**1418-S.E AMS TRAN S2473.1 - NOT FOR FLOOR USE**

**ESHB 1418** - S COMM AMD

By Committee on Transportation

**NOT CONSIDERED 04/26/2021**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The legislature recognizes that rail safety is critical to the impacts of the state's transportation network on public safety and the environment. On December 18, 2017, a passenger train derailed from a bridge near DuPont, Washington. Three passengers were killed and 57 passengers and crewmembers were injured. While the 2017 derailment had particularly tragic consequences, the risks to public safety and the environment are underscored by other rail incidents that have occurred in the past several years, including the freight train transporting oil derailment and resulting fire on June 3, 2016, in the Columbia river gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and the derailment of a freight train transporting oil through Custer, Washington, in late 2020 that also resulted in a fire.

(2) The national transportation safety board issued an accident report on the 2017 derailment in early 2019. The report included recommendations for government agencies that participated in developing the new route related to improvements in safety oversight, coordination, and communication. In 2020, the joint transportation committee oversaw a rail safety governance study that provided an assessment and recommendations for how rail safety oversight, organizational structures and processes, and coordination activities could be modified to improve rail safety governance across the state.

(3) The legislature intends to build on the recommendations of the national transportation safety board and joint transportation committee reports to strengthen rail safety governance by expanding the utility and transportation commission's role in rail safety. The legislature intends for this role to include promotion of safety and security of the public and rail employees, as well as protection of the environment, to the extent these goals can be furthered by the commission's expanded role.

(4) This section expires July 1, 2023.

NEW SECTION. **Sec.**  (1) By January 1, 2023, the utilities and transportation commission shall report to the transportation committees of the legislature with options and considerations for expanding the commission's role in rail safety. The commission shall report with preliminary updates to include the federal railroad administration state rail action plan and federal preemption analysis and review by February 1, 2022. In developing its report, the commission shall explore opportunities, as permitted by federal law, to improve safety oversight, coordination, communication, and enforcement of state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail.

(2) The commission must host, at a minimum, one workshop with interested parties. The membership of the workshop must include, but is not limited to, representatives of:

(a) Host and tenant railroads;

(b) Rail labor organizations;

(c) The state safety oversight agency for rail fixed guideway public transportation systems;

(d) Operators of, and entities providing financial support for, intercity passenger rail and rail fixed guideway systems;

(e) Local jurisdictions;

(f) Rail advocacy organizations;

(g) State emergency management organizations;

(h) The department of ecology; and

(i) The department of labor and industries.

(3) The commission shall review, at a minimum, the report of the national transportation safety board report on the 2017 Amtrak derailment, the joint transportation committee's 2020 rail safety governance study, relevant federal laws and rules, and state rail safety plans.

(4) The commission's final report must include, but is not limited to:

(a) A review of federal preemption issues and analysis of state rail safety authority;

(b) A review of workshop discussions;

(c) Estimated costs associated with recommendations from the interested parties;

(d) Estimated costs of options to improve the safety of transportation of crude oil by rail and enforcement of chapter 90.56 RCW;

(e) A review of revenue sources that could be utilized to support rail safety oversight activities. For each source, the review must include:

(i) Estimates of revenue generated if imposed in Washington; and

(ii) Estimates of how much would be paid by different types of entities;

(f) Options for improving the safety and oversight of rail fixed guideway systems as defined in RCW 81.104.015 including a review of potential federal revenue sources to support these activities;

(g) Options for improving transparency of rail safety issues, including operator safety management practices and the implementation of new and materially changed railroad operations and infrastructure; and

(h) Options for improving communication and collaboration among parties with an interest in rail, including by convening a rail safety committee made up of parties with an interest in rail.

(5) This section expires July 1, 2023."

**ESHB 1418** - S COMM AMD

By Committee on Transportation

**NOT CONSIDERED 04/26/2021**

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "creating new sections; and providing expiration dates."

EFFECT: (1) Removes the provisions of the underlying bill after the intent section including:

(a) The expansion of the UTC's authority to oversee rail safety;

(b) The requirement that the UTC provide support and technical assistance to the Washington State Department of Transportation in the oversight of the safety of rail transit systems;

(c) The requirement that the UTC submit an annual report on rail safety and promote rail safety through facilitating communication and collaboration among parties with an interest in rail.

(2) Adds a requirement that the UTC report to the legislature with options and considerations for expanding the commission's role in rail safety by January 1, 2023. The UTC must host a workshop with interested parties. The report must include:

(a) A review of federal preemption issues;

(b) A review of workshop discussions;

(c) Estimated costs associated with recommendations from interested parties;

(d) Estimated costs of options to improve the safety of transportation of crude oil by rail;

(e) A review of revenue sources that could be utilized to support rail safety oversight activities, including the estimated revenue generated and amounts paid by specific entities;

(f) Options related to oversight or rail transit, including a review of potential federal revenue sources to support these activities;

(g) Options for improving transparency; and

(h) Options for improving communication and collaboration, including by convening a rail safety committee.