

STAFF MEASURE SUMMARY**House Committee On Energy and Environment****Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Action Date:** 04/21/15**Action:** Without Recommendation As To Passage And Be Referred To Rules.**Meeting Dates:** 04/09, 04/21**Vote:**

Yeas: 5 - Boone, Helm, Holvey, Reardon, Vega Pederson

Nays: 4 - Bentz, Heard, Johnson, Weidner

Prepared By: Beth Patrino, Committee Administrator

WHAT THE MEASURE DOES:

Defines terms. 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. Authorizes one-time total assessment proportioned among certain railroads for biennium beginning July 1, 2015. Transfers moneys to Oil Spill Prevention Fund and State Fire Marshal Fund for purposes of certain activities related to high hazard trains effective 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 effective July 1, 2017. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Role of federal pre-emption in state program
- Identification of gaps in emergency response system
- Transportation of hazardous materials by truck
- Liability for spill clean-up

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Oil production from the Bakken fields of North Dakota has resulted in more crude oil being shipped by rail across the country and through the Pacific Northwest. Reports show three oil trains a week pass through Oregon, following the Columbia River to the Global Pacific oil terminal near Clatskanie. Additional oil trains travel south through central and southern Oregon on their way to California. Several recent oil train accidents have raised concerns about oil train safety.

In July of 2014, the U.S. Department of Transportation proposed new rules aimed at improving the safety of trains carrying large shipments of crude oil and ethanol. Thousands of older tank cars would be phased out within two years under the regulations, which would apply to trains of 20 or more cars carrying flammable materials like crude

oil. The rules would also reduce the speed of oil trains to 40 miles per hour, require better classification of crude oil and mandate enhanced braking systems for trains carrying flammable materials.

The Oregon Legislature passed the Oil Spill Prevention Act in 1991. This Act directed the Department of Environmental Quality to develop rules to provide for the prevention, preparedness and response to oil spills from large facilities, vessels and petroleum transportation industries. The Office of the State Fire Marshal is the lead state agency for planning for hazmat response, training emergency responders, and survey of hazardous substances.

House Bill 3225 would direct the 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 Oregon.