
SENATE BILL 5106

State of Washington

59th Legislature

2005 Regular Session

By Senators Swecker, Jacobsen, Kastama and Oke; by request of
Utilities & Transportation Commission

Read first time 01/13/2005. Referred to Committee on Transportation.

1 AN ACT Relating to inspections of hazardous materials offered by
2 private shippers for transportation by rail; amending RCW 81.44.065;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the heightened
6 specter of terrorism has made the security and safety of hazardous
7 materials shipments a priority for shippers, carriers, and federal,
8 state, and local governments. Addressing such security and safety
9 concerns should be part of an overall strategy of managing risks
10 associated with transporting hazardous materials. The legislature
11 finds that this act is necessary to ensure the effectiveness and
12 efficiency of the Washington utilities and transportation commission's
13 existing hazardous material rail inspection program, which is conducted
14 pursuant to standards and procedures for state participation in
15 investigative and surveillance activities under federal railroad safety
16 laws and regulations.

17 **Sec. 2.** RCW 81.44.065 and 1961 c 14 s 81.44.065 are each amended
18 to read as follows:

1 The utilities and transportation commission shall exercise all
2 powers and duties in relation to the inspection of tracks, bridges,
3 structures, equipment, apparatus, and appliances of railroads with
4 respect to the safety of employees and the public and the
5 administration and enforcement of all laws providing for the protection
6 of the public and employees of railroads (~~which prior to~~) that before
7 April 1, 1955, were vested in and required to be performed by the
8 director of labor and industries.

9 A commission employee certified by the federal railroad
10 administration to perform hazardous materials inspections may enter the
11 property of any business that receives, ships, or offers for shipment
12 hazardous materials by rail, or that manufactures, marks, maintains,
13 reconditions, repairs, or tests containers that are represented,
14 marked, certified, or sold for use in the transportation of hazardous
15 materials by rail. Entry shall be at a reasonable time and in a
16 reasonable manner. The purpose of such entry is limited to performing
17 inspections, investigations, or surveillance of facilities, equipment,
18 records, and operations relating to the packaging, loading, unloading,
19 or transportation of hazardous materials by rail, pursuant only to the
20 state participation program outlined in 49 C.F.R. Part 212. The term
21 "business" is all inclusive and is not limited to common carriers or
22 public service companies.

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