

1.1 Senator ..... moves to amend H.F. No. 2887, in conference committee, as  
1.2 follows:

1.3 On Transportation Part D, R5, Senate language (UEH2887-2)

1.4 Page 127, after line 23, insert:

1.5 "Sec. 5. Minnesota Statutes 2022, section 115E.042, is amended by adding a subdivision  
1.6 to read:

1.7 Subd. 1a. **Definitions.** (a) For purposes of this section, the following terms have the  
1.8 meanings given.

1.9 (b) "Exercise" means an activity or training to evaluate responsibilities, roles, and  
1.10 response plans for the discharge of oil or hazardous substances and includes, but is not  
1.11 limited to, walkthroughs, table-top exercises, or functional exercises.

1.12 (c) "Full-scale exercise" means training activities to evaluate responsibilities, roles, and  
1.13 response plans for a confirmed discharge or worst-case discharge of oil or hazardous  
1.14 substances and includes utilizing, as much as practicable, the equipment, personnel, and  
1.15 coordinated resources required under section 115E.042, subdivision 4. A full-scale exercise  
1.16 must include coordination and participation from the commissioner of public safety, local  
1.17 emergency management organizations, local fire chiefs, and safety representatives of railroad  
1.18 employees governed by the Railway Labor Act, United States Code, title 45, section 151,  
1.19 et. seq.

1.20 (d) "Functional exercise" means a guided session where a simulated operational  
1.21 environment trains and evaluates specific personnel, procedures, or resources on scenarios  
1.22 relating to the discharge of oil or hazardous substances.

1.23 (e) "Table-top exercise" means a guided session where the discussion addresses topics  
1.24 including, but not limited to, the roles and responsibilities of a rail carrier and its personnel  
1.25 in response to a confirmed discharge of oil or hazardous substances.

1.26 (f) "Walkthroughs" means drills and training designed to familiarize railroad personnel  
1.27 with the response plans required under chapter 115E and the response requirements to a  
1.28 confirmed discharge in section 115E.042."

1.29 On Transportation Part D, R8, Senate language (UEH2887-2)

1.30 Page 130, delete section 8 and insert:

2.1 "Sec. 9. Minnesota Statutes 2022, section 115E.042, subdivision 5, is amended to read:

2.2 Subd. 5. **Railroad ~~drills~~ exercises.** (a) Each railroad operating unit trains in Minnesota  
2.3 must conduct at least one oil containment, recovery, and sensitive area protection ~~drill~~  
2.4 walkthrough, table-top exercise, or functional exercise involving oil or hazardous substances  
2.5 every ~~three years,~~ year. Subject to the provisions of paragraph (c), each exercise must be at  
2.6 a location and time chosen by the Pollution Control Agency, and attended by safety  
2.7 representatives of railroad employees governed by the Railway Labor Act. Subject to the  
2.8 provisions in paragraph (d) and section 219.055, subdivision 8, each railroad operating unit  
2.9 trains in Minnesota must conduct at least one oil containment, recovery, and sensitive area  
2.10 full-scale exercise every five years.

2.11 (b) The exercises under this subdivision must attempt to evaluate, coordinate, and improve  
2.12 the emergency response plans submitted by a railroad under subdivision 3. The exercises  
2.13 under this subdivision and section 219.055, subdivisions 6, 7, and 8, must be coordinated  
2.14 with exercises required by federal agencies.

2.15 (c) The commissioner of the Pollution Control Agency must consult with the Division  
2.16 of Homeland Security and Emergency Management, the state fire marshal, and local  
2.17 emergency management organizations in determining the railroad's annual exercise required  
2.18 under this section. In determining the appropriate exercise for a rail carrier, the commissioner  
2.19 must evaluate whether a rail carrier has conducted a similar exercise within the preceding  
2.20 calendar year and the results from prior years' response and training. To the extent practicable,  
2.21 the commissioner should alternate between requiring a walkthrough, a table-top exercise,  
2.22 or a functional exercise. The exercise selected for a rail carrier must address specific  
2.23 components, resources, and procedures of a response to a confirmed discharge of oil or  
2.24 other hazardous substances carried by rail. The commissioner must coordinate each exercise  
2.25 with exercises required by federal agencies. If an exercise selected by the commissioner is  
2.26 a table-top exercise, the commissioner may select to conduct a public safety emergency  
2.27 response exercise or an incident commander response site exercise as provided in section  
2.28 219.055, subdivisions 6 or 7.

