

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2472

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

7 and

8 Smalley of the Senate  
9  
10

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to railroads; prohibiting certain  
13 acts by operators of trains; providing penalty and  
14 apportionment of penalty amount; providing for  
15 certain administrative hearing; requiring production  
16 of certain report; providing for the promulgation of  
17 certain rules; providing certain exceptions;  
18 providing for codification; providing an effective  
19 date; and declaring an emergency.

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 A. As it is immediately necessary for the safety and welfare of  
the people, no railcar shall be brought to rest in a position which

1 blocks vehicular traffic at a railroad intersection with a public  
2 highway or street for longer than ten (10) minutes.

3 B. Municipalities, county sheriffs and the Oklahoma Highway  
4 Patrol shall have the authority to issue a citation to any person or  
5 corporation that violates a provision of this section. Such person  
6 or corporation shall be subject to a fine of up to One Thousand  
7 Dollars (\$1,000.00) for each violation. Seventy-five percent (75%)  
8 of the collected fine shall be deposited to the credit of the  
9 general fund of the entity that issued the citation and the  
10 remaining twenty-five percent (25%) shall be credited to the  
11 Corporation Commission Revolving Fund established in Section 180.7  
12 of Title 17 of the Oklahoma Statutes. A copy of the citation, along  
13 with any information regarding train identification, shall be sent  
14 to the Corporation Commission for enforcement of the penalty at a  
15 hearing before an administrative law judge of the Commission. The  
16 violating entity or individual may appeal the administrative law  
17 judge's decision to the Commission en banc. The Commission shall  
18 annually deliver an electronic report detailing the number of  
19 violations, number of rulings, number of appeals and amount of fines  
20 assessed under this section. Commission reports shall be delivered  
21 to the Speaker of the Oklahoma House of Representatives, the  
22 President Pro Tempore of the Oklahoma State Senate and the Governor.  
23 The Commission shall promulgate rules and procedures to effectuate  
24 the provisions of this section.

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

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

- 12 a. when a train and its crew, operating under the rules  
13 of the Federal Railroad Administration (FRA), are  
14 unable to complete a switching maneuver while setting  
15 out or picking up railcars within the ten (10) minutes  
16 as set forth in paragraph 1 of this subsection,
- 17 b. when a train is stopped to allow the passage of a  
18 second train and the stopped train has exhausted the  
19 ten (10) minutes as set forth in paragraph 1 of this  
20 subsection, or if the arrival of the second train is  
21 imminent and separation and coupling of the stopped  
22 train would result in further unnecessary blocking of  
23 motor vehicle or pedestrian traffic, and
- 24 c. when a train is stopped for a red train signal.

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

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

9           SECTION 2. This act shall become effective July 1, 2019.

10          SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15           57-1-8958           JBH           05/15/19