
SENATE BILL NO. 43—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Transportation

SUMMARY—Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to motor vehicles; revising provisions requiring the driver of certain motor vehicles to stop at all railroad grade crossings; making it unlawful for the driver of a commercial motor vehicle to fail to completely cross railroad tracks because of insufficient undercarriage clearance or because of insufficient space to drive completely through the crossing without stopping; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the driver of certain vehicles crossing at grade any track or
2 tracks of a railroad must stop within 50 feet but not less than 15 feet from the
3 nearest rail of the railroad, must listen and look in both directions along the track
4 for any approaching train, and may only proceed when the driver can do so safely.
5 (NRS 484B.560) This bill imposes the same requirements on drivers of certain
6 commercial vehicles. This bill also provides that it is unlawful for the driver of
7 certain commercial vehicles to stop the vehicle before completely crossing such
8 railroad tracks due to insufficient space for the vehicle on the opposite side of the
9 tracks or insufficient undercarriage clearance of the vehicle. The penalty for a
10 violation of this prohibition is provided in regulations promulgated by the
11 Department of Motor Vehicles, which is authorized to adopt such regulations as
12 part of the implementation of the Commercial Motor Vehicle Safety Act of 1986,
13 as amended. (NRS 483.900, 483.908; 49 U.S.C. §§ 31301 et seq.)



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 484B.560 is hereby amended to read as
2 follows:

3 484B.560 1. Except as otherwise provided in this section, the
4 driver of any motor vehicle carrying passengers for hire, or of any
5 school bus carrying any school child, or of any vehicle carrying any
6 explosive or flammable liquid as a cargo or part of a cargo, *or of*
7 *any commercial motor vehicle*, before crossing at grade any track or
8 tracks of a railroad, shall stop that vehicle within 50 feet but not less
9 than 15 feet from the nearest rail of the railroad and while so
10 stopped shall listen and look in both directions along the track for
11 any approaching train, and for signals indicating the approach of a
12 train, and shall not proceed until the driver can do so safely.

13 2. After stopping as required in this section and upon
14 proceeding when it is safe to do so, the driver of any such vehicle
15 shall cross only in a gear of the vehicle that there will be no
16 necessity for changing gears while traversing the crossing and the
17 driver shall not shift gears while crossing the track or tracks.

18 3. When stopping is required at a railroad crossing the driver
19 shall keep as far to the right of the highway as possible and shall not
20 form two lanes of traffic unless the highway is marked for four or
21 more lanes of traffic.

22 4. No such stop need be made at a railroad crossing:

23 (a) Where a police officer or official traffic-control device
24 controls the movement of traffic.

25 (b) Which is marked with a device indicating that the crossing is
26 abandoned.

27 (c) Which is a streetcar crossing or is used exclusively for
28 industrial switching purposes within an area designated as a
29 business district.

30 (d) Which is marked with a sign identifying it as an exempt
31 crossing. Signs identifying a crossing as exempt may be erected
32 only:

33 (1) If the tracks are an industrial or spur line;

34 (2) By or with the consent of the appropriate state or local
35 authority which has jurisdiction over the road; and

36 (3) After the State or the local authority has held a public
37 hearing to determine whether the crossing should be designated an
38 exempt crossing.

39 ***5. It is unlawful for the driver of a commercial motor vehicle,***
40 ***when crossing at grade any track or tracks of a railroad, to fail to***
41 ***completely cross the track or tracks without stopping due to***
42 ***insufficient:***



- 1 (a) *Space for the commercial motor vehicle on the opposite*
2 *side of the railroad crossing.*
3 (b) *Undercarriage clearance of the commercial vehicle.*
4 6. *As used in this section:*
5 (a) *“Commercial motor vehicle” has the meaning ascribed to it*
6 *in 49 C.F.R. § 383.5.*
7 (b) *“Completely cross” means to travel across a railroad track*
8 *or tracks in such a manner that the trailing end of the commercial*
9 *motor vehicle is 15 feet or more past the nearest rail of the*
10 *railroad track or tracks.*

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