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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)

READ FIRST TIME 01/27/20.

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

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that rail  
6 safety is critical to the impacts of the state's transportation  
7 network on public safety and the environment. On December 18, 2017, a  
8 passenger train derailed from a bridge near DuPont, Washington. Three  
9 passengers were killed and fifty-seven passengers and crew members  
10 were injured. While the 2017 derailment had particularly tragic  
11 consequences, the risks to public safety and the environment are  
12 underscored by other rail incidents that have occurred in the past  
13 several years, including the freight train transporting oil  
14 derailment and resulting fire on June 3, 2016, in the Columbia river  
15 gorge, near Mosier, Oregon, while in route to Tacoma, Washington.

16 (2) In 2019, the national transportation safety board issued an  
17 accident report on the 2017 derailment. The report included  
18 recommendations for government agencies that participated in  
19 developing the new route related to improvements in safety oversight,  
20 coordination, and communication. In light of these recommendations,  
21 the legislature believes that a broader assessment of how rail safety

1 responsibilities are undertaken across agencies in the state, and are  
2 coordinated between them, should be the first step in driving  
3 fundamental changes to rail safety governance as quickly as possible  
4 to strengthen rail safety. The legislature finds that an assessment  
5 of best practices for the oversight and coordination of rail safety  
6 activities will serve as a critical guidepost for improvements to  
7 rail safety governance, and should be completed as soon as possible  
8 to inform next steps.

9 (3) This section expires July 1, 2021.

10 NEW SECTION. **Sec. 2.** (1) The joint transportation committee  
11 shall oversee a consultant study on rail safety governance best  
12 practices, by class of rail where applicable, and recommendations for  
13 the implementation of these best practices in Washington state. The  
14 study must assess rail safety governance for passenger and freight  
15 rail, including rail transit services, and must consider  
16 recommendations made by the national transportation safety board in  
17 its 2017 accident report referenced in section 1 of this act that are  
18 relevant to rail safety governance.

19 (2) The study must include the following components:

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

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

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

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

37 (4) The joint transportation committee shall consult with the  
38 Washington state department of transportation, the Washington state  
39 utilities and transportation commission, sound transit, the national

1 transportation safety board, Amtrak, the federal railroad  
2 administration, BNSF railway company, one or more representatives of  
3 short line railroads, one or more representatives of labor, and other  
4 entities with rail safety expertise as necessary.

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

9 (6) This section expires July 1, 2021.

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