  
10 ~~other applicable settlement of train crew size. In the absence of a~~  
11 ~~collective bargaining agreement or any national or other applicable~~  
12 ~~settlement of train crew size, any common carrier railroad operating a~~  
13 ~~passenger train with a crew of less than two members shall be subject~~  
14 ~~to a safety review by the Washington utilities and transportation~~  
15 ~~commission, which, as to staffing, may issue an order requiring as many~~  
16 ~~as two crew members.)) Any person, corporation, company, or officer of~~  
17 ~~court operating any railroad or railway, or part of any railroad or~~  
18 ~~railway, in the state of Washington, and engaged, as a common carrier,~~

1 in the transportation of freight or passengers must operate all trains  
2 over its road with crews consisting of not less than two qualified crew  
3 members.

4 (2) Each train or engine run in violation of this section is a  
5 separate offense(~~(: PROVIDED, That nothing in)~~). This section (~~(shall~~  
6 ~~be construed as applying)~~) does not apply in the case of disability of  
7 one or more members of any train crew while out on the road between  
8 division terminals(~~(,))~~ or wrecking trains(~~(, or to any line, or part~~  
9 ~~of line, where not more than two trains are run in each twenty four~~  
10 ~~hours))~~).

11 (3) Any person, corporation, company, or officer of court operating  
12 any railroad or railway, or part of any railroad or railway, in the  
13 state of Washington, and engaged, as a common carrier, in the  
14 transportation of freight or passengers(~~(,))~~ who violates this section  
15 is guilty of a misdemeanor, and upon conviction (~~(thereof shall)~~) must  
16 be fined not less than (~~(one hundred)~~) five thousand dollars (~~(nor)~~)  
17 and not more than (~~(five hundred)~~) one hundred thousand dollars for  
18 each offense.

19 (4) It is the duty of the commission to enforce this section.

20 NEW SECTION. Sec. 2. RCW 81.40.035 (Freight train crews) and 1967  
21 c 2 s 2 are each repealed.

22 NEW SECTION. Sec. 3. This act takes effect July 1, 2014.

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