

HOUSE BILL REPORT

HB 2455

As Reported by House Committee On:
Transportation

Title: An act relating to covering loads on public highways.

Brief Description: Concerning the covering of loads on public highways.

Sponsors: Representative Kagi.

Brief History:

Committee Activity:

Transportation: 1/30/12, 2/6/12 [DPS].

Brief Summary of Substitute Bill

- Requires dirt, sand, rocks, or gravel with a risk of escaping to be covered and within the freeboard of the bed during transport.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Ryu, Takko and Upthegrove.

Minority Report: Do not pass. Signed by 13 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Klippert, Kristiansen, McCune, Overstreet, Rivers, Rodne, Shea and Zeiger.

Staff: Jerry Long (786-7306).

Background:

Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping must have the load covered to prevent spillage. Covering such loads is not required if six inches of freeboard is maintained within the bed.

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.

A person is guilty of Failure to Secure a Load in the first degree if the person, with criminal negligence, fails to secure a load and causes substantial harm to another. Failure to Secure a Load in the first degree is a gross misdemeanor. A person who fails to secure a load or part of a load is guilty of an infraction if such failure does not cause harm to another.

Summary of Substitute Bill:

Any vehicle operating on a paved public highway with a load of dirt, sand, rocks, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping must be covered to prevent spillage. These loads must not exceed the freeboard within the bed.

Substitute Bill Compared to Original Bill:

The substitute bill establishes a three-year implementation period. The substitute bill states that if a vehicle hauling such loads is equipped with a cover, the cover must be used. The substitute bill states that after March 31, 2015, any vehicle operating on a paved public highway with a load of dirt, sand, rocks, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping from the vehicle must be covered so as to prevent spillage; and a load of dirt, sand, rocks, or gravel must not exceed the horizontal freeboard of the bed of the vehicle hauling the load.

The substitute bill provides exemptions for the Washington State Department of Transportation (WSDOT) when the vehicle is: (1) applying sand or de-icers for snow and ice control; (2) performing maintenance operations in response to emergency events; or (3) performing maintenance operations within work zones where roads or sections of roads are closed to the public. The WSDOT must continue to maintain the requirement of six inches of freeboard.

The substitute bill requires that the Washington State Patrol must conduct random emphasis patrols to enforce the covering of loads requirements under this section.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect July 1, 2012.

Staff Summary of Public Testimony:

(In support) Rocks from either off the road or off of trucks hauling materials can hit the windshield and other portions of a vehicle. Under current law, if there are six inches of freeboard around the edges of the bed, a person can still pile the load higher than the freeboard in the middle of the bed. The WSDOT has requested some exemptions for vehicles

that: apply sand or de-icers for snow and ice control; perform maintenance operations in response to emergency events; or perform maintenance operations within work zones where roads or sections of roads are closed to the public. The WSDOT will continue to maintain the requirement of six inches of freeboard on these vehicles. The WSDOT usually replaces these types of trucks every 20 years, so will have some trucks that will require the WSDOT to install covers on. It is recommended to strike the word "susceptible." It would cost the WSDOT about \$1,200 to put a cover on each of the 350 trucks that would be required to have a cover.

Virginia has a strong covered-load law that works well. It is a cultural change, but it is good for both people's safety and for the industry. It is an opportunity to save lives. It costs \$14.4 million to clean debris off the roadways annually.

Loads need to be covered and secured. This bill enhances traffic safety and reduces damage to vehicles.

(With concerns) Stakeholders are not opposed to covered loads, but education is the key since most drivers are not aware of the requirement in place today. There are ordinances in many counties that require loads to be covered when hauling items to a landfill.

Most new trucks are being ordered with covers, which adds about \$8,000 to the cost of a new truck. To retrofit an older truck costs \$12,000 to \$15,000. A phase-in period would be a recommendation due to the cost to the industry.

There has been a long history of discussion on this area. The big emphasis is safety and how best to make this work. When a company orders a new truck, in most cases the cover is ordered on the new truck. With the slow economy, the industry is only ordering new trucks on a replacement schedule of five to 10 years. Safety is very important to the trucking industry and there is a need for education in this area.

(Opposed) None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Chris Christopher, Washington State Department of Transportation; Robin Abel, Secure Your Load and Maria Federici Foundation; Jason Berry, Washington State Patrol; and Dave Overstreet, Automobile Association of America.

(With concerns) Duke Schaub, Associated General Contractors of Washington; and Bruce Chatin, Washington Aggregates and Concrete Association.

Persons Signed In To Testify But Not Testifying: None.