

SENATE BILL REPORT

ESHB 1620

As Reported by Senate Committee On:
Commerce & Labor, April 3, 2013
Transportation, April 8, 2013

Title: An act relating to passenger-carrying vehicles for railroad employees.

Brief Description: Concerning passenger-carrying vehicles for railroad employees.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Stanford, Zeiger, Takko, Haler, Blake, Liias, Clibborn, Jenkins, Wilcox, Ryu, Ormsby, Sells, Appleton, Pedersen, Upthegrove, Magendanz, Pollet, Orcutt, Johnson, Angel, Condotta, Carlyle, Kristiansen, Moeller, Fitzgibbon, Moscoso, Morrell and Santos).

Brief History: Passed House: 3/13/13, 98-0.

Committee Activity: Commerce & Labor: 3/25/13, 4/03/13 [DPA].

Transportation: 4/04/13, 4/08/13 [DPA(CL)].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, Keiser and King.

Staff: Mac Nicholson (786-7445)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended by Committee on Commerce and Labor.

Signed by Senators Eide, Co-Chair; King, Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Billig, Brown, Ericksen, Harper, Litzow, Schlicher, Sheldon and Smith.

Staff: Kelly Simpson (786-7403)

Background: The Utilities and Transportation Commission (UTC) has regulatory authority over several aspects of railroad safety and operations, including the services of passenger-carrying vehicles. These vehicles are operated and maintained by railroad companies to transport railroad employees between employment assignments.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Passenger-carrying vehicles for railroad employees must meet minimum safety standards, and drivers must be at least 18 years old, have a valid driver's license, and be capable of handling the controls with ease. The UTC also imposes a daily hours of service limit on drivers.

Passenger-carrying vehicles for railroad employees operated by independent carriers under contract with a railroad company are not subject to UTC regulations concerning railroad passenger-carrying vehicles, however, the contractor would be subject to the UTC's rules regarding passenger charter carriers if vehicles used have a seating capacity of seven or more persons. The UTC requires passenger charter operators to obtain a certificate of operation from the UTC, and operators must maintain a minimum level of insurance. The level of mandatory insurance coverage is \$1.5 million for vehicles that carry 15 or fewer people.

Summary of Bill (Recommended Amendments): Vehicles that carry railroad employees are termed contract crew hauling vehicles and are subject to regulation by the UTC. The UTC must adopt rules and establish safety standards for vehicles and qualifications for drivers. The UTC must also establish insurance coverage requirements of at least \$5 million for liability insurance, \$5 million for uninsured and underinsured motorist coverage, and \$500,000 for damage to property.

Additionally, the UTC may inspect any contract crew hauling vehicle and can suspend, revoke, or cancel the operational certificate of a charter party carrier for serious or repeated violations. Operators of contract crew hauling vehicles must post notice that informs passengers of their right to submit safety complaints to the UTC, which must investigate any complaints. A driver cannot operate a contract crew hauling vehicle if the person's driver's license is suspended or revoked two or more times within a three-year period.

The UTC is directed to study accidents involving vehicles that carry railroad employees, and must provide annual reports to the Legislature summarizing the previous year's findings and recommendations.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Amendments): The striking amendment provides that the UTC study and data collection requirements apply to accidents involving regulated vehicles, rather than incidents and accidents.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Commerce & Labor): PRO: The basic idea is to improve safety in crew hauling vans and make sure the contractors are being held to standards that already apply to railroads themselves. This bill improves worker safety. The contractors should have liability insurance in case somebody

does get hurt during transport. The UTC currently regulates charter party carriers if the vehicles have a capacity greater than seven passengers. Some of these vehicles carry fewer than seven passengers, and may not be subject to UTC safety regulation. This bill addresses that gap. The railroad environment is a dangerous place and the risk of injury is huge. Crew members have been killed during transport, and this bill empowers the UTC to ensure safe vehicles and drivers.

Persons Testifying (Commerce & Labor): PRO: Representative Stanford, prime sponsor; Representative Haler; Ann Rendahl, UTC; George Thornton, Lorraine Kenny, Herb Krohn, United Transportation Union; Shahrain Allen, Brotherhood of Locomotive Engineers.

Staff Summary of Public Testimony on Bill as Amended by Commerce & Labor (Transportation): PRO: This bill reflects an agreement by stakeholders and has their support. It fills in gaps in current law regarding safety regulations of railroad crew vehicles that are contracted out by railroad companies. The current law was enacted in 1977, but it did not recognize contract providers transporting railroad employees. Many crew van accidents occurred resulting in employee injuries. The UTC supports this bill as it fills in the existing gap in law regarding vehicles accommodating fewer than seven passengers. The UTC will need to engage in minor rulemaking if this bill becomes law.

OTHER: Railroad companies recognize the need for the bill in closing the gap in current law, and worked cooperatively with stakeholders.

Persons Testifying (Transportation): PRO: Representative Stanford, prime sponsor; Herb Krohn, United Transportation Union, Sheet Metal, Air, Rail and Transportation union; Chris Rose, UTC.

OTHER: Terry Finn, BNSF Railway.