

1 HB122  
2 216216-3  
3 By Representative Garrett  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 13-JAN-22

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 Relating to emergency services; to provide  
9 legislative findings; to provide prohibitions on the blocking  
10 of a railroad-highway grade crossing under certain conditions;  
11 and to provide a civil penalty for a violation.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The Legislature finds and declares  
14 the following:

15 (1) That other emergency services, including  
16 services provided by law enforcement officers, firefighters,  
17 and emergency medical services personnel, are a primary and  
18 essential service to the health and well-being of the people  
19 of the State of Alabama.

20 (2) That effective delivery of emergency medical  
21 care and the fast response by law enforcement officers and  
22 firefighters is often the difference between life and death or  
23 permanent disability to those persons in the State of Alabama  
24 making use of such services in an emergency.

25 (3) That the effective delivery of emergency  
26 services by emergency medical services personnel and other  
27 emergency services provided by first responders has been

1 delayed by the negligent blocking of railroad-highway grade  
2 crossings.

3 (4) In many counties and municipalities in the State  
4 of Alabama, the blocking of a single railroad-highway grade  
5 crossing can cause substantial delays in the provision of  
6 necessary emergency services.

7 (b) Except for trains stopped due to mechanical  
8 failure, derailment, or other unforeseeable event outside the  
9 control of the rail carrier, where separation or movement is  
10 not possible, and except for trains stopped as required by  
11 federal law, any train that has come to a complete stop and is  
12 blocking a railroad-highway grade crossing for two or more  
13 continuous hours shall be cut, separated, or moved to clear  
14 the crossing upon the approach of any authorized emergency  
15 vehicle, as defined under Section 32-1-1.1, Code of Alabama  
16 1975.

17 (c) When a train blocks a railroad-highway grade  
18 crossing in violation of subsection (b) for two or more  
19 continuous hours, the train shall constitute a public  
20 nuisance. The ~~person or entity~~ rail carrier, as defined under  
21 49 U.S.C. §10102, operating the train shall pay a civil  
22 penalty of five thousand dollars (\$5,000) for each hour the  
23 train blocks the railroad-highway grade crossing; provided the  
24 civil penalty does not exceed fifty thousand dollars (\$50,000)  
25 per day.

26 (d) When a train is in violation of subsection (b),  
27 the Attorney General or governing body of a local county or

1 municipality may file an emergency petition with a court of  
2 competent jurisdiction to request the public nuisance to be  
3 abated. The court may grant the petition and order the train  
4 to be cut, separated, or moved to allow passage through the  
5 railroad-highway grade crossing by an approaching authorized  
6 emergency vehicle. The ~~operator of~~ rail carrier, as defined  
7 under 49 U.S.C. §10102, operating a train in violation of this  
8 section shall be taxed for all costs arising out of this  
9 subsection.

10 (e) In a successful action brought under this  
11 section by the Attorney General or governing body of a local  
12 county or municipality, the court shall award reasonable  
13 attorney fees and costs to the prevailing party.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Transportation,  
Utilities and Infrastructure ..... 13-JAN-22

Read for the second time and placed  
on the calendar 1 amendment ..... 23-FEB-22

Read for the third time and passed  
as amended..... 01-MAR-22

Yeas 95, Nays 1, Abstains 4

Jeff Woodard  
Clerk