**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3402**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Whipper and R.L. Brown

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Introduced in the House on January 22, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: Trains blocking intersections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2015 House Introduced and read first time ([House Journal‑page 15](file:///h:\HJ%20Archive\2015\01-22-15.docx))

1/22/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 15](file:///h:\HJ%20Archive\2015\01-22-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3402&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/22/2015](file:///p:\pprever\2015-16\3402_20150122.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑15‑915 SO AS TO LIMIT THE TIME A TRAIN MAY BLOCK FOUR‑LANE STREET INTERSECTIONS IN MUNICIPALITIES DURING CERTAIN PERIODS OF TIME.

Whereas, the Supremacy Clause of Article VI of the United States Constitution provides that the laws of the United States must be the supreme law of the land, notwithstanding a contrary provision of state law, and vests in Congress the power to preempt state law; and

Whereas, Congress enacted the Federal Railroad Safety Act (FRSA), 49 U.S.C. Section 20101, et seq., to regulate various railroad safety and transit matters; and

Whereas, the FRSA includes a preemption clause that provides railroad security laws be uniform to the extent possible, but providing a state may adopt a more stringent law necessary to eliminate or reduce an essentially local safety or security hazard, provided the law is not incompatible with a law, regulation, or order of the United States government, and does not unreasonably burden interstate commerce; and

Whereas, the General Assembly believes that Congress intended that the FRSA preempt all railroad safety legislation except state law governing an area in which the Secretary of Transportation has not issued a regulation or order and where the state law is stricter than federal regulations when necessary to address local problems; and

Whereas, the General Assembly finds no federal provision concerning specific time limits for which a train or locomotive may block a congested street or highway intersection; and

Whereas, consequently, the State of South Carolina may act to impose such time limits in the interest of motor safety in this State until superseded by federal law or regulations specific to this issue. Now, therefore,

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

SECTION 1. Article 9, Chapter 15, Title 58 of the 1976 Code is amended by adding:

“Section 58‑15‑915. A train operating in a municipality between the hours of 7 a.m. to 9 a.m., 12 p.m. to 2 p.m., and 4 p.m. to 6 p.m. may not block a four‑lane intersection of a public road for more than five minutes in a one hour period.”

SECTION 2. This act takes effect upon approval by the Governor.

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