

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2405*

Short Title: Operation Lifesaver.

(Public)

Sponsors: Representatives Dawkins, Beall, and G. Wilson.

Referred to: Infrastructure.

July 5, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO CONSOLIDATE, CLARIFY, AND IMPROVE THE STATUTES
3 RELATING TO RAILROAD/MOTOR VEHICLE SAFETY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 20 of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 7B.**

8 **“RAILROAD/MOTOR VEHICLE SAFETY.**

9 **“§ 20-219.15. Obedience to Railroad Signal.**

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

14 (1) A clearly visible electrical or mechanical signal device gives warning
15 of the immediate approach of a railroad train;

16 (2) A crossing gate is lowered or when a human flagman gives or
17 continues to give a signal of the approach or passage of a railroad
18 train;

19 (3) A railroad train approaching within approximately 1500 feet of the
20 highway crossing emits a signal audible from that distance, and the
21 railroad train is an immediate hazard because of its speed or nearness
22 to the crossing; or

23 (4) An approaching railroad train is plainly visible and is in hazardous
24 proximity to the crossing.

1 (b) No person shall drive any vehicle through, around, or under any crossing
2 gate or barrier at a railroad crossing while the gate or barrier is closed or is being
3 opened or closed, nor shall any pedestrian pass through, around, over, or under any
4 crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is
5 being opened or closed.

6 (c) Any person who violates any provisions of this section is guilty of an
7 infraction.

8 **"§ 20-219.16. Vehicles stop at certain grade crossing.**

9 The Department of Transportation may designate particularly dangerous highway
10 crossings of railroads and erect stop signs at those crossings. When a stop sign is
11 erected at a highway crossing of a railroad, the driver of any vehicle shall stop within 50
12 feet but not less than 15 feet from the nearest rail of such grade crossing and shall
13 proceed only upon exercising due care. Any person who violates this section is guilty
14 of an infraction.

15 **"§ 20-219.17. Certain vehicles must stop at railroad grade crossing.**

16 (a) The driver of every school bus, every motor vehicle carrying passengers for
17 compensation and every property-hauling motor vehicle licensed in excess of 10,000
18 pounds which is carrying explosives or any dangerous article as a cargo or part of a
19 cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle
20 within 50 feet but not less than 10 feet from the nearest rail of such railroad and while
21 so stopped shall listen and look in both directions along such track for any approaching
22 train and for any signals indicating the approach of a train, except as hereinafter
23 provided, and shall not proceed until he can do so safely. Upon proceeding, the driver of
24 such vehicle shall cross only in such gear of the vehicle that there shall be no necessity
25 for changing gears and the driver shall not change gears while crossing the track or
26 tracks.

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

29 (1) At railroad tracks used exclusively for industrial switching purposes
30 within a business district.

31 (2) At a railroad grade crossing which a police officer or crossing flagman
32 directs traffic to proceed.

33 (3) At a railroad grade crossing protected by a gate or flashing signal
34 designed to stop traffic upon the approach of a train, when such gate or
35 flashing signal does not indicate the approach of a train.

36 (4) At an abandoned railroad grade crossing which is marked with a sign
37 indicating that the rail line is abandoned.

38 (5) At an industrial or spur line railroad grade crossing marked with a sign
39 reading 'Exempt' which sign has been erected by or with the consent
40 of the appropriate State or local authority.

41 (c) 'Dangerous article' shall mean any flammable liquids, flammable solids,
42 oxidizing materials, corrosive liquids, compressed gases, poisonous substances or
43 radioactive materials as hereinafter defined.

