

Offered: 5/5/86
Referred: Rules

Original sponsors: Koponen, Hurley,
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1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 673 (Resources) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation of hazardous
7 materials."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.35 is amended by adding a new section to read:

10 Sec. 29.35.143. TRANSPORTATION OF HAZARDOUS MATERIALS. (a)

11 Consistent with federal law, a municipality that regulates the trans-
12 portation of hazardous materials shall

13 (1) establish reasonable routes for the transportation of
14 bulk shipments of selected hazardous materials in the municipality,
15 after completing

16 (A) a comparative safety analysis of alternative
17 routes;

18 (B) a process involving substantive consultation with
19 other jurisdictions, including the state, affected by the rout-
20 ing; and

21 (C) a process involving substantive consultation with
22 the commercial carriers of hazardous materials to assure that at
23 least one feasible route is permitted to and from commercial
24 transportation facilities; and

25 (2) provide for the description, marking, labeling, and
26 placarding of containers or vehicles used to transport bulk shipments
27 of hazardous materials in the municipality, in a manner identical to
28 the manner provided in 49 C.F.R. 172.200 - 172.558.

29 (b) Notwithstanding AS 29.35.200, 29.35.210, and 29.35.220, a

1 borough may exercise powers under this section on an areawide or
2 nonareawide basis.

3 (c) In this section

4 (1) "bulk shipment of a hazardous material" means a ship-
5 ment of 500 pounds or more of a hazardous material or, if less than
6 500 pounds, a quantity equal to or greater than the reportable quan-
7 tity of the material specified in the Hazardous Materials Table in 49
8 C.F.R. 172.101;

9 (2) "hazardous material" has the meaning given in 49 C.F.R.
10 171.8; This definition does not apply to petroleum products that are
11 lubricants or fuels; or to a mixture or solution containing a material
12 identified by the letter "E" in Column 1 of the Table to 172.101 if it
13 is in a concentration less than that shown in Column 2 of the Table;

14 (3) "person" has the meaning given in AS 01.10.060 and also
15 includes a political subdivision, government agency, municipality, or
16 other public or private entity.

17 * Sec. 2. AS 46.03 is amended by adding a new section to read:

18 Sec. 46.03.895. NOTICE OF HAZARDOUS MATERIALS. (a) If a vehi-
19 cle carrying a bulk shipment of hazardous materials in the state is
20 delayed because of an unscheduled interruption, such as mechanical
21 failure of the vehicle, impassable road conditions, weather, or other
22 emergency requiring the operator to leave the vehicle unattended in a
23 location or for a period of time that creates an increased risk of
24 harm to the public safety or health, then the operator of the vehicle
25 or an agent of the carrier shall give prompt, oral notice to the
26 division of state troopers, or to a person or agency designated by the
27 Department of Public Safety, of the location and contents of the
28 vehicle and the circumstances of the delay.

29 (b) Except as provided in (c) of this section, a consignee of a

1 bulk shipment of a hazardous material that is to be stored by the
2 consignee for more than seven days shall, within 72 hours after re-
3 ceiving the shipment, send to a person or agency designated by the
4 Department of Public Safety

5 (1) a copy of the description of the hazardous materials
6 that is required to be on the shipping paper by the United States
7 Department of Transportation under 49 C.F.R. 172.200 - 172.204; and

8 (2) a notice of the location at which the materials are to
9 be used or stored.

10 (c) The notice and description required under (b) of this sec-
11 tion for regularly scheduled bulk shipments of a hazardous material
12 must be sent by April 15 each year, but are not required more than
13 once a year, except that notice and descriptions are required within
14 72 hours after a significant change in the schedule, quantity, con-
15 tents, or routing of a regularly scheduled bulk shipment. The Depart-
16 ment of Public Safety shall adopt regulations specifying what consti-
17 tutes a "significant change" under this subsection.

18 (d) In this section

19 (1) "bulk shipment of a hazardous material" means a ship-
20 ment of 500 pounds or more of a hazardous material or, if less than
21 500 pounds, a quantity equal to or greater than the reportable quan-
22 tity of the material specified in the Hazardous Materials Table in 49
23 C.F.R. 172.101;

24 (2) "hazardous materials" has the meaning given in 49
25 C.F.R. 171.8; This definition does not apply to petroleum products
26 that are lubricants or fuels; or to a mixture or solution containing a
27 material identified by the letter "E" in Column 1 of the Table to
28 172.101 if it is in a concentration less than that shown in Column 2
29 of the Table;

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(3) "vehicle" includes a motor vehicle and a railroad car.