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HOUSE BILL 1808

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Stanford, Manweller, Blake, Orcutt, Ryu, Zeiger, Moscoso, Harris, Appleton, Wilcox, Takko, Haler, Pollet, Kochmar, Ormsby, Holy, Vick, Fey, Sells, Dunshee, Hayes, Farrell, S. Hunt, Reykdal, and Van De Wege

Read first time 01/29/15. Referred to Committee on Transportation.

1 AN ACT Relating to passenger-carrying vehicles for railroad  
2 employees; amending RCW 81.61.010, 81.61.020, and 81.61.040; and  
3 adding new sections to chapter 81.61 RCW.

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

5 **Sec. 1.** RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended to  
6 read as follows:

7 Unless the context clearly requires otherwise(~~(, the term)~~):

8 (1) "Contract crew hauling vehicle," as used in this chapter,  
9 means every self-propelled vehicle, regardless of its seating  
10 capacity, owned, leased, operated, and maintained by a charter party  
11 carrier, as defined in RCW 81.70.020, contracting with a railroad  
12 company or its agents, contractors, subcontractors, or vendors, and  
13 used primarily to provide railroad crew transportation.

14 (2) "Passenger-carrying vehicle," as used in this chapter, means  
15 those buses and trucks owned, operated, and maintained by a railroad  
16 company which transports railroad employees in other than the cab of  
17 such vehicle and designed primarily for operation on roads which may  
18 or may not be equipped with retractable flanged wheels for operation  
19 on railroad tracks.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 81.61  
2    RCW to read as follows:

3        (1) The commission must regulate charter party carriers providing  
4    railroad crew transportation and every contract crew hauling vehicle  
5    with respect to the safety of equipment, driver qualifications,  
6    insurance levels, and safety of operations.

7        (2) The commission must adopt rules and require reports as  
8    necessary to carry out this chapter regarding contract crew hauling  
9    vehicles and establish federal motor vehicle safety standards for  
10   contract crew hauling vehicles, regardless of seating capacity, as  
11   the minimum safety standards, including:

12        (a) Driver qualifications, including a driver's minimum age and  
13   skill, physical condition, and appropriate class of commercial  
14   driver's license;

15        (b) Equipment safety;

16        (c) Safety of operations;

17        (d) Passenger safety;

18        (e) Adequate insurance coverage that satisfies the following  
19   minimum amounts, which may be increased by rule as adopted by the  
20   commission:

21        (i) Liability insurance of five million dollars;

22        (ii) Uninsured and underinsured motorist coverage of ten million  
23   dollars; and

24        (iii) Property damage coverage of five hundred thousand  
25   dollars. If a person contracts with the charter party carrier on  
26   behalf of the railroad company to transport railroad employees, the  
27   insurance requirements may be satisfied by either that person or the  
28   charter party carrier, so long as the charter party carrier names  
29   that person as an additional insured or named insured;

30        (f) The suspension, revocation, or cancellation of the  
31   certificate issued by the commission and held by any charter party  
32   carrier owning, leasing, operating, and maintaining contract crew  
33   hauling vehicles as a result of serious or repeated violations of  
34   this chapter or rules adopted under this chapter; and

35        (g) The form and posting of adequate notices in a conspicuous  
36   location in all contract crew hauling vehicles to advise railroad  
37   employee passengers of their rights, the opportunity to submit safety  
38   complaints to the commission, the complaint process, and providing  
39   contact information for the commission.

1 (3) Charter party carriers owning, leasing, operating, and  
2 maintaining contract crew hauling vehicles must retain for at least  
3 three years all operational records relating to the contract crew  
4 hauling vehicles, including vehicle records involving accidents,  
5 maintenance and service records, drivers' records, records of  
6 passenger complaints, all employment actions, driver logs, and  
7 records of passengers transported.

8 (4) A person is immediately and automatically disqualified to  
9 work as a driver of a contract crew hauling vehicle under this  
10 chapter if the person's license is suspended or revoked two or more  
11 times within a three-year period. The disqualification must last for  
12 two years from the most recent license suspension or revocation.

