

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6368
BILL NUMBER: HB 1055

NOTE PREPARED: Feb 24, 2009
BILL AMENDED: Feb 19, 2009

SUBJECT: Whistle Posts.

FIRST AUTHOR: Rep. Kersey
FIRST SPONSOR: Sen. Buck

BILL STATUS: As Passed House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill: (1) requires a railroad company to erect a sign that is: (A) visible from an approaching train; and (B) not more than 1/4 mile in advance of a crossing or multiple consecutive crossings (except a crossing subject to a local whistle ban) to notify the operator of the engine to sound the locomotive's whistle; (2) requires the railroad company to maintain the sign in good repair or replace the sign; (3) requires the engineer or other person in charge of the train to notify, in writing, the railroad of any missing or damaged whistle post, and gives the railroad 10 days to replace or repair the whistle post; (4) provides that a railroad company that violates these requirements is liable to the state for a penalty of at least \$250 but not more than \$1,000 to be recovered in a civil action brought by the state in the circuit or superior court of the county where the crossing is located; and (5) makes technical changes.

Effective Date: July 1, 2009.

Explanation of State Expenditures: Providing for a civil action brought by the state for violation of these provisions may increase the work load of the Attorney General's office. Any additional expenditures will depend on the number of such cases and the resources required to pursue the case. The fund affected is the state General Fund.

Explanation of State Revenues: (Revised) Providing for a penalty of at least \$250, but not more than \$1,000, may mean additional revenues for the state, depending on the number of violations which occur and the penalty assigned to the violation. The fund affected is the Common School Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Transportation; Attorney General.

Local Agencies Affected: Circuit or superior courts.

Information Sources:

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