

# HOUSE BILL REPORT

## HB 1478

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**As Reported by House Committee On:**  
Technology, Energy & Communications

**Title:** An act relating to authorities of the Washington utilities and transportation commission relative to the requirement imposed upon gas and hazardous liquid pipelines under RCW 81.88.080.

**Brief Description:** Regarding the authorities of the Washington utilities and transportation commission relative to the requirement imposed upon gas and hazardous liquid pipelines under RCW 81.88.080.

**Sponsors:** Representatives Morris, Crouse, Takko, McCoy, McCune, Kenney, Linville and Dunn.

**Brief History:**

**Committee Activity:**

Technology, Energy & Communications: 1/31/07, 2/6/07 [DP].

**Brief Summary of Bill**

- Requires the Washington Utilities and Transportation Commission (WUTC) to provide certain types of pipeline data to first responders.
- Exempts from public records disclosure certain pipeline data retained by the WUTC.

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### HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

**Majority Report:** Do pass. Signed by 11 members: Representatives Morris, Chair; McCoy, Vice Chair; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Eddy, Ericksen, Hankins, Hudgins, Hurst, Takko and VanDeWege.

**Staff:** Kara Durbin (786-7133).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Public Disclosure Act requires state and local government agencies to make all public records available for public inspection and copying unless the records lie within specific statutory exemptions. The provisions that require public records disclosure must be interpreted liberally and the exceptions narrowly in order to effect a general policy that supports disclosure.

The Washington Utilities and Transportation Commission (WUTC) regulates the rates, services, and practices of privately owned utilities and transportation companies. In 2000, the Legislature passed the Pipeline Safety Act (PSA), which requires the WUTC to collect location information and maps of pipelines from hazardous liquid pipeline companies and gas pipeline companies with interstate pipelines, commercial gas pipelines, or gas transmission pipelines.

Additionally, the PSA requires the WUTC to evaluate and consolidate the information and maps received into a statewide geographic information system (GIS). The GIS is made available to one-number locator services, which are services through which a person may request field-marking of underground facilities.

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**Summary of Bill:**

The Pipeline Safety Act is amended. The Washington Utilities and Transportation Commission (WUTC) must provide any data it develops or gathers for the statewide geographic information system (GIS) to state agencies, local governments, and first responders. The term "first responders" refers to firefighters and law enforcement personnel.

Upon request, the WUTC shall make available for public inspection and copying any maps or map images that illustrate line pipe location of no greater detail than a scale of 1:24,000. Such information is not exempt from public disclosure.

An exemption to the Public Disclosure Act is added for data developed or gathered by the WUTC for the statewide GIS. Pipeline maps or pipeline geographic information filed with the WUTC is also exempt.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) We've been working pretty hard on this issue for a number of years. This is a difficult issue, particularly because of the pipeline explosion that happened in Whatcom County. This bill strikes an appropriate balance between providing the public with useful

information regarding the location of pipes and guarding sensitive, detailed pipeline information from terrorists or other threats. It directs the WUTC to share this information with local governments, state agencies and first responders but also limits the release of specific features of pipelines – valves, taps, pumps, etc.

The pipeline industry wants the public to know where these pipelines exist. We try to alert the public as to where these facilities are. It is not our intent to hide the location of these facilities. We really want the WUTC to be able to collect this information and share it with local governments and first responders to ensure communities are kept safe.

This is an appropriate scale for use by first responders. Most cities and counties use information on this scale. This would not change our current practices towards marking pipelines. This allows us to share pipeline location information with our safety partners at the time of investigation. This will not change our current pipeline "call before you dig" locator program. This bill doesn't limit the right to know; it guarantees the right to know. Pipeline information of a certain scale is still readily available through the WUTC's website. No regulations currently require pipeline companies to provide GIS pipeline data to the government. If this bill doesn't pass, pipeline companies might be able to stop providing this information to the WUTC.

(Opposed) It is a bad move to hide any pipeline information from the public. Private citizens have the right to know this information. Maps might not give the public enough information to go on. The terrorism concern is a specious one. Pipeline companies should instead do a better job of securing their infrastructure. If someone ignores the one call law, that same person will look at these inaccurate maps and make assumptions based on them. All pipeline information – whatever scale – should be available to the public.

People are very concerned about where pipelines run. They don't care what the scale is. They care about the bottom line of whether that pipeline runs through their backyard. This bill prohibits disclosure regarding the details of pipeline buildings and other infrastructure. People should remain informed. The public records disclosure law should be interpreted liberally and the exceptions narrowly in order to effect a policy that supports disclosure.

**Persons Testifying:** (In support) Representative Morris, prime sponsor; Leo Bowman, Benton County Pipeline Safety Committee; Dave Danner, Washington Utilities and Transportation Commission; Carl Weimer, Pipeline Safety Trust; and Dan Kirschner, Northwest Gas Association.

(Opposed) Kenneth Meyer; and Rowland Thompson, Allied Daily Newspapers.

**Persons Signed In To Testify But Not Testifying:** None.