LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6180 | **NOTE PREPARED:** Jan 17, 2013
BILL NUMBER: HB 1037 | **BILL AMENDED:** Jan 17, 2013

SUBJECT: Railroad Crossings.

FIRST AUTHOR: Rep. Soliday | **BILL STATUS:** CR Adopted - 1st House
FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State
X **DEDICATED**
FEDERAL

Summary of Legislation: (Amended) The bill requires the Indiana Department of Transportation (INDOT) to adopt rules concerning minimum distance requirements at railroad crossings. The bill also provides that statutory minimum distance requirements expire on the date on which the rules are finally adopted.

The bill provides that a railroad that violates a rule adopted by INDOT concerning minimum distance requirements at railroad crossings is subject to a civil penalty of $100 for each day the violation continues and that the maximum civil penalty for a continuing violation is $5,000. The bill also authorizes INDOT to bring an action to recover a civil penalty in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The bill's requirement to develop and adopt rules for railroad crossings are within INDOT's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues: *Civil Penalty* - (Revised) INDOT may receive additional revenues through civil penalties for violations of the minimum distance requirements at railroad crossings. The penalty for railroads that violate these rules is $100 for each day the violation continues, up to $5,000 per violation.

Court Fee Revenue - (Revised) If INDOT chooses to file additional civil actions regarding violations of these rules, additional court fees will be collected, and revenue to the state General Fund may increase. It is likely that any additional court fee revenue to the state resulting from the provisions of this bill would be small.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue* - (Revised) If additional civil actions occur, local governments would receive additional court fee revenue. It is likely that any additional revenue resulting from the provisions of this bill would be small.

State Agencies Affected: Indiana Department of Transportation.

Local Agencies Affected: Trial courts, city and town courts.

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