AN ACT TO PROHIBIT ANY TRAIN, RAILROAD CAR OR EQUIPMENT, OR ENGINE FROM OBSTRUCTING VEHICULAR TRAFFIC AT A RAILROAD GRADE CROSSING UPON A PUBLIC STREET, ROAD OR HIGHWAY FOR A PERIOD IN EXCESS OF 20 CONSECUTIVE MINUTES; TO PROVIDE EXCEPTIONS TO SUCH PROHIBITION; TO PROVIDE FINES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) It is unlawful for any train, railroad car or equipment, or engine to obstruct vehicular traffic at a railroad grade crossing upon a public street, road or highway for a period in excess of twenty (20) consecutive minutes, except when such train, railroad car or equipment, or engine is moving or when such movement is prevented by any of the following:

(a) A power brake failure or other mechanical failure;
(b) A derailment or other accident;
(c) A directive of the Federal Railway Administration;

or

(d) Circumstances over which the railroad company or carrier has no reasonable control, including, but not limited to, natural disasters or acts of third parties.

(2) No employee performing his duties under the operating rules or orders of the railroad company or carrier or its supervisory personnel shall be prosecuted for any violation of this section.

(3) Any rail carrier violating the provision of subsection (1) of this section shall be fined as follows:

(a) If the duration of the obstruction is in excess of twenty (20) minutes, but not longer than twenty-five (25) minutes,
the fine shall be not less than Two Hundred Dollars ($200.00) nor
more than Five Hundred Dollars ($500.00);

(b) If the duration of the obstruction is in excess of
twenty-five (25) minutes, but not longer that thirty-five (35)
minutes, the fine shall be Five Hundred Dollars ($500.00);

(c) If the duration of the obstruction is in excess of
thirty (30) minutes, but not longer that thirty-five (35) minutes,
the fine shall be Seven Hundred Dollars ($700.00);

(d) If the duration of the obstruction is in excess of
thirty-five (35) minutes, but not longer that forty (40) minutes,
the fine shall be Nine Hundred Dollars ($900.00);

(e) If the duration of the obstruction is in excess of
forty (40) minutes, but not longer that forty-five (45) minutes,
the fine shall be One Thousand Dollars ($1,000.00); or

(f) If the duration of the obstruction is in excess of
forty-five (45) minutes, the fine shall be One Thousand Dollars
($1,000.00) plus an additional Five Hundred Dollars ($500.00) for
each five (5) minutes of obstruction in excess of forty-five (45)
minutes; however, the maximum fine shall not exceed Five Thousand
Dollars ($5,000.00) for an obstruction which occurs within a
twenty-four-hour period.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2005.