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**HOUSE BILL 1839**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Santos, Chandler, Peterson, Low, Stonier, Pollet, Walsh, Paul, and Wylie

Read first time 02/20/23. Referred to Committee on Transportation.

1 AN ACT Relating to the length of trains on railroads; adding a  
2 new chapter to Title 81 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that railroad  
5 carriers are continuously increasing the length of trains on the  
6 railroads operating within our state. Trains of 10,000 to 15,000 feet  
7 in length are regularly traversing throughout our state, while trains  
8 greater than 20,000 feet in length have been operating within this  
9 state and their operation has become commonplace in other states.

10 (2) Excessively long trains operating over the unique and widely  
11 varying geographical terrain existing in Washington create a  
12 significant safety risk to the public, and the environment,  
13 especially considering that railroad infrastructure and operational  
14 technologies do not exist to ensure the safe movement of excessively  
15 long trains. The state has an obligation and the authority to ensure  
16 railroad operational safety, security, and in the event of a  
17 hazardous material incident, support of first responder activities as  
18 well as the interest of the safety of our communities, the  
19 expeditious response of emergency services, as well as the health and  
20 welfare of passengers, the public, and railroad employees.

1 (3) Therefore, the legislature declares that this act regulating  
2 the length of trains to reduce risk to the public and our localities  
3 constitutes an exercise of the state's police power to protect and  
4 promote the health, safety, security, and welfare of the residents of  
5 the state by reducing the risk exposure to local communities and  
6 protecting environmentally sensitive and/or pristine lands and  
7 waterways.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply  
9 throughout this chapter unless the context clearly requires  
10 otherwise.

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

13 (2) "Railroad carrier" means a carrier of persons or property  
14 upon vehicles, other than streetcars, operated upon stationary rails,  
15 the route of which is principally outside incorporated cities and  
16 towns. "Railroad carrier" includes any officers and agents of the  
17 railroad carrier.

18 (3) "Rail yards, terminals, and facilities" means any railroad  
19 facility owned, operated, leased, or rented that is utilized by a  
20 railroad company and includes facilities of foreign railroads where  
21 the railroad company operating a train has existing trackage rights  
22 allowing operation and use pursuant to federal regulatory records.

23 NEW SECTION. **Sec. 3.** (1) No person, corporation, company, or  
24 officer of the court operating any railroad, railway, or any part of  
25 any railroad or railway, and engaged as a common carrier, in the  
26 transportation of freight or passengers, shall operate, run, permit  
27 to be run anywhere over its roads, including on any part of a main  
28 track or branch line, or yard, any freight, passenger, or work train  
29 exceeding 7,500 feet in length in the state of Washington, except by  
30 approval and order of the commission pursuant to section 4(4) of this  
31 act.

32 (2) All trains originating from rail yards and terminals within  
33 the state of Washington shall comply with this section.

34 (3) All trains entering the state of Washington from  
35 jurisdictions outside of the state of Washington operated by railroad  
36 companies having rail yards, terminals, or facilities, located  
37 outside the state that are within 30 miles of the state borders shall

1 not enter this state unless the length of the train complies with  
2 this section.

3 (4) If the operating railroad has no yards, terminals, or  
4 facilities located within 30 miles outside of the borders of  
5 Washington state, the railroad company may continue to operate a  
6 noncomplying train within this state only to the closest location on  
7 the road where excess railcars and motors can be set out to reduce  
8 the length of the train to comply with this section.

9 NEW SECTION. **Sec. 4.** (1) Each train running in violation of  
10 section 3 of this act constitutes a separate offense.

11 (2) Any person, corporation, company, or officer of the court  
12 operating any railroad, or part of any railroad or railway within the  
13 state of Washington, and engaged as a common carrier, in the  
14 transportation of freight or passengers, who violates any of the  
15 provisions of section 3 of this act is subject to fines of not less  
16 than \$25,000 for the first offense; not less than \$250,000 for the  
17 second offense; and for each and every subsequent offense, the  
18 penalty is doubled from the previous violation as determined by the  
19 commission through order.

20 (3) The commission may reduce the fines in subsection (2) of this  
21 section for class III railroad carriers that are not owned by class I  
22 railroads.

23 (4) Pursuant to the safety provisions of RCW 81.40.025(4), the  
24 commission may consider and determine whether to authorize by order  
25 railroad carrier requests to operate trains on roads exceeding 7,500  
26 feet in length, up to a maximum of 10,000 feet in length on specified  
27 routes and direction of travel, provided additional crewmembers are  
28 assigned to the train, with no less than one additional crewmember  
29 positioned on the rear of excess length trains to observe the forward  
30 movement and monitor the safe operation of such trains to respond to  
31 any issues that become apparent enroute, on board rolling equipment  
32 equipped with an accessible air brake release valve and installed  
33 mobile radio to ensure communication with other members of the crew,  
34 train dispatchers, that are capable of establishing direct voice  
35 communication with government emergency response agencies and  
36 responders.

37 (a) Commission authorizations granted pursuant to this section  
38 shall expire after three years and may be renewed; the commission is  
39 authorized to establish, impose, and collect fees from railroad

1 companies to recover the full agency expenditures necessary to  
2 consider, review, determine, and renew carrier requests to operate  
3 excess length trains.

4 (b) Violations of commission authorizations are subject to the  
5 penalties of this section. However, if a violation results in a  
6 serious injury or fatality, the commission may exercise its authority  
7 pursuant to RCW 81.40.150(4) to impose fines exceeding the provisions  
8 of this section.

9 (5) It is the duty of the commission to enforce this section.

10 NEW SECTION. **Sec. 5.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act  
15 constitute a new chapter in Title 81 RCW.

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