

HOUSE BILL REPORT

HB 2448

As Reported by House Committee On:
Technology, Telecommunications & Energy

Title: An act relating to hours of service requirements for utilities during emergencies.

Brief Description: Applying hours of service rules to utilities.

Sponsors: Representatives Morris, Crouse, Bush, Wallace, Anderson, Ruderman and Armstrong.

Brief History:

Committee Activity:

Technology, Telecommunications & Energy: 1/20/04, 2/6/04 [DP].

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Exempts natural gas, electrical, telecommunications, and water utilities from hours of service rules for commercial vehicle drivers in emergency situations.
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HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS & ENERGY

Majority Report: Do pass. Signed by 17 members: Representatives Morris, Chair; Ruderman, Vice Chair; Sullivan, Vice Chair; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson, Blake, Bush, Delvin, Hudgins, Kirby, McMahan, McMorris, Romero, Tom, Wallace and Wood.

Staff: Pam Madson (786-7166).

Background:

The Federal Motor Carrier Safety Administration was directed by Congress in 1995 to begin rule-making to reform the hours of service regulations. Hours of service regulations determine, among other conditions, the hours of on-duty and off-duty driving time that commercial motor vehicle companies and drivers must follow. Hours of service regulations have been in effect since 1939. Concern about driver fatigue as a contributing factor to commercial motor vehicle accidents among other factors and research on sleep disorders prompted the review of these rules.

New rules for commercial property carriers (but not passenger carriers) and drivers went into effect January 4, 2004. The new rules change the hours of on-duty driving time for commercial vehicle drivers relative to off-duty time. Commercial vehicles are highway vehicles used in interstate commerce and weighing over 10,000 pounds. Utility service vehicles are considered commercial vehicles.

There are a number of industry exceptions to the federal hours of service rules that allow for modification to the on-duty and off-duty driving time requirements. Agricultural operations are exempt from hours of service rules during the harvest period that is defined by individual state rules. Transportation performed by federal, state, and local governmental entities are not subject to hours of service rules.

The State Patrol is authorized to adopt rules regarding hours of service. State rules adopt the federal hours of service rules but exempt vehicles weighing 26,000 pounds or less but more than 10,000 pounds that operate solely within the state and do not transport hazardous materials in amounts requiring notice on the vehicle.

The federal rules provide for an exemption during emergencies. An emergency situation is limited to emergencies declared by the President, the Governor of a state, a local official with authority to declare an emergency, or a field administrator for the Federal Motor Carrier Safety Administration.

Summary of Bill:

Hours of service rules do not apply to natural gas, electrical, telecommunications, and water utilities, their employees or their contractors and its employees during an emergency. An emergency exists if a state or local government request relief assistance or the utility identifies an emergency situation where relief assistance is needed. The utility must use due diligence in contacting state and local officials and coordinating its activity with them.

Emergencies requiring relief assistance are actions responding to a terrorism threat, threats to individual or public health and safety, loss of property, or actions to avert the consequences of a catastrophe or severe weather.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill deals with a utility's ability to respond quickly to utility service disruption from natural disasters and terrorist attacks. Federal rules aimed at operation of large vehicles have been adopted recently that includes large utility vehicles. This compromises a utility's ability to respond to emergencies. Efforts are being made to exempt utility vehicles from the federal rules. A change could occur later this year through congressional action. In the meantime, disasters and emergencies will occur and utility responses will be compromised. Other states have adopted similar legislation. There are concerns that the bill needs clarification with respect to what is an emergency and who can

declare it. There may be issues with current labor contracts. Having a utility declare an emergency could be problematic.

Testimony Against: None.

Persons Testifying: Terry Oxley, Puget Sound Energy; Tamara Warnke, IBEW Local 77; Maynard Lip, IBEW Local 77; Dave Danner, Office of the Governor; and Kathleen Collins, PacifiCorp.

(With concerns) Mike Ryherd, Teamsters.

Persons Signed In To Testify But Not Testifying: None.