

BILL ANALYSIS

H.B. 1772
By: Bhojani
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute requires the operator of a vehicle to stop at a specified distance as set by statute from a railroad grade crossing under certain specified circumstances, including if they are warned by a flagger of the approach or passage of a train or other on-track equipment, and provides a penalty for a person who drives around, under, or through a crossing gate or a barrier at a crossing while the gate or barrier is closed, being closed, or being opened. The bill author has informed the committee, however, that the current penalty for a person who commits such an offense when a flagger is present and warning of the danger may be too low to deter drivers from failing to comply with the flagger's warning. H.B. 1772, with the goal of promoting public safety, enhances the penalty for a person who disregards such a warning given by a flagger.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 1772 amends the Transportation Code to enhance the penalty for failing to obey a signal indicating approach of a train or other on-track equipment from a fine of not less than \$50 or more than \$200 to a fine of not less than \$100 or more than \$400 if it is shown at the trial of the offense that the actor disregarded a warning given by a flagger.

H.B. 1772 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.