

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 82
RATIFIED BILL**

AN ACT TO CLARIFY THAT VEHICLES AND PERSONS MUST OBEY RAILROAD
SIGNALS AND CROSSING RULES FOR ON-TRACK EQUIPMENT.

The General Assembly of North Carolina enacts:

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

"§ 20-4.01. Definitions.

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

...

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

...."

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

"§ 20-142.1. Obedience to railroad signal.

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

- (1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad ~~train;~~train or on-track equipment;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad ~~train;~~train or on-track equipment;
- (3) A railroad train or on-track equipment approaching within approximately 1500 feet of the highway crossing emits a signal audible from that distance, and the railroad train or on-track equipment is an immediate hazard because of its speed or nearness to the crossing; or
- (4) An approaching railroad train or on-track equipment is plainly visible and is in hazardous proximity to the crossing.

...."

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

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

(a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus, any activity bus, any motor vehicle carrying passengers for compensation, any commercial motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for any approaching train or on-track equipment and shall not proceed until the driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track without changing gears and the driver shall not change gears while crossing the track or tracks.



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

...

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

...."

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

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

...

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

- (1) Stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail of the railroad;
- (2) While stopped, shall listen and look both directions along the track for any approaching train or on-track equipment and for signals indicating the approach of a ~~train~~, train or on-track equipment; and
- (3) Shall not proceed until the crossing can be made safely.

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

...."

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

"§ 20-142.5. Stop when traffic obstructed.

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

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

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

In the General Assembly read three times and ratified this the 13th day of June, 2019.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2019