
Transportation Committee

HB 2137

Brief Description: Modifying provisions governing commercial motor vehicles.

Sponsors: Representatives Johnson, Moscoso, Hayes, Takko, Klippert, Haler, Ross and Ryu; by request of Washington State Patrol.

Brief Summary of Bill

- Changes the size of the warning flag on over-dimensional loads to 18 inches allowing for red or orange fluorescent warning flags.
- Clarifies that only certain agricultural operations are exempt from regulations concerning the transportation of hazardous materials.
- Provides the Washington State Patrol (WSP) authority to inspect entities that manufacture or perform pre-transportation of hazardous materials functions for compliance with the federal standards.
- Removes the exemption for school buses to stop at railroad crossings.
- Removes the requirement for the WSP to establish a list of railroad crossings where stopping is not required.

Hearing Date: 1/21/14

Staff: Jerry Long (786-7306).

Background:

In a recent audit of Washington State Law, the Federal Motor Carrier Safety Administration (FMCSA) and State of Washington staff identified the following state laws that appeared to be incompatible with federal rules:

1. State law current sets the minimum size for red warning flags used on over-dimensional loads at 12 inches square. The Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) brought about changes to federal law requiring these

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warning flags to be 18 inches square. The law also allows for red or orange fluorescent warning flags.

2. State law currently limits the Washington State Patrol (WSP) to enforcement of hazardous materials on commercial motor carriers during the transportation of those materials on the highways. The motor carrier is only one of the entities involved in ensuring the safe transportation of hazardous materials under the federal regulations. The federal code applies to all entities, which includes not only the motor carriers on the public highway, but also the entities that manufacture or perform pre-transportation of the hazardous material functions. Presently the WSP does not have the authority under state law to inspect those entities.
3. The recent FMCSA audit noted incompatibility with the farm exemption. The federal code provides limited exemptions for farmers, but does not provide full exemptions of the hazardous material requirements. State law excludes all farmers from the definition of motor carriers.
4. Federal code requires that every bus transporting passengers must stop at a railroad crossing. Currently state law exempts school buses or a private carrier bus transporting school children or other passengers from stopping at a railroad crossing if the Superintendent of Public Instruction has identified circumstances where such vehicles would not be required to stop. The Office of the Superintendent of Public Instruction has provided a policy to follow to each school district that requires school buses to stop at all railroad crossings.
5. Current state statute designates that the WSP has, by rule, identified a crossing where stopping is not required, which under state law the WSP does not have the authority to provide exemptions for crossings. The Utilities and Transportation Commission is the entity that has authority to grant exemptions for railroad crossings.

Summary of Bill:

The bill:

1. changes the size of the warning flag on over-dimensional loads from 12 inches to 18 inches, also allowing for either red or orange fluorescent warning flags;
2. clarifies that only certain agricultural operations are exempt from regulations concerning the transportation of hazardous materials;
3. provides the WSP authority to inspect entities that manufacture or perform pre-transportation of hazardous materials functions for compliance with the federal standards;
4. removes the exemption for school buses to stop at railroad crossings; and
5. removes the requirement for the WSP to establish a list of railroad crossings where stopping is not required changes the authority to the Utilities and Transportation Commission.

Appropriation: None.

Fiscal Note: Available.

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