

A-Engrossed
Senate Bill 271

Ordered by the Senate April 28
Including Senate Amendments dated April 28

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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.

[Increases maximum rate of assessment paid by freight railroads operating in Oregon.] Modifies standards for state safety oversight program for rail fixed guideway systems.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to rail safety oversight; amending ORS 824.045; and declaring an emergency.

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

SECTION 1. ORS 824.045 is amended to read:

824.045. *[(1) Except as provided in ORS 479.950, the Department of Transportation, by rule, shall establish a system safety program standard that applies to any municipal corporation that owns or operates a rail fixed guideway system that is not regulated by the Federal Railroad Administration. The Department of Transportation is designated as the state agency to monitor compliance with the standard, as required by federal law.]*

[(2) As used in this section, "municipal corporation" means:]

[(a) A county;]

[(b) A city;]

[(c) A special district organized under ORS 198.705 to 198.845;]

[(d) A mass transit district organized under ORS 267.010 to 267.390;]

[(e) A transportation district organized under ORS 267.510 to 267.650;]

[(f) A metropolitan service district organized under ORS chapter 268;]

[(g) A port organized under ORS 777.005 to 777.725 or 777.915 to 777.953; or]

[(h) The Port of Portland created by ORS 778.010.]

(1) For the purposes of this section:

(a) "Accident" means an event that involves one or more persons suffering a serious injury, property or equipment damage equal to or greater than \$25,000, a mainline derailment occurring at any location, or an evacuation of equipment or a station to prevent injury or loss of life.

(b) "Event" means any accident, incident or occurrence.

(c) "Hazard" means any real or potential condition that can cause injury, illness or death, damage to or loss of the facilities, equipment or property of a rail fixed guideway system,

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 or damage to the environment.

2 (d) "Incident" means an event that exceeds the definition of "occurrence," but does not
3 meet the definition of "accident."

4 (e) "Occurrence" means an event with no injuries, where damage occurs to property or
5 equipment but does not affect transit operations.

6 (f) "Transit Agency Safety Plan" means the comprehensive safety plan for a transit
7 agency as required by 49 U.S.C. 5329(d), based on a safety management system and subject
8 to federal regulations.

9 (2) Subject to ORS 479.950, the Department of Transportation, by rule, shall establish a
10 state safety oversight program that applies to all rail fixed guideway systems in Oregon that
11 are not subject to regulation by the Federal Railroad Administration.

12 (3) For purposes of 49 U.S.C. 5329(e), the department is designated as the state safety
13 oversight agency to monitor compliance with the program for rail fixed guideway systems
14 that are not subject to regulation by the Federal Railroad Administration. The state safety
15 oversight agency:

16 (a) Shall implement the state safety oversight program in compliance with the require-
17 ments of 49 U.S.C. 5329.

18 (b) May review, approve, oversee and enforce the implementation, by the owner and op-
19 erator of a rail fixed guideway system, of the public transportation agency safety plan
20 adopted pursuant to 49 U.S.C. 5329(d).

21 (c) May inspect, investigate and enforce the safety of rail fixed guideway systems.

22 (d) May audit rail fixed guideway systems for compliance with the public transportation
23 agency safety plan.

24 (e) May investigate any hazard or risk that threatens the safety of a rail fixed guideway
25 system.

26 (f) May investigate any event involving a rail fixed guideway system.

27 (g) May investigate any allegation of noncompliance with a transit agency safety plan.

28 (4) The department shall implement the state safety oversight program for rail fixed
29 guideway systems that are not subject to regulation by the Federal Railroad Administration
30 and that are not subject to 49 U.S.C. 5329.

31 [(3)] (5) Unless prohibited by federal law, the department shall set an annual fee for **owners**
32 **and** operators of rail fixed guideway systems to defray the costs of the safety program described in
33 [subsection (1) of] this section and the costs associated with department responsibilities under ORS
34 267.230 (2). The department shall establish by rule the manner and timing of the collection of the
35 fee.

36 (6) Fees collected by the department that are in excess of the combined actual cost of the safety
37 program and the costs associated with department responsibilities under ORS 267.230 (2) shall be
38 refunded to **owners and** operators of rail fixed guideway systems within one year following the end
39 of the fiscal year in which the department collected the excess fees. In lieu of a refund, an **owner**
40 **or** operator of a rail fixed guideway system may choose to have the excess fees credited against the
41 subsequent year's fee payment.

42 **SECTION 2.** This 2015 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
44 on its passage.