

# FINAL BILL REPORT

## 2EHB 1130

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Synopsis as Enacted

**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.

**House Committee on Transportation**

**Senate Committee on Transportation**

**Background:** Under 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 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. However, the federal act allows 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:** Cities and counties are authorized to enact ordinances limiting train whistles at crossings equipped with "supplemental safety measures," as defined in the specified federal law existing on November 2, 1994.

Supplemental safety measures that prevent careless movement over the crossing (e.g., where adequate median barriers prevent movement around crossing gates extending the full width of the lanes in a particular direction of travel), are deemed to conform to federal standards, unless specifically rejected by an 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 they will have opportunity for comment.

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

Nothing in these provisions is to be construed as limiting the state's rights.

**Votes on Final Passage:**

House	38	60	(Failed)
House	95	0	(Reconsidered)
Senate	42	3	(Senate amended)
House	95	2	(House concurred)

**Effective:** July 23, 1995