

SHB 1620 - H AMD 319

By Representative Stanford

ADOPTED AS AMENDED 03/13/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise(~~(, the term)~~):

6 (1) "Contract crew hauling vehicle," as used in this chapter, means
7 every self-propelled vehicle, regardless of its seating capacity,
8 owned, leased, operated, and maintained by a charter party carrier, as
9 defined in RCW 81.70.020, contracting with a railroad company or its
10 agents, contractors, subcontractors, or vendors, used primarily to
11 provide railroad crew transportation.

12 (2) "Passenger-carrying vehicle," as used in this chapter, means
13 those buses and trucks owned, operated, and maintained by a railroad
14 company which transports railroad employees in other than the cab of
15 such vehicle and designed primarily for operation on roads which may or
16 may not be equipped with retractable flanged wheels for operation on
17 railroad tracks.

18 NEW SECTION. Sec. 2. A new section is added to chapter 81.61 RCW
19 to read as follows:

20 (1) The commission shall regulate charter party carriers providing
21 railroad crew transportation and every contract crew hauling vehicle
22 with respect to the safety of equipment, driver qualifications,
23 insurance levels, and safety of operations.

24 (2) The commission shall adopt rules and require reports as
25 necessary to carry out this chapter regarding contract crew hauling
26 vehicles and establish federal motor vehicle safety standards for
27 contract crew hauling vehicles as the minimum safety standards,
28 including:

1 (a) Driver qualifications, including a driver's minimum age and
2 skill, physical condition, and appropriate class of commercial driver's
3 license;

4 (b) Equipment safety;

5 (c) Safety of operations;

6 (d) Passenger safety;

7 (e) Adequate insurance coverage that satisfies the following
8 minimum amounts, which may be increased by rule adopted by the
9 commission:

10 (i) Liability insurance of five million dollars;

11 (ii) Uninsured and underinsured motorist coverage of five million
12 dollars; and

13 (iii) Property damage coverage of five hundred thousand dollars.

14 If a person contracts with the charter party carrier on behalf of the
15 railroad company to transport railroad employees, the insurance
16 requirements may be satisfied by either that person or the charter
17 party carrier, so long as the charter party carrier names that person
18 as an additional insured or named insured;

19 (f) The suspension, revocation, or cancellation of the certificate
20 issued by the commission and held by any charter party carrier owning,
21 leasing, operating, and maintaining contract crew hauling vehicles as
22 a result of serious or repeated violations of this chapter or rules
23 adopted under this chapter; and

24 (g) The form and posting of adequate notices in a conspicuous
25 location in all contract crew hauling vehicles to advise railroad
26 employee passengers of their right to submit complaints to the
27 commission regarding the safe operation or maintenance of vehicles.

28 (3) Charter party carriers owning, leasing, operating, and
29 maintaining contract crew hauling vehicles must retain for a time
30 period of at least three years all operational records relating to the
31 contract crew hauling vehicles, including vehicle records involving
32 accidents, maintenance and service records, drivers' records, records
33 of passenger complaints, all employment actions, driver logs, and
34 records of passengers transported.

35 (4) A person is immediately and automatically disqualified to work
36 as a driver of a contract crew hauling vehicle under this chapter if
37 the person's license is suspended or revoked two or more times within

1 a three-year period. The disqualification must last for two years from
2 the recent license suspension or revocation.

3 (5)(a) The commission may, in enforcing rules and orders relating
4 to charter party carriers owning, leasing, operating, and maintaining
5 contract crew hauling vehicles under this chapter, inspect any contract
6 crew hauling vehicles. Upon request, the chief of the state patrol or
7 the chief's designee may assist the commission in these inspections.

8 (b) The commission shall investigate safety complaints related to
9 employee transportation under this section and take appropriate
10 enforcement action as warranted.

11 (c) The commission may enforce this section under the authority in
12 RCW 81.04.380 through 81.04.405, including assessing penalties as are
13 warranted.

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

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

18 The commission must study any incidents and accidents involving
19 vehicles regulated under this chapter. A railroad company, and any
20 charter party carrier that owns or leases, operates, or maintains
21 contract crew hauling vehicles in the state, must, at the request of
22 the commission, provide data on such incidents and accidents, including
23 the location, time of day, visibility, any fault of the parties
24 involved, whether the incident or accident caused any property damage
25 or personal injuries, and how such an incident or accident could have
26 been avoided. The commission must make this data available upon
27 request and must provide a report to the legislature by December 31,
28 2013, and annually thereafter, summarizing the last year's findings and
29 including recommendations for avoiding incidents and accidents in the
30 future."

31 Correct the title.

EFFECT: Provides a definition for "contract crew hauling vehicle"
to which certain regulations are applied; eliminates requirements from

the underlying bill that applied to passenger-carrying vehicles when operated by railroads, including safety and operations standards, minimum insurance requirements, and complaint tracking and resolution provisions; requires the commission to adopt rules providing certain minimum requirements, including driver qualifications, safety standards, and insurance coverage; eliminates a waiver scheme that empowered the commission to grant exemptions from the chapter to class II and class III railroads; removes an exemption for certain railroads based upon their number of employees; requires contract crew hauling vehicles to post notices of how passengers may submit complaints to the commission; eliminates a requirement that operators of such vehicles provide records to the commission annually; clarifies that the commission may enforce the chapter through sanctions provided in Title 81; and clarifies the commission's role in studying incidents and accidents involving vehicles regulated under this chapter.

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