

REFERENCE TITLE: railroad grade crossing; on-track equipment..

State of Arizona
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HB 2259

Introduced by
Representatives Hernandez C: Carbone, Gillette, Hernandez A, Hernandez L,
Rivero, Tsosie, Wilmeth

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
12 EQUIPMENT.

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

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

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

23 5. Any other condition exists that makes it unsafe to proceed
24 through the crossing.

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

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

31 2. There is no evidence of an approaching RAILROAD train OR OTHER
32 ON-TRACK EQUIPMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 2. Before making the crossing, the person operating or moving the
4 vehicle or HEAVY equipment:

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

7 (b) While ~~so~~ stopped, listens and looks in both directions along
8 the track for an approaching RAILROAD train OR OTHER ON-TRACK EQUIPMENT
9 and for signals indicating ~~the approach of a~~ AN APPROACHING RAILROAD train
10 OR OTHER ON-TRACK EQUIPMENT.

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

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

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

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