

**TRANSPORT OF RAILROAD EMPLOYEES**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by enacting provisions related to contract motor carriers of railroad employees.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ establishes requirements for vehicle operators who transport railroad employees;
- ▶ establishes requirements for motor vehicles used to transport railroad employees;
- ▶ provides that a person is subject to a class C misdemeanor for violating a Railroad Employee Safe Transportation Act provision; and
- ▶ provides that a contract railroad employee motor carrier or a vehicle operator is

subject to civil penalties for violating a Railroad Employee Safe Transportation Act provision.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**72-9-801**, Utah Code Annotated 1953



- 28 [72-9-802](#), Utah Code Annotated 1953
- 29 [72-9-803](#), Utah Code Annotated 1953
- 30 [72-9-804](#), Utah Code Annotated 1953
- 31 [72-9-805](#), Utah Code Annotated 1953
- 32 [72-9-806](#), Utah Code Annotated 1953
- 33 [72-9-807](#), Utah Code Annotated 1953
- 34 [72-9-808](#), Utah Code Annotated 1953
- 35 [72-9-809](#), Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **72-9-801** is enacted to read:

39 **Part 8. Railroad Employee Safe Transportation Act**

40 **72-9-801. Title.**

41 This part is known as the "Railroad Employee Safe Transportation Act."

42 Section 2. Section **72-9-802** is enacted to read:

43 **72-9-802. Definitions.**

44 As used in this section:

45 (1) (a) "Contract railroad employee motor carrier" means an owner of a business  
46 engaged in transporting railroad employees as passengers in a motor vehicle designed to carry  
47 15 or fewer passengers, including the driver, on a highway within the state.

48 (b) "Contract railroad employee motor carrier" does not mean a railroad company that  
49 uses vehicles owned by the railroad company and operated by railroad employees to transport  
50 railroad employees.

51 (2) (a) "On-duty time" means all time spent by a vehicle operator at a terminal, facility,  
52 or other property of a contract railroad passenger motor carrier or on any public property  
53 waiting to be dispatched.

54 (b) "On-duty time" includes time spent by a vehicle operator:

55 (i) driving a contracted motor vehicle, even if no passengers are on board the motor  
56 vehicle; and

57 (ii) performing any other service for a contract railroad employee motor carrier, or an  
58 associated business, during a 24-hour period.

- 59           (3) "Railroad" means the same as that term is defined in Section 41-6a-102.
- 60           (4) "Railroad company" means a company that operates a railroad within the state.
- 61           (5) "Railroad employee" means an employee in the course of an employee's
- 62 employment with a railroad company.
- 63           (6) "Serious traffic violation" means a conviction of any of the following:
- 64           (a) speeding 15 or more miles per hour above the posted speed limit;
- 65           (b) reckless driving as defined in Section 41-6a-528;
- 66           (c) an improper or erratic traffic lane change;
- 67           (d) following the vehicle ahead too closely; or
- 68           (e) any other motor vehicle traffic law that arises in connection with a fatal traffic

69 accident.

70           (7) "Vehicle operator" means an individual who owns or is employed by a contract  
71 railroad employee motor carrier and who operates a motor vehicle to transport railroad  
72 employees for a contract railroad employee motor carrier.

73           Section 3. Section **72-9-803** is enacted to read:

74           **72-9-803. Vehicle operator qualifications.**

75           (1) A contract railroad employee motor carrier shall ensure that every vehicle operator  
76 who drives for the contract railroad employee motor carrier has a valid driver license.

77           (2) A contract railroad employee motor carrier shall:

78           (a) ensure that every vehicle operator for the contract railroad employee motor carrier  
79 is annually examined for hearing, vision, and any medical condition or drug use, either legal or  
80 illegal, that could cause impairment while driving;

81           (b) implement a mandatory alcohol and controlled substance testing program that  
82 consists of preemployment, postaccident, random, and reasonable suspicion testing;

83           (c) preserve and maintain records of examinations, tests, log books, hours of service,  
84 and vehicle inspections at the contract railroad employee motor carrier's registered place of  
85 business in the state; and

86           (d) implement a policy that provides for annual training and certification of every  
87 vehicle operator for the contract railroad employee motor carrier in:

88           (i) safe operation of a vehicle transporting railroad employees;

89           (ii) relevant laws and rules of the road;

- 90 (iii) handling emergencies;
- 91 (iv) proper use of seat belts; and
- 92 (v) vehicle inspections and inspection record keeping.

93 (3) A contract railroad employee motor carrier may not permit or require a vehicle  
94 operator who drives for the contract railroad employee motor carrier to operate a motor vehicle  
95 if the vehicle operator has committed two or more serious traffic violations within the previous  
96 three years.

97 Section 4. Section **72-9-804** is enacted to read:

98 **72-9-804. Requirements for motor vehicles.**

99 (1) A contract railroad employee motor carrier shall maintain, or require every vehicle  
100 operator who drives for the contract railroad employee motor carrier to maintain, current motor  
101 vehicle registration in accordance with Title 41, Chapter 1a, Motor Vehicle Act.

102 (2) (a) A contract railroad employee motor carrier shall conduct, or require every  
103 vehicle operator who drives for the contract railroad employee motor carrier to conduct, a  
104 vehicle inspection on each vehicle at the end of each working day.

105 (b) A contract railroad employee motor carrier shall prepare or require every vehicle  
106 operator who drives for the contract railroad employee motor carrier to prepare a written  
107 vehicle inspection report for each vehicle inspected in accordance with Subsection (2)(a).

108 (c) A vehicle inspection report shall list the condition of the vehicle and shall specify  
109 any repairs needed.

110 (d) Prior to operating a motor vehicle to transport a railroad employee, a vehicle  
111 operator shall repair any items listed on the vehicle inspection report that would likely affect  
112 the safe operation of the motor vehicle.

