

HOUSE BILL NO. HB0095

Railroad crossings-on-track vehicles.

Sponsored by: Representative(s) Blake, Byrd, Davison,
Esquibel, K., Filer, Lubnau and Throne and
Senator(s) Craft, Esquibel, F., Geis and Von
Flatern

A BILL

for

1 AN ACT relating to public safety; amending railroad
2 crossing safety requirements to include on-track equipment;
3 and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 31-5-102(a)(xxxvi), 31-5-510(a)(i)
8 through (iv), 31-5-511(a)(iii) and (b)(iii),
9 31-7-305(h)(i), 31-18-602(c) and (d) and 31-18-605(a)(iii)
10 and (b)(iii) are amended to read:

11

12 **31-5-102. Definitions.**

13

14 (a) Except as otherwise provided, as used in this
15 act:

1

2 (xxxvi) "Railroad sign or signal" means any
3 sign, signal or device erected by authority of a public
4 body or official or by a railroad and intended to give
5 notice of the presence of railroad tracks or the approach
6 of a railroad train or other on-track equipment;

7

8 **31-5-510. Railroad crossings generally.**

9

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

17

18 (i) A clearly visible electric or mechanical
19 signal device gives warning of the immediate approach of a
20 railroad train or other on-track equipment;

21

22 (ii) A crossing gate is lowered or a flagman
23 gives or continues to give a signal of the approach or
24 passage of a railroad train or other on-track equipment;

1

2 (iii) A railroad train or other on-track
3 equipment approaching within approximately one thousand
4 five hundred (1,500) feet of the highway crossing emits a
5 signal audible from such distance and the railroad train or
6 other on-track equipment, by reason of its speed or
7 nearness to the crossing, is an immediate hazard;

8

9 (iv) An approaching railroad train or other on-
10 track equipment is plainly visible and is in hazardous
11 proximity to the crossing.

12

13 **31-5-511. Stopping requirements for certain vehicles**
14 **at railroad crossings.**

15

16 (a) The driver of any motor vehicle carrying
17 passengers for hire, or of any school bus whether empty or
18 carrying school children, or of any vehicle carrying a
19 cargo or part of a cargo required to be placarded under
20 United States department of transportation regulations,
21 before crossing at grade any track or tracks of a railroad,
22 shall:

23

1 (iii) While stopped, listen and look in both
2 directions along the track for any approaching train or
3 other on-track equipment and for signals indicating the
4 approach of a train or other on-track equipment and not
5 proceed until he can do so safely;

6
7 (b) Except for school buses which will stop at all
8 railroad crossings, this section shall not apply at:

9
10 (iii) Any railroad grade crossing protected by
11 crossing gates or an alternately flashing light signal
12 intended to give warning of the approach of a railroad
13 train or other on-track equipment;

14
15 **31-7-305. Disqualification and cancellation; right to**
16 **a hearing.**

17
18 (h) For offenses specified in this subsection
19 relating to a railroad-highway crossing, a person who
20 holds, or is required to have, a commercial driver's
21 license is disqualified from driving a commercial motor
22 vehicle for a period of sixty (60) days if convicted of a
23 first offense under this subsection, for a period of one
24 hundred twenty (120) days if convicted of a second offense

1 under this subsection in a separate incident within a three
2 (3) year period, or for a period of one (1) year for a
3 third or subsequent conviction under this subsection within
4 a three (3) year period for driving a commercial motor
5 vehicle in violation of state or local law or regulation
6 pertaining to one (1) of the following offenses at a
7 railroad-highway crossing:

8
9 (i) For drivers who are not required to stop at
10 all railroad-highway crossings, failing to slow down and
11 check that the tracks are clear of an approaching train or
12 other on-track equipment;

13
14 **31-18-602. Moving heavy equipment at railroad grade**
15 **crossings.**

16
17 (c) Before making the crossing the person operating
18 or moving the vehicle or equipment shall first stop the
19 vehicle or equipment not less than fifteen (15) feet nor
20 more than fifty (50) feet from the nearest rail of the
21 railroad and while so stopped shall listen and look in both
22 directions along the track for any approaching train or
23 other on-track equipment and for signals indicating the
24 approach of a train or other on-track equipment. The

1 vehicle shall not proceed until the crossing can be made
2 safely.

3

4 (d) No crossing shall be made when warning is given
5 by automatic signal, crossing gates or a flagman or
6 otherwise of the immediate approach of a railroad train,
7 other on-track equipment or car. If a flagman is provided
8 by the railroad, movement over the crossing shall be under
9 his direction.

10

11 **31-18-605. Stopping requirements for certain vehicles**
12 **at railroad crossings.**

13

14 (a) The driver of any motor vehicle carrying
15 passengers for hire or of any vehicle carrying a cargo or
16 part of a cargo required to be placarded under United
17 States department of transportation regulations, before
18 crossing at grade any track or tracks of a railroad, shall:

19

20 (iii) While stopped, listen and look in both
21 directions along the track for any approaching train or
22 other on-track equipment and for signals indicating the
23 approach of a train or other on-track equipment and not
24 proceed until he can do so safely;

1

2 (b) This section shall not apply at:

3

4 (iii) Any railroad grade crossing protected by
5 crossing gates or an alternately flashing light signal
6 intended to give warning of the approach of a railroad
7 train or other on-track equipment;

8

9 **Section 2.** This act is effective July 1, 2013.

10

11 (END)