
Transportation Committee

HB 1839

Brief Description: Concerning train length on railroads.

Sponsors: Representatives Santos, Chandler, Peterson, Low, Stonier, Pollet, Walsh, Paul and Wylie.

Brief Summary of Bill

- Prohibits railroads from operating a train that exceeds 7,500 feet in length in the state, unless the operation of a train that exceeds this length maximum is approved by an order issued by the Utilities and Transportation Commission (UTC).
- Authorizes the UTC to evaluate whether to authorize railroad carrier requests to operate trains that exceed 7,500 feet in length on specified routes up to a maximum of 10,000 feet in length, provided additional crew members are assigned to the train.
- Sets fines for railroads that violate restrictions on the operation of trains longer than 7,500 feet to fines of at least \$25,000 for a first offense; \$250,000 for a second offense; and for each offense thereafter, a fine double that of the fine for the preceding offense.
- Permits the UTC to reduce fines for violating restrictions on the operation of trains longer than 7,500 feet for Class III railroad carriers (typically shortline railroads) that are not owned by Class I railroads.

Hearing Date: 2/21/23

Staff: Jennifer Harris (786-7143).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Federal and State Roles in Rail Safety.

Federal law mandates a National Rail Safety Program that is carried out, in part, through the issuance of federal safety requirements and through inspection efforts to monitor compliance with these requirements. The Federal Railroad Administration (FRA) and participating states conduct inspections and investigations as part of the National Rail Safety Program. Under state law, for the purposes of participating in the enforcement of federal rail safety regulations in cooperation with the FRA, the Utilities and Transportation Commission (UTC) is granted regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations. In this role, the UTC collects rail inspection information.

The UTC also inspects rail crossings to confirm they are designed and maintained for safe crossings, enforces railroad employee safety regulations, and funds rail crossing safety projects.

Rail Safety and Federal Preemption.

Federal law requires that laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security be nationally uniform to the extent practicable. When the United States Department of Transportation (USDOT) prescribes regulations or issues orders that cover the subject matter of a state requirement that concerns rail safety, a state may adopt or continue to enforce an additional or more stringent law, regulation, or order when it:

- is necessary to eliminate or reduce an essentially local safety or security hazard;
- is not incompatible with a law, regulation, or order of the United States government; and
- does not unreasonably burden interstate commerce.

Federal regulation prescribes minimum federal safety standards for certain rail equipment, including locomotive and safety appliance standards.

Summary of Bill:

Train Length Restrictions.

No railroads engaged as common carriers in the transportation of freight or passengers may operate a train that exceeds 7,500 feet in length in the state, unless the operation of a train that exceeds this length maximum is approved by an order issued by the UTC. Trains originating from rail yards and terminals within the state must comply with this requirement. Trains entering the state operated by railroad companies that have rail yards, terminals, or facilities, located outside the state within 30 miles of a state border must not enter the state unless they are in compliance with this restriction.

Trains that exceed 7,500 feet in length entering the state operated by railroad companies that do not have yards, terminals, or facilities located within 30 miles of a state border may continue to operate a non-complying train within the state to the closest location where excess rail cars and motors can be set out to reduce the length of the train.

The UTC may evaluate whether to authorize by order railroad carrier requests to operate trains

that exceed 7,500 feet in length on specified routes up to a maximum of 10,000 feet in length, provided: (1) additional crew members are assigned to the train, with at least one additional crew member positioned on the rear of excess-length trains to observe the forward movement and monitor the safe operation of the train and to respond to any issues that may arise; and (2) the train is equipped with on-board rolling equipment with an accessible air brake release valve and installed mobile radio for communication with other members of the crew and with train dispatchers.

Utilities and Transportation Commission authorizations expire after three years and may be renewed. The UTC is authorized to establish, impose, and collect fees from railroad companies to recover expenditures for costs related to the consideration and review of initial and renewal requests to operate excess train lengths.

Penalties for Violating Train Length Restriction.

Railroads that are engaged as common carriers in the transportation of freight or passengers who violate restrictions on the operation of trains longer than 7,500 feet are subject to fines of at least \$25,000 for a first offense; \$250,000 for a second offense; and for each offense thereafter, to a fine double the fine for the preceding offense. The UTC may reduce these fines for Class III railroad carriers (typically shortline railroads) that are not owned by Class I railroads.

If violation of a UTC order relating to train length results in a serious injury or fatality, the UTC may impose additional fines.

Severability Provision.

If any provision of the bill or its application is held invalid, the remainder of the bill and remaining applications of the provision are not affected.

Appropriation: None.

Fiscal Note: Requested on February 20, 2023.

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