

House Bill 2970

Sponsored by Representative MCLAIN; Representatives PRUSAK, SANCHEZ, WILDE, Senator GELSER

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 that trains and light engines transporting freight must have two crew members. Provides exceptions.

Imposes civil penalties for violation.

Makes violation Class D violation, punishable by maximum fine of \$250.

A BILL FOR AN ACT

1 Relating to railroads; creating new provisions; and amending ORS 824.300, 824.990 and 824.992.

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

3 **SECTION 1. (1) Except as provided in subsection (2) of this section, a train or light engine used in connection with the movement of freight may not be operated unless the train or light engine has a crew consisting of at least two individuals.**

4 **(2) A train or light engine is not required to have two crew members when the person operating the train or light engine is:**

5 **(a) Providing hostler or helper service; or**

6 **(b) A utility employee.**

7 **SECTION 2.** ORS 824.300 is amended to read:

8 824.300. (1) *[No]* **A** person *[or officer of court]* operating any railroad *[or railway]* in this state engaged as a common carrier in the transportation of *[freight or]* passengers *[shall]* **may not** operate *[over its road, or any part thereof,]* in excess of 15 continuous miles*[, or suffer or permit to be run over the same, outside of yard switching limits, any passenger, mail or express train propelled by any form of motive power and]* **a passenger train** consisting of four or more cars with less than a full passenger crew consisting of one engineer, one apprentice engineer, one conductor, one brakeman and one flagger.

9 **(2) *[None of said crew shall be]* The crew may not be** required or permitted to perform the duties of train baggage handler or express messenger while on *[such road]* **the train.**

10 **(3)** This section *[shall]* **does** not apply to operations in which lesser crew requirements are established by agreement between the common carrier and the organizations representing railroad employees.

11 **(4) As used in this section, "railroad" has the meaning given that term in ORS 824.020.**

12 **SECTION 3.** ORS 824.990 is amended to read:

13 824.990. (1) In addition to all other penalties provided by law:

14 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060, 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the Department of Transportation shall incur a civil penalty of not more than \$1,000 for every such violation.

15 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule

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 decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
 2 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

3 **(c) Every person who violates section 1 of this 2019 Act shall incur a civil penalty of:**

4 **(A) Except as provided in subparagraphs (B) and (C) of this paragraph, not less than \$250**
 5 **and not more than \$1,000 for each violation.**

6 **(B) Not less than \$1,000 and not more than \$5,000 for a person's second violation within**
 7 **a three-year period following the date the person committed the first violation.**

8 **(C) Not less than \$5,000 and not more than \$10,000 for a person's third or subsequent**
 9 **violation within a three-year period preceding the date of the person's current violation.**

10 (2) Each such violation shall be a separate offense and in case of a continuing violation every
 11 day's continuance is a separate violation. Every act of commission or omission that procures, aids
 12 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty
 13 provided in subsection (1) of this section.

14 (3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner
 15 provided in ORS 183.745.

16 (4) The department may reduce any penalty provided for in subsection (1) of this section on such
 17 terms as the department considers proper if:

18 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
 19 duction of the penalty; or

20 (b) The defendant submits to the department a written request for reduction of the penalty
 21 within 15 days from the date the penalty order is served.

22 **SECTION 4.** ORS 824.992 is amended to read:

23 824.992. (1) Violation of ORS 824.062 is a Class D violation.

24 (2) Violation of ORS 824.064 is a Class A misdemeanor.

25 (3) Violation of ORS 824.082 (1), 824.084 or 824.088 by a railroad is a Class A violation.

26 (4) Violation of ORS 824.082 (2) is a Class A violation.

27 (5) As used in subsection (3) of this section, "railroad" means a railroad as defined by ORS
 28 824.020 and 824.022.

29 (6) Subject to ORS 153.022, violation of ORS 824.104 (1), 824.106 or 824.108 or any rule
 30 promulgated pursuant thereto is a Class A violation.

31 (7) A person is subject to the penalties under subsection (8) of this section if the person know-
 32 ingly:

33 (a) Transports by railroad any hazardous waste listed under ORS 466.005 or rules adopted
 34 thereunder to a facility that does not have appropriate authority to receive the waste under ORS
 35 466.005 to 466.385 and 466.992.

36 (b) Disposes of any hazardous waste listed under ORS 466.005 or rules adopted thereunder
 37 without appropriate authority under ORS 466.005 to 466.385 and 466.992.

38 (c) Materially violates any terms of permit or authority issued to the person under ORS 466.005
 39 to 466.385 and 466.992 in the transporting or disposing of hazardous waste.

40 (d) Makes any false material statement or representation in any application, label, manifest, re-
 41 cord, report, permit or other document filed, maintained or used for purposes of compliance with
 42 requirements under ORS 824.050 to 824.110 for the safe transportation of hazardous wastes.

43 (e) Violates any rules adopted by the Department of Transportation concerning the transporta-
 44 tion of hazardous wastes.

45 (8) Subject to ORS 153.022, violation of subsection (7) of this section is a Class B misdemeanor.

1 Each day's violation is a separate offense.

2 (9) Violation of ORS 824.300 or 824.302 **or section 1 of this 2019 Act** is a Class D violation.

3 (10) Violation of ORS 824.304 is a Class A violation.

4 (11) Violation of ORS 824.306 by any railroad company or officer or agent thereof, or any other
5 person is a Class D violation. Each day's violation is a separate offense.

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