

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Minnesota Rail and Pipeline Safety Regulations



Rail and pipeline safety legislation was passed by the Minnesota Legislature and signed by Gov. Mark Dayton in 2014. The new law includes increased oversight of railroad companies, requires more railway inspections and provides for better emergency response training and preparedness in communities across Minnesota.

The Minnesota Department of Public Safety (DPS) is working on three aspects of the law:

- Training
- Funding
- Reporting

Familiarization Training

- *What the law requires*
 - The law directs DPS to work with local emergency managers and responders to understand the dangers of oil and other hazardous substances traveling through Minnesota.
 - DPS is required to assist local governments as they include emergency response information into their emergency operations plans.
 - DPS is responsible for working with railroad companies and pipeline companies in developing safety protocols and facilitating coordination between these companies and local public safety officials.
- *Status*
 - DPS and its State Fire Marshal Division (SFMD) and Division of Homeland Security and Emergency Management (HSEM) have worked with the designated railroad and pipeline companies to complete a standard awareness training curriculum.
 - The program incorporates existing training programs offered by the railroad and pipeline companies as well as emergency response and pollution control curriculum.
 - The program is 3.5 hours and is offered through the DPS/HSEM with instructors from the railroad and pipeline industries, DPS and MPCA.
 - The training began in September 2014. As of January 15, 2015 HSEM has been in contact with 121 of the 316 identified jurisdictions. 37 classes have been completed and 43 are currently scheduled

Railroad and Pipeline Safety Account

- *Funding is established by the 2014 law*

The Legislation established the Railroad and Pipeline Safety Account that includes:

- a general fund appropriation, and;
- a three year assessment on railroad companies and pipeline companies transporting hazardous materials through the state.

DPS is charged with distributing the funds in the following manner:

- \$104,000 to the Pollution Control Agency for discharge preparedness
- \$100,000 annually for Emergency Response Teams (ERT)
- Remaining amount to Homeland Security and Emergency Management and the Board of Firefighter Training and Education.

Status

- The MPCA funds have been transferred.
- DPS has established the Moorhead Fire Department as a state ERT.
- The remaining funds are held in a special revenue account within HSEM for distribution as directed by the legislation.

- The defined railroads and pipeline companies have been determined and have been sent assessments based on the legislation. All pipeline companies have submitted their assessed fee. Two railroad companies are still outstanding.
- HSEM has hired two staff to coordinate the awareness training and exercises for oil transportation in the state.
- ***How are the funds to be used?***
Under the law, DPS must prioritize the use of funds in the following manner:
 - Firefighter training needs
 - Community risk from discharge incidents or spills
 - Geographic balance
 - Recommendations from the Fire Service Advisory Committee

Permissible uses for the funds include:

- Emergency preparedness planning and coordination.
- Training (training curriculum, trainers, trainers overtime salary, other personnel overtime salary, and tuition);
- Costs for gear and equipment related to hazardous materials readiness, response, and management. These may be original purchase, maintenance, or replacement costs.

Status

- A report and study conducted by the Management Analysis Division (MAD) of MMB on the current status of emergency response and a desired state of emergency response in Minnesota was presented to the legislature on January 15, 2015. This report will help DPS and the Fire Service Advisory Committee prioritize and determine how the account funds should be distributed
- HSEM and the State Fire Marshal’s office have developed a procedure to reimburse the local jurisdictions for the awareness training

Reports to the Legislature

- ***The law requires two DPS reports***
 - DPS must submit a report to the Legislature by January 15, 2015 on the emergency response preparedness in the public and private sectors for incidents involving transportation of oil.
 - DPS must submit an evaluation report to the Legislature by January 15, 2017 on the safety preparedness and funding relating to incidents involving the transportation of oil.
- ***Status***
 - January 15, 2015 - the first report was submitted to the legislature.
 - January 2017 - a follow up to the status of the state’s preparedness is due.

For more information

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