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SB-757 Railroads: contract crew transportation vehicles. (2023-2024)

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Senate Bill No. 757

CHAPTER 411

An act to add Section 5384.3 to the Public Utilities Code, relating to transportation.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 757, Archuleta. Railroads: contract crew transportation vehicles.

The Passenger Charter-party Carriers' Act, with certain exceptions, requires a charter-party carrier of passengers that engages in transportation services subject to regulation by the Public Utilities Commission to obtain a specified certificate or permit, as appropriate, from the commission, subject to various requirements. A violation of the act is a crime.

This bill would define the term "contract crew transportation vehicle" as a motor vehicle primarily used by third parties under contract with a railroad corporation to transport railroad crews, as specified. The bill would prohibit the operation of a contract crew transportation vehicle without a valid permit, as determined by the commission. The bill would specify insurance requirements for operating a contract crew transportation vehicle. The bill would exempt carpools and motor vehicles operated by railroad employees from the bill's provisions. Because a violation of these provisions, as part of the act, would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5384.3 is added to the Public Utilities Code, to read:

5384.3. (a) For purposes of this article, the following terms have the following meanings:

(1) "Contract crew transportation vehicle" means a motor vehicle designed to transport 15 or fewer people, including the driver, that is owned, leased, operated, or maintained by a person contracting with a railroad corporation or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcarriers, and used primarily to provide railroad crew transportation.

(2) "Crew transportation operator" means the person or entity that operates a contract crew transportation vehicle pursuant to a contract with a railroad corporation or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or

subcarriers.

(3) "Motor vehicle" has the same meaning as in Section 415 of the Vehicle Code.

(b) A crew transportation operator shall not operate a contract crew transportation vehicle without a valid permit, as determined by the commission.

(c) A crew transportation operator shall provide the commission with proof of insurance coverage that meets all of the following:

(1) Provides at least five million dollars (\$5,000,000) in combined single limit coverage for bodily injury and property damage liability coverage.

(2) Provides at least one million dollars (\$1,000,000) in uninsured and underinsured motorist coverage.

(3) Names the crew transportation operator as a named insured or an additional insured.

(d) This section does not apply to either of the following:

(1) Carpools, regardless if all persons work for a railroad corporation or not.

(2) Motor vehicles operated by an employee of a railroad corporation.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.