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**SUBSTITUTE HOUSE BILL 2287**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Transportation (originally sponsored by Representatives Leavitt, Kilduff, Barkis, Lovick, Ramel, and Pollet)

AN ACT Relating to the assessment of rail safety governance in Washington state; creating new sections; and providing expiration dates.

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

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 fifty-seven passengers and crew members 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.

(2) In 2019, the national transportation safety board issued an accident report on the 2017 derailment. The report included recommendations for government agencies that participated in developing the new route related to improvements in safety oversight, coordination, and communication. In light of these recommendations, the legislature believes that a broader assessment of how rail safety responsibilities are undertaken across agencies in the state, and are coordinated between them, should be the first step in driving fundamental changes to rail safety governance as quickly as possible to strengthen rail safety. The legislature finds that an assessment of best practices for the oversight and coordination of rail safety activities will serve as a critical guidepost for improvements to rail safety governance, and should be completed as soon as possible to inform next steps.

(3) This section expires July 1, 2021.

NEW SECTION. **Sec.**  (1) The joint transportation committee shall oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 accident report referenced in section 1 of this act that are relevant to rail safety governance.

(2) The study must include the following components:

(a) An assessment of rail safety oversight in Washington state that includes: (i) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (ii) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (iii) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(b) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(c) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(3) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(4) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(5) The joint transportation committee shall issue a report of its findings and recommendations on rail safety governance to the house of representatives and senate transportation committees by January 6, 2021.

(6) This section expires July 1, 2021.

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