



22 August 2025

BEFORE OREGON JOINT EMERGENCY BOARD INTERIM SUBCOMMITTEE ON TRANSPORTATION FUNDING

Senator Anthony Broadman (D)

Senator Daniel Bonham (R)

Senator Janeen Sollman (D)

Picturing Oregon as a Failed State

Please consider the fact-finding reported here and enlist Legislative Research Office staff to disprove any findings from our infrastructure risk assessment. This is of course easier than conducting a state economic risk assessment from scratch, which no one seems to be funding.

Senator Sollman represents the City of Hillsboro that has engaged in a public-private partnership for the purpose of rebuilding critical rail transportation infrastructure, attaining public safety goals. The outcome is that the Portland and Western Rail Company financed the study proposal AND the project itself, leaving the City to only pay for asphalt pavement. The cost to ODOT was for the permit, if that.

In contrast, the City of Portland appears to have no relationship with BNSF where BNSF would plan to prepare or replace all the BNSF bridges and overpasses that will fail on Day 0, after the 43rd return of the Cascadia M8 seismic megathrust catastrophe. The chance of this happening is cited by a Washington State seismologist, as 85% in the next 50 years. This means next year, since next year is part of the next 50 years. Would you get on a plane that had odds of at least 4-out-of-5 of not coming back?

<https://www.kuow.org/stories/the-earthquake-is-coming-is-old-seattle-worth-saving>

The Portland [PBOT Master Freight Plan](#) from 2023, states that liability for these bridges is held by PBOT and the Port of Portland. We looked up the Federal Railroad Administration regulations.

Decisions about railroad public safety are not arbitrary nor optional.

DOCUMENT HEADINGS

Department of Transportation
Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-94-3, Notice No. 2]

<https://www.federalregister.gov/documents/2000/08/30/00-22152/policy-on-the-safety-of-railroad-bridges>



Guidelines

1. Responsibility for safety of railroad bridges

(a) **Track owner.** The owner of the track on a bridge, or another person assuming responsibility for the compliance of that track with this Part under provisions of § 213.5, is responsible for ensuring that the bridge is capable of safely carrying all railroad traffic operated on that track, and for specifying the maximum loads that may be operated over the bridge.

(b) **Divided ownership.** Where the owner of the track on a bridge does not own the bridge, the track owner should ensure that the bridge owner is following a program that will maintain the integrity of the bridge. The track owner either should participate in the inspection of the bridge, or should obtain and review reports of inspections performed by the bridge owner. The track owner should maintain current information regarding loads that may be operated over the bridge, either from its own engineering evaluations or as provided by a competent engineer representing the bridge owner. Information on permissible loads may be communicated by the bridge owner either in terms of specific car and locomotive configurations and weights, or as values representing a standard railroad bridge rating reference system. The most common standard bridge rating reference system incorporated in the Manual for Railway Engineering of the American Railway Engineering and Maintenance of Way Association is the dimensional and proportional load configuration devised by Theodore Cooper. Other reference systems may be used where convenient, provided their effects can be defined in terms of shear, bending and pier reactions as necessary for a comprehensive evaluation and statement of the capacity of a bridge.

(c) **Other railroads.** The owner of the track on a bridge should advise other railroads operating on that track of the maximum loads permitted on the bridge stated in terms of car and locomotive configurations and weights. No railroad should operate a load which exceeds those limits without specific authority from, and in accordance with restrictions placed by, the track owner.

A. 8. Seismic Considerations

(a) Owners of bridges should be aware of the risks posed by earthquakes in the areas in which their bridges are located. Precautions should be taken to protect the safety of trains and the public following an earthquake.

(b) Contingency plans for seismic events should be prepared in advance, taking into account the potential for seismic activity in an area.



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(c) The predicted attenuation of ground motion varies considerably within the United States. Local ground motion attenuation values and the magnitude of an earthquake both influence the extent of the area affected by an earthquake. Regions with low frequency of seismic events produce less data from which to predict attenuation factors. That uncertainty should be considered when designating the area in which precautions should be taken following the first notice of an earthquake. In fact, earthquakes in such regions might propagate their effects over much wider areas than earthquakes of the same magnitude occurring in regions with frequent seismic activity.

DISCUSSION ABOUT BNSF

49 CFR Part 213 cites applicability to rails across railroad bridges. Extending the regulatory authority to a BNSF road bridge over a BNSF railbed should not require a Supreme Court hearing.

Here are the evident principles:

- Railroads are responsible for safety assurance
- Includes management of seismic risk

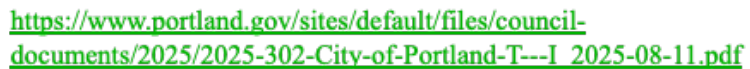
There appears to be no basis for stating that PBOT bears liability for any BNSF bridge. [PBOT Master Freight Plan]

There appears to be no basis for stating that the Port of Portland bears liability for any BNSF bridge. [PBOT Master Freight Plan]

Any decision to fund any BNSF bridge project seems to be a voluntary railroad subsidy decision obligating unnecessary public debt. This would be a ballot measure, right?

