
SENATE BILL 5846

State of Washington

65th Legislature

2017 Regular Session

By Senators Walsh, Conway, Miloscia, Angel, Zeiger, Darneille, Pearson, Frockt, Fortunato, Billig, Wilson, Hasegawa, Rivers, Bailey, Chase, Palumbo, Hunt, O'Ban, Takko, Cleveland, Lias, Kuderer, Pedersen, Hobbs, Mullet, Keiser, Saldaña, Carlyle, McCoy, Wellman, Rolfes, and Ranker

Read first time 02/21/17. Referred to Committee on Transportation.

1 AN ACT Relating to establishing minimum crew size on certain
2 trains; adding new sections to chapter 81.40 RCW; creating a new
3 section; repealing RCW 81.40.010 and 81.40.035; prescribing
4 penalties; providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the increasing
7 transportation of hazardous and volatile materials on the railroads
8 operating within our state, as well as significantly longer trains
9 operating over the unique and widely varying geographical terrain
10 existing in our state coupled with decreasing train crew size,
11 creates a significant localized safety hazard to the public and the
12 environment. Adequate personnel is critical to insuring railroad
13 operational safety, security, and in the event of a hazardous
14 material incident, support of first responder activities. Therefore,
15 the legislature declares that this act regulating minimum railroad
16 crew staffing to reduce risk to localities constitutes an exercise of
17 the state's police power to protect and promote the health, safety,
18 security, and welfare of the residents of the state by reducing the
19 risk exposure to local communities and protecting environmentally
20 sensitive and/or pristine lands and waterways.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.40
2 RCW to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Commission" means the utilities and transportation
6 commission created in chapter 80.01 RCW.

7 (2) "Hazardous material" means spent nuclear fuel, high-level
8 nuclear waste, class 1 substances or materials with a mass explosion
9 hazard, class 2 flammable gases, or class 3 flammable liquids, as
10 defined in the hazardous materials regulations of the United States
11 department of transportation in 49 C.F.R. Part 173 as of the
12 effective date of this section.

13 (3) "Hazardous material train" means:

14 (a) Any train carrying any combination of twenty or more car
15 loads of class 2 flammable gases and class 3 flammable liquids, as
16 defined by the United States department of transportation in 49
17 C.F.R. Part 173 as of the effective date of this section;

18 (b) Any train with one or more carloads of class 1 explosive
19 materials with a mass explosion hazard, class 7 spent nuclear fuel,
20 or high-level nuclear waste, as defined by the United States
21 department of transportation in 49 C.F.R. Part 173 as of the
22 effective date of this section; or

23 (c) Any high-hazard flammable train as defined by the United
24 States department of transportation as of the effective date of this
25 section.

26 (4) "Qualified crew member" means a railroad operating craft
27 employee who has been trained and meets the requirements and
28 qualifications as determined by the federal railroad administration
29 for a railroad operating service employee.

30 (5) "Railroad carrier" means a carrier of persons or property
31 upon vehicles, other than streetcars, operated upon stationary rails,
32 the route of which is principally outside incorporated cities and
33 towns. "Railroad carrier" includes any officers and agents of the
34 railroad carrier.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.40
36 RCW to read as follows:

37 Except as provided in section 4 of this act, the following
38 minimum crew requirements apply:

1 (1) Any person, corporation, company, or officer of the court
2 operating any railroad, railway, or any part of any railroad or
3 railway, in the state of Washington, and engaged, as a common
4 carrier, in the transportation of freight or passengers, shall
5 operate all trains and switching assignments over its road with crews
6 consisting of no less than two qualified crew members.

7 (2)(a) Railroad carriers shall operate all hazardous material
8 trains over its road with crews consisting of no less than three
9 qualified crew members. One qualified train crew member must be
10 assigned to a position located on the rear of the train and within
11 rolling equipment, situated to safely observe and monitor the train's
12 contents and movement.

13 (b) Railroad carriers shall operate any hazardous material trains
14 consisting of fifty or more car loads of any combination of hazardous
15 materials over its road with crews consisting of no less than four
16 qualified crew members. Two qualified crew members must be assigned
17 to a position on the rear of the train and within rolling equipment,
18 situated to safely observe and monitor the train's contents and
19 movement.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.40
21 RCW to read as follows:

22 (1) Trains transporting hazardous material shipments a distance
23 of five miles or less may operate the train with the required crew
24 members positioned on the lead locomotive.

25 (2)(a) Class II and class III carriers transporting fewer than
26 twenty loaded hazardous material cars on trains operating on their
27 road while at a speed of twenty-five miles per hour or less are
28 exempt from the additional train crew requirements specified in
29 section 3(2) of this act.

30 (b) The commission may grant exemptions to the minimum crew size
31 requirements to class III railroad carriers that are not transporting
32 hazardous materials on their road.

33 (3)(a) The commission may order class I or II railroad carriers
34 to exceed the minimum crew size and operate specific trains, routes,
35 or switching assignments on their road with additional numbers of
36 qualified crew members if it is determined that such an increase in
37 crew size is necessary to protect the safety, health, and welfare of
38 the public and railroad employees, to prevent harm to the
39 environment, and to address local safety and security hazards.

1 (b) In issuing such an order, the commission may consider
2 relevant factors including, but not limited to, the volatility of the
3 commodities being transported, vulnerabilities, risk exposure to
4 localities along the train route, security risks including sabotage
5 or terrorism threat levels, a railroad carriers prior history of
6 accidents, compliance violations, and track and equipment maintenance
7 issues.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.40
9 RCW to read as follows:

10 (1) Each train or engine run in violation of section 3 of this
11 act constitutes a separate offense. However, section 3 of this act
12 does not apply in the case of disability of one or more members of
13 any train crew while out on the road between division terminals, or
14 assigned to wrecking trains.

15 (2) Any person, corporation, company, or officer of the court
16 operating any railroad, or part of any railroad or railway within the
17 state of Washington, and engaged as a common carrier, in the
18 transportation of freight or passengers, who violates any of the
19 provisions of section 3 of this act must be fined not less than one
20 thousand dollars and not more than one hundred thousand dollars for
21 each offense.

22 (3) It is the duty of the commission to enforce this section.

23 NEW SECTION. **Sec. 6.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 81.40.010 (Full train crews—Passenger—Safety review—
26 Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14
27 s 81.40.010; and

28 (2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

29 NEW SECTION. **Sec. 7.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect July 1, 2017.

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