COMMITTEE REPORT

March 30, 2011

**H. 3431**

Introduced by Rep. G.M. Smith

S. Printed 3/30/11--H.

Read the first time January 25, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3431) to amend the Code of Laws of South Carolina, 1976, so as to enact “John’s Law” by adding Section 57‑1‑80 so as to require the Department of Transportation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 2, as contained on page 2, by deleting lines 12 through 26 and inserting:

/ Section 57‑1‑80. The Department of Transportation shall publish on its website the list of all public railroad crossings. The department also shall publish on its website the list of railroad crossings programmed for upgrades and designate it on its website ‘John’s Law’. Contingent upon the receipt of additional funds for the installation of public railroad signals and gates, the department is directed to increase the number of installations of railroad signals, crossing arms, or both utilizing all funds available for this type of work at dangerous railroad crossings throughout the State. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Transportation

SCDOT indicates there is no fiscal impact with the adoption of this amendment. The further installation of railroad signals and gates is contingent upon the receipt of additional funds as noted in the amendment.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JOHN’S LAW” BY ADDING SECTION 57‑1‑80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ITS LIST OF RAILROAD CROSSINGS AT WHICH IT PLANS TO INSTALL CROSSING ARMS, PLACE TRAFFIC STOP SIGNS AT DANGEROUS CROSSING LOCATIONS UNTIL CROSSING ARMS ARE INSTALLED, AND INCREASE THE NUMBER OF INSTALLATIONS OF CROSSING ARMS AT DANGEROUS RAILROAD CROSSINGS THROUGHOUT THE STATE.

Whereas, according to the South Carolina Department of Transportation, there were forty‑eight collisions between trains and vehicles in 2007 resulting in four fatalities, forty‑six collisions between trains and vehicles in 2008 resulting in four fatalities, thirty‑one collisions between trains and vehicles in 2009 resulting in five fatalities; and thirty‑seven collisions between trains and vehicles during the first nine months of 2010 resulting in one fatality; and

Whereas, on July 23, 2009, John Malcolm Brabham III, a sixteen year old student at Wilson Hall in Sumter County, died from injuries sustained in a collision between a train and his vehicle at a railroad crossing without crossing arms that may have prevented this tragic loss of life; and

Whereas, it is imperative that the members of the General Assembly adopt legislation that requires the Department of Transportation remedy this situation by: (1) informing the public of the locations of railroad crossings that it plans to install crossing arms; (2) immediately placing traffic stop signs at extremely dangerous locations on this list until funds become available to erect crossing arms at these locations; and (3) increasing the number of crossing arms it installs annually. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as “John’s Law”.

SECTION 2. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑80. (A) The Department of Transportation shall publish on its website the list of railroad crossings at which it plans to install crossing arms. The locations on this list must be ranked in the order of the most to least dangerous railroad crossings as determined by the department, and the department’s priorities for installing crossing arms.

(B) The department shall develop criteria to determine which railroad crossings that appear on this list deserve immediate placement of crossing arms. If funds are not available to place crossing arms at these locations, then the department shall place traffic stop signs at these railroad crossings.

(C) Contingent upon the receipt of additional funds, the Department of Transportation is directed to increase the number of installations of crossing arms by twenty‑five percent at dangerous railroad crossings throughout the State.”

SECTION 3. This act takes effect upon approval by the Governor.

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