

## **BILL ANALYSIS**

H.B. 2946  
By: Phillips  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain provisions of the Transportation Code relating to railroad crossings have been preempted by federal law in an effort to create industry uniformity across all states. These parties note that these preempted provisions are no longer enforceable and therefore no longer necessary in statute. H.B. 2946 seeks to address this issue by removing certain provisions relating to railroad crossings.

### **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. 2946 repeals Transportation Code provisions relating to a statewide toll-free telephone service maintained by the Department of Public Safety to report malfunctions of mechanical safety devices at intersections of a railroad track and a public road; relating to the required use of a bell and whistle or siren by locomotives at railroad crossings and the related offense for a violation of the required use; relating to an offense committed by a railway company if a company train obstructs for more than 10 minutes a street, railroad crossing, or public highway; and relating to the authority of the governing body of a municipality to grant a franchise to a railway company to obstruct a certain street crossing by a passenger train for the purpose of receiving or discharging passengers, mail, express, or freight for longer than 10 minutes.

H.B. 2946 repeals the following provisions of the Transportation Code:

- Section 471.003
- Section 471.006
- Section 471.007
- Section 471.008

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.