

HOUSE BILL NO. HB0073

Safety on railroads.

Sponsored by: Representative(s) Esquibel, K., Bagby, Craft, McKim and Wallis and Senator(s) Elliott

A BILL

for

1 AN ACT relating to railroads; establishing certain
2 requirements for the operation of railroads; providing a
3 definition; providing for a criminal offense and for a
4 penalty; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 37-9-1401 and 37-9-1402 are created
9 to read:

10

11

ARTICLE 14

12

SAFETY ON RAILROADS

13

14

37-9-1401. Safety on railroads.

15

1 (a) A railroad company within this state is guilty of
2 a misdemeanor and upon conviction is subject to the
3 penalties provided in subsection (d) of this section if the
4 company:

5

6 (i) Fails to provide comfortable and convenient
7 cars or coaches for the transportation of its passengers
8 and their baggage or safe cars for the transportation of
9 express matter and freight;

10

11 (ii) Operates a railroad train over an unsafe
12 bridge, trestlework or aqueduct;

13

14 (iii) Operates a railroad train which is not
15 equipped with a properly functioning horn and bell;

16

17 (iv) Permits a railroad train to approach a
18 public highway, public road or public railroad crossing
19 without causing the horn and bell of the railroad train to
20 be sounded at the distance from the crossing as provided in
21 subsection (b) of this section; or

22

23 (v) Willfully fails to make any report required
24 by law.

1

2 (b) For the purposes of paragraph (a)(iv) of this
3 section:

4

5 (i) The horn and bell of a railroad train shall
6 be sounded from a point not less than one thousand three
7 hundred twenty (1,320) feet from the crossing until the
8 crossing is occupied, but if a train has stopped within one
9 thousand three hundred twenty (1,320) feet of a crossing,
10 the horn and bell shall be sounded for a minimum of fifteen
11 (15) seconds prior to the train occupying the crossing;

12

13 (ii) The railroad company shall erect and
14 maintain a sign at a minimum of one thousand three hundred
15 twenty (1,320) feet in advance of a crossing at which the
16 horn and bell are required to be sounded to notify the
17 railroad crew in advance of a crossing that requires the
18 railroad train horn and bell to be sounded;

19

20 (iii) If the owner of private land which
21 includes a railroad crossing makes a written request to the
22 railroad company to have the horn and bell of the railroad
23 train sounded at the private crossing, the railroad shall
24 comply with the request and failure to sound the horn and

1 bell after such a request shall be considered a violation
2 of paragraph (a)(iv) of this section. An owner is not
3 subject to any liability as a result of not making a
4 request pursuant to this paragraph;

5

6 (iv) If the owner of private land which includes
7 a railroad crossing makes a written request to the railroad
8 company to not have the horn and bell of a railroad train
9 sounded at the private crossing, the railroad shall comply
10 with the request and shall remove any sign erected pursuant
11 to paragraph (ii) of this subsection.

12

13 (c) As used in this section, "public highway, public
14 road or public railroad crossing" means that the easement,
15 right-of-way, or fee title for the public highway, public
16 road or public railroad crossing is held in the name of a
17 federal, state, tribal or local government entity on both
18 sides of the crossing.

19

20 (d) Upon conviction of the offenses provided in
21 subsection (a) of this section, a railroad company is
22 subject to a fine of:

23

1 (i) Not more than one thousand dollars
2 (\$1,000.00) for the first offense;

3

4 (ii) Not more than two thousand dollars
5 (\$2,000.00) for the second violation of the same provision;
6 and

7

8 (iii) Not less than five thousand dollars
9 (\$5,000.00) or more than ten thousand dollars (\$10,000.00)
10 for the third or subsequent violation of the same
11 provision.

12

13 **37-9-1402. Establishment of railroad quiet zones.**

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15 (a) As used in this section, "quiet zone" means a
16 segment of a railroad which contains one (1) or a number of
17 consecutive railroad crossings at which locomotive horns
18 and bells are not routinely sounded.

19

20 (b) The governing body of a municipality or a board
21 of county commissioners may petition to the secretary of
22 the United States department of transportation to establish
23 quiet zones at railroad crossings that meet the
24 requirements established in the rules adopted to implement

1 49 U.S.C. 20153(c). In developing the petition, the
2 governing body of the municipality or the board of county
3 commissioners shall consult with the railroad corporations
4 that operate the rail lines through crossings that are
5 within the proposed quiet zone. The petition must include
6 how the municipality or county intends to implement the
7 supplemental safety measures that are required by the
8 United States department of transportation at railroad
9 crossings within quiet zones.

10

11 (c) A quiet zone shall not be established at a
12 railroad crossing unless the governing body of a
13 municipality or a board of county commissioners follows the
14 procedure provided in subsection (b) of this section and
15 receives the approval of the secretary of the United States
16 department of transportation or the secretary's designee.

17

18 **Section 2.** W.S. 31-5-510(a)(iii) is amended to read:

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20 **31-5-510. Railroad crossings generally.**

21

22 (a) Whenever any person driving a vehicle approaches
23 a railroad grade crossing under any of the circumstances
24 stated in this section, the driver of the vehicle shall

1 stop within fifty (50) feet but not less than fifteen (15)
2 feet from the nearest rail of the railroad, and shall not
3 proceed until he can do so safely. The foregoing
4 requirements apply when:

5
6 (iii) A railroad train approaching within
7 approximately one thousand five hundred (1,500) feet of the
8 highway crossing emits a signal audible from such distance,
9 except at crossings within quiet zones established under
10 W.S. 37-9-1402, and the railroad train, by reason of its
11 speed or nearness to the crossing, is an immediate hazard;

12

13 **Section 3.** This act is effective July 1, 2010.

14

15

(END)