

1st Sub. S.B. 259

RAILROAD RIGHT-OF-WAY AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 13, 2019 1:05 PM

Representative **Carl R. Albrecht** proposes the following amendments:

1. *Page 2, Lines 51 through 55:*

- 51 (2) (a) "Crossing" means a telecommunications facility constructed ~~{over,}~~ under, or
52 across a railroad right-of-way:
53 (i) at an angle between 80 degrees and 100 degrees;
54 (ii) with a minimum depth of 10 feet **below rail level** ; and
55 (iii) within a county that is not a county of the first class.

2. *Page 3, Lines 65 through 67:*

- 65 (b) A request under this Subsection (1) shall:
66 (i) be in the **railroad** form of a completed crossing application;
67 (ii) include an engineering design that:

3. *Page 3, Lines 70 through 76:*

- 70 (B) conforms with guidelines published in the most recent edition of the National
71 Electric Safety Code **and American Railway Engineering and Maintenance-of-Way Association**
standards ; and
72 (iii) include the standard crossing fee specified in Section 54-23-105.
73 (2) Unless the railroad provides written or electronic notice to the ~~{utility}~~ **fiber optic carrier**
that the
74 proposed crossing is a serious threat to the safe operations of the railroad or to the current **or future** use
75 of the railroad right-of-way, the railroad shall approve the application within 35 calendar days
76 after the receipt of a completed application for a crossing.

4. *Page 4, Lines 88 through 90:*

- 88 approved crossing is a serious threat to the safe operation of the railroad or to the current **or future** use of
89 the railroad right-of-way, the railroad shall issue the ~~{contractor's right of entry}~~ **permit** and
schedule
90 flagging to occur within 45 calendar days of the approved application.

5. *Page 5, Lines 119 through 122:*

- 119 (1) If a railroad objects to the proposed crossing due to the proposal being a serious

120 threat to the safe operations of the railroad or to the current **or future** use of the railroad right-of-way, the
121 railroad shall provide written or electronic notice to the fiber optic carrier of the objection and
122 the specific basis for the objection.