

SENATE BILL 446

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 7;
Title 29; Title 39; Title 55 and Title 65, relative to
the obstruction of public roads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 11, is amended by adding the following language as a new section:

(a) A person commits a Class A misdemeanor, subject only to fine, who knowingly fails to move any railroad train, car, or engine after the railroad train, car, or engine remains stationary on, or otherwise obstructs, for longer than ten (10) minutes any road, street, or public way crossed by a railroad track.

(b) Subsection (a) does not apply if the road, street, or public way is blocked as a result of a derailment, wreck, or mechanical failure, or other reason beyond the control of the person, which renders the railroad train, car, or engine incapable of operation.

(c) It is a defense to prosecution under this section:

(1) That the conduct of a member of a train crew, yard crew, or engine crew of a railroad company was acting within the crew member's scope of employment and the conduct was in accordance with the orders or instructions, either written or oral, of the person's employer or of the officer or supervisory official of the railroad company; or

(2) That the person did not have authority to move or control the railroad train, car, or engine.

(d) Nothing in this section relieves the employer or the railroad company from any responsibility or liability that may result from a violation of this section.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.