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**Transportation Committee**

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**SB 5106**

**Brief Description:** Clarifying authority over hazardous materials inspections.

**Sponsors:** Senators Swecker, Jacobsen, Kastama and Oke; by request of Utilities & Transportation Commission.

**Brief Summary of Bill**

- A Washington Utilities and Transportation Commission (WUTC) employee, certified by the Federal Railroad Administration to perform hazardous materials inspections, may enter the property of any business that, among other things, ships hazardous materials by rail.

**Hearing Date:** 2/15/06

**Staff:** David Munnecke (786-7315).

**Background:**

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

There are three federally employed hazardous materials inspectors assigned to Washington. However, two of these spend a portion of their time conducting inspections in other states. There are more than 300 inspection points throughout the state, which include shippers, railroad yards, and terminals. Inspections by the federal inspector are unannounced and random.

Unlike federal inspectors, a federally certified WUTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a WUTC inspector can act like a federal inspector. Without permission, a WUTC inspector must be accompanied by a federal inspector to enter a shipper's property.

**Summary of Bill:**

A WUTC employee, certified by the Federal Railroad Administration to perform hazardous materials inspections, may enter the property of any business that, among other things, ships hazardous materials by rail. Entries shall be at a reasonable time and conducted in a reasonable manner. The purpose of the entry may only be to inspect, investigate, or survey facilities, equipment, records, and operations related to the handling or transportation of hazardous materials by rail.

**Appropriation:** None.

**Fiscal Note:** Available.

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