

SENATE BILL REPORT

SHB 2287

As Reported by Senate Committee On:
Transportation, March 2, 2020

Title: An act relating to the assessment of rail safety governance in Washington state.

Brief Description: Addressing the assessment of rail safety governance in Washington state.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Leavitt, Kilduff, Barkis, Lovick, Ramel and Pollet).

Brief History: Passed House: 2/12/20, 92-4.

Committee Activity: Transportation: 2/24/20, 3/02/20 [DPA].

Brief Summary of Amended Bill

- Requires the Joint Transportation Committee to oversee a study on rail safety governance best practices and to report to the Legislature by January 6, 2021, subject to appropriations.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

Staff: Daniel Masterson (786-7454)

Background: Rail Safety Oversight. Federal law mandates a national rail safety program that is carried out, in part, through the issuance of federal safety requirements and through inspection efforts to monitor compliance with these requirements. The Federal Railroad Administration (FRA) and participating states conduct inspections and investigations as part of the national rail safety program.

Under state law, for the purposes of participating in the enforcement of federal rail safety regulations in cooperation with the FRA, the Utilities and Transportation Commission (UTC)

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.

is granted regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations. In this role, the UTC collects rail inspection information.

Point Defiance Bypass Derailment. On December 18, 2017, on the inaugural run of the new Point Defiance bypass, an Amtrak Cascades train derailed, resulting in three deaths and injuries to many of the passengers on board. In 2019, the National Transportation Safety Board (NTSB) issued an accident report on the derailment. The NTSB report included recommendations to, among others, the FRA, Washington State Department of Transportation, Amtrak, and Sound Transit, and found there was an absence of clearly defined roles and responsibilities among agencies during preparation for the start of service on this route.

Joint Transportation Committee. The Joint Transportation Committee (JTC) is responsible for reviewing and researching transportation programs and issues to educate and promote the dissemination of transportation research to state and local government policymakers, including legislators and legislative staff. The executive committee of the JTC consists of the chairs and ranking members of the House and Senate transportation committees.

Summary of Amended Bill: Subject to appropriations, the JTC is required to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and make recommendations for the implementation of these best practices in Washington State. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider the recommendations made by the national transportation safety board in its report on the 2017 accident that are relevant to rail safety governance.

The study must include an assessment of rail safety oversight in Washington State including:

- the rail safety oversight roles of federal, state, regional, and local agencies, and the extent to which federal and state laws govern these roles;
- the extent to which roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect;
- federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and
- coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight.

The study must also include an examination of rail safety governance best practices by other states and recommendations for the implementation of best practices for rail safety governance in Washington State. The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington State.

The JTC shall consult with the Washington State Department of Transportation, the Washington State Utilities and Transportation Commission, Sound Transit, the National Transportation Safety Board, Amtrak, the Federal Railroad Administration, BNSF Railway Company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

The JTC shall issue a report of its findings and recommendations on rail safety governance to the House of Representatives and Senate transportation committees by January 6, 2021.

EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S): The consultant study of rail safety governance best practices is subject to appropriations.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: As you know, we had a tragic accident in Du Pont, a city I represent. That was a tragic accident that in my view did not need to happen. We have folks and families all across our state who are excited to go on a train ride and excited for their children to ride the rails. I have a son named Jake. He is seven and he thinks that for every holiday, every birthday he can get a train. He is no different than many other young children across our state who who enjoy the opportunity to ride the rails and we want to make sure in Washington State that it is safe. This study would take a look at the complexity of rail safety in our state, there are many jurisdictions federal, local, and state. We want to make sure that folks who are part of railways and folks who work in labor in railways come together to identify best practices, to take into consideration the recommendations that came out of NTSB. We want our folks in Washington State to be excited again to ride the rails.

Persons Testifying: PRO: Representative Mari Leavitt, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.