

Senate Bill 723

Sponsored by Senator GORSEK, Representative NATHANSON; Senator PHAM K, Representative RUIZ (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires trains to have a crew of at least two unless a federal exception exists. (Flesch Readability Score: 70.1).

Requires that trains have a minimum of two crew members. Provides exceptions.

Imposes civil penalties for violation.

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

A BILL FOR AN ACT

1
2 Relating to two-person crew member requirements on trains; creating new provisions; amending ORS
3 824.990 and 824.992; and repealing ORS 824.300 and 824.302.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **“Railroad” means a railroad as defined by ORS 824.020 and 824.022.**

7 (b) **“Train” means one or more locomotives coupled with or without cars, except during**
8 **switching service.**

9 (2) **Except as provided in subsection (3) of this section, trains shall be assigned at least**
10 **two crew members consisting of a certified locomotive engineer and a certified conductor.**

11 (3) **A railroad may operate a train with a one-person train crew if:**

12 (a) **Special approval has been granted by the Federal Railroad Administration; or**

13 (b) **Operation with a one-person train crew is otherwise permitted under an exception**
14 **specified in federal law.**

15 **SECTION 2. ORS 824.300 and 824.302 are repealed.**

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

17 824.990. (1) In addition to all other penalties provided by law:

18 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060 (1),
19 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the Department of
20 Transportation shall incur a civil penalty of not more than \$1,000 for every such violation.

21 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule
22 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
23 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

24 (c) **Every person who violates section 1 of this 2025 Act shall incur a civil penalty of:**

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

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

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

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

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

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

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

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

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

16 824.992. (1) Violation of ORS 824.062 is a Class D violation.

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

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

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

20 (5) As used in subsection (3) of this section, "railroad" means a railroad as defined by ORS
 21 824.020 and 824.022.

22 (6) Subject to ORS 153.022, violation of ORS 824.060 (2), 824.106 or 824.108 or any rule
 23 promulgated pursuant thereto is a Class A violation.

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

26 (a) Transports by railroad any hazardous waste listed under ORS 466.005 or rules adopted
 27 thereunder to a facility that does not have appropriate authority to receive the waste under ORS
 28 466.005 to 466.385 and 466.992.

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

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

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

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

38 (8) Subject to ORS 153.022, violation of subsection (7) of this section is a Class B misdemeanor.
 39 Each day's violation is a separate offense.

40 (9) Violation of [ORS 824.300 or 824.302] **section 1 of this 2025 Act** is a Class D violation.

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

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