
SENATE BILL 5797

State of Washington

64th Legislature

2015 Regular Session

By Senators Rivers, Roach, Conway, Angel, Hasegawa, Litzow, Miloscia, Jayapal, Hobbs, Warnick, McCoy, Cleveland, Rolfes, Pearson, O'Ban, and Benton

Read first time 02/03/15. Referred to Committee on Transportation.

1 AN ACT Relating to passenger-carrying vehicles for railroad
2 employees; amending RCW 81.61.010, 81.61.020, and 81.61.040; 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 self-propelled vehicle, regardless of its seating
10 capacity, owned, leased, operated, and maintained by a charter party
11 carrier, as defined in RCW 81.70.020, contracting with a railroad
12 company or its agents, contractors, subcontractors, or vendors, and
13 used primarily to provide railroad crew transportation.

14 (2) "Passenger-carrying vehicle," as used in this chapter, means
15 those buses and trucks owned, operated, and maintained by a railroad
16 company which transports railroad employees in other than the cab of
17 such vehicle and designed primarily for operation on roads which may
18 or may not be equipped with retractable flanged wheels for operation
19 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 charter party carriers providing
4 railroad crew transportation and every contract crew hauling vehicle
5 with respect to the safety of equipment, driver qualifications,
6 insurance levels, and safety of operations.

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

12 (a) Driver qualifications, including a driver's minimum age and
13 skill, physical condition, and appropriate class of commercial
14 driver's license;

15 (b) Equipment safety;

16 (c) Safety of operations;

17 (d) Passenger safety;

18 (e) Adequate insurance coverage that satisfies the following
19 minimum amounts, which may be increased by rule as adopted by the
20 commission:

21 (i) Liability insurance of five million dollars;

22 (ii) Uninsured and underinsured motorist coverage of ten million
23 dollars; and

24 (iii) Property damage coverage of five hundred thousand
25 dollars. If a person contracts with the charter party carrier on
26 behalf of the railroad company to transport railroad employees, the
27 insurance requirements may be satisfied by either that person or the
28 charter party carrier, so long as the charter party carrier names
29 that person as an additional insured or named insured;

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

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

1 (3) Charter party carriers owning, leasing, operating, and
2 maintaining contract crew hauling vehicles must retain for at least
3 three years all operational records relating to the contract crew
4 hauling vehicles, including vehicle records involving accidents,
5 maintenance and service records, drivers' records, records of
6 passenger complaints, all employment actions, driver logs, and
7 records of passengers transported.

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

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

19 (b) The commission must investigate safety complaints related to
20 employee transportation under this section and take appropriate
21 enforcement action as warranted.

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

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

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

29 The commission must compile data regarding any reported safety
30 complaints, accidents, regulatory violations and fines, and
31 corrective actions taken by the commission involving vehicles
32 regulated under this chapter. A railroad company, and any charter
33 party carrier that owns or leases, operates, or maintains contract
34 crew hauling vehicles in the state, must, at the request of the
35 commission, provide data relevant to any complaints and accidents,
36 including location, time of day, visibility, a description of the
37 event, whether any property damage or personal injuries resulted, and
38 any corrective action taken by the railroad company, charter party
39 carrier, or commission. The commission must make this data available

1 upon request and provide a report to the legislature, and make
2 available on its web site, by January 31, 2016, and annually
3 thereafter, summarizing the previous year's data and including
4 recommendations for improving safety in the future.

5 **Sec. 4.** RCW 81.61.020 and 2007 c 234 s 41 are each amended to
6 read as follows:

7 (1) The utilities and transportation commission shall adopt rules
8 and orders necessary to ensure that every passenger-carrying vehicle
9 provided by a railroad company to transport employees in the course
10 of their employment is maintained and operated in a safe manner when
11 it is used on a public or private road. The rules and orders must
12 establish minimum standards for:

13 ~~((1))~~ (a) The construction and mechanical equipment of the
14 passenger-carrying vehicles, including lighting devices and
15 reflectors, exhaust system, rear vision mirrors, service and parking
16 brakes, steering mechanisms, tires, warning and signaling devices,
17 windshield wipers, and heating equipment capable of maintaining a
18 reasonable temperature in passenger areas;

19 ~~((2))~~ (b) The operation of passenger-carrying vehicles,
20 including driving rules, the loading and carrying of passengers,
21 maximum daily hours of service by drivers, minimum age and skill of
22 drivers, physical condition of drivers, refueling, road warning
23 devices, and the transportation of gasoline and explosives;

24 ~~((3))~~ (c) The safety of passengers in a passenger-carrying
25 vehicle, including emergency exits, fire extinguishers, first aid
26 kits, facilities for communication between cab and rear compartments,
27 means of ingress and egress, side walls, canopy, tail gates, or other
28 means of retaining passengers within the passenger-carrying vehicle.

29 (2) The commission must also adopt rules requiring that signs be
30 posted in all passenger-carrying vehicles informing railroad employee
31 passengers of their rights, the opportunity to submit safety
32 complaints to the commission, the complaint process, and providing
33 contact information for the commission.

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

36 (1) The commission may, in enforcing rules and orders under this
37 chapter, inspect any passenger-carrying vehicle provided by a
38 railroad company to transport employees in the course of their

1 employment. Upon request, the chief of the state patrol may assist
2 the commission in these inspections.

3 (2) By December 31, 2015, the commission must develop an
4 inspection program for vehicles used to carry railroad employees.
5 This program must require periodic inspection of each vehicle owned
6 by a railroad company used to provide transportation to employees and
7 a review of the operational practices of railroad companies providing
8 transportation to employees, including a focus on railroad employees
9 whose primary duty is as a driver of a passenger-carrying vehicle.

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