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**SENATE BILL 5759**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Zeiger, Hobbs, O'Ban, Takko, Angel, Sheldon, Walsh, Liias, Wilson, Pearson, Kuderer, Fortunato, Rivers, Miloscia, Mullet, Conway, Bailey, Billig, Hasegawa, Palumbo, Chase, Short, Hunt, Rolfes, Pedersen, and Cleveland

AN ACT Relating to passenger-carrying vehicles for railroad employees; amending RCW 81.61.010 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 motor vehicle, regardless of its seating capacity, that is owned, leased, operated, or maintained by a person 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, vans, 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 persons providing contract railroad crew transportation and every contract crew hauling vehicle with respect to the safety of equipment, driver qualifications, insurance, 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, considering federal and national motor vehicle motor carrier 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, medical condition, and appropriate class of commercial driver's license;

(b) Equipment safety;

(c) Safety of operations;

(d) Passenger safety;

(e) Insurance coverage for each contract crew hauling vehicle that satisfies the following minimum amounts, which may be increased by rule as adopted by the commission:

(i)(A) One million five hundred thousand dollars combined single limit coverage for bodily injury and property damage liability coverage; and

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

(f) 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 contact information for the commission.

(3) If a third party contracts with the person operating the vehicle on behalf of the railroad company to transport railroad employees, the insurance requirements may be satisfied by either the third party or the person operating the vehicle, so long as the person operating the vehicle names the third party as an additional insured or named insured.

(4)(a) The commission may, in enforcing rules and orders relating to persons 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 contract crew hauling transportation under this section and take appropriate enforcement action as authorized.

(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) If any person owning, leasing, operating, or maintaining contract crew hauling vehicles is determined to have committed serious or repeated violations of this chapter, or rules adopted under this chapter, the commission must suspend, revoke, or cancel the certificate issued by the commission.

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

Any person owning, leasing, operating, or 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.

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

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.

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 person 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, person operating the contract crew hauling vehicle, or commission. The commission must make this data available upon request and on its web site.

**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 or its agents, contractors, subcontractors, or vendors to transport ((~~employees~~)) railroad crews 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, 2017, the commission must develop an inspection program for contract crew hauling vehicles. This program must require a periodic inspection of each vehicle, including a review of operational practices.

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