

Senate Bill 727

Sponsored by Senator GIROD

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 county sheriff, upon request by certain landowners, to survey railroad crossing to determine whether crossing is necessary for public safety purposes. Provides that railroad company must maintain crossing determined to be necessary for public safety purposes and allow use of crossing by public without charge for easement.

Prohibits railroad company from limiting public use of crossing that has been declared necessary for public safety purposes. Provides that violation is specific fine violation, subject to presumptive fine of \$100,000.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to railroad crossings; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 824.200 to**
5 **824.256.**

6 **SECTION 2. (1) Upon request of any person that owns property that is accessed by means**
7 **of a railroad crossing, the county sheriff shall survey the crossing to determine whether the**
8 **crossing is necessary for public safety purposes, including but not limited to fire and emer-**
9 **gency medical response. If the sheriff determines that the crossing is necessary for public**
10 **safety purposes, the railroad company must maintain the crossing and allow use of the**
11 **crossing by the public, and may not charge a landowner for an easement to cross the rail-**
12 **road.**

13 **(2) A county sheriff who performs a survey under this section shall send a copy of the**
14 **sheriff's report to the landowner that requested the survey, to the railroad company that**
15 **operates the railroad and to the Department of Transportation.**

16 **(3) Any railroad company that limits public use of a crossing that has been declared**
17 **necessary for public safety purposes under this section commits a specific fine violation, and**
18 **the presumptive fine for the violation is \$100,000.**

19 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
21 **on its passage.**

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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.