

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 owned by the railway company where a railroad crosses a first or second class public road in this state. The list must specify:

(1) the name of the railway company;

(2) the location of each crossing;

(3) 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;

(4) any crossing number assigned to a crossing by the Federal Railroad Administration;

(5) if the tracks at a crossing are owned by more than one railway company:

(A) the name of the railway company responsible for repairing that grade crossing or a warning device at that

1 crossing; and

2 (B) the name of the railway company responsible  
3 for maintaining the telephone number required by Subdivision (3);  
4 and

5 (6) any additional information required by the  
6 department.

7 (b) A railway company shall supplement the information  
8 required by Subsection (a) not later than the fifth day after the  
9 date that:

10 (1) the railway company acquires ownership of tracks  
11 on which a railroad crosses a first or second class public road in  
12 this state;

13 (2) the railway company opens for vehicular traffic a  
14 new crossing that crosses a first or second class public road in  
15 this state;

16 (3) any of the information required by Subsection (a)  
17 changes; or

18 (4) the railway company sells or otherwise transfers  
19 tracks that cross a first or second class public road in this state.

20 (c) A railway company must notify the department not later  
21 than 24 hours after the time that the telephone number specified by  
22 the company under Subsection (a)(3) is changed and specify the new  
23 telephone number.

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

26 (1) the Department of Public Safety Railroad  
27 Malfunctions Operation Center; and

1           (2) the Railroad Commission of Texas.

2           (e) A railway company that does not comply with this section  
3 is subject to an administrative penalty in an amount of \$2,000 for  
4 each violation. Each day a violation occurs or continues is a  
5 separate violation under this subsection. Enforcement of this  
6 section may be initiated by:

7           (1) the department;

8           (2) the Department of Public Safety; or

9           (3) the Railroad Commission of Texas.

10          Sec. 471.010. APPLICABILITY TO LIGHT RAIL. In this  
11 chapter, "railway company" includes an entity that operates a light  
12 rail system.

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

14          (b) A railway company required to provide information to the  
15 Texas Department of Transportation under Section 471.009,  
16 Transportation Code, as added by this Act, shall deliver the  
17 information to that department not later than October 1, 2003.