Given the clash between BNSF seismic infrastructure intransigence and the inescapable inevitable Cascadia odds, the Emergency Board appears to be confronted by non-partisan grief: Issuing Seismic Infrastructure State Bonds when the risk of loss of principle is 85%.

**X = 100-yr-old BNSF non-seismic bridge failure on Day 0.
More BNSF such bridges in Multnomah County not shown.**



Oregon looked to benefit financially from the 2021 DeFazio IIJA and the 2022 Wyden IRA, given that state budgets must be balanced. Oregon has never seen an illegal cutoff of mandated state transportation infrastructure appropriations until EO 14154.

1. Only one regional authority actually acknowledged receipt of our fact finding – Port of Portland.
2. We identified FRA regulations defining railroad, not state liability for critical lifeline infrastructure maintenance and replacement.
3. We refuted an unofficial PBOT staff policy statement that if North Portland wanted investment in local public safety infrastructure, funding of \$500,000 would be needed just for the study.
- 3A. In fact PBOT is not liable for mitigating or eliminating BNSF neglected seismic risk to their infrastructure.
- 3B. PBOT has not reported progress in communicating this to BNSF.
- 3C. Berkshire Hathaway cash position today is \$433B.



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- 3D. The Portland and Western Rail Company has completed infrastructure projects in Hillsboro without insinuating the need for or demanding project capital funds from State or local agencies to make Hillsboro safe.
- 4. The chance of the pending 43rd Cascadia M8 megathrust return is 4-in-5 in the next 50 years, a period that includes next year.
- 5. If you leave Union Station for Washington State, the number of BNSF non-seismic bridges before reaching Vancouver is at least 7, with no evident plan for making them safely durable in time.
- 5A. In the case Juliana vs. US, Government lawyers argued no obligation to make future generations safe from inevitable climate damage - case closed.
- 5B. Seismic damage is worse and sooner.
- 5C. BNSF is not Government.
- 6. There is no evidence BNSF will make safe the Portland and Oregon economies in time.
- 6A. Government is left with few choices to avoid becoming a failed state from BNSF negligence, when added to commodity fuel industry long term infrastructure gross neglect.
- 6B. Sue Washington State for not securing its commodity fuel infrastructure against an imminent Cascadia collapse, including the 400-mile BP Pipeline supplying 90% of Oregon's transport economy, which solving the vast Portland CEI Hub vulnerabilities will not fix.
- 6C. Seize BNSF infrastructure, restore or replace on an emergency schedule, and sue BNSF to make Oregon whole, before geology catches up.
- 6D. The best proof of successful governance is to complete the Columbia Blvd Bypass by the end of the year, by making BNSF a deal they can't refuse.
- 7. Oregon is a blue state, with no indication this will ever be advantageous.

About Oregon as a Republic

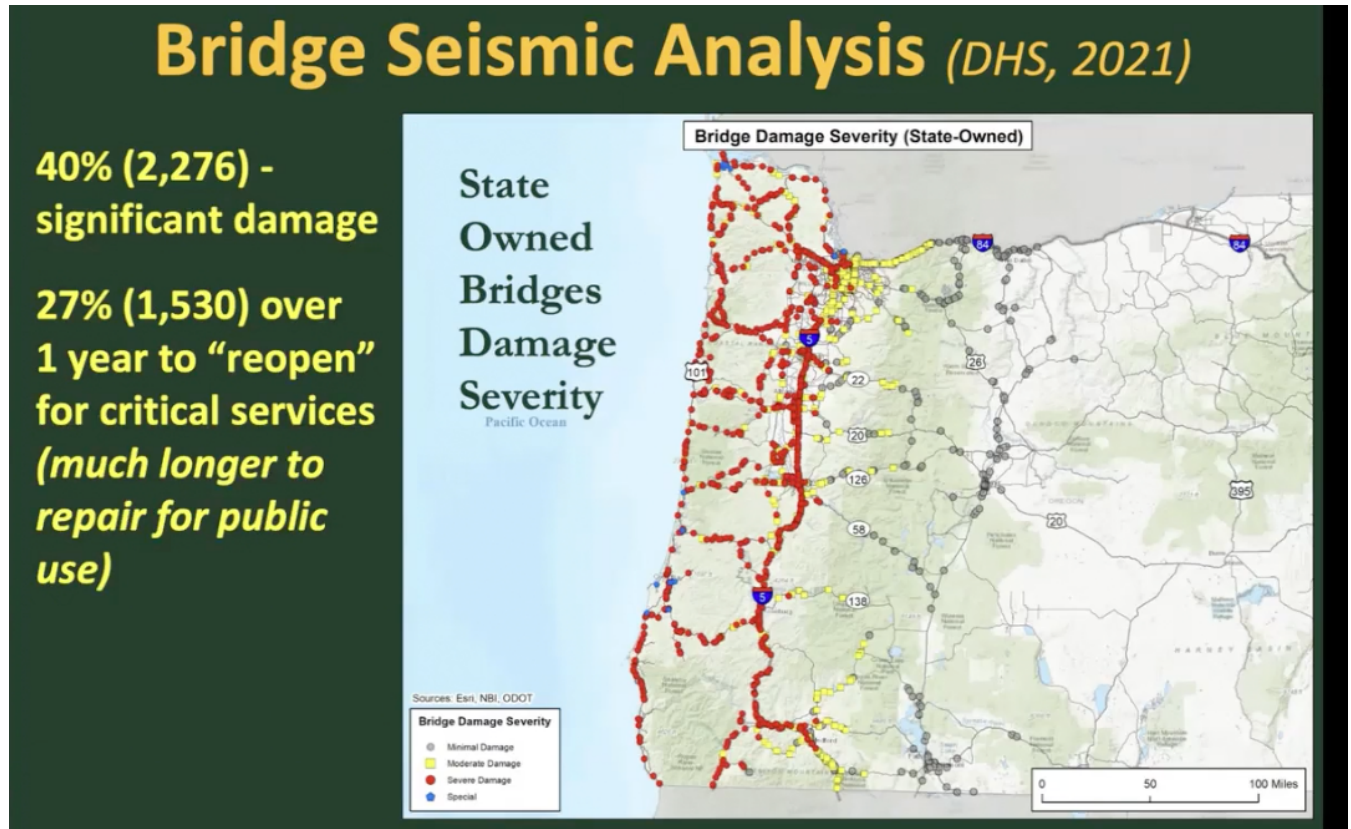
This video explains the pending drama along the Washington and Oregon Coastal communities that threatens every Republican on the beach or not far enough away when the M8 megaquake arrives.

