

BILL ANALYSIS

H.B. 1759
By: Krause
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Disparities between traffic laws regarding train cars and on-track equipment for railroad crossings have led to on-track equipment operators in Texas facing legal hurdles for accidents that they would not have been at fault for if they had been operating rail cars. Given that on-track equipment can be just as dangerous to drivers as trains themselves, state traffic laws needs to be updated so that on-track operators are not exposed to criminal liability when individuals fail to abide by railroad crossing traffic laws. H.B. 1759 seeks to address this issue by including on-track equipment among the equipment and devices triggering certain traffic restrictions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1759 amends the Transportation Code to include on-track equipment, defined by the bill as any car, rolling stock, equipment, or other device that, alone or coupled to another device, is operated on a railroad track, among the equipment and devices triggering the following special stops and speed restrictions:

- the requirement for an operator approaching a railroad grade crossing to stop under certain conditions within 50 feet from the nearest rail but not closer than 15 feet;
- the requirement for an operator of a vehicle approaching a railroad grade crossing equipped with railroad crossbuck signs without certain signals to yield the right-of-way; and
- the requirement for the following operators, before crossing a track at a railroad grade crossing, to stop or reduce speed, as applicable, and listen and look in both directions along the track for an approaching train and signals indicating the approach of a train:
 - the operator of a motor bus carrying passengers for hire;
 - the operator of a school bus;
 - the operator of certain vehicles carrying an explosive substance or flammable liquid as the vehicle's principal cargo; and
 - an operator moving certain vehicles or heavy equipment on or across a track at a railroad grade crossing.

The bill prohibits an operator of certain vehicles or heavy equipment from crossing a railroad grade crossing when warning of the immediate approach of on-track equipment is given.

EFFECTIVE DATE

September 1, 2021.