

---

HOUSE BILL 1436

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Cooper, Hankins, Hatfield, McDermott, Mitchell, Reardon, Conway, Keiser and Simpson

Read first time 01/25/2001. Referred to Committee on Transportation.

1 AN ACT Relating to railroad crew size; adding a new section to  
2 chapter 81.40 RCW; repealing RCW 81.40.035; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.40 RCW  
5 to read as follows:

6 (1) No person operating or controlling a freight railroad may allow  
7 the operation of a freight railroad train or locomotive in this state  
8 unless the train or locomotive has a crew of at least two employees.  
9 At least one of the employees on the crew must be a railroad locomotive  
10 engineer, and at least one of the employees on the crew must be a  
11 railroad trainman. The railroad locomotive engineer shall be present  
12 in the cab and shall operate the lead control locomotive at all times  
13 that the train is in motion. The railroad trainman shall be present in  
14 the cab of the lead locomotive at all times that the train is in  
15 motion, but may dismount the train or locomotive when necessary to  
16 perform switching activities and other duties in the course of his or  
17 her job.

1 (2) By rule the commission may grant an exception to subsection (1)  
2 of this section if the commission determines that the exception will  
3 not endanger the life or property of any person.

4 (3) Subsection (1) of this section does not apply to the extent  
5 that it is contrary to, or inconsistent with, a regulation or order of  
6 the Federal Railroad Administration.

7 (4) The commission may require a person who violates subsection (1)  
8 of this section to forfeit not less than twenty-five dollars nor more  
9 than one hundred dollars for a first offense, not less than one hundred  
10 dollars nor more than five hundred dollars for a second offense  
11 committed within three years, and not less than five hundred dollars  
12 nor more than one thousand dollars for a third offense committed within  
13 three years.

14 NEW SECTION. **Sec. 2.** RCW 81.40.035 (Freight train crews) and 1967  
15 c 2 s 2 are each repealed.

--- END ---