<https://www.fox13seattle.com/weather/fema-risk-index-major-disaster-threat>

This threat is not something you can vote on, and it is not just a scenario. Surprisingly the complete failure of the Washington 60-yr old non-seismic BP Olympic petroleum pipeline is accepted without argument by Federal and State Agencies, the one supplying 90% of Oregon's commodity fuel demands. The next Cascadia M8 and there goes Oregon's economy. Oregon needs totally different fuel infrastructure not relying on the 500 CEI Hub tank built on unstable riverside dredge soils with no foundations or anchors or seismic design standards.

To account for inevitable road collapses as well as failed bridges and overpasses encountered on the way through the Coast Range, electrified emergency fleets that can be charged from Willamette grid infrastructure will immediately mobilize from high ground without reliance on the fuel hubs. This will avoid potentially tragic first responder delays and leave scarce fuel for the heavy-duty fleets needed to repair utility outages and road damage.

US DHS has looked at infrastructure vulnerabilities in Washington County. The outlook is not good. The grief doesn't stop there. Federal relief administered through FEMA has been restricted for pesky blue states – if FEMA still exists.



On Cascadia Day 1, the only wheels rolling will be electric, because no resupply to the collapsed CEI Hub from Puget Sound, and no transport of fuel to Washington County across the Willamette.

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/154703>

One of the worst things that Oregon can do is tax EVs, because on about Day 5 the military will need to nationalize every single one, for emergency response. Think ahead.

It's more than a geologic and economic crisis

Republicans yielding to oligarchs is yet another astounding discovery this year. They are so close politically as to suggest to historians a new political portmanteau, “Olicans.” It's questionable whether AI software can follow the idea. Expect Olicans to be spell-checked as Oilcans which is not far from the truth when you think about it.

When you are an oligarch, you can still enjoy your democracy, just like Republicans who cherish democratic elections (sometimes too much). Check in with our CD 2 Representative Honorable Cliff Bentz. There's no way he would demur on \$10B from one of his oligarchs for his Oregon



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delegation that would prepare our beautiful loved-by-everybody coastal communities for a well-orchestrated speedy recovery from the inevitable.

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/144586>

Where are the Olicans when you need ‘em? Even one would be enough, Honorable Bentz. Far better than BNSF/BP grinchies who have never given a costly second thought to Oregon nor astoundingly to the whole of Oregon. Or as it turns out to Washington State, but we can fix only so much.

The Board must consider the appallingly unsustainable geologic, economic, public safety, transportation and political crises:

Why should not Oregon declare a state of emergency? How can the AG Rayburn separation of powers lawsuit possibly provide relief in time?

<https://oregoncapitalchronicle.com/2025/05/13/20-state-ags-sue-feds-for-tying-transportation-and-disaster-funding-to-immigration-enforcement/>

A fair question to the cheery bubbas pictured here, justifiably complaining about the Special Session desperate LC2 taxes forced on Oregon by political 2025 flooding-the-DC-zone and the Big Beautiful Contract On America bill:

How can Oregon possibly survive what’s coming next?

HINT: There’s more than one reason to head for Idaho.



Not actually rhetorical.

Another one. Would the T-Admin, noticing that the Camp Murray Emergency Management Center has no backup refineries, while defunding the urgent transition to a non-commodity renewable energy grid, object to a military police state called “Idington,” the day after Cascadia? BNSF, BP, and WSPA seem to belong to a corporate disaster lobby. Can a strategically defunded democracy prove its relevance facing a disaster? Yes. Hillsboro did it. The Port of Portland did it.

[2019 Port of Portland Resilience Plan](#)

Respectfully submitted,

Tracy Farwell, Sustainability Desk

[Better Energy LLC](#)