

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**HOUSE BILL 1753
RATIFIED BILL**

**AN ACT TO ALLOW SCHOOL BUSES AND ACTIVITY BUSES TO CROSS CERTAIN
RAILROAD GRADE CROSSINGS WITHOUT FIRST STOPPING.**

The General Assembly of North Carolina enacts:

SECTION 1. 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 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:

- (1) At railroad tracks used exclusively for industrial switching purposes within a business district.
- (2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.
- (3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.
- (4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.
- (5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(b1) Notwithstanding the provisions of subsection (b) of this section, no school bus or activity bus shall be required to stop at a railroad grade crossing that is marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority and the railroad tracks leading to and from the railroad grade crossing are gated closed at all times when a train is not passing over the railroad grade crossing.

(c) A person violating the provisions 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.

(d),(e) Repealed by Session Laws 2001-487, s. 50(g).

(f) 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 2. This act applies to Craven County only.



SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 24th day of June,
2010.

Marc Basnight
President Pro Tempore of the Senate

Joe Hackney
Speaker of the House of Representatives