

1 HB11
2 113026-1
3 By Representative Mitchell
4 RFD: Commerce
5 First Read: 12-JAN-10
6 PFD: 09/23/2009

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8 SYNOPSIS: Under existing law, the train crew, yard
9 crew, or engine crew of a railroad is not
10 personally responsible or held guilty of violating
11 any law regulating the occupying or blocking of any
12 street, road, or highway crossing-at-grade by
13 trains or passenger or freight cars, if done
14 pursuant to orders or instructions of the employer,
15 officers, or supervisory officials.

16 This bill would make it unlawful for a
17 standing train to obstruct any public street, road,
18 or other highway crossing-at-grade for more than 10
19 minutes and would provide civil penalties.

20 The bill would also require the train crew,
21 yard crew, or engine crew of a train blocking a
22 crossing to move the train in specified
23 circumstances.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Section 37-8-115 of the Code of Alabama 1975, relating to trains obstructing streets; to require trains to be moved in certain circumstances; to place a time limit on standing trains obstructing streets; and to provide civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-8-115 of the Code of Alabama 1975, is amended to read as follows:

"§37-8-115.

"(a) (1) It shall be unlawful for any railroad train in the state to obstruct any public street, road, or highway crossing-at-grade for more than 10 minutes.

"(2) After the initial 10-minute period, each 10-minute period or portion of a 10-minute period that the crossing is obstructed by a standing train shall constitute a separate offense.

"(3) The railroad corporation or company that owns or operates a train violating this subsection is liable for a civil penalty not exceeding one thousand dollars (\$1,000) for each violation.

"(b) A train crew, yard crew, or engine crew of a train blocking a public crossing shall immediately take all reasonable steps, consistent with safe operation of that train, to clear the crossing upon receiving information from a law enforcement officer, member of a fire department, or

1 operator of an emergency vehicle that emergency circumstances
2 require the clearing of the crossing.

3 "(c) If a train is stopped on a railroad track and
4 is obstructing a public street, road, or highway
5 crossing-at-grade, the train crew, yard crew, or engine crew
6 shall exercise good faith judgment to determine how long the
7 train will be stopped on the track and shall inform the local
8 law enforcement agency, fire department, and rescue squads.

9 "(d) No member of a train crew, yard crew, or engine
10 crew of a railroad, which is a common carrier, shall be held
11 personally responsible or found guilty of violating any law of
12 this state or any municipal ordinance regulating or intended
13 to regulate the occupying or blocking of any street, road, or
14 highway crossing-at-grade by trains or passenger or freight
15 cars upon reasonable proof that the occupying or blocking of
16 said the street, road, or highway crossing-at-grade was
17 necessary to comply with the orders or instructions either
18 written or oral of his or her employer or its officers or
19 supervisory officials; provided, that the provisions of this
20 section. This subsection shall not relieve the employer or
21 railroad from any responsibility placed upon said the employee
22 or railroad by any such state laws or by such municipal
23 ordinances; provided further, that nothing contained herein
24 shall affect any civil tortious responsibility of the agent,
25 servants, employees, and the railroad itself.

26 "(e) It is a defense to prosecution under this
27 section when a train has obstructed a street, railroad

1 crossing, or public highway due to an act of God, a breakdown
2 of the train, or acts of vandalism."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.