

2SHB 1808 - H AMD 611

By Representative Stanford

ADOPTED 02/10/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended  
4 to read as follows:

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

6 (1) "Contract crew hauling vehicle," as used in this chapter,  
7 means every motor vehicle, regardless of its seating capacity, that  
8 is owned, leased, operated, or maintained by a person contracting  
9 with a railroad company or its agents, contractors, subcontractors,  
10 or vendors, and used primarily to provide railroad crew  
11 transportation.

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

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

20 (1) The commission must regulate persons providing contract  
21 railroad crew transportation and every contract crew hauling vehicle  
22 with respect to the safety of equipment, driver qualifications,  
23 insurance, and safety of operations.

24 (2) The commission must adopt rules and require reports as  
25 necessary to carry out this chapter regarding contract crew hauling  
26 vehicles, considering federal and national motor vehicle motor  
27 carrier safety standards for contract crew hauling vehicles,  
28 regardless of seating capacity, as the minimum safety standards,  
29 including:

1 (a) Driver qualifications, including a driver's minimum age and  
2 skill, medical condition, and appropriate class of commercial  
3 driver's license;

4 (b) Equipment safety;

5 (c) Safety of operations;

6 (d) Passenger safety;

7 (e) Insurance coverage for each contract crew hauling vehicle  
8 that satisfies the following minimum amounts, which may be increased  
9 by rule as adopted by the commission:

10 (i)(A) One million five hundred thousand dollars combined single  
11 limit coverage for bodily injury and property damage liability  
12 coverage; and

13 (B) Uninsured and underinsured motorist coverage of five million  
14 dollars; and

15 (f) The form and posting of adequate notices in a conspicuous  
16 location in all contract crew hauling vehicles to advise railroad  
17 employee passengers of their rights, the opportunity to submit safety  
18 complaints to the commission, the complaint process, and contact  
19 information for the commission.

20 (3) If a third party contracts with the person operating the  
21 vehicle on behalf of the railroad company to transport railroad  
22 employees, the insurance requirements may be satisfied by either the  
23 third party or the person operating the vehicle, so long as the  
24 person operating the vehicle names the third party as an additional  
25 insured or named insured.

26 (4)(a) The commission may, in enforcing rules and orders relating  
27 to persons owning, leasing, operating, and maintaining contract crew  
28 hauling vehicles under this chapter, inspect any contract crew  
29 hauling vehicles. Upon request, the chief of the state patrol or the  
30 chief's designee may assist the commission in these inspections.

31 (b) The commission must investigate safety complaints related to  
32 contract crew hauling transportation under this section and take  
33 appropriate enforcement action as authorized.

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

37 (d) If any person owning, leasing, operating, or maintaining  
38 contract crew hauling vehicles is determined to have committed  
39 serious or repeated violations of this chapter, or rules adopted

1 under this chapter, the commission must suspend, revoke, or cancel  
2 the certificate issued by the commission.

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

5 Any person owning, leasing, operating, or maintaining contract  
6 crew hauling vehicles must retain for at least three years all  
7 operational records relating to the contract crew hauling vehicles,  
8 including vehicle records involving accidents, maintenance and  
9 service records, drivers' records, records of passenger complaints,  
10 all employment actions, driver logs, and records of passengers  
11 transported.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.61  
13 RCW to read as follows:

14 A person is immediately and automatically disqualified to work as  
15 a driver of a contract crew hauling vehicle under this chapter if the  
16 person's license is suspended or revoked two or more times within a  
17 three-year period. The disqualification must last for two years from  
18 the most recent license suspension or revocation.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.61  
20 RCW to read as follows:

21 The commission must compile data regarding any reported safety  
22 complaints, accidents, regulatory violations and fines, and  
23 corrective actions taken by the commission involving vehicles  
24 regulated under this chapter. A railroad company, and any person that  
25 owns or leases, operates, or maintains contract crew hauling vehicles  
26 in the state, must, at the request of the commission, provide data  
27 relevant to any complaints and accidents, including location, time of  
28 day, visibility, a description of the event, whether any property  
29 damage or personal injuries resulted, and any corrective action taken  
30 by the railroad company, person operating the contract crew hauling  
31 vehicle, or commission. The commission must make this data available  
32 upon request and on its web site.

33 **Sec. 6.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to  
34 read as follows:

35 (1) The commission may, in enforcing rules and orders under this  
36 chapter, inspect any passenger-carrying vehicle provided by a

1 railroad company or its agents, contractors, subcontractors, or  
2 vendors to transport ((employees)) railroad crews in the course of  
3 their employment. Upon request, the chief of the state patrol may  
4 assist the commission in these inspections.

5 (2) By December 31, 2016, the commission must develop an  
6 inspection program for contract crew hauling vehicles. This program  
7 must require a periodic inspection of each vehicle, including a  
8 review of operational practices."

9 Correct the title.

EFFECT: Makes the following changes to the Commission's oversight of passenger-carrying and contract crew hauling vehicles:

(1) Adds to the definition of "passenger-carrying vehicle" vans owned, operated, and maintained by a railroad company meeting criteria specified in the current definition.

(2) Requires the Commission to suspend, revoke, or cancel the certificate issued by the Commission of any person owning, leasing, operating, or maintaining contract crew hauling vehicles determined to have committed serious or repeated violations of laws or rules related to passenger-carrying vehicles for railroad employees or contract crew hauling vehicles.

(3) Removes the requirement that the Commission adopt rules and require reports regarding the suspension, revocation, or cancellation of the certificate issued by the Commission.

(4) Expands permission for the Commission to inspect any passenger-carrying vehicle provided by a railroad company to transport railroad crews to a railroad company's agents, contractors, subcontractors, and vendors.

(5) Removes permission for any interested person or group to request notice and to participate in any hearings or proceedings related to the safety of equipment, driver qualifications, insurance levels, and safety of operations.

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