
SECOND SUBSTITUTE HOUSE BILL 1808

State of Washington

64th Legislature

2016 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 01/25/16.

1 AN ACT Relating to passenger-carrying vehicles for railroad
2 employees; amending RCW 81.61.010 and 81.61.040; and adding new
3 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 contract
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 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) Insurance coverage for each contract crew hauling vehicle
19 that satisfies the following minimum amounts, which may be increased
20 by rule as adopted by the commission:

21 (i)(A) One million five hundred thousand dollars combined single
22 limit coverage for bodily injury and property damage liability
23 coverage;

24 (B) Uninsured and underinsured motorist coverage of five million
25 dollars; and

26 (ii) If a third party contracts with the person operating the
27 vehicle on behalf of the railroad company to transport railroad
28 employees, the insurance requirements may be satisfied by either the
29 third party or the person operating the vehicle, so long as the
30 person operating the vehicle names the third party as an additional
31 insured or named insured;

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

37 (g) The form and posting of adequate notices in a conspicuous
38 location in all contract crew hauling vehicles to advise railroad
39 employee passengers of their rights, the opportunity to submit safety

1 complaints to the commission, the complaint process, and providing
2 contact information for the commission.

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

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

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

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

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

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

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

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

1 vehicle, or commission. The commission must make this data available
2 upon request and on its web site.

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

5 (1) The commission may, in enforcing rules and orders under this
6 chapter, inspect any passenger-carrying vehicle provided by a
7 railroad company ~~or its agents, contractors, subcontractors, or~~
8 vendors to transport ((employees)) ~~railroad crews~~ in the course of
9 their employment. Upon request, the chief of the state patrol may
10 assist the commission in these inspections.

11 (2) By December 31, 2016, the commission must develop an
12 inspection program for contract crew hauling vehicles. This program
13 must require a periodic inspection of each vehicle, including a
14 review of operational practices.

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