

ESHB 1620 - S COMM AMD

By Committee on Commerce & Labor

NOT CONSIDERED

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 type or class of license;

3 (b) Equipment safety;

4 (c) Safety of operations;

5 (d) Passenger safety;

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

9 (i) Liability insurance of five million dollars;

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

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

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

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

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

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

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

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

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

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

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

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

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27 On page 1, line 2 of the title, after "employees;" strike the
28 remainder of the title and insert "amending RCW 81.61.010; and adding
29 new sections to chapter 81.61 RCW."

EFFECT: Limits the UTC study and data collection requirements to only accidents involving regulated vehicles, rather than incidents and accidents.

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