

1 HB11  
2 113026-1  
3 By Representative Mitchell  
4 RFD: Commerce  
5 First Read: 12-JAN-10  
6 PFD: 09/23/2009

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8 SYNOPSIS: Under existing law, the train crew, yard  
9 crew, or engine crew of a railroad is not  
10 personally responsible or held guilty of violating  
11 any law regulating the occupying or blocking of any  
12 street, road, or highway crossing-at-grade by  
13 trains or passenger or freight cars, if done  
14 pursuant to orders or instructions of the employer,  
15 officers, or supervisory officials.

16 This bill would make it unlawful for a  
17 standing train to obstruct any public street, road,  
18 or other highway crossing-at-grade for more than 10  
19 minutes and would provide civil penalties.

20 The bill would also require the train crew,  
21 yard crew, or engine crew of a train blocking a  
22 crossing to move the train in specified  
23 circumstances.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2 To amend Section 37-8-115 of the Code of Alabama  
3 1975, relating to trains obstructing streets; to require  
4 trains to be moved in certain circumstances; to place a time  
5 limit on standing trains obstructing streets; and to provide  
6 civil penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 37-8-115 of the Code of Alabama  
9 1975, is amended to read as follows:

10 "§37-8-115.

11 "(a) (1) It shall be unlawful for any railroad train  
12 in the state to obstruct any public street, road, or highway  
13 crossing-at-grade for more than 10 minutes.

14 "(2) After the initial 10-minute period, each  
15 10-minute period or portion of a 10-minute period that the  
16 crossing is obstructed by a standing train shall constitute a  
17 separate offense.

18 "(3) The railroad corporation or company that owns  
19 or operates a train violating this subsection is liable for a  
20 civil penalty not exceeding one thousand dollars (\$1,000) for  
21 each violation.

22 "(b) A train crew, yard crew, or engine crew of a  
23 train blocking a public crossing shall immediately take all  
24 reasonable steps, consistent with safe operation of that  
25 train, to clear the crossing upon receiving information from a  
26 law enforcement officer, member of a fire department, or

1 operator of an emergency vehicle that emergency circumstances  
2 require the clearing of the crossing.

3 "(c) If a train is stopped on a railroad track and  
4 is obstructing a public street, road, or highway  
5 crossing-at-grade, the train crew, yard crew, or engine crew  
6 shall exercise good faith judgment to determine how long the  
7 train will be stopped on the track and shall inform the local  
8 law enforcement agency, fire department, and rescue squads.

9 "(d) No member of a train crew, yard crew, or engine  
10 crew of a railroad, which is a common carrier, shall be held  
11 personally responsible or found guilty of violating any law of  
12 this state or any municipal ordinance regulating or intended  
13 to regulate the occupying or blocking of any street, road, or  
14 highway crossing-at-grade by trains or passenger or freight  
15 cars upon reasonable proof that the occupying or blocking of  
16 said the street, road, or highway crossing-at-grade was  
17 necessary to comply with the orders or instructions either  
18 written or oral of his or her employer or its officers or  
19 supervisory officials; provided, that the provisions of this  
20 section. This subsection shall not relieve the employer or  
21 railroad from any responsibility placed upon said the employee  
22 or railroad by any such state laws or by such municipal  
23 ordinances; provided further, that nothing contained herein  
24 shall affect any civil tortious responsibility of the agent,  
25 servants, employees, and the railroad itself.

26 "(e) It is a defense to prosecution under this  
27 section when a train has obstructed a street, railroad

1 crossing, or public highway due to an act of God, a breakdown  
2 of the train, or acts of vandalism."

3 Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.