

HOUSE BILL REPORT

E2SHB 1808

As Passed House:
February 10, 2016

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, Manweller, Blake, Orcutt, Ryu, Zeiger, Moscoso, Harris, Appleton, Wilcox, Takko, Haler, Pollet, Kochmar, Ormsby, Holy, Vick, Fey, Sells, Dunshee, Hayes, Farrell, S. Hunt, Reykdal and Van De Wege).

Brief History:

Committee Activity:

Transportation: 2/9/15, 2/24/15 [DPS], 1/20/16 [DP2S].

Floor Activity:

Passed House: 3/10/15, 84-14.

Floor Activity:

Passed House: 2/10/16, 92-5.

Brief Summary of Engrossed Second Substitute Bill

- Establishes the Washington Utilities and Transportation Commission's (UTC) regulatory authority over certain vehicles used to provide transportation to railroad employees.
- Delegates rule-making authority to the UTC regarding certain safety and operational standards, including minimum insurance requirements.
- Requires the UTC to compile data regarding railroad employee transportation.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority

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.

Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Morris, Pike, Riccelli, Rodne, Rossetti, Sells, Stambaugh and Tarleton.

Minority Report: Do not pass. Signed by 2 members: Representatives Shea and Young.

Staff: Jennifer Harris (786-7143).

Background:

The Washington Utilities and Transportation Commission (UTC) regulates certain aspects of railroad operations in the state, including the use of passenger-carrying vehicles for railroad employees. "Passenger-carrying vehicles" are defined as "buses and trucks owned, operated and maintained by a railroad company which transports railroad employees" as passengers in the vehicle. In regulating such vehicles, the UTC has adopted rules regarding equipment requirements and operational standards. The equipment requirements include provisions relating to the exhaust and steering systems, rear-view mirrors, emergency equipment, fire extinguishers, and first-aid kits. Additionally, the operational standards include provisions regarding the minimum age of the driver, hours of service limits, safety practices in crossing rail lines, the loading of passengers, and limitations on carrying dangerous materials. Finally, the UTC is authorized to inspect any passenger-carrying vehicle to verify that it is complying with applicable requirements.

Summary of Engrossed Second Substitute Bill:

"Passenger-carrying vehicles" are defined as "buses, cars, and trucks owned, operated, and maintained by a railroad company which transports railroad employees" as passengers in the vehicle.

The UTC has regulatory authority over "contract crew hauling vehicles," which are defined as vehicles, regardless of seating capacity, that are used primarily to provide railroad crew transportation for a railroad company. The UTC is directed to adopt rules regarding these vehicles, including the safety of equipment, operations, and passengers. The UTC must also require contract crew hauling vehicles to carry minimum insurance levels: bodily injury and property damage liability coverage of \$1.5 million and uninsured and underinsured motorist coverage of \$5 million.

Notices must be posted in contract crew hauling vehicles advising passengers of their rights and ability to submit safety complaints to the UTC. The UTC may inspect any contract crew hauling vehicle, and it must investigate any safety complaints. Additionally, the UTC is empowered to enforce these requirements, including through imposing monetary penalties of up to \$1,000 for each violation. The UTC must suspend, revoke, or cancel the certificate of any person owning, leasing, or maintaining contract crew hauling vehicles determined to have committed serious or repeated violations of laws or rules related to passenger-carrying vehicles for railroad employees or contract crew hauling vehicles.

Carriers that own, lease, operate, and maintain contract crew hauling vehicles must retain operational records for at least three years. These records must include accident reports,

maintenance and service records, driver and passenger logs, and records of passenger complaints.

A person is disqualified to serve as a driver of a contract crew hauling vehicle if his or her driver's license is suspended or revoked two or more times within a three-year period. This disqualification must last for two years from the most recent suspension or revocation.

The UTC is required to develop an inspection program for contract crew hauling vehicles, including periodic inspections of vehicles and review of operational practices. To enforce applicable rules and orders, the UTC may inspect any passenger-carrying vehicle provided by a railroad company or its agents, contractors, subcontractors, or vendors to transport railroad crews in the course of their employment.

The UTC must compile data regarding safety complaints, accidents, regulatory violations, and corrective action relating to contract crew hauling vehicles and passenger-carrying vehicles. Additionally, railroad companies providing contract crew hauling vehicles must provide data regarding complaints and accidents upon request from the UTC.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 2015 Legislative Session.

Persons Testifying: See House Bill Report in the 2015 Legislative Session.

Persons Signed In To Testify But Not Testifying: None.