

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 2472, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Smalley

Smalley-MD-FS-Req#2256  
4/24/2019 3:23 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 2472

By: McCall, Hardin (Tommy),  
Hilbert, Marti and Davis of  
the House

6 and

7 Smalley of the Senate

8  
9 FLOOR SUBSTITUTE

10 An Act relating to railroads; prohibiting certain  
11 acts by operators of trains; providing penalty;  
12 providing certain exceptions; designating the  
13 Corporation Commission for enforcement; providing  
14 method for certain Notice of Inquiry; requiring  
15 certain report for delivery; providing for  
16 codification; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 190 of Title 66, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. No railcar shall be brought to rest in a position which  
22 blocks vehicular traffic at a railroad intersection with a public  
23 highway or street for longer than ten (10) minutes.

24 B. The Corporation Commission shall have the authority to issue  
a citation authorized pursuant to Section 1 of Title 17 of the

1 Oklahoma Statutes to any person or corporation that violates a  
2 provision of this section.

3 C. 1. Railroads or other persons, firms or corporations  
4 operating over tracks within the State of Oklahoma shall not block  
5 vehicle traffic at any railroad grade crossing for a period of time  
6 in excess of ten (10) minutes except if the train is moving in a  
7 continuous forward or backward direction, or if the train is stopped  
8 for an emergency condition, including an accident, derailment,  
9 critical mechanical failure, track or bridge washout, storm, flood  
10 or other emergency situation.

11 2. A one-time exception of up to, but not exceeding, ten (10)  
12 additional minutes shall be authorized under the following  
13 conditions:

14 a. when a train and its crew, operating under the rules  
15 of the Federal Railroad Administration (FRA), are  
16 unable to complete a switching maneuver while setting  
17 out or picking up railcars within the ten (10) minutes  
18 as set forth in paragraph 1 of this subsection,

19 b. when a train is stopped to allow the passage of a  
20 second train and the stopped train has exhausted the  
21 ten (10) minutes as set forth in paragraph 1 of this  
22 subsection, or if the arrival of the second train is  
23 imminent and separation and coupling of the stopped  
24

1 train would result in further unnecessary blocking of  
2 motor vehicle or pedestrian traffic, and

3 c. when a train is stopped for a red train signal.

4 3. When a train is cut or separated to prevent blocking of  
5 motor vehicle traffic at a public crossing, and a working charging  
6 station exists, the time required for recoupling a train and  
7 performing air tests as required by the FRA shall not be considered  
8 a violation of this section.

9 4. Every railroad shall be operated in such a manner as to  
10 minimize obstruction of emergency vehicles at public highway grade  
11 crossings.

12 D. The Corporation Commission is hereby designated to enforce  
13 the provisions of this act. Upon written request by any municipal  
14 governing body of an alleged violation of this section, the  
15 Corporation Commission shall open a Notice of Inquiry into the  
16 allegation and conduct an investigation of the matter. Findings of  
17 any violation of this section shall be enforced pursuant to  
18 subsection B of this section. A report shall be produced by the  
19 Corporation Commission on the investigation and findings from any  
20 Notice of Inquiry from an allegation by a municipality. All reports  
21 shall be delivered electronically to the President Pro Tempore of  
22 the Senate and the Speaker of the House of Representatives.

23 SECTION 2. This act shall become effective November 1, 2019.

24 57-1-2256 MD 4/24/2019 3:23:18 PM