

# HOUSE BILL REPORT

## HB 1454

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**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:** Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail.

**Sponsors:** Representatives Fisher, Hankins, Lovick, Mitchell and Cooper; by request of Utilities & Transportation Commission.

**Brief History:**

**Committee Activity:**

Transportation: 1/28/02, 1/30/02 [DP].

**Brief Summary of Bill**

- A Utilities and Transportation Commission (UTC) hazardous materials inspector may enter, without permission, the property of any business that ships hazardous materials by rail or any business that manufactures or tests hazardous materials containers used to ship these materials by rail.
- Entry is limited to the types of inspections outlined in federal regulations and must occur at a reasonable time.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 21 members: Representatives Fisher, Chair; Cooper, Vice Chair; Lovick, Vice Chair; Mitchell, Ranking Minority Member; Anderson, Edwards, Haigh, Hankins, Hatfield, Jackley, Jarrett, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Ericksen, Holmquist, Mielke and Morell.

**Staff:** Penny Nerup (786-7335).

**Background:**

One of the powers and duties of the UTC is to inspect the tracks, bridges, structures, equipment, apparatus and appliances of railroads that travel in Washington to be sure they are safe for railroad employees and the public. Included in these powers is the duty to work with the Federal Railroad Administration (FRA) to inspect shipments of hazardous materials that arrive in and pass through Washington.

Currently, there is one vacant UTC hazardous materials inspector position. The inspector is certified by the FRA. The UTC inspector works with three federal hazardous materials inspectors who perform inspections in over 300 sites within Washington, as well as sites in Oregon, Idaho and Montana. However, unlike the federal inspectors, the UTC inspector cannot enter private property to conduct an inspection without permission from the shipper. If the shipper refuses entry to the UTC inspector, the inspector can only enter the shipper's property if accompanied by a federal inspector.

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**Summary of Bill:**

No new program is created, and the existing hazardous materials inspection program is not expanded.

The UTC hazardous materials inspector may enter the property of any business that ships hazardous materials by rail or that manufactures, repairs or tests hazardous materials containers used to ship these materials by rail. Entry is limited to performing those types of inspections that are outlined in federal regulations. Entry must be at a reasonable time and in a reasonable manner.

The term "business," as used in this bill, is all inclusive and is not limited to common carriers or to public service companies.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This is a more efficient way to expend our resources, especially because of public safety concerns following the events of September 11, 2001.

**Testimony Against:** None.

**Testified:** Beth Redfield, Utilities and Transportation Commission; and Sally Kirkpatrick, Puget Sound Steamship Operators.