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TESTIMONY OF REP. MICHAEL SHAW

BEFORE THE JOINT STANDING COMMITTEE ON JUDICIARY

LD 484: An Act Regarding the Confidentiality of Railroad Carrier Cargo

April 1, 2015

Senator Burns, Representative Hobbins and members for the Judiciary Committee, I am Representative Mike Shaw of House District 23, which includes part of Standish. I am here today as the sponsor of LD 484: An Act Regarding the Confidentiality of Railroad Carrier Cargo.

This bill proposes a narrow and specific exemption to the current public records exemptions to the state's Freedom of Access Act. Specifically, as drafted, the bill adds an additional public records exception to the Freedom of Access Act to cover records describing commodities transported by a railroad in this state when those records are in the possession of law enforcement, fire departments or other first responders or emergency management entities. I would ask that this be expanded to a general exemption to ensure any state or local agency that wants the information can access it without need for disclosure.

This is a proposal to increase safety. As you know, our railroads transport many items, some of them dangerous. Everything from crude oil to chemicals used to make paper travel our rail lines on a daily basis and the more information our local first responders can have the better. While we all hope that information is not needed, having it available in the event of an accident or other crisis can be critical.

While railroads want those officials to have that information, they are leery to provide it in a way that can be made public. The simple fact is there is a great deal of competition in the shipping business and disclosing publicly what, how much and how often you are transporting a product can be a serious competitive disadvantage.

This exemption seeks to allow our railroads to share this important information with our first responders without the fear that information will be used to cut into their business.

This narrow exemption will ensure that information is available to those who need it without damaging the intent or spirit of the state's "right to know" law. I urge you to support the bill and I am happy to answer any questions you may have.