

House Bill 3248

Sponsored by Representatives BAILEY, SCHAUFLEER (at the request of City of Portland)

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 Department of Transportation to prioritize actions taken when altering, relocating or eliminating railroad grade crossing. Requires department to provide written findings and cost and benefit analysis if department chooses to take certain actions over other actions.

A BILL FOR AN ACT

1
2 Relating to railroad grade crossings; amending ORS 824.206 and 824.238.

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

4 **SECTION 1.** ORS 824.206 is amended to read:

5 824.206. [(1) *The Department of Transportation may, upon its own motion or upon application by*
6 *a railroad or the public authority in interest, subsequent to a hearing, unless a hearing is not required*
7 *under ORS 824.214, and upon finding that such action is required by the public safety, necessity, con-*
8 *venience and general welfare;*]

9 [(a) *Eliminate a grade crossing by relocation of the highway;*]

10 [(b) *Alter or abolish any grade crossing or change the location thereof, or require a separation of*
11 *grades at any such crossing;*]

12 [(c) *Alter or change any existing crossing at separated grades; and*]

13 [(d) *Require installation or alteration of protective devices.*]

14 **(1) If the Department of Transportation finds after a hearing either on its own motion**
15 **or by application by a railroad or public authority in interest that action is required by the**
16 **public safety necessity, convenience and general welfare, the department may take action.**
17 **The department shall prioritize actions taken in the following descending order:**

18 **(a) Require installation or alteration of protective devices;**

19 **(b) Alter or change any existing crossing at separated grades;**

20 **(c) Alter or abolish any grade crossing or change the location of the grade crossing, or**
21 **require a separation of grades at any grade crossing; and**

22 **(d) Eliminate a grade crossing by relocation of the highway.**

23 **(2) If the department chooses an action, the department shall provide written findings**
24 **to explain the department's decision for choosing the action and provide a cost and benefit**
25 **analysis of the rejected alternatives.**

26 [(2)] **(3) The department shall prescribe the time and manner of such alteration, change, instal-**
27 **lation or alteration, and the terms and conditions thereof.**

28 **SECTION 2.** ORS 824.238 is amended to read:

29 824.238. The following costs shall be divided between the railroad and the public authority in
30 interest in such proportion as the Department of Transportation finds just and equitable under the
31 circumstances in each case:

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 (1) That portion of the cost of any alteration or change resulting in the elimination of a grade
2 crossing under ORS 824.206 [(1)] by reason of relocation of the highway [which] **that** is directly
3 chargeable to the grade elimination.

4 (2) The costs of construction, change, alteration, abolition and relocation of any grade crossing
5 involved in a proceeding arising under ORS 824.204, 824.206 or 824.226.

6 (3) The costs of maintenance of crossings above or below grade under ORS 824.206 and 824.210.

7 (4) Any cost otherwise apportionable under the terms of ORS 824.242 to 824.246 or 824.248 (1)
8 to the extent that funds are not available from the Grade Crossing Protection Account.

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