

BILL ANALYSIS

C.S.H.B. 3181
By: Parker
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain municipalities in Texas experience long durations of a railway trains obstructing the ability to travel to portions of the municipality. These instances create potential health risks by preventing emergency vehicles from responding to emergencies that occur in parts of a municipality where passage is prohibited by a train obstructing the only path(s).

C.S.H.B. 3181 makes it a misdemeanor offense for a railway train to block, for a period of ten or more minutes, an emergency vehicle from responding to the scene of an emergency in certain counties, and establishes fine parameters for this offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3181 adds Section 471.0075 to the Transportation Code to make it an offense for a train of a railway company to obstruct a street, railroad crossing, or public highway for more than 10 minutes and subsequently prevent an emergency vehicle, as defined by Section 541.201 of the Transportation Code, from responding to an emergency.

C.S.H.B. 3181 also sets the fine parameters for an offense under this section to no less than \$500 and no greater than \$1,000. An officer charging an offense under this section must prepare in duplicate a citation to appear in court and attach one copy of the citation to the train or deliver the copy to an agent of the railway company. The citation must show: the name of the railway company, the offense charged, and the time and place that a representative of the railway company is to appear in court.

The hearing on the offense must be before a magistrate who has jurisdiction of the offense in the municipality or county in which the offense is alleged to have been committed. An appearance by counsel complies with the written promise to appear in court. It is a defense to prosecution under this section that the train obstructs the street, railroad crossing, or public highway because of an act of God or breakdown of the train.

Section 471.0075 of the Transportation Code only applies to a county that has a population of 425,000 or more and is adjacent to two or more counties, each of which has a population of 1.4 million or more.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3181 specifies that the provisions in this act only apply to a violation in a county that has a population of 425,000 or more and is adjacent to two or more counties, each of which has a population of 1.4 million or more.

The following provisions are also added:

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