

1 HB246
2 182200-1
3 By Representatives Bracy, Sessions, Ford, Morrow, Lindsey and
4 Pringle
5 RFD: Public Safety and Homeland Security
6 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, obedience to signals and
9 stopping of motor vehicles is required at railroad
10 grade crossings and persons moving heavy equipment
11 are required to stop at railroad grade crossings. A
12 violation of these laws is a misdemeanor.

13 This bill would provide that the laws would
14 apply when other on-track equipment is approaching
15 the railroad grade crossing as well as when a
16 railroad train is approaching. The same criminal
17 penalties would apply.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to railroad grade crossing; to amend
17 Sections 32-5A-150, 32-5A-151, and 32-5A-152 of the Code of
18 Alabama 1975; to provide that obedience to signals and
19 requirements for vehicles and persons moving heavy equipment
20 to stop would apply at railroad grade crossings when other
21 on-track equipment is approaching a railroad grade crossing as
22 well as when a railroad train is approaching; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 32-5A-150, 32-5A-151, and
5 32-5A-152 of the Code of Alabama 1975, are amended to read as
6 follows:

7 "§32-5A-150.

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

15 "(1) A clearly visible electric or mechanical signal
16 device gives warning of the immediate approach of a railroad
17 train; or other on-track equipment.

18 "(2) A crossing gate is lowered or when a human
19 flagman gives or continues to give a signal of the approach or
20 passage of a railroad train; or other on-track equipment.

21 "(3) A railroad train or other on-track equipment
22 approaching within approximately 1,500 feet of the highway
23 crossing emits a signal audible from ~~such the~~ distance and
24 ~~such the~~ railroad train, or other on-track equipment, by
25 reason of its speed or nearness to ~~such the~~ crossing, is an
26 immediate hazard; .

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

4 "(b) No person shall drive any vehicle through,
5 around, or under any crossing gate or barrier at a railroad
6 crossing while ~~such~~ the gate or barrier is closed or is being
7 opened or closed.

8 "§32-5A-151.

9 "(a) Except as provided in subsection (b), the
10 driver of any vehicle described in regulations issued pursuant
11 to subsection (c), before crossing at grade any track or
12 tracks of a railroad, shall stop ~~such~~ the vehicle within 50
13 feet but not less than 15 feet from the nearest rail of ~~such~~
14 the railroad and while so stopped shall listen and look in
15 both directions along ~~such~~ the track for any approaching train
16 or other on-track equipment, and for signals indicating the
17 approach of a train or other on-track equipment and shall not
18 proceed until he or she can do so safely. After stopping as
19 required herein and upon proceeding when it is safe to do so
20 the driver of any ~~said~~ vehicle shall cross only in ~~such~~ the
21 gear of the vehicle that there will be no necessity for
22 manually changing gears while traversing ~~such~~ the crossing and
23 the driver shall not manually shift gears while crossing the
24 track or tracks. Nothing contained in this section is intended
25 to abrogate or modify the present Alabama doctrine of "stop,
26 look, and listen" obtaining in the courts of Alabama.

27 "(b) This section shall not apply at the following:

1 "(1) Any railroad grade crossing at which traffic is
2 controlled by a police officer or human flagman7.

3 "(2) Any railroad grade crossing at which traffic is
4 regulated by a traffic-control signal7.

5 "(3) Any railroad grade crossing protected by
6 crossing gates or any alternately flashing light signal
7 intended to give warning of the approach of a railroad train7
8 or other on-track equipment.

9 "(4) Any railroad grade crossing at which an
10 official traffic control device gives notice that the stopping
11 requirement imposed by this section does not apply.

12 "(c) The Director of Transportation shall adopt ~~such~~
13 ~~regulations~~ rules as may be necessary describing the vehicles
14 which must comply with the stopping requirements of this
15 section. In formulating ~~such regulations~~ the rules, the
16 Director of Transportation shall give consideration to the
17 number of passengers carried by the vehicle and the hazardous
18 nature of any substance carried by the vehicle in determining
19 whether ~~such~~ the vehicle shall be required to stop. ~~Such~~
20 ~~regulations~~ The rules shall correlate with and so far as
21 possible conform to the most recent regulation of the United
22 States Department of Transportation.

23 "§32-5A-152.

24 "(a) No person shall operate or move any
25 crawler-type tractor, steam shovel, derrick, roller, or any
26 equipment or structure having a normal operating speed of 10
27 or less miles per hour or a vertical body or load clearance of

1 less than one-half inch per foot of the distance between any
2 two adjacent axles or in any event of less than nine inches,
3 measured above the level surface of a roadway, upon or across
4 any tracks at a railroad grade crossing without first
5 complying with this section.

6 "(b) Before making ~~any such~~ the crossing the person
7 operating or moving ~~any such~~ the vehicle or equipment shall
8 first stop the same not less than 15 feet nor more than 50
9 feet from the nearest rail of ~~such~~ the railroad and while so
10 stopped shall listen and look in both directions along ~~such~~
11 the track for any approaching train or other on-track
12 equipment and for signals indicating the approach of a train
13 or other on-track equipment, and shall not proceed until the
14 crossing can be made safely.

15 "(c) No ~~such~~ crossing shall be made when warning is
16 given by automatic signal or crossing gates or a flagman or
17 otherwise of the immediate approach of a railroad train or car
18 or other on-track equipment. If a flagman is provided by the
19 railroad, movement over the crossing shall be under his or her
20 direction."

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.