

AMENDED IN ASSEMBLY MAY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 22

Introduced by Assembly Member Rodriguez

December 1, 2014

An act to add Section 8574.9 to the Government Code, relating to oil-by-rail spills.

LEGISLATIVE COUNSEL'S DIGEST

AB 22, as amended, Rodriguez. Office of Emergency Services: oil-by-rail spills: firefighters.

Existing law establishes the Office of Emergency Services within the office of the Governor and under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the office to serve as the central point of state government for the emergency reporting of spills, unauthorized releases, or other accidental releases of hazardous materials and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases. Existing law also establishes the Curriculum Development Advisory Committee to provide advice on the development of specified course curricula and response training.

This bill would ~~require~~ *require, upon a specified appropriation by the Legislature*, the Curriculum Development Advisory Committee to review the curriculum and courses of instruction offered by public and private programs that train firefighters in response methods for oil-by-rail spills, require the Office of Emergency Services to compile

a list of those curriculum and courses of instruction and make that list available to all fire departments, and establish a program to reimburse fire departments for costs incurred by those departments in sending firefighters to trainings, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Fracking and other developing oil extraction technologies
4 employed in Canada and the United States have significantly
5 increased oil production. This source of new oil has created a
6 problem in the transportation and delivery of crude oil. There is
7 currently not enough pipeline capacity in North America to
8 transport these increased volumes to refineries and distribution
9 points. As a result, rail is becoming the primary way to move inland
10 crude oil and hydrocarbon gas liquids to the West Coast. California
11 like the rest of the nation is experiencing dramatic changes in the
12 amount of oil being transported by rail.

13 (b) As oil-by-rail shipments have dramatically increased in
14 recent years, there has been a resulting increase in the number of
15 incidents involving crude oil spills by rail.

16 (c) The danger from a major oil spill is exacerbated by the type
17 of oil that is being spilled. Oil from the Bakken Shale Formation
18 is high quality, light, sweet crude. It is precisely because this crude
19 oil is so energy dense that it is both valuable and hazardous. Its
20 light nature and high density under the right circumstances makes
21 it volatile, highly flammable, and toxic.

22 (d) Crude oil trains travel through some of the state's most
23 densely populated areas, as well as some of the most sensitive
24 ecological areas, since rail lines frequently operate near or over
25 rivers and other sensitive waterways in the state.

26 (e) There are wide disparities in training and equipment for
27 oil-by-rail spills in the following instances: between volunteer and
28 nonvolunteer fire departments; between rural and urban fire
29 departments; and between small and large fire departments. Large,
30 urban fire departments tend to receive more training and are better
31 equipped than smaller rural fire departments. Volunteer fire

1 departments have almost no independent ability to respond to large
2 scale oil-by-rail spills, relying instead upon regional mutual aid
3 or upon railroad personnel and assets.

4 (f) Many small and some medium-sized fire departments do not
5 have the budget to send firefighters for training even if the costs
6 of that training are subsidized or paid for with grants or other
7 assistance. When a firefighter is sent for training, another off-duty
8 firefighter must be called in to cover the shift and maintain
9 coverage for services. This requires paying the firefighter his or
10 her salary during his or her training and also paying an off-duty
11 firefighter to cover the shift. Railroads provide free training for
12 local first responders in California in localities that are convenient
13 to the fire departments, yet volunteer and small rural fire
14 departments frequently do not attend or participate in such training
15 classes.

16 SEC. 2. Section 8574.9 is added to the Government Code, to
17 read:

18 8574.9. (a) The Curriculum Development Advisory Committee
19 described in Section 8588.10 shall review the curriculum and
20 courses of instruction offered by public and private programs that
21 train firefighters in response methods for oil-by-rail spills.

22 (b) The Office of Emergency Services shall compile a list of
23 the curriculum and courses of instruction specified in subdivision
24 (a), shall make that list available to all fire departments, including
25 in that list information regarding the availability and cost of the
26 curriculum and courses of instruction, and shall facilitate and
27 encourage fire departments to send firefighters for that training.

28 (c) ~~(1)~~The Office of Emergency Services shall establish a
29 program to reimburse fire departments for costs incurred by those
30 departments in sending firefighters to trainings identified by the
31 Curriculum Development Advisory Committee and the Office of
32 Emergency Services pursuant to this section, upon application by
33 the fire department for reimbursement. Volunteer fire departments
34 may also receive a per diem of one hundred dollars (\$100) per
35 volunteer firefighter, upon application, to be paid to a volunteer
36 firefighter who attends such training.

37 ~~(2) The Office of Emergency Services shall use funds received~~
38 ~~from grants or general funds appropriated to the Office of~~
39 ~~Emergency Services by the Legislature for this program.~~

1 *(d) The duties and authorizations set forth in this section shall*
2 *only apply upon an appropriation by the Legislature of revenues*
3 *derived from fees charged for the reasonable costs to the state of*
4 *preparing to respond to oil-by-rail spills, including, but not limited*
5 *to, appropriate fees deposited into the Regional Railroad Accident*
6 *Preparedness and Immediate Response Fund, as established in*
7 *Section 8574.44.*

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