

HB 1841 - S COMM AMD

By Committee on Labor & Commerce

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

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

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

30 (3) "Hazardous material train" means:

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

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

10 (c) Any high-hazard flammable train as defined by the United
11 States department of transportation as of the effective date of this
12 section.

13 (4) "Qualified crew member" means a railroad operating craft
14 employee who has been trained and meets the requirements and
15 qualifications as determined by the federal railroad administration
16 for a railroad operating service employee.

17 (5) "Railroad carrier" means a carrier of persons or property
18 upon vehicles, other than streetcars, operated upon stationary rails,
19 the route of which is principally outside incorporated cities and
20 towns. "Railroad carrier" includes any officers and agents of the
21 railroad carrier.

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

24 Except for class III railroad carriers and as provided in section
25 4 of this act, the following minimum crew requirements apply:

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

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

38 (b) Railroad carriers shall operate any hazardous material trains
39 consisting of fifty or more car loads of any combination of hazardous

1 materials over its road with crews consisting of no less than four
2 qualified crew members. Two qualified crew members must be assigned
3 to a position on the rear of the train and within rolling equipment,
4 situated to safely observe and monitor the train's contents and
5 movement.

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

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

11 (2) Class II carriers transporting fewer than twenty loaded
12 hazardous material cars on trains operating on their road while at a
13 speed of twenty-five miles per hour or less are exempt from the
14 additional train crew requirements specified in section 3(2) of this
15 act.

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

23 (b) In issuing such an order, the commission may consider
24 relevant factors including, but not limited to, the volatility of the
25 commodities being transported, vulnerabilities, risk exposure to
26 localities along the train route, security risks including sabotage
27 or terrorism threat levels, a railroad carriers prior history of
28 accidents, compliance violations, and track and equipment maintenance
29 issues.

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

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

37 (2) Any person, corporation, company, or officer of the court
38 operating any railroad, or part of any railroad or railway within the

1 state of Washington, and engaged as a common carrier, in the
2 transportation of freight or passengers, who violates any of the
3 provisions of section 3 of this act must be fined not less than one
4 thousand dollars and not more than one hundred thousand dollars for
5 each offense.

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

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

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

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

13 NEW SECTION. **Sec. 7.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately."

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21 On page 1, line 2 of the title, after "trains;" strike the
22 remainder of the title and insert "adding new sections to chapter
23 81.40 RCW; creating a new section; repealing RCW 81.40.010 and
24 81.40.035; prescribing penalties; and declaring an emergency."

EFFECT: Makes an exception to the minimum crew size requirements
for class III railroad carriers.

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