

# SENATE BILL REPORT

## HB 1313

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As Reported By Senate Committee On:  
Transportation, March 20, 2007

**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:** Passed House: 3/08/07, 88-10.

**Committee Activity:** Transportation: 3/15/07, 3/20/07 [DPA, DNP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

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

**Minority Report:** Do not pass.

Signed by Senator Holmquist.

**Staff:** Dory Nicpon (786-7321)

**Background:** 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.

**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 permissive rather than mandatory.

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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.*

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.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Transportation):** 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 Washington State Transportation Commission. The authority to intervene in these proceedings is also made permissive rather than mandatory.

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.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 bill conforms statute to current practice. In those rare instances of a rail abandonment, the UTC relies on assistance from the staff of the Department of Transportation (DOT). This bill would make DOT the lead agency for abandonment proceedings with the UTC playing a supporting role as appropriate.

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