

# SENATE BILL REPORT

## SB 5979

---

---

As Reported by Senate Committee On:  
Transportation, January 23, 2014

**Title:** An act relating to provisions governing commercial motor vehicles.

**Brief Description:** Modifying provisions governing commercial motor vehicles.

**Sponsors:** Senators Sheldon, King, Pearson and O'Ban; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Transportation: 1/22/14, 1/23/14 [DP].

---

### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Eide, Co-Chair; King, Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Angel, Brown, Cleveland, Lias, Mullet and Rolfes.

**Staff:** Amanda Cecil (786-7429)

**Background:** The operation of commercial motor vehicles is regulated under both state and federal law. In order to be eligible for Motor Carrier Safety Assistance Program funds, states must comply with certain federal laws. Recent audits by the Federal Motor Carrier Safety Administration found the following Washington State laws to be out of compliance with federal regulations:

- State law requires that the warning flags used on oversized loads be red and 12 inches square, while federal law requires these warning flags to be red or orange and at least 18 inches square.
- State law limits the Washington State Patrol (WSP) to enforcement of hazardous materials on motor carriers during highway transportation; however, federal law requires that all entities involved in the movement of hazardous materials, not just motor carriers, be subject to state regulations and enforcement related to the transport of hazardous materials on the public highway. Additionally, state law provides a full exemption to the hazardous materials requirements for farm vehicles, which is incompatible with federal guidelines providing limited exemptions for certain agricultural operations.
- Federal law requires that every bus transporting passengers must stop at a railroad crossing; however, state law provides an exemption to school buses or a private

---

*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.*

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.

**Summary of Bill:** The following changes are made to conform with federal law:

- the size of the warning flag on over-dimensional loads is changed from 12 inches to 18 inches and allows for either red or orange warning flags;
- the existing farm vehicle exemption from regulations concerning the transportation of hazardous materials to include certain agricultural operations is narrowed, as is defined by federal law;
- WSP is provided with authority to inspect and enforce provisions related to the transport of hazardous materials laws on entities that manufacture or perform pre-transportation of hazardous materials; and
- the provision allowing the Superintendent of Public Instruction to identify exemptions from the requirement that school buses or a private carrier bus transporting school children or other passengers stop at railroad crossings is removed.

Additionally, the entity responsible for establishing a list of railroad crossings where stopping is not required is changed from WSP to the Utilities and Transportation Commission (UTC).

**Appropriation:** None.

**Fiscal Note:** Available.

**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: These changes are needed to meet federal requirements. The UTC has very limited jurisdiction over providing exemptions to requirements to stop at railroad crossings. Prior to 2010, school buses did not need to stop at railroad crossings. The Superintendent of Public Instruction granted limited exemptions where stopping creates a hazard, such as in an intersection. They would like to work with WSP and UTC informally to identify solutions.

**Persons Testifying:** PRO: Allan Jones, OSPI; Rob Huss, WSP; Ann Rendahl, UTC.