
ENGROSSED SUBSTITUTE HOUSE BILL 1620

State of Washington

63rd Legislature

2013 Regular Session

By House Transportation (originally sponsored by Representatives Stanford, Zeiger, Takko, Haler, Blake, Liiias, Clibborn, Jinkins, Wilcox, Ryu, Ormsby, Sells, Appleton, Pedersen, Upthegrove, Magendanz, Pollet, Orcutt, Johnson, Angel, Condotta, Carlyle, Kristiansen, Moeller, Fitzgibbon, Moscoso, Morrell, and Santos)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to passenger-carrying vehicles for railroad
2 employees; amending RCW 81.61.010; and adding new sections to chapter
3 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, means
9 every self-propelled vehicle, regardless of its seating capacity,
10 owned, leased, operated, and maintained by a charter party carrier, as
11 defined in RCW 81.70.020, contracting with a railroad company or its
12 agents, contractors, subcontractors, or vendors, used primarily to
13 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 or
18 may not be equipped with retractable flanged wheels for operation on
19 railroad tracks.

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

3 (1) The commission shall 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 shall 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 as the minimum safety standards,
11 including:

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

14 (b) Equipment safety;

15 (c) Safety of operations;

16 (d) Passenger safety;

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

20 (i) Liability insurance of five million dollars;

21 (ii) Uninsured and underinsured motorist coverage of five million
22 dollars; and

23 (iii) Property damage coverage of five hundred thousand dollars.

24 If a person contracts with the charter party carrier on behalf of the
25 railroad company to transport railroad employees, the insurance
26 requirements may be satisfied by either that person or the charter
27 party carrier, so long as the charter party carrier names that person
28 as an additional insured or named insured;

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

34 (g) The form and posting of adequate notices in a conspicuous
35 location in all contract crew hauling vehicles to advise railroad
36 employee passengers of their right to submit complaints to the
37 commission regarding the safe operation or maintenance of vehicles.

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

8 (4) A person is immediately and automatically disqualified to work
9 as a driver of a contract crew hauling vehicle under this chapter if
10 the person's license is suspended or revoked two or more times within
11 a three-year period. The disqualification must last for two years from
12 the 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 contract
16 crew hauling vehicles. Upon request, the chief of the state patrol or
17 the chief's designee may assist the commission in these inspections.

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

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

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

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

28 The commission must study any incidents and accidents involving
29 vehicles regulated under this chapter. A railroad company, and any
30 charter party carrier that owns or leases, operates, or maintains
31 contract crew hauling vehicles in the state, must, at the request of
32 the commission, provide data on such incidents and accidents, including
33 the location, time of day, visibility, a description of the event, and
34 whether the incident or accident caused any property damage or personal
35 injuries. The commission must make this data available upon request
36 and must provide a report to the legislature by December 31, 2013, and

1 annually thereafter, summarizing the last year's findings and including
2 recommendations for avoiding incidents and accidents in the future.

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