

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3639

(SENATE AUTHORS: KUPEC and Dibble)

DATE
02/15/2024

D-PG

Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; modifying hazardous railroad incident notification
1.3 requirements; amending Minnesota Statutes 2023 Supplement, section 115E.042,
1.4 subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 115E.042, subdivision 4, is
1.7 amended to read:

1.8 Subd. 4. **Response capabilities; time limits.** (a) Following confirmation of a discharge,
1.9 a railroad must deliver and deploy sufficient equipment and trained personnel to (1) contain
1.10 and recover discharged oil or other hazardous substances, (2) protect the environment, and
1.11 (3) assist local public safety officials. Within 15 minutes of a rail incident involving a
1.12 confirmed discharge or release of oil or other hazardous substances, a railroad must contact
1.13 the applicable emergency manager and applicable fire ~~chief~~ department, through the local
1.14 public safety answering point, having jurisdiction along the route where the incident occurred.
1.15 After learning of the rail incident involving oil or other hazardous substances, the applicable
1.16 emergency manager and applicable fire ~~chief~~ department must, as soon as practicable,
1.17 identify and provide contact information of the responsible incident commander to the
1.18 reporting railroad.

1.19 (b) Within 15 minutes of local emergency responder arrival on the scene of a rail incident
1.20 involving oil or other hazardous substances, a railroad must assist the incident commander
1.21 to determine the nature of any hazardous substance known to have been released and
1.22 hazardous substance cargo transported on the train. Assistance must include providing
1.23 information that identifies the chemical content of the hazardous substance, contact

2.1 information for the shipper, and instructions for dealing with the release of the material. A
2.2 railroad may provide information on the hazardous substances transported on the train
2.3 through the train orders on board the train or by facsimile or electronic transmission.

2.4 (c) Within one hour of confirmation of a discharge, a railroad must provide a qualified
2.5 company representative to advise the incident commander, assist in assessing the situation,
2.6 initiate railroad response actions as needed, and provide advice and recommendations to
2.7 the incident commander regarding the response. The representative may be made available
2.8 by telephone, and must be authorized to deploy all necessary response resources of the
2.9 railroad.

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

2.14 (e) Within three hours of confirmation of a discharge, a railroad must provide (1) qualified
2.15 personnel at a discharge site to assess the discharge and to advise the incident commander,
2.16 and (2) resources to assist the incident commander with ongoing public safety and scene
2.17 stabilization.

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

2.22 (1) training and caching equipment with local jurisdictions;

2.23 (2) training and caching equipment with a fire mutual-aid group;

2.24 (3) means of an industry cooperative or mutual-aid group;

2.25 (4) deployment of a contractor;

2.26 (5) deployment of a response organization under state contract; or

2.27 (6) other dependable means acceptable to the Pollution Control Agency.

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

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

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

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

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