

# HOUSE BILL REPORT

## ESHB 1620

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### As Reported by House Committee On: Transportation

**Title:** An act relating to passenger-carrying vehicles for railroad employees.

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

**Sponsors:** House Committee on Transportation (originally sponsored by 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 History:

#### Committee Activity:

Transportation: 2/20/13, 3/1/13 [DPS], 1/22/14, 1/29/14, 1/30/14 [DP2S].

#### Brief Summary of Second Substitute Bill

- Creates a new term for a vehicle that is operated by a charter party carrier and that carries railroad employees: a "contract crew hauling vehicle."
- Requires that the Utilities and Transportation Commission (UTC) adopt additional rules covering these contract crew hauling vehicles, including additional safety and driver qualification standards and a minimum insurance requirement.
- Establishes procedures and penalties regarding safety complaints related to contract crew hauling vehicles.
- Directs the UTC to study accidents involving vehicles that carry railroad employees and provide annual reports and recommendations to the Legislature.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 30 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority

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Member; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Hayes, Johnson, Klippert, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Pike, Riccelli, Ryu, Sells, Shea, Takko, Tarleton, Walkinshaw, Young and Zeiger.

**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." 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 \$1.5 million 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.

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**Summary of Second Substitute Bill:**

When operated by a "charter party carrier," as defined in RCW 81.70.020, vehicles that carry railroad employees are termed "contract crew hauling vehicles." These vehicles are regulated by the UTC with respect to certain safety and operational standards. These standards include driver qualifications, passenger safety, safety of operations, and a minimum level of insurance. Operators of contract crew hauling vehicles must have at least \$5 million of liability insurance, \$5 million of uninsured and underinsured motorist coverage, and

\$500,000 of coverage for damage to property. These amounts may, however, be increased by the UTC.

Additionally, the UTC may inspect any contract crew hauling vehicle and is empowered to suspend, revoke, or cancel the operational certificate of a charter party carrier for serious or repeated violations of the rules governing such vehicles. Operators of contract crew hauling vehicles must post notice that informs passengers of their right to submit safety complaints to the UTC, which must investigate any such complaint. Finally, a driver is disqualified to operate a contract crew hauling vehicle if the person's driver's license is suspended or revoked two or more times within a three-year period.

Charter party carriers regulated by this chapter are required to retain operational records for these vehicles, including accidents, maintenance and service, driver logs, and passenger logs.

Finally, the UTC is directed to study accidents involving vehicles that carry railroad employees, whether that vehicle is operated by a railroad as a passenger-carrying vehicle or by a charter party carrier as a contract crew hauling vehicle. The operator of such vehicles must, upon request by the UTC, provide certain information regarding any accident. Lastly, the UTC must provide annual reports to the Legislature summarizing the last year's findings and recommendations.

**Second Substitute Bill Compared to Engrossed Substitute Bill:**

The second substitute bill removes "incidents" from the list of matters that the UTC must study. The second substitute also makes a technical change to the date by which the UTC must submit a report to the Legislature.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

See House Bill Report in the 2013 Regular Session.

**Persons Testifying:** See House Bill Report in the 2013 Regular Session.

**Persons Signed In To Testify But Not Testifying:** See House Bill Report in the 2013 Regular Session.