

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH70296-ME-71 (03/25)

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

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE SAFETY OF RAILROAD CROSSINGS BY PROHIBITING
3 RAILROADS FROM INCREASING THE HEIGHT OF EXISTING TRACKS AT
4 CROSSINGS.

5 The General Assembly of North Carolina enacts:

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

7 "§ 136-192. **Obstructing highways; defective crossings; notice; failure to repair after**
8 **notice misdemeanor.**

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

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

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

33 (d) This section shall in nowise be construed to abrogate, repeal or otherwise affect any
34 existing law now applicable to railroad corporations with respect to highway and street
35 crossings; but the duty imposed and the remedy given by this section shall be in addition to
36 other duties and remedies now prescribed by law."



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