

SENATE BILL REPORT

2EHB 1130

As Reported By Senate Committee On:
Transportation, March 28, 1995

Title: An act relating to railroads.

Brief Description: Restricting the ringing of bells or sounding of whistles on locomotives.

Sponsors: Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler.

Brief History:

Committee Activity: Transportation: 3/28/95 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Sellar.

Staff: Jeff Doyle (786-7322)

Background: Under current Washington law, it is a misdemeanor for an engineer driving a locomotive to fail to ring the bell or sound the whistle when at least 80 rods (1/4 mile) from a railroad crossing.

The new federal High Speed Rail Act of 1994 ("Swift Rail Act") directs the federal Department of Transportation (USDOT) to prescribe regulations requiring all trains to sound their horns while approaching and entering public grade crossings. This law effectively preempts local and state train whistle bans as they currently exist. However, the federal act does allow the secretary of the USDOT to grant waivers in those instances where, in the judgment of the secretary, supplemental safety measures will fully compensate for the absence of the warning provided by train whistles.

Summary of Amended Bill: Cities and counties are authorized to enact ordinances limiting train whistles at crossings equipped with "supplemental safety measures," as defined in federal law.

Supplemental safety measures that prevent careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates that extend the full width of the lanes in a particular direction of travel), are deemed to conform to federal standards, unless specifically rejected by Emergency Order issued by the USDOT.

Prior to enacting an ordinance, affected railroad companies and the state Utilities and Transportation Commission must be notified in writing of the proposed ordinance, so that it has opportunity for comment.

Nothing in the law is construed as limiting the state's rights.

Trains operating at low speeds (less than 10 mph) or within rail yards are not required to sound the locomotive whistle.

Amended Bill Compared to Original Bill: Trains operating at low speeds (less than 10 mph) or within rail yards are not required by state law to sound the locomotive whistle.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill complies with federal law concerning sounding of locomotive whistles. It will enable Spokane County and others to proceed with whistle ordinances. The amendment is necessary to exempt rail yards operating at 10 mph or less from blowing the train whistle. This restores the law as it applies to rail yard operations under current law.

Testimony Against: None.

Testified: PRO: Representative Crouse, prime sponsor; Randy Scott, Spokane County; Ray Thieman, Washington Hotel/Motel Association; Tony Lazanis; Pat Halstead, Burlington Northern/Union Pacific Railroad; Tom Retterath, United Transportation Union; Greg Hanna, Tacoma Public Utilities; Dennis Dean, Beltline Railroad; Dale Jeremiah, Brotherhood of Locomotive Engineers.