

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 240

BY: LEFTWICH

AS INTRODUCED

AN ACT RELATING TO RAILROADS; CREATING THE RAILROAD
TRANSPORTATION ENVIRONMENTAL ASSESSMENT ACT;
STATING PURPOSE; REQUIRING RAILROAD OPERATORS FILE
CERTAIN ENVIRONMENTAL ASSESSMENT REPORTS WITH THE
POLLUTION CONTROL COORDINATING BOARD; AUTHORIZING
STATE DEPARTMENT OF HEALTH TO PROMULGATE RULES AND
REGULATIONS; AUTHORIZING PRELIMINARY REPORT;
PROVIDING PENALTY; PROVIDING FOR CODIFICATION; AND
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 501 of Title 66, unless there is
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Railroad
Transportation Environmental Assessment Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 502 of Title 66, unless there is
created a duplication in numbering, reads as follows:

The purpose of this act is to ensure the state and all owners of property abutting rail property are adequately and fully informed as to the exact degree of existing contamination and the true environmental condition of said rail roadbeds, loading and unloading sites and other rail property where operations, maintenance, painting, loading, unloading, switching or general operating activities have occurred.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503 of Title 66, unless there is created a duplication in numbering, reads as follows:

A. Every railroad currently operating or having operated previously in the State of Oklahoma, on or before January 30, 1993, shall report to the State of Oklahoma as to the environmental condition of all its roadbeds, loading or unloading sites, maintenance areas, painting areas, switching or holding yards and other facilities. Reporting requirements shall be established by the Pollution Control Coordinating Board. The State Department of Agriculture, the Corporation Commission, and any other agency of state government that may have authority over environmental matters, shall inform the Pollution Control Coordinating Board as to their recommendations for reporting requirements. In addition to identifying high risk areas, said reports shall identify the contaminant and the degree and extent of contamination if any.

B. The Pollution Control Coordinating Board is hereby authorized to promulgate rules and regulations pursuant to this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504 of Title 66, unless there is created a duplication in numbering, reads as follows:

Forms for all reports shall be designed and made available by the State Pollution Control Coordinating Board on or before July 15, 1991. The State Department of Health shall establish a fee for the forms commensurate with its expense in carrying through its

responsibilities as assigned under this act. A preliminary environmental contamination assessment report on all rail loading and unloading sites, maintenance areas, painting areas and switching yards shall be filed with the Pollution Control Coordinating Board by December 31, 1991.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505 of Title 66, unless there is created a duplication in numbering, reads as follows:

The Pollution Control Coordinating Board shall refer reports requiring corrective action for environmental damage to the appropriate agency. Railroads shall have no more than one (1) year to correct the environmental damage. Any railroad not correctig the damage shall be liable for fines not to exceed Ten Thousand Dollars (\$10,000.00) for each ten-mile segment of roadbed or each loading or unloading site, maintenance site, painting site, switching yard or other similar site where rail operations are in violation of this act. Each ten-mile segment or roadbed and each site enumerated herein shall constitute a separate violation.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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