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SENATE BILL 2824 By
Harper

HOUSE BILL 2765
By Robinson

AN ACT to amend Tennessee Code Annotated, Section 65-11-113, relative to requiring railroad companies to provide signals at certain railroad crossings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-11-113, is amended by deleting such section in its entirety and substituting instead the following:

Section 65-11-113. (a)(1) At any unmarked railroad crossings, where there are regularly scheduled trains, one hundred (100) or more vehicles cross daily and it is also a regular school bus crossing, and/or upon the order of the commissioner of transportation or the commissioner's designee, the railroad company responsible for maintaining the track and right-of-way at such grade crossing shall install or cause to be installed a railroad crossing marker with automatic flashing signal lights and a bell on either side of the tracks along such street, road or highway crossing such tracks, in such a manner that approaching motorists, riders or pedestrians may be warned of the hazard and alerted to watch for an oncoming train or engine.

(2) A railroad company shall have twelve (12) months from the effective date of this act or, in the event of a commissioner's order, six (6) months from the time of an

order of the commissioner or the commissioner's designee in which to install or cause to be installed the automatic warning or protective devices required in subsection (1). If such devices are not installed and operative at the end of this period of time, and in the case of a commissioner's order, the commissioner has not granted an extension based on hardship or act of God, the speed of trains operating within one (1) mile in each direction of such crossing shall be restricted to not more than twenty-five (25) miles per hour. This restriction shall continue until the devices are fully operational.

(b) Any railroad company failing to comply with the requirements of subsection (a) are subject to a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each day of continued violation.

(c) The department of transportation is authorized to construct protective or warning devices at or in the vicinity of any railroad crossing of a public highway owned by a county or incorporated city or town, based upon the showing of need resulting from a multidisciplinary study, whenever federal funds are available for such construction. The department is further authorized to supply a maximum of one percent (1%) of the funds required for such construction provided the county or incorporated city or town in which the construction will be performed complies with the necessary conditions for receipt of the balance of federal matching funds for such construction.

SECTION 2. This act shall take effect June 1, 2000, the public welfare requiring it.