

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1939

By: McCall

AS INTRODUCED

An Act relating to railroads; stating certain legislative intent; clarifying certain acts by operators of trains; making certain exceptions; providing penalty; providing standards for assessing penalty; requiring railroads minimize obstruction of emergency vehicles; repealing 66 O.S. 2021, Section 190, which relates to railcar resting on a railroad intersection; 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 191 of Title 66, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Oklahoma Legislature to address the dangers associated with trains blocking intersections or streets in which emergency vehicles could be prohibited from providing critical access to the citizens of Oklahoma. Therefore, within the defined limits of any town or municipality, a train or railcar shall only be brought to a rest in a position which does not obstruct vehicular

1 traffic at a railroad intersection with a public highway or street,  
2 except when:

3 1. The train is moving in a continuous forward or backward  
4 direction, or if the train is stopped for an emergency condition,  
5 including an accident, derailment, critical mechanical failure,  
6 track or bridge washout, storm, flood or other emergency situation;

7 2. A train and its crew, operating under the rules of the  
8 Federal Railroad Administration (FRA), are unable to complete a  
9 switching maneuver while setting out or picking up railcars;

10 3. A train is stopped to allow the passage of a second train,  
11 or if the arrival of the second train is imminent and separation and  
12 coupling of the stopped train would result in further unnecessary  
13 blocking of motor vehicle traffic;

14 4. A train is stopped for a red train signal; or

15 5. A train is cut or separated to prevent blocking of motor  
16 vehicle traffic at a public crossing, and a working charging station  
17 exists, the stoppage required for recoupling a train and performing  
18 air tests as required by the FRA shall not be considered a violation  
19 of this section.

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 Five  
24 Thousand Dollars (\$5,000.00) for each violation. In determining the

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

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

8 SECTION 2. REPEALER 66 O.S. 2021, Section 190, is hereby  
9 repealed.

10 SECTION 3. This act shall become effective November 1, 2023.

11  
12 59-1-6212 JBH 01/18/23  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24