

Senate Bill 271

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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 **as introduced**.

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

1
2 Relating to rail safety oversight; amending ORS 824.010 and 824.045; and declaring an emergency.

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

4 **SECTION 1.** ORS 824.010 is amended to read:

5 824.010. (1) Subject to the provisions of subsections (3) and (4) of this section, each railroad shall
6 pay to the Department of Transportation in each year[, *such fee as the department finds and deter-*
7 *mines*] **the fee determined by the department** to be necessary, with the amount of all other fees
8 paid or payable to the department by [*such*] railroads in the current calendar year, to defray the
9 costs of performing the duties imposed by law upon the department in respect to [*such*] **the** railroads
10 and to pay [*such*] amounts [*as may be*] necessary to obtain matching funds to implement the program
11 referred to in ORS 824.058.

12 (2) In each calendar year the percentage rate of the fee required to be paid shall be determined
13 by orders entered by the department on or after March 1 of each year, and notice thereof shall be
14 given to each railroad. [*Such*] **A** railroad shall pay to the department the fee or portion thereof so
15 computed upon the date specified in [*such*] **the** notice, which date shall be at least 15 days after the
16 date of mailing such notice.

17 (3) Fifty percent of the cost of carrying out the duties, functions and powers imposed upon the
18 department by ORS 824.200 to 824.256 shall be paid from the Grade Crossing Protection Account.

19 (4) The department shall determine the gross operating revenues derived within this state in the
20 preceding calendar year by Class I railroads as a whole and by other railroads individually subject
21 to the following limitations:

22 (a) The total of the fees payable by Class I railroads shall not exceed [*thirty-five hundredths*]
23 **one-half** of one percent of the combined gross operating revenues of Class I railroads derived within
24 this state. The fee paid by each Class I railroad shall bear the same proportion to the total fees paid
25 by Class I railroads as [*such*] **the** railroad's share of railroad-highway crossings, track miles and
26 gross operating revenues derived within the state, weighted equally, bears to the total amount of
27 Class I railroad-highway crossings within the state, track miles within the state and gross operating
28 revenues derived within the state.

29 (b) The fees payable by other railroads shall not exceed [*thirty-five hundredths*] **one-half** of one
30 percent of [*any such*] **the** railroad's gross operating revenues.

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 (5) Payment of each fee or portion thereof provided for in subsections (1) to (4) of this section
 2 shall be accompanied by a statement verified by the railroad involved showing its gross operating
 3 revenues upon which *[such]* **the** fee or portion thereof is computed. This statement *[shall be in such*
 4 *form and detail as the Department of Transportation shall prescribe and shall be]* **must be in the**
 5 **form, and provide the details, prescribed by the department and is** subject to audit by the de-
 6 partment. The department may refund any overpayment of *[any such]* **the** fee in the same manner
 7 as other claims and expenses of the department are payable as provided by law.

8 **SECTION 2.** ORS 824.045 is amended to read:

9 824.045. *[(1) Except as provided in ORS 479.950, the Department of Transportation, by rule, shall*
 10 *establish a system safety program standard that applies to any municipal corporation that owns or*
 11 *operates a rail fixed guideway system that is not regulated by the Federal Railroad Administration.*
 12 *The Department of Transportation is designated as the state agency to monitor compliance with the*
 13 *standard, as required by federal law.]*

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

15 *[(a) A county;]*

16 *[(b) A city;]*

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

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

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

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

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

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

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

26 **(2) For purposes of 49 U.S.C. 5329(e), the department is designated as the state safety**
 27 **oversight agency to monitor compliance with the program for rail fixed guideway systems**
 28 **that are not subject to regulation by the Federal Railroad Administration. The state safety**
 29 **oversight agency:**

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

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

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

36 **(d) May audit rail fixed guideway systems for compliance with the public transportation**
 37 **agency safety plan.**

38 **(3) The department shall implement the state safety oversight program for rail fixed**
 39 **guideway systems that are not subject to regulation by the Federal Railroad Administration**
 40 **and that are not subject to 49 U.S.C. 5329.**

41 *[(3)]* **(4) Unless prohibited by federal law, the department shall set an annual fee for owners**
 42 **and operators of rail fixed guideway systems to defray the costs of the safety program described in**
 43 *[subsection (1) of]* this section and the costs associated with department responsibilities under ORS
 44 267.230 (2). The department shall establish by rule the manner and timing of the collection of the
 45 fee.

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

7 **SECTION 3.** **This 2015 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
9 **on its passage.**

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