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

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

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

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

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

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

(a) To the extent preempted by federal law;

(b) When the action is unavoidable and occurs due to an emergency, breakdown or mechanical failure; or

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

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

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

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

(a) Defining terms used in this section;

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

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

SECTION 3. ORS 824.222 is repealed.

SECTION 4. ORS 824.019 is amended to read:

824.019. (1) The Grade Crossing Safety Improvement Fund is established separate and distinct
from the General Fund. Interest earned by the Grade Crossing Safety Improvement Fund shall be credited to the fund.

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