



February 2, 1999

SENATE BILL No. 52

DIGEST OF SB 52 (Updated January 28, 1999 11:10 A.M. - DI grg)

Citations Affected: IC 8-6; IC 8-23.

Synopsis: Train Crossing Warning Signals. Provides that the cost of maintaining a train activated warning signal shall be reimbursed by the department of transportation. Requires that the department pay the lesser of the cost of maintaining the train activated warning signal or one thousand dollars (\$1000). Directs the department to adopt rules.

Effective: July 1, 1999.

Meeks R

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 1, 1999, amended; reassigned to Committee on Transportation and Interstate Corporation.

SB 52—LS 6088/DI 13+



C
O
P
Y

February 2, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

C
O
P
Y

SENATE BILL No. 52

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-6-7.7-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The Indiana
3 department of transportation, whenever it orders the construction,
4 installation, replacement, relocation, modernization, or improvement
5 of automatic train-activated warning signals, may prescribe the division
6 of the costs of the equipment, the installation of the equipment, the
7 construction, and the operation and maintenance of the equipment
8 between the railroad and the public. The share of the costs allocated to
9 the public shall be paid with funds appropriated to the department for
10 such purpose. In allotting the costs, IC 8-23-5-2 applies except as
11 provided in subsections (b) through (c). **The cost of maintaining a
12 train activated warning signal shall be reimbursed by the
13 department as set forth in section 4.1 of this chapter.**

14 (b) Whenever a grade crossing not protected by automatic warning
15 signals is ordered so protected, the department shall prescribe the
16 division of the cost of the equipment, its installation, its operation and
17 maintenance, and its construction between the railroad involved and

SB 52—LS 6088/DI 13+



1 the public, giving due regard to the net benefits received by the parties,
 2 and the causes creating the need for signals at the crossing. **The cost**
 3 **of maintaining a train activated warning signal shall be reimbursed**
 4 **by the department as set forth in section 4.1 of this chapter.**

5 (c) The physical work of constructing, installing, replacing,
 6 relocating, modernizing, or improving, and thereafter operating and
 7 maintaining automatic warning signals under order of the department
 8 shall be performed by the railroad involved. All orders of the
 9 department relating to the signals shall provide for allocation among
 10 the parties involved for the extraordinary costs of signal repair or
 11 replacement if they are damaged or destroyed by accident or external
 12 causes. **The cost of maintaining train activated warning signals**
 13 **shall be reimbursed by the department as set forth in section 4.1 of**
 14 **this chapter.**

15 (d) When the department orders the railroad to proceed with the
 16 construction, installation, relocation, modernization, or replacement of
 17 automatic signals at a grade crossing, the department shall order the
 18 railroad involved to complete the construction, installation, relocation,
 19 modernization, or replacement of signals not later than twelve (12)
 20 months after the date of the order.

21 (e) A railroad may request the department for additional time to
 22 complete the construction, installation, relocation, modernization, or
 23 replacement of signals specified in the department's order under
 24 subsection (d). The railroad shall submit the request for additional time
 25 in writing to the department. The request shall specifically set forth the
 26 basis for the railroad's need for additional time to complete the work.
 27 The department's decision to grant or deny a request for additional time
 28 is not subject to review under IC 4-21.5.

29 (f) If the railroad fails to complete the construction, installation,
 30 relocation, modernization, or replacement of signals by the date
 31 specified:

- 32 (1) in the department's order under subsection (d); or
- 33 (2) by the department if a request for additional time is granted by
- 34 the department under subsection (e);

35 the department may assess a civil penalty against the railroad of not
 36 more than one thousand dollars (\$1000) for each day the construction,
 37 installation, relocation, modernization, or replacement of signals is late.

38 (g) All civil penalties collected under this section shall be deposited
 39 with the treasurer of state to be deposited by the treasurer of state in the
 40 railroad grade crossing fund created under IC 8-6-7.7-6.1.

41 SECTION 2. IC 8-6-7.7-4.1 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

C
O
P
Y



1, 1999]: **Sec. 4.1. (a) The department shall reimburse a railroad the cost of maintaining a train activated warning signal at a railroad grade crossing of a state highway. The department shall annually pay a railroad the lesser of:**

- 5 **(1) the cost of maintaining the train activated warning signal;**
 6 **or**
 7 **(2) one thousand dollars (\$1,000).**

8 **(b) The department shall allocate funds sufficient to reimburse a railroad as set forth in subsection (a).**

9 **(c) The department shall adopt rules under IC 4-22-2 that establish the documentation that a railroad must submit to the department to receive reimbursement under this section.**

10 SECTION 3. IC 8-23-5-2 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) If a highway or road is being
 12 constructed or reconstructed so that it crosses or intersects the existing
 13 tracks of a railroad at grade level at a point where no crossing
 14 previously existed, the department, county, city, or town under whose
 15 jurisdiction the crossing lies shall pay the cost of the construction of the
 16 new crossing, the approaches to the crossing, and the cost of the
 17 necessary protective or crossing warning signals. **Except as provided**
 18 **in IC 8-6-7.7-4.1**, after construction, the owner or lessee of the railroad
 19 shall maintain the crossing and protective or crossing warning signals
 20 and keep them in repair at the owner's or lessee's cost.

21 (b) If the owner or lessee of a railroad is constructing or
 22 reconstructing railroad tracks so that the tracks cross or intersect a
 23 highway or road at grade level at a point where no railroad crossing
 24 previously existed, the owner or lessee of the railroad shall pay the cost
 25 of the construction of the new crossing, the approaches to the crossing,
 26 and the cost of the necessary protective or crossing warning signals.
 27 **Except as provided in IC 8-6-7.7-4.1**, after construction, the owner or
 28 lessee of the railroad shall maintain the crossing and protective or
 29 crossing warning signals and keep them in repair at the owner's or
 30 lessee's cost.

31 (c) If a highway or road crosses or intersects the tracks of a railroad
 32 at grade level and the highway or road is reconstructed to alter the
 33 existing crossing or intersection by a change of grade, widening or
 34 changing the type of pavement, or by changing the angle of the
 35 intersection, the department, county, city, or town under whose
 36 jurisdiction the crossing lies shall pay the cost of the reconstruction of
 37 the crossing, the approaches to the crossing, and the cost of the
 38 necessary protective or crossing warning signals. **Except as provided**
 39 **in IC 8-6-7.7-4.1**, after reconstruction, the owner or lessee of the
 40
 41
 42



C
O
P
Y

1 railroad shall maintain the crossing and protective or crossing warning
2 signals and keep them in repair at the owner's or lessee's cost.
3 (d) If the owner or lessee of a railroad reconstructs or alters the
4 tracks of a railroad that crosses or intersects a highway or road at grade
5 level so that it is necessary to reconstruct or alter the crossing or
6 intersection, the owner or lessee of the railroad shall pay the cost of the
7 reconstruction or altering of the crossing, the approaches to the
8 crossing, and the cost of the necessary protective or crossing warning
9 signals. **Except as provided in IC 8-6-7.7-4.1**, after construction, the
10 owner or lessee of the railroad shall maintain the crossing and
11 protective or crossing warning signals and keep them in repair at the
12 owner's or lessee's cost.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 52, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Transportation and Interstate Cooperation.

(Reference is to SB 52 as introduced.)

GARTON, Chairperson

C
o
p
y

