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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **602**

02/05/2015 Authored by Hornstein, Lien, Bly and Loeffler

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to transportation; environmental protection; amending requirements
1.3 governing preparedness and response for transportation of oil and hazardous
1.4 material by pipeline; establishing certain requirements for pipeline companies;
1.5 amending agency powers and duties; amending appropriations; amending
1.6 Minnesota Statutes 2014, sections 115E.042; 115E.08, subdivision 3a; 299A.55,
1.7 subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2014, section 115E.042, is amended to read:

1.10 **115E.042 PREPAREDNESS AND RESPONSE FOR CERTAIN RAILROADS**
1.11 **AND PIPELINES.**

1.12 Subdivision 1. **Application.** In addition to the requirements of section 115E.04,
1.13 a person who owns or operates railroad car rolling stock transporting a unit train must
1.14 comply with this section. A person who owns or operates pipeline facilities and is required
1.15 to show specific preparedness under section 115E.03, subdivision 2, must comply with
1.16 this section as applicable and with the provisions of chapters 299F and 299J.

1.17 Subd. 2. **Training.** (a) Each railroad must offer training to each fire department
1.18 having jurisdiction along the route of unit trains. Initial training under this subdivision
1.19 must be offered to each fire department by June 30, 2016, and refresher training must be
1.20 offered to each fire department at least once every three years thereafter.

1.21 (b) The training must address the general hazards of oil and hazardous substances,
1.22 techniques to assess hazards to the environment and to the safety of responders and the
1.23 public, factors an incident commander must consider in determining whether to attempt to
1.24 suppress a fire or to evacuate the public and emergency responders from an area, and other

strategies for initial response by local emergency responders. The training must include suggested protocol or practices for local responders to safely accomplish these tasks.

Subd. 3. **Coordination.** ~~Beginning June 30, 2015,~~ Each railroad and pipeline company must communicate at least annually with each county or city emergency manager, safety representatives of railroad employees governed by the Railway Labor Act with respect to a railroad company, and a senior fire department officer of each fire department having jurisdiction along the route of a unit train, to ensure coordination of emergency response activities between the railroad or pipeline company and local responders.

Subd. 4. **Response capabilities; time limits.** (a) Following confirmation of a discharge, a railroad or pipeline company must deliver and deploy sufficient equipment and trained personnel to contain and recover discharged oil or hazardous substances and to protect the environment and public safety.

(b) Within one hour of confirmation of a discharge, a railroad or pipeline company must provide a qualified company employee to advise the incident commander. The employee may be made available by telephone, and must be authorized to deploy all necessary response resources of the railroad or pipeline company.

(c) Within three hours of confirmation of a discharge, a railroad or pipeline company must be capable of delivering monitoring equipment and a trained operator to assist in protection of responder and public safety. A plan to ensure delivery of monitoring equipment and an operator to a discharge site must be provided each year to the commissioner of public safety.

(d) Within three hours of confirmation of a discharge, a railroad or pipeline company must provide qualified personnel at a discharge site to assess the discharge and to advise the incident commander.

(e) A railroad or pipeline company must be capable of deploying containment boom from land across sewer outfalls, creeks, ditches, and other places where oil or hazardous substances may drain, in order to contain leaked material before it reaches those resources. The arrangement to provide containment boom and staff may be made by:

- (1) training and caching equipment with local jurisdictions;
- (2) training and caching equipment with a fire mutual-aid group;
- (3) means of an industry cooperative or mutual-aid group;
- (4) deployment of a contractor;
- (5) deployment of a response organization under state contract; or
- (6) other dependable means acceptable to the Pollution Control Agency.

(f) Each arrangement under paragraph (e) must be confirmed each year. Each arrangement must be tested by drill at least once every five years.

(g) Within eight hours of confirmation of a discharge, a railroad or pipeline company must be capable of delivering and deploying containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide:

(1) on-site containment and recovery of a volume of oil equal to ten percent of the calculated worst case discharge at any location along the route; and

(2) protection of listed sensitive areas and potable water intakes within one mile of a discharge site and within eight hours of water travel time downstream in any river or stream that the right-of-way intersects.

(h) Within 60 hours of confirmation of a discharge, a railroad or pipeline company must be capable of delivering and deploying additional containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide containment and recovery of a worst case discharge and to protect listed sensitive areas and potable water intakes at any location along the route.

Subd. 5. **Railroad Drills.** Each railroad or pipeline company must conduct at least one oil containment, recovery, and sensitive area protection drill every three years, at a location and time chosen by the Pollution Control Agency, and with respect to a railroad company attended by safety representatives of railroad employees governed by the Railway Labor Act.

Subd. 6. **Prevention and response plans.** (a) ~~By June 30, 2015,~~ A railroad or pipeline company shall submit the prevention and response plan required under section 115E.04, as necessary to comply with the requirements of this section, to the commissioner of the Pollution Control Agency on a form designated by the commissioner.

(b) A railroad must submit a plan by June 30, 2015, and a pipeline company must submit a plan by June 30, 2016.

(c) By June 30 of every third year following a plan submission under this subdivision, a railroad or pipeline company must update and resubmit the prevention and response plan ~~to the commissioner~~ in conformance with paragraph (a).

EFFECTIVE DATE. The amendments to subdivisions 1 and 6 are effective the day following final enactment. The amendment to subdivision 3 is effective July 1, 2015, and applies for a pipeline company beginning June 30, 2016. The amendments to subdivisions 4 and 5 are effective July 1, 2016.

Sec. 2. Minnesota Statutes 2014, section 115E.08, subdivision 3a, is amended to read:

Subd. 3a. **Railroad and pipeline preparedness; pollution control.** The Pollution Control Agency shall carry out environmental protection activities related to railroad

and pipeline discharge preparedness. Duties under this subdivision include, but are not limited to:

(1) assisting local emergency managers and fire officials in understanding the hazards of oil and hazardous substances, as well as general strategies for containment and environmental protection;

(2) assisting railroads and pipeline companies to identify natural resources and sensitive areas, and to devise strategies to contain and recover oil and hazardous substances from land and waters along routes;

(3) facilitating cooperation between railroads and pipeline companies for mutual aid arrangements that provide training, staff, and equipment as required by this chapter;

(4) participating in drills and training sessions;

(5) reviewing each railroad's and each pipeline company's prevention and response plan for compliance with the requirements of this chapter, and assessing ~~each railroad's~~ readiness of each railroad and pipeline company to protect the environment;

(6) conducting inspections and drills as necessary to determine ~~the railroad's~~ railroad and pipeline company compliance with the requirements of this chapter and ability to protect the environment;

(7) conducting follow-up corrective action directives, orders, and enforcement as necessary based on a finding of inadequate environmental protection preparedness; and

(8) soliciting involvement and advice concerning preparedness activities and requirements from safety representatives of railroad employees governed by the Railway Labor Act.

EFFECTIVE DATE. This section is effective July 1, 2015.

Sec. 3. Minnesota Statutes 2014, section 299A.55, subdivision 2, is amended to read:

Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety account is created in the special revenue fund. The account consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

(b) ~~\$104,000~~ \$208,000 is annually appropriated from the railroad and pipeline safety account to the commissioner of the Pollution Control Agency for environmental protection activities related to railroad and pipeline discharge preparedness under chapter 115E.

(c) Following the appropriation in paragraph (b), the remaining money in the account is annually appropriated to the commissioner of public safety for the purposes specified in subdivision 3.

5.1 **EFFECTIVE DATE.** This section is effective July 1, 2015.