

House Bill 3339

Sponsored by Representative NATHANSON; Representative WITT

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**.

Prohibits willfully obstructing, blockading, interfering with or preventing use of railroad-highway grade crossing for longer than 10 consecutive minutes. Provides exemptions.

Imposes civil penalty for each violation. Provides that maximum penalty is \$3,000 for first violation. Directs Department of Transportation to adopt by rule schedule of penalties for second and subsequent violations.

A BILL FOR AN ACT

1
2 Relating to railroad-highway grade crossing safety; creating new provisions; amending ORS 824.019;
3 and repealing ORS 824.222.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of the Oregon Vehicle**
6 **Code.**

7 **SECTION 2. (1) A person may not willfully obstruct, blockade, interfere with or prevent**
8 **the use of a railroad-highway grade crossing, for longer than 10 consecutive minutes.**

9 **(2) The Department of Transportation may impose a civil penalty for violation of sub-**
10 **section (1) of this section. A civil penalty may not exceed \$3,000 for the first violation. The**
11 **department by rule shall adopt a schedule establishing additional civil penalties for second**
12 **and subsequent violations.**

13 **(3) The prohibition in subsection (1) of this section does not apply:**

14 **(a) To the extent preempted by federal law;**

15 **(b) When the action is unavoidable and occurs due to an emergency, breakdown or me-**
16 **chanical failure; or**

17 **(c) To an employee directed to take the action.**

18 **(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.**

19 **(5) All penalties recovered under this section shall be deposited into the Grade Crossing**
20 **Safety Improvement Fund established under ORS 824.019.**

21 **(6) The department may adopt rules necessary to carry out the provisions of this section,**
22 **including but not limited to:**

23 **(a) Defining terms used in this section;**

24 **(b) Establishing a schedule of civil penalties within the limits imposed under this section;**
25 **and**

26 **(c) Establishing the processes, procedures and forms necessary for the implementation**
27 **of this section.**

28 **SECTION 3. ORS 824.222 is repealed.**

29 **SECTION 4. ORS 824.019 is amended to read:**

30 **824.019. (1) The Grade Crossing Safety Improvement Fund is established separate and distinct**

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 from the General Fund. Interest earned by the Grade Crossing Safety Improvement Fund shall be
2 credited to the fund.

3 (2) Notwithstanding ORS 823.991, all civil penalties collected under ORS [~~824.222 and~~ 824.223
4 **and section 2 of this 2021 Act** shall be paid by the Department of Transportation into the State
5 Treasury within 30 days after the collection thereof and shall be placed by the State Treasurer to
6 the credit of the Grade Crossing Safety Improvement Fund. Moneys in the fund are continuously
7 appropriated to the Department of Transportation for the purpose of grade crossing safety im-
8 provement projects.

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