

ESHB 1449 - S AMD TO S AMD (S-3087.1/15) 452

By Senators Conway, Keiser, Hasegawa

NOT ADOPTED 4/15/2015

1 On page 29, after line 19 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 22.** A new section is added to chapter 81.40
3 RCW to read as follows:

4 The definitions in this section apply throughout this chapter
5 unless the context clearly requires otherwise.

6 (1) "Commission" means the utilities and transportation
7 commission created in chapter 80.01 RCW.

8 (2) "Hazardous material" means a substance or material the
9 federal secretary of transportation has determined to be capable of
10 posing a significant risk to health, safety, and property when
11 transported in commerce.

12 (3) "Hazardous material train" means any train:

13 (a) Carrying twenty or more car loads of a class 2 flammable gas
14 or class 3 flammable liquid as defined by the United States
15 department of transportation in 49 C.F.R. Part 173 as of the
16 effective date of this section; or

17 (b) Containing one or more car loads of spent nuclear fuel or
18 high level nuclear waste.

19 (4) "Qualified crew member" means a railroad operating craft
20 employee who has been trained and meets the requirements and
21 qualifications as determined by the federal railroad administration
22 for a railroad operating service employee.

23 (5) "Railroad carrier" means a carrier of persons or property
24 upon vehicles, other than streetcars, operated upon stationary rails,
25 the route of which is principally outside incorporated cities and
26 towns. "Railroad carrier" includes the officers and agents of the
27 railroad carrier.

28 NEW SECTION. **Sec. 23.** A new section is added to chapter 81.40
29 RCW to read as follows:

30 Except as provided in section 24 of this act, the following
31 minimum crew requirements apply:

1 (1) Railroad carriers shall operate all hazardous material trains
2 over its road with crews consisting of no less than three qualified
3 crew members. One qualified train crew member shall be assigned to a
4 position located on the rear of the train and within rolling
5 equipment, situated to safely observe and monitor the train's
6 contents and movement.

7 (2) Railroad carriers shall operate any hazardous material trains
8 consisting of fifty-one or more car loads of any combination of
9 hazardous materials over its road with crews consisting of no less
10 than four qualified crew members. Two qualified crew members shall be
11 assigned to a position on the rear of the train and within rolling
12 equipment, situated to safely observe and monitor the train's
13 contents and movement.

14 NEW SECTION. **Sec. 24.** A new section is added to chapter 81.40
15 RCW to read as follows:

16 (1) Trains transporting hazardous material shipments a distance
17 of five miles or less may operate the train with the required crew
18 members positioned on the lead locomotive.

19 (2)(a) Class II and class III carriers transporting fewer than
20 twenty loaded hazardous material cars on trains operating on their
21 road while at a speed of twenty-five miles per hour or less are
22 exempt from the additional train crew requirements specified in
23 section 23 of this act.

24 (b) The commission may grant exemptions to the minimum crew size
25 requirements to class III railroad carriers that are not transporting
26 hazardous materials on their road.

27 (3)(a) The commission may order class I or II railroad carriers
28 to exceed the minimum crew size and operate specific trains, routes,
29 or switching assignments on their road with additional numbers of
30 qualified crew members if it is determined that such an increase in
31 crew size is necessary to protect the safety, health, and welfare of
32 the public and railroad employees, to prevent harm to the
33 environment, and to address local safety and security hazards.

34 (b) In issuing such an order the commission may consider relevant
35 factors including but not limited to the volatility of the
36 commodities being transported, vulnerabilities, risk exposure to
37 localities along the train route, security risks including sabotage
38 or terrorism threat levels, a railroad carriers prior history of

1 accidents, compliance violations, and track and equipment maintenance
2 issues.

3 NEW SECTION. **Sec. 25.** A new section is added to chapter 81.40
4 RCW to read as follows:

5 (1) Each train or engine run in violation of section 23 of this
6 act constitutes a separate offense. However, section 23 of this act
7 does not apply in the case of disability of one or more members of
8 any train crew while out on the road between division terminals, or
9 assigned to wrecking trains.

10 (2) Any person, corporation, company, or officer of the court
11 operating any railroad, or part of any railroad or railway within the
12 state of Washington, and engaged as a common carrier, in the
13 transportation of freight or passengers, who violates any of the
14 provisions of section 23 of this act shall be fined not less than one
15 thousand dollars and not more than one hundred thousand dollars for
16 each offense.

17 (3) It is the duty of the commission to enforce this section.

18 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 81.40.010 (Full train crews—Passenger—Safety review—
21 Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14
22 s 81.40.010; and

23 (2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2."

24 Renumber the remaining section consecutively and correct any
25 internal references accordingly.

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26 On page 29, line 31 of the title amendment, after "81.44 RCW;"
27 strike "and creating new sections." and insert "adding new sections
28 to chapter 81.40 RCW; creating new sections; and repealing RCW
29 81.40.010 and 81.40.035."

EFFECT: Establishes minimum crew size requirements for railroad carriers transporting hazardous materials.

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