

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 82
PROPOSED COMMITTEE SUBSTITUTE H82-PCS10099-SU-3

Short Title: Railroad Crossings/On-Track Equipment.

(Public)

Sponsors:

Referred to:

February 14, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT VEHICLES AND PERSONS MUST OBEY RAILROAD
3 SIGNALS AND CROSSING RULES FOR ON-TRACK EQUIPMENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-4.01 reads as rewritten:

6 "§ 20-4.01. Definitions.

7 Unless the context requires otherwise, the following definitions apply throughout this
8 Chapter to the defined words and phrases and their cognates:

9 ...

10 (24b) On-track equipment. – Any railcar, rolling stock, equipment, vehicle, or other
11 device that is operated on stationary rails.

12"

13 SECTION 2. G.S. 20-142.1 reads as rewritten:

14 "§ 20-142.1. Obedience to railroad signal.

15 (a) Whenever any person driving a vehicle approaches a railroad grade crossing under
16 any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet,
17 but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do
18 so safely. These requirements apply when:

19 (1) A clearly visible electrical or mechanical signal device gives warning of the
20 immediate approach of a railroad ~~train~~train or on-track equipment;

21 (2) A crossing gate is lowered or when a human flagman gives or continues to
22 give a signal of the approach or passage of a railroad ~~train~~train or on-track
23 equipment;

24 (3) A railroad train or on-track equipment approaching within approximately
25 1500 feet of the highway crossing emits a signal audible from that distance,
26 and the railroad train or on-track equipment is an immediate hazard because
27 of its speed or nearness to the crossing; or

28 (4) An approaching railroad train or on-track equipment is plainly visible and is
29 in hazardous proximity to the crossing.

30"

31 SECTION 3. G.S. 20-142.3 reads as rewritten:

32 "§ 20-142.3. Certain vehicles must stop at railroad grade crossing.

33 (a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus,
34 any activity bus, any motor vehicle carrying passengers for compensation, any commercial motor
35 vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more persons
36 shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad.



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1 While stopped, the driver shall listen and look in both directions along the track for any
2 approaching train or on-track equipment and shall not proceed until the driver can do so safely.
3 Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to
4 cross the track without changing gears and the driver shall not change gears while crossing the
5 track or tracks.

6 (b) Except for school buses and activity buses, the provisions of this section shall not
7 require the driver of a vehicle to stop:

8 ...

9 (3) At a railroad grade crossing protected by a gate or flashing signal designed to
10 stop traffic upon the approach of a ~~train~~, train or on-track equipment, when
11 the gate or flashing signal does not indicate the approach of a ~~train~~, train or
12 on-track equipment.

13"

14 **SECTION 4.** G.S. 20-142.4 reads as rewritten:

15 "**§ 20-142.4. Moving heavy equipment at railroad grade crossing.**

16 ...

17 (c) Before making any crossing described in subsection (a) of this section, the person
18 operating or moving the vehicle or equipment shall:

19 (1) Stop the vehicle or equipment not less than 15 feet nor more than 50 feet from
20 the nearest rail of the railroad;

21 (2) While stopped, shall listen and look both directions along the track for any
22 approaching train or on-track equipment and for signals indicating the
23 approach of a ~~train~~, train or on-track equipment; and

24 (3) Shall not proceed until the crossing can be made safely.

25 (d) No crossing described in subsection (a) of this section shall be made when warning is
26 given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach
27 of a railroad train or ~~ear~~, on-track equipment.

28"

29 **SECTION 5.** G.S. 20-142.5 reads as rewritten:

30 "**§ 20-142.5. Stop when traffic obstructed.**

31 No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade
32 crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad
33 grade crossing to accommodate the vehicle he is operating without obstructing the passage of
34 other vehicles, pedestrians, or railroad ~~trains~~, trains or on-track equipment, notwithstanding the
35 indication of any traffic control signal to proceed. Any person who violates any provision of this
36 section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation
37 of this section shall not constitute negligence per se.

38 An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a
39 commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer
40 will also be subject to a civil penalty under G.S. 20-37.21."

41 **SECTION 6.** This act becomes effective December 1, 2019, and applies to offenses
42 committed on or after that date.