

**2SSB 5057 - S AMD TO S AMD (S-2278.4/15) 209**

By Senators Conway, Hasegawa, Hobbs, Parlette, Pearson

**ADOPTED 3/9/2015**

1 On page 24, beginning on line 26 of the amendment, strike all of  
2 section 21 and insert the following:

3 "NEW SECTION. **Sec. 21.** A new section is added to chapter 81.40  
4 RCW to read as follows:

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

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

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

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

14 (a) High-hazard flammable train as defined by the United States  
15 department of transportation as of the effective date of this  
16 section; or

17 (b) Train containing any of following:

18 (i) One or more tank car loads of poison inhalation hazard or  
19 toxic inhalation hazard, hazard zone "A," "B," "C," or "D"; anhydrous  
20 ammonia, UN1005;

21 (ii) Twenty car loads or intermodal portable tank loads of any  
22 combination of hazardous material; or

23 (iii) One or more car loads of spent nuclear fuel or high level  
24 nuclear waste.

25 (4) "Qualified crew member" means a railroad operating craft  
26 employee who has been trained and meets the requirements and  
27 qualifications as determined by the federal railroad administration  
28 for a railroad operating service employee.

29 (5) "Railroad carrier" means a carrier of persons or property  
30 upon vehicles, other than streetcars, operated upon stationary rails,  
31 the route of which is principally outside incorporated cities and  
32 towns. "Railroad carrier" includes the officers and agents of the  
33 railroad carrier.

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

3        Except as provided in section 23 of this act, the following  
4    minimum crew requirements apply:

5        (1) Any person, corporation, company, or officer of the court  
6    operating any railroad, railway, or any part of any railroad or  
7    railway, in the state of Washington, and engaged, as a common  
8    carrier, in the transportation of freight or passengers, shall  
9    operate all trains and switching assignments over its road with crews  
10   consisting of no less than two qualified crew members.

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

17       (b) Railroad carriers shall operate any hazardous material trains  
18   consisting of fifty-one or more car loads of any combination of  
19   hazardous materials over its road with crews consisting of no less  
20   than four qualified crew members. Two qualified crew members shall be  
21   assigned to a position on the rear of the train and within rolling  
22   equipment, situated to safely observe and monitor the train's  
23   contents and movement.

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

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

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

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

37       (3)(a) The commission may order class I or II railroad carriers  
38   to exceed the minimum crew size and operate specific trains, routes,  
39   or switching assignments on their road with additional numbers of

1 qualified crew members if it is determined that such an increase in  
2 crew size is necessary to protect the safety, health, and welfare of  
3 the public and railroad employees, to prevent harm to the  
4 environment, and to address local safety and security hazards.

5 (b) In issuing such an order the commission may consider relevant  
6 factors including but not limited to the volatility of the  
7 commodities being transported, vulnerabilities, risk exposure to  
8 localities along the train route, security risks including sabotage  
9 or terrorism threat levels, a railroad carriers prior history of  
10 accidents, compliance violations, and track and equipment maintenance  
11 issues.

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

14 (1) Each train or engine run in violation of section 22 of this  
15 act constitutes a separate offense. However, section 22 of this act  
16 does not apply in the case of disability of one or more members of  
17 any train crew while out on the road between division terminals, or  
18 assigned to wrecking trains.

19 (2) Any person, corporation, company, or officer of the court  
20 operating any railroad, or part of any railroad or railway within the  
21 state of Washington, and engaged as a common carrier, in the  
22 transportation of freight or passengers, who violates any of the  
23 provisions of section 22 of this act shall be fined not less than one  
24 thousand dollars and not more than one hundred thousand dollars for  
25 each offense.

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

27 NEW SECTION. **Sec. 25.** The following acts or parts of acts are  
28 each repealed:

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

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

33 NEW SECTION. **Sec. 26.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 27.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of  
3 the state government and its existing public institutions, and takes  
4 effect July 1, 2015."

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5        On page 25, line 3 of the title amendment, after "81.24 RCW;"  
6 strike the remainder of the title and insert "adding new sections to  
7 chapter 81.40 RCW; creating new sections; repealing RCW 81.40.010 and  
8 81.40.035; repealing 2015 c ... s 18; prescribing penalties;  
9 providing an effective date; and declaring an emergency."

EFFECT: Establishes minimum crew size requirements for freight  
and passenger trains carrying hazardous materials.

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