

B-Engrossed
House Bill 3225

Ordered by the House June 30
Including House Amendments dated May 28 and June 30

Sponsored by Representative SMITH WARNER; Representative JOHNSON

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.

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.

Increases, for biennium beginning July 1, 2015, appropriation from General Fund to Department of State Police, for office of State Fire Marshal, for staff and supplies to respond to oil or hazardous material spills or releases that occur during rail transport.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

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

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

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

(b) May include requirements and incentives for local governments and other responders to participate in ongoing training programs;

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

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

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

3 (a) Make the report available as an appendix to the Office of Emergency Management's
4 oil and hazardous material response emergency operations plan developed pursuant to ORS
5 401.092; and

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

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation
35 made to the Department of State Police by section 1 (4), chapter _____, Oregon Laws 2015
36 (Enrolled Senate Bill 5531), for the biennium beginning July 1, 2015, for the office of the State
37 Fire Marshal, is increased by \$365,225 for staff and supplies to respond to oil or hazardous
38 materials spills or releases that occur during rail transport.

39 **SECTION 6.** This 2015 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
41 on its passage.