

# FINAL BILL REPORT

## HB 2137

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Synopsis as Enacted

**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.

**House Committee on Transportation**  
**Senate Committee on Transportation**

### **Background:**

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

1. State law 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 changed federal law to require these warning flags to be 18 inches square. The federal law also allows for red or orange fluorescent warning flags.
2. State law 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 federal regulations. Federal law applies to all entities, which includes not only the motor carriers on the public highways, but also the entities that manufacture hazardous materials or perform pre-transportation functions. 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. Federal law provides limited exemptions for farmers, but does not provide full exemptions from the hazardous material requirements. State law excludes all farmers from the definition of motor carriers.
4. Federal law requires every bus transporting passengers to stop at a railroad crossing. State law exempts school buses or private carrier buses 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

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a policy to each school district that requires school buses to stop at all railroad crossings.

5. Under state law, stopping is not required at crossings designated by the WSP. However, the Utilities and Transportation Commission (UTC), not the WSP, is the entity that has authority to grant exemptions for railroad crossings.

**Summary:**

The following changes are made in the areas identified in the report:

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

**Votes on Final Passage:**

House	88	10
Senate	45	2

**Effective:** June 12, 2014