

1-1 By: Ogden S.B. No. 344
1-2 (In the Senate - Filed February 3, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Infrastructure
1-4 Development and Security; April 30, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8, Nays
1-6 0; April 30, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 344 By: Ogden

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the required reporting to the Texas Department of
1-11 Transportation of information regarding railroad crossings;
1-12 imposing a penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 471, Transportation Code, is amended by
1-15 adding Sections 471.009 and 471.010 to read as follows:

1-16 Sec. 471.009. REPORTING OF RAILROAD CROSSING INFORMATION TO
1-17 DEPARTMENT. (a) A railway company shall provide to the department
1-18 a list of all railroad crossings for which the railway company has
1-19 the responsibility of maintaining a mechanical safety device,
1-20 including a signal or crossbar, placed at an intersection of a
1-21 railroad track and a public road. The list must specify:

1-22 (1) the name of the railway company that owns the
1-23 railroad crossing;

1-24 (2) the name of the railway company that is
1-25 responsible for maintaining the safety device at the railroad
1-26 crossing;

1-27 (3) the location of each crossing;

1-28 (4) a telephone number that is maintained by the
1-29 railway company to receive a report of a malfunction of any safety
1-30 device placed at each crossing and that is available 24 hours each
1-31 day;

1-32 (5) the crossing number assigned to a crossing by the
1-33 Federal Railroad Administration; and

1-34 (6) any additional information required by the
1-35 department.

1-36 (b) A railway company shall supplement the information
1-37 required by Subsection (a) not later than the 15th day after the
1-38 date that:

1-39 (1) the railway company acquires maintenance
1-40 obligation of the safety device at an intersection of a railroad
1-41 track and a public road; or

1-42 (2) any of the information required by Subsection (a)
1-43 changes.

1-44 (c) A railway company must notify the department not later
1-45 than 24 hours after the time that the telephone number specified by
1-46 the company under Subsection (a)(4) is changed and specify the new
1-47 telephone number.

1-48 (d) The department shall as soon as practicable provide
1-49 information it receives under this section to:

1-50 (1) the Department of Public Safety Railroad
1-51 Malfunctions Operation Center; and

1-52 (2) the Railroad Commission of Texas.

1-53 (e) A railway company that does not comply with this section
1-54 is subject to an administrative penalty in an amount of \$1,000 for
1-55 each violation. Enforcement of this section may be initiated by the
1-56 Department of Public Safety.

1-57 (f) The state, an agency or political subdivision of the
1-58 state, or a railway company is not liable for damages caused by an
1-59 action taken under this section or failure to perform a duty imposed
1-60 by this section.

1-61 Sec. 471.010. APPLICABILITY TO LIGHT RAIL. In this
1-62 chapter, "railway company" includes an entity that operates a light
1-63 rail system.

2-1 SECTION 2. (a) This Act takes effect September 1, 2003.
2-2 (b) A railway company required to provide information to the
2-3 Texas Department of Transportation under Section 471.009,
2-4 Transportation Code, as added by this Act, shall deliver the
2-5 information to that department not later than January 1, 2004.

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