

SENATE BILL REPORT

SHB 1312

As Reported By Senate Committee On:
Transportation, March 19, 2007

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

Brief Description: Modifying provisions concerning transportation providers.

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

Brief History: Passed House: 3/06/07, 97-0.

Committee Activity: Transportation: 3/15/07, 3/19/07 [DP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Clements, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon and Spanel.

Minority Report: That it be referred without recommendation.

Signed by Senator Holmquist.

Staff: Dory Nicpon (786-7321)

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.

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 Laws related to railroad rates, routes, and services are repealed or amended in order to reflect the current state of federal preemption.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 ensure that state and federal laws are enforced and administered cooperatively in regard to the transportation of

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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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This agency request legislation accomplishes a clean-up of outdated or federally preempted statutory language, without making policy changes.

Persons Testifying: PRO: David Danner, Chris Rose, Utilities and Transportation Commission.