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SUBSTITUTE HOUSE BILL 1808

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By** House 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)

READ FIRST TIME 02/27/15.

1            AN ACT Relating to passenger-carrying vehicles for railroad  
2 employees; amending RCW 81.61.010, 81.61.020, and 81.61.040; and  
3 adding new sections to chapter 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,  
9 means every self-propelled vehicle, regardless of its seating  
10 capacity, owned, leased, operated, and maintained by a person  
11 contracting with a railroad company or its agents, contractors,  
12 subcontractors, or vendors, and used primarily to provide railroad  
13 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  
18 or may not be equipped with retractable flanged wheels for operation  
19 on railroad tracks.

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

3        (1) The commission must regulate persons providing railroad crew  
4    transportation and every contract crew hauling vehicle with respect  
5    to the safety of equipment, driver qualifications, insurance levels,  
6    and safety of operations.

7        (2) The commission must 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, regardless of seating capacity, as  
11   the minimum safety standards, including:

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

15        (b) Equipment safety;

16        (c) Safety of operations;

17        (d) Passenger safety;

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

21        (i) Liability insurance of five million dollars;

22        (ii) Uninsured and underinsured motorist coverage of ten million  
23   dollars; and

24        (iii) Property damage coverage of five hundred thousand  
25   dollars. If a third party contracts with the person operating the  
26   vehicle on behalf of the railroad company to transport railroad  
27   employees, the insurance requirements may be satisfied by either the  
28   third party or the person operating the vehicle, so long as the  
29   person operating the vehicle names the third party as an additional  
30   insured or named insured;

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

36        (g) The form and posting of adequate notices in a conspicuous  
37   location in all contract crew hauling vehicles to advise railroad  
38   employee passengers of their rights, the opportunity to submit safety  
39   complaints to the commission, the complaint process, and providing  
40   contact information for the commission.

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

8 (4) A person is immediately and automatically disqualified to  
9 work as a driver of a contract crew hauling vehicle under this  
10 chapter if the person's license is suspended or revoked two or more  
11 times within a three-year period. The disqualification must last for  
12 two years from the most recent license suspension or revocation.

13 (5)(a) The commission may, in enforcing rules and orders relating  
14 to persons owning, leasing, operating, and maintaining contract crew  
15 hauling vehicles under this chapter, inspect any contract crew  
16 hauling vehicles. Upon request, the chief of the state patrol or the  
17 chief's designee may assist the commission in these inspections.

18 (b) The commission must 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  
22 in RCW 81.04.380 through 81.04.405, including assessing penalties as  
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  
27 RCW to read as follows:

28 The commission must compile data regarding any reported safety  
29 complaints, accidents, regulatory violations and fines, and  
30 corrective actions taken by the commission involving vehicles  
31 regulated under this chapter. A railroad company, and any person that  
32 owns or leases, operates, or maintains contract crew hauling vehicles  
33 in the state, must, at the request of the commission, provide data  
34 relevant to any complaints and accidents, including location, time of  
35 day, visibility, a description of the event, whether any property  
36 damage or personal injuries resulted, and any corrective action taken  
37 by the railroad company, person operating the contract crew hauling  
38 vehicle, or commission. The commission must make this data available  
39 upon request and provide a report to the legislature, and make

1 available on its web site, by January 31, 2016, and annually  
2 thereafter, summarizing the previous year's data and including  
3 recommendations for improving safety in the future.

4 **Sec. 4.** RCW 81.61.020 and 2007 c 234 s 41 are each amended to  
5 read as follows:

6 (1) The utilities and transportation commission shall adopt rules  
7 and orders necessary to ensure that every passenger-carrying vehicle  
8 provided by a railroad company to transport employees in the course  
9 of their employment is maintained and operated in a safe manner when  
10 it is used on a public or private road. The rules and orders must  
11 establish minimum standards for:

12 ~~((+1))~~ (a) The construction and mechanical equipment of the  
13 passenger-carrying vehicles, including lighting devices and  
14 reflectors, exhaust system, rear vision mirrors, service and parking  
15 brakes, steering mechanisms, tires, warning and signaling devices,  
16 windshield wipers, and heating equipment capable of maintaining a  
17 reasonable temperature in passenger areas;

18 ~~((+2))~~ (b) The operation of passenger-carrying vehicles,  
19 including driving rules, the loading and carrying of passengers,  
20 maximum daily hours of service by drivers, minimum age and skill of  
21 drivers, physical condition of drivers, refueling, road warning  
22 devices, and the transportation of gasoline and explosives;

23 ~~((+3))~~ (c) The safety of passengers in a passenger-carrying  
24 vehicle, including emergency exits, fire extinguishers, first aid  
25 kits, facilities for communication between cab and rear compartments,  
26 means of ingress and egress, side walls, canopy, tail gates, or other  
27 means of retaining passengers within the passenger-carrying vehicle.

28 (2) The commission must also adopt rules requiring that signs be  
29 posted in all passenger-carrying vehicles informing railroad employee  
30 passengers of their rights, the opportunity to submit safety  
31 complaints to the commission, the complaint process, and providing  
32 contact information for the commission.

33 **Sec. 5.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to  
34 read as follows:

35 (1) The commission may, in enforcing rules and orders under this  
36 chapter, inspect any passenger-carrying vehicle provided by a  
37 railroad company to transport employees in the course of their

1 employment. Upon request, the chief of the state patrol may assist  
2 the commission in these inspections.

3 (2) By December 31, 2015, the commission must develop an  
4 inspection program for vehicles used to carry railroad employees.  
5 This program must require periodic inspection of each vehicle owned  
6 by a railroad company used to provide transportation to employees and  
7 a review of the operational practices of railroad companies providing  
8 transportation to employees, including a focus on railroad employees  
9 whose primary duty is as a driver of a passenger-carrying vehicle.

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