

House Engrossed

railroad grade crossing; on-track equipment

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# **HOUSE BILL 2232**

AN ACT

AMENDING SECTIONS 28-851, 28-853 AND 28-854, ARIZONA REVISED STATUTES;  
RELATING TO RAILROAD GRADE CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 28-851, Arizona Revised Statutes, is amended to  
3 read:

4           28-851. Railroad crossing; safety

5       A. Except as provided in subsection B of this section, when a  
6 person driving a vehicle approaches a railroad grade crossing, the driver  
7 of the vehicle shall stop within fifty feet but not less than fifteen feet  
8 from the nearest rail of the railroad and may not proceed if any of the  
9 following applies:

10      1. A clearly visible electric or mechanical signal device gives  
11 warning of the immediate approach of a railroad train **OR OTHER ON-TRACK**  
**EQUIPMENT.**

12      2. A crossing gate is lowered or a human flagman gives or continues  
13 to give a signal of the approach or passage of a railroad train **OR OTHER**  
**ON-TRACK EQUIPMENT.**

14      3. A railroad train **OR OTHER ON-TRACK EQUIPMENT** approaching within  
15 approximately one thousand five hundred feet of the highway crossing emits  
16 a signal audible from such a distance and the railroad train **OR OTHER**  
**ON-TRACK EQUIPMENT** is an immediate hazard by reason of its speed or  
17 proximity to the crossing.

18      4. An approaching railroad train **OR OTHER ON-TRACK EQUIPMENT** is  
19 plainly visible and is in hazardous proximity to the crossing.

20      5. Any other condition exists that makes it unsafe to proceed  
21 through the crossing.

22       B. An operator of a vehicle who suspects a false activation or  
23 malfunction of a railroad grade crossing signal device where there is no  
24 gate or barrier may proceed through the railroad grade crossing after  
25 stopping if all of the following apply:

26      1. The operator of the vehicle has a clear line of sight of at  
27 least one mile of the railroad tracks in all directions.

28      2. There is no evidence of an approaching train **OR OTHER ON-TRACK**  
**EQUIPMENT.**

29      3. The vehicle may cross over the tracks safely.

30      4. If the vehicle is a school bus, the operator complies with  
31 written district policy.

32       C. An operator of a vehicle may not make a u-turn or turn the  
33 vehicle to proceed in the opposite direction on a railroad track or  
34 railroad grade crossing.

35       D. A person shall not proceed through, around, over or under a  
36 crossing gate or barrier at a railroad crossing while the gate or barrier  
37 is closed or is being opened or closed.

38       E. A pedestrian shall not do any of the following:

39      1. Enter or remain within the area between a railroad track and a  
40 railroad sign or signal if the railroad grade crossing is active.

1       2. Occupy or remain on a railroad grade crossing when the railroad  
2 sign or signal is not active except to cross the railroad crossing on a  
3 designated walkway.

4       3. Remain in an area between railroad signs or signals, railroad  
5 gates or rail crossing arms if the railroad grade crossing is active.

6       Sec. 2. Section 28-853, Arizona Revised Statutes, is amended to  
7 read:

8       28-853. Railroad grade crossing; stop required of certain  
9       vehicles; other requirements

10      A. Except as otherwise provided in this article, before crossing at  
11 grade any track or tracks of a railroad, the driver of a motor vehicle  
12 carrying passengers for hire, of any school bus carrying any school child  
13 or of any vehicle carrying or returning after delivery of explosive  
14 substances or flammable liquids as a cargo or part of a cargo shall stop  
15 the vehicle within fifty feet but not less than fifteen feet from the  
16 nearest rail of the railroad, ~~while stopped~~ listen and look in both  
17 directions along the track for an approaching train **OR OTHER ON-TRACK**  
**EQUIPMENT** and for signals indicating the approach of a train **OR OTHER**  
**ON-TRACK EQUIPMENT** and not proceed until the driver can do so safely.  
18 After stopping as required by this ~~section~~ **SUBSECTION** and on proceeding  
19 when it is safe to do so, the driver of the vehicle shall cross only in a  
20 gear of the vehicle for which there is no need to change gears while  
21 traversing the crossing and shall not shift gears while crossing the track  
22 or tracks. This subsection does not apply at:

23      1. A crossing where a police officer or a traffic control signal  
24 directs traffic to proceed.

25      2. A street railway grade crossing within a business or residence  
26 district.

27      B. A driver of a commercial motor vehicle shall not enter a  
28 railroad or rail transit crossing unless there is sufficient space on the  
29 other side of the railroad or rail transit crossing to accommodate the  
30 vehicle being driven.

31      C. A driver of a commercial motor vehicle shall not enter a  
32 railroad or rail transit crossing unless there is sufficient undercarriage  
33 clearance to cross the intersection without obstructing the through  
34 passage of a railway vehicle, including a train or a city transit vehicle.

35      Sec. 3. Section 28-854, Arizona Revised Statutes, is amended to  
36 read:

37       28-854. Railroad grade crossing; moving heavy equipment;  
38       exception; definition

39      A. A person shall not operate or move any heavy equipment on or  
40 across a track at a railroad grade crossing unless:

41      1. Notice of the intended crossing is given to a station agent of  
42 the railroad.

1       2. Before making the crossing, the person operating or moving the  
2 vehicle or equipment:

3           (a) Stops the vehicle or equipment at least fifteen feet but not  
4 more than fifty feet from the nearest rail of the railroad.

5           (b) ~~While so stopped,~~ Listens and looks in both directions along  
6 the track for an approaching train **OR OTHER ON-TRACK EQUIPMENT** and for  
7 signals indicating the approach of a train **OR OTHER ON-TRACK EQUIPMENT**.

8       3. Does not proceed until the crossing can be made safely.

9       B. A person shall not make a crossing pursuant to **SUBSECTION A OF**  
10 this section when a warning is given by automatic signal, crossing gates  
11 or a flagman or otherwise of the immediate approach of a railroad train or  
12 car **OR OTHER ON-TRACK EQUIPMENT**. If a flagman is provided by the  
13 railroad, movement over the crossing shall be under the flagman's  
14 direction.

15       C. This section does not apply to the normal movement of farm  
16 equipment in the regular course of a farm operation.

17       D. For the purposes of this section, "heavy equipment" means any  
18 crawler type tractor, steam shovel, derrick, roller or other equipment or  
19 structure having a normal operating speed of ten miles per hour or less or  
20 a vertical body or load clearance of less than one-half inch per foot of  
21 the distance between any two adjacent axles or in any event of less than  
22 nine inches measured above the level surface of a roadway.