13 (5)(a) The commission may, in enforcing rules and orders relating  
14 to charter party carriers owning, leasing, operating, and maintaining  
15 contract crew hauling vehicles under this chapter, inspect any  
16 contract crew hauling vehicles. Upon request, the chief of the state  
17 patrol or the chief's designee may assist the commission in these  
18 inspections.

19 (b) The commission must investigate safety complaints related to  
20 employee transportation under this section and take appropriate  
21 enforcement action as warranted.

22 (c) The commission may enforce this section under the authority  
23 in RCW 81.04.380 through 81.04.405, including assessing penalties as  
24 warranted.

25 (d) Any interested person or group may request notice of, and  
26 participate in, any hearings or proceedings held under this section.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.61  
28 RCW to read as follows:

29 The commission must compile data regarding any reported safety  
30 complaints, accidents, regulatory violations and fines, and  
31 corrective actions taken by the commission involving vehicles  
32 regulated under this chapter. A railroad company, and any charter  
33 party carrier that owns or leases, operates, or maintains contract  
34 crew hauling vehicles in the state, must, at the request of the  
35 commission, provide data relevant to any complaints and accidents,  
36 including location, time of day, visibility, a description of the  
37 event, whether any property damage or personal injuries resulted, and  
38 any corrective action taken by the railroad company, charter party  
39 carrier, or commission. The commission must make this data available

1 upon request and provide a report to the legislature, and make  
2 available on its web site, by January 31, 2016, and annually  
3 thereafter, summarizing the previous year's data and including  
4 recommendations for improving safety in the future.

5 **Sec. 4.** RCW 81.61.020 and 2007 c 234 s 41 are each amended to  
6 read as follows:

7 (1) The utilities and transportation commission shall adopt rules  
8 and orders necessary to ensure that every passenger-carrying vehicle  
9 provided by a railroad company to transport employees in the course  
10 of their employment is maintained and operated in a safe manner when  
11 it is used on a public or private road. The rules and orders must  
12 establish minimum standards for:

13 ~~((1))~~ (a) The construction and mechanical equipment of the  
14 passenger-carrying vehicles, including lighting devices and  
15 reflectors, exhaust system, rear vision mirrors, service and parking  
16 brakes, steering mechanisms, tires, warning and signaling devices,  
17 windshield wipers, and heating equipment capable of maintaining a  
18 reasonable temperature in passenger areas;

19 ~~((2))~~ (b) The operation of passenger-carrying vehicles,  
20 including driving rules, the loading and carrying of passengers,  
21 maximum daily hours of service by drivers, minimum age and skill of  
22 drivers, physical condition of drivers, refueling, road warning  
23 devices, and the transportation of gasoline and explosives;

24 ~~((3))~~ (c) The safety of passengers in a passenger-carrying  
25 vehicle, including emergency exits, fire extinguishers, first aid  
26 kits, facilities for communication between cab and rear compartments,  
27 means of ingress and egress, side walls, canopy, tail gates, or other  
28 means of retaining passengers within the passenger-carrying vehicle.

29 (2) The commission must also adopt rules requiring that signs be  
30 posted in all passenger-carrying vehicles informing railroad employee  
31 passengers of their rights, the opportunity to submit safety  
32 complaints to the commission, the complaint process, and providing  
33 contact information for the commission.

34 **Sec. 5.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to  
35 read as follows:

36 (1) The commission may, in enforcing rules and orders under this  
37 chapter, inspect any passenger-carrying vehicle provided by a  
38 railroad company to transport employees in the course of their

1 employment. Upon request, the chief of the state patrol may assist  
2 the commission in these inspections.

3 (2) By December 31, 2015, the commission must develop an  
4 inspection program for vehicles used to carry railroad employees.  
5 This program must require periodic inspection of each vehicle owned  
6 by a railroad company used to provide transportation to employees and  
7 a review of the operational practices of railroad companies providing  
8 transportation to employees, including a focus on railroad employees  
9 whose primary duty is as a driver of a passenger-carrying vehicle.

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