

HB348 INTRODUCED



1 HB348
2 WUP2E55-1
3 By Representative Garrett
4 RFD: Judiciary
5 First Read: 21-Mar-24



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SYNOPSIS:

This bill would provide that, except for trains stopped due to mechanical failure where separation or movement is not possible, and except for trains stopped as required by federal law, any train that has come to a complete stop and is blocking a railroad-highway grade crossing shall be cut, separated, or moved to clear the crossing upon the approach of any authorized emergency vehicle.

This bill would deem a train that blocks a railroad-highway grade crossing for two or more continuous hours to be a public nuisance and would levy a civil penalty of \$7,500 for each additional hour the train blocks the railroad-highway grade crossing. The civil penalty would be limited to \$75,000 per day.

This bill would also authorize a court to order the cutting, separation, or movement of a train that blocks a crossing in violation of this act, and would assess all costs to the applicable rail carrier.

A BILL
TO BE ENTITLED
AN ACT



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29 Relating to emergency services; to provide legislative
30 findings; to provide prohibitions on the blocking of a
31 railroad-highway grade crossing under certain conditions; and
32 to provide a civil penalty for a violation.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. (a) The Legislature finds and declares the
35 following:

36 (1) That emergency services, including services
37 provided by law enforcement officers, firefighters, and
38 emergency medical services personnel, are primary and
39 essential services to the health and well-being of the people
40 of the State of Alabama.

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

46 (3) That the effective delivery of emergency services
47 by emergency medical services personnel and other emergency
48 services provided by first responders has been delayed by the
49 negligent blocking of railroad-highway grade crossings.

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

54 (b) (1) Any train that has come to a complete stop and
55 is blocking motor vehicle passage across a railroad-highway
56 grade crossing for two or more continuous hours shall



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57 constitute a public nuisance and, upon order of a court under
58 subsection (c), shall be cut, separated, or moved to clear the
59 crossing upon the approach of any authorized emergency
60 vehicle, as defined under Section 32-1-1.1, Code of Alabama
61 1975.

62 (2) This section does not apply to a train stopped due
63 to mechanical failure, derailment, or other unforeseeable
64 event outside the control of the rail carrier where separation
65 or movement is not possible, and except for trains stopped as
66 required by federal law.

67 (c) The Attorney General or governing body of a local
68 county or municipality may file an emergency petition with a
69 court of competent jurisdiction to request a public nuisance
70 under subsection (b) to be abated. The court may grant the
71 emergency petition and order the train to be immediately cut,
72 separated, or moved to allow passage through the
73 railroad-highway grade crossing by an approaching authorized
74 emergency vehicle, as defined under Section 32-1-1.1, Code of
75 Alabama 1975.

76 (d) The rail carrier, as defined under 49 U.S.C. §
77 10102, operating a train declared to be a public nuisance
78 shall be ordered to pay a civil penalty of seven thousand five
79 hundred dollars (\$7,500) for each hour the train blocks the
80 railroad-highway grade crossing; provided the civil penalty
81 may not exceed seventy-five thousand dollars (\$75,000) per
82 day.

83 (e) In a successful action brought under this section
84 by the Attorney General or governing body of a local county or



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85 municipality, the court shall award reasonable attorney fees
86 and all costs to the prevailing party incurred in the
87 abatement of the nuisance.

88 Section 2. This act shall become effective on October
89 1, 2024.