

**ASSEMBLY BILL**

**No. 102**

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**Introduced by Assembly Member Rodriguez**

January 8, 2015

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An act to amend Section 7718 of the Public Utilities Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 102, as introduced, Rodriguez. Railroad safety and emergency planning and response.

Existing law establishes the Railroad Accident Prevention and Immediate Deployment Force in the California Environmental Protection Agency and designates the force as being responsible for providing immediate onsite response capability in the event of a large-scale release of toxic materials resulting from a surface transportation accident. Existing law requires the agency to develop a state railroad accident prevention and immediate deployment plan, in consultation with specified state entities, other potentially affected state, local, or federal agencies, and affected businesses, and designates the force as being responsible for implementing the plan, acting cooperatively and in concert with existing local emergency response units.

This bill would make technical, nonsubstantive changes to these provisions.

Existing law establishes the Office of Emergency Services 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.

This bill would declare the intent of the Legislature to reauthorize the Railroad Accident Prevention and Immediate Deployment Force,

to transfer the force from the California Environmental Protection Agency to the Office of Emergency Services, and to require the Office of Emergency Services to designate the force as responsible for providing onsite response capability in the event of a large-scale release of toxic materials resulting from a railroad accident. The bill would make related findings and declarations.

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

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

1 SECTION 1. (a) The Legislature finds and declares the  
2 following:

3 (1) Existing law establishes the Railroad Accident Prevention  
4 and Immediate Deployment Force in the California Environmental  
5 Protection Agency. The force is responsible for providing  
6 immediate onsite response capability in the event of a large-scale  
7 release of toxic materials resulting from a surface transportation  
8 accident.

9 (2) Existing law requires the agency to develop a state railroad  
10 accident prevention and immediate deployment plan, in  
11 consultation with specified state entities, and other potentially  
12 affected state, local, or federal agencies. The force is responsible  
13 for implementing the plan and is required to act cooperatively and  
14 in concert with existing local emergency response units.

15 (3) Authority and funding for the Railroad Accident Prevention  
16 and Immediate Deployment Force program has lapsed, leaving a  
17 gap in the state’s ability to respond to spills of toxic and hazardous  
18 materials.

19 (4) Existing law establishes the Office of Emergency Services  
20 under the supervision of the Director of Emergency Services. The  
21 office is responsible for the state’s emergency and disaster response  
22 services for natural, technological, or manmade disasters and  
23 emergencies.

24 (b) It is the intent of the Legislature to reauthorize the Railroad  
25 Accident Prevention and Immediate Deployment Force and transfer  
26 it from the California Environmental Protection Agency to the  
27 Office of Emergency Services. It is further the intent of the  
28 Legislature to require the Office of Emergency Services to  
29 designate the force as responsible for providing onsite response

1 capability in the event of a large-scale release of toxic materials  
2 resulting from a railroad accident.

3 SEC. 2. Section 7718 of the Public Utilities Code is amended  
4 to read:

5 7718. (a) The Railroad Accident Prevention and Immediate  
6 Deployment Force is hereby created in the California  
7 Environmental Protection Agency. The force shall be responsible  
8 for providing immediate onsite response capability in the event of  
9 large-scale releases of toxic materials resulting from surface  
10 transportation accidents and for implementing the state hazardous  
11 materials incident prevention and immediate deployment plan.  
12 ~~This~~ *The* force shall act cooperatively and in concert with existing  
13 local emergency response units. The force shall consist of  
14 representatives of all of the following:

- 15 (1) Department of Fish and ~~Game~~. *Wildlife*.
- 16 (2) California Environmental Protection Agency.
- 17 (3) State Air Resources Board.
- 18 ~~(4) California Integrated Waste Management Board.~~
- 19 (4) *Department of Resources Recycling and Recovery*.
- 20 (5) California regional water quality control boards.
- 21 (6) Department of Toxic Substances Control.
- 22 (7) Department of Pesticide Regulation.
- 23 (8) Office of Environmental Health Hazard Assessment.
- 24 (9) State Department of Public Health.
- 25 (10) Department of the California Highway Patrol.
- 26 (11) Department of Food and Agriculture.
- 27 (12) Department of Forestry and Fire Protection.
- 28 (13) Department of Parks and Recreation.
- 29 (14) Public Utilities Commission.
- 30 (15) Any other potentially affected state, local, or federal agency.
- 31 (16) Office of Emergency Services.

32 (b) The California Environmental Protection Agency shall  
33 develop a state railroad accident prevention and immediate  
34 deployment plan in cooperation with the State Fire Marshal,  
35 affected businesses, and all of the entities listed in paragraphs (1)  
36 to ~~(17)~~, (16), inclusive, of subdivision (a).

37 (c) The plan specified in subdivision (b) shall be a  
38 comprehensive set of policies and directions that every potentially  
39 affected state agency and business shall follow if there is a railroad  
40 accident to minimize the potential damage to the public health and

- 1 safety, property, and the environment that might result from
- 2 accidents involving railroad activities in the state.

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