
SUBSTITUTE HOUSE BILL 1808

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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