

# **BEFORE THE JOINT COMMITTEE ON TRANSPORTATION**

– **HB 2749**



14 April 2025

**Co-Chair Senator Chris Gorsek**

**Co-Chair Representative Susan McLain**

**Co-Vice Chair Senator Bruce Starr**

**Co-Vice Chair Representative Shelley Boshart Davis**

**Members of the Committee**

**Total support** for HB 2749, noting that serious clarifications are needed

Our concern:

Today Committee Leadership hosted an excellent interaction with Reps Nelson and Frederick, and the informed public advocates like Ms Donna Cohen.

Commentary from Rep Nelson is particularly germane – questioning how the critical St. Johns Bridge became located so close to hundreds of volatile liquid above ground storage tanks serving Oregon. Hear this at 25:30 into the Committee proceedings. We regard this as more than rhetorical.

<https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2025041211>

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A response to Rep Nelson that the Committee could agree with

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- Portland City Government issues building permits for tanks and bridges
- Decision makers consist of electeds and employed bureaucrats
  - Bureaucrats answer to the electeds
- More often than not, electeds who could weigh public safety against economic development are intensely aware of the need for economic development
  - When is the last time a development permit was denied for violating a city public safety provision?
  - In the case of Zenith Energy industrial expansion recently, Councilman Dan Ryan ordered the issuance of its permit in the face of a Council Resolution and public opposition concerning their safety
- Councilman Ryan is following multiple decades of City precedents
  - Every high-rise in the South Waterfront has a seismic foundation
  - You cannot find a North Waterfront tank with an anchor or foundation

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- Moreover, there seem to be no criteria defending public safety of infrastructure development ever cited in the processing of CEI Hub permitting applications.
- If true, this means that there is no regulatory basis to deny a permit that poses hazardous risk to the public, so any and every application goes routinely through
- Two solutions to excessive public risk are possible
  - County or other higher authority research and levy effective public safety standards for hazardous infrastructure (commodity fuels, toxic waste, volatile emissions, nuclear waste, etc) and then provide authority to enforce, or
  - Establish ballot measures such that if the public sustains risk from hazardous development then at least they voted for it.

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- If you look into the charter for the Oregon Department of Public Safety Standards and Training, you will not find regulation of public risks accruing from hazardous infrastructure development.

## A Conclusion

Taking Rep Nelson comments as totally relevant, you can recognize an immediate need for regulatory reform after reflecting on decades of proof that such action is sorely needed and way overdue. Serious risks to the public have been levied by default when electeds accept such risks without a process for formal safety review or a public vote.

Dear electeds, it's your call .....