

SENATE BILL REPORT

ESHB 2986

As of February 24, 2010

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: House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Upthegrove, Campbell, Carlyle, Lias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney and Hasegawa).

Brief History: Passed House: 2/13/10, 66-29.

Committee Activity: Government Operations & Elections: 2/23/10.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Edward Redmond (786-7471)

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

A county that establishes a MMC for the provision of essential county services is not required to establish an MTC as the governing body of the county transit system. In such

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instances, the governing body of the county itself serves as the governing body of the transit system.

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

- a metropolitan transit commission;
- a county transportation authority; and
- a public transportation benefit area.

The governing body of the public transportation system must exclude the nonvoting member from attending any portion of an executive session held for the purpose of discussing negotiations with labor organizations. The chair or co-chair may also exclude the nonvoting member from attending any other executive session.

A public transportation benefit area authority is exempt from appointing a nonvoting member to its governing body if its employees are not represented by a labor union.

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: The people who work for transit organizations are interested in making sure that their customers get the best service possible. This bill would give the people who are interacting daily with the customers, who see what transit routes work and do not work, who know what improvements can be made to customer service the opportunity to voice those observations and opinions in a public hearing as a member of the transit board. Washington State is number four in the U.S. in terms of union density; 20 percent of all workers in the state are represented by a union. It would be to the benefit of transit agencies to have that expertise on their board as a resource. Intercity Transit would not have a problem with a rotating selection process. This bill has important provisions in it to make sure that there is no crossing of boundaries between management and labor.

CON: The issue here is that all transportation board members are elected officials. This bill would allow a non-publicly elected individual to sit on a transportation board. Why should only transit agencies be affected? And why should it only apply to some transit agencies? There is no lack of opportunity at Community Transit for employees to participate and share their knowledge. Spokane Transit Authority has concerns with the bill and would like to offer amendments. The nonvoting member should be excluded from all executive sessions as executive sessions only deal with a few topics: real estate, litigation, executive compensation, and labor negotiations. The nonvoting member should be an actual employee of that organization. The bill does not stipulate that, and many labor unions have paid employees. The bill should provide that if a system has more than one union, there should be a rotating selection process to allow each union to select the nonvoting member. Finally, there should be a specified term limit for the nonvoting member. The elected officials have a term limit, the nonvoting member should have a term limit as well. The Washington State Transit Association believes this bill is a blurring of the line between labor and management.

Persons Testifying: PRO: Representative Simpson, prime sponsor; Jeff Johnson, Washington State Labor Council; Karen Stites, Amalgamated Transit Union Legislative Council; Larry Brown, International Association of Machinists & Aerospace Workers.

CON: Davor Gjurasic, Community Transit Authority; Kathleen Collins, Spokane Transit Authority; Michael Shaw, Washington State Transit Association.