
Transportation Committee

HB 1620

Brief Description: Concerning passenger-carrying vehicles for railroad employees.

Sponsors: Representatives Stanford, Zeiger, Takko, Haler, Blake, Lias, Clibborn, Jinkins, Wilcox, Ryu, Ormsby, Sells, Appleton, Pedersen, Upthegrove, Magendanz, Pollet, Orcutt, Johnson, Angel, Condotta, Carlyle, Kristiansen, Moeller, Fitzgibbon, Moscoso, Morrell and Santos.

Brief Summary of Bill

- Applies state laws regarding "passenger-carrying vehicles" to such vehicles when they are operated by a railroad company's agents, contractors, subcontractors, or vendors.
- Requires that the Utilities and Transportation Commission (UTC) adopt additional rules covering these passenger-carrying vehicles, including (1) additional safety and driver qualification standards, (2) a system for passengers to report unsafe practices, and (3) a minimum insurance requirement.
- Establishes a scheme in which the UTC may investigate employee complaints regarding operations of passenger-carrying vehicles and may sanction the railroad company, any agent contractor, subcontractor, or vendor of the railroad, or both.
- Empowers the UTC to suspend the business or operational license of any agent, contractor, subcontractor, or vendor of a railroad company under certain circumstances.

Hearing Date: 2/20/13

Staff: Andrew Russell (786-7143).

Background:

The Utilities and Transportation Commission (UTC) has regulatory authority over several aspects of railroad safety and operations, including the services of "passenger-carrying vehicles."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

These vehicles are operated and maintained by railroad companies to transport railroad employees between employment assignments.

The railroad companies that operate these vehicles must meet minimum safety standards. For example, any vehicle must have an adequate exhaust system, rear vision mirrors, a heating system, and emergency and first aid kits. Additionally, drivers must be at least 18 years old, have a valid driver's license, and be capable of handling the controls with ease. The UTC also imposes a daily hours of service limit on drivers. In driving these vehicles, the operator must bring the vehicle to a complete stop at least 15 feet from any railroad crossing, unless traffic is controlled by a police officer, traffic control signal, or crossing gate. Finally, the UTC prohibits passengers from entering or exiting the vehicle while it is in motion and riding anywhere except inside the vehicle.

These vehicles may also be operated by independent carriers that have a contract with the railroad company. In that situation, the UTC's railroad passenger-carrying vehicle rules do not apply, and the contractor is subject to the UTC's rules regarding passenger transportation companies. The UTC requires operators to obtain a certificate of operation from the UTC, and operators must maintain a minimum level of insurance. The level of mandatory insurance coverage is \$1,500,000 for vehicles that carry 15 or fewer people.

In overseeing these companies, the UTC has also adopted federal regulations that cover safety standards for commercial motor vehicles. These federal regulations provide equipment standards that are necessary for safe operation, such as headlights and brakes. The regulations also provide standards for driving commercial vehicles, such as stopping at railroad crossings. The hours of service for drivers are limited by federal regulation, as are the standards for transporting hazardous materials. Finally, inspections and regular maintenance are mandated.

Summary of Bill:

Any railroad company's agent, contractor, subcontractor, or vendor is subject to the same safety requirements that apply to the railroad company when the railroad company operates passenger-carrying vehicles. Furthermore, these standards are expanded to include additional safety, equipment, and operational provisions. First, the UTC must determine appropriate makes and models, maximum life span, and require periodic inspections of the vehicles. Additionally, the UTC must adopt rules concerning the stowage of personal belongings, luggage, materials, and equipment. The qualifications of drivers must be regulated by the UTC, considering factors such as the appropriate class of commercial driver's license, training programs, and driving history. A driver can be disqualified from operating a passenger-carrying vehicle if his or her license is suspended or revoked multiple times. Finally, the UTC must adopt minimum standards for the safety equipment in passenger-carrying vehicles, including safety headrests, seat belts, and airbags.

The UTC is required to develop a reporting, notification, and corrective action system among passengers, carriers, and railroads. This system enables passengers to report unsafe conditions or dangerous driving, requires an investigation of the complaint, and empowers either the passenger carrier or railroad company to take corrective action. If the passenger carrier or railroad fails to investigate or take appropriate corrective action, the UTC may undertake corrective action on its own.

Any company that operates a passenger-carrying vehicle must maintain an adequate level of insurance. This insurance policy must provide liability, property, underinsured, and uninsured motorist coverage and provide for any railroad employee's loss of income or career and damage to public and private property. Finally, the minimum levels of coverage are increased. For recovery by one person, the insurance policy must provide \$5,000,000 of coverage. For multiple recoveries that result from a single accident, the policy must provide \$10,000,000 of coverage. Finally, for any recovery for damage to property, the policy must provide \$500,000 of coverage.

Companies that operate passenger-carrying vehicles are required to maintain all records for a period of three years. These records include accidents, maintenance on vehicles, driver's records, passenger complaints, investigations and corrective action, driver logs, and records of passengers reported.

Finally, the UTC is empowered to sanction the passenger carrier company, the railroad, or both jointly, for a failure to comply with the statute or resulting rules. The UTC may also suspend or revoke the business or operations license of the passenger carrier company for repeated violations of these laws.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.