- 1 (1) 'Flammable liquids' shall mean any liquid having a flash point below
2 100° F. as determined by Tag Closed Tester method.
- 3 (2) 'Flammable solids' shall mean any solid substance which is liable,
4 under conditions incident to transportation, to cause fires through
5 friction, through absorption of moisture, through spontaneous chemical
6 changes, or as a result of retained heat from its manufacturing or
7 processing.
- 8 (3) 'Oxidizing materials' shall mean any substance such as chlorate,
9 permanganate, peroxide, or a nitrate, that yields oxygen readily to
10 stimulate the combustion of organic matter.
- 11 (4) 'Corrosive liquids' shall mean those acids, alkaline caustic liquids and
12 other corrosive liquids which, when in contact with living tissue, will
13 cause severe damage of such tissue by chemical action, or in case of
14 leakage, will materially damage or destroy other freight by chemical
15 action, or are liable to cause fire when in contact with organic matter
16 or with certain chemicals.
- 17 (5) 'Compressed gas' shall mean any material or mixture having in the
18 container either an absolute pressure exceeding 40 pounds per square
19 inch at 70 degrees F., or an absolute pressure exceeding 104 pounds
20 per square inch at 130 degrees F., or both, or any liquid flammable
21 material having a Reid vapor pressure exceeding 40 pounds per square
22 inch absolute at 100 degrees F.
- 23 (6) 'Poisonous substances' shall mean liquids and gases of such nature
24 that a very small amount of the gas or vapor of the liquid mixed with
25 air is dangerous to life, or such liquid or solid substance as, upon
26 contact with fire or when exposed to air, gives off dangerous or
27 intensely irritating fumes or substances, which are chiefly dangerous
28 by external contact with the body or by being taken internally.
- 29 (7) 'Radioactive materials' shall mean any material or combination of
30 materials that spontaneously emits ionizing radiation.

31 (d) It shall be unlawful to transport by motor vehicle upon the highways of this
32 State any dangerous article without conspicuously marking or placarding such motor
33 vehicle on each side and on the rear thereof with the word 'DANGEROUS' or the
34 common or generic name of the article transported or its principal hazard. Additionally,
35 the rear of every such vehicle shall be conspicuously marked with the words 'THIS
36 VEHICLE STOPS AT RAILROAD CROSSINGS' or 'WE STOP AT RR
37 CROSSINGS.'

38 (e) The provisions of this section shall not apply to taxicabs or to vehicles subject
39 to the rules and regulations adopted by the Division of Motor Vehicles and the United
40 States Department of Transportation.

41 (f) When stopping as required at a railroad crossing, the driver shall keep as far
42 to the right of the highway as possible and shall not form two lanes of traffic unless the
43 roadway is marked for four or more lanes of traffic.

44 **"§ 20-219.18. Moving heavy equipment at railroad grade crossing.**

1 (a) No person shall operate or move any crawler-type tractor, steam shovel,
2 derrick, or roller or any equipment or structure having a normal operating speed of 10 or
3 less miles per hour or a vertical body or load clearance of less than nine inches above
4 the level surface of a roadway upon or across any tracks at a railroad crossing without
5 first complying with this section.

6 (b) Notice of any intended crossing described in subsection (a) of this section
7 shall be given to a superintendent of the railroad and a reasonable time be given to the
8 railroad to provide protection at the crossing.

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

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

13 (2) While stopped, shall listen and look both directions along the track for
14 any approaching train and for signals indicating the approach of a
15 train; and

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

17 (d) No crossing described in subsection (a) of this section shall be made when
18 warning is given by automatic signal or crossing gates or a flagman or otherwise of the
19 immediate approach of a railroad train or car.

20 (e) Subsection (c) of this section shall not apply at any railroad crossing where
21 State or local authorities have determined that trains are not operating during certain
22 periods or seasons of the year and have erected an official sign carrying the legend
23 'exempt crossing' which shall give notice when so posted that such crossing is exempt
24 from the stopping requirement provided in this section.

25 (f) Any person who violates any provision of this section is guilty of an
26 infraction.

27 **"§ 20-219.19. Stop when traffic obstructed.**

28 No driver shall enter an intersection or a marked crosswalk or drive onto any
29 railroad grade crossing unless there is sufficient space on the other side of the
30 intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is
31 operating without obstructing the passage of other vehicles, pedestrians, or railroad
32 trains, notwithstanding the indication of any traffic control signal to proceed. Any
33 person who violates any provision of this section is guilty of an infraction.

34 **"§ 20-219.20. Punishment for violations of this Article.**

35 A person violating any provision of this Article is guilty of a misdemeanor and
36 shall be punished in accordance with G.S. 20-176."

37 Sec. 2. G.S. 20-142, 20-143, and 20-143.1 are repealed.

38 Sec. 3. This act shall become effective October 1, 1990.