

SENATE BILL 1293

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 54; Title 55 and Title 65,
relative to railroads obstructing public streets and
highways.

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

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 11, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Railroad crossing" means any location where a public street or highway is crossed by, or intersects with, a railroad track or line; and

(2) "Routine railroad maintenance activity":

(A) Means any activity that is associated with the normal repair, upkeep, reconstruction, or improvement of a railroad crossing, including the tracks, roadbeds, rights-of-way, bridges, tunnels, and other related track structures adjacent or incidental to the railroad crossing, or of a railroad train, car, engine, or other equipment; and

(B) Includes track lining and surfacing; signal maintenance; replacement of crossties; and ditch cleaning.

(b) No routine railroad maintenance activities may be conducted at any railroad crossing between the hours of six o'clock a.m. (6:00 a.m.) to nine o'clock a.m. (9:00 a.m.) and three o'clock p.m. (3:00 p.m.) to six o'clock p.m. (6:00 p.m.) each day if the railroad crossing provides the sole ingress and egress to and from a residential neighborhood or occupied residence, and the activity would obstruct or cause the

obstruction of the public street or highway crossed by, or intersecting with, the railroad track or line.

(c)

(1) The commissioner of transportation may, after providing notice and opportunity for a hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, impose a civil penalty of five thousand dollars (\$5,000) per violation against any railroad company, engineer, conductor, dispatcher, or other person or entity controlling the routine railroad maintenance activity or the movement of the railroad train, car, engine, or other equipment on which the routine railroad maintenance activity is being conducted.

(2) If a second or subsequent violation of subsection (b) occurs at the same railroad crossing a second or subsequent time within eighteen (18) months from the date of the first occurrence, the commissioner may impose, after providing notice and opportunity for a hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, a civil penalty of fifteen thousand dollars (\$15,000) upon the railroad company, engineer, conductor, dispatcher, or other person or entity controlling the routine railroad maintenance activity or the movement of the railroad train, car, engine, or other equipment on which the routine railroad maintenance activity is being conducted.

(d) All civil penalties collected by the commissioner pursuant to this section shall be allocated as follows:

(1) Fifteen percent (15%) shall be retained by the department of transportation for costs of administration of this section; and

(2) Eighty-five percent (85%) shall be distributed to the county or municipality in which the violation of subsection (b) occurred and used solely for railroad crossing projects on county roads or municipal streets within the county or municipality, as applicable.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to violations occurring on or after that date.