
Transportation Committee

HB 2923

Brief Description: Concerning railroad grade crossings.

Sponsors: Representatives Peterson, Walsh, Gregerson, Lekanoff, Ramel, Davis, Orwall, Stonier and Robinson.

Brief Summary of Bill

- Prohibits railroad companies from blocking railroad grade crossings when law enforcement or other emergency services personnel request they not be blocked or when any member of a train's crew becomes aware that a law enforcement or other emergency services vehicle is approaching or has stopped at the crossing with its emergency lights flashing.
- Requires a railroad crossing to be cleared by the fastest method available in the situations described above, as long as the method used does not violate train movement rules issued by the Federal Railroad Administration.
- Establishes that a railroad company that violates these requirements is subject to a penalty to be issued by the Utilities and Transportation Commission of no greater than \$1,000 per offense.

Hearing Date: 2/10/20

Staff: Jennifer Harris (786-7143).

Background:

Federal vs. State Jurisdiction over Rail Carriers.

The Surface Transportation Board, a federal regulatory agency charged with resolving railroad rate and service issues, reviewing proposed railroad mergers, and investigating rail service matters of regional and national significance, has jurisdiction over transportation by rail carriers with respect to rates, classifications, rules, practices, routes, services, and facilities. The Surface

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Transportation Board also has jurisdiction over remedies related to this oversight. These remedies are exclusive and preempt the remedies provided under other federal law and state law.

The Federal Railroad Administration (FRA) formulates and enforces rail safety regulations, including setting rules for the maximum allowable operating speed for freight and passenger trains by class of track and the maximum speeds for traveling through rail crossings.

Under federal law, state and local regulation of rail carriers is permissible when it does not interfere with interstate rail operations, with localities retaining certain police powers to protect public health and safety. Laws of general applicability that incidentally regulate railroads may be permitted under federal law at times, but interference with interstate rail operations is not.

State Law and Rail Crossings.

The Utilities and Transportation Commission (UTC) has limited authority to regulate rail carriers in the state. The UTC inspects intersections where railway meets road, referred to as grade crossings, to make sure they are designed and maintained in a way that promotes safe crossings. The UTC also investigates accidents and authorizes improvements of public crossings, installation of signals and gates, and closures of crossings.

Summary of Bill:

Railroad companies are prohibited from blocking a railroad grade crossing under the following circumstances:

1. Law enforcement or other emergency services personnel requests the railroad crossing not be blocked; or
2. Any member of the crew becomes aware that the crossing is being approached by a law enforcement or other emergency services vehicle with its lights flashing or that such a vehicle has stopped at the blocked crossing.

A railroad grade crossing must be cleared by the fastest method available, subject to rules related to train movements issued by the FRA.

A railroad that violates these requirements is subject to a penalty of no greater than \$1,000 for each offense committed, to be enforced by the UTC.

Appropriation: None.

Fiscal Note: Requested on February 7, 2020.

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