



# Oregon

Kate Brown, Governor

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*Premier Public Safety Services*

To: Chair Evans and Members of the House Committee on Veterans and Emergency Preparedness

Date: February 20, 2020

Re: HB 2006 (2019 Legislative Session)

## **Summary of HB 2209 (2019) – Contingency Planning for High Hazard Train Routes**

The passing of House Bill 2209 this past session sets forth additional requirements to the [plan](#) already adopted by the Office of State Fire Marshal (OSFM) for a coordinated response to oil or hazardous material spills or releases that occur during rail transport. These additional requirements include:

- The provision of training for all manner of personnel necessary for a coordinated response to an oil or a hazardous material spill or release that occurs during rail transport;
- Tabletop exercises that include the Oregon Department of Environmental Quality (DEQ), the Oregon Department of Transportation (ODOT), the Office of Emergency Management (OEM), state and local responders, and federally recognized Indian tribes in this state and railroads that operate in this state;
- Statewide functional exercises to test and evaluate response capabilities, functional groups, plans, incident command staff and emergency operations centers in their abilities to respond to an oil or a hazardous material spill or release that occurs during rail transport; and
- Full-scale, multiagency, multijurisdictional and multidisciplinary exercises that both cover the entire sequence of events of an oil or hazardous material spill or release that occurs during a rail transport incident and that validates planning, coordination and command and control decisions established in existing local, state, and federal response plans.

### **Program Development to Date**

The Oregon State Police (OSP), Office of State Fire Marshal (OSFM) anticipates the need to hire one permanent Public Safety Training Specialist 2 who will plan, prepare, and offer these training and exercises. The OSP calculates salary and training supplies costs for this employee at over \$400,000 per biennium.

HB 2209 allows for the DEQ and OSFM to establish by rule a fee of up to \$20 for each rail tank car shipping crude oil along high hazard flammable train routes. These fees are to be levied against the

shipper of the crude oil, not the railroad company towing the rail tank cars. While crude oil shipments vary each year, ODOT's estimate of 12,200 cars annually would yield upwards of \$488,000 per biennium.

In December 2019, the Oregon Department of Revenue (DOR) established an online registration system for companies shipping oil along high hazard train routes. Additionally, the DOR established quarterly filing due dates to submit required fees for each railroad tank car. With those fee collection processes in place, the next step is for the DEQ and OSFM to establish by rule the fee.

The DEQ and the OSFM are collaborating on a timeline to establish the required rule in 2020. The OSFM met with stakeholders and determined that because HB2209 places a number of contingency planning responsibilities on the DEQ – in addition to establishing the fee – their agency would be the lead on developing administrative rules.

### **Critical Needs**

The OSFM has a fiscal and organizational plan and strategy to implement the program once the fee is established by rule, collected by the DOR, and generates funds to hire an employee and purchase training supplies.

Currently, the DEQ anticipates the rules will be authorized sometime between September and November 2020.

For more information regarding the OSFM's HazMat Rail programs and initiatives, please visit our webpage at: <https://www.oregon.gov/osp/programs/sfm/Pages/Hazmat-by-Rail.aspx>