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**SUBSTITUTE SENATE BILL 5278**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Haugen and Oke)

READ FIRST TIME 02/21/03.

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.** It is the intent of the legislature that  
6 this act clarify certain authorities of employees of the Washington  
7 utilities and transportation commission. The legislature finds that  
8 this act is necessary to ensure the continuance of existing safety  
9 inspection programs. Further, this act does not create a new program  
10 or authorize new authority, and will not result in the expansion of the  
11 existing program.

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

14 The utilities and transportation commission shall exercise all  
15 powers and duties in relation to the inspection of tracks, bridges,  
16 structures, equipment, apparatus, and appliances of railroads with  
17 respect to the safety of employees and the public and the  
18 administration and enforcement of all laws providing for the protection

1 of the public and employees of railroads (~~which prior to~~) that before  
2 April 1, 1955, were vested in and required to be performed by the  
3 director of labor and industries.

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

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