

# HOUSE BILL REPORT

## HB 1313

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to the intervention authority of the department of transportation on railroad shipping matters.

**Brief Description:** Transferring the authority to intervene on behalf of railroad shippers to the department of transportation.

**Sponsors:** Representatives Eddy, Hankins and Kenney; by request of Utilities & Transportation Commission.

**Brief History:**

**Committee Activity:**

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

**Brief Summary of Bill**

- Transfers the authority to intervene in proceedings before the federal Surface Transportation Board related to the abandonment of rail lines and excessive or discriminatory rates or practices from the Utilities and Transportation Commission to the Washington State Department of Transportation.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 19 members: Representatives Clibborn, Chair; Jarrett, Ranking Minority Member; Appleton, Campbell, Dickerson, Eddy, Hankins, Hudgins, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Schindler, Assistant Ranking Minority Member; Armstrong, Ericksen, Hailey and Kristiansen.

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

**Background:**

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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.*

The Utilities and Transportation Commission (UTC) has a statutory duty to intervene with the federal government on behalf of shippers on issues related to the abandonment of rail lines, and excessive or discriminatory interstate rates, fares, charges, classifications, rules or practices.

Over the past several decades, the federal government has preempted state authority regarding the economic regulation of railroads and motor carriers. The authority to regulate economic aspects of rail service was also transferred to the federal Surface Transportation Board when the Interstate Commerce Commission was abolished.

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**Summary of Bill:**

The authority to intervene in federal government proceedings related to the abandonment of rail lines and excessive or discriminatory rates or practices is transferred from the UTC to the Department of Transportation. The authority to intervene in these proceedings is also made optional rather than mandatory.

The statutory language is updated to reflect the elimination of the Interstate Commerce Commission and the transfer of the relevant obligations to the federal Surface Transportation Board.

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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) The UTC was originally founded as the Railroad Commission. Due to a variety of federal actions, the UTC no longer regulates railroad rates but instead only regulates in the area of railroad safety.

The UTC's obligation to intervene with the Surface Transportation Board is not related to safety, and the UTC usually relies on the Washington State Department of Transportation (WSDOT) when the state chooses to intervene. This bill makes WSDOT the party responsible for intervening, since they are the party with the necessary expertise.

(Opposed) None.

**Persons Testifying:** (In support) Representative Eddy, prime sponsor; and Dave Danner, Washington Utilities and Transportation Commission.

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