
SENATE BILL 5720

State of Washington

63rd Legislature

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By Senators Rivers, Eide, Litzow, Fain, Brown, Dammeier, Hobbs, Roach, Hasegawa, and Billig

Read first time 02/12/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to passenger-carrying vehicles for railroad
2 employees; and amending RCW 81.61.010 and 81.61.020.

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

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

6 Unless the context clearly requires otherwise, (~~the term~~)
7 "passenger-carrying vehicle," as used in this chapter, means those
8 cars, vans, minivans, utility vehicles, buses (and), trucks, and any
9 other motorized vehicles that are owned, operated, and maintained by a
10 railroad company, or any of the company's agents, contractors,
11 subcontractors, or vendors, which transports railroad employees in
12 (~~other than the cab of~~) such vehicles and designed primarily for
13 operation on roads which may or may not be equipped with retractable
14 flanged wheels for operation on railroad tracks.

15 **Sec. 2.** RCW 81.61.020 and 2007 c 234 s 41 are each amended to read
16 as follows:

17 (1) The utilities and transportation commission shall adopt rules
18 and orders necessary to ensure that every passenger-carrying vehicle

1 provided by a railroad company to transport employees in the course of
2 their employment is maintained, adequately insured, and operated in a
3 safe manner when it is used on a public or private road. The rules and
4 orders must establish minimum standards for:

5 ((+1)) (a) The construction and mechanical equipment of the
6 passenger-carrying vehicles, including the appropriate makes and models
7 of vehicles depending upon class of service and use, maximum life span
8 of vehicles, maintenance, periodic inspections, lighting devices and
9 reflectors, exhaust system, rear vision mirrors, service and parking
10 brakes, steering mechanisms, tires, warning and signaling devices,
11 windshield wipers, and heating equipment capable of maintaining a
12 reasonable temperature in passenger areas;

13 ((+2)) (b) The operation of passenger-carrying vehicles, including
14 driving rules, the loading and carrying of passengers, maximum daily
15 hours of service by drivers, (~~minimum age and skill of drivers,~~
16 ~~physical condition of drivers,~~) refueling, road warning devices,
17 ((and)) the transportation of gasoline and explosives, and the stowage
18 of personal belongings, luggage, materials, and equipment;

19 ((+3)) (c) The qualification of drivers, including a driver's
20 minimum age, skill, and physical condition, alcohol and drug testing
21 standards, minimum qualifications, appropriate class of commercial
22 driver's license, initial and ongoing training programs that include
23 regular testing, licensing classification status, and driving history.
24 A person is immediately and automatically disqualified to work as a
25 driver if the person's license is suspended or revoked two or more
26 times within a three-year period. The disqualification must last for
27 two years from the most recent license suspension or revocation;

28 (d) The safety of passengers in a passenger-carrying vehicle,
29 including emergency exits, fire extinguishers, first aid kits,
30 facilities for communication between cab and rear compartments,
31 sanitation, means of ingress and egress, side walls, canopy, tail
32 gates, seating including safety headrests for all passengers, safety
33 belts, air bags, or other means of retaining passengers within the
34 passenger-carrying vehicle;

35 (e) A mandatory notification and corrective action system between
36 transportation operators, their passengers, and the railroad companies,
37 which enables passengers to report and document incidents, unsafe
38 practices, dangerous conditions, and their concerns regarding the

1 capability, safety, and conduct of drivers. This system must also
2 require that, upon receipt of such notice, the transportation operator
3 or railroad company investigate the complaint and take appropriate
4 corrective action, based upon the seriousness of the misconduct, to
5 protect the safety of passengers;

6 (f) The acquisition, maintenance, and reporting of proof to the
7 commission of an adequate insurance policy held by agents, contractors,
8 subcontractors, or vendors of the railroad company. The commission
9 must adopt rules requiring the disclosure of the insurance policy to
10 drivers, passengers, and any of their labor organizations. The
11 insurance policy must:

12 (i) Include liability, property, uninsured, and underinsured
13 motorist coverage;

14 (ii) Cover railroad employees' loss of income or career and
15 employees' personal property, as well as damages or loss to both public
16 and private property; and

17 (iii) At a minimum, be in the sum of five million dollars for any
18 recovery for death or personal injury by one person, ten million
19 dollars for recovery by all persons injured by a single act of
20 negligence, and five hundred thousand dollars for damage to property.

21 (2) A railroad company, as well as its agents, contractors,
22 subcontractors, or vendors, shall retain for a time period of at least
23 three years all operational records, including vehicle records
24 involving accidents, maintenance and service records, drivers' records,
25 records of passenger complaints, all notification and corrective action
26 documentation, employment actions, driver logs, and records of
27 passengers transported.

28 (3) The commission shall investigate a passenger complaint
29 submitted under subsection (1)(e) of this section when it is alleged
30 that the complaint has been inadequately investigated or resolved, or
31 both, by the transportation operator or railroad company, or both. The
32 commission may take appropriate corrective action, including sanctions
33 under subsection (4) of this section, to protect the safety of
34 passengers.

35 (4) When a railroad company or its agent, contractor,
36 subcontractor, or vendor violates this section or rules adopted under
37 this section, the commission may sanction the violator. When the
38 commission deems it appropriate, the commission may impose such

1 sanctions jointly upon the violator and railroad company or upon the
2 railroad company alone, if the railroad company has been notified of
3 repeated violations.

4 (5) The commission may suspend or revoke the business or
5 operational license of any agent, contractor, subcontractor, or vendor
6 of a railroad company for serious or repeated violations of this
7 section or rules adopted under this section.

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