
SENATE BILL 5098

State of Washington

65th Legislature

2017 Regular Session

By Senators Billig, Carlyle, Rolfes, Frockt, Wellman, McCoy, Kuderer, Llias, Saldaña, Palumbo, and Hobbs

1 AN ACT Relating to high hazard flammable train speed limits in
2 certain urban areas; amending RCW 81.48.030; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that each day unit
6 trains of one hundred or more tank cars carrying tens of thousands of
7 barrels of highly flammable crude oil are moving through Washington
8 urban areas that are densely populated with residents and workers
9 immediately adjacent to the rail right-of-way. While the federal
10 department of transportation has adopted regulations establishing
11 speed limits for high hazard flammable trains, including trains
12 carrying crude oil, in most circumstances these regulations establish
13 a maximum speed of fifty miles per hour. In most cases, such federal
14 regulations preempt any state or local limits, but federal law allows
15 a lower speed limit adopted by a state or local government when it is
16 demonstrated that the limit is compatible with the federal
17 regulation, does not unreasonably burden interstate commerce, and is
18 necessary to eliminate or reduce an essentially local safety hazard.
19 The legislature finds that such safety hazards exist in some highly
20 populated urban areas in the state, such as where the rail lines are
21 elevated above ground level, are located on high bridges, or cross

1 portions of a downtown core by tunnel. Therefore, it is the intent of
2 this act to amend existing laws to clarify state and local authority
3 to adopt speed limits specific to high hazard flammable trains within
4 the constraints of federal law.

5 **Sec. 2.** RCW 81.48.030 and 2006 c 70 s 1 are each amended to read
6 as follows:

7 (1) Except to the extent preempted by federal law, the right to
8 fix and regulate the speed of railway trains within the limits of any
9 city or town other than a first-class city not opting into the
10 commission program pursuant to subsection (3) of this section, and at
11 grade crossings as defined in RCW 81.53.010 where such grade
12 crossings are outside the limits of cities and towns, is vested
13 exclusively in the commission: PROVIDED, That this section and RCW
14 ((81.48.030 and)) 81.48.040 shall not apply to street railways which
15 may be operating or hereafter operated within the limits of said
16 cities and towns.

17 (2) The commission, and any first-class city, may adopt a limit
18 upon the speed of a high hazard flammable train, where the commission
19 or first-class city determines that a limit below that established by
20 federal law is necessary to address an essentially local safety
21 hazard, the limit is not incompatible with federal law, and the limit
22 does not unreasonably burden interstate commerce. The commission or
23 first-class city may also seek any appropriate waiver of preemption
24 by the United States department of transportation available under
25 federal law.

26 (3) A first-class city may request that the commission exercise
27 its authority under this section within the limits of such a city.

28 (4) For the purposes of this section, "high hazard flammable
29 train" has the same meaning as provided in 49 C.F.R. Sec. 171.8 in
30 effect on the effective date of this section.

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