

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.

~

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 any 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 a bus carrying
6 passengers and any vehicle carrying certain hazardous materials. This bill also
7 provides that it is unlawful for the driver of any vehicle to stop the vehicle before
8 completely crossing such railroad tracks due to insufficient space for the vehicle on
9 the opposite side of the tracks or insufficient undercarriage clearance of the vehicle.
10 The penalty for a violation of this prohibition by certain commercial vehicles is
11 provided in regulations promulgated by the Department of Motor Vehicles, which
12 is authorized to adopt such regulations as part of the implementation of the
13 Commercial Motor Vehicle Safety Act of 1986, as amended. (NRS 483.900,



14 483.908; 49 U.S.C. §§ 31301 et seq.) A violation of this prohibition by any other
15 vehicle is a misdemeanor under existing law. (NRS 484A.900)

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,~~
4 *subsection 4*, the driver of ~~any motor vehicle~~ *a bus* carrying
5 passengers, ~~for hire,~~ or of any school bus carrying any school
6 child, or of any vehicle carrying ~~any explosive or flammable liquid~~
7 ~~as a cargo or part of a cargo,~~ *hazardous materials as that term is*
8 *defined in 49 C.F.R. § 383.5*, before crossing at grade any track or
9 tracks of a railroad, shall stop that vehicle within 50 feet but not less
10 than 15 feet from the nearest rail of the railroad and while so
11 stopped shall listen and look in both directions along the track for
12 any approaching train, and for signals indicating the approach of a
13 train, and shall not proceed until the driver can do so safely.

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

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

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

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

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

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

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

- 34 (1) If the tracks are an industrial or spur line;
35 (2) By or with the consent of the appropriate state or local
36 authority which has jurisdiction over the road; and
37 (3) After the State or the local authority has held a public
38 hearing to determine whether the crossing should be designated an
39 exempt crossing.



- 1 **5. It is unlawful for the driver of any vehicle, when crossing**
2 **at grade any track or tracks of a railroad, to fail to completely**
3 **cross the track or tracks without stopping due to insufficient:**
4 **(a) Space for the vehicle on the opposite side of the railroad**
5 **crossing; or**
6 **(b) Undercarriage clearance of the vehicle.**
7 **6. As used in this section, "completely cross" means to travel**
8 **across a railroad track or tracks in such a manner that the trailing**
9 **end of the vehicle is 15 feet or more past the nearest rail of the**
10 **railroad track or tracks.**

30



* S B 4 3 R 1 *

