

SENATE No. 2272

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 railroad crew transportation.

PETITION OF:

NAME:

Michael D. Brady

DISTRICT/ADDRESS:

Second Plymouth and Bristol

SENATE No. 2272

By Mr. Brady, a petition (accompanied by bill, Senate, No. 2272) of Michael D. Brady for legislation relative to railroad crew transportation. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to railroad crew transportation.

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 160 of the General Laws is hereby amended by adding the follow 3 sections:-

2 Section 253. (a) For the purpose of this section, the following words shall have the
3 following meanings unless the context clearly requires otherwise:

4 "Contract crew transportation vehicle", every motor vehicle, designed to transport not
5 more than 15 passengers, including the driver, that is owned, leased, operated or maintained by a
6 person contracting with a railroad company or its agents, contractors, subcontractors, vendors,
7 sub-vendors, secondary vendors or subcarriers and used primarily to provide railroad crew
8 transportation.

9 "Passenger-carrying vehicle", busses, vans, trucks and cars owned, operated and
10 maintained by a railroad company and primarily used to transport railroad employees in other
11 than the cab of such vehicle and designed primarily for operation on roads. The Rail and Transit
12 Division of the Massachusetts Department of Transportation shall promulgate regulations for

13 persons providing contract railroad crew transportation and every contract crew transportation
14 vehicle, driver qualifications, equipment safety, safety of operations, hours of service by drivers,
15 passenger safety, drug testing requirements and record retention. The regulations shall be
16 consistent with the manner in which the Division regulates safety.

17 (b) The Rail and Transit Division of the Massachusetts Department of Transportation
18 shall adopt rules necessary to carry out the operation of contract crew transportation vehicles.

19 (c) The Rail and Transit Division of the Massachusetts Department of Transportation
20 shall require insurance coverage for each contract crew transportation vehicle that satisfies the
21 following minimum amounts: (i) \$5,000,000 combined single limit coverage for bodily injury
22 and property damage liability coverage; (ii) uninsured and underinsured motorist coverage of
23 \$1,000,000.

24 If a third party contracts with the person operating the vehicle on behalf of the railroad
25 company or its agents, contractors, subcontractors, vendors, sub-vendors, secondary vendors or
26 subcarriers to transport railroad crew, the insurance requirements may be satisfied by either the
27 third party or the person operating the vehicle, so long as the person operating the vehicle names
28 the third party as an additional insured or named insured. The railroad company may also satisfy
29 the insurance requirements. Proof of coverage shall be provided to the Division by the person
30 contracting with the railroad company.

31 (d) The Rail and Transit Division of the Massachusetts Department of Transportation
32 shall require the form and posting of adequate notices in a conspicuous location in all contract
33 crew transportation vehicles to advise railroad employee passengers of their rights, the
34 opportunity to submit safety complaints to the Rail and Transit Division of the Massachusetts

35 Department of Transportation, the complaint process and contact information for the Rail and
36 Transit Division of the Massachusetts Department of Transportation.

37 (e) The Rail and Transit Division of the Massachusetts Department of Transportation
38 shall require persons providing contract railroad crew transportation to ensure that all drivers of
39 contract crew transportation vehicles successfully complete not less than 4 hours of Division-
40 approved safety training that includes, but is not limited to, vehicle and passenger safety
41 awareness, rail yard safety, grade crossing safety, load securement and distracted and fatigued
42 driving awareness.

43 (f) The Rail and Transit Division of the Massachusetts Department of Transportation
44 shall investigate safety complaints related to contract railroad crew transportation under this
45 chapter and take appropriate enforcement action as authorized.

46 (g) The Rail and Transit Division of the Massachusetts Department of Transportation
47 may enforce this chapter with respect to persons providing contract railroad crew transportation
48 under the Rail and Transit Division of the Massachusetts Department of Transportation,
49 including assessing penalties as warranted.

50 (h) The Rail and Transit Division of the Massachusetts Department of Transportation
51 may deny, suspend or revoke the ability of a person or company to provide contract railroad
52 crew transportation upon complaint by any interested party or upon the Rail and Transit Division
53 of the Massachusetts Department of Transportation's own motion after notice and opportunity for
54 hearing when it finds that any person owning, leasing, operating or maintaining contract crew
55 transportation vehicles has violated this chapter or the rules of the Division or that the company

56 or its agent has been found by a court or governmental agency to have violated federal or state
57 law.

58 Section 254. A person shall be disqualified from operating a contract crew transportation
59 vehicle for 3 years if the person is: (i) convicted of, or is found to have committed, not less than
60 2 traffic violations that result in suspension or revocation of the person's driver's license within a
61 3-year period, for a reason other than the nonpayment of fines; or (ii) found guilty of, or is found
62 to have committed, any drug or alcohol-related traffic offense, using a vehicle to commit a
63 felony, leaving the scene of an accident, prohibited passing of another vehicle, a railroad-
64 highway grade crossing offense or driving with a suspended, revoked or canceled license.

65 A driver that sustains a conviction or a traffic violation as outlined under this section
66 while employed by a contract carrier shall report the conviction or infraction to the carrier within
67 10 days of the date of conviction or the finding that the infraction was committed.

68 Section 255. (a) The Rail and Transit Division of the Massachusetts Department of
69 Transportation shall compile data regarding any reported safety complaints, accidents, regulatory
70 violations and fines and corrective actions taken by the Division involving vehicles regulated
71 under this chapter. A railroad company and any person that owns, leases, operates or maintains
72 contract crew transportation vehicles in the commonwealth shall, at the request of the Rail and
73 Transit Division of the Massachusetts Department of Transportation, provide data relevant to any
74 complaints and accidents, including location, time of day, visibility, a description of the event,
75 whether any property damage or personal injuries resulted and any corrective action taken by the
76 railroad company, person operating the contract crew transportation vehicle or the Division.

77 The Rail and Transit Division of the Massachusetts Department of Transportation shall
78 make this data available upon request. Information included in safety complaints that identifies
79 the employee who submitted the complaint shall not be considered a public record as defined in
80 clause Twenty-sixth of section 7 of chapter 4 or chapter 66.

81 (b) The Rail and Transit Division of the Massachusetts Department of Transportation
82 may, in enforcing rules and orders, inspect any passenger-carrying vehicle provided by a railroad
83 company to transport employees in the course of their employment or contract crew
84 transportation vehicle. Upon request, the Colonel of State Police may assist the Division in these
85 inspections.