

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3388

By: Ford (Roger)

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9 COMMITTEE SUBSTITUTE

10 An Act relating to railroads; amending 66 O.S. 2011,
11 Section 128, which relates to duties to construct and
12 maintain railroad crossings; modifying notification
13 process for failure to construct and maintain
14 crossing; providing certain standards for
15 construction and maintenance; requiring written
16 notice by the Oklahoma Corporation Commission;
17 providing for contempt proceeding in certain cases;
18 and providing an effective date.

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

SECTION 1. AMENDATORY 66 O.S. 2011, Section 128, is
amended to read as follows:

Section 128. A. It shall be the duty of every railroad company
or corporation doing business, or operating a line of railroad,
within this state, to construct a crossing across that portion of
its track, roadbed or right-of-way over which any public highway may
run, and maintain the same unobstructed, in a good condition for the

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

4 B. Any railroad company or corporation that fails ~~se~~ to
5 construct and maintain said crossing in accordance with the
6 recommendations set forth in the United States Department of
7 Transportation Railroad-Highway Grade Crossing Handbook, for thirty
8 (30) days after written notice by the ~~road overseer of any road~~
9 ~~district or the council or board of trustees of any city or town in~~
10 ~~this state, or fifty (50) petitioners of any city or town who are~~
11 ~~interested (where such work or repairs are needed), to be given~~
12 Oklahoma Corporation Commission to the ~~section boss, or any station~~
13 agent or employee of any railroad company or corporation in the
14 county ~~(where such work or repairs are needed) it,~~ shall ~~forfeit and~~
15 ~~pay to said county, road district, city or town complaining, the sum~~
16 ~~of Twenty-five Dollars (\$25.00) per day for every day said company~~
17 ~~or corporation may neglect to comply with the requirements of this~~
18 ~~section~~ be subject to a contempt proceeding before the Oklahoma
19 Corporation Commission.

20 SECTION 2. This act shall become effective November 1, 2018.

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/05/2018 - DO PASS,
23 As Amended.
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