

HOUSE No. 3283

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to motor carrier railroad employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>1/18/2013</i>

HOUSE No. 3283

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 3283) of Garrett J. Bradley relative to motor carrier railroad employees. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to motor carrier railroad employees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws is hereby amended by adding the following section:-

2 Section 62. (a) For the purposes of this section the following terms shall, unless the
3 context clearly appears otherwise, have the following meanings:-

4 “Motor carrier”, a person engaged in the for-hire transportation of passengers.

5 “Motor carrier of railroad employees”, a motor carrier engaged in the for-hire
6 transportation of railroad employees of a class I or II common carrier, as defined in 49 CFR
7 1201.1-1.

8 “On-duty time” means all time at a terminal, facility, or other property of a contract
9 carrier or on any public property waiting to be dispatched. On-duty time includes time spent
10 inspecting, servicing, or conditioning the vehicle.

11 “Railroad employee”, an employee who performs regularly assigned duties either on a
12 train; bridge, car float, lighter, or ferry used by or in connection with a railroad; road used by a
13 rail carrier and owned by it or operated under an agreement; or switch, spur, track, terminal,
14 facility, or ground, used or necessary for transportation.

15 (b) A motor carrier of railroad employees shall meet the following requirements:-

16 (1) implement a policy that provides for annual training and certification of the vehicle
17 operator in:

18 (i) the safe operation of the vehicle transporting railroad employees;

- 19 (ii) knowing and understanding relevant laws, rules of the road, and safety policies;
20 (iii) handling emergency situations;
21 (iv) proper use of seat belts;
22 (v) performance of pre-trip and post-trip vehicle inspections, and inspection record
23 keeping; and
24 (vi) proper maintenance of required records;
- 25 (2) perform a background check or background investigation of the vehicle operator;
26 (3) annually verify the vehicle operator's driver's license;
27 (4) document meeting the requirements in this section, and maintain the file at the
28 carrier's business location;
29 (5) maintain liability insurance in a minimum amount of \$5,000,000 regardless of the
30 seating capacity of the vehicle; and
31 (6) maintain uninsured and underinsured coverage in a minimum amount of \$1,000,000.
- 32 (c) An operator shall have a valid driver's license under chapter 90; submit to a physical
33 examination; and comply with any program pursuant to subsection (g).
- 34 (d) If a person contracts with the motor carrier on behalf of the railroad to transport the
35 railroad employees, then the insurance requirements may be satisfied by either that party or the
36 motor carrier, so long as the motor carrier is a named insured or additional insured under any
37 policy.
- 38 (e) A person who sustains a conviction of violating a serious traffic violation as defined
39 in section 1 of chapter 90F or whose driver's license is revoked or suspended under this chapter,
40 or who is convicted of or has their driver's license revoked under a similar statute or ordinance of
41 another state, shall not operate a vehicle under this section.
- 42 (f) An operator who sustains a conviction for any moving violation while employed by
43 the carrier shall report the conviction to the carrier of railroad employees within 10 days of the
44 date of the conviction.
- 45 (g) A motor carrier of railroad employees shall implement a mandatory alcohol and
46 controlled substance testing program for every vehicle operator that consists of pre-employment
47 testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing,
48 and follow-up testing.

49 (h) A motor carrier of railroad employees shall not allow or require a vehicle operator to
50 drive or remain on duty for more than: 10 hours after 8 consecutive hours off duty; 15 hours of
51 combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty
52 time; or 70 hours of on-duty and drive time in any period of 8 consecutive days. After 24 hours
53 off duty, a driver begins a new 7 consecutive day period and on-duty time is reset to zero.

54 (i) An operator who encounters an emergency and cannot, because of that emergency,
55 safely complete a transportation assignment within the 10 hour maximum driving time permitted
56 under subsection (h), may drive for not more than 2 additional hours in order to complete that
57 transportation assignment or to reach a place offering safety for the occupants of the vehicle and
58 security for the transport motor vehicle, if the transportation assignment reasonably could have
59 been completed within the 10 hour period absent the emergency.

60 (j) A motor carrier of railroad employees shall maintain and retain for a period of 6
61 months accurate time records that show the time the driver reports for duty each day; the total
62 number of hours of on-duty time for each driver for each day; the time the driver is released from
63 duty each day; and the total number of hours driven each day.