

HB 3339 STAFF MEASURE SUMMARY

Joint Committee On Transportation

Prepared By: Patrick Brennan, LPRO Analyst

Meeting Dates: 4/13, 5/13, 5/20

WHAT THE MEASURE DOES:

Prohibits willfully obstructing, blockading, interfering with, or preventing use of railroad highway grade crossings for longer than 10 consecutive minutes. Provides exemptions. Imposes a civil penalty for each violation, with a maximum \$3,000 for first violation. Directs the Department of Transportation to adopt, by rule, a schedule of penalties for second and subsequent violations.

FISCAL: *Minimal fiscal impact*

REVENUE: *Minimal revenue impact*

ISSUES DISCUSSED:

- Thirty-five states with similar provisions
- Public safety issues related to blocked crossings
- Trains are, on average, significantly longer in length than in the past
- Rail yards not always big enough to handle large trains
- Most sidings in Oregon are too short to handle unit trains
- Whether dispatchers are familiar with local geography of trains under their control
- Applicability of federal preemption
- Funding for rail improvements
- Extended blockages can lead to unsafe activities by local residents

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A railroad at-grade crossing is the intersection of railroad tracks and a pathway for another transportation mode - usually a road or pedestrian path. There are 1,878 at-grade crossings with public roads in Oregon, and approximately another 2,000 private at-grade crossings, encompassing 30 railroads and over 200 road authorities. The Oregon Department of Transportation (ODOT) is the regulatory entity for public at-grade crossings; the agency also has signage requirements for private at-grade crossings.

House Bill 3339 prohibits willful obstruction, blockading, interference with, or prevention of use of an at grade railroad-highway crossing for a period of longer than 10 consecutive minutes. The measure exempts any actions preempted by federal law; actions unavoidable and related to an emergency, breakdown, or mechanical failure; and any employees directed to take actions resulting in blockage. The measure provides for a first-time civil penalty of no more than \$3,000, and directs ODOT to adopt a penalty schedule for second and subsequent violations. Revenues from civil penalties are to be deposited into the Grade Crossing Safety Improvement Fund.