

2015 Regular Session

SENATE BILL NO. 110

BY SENATOR JOHNS

RAILROADS. Provides exemptions from audible warnings at certain railroad grade crossings. (gov sig)

AN ACT

To enact R.S. 32:170(C), relative to trains sounding audible warnings at railroad grade crossings; to exempt a train using a flagman to warn motorists of an approaching train from sounding audible warnings in the city of Lake Charles in a certain railroad corridor, or when such audible warning is not required by waiver or rule; to eliminate certain liability for damages for failure to sound an audible warning; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:170(C) is hereby enacted to read as follows:

§170. Exemptions; Old Metairie railroad corridor; **city of Lake Charles railroad corridor**; elimination of railroad liability

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**C. The provisions of R.S. 32:168 requiring the sounding of a bell, whistle, or horn by a locomotive engine when it approaches a street or highway crossing shall not apply to a public or private railroad company using flagmen to warn motorists of an approaching train in accordance with 49 CFR Part 222, Subpart**

1           **C, Section 33 at crossings located on the railroad corridor extending from**  
 2           **Louisiana Highway 14 to the city docks in the city of Lake Charles, or when the**  
 3           **sounding of such bell, whistle, or horn along this corridor is not required under**  
 4           **the terms and conditions of any waiver granted or rule adopted by the Federal**  
 5           **Railroad Administration. In such circumstances neither the railroad company**  
 6           **nor its employees shall be liable to any person or other entity for civil damages**  
 7           **for injury or death of persons or damages to property that occur due to failure**  
 8           **of an oncoming train to sound an audible warning approaching or at such**  
 9           **crossings.**

10           Section 2. This Act shall become effective upon signature by the governor or, if not  
 11           signed by the governor, upon expiration of the time for bills to become law without signature  
 12           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Sharon F. Lyles.

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## DIGEST

SB 110 Original

2015 Regular Session

Johns

Present law (R.S. 32:168) requires a train to commence sounding audible warning signals when such locomotive engine is approaching and not less than one quarter of a mile from a railroad grade crossing.

Proposed law exempts a train from sounding audible warnings required by present law in the railroad corridor from Louisiana Highway 14 to the city docks in the city of Lake Charles when flagmen flag the crossing to warn of an approaching train in conformity with 49 CFR §222.33, or when the sounding of such bell, whistle, or horn along this corridor is not required under the terms and conditions of any waiver granted or rule adopted by the Federal Railroad Administration.

Proposed law exempts railroad company and its employees from liability for civil damages for death of persons or damage to property due to failure of oncoming train to sound an audible warning approaching or at such crossings.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 32:170(C))