

Date of Hearing: June 20, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AJR 42 (Dodd) – As Introduced June 1, 2016

SUBJECT: Transport by rail of flammable and combustible liquids

SUMMARY: Urges the President of the United States, Congress, and certain federal agencies to expedite rulemaking and to enact federal laws related to safe rail transport of flammable and combustible liquids. Specifically, **this resolution:**

- 1) Makes declarations regarding the increase in oil production and the associated risks of its transport in North America.
- 2) Urges the President of the United States, United States Department of Transportation (USDOT), United States Department of Energy, and the Office of Management and the Budget to expedite rulemaking and to implement a process to establish federal safety regulations governing the transport of flammable and combustible liquids by rail.
- 3) Urges the President and Congress to pass federal legislation mandating critical public safety improvements included in the Crude-By-Rail Safety Act [House Resolution (HR) 1804 Rep. McDermott (WA-7)].
- 4) Urges the President and Congress to pass federal legislation mandating critical public safety improvements included in HR 1679 [Rep. Garamendi (CA-3)] that would authorize Bakken crude oil to be transported by rail only if it has a specified vapor pressure.

EXISTING LAW:

- 1) Requires, pursuant to federal law, that each state establish a commission to coordinate and supervise federal programs related to hazardous material emergencies.
- 2) Regulates, pursuant to federal law, hazardous materials transportation and requires inspection of shipments by rail under regulations developed by the federal Pipeline and Hazardous Materials Safety Administration.
- 3) Requires the Office of Emergency Services to assist local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.
- 4) Requires all rail operators to provide a risk assessment to the California Public Utilities Commission, the Director of Homeland Security, and the California Emergency Management Agency that describes the locations, types, and frequency of hazardous cargo movement across rail facilities as well as to develop training and emergency response procedures.

FISCAL EFFECT: This resolution has been keyed non-fiscal by the Legislative Counsel.

COMMENTS: According to the author, it is imperative that federal agencies expedite rulemaking and implementation of federal safety regulations governing transport of volatile

liquids by rail, including crude oil. The author points out that because federal preemptions prevent states and local jurisdictions from taking action to require specific rail safety protocols, states are relying on swift action by the federal government to ensure that these materials are transported safely. He notes that rail safety provisions have been passed at the federal level specifically require the retrofitting of certain types of rail cars; however, the timeline set in federal statute to complete the retrofit has been protracted and meanwhile, communities along rail corridors are left vulnerable.

To address this concern, the author has introduced this resolution that petitions Congress to expedite the implementation of various safety regulations and to pass and ultimately enact HR 1804, the Crude-By-Rail Safety Act, authored by Representative Jim McDermott and co-sponsored by Congressman Mike Thompson (CA-5), and HR 1679, the Bakken Crude Stabilization Act of 2015, introduced by Representative John Garamendi.

HR 1804 would establish a maximum volatility standard for crude oil, prohibit the use certain outdated rail tank cars, require comprehensive oil spill response planning and studies, increase fines for violating volatility and hazmat transport standards, require disclosure of train movements through communities and corresponding emergency response plans, and require railroads to implement a confidential close-call reporting system. HR 1679 would reduce the volatility of oil transported by rail thereby improving safe transport and reducing risk of explosion.

Previous legislation: SB 730 (Wolk), Chapter 283, Statutes of 2015, prohibits a freight train from being operated in California unless it has a crew consisting of at least two individuals.

SJR 27 (Padilla), Chapter 114, Statutes of 2014, urged USDOT, and other relevant federal agencies, as it relates to the rail transport of crude oil, to safeguard communities and environmentally sensitive areas from rail accidents, prioritize safety over cost-effectiveness, mandate best practices, and improve tank car design and standards.

SB 506 (Hill) of 2014, would have, among other things, imposed a fee on owners of hazardous materials at the time the hazardous material is transported on rail by a tank car in the state and that the monies are used to pay for planning, development, and maintenance of emergency response to railroad accidents involving tank cars carrying hazardous materials. SB 506 was pulled by the author and was not heard by this committee.

SB 380 (Dickenson), Chapter 533, Statutes of 2014, required rail carriers to submit specified information regarding the transport of hazardous materials and Bakken oil to the Office of Emergency Services for the purposes of emergency response planning.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Victoria Alvarez / TRANS. / (916) 319-2093