

IN THE SENATE

SENATE BILL NO. 1104

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-614, IDAHO CODE, TO PRO-
2 VIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
3 ING SECTION 49-648, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-649, IDAHO CODE, TO
5 PROVIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AND
6 AMENDING SECTION 49-650, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT
7 AND TO MAKE TECHNICAL CORRECTIONS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 49-614, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 49-614. STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an inter-
13 section or a marked crosswalk or drive onto any railroad grade crossing un-
14 less there is sufficient space on the other side of the intersection, cross-
15 walk, or railroad grade crossing to accommodate the vehicle he is operating
16 without obstructing the passage of other vehicles, pedestrians, or railroad
17 trains, or other on-track equipment, regardless of any traffic control sig-
18 nal indication to proceed.

19 SECTION 2. That Section 49-648, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 49-648. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN OR OTHER
22 ON-TRACK EQUIPMENT. (1) Whenever any person driving a vehicle approaches a
23 railroad grade crossing under any of the circumstances stated in this sec-
24 tion, the driver shall stop within fifty (50) feet but not less than fifteen
25 (15) feet from the nearest rail of the railroad or and shall not proceed until
26 he can do so safely. These requirements shall apply when:

27 (a) A stop sign is in place and there is an absence of any mechanical
28 warning signals;

29 (b) A clearly visible electric or mechanical signal device gives warn-
30 ing of the immediate approach of a railroad train or other on-track
31 equipment;

32 (c) A crossing gate is lowered or when a flagman gives or continues to
33 give a signal of the approach or passage of a railroad train or other
34 on-track equipment;

35 (d) A railroad train or other on-track equipment approaching within ap-
36 proximately fifteen one thousand five hundred (1,500) feet of the high-
37 way crossing emits a signal audible from that distance and the railroad
38 train or other on-track equipment, by reason of its speed or nearness to
39 the crossing, is an immediate hazard;

1 (e) An approaching railroad train or other on-track equipment is
2 plainly visible and is in hazardous proximity to the crossing.

3 (2) No person shall drive any vehicle through, around, or under any
4 crossing gate or barrier at a railroad crossing while the gate or barrier is
5 closed or is being opened or closed.

6 SECTION 3. That Section 49-649, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 49-649. COMPLIANCE WITH STOPPING REQUIREMENT AT ALL RAILROAD GRADE
9 CROSSINGS. (1) The driver of any vehicle stopped at a railroad grade crossing
10 shall listen and look in both directions along the track for any approaching
11 train, or other on-track equipment and for signals indicating the approach
12 of a train or other on-track equipment and shall not proceed until he can do
13 so safely. Upon proceeding when it is safe to do so the driver shall cross
14 only in a gear of the vehicle in order that there will be no necessity for
15 manually changing gears while traversing the crossing, and the driver shall
16 not manually shift gears while crossing the tracks.

17 (2) This section shall not apply at:

18 (a) Any railroad grade crossing at which traffic is controlled by a
19 peace officer or flagman;

20 (b) Any railroad grade crossing at which traffic is regulated by a
21 ~~traffic-control~~ traffic control signal;

22 (c) Any railroad grade crossing protected by crossing gates or an
23 alternately flashing light signal intended to give warning of the ap-
24 proach of a railroad train or other on-track equipment; or

25 (d) Any railroad grade crossing at which a ~~traffic-control~~ traffic con-
26 trol device gives notice that the stopping requirement imposed by this
27 section does not apply.

28 SECTION 4. That Section 49-650, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 49-650. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS. (1) No
31 person shall operate or move any crawler-type tractor, steam shovel, der-
32 rick, roller, or any equipment or structure having a normal operating speed
33 of ten (10) or less miles per hour or a vertical body or load clearance of
34 less than one-half (1/2) inch per foot of the distance between any two (2)
35 adjacent axles or, in any event, of less than nine (9) inches, measured above
36 the level surface of a highway, upon or across any tracks at a railroad grade
37 crossing without first complying with this section.

38 (2) Notice of intended crossing shall be given to a station agent of
39 the railroad and a reasonable time be given to the railroad to provide proper
40 protection at the crossing.

41 (3) Before making the crossing, the person operating or moving the
42 vehicle or equipment shall first stop not less than fifteen (15) feet nor
43 more than fifty (50) feet from the nearest rail of the railroad and while
44 so stopped shall listen and look in both directions along the track for any
45 approaching train or other on-track equipment or for signals indicating the
46 approach of a train, or other on-track equipment and shall not proceed until
47 the crossing can be made safely.

1 (4) No crossing shall be made when warning is given by automatic signal,
2 crossing gates, a flagman, or otherwise of the immediate approach of a rail-
3 road train, ~~or~~ car, or other on-track equipment. If a flagman is provided by
4 the railroad, movement over the crossing shall be under his direction.