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## HEALTH AND SAFETY CODE - HSC

**DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007]** (*Division 20 enacted by Stats. 1939, Ch. 60.*)

**CHAPTER 6.95. Hazardous Materials Release Response Plans and Inventory [25500 - 25547.8]** (*Chapter 6.95 added by Stats. 1985, Ch. 1167, Sec. 1.*)

**ARTICLE 5. Spill Prevention and Response for Railroads [25547 - 25547.8]** (*Article 5 added by Stats. 2014, Ch. 533, Sec. 1.*)

**25547.** For purposes of this article, the following terms have the following meanings:

- (a) "Bakken oil" means petroleum crude oil, Class 3, sourced from the Bakken shale formation in the Williston Basin.
- (b) "Hazardous material" means a substance or material that the United States Secretary of Transportation has determined to be capable of posing an unreasonable risk to the health, safety, and property of residents when transported in commerce and has been designated as hazardous pursuant to Section 5103 of Title 49 of the United States Code. Hazardous material includes hazardous substances, as defined in Section 25501, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in Section 172.101 of Title 40 of the Code of Federal Regulations, and materials that meet the defining criteria for hazard classes and divisions in Part 173 of Title 49 of the Code of Federal Regulations.
- (c) "Hazardous materials emergency response plan" shall have the same meaning as "emergency response program to hazardous substance release" set forth in Section 1910.120(q) of Title 29 of the Code of Federal Regulations.
- (d) "Office" means the Office of Emergency Services.
- (e) "Oil" has the same meaning as in Section 8670.3 of the Government Code.
- (f) "Rail carrier" means a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation.

(Added by Stats. 2014, Ch. 533, Sec. 1. (AB 380) Effective January 1, 2015.)

**25547.2.** (a) No later than January 31, 2015, and every three months thereafter, a rail carrier shall prepare and submit to the office commodity flow data for the prior three months broken down by county and track route relevant to the 25 largest hazardous material commodities transported through the state, including tank cars loaded with oil cargo. The commodity flow data shall conform to all of the following:

(1) Be in accordance with Subpart G of Part 172 of Title 49 of the Code of Federal Regulations and in Standard Transportation Commodity Code numeric sequence.

(2) Include a description of the hazardous material or oil cargo and commodity name organized by number of carload type, including tank cars and gondola cars, intermodal loads, including trailers, containers and tank containers, and total loads transported within a county over the prior three months.

(b) The office shall provide access to commodity flow data as authorized by Part 15 (commencing with Section 15.1), Part 1520 (commencing with Section 1520.1), and Part 172 (commencing with Section 172.1) of Title 49 of the Code of Federal Regulations and Section 11904 of Title 49 of the United States Code.

(c) (1) Beginning January 31, 2015, consistent with the United States Department of Transportation's Emergency Order Docket No. DOT-OST-2014-0067, and any subsequent amendments to that order, a rail carrier shall prospectively estimate and submit to the office notification of the weekly movements of trains through a county, including, but not limited to, track route and volumes of shipments of Bakken oil in amounts equal to or greater than one million (1,000,000) gallons per train consist. A rail carrier shall update the notification provided pursuant to this paragraph once every six months.

(2) Notwithstanding paragraph (1), a rail carrier shall update and notify the office within 30 days of the rail carrier determining that there will be a material change in the estimated volume of Bakken oil plus or minus 25 percent per week relative to the most recent estimate previously submitted to the office.

(d) The office shall disseminate information necessary for developing emergency response plans from the reports prepared pursuant to subdivisions (a) and (c) in whole or in summary form to a unified program agency, as defined in Section 25501, when the office determines a unified program agency area of responsibility may be impacted by a hazardous material or oil cargo spill. Rail carriers shall provide additional information to the office related to the specific commodity flow data and Bakken oil to assist a unified program agency with its emergency response planning.

*(Added by Stats. 2014, Ch. 533, Sec. 1. (AB 380) Effective January 1, 2015.)*

**25547.4.** Each rail carrier shall maintain a response management communications center, which shall provide real-time information to an authorized public safety answering point or 911 emergency response center about the train consist involved in a hazardous material or oil cargo spill or other critical incident, including, but not limited to, both of the following:

(a) Hazardous material movement shipping papers, including a way bill or total trace, detailing the hazardous material or oil cargo.

(b) Information that can assist the primary local public safety agency in containing and safely removing a hazardous material spill.

*(Added by Stats. 2014, Ch. 533, Sec. 1. (AB 380) Effective January 1, 2015.)*

**25547.6.** (a) Each rail carrier shall provide the office with a summary of the rail carrier's hazardous materials emergency response plan. The rail carrier's hazardous materials emergency response plan summary shall not be posted on a public Internet Web site.

(b) The office shall provide a copy of each summary report of a rail carrier's hazardous materials emergency response plan to each unified program agency, as defined in Section 25501, when the office determines a unified program agency area of responsibility may be impacted by a rail carrier spill of hazardous material or oil cargo. The provision of the summary report of a rail carrier's hazardous materials emergency response plan shall comply with Part 15 (commencing with Section 15.1), Part 1520 (commencing with Section 1520.1), and Part 172 (commencing with Section 172.1) of Title 49 of the Code of Federal Regulations and Section 11904 of Title 49 of the United States Code.

*(Added by Stats. 2014, Ch. 533, Sec. 1. (AB 380) Effective January 1, 2015.)*

**25547.8.** A recipient of the reports and plans provided pursuant to Sections 25547.2 and 25547.6 shall comply with Part 15 (commencing with Section 15.1), Part 1520 (commencing with Section 1520.1), and Part 172 (commencing with Section 172.1) of Title 49 of the Code of Federal Regulations and Section 11904 of Title 49 of the United States Code for the purposes of determining who may have access to the information contained in the reports and shall not divulge or make known that information to unauthorized recipients. Disclosure and dissemination of information in the reports shall be done to assist with emergency response planning.

*(Added by Stats. 2014, Ch. 533, Sec. 1. (AB 380) Effective January 1, 2015.)*