



Oregon Department of Transportation
Rail Division
555 - 13th Street NE Suite 3
Salem, Oregon 97301-4179
Telephone (866) 628-8867
FAX (503) 986-3183

HIGHWAY- RAIL CROSSING BLOCKAGE PROCEDURE

It is the objective of the Oregon Department of Transportation Rail Division to work with local citizens and the railroads to reduce or eliminate the number and severity of blockages at public crossings throughout the State. The Oregon Department of Transportation Rail Division has statutory authority, under [ORS 824.222](#), to regulate the length of time that a public grade crossing may be blocked by railroad equipment. [Oregon Administrative Rules 741-125-0010](#) further sets forth crossing blockage criteria. Each non-justified blockage is punishable by a fine of up to a maximum of \$3,000 per occurrence.

The following procedure is designed to insure all parties have a fair, equal and impartial opportunity to have their concerns heard.

1. Blockage complaints are initiated by a party and are subject to the provisions of Oregon Revised Statute 824.222 and Oregon Administrative Rule 741-125-0010.
2. The [Blockage Complaint Form](#) is available on the Department's web site. Blockage complaints may be filed either by calling the Department's toll-free hotline, 866-628-8867, or faxing the complaint form to the Rail Division at (503) 986-3183. Upon receipt of a complaint, staff serves notice on the appropriate railroad of the blockage allegation and requests an investigation and response to the complaint within 15 business days.
3. If the railroad provides documentation within 15 business days that the blockage was caused by circumstances not under the control of the railroad, or the blockage meets the exemption conditions set forth in OAR 741-125-0010, the complaint will be ruled justified and dismissed.
4. If the blockage is ruled unjustified (the railroad did not have an emergency, etc.), staff will issue a Notice of Proposed Penalty, stating the circumstances and stipulating the penalty ODOT proposes.
5. The railroad has 20 days to respond to the Notice of Proposed Penalty. Depending on the response, ODOT may issue a final Order or a consent Order, or, if the railroad requests a hearing, the matter will go before an Administrative Law Judge

For questions regarding procedure, please contact Cary Goodman at 503-986-4230.