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**SENATE BILL 5797**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Rivers, Roach, Conway, Angel, Hasegawa, Litzow, Miloscia, Jayapal, Hobbs, Warnick, McCoy, Cleveland, Rolfes, Pearson, O'Ban, and Benton

AN ACT Relating to passenger-carrying vehicles for railroad employees; amending RCW 81.61.010, 81.61.020, and 81.61.040; and adding new sections to chapter 81.61 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

(2) The commission must adopt rules and require reports as necessary to carry out this chapter regarding contract crew hauling vehicles and establish federal motor vehicle safety standards for contract crew hauling vehicles, regardless of seating capacity, as the minimum safety standards, including:

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

(b) Equipment safety;

(c) Safety of operations;

(d) Passenger safety;

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

(i) Liability insurance of five million dollars;

(ii) Uninsured and underinsured motorist coverage of ten million dollars; and

(iii) Property damage coverage of five hundred thousand dollars. If a person contracts with the charter party carrier on behalf of the railroad company to transport railroad employees, the insurance requirements may be satisfied by either that person or the charter party carrier, so long as the charter party carrier names that person as an additional insured or named insured;

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

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

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

(4) A person is immediately and automatically disqualified to work as a driver of a contract crew hauling vehicle under this chapter if the person's license is suspended or revoked two or more times within a three-year period. The disqualification must last for two years from the most recent license suspension or revocation.

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

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

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

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

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

The commission must compile data regarding any reported safety complaints, accidents, regulatory violations and fines, and corrective actions taken by the commission involving vehicles regulated under this chapter. A railroad company, and any charter party carrier that owns or leases, operates, or maintains contract crew hauling vehicles in the state, must, at the request of the commission, provide data relevant to any complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the railroad company, charter party carrier, or commission. The commission must make this data available upon request and provide a report to the legislature, and make available on its web site, by January 31, 2016, and annually thereafter, summarizing the previous year's data and including recommendations for improving safety in the future.

**Sec.**  RCW 81.61.020 and 2007 c 234 s 41 are each amended to read as follows:

(1) The utilities and transportation commission shall adopt rules and orders necessary to ensure that every passenger-carrying vehicle provided by a railroad company to transport employees in the course of their employment is maintained and operated in a safe manner when it is used on a public or private road. The rules and orders must establish minimum standards for:

((~~(1)~~))(a) The construction and mechanical equipment of the passenger-carrying vehicles, including lighting devices and reflectors, exhaust system, rear vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, windshield wipers, and heating equipment capable of maintaining a reasonable temperature in passenger areas;

((~~(2)~~))(b) The operation of passenger-carrying vehicles, including driving rules, the loading and carrying of passengers, maximum daily hours of service by drivers, minimum age and skill of drivers, physical condition of drivers, refueling, road warning devices, and the transportation of gasoline and explosives;

((~~(3)~~))(c) The safety of passengers in a passenger-carrying vehicle, including emergency exits, fire extinguishers, first aid kits, facilities for communication between cab and rear compartments, means of ingress and egress, side walls, canopy, tail gates, or other means of retaining passengers within the passenger-carrying vehicle.

(2) The commission must also adopt rules requiring that signs be posted in all passenger-carrying vehicles informing railroad employee passengers of their rights, the opportunity to submit safety complaints to the commission, the complaint process, and providing contact information for the commission.

**Sec.**  RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to read as follows:

(1) The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle provided by a railroad company to transport employees in the course of their employment. Upon request, the chief of the state patrol may assist the commission in these inspections.

(2) By December 31, 2015, the commission must develop an inspection program for vehicles used to carry railroad employees. This program must require periodic inspection of each vehicle owned by a railroad company used to provide transportation to employees and a review of the operational practices of railroad companies providing transportation to employees, including a focus on railroad employees whose primary duty is as a driver of a passenger-carrying vehicle.

**--- END ---**