

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2472

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

4
5 and

6 Simpson of the Senate
7

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

13 AUTHOR: Remove Simpson as principal Senate author and replace with
14 Smalley as principal Senate author

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
16 entire bill and insert

17 "[railroads - acts by operators of trains -
18 Corporation Commission for enforcement - certain
19 report - codification - effective date]

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 190 of Title 66, unless there is
23 created a duplication in numbering, reads as follows:
24

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

4 B. The Corporation Commission shall have the authority to issue
5 a citation authorized pursuant to Section 1 of Title 17 of the
6 Oklahoma Statutes to any person or corporation that violates a
7 provision of this section.

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,
24

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 D. The Corporation Commission is hereby designated to enforce
18 the provisions of this act. Upon written request by any municipal
19 governing body of an alleged violation of this section, the
20 Corporation Commission shall open a Notice of Inquiry into the
21 allegation and conduct an investigation of the matter. Findings of
22 any violation of this section shall be enforced pursuant to
23 subsection B of this section. A report shall be produced by the
24 Corporation Commission on the investigation and findings from any

1 Notice of Inquiry from an allegation by a municipality. All reports
2 shall be delivered electronically to the President Pro Tempore of
3 the Senate and the Speaker of the House of Representatives.

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

5 and when the title is restored, amend the title to
6 conform

7 Passed the Senate the 25th day of April, 2019.

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Presiding Officer of the Senate

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11 Passed the House of Representatives the ____ day of _____,
12 2019.

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Presiding Officer of the House
of Representatives

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9 acts by operators of trains; providing penalty;
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11 certain exceptions; providing for codification; and
12 providing an effective date.

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

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 190 of Title 66, unless there is
16 created a duplication in numbering, reads as follows:

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

20 B. Municipalities, county sheriffs and the Oklahoma Highway
21 Patrol shall have the authority to issue a citation to any person or
22 corporation that violates a provision of this section. Such person
23 or corporation shall be subject to a fine not to exceed Ten Thousand
24 Dollars (\$10,000.00) for each violation. In determining the amount

1 of the fine, the court shall consider the severity of the violation,
2 whether there is a history of violations by the person or
3 corporation and whether there were any good-faith efforts to
4 minimize the severity of the violation.

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

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

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

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

