

HOUSE BILL REPORT

SB 5106

As Reported by House Committee On:
Transportation

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, Jacobsen, Kastama and Oke; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity:

Transportation: 3/23/05 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 17 members: Representatives Murray, Chair; Wallace, Vice Chair; Buck, Campbell, Dickerson, Flannigan, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Minority Report: Do not pass. Signed by 4 members: Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Hankins and Schindler.

Staff: Beth Redfield (786-7347).

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 (FRA) as a certified inspector of shipments of hazardous materials.

There are three federally employed hazardous materials inspectors who are 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 WUTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a WUTC inspector could act just like a federal inspector. Without permission, the 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.

Testimony For: This bill is intended to improve public safety. Each year over 100,000 rail cars with hazard materials pass through Washington to and from over 300 shipping points. Materials include explosives, flammable gas, poisonous gas, combustible liquids, radioactive materials, and corrosive materials. If these materials are mishandled, the rail cars carrying them will present a serious public safety hazard. Hazardous materials spills and explosions can force evacuation of neighborhoods and cause death and injury. Shippers play a crucial role; they must handle materials properly during loading and unloading, the tank car must be properly sealed to prevent leakage, placards identifying the materials must be placed to accurately notify railroad personnel and first responders what type of materials are in a container, and shipping documents must be accurate. There must also be proper security to prevent unauthorized access, especially in these times of concerns about threats of terrorism. The Federal Rail Administration has found that 86 percent of documented violations were found to be the responsibility of shippers. Violations included the failure to seal valves properly, missing placards, leaving containers unattended during loading/unloading, defective valves, and damaged tank cars. The bill would allow an administrative inspection program. In the event of a violation, the WUTC will provide technical advice and refer the violation to the FRA.

Testimony Against: None.

Persons Testifying: Chris Rose, Washington Utilities and Transportation Commission.

Persons Signed In To Testify But Not Testifying: None.