

SENATE BILL REPORT

SB 5340

As Reported By Senate Committee On:
Transportation, March 2, 1999

Title: An act relating to inspections of hazardous materials offered by private shippers for transportation by rail.

Brief Description: Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail.

Sponsors: Senators Haugen, Benton, Jacobsen, Oke and Gardner; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Transportation: 2/17/99, 3/2/99 [DPS, DNPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Johnson, Oke, T. Sheldon, Shin and Swecker.

Minority Report: Do not pass substitute.

Signed by Senators Heavey, Horn, Morton, Sellar and Sheahan.

Staff: Jennifer Ziegler (786-7316)

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

In addition to the UTC inspector, there are two federally employed hazardous materials inspectors who work part-time in Washington. There are over 300 inspection points throughout the state, which include shippers, railroad yards, and terminals. Inspections are unannounced and random.

Unlike federal inspectors, the UTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a UTC inspector acts just like a federal inspector. Without permission, the UTC inspector must be accompanied by a federal inspector to enter a shipper's property.

Summary of Substitute Bill: The Legislature intends that this act does not expand the current UTC investigating authority. A UTC employee may enter the property of any business that ships hazardous materials by rail. Entries must be at a reasonable time and conducted in a reasonable manner. The purpose of the entry must be to investigate facilities,

equipment, records, and operations related to the transportation of hazardous materials by rail.

The term "business" is all inclusive and is not limited to common carriers or public service companies.

Substitute Bill Compared to Original Bill: The act does not expand existing authority. All investigation activities must be consistent with federal law regarding hazardous material inspections.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation is necessary to ensure the safe transportation of hazardous materials.

Testimony Against: The legislation expands UTC's investigation authority and imposes an additional burden on shippers.

Testified: Teresa Osinski, UTC (pro); Randy Ray, Puget Sound Steamship Operators Assn. (con); Robert Taylor, ALCOA.