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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3134

03/17/2014 Authored by Hornstein

The bill was read for the first time and referred to the Committee on Transportation Policy  
By motion, recalled and re-referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to transportation; public safety; providing for railroad and pipeline safety  
1.3 and emergency response preparedness for oil and other hazardous materials;  
1.4 specifying powers and duties; establishing a grant program; appropriating  
1.5 money; requiring legislative report; amending Minnesota Statutes 2012, sections  
1.6 115E.08, by adding a subdivision; 299F.012; proposing coding for new law  
1.7 in Minnesota Statutes, chapter 299F.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 115E.08, is amended by adding a  
1.10 subdivision to read:

1.11 Subd. 3a. Railroad and pipeline preparedness; public safety. The commissioner  
1.12 of public safety shall carry out public safety protection activities related to railroad and  
1.13 pipeline spill and discharge preparedness. Duties under this subdivision include, but  
1.14 are not limited to:

1.15 (1) assisting local emergency managers and fire officials to understand the hazards  
1.16 of oil and hazardous substances, as well as general strategies for hazard identification,  
1.17 initial isolation, and other actions necessary to ensure public safety;

1.18 (2) assisting railroads and pipeline companies to develop suggested protocols and  
1.19 practices for local first responder use in protecting the public's safety;

1.20 (3) facilitating cooperation between railroads, pipeline companies, county and city  
1.21 emergency managers, and other public safety organizations;

1.22 (4) participating in major exercises and training sessions;

1.23 (5) assisting local units of government to incorporate railroad and pipeline hazard  
1.24 and response information into local emergency operations plans;

2.1 (6) monitoring the public safety-related training and planning requirements of  
 2.2 section 115E.03; and  
 2.3 (7) referring noncompliance with section 115E.03 to the Pollution Control Agency.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.5 Sec. 2. Minnesota Statutes 2012, section 299F.012, is amended to read:

2.6 **299F.012 FIRE SAFETY ACCOUNT; OIL AND OTHER HAZARDOUS**  
 2.7 **MATERIALS.**

2.8 Subdivision 1. **Authorized programs within department.** From the revenues  
 2.9 appropriated from the fire safety account, established under section 297I.06, subdivision  
 2.10 3, the commissioner of public safety may expend funds for the activities and programs  
 2.11 identified by the advisory committee established under subdivision 2 and recommended to  
 2.12 the commissioner of public safety. the commissioner shall not expend funds without the  
 2.13 recommendation of the advisory committee established under subdivision 2. These funds  
 2.14 are to be used to provide resources needed for identified activities and programs of the  
 2.15 Minnesota fire service and to ensure the State Fire Marshal Division responsibilities are  
 2.16 fulfilled.

2.17 Subd. 2. **Fire Service Advisory Committee.** (a) The Fire Service Advisory  
 2.18 Committee shall provide recommendations to the commissioner of public safety on  
 2.19 fire service-related issues and shall consist of representatives of each of the following  
 2.20 organizations: two appointed by the president of the Minnesota State Fire Chiefs  
 2.21 Association, two appointed by the president of the Minnesota State Fire Department  
 2.22 Association, two appointed by the president of the Minnesota Professional Fire Fighters,  
 2.23 two appointed by the president of the League of Minnesota Cities, one appointed by the  
 2.24 president of the Minnesota Association of Townships, one appointed by the president  
 2.25 of the Insurance Federation of Minnesota, one appointed jointly by the presidents of  
 2.26 the Minnesota Chapter of the International Association of Arson Investigators and the  
 2.27 Fire Marshals Association of Minnesota, and the commissioner of public safety or the  
 2.28 commissioner's designee. The commissioner of public safety must ensure that at least  
 2.29 three of the members of the advisory committee work and reside in counties outside of the  
 2.30 seven-county metropolitan area.

2.31 (b) The committee shall provide funding recommendations to the commissioner of  
 2.32 public safety from the fire safety fund for the following purposes:

- 2.33 (1) for the Minnesota Board of Firefighter Training and Education;  
 2.34 (2) for programs and staffing for the State Fire Marshal Division; ~~and~~

3.1 (3) for fire-related regional response team programs and any other fire service  
3.2 programs that have the potential for statewide impact; and

3.3 (4) for hazardous incident preparedness grants under subdivision 2a.

3.4 **Subd. 2a. Oil and other hazardous materials; hazardous incident preparedness**

3.5 **grant program.** (a) The commissioner shall establish a hazardous incident response  
3.6 preparedness grant program for (1) derailments, discharges, or spills involving trains  
3.7 carrying oil or other hazardous substances, and (2) pipeline discharge or spills incidents.

3.8 In consultation with the advisory committee under subdivision 2, the commissioner shall  
3.9 establish eligibility requirements, a grant application process, application evaluation  
3.10 criteria, grant award procedures, funding use requirements, and reporting requirements.

3.11 (b) Fire departments and agencies that employ emergency first responders are  
3.12 eligible to apply for grants under this section.

3.13 (c) The commissioner shall award grants following the recommendations of the  
3.14 advisory committee under subdivision 2.

3.15 (d) Permissible uses of funds provided under the program are:

3.16 (1) training costs, which may include but is not limited to training curriculum,  
3.17 trainers, trainee overtime salary, other personnel overtime salary, and tuition;

3.18 (2) costs of equipment related to hazardous materials readiness, response, and  
3.19 management, which may include but is not limited to original purchase, maintenance,  
3.20 and replacement of equipment;

3.21 (3) supplies related to the uses under clauses (1) and (2); and

3.22 (4) emergency preparedness planning and coordination.

