

HOUSE BILL REPORT

ESSB 6120

As Reported by House Committee On:
Transportation

Title: An act relating to rail and freight infrastructure.

Brief Description: Addressing rail and freight infrastructure.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser, Kohl-Welles and Rasmussen).

Brief History:

Committee Activity:

Transportation: 3/26/07, 4/2/07 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Requires the Department of Transportation (DOT) to implement the cost/benefit analysis recommended in the December 2006 statewide rail capacity and needs study, collaborating with a stakeholder workgroup.
- Requires the DOT and the Freight Mobility Strategic Investment Board to submit a joint list of proposed freight and rail projects to the Office of Financial Management and the transportation committees of the Legislature by September 1 of each year, beginning in 2008.
- Authorizes counties to impose dedicated funding sources and to use public-private partnerships for magnetic levitation and personal rapid transit systems. Exempts counties implementing magnetic levitation and personal rapid transit systems from the population requirements otherwise applicable to high-capacity transportation systems. Requires the DOT to establish a grant program for magnetic levitation and personal rapid transit systems with assistance from an appointed board.

HOUSE COMMITTEE ON TRANSPORTATION

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.

Majority Report: Do pass as amended. Signed by 19 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Dickerson, Eddy, Ericksen, Hankins, Hudgins, Lovick, Rodne, Rolfes, Sells, Simpson, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Springer.

Staff: Teresa Berntsen (786-7301).

Background:

Rail Projects Funding

Public funding for rail has historically been provided through a mix of state, federal, and local funding. State funding is generally provided by the Legislature through programs administered by 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 study the state's rail capacity and needs. The WSTC reported its findings to the Legislature in December 2006 in the "Statewide Rail Capacity and System Needs Study" (study). The study made several recommendations, including that the state should base its decision to participate in rail projects on a systematic assessment of costs and benefits across users and modes, and that a single entity should coordinate the state's participation in the rail transportation system.

High-Capacity Transportation Systems

In the early 1990s, high-capacity transportation systems were authorized to offer public transportation services in urbanized regions. High-capacity transportation systems are defined in statute as a system of public transportation services within an urbanized region operating principally on exclusive right-of-ways, which provide a substantially higher level of passenger capacity, speed, and service frequency than traditional public systems that principally operate on general purpose roadways.

Transit agencies are responsible for planning, construction, and operating high-capacity transportation systems. In general, only transit agencies in counties with a population of 175,000 or more that have an interstate highway within their borders may operate a high-capacity transportation system.

High-capacity transportation system agencies may use certain dedicated voter approved funding sources outlined in state law. These taxes are in addition to any federal, state, local, or private sector funding.

Magnetic Levitation Transportation Systems

A magnetic levitation transportation system uses magnetic force to lift, propel, and guide a vehicle over a guideway at speeds of 250 to 300 miles per hour.

The federal "Transportation Equity Act for the 21st Century" (TEA 21), passed in 1998, created a National Magnetic Levitation Technology Deployment Program to evaluate the

potential for magnetic levitation to improve intercity transportation and to determine an appropriate role for the federal government.

Summary of Amended Bill:

Rail Projects Funding

The DOT must implement the cost/benefit analysis recommended in the December 2006 statewide rail capacity and needs study, collaborating with a stakeholder workgroup. The DOT must use this cost/benefit analysis when proposing rail projects for state funding, and must evaluate the Stampede Pass corridor rail project as soon as the analysis method is complete.

Beginning in 2008, the DOT and the FMSIB must submit a joint list of proposed freight and rail projects to the Office of Financial Management (OFM) and the transportation committees of the Legislature by September 1 of each year.

Magnetic Levitation and Personal Rapid Transit Systems

Counties may impose dedicated funding sources and use public-private partnerships for magnetic levitation and personal rapid transit systems. Counties implementing magnetic levitation and personal rapid transit systems are exempt from the population requirements otherwise applicable to high-capacity transportation systems. The DOT is required to establish a grant program for magnetic levitation and personal rapid transit systems with assistance from an appointed board.

Amended Bill Compared to Engrossed Substitute Bill:

Rail Projects Funding

The specific list of state priorities to be used in the cost/benefit analysis to evaluate funding for rail infrastructure improvements is removed.

The requirement that the FMSIB annually submit its list of recommended projects with the DOT to the WSTC is removed. The requirement that the WSTC report to the transportation committees of the Legislature its concurrence or disagreement with the DOT's rail infrastructure plan, including any actions or projects recommended by the WSTC that are not in the DOT's plan, is removed.

Beginning in 2008, the DOT and the FMSIB must submit a joint list of proposed freight and rail projects to the OFM and the transportation committees of the Legislature by September 1 of each year.

The DOT must evaluate the Stampede Pass corridor rail project as soon as the cost benefit analysis method is complete.

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levitation and personal rapid transit systems are exempt from the population requirements otherwise applicable to high-capacity transportation systems. The DOT is required to establish a grant program for magnetic levitation and personal rapid transit systems with assistance from an appointed board.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill addresses the current lack of consistency in the state's investment in rail by providing a cost/benefit assessment methodology and/or policy context for significant rail investments. The bill accomplishes several recommendations of a recent rail study, including combining and unifying the state's investment in rail while maintaining the independence of the FMSIB. The bill asks the FMSIB to coordinate its proposed investments in rail with the DOT, and asks the WSTC to evaluate the combined project list for consistency with the cost benefit criteria.

(With concerns) Having the FMSIB's project list approved by the WSTC creates a redundancy. The FMSIB should continue to present its proposed project list directly to the Governor and the Legislature as an independent set of freight priorities, similar to the way the Transportation Improvement Board works.

(Opposed) The bill diffuses the accountability of the DOT by having the WSTC play a significant role in the way rail investments are made by the state after the DOT and stakeholders have identified investments through the cost/benefit methodology. The bill states the WSTC will make recommendations "from time to time," which should be clarified.

Persons Testifying: (In support) Senator Marr, prime sponsor; and Dan O'Neal, Washington State Transportation Commission.

(With concerns) Brian Ziegler, Freight Mobility Strategic Investment Board and Pierce County.

(Opposed) Steve Reinmuth, Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.