

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2101
By: Siebert (Cain)
State Affairs
5-17-97
Committee Report (Substituted)

DIGEST

Currently, Section 471.002, Transportation Code, requires railroad companies to place crossbuck signs at first or second class public roads and provides that if the railroad does not, and an accident occurs, then the railroad is responsible. Once the sign has been properly placed, the motorist would be obligated to yield. This bill sets forth provisions regarding stopping at railroad grade crossings and provides penalties.

PURPOSE

As proposed, C.S.H.B. 2101 sets forth provisions regarding stopping at railroad grade crossings; provides penalties.

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 Section 545.251, Transportation Code, to require an operator approaching a railroad grade crossing to stop not closer than 15 feet or farther than 50 feet from the nearest rail if a crossing gate is lowered, or a flagger warns of, rather than signals, the approach or passage of a train; an approaching train is plainly visible to the operator and is in hazardous proximity to the crossing, or the operator is required to stop by certain provisions of law. Sets forth provisions for an operator of a vehicle with respect to railroad crossings. Provides that an operator commits an offense if the operator drives around, under, or through a crossing gate or a barrier at a railroad crossing while the gate or barrier is closed, being closed, or being opened. Sets forth a provision regarding prosecution under this section. Provides that an offense under this section is punishable by a fine of not less than \$50 or more than \$200.

SECTION 2. Provides that this Act conforms Section 545.251, Transportation Code, to Section 1, Chapter 881, Acts of the 74th Legislature, 1995. Provides that this Act prevails in any conflict between this Act and another Act of the 75th Legislature.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 545.251, Transportation Code, to delete a provision requiring an operator approaching a railroad grade crossing to stop not closer than 15 feet or farther than 50 feet from the nearest rail if the operator is required to stop by a rule adopted under a statute. Deletes Subsection (c) from the requirements of Subsection (b). Requires an operator of a vehicle equipped with railroad crossbuck signs or other automatic, electric, or mechanical

signal devices, crossing gates, or a flagger warns of the approach of a train, rather than signals the approach of a train, to yield the right-of-way to a train in hazardous proximity to the crossing, rather than to yield and proceed at a speed that is reasonable for the existing conditions. Requires the operator to stop at a clearly marked stop line before the grade crossing of, if no stop line exists, not closer than 15 feet or farther than 50 feet from the nearest rail, rather than as required by Subsection (a). Makes conforming and nonsubstantive changes.