



2023 ANNUAL REPORT

HAZMAT BY RAIL PROGRAM

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EXECUTIVE SUMMARY	2
HAZMAT BY RAIL PROGRAM	4
EMERGENCY RESPONSE RESOURCE INVENTORY	5
POSSIBLE CHANGES STRUCTURAL COORDINATION	6
ADEQUATE FUNDING STRATEGIES	8

TABLE OF **CONTENTS**

EXECUTIVE SUMMARY

The Oregon legislature passed House Bill 3225 in 2015 relating to the safe transport of hazardous materials by rail. The law made changes to Oregon Revised Statutes 453.307 to 453.414 relating to the safe transport of hazardous materials by directing the Department of the State Fire Marshal (OSFM) to coordinate training, preparedness, and response planning activities with a focus on oil or hazardous materials spills or releases that occur during rail

transport. The law mandates the OSFM to plan for the coordinated response to oil or hazardous material spills or releases that occur during rail transport, identify response resources (existing and needed), and to coordinate training for emergency responders. The report is available on the OSFM's website.

In 2019, the Oregon legislature passed House Bill 2209 relating to safe transportation of oil and creating new provisions. The law made changes to Oregon Revised Statutes 453.932 to 468B.495 through the establishment of an Oil and Hazardous Material Transportation by Rail Action Fund through fees established by rule collected from shippers of tanks of oil through the state of Oregon via rail. The law mandates OSFM initiates a recurring, three-year training cycle of statewide exercises.

The OSFM Hazmat by Rail program, in partnership with the railroad industry and other state agencies, assists local communities with training and planning for hazardous materials rail incidents. The program works closely with local emergency planning committees (LEPC), public health officials, law enforcement, and the Oregon fire service. Program funding creates rail response plans, commodity flow studies, tabletop and full-scale exercise response scenarios, and procures rail-specific response equipment. The program also provides training for emergency personnel to respond to rail incidents around Oregon. This report analyzes four areas as required by the Oregon legislature:



- **An inventory of all emergency response resources available in Oregon, including information on:**

- The location of, and the means of access to, the resources;
- Whether the resources are publicly or privately maintained; and
- Additional resources needed to provide for adequate response.

The OSFM maintains an inventory of all emergency response resources available to the fire service in Oregon on the Western Response Resource List (WRRL). The inventory is part of a list that serves as a directory of oil spill response equipment ownership and steady-state location. Its purpose is to provide the response community and regulators with a listing of response equipment. The inventory includes foam trailers and totes provided to the fire service by our partners in the rail industry. When this resource is located at a local fire agency, that fire agency is responsible for checking the trailer for readiness and the railroad company is responsible for required service or maintenance. When this resource is located at a railyard or on private property, the railroad company is responsible for readiness, response, service, and maintenance.

- **Possible structure changes for continued coordination between state agencies and industry:**

- This report does not recommend changing the structure as continued coordination between state agencies and industry representatives is effective.

- **Possible revisions to the response roles or responsibilities to state agencies, local governments, and railroads.**

- This report does not recommend changing the response roles or responsibilities to state agencies, local governments, and railroads.

- **Strategies for ensuring adequate funding at the state and local government levels to cover the training, equipment and administrative costs associated with providing comprehensive response and equipment.**

- This report recommends the OSFM continues to work closely with the railroad industry and partner agencies to share information, provide training, and share equipment to ensure the Oregon fire service is prepared to respond to a rail incident involving the release of hazardous materials.

HAZMAT BY **RAIL PROGRAM**

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EMERGENCY RESPONSE **RESOURCE INVENTORY**

An inventory of all emergency response resources in Oregon including information on: The location of and means of access to the resources; whether the resources are publicly or privately maintained; and additional resources that are needed to provide for adequate response.

The OSFM maintains an inventory of all emergency response resources available to the fire service in Oregon on the Western Response Resource List (WRRL). The inventory is a directory of oil spill response equipment ownership and steady-state location to provide the response community and regulators with a list of response equipment. In this inventory, the OSFM includes foam trailers and totes provided to the fire service by our partners in the rail industry. When this resource is located at a fire agency, that fire agency is responsible for checking the trailer for readiness and the railroad company is responsible for required service or maintenance. When this resource is located at a railyard or on private property, the railroad company is responsible for readiness, response, service, and maintenance.

POSSIBLE CHANGES

STRUCTURAL COORDINATION**Possible changes to the structure for continued coordination between state agencies and Industry:**

Throughout 2023, the OSFM worked directly with partner agencies and industry representatives from Class 1 railroad companies, to provide and participate in training opportunities. In June, Sherman County Emergency Management, the Oregon Department of Environmental Quality, the Oregon Department of Transportation, the OSFM, Burlington Northern Santa Fe Railroad, clean-up contractors, Washington state agency partners, the United States Environmental Protection Agency, the Confederated Tribes of Warm Springs, Yakama Nation, and others participated in a large-scale oil spill functional exercise. This event was an opportunity to test emergency plans, response tactics, and the incident command structure.

Union Pacific Railroad and BNSF Railroad provided training to first responders throughout the year, critical to the Oregon fire service hazmat rail response readiness. These railroad companies also provided free virtual rail-based operations and awareness refresher courses to all fire agencies across the state.

This report does not recommend changing the structure, as coordination between state agencies and industry representatives is effective.



Possible revisions to response roles or responsibilities to state agencies, local governments, and railroads.

The clearly-defined roles and responsibilities of state agencies, local governments, and railroads is necessary to coordinate an effective response to hazardous materials rail incidents. The OSFM maintains an Emergency Support Function 10 hazmat incident by rail response annex as the guiding planning document. Partner agencies and private railroads are encouraged to offer improvements or modifications based on their roles and responsibilities.

This report does not recommend changing the response roles or responsibilities to state agencies, local governments, or railroads.



ADEQUATE FUNDING STRATEGIES

Strategies for ensuring adequate funding at state and local government levels to cover the training, equipment, and administrative costs to provide comprehensive response and equipment.

The Hazmat by Rail program is funded by the general revenue fund and does not receive other funding from the railroad industry at this time. Rail response partners referred to in this report consistently demonstrate their willingness to collaborate, train, and share knowledge and equipment throughout Oregon.

In 2023 the OSFM delivered specialist training, a hazmat incident commander course, and created an Oregon-specific Rail 101 course focused on shortline railroads carrying high-hazard substances. This training, for volunteer fire agencies, was delivered twice in 2023 to volunteers in two communities. More offerings will be available in the future.

In 2019, the Oregon legislature enacted House Bill 2209 – Contingency Planning for High Hazard Train Routes. The bill included a fee to be established by rule to support the OSFM in the initiation of a triennial exercise cycle. The bill established a registration requirement and fee to owners of oil transported by railroad cars in Oregon. The owner is charged a fee either at the time the railroad car is loaded in Oregon or when it is transported into Oregon.

ADEQUATE **FUNDING STRATEGIES**

The OSFM, the Department of Environmental Quality, the Department of Revenue, and other stakeholders are working collaboratively through the rulemaking process. A public comment period began in December 2023 on the administrative rule to establish this fee. The OSFM anticipates receiving revenue beginning in April 2024 to pursue the mandates in House Bill 2209 and further strengthen our high-hazard rail preparedness and response planning.



This report was prepared by:

OREGON DEPARTMENT OF THE STATE FIRE MARSHAL

www.oregon.gov/osfm