

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 239

BY: LEFTWICH

AS INTRODUCED

AN ACT RELATING TO RAILROADS; CREATING THE OKLAHOMA  
MOTORIST SAFETY AND TRAIN VISIBILITY ACT; REQUIRING  
CERTAIN LIGHTING POWER AND REFLECTORS FOR RAIL  
CARS; AUTHORIZING CORPORATION COMMISSION TO  
PROMULGATE RULES AND REGULATIONS; STIPULATING  
CERTAIN VISIBILITY REQUIREMENTS; LIMITING RAILROAD  
OPERATIONS NOT IN COMPLIANCE; PROVIDING PENALTY;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 401 of Title 66, unless there is  
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma  
Motorist Safety and Train Visibility Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 402 of Title 66, unless there is  
created a duplication in numbering, reads as follows:

A. No railroad company doing business in the state shall  
operate a train in the state unless every car in the train is  
equipped with at least one operating lighted marker lamp located at

each of the four lower extremities of each rail car. A suitable number of high intensity reflectors shall be affixed thereto based upon the length of the railroad car. The required number of reflectors shall be:

<u>Rail Car Length (feet)</u>	<u>Number of Reflectors</u>
less than 45	3
45 through 60	4
60 through 75	5
75 through 90	6
over 90	7

B. The Corporation Commission shall establish rules for reflectors but in no event shall the illumination level be less than 2.3 by 10 to the sixth power foot candles. The rules of the Commission shall ensure that under the assumption of a 2.5-second driver reaction time, a level approach grade, a wet pavement, and a vehicle speed of fifty (50) miles per hour, the motorist will become aware of the obstacle train when said motorist is approximately five hundred (500) feet from the crossing and able to bring the motorist's vehicle to a safe stop.

C. No railroad company doing business in the state shall allow a train to operate between the hours of dusk and dawn unless each marker lamp required under this section is lighted and visible at a distance of five hundred (500) feet from the side of the rail car.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 403 of Title 66, unless there is created a duplication in numbering, reads as follows:

The Commission shall establish such regulations as are necessary to carry out this act, including penalties not to exceed Ten Thousand Dollars (\$10,000.00) per violation. Each rail car and each day shall constitute a separate violation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 404 of Title 66, unless there is created a duplication in numbering, reads as follows:

Twenty (20) convictions of operating a train in violation of this act shall make the railroad company ineligible to conduct business in this state. Any train accident that involves a rail car with inoperative marker lamps shall make the operating railroad strictly liable in tort for any costs, damages or injuries caused by the accident.

SECTION 5. This act shall become effective September 1, 1991.

43-1-445 SL