

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1105

Chapter 333, Laws of 2017

65th Legislature
2017 Regular Session

RAILROAD CREW TRANSPORTATION

EFFECTIVE DATE: 1/1/2018

Passed by the House April 13, 2017
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2017
Yeas 46 Nays 2

CYRUS HABIB

President of the Senate

Approved May 16, 2017 11:48 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1105** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2017

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1105

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

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 railroad crew transportation; amending RCW
2 81.61.010, 81.61.040, and 42.56.330; adding new sections to chapter
3 81.61 RCW; and providing an effective date.

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 transportation vehicle," as used in this
9 chapter, means every motor vehicle, designed to transport fifteen or
10 fewer passengers, including the driver, that is owned, leased,
11 operated, or maintained by a person contracting with a railroad
12 company or its agents, contractors, subcontractors, vendors,
13 subvendors, secondary vendors, or subcarriers, and used primarily to
14 provide railroad crew transportation.

15 (2) "Passenger-carrying vehicle," as used in this chapter, means
16 those buses ((and)), vans, trucks, and cars owned, operated, and
17 maintained by a railroad company ((which)) and primarily used to
18 transport((s)) railroad employees in other than the cab of such
19 vehicle and designed primarily for operation on roads which may or
20 may not be equipped with retractable flanged wheels for operation on
21 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 transportation
5 vehicle with respect to driver qualifications, equipment safety,
6 safety of operations, hours of service by drivers, passenger safety,
7 drug testing requirements, and record retention. This regulation must
8 be consistent with the manner in which the commission regulates these
9 areas under chapter 81.70 RCW and the manner in which it regulates
10 safety under chapter 81.68 RCW, as well as with the approach used in
11 federal motor carrier safety regulations under Title 49 of the code
12 of federal regulations. In the event of a conflict between this
13 chapter and the laws referenced in this subsection, this chapter
14 governs.

15 (2) The commission must adopt rules under chapter 34.05 RCW as
16 necessary to carry out this chapter regarding the operation of
17 contract crew transportation vehicles.

18 (3)(a) The commission must require insurance coverage for each
19 contract crew transportation vehicle that satisfies the following
20 minimum amounts:

21 (i) Five million dollars combined single limit coverage for
22 bodily injury and property damage liability coverage; and

23 (ii) Uninsured and underinsured motorist coverage of one million
24 dollars.

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

35 (4) The commission must require the form and posting of adequate
36 notices in a conspicuous location in all contract crew transportation
37 vehicles to advise railroad employee passengers of their rights, the
38 opportunity to submit safety complaints to the commission, the
39 complaint process, and contact information for the commission.

1 (5) The commission must require persons providing contract
2 railroad crew transportation to ensure that all drivers of contract
3 crew transportation vehicles successfully complete at least eight
4 hours of commission-approved safety training that includes, but is
5 not limited to, vehicle and passenger safety awareness, rail yard
6 safety, grade crossing safety, load securement, and distracted and
7 fatigued driving.

8 (6) The commission must investigate safety complaints related to
9 contract railroad crew transportation under this chapter and take
10 appropriate enforcement action as authorized.

11 (7) The commission may enforce this chapter with respect to
12 persons providing contract railroad crew transportation under the
13 authority in RCW 81.04.380 through 81.04.405, including assessing
14 penalties as warranted.

15 (8) The commission may suspend or revoke a permit upon complaint
16 by any interested party, or upon the commission's own motion after
17 notice and opportunity for hearing, when it finds that any person
18 owning, leasing, operating, or maintaining contract crew
19 transportation vehicles has violated this chapter or the rules of the
20 commission, or that the company or its agent has been found by a
21 court or governmental agency to have violated the laws of a state or
22 the United States.

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

25 (1) A person is immediately and automatically disqualified from
26 operating a contract crew transportation vehicle for a period of
27 three years if (a) the person is convicted of, or is found to have
28 committed, two or more traffic violations that result in suspension
29 or revocation of the person's driver's license within a three-year
30 period, for a reason other than the nonpayment of fines, or (b) the
31 person is found guilty of, or is found to have committed, any drug or
32 alcohol-related traffic offense, using a vehicle to commit a felony,
33 leaving the scene of an accident, prohibited passing of another
34 vehicle, a railroad-highway grade crossing offense identified in RCW
35 46.25.090(8), or driving with a suspended, revoked, or canceled
36 license.

