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### INITIATIVE 329

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 329 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to railroad pedestrian safety; amending RCW  
2 81.48.020, 81.48.060, 81.60.020, and 81.48.010; adding a new section  
3 to chapter 9A.52 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 81.48.020 and 1961 c 14 s 81.48.020 are each amended  
6 to read as follows:

7 Every person who shall willfully obstruct, hinder or delay the  
8 passage of any car lawfully operated upon any railway, shall be  
9 guilty of a gross misdemeanor.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52  
11 RCW to read as follows:

12 (1) A person is guilty of railroad criminal trespass if the  
13 person knowingly enters or remains unlawfully on railroad  
14 company property.

15 (2) Railroad criminal trespass is a gross misdemeanor.

16 (3) "Railroad company" has the same meaning as provided in RCW  
17 81.04.010.

1           **Sec. 3.** RCW 81.48.060 and 1961 c 14 s 81.48.060 are each amended  
2 to read as follows:

3 Every engineer, motorman, gripman, conductor, brakeman, switch  
4 tender, train dispatcher or other officer, agent or servant of any  
5 railway company, who shall be guilty of any willful violation or  
6 omission of his duty as such officer, agent or servant, by which no  
7 punishment is specially prescribed, shall be guilty of a gross  
8 misdemeanor.

9           **Sec. 4.** RCW 81.60.020 and 2001 c 72 s 2 are each amended to read  
10 as follows:

11           (1) Any railroad corporation desiring the appointment of any of  
12 its officers, agents, or servants not exceeding twenty-five  
13 in number for any one division of any railroad operating in  
14 this state as railroad police officers shall file a request  
15 with the criminal justice training commission on an approved  
16 application form. The application shall be signed by the  
17 president or some managing officer of the railroad  
18 corporation and shall be accompanied by an affidavit stating  
19 that the officer is acquainted with the person whose  
20 appointment is sought, that the officer believes the person  
21 to be of good moral character, and that the person is of  
22 such character and experience that he or she can be safely  
23 entrusted with the powers of a police officer.

24           (2) Every railroad corporation shall appoint at least one  
25 officer, agent or servant, in accordance with subsection (1)  
26 of this section, to routinely patrol railroads for persons  
27 committing railroad trespass under section 2 of this act and  
28 to ensure locomotive engineer compliance with RCW 81.48.010.

29           (3) For the purpose of this section, "division" means the part  
30 of any railroad or railroads under the jurisdiction of any  
31 one-division superintendent.

32           **Sec. 5.** RCW 81.48.010 and 1995 c 315 s 1 are each amended to  
33 read as follows:

34           (1) Every engineer driving a locomotive on any railway who shall  
35 fail to ring the bell or sound the whistle upon such  
36 locomotive, or cause the same to be rung or sounded at least  
37 eighty rods from any such railway crosses a traveled road or  
38 street on the same level (except in cities, or in counties  
39 that enact ordinances applying only to crossings equipped

1 with supplemental safety measures as provided in RCW  
2 81.48.015), or to continue the ringing of such bell or  
3 sounding of such whistle until such locomotive shall have  
4 crossed such road or street, shall be guilty of a gross  
5 misdemeanor.

6 (2) This section shall not apply to an engineer operating a  
7 locomotive within yard limits or when on track, which is not  
8 main line track, where crossing speed is restricted by  
9 published special instruction or bulletin to ten miles per  
10 hours or less.

11 All carriers will be equipped with imaging devices that enables  
12 engineers to know pedestrians are trespassing on train tracks and be  
13 required to stop the train prior to striking the trespassers with the  
14 train. Visual safety equipment will include equipment that can "see"  
15 during daylight hours as well as dusk to dawn. High Power video  
16 cameras with zoom capabilities will be mounted at high pedestrian  
17 fatality locations and monitored by the Washington Utilities and  
18 Transportation Commission, Railroad Division. Rail carriers, train  
19 dispatchers and law enforcement will have access to view the real  
20 time video.

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