

SENATE BILL REPORT

SB 5633

As Passed Senate, March 13, 2001

Title: An act relating to inspections of hazardous materials offered by private shippers for transportation by rail.

Brief Description: Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail.

Sponsors: Senators Haugen, Jacobsen, Oke, Horn and Rasmussen; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Transportation: 2/20/01, 3/5/01 [DP, DNP].

Passed Senate: 3/13/01, 44-1.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Minority Report: Do not pass.

Signed by Senator Benton.

Staff: Jennifer Ziegler (786-7316)

Background: The Utilities and Transportation Commission (UTC) performs a variety of duties pertaining to railroad safety. One responsibility of the UTC is to work with the Federal Railroad Administration as a certified inspector of shipments of hazardous materials.

In addition to the UTC inspector, there are two federally employed hazardous materials inspectors who work part-time in Washington. There are over 300 inspection points throughout the state, which include shippers, railroad yards, and terminals. Inspections are unannounced and random.

Unlike federal inspectors, the UTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a UTC inspector acts just like a federal inspector. Without permission, the UTC inspector must be accompanied by a federal inspector to enter a shipper's property.

Summary of Bill: A UTC employee may enter the property of any business that ships hazardous materials by rail. Entries must be at a reasonable time and conducted in a reasonable manner. The purpose of the entry must be to investigate facilities, equipment, records, and operations related to the transportation of hazardous materials by rail.

The term "business" is all inclusive and is not limited to common carriers or public service companies.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Currently, inspectors have to have permission to inspect shippers of hazardous materials. If permission is not granted, they have to call the federal inspectors to go in with them which takes more time and is not as effective. Some shippers need education and some need enforcement. It is impossible to inspect all points of shipping and we currently share the load with federal inspectors. This applies to a limited class of materials which are very dangerous.

Testimony Against: None.

Testified: Mike Rowswell, Utilities & Transportation Commission.