

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 396
103RD GENERAL ASSEMBLY

0337H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 389.665, RSMo, and to enact in lieu thereof one new section relating to visual obstructions at railroad crossings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 389.665, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 389.665, to read as follows:

389.665. 1. It shall be the duty of every corporation or person owning or operating any railroad or branch thereof in this state to keep the right-of-way reasonably clear of brush and high weeds, by cutting, burning, chemical spraying, plowing under, or other appropriate means for the purpose of preventing the spread of fire, and in case such corporation or person shall fail or neglect to do so, any person owning land adjoining such railroad is hereby authorized, after giving three days' notice, in writing, to such owner or operator of the railroad, by service upon any person authorized to receive service of legal process on behalf of the corporation within this state to cause such brush and high weeds upon the right-of-way occupied by the railroad company to be cut and removed, burned, plowed, or sprayed with chemical material for killing such brush and high weeds in front of and adjoining his land, and such landowner may maintain an action against the corporation or person so failing to perform this duty, in any court of competent jurisdiction, and shall be entitled to recover double the amount of all expenses and damages incurred and accruing thereby, together with costs.

2. It shall be the duty of every corporation or person owning or operating any railroad or branch thereof in this state to maintain the right-of-way at public grade crossings so that it will be reasonably clear of vegetation, undergrowth or other debris for a distance of two

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 hundred fifty feet each way from the near edge of such crossings where such things would
19 materially obscure approaching trains from the view of travelers on the highway.

20 **3. (1) It shall be the duty of every corporation or person owning or operating**
21 **any railroad or branch thereof in this state to maintain certain minimum distances from**
22 **the near edge railroad crossings to railroad rolling stock stored on sidings. The**
23 **minimum distance for stored rolling stock shall be:**

24 **(a) Two hundred fifty feet for crossings with a gate or barrier and electric or**
25 **mechanical devices that warn of the approach of a railroad train; and**

26 **(b) Five hundred feet for all other crossings**

27

28 **unless the department of transportation determines a lesser or greater distance is**
29 **necessary at a particular location and permits or orders a railroad to maintain the lesser**
30 **or greater distance.**

31 **(2) Notwithstanding subdivision (1) of this subsection, if physical conditions**
32 **require the use of a track temporarily or minimum distances cannot be obtained, the**
33 **provisions of this section shall not apply to:**

34 **(a) Cars placed for loading or unloading or awaiting removal after loading or**
35 **unloading; and**

36 **(b) Cars identified as needing mechanical attention or repairs due to damage,**
37 **defects, or safety issues, that are taken out of service for repairs.**

38 **4. For purposes of this section, "stored rolling stock" means rolling stock not**
39 **used for the pickup or delivery of freight and whose placement on a railroad-owned**
40 **siding by a railroad is for the sole convenience of the railroad.**

41 **5. The provisions of this section shall not apply to rolling stock stored on yard**
42 **tracks unless the department of transportation orders otherwise.**

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