

1 **SENATE FLOOR VERSION**

2 April 11, 2019

3 COMMITTEE 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
10 COMMITTEE SUBSTITUTE

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

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

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

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

23 B. Municipalities, county sheriffs and the Oklahoma Highway
24 Patrol shall have the authority to issue a citation to any person or

1 corporation that violates a provision of this section. Such person
2 or corporation shall be subject to a fine not to exceed Five
3 Thousand Dollars (\$5,000.00) for each violation. In determining the
4 amount of the fine, the court shall consider the severity of the
5 violation, whether there is a history of violations by the person or
6 corporation and whether there were any good-faith efforts to
7 minimize the severity of the violation.

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

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

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

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON RULES
19 April 11, 2019 - DO PASS AS AMENDED