

AMENDMENTS TO SENATE BILL NO. 362

Sponsor: SENATOR VOGEL

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1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
4 (Vehicles) of the Pennsylvania Consolidated Statutes, in
5 budget and finance, further providing for county portion of
6 fines, etc.; in miscellaneous provisions, further providing
7 for railroad trains not to block crossings; and imposing
8 penalties.

9 Amend Bill, page 1, lines 6 through 19; page 2, lines 1
10 through 9; by striking out all of said lines on said pages and
11 inserting

12 Section 1. Section 3572 of Title 42 of the Pennsylvania
13 Consolidated Statutes is amended to read:

14 § 3572. County portion of fines, etc.

15 (a) General rule.--Except as otherwise provided in this
16 subchapter, all fines, forfeited recognizances and other
17 forfeitures imposed, lost or forfeited and fees and costs
18 collected in the court of common pleas, or community court
19 established for a judicial district embracing a county, or in a
20 magisterial district within the county, or in the Philadelphia
21 Municipal Court, shall be payable to such county.

22 (b) Railroad trains not to block crossings.--Notwithstanding
23 any other provision of law, all fines collected under 75 Pa.C.S.
24 § 3713(b) (relating to railroad trains not to block crossings)
25 shall be payable to the county in which the violation occurred.
26 The county shall use the fines collected for equipment, training
27 and similar expenses related to planning and preparedness for
28 emergency response efforts.

29 Section 2. Section 3713 of Title 75 is amended to read:

30 § 3713. Railroad trains not to block crossings.

31 (a) General rule.--No person or government agency shall
32 operate any train in such a manner as to prevent vehicular use
33 of any roadway for a period of time in excess of five
34 consecutive minutes except under any of the following
35 circumstances:

1 (1) When necessary to comply with signals affecting the
2 safety of the movement of trains.

3 (2) When necessary to avoid striking any object or
4 person on the track.

5 (3) When the train is [disabled.] experiencing a
6 mechanical or personnel issue due to no fault of the person
7 or government agency operating the train.

8 [(4) When the train is in motion except while engaged in
9 switching operations.]

10 (5) When there is no vehicular traffic waiting to use
11 the crossings.]

12 (6) When necessary to comply with a governmental safety
13 regulation.

14 (b) Penalty.--A person who owns a train in violation of
15 subsection (a) commits a summary offense and shall, upon
16 conviction, be sentenced to pay a fine of \$1,000 per day for
17 each segment of the roadway in which the train prevents
18 vehicular use.

19 Section 3. This act shall take effect in 60 days.