

**A-Engrossed**  
**House Bill 3225**

Ordered by the House May 28  
Including House Amendments dated May 28

Sponsored by Representative SMITH WARNER

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to railroads that own or operate high hazard train routes in this state.]*

*[Adds railroad cars to definition of "facility" for purposes of liability for oil spillage under oil or hazardous material spillage statutes.]*

*[Defines "high hazard train," "high hazard train route" and "listed sensitive area" for purposes of contingency plans.]*

*[Expands definition of "navigable waters" for purposes of applicability of oil or hazardous material spillage statutes to include inland watersheds and drinking water intakes that intersect with high hazard train routes.]*

*[For biennium beginning July 1, 2015, authorizes one-time total assessment proportioned among certain railroads. Transfers moneys to Oil Spill Prevention Fund and State Fire Marshal Fund for purposes of certain activities related to high hazard trains.]*

*[Becomes operative January 1, 2016.]*

*[Establishes annual assessment proportioned among certain railroads. Transfers moneys to Oil Spill Prevention Fund for purposes of certain activities related to high hazard trains. Becomes operative July 1, 2017.]*

*[Takes effect on 91st day following adjournment sine die.]*

**Requires State Fire Marshal to adopt plan by rule for coordinated response to oil or hazardous material spills or releases that occur during rail transport.**

**Requires office of State Fire Marshal to annually coordinate with certain persons to prepare report on coordinated response plan. Requires report to be submitted to Legislative Assembly no later than February 1 each year.**

**Provides that requirements for plan and report become operative January 1, 2016.**

**Establishes Oil and Hazardous Material Transportation by Rail Action Fund. Continuously appropriates moneys in fund to Department of State Police for use by office of State Fire Marshal for development and implementation of coordinated response plan.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to the safe transport of hazardous materials; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 453.307 to**  
5 **453.414.**

6 **SECTION 2. (1) As part of the plan for the effective implementation of a statewide haz-**  
7 **ardous material emergency response system established by rule under ORS 453.374, the State**  
8 **Fire Marshal shall adopt by rule a plan for the coordinated response to oil or hazardous**  
9 **material spills or releases that occur during rail transport. The plan adopted under this**  
10 **subsection:**

11 **(a) Shall address with a specific focus on oil or hazardous material spills or releases that**  
12 **occur during rail transport all required provisions under ORS 453.374;**

13 **(b) May include requirements and incentives for local governments and other responders**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to participate in ongoing training programs;

2 (c) Shall provide a system for identifying where hazardous material response materials  
3 owned by railroads are located throughout this state and how access to those materials is  
4 to be coordinated; and

5 (d) May include any other information deemed necessary by the office of the State Fire  
6 Marshal to provide coordinated response to oil or hazardous material spills or releases that  
7 occur during rail transport.

8 (2) The office of the State Fire Marshal shall annually coordinate with local governments,  
9 other state agencies involved in hazardous material emergency response, other responders  
10 and representatives of the railroad industry to prepare a report on the coordinated response  
11 plan adopted under this section and shall:

12 (a) Make the report available as an appendix to the Office of Emergency Management's  
13 oil and hazardous material response emergency operations plan developed pursuant to ORS  
14 401.092; and

15 (b) No later than February 1 of each year, submit the report to the Legislative Assembly  
16 in the manner provided in ORS 192.245.

17 (3) The report required by subsection (2) of this section shall include, but need not be  
18 limited to, the following in relation to oil and hazardous material emergency response for rail  
19 transport:

20 (a) An inventory of all emergency response resources available in this state, including  
21 information on:

22 (A) The location of, and the means of access to, the resources;

23 (B) Whether the resources are publicly or privately maintained; and

24 (C) Additional resources that are needed to provide for adequate response;

25 (b) Suggested changes to the structure for the continued coordination between state  
26 agencies and industry;

27 (c) Possible revisions to the response roles or responsibilities of state agencies, local  
28 governments and railroads; and

29 (d) Strategies for ensuring adequate funding at the state and local government levels to  
30 cover the training, equipment and administrative costs associated with providing compre-  
31 hensive response and equipment.

32 **SECTION 3.** Sections 1 and 2 of this 2015 Act become operative on January 1, 2016.

33 **SECTION 4.** (1) The Oil and Hazardous Material Transportation by Rail Action Fund is  
34 established in the State Treasury, separate and distinct from the General Fund. The Oil and  
35 Hazardous Material Transportation by Rail Action Fund shall consist of all moneys placed in  
36 the fund as provided by law and any gifts, grants, donations, endowments or bequests from  
37 any public or private source. Interest earned by the fund shall be credited to the fund.

38 (2) All moneys in the fund are continuously appropriated to the Department of State  
39 Police for use by the office of the State Fire Marshal only for the payment of costs associ-  
40 ated with the development and effective implementation of the plan adopted under section 2  
41 of this 2015 Act for the coordinated response to oil or hazardous material spills or releases  
42 that occur during rail transport.

43 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public  
44 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
45 on its passage.

