SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR SENATE BILL 653

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO RAILROADS; DECREASING THE DISTANCE BEFORE CERTAIN CROSSINGS THAT BELLS ON CERTAIN RAILROADS ARE REQUIRED TO BE RUNG.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-3-34 NMSA 1978 (being Laws 1878, Chapter 1, Section 8-1, as amended) is amended to read:

"63-3-34. <u>BELL TO BE RUNG AT HIGHWAY CROSSINGS</u>.--[SEC. 53.]

A. Except as provided in Subsection B of this section, every railroad corporation shall cause a bell [of at least twenty pounds weight] to be attached to each of its locomotives and shall cause the [same] bell to be rung at a distance of not less than eighty rods from the crossing of any public street, road or highway [under].

.177913.1

| B. For a railroad, owned by the state or one of its |
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| political subdivisions, if the crossing is within a designated |
| quiet zone pursuant to federal railroad administration rules |
| and the maximum allowed speed for a train using the crossing is |
| equal to or less than forty miles per hour, the bell shall be |
| rung not less than three hundred feet from the crossing. |

C. A railroad corporation violating a provision of Subsection A or B of this section shall be subject to a penalty of one hundred dollars (\$100) to be recovered by action in the name of the state in any court of competent jurisdiction, one-half of which shall go to the informer and the other half of which shall go to the state [and such]. The corporation shall also be liable for all damages [which] that may be sustained by any person by reason of noncompliance with the provisions of this section."

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