

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 344

By: Ogden

Infrastructure Development and Security

4/29/2003

Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, the Texas Department of Public Safety (DPS) maintains a statewide toll-free telephone service through which citizens report malfunctioning railroad crossing signals. Railroad companies are not required to inform DPS when they trade or sell crossings, causing difficulty for DPS operators charged with contacting the companies to report malfunctioning crossing signals. C.S.S.B. 344 requires a railway company to provide DPS with a list of its railroad crossings by January 1, 2004, and to inform DPS of any changes within a certain timeframe. This bill also establishes an administrative penalty for a violation and exempts the state, an agency or political subdivision of the state, and railway company from liability for damages caused by an action taken or failure to perform a required duty under this Act.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 471, Transportation Code, by adding Sections 471.009 and 471.010, as follows:

Sec. 471.009. REPORTING OF RAILROAD CROSSING INFORMATION TO DEPARTMENT. (a) Requires a railway company to provide to the Texas Department of Transportation (TxDOT) a list of all railroad crossings for which the railway company has the responsibility of maintaining a mechanical safety device, including a signal or crossbar, placed at an intersection of a railroad track and a public road. Requires the list to include certain information.

(b) Requires railway companies to supplement the information required in Subsection (a) not later than the 15th day after certain changes occur regarding the company's railroad crossings of a public road.

(c) Requires railway companies to inform TxDOT not later than 24 hours with a change in the telephone number required under Subsection (a)(4).

(d) Requires TxDOT to provide the information received under this section to certain governmental entities as soon as practicable.

(e) Provides that a railway company in violation of this section is subject to an administrative penalty of \$1,000 per violation. Authorizes the Department of Public Safety to initiate enforcement of this section.

(f) Provides that the state, an agency or political subdivision of the state, or railway company is not liable for damages caused by an action taken under this section or failure to perform a duty imposed by this section.

Sec. 471.010. APPLICABILITY TO LIGHT RAIL. Redefines "railway company."

SECTION 2. (a) Effective date: September 1, 2003.

(b) Requires railway companies to provide the information required under Section 471.009, Transportation Code, as added by this Act, to TxDOT not later than January 1, 2004.