

ENGROSSED HOUSE
BILL NO. 1422

By: Erwin, Matlock and
Pettigrew

(Oklahoma Corporation Commission - amending 17 O.S.,
Sections 81 and 86 - railroad crossings - protective
devices - emergency)

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

SECTION 1. AMENDATORY 17 O.S. 1991, Section 81, is
amended to read as follows:

Section 81. The Corporation Commission is given full
jurisdiction over all public highway crossings, where same cross
steam or electric railroads or railways within ~~the State of Oklahoma~~
this state. However, the board of county commissioners of any
county of this state may determine that a railroad crossing is
unsafe and upon such determination notify the Corporation Commission
of the crossing and request the Corporation Commission to evaluate
the crossing. Within thirty (30) days of the date of notification,
the Corporation Commission and the Oklahoma Department of
Transportation shall submit to the board of county commissioners a
plan of improvement for the crossing.

SECTION 2. AMENDATORY 17 O.S. 1991, Section 86, is
amended to read as follows:

Section 86. The Oklahoma Corporation Commission shall have the
authority, after having made proper investigations, to designate
those grade crossings which are extra hazardous. At all ~~such~~

~~crossings~~ so designated crossings, the Commission shall have the authority to order the installation of appropriate protective devices. All such installations ~~to~~ shall be performed by the railroad. The Commission shall have the authority to determine the number, type, and location of such signs, signals, gates or other protective devices, ~~which, however,~~ shall conform as near as may be with generally-recognized national standards, ~~and said.~~ The Commission shall have authority to prescribe the division of the cost of the installation of such signs, signals, gates or other protective devices between the public utility and the state or its political subdivisions; ~~provided, however, that.~~ However, the cost to the utility shall be not less than ten percent (10%) or more than ~~twenty-five percent (25%)~~ fifty percent (50%) of the total costs. The railroads shall be responsible for all subsequent maintenance and cost thereof. Provided, however, that the results of investigation or investigations, findings, determinations, or orders of the Corporation Commission shall not be admissible in any civil action.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 10th day of March, 1997.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate

