
SECOND ENGROSSED HOUSE BILL 1130

State of Washington

54th Legislature

1995 Regular Session

By Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

Read first time 01/13/95. Referred to Committee on Transportation.

1 AN ACT Relating to railroads; amending RCW 81.48.010; and creating
2 a new section.

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

4 **Sec. 1.** RCW 81.48.010 and 1961 c 14 s 81.48.010 are each amended
5 to read as follows:

6 Every engineer driving a locomotive on any railway who shall fail
7 to ring the bell or sound the whistle upon such locomotive, or cause
8 the same to be rung or sounded at least eighty rods from any place
9 where such railway crosses a traveled road or street on the same level
10 (except in cities, or in counties that enact ordinances applying only
11 to crossings equipped with supplemental safety measures as provided in
12 section 2 of this act), or to continue the ringing of such bell or
13 sounding of such whistle until such locomotive shall have crossed such
14 road or street, shall be guilty of a misdemeanor.

15 NEW SECTION. **Sec. 2.** (1) The legislature hereby authorizes cities
16 and counties to enact ordinances limiting or prohibiting the sounding
17 of locomotive horns, provided the ordinance applies only at crossings
18 equipped with supplemental safety measures. A supplemental safety

1 measure is a safety device defined in P.L. 103-440, section
2 20153(a)(3), as that law existed on November 2, 1994. A supplemental
3 safety measure that prevents careless movement over the crossing (e.g.,
4 as where adequate median barriers prevent movement around crossing
5 gates extending over the full width of the lanes in a particular
6 direction of travel), shall be deemed to conform to those standards
7 required under P.L. 103-440 unless specifically rejected by emergency
8 order issued by the United States secretary of the department of
9 transportation.

10 (2) Prior to enacting the ordinance, the cities and counties shall
11 provide written notification to the railroad companies affected by the
12 proposed ordinance, and to the state utilities and transportation
13 commission, for the purpose of providing an opportunity to comment on
14 the proposed ordinance.

15 (3) Nothing in this section shall be construed as limiting the
16 state's power, guaranteed by the tenth amendment to the Constitution of
17 the United States, to enact laws necessary for the health, safety, or
18 welfare of the people of the state of Washington.

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