

RESOLUTION NO. 2875

A RESOLUTION of the Port Commission of the Port of Seattle regarding the designation of the Port of Seattle Fire Department as the Hazardous Materials Incident Command Agency Within The Respective Boundaries of Sea-Tac International Airport

WHEREAS, the Port of Seattle is required by Chapter 4.24 R.C.W. (as amended April 1, 1982) to designate a Hazardous Materials Incident Command Agency; and

WHEREAS, designated Hazardous Materials Incident Command Agencies are authorized and encouraged, prior to a hazardous materials incident, to enter individually or jointly into written hazardous materials emergency assistance agreements with any person whose knowledge or expertise is deemed potentially useful:

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle as follows:

Section 1.

That the governing body of the Port of Seattle hereby designates the Port of Seattle Fire Department as the Hazardous Materials Incident Command Agency for all hazardous materials incidents within the respective jurisdictional boundaries of the Sea-Tac International Airport.

Section 2.

The Port of Seattle Fire Chief is authorized to enter into agreements, approved by Port Counsel, with individuals, partnerships, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident. In accordance with the provisions of Chapter 4.24 R.C.W. (amended April 1, 1982), such persons are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct, provided:

1. The Port of Seattle Fire Department and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms of Section 3 of this Resolution, except as specified in Section 4 of this Resolution;
2. The request for assistance comes from the Port of Seattle Fire Department.

### Section 3.

Hazardous materials emergency assistance agreements which are executed prior to a hazardous materials incident shall include the following terms and conditions:

1. The person requested to assist shall not be obligated to assist;
2. The person requested to assist may act only under direction of the incident commander or representative;
3. The person requested to assist may withdraw his/her assistance if he/she deems the actions or directions of the incident commander to be contrary to accepted hazardous materials response practices;
4. The person requested to assist shall not profit from rendering the assistance;
5. The person requested to assist shall not be a public employee acting in his/her official capacity within the boundaries of his/her political subdivision;
6. Any person responsible for causing the hazardous materials incident shall not be covered by the liability standard defined in Section 2 of this Ordinance.

It is the responsibility of both parties to ensure that mutually agreeable procedures are established when assistance is requested, for recording the name of the person whose assistance is requested, and the time and date of the request, which records shall be retained for three years by the Port of Seattle Fire Department. A copy of the official incident command agency designation shall be a part of the assistance agreement specified in this section.

### Section 4.

1. The Chief of the Port of Seattle Fire Department or representative may enter into verbal hazardous materials emergency assistance agreements at the scene of an incident where execution of a written agreement prior to the incident is not possible. A notification of the terms of this section shall be presented at the scene by the incident commander or representative to the person whose assistance is requested. The incident commander and the person whose assistance is requested shall both sign the notification which appears in subsection (2) of this section, indicating the date and time of signature. If a requesting agency deliberately misrepresents individual or agency status, that agency shall assume full liability for any damages resulting from the actions of the person whose assistance is requested, other than those damages resulting from gross negligence or wilful or wanton misconduct.
2. The notification required by subsection (1) of this section shall be as follows:

#### NOTIFICATION OF "GOOD SAMARITAN" LAW

You have been requested to provide emergency assistance by a representative of a designated hazardous materials incident command agency. To encourage your assistance, the Washington State Legislature has passed "Good Samaritan" Legislation (Chapter 4.24 R.C.W., part) to protect you from potential liability. The law reads, in part:

"Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct."

The law requires that you be advised of certain conditions to ensure your protection:

1. You are not obligated to assist and you may withdraw your assistance at any time.
2. You cannot profit from assisting.
3. You must agree to act under the direction of the incident commander.
4. You are not covered by this law if you caused the initial accident or if you are a public employee doing your official duty.

I have read and understand the above.

(Name) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

I am a representative of a designated hazardous materials incident command agency and I am authorized to make this request for assistance.

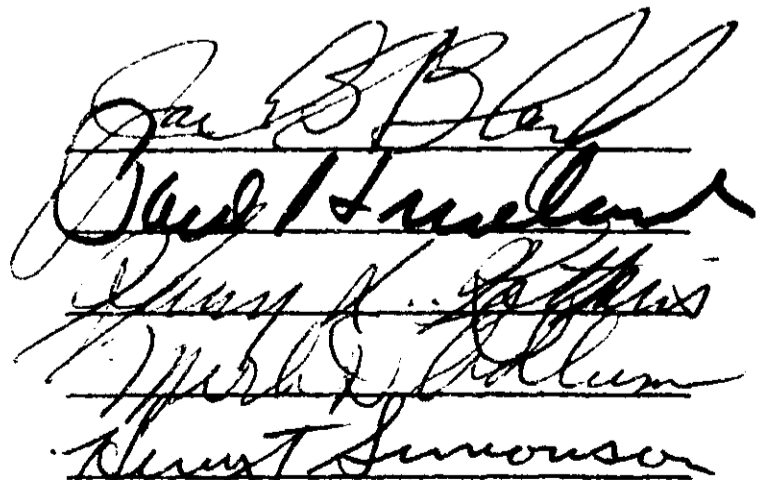
(Name) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Section 5

The accordance with Chapter 4.24 R.C.W. (as amended April 1, 1982) by reason of the facts above stated and the emergency which is hereby declared to exist, this Resolution shall become effective immediately upon the signatures of the Port Commission.

ADOPTED by the Port Commission of the Port of Seattle this 23rd day of November, 1982, and duly authenticated in open session by the signature of the Commissioners voting and the seal of the Commission duly affixed.

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Port Commissioners