

SENATE BILL REPORT

SB 5278

As Reported By Senate Committee On:
Highways & Transportation, February 19, 2003

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

Brief Description: Clarifying authority over hazardous materials inspections.

Sponsors: Senators Swecker, Haugen and Oke.

Brief History:

Committee Activity: Highways & Transportation: 2/12/03, 2/19/03 [DPS, DNP].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen; Kastama, Oke, Prentice and Spanel.

Minority Report: Do not pass.

Signed by Senator Benton, Vice Chair.

Staff: Kelly Simpson (786-7403)

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 three federally employed hazardous materials inspectors who work 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 Substitute Bill: A UTC employee, certified by the Federal Railroad Administration to perform hazardous materials inspections, 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.

Substitute Bill Compared to Original Bill: A technical change was made to limit an internal reference in the bill to the specific part of the code of federal regulations regarding state participation in the federal rail inspections program.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Currently, UTC inspectors must have permission to enter a shipper's property for the purpose of inspecting hazardous materials being shipped by rail. If permission is denied, they must call the federal inspectors to go with them which takes more time and is not effective. This bill would provide a more efficient method for ensuring the safety of hazardous material shipments by rail. Inspectors provide education and enforcement. They help prevent leaks, spills, explosions, etc. Additionally, they inspect shippers' records and help to ensure that proper training has been provided for.

Testimony Against: None.

Testified: Senator Swecker, prime sponsor (pro); Mike Rowsell, Washington Utilities and Transportation Commission (pro).