

**Chapter 81.61 RCW**  
**RAILROADS—RAILROAD CREW TRANSPORTATION**

(Formerly: Railroads—Passenger-carrying vehicles for employees)

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**RCW 81.61.010 Definitions.** Unless the context clearly requires otherwise:

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

(2) "Passenger-carrying vehicle," as used in this chapter, means those buses, vans, trucks, and cars owned, operated, and maintained by a railroad company and primarily used to transport railroad employees in other than the cab of such vehicle and designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks. [2017 c 333 s 1; 1977 ex.s. c 2 s 1.]

**Effective date—2017 c 333:** "This act takes effect January 1, 2018." [2017 c 333 s 7.]

**RCW 81.61.020 Minimum standards for safe maintenance and operation of passenger-carrying vehicles—Rules and orders—Scope.** The utilities and transportation commission shall adopt rules and orders necessary to ensure that every passenger-carrying vehicle provided by a railroad company to transport employees in the course of their employment is maintained and operated in a safe manner when it is used on a public or private road. The rules and orders must establish minimum standards for:

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

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

(3) The safety of passengers in a passenger-carrying vehicle, including emergency exits, fire extinguishers, first aid kits, facilities for communication between cab and rear compartments, means of ingress and egress, side walls, canopy, tail gates, or other means of retaining passengers within the passenger-carrying vehicle. [2007 c 234 s 41; 1977 ex.s. c 2 s 2.]

**RCW 81.61.030 Rules and orders—Adoption and enforceability—Hearings—Notice.** Any rules or orders adopted under this chapter shall be subject to the requirements of, and enforceable by the penalties imposed by chapter 81.04 RCW. Any interested person or group may request notice of, and participate in any hearings or proceedings held pursuant to this chapter. The commission shall conduct a hearing prior to the adoption of any rule or order under this chapter. [1977 ex.s. c 2 s 3.]

**RCW 81.61.040 Inspection of railroad crew transportation vehicles.** (1) The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle or contract crew transportation vehicle. Upon request, the chief of the state patrol may assist the commission in these inspections.

(2) Consistent with RCW 81.61.050, the commission must develop an inspection program for contract crew transportation vehicles. This program must require a periodic inspection of each vehicle, including a review of operational practices. [2017 c 333 s 5; 1977 ex.s. c 2 s 4.]

**Effective date—2017 c 333:** See note following RCW 81.61.010.

**RCW 81.61.050 Contract railroad crew transportation and vehicles—Commission duties and powers.** (1) The commission must regulate persons providing contract railroad crew transportation and every contract crew transportation vehicle with respect to driver qualifications, equipment safety, safety of operations, hours of service by drivers, passenger safety, drug testing requirements, and record retention. This regulation must be consistent with the manner in which the commission regulates these areas under chapter 81.70 RCW and the manner in which it regulates safety under chapter 81.68 RCW, as well as with the approach used in federal motor carrier safety regulations under Title 49 of the Code of Federal Regulations. In the event of a conflict between this chapter and the laws referenced in this subsection, this chapter governs.

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

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

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

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

(b) If a third party contracts with the person operating the vehicle on behalf of the railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcarriers to transport railroad crew, 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. The railroad company may also satisfy the insurance requirements. Proof of coverage must be provided to the commission by the person contracting with the railroad company.

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

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

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

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

(8) The commission may suspend or revoke a permit upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that any person owning, leasing, operating, or maintaining contract crew transportation vehicles has violated this chapter or the rules of the commission, or that the company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States. [2017 c 333 s 2.]

**Effective date—2017 c 333:** See note following RCW 81.61.010.

**RCW 81.61.060 Operation of contract crew transportation vehicle—Grounds for disqualification, reporting.** (1) A person is immediately and automatically disqualified from operating a contract crew transportation vehicle for a period of three years if (a) the person is convicted of, or is found to have committed, two or more traffic violations that result in suspension or revocation of the person's driver's license within a three-year period, for a reason other than the nonpayment of fines, or (b) the person is found guilty of, or is found to have committed, any drug or alcohol-related traffic offense, using a vehicle to commit a felony, leaving the scene of an accident, prohibited passing of another vehicle, a railroad-highway

grade crossing offense identified in \*RCW 46.25.090(8), or driving with a suspended, revoked, or canceled license.

(2) A driver that sustains a conviction or a traffic violation as outlined under this section while employed by a contract carrier must report the conviction or infraction to the carrier within ten days of the date of conviction or the finding that the infraction was committed. [2017 c 333 s 3.]

**\*Reviser's note:** RCW 46.25.090 was amended by 2023 c 35 s 6, changing subsection (8) to subsection (7).

**Effective date—2017 c 333:** See note following RCW 81.61.010.

**RCW 81.61.070 Safety complaint, accident, and penalty data compilation—Exemption.** (1) The commission must compile data regarding any reported safety complaints, accidents, regulatory violations and fines, and corrective actions taken by the commission involving vehicles regulated under this chapter. A railroad company, and any person that owns or leases, operates, or maintains contract crew transportation vehicles in the state, must, at the request of the commission, provide data relevant to any complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the railroad company, person operating the contract crew transportation vehicle, or commission. The commission must make this data available upon request.

(2) Information included in safety complaints that identifies the employee who submitted the complaint is exempt from public inspection and copying pursuant to RCW 42.56.330. [2017 c 333 s 4.]

**Effective date—2017 c 333:** See note following RCW 81.61.010.