

House Bill 2891

Sponsored by Representative SCHAUFLEER (at the request of Joint Council of Teamsters Number 37, Brotherhood of Maintenance of Way Employees)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires railroad company to obtain permit for operating railroad worker camp. Establishes health and safety standards for railroad worker camps.

A BILL FOR AN ACT

1
2 Relating to railroad worker camps; creating new provisions; and amending ORS 824.990.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter**
5 **824.**

6 **SECTION 2. As used in sections 2 to 5 of this 2009 Act:**

7 (1) "Local public health authority" has the meaning given that term in ORS 431.260.

8 (2) "Railroad company" means any person that owns a railroad in this state or that
9 contracts with the owner of a railroad in this state to operate a railroad worker camp.

10 (3) "Railroad worker camp" means a location where a railroad company establishes units
11 for the purpose of temporarily housing railroad employees.

12 **SECTION 3. (1) A railroad company may not operate a railroad worker camp unless the**
13 **company obtains a permit to operate the camp from the Department of Transportation.**

14 (2) The department shall establish, by rule, procedures and fees for issuing a permit to
15 railroad companies under subsection (1) of this section.

16 (3) Upon receipt of an application for a permit to operate a railroad worker camp, the
17 department shall conduct an investigation of the camp. If the department determines that
18 the railroad company is not in compliance with section 4 (3) of this 2009 Act, the department
19 may not issue a permit to the company. The department may contract with the Director
20 of Human Services or a local public health authority to conduct an investigation under this
21 subsection.

22 (4) A permit issued under this section expires after one year. A railroad company may
23 not apply for renewal of the permit until 10 months after the date of issuance.

24 (5) The department shall periodically compile a list of all railroad worker camps and
25 make the list available to the public.

26 **SECTION 4. Each railroad company shall provide and maintain for the use of its em-**
27 **ployees:**

28 (1) A supply of safe drinking water, as defined in ORS 448.115, for employees to use while
29 at work.

30 (2) A facility at each terminal owned by the company in this state. Each facility must
31 have:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) A heating system;

2 (b) Wash basins, shower stalls and toilets, and a plumbing system to provide running
3 water for those fixtures; and

4 (c) Lockers for employees to store clothing and other personal items.

5 (3) Units for housing railroad workers at each railroad worker camp. Each unit must
6 have:

7 (a) At least 80 square feet for each railroad worker who is using the unit for a residence;

8 (b) Heating and ventilation systems;

9 (c) Wash basins, shower stalls, toilets and a supply of water for bathing;

10 (d) A supply of safe drinking water, as defined in ORS 448.115;

11 (e) Lockers for employees to store clothing and other personal items;

12 (f) A smoke detector and a carbon monoxide detector;

13 (g) An emergency alert weather radio powered by a permanent electrical system with
14 auxiliary battery power; and

15 (h) Instructions posted in a prominent place that describe emergency evacuation and
16 emergency medical procedures and that disclose the location of the nearest medical facility.

17 **SECTION 5.** In accordance with the applicable provisions of ORS chapter 183, the Direc-
18 tor of Transportation may adopt rules necessary for the administration of sections 3 and 4
19 of this 2009 Act.

20 **SECTION 6.** ORS 824.990 is amended to read:

21 824.990. (1) In addition to all other penalties provided by law:

22 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060,
23 824.084, 824.088, 824.304 (1) or 824.306 (1) **or section 3 or 4 of this 2009 Act** or any order, rule or
24 decision of the Department of Transportation shall incur a civil penalty of not more than \$1,000 for
25 every such violation.

26 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule
27 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
28 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

29 (2) Each such violation shall be a separate offense and in case of a continuing violation every
30 day's continuance is a separate violation. Every act of commission or omission that procures, aids
31 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty
32 provided in subsection (1) of this section.

33 (3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner
34 provided in ORS 183.745.

35 (4) The department may reduce any penalty provided for in subsection (1) of this section on such
36 terms as the department considers proper if:

37 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
38 duction of the penalty; or

39 (b) The defendant submits to the department a written request for reduction of the penalty
40 within 15 days from the date the penalty order is served.

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