RECALLED

May 3, 2011

**H. 3431**

Introduced by Rep. G.M. Smith

S. Printed 5/3/11--S.

Read the first time April 7, 2011.

**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. 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.

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

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