

# HOUSE BILL REPORT

## SHB 1312

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**As Passed House:**

March 6, 2007

**Title:** An act relating to the regulation of transportation providers.

**Brief Description:** Modifying provisions concerning transportation providers.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Hudgins and Hankins; by request of Utilities & Transportation Commission).

**Brief History:**

**Committee Activity:**

Transportation: 2/8/07, 2/22/07 [DPS].

**Floor Activity:**

Passed House: 3/6/07, 97-0.

**Brief Summary of Substitute Bill**

- Amends various statutes related to the Utilities and Transportation Commission's regulation obligations to reflect federal preemption and deregulation.
- Repeals obsolete provisions and updates statutory language to reflect modern terminology and usage.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Clibborn, Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Dickerson, Eddy, Hailey, Hankins, Hudgins, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Ericksen and Kristiansen.

**Staff:** David Munnecke (786-7315).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

Over the past several decades, the federal government has passed legislation preempting state authority in, or deregulating various aspects of, the nation's transportation system. However, the state statutory language reflecting the state's previous authority in these areas remains a part of the Revised Code of Washington.

Archaic terminology related to transportation and other service providers that are or were regulated by the Utilities and Transportation Commission (UTC) remains in statute, along with completed obligations of the UTC and grandfathering clauses that are no longer relevant.

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**Summary of Substitute Bill:**

Sections of the law that relate to rates, routes, and services are amended to indicate that those sections only apply to the companies that are regulated as to rates, routes, and services. Laws related to railroad rates, routes, and services are repealed or amended in order to reflect the current state of federal preemption.

The Utilities and Transportation Commission (UTC) is directed to cooperate with the federal government and the United States Department of Transportation (USDOT) to insure that state and federal laws are enforced and administered cooperatively in regard to the transportation of property and passengers in interstate and foreign commerce. The UTC is also granted the authority to regulate common carriers in interstate commerce in accordance with any federal laws granting it such authority.

The UTC is granted regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the state for the purpose of participating with the USDOT in enforcing federal railroad safety regulations. The UTC is also required to administer the railroad safety provisions of Title 81 to the fullest extent allowed under state and federal law.

The sections related to economic regulation of common carriers are also amended to reflect federal preemption in this area.

Provisions that are covered by the Administrative Procedures Act (APA) are eliminated so that the UTC follows the APA as it currently stands and would be required to follow any future modifications.

Obsolete provisions, archaic terminology, and inaccurate or out-of-date references to state or federal agencies are eliminated or modified as necessary.

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**Appropriation:** None.**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill is the product of a year-long stakeholder process, and while it makes no policy changes, it does clean-up the language of the statute and brings it up-to-date. The UTC's mission is to assure that charges are fair and that they are equitably applied. The statute should reflect this mission and the UTC's obligations in regards to this mission.

It is appropriate to clean-up a statute every 100 years or so. Private and public stakeholders were involved in this process and reached consensus on what should be done in this good little bill.

**Persons Testifying:** (In support) Representative Hudgins, prime sponsor; David Danner, Washington Utilities and Transportation Commission; and Bill Stauffacher, Burlington Northern Santa Fe Railway.

**Persons Signed In To Testify But Not Testifying:** None.