

## **BILL ANALYSIS**

Senate Research Center  
76R12432 DWS-F

H.B. 2922  
By: Dunnam (Sibley)  
State Affairs  
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Engrossed

### **DIGEST**

Currently, numerous cities across the state are expecting problems with trains obstructing crossings within their corporate boundaries. In many small towns the rail crossing may be the only way across the tracks for many miles. In addition to inconveniencing motorists, an obstructed crossing may block the path of an emergency vehicle. There is an accountability problem with the current code in that if an individual employee of a railroad commits an offense, the company may be held blameless even though it may be the policy of the company to store railroad cars on the tracks. H.B. 2922 would establish conditions regarding the offense of obstructing a railroad crossing with a train.

### **PURPOSE**

As proposed, H.B. 2922 establishes conditions regarding the offense of obstructing a railroad crossing with a train.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 471.007(a)-(d), Transportation Code, to provide that a railroad company commits an offense if a train of the railway company obstructs for more than 10 minutes a street, railway crossing, or public highway. Establishes that an offense under this section is a misdemeanor punishable by a fine of not less than \$100, rather than \$5, or more than \$300, rather than \$100. Requires an officer charging a railway company for an offense to prepare in duplicate a citation to appear in court and attach one copy of the citation to the train or deliver a copy to an employee or other agent of the railway company. Sets forth requirements the citation must show. Establishes that it is a defense to prosecution that the train obstructs the street, railroad crossing, or public highway because of an act of God or breakdown of this train. Deletes text regarding an offense that is committed due to the willful obstruction by a person; and the citation given by an officer to the conductor of the train. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.