
Transportation Committee

HB 2548

Brief Description: Providing for railroad community notice requirements.

Sponsors: Representatives Muri and Kilduff.

Brief Summary of Bill

- Adopts as law a current Utilities and Transportation Commission (UTC) administrative rule that requires railroad companies to provide written notice to the governing authority of a community and to the UTC of any planned action that may have a significant impact on a community at least 10 days prior to the planned action.
- Authorizes the UTC to pursue administrative actions against a railroad company that fails to meet these notification requirements, to the extent permitted by federal law.

Hearing Date: 1/18/18

Staff: Jennifer Harris (786-7143).

Background:

State Law and Regulation.

The Utilities and Transportation Commission (UTC) has limited authority to regulate rail carriers in the state. Within its regulatory authority, the UTC has put in place a rule requiring railroad community notice requirements under certain circumstances. Railroad companies are required to notify the governing authority of a community and the UTC in writing of any planned action that may have a significant impact on a community at least 10 days prior to that action. The notice must contain a heading that includes the phrase "important notice" in prominent type and that also includes the following information:

- date the notice is issued;
- clear explanation of the type of planned event;
- specific location of the event;
- estimation of the start and completion date of the event;

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- any additional information that will assist the community to plan for the event;
- a railroad company contact person and phone number; and
- a statement that directs those with questions to the UTC and the Federal Railroad Administration, with contact information included.

Advance notice is not required in the case of immediate safety hazards or emergencies, or when maintenance practices are carried out due to an unexpected opportunity to do so.

Federal vs. State Jurisdiction over Rail Carriers.

The Surface Transportation Board, a federal agency charged with resolving railroad rate and service issues, reviewing proposed railroad mergers, and investigating rail service matters of regional and national significance, has jurisdiction over transportation by rail carriers with respect to rates, classifications, rules, practices, routes, services, and facilities. The Surface Transportation Board also has jurisdiction over remedies related to this oversight. These remedies are exclusive and preempt the remedies provided under other federal law and state law.

Under federal law, state and local regulation of rail carriers is permissible when it does not interfere with interstate rail operations, with localities retaining certain police powers to protect public health and safety. Laws of general applicability that incidentally regulate railroads may be permitted under federal law at times, but interference with interstate rail operations is not.

Summary of Bill:

Current community notice requirements mandated by rule by the UTC are adopted in law with the exception of the requirement that contact information for the UTC and the Federal Railroad Administration for those with questions be included in the written notice provided.

In addition, to the extent permitted under federal law, the UTC is authorized to pursue administrative actions against a railroad company that fails to notify the governing authority of a community and the UTC of a planned action. If permitted by federal law, such action is authorized to include issuing defect notices to railroad companies, reports and recommendations to the Federal Railroad Administration, warnings, sanctions, and penalty assessments.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.