3.23 (e) The commissioner shall make reasonable efforts to (1) establish a streamlined  
3.24 application process, (2) publicize each solicitation for applications among all eligible  
3.25 recipients, and (3) provide technical and informational assistance in submitting  
3.26 applications.

3.27 **Subd. 3. Report; accounting; carryover.** The commissioner of public safety shall,  
3.28 by December 1 of each year, (1) provide an accounting of how the funds in the fire safety  
3.29 account were spent in the preceding fiscal year and (2) report any funds not spent in a fiscal  
3.30 year to the chairs of the committees of the house of representatives and the senate having  
3.31 jurisdiction over public safety finance. Money in the account does not cancel but remains  
3.32 available for expenditures for the programs identified in ~~subdivisions 1 and 2~~ this section.

3.33 **Subd. 4. Legislative intent; fire safety account.** The legislature intends that all  
3.34 money in the fire safety account be appropriated to the commissioner of public safety to  
3.35 fund the state fire marshal's office and activities and programs under this section.

3.36 **EFFECTIVE DATE.** This section is effective July 1, 2014.

4.1 Sec. 3. [299F.175] RAILROAD AND PIPELINE SAFETY; OIL AND OTHER  
4.2 HAZARDOUS MATERIALS.

4.3 Subdivision 1. Definitions. (a) For purposes of this section, the following terms  
4.4 have the meanings given.

4.5 (b) "Pipeline company" means any individual, partnership, association, or public  
4.6 or private corporation required to show specific preparedness under section 115E.03,  
4.7 subdivision 2.

4.8 (c) "Railroad" means a common carrier, as defined under section 218.011, subdivision  
4.9 10, required to show specific preparedness under section 115E.03, subdivision 2.

4.10 (d) "Unit train" means a train with more than 25 tanker railcars carrying oil, as  
4.11 defined in section 115E.01, subdivision 8, or hazardous substance, as defined in section  
4.12 115B.02, subdivision 8.

4.13 Subd. 2. Trip notification; oil and other hazardous materials transport. (a) At  
4.14 least 24 hours prior to each trip commenced by a unit train into or within Minnesota, a  
4.15 railroad shall notify (1) the commissioner of public safety, or (2) each fire department  
4.16 having jurisdiction along the route of the unit train.

4.17 (b) The notification must provide the schedule for the entire trip, identify the product  
4.18 or products being transported, and summarize the general hazards of the product or  
4.19 products.

4.20 (c) Notifications under this subdivision are security information, as defined in  
4.21 section 13.37, subdivision 1.

4.22 Subd. 3. Assessments. (a) The commissioner of public safety shall assess each  
4.23 railroad and pipeline company. The assessment must be in equal amounts for each day of  
4.24 the fiscal year. The commissioner shall deposit funds collected under this subdivision in  
4.25 the fire safety account under section 297I.06, subdivision 3.

4.26 (b) The total annual assessment amount is \$5,000,000.

4.27 (c) The assessment for each railroad is 50 percent of the total annual assessment  
4.28 amount, divided in equal proportion between common carriers based on route miles  
4.29 operated in Minnesota. The assessment for each pipeline company is 50 percent of the  
4.30 total annual assessment amount, divided in equal proportion between companies based on  
4.31 the yearly aggregate gallons of oil or hazardous materials transported in Minnesota.

4.32 EFFECTIVE DATE. Subdivisions 1 and 2 are effective the day following final  
4.33 enactment. Subdivision 3 is effective July 1, 2014.

5.1       Sec. 4. **LEGISLATIVE REPORT ON INCIDENT PREPAREDNESS FOR OIL**  
5.2 **AND OTHER HAZARDOUS MATERIALS TRANSPORTATION BY RAIL AND**  
5.3 **PIPELINE.**

5.4       By January 15, 2015, the commissioner of public safety shall submit a report on  
5.5 incident and emergency response preparedness for oil and other hazardous materials  
5.6 transported by rail and pipeline to the chairs and ranking minority members of the  
5.7 legislative committees with jurisdiction over transportation and public safety policy and  
5.8 finance. At a minimum, the report must:

- 5.9           (1) summarize the preparedness and emergency response framework in the state;  
5.10          (2) provide an assessment of costs and needs of fire departments and other  
5.11 emergency first responders for training and equipment to respond to discharge or spill  
5.12 incidents involving oil and other hazardous materials transported by rail and pipeline; and  
5.13          (3) provide recommendations for any legislative changes.

5.14       Sec. 5. **APPROPRIATIONS; HAZARDOUS INCIDENT PREPAREDNESS**  
5.15 **PROGRAM.**

5.16          (a) \$2,500,000 is appropriated in fiscal year 2015 from the general fund to the  
5.17 commissioner of public safety for the hazardous incident preparedness grant program under  
5.18 Minnesota Statutes, section 299F.012, subdivision 2a. This is a onetime appropriation.

5.19          (b) The amount in the fire safety account under Minnesota Statutes, section 297I.06,  
5.20 subdivision 3, collected under Minnesota Statutes, section 299F.175, subdivision 3, for  
5.21 fiscal year 2015 is appropriated in fiscal year 2015 from that account to the commissioner  
5.22 of public safety for the hazardous incident preparedness grant program under Minnesota  
5.23 Statutes, section 299F.012, subdivision 2a. This is a onetime appropriation.

5.24          **EFFECTIVE DATE.** This section is effective July 1, 2014.