

FINAL BILL REPORT

ESSB 6679

C 70 L 06

Synopsis as Enacted

Brief Description: Revising the provisions regulating train speeds.

Sponsors: Senate Committee on Transportation (originally sponsored by Senator Haugen).

Senate Committee on Transportation

House Committee on Transportation

Background: The Federal Railroad Safety Act (FRSA) preempts state or local regulation of railroad safety. Federal regulations enacted pursuant to FRSA prescribe operating speed limits for each class of railroad track.

Federal law provides that a state may adopt a more stringent standard with respect to railroad safety and security when the standard: 1) is necessary to eliminate or reduce an essentially local safety or security hazard; 2) is not incompatible with federal law; and 3) does not unreasonably burden interstate commerce.

Under current Washington law, the Washington Utilities and Transportation Commission regulates the speed of railway trains, other than street railways, within the limits of cities and towns, and at grade crossings. The speed limits established by the commission are: 1) discretionary; 2) may be different for different cities, towns, or grade crossings; and 3) must be commensurate with the hazard presented and the practical operation of trains.

Rules promulgated by the commission acknowledge federal preemption of train speed regulation, and constrain the commission's regulation of train speeds to fixing lower train speed limits those allowed by federal law only where the commission finds that: 1) a local safety hazard exists; and 2) that reduction of the train speed is necessary to eliminate or reduce that hazard.

Summary: The provisions vesting authority to regulate railway speeds in the commission are modified and made subject to federal preemption regarding train speed regulation.

Any speed limit that was fixed by the commission prior to the effective date of the bill without a finding permitted under federal law has no effect.

Before increasing operating speeds, a railroad operator must provide 60 days written notice to the commission, and the applicable local government or road authority. The notice must include specified details regarding the proposed speed increase. After 60 days, the railroad operator may increase operating speed as proposed unless the commission has determined that a lower limit is necessary to address local conditions consistent with federal law. If the railroad operator disputes the commission's determination regarding the need for a lower limit to address local conditions, then the matter will be scheduled for a hearing before the commission.

A railroad operator may provide no more than five notices in any 60 day period without the consent of the commission.

Votes on Final Passage:

Senate	48	0
House	98	0

Effective: June 7, 2006