

HOUSE BILL REPORT

2SHB 2216

As Passed House:

February 13, 2008

Title: An act relating to requiring the appointment of nonvoting labor members to public transportation governing bodies.

Brief Description: Requiring the appointment of nonvoting labor members to public transportation governing bodies.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Appleton, Sells, Simpson, Takko, Wallace, Ormsby, Conway and Strow).

Brief History:

Committee Activity:

Local Government: 1/15/08 [DP2S].

Floor Activity:

Passed House: 2/13/08, 63-33.

Brief Summary of Second Substitute Bill

- Requires that a public transportation system owned or operated by specified categories of public entities must include in its governing body a nonvoting member recommended by the labor organization representing the majority of the public transportation employees within the local public transportation system.
- Requires the governing body of a Public Transportation Benefit Area operating in a single county to be increased from nine to 10 members or, if it serves a multi-county area, the governing body is increased from 15 to 16 members.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Takko, Vice Chair; Eddy and Nelson.

Minority Report: Do not pass. Signed by 3 members: Representatives Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member and Schmick.

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.

Staff: Thamas Osborn (786-7129).

Background:

Metropolitan Transit Commission

State law authorizes two or more cities to create a "metropolitan municipal corporation" for the purpose of providing essential services to the residents of the metropolitan area encompassed by the participating cities. The creation of a metropolitan municipal corporation requires voter approval, and the functions, authority, and governance of the corporation are subject to specified statutory requirements. The corporation is governed by an appointed body known as the "metropolitan municipal council" (council).

A metropolitan municipal corporation is authorized to provide regional transportation services through the creation of a "metropolitan transit commission" (MTC). An MTC may be granted the authority to construct, own, and operate a regional transportation system in accordance with specified requirements.

An MTC is governed by a commission consisting of seven voting members, six of whom are appointed by the council. The six appointed commissioners must meet specified criteria as a prerequisite to holding office. The seventh member is the chair of the council and acts as the ex officio chair of the MTC. Commissioners serve four-year terms and receive compensation as determined by the council.

County Transportation Authority

The legislative body of a county is authorized to create a "county transportation authority" (CTA) to provide transportation services to a county and the cities located therein. A CTA may be granted the authority to construct, own, and operate a county-wide transportation system in accordance with specified requirements. A CTA is managed by a six-member governing body consisting of elected officials from the county and cities within the county and who are appointed in accordance with specified criteria.

Public Transportation Benefit Area

A "public transportation benefit area" (PTBA) is a type of municipal corporation created to provide regional transportation service to all or a portion of a county or multiple counties. It is authorized to construct, own, and operate a regional transportation system within its jurisdictional boundaries in accordance with specified statutory requirements. The creation of a PTBA requires the convening of a "public transportation improvement conference" attended by an elected official from each city and county falling within the jurisdiction of the proposed PTBA. The governance of a PTBA is provided by a governing body consisting of not more than nine (or 15 if the PTBA is multi-county) elected officials from the governments of the cities and counties participating in the PTBA.

Summary of Second Substitute Bill:

A public transportation system owned or operated by specified categories of public transportation entities must include in its governing body a nonvoting member recommended by the labor organization representing the majority of the public transportation employees within the local public transportation system. This requirement is applicable to governing bodies of the public transportation systems of the following types:

- a metropolitan transit commission;
- a county transportation authority;
- a public transportation benefit area; and
- any other type of public transportation system operated by a county.

The chair of the governing body of the transportation system may exclude the nonvoting member from attending any portion of the meeting of the governing body, or of any committee, held for the purpose of discussing negotiations with labor organizations. In addition, the chair may exclude the nonvoting member from attending any executive committee meeting.

The governing body of a PTBA operating in a single county is increased from nine to 10 members or, if it serves a multi-county area, the governing body is increased from 15 to 16 members.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support of second substitute bill) The bill would require the various transit boards to include union transit workers as nonvoting board members. Workers should have a voice on the boards and this bill would require boards to make this happen. Currently, board members have little understanding of the reality of the day-to-day operation of a transit system. Union workers, on the other hand, have the best understanding of the actual workings of the various transit systems and are also keenly aware of the issues and problems facing transit systems today. Allowing worker input would provide the boards with information necessary to increase efficiency and save money. Accordingly, the bill would promote better transit management and better public service. The bill is needed because at present, workers are allowed almost no meaningful opportunity to speak at board meetings and the opportunities for worker input are very limited. Many other states have statutes requiring labor representation on transit boards.

(Opposed to second substitute bill) This bill is unnecessary, does not promote good government, and seems designed to address problems that do not exist. Furthermore, if enacted, the provisions of the bill would have a negative impact on transit system operation by

making the board oversight process more cumbersome and contentious. Transit systems are currently working very well and employees are quite satisfied with how the systems are managed and operated. The bill would arbitrarily provide one special interest group i.e., transit unions with undue influence on transit boards. Union workers have no greater right to be board members than any other group having an interest in the efficient operation of our transit systems. The bill, therefore, favors one special interest over others. Union workers already have ample opportunity to speak to the transit boards and provide them with information regarding the operation of the various systems and the boards are committed to listening to union workers and considering their point of view. Before making key decisions, the boards always seek significant input from employees as well as the public.

Persons Testifying: (In support) Dennis Antonellis and Rick Sepolen, Amalgamated Transit Union.

(Opposed) Susan Meyer, Spokane Transit Authority; Mike Harbour, Intercity Transit; and Peter Thein, Washington State Transit Association.

Persons Signed In To Testify But Not Testifying: None.