

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6237

BILL NUMBER: SB 73

NOTE PREPARED: Jan 19, 2010

BILL AMENDED: Jan 14, 2010

SUBJECT: Railroad Flaggers, On-Track Equipment, and Vehicle Operation.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill provides that a person who operates a vehicle and who fails to obey the instructions of a railroad flagman to stop the vehicle before approaching a location in which a train is or may be located commits a Class C infraction.

It also requires the driver of a vehicle to stop at a railroad crossing upon the approach of on-track equipment.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The bill adds new elements to several existing traffic laws by adding a red arrow to requirements to stop at a red light and by adding other on-track equipment to requirements concerning trains at railroad crossings. The bill also provides new requirements concerning obeying the instructions of a railroad flagman and for pedestrians concerning crossing a roadway when a signal is flashing a "don't walk" sign. Violation of any of these sections is a Class C infraction.

If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping

fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.