
Transportation Committee

HB 1498

Brief Description: Concerning high hazard flammable train speed limits in certain urban areas.

Sponsors: Representatives Riccelli, Farrell, Tarleton, Frame, Macri, Doglio, Stanford and Ormsby.

Brief Summary of Bill

- Clarifies the authority the Utility and Transportation Commission (UTC) and first class cities have to set rail speed limits for high-hazard flammable trains (HHFTs) to explicitly align with federal law by permitting the UTC and first class cities to set rail speed limits only in certain specified circumstances.
- Authorizes the UTC and first class cities to seek a preemption waiver from the United States Department of Transportation for a speed limit reduction for HHFTs.
- Allows a first class city to request that the UTC exercise its authority in the regulation of rail speed limits on the city's behalf.

Hearing Date: 2/2/17

Staff: Jennifer Harris (786-7143).

Background:

Federal Law.

Under the Federal Railroad Safety Act, laws, regulations, and orders related to railroad safety are required to be nationally uniform to the extent practicable. A state may adopt or continue to enforce a law, regulation, or order covering the same subject matter as a United States Department of Transportation (USDOT) regulation or order applicable to railroad safety and security only when an additional or more stringent law, regulation, or order is necessary to eliminate or reduce an essentially local safety or security hazard; is not incompatible with a law, regulation, or order of the United States government; and does not unreasonably burden interstate commerce.

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.

The federal government has set maximum allowable operating speeds for freight and passenger trains by class of track. Classification is determined by each railroad, but track segments that do not meet federal requirements for that class must be reclassified. For Class 1 tracks, which include yard, branch line, short line, and industrial spur tracks, the maximum speed limit is 10 miles per hour (mph) for freight trains and 15 mph for passenger trains. For Class 2 tracks, typically comprised of branch lines, secondary main lines, some regional rail lines, and some tourist rail lines, the maximum speed limit is 25 mph for freight trains and 30 mph for passenger trains. For Class 3 tracks, which include regional railroads and some secondary main lines, the maximum speed limit is 40 mph for freight trains and 60 miles per hour for passenger trains. For Class 4 tracks, typically comprised of main-line tracks used in passenger and long-haul freight service, the maximum speed limit is 60 mph for freight trains and 80 mph for passenger trains. For Class 5 tracks, which include most high-speed track in the United States, the maximum speed limit is 80 mph for freight trains and 90 mph for passenger trains. For Class 6 tracks, comprised of Amtrak's Northeast Corridor between New York and Washington, D.C., the maximum speed limit is 110 mph for both freight and passenger trains.

A high-hazard flammable train (HHFT) is defined as a single train transporting 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block, or a single train carrying 35 or more loaded tank cars of a Class 3 flammable liquid throughout all the train cars. A Class 3 flammable liquid is a liquid having a flash point (the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid) of not more than 140 degrees Fahrenheit, or any material in liquid phase with a flash point at or above 100 degrees Fahrenheit that is intentionally heated and offered for transportation or transported at or above its flash point in a bulk packages, with several exceptions based on other physical properties. Examples of Class 3 flammable liquids include gasoline, diesel fuel, gas oil, shale oil, alcohol, methanol, paints, and adhesives.

In 2015, a final rule was issued by the federal government that further restricts maximum operating speeds for HHFTs in high-threat urban areas. High-hazard flammable trains may not operate at speeds greater than 50 mph in these areas and, if they do not meet the enhanced tank car standards mandated under the 2015 rule, they may not operate at speeds greater than 40 mph in these areas. A high-threat urban area is defined as an area comprising one or more cities and surrounding areas, including a 10-mile buffer zone. Seattle and Bellevue and a 10-mile buffer extending from their combined area comprise the only high-threat urban area in Washington.

State Law.

The Utilities and Transportation Commission (UTC) regulates the transportation of people and property in the state for compensation, including rail transportation to the extent its authority is not preempted by federal regulations.

State law grants the UTC discretionary authority to fix and regulate the speed of railway trains within the limits of any city or town other than first class cities and at grade crossings outside the limits of cities and towns. This authority does not extend to street railways operating within the limits of any cities or towns. Maximum speeds may be set by the UTC at different rates for different cities and towns, and must be commensurate with the hazard presented and the practical

operation of trains. As conditions change, the UTC may increase or decrease maximum operating speeds.

Before increasing its operating speeds, a railroad company, government agency, or jurisdiction that owns or operates the railroad must provide a 60-day written notice to the UTC and to the governing body of the city or town within which the speed limit applies that includes the milepost limits where the speed increase is to occur and the federal track class standard to which the track will be maintained. After investigation, if UTC staff finds that a lower limit is necessary to address local conditions and the railroad company, government agency, or jurisdiction does not agree with this finding, the UTC must schedule the matter for a hearing.

First class cities have populations of 10,000 or more inhabitants and have adopted a charter in accordance with the state Constitution. There are 10 first class cities in Washington: Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima.

Summary of Bill:

The UTC's and first class cities' authority to regulate the speed of the high-hazard flammable trains (HHFTs) under state law is clarified to explicitly align it with what is permitted under federal law. The UTC is authorized to set rail speed limits for HHFTs in all cities and towns other than first class cities, and first class cities are authorized to set rail speed limits for the HHFTs within their boundaries, where the following conditions apply: it is determined that (1) a speed limit lower than that established by federal law is necessary to address a local safety hazard; (2) the lower speed limit is not incompatible with federal law; and (3) the lower speed limit does not unreasonable burden interstate commerce.

The UTC and first class cities are authorized to seek a preemption waiver from the USDOT for a speed limit reduction for HHFTs. First class cities are also authorized to request that the UTC exercise its authority in the regulation of rail speed limits on the city's behalf.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.