
HOUSE BILL 2439

State of Washington 66th Legislature 2020 Regular Session

By Representatives Kilduff, Leavitt, Gregerson, and Pollet

Read first time 01/14/20. Referred to Committee on Transportation.

1 AN ACT Relating to making rail investigation and inspection
2 information available to certain state and local governmental
3 entities; and amending RCW 81.04.540.

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

5 **Sec. 1.** RCW 81.04.540 and 2007 c 234 s 2 are each amended to
6 read as follows:

7 (1) The commission shall cooperate with the federal government
8 and the United States department of transportation, or its successor,
9 or any other commission or agency delegated or authorized to regulate
10 interstate or foreign commerce by common carriers, to the end that
11 the transportation of property and passengers by common carriers in
12 interstate or foreign commerce into and through the state of
13 Washington may be regulated and that the laws of the United States
14 and the state of Washington are enforced and administered
15 cooperatively in the public interest.

16 (2) In addition to its authority concerning interstate commerce
17 under this title, the commission may regulate common carriers in
18 interstate commerce within the state under the authority of and in
19 accordance with any act of congress that vests in or delegates to the
20 commission such authority as an agency of the United States
21 government or under an agreement with the United States department of

1 transportation, or its successor, or any other commission or agency
2 delegated or authorized to regulate interstate or foreign commerce by
3 common carriers.

4 (3)(a) For the purpose of participating with the United States
5 department of transportation in investigation and inspection
6 activities necessary to enforce federal railroad safety regulations,
7 the commission has regulatory jurisdiction over the safety practices
8 for railroad equipment, facilities, rolling stock, and operations in
9 the state.

10 (b)(i) The commission shall share information collected through
11 the rail investigation and inspection activities specified in (a) of
12 this subsection, as well as rail investigation and inspection
13 activities conducted by federal railroad administration inspectors in
14 the state to the extent that sharing this information is not
15 prohibited by federal law, federal regulation, or the federal
16 railroad administration, with other Washington state agencies and
17 first-class cities as necessary to assist agencies and first-class
18 cities in the performance of the functions for which they are
19 responsible under Washington state law, except as provided in (b)(ii)
20 and (iii) of this subsection.

21 (ii)(A) Except for as specified in (b)(ii)(B) of this subsection,
22 information collected through rail investigation activities is not
23 subject to mandatory disclosure to other state agencies and first-
24 class cities as specified in (b)(i) of this subsection until the
25 investigation is completed and all related court and administrative
26 proceedings that require the commission to treat this information as
27 confidential are complete.

28 (B) Over the course of conducting rail investigation activities,
29 if the commission determines that rail equipment is unsafe,
30 information relevant to this finding must be provided to any agency
31 or first-class city that owns the equipment determined to be unsafe,
32 unless an exception in (b)(iii) or (iv) of this subsection is
33 applicable.

34 (iii) When federal law or regulation requires the commission to
35 treat information collected through rail investigation or inspection
36 activities specified in (a) of this subsection as confidential, this
37 confidential information is not subject to the mandatory disclosure
38 requirements of this subsection (3)(b).

39 (iv) Information obtained that is collected through the rail
40 investigation and inspection activities specified in (a) of this

1 subsection that could create a substantial risk of a threat to public
2 safety if disclosed by the commission is not subject to the mandatory
3 disclosure requirements of this subsection (3)(b).

4 (v) The commission shall explore options for the development of
5 an information technology application to facilitate compliance with
6 the requirements of this subsection (3)(b) and provide a report to
7 the transportation committees of the legislature summarizing these
8 options and estimates of their associated costs by December 1, 2020.

--- END ---