

By: King of Zavala

H.B. No. 1184

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of obstructing a railroad crossing with a
3 train.

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

5 SECTION 1. Sections 471.007(a), (b), and (c),
6 Transportation Code, are amended to read as follows:

7 (a) A railway company commits an offense if a train of the
8 railway company obstructs for more than five [~~10~~] minutes a street,
9 railroad crossing, or public highway.

10 (b) An offense under this section is a misdemeanor
11 punishable by a fine of:

12 (1) \$1,000 if the obstruction lasts 10 minutes or
13 less; and

14 (2) an additional \$1,000 for each five minute interval
15 that the obstruction continues beyond 10 minutes [~~not less than~~
16 ~~\$100 or more than \$300~~].

17 (c) An officer charging a railway company for an offense
18 under this section shall prepare in duplicate a citation to appear
19 in court and attach one copy of the citation to the train or deliver
20 the copy to an employee or other agent of the railway company. The
21 citation must show:

22 (1) the name of the railway company;

23 (2) the offense charged; [~~and~~]

24 (3) the duration of the obstruction; and

1 (4) [~~(3)~~] the time and place that a representative of
2 the railway company is to appear in court.

3 SECTION 2. (a) The change in law made by this Act applies
4 only to an offense committed on or after September 1, 2007.

5 (b) An offense committed before September 1, 2007, is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before September 1, 2007, if
9 any element of the offense was committed before that date.

10 SECTION 3. This Act takes effect September 1, 2007.