

**Chapter 81.48 RCW**  
**RAILROADS—OPERATING REQUIREMENTS AND REGULATIONS**

**Sections**

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*Steam boilers, pressure vessels, construction, inspection, etc.:  
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**RCW 81.48.020 Obstructing or delaying train—Penalty.** Every person who shall wilfully obstruct, hinder or delay the passage of any car lawfully operated upon any railway, shall be guilty of a misdemeanor. [1961 c 14 s 81.48.020. Prior: 1909 c 249 s 278; RRS s 2530.]

**RCW 81.48.030 Regulating speed within cities and towns and at grade crossings—Exception.** Except to the extent preempted by federal law, the right to fix and regulate the speed of railway trains within the limits of any city or town other than a first-class city, and at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns, is vested exclusively in the commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns. [2006 c 70 s 1; 1994 c 81 s 83; 1973 c 115 s 3; 1971 ex.s. c 143 s 1; 1961 c 14 s 81.48.030. Prior: 1943 c 228 s 1; Rem. Supp. 1943 s 10547-1.]

**RCW 81.48.040 Procedure to fix or change speed limits.** (1) After due investigation, the commission shall make and issue an order fixing and regulating the speed of railway trains within the limits of cities and towns other than first-class cities. Except to the extent preempted by federal law, the speed limit to be fixed by the commission shall be discretionary, and it may fix different rates of speed for different cities and towns, which rates of speed shall be commensurate with the hazard presented and the practical operation of the trains. Except to the extent preempted by federal law, the commission shall also fix and regulate the speed of railway trains at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns when in the judgment of the commission the public safety so requires; such speed limit to be fixed shall be discretionary with the commission and may be different for different grade crossings and shall be commensurate with the hazard presented and the practical operation of trains. The commission shall have the right from time to time, as conditions change, to either

increase or decrease speed limits established under RCW 81.48.030 and 81.48.040.

(2) Any speed limit that the commission fixed by order prior to June 7, 2006, but without making a finding permitted under P.L. 91-458, Sec. 205 (49 U.S.C. Sec. 20106), has no force or effect.

(3) Before increasing operating speeds, the railroad company, government agency, or jurisdiction that owns or operates the railroad must provide a sixty-day written notice to the commission and to either the governing body of the city or town within which the limit applies or the road authority that has control over the grade crossing at which the limit applies. In the notice, the railroad company, government agency, or jurisdiction must provide the existing timetable speed limits and new passenger and freight speed limits, the milepost limits where the speed increase is to occur, and the federal track class standard to which the track will be maintained. At the end of sixty days, the railroad company, government agency, or jurisdiction may raise the speed limit unless the commission staff, after investigation, finds that a lower limit is necessary to address local conditions consistent with P.L. 91-458, Sec. 205 (49 U.S.C. Sec. 20106). In the event of such a finding by the staff that is not agreed to by the railroad company, government agency, or jurisdiction, the matter shall be scheduled for a hearing before the commission. A railroad company, government agency, or jurisdiction may provide no more than five notices in any sixty-day period without the consent of the commission. The railroad company, government agency, or jurisdiction and the commission may extend the sixty-day period by mutual consent. [2006 c 70 s 2; 1994 c 81 s 84; 1971 ex.s. c 143 s 2; 1961 c 14 s 81.48.040. Prior: 1943 c 228 s 2; Rem. Supp. 1943 s 10547-2.]

**RCW 81.48.050 Trains to stop at railroad crossings.** All railroads and street railroads, operating in this state shall cause their trains and cars to come to a full stop at a distance not greater than five hundred feet before crossing the tracks of another railroad crossing at grade, excepting at crossings where there are established signal towers, and signal operators, interlocking plants or gates. [2009 c 549 s 1031; 1961 c 14 s 81.48.050. Prior: 1911 c 117 s 69; RRS s 10405.]

**RCW 81.48.060 Penalty for violation of duty endangering safety.** Every engineer, motor operator, grip operator, conductor, brake operator, switch tender, train dispatcher, or other officer, agent, or servant of any railway company, who shall be guilty of any willful violation or omission of his or her duty as such officer, agent, or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor. [2013 c 23 s 299; 1961 c 14 s 81.48.060. Prior: 1909 c 249 s 277; RRS s 2529.]

**RCW 81.48.070 Cruelty to stock in transit—Penalty.** Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water, and feeding for a period

of at least two consecutive hours, unless prevented from so unloading them by unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or in case of his or her default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space, and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one thousand dollars per animal. [2013 c 23 s 300; 1994 c 261 s 19; 1961 c 14 s 81.56.120. Prior: 1893 c 27 s 4; RRS s 10494. Formerly RCW 81.56.120.]

**Finding—Intent—1994 c 261:** See note following RCW 16.52.011.