

SENATE BILL REPORT

SB 5877

As of February 16, 2019

Title: An act relating to establishing minimum crew size on certain trains.

Brief Description: Establishing minimum crew size on certain trains.

Sponsors: Senators Kuderer, Fortunato, Conway, Hasegawa, Wilson, C., Walsh, Zeiger, Billig, Keiser, Hunt, Rivers, Nguyen, Takko, Carlyle, Darneille, Liias, Das, Palumbo, Saldaña, McCoy and Van De Wege.

Brief History:

Committee Activity: Labor & Commerce: 2/21/19.

Brief Summary of Bill

- Establishes minimum crew size requirements for freight and passenger trains and trains carrying hazardous materials.
- Creates exceptions to the requirements and increases monetary penalties for violations.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: State statutes addressing crew size on freight and passenger trains state that no law may prevent a railroad from staffing its trains in accordance with collective bargaining agreements or any national settlement regarding train crew size. For passenger trains, if there is no collective bargaining agreement or national settlement, a railroad operating with less than two crew members is subject to a safety review by the Utilities and Transportation Commission (UTC).

A violation of the crew size provision is a misdemeanor, and upon conviction the railroad carrier is subject to a fine of at least \$100, but not more than \$500, for each offense. Each train run in violation of the crew size provision is a separate offense. The penalty does not apply in the case of disability of a crew member while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each 24 hours.

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.

Federal law provides that laws, regulations, and orders related to railroad safety must be nationally uniform to the extent practicable. A state may enact a law related to safety unless the United States Secretary of Transportation adopts a rule or issues an order covering the subject matter, in which case the state law is preempted. A state may adopt a more stringent law when it: (1) is necessary to eliminate or reduce an essentially local safety or security hazard; (2) is not incompatible with a federal law; and (3) does not unreasonably burden interstate commerce.

The Hazardous Materials Division of the Federal Railroad Administration oversees the transportation of hazardous materials, such as petroleum, chemicals, and nuclear products, across the country. Federal regulations define what materials are hazardous and specify such things as proper placards for trains carrying hazardous materials and train car configuration.

Summary of Bill: The Legislature declares that regulating minimum crew staffing constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of Washington's residents by reducing the risk of exposure to local communities and protecting environmentally sensitive and pristine lands and waterways.

The crew size regulations and the misdemeanor and monetary fines related to violations are repealed and replaced. The following are the minimum crew size requirements:

- common carriers of freight or passengers must operate with no less than two crew members;
- railroad carriers operating hazardous material trains must operate with no less than three crew members, with one crew member assigned to the rear of the train and within rolling equipment to observe and monitor the train's contents and movement; and
- railroad carriers operating any hazardous material trains with 50 or more car loads of any combination of hazardous materials must operate with no less than four crew members, with two crew members assigned to the rear of the train.

The following exceptions apply:

- trains transporting hazardous material shipments a distance of five miles or less may operate with crew members positioned on the lead car;
- class II and class III carriers transporting fewer than 20 loaded hazardous material cars and traveling at 25 miles per hour or less are exempt from the additional crew member requirement;
- class III carriers that are not transporting hazardous materials may be exempted from the minimum crew size requirements by the UTC; and
- the UTC may order class I or class II carriers to exceed the minimum crew size requirements and require additional numbers of crew if it determines that such an increase in crew is necessary to protect the safety, health, and welfare of the public, employees, and the environment, and to address local safety and security hazards.

A violation of the crew size requirements is subject to a fine between \$1,000 and \$100,000, for each offense. Each run in violation of the requirement constitutes a separate offense, except in the cases of disability of a crew member or crew members assigned to wrecking trains.

Definitions for hazardous material and hazardous material train and other terms are provided.

Hazardous material train means:

- any train carrying a combination of 20 or more car loads of class 2 flammable gases and class 3 flammable liquids, as defined by the United States Department of Transportation;
- any train with one or more carloads of class 1 explosive materials with a mass explosion hazard, class 7 spent nuclear fuel, or high-level nuclear waste, as defined by the United States Department of Transportation; or
- any high-hazard flammable train, as defined by the United States Department of Transportation.

Appropriation: None.

Fiscal Note: Not requested.

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

Effective Date: The bill contains an emergency clause and takes effect immediately.