STATE OF NEW YORK

2566

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. STECK, FAHY, McDONALD -- read once and referred to the Committee on Transportation

AN ACT to amend the railroad law, in relation to creating a private right of action for injured persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 53-c of the railroad law, as added by chapter 845 of the laws of 1972, is amended to read as follows:

§ 53-c. Obstructing farm and highway crossings. **1.** Any officer or employee of a railroad corporation who shall intentionally obstruct, and any owner, officer or employee of a railroad corporation who shall intentionally cause to be obstructed any farm or highway crossing with any locomotive, train or car for a longer period than five consecutive minutes is guilty of a violation which shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days or by both such fine and imprisonment. Notwithstanding the foregoing provisions of this section or any local ordinance to the contrary, no owner, officer or employee of a railroad corporation who obstructs, or causes to be obstructed, any farm or highway crossing shall be subject to any civil, criminal or other penalty where such person has no control over the situation causing the obstruction or where the locomotive, train or car cannot be moved without endangering the safety of the passengers, the public or freight.

2. Any person who has been injured by reason of a violation of this section may bring a private right of action for damages together with reasonable attorney fees.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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