

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED HOUSE BILL 1130

Chapter 315, Laws of 1995

54th Legislature
1995 Regular Session

LOCOMOTIVE HORNS--ORDINANCE MAY PROHIBIT SOUNDING AT CROSSING

EFFECTIVE DATE: 7/23/95

Passed by the House April 19, 1995
Yeas 95 Nays 2

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 5, 1995
Yeas 42 Nays 3

JOEL PRITCHARD

President of the Senate

Approved May 11, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND HOUSE BILL 1130** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 11, 1995 - 1:07 p.m.

**Secretary of State
State of Washington**

SECOND ENGROSSED HOUSE BILL 1130

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

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 This section shall not apply to an engineer operating a locomotive
16 within yard limits or when on track, which is not main line track,
17 where crossing speed is restricted by published special instruction or
18 bulletin to ten miles per hour or less.

1 NEW SECTION. **Sec. 2.** (1) The legislature hereby authorizes cities
2 and counties to enact ordinances limiting or prohibiting the sounding
3 of locomotive horns, provided the ordinance applies only at crossings
4 equipped with supplemental safety measures. A supplemental safety
5 measure is a safety device defined in P.L. 103-440, section
6 20153(a)(3), as that law existed on November 2, 1994. A supplemental
7 safety measure that prevents careless movement over the crossing (e.g.,
8 as where adequate median barriers prevent movement around crossing
9 gates extending over the full width of the lanes in a particular
10 direction of travel), shall be deemed to conform to those standards
11 required under P.L. 103-440 unless specifically rejected by emergency
12 order issued by the United States secretary of the department of
13 transportation.

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

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

 Passed the House April 19, 1995.

 Passed the Senate April 5, 1995.

 Approved by the Governor May 11, 1995.

 Filed in Office of Secretary of State May 11, 1995.