

ESHB 1418 - S COMM AMD

By Committee on Transportation

NOT CONSIDERED 04/26/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that rail
4 safety is critical to the impacts of the state's transportation
5 network on public safety and the environment. On December 18, 2017, a
6 passenger train derailed from a bridge near DuPont, Washington. Three
7 passengers were killed and 57 passengers and crewmembers were
8 injured. While the 2017 derailment had particularly tragic
9 consequences, the risks to public safety and the environment are
10 underscored by other rail incidents that have occurred in the past
11 several years, including the freight train transporting oil
12 derailment and resulting fire on June 3, 2016, in the Columbia river
13 gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and
14 the derailment of a freight train transporting oil through Custer,
15 Washington, in late 2020 that also resulted in a fire.

16 (2) The national transportation safety board issued an accident
17 report on the 2017 derailment in early 2019. The report included
18 recommendations for government agencies that participated in
19 developing the new route related to improvements in safety oversight,
20 coordination, and communication. In 2020, the joint transportation
21 committee oversaw a rail safety governance study that provided an
22 assessment and recommendations for how rail safety oversight,
23 organizational structures and processes, and coordination activities
24 could be modified to improve rail safety governance across the state.

25 (3) The legislature intends to build on the recommendations of
26 the national transportation safety board and joint transportation
27 committee reports to strengthen rail safety governance by expanding
28 the utility and transportation commission's role in rail safety. The
29 legislature intends for this role to include promotion of safety and
30 security of the public and rail employees, as well as protection of

1 the environment, to the extent these goals can be furthered by the
2 commission's expanded role.

3 (4) This section expires July 1, 2023.

4 NEW SECTION. **Sec. 2.** (1) By January 1, 2023, the utilities and
5 transportation commission shall report to the transportation
6 committees of the legislature with options and considerations for
7 expanding the commission's role in rail safety. The commission shall
8 report with preliminary updates to include the federal railroad
9 administration state rail action plan and federal preemption analysis
10 and review by February 1, 2022. In developing its report, the
11 commission shall explore opportunities, as permitted by federal law,
12 to improve safety oversight, coordination, communication, and
13 enforcement of state and federal laws and regulations relating to
14 transportation of persons or commodities, or both, of any nature or
15 description by rail.

16 (2) The commission must host, at a minimum, one workshop with
17 interested parties. The membership of the workshop must include, but
18 is not limited to, representatives of:

19 (a) Host and tenant railroads;

20 (b) Rail labor organizations;

21 (c) The state safety oversight agency for rail fixed guideway
22 public transportation systems;

23 (d) Operators of, and entities providing financial support for,
24 intercity passenger rail and rail fixed guideway systems;

25 (e) Local jurisdictions;

26 (f) Rail advocacy organizations;

27 (g) State emergency management organizations;

28 (h) The department of ecology; and

29 (i) The department of labor and industries.

30 (3) The commission shall review, at a minimum, the report of the
31 national transportation safety board report on the 2017 Amtrak
32 derailment, the joint transportation committee's 2020 rail safety
33 governance study, relevant federal laws and rules, and state rail
34 safety plans.

35 (4) The commission's final report must include, but is not
36 limited to:

37 (a) A review of federal preemption issues and analysis of state
38 rail safety authority;

39 (b) A review of workshop discussions;

1 (c) Estimated costs associated with recommendations from the
2 interested parties;

3 (d) Estimated costs of options to improve the safety of
4 transportation of crude oil by rail and enforcement of chapter 90.56
5 RCW;

6 (e) A review of revenue sources that could be utilized to support
7 rail safety oversight activities. For each source, the review must
8 include:

9 (i) Estimates of revenue generated if imposed in Washington; and

10 (ii) Estimates of how much would be paid by different types of
11 entities;

12 (f) Options for improving the safety and oversight of rail fixed
13 guideway systems as defined in RCW 81.104.015 including a review of
14 potential federal revenue sources to support these activities;

15 (g) Options for improving transparency of rail safety issues,
16 including operator safety management practices and the implementation
17 of new and materially changed railroad operations and infrastructure;
18 and

19 (h) Options for improving communication and collaboration among
20 parties with an interest in rail, including by convening a rail
21 safety committee made up of parties with an interest in rail.

22 (5) This section expires July 1, 2023."

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23 On page 1, line 2 of the title, after "commission;" strike the
24 remainder of the title and insert "creating new sections; and
25 providing expiration dates."

EFFECT: (1) Removes the provisions of the underlying bill after
the intent section including:

(a) The expansion of the UTC's authority to oversee rail safety;

(b) The requirement that the UTC provide support and technical
assistance to the Washington State Department of Transportation in
the oversight of the safety of rail transit systems;

(c) The requirement that the UTC submit an annual report on rail
safety and promote rail safety through facilitating communication and
collaboration among parties with an interest in rail.

(2) Adds a requirement that the UTC report to the legislature
with options and considerations for expanding the commission's role

in rail safety by January 1, 2023. The UTC must host a workshop with interested parties. The report must include:

- (a) A review of federal preemption issues;
- (b) A review of workshop discussions;
- (c) Estimated costs associated with recommendations from interested parties;
- (d) Estimated costs of options to improve the safety of transportation of crude oil by rail;
- (e) A review of revenue sources that could be utilized to support rail safety oversight activities, including the estimated revenue generated and amounts paid by specific entities;
- (f) Options related to oversight or rail transit, including a review of potential federal revenue sources to support these activities;
- (g) Options for improving transparency; and
- (h) Options for improving communication and collaboration, including by convening a rail safety committee.

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