

1 ENGROSSED SENATE
2 BILL NO. 225

By: Bice of the Senate

3 and

4 Moore of the House

5
6 An Act relating to railroads; amending 66 O.S. 2011,
7 Section 128, as amended by Section 1, Chapter 186,
8 O.S.L. 2018 (66 O.S. Supp. 2018, Section 128), which
9 relates to crossing construction requirements;
10 limiting the space where crossing construction is
11 required; updating statutory language; and providing
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 66 O.S. 2011, Section 128, as
15 amended by Section 1, Chapter 186, O.S.L. 2018 (66 O.S. Supp. 2018,
16 Section 128), is amended to read as follows:

17 Section 128. A. It shall be the duty of every railroad company
18 or corporation doing business, or operating a line of railroad,
19 within this state, to construct a crossing, limited to the surface
20 between the rails and three (3) feet on either side of the outer-
21 most rail in the crossing surface; or two (2) feet on either side of
22 the outer-most rail if the crossing is located within the limits of
23 a municipality, across that portion of its track, roadbed or right-
24 of-way over which any public highway may run, and maintain ~~the same~~
that crossing unobstructed, in a good condition for the use of the

1 public, and to build and maintain in good condition all bridges and
2 culverts that may be necessary on its right-of-way at such crossing.

3 B. Any railroad company or corporation that fails to construct
4 and maintain ~~said~~ the crossing in accordance with the
5 recommendations set forth in the United States Department of
6 Transportation Railroad-Highway Grade Crossing Handbook, for thirty
7 (30) days after written notice by the Oklahoma Corporation
8 Commission to the agent or employee of any railroad company or
9 corporation in the county where such work or repairs are needed,
10 shall be subject to a contempt proceeding before the Oklahoma
11 Corporation Commission.

12 C. This section does not alter the legal liability of counties
13 and other governmental entities for road maintenance and/or
14 construction as described by Sections 151 through 172 of Title 51 of
15 the Oklahoma Statutes.

16 SECTION 2. This act shall become effective November 1, 2019.
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