37 (2) A driver that sustains a conviction or a traffic violation as
38 outlined under this section while employed by a contract carrier must
39 report the conviction or infraction to the carrier within ten days of

1 the date of conviction or the finding that the infraction was
2 committed.

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

5 (1) The commission must compile data regarding any reported
6 safety complaints, accidents, regulatory violations and fines, and
7 corrective actions taken by the commission involving vehicles
8 regulated under this chapter. A railroad company, and any person that
9 owns or leases, operates, or maintains contract crew transportation
10 vehicles in the state, must, at the request of the commission,
11 provide data relevant to any complaints and accidents, including
12 location, time of day, visibility, a description of the event,
13 whether any property damage or personal injuries resulted, and any
14 corrective action taken by the railroad company, person operating the
15 contract crew transportation vehicle, or commission. The commission
16 must make this data available upon request.

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

20 **Sec. 5.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to
21 read as follows:

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

28 (2) Consistent with section 2 of this act, the commission must
29 develop an inspection program for contract crew transportation
30 vehicles. This program must require a periodic inspection of each
31 vehicle, including a review of operational practices.

32 **Sec. 6.** RCW 42.56.330 and 2015 c 224 s 4 are each amended to
33 read as follows:

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

36 (1) Records filed with the utilities and transportation
37 commission or attorney general under RCW 80.04.095 or 81.77.210 that

1 a court has determined are confidential under RCW 80.04.095 or
2 81.77.210;

3 (2) The addresses, telephone numbers, electronic contact
4 information, and customer-specific utility usage and billing
5 information in increments less than a billing cycle of the customers
6 of a public utility contained in the records or lists held by the
7 public utility of which they are customers, except that this
8 information may be released to the division of child support or the
9 agency or firm providing child support enforcement for another state
10 under Title IV-D of the federal social security act, for the
11 establishment, enforcement, or modification of a support order;

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

20 (4) The personally identifying information of current or former
21 participants or applicants in a paratransit or other transit service
22 operated for the benefit of persons with disabilities or elderly
23 persons;

24 (5) The personally identifying information of persons who acquire
25 and use transit passes or other fare payment media including, but not
26 limited to, stored value smart cards and magnetic strip cards, except
27 that an agency may disclose personally identifying information to a
28 person, employer, educational institution, or other entity that is
29 responsible, in whole or in part, for payment of the cost of
30 acquiring or using a transit pass or other fare payment media for the
31 purpose of preventing fraud. As used in this subsection, "personally
32 identifying information" includes acquisition or use information
33 pertaining to a specific, individual transit pass or fare payment
34 media.

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

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

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

8 (7) The personally identifying information of persons who acquire
9 and use transponders or other technology to facilitate payment of
10 tolls. This information may be disclosed in aggregate form as long as
11 the data does not contain any personally identifying information. For
12 these purposes aggregate data may include the census tract of the
13 account holder as long as any individual personally identifying
14 information is not released. Personally identifying information may
15 be released to law enforcement agencies only for toll enforcement
16 purposes. Personally identifying information may be released to law
17 enforcement agencies for other purposes only if the request is
18 accompanied by a court order; ((and))

19 (8) The personally identifying information of persons who acquire
20 and use a driver's license or identicard that includes a radio
21 frequency identification chip or similar technology to facilitate
22 border crossing. This information may be disclosed in aggregate form
23 as long as the data does not contain any personally identifying
24 information. Personally identifying information may be released to
25 law enforcement agencies only for United States customs and border
26 protection enforcement purposes. Personally identifying information
27 may be released to law enforcement agencies for other purposes only
28 if the request is accompanied by a court order; and

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

31 NEW SECTION. Sec. 7. This act takes effect January 1, 2018.

Passed by the House April 13, 2017.

Passed by the Senate April 10, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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