

RCW 81.40.025 Train crew size requirement—Automatic waivers—

Commission. (1) On June 11, 2020, automatic waivers to the train crew size requirement in RCW 81.40.015 shall be granted to other railroad carriers.

(2) Such automatic waivers will remain in effect until ordered by the commission.

(3) The commission must act to ensure that railroad carriers supplement trains entering Washington state with the requisite number of train crewmembers pursuant to chapter 170, Laws of 2020, at the closest regular station stop or crew change point located in proximity to and adjacent with either side of the state border, having been established and in use by the carrier on January 1, 2020.

(4) (a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety. [2020 c 170 § 4.]

Finding—2020 c 170: See note following RCW 81.40.005.