HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2472

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

and

Simpson of the Senate

COMMITTEE SUBSTITUTE

An Act relating to railroads; prohibiting certain acts by operators of trains; providing penalty; providing standards for assessing penalty; providing certain exceptions; providing for codification; and providing an effective date.

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

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

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

B. Municipalities, county sheriffs and the Oklahoma Highway Patrol shall have the authority to issue a citation to any person or corporation that violates a provision of this section. Such person or corporation shall be subject to a fine not to exceed Ten Thousand Dollars ($10,000.00) for each violation. In determining the amount of the fine, the court shall consider the severity of the violation, whether there is a history of violations by the person or corporation and whether there were any good-faith efforts to minimize the severity of the violation.

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

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

a. when a train and its crew, operating under the rules of the Federal Railroad Administration (FRA), are unable to complete a switching maneuver while setting out or picking up rail cars within the ten (10)

minutes as set forth in paragraph 1 of this subsection,

b. when a train is stopped to allow the passage of a second train and the stopped train has exhausted the ten (10) minutes as set forth in paragraph 1 of this subsection, or if the arrival of the second train is imminent and separation and coupling of the stopped train would result in further unnecessary blocking of motor vehicle or pedestrian traffic, and

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/13/2019 - DO PASS, As Amended and Coauthored.