

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2472

By: McCall of the House

and

6 Smalley of the Senate

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to railroads; prohibiting certain  
11 acts by operators of trains; providing penalty;  
12 providing standards for assessing penalty; providing  
13 certain exceptions; providing for codification; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 190 of Title 66, unless there is  
18 created a duplication in numbering, reads as follows:

19 A. No railcar shall be brought to rest in a position which  
20 blocks vehicular traffic at a railroad intersection with a public  
21 highway or street for longer than ten (10) minutes.

22 B. Municipalities, county sheriffs and the Oklahoma Highway  
23 Patrol shall have the authority to issue a citation to any person or  
24 corporation that violates a provision of this section. Such person

1 or corporation shall be subject to a fine not to exceed Five  
2 Thousand Dollars (\$5,000.00) for each violation. In determining the  
3 amount of the fine, the court shall consider the severity of the  
4 violation, whether there is a history of violations by the person or  
5 corporation and whether there were any good-faith efforts to  
6 minimize the severity of the violation.

7 C. 1. Railroads or other persons, firms or corporations  
8 operating over tracks within the State of Oklahoma shall not block  
9 vehicle traffic at any railroad grade crossing for a period of time  
10 in excess of ten (10) minutes except if the train is moving in a  
11 continuous forward or backward direction, or if the train is stopped  
12 for an emergency condition, including an accident, derailment,  
13 critical mechanical failure, track or bridge washout, storm, flood  
14 or other emergency situation.

15 2. A one-time exception of up to, but not exceeding, ten (10)  
16 additional minutes shall be authorized under the following  
17 conditions:

- 18 a. when a train and its crew, operating under the rules  
19 of the Federal Railroad Administration (FRA), are  
20 unable to complete a switching maneuver while setting  
21 out or picking up railcars within the ten (10) minutes  
22 as set forth in paragraph 1 of this subsection,
- 23 b. when a train is stopped to allow the passage of a  
24 second train and the stopped train has exhausted the

1           ten (10) minutes as set forth in paragraph 1 of this  
2           subsection, or if the arrival of the second train is  
3           imminent and separation and coupling of the stopped  
4           train would result in further unnecessary blocking of  
5           motor vehicle or pedestrian traffic, and

6           c.    when a train is stopped for a red train signal.

7           3.    When a train is cut or separated to prevent blocking of  
8           motor vehicle traffic at a public crossing, and a working charging  
9           station exists, the time required for recoupling a train and  
10           performing air tests as required by the FRA shall not be considered  
11           a violation of this section.

12           4.    Every railroad shall be operated in such a manner as to  
13           minimize obstruction of emergency vehicles at public highway grade  
14           crossings.

15           SECTION 2.   This act shall become effective November 1, 2019.

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