113 (e) A vehicle inspection shall ensure that each motor vehicle is maintained in a safe  
114 manner, including the following parts and equipment:

- 115 (i) service and parking brakes;
- 116 (ii) lighting devices and reflectors;
- 117 (iii) exhaust system;
- 118 (iv) rear vision mirrors;
- 119 (v) steering;
- 120 (vi) tires, wheels, and rims;

- 121 (vii) horn;
- 122 (viii) windshield and windshield wipers;
- 123 (ix) emergency and first-aid equipment; and
- 124 (x) heating equipment capable of maintaining a reasonable temperature in passenger
- 125 areas.

126 (f) A contract railroad employee motor carrier shall retain the original copy of each  
127 vehicle inspection report and the certification of repairs for at least six months after the day on  
128 which the report is prepared.

129 Section 5. Section **72-9-805** is enacted to read:

130 **72-9-805. Insurance.**

131 A contract railroad employee motor carrier shall maintain, or require every vehicle  
132 operator to maintain:

- 133 (1) motor vehicle liability coverage in a minimum amount of \$5,000,000; and
- 134 (2) uninsured and underinsured motor vehicle coverage in a minimum amount of
- 135 \$1,000,000.

136 Section 6. Section **72-9-806** is enacted to read:

137 **72-9-806. Hours of service.**

138 (1) (a) Except as provided in Subsection (2), a vehicle operator may not drive:  
139 (i) more than 14 hours following eight consecutive hours off duty; or  
140 (ii) if the total number of hours of on-duty time exceeds 70 hours in a period of eight  
141 consecutive days.

142 (b) If a vehicle operator accrues less than 14 hours of on-duty time during the vehicle  
143 operator's initial shift, the vehicle operator may return to work after four hours off duty in a  
144 place of lodging to complete the remainder of the vehicle operator's 14 hours of on-duty time.

145 (2) In the event of an emergency or unforeseeable delay, a vehicle operator may drive  
146 for up to two hours above the hours described in Subsection (1) to complete an assignment or  
147 to deliver passengers to a safe location.

148 (3) (a) Each vehicle operator shall maintain and keep current a daily log book detailing  
149 the hours worked.

150 (b) Each vehicle operator shall keep the log book in the vehicle operator's possession at  
151 all times when on duty and shall include the daily logs for the past 30 working days.

152 (c) The log book shall be made available for inspection upon the request of the  
153 department, a law enforcement officer, or a passenger.

154 (4) A contract railroad employee motor carrier shall maintain and retain, for a period of  
155 six months, accurate time records showing:

156 (a) the time the vehicle operator reports for duty each day;

157 (b) the total number of hours the vehicle operator is on duty each day; and

158 (c) the time the vehicle operator is released from duty each day.

159 Section 7. Section **72-9-807** is enacted to read:

160 **72-9-807. Access to facilities and records.**

161 (1) Except as provided in Subsection (2), the department's authorized employees or  
162 agents may enter, inspect, and examine any lands, buildings, and equipment of a contract  
163 railroad employee motor carrier subject to this part, to inspect and copy any accounts, books,  
164 records, and documents in order to administer and enforce the provisions of this part related to  
165 the operation of a contract railroad employee motor carrier, provided that the department's  
166 authorized employees or agents schedule an appointment with the contract railroad employee  
167 motor carrier prior to entering, inspecting, or examining any facility or records of a contract  
168 railroad employee motor carrier.

169 (2) If the department's authorized employees or agents believe that a criminal violation  
170 is involved and that a scheduled appointment would compromise the detection of the alleged  
171 criminal violation, no appointment is necessary for entrance to a contract railroad employee  
172 motor carrier's lands, buildings, or equipment under Subsection (1).

173 Section 8. Section **72-9-808** is enacted to read:

174 **72-9-808. Penalties.**

175 A violation of any provision under this part by a contract railroad employee motor  
176 carrier or a vehicle operator or a failure to perform any act required under this part by a contract  
177 railroad employee motor carrier or a vehicle operator is a class C misdemeanor. Every  
178 violation of a provision of the Utah Constitution or statute is a separate and distinct offense.

179 Section 9. Section **72-9-809** is enacted to read:

180 **72-9-809. Civil penalties.**

181 (1) In addition to any other penalties, a contract railroad employee motor carrier that  
182 fails or neglects to comply with any provision of the Utah Constitution, statute, or any rule or

183 order of the department is subject to a civil penalty of not more than \$1,000 for each offense.

184 (2) (a) Every violation of a provision of the Utah Constitution, statute, or any rule or  
185 order of the department is a separate and distinct offense.

186 (b) Each day's continuance of a violation is a separate and distinct offense.

187 (3) (a) The department may reduce the civil penalty in a compromise with the person  
188 alleged to have committed a civil penalty under this section.

189 (b) In determining the amount of the penalty or the amount agreed upon in a  
190 compromise, the department shall consider the:

191 (i) gravity of the violation; and

192 (ii) good faith of the person charged in attempting to achieve compliance after  
193 notification of the violation.

194 (c) The amount of the penalty when finally determined or the amount agreed upon in a  
195 compromise may be deducted from any sums owed by the state to the person charged or may  
196 be recovered in a civil action in the courts of the state.

197 (4) In construing and enforcing the provisions of this part relating to penalties, the act,  
198 omission, or failure of an officer, agent, or employee of a contract railroad employee motor  
199 carrier, acting within the scope of the person's official duties or employment, is considered to  
200 be the act, omission, or failure of the contract railroad employee motor carrier.

---

---

**Legislative Review Note**  
**as of 1-29-15 6:50 PM**

**Office of Legislative Research and General Counsel**