
ENGROSSED 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 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 five 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, 2016, 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.

--- END ---