

RCW 81.61.050 Contract railroad crew transportation and vehicles

—Commission duties and powers. (1) The commission must regulate persons providing contract railroad crew transportation and every contract crew transportation vehicle with respect to driver qualifications, equipment safety, safety of operations, hours of service by drivers, passenger safety, drug testing requirements, and record retention. This regulation must be consistent with the manner in which the commission regulates these areas under chapter 81.70 RCW and the manner in which it regulates safety under chapter 81.68 RCW, as well as with the approach used in federal motor carrier safety regulations under Title 49 of the Code of Federal Regulations. In the event of a conflict between this chapter and the laws referenced in this subsection, this chapter governs.

(2) The commission must adopt rules under chapter 34.05 RCW as necessary to carry out this chapter regarding the operation of contract crew transportation vehicles.

(3) (a) The commission must require insurance coverage for each contract crew transportation vehicle that satisfies the following minimum amounts:

(i) Five million dollars combined single limit coverage for bodily injury and property damage liability coverage; and

(ii) Uninsured and underinsured motorist coverage of one million dollars.

(b) If a third party contracts with the person operating the vehicle on behalf of the railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcarriers to transport railroad crew, the insurance requirements may be satisfied by either the third party or the person operating the vehicle, so long as the person operating the vehicle names the third party as an additional insured or named insured. The railroad company may also satisfy the insurance requirements. Proof of coverage must be provided to the commission by the person contracting with the railroad company.

(4) The commission must require the form and posting of adequate notices in a conspicuous location in all contract crew transportation vehicles to advise railroad employee passengers of their rights, the opportunity to submit safety complaints to the commission, the complaint process, and contact information for the commission.

(5) The commission must require persons providing contract railroad crew transportation to ensure that all drivers of contract crew transportation vehicles successfully complete at least eight hours of commission-approved safety training that includes, but is not limited to, vehicle and passenger safety awareness, rail yard safety, grade crossing safety, load securement, and distracted and fatigued driving.

(6) The commission must investigate safety complaints related to contract railroad crew transportation under this chapter and take appropriate enforcement action as authorized.

(7) The commission may enforce this chapter with respect to persons providing contract railroad crew transportation under the authority in RCW 81.04.380 through 81.04.405, including assessing penalties as warranted.

(8) The commission may suspend or revoke a permit upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that any person owning, leasing, operating, or maintaining contract crew

transportation vehicles has violated this chapter or the rules of the commission, or that the company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States. [2017 c 333 § 2.]

Effective date—2017 c 333: See note following RCW 81.61.010.