
SUBSTITUTE HOUSE BILL 1105

State of Washington 65th Legislature 2017 Regular Session

By House Transportation (originally sponsored by 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)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to passenger-carrying vehicles for railroad
2 employees; amending RCW 81.61.010, 81.61.040, and 42.56.330; and
3 adding new sections to chapter 81.61 RCW.

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

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

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

8 (1) "Contract crew hauling vehicle," as used in this chapter,
9 means every motor vehicle, regardless of its seating capacity, that
10 is owned, leased, operated, or maintained by a person contracting
11 with a railroad company or its agents, contractors, subcontractors,
12 vendors, subvendors, secondary vendors, or subcarriers, and used
13 primarily to provide railroad crew transportation.

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.61
2 RCW to read as follows:

3 (1) The commission must regulate persons providing contract
4 railroad crew transportation and every contract crew hauling vehicle
5 with respect to the safety of equipment, driver qualifications,
6 insurance, and safety of operations.

7 (2) The commission must adopt rules, require reports, and
8 establish mandatory reporting of compliance as necessary to carry out
9 this chapter regarding contract crew hauling vehicles, considering
10 federal and national motor vehicle motor carrier safety standards for
11 contract crew hauling vehicles, regardless of seating capacity, as
12 the minimum safety standards, including:

13 (a) Driver qualifications, including a driver's minimum age and
14 skill, training requirements, medical condition, and appropriate
15 class of commercial driver's license;

16 (b) Equipment safety, including:

17 (i) Requirements for the specific safety equipment that must be
18 carried in each contract crew hauling vehicle, which must include a
19 fire extinguisher, first aid kit, seat belt cutter, window hammer,
20 and other equipment the commission determines is necessary;

21 (ii) Requirements for a mandatory vehicle maintenance program;
22 and

23 (iii) Requirements on the proper securement of railroad equipment
24 being transported in the contract crew hauling vehicle;

25 (c) Safety of operations, including the regulation of driver
26 hours of service that satisfies the following minimum requirements:
27 The contract carrier may not allow or require a driver to drive or
28 remain on duty for more than ten hours after eight consecutive hours
29 off duty or allow or require a driver to drive or remain on duty for
30 more than a total of seventy hours in any period of eight consecutive
31 days. For purposes of this subsection (2)(c), "on duty" means all
32 time at a terminal, facility, or other property of a contract
33 carrier, or on any public property waiting to be dispatched, and
34 includes time spent inspecting, conditioning, or servicing the
35 vehicle, unless the driver has been relieved from duty by the
36 contract carrier;

37 (d) Passenger safety;

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

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

4 (ii) Uninsured and underinsured motorist coverage of one million
5 dollars; and

6 (iii) Additional uninsured and underinsured motorist coverage
7 that must be set at a minimum of five million dollars per person for
8 bodily injury of railroad employees who are protected under the
9 federal employers liability act through a motor vehicle liability
10 policy, self-insurance, or a liability bond;

11 (f) Drug testing, including requirements for mandated testing
12 designed to identify the presence of drugs, as defined in RCW
13 69.04.009, in the body as part of the driver employment application,
14 randomly on an ongoing basis, at any time with probable cause, and
15 following a serious accident; and

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

21 (3) If a third party contracts with the person operating the
22 vehicle on behalf of the railroad company or its agents, contractors,
23 subcontractors, vendors, subvendors, secondary vendors, or
24 subcarriers to transport railroad employees, the insurance
25 requirements may be satisfied by either the third party or the person
26 operating the vehicle, so long as the person operating the vehicle
27 names the third party as an additional insured or named insured. The
28 railroad company may also satisfy the insurance requirements. Proof
29 of coverage must be provided to the commission by the person
30 contracting with the railroad company.

31 (4)(a) The commission may, in enforcing rules and orders relating
32 to persons owning, leasing, operating, and maintaining contract crew
33 hauling vehicles under this chapter, inspect any contract crew
34 hauling vehicles. Upon request, the chief of the state patrol or the
35 chief's designee may assist the commission in these inspections. The
36 commission must conduct a minimum of one unannounced inspection of
37 contract crew hauling vehicles in use by a person contracting with
38 the railroad company every two years by inspecting at least a
39 sampling of vehicles as part of each inspection conducted.

1 (b) The commission must investigate safety complaints related to
2 contract crew hauling transportation under this section and take
3 appropriate enforcement action as authorized.

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

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

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

14 (1) Any person owning, leasing, operating, or maintaining
15 contract crew hauling vehicles must retain for at least three years
16 all operational records relating to the contract crew hauling
17 vehicles, including vehicle records involving accidents, maintenance
18 and service records, drivers' records, records of passenger
19 complaints, all employment actions, driver logs, and records of
20 passengers transported.

