

FIRST REGULAR SESSION

# SENATE BILL NO. 801

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

3106S.01I

KRISTINA MARTIN, Secretary

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Section A. Section 389.665, RSMo, is repealed and one new  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

389.665. 1. It shall be the duty of every corporation  
2 or person owning or operating any railroad or branch thereof  
3 in this state to keep the right-of-way reasonably clear of  
4 brush and high weeds, by cutting, burning, chemical  
5 spraying, plowing under, or other appropriate means for the  
6 purpose of preventing the spread of fire, and in case such  
7 corporation or person shall fail or neglect to do so, any  
8 person owning land adjoining such railroad is hereby  
9 authorized, after giving three days' notice, in writing, to  
10 such owner or operator of the railroad, by service upon any  
11 person authorized to receive service of legal process on  
12 behalf of the corporation within this state to cause such  
13 brush and high weeds upon the right-of-way occupied by the  
14 railroad company to be cut and removed, burned, plowed, or  
15 sprayed with chemical material for killing such brush and  
16 high weeds in front of and adjoining his land, and such  
17 landowner may maintain an action against the corporation or  
18 person so failing to perform this duty, in any court of

19 competent jurisdiction, and shall be entitled to recover  
20 double the amount of all expenses and damages incurred and  
21 accruing thereby, together with costs.

22         2. It shall be the duty of every corporation or person  
23 owning or operating any railroad or branch thereof in this  
24 state to maintain the right-of-way at public grade crossings  
25 so that it will be reasonably clear of vegetation,  
26 undergrowth or other debris for a distance of two hundred  
27 fifty feet each way from the near edge of such crossings  
28 where such things would materially obscure approaching  
29 trains from the view of travelers on the highway.

30         3. **It shall be the duty of every corporation or person**  
31 **owning or operating any railroad or branch thereof in this**  
32 **state to maintain certain minimum distances from the near**  
33 **edge of railroad crossings to railroad rolling stock stored**  
34 **on sidings. The minimum distance for stored rolling stock**  
35 **shall be five hundred feet unless the department of**  
36 **transportation determines a lesser or greater distance is**  
37 **necessary at a particular location and permits or orders a**  
38 **railroad to maintain the lesser or greater distance. If**  
39 **physical conditions require the use of a track temporarily**  
40 **or minimum distances cannot be obtained, the provisions of**  
41 **this section shall not apply to:**

42             (1) Cars placed for loading or unloading or awaiting  
43 removal after loading or unloading; and

44             (2) Cars identified as needing mechanical attention or  
45 repairs due to damage, defects, or safety issues, that are  
46 taken out of service for repairs.

47         4. For purposes of this section, "stored rolling  
48 stock" means rolling stock not used for the pickup or  
49 delivery of freight and whose placement on a railroad-owned

50 siding by a railroad is for the sole convenience of the  
51 railroad.

52         5. The provisions of this section shall not apply to  
53 rolling stock stored on yard tracks unless the department of  
54 transportation orders otherwise.

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