

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 939

Short Title: Restrict Railroad Height Change at Crossings. (Public)

Sponsors: Committee on Rules, Calendar, and Operations of the House (Primary Sponsor).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Transportation.

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE SAFETY OF RAILROAD CROSSINGS BY PROHIBITING
RAILROADS FROM INCREASING THE HEIGHT OF EXISTING TRACKS AT
CROSSINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-192 reads as rewritten:

**"§ 136-192. Obstructing highways; defective crossings; notice; failure to repair after
notice misdemeanor.**

(a) Whenever, in their construction, the works of any railroad corporation shall cross established roads or ways, the corporation shall so construct its works as not to impede the passage or transportation of persons or property along the same. Whenever, in their repair or reconstruction, the works of any railroad corporation shall cross established roads or ways, the corporation shall so reconstruct its works as not to impede the passage or transportation of persons or property along the same by changing during reconstruction the elevation of the tracks where the tracks cross the established road or way, unless the reconstruction is part of the construction of an overpass or underpass. If any railroad corporation shall so construct or reconstruct its crossings with public streets, thoroughfares or highways, or keep, allow or permit the same at any time to remain in such condition as to impede, obstruct or endanger the passage or transportation of persons or property along, over or across the same, the governing body of the county, city or town, or other public road authority having charge, control or oversight of such roads, streets or thoroughfares may give to such railroad notice, in writing, directing it to place any such crossing in good condition, so that persons may cross and property be safely transported across the same.

(b) The notice may be served upon the agent of the offending railroad located nearest to the defective or dangerous crossing about which the notice is given, or it may be served upon the section master whose section includes such crossing. Such notice may be served by delivering a copy to such agent or section master, or by registered or certified mail addressed to either of such persons.

(c) If the railroad corporation shall fail to put such crossing in a safe condition for the passage of persons and property within 30 days from and after the service of the notice, it shall be guilty of a Class 1 misdemeanor. Each calendar month which shall elapse after the giving of the notice and before the placing of such crossing in repair shall be a separate offense.

(d) This section shall in nowise be construed to abrogate, repeal or otherwise affect any existing law now applicable to railroad corporations with respect to highway and street



1 crossings; but the duty imposed and the remedy given by this section shall be in addition to
2 other duties and remedies now prescribed by law."

3 **SECTION 2.** This act becomes effective October 1, 2013.