

By: Senator(s) Little (By Request)

To: Highways and
TransportationSENATE BILL NO. 2903
(As Passed the Senate)

1 AN ACT TO REQUIRE A DEVELOPER, CORPORATION, INDIVIDUAL OR
2 OTHER ENTITY REQUESTING OR APPLYING FOR A NEW PUBLIC RAILROAD
3 GRADE CROSSING TO BE RESPONSIBLE FOR ALL COSTS RELATED TO THE
4 INSTALLATION OF APPROPRIATE WARNING DEVICES AND FOR OBTAINING
5 EASEMENTS TO MAINTAIN SIGHT DISTANCES AS DEEMED NECESSARY BY A
6 DIAGNOSTIC SURVEY TEAM; TO PROVIDE THAT WHEN AN EXISTING PRIVATE
7 RAILROAD GRADE CROSSING IS PROPOSED TO BECOME A PUBLICLY
8 MAINTAINED RAILROAD GRADE CROSSING, OR WHEN AN EXISTING PRIVATE
9 RAILROAD GRADE CROSSING MAINTAINED FOR OR BY A PRIVATE PARTY IS
10 PERMITTED BY THAT PARTY TO BE USED AS A PUBLIC RAILROAD CROSSING,
11 THE PRIVATE PARTY SHALL BE RESPONSIBLE FOR ALL THE COSTS RELATED
12 TO THE INSTALLATION OF APPROPRIATE WARNING DEVICES AND FOR
13 OBTAINING EASEMENTS TO MAINTAIN SIGHT DISTANCES AS DEEMED
14 NECESSARY BY A DIAGNOSTIC SURVEY TEAM BEFORE OPENING SUCH
15 CROSSING; TO PROVIDE FOR THE COMPOSITION OF THE DIAGNOSTIC SURVEY
16 TEAM; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
17 LEGISLATURE OF THE STATE OF MISSISSIPPI:
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19 SECTION 1. (1) Any developer, corporation, individual or
20 other private entity requesting or applying for a new public
21 railroad grade crossing shall be responsible for all costs for
22 installing appropriate warning devices, for installing appropriate
23 crossing surfaces and approaches, for establishing appropriate
24 crossing profiles and for obtaining easements to maintain sight
25 distances, all as may be considered necessary for the safety of
26 the traveling public at such crossing by a diagnostic survey team.

27 (2) When an existing private railroad grade crossing
28 maintained for or by a private party is requested to become a
29 publicly maintained railroad grade crossing, or when an existing
30 private railroad grade crossing maintained for or by a private
31 party is permitted by such private party to be used as a public
32 railroad crossing, the private party shall be responsible for all
33 the costs of installing appropriate warning devices for,
34 installing appropriate crossing surfaces and approaches, for

35 establishing appropriate crossing profiles and for obtaining
36 easements to maintain sight distances, all as may be considered
37 necessary for the safety of the traveling public at such crossing
38 by a diagnostic survey team. As used in this subsection, the term
39 "private railroad grade crossing" means any privately maintained
40 road or street that crosses a railroad which is not under the
41 jurisdiction of any public entity and is permitted by a private
42 railroad company or by any agreement, deed or law to cross
43 railroad tracks and right of way.

44 (3) Any developer, corporation, individual or other private
45 entity requesting or applying for a new public railroad grade
46 crossing or conversion of an existing private railroad grade
47 crossing to a public railroad grade crossing, shall first notify
48 the public highway authority in interest and the Mississippi
49 Department of Transportation.

50 (4) Diagnostic survey teams shall be composed of the
51 Mississippi Department of Transportation Rails Engineer, a
52 representative from the Federal Highway Administration, a
53 representative of the affected railroad company and a
54 representative of the affected local governmental jurisdiction.

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

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