21 (2) Any records maintained by the person contracting with the
22 railroad company must include driver hours of service. The commission
23 may specify the form of documentation required and may inspect these
24 records.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 81.61
26 RCW to read as follows:

27 A person is immediately and automatically disqualified to work as
28 a driver of a contract crew hauling vehicle under this chapter if the
29 person's license is suspended or revoked for a reason other than the
30 nonpayment of fines. The disqualification must last for three years
31 from the most recent license suspension or revocation.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.61
33 RCW to read as follows:

34 (1) The commission must compile data regarding any reported
35 safety complaints, accidents, regulatory violations and fines, and
36 corrective actions taken by the commission involving vehicles
37 regulated under this chapter. A railroad company, and any person that

1 owns or leases, operates, or maintains contract crew hauling vehicles
2 in the state, must, at the request of the commission, provide data
3 relevant to any complaints and accidents, including location, time of
4 day, visibility, a description of the event, whether any property
5 damage or personal injuries resulted, and any corrective action taken
6 by the railroad company, person operating the contract crew hauling
7 vehicle, or commission. The commission must make this data available
8 upon request and on its web site.

9 (2) Information included in safety complaints that identifies the
10 employee who submitted the complaint is exempt from public inspection
11 and copying pursuant to RCW 42.56.330.

12 **Sec. 6.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to
13 read as follows:

14 (1) The commission may, in enforcing rules and orders under this
15 chapter, inspect any passenger-carrying vehicle provided by a
16 railroad company or its agents, contractors, subcontractors, or
17 vendors to transport ((employees)) railroad crews in the course of
18 their employment. Upon request, the chief of the state patrol may
19 assist the commission in these inspections.

20 (2) By December 31, 2017, the commission must develop an
21 inspection program for contract crew hauling vehicles. This program
22 must require a periodic inspection of each vehicle, including a
23 review of operational practices.

24 **Sec. 7.** RCW 42.56.330 and 2015 c 224 s 4 are each amended to
25 read as follows:

26 The following information relating to public utilities and
27 transportation is exempt from disclosure under this chapter:

28 (1) Records filed with the utilities and transportation
29 commission or attorney general under RCW 80.04.095 or 81.77.210 that
30 a court has determined are confidential under RCW 80.04.095 or
31 81.77.210;

32 (2) The addresses, telephone numbers, electronic contact
33 information, and customer-specific utility usage and billing
34 information in increments less than a billing cycle of the customers
35 of a public utility contained in the records or lists held by the
36 public utility of which they are customers, except that this
37 information may be released to the division of child support or the
38 agency or firm providing child support enforcement for another state

1 under Title IV-D of the federal social security act, for the
2 establishment, enforcement, or modification of a support order;

3 (3) The names, residential addresses, residential telephone
4 numbers, and other individually identifiable records held by an
5 agency in relation to a vanpool, carpool, or other ride-sharing
6 program or service. (~~Participant's~~ [~~Participants~~]) Participants'
7 names, general locations, and point of contact may be disclosed to
8 other persons who apply for ride-matching services and who need that
9 information in order to identify potential riders or drivers with
10 whom to share rides;

11 (4) The personally identifying information of current or former
12 participants or applicants in a paratransit or other transit service
13 operated for the benefit of persons with disabilities or elderly
14 persons;

15 (5) The personally identifying information of persons who acquire
16 and use transit passes or other fare payment media including, but not
17 limited to, stored value smart cards and magnetic strip cards, except
18 that an agency may disclose personally identifying information to a
19 person, employer, educational institution, or other entity that is
20 responsible, in whole or in part, for payment of the cost of
21 acquiring or using a transit pass or other fare payment media for the
22 purpose of preventing fraud. As used in this subsection, "personally
23 identifying information" includes acquisition or use information
24 pertaining to a specific, individual transit pass or fare payment
25 media.

26 (a) Information regarding the acquisition or use of transit
27 passes or fare payment media may be disclosed in aggregate form if
28 the data does not contain any personally identifying information.

29 (b) Personally identifying information may be released to law
30 enforcement agencies if the request is accompanied by a court order;

31 (6) Any information obtained by governmental agencies that is
32 collected by the use of a motor carrier intelligent transportation
33 system or any comparable information equipment attached to a truck,
34 tractor, or trailer; however, the information may be given to other
35 governmental agencies or the owners of the truck, tractor, or trailer
36 from which the information is obtained. As used in this subsection,
37 "motor carrier" has the same definition as provided in RCW 81.80.010;

38 (7) The personally identifying information of persons who acquire
39 and use transponders or other technology to facilitate payment of
40 tolls. This information may be disclosed in aggregate form as long as

1 the data does not contain any personally identifying information. For
2 these purposes aggregate data may include the census tract of the
3 account holder as long as any individual personally identifying
4 information is not released. Personally identifying information may
5 be released to law enforcement agencies only for toll enforcement
6 purposes. Personally identifying information may be released to law
7 enforcement agencies for other purposes only if the request is
8 accompanied by a court order; (~~and~~)

9 (8) The personally identifying information of persons who acquire
10 and use a driver's license or identicard that includes a radio
11 frequency identification chip or similar technology to facilitate
12 border crossing. This information may be disclosed in aggregate form
13 as long as the data does not contain any personally identifying
14 information. Personally identifying information may be released to
15 law enforcement agencies only for United States customs and border
16 protection enforcement purposes. Personally identifying information
17 may be released to law enforcement agencies for other purposes only
18 if the request is accompanied by a court order; and

19 (9) Personally identifying information included in safety
20 complaints submitted under chapter 81.61 RCW.

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