

By: Representative Compretta (By Request)

To: Transportation

HOUSE BILL NO. 733
(As Sent to Governor)

1 AN ACT TO REQUIRE A DEVELOPER, CORPORATION, INDIVIDUAL OR
2 OTHER PRIVATE ENTITY DESIRING A NEW PUBLIC RAILROAD GRADE CROSSING
3 TO BEAR THE COST OF INSTALLING APPROPRIATE WARNING DEVICES AT SUCH
4 CROSSING AND CERTAIN OTHER EXPENSES; TO PROVIDE THAT WHEN AN
5 EXISTING PRIVATE RAILROAD GRADE CROSSING IS PROPOSED TO COME UNDER
6 THE JURISDICTION OF A PUBLIC ENTITY, THE PARTY REQUESTING THE
7 PUBLIC CROSSING SHALL BE RESPONSIBLE FOR THE COST OF INSTALLING
8 APPROPRIATE WARNING DEVICES AND CERTAIN OTHER EXPENSES BEFORE
9 OPENING THE CROSSING TO THE PUBLIC; TO REQUIRE A PRIVATE ENTITY
10 REQUESTING OR APPLYING FOR A NEW PUBLIC RAILROAD GRADE CROSSING OR
11 CONVERSION OF AN EXISTING PRIVATE RAILROAD GRADE CROSSING TO A
12 PUBLIC CROSSING TO GIVE NOTICE OF SUCH REQUEST OR APPLICATION TO
13 THE LOCAL ROADWAY AUTHORITY AND THE MISSISSIPPI DEPARTMENT OF
14 TRANSPORTATION; AND FOR RELATED PURPOSES.

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

16 SECTION 1. (1) Any developer, corporation, individual or
17 other private entity requesting or applying for a new public
18 railroad grade crossing shall be responsible for all costs for
19 installing appropriate warning devices, for installing appropriate
20 crossing surfaces and approaches, for establishing appropriate
21 crossing profiles and for obtaining easements to maintain sight
22 distance as deemed necessary for such crossing by a diagnostic
23 survey team comprised of the Mississippi Department of
24 Transportation Rails Engineer, a representative from the Federal
25 Highway Administration, a representative of the affected railroad
26 company and a representative of the affected local governmental
27 jurisdiction.

28 (2) When an existing private railroad grade crossing
29 maintained for or by a private party is requested to become a
30 publicly maintained railroad grade crossing, or when an existing
31 private railroad grade crossing maintained for or by a private
32 party is permitted by that party to be used as a public railroad

grade crossing, the private party shall be responsible for all costs for installing warning devices, for replacing or modifying crossing surfaces and approaches as appropriate, for establishing appropriate crossing profiles and for obtaining easements to maintain sight distances as deemed necessary by the diagnostic survey team described in subsection (1) of this section for safety of the traveling public at such crossing before opening such crossing to the public. As used in this section, the term "private railroad grade crossing" means any privately maintained road or street not under the jurisdiction of a public entity that crosses a railroad, and which is permitted by a private railroad company or by other agreement, deed or law to cross its railroad tracks and right-of-way.

(3) Any developer, corporation, individual or other private entity requesting or applying for a new public railroad grade crossing or for conversion of an existing private railroad grade crossing to a public railroad grade crossing, at the time of the request or application, shall notify the local roadway authority and the Mississippi Department of Transportation of such request or application.

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

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