

SENATE BILL REPORT

SB 6045

As of February 19, 2007

Title: An act relating to transportation regulation.

Brief Description: Regarding transportation regulation.

Sponsors: Senators Haugen, Swecker, Spanel and Murray.

Brief History:

Committee Activity: Transportation: 2/20/07.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Dory Nicpon (786-7321)

Background: Under current law, transportation regulatory authority is delegated to various state agencies. In addition to the regulation of public service companies, the Utilities and Transportation Commission (UTC) is responsible for market and economic regulation of commercial ferries, solid waste companies, household goods movers, and auto transportation companies. Current statutes delegate certain safety and economic regulation of common carriers (motor carriers and rail roads) to the UTC, but many such regulatory functions have been federally preempted.

Under current law, the Washington State Patrol (WSP) establishes vehicle equipment standards and conducts most vehicle safety inspections. The Department of Licensing (DOL) registers vehicles, and establishes driver licensing standards, including for commercial drivers. The DOL is also responsible for administering the financial responsibility and insurance laws governing the operation of motor vehicles. However, the UTC monitors the insurance coverage of certain transportation service providers.

Responsibility for prioritizing freight and rail infrastructure improvement needs is allocated to several agencies, including the Department of Transportation (DOT) and the Freight Mobility Strategic Investment Board (FMSIB).

In the 2005-2007 Transportation Budget, the Legislature appropriated funds for the Washington State Transportation Commission (WSTC) to undertake a statewide rail capacity and needs study. The WSTC reported its findings to the Legislature in December 2006 in the "Statewide Rail Capacity and System Needs Study" (study). The study specified several policy recommendations, including the designation of a single entity to coordinate and direct the state's participation in the preservation and improvement of the rail transportation system.

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.

Summary of Bill: The transportation regulatory functions previously administered by the UTC are consolidated within other state agencies, and the UTC is changed to the Utilities Commission. References to federally preempted regulation are removed.

The DOL is designated as the state agency responsible for coordinating Washington's participation in any federal program for the registration of interstate motor carriers. The DOL is responsible for establishing appropriate financial responsibility insurance thresholds for certain transportation service providers, and for actively monitoring insurance coverage of them. The DOL must revoke or refuse to issue vehicle registrations for commercial motor vehicles upon notification by WSP of specified safety violations.

Certain motor carriers, including those with a commercial vehicle that weighs 26,001 pounds or more, must apply for a United States Department of Transportation number by January 1, 2008.

The categories of vehicles for which the WSP is responsible for inspecting and establishing vehicle equipment standards is expanded to include those motor carriers formerly regulated by the UTC. The WSP must use data-driven analysis to prioritize for safety inspections those motor carriers whose relative safety fitness identify them as higher risk motor carriers. The WSP is responsible for reporting specified safety violations by certain motor carriers to the DOL and for taking specified enforcement actions against unsafe motor carriers.

The renamed Utilities Commission continues consumer protection regulation of solid waste companies, household goods movers, and airport shuttle service providers, as well as market entry and economic regulation of solid waste companies, and household goods movers.

The market entry and economic regulation of commercial ferries is eliminated. Commercial ferries may not operate in a manner that inhibits the safe operation of ferries operated by the DOT.

The WSTC is designated as the state agency responsible for adjudicating those rail issues as may be regulated by the states, and for purposes of rail abandonment proceedings before the federal Surface Transportation Board. The DOT is responsible for conducting rail safety inspections, investigating rail accidents and coordinating with federal rail inspectors, and for reporting its inspection or investigation results to the WSTC. In the case of state owned, constructed, or operated rail facilities, the DOT is prohibited from certifying the safety of the rail facility, and instead must cooperate with federal inspectors to obtain any appropriate certifications. The Washington Traffic Safety Commission is responsible for the state's participation in the national "Operation Lifesaver" program.

The FMSIB becomes a division within the DOT effective June 30, 2008. The DOT is responsible for developing, managing, and annually updating the state's plan of actions and projects for improving rail infrastructure, after carefully considering recommendations from the WSTC. Annually, the WSTC must evaluate and report to the Transportation Committees of the House and Senate its concurrence or disagreement regarding the cost/benefit analysis of the actions and projects included in the DOT's rail infrastructure plan.

Appropriation: None.

Fiscal Note: Requested on February 16, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.