
SUBSTITUTE HOUSE BILL 2441

State of Washington

61st Legislature

2010 Regular Session

By House Transportation (originally sponsored by Representatives Clibborn, Roach, Morris, Johnson, Maxwell, Simpson, and Kenney; by request of Washington State Patrol and Utilities & Transportation Commission)

READ FIRST TIME 01/25/10.

1 AN ACT Relating to vehicles at railroad grade crossings; and
2 amending RCW 46.61.350.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.350 and 1977 c 78 s 1 are each amended to read
5 as follows:

6 ~~((1) The driver of any motor vehicle carrying passengers for hire,~~
7 ~~other than a passenger car, or of any school bus or private carrier bus~~
8 ~~carrying any school child or other passenger, or of any vehicle~~
9 ~~carrying explosive substances or flammable liquids as a cargo or part~~
10 ~~of a cargo, before crossing at grade any track or tracks of a railroad,~~
11 ~~shall stop such vehicle within fifty feet but not less than fifteen~~
12 ~~feet from the nearest rail of such railroad and while so stopped shall~~
13 ~~listen and look in both directions along such track for any approaching~~
14 ~~train, and for signals indicating the approach of a train, except as~~
15 ~~hereinafter provided, and shall not proceed until he can do so safely.~~
16 ~~After stopping as required herein and upon proceeding when it is safe~~
17 ~~to do so the driver of any said vehicle shall cross only in such gear~~
18 ~~of the vehicle that there will be no necessity for changing gears while~~

1 ~~traversing such crossing, and the driver shall not shift gears while~~
2 ~~crossing the track or tracks.~~

3 ~~(2) This section shall not apply at:~~

4 ~~(a) Any railroad grade crossing at which traffic is controlled by~~
5 ~~a police officer or a duly authorized flagman;~~

6 ~~(b) Any railroad grade crossing at which traffic is regulated by a~~
7 ~~traffic control signal;~~

8 ~~(c) Any railroad grade crossing protected by crossing gates or an~~
9 ~~alternately flashing light signal intended to give warning of the~~
10 ~~approach of a railroad train;~~

11 ~~(d) Any railroad grade crossing at which an official traffic~~
12 ~~control device as designated by the utilities and transportation~~
13 ~~commission pursuant to RCW 81.53.060 gives notice that the stopping~~
14 ~~requirement imposed by this section does not apply.))~~

15 (1)(a) The driver of any of the following vehicles must stop before
16 the stop line, if present, and otherwise within fifty feet but not less
17 than fifteen feet from the nearest rail at a railroad grade crossing
18 unless exempt under subsection (3) of this section:

19 (i) A school bus or private carrier bus carrying any school child
20 or other passenger;

21 (ii) A commercial motor vehicle transporting passengers;

22 (iii) A cargo tank, whether loaded or empty, used for transporting
23 any hazardous material as defined in the hazardous materials
24 regulations of the United States department of transportation in 49
25 C.F.R. Parts 107 through 180 as it existed on the effective date of
26 this section, or such subsequent date as may be provided by the state
27 patrol by rule, consistent with the purposes of this section. For the
28 purposes of this section, a cargo tank is any commercial motor vehicle
29 designed to transport any liquid or gaseous materials within a tank
30 that is either permanently or temporarily attached to the vehicle or
31 the chassis;

32 (iv) A cargo tank, whether loaded or empty, transporting a
33 commodity under exemption in accordance with United States department
34 of transportation in 49 C.F.R. Part 107, Subpart B as it existed on the
35 effective date of this section, or such subsequent date as may be
36 provided by the state patrol by rule, consistent with the purposes of
37 this section;

1 (v) A cargo tank transporting a commodity that at the time of
2 loading has a temperature above its flashpoint as determined by the
3 United States department of transportation in 49 C.F.R. Sec. 173.120 as
4 it existed on the effective date of this section, or such subsequent
5 date as may be provided by the state patrol by rule, consistent with
6 the purposes of this section; or

7 (vi) A commercial motor vehicle that is required to be marked or
8 placarded with any one of the following classifications by the United
9 States department of transportation in 49 C.F.R. Part 172 as it existed
10 on the effective date of this section, or such subsequent date as may
11 be provided by the state patrol by rule, consistent with the purposes
12 of this section:

13 (A) Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

14 (B) Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3
15 poison gas, or Division 2.3 chlorine;

16 (C) Division 4.1 or Division 4.3;

17 (D) Division 5.1 or Division 5.2;

18 (E) Division 6.1 poison;

19 (F) Class 3 combustible liquid or Class 3 flammable;

20 (G) Class 7;

21 (H) Class 8.

22 (b) While stopped, the driver must listen and look in both
23 directions along the track for any approaching train and for signals
24 indicating the approach of a train. The driver may not proceed until
25 he or she can do so safely.

26 (2) After stopping at a railroad grade crossing and upon proceeding
27 when it is safe to do so, the driver must cross only in a gear that
28 permits the vehicle to traverse the crossing without changing gears.
29 The driver may not shift gears while crossing the track or tracks.

30 (3) This section does not apply at any railroad grade crossing
31 where:

32 (a) Traffic is controlled by a police officer or flagger.

33 (b) A functioning traffic control signal is transmitting a green
34 light.

35 (c) The tracks are used exclusively for a streetcar or industrial
36 switching purposes.

37 (d) The utilities and transportation commission has approved the

1 installation of an "exempt" sign in accordance with the procedures and
2 standards under RCW 81.53.060.

3 (e) The crossing is abandoned and is marked with a sign indicating
4 it is out-of-service.

5 (f) The state patrol has, by rule, identified a crossing where
6 stopping is not required.

7 (g) The superintendent of public instruction has, by rule,
8 identified a circumstance under which a school bus or private carrier
9 bus carrying any school child or other passenger is not required to
10 stop.

11 (4) For the purpose of this section, "commercial motor vehicle"
12 means: Any vehicle with a manufacturer's seating capacity for eight or
13 more passengers, including the driver, that transports passengers for
14 hire; any private carrier bus; any vehicle used to transport property
15 that has a gross vehicle weight rating, gross combination weight
16 rating, gross vehicle weight, or gross combination weight of 4,536 kg
17 (10,001 pounds) or more; and any vehicle used in the transportation of
18 hazardous materials as defined in RCW 46.25.010.

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