2.29 (d) Subject to the requirements in section 219.055, subdivision 8, the full-scale exercise  
2.30 required under paragraph (a) must include the response capability requirements and operate  
2.31 under the response time limits set forth in subdivision 4. The commissioner of the Pollution  
2.32 Control Agency must consult with the Division of Homeland Security and Emergency  
2.33 Management, the state fire marshal, local units of government, local law enforcement, the  
2.34 fire chiefs in the jurisdiction where the full-scale exercise will take place, and safety

3.1 representatives of railroad employees governed by the Railway Labor Act in determining  
3.2 the time, place, location, and manner of the full-scale exercise.

3.3 (e) Exercises conducted by a railroad under this section must include at least one  
3.4 representative from local emergency management organizations, fire departments, and local  
3.5 units of government that each have jurisdiction along the routes over which oil or hazardous  
3.6 substances are transported by railroad."

3.7 On Transportation Part D, R51, Senate language (UEH2887-2)

3.8 Page 167, line 24, delete everything after "(3)" and insert "operates a unit train or a train  
3.9 with at least one railcar carrying oil or hazardous substance cargo in this state."

3.10 Page 167, after line 24, insert:

3.11 "(h) "Unit train" has the meaning given in section 115E.01, subdivision 11d."

3.12 On Transportation Part D, R52, Senate language (UEH2887-2)

3.13 Page 168, line 26, after "information" insert "; report required"

3.14 Page 168, line 28, after "provided" insert "through the AskRail application or other  
3.15 wireless communication device application described in paragraphs (b) and (c)"

3.16 Page 168, after line 29, insert:

3.17 "(b) By July 1, 2024, the state fire marshal and the Division of Homeland Security and  
3.18 Emergency Management, along with interested emergency management organizations and  
3.19 fire chiefs, may encourage the adoption of the AskRail wireless communication device  
3.20 application for incorporation into emergency response capabilities and to provide information  
3.21 on the transportation of oil or other hazardous substances by rail."

3.22 Page 169, line 1, delete "(b)" and insert "(c)"

3.23 Page 169, after line 3, insert:

3.24 "(d) By March 1, 2025, the commissioner of public safety must submit a report to the  
3.25 chairs and ranking minority members of the legislative committees with jurisdiction over  
3.26 transportation and public safety policy and finance regarding the effectiveness of efforts to  
3.27 adopt the AskRail wireless communication device application or other wireless  
3.28 communication device application provided under paragraph (c)."

3.29 Page 169, delete subdivision 6 and insert:

4.1 "Subd. 6. **Public safety emergency response exercises.** (a) For purposes of this  
4.2 subdivision, "table-top exercise" and "full-scale exercise" has the meaning given in section  
4.3 115E.042, subdivision 1a.

4.4 (b) By July 1, 2025, each rail carrier, upon request, must conduct one table-top public  
4.5 safety emergency exercise in each Division of Homeland Security and Emergency  
4.6 Management emergency management region where the rail carrier transports oil or other  
4.7 hazardous substances. After July 1, 2025, each rail carrier, upon request, must conduct one  
4.8 table-top public safety emergency exercise every two years and must alternate emergency  
4.9 management regions where the exercise is conducted. Exercises conducted by a railroad  
4.10 under this subdivision must include at least one representative from the Department of  
4.11 Public Safety, the regional program coordinator from the Division of Homeland Security  
4.12 and Emergency Management where the exercise is being conducted, local emergency  
4.13 management organizations, fire departments, and local units of government that each have  
4.14 jurisdiction along the routes over which oil or hazardous substances are transported by  
4.15 railroad. Each exercise conducted under this subdivision must be attended by safety  
4.16 representatives of railroad employees governed by the Railway Labor Act, United States  
4.17 Code, title 45, section 151, et seq.

4.18 (c) To the extent feasible, a rail carrier may conduct table-top public safety exercises  
4.19 concurrently with the exercises required in subdivision 7.

4.20 (d) If the commissioner of the Pollution Control Agency requires a rail carrier to conduct  
4.21 a table-top public safety emergency response exercise as part of the annual exercise  
4.22 requirements in section 115E.042, subdivision 5, the rail carrier is not required to conduct  
4.23 an additional public safety emergency response exercise in the emergency management  
4.24 region where the exercise took place for that calendar year. If a rail carrier opts to conduct  
4.25 a full-scale exercise with public safety emergency response components, the rail carrier is  
4.26 not required to conduct an additional table-top public safety emergency response in that  
4.27 calendar year if the table-top exercise occurs after the full-scale exercise is completed.

4.28 Subd. 7. **Incident commander response site exercises.** (a) For purposes of this  
4.29 subdivision, "table-top exercise" and "full-scale exercise" has the meaning given in section  
4.30 115E.042, subdivision 1a.

