

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

941P0659

SENATE BILL NO. 167

Introduced by: Senators Lintz, Duenwald, Garnos, Hanson (Gary), and McNenny and
Representatives Howie, Deadrick, Juhnke, Kirkeby, and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to revise the penalty for a train blocking a street, road, or
2 highway under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-16A-119 be amended to read as follows:

5 49-16A-119. No standing railroad engine or car may ~~not~~ occupy or block any street, road,
6 or highway grade crossing for more than twenty consecutive minutes, ~~if the path of any~~
7 ~~emergency vehicle making an emergency trip is blocked by the railroad engine or car,~~ unless it
8 the engine or car is disabled, by accident or otherwise, and cannot be moved without striking
9 any object or person on track. A violation of this section ~~by a railroad corporation~~ is a Class 2
10 misdemeanor.

11 Section 2. That chapter 49-16A be amended by adding thereto a NEW SECTION to
12 read as follows:

13 No standing railroad engine or car may block any street, road, or highway grade crossing and
14 the path of any emergency vehicle making an emergency trip for more than ten consecutive
15 minutes unless the engine or car is disabled and cannot be moved without striking any object



1 or person on the track. A violation of this section is a Class 1 misdemeanor.

2 Section 3. That chapter 49-16A be amended by adding thereto a NEW SECTION to read

3 as follows:

4 No railroad may make crew changes while a train is blocking a street, road, or highway

5 grade crossing. A violation of this section is a Class 1 misdemeanor.