

By: Representative Compretta (By Request)

To: Transportation

HOUSE BILL NO. 733

1 AN ACT TO REQUIRE A DEVELOPER, CORPORATION OR INDIVIDUAL
2 DESIRING A NEW PUBLIC RAILROAD GRADE CROSSING TO BEAR THE COST OF
3 INSTALLING APPROPRIATE WARNING DEVICES AT SUCH CROSSING; TO
4 PROVIDE THAT WHEN AN EXISTING PRIVATE RAILROAD GRADE CROSSING IS
5 PROPOSED TO COME UNDER THE JURISDICTION OF A PUBLIC ENTITY, THE
6 PARTY REQUESTING THE PUBLIC CROSSING SHALL BE RESPONSIBLE FOR THE
7 COST OF INSTALLING APPROPRIATE WARNING DEVICES BEFORE OPENING THE
8 CROSSING TO THE PUBLIC; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. (1) Any developer, corporation or individual
11 requesting or applying for a new public railroad grade crossing
12 shall be responsible for all costs for installing appropriate
13 warning devices and for obtaining easements to maintain sight
14 distance as deemed necessary for such crossing by a diagnostic
15 survey team comprised of the Mississippi Department of
16 Transportation Rails Engineer, a representative from the Federal
17 Highway Administration, a representative of the affected railroad
18 company and a representative of the affected local governmental
19 jurisdiction.

20 (2) When an existing private railroad grade crossing
21 maintained by a private party is requested to become a publicly
22 maintained railroad grade crossing, the private party shall be
23 responsible for all costs for installing warning devices and for
24 obtaining easements to maintain sight distances as deemed
25 necessary for safety of the traveling public at such crossing by
26 the diagnostic survey team before opening such crossing to the
27 public. As used in this subsection, the term "private railroad
28 grade crossing" means any privately maintained road or street not
29 under the jurisdiction of a public entity that crosses a railroad,

30 and which is permitted by a private railroad company to cross its
31 railroad tracks.

32 SECTION 2. The provisions of Section 1 of this act shall be
33 codified in Chapter 9 of title 77, Mississippi Code of 1972.

34 SECTION 3. This act shall take effect and be in force from
35 and after July 1, 1999.