

# SENATE BILL REPORT

## SB 5106

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As Passed Senate, February 6, 2006

**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: 1/18/05, 1/26/05 [DP].

Passed Senate: 3/4/05, 44-2; 2/6/06, 37-5.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Oke, Swecker and Weinstein.

**Staff:** Kelly Simpson (786-7403)

**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.

In addition to the WUTC inspector, 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 are unannounced and random.

Unlike federal inspectors, the WUTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a WUTC inspector acts 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:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The WUTC has a responsibility to conduct inspections of rail shipments of hazardous materials. This measure would help WUTC inspectors perform their duties by simply duplicating rail inspection authority granted to federal inspectors with respect to hazardous materials inspections. The searches of a shipper's private business are administrative searches rather than criminal searches. There would be no additional burden to shippers if this bill were enacted.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Swecker, sponsor; Chris Rose, WUTC.