
HOUSE BILL 1839

State of Washington

68th Legislature

2023 Regular Session

By Representatives Santos, Chandler, Peterson, Low, and Stonier

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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