4.31 (b) By July 1, 2025, each rail carrier, upon request, must conduct one table-top incident  
4.32 commander response site exercise in each Division of Homeland Security and Emergency  
4.33 Management emergency management region where the rail carrier transports oil or other  
4.34 hazardous substances. After July 1, 2025, each rail carrier, upon request, must conduct one

5.1 table-top incident commander response site exercise every two years and must alternate  
5.2 emergency management regions where the exercise is conducted. Exercises conducted by  
5.3 a railroad under this subdivision must include at least one representative from the Department  
5.4 of Public Safety, the regional program coordinator from the Division of Homeland Security  
5.5 and Emergency Management where the exercise is being conducted, local emergency  
5.6 management organizations, fire departments, and local units of government that each have  
5.7 jurisdiction along the routes over which oil or hazardous substances are transported by  
5.8 railroad. Each exercise conducted under this subdivision must be attended by safety  
5.9 representatives of railroad employees governed by the Railway Labor Act, United States  
5.10 Code, title 45, section 151, et seq.

5.11 (c) To the extent feasible, a rail carrier may conduct table-top incident commander  
5.12 response site exercises concurrently with the exercises required in subdivision 6.

5.13 (d) If the commissioner of the Pollution Control Agency requires a rail carrier to conduct  
5.14 a table-top incident commander response site exercise as part of the annual exercise  
5.15 requirements in section 115E.042, subdivision 5, the rail carrier is not required to conduct  
5.16 an additional exercise in the emergency management region where the exercise took place  
5.17 for that calendar year. If a rail carrier opts to conduct a full-scale exercise as required under  
5.18 subdivision 8 and section 115E.042, subdivision 5, the full-scale exercise must be conducted  
5.19 under the time limits provided in section 115E.024, subdivision 4.

5.20 Subd. 8. **Full-scale exercises; requirement.** (a) For purposes of this subdivision,  
5.21 "full-scale exercise" has the meaning given in section 115E.042, subdivision 1a.

5.22 (b) On and after July 1, 2023, each Class I railroad, Class I rail carrier, Class II railroad,  
5.23 or Class II rail carrier must conduct a full-scale exercise every five years. Upon notification  
5.24 by the commissioner of public safety or the commissioner of the Pollution Control Agency,  
5.25 a Class III railroad or Class III rail carrier which transports oil or other hazardous substances  
5.26 by rail in Minnesota must participate in the full-scale exercise if the exercise occurs in the  
5.27 emergency management region along the routes where the Class III railroad or Class III  
5.28 rail carrier transports oil or other hazardous substances. To the extent feasible, a rail carrier  
5.29 may not conduct consecutive full-scale exercises in the same emergency management region.

5.30 (c) A full-scale exercise conducted under this section must meet the requirements of  
5.31 section 115E.042, subdivision 5, paragraphs (c) and (d). If the commissioner of the Pollution  
5.32 Control Agency requires a rail carrier to participate in a full-scale exercise as provided under  
5.33 section 115E.042, subdivision 5, a rail carrier may conduct the full-scale exercise with any

6.1 other rail carrier that carries oil or hazardous substances in the emergency management  
6.2 region where the full-scale exercise is to take place.

6.3 (d) Each full-scale exercise conducted under this section must be attended by safety  
6.4 representatives of railroad employees governed by the Railway Labor Act, United States  
6.5 Code, title 45, section 151, et seq.

6.6 (e) A rail carrier must provide by telephone a qualified company representative with  
6.7 knowledge of the rail carrier's response resources during the exercises."

6.8 Renumber the subdivisions in sequence

6.9 On Transportation Part D, R53, Senate language (UEH2887-2)

6.10 Page 169, delete subdivision 7

6.11 On Transportation Part D, R60, Senate language (UEH2887-2)

6.12 Page 176, line 10, delete "\$140,000" and insert "\$560,000"

6.13 Page 176, after line 20, insert:

6.14 "(e) By January 15, 2026, the commissioner of public safety must submit a report on  
6.15 this account to the chairs and ranking minority members of the legislative committees with  
6.16 jurisdiction over transportation policy and finance. The report must list detailed revenues  
6.17 to and expenditures from the account for the previous two fiscal years and must include  
6.18 information on the purpose of each expenditure.

6.19 (f) If the balance of the account at the end of a fiscal biennium is greater than \$2,000,000,  
6.20 the amount above \$2,000,000 must be transferred to the grade crossing safety account under  
6.21 section 219.1651."

6.22 On Transportation Part D, R61, Senate language (UEH2887-2)

6.23 Page 177, after line 20, insert:

6.24 "(8) education and outreach to encourage the adoption of the AskRail wireless  
6.25 communication device application under section 219.055, subdivision 5;"

6.26 Page 177, line 21, delete "(8)" and insert "(9)"

6.27 Page 177, line 23, delete "(9)" and insert "(10)"

6.28 Renumber the sections in sequence and correct the internal references

6.29 Amend the title accordingly