

By: Senator(s) Little (By Request)

To: Highways and  
Transportation

## SENATE BILL NO. 2903

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.