

SENATE BILL REPORT

SB 5259

As Reported By Senate Committee On:
Transportation, February 21, 1995

Title: An act relating to railroads.

Brief Description: Restricting the ringing of bells or sounding of whistles on locomotives.

Sponsors: Senators Owen, Prince and McCaslin.

Brief History:

Committee Activity: Transportation: 2/15/95, 2/21/95 [DP, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Fairley, Kohl, Oke, Prentice, Prince, Schow and Sellar.

Minority Report: Do not pass.

Signed by Senators Morton and Wood.

Staff: Jeff Doyle (786-7322)

Background: Under current 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 new federal High Speed Rail Act of 1994 ("Swift Rail Act") directs the federal Department of Transportation to prescribe regulations requiring all trains to sound their horn while approaching and entering public grade crossings. This law effectively preempts local and state train whistle bans as they currently exist. However, the federal act does allow the Secretary of DOT 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 of Bill: Counties are authorized to enact ordinances banning train whistles at gated crossings located within urban areas. An "urban area" is defined by the U.S. Census Bureau as an urban place having a population greater than 2,500.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will enable counties to pass ordinances banning train whistles. Cities already have authority to do this under current law.

There are many urban areas of the state that are not incorporated but would like to ban train whistles because of the disruption to the community. Not all grade crossings require the same safety measures, and the decision on train whistles is best left at the local level.

Testimony Against: Federal court cases have consistently invalidated train whistle ordinances enacted at the local government level.

In November of 1994, the Federal Railroad Administration was given the power to allow for whistle-free zones, but only upon meeting certain safety criteria at grade crossings. The FRA is currently drafting regulations, and any attempt by a state or county to enact a whistle ordinance is premature.

Train whistles are a necessary part of grade crossing safety, and warn persons whose view of an oncoming train may be obstructed.

Testified: Senator McCaslin, sponsor (pro); Representative Larry Crouse (pro); Representative Mike Padden (pro); Randy Scott, Spokane County Commissioners (pro); Ray Thieman, WA State Hotel/Motel Association (pro); Tony Lazanis, Spokane Valley Citizens (pro); Edward Berntsen, Tacoma Eastern Railway (con); Pat Halstead, WA Class One Railroads (con); Lloyd Flem, WA Association of Railroad Passengers (con); Tom Retterath, United Transportation Union (con); Alan Scott, WA Utilities and Transportation Commission (con); Dale Jeremiah, Brotherhood of Locomotive Engineers (con).