

By: Ogden

S.B. No. 344

A BILL TO BE ENTITLED

AN ACT

relating to the required reporting to the Texas Department of Transportation of information regarding railroad crossings; imposing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 471, Transportation Code, is amended by adding Sections 471.009 and 471.010 to read as follows:

Sec. 471.009. REPORTING OF RAILROAD CROSSING INFORMATION TO DEPARTMENT. (a) A railway company shall provide to the department 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. The list must specify:

(1) the name of the railway company that owns the railroad crossing;

(2) the name of the railway company that is responsible for maintaining the safety device at the railroad crossing;

(3) the location of each crossing;

(4) a telephone number that is maintained by the railway company to receive a report of a malfunction of any safety device placed at each crossing and that is available 24 hours each day;

(5) the crossing number assigned to a crossing by the

1 Federal Railroad Administration; and

2 (6) any additional information required by the  
3 department.

4 (b) A railway company shall supplement the information  
5 required by Subsection (a) not later than the 15th day after the  
6 date that:

7 (1) the railway company acquires maintenance  
8 obligation of the safety device at an intersection of a railroad  
9 track and a public road; or

10 (2) any of the information required by Subsection (a)  
11 changes.

12 (c) A railway company must notify the department not later  
13 than 24 hours after the time that the telephone number specified by  
14 the company under Subsection (a)(4) is changed and specify the new  
15 telephone number.

16 (d) The department shall as soon as practicable provide  
17 information it receives under this section to:

18 (1) the Department of Public Safety Railroad  
19 Malfunctions Operation Center; and

20 (2) the Railroad Commission of Texas.

21 (e) A railway company that does not comply with this section  
22 is subject to an administrative penalty in an amount of \$1,000 for  
23 each violation. Enforcement of this section may be initiated by the  
24 Department of Public Safety.

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

1 by this section.

2 Sec. 471.010. APPLICABILITY TO LIGHT RAIL. In this  
3 chapter, "railway company" includes an entity that operates a light  
4 rail system.

5 SECTION 2. (a) This Act takes effect September 1, 2003.

6 (b) A railway company required to provide information to the  
7 Texas Department of Transportation under Section 471.009,  
8 Transportation Code, as added by this Act, shall deliver the  
9 information to that department not later than January 1, 2004.