

**HB 2131 STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

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**Action Date:** 04/17/17  
**Action:** Without recommendation as to passage, be referred to Rules, and then to Ways and Means by prior reference.  
**Vote:** 5-4-0-0  
**Yeas:** 5 - Barnhart, Helm, Holvey, Marsh, Power  
**Nays:** 4 - Bentz, Johnson, Reschke, Smith DB  
**Fiscal:** Fiscal impact issued  
**Revenue:** Revenue impact issued  
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**WHAT THE MEASURE DOES:**

Adds railroad cars to definition of “facility” for purposes of liability for oil spillage under oil or hazardous material spillage statutes. Requires oil spill prevention and emergency response plan, approved by Department of Environmental Quality (DEQ), to operate high hazard train route. Requires Environmental Quality Commission (EQC) to adopt rules to define standards for contingency plan preparation and oil spill response zones. Requires contingency plan be renewed at least once every three years and be originally submitted within 12 months of EQC rule adoption. Requires railroad that owns or operates high hazard train route to: 1) offer training at least once every three years to fire departments with jurisdiction along train route; 2) communicate annually with State Fire Marshal and regional hazardous material response teams to ensure coordination; 3) deliver and deploy sufficient equipment and trained personnel to contain and recover discharged materials following confirmation of discharge; 4) be capable of delivering and deploying containment booms; and 5) conduct one oil containment, recovery and listed sensitive area protection drill every three years at location and time chosen by DEQ. Requires railroad that owns or operates high hazard train route to have proof of financial responsibility in amount that equals worst-case spill volume in barrels multiplied by \$10,000. Requires DEQ to levy annual fee, based on track miles operated in state proportionately on applicable rail carriers, at amount that equals a total of \$375,000 to be deposited in the Oil and Hazardous Material Transportation by Rail Action Fund. Annual fee becomes operative July 1, 2019. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Oil train derailment in Mosier, Oregon
- Potential effect on neighboring communities if train derailment occurs
- Agency roles in responding to train derailment
- Federal preemption issues

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

On June 6, 2014, an Emergency Order issued by the U.S. Department of Transportation went into effect requiring railroad carriers operating trains transporting 1,000,000 gallons or more of Bakken crude oil in a single train to provide information to a State Emergency Response Commission including estimated volumes and frequencies of the train traffic implicated. In 2015, the Legislative Assembly enacted House Bill 3225 which required the Office of State Fire Marshal to adopt a plan for a coordinated response to an oil or hazardous material spill or release that occurred during rail transport.

**HB 2131 STAFF MEASURE SUMMARY**

House Bill 2131 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 this state.