

SHB 1808 - H AMD 245

By Representative Stanford

ADOPTED 3/10/2015

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 self-propelled vehicle, regardless of its seating
8 capacity, owned, leased, operated, and maintained by a person
9 contracting with a railroad company or its agents, contractors,
10 subcontractors, or vendors, and used primarily to provide railroad
11 crew transportation.

12 (2) "Passenger-carrying vehicle," as used in this chapter, means
13 those buses and trucks owned, operated, and maintained by a railroad
14 company which transports railroad employees in other than the cab of
15 such vehicle and designed primarily for operation on roads which may
16 or may not be equipped with retractable flanged wheels for operation
17 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 levels, 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 and establish federal motor vehicle safety standards for
27 contract crew hauling vehicles, regardless of seating capacity, as
28 the minimum safety standards, including:

29 (a) Driver qualifications, including a driver's minimum age and
30 skill, physical condition, and appropriate class of commercial
31 driver's license;

32 (b) Equipment safety;

1 (c) Safety of operations;
2 (d) Passenger safety;
3 (e) Insurance coverage for each contract crew hauling vehicle
4 that satisfies the following minimum amounts, which may be increased
5 by rule as adopted by the commission:
6 (i)(A) One million five hundred thousand dollars combined single
7 limit coverage for bodily injury and property damage liability
8 coverage;
9 (B) Uninsured and underinsured motorist coverage of five million
10 dollars; and
11 (ii) If a third party contracts with the person operating the
12 vehicle on behalf of the railroad company to transport railroad
13 employees, the insurance requirements may be satisfied by either the
14 third party or the person operating the vehicle, so long as the
15 person operating the vehicle names the third party as an additional
16 insured or named insured;
17 (f) The suspension, revocation, or cancellation of the
18 certificate issued by the commission and held by any person owning,
19 leasing, operating, and maintaining contract crew hauling vehicles as
20 a result of serious or repeated violations of this chapter or rules
21 adopted under this chapter; and
22 (g) The form and posting of adequate notices in a conspicuous
23 location in all contract crew hauling vehicles to advise railroad
24 employee passengers of their rights, the opportunity to submit safety
25 complaints to the commission, the complaint process, and providing
26 contact information for the commission.
27 (3) Persons owning, leasing, operating, and maintaining contract
28 crew hauling vehicles must retain for at least three years all
29 operational records relating to the contract crew hauling vehicles,
30 including vehicle records involving accidents, maintenance and
31 service records, drivers' records, records of passenger complaints,
32 all employment actions, driver logs, and records of passengers
33 transported.
34 (4) A person is immediately and automatically disqualified to
35 work as a driver of a contract crew hauling vehicle under this
36 chapter if the person's license is suspended or revoked two or more
37 times within a three-year period. The disqualification must last for
38 two years from the most recent license suspension or revocation.
39 (5)(a) The commission may, in enforcing rules and orders relating
40 to persons owning, leasing, operating, and maintaining contract crew

1 hauling vehicles under this chapter, inspect any contract crew
2 hauling vehicles. Upon request, the chief of the state patrol or the
3 chief's designee may assist the commission in these inspections.

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

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

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

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

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

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

28 (1) The commission may, in enforcing rules and orders under this
29 chapter, inspect any passenger-carrying vehicle provided by a
30 railroad company or its agents, contractors, subcontractors, or
31 vendors to transport ((employees)) railroad crews in the course of
32 their employment. Upon request, the chief of the state patrol may
33 assist the commission in these inspections.

34 (2) By December 31, 2015, the commission must develop an
35 inspection program for contract crew hauling vehicles. This program
36 must require periodic inspection of each vehicle, including review of
37 operational practices."

1 Correct the title.

EFFECT: (1) Reduces minimum insurance requirements for contract crew hauling vehicles that carry railroad employees from liability coverage of \$5 million and uninsured and underinsured motorist coverage of \$10 million to liability coverage of \$1,500,000 and uninsured and underinsured motorist coverage of \$5 million.

(2) Removes a requirement that contract crew hauling vehicles carry a property damage insurance policy of at least \$500,000.

(3) Removes a requirement that the Utilities and Transportation Commission (UTC) provide an annual report to the legislature regarding reported safety complaints, accident, regulatory violations, fines, and corrective action taken by the commission.

(4) Removes a requirement that signs relating to safety complaints be posted in all passenger-carrying vehicles operated by railroad companies.

(5) Clarifies that an inspection program to be developed by the UTC must cover contract crew hauling vehicles, require periodic inspection of these vehicles, and review their operational practices, but that this inspection program does not cover operational practices of railroad companies providing transportation to employees.

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