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# SENATE BILL No. 365

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21; IC 20-9.1-5-23.

**Synopsis:** Traffic at railroad grade crossings. Specifies that a person driving a motor vehicle may proceed through a railroad crossing while warning signal lights are activated, if the person stops, can proceed through the crossing safely, and: (1) a police officer or flagman directs the person to proceed through the crossing; or (2) the person has a clear line of sight of the tracks for 1,500 feet in both directions and there is no evidence that a train is approaching. Provides that a violation of a statute concerning proceeding through a railroad grade crossing for motor vehicles, commercial vehicles, school buses, and heavy equipment is a Class C misdemeanor or a Class B misdemeanor if the person has at least one prior unrelated conviction for a violation of the statute.

**Effective:** July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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# SENATE BILL No. 365



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-21-8-39 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39. (a) Whenever a  
 3 person who drives a vehicle approaches a railroad grade crossing, the  
 4 person shall stop within fifty (50) feet but not less than fifteen (15) feet  
 5 from the nearest track of the railroad and may not proceed until the  
 6 person can do so safely under the following circumstances:  
 7 (1) When a clearly visible electric or mechanical signal device  
 8 gives warning of the immediate approach of a train.  
 9 (2) When a crossing gate is lowered or when a human flagman  
 10 gives or continues to give a signal of the approach or passage of  
 11 a train.  
 12 (3) When a railroad train approaching within one thousand five  
 13 hundred (1,500) feet of a highway crossing emits an audible  
 14 signal and because of speed or nearness to the crossing is an  
 15 immediate hazard.  
 16 (4) When an approaching train is plainly visible and is in  
 17 hazardous proximity to the crossing.



1           **(b) A person does not violate this section by proceeding through**  
 2 **a crossing while a signal device gives warning under subsection**  
 3 **(a)(1) if the person:**

4           **(1) stops within fifty (50) feet but not less than fifteen (15) feet**  
 5 **from the nearest track of the railroad;**

6           **(2) can proceed through the crossing safely; and**

7           **(3) proceeds through the crossing:**

8           **(A) after a police officer or crossing flagman directs the**  
 9 **person to proceed through the crossing; or**

10           **(B) when the person has a clear line of sight of all railroad**  
 11 **tracks for at least one thousand five hundred (1,500) feet**  
 12 **in both directions of the crossing, and there is no visual or**  
 13 **audible evidence of an approaching train.**

14           **(c) A person who violates this section commits a Class C**  
 15 **misdemeanor. However, the violation is a Class B misdemeanor if**  
 16 **the person has one (1) prior unrelated conviction for a violation of**  
 17 **this section.**

18           SECTION 2. IC 9-21-8-39.1 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2000]: **Sec. 39.1. (a) A person may not drive a vehicle through,**  
 21 **around, or under any crossing gate or barrier at a railroad**  
 22 **crossing while the gate or barrier is closed or is being opened or**  
 23 **closed.**

24           **(b) A person who violates this section commits a Class C**  
 25 **misdemeanor. However, the violation is a Class B misdemeanor if**  
 26 **the person has one (1) prior unrelated conviction for a violation of**  
 27 **this section.**

28           SECTION 3. IC 9-21-8-40 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 40. (a) A person may**  
 30 **not operate or move a caterpillar tractor, steam shovel, derrick, roller,**  
 31 **or any equipment or structure weighing more than ten (10) tons and**  
 32 **having a normal operating speed of not more than six (6) miles per**  
 33 **hour or a vertical body or load clearance of less than nine (9) inches**  
 34 **above the level surface of a roadway upon or across tracks at a railroad**  
 35 **grade crossing without first complying with this section.**

36           **(b) Notice of an intended crossing under this section shall be given**  
 37 **to a superintendent of the railroad, and a reasonable time shall be given**  
 38 **to the railroad to provide proper protection at the crossing.**

39           **(c) Before making a crossing under this section, the person**  
 40 **operating or moving a vehicle or equipment described in subsection (a)**  
 41 **shall first stop the vehicle or equipment not less than ten (10) feet and**  
 42 **not more than fifty (50) feet from the nearest rail or the railway. While**



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1 stopped, the person shall listen and look in both directions along the  
 2 track for an approaching train and for signals indicating the approach  
 3 of a train. The person shall not proceed until the crossing can be made  
 4 safely.

5 (d) A crossing may not be made when warning is given by  
 6 automatic signal, crossing gates, a flagman, or otherwise of the  
 7 immediate approach of a railroad train or car.

8 (e) **A person who violates this section commits a Class C**  
 9 **misdemeanor. However, the violation is a Class B misdemeanor if**  
 10 **the person has one (1) prior unrelated conviction for a violation of**  
 11 **this section.**

12 SECTION 4. IC 9-21-8-49, AS AMENDED BY P.L.18-1999,  
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2000]: Sec. 49. Except as provided in sections **39, 39.1, 40,**  
 15 **50, 51, 52, and 54** of this chapter, a person who violates this chapter  
 16 commits a Class C infraction.

17 SECTION 5. IC 9-21-12-11 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. A person who  
 19 violates section ~~5~~; 6 or 7 of this chapter commits a Class C infraction.

20 SECTION 6. IC 9-21-12-12 IS ADDED TO THE INDIANA CODE  
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2000]: **Sec. 12. A person who violates section 5 of this chapter**  
 23 **commits a Class C misdemeanor. However, the violation is a Class**  
 24 **B misdemeanor if the person has one (1) prior unrelated conviction**  
 25 **for a violation of section 5 of this chapter.**

26 SECTION 7. IC 20-9.1-5-23 IS ADDED TO THE INDIANA CODE  
 27 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2000]: **Sec. 23. A person who violates section 11 of this chapter**  
 29 **commits a Class C misdemeanor. However, the violation is a Class**  
 30 **B misdemeanor if the person has one (1) prior unrelated conviction**  
 31 **for a violation of section 11 of this chapter.**

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