

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1839 HB	<b>Title:</b> Train length	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.8	3.2	2.0	2.4	2.4
<b>Account</b>					
General Fund-State 001-1	149,531	530,734	680,265	788,606	788,606
<b>Total \$</b>	149,531	530,734	680,265	788,606	788,606

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

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## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Sections 2, 3, and 4 will require an extensive rulemaking to implement the Commission's monitoring, inspection, and enforcement activities and to determine penalties for classes of railroads, the process for exemptions to the 7,500 ft. maximum train length, and the process to create the fee structure for related expenditures.

Sections 3 and 4 will require ongoing train length monitoring, inspection, and investigation activities by a rail safety inspector (Transportation Engineer 3) as well as documentation of violations. The Commission will require additional resources to take on these new duties. A new Transportation Engineer 3 would need to be hired. All other work associated with the bill will displace the ability of current staff to manage existing safety-sensitive work.

This new Transportation Engineer 3 would travel throughout the state, conduct monitoring and inspection activities, and document violations as part of their assigned duties. In addition to their current safety-sensitive duties, an existing Transportation Engineer 5 would provide oversight for the position and consult on violations. An existing Transportation Specialist 3 would expand their existing duties to include coordination of the new Transportation Engineer 3's assignments and track inspection results.

The Commission will enforce violations of Section 3, resulting in enforcement actions (including administrative penalties) related to identified violations and administrative hearings. The Commission estimates up to three enforcement actions annually. Each enforcement action requires investigation analysis/documentation by the new Transportation Planning Specialist 3 and an existing Transportation Engineer 3, enforcement recommendation review by the existing Transportation Engineer 5 and existing Rail Operations Manager, staff consultation with an Assistant Attorney General (AAG), as well as Administrative Law Judge (ALJ) time for review of the enforcement recommendation and issuance of decision. These enforcement actions may result in up to three administrative hearings annually. Each hearing requires staff time for preparation of testimony, AAG time for briefing and working with staff, and ALJ time to preside over the hearing, review testimony, and issue a decision.

Section 4 requires the Commission to consider, review, determine, and renew exemption requests for train length requirements. The process to consider, review, determine and renew exemption requests will be determined in the rulemaking.

Because this bill involves the length of trains engaged in intra and interstate commerce, a comprehensive legal analysis of federal preemption is necessary.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Expenditures would be broken out into the following general activity categories with the associated costs, positions and hours included:

Category 1 & 2: Extensive Rulemaking (Sections 2-4)

\$136,432 in FY24 and \$136,431 in FY25

(Administrative Law Judge, 0.08 FTE; Commissioner, 0.04 FTE; Paralegal 3, 0.04 FTE; Policy Advisor, 0.42 FTE; Director, Transportation Safety, 0.10 FTE; Rail Safety Operations Manager, 0.47 FTE; Transportation Engineer 5, 0.30 FTE; Transportation Engineer 3, 0.13 FTE)

Category 3: Inspections/Investigations (Sections 3-4)

\$174,126 in FY25 and annually thereafter

(Transportation Engineer 5, 0.10 FTE; Transportation Engineer 3, 1.0 FTE; Transportation Specialist 3, 0.10 FTE)

Category 4: Enforcement Actions/Exemption Requests (Sections 3-4)

\$41,597 in FY25 and annually thereafter

(Administrative Law Judge, 0.05 FTE; Transportation Planning Specialist 3, 0.07 FTE, Transportation Engineer 3, 0.07 FTE; Rail Safety Operations Manager, 0.02 FTE; Policy Advisor, 0.05 FTE; Transportation Engineer 5, 0.02 FTE)

Category 5: Administrative Hearings (Sections 3-4)

\$178,580 in FY25 and annually thereafter

(Administrative Law Judge, 0.10 FTE; Director, Transportation Safety, 0.08 FTE; Policy Advisor, 0.17 FTE; Transportation Engineer 5, 0.16 FTE; Transportation Engineer 3, 0.22 FTE; Transportation Planning Specialist 3, 0.22 FTE)

Category 6: Preemption Analysis

\$13,099 in FY24 (One-time cost)

(Attorney General, 0.05 FTE)

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	149,531	530,734	680,265	788,606	788,606
<b>Total \$</b>			149,531	530,734	680,265	788,606	788,606

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.8	3.2	2.0	2.4	2.4
A-Salaries and Wages	82,542	313,847	396,389	462,610	462,610
B-Employee Benefits	28,890	109,846	138,736	161,912	161,912
C-Professional Service Contracts					
E-Goods and Other Services	38,099	97,041	135,140	144,084	144,084
G-Travel		10,000	10,000	20,000	20,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	149,531	530,734	680,265	788,606	788,606

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Law Judge	119,088	0.0	0.2	0.1	0.2	0.2
Commissioner	168,012	0.0	0.0	0.0		
Director, Transportation Safety	120,600	0.1	0.1	0.1	0.1	0.1
Paralegal 3	78,900	0.0	0.0	0.0		
Policy Advisor	100,008	0.2	0.4	0.3	0.2	0.2
Rail Safety Operations Manager	98,412	0.2	0.3	0.3	0.0	0.0
Transportation Engineer 3	91,524	0.1	1.4	0.7	1.3	1.3
Transportation Engineer 5	111,552	0.2	0.4	0.3	0.3	0.3
Transportation Planning Specialist 3	85,020		0.3	0.2	0.3	0.3
Transportation Specialist 3	58,704		0.1	0.1	0.1	0.1
<b>Total FTEs</b>		0.8	3.2	2.0	2.4	2.4

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Sections 2, 3, and 4 will require an extensive rulemaking to implement the Commission's monitoring, inspection, and enforcement activities and to determine penalties for classes of railroads, the process for exemptions to the 7,500 ft. maximum train length, and the process to create the fee structure for related expenditures. The rulemaking creates a new WAC section in Chapter 480-62.