
Transportation Committee

HB 1105

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

Sponsors: Representatives Stanford, Orcutt, Clibborn, Stambaugh, Hayes, Stonier, Koster, Holy, Ryu, Ormsby, Fey, Wylie, Dolan, Sells, Muri, Haler, Goodman, Doglio, Hudgins, Gregerson, Barkis, Kilduff, Santos, Tarleton, Pollet, Farrell and Riccelli.

Brief Summary of Bill

- Expands the Washington Utilities and Transportation Commission's (UTC) regulatory authority to all vehicles used primarily to provide transportation to railroad employees.
- Delegates rule-making authority to the UTC regarding the safety of equipment, driver qualifications, insurance, and safety of operations of contract crew hauling vehicles.
- Sets minimum insurance coverage amounts for contract crew hauling vehicles.
- Grants the UTC the authority to inspect contract crew hauling vehicles and to apply rule violation penalties.
- Mandates that the UTC investigate safety complaints related to contract crew hauling vehicles.

Hearing Date: 1/25/17

Staff: Jennifer Harris (786-7143).

Background:

General Regulatory Authority.

The Washington Utilities and Transportation Commission (UTC) regulates certain aspects of railroad operations in the state, including the use of passenger-carrying vehicles for railroad employees. "Passenger-carrying vehicles" are limited to buses and trucks owned, operated, and maintained by a railroad company that transports railroad employees as passengers in the

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vehicle, other than in the cab of these vehicles, that are designed primarily for operation on roads that may or may not be equipped with retractable flanged wheels for operation on railroad tracks. The vehicles used by independent carriers with which railroads may contract to provide crew transportation are excluded from this definition.

In regulating passenger-carrying vehicles, the UTC has adopted rules regarding equipment requirements and operational standards. The equipment requirements include provisions relating to the exhaust and steering systems, rear-view mirrors, emergency equipment, fire extinguishers, and first-aid kits. The operational standards include provisions regarding the minimum age of the driver, hours of service limits, safety practices in crossing rail lines, the loading of passengers, and limitations on carrying dangerous materials. The UTC is authorized to inspect any passenger-carrying vehicle to verify that it is complying with applicable requirements.

More broadly, federal regulations for commercial vehicles apply to vehicles with a seating capacity of eight or more passengers, which must comply with Federal Motor Carrier Safety Administration (FMCSA) requirements for safety compliance reviews. Vehicles used by charter companies with which railroads contract that have seating capacity for passengers of fewer than eight are not currently included in compliance reviews conducted by the UTC.

The UTC does not have the authority to regulate the use of vehicles with a seating capacity for fewer than seven passengers that are used by independent carriers with which railroads contract to provide rail crew transportation.

Insurance Coverage.

Any contract carrier vehicle with a seating capacity for seven or more passengers is regulated under UTC rules for passenger carrier charters. These vehicles are required by the UTC to have injury and property damage insurance or a surety bond with the minimum limit of \$1.5 million combined single coverage for vehicles with a passenger seating capacity of 15 or fewer, and of \$5 million combined single coverage for vehicles with a passenger seating capacity of 16 or greater. These minimum limit requirements correspond to federal requirements for commercial vehicles.

Summary of Bill:

General Regulatory Authority.

The UTC has regulatory authority over "contract crew hauling vehicles," which are defined as vehicles, regardless of seating capacity, that are used primarily to provide railroad crew transportation for a railroad company, and are owned, leased, operated, or maintained by a person contracting with a railroad company or its agents, contractors, subcontractors, or vendors. The UTC is directed to regulate persons providing contract railroad crew transportation and every contract crew hauling vehicle with respect to the safety of equipment, driver qualifications, insurance and the safety of operations.

The UTC must adopt rules and require reports to establish and regulate safety standards considering federal motor vehicle motor carrier safety standards for contract crew hauling vehicles when setting minimum safety standards, regardless of seating capacity of the vehicles,

in the following areas: (1) driver qualifications, including minimum age and skill, medical condition, and appropriate class of commercial driver's license; (2) equipment safety; (3) safety of operations; (4) passenger safety; (5) insurance coverage for each contract crew hauling vehicle; and (6) the form and posting of adequate notices in a conspicuous location in all contract crew hauling vehicles to advise railroad employee passengers of the opportunity to submit safety complaints to the UTC.

The definition of "passenger-carrying vehicle" is expanded to include vans used by a railroad company to transport railroad employees.

Insurance Coverage.

The UTC must require contract crew hauling vehicles to carry the following minimum insurance levels: (1) bodily injury and property damage combined single-limit liability coverage of \$1.5 million; and (2) uninsured and underinsured motorist coverage of \$10 million. The UTC may increase these minimum coverage amounts by rule. 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.

Enforcement.

By December 31, 2017, the UTC is required to develop an inspection program for contract crew hauling vehicles. The inspection program must require periodic inspections of vehicles, including a review of operational practices.

The UTC may inspect any contract crew hauling vehicle, and it must investigate any safety complaints. At the request of the UTC, the Chief of the Washington State Patrol or his or her designee may assist the UTC in these inspections. The UTC must investigate safety complaints related to contract crew hauling transportation and take appropriate enforcement action. The UTC may impose monetary penalties of up to \$1,000 for each violation. If a person is determined to have committed serious or repeat violations, the UTC must suspend, revoke, or cancel the UTC certificate required to operate vehicles.

Carriers that own, lease, operate, or maintain contract crew hauling vehicles must retain operational records for at least three years. These records must include accident reports, maintenance and service records, drivers' records, records of passenger complaints, records of employment actions, driver logs, and records of passengers transported.

A person is disqualified to serve as a driver of a contract crew hauling vehicle if his or her driver's license is suspended or revoked two or more times within a three-year period. This disqualification must last for two years from the most recent suspension or revocation.

All Rail Crew Transport Vehicles.

The UTC must compile data regarding safety complaints, accidents, regulatory violations and fines, and corrective actions taken relating to contract crew hauling vehicles and passenger-

carrying vehicles. At the request of the UTC, railroad companies and any person that owns or leases, operates, or maintains contract crew hauling vehicles must provide data regarding complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries occurred, and any corrective action taken by the railroad company, person operating the contract crew hauling vehicle, or the UTC. The UTC must make this data available on its website and on request.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.