

House Bill 2907

Sponsored by Representative BARNHART; Senator MORRISETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Transportation to consider risk to municipal water supply in performing risk analysis required by federal law for adoption of rules relating to transportation of hazardous materials.

Directs department to request waiver of federal preemption for rules determined by United States Secretary of Transportation to be preempted by federal law.

A BILL FOR AN ACT

Relating to transportation of hazardous materials; amending ORS 825.258.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 825.258 is amended to read:

825.258. (1) The Department of Transportation shall adopt rules that conform to any applicable federal rules setting standards for the safe transportation of hazardous waste, hazardous material and PCB. The rules shall be applicable to any person who transports, or causes to be transported, any hazardous material. **If the applicable federal rules require that the department perform a risk analysis prior to adopting rules for the safe transportation of hazardous materials or the highway routing of those materials, then the department shall consider the risk to municipal water supplies in addition to any other required considerations.**

(2) The authority granted under this section:

(a) Is in addition to any other authority granted the department.

(b) Does not supersede the authority of the Energy Facility Siting Council to regulate the transportation of radioactive materials under ORS 469.550, 469.563, 469.603 to 469.619 and 469.992.

(3) In addition to any other penalty for violation of a rule adopted under this section, the department, after hearing, may impose a civil penalty of not more than \$10,000 for violation of a rule adopted under this section. Each day of noncompliance with a rule is a separate violation.

(4) If the United States Secretary of Transportation determines that a rule adopted by the department relating to the safe transportation of hazardous materials and any highway routing requirements is preempted by federal law, then the department shall apply for a waiver of preemption as provided in 49 C.F.R. 397.213.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.