

CHAPTER 141

[Senate Bill No. 4512]

RAILROADS—LIABILITY FOR TRESPASSER INJURIES

AN ACT Relating to railroads; and amending section 81.44.020, chapter 14, Laws of 1961 as amended by section 1, chapter 46, Laws of 1977 ex. sess. and RCW 81.44.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 81.44.020, chapter 14, Laws of 1961 as amended by section 1, chapter 46, Laws of 1977 ex. sess. and RCW 81.44.020 are each amended to read as follows:

If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition. Failure of a railroad bridge or trestle to be equipped with walkways and handrails may be identified as an unsafe or defective condition under this section after hearing had by the commission upon complaint or on its own motion. The commission in making such determination shall balance considerations of employee and public safety with the potential for increased danger to the public resulting from adding such walkways or handrails to railway bridges: PROVIDED, That a railroad company and its employees shall not be liable for injury to or death of any person occurring on or about any railway bridge or trestle if such person was not a railway employee but was a trespasser or was otherwise not authorized to be in the location where such injury or death occurred.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section if the commission finds that immediate compliance is necessary for the protection of employees or the public.

Passed the Senate February 9, 1982.

Passed the House March 6, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.