

RCW 81.40.150 Safety and protection—Violation—Fines. (1)

Pursuant to the enforcement of the provisions of chapter 170, Laws of 2020, the highest priority and paramount obligation of the commission must be its duty to ensure the safety and protection of the public, passengers, railroad employees, communities, environment, and areas of cultural significance in the furtherance of the highest degree of safety in railroad transportation.

(2) Each train or engine run in violation of RCW 81.40.015 constitutes a separate offense. However, RCW 81.40.015 does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(3) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of RCW 81.40.015 may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(4) The commission may impose fines exceeding the provisions in subsection (3) of this section when a serious injury or fatality occurs involving a carrier's violation of chapter 170, Laws of 2020. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(5) It is the duty of the commission to enforce this section.
[2020 c 170 s 5.]

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