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SENATE BILL 5759

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State of Washington

65th Legislature

2017 Regular Session

By Senators Zeiger, Hobbs, O'Ban, Takko, Angel, Sheldon, Walsh, Llias, Wilson, Pearson, Kuderer, Fortunato, Rivers, Miloscia, Mullet, Conway, Bailey, Billig, Hasegawa, Palumbo, Chase, Short, Hunt, Rolfes, Pedersen, and Cleveland

Read first time 02/08/17. Referred to Committee on Transportation.

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 motor vehicle, regardless of its seating capacity, that  
10 is owned, leased, operated, or maintained by a person contracting  
11 with a railroad company or its agents, contractors, subcontractors,  
12 or vendors, and used primarily to provide railroad crew  
13 transportation.

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

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

16        (b)    Equipment safety;

17        (c)    Safety of operations;

18        (d)    Passenger safety;

19        (e)    Insurance coverage for each contract crew hauling vehicle  
20   that satisfies the following minimum amounts, which may be increased  
21   by rule as adopted by the commission:

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

25        (B)    Uninsured and underinsured motorist coverage of ten million  
26   dollars; and

27        (f)    The form and posting of adequate notices in a conspicuous  
28   location in all contract crew hauling vehicles to advise railroad  
29   employee passengers of their rights, the opportunity to submit safety  
30   complaints to the commission, the complaint process, and contact  
31   information for the commission.

32        (3)    If a third party contracts with the person operating the  
33   vehicle on behalf of the railroad company to transport railroad  
34   employees, the insurance requirements may be satisfied by either the  
35   third party or the person operating the vehicle, so long as the  
36   person operating the vehicle names the third party as an additional  
37   insured or named insured.

38        (4)(a)    The commission may, in enforcing rules and orders relating  
39   to persons owning, leasing, operating, and maintaining contract crew  
40   hauling vehicles under this chapter, inspect any contract crew

1 hauling vehicles. Upon request, the chief of the state patrol or the  
2 chief's designee may assist the commission in these inspections.

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

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

9 (d) If any person owning, leasing, operating, or maintaining  
10 contract crew hauling vehicles is determined to have committed  
11 serious or repeated violations of this chapter, or rules adopted  
12 under this chapter, the commission must suspend, revoke, or cancel  
13 the certificate issued by the commission.

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

16 Any person owning, leasing, operating, or maintaining contract  
17 crew hauling vehicles must retain for at least three years all  
18 operational records relating to the contract crew hauling vehicles,  
19 including vehicle records involving accidents, maintenance and  
20 service records, drivers' records, records of passenger complaints,  
21 all employment actions, driver logs, and records of passengers  
22 transported.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.61  
24 RCW to read as follows:

25 A person is immediately and automatically disqualified to work as  
26 a driver of a contract crew hauling vehicle under this chapter if the  
27 person's license is suspended or revoked two or more times within a  
28 three-year period. The disqualification must last for two years from  
29 the most recent license suspension or revocation.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.61  
31 RCW to read as follows:

32 The commission must compile data regarding any reported safety  
33 complaints, accidents, regulatory violations and fines, and  
34 corrective actions taken by the commission involving vehicles  
35 regulated under this chapter. A railroad company, and any person that  
36 owns or leases, operates, or maintains contract crew hauling vehicles  
37 in the state, must, at the request of the commission, provide data

1 relevant to any complaints and accidents, including location, time of  
2 day, visibility, a description of the event, whether any property  
3 damage or personal injuries resulted, and any corrective action taken  
4 by the railroad company, person operating the contract crew hauling  
5 vehicle, or commission. The commission must make this data available  
6 upon request and on its web site.

7 **Sec. 6.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to  
8 read as follows:

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

15 (2) By December 31, 2017, the commission must develop an  
16 inspection program for contract crew hauling vehicles. This program  
17 must require a periodic inspection of each vehicle, including a  
18 review of operational practices.

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