

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2472

By: McCall

5  
6  
7 COMMITTEE SUBSTITUTE

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

14 SECTION 1. 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 rail cars within the ten (10)  
20 minutes as set forth in paragraph 1 of this  
21 subsection,

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

1 subsection, or if the arrival of the second train is  
2 imminent and separation and coupling of the stopped  
3 train would result in further unnecessary blocking of  
4 motor vehicle or pedestrian traffic, and

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

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

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

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

15  
16 57-1-7935 JBH 02/13/19  
17  
18  
19  
20  
21  
22  
23  
24