

HOUSE BILL REPORT

HB 2287

As Reported by House Committee On: Transportation

Title: An act relating to the assessment of rail safety governance in Washington state.

Brief Description: Addressing the assessment of rail safety governance in Washington state.

Sponsors: Representatives Leavitt, Kilduff, Barkis, Lovick, Ramel and Pollet.

Brief History:

Committee Activity:

Transportation: 1/15/20, 1/22/20 [DPS].

Brief Summary of Substitute Bill

- Requires the Joint Transportation Committee to oversee a consultant study on rail safety governance best practices and recommendations for the implementation of best practices, and to report its findings and recommendations to the House and Senate transportation committees by January 6, 2021.
- Mandates that the study assess rail safety governance for passenger and freight rail, including rail transit services, and consider recommendations made by the National Transportation Safety Board in its 2019 Point Defiance Bypass derailment accident report.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 28 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Duerr, Entenman, Eslick, Goehner, Gregerson, Kloba, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Ramos, Shewmake, Van Werven and Volz.

Minority Report: Do not pass. Signed by 1 member: Representative Dufault.

Staff: Jennifer Harris (786-7143).

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

Background:

Rail Operations.

There are more than 3,000 miles of rail lines in the state. Two Class I railroads, the BNSF Railway and Union Pacific Railroad, and 23 short line railroads operate in the state. The Washington State Department of Transportation (WSDOT) is responsible for preparing the state rail plan and overseeing operations of the Amtrak Cascades passenger rail service. Sound Transit operates commuter rail, a heavy rail service, on tracks owned by the BNSF Railway. Sound Transit, a regional transit authority in King, Pierce, and Snohomish counties, operates 22 miles of light rail lines in the state, with an expansion underway.

Rail Safety Oversight.

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.

Point Defiance Bypass Derailment.

On December 18, 2017, on the inaugural run on the new Point Defiance Bypass, an Amtrak Cascades train derailed, resulting in three deaths and injuries to many of the passengers on board. The \$180 million Point Defiance Bypass project was part of the federal high-speed rail program funded through the American Recovery and Reinvestment Act (ARRA) to implement higher-speed rail transportation on the state-sponsored Amtrak Cascades service.

Several entities participated in the development of the Point Defiance Bypass. Sound Transit owns the track where the derailment occurred and hired and managed the contractors who undertook the work. The WSDOT owns one of the locomotives involved, as well as the attached trainset, and managed the ARRA federal grant funding for the project. Amtrak owns the other locomotive that was involved in the incident, and contracts with the WSDOT to provide operating services for the Cascades Service. The BNSF dispatches trains over the bypass.

In 2019 the National Transportation Safety Board (NTSB) issued an accident report on the derailment. The NTSB report included recommendations to, among others, the FRA, the WSDOT, Amtrak, and Sound Transit, and found that there was an absence of clearly defined roles and responsibilities among agencies during preparation for the start of service on this route.

Joint Transportation Committee.

The Joint Transportation Committee (JTC) is responsible for reviewing and researching transportation programs and issues to educate and promote the dissemination of transportation research to state and local government policymakers, including legislators and legislative staff. The executive committee of the JTC consists of the chairs and ranking members of the House and Senate transportation committees.

Summary of Substitute Bill:

The JTC is required to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the NTSB in its 2019 Point Defiance Bypass derailment accident report.

The study must include examination of the following:

- federal, state, regional, and local agency oversight roles (including the impact of federal and state laws, as well as of suspended federal rules that address passenger rail safety programs);
- government agency organizational structures and processes used to conduct oversight;
- government agency coordination activities;
- an examination of rail safety governance best practices by other states; and
- recommendations for the implementation of best practices in Washington.

The JTC is required to consult with the WSDOT, the UTC, Sound Transit, the NTSB, Amtrak, the FRA, the BNSF Railway, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary. The JTC must report its findings and recommendations on rail safety governance to the House and Senate transportation committees by January 6, 2021.

The intent section states that the Legislature finds an assessment of best practices for the oversight and coordination of rail safety activities will serve as a critical guidepost for improvements to rail safety governance, and should be completed as soon as possible to inform next steps.

Substitute Bill Compared to Original Bill:

The substitute bill directs that best practices be identified by class of rail, where applicable. It includes an examination of the impact of federal and state laws and the potential impact of suspended federal rules regarding passenger rail safety programs in the assessment of rail safety oversight roles, and it adds to the list of rail safety stakeholders with whom the JTC must consult one or more representatives from short line railroads and one or more representatives for labor.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Two years ago, an unthinkable tragedy occurred. A thoughtful, measured approach is needed to ensure that future tragedies are prevented. Rail is complex and involves federal, state, and local jurisdictions. The development of best practices in the state will help ensure appropriate rail safety oversight is in place. A lack of coordination was a significant contributing factor to the train derailment and, once the study is completed, its findings can be used to develop a comprehensive plan to manage rail safety statewide. This will make rail transportation safer.

There was a great deal of citizen frustration after the derailment because of the finger-pointing of the agencies involved. State rulemaking is not as comprehensive as it could be in this area. This report will provide the information needed to correct this. Passenger trains are very safe, and are safer than travel on highways. However, institutional improvements are needed to make sure that something like the derailment does not occur again.

Many rail workers support the bill as an effort to examine the big picture regarding rail safety, and would like to be consulted on the occupational safety aspects assessed in the study. Rail short lines should also be added for consultation.

Cities with at-grade rail crossings along the Point Defiance Bypass route are concerned with rail safety. These crossings still do not all have adequate safety measures in place. Train speeds should be reduced given how much construction is occurring in the corridor.

(Opposed) None.

Persons Testifying: Representative Leavitt, prime sponsor; John Caulfield and Michael Brandstetter, City of Lakewood; Shahraim Allen, Brotherhood of Locomotive Engineers and Trainmen; Glenn Carey, SMART Transportation Division; Luis Moscoso and Lloyd Flem, All Aboard Washington; Amber Carter, Portland-Vancouver Junction Railroad; and Michael Brandstetter, City of Lakewood.

Persons Signed In To Testify But Not Testifying: None.