

By: Senator(s) Little (By Request)

To: Highways and
Transportation

SENATE BILL NO. 2472

1 AN ACT TO REQUIRE A DEVELOPER, CORPORATION OR INDIVIDUAL
2 REQUESTING OR APPLYING FOR A NEW PUBLIC RAILROAD GRADE CROSSING TO
3 BE RESPONSIBLE FOR ALL COSTS FOR INSTALLING APPROPRIATE WARNING
4 DEVICES AND FOR OBTAINING EASEMENTS TO MAINTAIN SIGHT DISTANCES AS
5 DEEMED NECESSARY BY A DIAGNOSTIC SURVEY TEAM; TO PROVIDE THAT WHEN
6 AN EXISTING PRIVATE RAILROAD GRADE CROSSING IS PROPOSED TO BECOME
7 A PUBLICLY MAINTAINED RAILROAD GRADE CROSSING, THE PRIVATE PARTY
8 SHALL BE RESPONSIBLE FOR ALL THE COSTS OF INSTALLING WARNING
9 DEVICES AND FOR OBTAINING EASEMENTS TO MAINTAIN SIGHT DISTANCES AS
10 DEEMED NECESSARY BY A DIAGNOSTIC SURVEY TEAM BEFORE OPENING SUCH
11 CROSSING; TO PROVIDE FOR THE COMPOSITION OF THE DIAGNOSTIC SURVEY
12 TEAM; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
13 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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15 SECTION 1. (1) Any developer, corporation or individual
16 requesting or applying for a new public railroad grade crossing
17 shall be responsible for all costs for installing appropriate
18 warning devices and for obtaining easements to maintain sight
19 distances as deemed necessary for the safety of the traveling
20 public at such crossing by a diagnostic survey team. Such warning
21 devices shall be installed and such easements shall be obtained
22 before such crossing may be opened to the public.

23 (2) When an existing private railroad grade crossing
24 maintained by a private party is requested to become a publicly
25 maintained railroad grade crossing, the private party shall be
26 responsible for all the costs of installing appropriate warning
27 devices and for obtaining easements to maintain sight distances as
28 deemed necessary for the safety of the travelling public at such
29 crossing by a diagnostic survey team. Such warning devices shall
30 be installed and such easements shall be obtained before such
31 crossing may be opened to the public. As used in this subsection,
32 the term "private railroad grade crossing" means any privately

33 maintained road or street that crosses a railroad, and is not
34 under the jurisdiction of any public entity and is permitted by a
35 private railroad company to cross its railroad tracks.

36 (3) The diagnostic survey team shall be composed of the
37 Mississippi Department of Transportation Rails Engineer, a
38 representative from the Federal Highway Administration, a
39 representative of the affected railroad company and a
40 representative of the affected local governmental entity.

41 SECTION 2. The provisions of Section 1 of this act shall be
42 codified in Chapter 9, Title 77, Mississippi Code of 1972.

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