

By: Senator(s) Dawkins, Williamson

To: Highways and
Transportation

SENATE BILL NO. 2623

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

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

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

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

17 or

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

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

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

- 27 (a) If the duration of the obstruction is in excess of
28 twenty (20) minutes, but not longer than twenty-five (25) minutes,

29 the fine shall be not less than Two Hundred Dollars (\$200.00) nor
30 more than Five Hundred Dollars (\$500.00);

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

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

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

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

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

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2006.