

Requested by Representative SMITH WARNER

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2131**

1 On page 1 of the printed A-engrossed bill, line 2, after “453.392,” insert
2 “453.825.”

3 On page 2, line 20, restore “the office of”.

4 Delete lines 23 through 43.

5 In line 44, restore “(2)” and delete “(3)” and restore “office of the”.

6 On page 3, line 7, restore the bracketed material and delete the boldfaced
7 material.

8 Delete lines 22 and 23 and insert:

9 **“SECTION 2. Section 3 of this 2017 Act is added to and made a part**
10 **of ORS 453.307 to 453.414.”**

11 In line 41, before “State” insert “office of the”.

12 In line 44, before “State” insert “office of the”.

13 On page 4, delete lines 6 through 22 and insert:

14 “(5) The office of the State Fire Marshal shall make the information re-
15 ceived from applicable rail carriers under this section available to the De-
16 partment of Environmental Quality for the purposes of the department’s
17 administration of those provisions of ORS 468B.300 to 468B.500 that apply
18 to high hazard train routes.

19 “(6) All information provided to the office of the State Fire Marshal by
20 an applicable rail carrier under this section, including any information con-
21 stituting security sensitive information provided for under 49 U.S.C. 11904(b),

1 49 C.F.R. 15 and 49 C.F.R. 1520 and information otherwise protected under
2 federal law, is confidential, is exempt from disclosure under the public re-
3 cords law (ORS 192.410 to 192.505) and may not be disclosed to any person
4 or entity not specified in this section. No subpoena or judicial order may
5 be issued compelling the disclosure of information provided to the office of
6 the State Fire Marshal by an applicable rail carrier under this section, ex-
7 cept when relevant to a proceeding where compliance by an applicable rail
8 carrier with this section is to be adjudicated.

9 “**NOTE:** Section 4 was deleted by amendment. Subsequent sections were
10 not renumbered.”.

11 On page 6, line 4, delete “Ethanol, biodiesel and”.

12 On page 8, line 3, before “State” insert “office of the”.

13 Delete lines 35 through 41 and insert:

14 “(8)(a) Upon receipt of a contingency plan for a high hazard train route,
15 the department shall provide a copy of the contingency plan for review to:

16 “(A) The State Department of Fish and Wildlife, the office of the State
17 Fire Marshal, the Department of Land Conservation and Development, the
18 Department of Transportation and the Office of Emergency Management;

19 “(B) State and local emergency responders;

20 “(C) Local governments having jurisdiction over lands that abut or are
21 traveled over by the high hazard train route for which the contingency plan
22 is prepared; and

23 “(D) Any federally recognized Oregon Indian tribes owning property that
24 abuts or is traveled over by the high hazard train route for which the con-
25 tingency plan is prepared.

26 “(b) Persons and entities that receive copies of a contingency plan under
27 this subsection shall review the plan according to procedures and time limits
28 established by rule by the commission.

29 “(9)(a) Except as provided in paragraph (b) of this subsection, a contin-
30 gency plan submitted to the Department of Environmental Quality under this

1 section is confidential, is exempt from disclosure under the public records
2 law (ORS 192.410 to 192.505) and may not be disclosed to any person or entity
3 not specified in subsection (8) of this section. No subpoena or judicial order
4 may be issued compelling the disclosure of a contingency plan, except when
5 relevant to a proceeding where compliance by an owner or operator of a high
6 hazard train route with this section is to be adjudicated.

7 “(b) Specific information contained in a contingency plan may be dis-
8 closed by the Department of Environmental Quality or a person or entity
9 specified in subsection (8) of this section if such disclosure is necessary to
10 carry out the duties of the department, person or entity under a state or
11 federal law, except that nothing in this subsection may be construed to:

12 “(A) Authorize the disclosure by any person or entity of information in
13 the contingency plan that constitutes security sensitive information provided
14 for under 49 U.S.C. 11904(b), 49 C.F.R. 15 and 49 C.F.R. 1520 or information
15 otherwise protected under federal law; or

16 “(B) Modify the applicability of any other exemption to the public records
17 law (ORS 192.410 to 192.505) that may apply to information contained in a
18 contingency plan.”.

19 In line 42, delete “(9)” and insert “(10)”.

20 On page 15, delete lines 3 through 15 and insert:

21

22 **“DEPARTMENT OF TRANSPORTATION PLAN FOR REGULATING**
23 **TRANSPORT OF HAZARDOUS SUBSTANCES AND RADIOACTIVE**
24 **WASTE**

25

26 **“SECTION 19.** ORS 453.825 is amended to read:

27 “453.825. (1) The Department of Transportation shall coordinate develop-
28 ment of a single plan and procedure for the regulation of the transportation
29 of hazardous material and waste and radioactive material and waste in
30 Oregon.

1 “(2) In developing the plan under subsection (1) of this section, the De-
2 partment of Transportation shall cooperate with the office of the State Fire
3 Marshal **and the Department of Environmental Quality.**

4 “(3) As used in this section, ‘hazardous waste’ has the meaning given that
5 term in ORS 466.005.

6

7

“MISCELLANEOUS

8

9 **“SECTION 20. (1) Sections 2, 3, 7 to 9, 16 and 17 of this 2017 Act and**
10 **the amendments to statutes by sections 1, 5, 6, 10 to 15, 18 and 19 of**
11 **this 2017 Act become operative on January 1, 2018.**

12 **“(2) The State Fire Marshal, the office of the State Fire Marshal,**
13 **the Environmental Quality Commission and the Department of Envi-**
14 **ronmental Quality may take any action before the operative date**
15 **specified in subsection (1) of this section that is necessary for the**
16 **State Fire Marshal, the office of the State Fire Marshal, the commis-**
17 **sion or the department to exercise, on and after the operative date**
18 **specified in subsection (1) of this section, any of the duties, functions**
19 **and powers conferred on the State Fire Marshal, the office of the State**
20 **Fire Marshal, the commission and the department by sections 2, 3, 7**
21 **to 9, 16 and 17 of this 2017 Act and the amendments to statutes by**
22 **sections 1, 5, 6, 10 to 15, 18 and 19 of this 2017 Act.”.**

23 In line 16, delete “20” and insert “21”.

24 In line 19, delete “21” and insert “22”.

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