

Requested by Representative JOHNSON

**PROPOSED AMENDMENTS TO
SENATE BILL 7**

1 On page 1 of the printed bill, line 2, after “materials;” delete the rest of
2 the line and delete lines 3 and 4 and insert “amending ORS 453.392 and
3 453.394.”.

4 Delete lines 6 through 27 and delete pages 2 through 12 and insert:

5 **“SECTION 1.** ORS 453.392 is amended to read:

6 “453.392. (1) As part of the plan for the effective implementation of a
7 statewide hazardous material emergency response system established by rule
8 under ORS 453.374, the State Fire Marshal shall adopt by rule a plan for the
9 coordinated response to oil or hazardous material spills or releases that oc-
10 cur during rail transport. The plan adopted under this subsection:

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

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

16 “(c) Shall provide a system for identifying where **oil or** hazardous mate-
17 rial **spill or release** response materials owned by railroads are located
18 throughout this state and how access to those materials is to be coordinated;
19 [*and*]

20 **“(d) Shall include annual statewide training exercises and tabletop**
21 **exercises that include the Department of Environmental Quality, the**

1 **Office of Emergency Management, state and local responders, feder-**
2 **ally recognized Oregon Indian tribes and railroads that operate in this**
3 **state;**

4 **“(e) Shall provide for the implementation of a full scale, multia-**
5 **gency, multijurisdictional and multidisciplinary oil or hazardous ma-**
6 **terial spill or release training exercise that:**

7 **“(A) Involves training for all manner of personnel necessary to a**
8 **coordinated response to an oil or hazardous material spill or release;**

9 **“(B) Is intended to examine or validate the planning, coordination**
10 **and command and control decisions that may be made in the event**
11 **of an oil or hazardous material spill or release and to also examine or**
12 **validate response specific capabilities or functions; and**

13 **“(C) Involves training that covers the entire sequence of events that**
14 **take place during an oil or hazardous material spill or release incident**
15 **that occurs during rail transport; and**

16 **“[(d)] (f) May include any other information deemed necessary by the of-**
17 **fice of the State Fire Marshal to provide coordinated response to oil or**
18 **hazardous material spills or releases that occur during rail transport.**

19 **“(2)(a) In order to develop the plan required under subsection (1)**
20 **of this section, the State Fire Marshal may request only the following**
21 **information from a railroad operating in Oregon:**

22 **“(A) The names, addresses, phone numbers, fax numbers and elec-**
23 **tronic mail addresses for the primary owner of the railroad and for the**
24 **local primary contacts for the railroad;**

25 **“(B) A list of the contacts for the railroad that are available 24**
26 **hours each day to respond to threatened or actual oil or hazardous**
27 **material spills or releases;**

28 **“(C) The area of transit of the railroad;**

29 **“(D) The spill mitigation measures that are used by the railroad;**

30 **“(E) The procedures that the railroad has in place for notification**

1 in the event of an oil or hazardous material spill or release;

2 “(F) The personnel that the railroad will have at its disposal, as
3 evidenced by documentation that may include letters of intent with
4 contractors, for spill response activities in the event of an oil or haz-
5 arduous material spill or release;

6 “(G) The response materials available for oil or hazardous material
7 spills or releases that are owned by the railroad and available for use
8 in this state, and the location of the response materials;

9 “(H) The types of responder training that are provided by the rail-
10 road and the frequency at which the responder training activities oc-
11 cur; and

12 “(I) Proof of financial responsibility from the railroad for the costs
13 associated with an oil or hazardous material spill or release.

14 “(b) The State Fire Marshal may make the information received
15 from railroads under this subsection available only to the Department
16 of Environmental Quality, the Office of Emergency Management, state
17 and local responders and federally recognized Oregon Indian tribes.

18 “(c) All information provided to the State Fire Marshal by a rail-
19 road under this subsection, which may include information constitut-
20 ing security sensitive information provided for under 49 U.S.C.
21 11904(b), 49 C.F.R. 15 and 49 C.F.R. 1520 or information otherwise pro-
22 tected under federal law, is confidential, exempt from disclosure under
23 public records law, and may not be disclosed to any person or entity
24 not listed in paragraph (b) of this subsection. No subpoena or judicial
25 order may be issued compelling the disclosure of information provided
26 under this section, except when relevant to a proceeding where com-
27 pliance by a railroad with this section is to be adjudicated.

28 “[2)] (3) The office of the State Fire Marshal shall annually coordinate
29 with local governments, other state agencies involved in hazardous material
30 emergency response, other responders and representatives of the railroad in-

1 dustry to prepare a report on the coordinated response plan adopted under
2 this section and shall:

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

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

8 “[3] (4) The report required by subsection [(2)] (3) of this section shall
9 include, but need not be limited to, the following in relation to oil and haz-
10 ardous material emergency response for rail transport:

11 “(a) An inventory of all emergency response resources available in this
12 state, including 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 re-
16 sponse;

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

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

21 “(d) Strategies for ensuring adequate funding at the state and local gov-
22 ernment levels to cover the training, equipment and administrative costs
23 associated with providing comprehensive response and equipment.

24 **“SECTION 2.** ORS 453.394 is amended to read:

25 “453.394. (1) The Oil and Hazardous Material Transportation by Rail
26 Action Fund is established in the State Treasury, separate and distinct from
27 the General Fund. The Oil and Hazardous Material Transportation by Rail
28 Action Fund shall consist of all moneys placed in the fund as provided by
29 law and any gifts, grants, donations, endowments or bequests from any public
30 or private source. Interest earned by the fund shall be credited to the fund.

1 “(2) All moneys in the fund are continuously appropriated to the Depart-
2 ment of State Police for use by the office of the State Fire Marshal only
3 for:

4 “(a) The payment of costs associated with the development and effective
5 implementation of the plan adopted under ORS 453.392 for the coordinated
6 response to oil or hazardous material spills or releases that occur during rail
7 transport[.]; **and**

8 “(b) **The payment of expenses of the Department of Environmental**
9 **Quality incurred in coordinating with the State Fire Marshal to:**

10 “(A) **Develop geographic response plans specific to oil and hazard-**
11 **ous material emergency response for rail transport; and**

12 “(B) **Provide environmental testing after oil or hazardous material**
13 **spills or releases that occur during rail transport, including but not**
14 **limited to air, water and soil analysis.”.**

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