
SENATE BILL 5697

State of Washington

64th Legislature

2015 Regular Session

By Senators Parlette, Rivers, Llias, Conway, Pearson, Angel, Hatfield, Billig, Roach, Hasegawa, Pedersen, Hobbs, Warnick, Miloscia, McCoy, Bailey, Cleveland, Chase, Rolfes, Benton, Keiser, O'Ban, Jayapal, and Frockt

Read first time 01/29/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to establishing minimum crew size on certain
2 trains; adding new sections to chapter 81.40 RCW; creating a new
3 section; repealing RCW 81.40.010 and 81.40.035; prescribing
4 penalties; providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the increasing
7 transportation of hazardous and volatile materials on the railroads
8 operating within our state, as well as significantly longer trains
9 operating over the unique and widely varying geographical terrain
10 existing in our state coupled with decreasing train crew size,
11 creates a significant localized safety hazard to the public and the
12 environment. Adequate personnel is critical to insuring railroad
13 operational safety, security, and in the event of a hazardous
14 material incident, support of first responder activities. Therefore,
15 the legislature declares that this act regulating minimum railroad
16 crew staffing to reduce risk to localities constitutes an exercise of
17 the state's police power to protect and promote the health, safety,
18 security, and welfare of the residents of the state by reducing the
19 risk exposure to local communities and protecting environmentally
20 sensitive and/or pristine lands and waterways.

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

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

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

7 (2) "Hazardous material" is defined by the United States
8 department of transportation hazardous materials instructions for
9 rail as a substance or material the federal secretary of
10 transportation has determined to be capable of posing a significant
11 risk to health, safety, and property when transported in commerce.
12 "Hazardous material" includes hazardous substances, hazardous wastes,
13 elevated temperature materials, such as hot or molten materials, and
14 marine pollutants.

15 (3) "Hazardous material train" means any train containing any of
16 following:

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

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

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

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

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

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

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

37 (1) Any person, corporation, company, or officer of the court
38 operating any railroad, railway, or any part of any railroad or
39 railway, in the state of Washington, and engaged, as a common

1 carrier, in the transportation of freight or passengers, shall
2 operate all trains and switching assignments over its road with crews
3 consisting of no less than two qualified crew members.

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.40
2 RCW to read as follows:

3 (1) Each train or engine run in violation of section 3 of this
4 act constitutes a separate offense. However, section 3 of this act
5 does not apply in the case of disability of one or more members of
6 any train crew while out on the road between division terminals, or
7 assigned to wrecking trains.

8 (2) Any person, corporation, company, or officer of the court
9 operating any railroad, or part of any railroad or railway within the
10 state of Washington, and engaged as a common carrier, in the
11 transportation of freight or passengers, who violates any of the
12 provisions of section 3 of this act are guilty of a misdemeanor, and
13 upon conviction shall be fined not less than one thousand dollars and
14 not more than one hundred thousand dollars for each offense.

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

16 NEW SECTION. **Sec. 6.** The following acts or parts of acts are
17 each repealed:

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

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

22 NEW SECTION. **Sec. 7.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect July 1, 2015.

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